

“Free Legal Aid in India: Its Aspects and Procedures”

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ABSTRACT:

Constitution of India provides for equal rights to all. It ensures that justice should not be denied in any sense, i.e., each person should be given equal right to be heard and equal right to be presented by an advocate in the court. This research paper focuses on various laws that provide for free legal aid and the criteria that has to be fulfilled by the person to claim free legal aid. The concept of free legal aid had been developed after a lot of difficulties, as the lawyers are not agreeing to the concept or the government changes the act or the rule. There are various acts like Legal Service Authority Act, 1987 etc. that defines the criteria and the way in which one can apply for free legal aid, there are various bodies that ensures the proper application of the provisions like, National Legal Service Authority; State Legal Service Authority; District Legal Service Authority. Various Lok Adalats have been set up at various places to provide justice in the matters related to the free legal aid, various Legal Service Clinics have been set up for providing the easy and flexible way to legal services through the para-volunteers, retainer lawyers and internet connection. There are various kinds of fees as well, that cannot be afforded by the poor people, people suffered trafficking, women who do not earn, etc. and to combat this problem the central or state government provide funds for the lawyers and para-legal volunteers services. The government also taking various new initiatives to ensure that better services should be provided to the people in need and all this will ultimately ensure that the aim of the constitution to provide equality and justice be fulfilled.

INTRODUCTION:

Every individual has a right to be heard in the court by the magistrate and should have a lawyer who can argue on his/her behalf. But is it really happening? Do all the people are able to afford or can able to hire a lawyer? What the people of Below Poverty Line do? All these questions have been answered in the constitution and various other acts. Constitution provides for free legal aid to the indigent, helpless people so that they can get a remedy in the court through a lawyer. In another way, law and the legal system ensure that there would be no denial of justice for the people because of their social or economic disabilities.¹

¹ Ins. by the Constitution (Forty-second Amendment) Act, 1976, section 8 (w.e.f. 3-1-1977)

HISTORY:

The history of legal aid since then can be conveniently divided into six periods:

I. **1945-1970.** It is the foundation of legal aid. The appearance of the first challenge to its structure through the law centre movement. Law centre is usually a not-for-profit organisation that provides the legal assistance through the lawyers and caseworkers, appointed by them, to the poor sections of society. On 17th July 1970, first law centre was opened at North Kensington. Its aim was to provide:

- The best legal services to the people of the country and easy access to them as similar as they approach a family doctor.

The Legal Aid Advisory Committee had answered to the enquiry by stating the benefits to the private professionals and also created the new and flexible advisory committee for their ease.

II. **1970-1986.** The legal aid centre was set up at the North Kensington and witnessed expansion both in reach and expenditure. A new method was introduced for advice and assistance on legal matters in England, the scheme is known as Green Form Scheme. The scheme was launched for the social welfare but over 50% of cases were related to personal injury, crime and family matters. There was a growth from 27,000 (1975-76) to 1,72,000 (1985-86) recorded in Appendix 6: History of Legal Aid by Sir Henry Brook. A number of Green Forms in social welfare law that ranges from 11% to 17%. Despite growth in the green form scheme, there was the danger for the financial feasibility of the legal aid centres and eight of the centres were funded by the central government. A difference has been seen between the functions of government and the professions and there was a transfer of legal aid administration from Law Society to the Legal Advisory Board [LAB]. This distinction was recognized by the Cabinet Office's Efficiency Scrutiny of Legal Aid in 1986. In December 1988, Steve Orchard became the first chief executive of the LAB.

III. **1986-1997.** As the cost is becoming an issue for providing free legal aid, Lord Hailsham, as Lord Chancellor, introduced the eligibility criteria for the legal aid services. A Conservative paper in 1995 and a White paper in 1996 was published. A Labour party that had won the 1997 elections was not too strong to their commitments, but they worked under the estimates of the conservative papers. The immigration/nationality and welfare benefit matters have been increased disproportionately because of:

- a) Stringent laws on immigration and greater sophistication by lawyers in response; and
- b) Various firms hire the lawyers from the voluntary sector. The quality and depth of the advice they provided is unknown.

- IV. **1997-2005.**A new Community Legal Service and a Criminal Defense Service were created under the Justice Act, 1999. The LAB focused on providing the legal aid to the poor and indigent people, whereas, the Community Legal Service focused on the provisions of the criminal legal aid services.
- V. **2005-2010.**The government come up with a legal aid budget that has been fixed at £2.1 billion, but the Community Legal Advice Centres (or Networks), shows no firmness regarding their establishment and a long-running dispute between the government and the legal professionals also outraged in which the former desires to initiate the price competitive tendering for legal aid.
- VI. **2010-2016.**Due to the austerity policies of the new government has reduced the budget as well as the salaries of the lawyers. The Legal Aid, Sentencing and Punishment of Offenders Act, 2012 has introduced a new concept of providing the legal aid related to those concepts that are described under the act and many of the changes are being made under the civil and family legal aid. The criminal courts are still facing the competitive tendering issue because of the dispute between the government and the legal professionals.²

Central Government Acts:

The Legal Services Authorities Act, 1987

1. Section 12

12. Criteria for giving legal services. - Every person who has to file or defend a case shall be entitled to legal services under this Act if that person, is—

(a) a member of a Scheduled Caste or Scheduled Tribe;

(b) a victim of trafficking in human beings or beggar as referred to in Article 23 of the Constitution;

(c) a women or a child; 1[(d) a person with disability as defined in clause (i) of section 2 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (1 of 1996);] 1[(d) a person with disability as defined in clause (i) of section 2 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (1 of 1996);]"

(e) a person under circumstances of undeserved want such as being a victim of a mass disaster, ethnic violence, caste atrocity, flood, drought, earthquake or industrial disaster; or

(f) an industrial workman; or

(g) in custody, including custody in a protective home within the meaning of clause (g) of section 2 of the Immoral Traffic (Prevention) Act, 1956 (104 of 1956) or in a juvenile home

² (Appendix 6: History of Legal Aid by Sir Henry Brooke September 2017) <https://www.fabians.org.uk/wp-content/uploads/2017/09/Bach-Commission-Appendix-6-F-1.pdf>

within the meaning of clause (j) of section 2 of the Juvenile Justice Act, 1986 (53 of 1986) or in a psychiatric hospital or psychiatric nursing home within the meaning of clause (g) of section 2 of the Mental Health Act, 1987 (14 of 1987); or 2[(h) in receipt of annual income less than rupees nine thousand or such other higher amount as may be prescribed by the State Government, if the case is before a court other than the Supreme Court, and less than rupees twelve thousand or such other higher amount as may be prescribed by the Central Government, if the case is before the Supreme Court.] 2[(h) in receipt of annual income less than rupees nine thousand or such other higher amount as may be prescribed by the State Government, if the case is before a court other than the Supreme Court, and less than rupees twelve thousand or such other higher amount as may be prescribed by the Central Government, if the case is before the Supreme Court.]"

2. Section 13

13. Entitlement to legal services. —

(1) Persons who satisfy all or any of the criteria specified in section 12 shall be entitled to receive legal services provided that the concerned Authority is satisfied that such person has a prima facie case to prosecute or to defend.

(2) An affidavit made by a person as to his income may be regarded as sufficient for making him eligible to the entitlement of legal services under this Act unless the concerned Authority has reason to disbelieve such affidavit.

During the period 01.04.2014 to 30.09.2014 76551 Lok Adalats were organized, and they settled more than 34.37 lacs cases. In about 46,768 Motor Vehicle Accident Claim cases, compensation to the tune of Rs.894.85 crores were granted.³

News:

There was a lady Mumtaz who filed a case of domestic violence against her husband. Her husband has remarried without divorcing her and she barely earns Rs. 3,000 per month. Due to financial conditions she approached to the District Legal Aid Services, that mandatorily provides legal services to the marginalized groups.

Mumtaz also faced many problems because she thought that she would get a lawyer for free but, the lawyer, provided by state, continuously asked for money and do not appear in court for the hearing.

The Legal Service Authority Act came into force on 1995 but still equal justice is not provided to all and people were harassed by police, lawyer, especially while seeking relief for sexual harassment and domestic violence.

³ http://doj.gov.in/sites/default/files/BRIEF-NALSA_0_3.pdf

Although, the conditions have been specified under section 12 and their implementation under section 13, the people who want legal aid are still facing daunting effects on application.⁴

SECTIONS AND ARTICLES THAT SUPPORT THE PROVISIONS OF CONSTITUTION OF INDIA

The code of criminal procedure, 197

Section 304 - Legal aid to accused at State expense in certain cases

(1) Where, in a trial before the Court of Session, the accused is not represented by a pleader, and where it appears to the Court that the accused has not sufficient means to engage a pleader, the Court shall assign a pleader for his defense at the expense of the State.⁵

(2) The High Court may, with the previous approval of the State Government make rule providing for—

(a) the mode of selecting pleaders for defense under sub-section (1);

(b) the facilities to be allowed to such pleaders by the Courts;

(c) the fee payable to such pleaders by the Government, and generally, for carrying out the purposes of sub-section (1).

(3) The State Government may, by notification, direct that, as from such date as may be specified in the notification, the provisions of sub-sections (1) and (2) shall apply in relation to any class of trials before other Courts in the State as they apply in relation to trials before the Courts of Session.

The Advocates Act, 1961

Section 7

(ib) to organise legal aid to the poor in the prescribed manner.

(m) to do all other things necessary for discharging the aforesaid functions; 5[(2) The Bar Council of India may constitute one or more funds in the prescribed manner for the purpose of—

(a) giving financial assistance to organise welfare schemes for indigent, disabled or other advocates.

(b) giving legal aid or advice in accordance with the rules made in this behalf.

Section 15

(g) 6[(ga) the constitution of one or more funds by a Bar Council for the purpose of giving financial assistance or giving legal aid or advice referred to in sub-section (2) of section 6 and sub-section (2) of section 7.

⁴Aarefa Johari, “How well do India’s free legal aid services work? Not nearly well enough”, Scroll, May 09, 2018. <https://scroll.in/article/877225/how-well-do-indias-free-legal-aid-services-work-not-nearly-well-enough> (Jun. 25, 2018, 17:25)

⁵ manupatra.com

6[(gb) organisation of legal aid and advice to the poor, constitution and functions of committees and sub-committees for that purpose and description of proceedings in connection with which legal aid or advice may be given.

Article 14, The Constitution of India, 1949

Equality before law The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth.⁶

Article 22, The Constitution of India 1949

Protection against arrest and detention in certain cases⁷:

(1) No person who is arrested shall be detained in custody without being informed, as soon as may be, of the grounds for such arrest nor shall he be denied the right to consult, and to be defended by, a legal practitioner of his choice.

CASE COMMENT:

RAJOO V. STATE OF MP 2008 SCC

JUDGES: AK Patnaik and Madan B Lokur, JJ.

DATE OF JUDGEMENT: Aug. 08, 2012

Facts:

There are seven people including Rajoo, who are accused of gang rape of G on Dec. 06, 1998. The Trial Court convicted all of them with 500 rupees and 10 years of rigorous imprisonment. Rajoo and others have filed an appeal and in order dated 05.09.2006, the court set aside the conviction of 5 others but upheld the conviction of Rajoo and Vijay. Although, Vijay accepted the order and now only Rajoo has appealed before the court. But Rajoo is an indigent person and therefore asked for free legal aid.

Issues:

Whether the trial or appellate stage make any difference in granting the free legal aid?

Whether Rajoo would get free legal aid?

Judgement:

Neither the Article 39-A of Constitution of India nor the Section 12 and 13 of Legal Service Authorities Act makes any distinction between trial and appellate stage for providing free legal

⁶ B.S. Khetrapal and Dr. Puja Khetrapal, Constitution of India, Pg 28, 2018, 2018.

⁷ B.S. Khetrapal and Dr. Puja Khetrapal, Constitution of India, Pg16, 2018, 2018.

services. Therefore, Rajoo should be provided a lawyer by the state and should get equal standing in front of the opposition.

Although the appellant/convicted had done such a heinous crime but the court with a view to Section 12 of the Legal Service Authority Act, 1987 that lays down the criteria for providing legal services/aids. It provides, inter alia, that every person who must file or defend a case shall be entitled to legal services if he or she is in custody and this section is also supported by the article 22(1) of the Indian Constitution. The person has the right to prosecute or defend under section 13 of the Legal Service Authority Act, 1987 but he should fulfill the basic criteria specified under section 12 of the same act and should be prima facie recognised by the courts.

Article 41. Right to work, to education and to public assistance in certain cases:

The state shall, within the limits of its economic capacity and development, make effective provision for securing the right to work, to education, and to public assistance in cases of unemployment, old age, sickness and disablement, and in other cases of undeserved want.⁸

Order XXXIII of Code of Civil Procedure:

Rule 18. Power of government to provide for free legal services to indigent persons-

(1) Subject to the provisions of this order, the Central or State Government may make such supplementary provisions as it thinks fit for providing free legal services to those who have been permitted to sue as indigent persons.

(2) The High Court may, with the previous approval of the State Government, make rules for carrying out the supplementary provisions made by the Central or State Government for providing free legal services to indigent persons referred to in sub-rule (1), and such rules may include the nature and extent of such legal services, the conditions under which they may be made available, the matters in respect of which, and the agencies through which, such services may be rendered.⁹

NATIONAL LEGAL SERVICES AUTHORITY (LEGAL SERVICES CLINICS) REGULATIONS, 2011

Deputing lawyers to the legal aid clinic. – The legal service authorities have the power to appoint any panel lawyer or retainer lawyer on their own discretion and the lawyer who is

⁸Constitution of India, 1950 (Bare Act)

⁹ Order 33, rule 18, Code of Civil Procedure, 1908.

handling a case that is going to be a long proceeding has to argue for the case without any default.¹⁰

Selection of lawyers for manning the legal aid clinics –

Legal aid clinic has been equipped with the lawyers that have skills for amicable settlement of disputes. It is provided that the preference shall be given to the women lawyers having practice of at least three years.

Para-legal volunteers or lawyers in the 1 [legal services clinic] shall attempt to resolve disputes amicably. –

Firstly, the para-legal volunteers should try to resolve dispute in easy and friendly way and secondly, if the para-legal volunteers think that the case may be solved through any ADR mechanism, then they may refer to the same.

Honorarium for the lawyers and para-legal volunteers rendering services in the 1 [legal services clinic]. –

Subject to the available financial resources, an honorarium may get fixed by State Legal Service Authority in consultation with National Legal Service Authority, but it was provided that the honorarium should not be less than Rs. 500/- per day for the lawyers and Rs. 250/- per day for para-legal volunteers. If in case 1 [legal services clinic], where there are difficult terrains and inadequate transport facilities special consideration should be given.

Use of mobile lokadalat vehicle. –

The lawyers or the para-legal volunteers rendering services under 1 [legal services clinic] may request District Legal Services Authority to provide mobile lokadalats with the lokadalat members. These mobile lokadalats are fitted with the facilities so that the lokadalats can be conducted at 1 [legal services clinic], at a near place to it, or at the village congregations like melas and other festival occasions.

The State Legal Services Authorities to conduct periodical review of the functioning of 1 [legal services clinic]. –

The State Legal Services Authority will collect monthly report from law colleges, District Legal Service Authority, and law universities. The State Legal Services Authority should collect the report once in a quarter or more frequently. It should issue directions regarding the improvement that can be made in the services provided and should submit the report about functioning of 1 [legal services clinic] to National Legal Service Authority within their jurisdiction.

¹⁰<https://nalsa.gov.in/sites/default/files/document/NALSA%20LEGAL%20AID%20CLINICS%20REGULATIONS,%202011.pdf>

LOK ADALATS UNDER LEGAL SERVICE AUTHORITY (AMENDMENT) ACT, 2002**19. Organisation of Lok Adalat**

(1) Every State Authority or District Authority or the Supreme Court Legal Services Committee or every High Court Legal Services Committee or, as the case may be, Taluk Legal Services Committee may organize Lok Adalats at such intervals and places and for exercising such jurisdiction and for such areas as it thinks fit.

(2) Every Lok Adalat organized for an area shall consist of such number of -

(a) serving or retired judicial officers; and

(b) other persons, of the area as may be specified by the State Authority or the District Authority or the Supreme Court Legal Services Committee or the High Court Legal Services Committee, or as the case may be, the Taluk Legal Services Committee, organizing such Lok Adalats.

(3) The experience and qualifications of other persons referred to in Clause (b) of sub-section (2) for Lok Adalats organized by the Supreme Court Legal Services Committee shall be such as may be prescribed by the Central Government in consultation with the Chief Justice of India.

(4) The experience and qualifications of other persons referred to in Clause (b) of sub-section (2) for Lok Adalats other than referred to in sub-section (3) shall be such as may be prescribed by the State Government in consultation with the Chief Justice of the High Court.

(5) A Lok Adalat shall have jurisdiction to determine and to arrive at a compromise or settlement between the parties to a dispute in respect of -

(i) any case pending before; or

(ii) any matter which is falling within the jurisdiction of, and is not brought before, any Court for which the Lok Adalat is organized:

Provided that the Lok Adalat shall have no jurisdiction in respect of any case or matter relating to an offence not compoundable under any law¹¹

20. Cognizance of cases by Lok Adalats

(1) Where in any case referred to in clause (i) of sub-section (5) of Section 19

(i) (a) the parties thereof agree; or

(b) one of the parties thereof makes an application to the court, for referring the case to the Lok Adalat for settlement and if such court is prima facie satisfied that there are chances of such settlement; or

(ii) the court is satisfied that the matter is an appropriate one to be taken cognizance of by the Lok Adalat; the court shall refer the case to the Lok Adalat:

¹¹ <http://mpslsa.gov.in/acts.htm#top>

Provided that no case shall be referred to the Lok Adalat under sub-clause (b) of clause (i) or clause (ii) by such court except after giving a reasonable opportunity of being heard to the parties.

(2) Notwithstanding anything contained in any other law for the time being in force, the Authority or Committee organizing the Lok Adalat under sub-section (1) of Section 19 may, on receipt of an application from any one of the parties to any matter referred to in clause (ii) of sub-section (5) of Section 19 that such matter needs to be determined by a Lok Adalat, refer such matter to the Lok Adalat, for determination:

Provided that no matter shall be referred to the Lok Adalat except after giving a reasonable opportunity of being heard to the other party

(3) Where any case is referred to a Lok Adalat under sub-section (1) or where a reference has been made to it under sub-section (2), the Lok Adalat shall proceed to dispose of the case or matter and arrive at a compromise or settlement between the parties.

(4) Every Lok Adalat shall, while determining any reference before it under this Act, act with utmost expedition to arrive at a compromise or settlement between the parties and shall be guided by the principles of Justice, equity, fair play and other legal principles.

(5) Where no award is made by the Lok Adalat on the ground that no compromise or settlement could be arrived at between the parties, the record of the case shall be returned by it to the court, from which the reference has been received under sub-section (1) for disposal in accordance with law.

(6) Where no award is made by the Lok Adalat on the ground that no compromise or settlement could be arrived at between the parties, in a matter referred to in sub-section (2), that Lok Adalat shall advise the parties to seek remedy in a court.

(7) Where the record of the case is returned under sub-section (5) to the Court, such Court shall proceed to deal with such case from the State which was reached before such reference under sub-section (1)

21. Award of Lok Adalat

(1) Every award of the Lok Adalat shall be deemed to be a decree of a Civil Court, or, an order of any other Court and where a compromise or settlement has been arrived at, by a Lok Adalat in a case referred to it under sub-section (1) of Section 20, the Court-fee paid in such case shall be refunded in the manner provided under the Court Fees Act, 1870 (7 of 1870)

(2) Every award made by a Lok Adalat shall be final and binding on all the parties to the dispute, and no appeal shall lie to any court against the award.

22. Powers of Lok Adalat or Permanent Lok Adalat

(1) The Lok Adalat or 2[Permanent Lok Adalat] shall, for the purposes of holding any determination under this Act, have the same powers as are vested in a Civil court under the Code

of Civil Procedure, 1908 (5 of 1908), while trying a suit in respect of the following matters, namely: -

- (a) the summoning and enforcing the attendance of any witness and examining him on oath;
 - (b) the discovery and production of any document
 - (c) the reception of evidence on affidavits;
 - (d) the requisitioning of any public record or document or copy of such record or document from any court or office; and
 - (e) such other matters as may be prescribed.
- (2) Without prejudice to the generality of the powers contained in sub-section (1), every Lok Adalat shall have the requisite powers to specify its own procedure for the determination of any dispute coming before it.
- (3) All proceedings before a Lok Adalat shall be deemed to be judicial proceedings within the meaning of Sections 193, 219 and 228 of the Indian Penal Code (45 of 1860) and every Lok Adalat shall be deemed to be a civil court for the purpose of Section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973(2 of 1974).

PRO BONO:

“**Pro bono**” originated from Latin and it means for public good and in legal context it means the legal services provided to the people for their benefit as they cannot afford the lawyers on their own.¹²

ANNOUNCEMENT IN NEW YORK REGARDING THE PRO BONO CASE

On May 1, at Law Day, the chief judge of New York State announced that starting next year, and also stated in the American Bar Association Model Rule 6.1 that the budding lawyers can join the bar after performing 50 pro bono service hours. The aim is to provide free legal services to the clients those are facing eviction, domestic abuse, and foreclosure.¹³

Setbacks:

The beneficiaries of Judge Lippman’s largess will be served by people unlicensed to practice law — who have no real practical experience.

There will be employment crisis for law school graduates.

¹² <https://www.probonocentre.org.au/information-on-pro-bono/definition/>

¹³ Anne Barnard, “[Top Judge Makes Free Legal Work Mandatory for Joining State Bar](https://www.nytimes.com/2012/05/02/nyregion/new-lawYERS-IN-NEW-YORK-TO-BE-REQUIRED-TO-DO-SOME-WORK-FREE.html)”, The New Times, 14/05/2012. <https://www.nytimes.com/2012/05/02/nyregion/new-lawYERS-IN-NEW-YORK-TO-BE-REQUIRED-TO-DO-SOME-WORK-FREE.html>

The law school tuition fees and student debt have skyrocketed which will also reduce the student interest for pro bono cases. According to some stats, an average of 2011 law graduate from Syracuse owes \$132,993, which do not include the cost of under graduation.

Solutions:

The state might impose a small annual pro bono requirement on all licensed lawyers (pro bono service is now encouraged but voluntary).

The state bar can hire skilled lawyers to train the new lawyers and can pay to the existing lawyers by charging additional fees on the reregistration by the lawyers in every two years.

Or the state could raise taxes and provide legal services in a manner like the provision of public schools, highways and state parks.

TYPES OF LEGAL FEES:

In the field of law, a lawyer can make various types of fee arrangements and these arrangements play a very significant role in deciding that how much you have to pay for the services. The various factors on which the legal fees depend are the lawyer's ability, experience, and reputation; the time spent on your problem; the difficulty of the case; the cost involved; and the results obtained. Sometimes there are various overhead expenses (rent, utilities, office equipment, etc.) that may affect the fee charged. And all the people cannot afford these various types of fees.

The various fee arrangements are as follows:

Consultation Fees:

Usually lawyers charge a fixed amount for consultation that's why one should be careful that they are not charged by this fee initially.

Contingency Fees:

Contingency fees are based on the winning and losing of the case and if lost a lawyer generally cannot ask for the fees but should be paid the expenses. The percentage of fees vary from lawyer to lawyer and is generally fixed at one-third of the total amount of the case. This fee involves a high-profile case with big amounts like personal injury case, property damage cases, etc. and do not include divorce cases.

Flat Fees:

In some cases, a lawyer charges a fixed amount of fees and the cases are of routine and simple nature like of will and uncontested divorce.

Hourly Rate:

As the name suggest, this is a system of fees charged at an hourly basis up to the time a lawyer works on your case. For example, if a lawyer is charging \$75 hourly and suppose he works on your case for 4 hours then, he will charge \$300. A lawyer may distinguish this fee based on the legal research done by him on the cases as well as time given to appear in the court. This is the most typical fee structure.

Referral Fees:

Referral fees is a fee that a lawyer asks for when he/she suggest some other lawyer. This kind of fee may be prohibited under the state codes of professionals unless they meet certain criteria, like, the fees should be reasonable, and the person should agree to it.

Retainer Fees:

An amount of fees is set aside based on hourly rate. A retainer usually pays a “down payment” against which the future fees are billed. This ensures that a lawyer would work on your case for a particular amount. Usually, a lawyer does not return the retained fees unless a court seems it to be unreasonable. A person, for this purpose, should allow a lawyer to explain the retainer fees in detail.

Statutory Fees:

It is the type of fee that is set by the statute or any act. These types of fees may appear in probate, bankruptcy, or other proceedings. In some cases like, in probate, bankruptcy, or other proceedings, the fee is already approved by the act or statute that we pay and this type of fee structure is statutory fee structure.

One should make it very clear under the contingency fee arrangement, that the lawyer is charging the fee before or after expenses.¹⁴

FUTURE OF LEGAL AID:**Centre launches scheme to provide easy legal aid in Bihar****Villagers can have access to consultation with the help of para legal volunteers**

Center in Bihar launched a scheme named ‘Tele Law’ in association with National Legal Service Authority (NALSA), to provide easy access to the legal aid.¹⁵

¹⁴ <https://hirealawyer.findlaw.com/attorney-fees-and-agreements/types-of-legal-fees.html>

¹⁵ Ranjeet Kumar, “[Center Launches New Easy Legal Aid Services in Bihar](http://www.thehindu.com/todays-paper/tp-national/tp-otherstates/centre-launches-scheme-to-provide-easy-legal-aid-in-bihar/article19441741.ece)”, The Hindu, 07/08/2017. <http://www.thehindu.com/todays-paper/tp-national/tp-otherstates/centre-launches-scheme-to-provide-easy-legal-aid-in-bihar/article19441741.ece>

Under the scheme, villagers can have access to legal consultation with the help of para legal volunteers at Common Service Centre (CSC) which will be equipped with computers and Internet facility.

The scheme was launched in the presence of the Supreme Court Justice Dipak Mishra, Union Law and Justice and IT minister Ravi Shankar Prasad and Bihar Chief Minister Nitish Kumar, which provide access to legal aid to villagers through Para Legal Volunteers (PLVs) at Common Service Centre (CSC). These centres are equipped with the with electronic devices like, computers and internet facility is also provided.

If a person wants legal aid or advice, then he/she can take the advice through webinars at CSC and will be charged with Rs. 30 as a consultancy fee and if the person is of BPL class then, the amount will be transferred to their account.

The services of the Right of Public Service Act and Public Grievance Redressal Act will be available at CSCs. The scheme has already been launched in Uttar Pradesh, Assam and Jammu and Kashmir, and will provide easy access to poor people as well as, it also provides the making of Aadhaar card, payment of bills, booking of train berths, and making of PAN and all this will be available at CSCs.¹⁶

CONCLUSION:

The Constitution of India is the longest written constitution and has provided the citizens equal rights and one such right was prescribed under article 39A. this article states the provisions for the welfare of the poor and indigent people by providing them free legal services or services at low cost so that they can have an equal stand against the party standing opposite to them who have their own counsel. This article has a long history and its development faced and is still facing many obstacles that has to be solved by the legal practitioners and the government. There are various aspects that are covered under this article and has to be followed in the similar way. There are various paralegal legal volunteers and retainer lawyers at the Legal Service Clinics to provide the legal assistance through the internet services at the minimal cost. The lokadalats had established to provide justice to the indigent people at various places. The lawyers that are providing these services are paid by the state and in some countries a rule has been made that to practice a certain number of pro bono cases has to be argued. There are various types of fees that a lawyer charge and sometimes this fee is not affordable by the many of the people, so keeping this factor in mind our law framers had drafted this article to ensure that justice should prevail in equal sense. And by introducing new ideas to give a better effect to this article the government has also taken some initiatives like ‘tele-law’ that will help in easy access to the legal services.

¹⁶PTI, “Centre launches scheme to provide legal aid easily in Bihar”, India Today, Aug. 06, 2017. <https://www.indiatoday.in/pti-feed/story/centre-launches-scheme-to-provide-legal-aid-easily-in-bihar-1011245-2017-08-06> (Jul. 06, 2018, 00:07)