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A CRITICAL STUDY ON THE IMPORTANCE OF FREE LEGAL AID

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ABSTRACT

The constitution of India was received on the 26th of November, in the year 1949. In any case, it came to impact on the 26th of January, 1950. 26th of January is praised as the Republic Day of India. It was received by the Constitution Assembly. Dr. B. R. Ambedkar, the administrator of the Drafting Committee, is generally viewed as the modeler of the Constitution of India. After, the appropriation of the constitution, The Union of India turned into the contemporary and present-day Republic of India. The constitution of India was received on the 26th of November, in the year 1949. The Government of India Act 1858, the Indian Councils Acts of 1861, 1892 and 1909, the Government of India Acts of 1919 and 1935, and the Indian Independence Act 1947. As it has obtained different arrangements from different Constitutions, it will be unable to function admirably in future. The sample size is 1293. Dr. B. R. Ambedkar, the administrator of the Drafting Committee, is generally viewed as the modeler of the Constitution of India. After, the appropriation of the constitution, The Union of India turned into the contemporary and present-day Republic of India.

Keywords

Constitution, Article 39A, drafting committee, republic, union of India, topographical.

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INTRODUCTION

Access to legal administrations keeps on being a test for a significant portion of the Indian populace because of topographical, asset and foundation limitations. Since legal portrayal is exorbitant and distant for impeded, the requirement for legal aid emerges. The issue has been intensified by the inability to standard legal-aid administrations, especially for the minimized areas at the panchayat levels. Underestimated people group, particularly rustic and innate populace; senior subjects; people with low pay; people with handicaps; casualties of medication misuse, human dealing; jail prisoners the legitimate beneficiaries of legal aid can't benefit it. India has a far-reaching history of legal aid, sponsored by many years of enactment, jurisprudential elucidation, and various state-subsidized projects. In any case, the nonattendance of an organized and monetarily suitable configuration has thwarted legal advisors in effectively offering legal help to those needing it. The genius bono culture is as yet a work in advancement. While legal aid is given and composed by non-legislative associations, graduate schools, bar affiliations, and furthermore singular backers, the interest for legal aid obviously surpasses the supply. India's enormous assorted variety; populace; socio-social hindrances; liberal laws and law in connection to legal aid; and monetary development combined with the desires that accompany development have made it a remarkable and testing condition for taking care of the demand for legal help. The constitution was drawn from various sources. Aware of India's needs and conditions, its designers acquired highlights of past enactment, for example, the Government of India Act 1858, the Indian Councils Acts of 1861, 1892 and 1909, the Government of India Acts of 1919 and 1935, and the Indian Independence Act 1947. The last mentioned, which prompted the formation of India and Pakistan, isolated the previous Constituent Assembly in two. Each new get together had sovereign capacity to draft and authorize another constitution for the different states.

OBJECTIVES

The main objectives of the research to critically analyse the importance of constitution in a democratic country like India. To critically analyse the essential of legal aid in India. The analysis of the free legal aid under Indian law.

PRESENT LAW IN INDIA

Article 39A of the Constitution of India provides for free legal aid to the poor and weaker sections of the society and ensures justice for all. Article 14 and 22(1) of the constitution also make it obligatory for the State to ensure equality before the law and

a legal system which promotes justice on the basis of equal opportunity to all, In 1987, the Legal Services Authorities Act was enacted by the Parliament which came into force on 9th November, 1995 with an object to establish a nationwide uniform network for providing free and competent legal services to the weaker sections of the society on the basis of equal opportunity. The National Legal Services Authority (NALSA) has been constituted under the Legal Services Authorities Act, 1987 to monitor and evaluate implementation of legal services available under the Act.

METHODS AND MATERIALS

This is an empirical study. This paper depends on both primary and secondary data. The primary data for the present study is collected using sampling technique. Random sampling is used to collect the primary information from the respondents. The sample size is 1293. A random sample selected from the primary data which has been analysed using Frequencies, Chi-Square test and Cross tab method. The secondary data is collected from books, journals, articles and e-sources. The researcher has also utilized commentaries, books, treatises, articles, notes, comments and other writings to incorporate the various views of the multitude of jurists, with the intention of presenting a holistic view. The researcher has made extensive use of Case Laws in this paper, so as to discern a trend in the judicial pronouncements.

HYPOTHESIS

HA: Not Aware about the concept of legal aid under Indian constitution.

HO: Aware about the concept of legal aid under Indian constitution.

FREQUENCY TABLE

AGE *. Do you know the concept of legal aid under Indian constitution?

Crosstab		
Count		
	Do you know the concept of legal aid under Indian constitution?	Total

		Yes	No	Maybe	
AGE	10-18	200	0	0	200
	19-30	46	364	0	410
	31-40	12	0	0	12
	41-50	0	0	180	180
	51-60	0	70	0	70
Total		679	434	180	1293

Based on age, age 10- 18, 200 peoples say that they were known about the concept of legal aid under Indian constitution. Age 19-30, 46 people says that they were known about the concept of legal aid under Indian constitution. 364 people says that they were known about the concept of legal aid under Indian constitution. Age 31-40, 12 people says that they were known about the concept of legal aid under Indian constitution. Age 41-50, 180 people says that they don't know about the concept of legal aid under Indian constitution.

Chi-Square Tests			
	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	1523.916[a]	8	.000
Likelihood Ratio	1514.177	8	.000
N of Valid Cases	1293		
a. 2 cells (13.3%) have expected count less than 5. The minimum expected count is 2.48.			

Since the Pearson chi square value is greater than 0.05, the null hypothesis is proved.

AGE * Do you aware of free legal aid under Indian law?

Crosstab						
Count						
		Do you aware of free legal aid under Indian law?				Total
			Yes	No	Maybe	
AGE	10-18		198	0	1	199
	19-30		47	364	0	411
	31-40		0	0	12	12
	41-50		81	0	99	180
	51-60		70	0	0	70
Total			397	364	112	1293

Based on the age, age 10-18, 198 people says that they were aware of free legal aid under Indian law, 1 person says that he may be aware of free legal aid under Indian law. Age 19-30, 45 people says that were aware of free legal aid under Indian law, 364 people says that were aware of free legal aid under Indian law. Age 31-40, 12 people says people's say that may aware of free legal aid under Indian law. Age 41-50, 81 people's say that were aware of free legal aid under Indian law. 99 people's say that may aware of free legal aid under Indian law. Age 51-60, 70 people's say that were aware of free legal aid under Indian law.

Chi-Square Tests			
	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	1103.166[a]	12	.000
Likelihood Ratio	1175.623	12	.000
N of Valid Cases	1293		
a. 6 cells (30.0%) have expected count less than 5. The minimum expected count is .03.			

since the Pearson chi square value is greater than 0.05, the null hypothesis is proved.

DISCUSSION

Based on age, age 10- 18, 200 people says that they were known about the concept of legal aid under Indian constitution. Age 19-30, 46 people says that they were known about the concept of legal aid under Indian constitution. 364 people says that they were known about the concept of legal aid under Indian constitution. Age 31-40, 12 people says that they were known about the concept of legal aid under Indian constitution. Age 41-50, 180 people says that they don't know about the concept of legal aid under Indian constitution. Since the Pearson chi square value is greater than 0.05, the null hypothesis is proved.

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SUGGESTIONS

Lok Adalat is a judicial body set up for the purpose of facilitating peaceful resolution of disputes between the litigating parties. It has the powers of an ordinary civil court, like summoning, examining evidence etc. Its orders are like any court orders, yet the parties cannot appeal against such orders. Lok Adalat can resolve all matters, except criminal cases that which are non-compoundable. Either of the parties to litigation can make an application to the court for transferring the case to a Lok Adalat. Where no compromise or settlement is made by the Lok Adalat, such a case is transferred to the court and that court deals with the litigation from the stage the Lok Adalat had reached.

CONCLUSION

The issue has been intensified by the inability to standard legal-aid administrations, especially for the minimized areas at the panchayat levels. Underestimated people group, particularly rustic and innate populace; senior subjects; people with low pay; people with handicaps; casualties of medication misuse, human dealing; jail prisoners the legitimate beneficiaries of legal aid can't benefit it.

India has a far-reaching history of legal aid, sponsored by many years of enactment, jurisprudential elucidation, and various state-subsidized projects. In any case, the nonattendance of an organized and monetarily suitable configuration has thwarted legal advisors in effectively offering legal help to those needing it. The genius bono culture is as yet a work in advancement. While legal aid is given and composed by non-legislative associations, graduate schools, bar affiliations, and furthermore singular backers, the interest for legal aid obviously surpasses the supply.