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Preface

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ACCESS TO JUSTICE FOR ARRESTED PERSONS UNDER THE CRIMINAL JUSTICE SYSTEM: AN EMPIRICAL STUDY OF LEGAL AID IN JHARSUGUDA DISTRICT, ODISHA

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ABSTRACT

Access to justice constitutes one of the essential pillars of a fair and effective criminal justice system, particularly for arrested persons who often face social, economic and informational disadvantages. The right to legal aid, recognized under Articles 14, 21 and 39A of the Constitution of India and reinforced through the Legal Services Authorities Act, 1987 and the Bharatiya Nagarik Suraksha Sanhita, 2023, seeks to ensure that no person is deprived of legal representation due to poverty or lack of awareness. Despite the existence of a comprehensive legal framework, concerns remain regarding the accessibility and effectiveness of legal aid services at the grassroots level. The present study examines the functioning of legal aid mechanisms for arrested persons under the criminal justice system with special reference to Jharsuguda District, Odisha. Adopting an empirical and descriptive research design, the study utilizes both primary and secondary sources of data. Primary data were collected through structured questionnaires and interviews involving accused persons, advocates, police personnel, jail officials and Legal Aid Defence Counsel members. Secondary data were obtained from statutes, judicial decisions, books, journal articles and reports relating to legal aid and criminal justice administration. The findings reveal that although institutional mechanisms for providing legal aid exist, a significant gap persists between legal provisions and their practical implementation. Lack of awareness among arrested persons, delayed access to legal representation, inadequate coordination among stakeholders and prevailing socio-economic barriers adversely affect the effective realization of the right to legal aid. The study highlights the need for strengthening institutional coordination, increasing legal awareness and ensuring timely legal assistance at the stage of arrest and detention. It concludes that effective legal aid is indispensable for safeguarding the rights of arrested persons and for promoting substantive access to justice within the criminal justice system.

Keywords: Legal Aid, Arrested Persons, Access to Justice, Criminal Justice System, Legal Services Authorities Act, 1987, Bharatiya Nagarik Suraksha Sanhita, 2023, Legal Aid Defence Counsel System, Fundamental Rights, Jharsuguda District, Odisha.

INTRODUCTION

Access to justice constitutes one of the fundamental pillars of a democratic society governed by the rule of law. The realization of justice is not merely dependent upon the existence of laws and judicial institutions, but also upon the accessibility of those institutions to all sections of society irrespective of their economic or social status. In the criminal justice system, the importance of access to justice becomes particularly significant because arrest and detention directly affect the life and personal liberty of individuals. An arrested person, especially one belonging to economically weaker or socially marginalized sections, often faces the criminal process without adequate knowledge of legal rights or the financial capacity to engage legal representation. In such circumstances, legal aid serves as an indispensable mechanism to ensure fairness and equality before the law.¹

The constitutional philosophy of India envisages equal justice as an essential feature of a welfare State. Articles 14 and 21 of the Constitution guarantee equality before law and protection of life and personal liberty, while Article 39A imposes a constitutional obligation upon the State to provide free legal aid to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities.² The Supreme Court of India has consistently recognized that the right to free legal aid forms an integral part of the guarantee of fair procedure under Article 21. In *Hussainara Khatoon v. State of Bihar*, the Court held that free legal services are an essential ingredient of reasonable, fair, and just procedure and that the State is under a constitutional obligation to provide legal assistance to indigent accused persons.³ Similarly, in *Khatri v. State of Bihar*, the Supreme Court emphasized that legal aid must be provided from the very first production of an accused before a Magistrate and not merely during the stage of trial.⁴ The significance of legal aid is further strengthened by international human rights instruments.

¹ Mauro Cappelletti & Bryant Garth, *Access to Justice: The Worldwide Movement to Make Rights Effective* 6–8 (1978).

² INDIA CONST. arts. 14, 21, 39A.

³ *Hussainara Khatoon v. State of Bihar*, AIR 1979 SC 1360.

⁴ *Khatri (II) v. State of Bihar*, (1981) 1 SCC 627.

The Universal Declaration of Human Rights, 1948 recognizes the right to an effective remedy and fair hearing, while the International Covenant on Civil and Political Rights, 1966 specifically guarantees the right of every accused person to defend himself through legal assistance and to receive such assistance free of cost where the interests of justice so require⁵. These international standards have considerably influenced the evolution of legal aid jurisprudence in India and have guided judicial interpretation of constitutional guarantees relating to personal liberty and fair trial.

In order to institutionalize the constitutional mandate of equal access to justice, Parliament enacted the Legal Services Authorities Act, 1987, which established the National Legal Services Authority (NALSA), State Legal Services Authorities and District Legal Services Authorities for providing free and competent legal services to eligible persons.⁶ The legal aid framework has been further strengthened through the Legal Aid Defence Counsel System (LADCS), which seeks to provide effective and professional legal representation to accused persons in criminal cases. Furthermore, the Bharatiya Nagarik Suraksha Sanhita, 2023 reinforces the right of accused persons to legal representation and imposes procedural safeguards to ensure that legal assistance is available at various stages of criminal proceedings.⁷ Despite the existence of an elaborate constitutional and statutory framework, the effective implementation of legal aid remains a challenge. Lack of awareness among arrested persons, inadequate coordination between law enforcement agencies and legal aid institutions, shortage of trained legal aid lawyers and socio-economic disadvantages often create barriers to access to justice. Consequently, there exists a significant gap between the normative guarantees of legal aid and their practical realization. The effectiveness of legal aid mechanisms, therefore, requires empirical examination at the grassroots level to assess their actual functioning and identify institutional shortcomings.⁸ Against this background, the present study examines the functioning and effectiveness of legal aid for arrested persons under the criminal justice system with special reference to Jharsuguda District of Odisha. The study seeks to analyse the extent to which arrested persons are aware of their legal rights, whether legal assistance is made available promptly, and how various stakeholders including police personnel, advocates, jail authorities and Legal Aid Defence Counsel contribute towards ensuring access to justice. Through

⁵ International Covenant on Civil and Political Rights arts. 9, 14, Dec. 16, 1966, 999 U.N.T.S. 171.

⁶ Legal Services Authorities Act, No. 39 of 1987, INDIA CODE (1987).

⁷ Bharatiya Nagarik Suraksha Sanhita, No. 46 of 2023, Section 341.

⁸ N.R. Madhava Menon, *Legal Aid and Justice for the Poor* 15–20 (1988).

empirical investigation, the study attempts to identify the practical challenges affecting the implementation of legal aid and proposes measures for strengthening the existing institutional framework.

Ultimately, legal aid represents more than a welfare measure; it embodies the constitutional promise of equal justice and fair procedure. The effectiveness of the criminal justice system depends not merely on the existence of substantive and procedural laws but also on the capacity of institutions to ensure that every individual, irrespective of economic status, receives meaningful legal representation. Therefore, strengthening legal aid mechanisms is indispensable for safeguarding the rights of arrested persons and for realizing the broader constitutional vision of social justice and rule of law.

LEGAL FRAMEWORK AND JUDICIAL PRONOUNCEMENTS

The right to legal aid for arrested persons emanates from constitutional guarantees, statutory enactments, international human rights instruments and judicial interpretations. The Indian legal system recognizes access to legal representation as an essential component of fair trial and due process. Over the years, constitutional courts have expanded the scope of legal aid and transformed it from a directive principle into an enforceable fundamental right. The following discussion examines the international and domestic legal framework governing legal aid for arrested persons and the important judicial pronouncements that have shaped its development.

A. International Legal Framework

1. Universal Declaration of Human Rights, 1948

The Universal Declaration of Human Rights (UDHR), adopted by the United Nations General Assembly in 1948, constitutes the foundation of modern human rights jurisprudence. Article 8 guarantees the right to an effective remedy against violations of fundamental rights, Article 9 prohibits arbitrary arrest and detention, Article 10 provides for a fair and public hearing by an independent and impartial tribunal, and Article 11 recognizes the presumption of innocence and guarantees necessary for defence.⁹ Although the UDHR is not legally binding, its principles have

⁹ Universal Declaration of Human Rights arts. 8–11, G.A. Res. 217A (III), U.N. Doc. A/RES/217(III) (Dec. 10, 1948).

significantly influenced constitutional jurisprudence and the development of legal aid systems across the world.

2. International Covenant on Civil and Political Rights, 1966

India ratified the International Covenant on Civil and Political Rights (ICCPR) in 1979. Article 14(3)(d) provides that every accused person shall have the right to defend himself through legal assistance of his own choosing and to receive free legal assistance where the interests of justice so require and where the accused lacks sufficient means to pay for it.¹⁰ Article 9 further guarantees protection against arbitrary arrest and requires that arrested persons be informed of the grounds of arrest and be produced promptly before a judicial authority. The provisions of the ICCPR have guided Indian courts in expanding the scope of Article 21 of the Constitution.

3. Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, 1988

The United Nations General Assembly Resolution 43/173, popularly known as the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, recognizes the right of detained persons to consult and communicate with legal counsel and obligates the State to provide legal assistance where necessary.¹¹ These principles reinforce the international obligation to ensure legal representation at the earliest stages of criminal proceedings.

B. Indian Legal Framework

1. Constitutional Framework

The Constitution of India lays down the normative foundation of legal aid.

Article 14

Article 14 guarantees equality before law and equal protection of laws. Equal access to justice necessarily requires that indigent persons be provided with legal assistance so that they are not disadvantaged solely because of poverty.¹²

Article 21

Article 21 guarantees that no person shall be deprived of life or personal liberty except according to a procedure established by law. The Supreme Court has interpreted the expression "procedure

¹⁰ International Covenant on Civil and Political Rights arts. 9, 14(3)(d), Dec. 16, 1966, 999 U.N.T.S. 171.

¹¹ G.A. Res. 43/173, Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, Principles 17–18 (Dec. 9, 1988).

¹² INDIA CONST. art. 14.

established by law" to mean a procedure that is just, fair and reasonable. The right to legal aid is now considered an integral component of Article 21.¹³

Article 22

Article 22(1) provides that every arrested person shall be informed of the grounds of arrest and shall not be denied the right to consult and be defended by a legal practitioner of his choice.¹⁴

Article 39A

Article 39A directs the State to ensure equal justice and to provide free legal aid so that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities.¹⁵ Although a Directive Principle of State Policy, the provision has acquired enforceable significance through judicial interpretation.

2. Legal Services Authorities Act, 1987

The Legal Services Authorities Act, 1987 institutionalized the constitutional mandate contained in Article 39A. It established the National Legal Services Authority (NALSA), State Legal Services Authorities, District Legal Services Authorities and Taluk Legal Services Committees to provide free and competent legal services to eligible persons.¹⁶

Section 12 of the Act identifies categories of persons entitled to legal services, including women, children, Scheduled Castes and Scheduled Tribes, victims of trafficking, persons in custody and economically weaker sections. The Act also provides for Lok Adalats and legal awareness programmes aimed at promoting access to justice.

3. Bharatiya Nagarik Suraksha Sanhita, 2023

The Bharatiya Nagarik Suraksha Sanhita, 2023, which replaced the Code of Criminal Procedure, 1973, reinforces procedural safeguards available to accused persons. Section 341 mandates the provision of legal aid at State expense where the accused lacks sufficient means to engage a pleader.¹⁷ The BNSS further recognizes the right of an arrested person to consult an advocate during interrogation and mandates compliance with procedural safeguards during arrest and detention.

¹³ INDIA CONST. art. 21.

¹⁴ INDIA CONST. art. 22(1).

¹⁵ INDIA CONST. art. 39A.

¹⁶ Legal Services Authorities Act, No. 39 of 1987, section 3–11, INDIA CODE (1987).

¹⁷ Bharatiya Nagarik Suraksha Sanhita, No. 46 of 2023, § 341.

4. Legal Aid Defence Counsel System (LADCS)

The Legal Aid Defence Counsel System introduced by NALSA seeks to strengthen criminal legal aid by creating a dedicated cadre of full-time legal aid lawyers. The scheme aims to provide quality legal representation to accused persons at all stages of criminal proceedings and ensure professional assistance comparable to private legal services.¹⁸

C. Judicial Pronouncements

1. Hussainara Khatoon v. State of Bihar

In *Hussainara Khatoon v. State of Bihar*, the Supreme Court held that free legal aid is an essential ingredient of a fair, just and reasonable procedure under Article 21 and imposed a constitutional obligation upon the State to provide legal assistance to indigent accused persons.¹⁹

2. Khatri (II) v. State of Bihar

In *Khatri (II) v. State of Bihar*, the Supreme Court ruled that legal aid must be provided not only during trial but also when the accused is first produced before a Magistrate. The Court emphasized that poverty should not become a barrier to justice.²⁰

3. Suk Das v. Union Territory of Arunachal Pradesh

The Supreme Court held that failure to provide free legal aid to an accused vitiates the trial and constitutes a violation of Article 21. The Court observed that the right to legal aid is fundamental and cannot be denied because of ignorance or inability to demand it.²¹

4. Sheela Barse v. State of Maharashtra

The Court directed legal aid committees to provide immediate assistance to prisoners and undertrial detainees and emphasized the necessity of informing arrested persons about their legal rights.²²

5. D.K. Basu v. State of West Bengal

This landmark decision laid down guidelines to prevent custodial violence and arbitrary arrests. The Court held that procedural safeguards are essential to preserve human dignity and personal liberty guaranteed under Article 21.²³

¹⁸ National Legal Services Authority, Legal Aid Defense Counsel System Scheme (2022).

¹⁹ *Hussainara Khatoon v. State of Bihar*, AIR 1979 SC 1360.

²⁰ *Khatri (II) v. State of Bihar*, (1981) 1 SCC 627.

²¹ *Suk Das v. Union Territory of Arunachal Pradesh*, (1986) 2 SCC 401.

²² *Sheela Barse v. State of Maharashtra*, (1983) 2 SCC 96.

²³ *D.K. Basu v. State of West Bengal*, (1997) 1 SCC 416.

6. Arnesh Kumar v. State of Bihar

The Supreme Court cautioned against routine arrests and directed police officers to strictly comply with statutory requirements before arresting an individual. The decision strengthened procedural safeguards available to accused persons and emphasized the protection of personal liberty.²⁴

The constitutional provisions, statutory framework and judicial pronouncements collectively establish legal aid as an indispensable component of fair trial and access to justice. The evolution of legal aid jurisprudence demonstrates that the right to legal representation is not a matter of charity but a constitutional obligation flowing from Articles 14, 21 and 39A. Nevertheless, the effectiveness of these guarantees ultimately depends upon their implementation at the grassroots level, making empirical assessment of legal aid mechanisms essential.

RESEARCH METHODOLOGY

The present study adopts an empirical and descriptive research design to examine the accessibility and effectiveness of legal aid for arrested persons under the criminal justice system with special reference to Jharsuguda District, Odisha. The study seeks to assess the practical implementation of constitutional and statutory provisions relating to legal aid and to identify the challenges faced by various stakeholders involved in the administration of criminal justice.

A. Nature and Design of Research

The study is primarily empirical in nature and follows a descriptive and analytical approach. It combines both quantitative and qualitative methods to understand the functioning of legal aid mechanisms at the grassroots level. The empirical approach enables an assessment of the gap between the normative framework and the actual implementation of legal aid services for arrested persons.

B. Objectives of the Study

The present study is guided by the objective of critically examining the constitutional and statutory framework governing the provision of legal aid to arrested persons in India and analyzing its significance in ensuring access to justice within the criminal justice system. It further seeks to

²⁴ *Arnesh Kumar v. State of Bihar*, (2014) 8 SCC 273.

assess the level of awareness and accessibility of legal aid services among arrested persons in Jharsuguda District, while evaluating the role of key stakeholders, including police personnel, advocates, jail authorities, and Legal Aid Defence Counsel, in the effective implementation of legal aid mechanisms. The study also aims to identify the institutional, procedural, and practical challenges that hinder the efficient delivery of legal aid services and, based on the empirical findings, propose suitable legal and policy measures to strengthen the existing legal aid framework and enhance meaningful access to justice for arrested persons.

C. Research Questions

The present study seeks to answer several important research questions relating to the effectiveness of legal aid for arrested persons in India. It examines whether the existing constitutional and statutory framework adequately safeguards the right to legal aid for arrested persons and whether individuals are sufficiently aware of their legal rights and the availability of free legal aid services. The study further investigates the effectiveness of the implementation of legal aid at the stages of arrest and detention, with particular emphasis on the roles of the police, legal aid authorities, and other stakeholders. It also seeks to identify the major institutional and practical challenges affecting the delivery of legal aid in Jharsuguda District. Finally, the study examines the extent to which the Legal Aid Defence Counsel System contributes to ensuring effective access to justice and protecting the rights of arrested persons within the criminal justice system.

D. Universe and Area of Study

The universe of the study comprises stakeholders associated with the criminal justice system in Jharsuguda District of Odisha. The study focuses on arrested persons, practicing advocates, Legal Aid Defence Counsel members, police personnel and jail officials, who constitute important actors in the implementation of legal aid mechanisms.

Jharsuguda District has been selected as the area of study owing to its socio-economic diversity and its relevance in understanding the functioning of legal aid institutions at the district level.

E. Sources of Data

The study is based on both primary and secondary sources of data.

Primary Sources

Primary data were collected through structured questionnaires, semi-structured interviews and personal interactions with different stakeholders, including:

- Arrested persons and undertrial prisoners;
- Practicing advocates;
- Legal Aid Defence Counsel members;
- Police personnel; and
- Jail authorities.

Secondary Sources

Secondary data were collected from:

- The Constitution of India;
- Bharatiya Nagarik Suraksha Sanhita, 2023;
- Legal Services Authorities Act, 1987;
- Judicial decisions of the Supreme Court and High Courts;
- Books, journal articles and research papers;
- Reports of NALSA, OSLSA and other governmental agencies; and
- International instruments relating to human rights and access to justice.

F. Sampling Technique

The study employs purposive sampling and convenience sampling methods for selecting respondents. These non-probability sampling techniques were adopted considering the specialized nature of the respondents and the practical limitations associated with accessing arrested persons and criminal justice stakeholders.

G. Tools and Techniques of Data Collection

Data were collected through:

1. Structured questionnaires administered through Google Forms;
2. Semi-structured interviews;
3. Personal interactions with stakeholders; and
4. Documentary analysis of statutes, case laws and institutional reports.

Quantitative data obtained from questionnaires were analyzed using percentage-based statistical methods and represented through tables and charts. Qualitative data collected from interviews were analyzed through thematic analysis to identify recurring themes and patterns relating to awareness, accessibility and institutional challenges in legal aid delivery.

H. Scope of the Study

The scope of the study is confined to the legal aid mechanism available to arrested persons under the criminal justice system with particular reference to Jharsuguda District, Odisha. The study primarily focuses on the implementation of constitutional and statutory safeguards and does not extend to civil legal aid or other forms of alternative dispute resolution.

I. Limitations of the Study

The study is subject to certain limitations. First, it is geographically confined to Jharsuguda District and, therefore, the findings may not be universally applicable to other regions. Secondly, access to arrested persons and undertrial prisoners was limited due to procedural and institutional constraints. Thirdly, some responses were based on personal perceptions and experiences, which may involve subjective biases. Despite these limitations, the study provides valuable empirical insights into the functioning of legal aid mechanisms at the district level.

J. Ethical Considerations

The study adheres to ethical principles of research. Participation of respondents was voluntary and informed consent was obtained before conducting interviews and administering questionnaires. Confidentiality and anonymity of respondents were maintained, and the information collected was used solely for academic purposes. Care was taken to ensure that no respondent suffered any prejudice or harm as a consequence of participation in the study.

The empirical and interdisciplinary methodology adopted in the present study facilitates a comprehensive understanding of the functioning of legal aid mechanisms for arrested persons. The combination of quantitative and qualitative techniques enables an examination not only of the legal framework but also of the practical realities associated with access to justice. Such an approach provides a sound basis for evaluating existing mechanisms and proposing reforms aimed at strengthening legal aid delivery under the criminal justice system.

IV. DATA ANALYSIS AND DISCUSSION

The present study adopts a mixed-method approach by combining quantitative and qualitative analysis to examine the accessibility and effectiveness of legal aid for arrested persons in Jharsuguda District. Quantitative data were collected through structured questionnaires administered through Google Forms, while qualitative data were obtained through interviews with accused persons, advocates, Legal Aid Defence Counsel members, police personnel and jail authorities. The combined analysis provides insights into the functioning of legal aid mechanisms and the challenges faced in ensuring access to justice.

A. Quantitative Analysis

1. Awareness of Legal Aid Defence Counsel System (LADCS)

The survey findings reveal a high level of awareness regarding the Legal Aid Defence Counsel System among legal practitioners. Approximately 91.8% of respondents reported familiarity with the scheme, indicating that legal professionals are generally aware of institutional mechanisms relating to legal aid. However, awareness among beneficiaries and arrested persons was found to be considerably lower, reflecting a significant information gap.

2. Timeliness of Legal Aid Services

A considerable proportion of respondents indicated that delays occur in the provision of legal aid, particularly in filing bail applications and arranging legal consultation. These delays adversely affect the rights of arrested persons and often contribute to prolonged detention. Only a limited number of respondents believed that legal aid services are delivered promptly in all cases.

3. Availability of Consultation Facilities

The study shows that 42.9% of respondents considered consultation facilities between lawyers and accused persons to be satisfactory, while 36.7% believed that such facilities were only partially available. About 20.4% expressed dissatisfaction regarding the availability of consultation facilities. These findings indicate that although infrastructure exists, it requires considerable improvement to ensure meaningful lawyer-client interaction.

4. Assistance in Bail Applications

The responses reveal that 46.9% of participants stated that legal aid lawyers sometimes assist accused persons in obtaining bail, while 28.6% believed that such assistance is always provided. However, 14.3% reported that assistance is rarely provided and 10.2% indicated that legal aid

lawyers never assist in bail matters. These findings suggest inconsistency in legal aid delivery and indicate the need for proactive involvement of legal aid lawyers during bail proceedings.

B. Qualitative Analysis and Thematic Findings

Thematic analysis of interviews with various stakeholders led to the identification of five major themes.

Theme 1: Lack of Awareness Regarding Legal Rights

Interviews with accused persons revealed that many individuals were unaware of their constitutional and statutory rights, including the right to free legal aid. Several respondents stated that they were not informed about the availability of legal aid services and had never interacted with legal aid lawyers. This demonstrates that legal literacy among arrested persons remains inadequate.

Theme 2: Inadequate Access to Legal Aid at the Initial Stage

A recurring concern among respondents was the absence of legal representation immediately after arrest. Many accused persons reported that they were not provided with legal assistance during police custody or before their first production before the Magistrate. Advocates also expressed uncertainty regarding the involvement of legal aid lawyers during the early stages of criminal proceedings. These findings indicate that the constitutional guarantee of timely legal assistance is not effectively implemented.

Theme 3: Institutional and Procedural Challenges

Interviews with advocates and police personnel highlighted significant coordination gaps among police authorities, courts and legal services institutions. Delays in filing bail applications, communication failures and procedural complexities were identified as major obstacles affecting the effective delivery of legal aid. Weak institutional coordination was found to undermine the efficiency of the legal aid mechanism.

Theme 4: Socio-Economic Barriers to Access to Justice

A significant number of respondents perceived justice as being dependent upon financial resources. Accused persons expressed the view that effective legal representation is generally available only to those who can afford private advocates. Such perceptions indicate that socio-economic inequalities continue to influence access to justice despite the existence of legal aid institutions.

Theme 5: Need for Reforms and Capacity Building

Police personnel and jail authorities acknowledged that they had received limited training concerning legal aid procedures and prisoners' rights. Respondents emphasized the necessity of conducting regular awareness programmes, strengthening coordination among institutions and introducing time-bound legal aid mechanisms. Continuous training and capacity-building initiatives were considered essential for improving the effectiveness of legal aid delivery.

Discussion

The empirical findings reveal a clear gap between the legal framework and its implementation at the district level. Although constitutional guarantees and statutory provisions establish a comprehensive legal aid mechanism, their practical realization remains inadequate. The study demonstrates that legal aid infrastructure exists through institutions such as the District Legal Services Authority and the Legal Aid Defence Counsel System, yet their utilization remains limited because of low awareness, procedural delays and institutional inefficiencies.

The findings further indicate that the effectiveness of legal aid depends not merely on the existence of legal provisions but on timely intervention, awareness among beneficiaries and coordination among stakeholders. The absence of early-stage legal assistance weakens procedural safeguards and affects fair trial rights. Consequently, strengthening legal awareness, ensuring prompt legal representation and enhancing institutional coordination are essential for transforming legal aid from a formal entitlement into a meaningful instrument of access to justice.

V. CONCLUSION AND SUGGESTIONS**A. Conclusion**

The present study examined the functioning and effectiveness of legal aid for arrested persons under the criminal justice system with special reference to Jharsuguda District, Odisha. The study reveals that although India possesses a robust constitutional and statutory framework guaranteeing free legal aid, a considerable gap exists between legal provisions and their practical implementation. Articles 14, 21 and 39A of the Constitution, the Legal Services Authorities Act, 1987 and the Bharatiya Nagarik Suraksha Sanhita, 2023 collectively establish the right to legal aid as an indispensable component of fair trial and access to justice. However, empirical findings demonstrate that the realization of these guarantees remains inadequate at the grassroots level.

The study finds that lack of awareness among arrested persons regarding their legal rights and entitlement to free legal aid constitutes one of the principal barriers to access to justice. Legal assistance is often unavailable or delayed during the crucial stages of arrest and first production before the Magistrate, thereby weakening procedural safeguards and exposing accused persons to vulnerability within the criminal justice process. Furthermore, institutional deficiencies, including inadequate coordination among police authorities, courts and legal services institutions, adversely affect the effectiveness of legal aid delivery.

The findings further indicate that socio-economic disadvantages continue to influence access to justice. Many respondents perceive legal representation as a privilege available primarily to those possessing financial resources. Although institutions such as the District Legal Services Authority and the Legal Aid Defence Counsel System have strengthened the legal aid infrastructure, their utilization remains limited because of inadequate awareness, lack of confidence and procedural delays.

Therefore, the study concludes that the effectiveness of legal aid depends not merely upon the existence of legal provisions but upon their timely and efficient implementation. Legal aid must be viewed not as a charitable or welfare measure, but as a constitutional obligation essential for preserving personal liberty, ensuring fair trial rights and promoting substantive access to justice. Strengthening legal aid mechanisms at the district level is indispensable for transforming the constitutional promise of equal justice into a practical reality.

B. Suggestions

1. Strengthening Legal Awareness Programmes

Legal awareness programmes should be conducted regularly at the district and grassroots levels to educate citizens about their rights and the availability of free legal aid services. Police stations, sub-jails and courts should display information relating to legal aid in local languages. Special awareness campaigns should be organized for economically weaker and marginalized communities.

2. Ensuring Immediate and Time-Bound Legal Aid

Legal aid should be made available immediately after arrest. A mechanism should be introduced to ensure that legal representation is provided within a fixed time period, preferably within twelve hours of arrest, so that accused persons receive assistance during police custody and first

production before the Magistrate. Time-bound intervention would strengthen procedural safeguards and fair trial rights.

3. Strengthening Institutional Coordination

Regular coordination meetings should be organized among police authorities, District Legal Services Authorities, Legal Aid Defence Counsel, prison authorities and judicial officers. A structured communication mechanism would reduce delays and improve the efficiency of legal aid delivery. Better coordination among stakeholders is essential for ensuring timely access to justice.

4. Capacity Building and Training

Periodic training programmes should be conducted for police personnel, jail officials and legal aid lawyers regarding legal aid procedures, rights of arrested persons and recent developments under the Bharatiya Nagarik Suraksha Sanhita, 2023. Capacity-building initiatives would improve awareness and enhance the quality of legal aid services.

5. Improving Quality and Accountability of Legal Aid Lawyers

Regular evaluation and monitoring of legal aid lawyers should be undertaken to ensure professional competence and accountability. Performance-based assessment mechanisms and specialized training in criminal defence should be introduced to enhance the quality of legal representation provided under legal aid schemes.

6. Strengthening the Legal Aid Defence Counsel System

The Legal Aid Defence Counsel System should be further expanded by increasing manpower, infrastructure and financial support. Dedicated defence counsel offices with adequate facilities should be established to ensure professional and effective representation for indigent accused persons. Such measures would improve public confidence in legal aid institutions.

7. Digitalization and Monitoring of Legal Aid Services

Digital platforms should be developed to monitor legal aid cases, track the appointment of legal aid lawyers and facilitate communication between beneficiaries and legal services institutions. Technology-based monitoring mechanisms would enhance transparency and accountability in legal aid administration.

8. Institutionalizing Legal Aid at the Pre-Arrest and Investigation Stage

The scope of legal aid should be extended beyond trial and detention to include the stages of investigation and interrogation. Early legal intervention can prevent arbitrary arrests, reduce

unnecessary detention and strengthen the constitutional guarantees of fair procedure under Articles 21 and 22 of the Constitution.

Final Observation

The constitutional promise of equal justice cannot be achieved merely through enactment of laws and establishment of institutions. The effectiveness of legal aid lies in its accessibility, quality and timely availability. A rights-based and people-centric legal aid system, supported by awareness, institutional coordination and accountability, is essential for ensuring that no person is deprived of justice merely because of poverty or social disadvantage. Thus, strengthening legal aid for arrested persons is not only necessary for protecting individual liberty but also indispensable for upholding the rule of law and ensuring substantive access to justice in a democratic society.

