



INTERNATIONAL LAW
JOURNAL

**WHITE BLACK
LEGAL LAW
JOURNAL**
**ISSN: 2581-
8503**

Peer - Reviewed & Refereed Journal

The Law Journal strives to provide a platform for discussion of International as well as National Developments in the Field of Law.

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STUDY ON ACCESS FOR JUSTICE OF WOMEN IN INDIA

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CHAPTER I – INTRODUCTION

1.1 Background of the Study

Access to justice is an important part of a democratic society. It means that every person should have the opportunity to know their legal rights, approach the proper authority, get legal help and receive a fair remedy when their rights are violated.¹ Women in India have several rights and protections under the Constitution and different laws. The Constitution provides equality before law and prohibits discrimination on the ground of sex. It also protects the life, liberty and dignity of every person. Apart from the Constitution, different laws have been made to protect women from domestic violence, sexual harassment, discrimination and other forms of injustice.² However, having legal rights does not always mean that women are able to get justice easily. Many women are not fully aware of their legal rights or the remedies available to them. Financial problems may make it difficult to approach a lawyer or court. Social stigma, family pressure and traditional attitudes may also discourage women from taking legal action. There are also practical difficulties in the justice system. Complicated legal procedures, delay in courts, difficulty in approaching the police and lack of proper institutional response can affect a woman's ability to obtain justice. Legal aid is an important support for women who cannot afford legal services. Institutions such as NALSA and the Legal Services Authorities provide free legal assistance and legal awareness programmes. However, the existence of legal aid does not automatically mean that every woman can easily make use of it.

1.2 Significance of the Study

Women's access to justice is important for achieving equality and social justice. Laws can protect women only when women are able to understand and use those laws effectively. This study is important because many women may not know where to go, whom to approach or what legal remedy is available when they face injustice. Even if they know their rights, financial difficulties, family pressure and social attitudes may prevent them from approaching the legal system.³ The study also gives importance to legal aid because free legal services can help women who cannot afford private legal assistance. It examines whether these services are actually accessible and useful to women.⁴ Another important aspect of the study is the role of justice institutions such as the police and courts. A woman's access to justice does not depend only on the existence of laws. The way these institutions respond to women's complaints also has an important role. Therefore, this study is significant because it tries to understand the practical difficulties faced by women while seeking justice and the reasons why legal protection

does not always result in actual justice.

1.3 Review of Literature

1. **Flavia Agnes – Law and Gender Inequality:** The Politics of Women’s Rights in India
Agnes explains how social and legal factors affect women’s rights. Her work shows that legal rights alone may not ensure effective justice, supporting the present research gap.
2. **Lotika Sarkar and B. Sivaramayya – Women and Law:** Contemporary Problems
The authors discuss how social barriers and patriarchy affect women’s use of legal rights. This connects with the present study’s focus on barriers to accessing justice.
3. **Flavia Agnes, Sudhir Chandra and Monmayee Basu – Women and Law in India**
The work highlights difficulties in implementing women’s legal rights. It supports the study’s focus on the gap between legal rights and actual justice.

Journal Literature

1. **Shilpa B.P. et al. – “A Study of Women’s Access to Justice Through Legal Aid Services in India”**
The study highlights lack of legal awareness, social barriers and institutional problems affecting women’s access to legal aid. This supports the present research gap.
2. **Nirvikar Jassal – “Gender, Law Enforcement, and Access to Justice”**
Jassal shows that institutional response plays an important role in women’s access to justice. This connects with the present study’s focus on institutional responsiveness.⁵

1.4 Research Gap

Existing studies have discussed women's access to justice in India from different perspectives. Some studies focus on legal aid, while others focus on legal awareness and social barriers. Some research also discusses procedural difficulties and problems in justice-delivery institutions. However, these factors are mostly studied separately. There is a need to study how these barriers together affect women's access to justice. Women may have legal rights, but they may not always know or use those rights effectively. There is also a gap between the legal protection provided by law and its practical implementation. Therefore, this study focuses on legal awareness, legal aid, procedural barriers and institutional responsiveness together. The study aims to understand why women may still face difficulties in obtaining effective justice.

despite having legal rights. Thus, the research seeks to bridge the gap between “rights provided by law” and “justice received in practice.”

1.5 Research Objectives

1. To examine the constitutional and legal rights available to women and their relevance to access to justice.
2. To analyse how legal awareness, legal aid, procedural barriers and institutional response affect women’s access to justice.
3. To examine the gap between legal rights and their practical implementation and suggest measures for improving women’s access to justice.⁶

1.6 Research Questions

1. What constitutional and legal protections are available to women in India for accessing justice?
2. How do legal awareness and accessibility of legal aid affect women’s ability to use their legal rights?
3. How do procedural difficulties and institutional responses affect women’s access to effective justice?
4. What is the gap between the rights provided by law and the justice received by women in practice?

1.7 Research Methodology

The study follows doctrinal research methodology. The study is based on the systematic study and analysis of existing legal materials. The primary sources include the Constitution of India, statutes, rules, judicial decisions and other legal provisions relating to women’s access to justice. The secondary sources include standard law books, research articles, journals, government reports and other relevant legal literature. The study analyses these materials to understand the existing legal position, identify the barriers affecting women’s access to justice and examine the gap between legal rights and their practical implementation.

1.8 Limitations of the Study

The study has certain limitations:

1. The study mainly focuses on women's access to justice in India.

2. It is not possible to cover every law relating to women's rights in detail.
3. If an empirical survey is conducted, the number of respondents and geographical area may be limited.⁷
4. The experiences of women may differ based on their social, economic and educational background.⁸
5. The study may not cover every difficulty faced by women in the justice system.
6. Laws, policies and judicial decisions may change over time, which may affect the findings of the study.

1.9 Scheme of the Study

Chapter I – Introduction explains the background of the study, significance, review of literature, research gap, research objectives, research questions, research methodology, limitations and scheme of the study.

Chapter II – Concept and Legal Framework of Women's Access to Justice explains the meaning and importance of access to justice for women. It also discusses access to justice as a human right and the constitutional and legal protections available to women in India.

Chapter III – Legal Aid and Institutional Mechanisms deals with the meaning and importance of legal aid and the role of NALSA and other Legal Services Authorities. It also examines legal aid clinics, legal awareness programmes and the role of justice institutions in helping women to access justice.

Chapter IV – Barriers and Judicial Approach Towards Women's Access to Justice

examines the major barriers faced by women in accessing justice, including lack of legal awareness, financial difficulties, social and family pressure, procedural difficulties and delay. It also discusses the role of the judiciary and important judicial decisions relating to women's access to justice.

Chapter V – Findings, Suggestions and Conclusion presents the major findings of the study and examines the gap between legal rights and practical access to justice. It provides suggestions for improving legal awareness, legal aid, legal procedures and institutional response, and concludes the study.

CHAPTER II – CONCEPT AND LEGAL FRAMEWORK OF WOMEN’S

ACCESS TO JUSTICE

This chapter explains the concept and importance of access to justice for women in India. It examines the development of women’s legal rights, constitutional protections and major laws relating to women. It also highlights the importance of legal awareness, legal assistance and effective remedies in ensuring meaningful access to justice.

1.1 Meaning and Concept of Access to Justice

1.1.1 Meaning of Access to Justice

Access to justice means that every person should have a fair and equal opportunity to know their legal rights, seek legal assistance, approach the appropriate authority and obtain a suitable remedy when their rights are violated. It is an important part of the rule of law because laws become meaningful only when people can actually use them. Access to justice is not limited to filing a case before a court. It also includes access to legal information, legal advice, legal aid, complaint mechanisms and other institutions that provide remedies. For women, access to justice is especially important because they may face discrimination, violence, family pressure, financial dependence and social restrictions. Therefore, women should be able to approach the police, courts, lawyers, Legal Services Authorities and other institutions without unnecessary difficulties. Effective access to justice ensures that women can understand and exercise the rights provided to them by law.⁹

1.1.2 Essential Elements of Access to Justice

Access to justice consists of several important elements. The first is legal awareness, because a person must know about their rights and available remedies before they can seek justice. The second is access to affordable legal assistance, particularly for persons who cannot afford private legal services. The third is the availability of simple and understandable legal procedures. Another important element is the accessibility of justice institutions such as police stations, courts, Legal Services Authorities and legal aid clinics. These institutions should be physically accessible and should respond properly to the needs of people. Finally, justice should be provided within a reasonable time. Therefore, legal awareness, legal aid, simple procedures, accessible institutions and timely remedies together form the basic elements of effective access to justice.

1.1.3 Access to Justice Beyond Approaching Courts

Access to justice is wider than simply approaching a court and filing a case. A person may first

need to approach the police, a lawyer, a Legal Aid Clinic, a Protection Officer, a Legal Services Authority or another government institution. These institutions play an important role before a matter reaches the court. Women may require different forms of assistance depending on the nature of their problem. For example, a woman facing domestic violence may require police protection, legal advice, shelter and court remedies. Therefore, access to justice requires a connected system in which different institutions work effectively and respond to women's needs.

1.1.4 Effective Access to Legal Remedies

The existence of a legal remedy does not automatically mean that justice is accessible. A remedy becomes effective only when a person can actually approach the appropriate authority, understand the procedure, obtain necessary legal assistance and receive a fair and timely decision. For women, effective remedies are particularly important because delay, lack of support or complicated procedures may discourage them from continuing their legal proceedings. Therefore, effective access requires more than laws on paper. There must be practical mechanisms through which women can use those laws and obtain meaningful remedies.¹⁰

1.2 Importance of Access to Justice for Women

1.2.1 Need for Equal Access to Justice

Women have the same constitutional right to equality and legal protection as men. Equal access to justice is necessary to ensure that women can protect themselves against discrimination, violence, exploitation and other forms of injustice. Without equal access to legal remedies, the rights given to women by the Constitution and other laws may remain ineffective. Equal access also means that women should not face additional difficulties because of their gender, economic position or social circumstances. The justice system should provide women with a fair opportunity to present their complaints, obtain legal assistance and receive appropriate remedies.¹¹

1.2.2 Common Difficulties Faced by Women

Women may face several barriers while attempting to obtain justice. Lack of legal awareness may prevent them from knowing that a particular act is legally wrong or that a legal remedy is available. Financial difficulties may make it difficult to afford a lawyer or meet the expenses connected with legal proceedings. Women may also experience family pressure, social stigma and fear of society, particularly in cases involving domestic violence, sexual offences or

matrimonial disputes. Complicated legal procedures, delay in proceedings, lack of proper institutional response and geographical difficulties can further restrict access to justice. These barriers may operate together and make it difficult for women to effectively use their legal rights.

1.2.3 Importance of Legal Awareness and Legal Assistance

Legal awareness helps women understand their rights, identify violations and know the remedies available to them. A woman who is aware of the law is more likely to know where to approach and what type of assistance she can seek. Therefore, legal awareness is an important first step towards access to justice. Legal assistance is equally important because legal procedures can be difficult for a person without legal knowledge. Women who cannot afford private lawyers may depend on free legal services. Legal aid can provide legal advice, representation and guidance and can therefore help women approach the justice system with greater confidence.

1.2.4 Access to Justice and Women's Empowerment

Access to justice is closely connected with women's empowerment. When women are able to understand and enforce their legal rights, they become better equipped to challenge discrimination and injustice. Legal remedies can also help women protect their dignity, property, employment, safety and family rights. Effective access to justice can increase women's confidence in using legal institutions. It also encourages women to report violations rather than silently accepting injustice. Therefore, access to justice is not only a legal requirement but also an important means of improving women's social and economic position.

1.3 Access to Justice as a Human Right

1.3.1 Access to Justice under Human Rights Principles

Access to justice is closely connected with basic human rights such as equality, dignity, liberty and freedom from discrimination. Human rights have little practical value if a person cannot obtain a remedy when those rights are violated. Therefore, individuals should have a meaningful opportunity to approach appropriate institutions and seek protection. In the case of women, access to justice is important for protecting them from violence, discrimination and exploitation. A justice system based on human rights should ensure that women are treated with dignity and receive equal protection and effective remedies.

1.3.2 Equality and Non-Discrimination

Equality before law means that all persons should receive equal legal protection. Women should not be denied access to justice merely because they are women. Discrimination based

on gender can prevent women from receiving equal treatment within the justice system. The principle of non-discrimination requires institutions to treat women fairly while considering the particular difficulties they may face. Special legal protections for women do not violate equality; rather, they can help address existing social and practical disadvantages and promote substantive equality.

1.3.3 Right to an Effective Remedy

A person whose legal or human rights have been violated should have access to an effective remedy. An effective remedy should provide a real opportunity to obtain protection, compensation, relief or other appropriate legal assistance. Merely having a remedy mentioned in a law is not sufficient if a person cannot practically use it. For women, an effective remedy may require timely police action, legal assistance, court intervention, protection orders, compensation or other appropriate relief depending on the circumstances. Therefore, effectiveness depends on both the availability of the remedy and the ability to access & use.¹²

1.3.4 International Recognition of Women's Right to Justice

International human rights instruments recognise equality and protection from discrimination. The Universal Declaration of Human Rights (UDHR) recognises equality before law and the right to an effective remedy. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) requires States to take measures to eliminate discrimination against women. These international principles have influenced the development of women's rights and equality standards. They emphasise that women should be able to enjoy their rights without discrimination and should have access to appropriate remedies when their rights are violated.

1.4 Historical Evolution of Women's Legal Rights in India

1.4.1 Position of Women During the Pre-Independence Period

During the pre-independence period, women in India faced several social and legal disadvantages. Practices such as child marriage, sati, limited access to education, restrictions on widow remarriage and unequal property rights affected women's position in society.

Women's participation in public and legal life was also limited. Social reformers and reform movements played an important role in challenging these practices. Legislative reforms were introduced to address some of these problems. These developments gradually created awareness about women's education, dignity and legal status and laid the foundation for later legal reforms.

1.4.2 Changes After Independence

After independence, the Constitution of India introduced a new legal framework based on equality, liberty, dignity and social justice. Women were recognised as equal citizens and were given constitutional protection against discrimination. The Constitution also empowered the State to adopt special measures for women and children.¹³

The post-independence period therefore marked an important change in the legal position of women. The focus gradually moved towards providing equal rights and creating legal mechanisms through which women could protect and enforce those rights.

1.4.3 Development of Laws for Protection of Women

After independence, several laws were enacted to protect women and promote gender equality. Laws relating to marriage, inheritance, dowry, domestic violence, sexual offences and workplace sexual harassment have expanded the legal protection available to women.

These laws provide different forms of protection and remedies depending on the nature of the problem. However, the effectiveness of these laws depends not only on their existence but also on women's awareness, accessibility of legal assistance and proper implementation by relevant institutions.¹⁴

1.4.4 Changing Approach Towards Women's Rights

The approach towards women's rights has gradually changed. Earlier legal measures were often focused mainly on protecting women from specific social problems. Over time, the approach developed towards recognising women as equal rights-holders who are entitled to dignity, equality, safety, participation and effective remedies. Modern legal developments therefore focus not only on protection but also on empowerment and equal participation. This change is important for understanding why access to justice must include awareness, legal assistance and effective institutional response.

1.5 Constitutional Framework for Women's Access to Justice

1.5.1 Article 14 – Equality Before Law

Article 14 of the Constitution guarantees equality before law and equal protection of laws. It forms one of the basic foundations for ensuring equal treatment of women within the legal system. Women must have the same opportunity as others to approach legal institutions and obtain protection under the law. Article 14 also supports the principle that similar persons should be treated equally. At the same time, reasonable classification is permitted when there is a valid legal basis. Therefore, the constitutional principle of equality supports both equal treatment and measures that address genuine disadvantage.¹⁵

1.5.2 Article 15 – Prohibition of Discrimination

Article 15 prohibits discrimination on certain grounds, including sex. It therefore provides constitutional protection against gender-based discrimination. Article 15(3) also permits the State to make special provisions for women and children. This provision is important because women may face historical and social disadvantages. Special legal measures can help provide additional protection and support to women while promoting substantive equality. Thus, Article 15 strengthens the constitutional basis for laws and schemes designed to protect women.¹⁶

1.5.3 Article 21 – Protection of Life and Personal Liberty

Article 21 protects the life and personal liberty of every person. Judicial interpretation has expanded the meaning of life to include living with dignity and protection of important aspects of personal freedom. For women, Article 21 has significant importance in matters involving violence, personal safety, dignity and individual liberty. Protection against violence and degrading treatment is closely connected with the right to live with dignity. Therefore, effective legal remedies and institutional protection are important for giving practical meaning to Article 21.

1.5.4 Article 39A – Equal Justice and Free Legal Aid

Article 39A directs the State to promote equal justice and provide free legal aid so that opportunities for securing justice are not denied because of economic or other disabilities. It provides an important constitutional basis for legal aid in India. This provision is particularly relevant to women who may not have independent financial resources to engage a private lawyer. Free legal services can help eligible women obtain legal advice and representation and approach courts and other institutions. Article 39A therefore connects constitutional equality with practical access to justice.¹⁷

1.5.5 Constitutional Protection and Practical Access to Justice

The Constitution provides strong protection for women's equality, dignity and access to justice. However, constitutional protection alone cannot ensure that every woman receives justice in practice. Women must also be aware of their rights and must be able to access the institutions and remedies available to them.

Therefore, there can be a gap between constitutional protection and practical access to justice. Lack of awareness, financial difficulties, procedural barriers, social restrictions and ineffective institutional responses can prevent women from fully using constitutional rights. This makes practical implementation an important part of women's access to justice.¹⁸

1.6 Major Laws Protecting Women's Rights

1.6.1 Protection of Women from Domestic Violence Act, 2005

The Protection of Women from Domestic Violence Act, 2005 was enacted to provide protection to women facing domestic violence. The Act recognises different forms of domestic violence, including physical, sexual, verbal, emotional and economic abuse. The Act provides various remedies depending on the circumstances, including protection orders, residence orders and monetary relief. It also provides institutional mechanisms to support women seeking protection. The effectiveness of these remedies depends on awareness, accessibility and proper implementation.

1.6.2 Sexual Harassment of Women at Workplace Act, 2013

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 provides a legal framework for preventing and addressing sexual harassment at the workplace. It recognises the importance of providing women with a safe working environment. The Act provides a mechanism for making complaints and addressing allegations of sexual harassment through Internal Committees and other prescribed mechanisms. Awareness of the Act is important because women must know where and how to make a complaint when their rights are violated.¹⁹

1.6.3 Dowry Prohibition Act, 1961

The Dowry Prohibition Act, 1961 prohibits the giving, taking and demanding of dowry. The law was introduced to address the social practice of dowry and the difficulties faced by women because of dowry-related demands. The Act provides legal consequences for violations and forms part of the broader legal framework protecting women from dowry-related exploitation. However, the effectiveness of the law also depends on reporting, awareness, enforcement and appropriate institutional response.²⁰

1.6.4 Hindu Succession Act, 1956

The Hindu Succession Act, 1956 deals with succession and inheritance among Hindus. An important development occurred through the 2005 amendment, which strengthened the property rights of Hindu daughters by recognising them as coparceners in a Mitakshara coparcenary. This development is significant for women's economic independence and equality within the family. However, the practical enjoyment of property rights can still depend on awareness of the law, family support and the ability to approach appropriate legal institutions when disputes arise.

1.6.5 Other Important Laws Relating to Women

Apart from the laws discussed above, several other laws provide protection and remedies to women. These include laws relating to marriage, maintenance, maternity benefits, sexual offences, inheritance, workplace rights and protection against discrimination. Together, these laws create a broad legal framework for protecting women's rights in India. However, the existence of several laws does not by itself guarantee justice. Women must be aware of these laws, have access to legal assistance, be able to approach the appropriate institutions and receive effective remedies. Therefore, the practical implementation of these laws remains an important part of women's access to justice.²¹

This chapter has explained the meaning and importance of women's access to justice, its human rights basis, historical development, constitutional protection and major laws protecting women. The discussion shows that India has a strong legal framework for protecting women's rights. However, the existence of legal rights alone is not sufficient.

Women must also know about these rights, obtain legal assistance and be able to approach the appropriate institutions²²

CHAPTER III – LEGAL AID AND INSTITUTIONAL MECHANISMS

This chapter examines the role of legal aid in improving women's access to justice in India. It discusses the Legal Services Authorities Act, 1987, the legal services available to women and the accessibility of such services. It also highlights the importance of legal awareness and effective legal assistance in helping women use their legal rights and obtain appropriate remedies.

3.1 Meaning and Importance of Legal Aid

3.1.1 Meaning of Legal Aid

Legal aid means providing legal help to people who are not able to obtain legal services on their own because of financial or other difficulties. It may include legal advice, assistance in preparing documents and representation before courts or other legal authorities. The main idea behind legal aid is that a person should not be denied justice merely because they cannot afford a lawyer. For women, legal aid is especially important because many women may depend financially on their family members and may not have independent income. In such situations, free legal assistance can help them understand their rights and take appropriate legal action.

3.1.2 Need for Legal Aid

Legal proceedings can involve expenses such as lawyer's fees, travelling expenses, documentation charges and other costs. These expenses can become a major difficulty for poor and disadvantaged persons. Because of this, some people may avoid approaching the justice system even when they have a genuine legal grievance. Women may face additional difficulties because of family pressure, financial dependence, lack of awareness and social restrictions. Legal aid helps reduce the financial burden and gives women an opportunity to approach the proper authority and seek a legal remedy. Therefore, legal aid is an important part of equal access to justice.

3.1.3 Importance of Legal Aid for Women

Legal aid can play an important role in helping women exercise their legal rights. A woman may have a legal right, but she may not know how to use that right or where to approach for a remedy. Legal assistance can help her understand the available options and the procedure to be followed. It can also support women while approaching the police, courts and other legal institutions. Therefore, effective legal aid can reduce some of the financial and procedural difficulties faced by women and help them obtain meaningful justice.²³

3.2 Legal Services Authorities Act, 1987

3.2.1 Objectives of the Act

The Legal Services Authorities Act, 1987 was enacted with the objective of providing free and competent legal services to persons who are unable to afford legal assistance. One of its important purposes is to ensure that financial difficulties do not prevent a person from seeking justice. The Act also provides a framework for establishing legal services authorities at different levels. These authorities provide legal assistance and also undertake legal awareness activities. In this way, the Act seeks to make the justice system more accessible to weaker and disadvantaged sections of society.²⁴

3.2.2 Eligibility for Free Legal Services

Section 12 of the Legal Services Authorities Act, 1987 identifies the categories of persons who are entitled to free legal services. Women and children are specifically included in this provision, irrespective of their financial position. Free legal services are also available to persons belonging to certain disadvantaged categories and to persons who satisfy the prescribed income criteria. The inclusion of women is significant because it recognises that women may face financial, social and other difficulties while trying to obtain justice.²⁵

3.2.3 Legal Services Available to Women

Women who are eligible for legal services may receive legal advice, assistance and representation through legal practitioners. Such assistance can help them understand their rights and decide what legal action can be taken in a particular situation. Legal services may also assist women during proceedings before courts and other authorities. This support can be useful in understanding procedures, preparing documents and seeking appropriate remedies. Thus, legal services can make the legal process easier for women who may otherwise find it difficult to deal with the justice system.

3.2.4 Role of the Act in Women's Access to Justice

The Legal Services Authorities Act plays an important role in reducing the financial barrier to justice. A woman who cannot afford a private lawyer may use the legal services provided under the Act and approach the appropriate authority for assistance. However, simply having a legal provision for free legal aid does not automatically mean that every woman can use it. She must first know that such a service exists and must be able to reach the concerned institution. Therefore, legal awareness and accessibility are necessary along with the legal provision itself.

3.2.4.1 Practical Accessibility of Legal Services

The effectiveness of legal aid depends on whether women can actually use the services available to them. For example, a woman may be legally entitled to free legal assistance but may not know where to apply for it. Distance, family restrictions, social pressure and difficulties in understanding legal procedures can also discourage her from seeking assistance. This shows that there can be a difference between legal aid available under the law and legal aid actually used by women. Therefore, improving awareness, accessibility and institutional support is important for making legal aid effective in practice.²⁶

3.3 Role of NALSA and Legal Services Authorities

3.3.1 Establishment and Objectives of NALSA

The National Legal Services Authority (NALSA) plays an important role in providing free and competent legal services to eligible persons. Its purpose is to ensure that a person's economic or other difficulties do not prevent them from seeking justice. NALSA also works towards promoting legal awareness and improving access to legal services. For women, such mechanisms can provide an important link between their legal rights and the actual process of obtaining a remedy.²⁷

3.3.2 Role of State Legal Services Authorities and District Legal Services Authorities

Legal services are implemented not only at the national level but also through State Legal Services Authorities (SLSAs) and District Legal Services Authorities (DLSAs). These institutions help take legal aid services closer to people at the state and district levels. They can assist women by providing legal advice, arranging legal representation and guiding them towards appropriate remedies. Their local presence is important because women may find it easier to approach an institution at the district or local level rather than directly dealing with higher authorities.

3.3.3 Free Legal Services and Eligibility of Women

Women are specifically recognised as eligible for free legal services under the Legal Services Authorities Act. This gives women an important legal opportunity to obtain assistance without having to depend entirely on their financial capacity. However, the existence of this right is useful only when women are aware of it and are able to approach the relevant legal services institution. Therefore, awareness and accessibility remain important factors in making the statutory right effective.²⁸

3.3.4 Legal Aid as a Means of Access to Justice for Women

Legal aid helps women understand their legal rights and the remedies available to them. It can also reduce the financial difficulties involved in approaching lawyers and legal institutions. For a woman facing a legal problem, proper legal assistance may make it easier to approach the police, courts or other authorities. Thus, legal aid is not only financial assistance; it can also provide guidance and support throughout the legal process.

3.3.5 Role of Legal Services Authorities in Reducing Financial and Social Barriers

Legal Services Authorities can help women who face financial difficulties and lack of legal knowledge. Free legal assistance can reduce the cost of obtaining legal advice or representation, while awareness programmes can help women understand their basic legal rights. At the same time, women may face social barriers such as family pressure, lack of support and fear of social consequences. Legal services institutions can help women understand that legal remedies are available to them and guide them towards the appropriate institution.

3.3.6 Effectiveness of Legal Services Authorities in Practice

The effectiveness of Legal Services Authorities should be considered not only by looking at the existence of legal aid schemes but also by considering whether women are actually able to use them. Lack of awareness, distance, delay, social restrictions and insufficient institutional support may affect the practical use of legal aid. Therefore, there may be a gap between free

legal services being legally available and women actually receiving those services. Understanding this gap is important for evaluating whether legal aid is truly helping women obtain justice.

3.4 Legal Aid Clinics and Legal Awareness Programmes

3.4.1 Concept and Purpose of Legal Aid Clinics

Legal Aid Clinics are intended to provide basic legal assistance to people who may find it difficult to approach the formal justice system. They can provide legal information, basic advice and guidance about available remedies. For women, these clinics can be useful because they may provide an easier first step before approaching the police or courts. They can also help women understand whether a particular problem has a legal remedy.

3.4.2 Legal Aid Clinics as a Point of First Contact for Women

A woman who is facing a legal problem may not always know whether she should approach the police, court, Legal Services Authority or another institution. Legal Aid Clinics can provide initial guidance in such situations. They can help women understand their rights, explain the basic legal procedure and direct them towards the appropriate authority. In this way, legal aid clinics can act as a bridge between women and the formal justice system.

3.4.3 Legal Awareness Programmes for Women

Legal awareness programmes are important because many women may not know about the rights and remedies available to them. Such programmes can provide information about constitutional rights, laws protecting women and institutions that provide legal assistance. Awareness programmes can be conducted through educational institutions, legal services institutions and other community-level activities. Better awareness can encourage women to seek appropriate assistance instead of remaining silent about legal problems.

3.4.4 Role of Legal Literacy in Understanding Legal Rights and Remedies

Legal literacy means having basic knowledge about one's legal rights and the remedies available when those rights are violated. For women, legal literacy can help them identify situations involving discrimination, violence, harassment or denial of legal rights. A woman who understands her rights is more likely to know when legal assistance is required and where she can seek help. Therefore, legal literacy can improve the ability of women to make informed decisions about legal problems.

3.4.5 Legal Awareness and Utilisation of Legal Aid Services

There is a close connection between legal awareness and the use of legal aid services. Free

legal services may be available, but women cannot benefit from them if they do not know about them. For this reason, awareness programmes are an important part of the legal aid system. When women know about their rights and the availability of free legal services, they may be more willing and able to approach the appropriate institution.²⁹

3.4.6 Challenges in Reaching Women Through Legal Aid Clinics and Awareness Programmes

Legal aid and awareness programmes may not reach every woman equally. Women living in remote areas may have difficulty reaching legal aid clinics. Family restrictions, social pressure, lack of information and limited institutional outreach can also affect participation. Therefore, merely conducting awareness programmes is not enough. The programmes should reach women who are actually facing difficulties in accessing the justice system.

3.4.7 Effectiveness of Legal Awareness and Legal Aid Programmes in Practice

The success of legal awareness programmes can be understood by looking at whether women are actually able to use the information and services provided to them. Awareness should lead to practical knowledge about where to seek help and what remedy is available. Thus, the important issue is not only whether legal information is provided but also whether women can understand it, access legal services and use the available remedies.

3.5 Accessibility of Legal Aid for Women

3.5.1 Meaning and Importance of Accessibility of Legal Aid

Accessibility of legal aid means more than simply having free legal services. Women should be able to reach the concerned institution, understand the assistance available and actually use the service when they need it. If legal aid exists only on paper but is difficult to reach or understand, it may not provide effective access to justice. Therefore, practical accessibility is an important part of the legal aid system.

3.5.2 Availability of Legal Aid Services to Women

Legal aid services are provided through Legal Services Authorities, Legal Aid Clinics and other mechanisms. These services can include legal advice, assistance and representation. However, their usefulness depends on whether they are available at the right place and at the right time. Women facing urgent legal problems may require quick guidance and assistance. Delays or difficulties in obtaining legal aid can reduce its effectiveness.

3.5.3 Financial Barriers in Accessing Legal Assistance

Financial difficulty is one of the important barriers to accessing justice. Lawyer's fees, travelling expenses, documentation and other costs can make legal proceedings difficult for

women who do not have independent financial resources. Free legal aid can reduce this burden. However, women must be aware of the availability of such services and should be able to approach the institution providing them.

3.5.4 Geographical and Procedural Barriers in Accessing Legal Aid

Distance from legal services institutions can create difficulties, particularly for women living in rural and remote areas. Travelling to a district centre or court may require money, time and family support. Procedural requirements can create another difficulty. If the process for obtaining legal assistance is complicated or difficult to understand, women may hesitate to continue. Therefore, legal aid should be accessible in both geographical and procedural terms.

3.5.5 Social and Family Barriers Affecting Women's Access to Legal Aid

Women may sometimes face restrictions from family members when they try to seek legal assistance. Fear of social criticism, family pressure and lack of support may discourage them from approaching legal institutions. These barriers are different from financial barriers but can have a similar effect: they may prevent women from using rights that are already available to them under law.

3.5.6 Awareness and Accessibility as Interconnected Factors

Awareness and accessibility cannot be completely separated. A woman may have access to a Legal Services Authority, but if she does not know about its services, she may never approach it. Similarly, awareness without actual access to legal services may also be insufficient.

Therefore, women need both knowledge about their rights and practical access to assistance.

3.5.7 Gap Between Availability of Legal Aid and Actual Utilisation by Women

There can be a difference between the availability of free legal aid under the law and its actual use by women. Financial, geographical, procedural and social barriers may continue even when legal aid is officially available. This shows why access to justice cannot be measured only by the existence of legal provisions. It is also necessary to see whether women can actually reach and use the available services. This point directly connects with the research gap of the present study.

3.6 Role of Police, Courts and Other Institutions

3.6.1 Role of Police in Providing Access to Justice for Women

The police are often the first formal institution approached by a woman when she faces certain forms of violence, harassment or other legal problems. The manner in which the police receive and respond to her complaint can have a significant effect on her further access to justice. Proper assistance at the initial stage can help a woman enter the legal process without

unnecessary difficulty. On the other hand, an improper or delayed response may discourage her from pursuing the matter.

3.6.2 Registration of Complaints and First Response to Women

The first response received by a woman can influence her confidence in the justice system. Registration of complaints and proper guidance at the initial stage are therefore important. If a woman faces unnecessary delay, reluctance or lack of proper information, she may find it difficult to continue with her complaint. Thus, the early stage of the justice process is closely connected with effective access to remedies.

3.6.3 Role of Courts in Protecting Women's Legal Rights

Courts play an important role in interpreting and enforcing constitutional and statutory rights. Women who face violation of their rights may approach courts for appropriate remedies depending on the nature of the dispute. The judiciary has also contributed to the development of legal protection for women through various decisions. However, obtaining a judicial remedy may still involve procedures, expenses and delay. Therefore, judicial protection must be considered together with the practical difficulties faced by women in reaching and using the courts.³⁰

3.6.4 Procedural Difficulties Faced by Women Before Police and Courts

Legal procedures can sometimes be difficult for ordinary persons to understand. Women may face problems relating to documentation, repeated visits, appearances before authorities and lack of proper guidance. For women who have limited financial resources or family support, these difficulties can become a serious barrier. Therefore, simplifying procedures and providing proper guidance can help women make better use of their legal rights.

3.6.5 Delay and Other Institutional Barriers in Justice Delivery

Delay in investigation, legal proceedings and delivery of remedies can affect the quality of justice received by women. A legal remedy may lose much of its practical value when it takes too long to obtain. Institutional barriers, lack of coordination and procedural difficulties may further increase the delay. These problems show the difference that can exist between a right being legally recognised and that right being effectively enforced in practice.³¹

3.6.6 Role of Other Institutions in Supporting Women's Access to Justice

Apart from police and courts, several other institutions can support women in obtaining justice. These include Legal Services Authorities, Women's Commissions, Protection Officers and other support mechanisms. Such institutions can provide assistance, information, protection, referrals and other forms of support. Better coordination between these institutions

can make it easier for women to move from one stage of the justice process to another.

3.6.7 Institutional Responsiveness and Effective Access to Justice

Institutional responsiveness means the ability of justice-delivery institutions to respond properly and within a reasonable time to the needs of women. It includes providing information, receiving complaints properly, taking appropriate action and helping women access available remedies. Even when good laws are available, poor institutional response can reduce their practical value. Therefore, responsive police, courts and other institutions are necessary for converting legal rights into effective justice.

3.6.8 Gap Between Legal Protection and Institutional Implementation

India has several constitutional and statutory protections for women. However, the existence of these protections does not always mean that women receive the same level of protection in practice. Procedural difficulties, delay, lack of awareness and ineffective institutional responses may prevent women from obtaining the remedies to which they are legally entitled.

Therefore, there can be a gap between “rights provided by law” and “justice received in practice.” Understanding this gap is an important part of evaluating women's access to justice. This chapter shows that legal aid is an important bridge between legal rights and actual access to justice. The Legal Services Authorities Act, NALSA, Legal Aid Clinics and awareness programmes provide different forms of support to women. However, the existence of these mechanisms alone is not enough. Women must also know about them, be able to reach them and receive proper assistance.

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CHAPTER IV – BARRIERS AND JUDICIAL APPROACH TOWARDS WOMEN’S ACCESS TO JUSTICE

This chapter examines the major barriers that affect women’s access to justice in India. It discusses legal awareness, financial and socio-cultural difficulties, family pressure, social stigma, procedural problems, delay and institutional insensitivity. The chapter also considers the role of the judiciary in protecting women’s rights through important judicial decisions. Finally, it examines the gap between the legal rights available to women and their actual ability to use those rights and obtain effective remedies.

BARRIERS AND JUDICIAL APPROACH TOWARDS WOMEN’S ACCESS TO JUSTICE

4.1 Lack of Legal Awareness

Legal awareness is an important factor in ensuring effective access to justice. A woman cannot properly exercise her legal rights if she is not aware of the rights and remedies available to her. Although Indian law provides several constitutional and statutory protections for women, many women are still unaware of the laws that protect them. This problem is more serious among women living in rural areas, economically weaker sections and women who have limited access to education and legal information. Lack of legal awareness does not mean that legal protection is absent. Rather, it creates a gap between the right provided by law and the ability of a woman to use that right in practice. Therefore, legal awareness is directly connected with the research gap of this study, which focuses on the difference between legal rights and justice actually received by women.

4.1.1 Awareness of Legal Rights among Women

Women in India have several legal rights relating to equality, personal liberty, protection from violence, property, employment and access to legal remedies. However, the existence of these rights does not automatically mean that every woman knows about them. Many women may know that a particular act is wrong but may not know that it is legally punishable or that a specific legal remedy is available.³² For example, a woman facing domestic violence may believe that she has to tolerate the situation because it is a family matter. She may not know about the remedies available under the Protection of Women from Domestic Violence Act, 2005. Similarly, a woman facing sexual harassment at the workplace may not know about the complaint mechanism available under the Sexual Harassment of Women at Workplace Act, 2013. Awareness therefore acts as the first step towards access to justice. When women

understand their rights, they are more likely to seek legal assistance, approach the appropriate authority and make use of available remedies. In contrast, lack of awareness can prevent a woman from entering the justice system at all.³³

4.1.2 Lack of Knowledge about Legal Remedies

Knowing that a legal right exists is different from knowing how to enforce that right. Many women may have a general understanding that the law protects them but may not know where to file a complaint, whom to approach, what documents are required or what type of remedy can be obtained. This lack of knowledge can result in delay or complete withdrawal from legal action. A woman may approach an inappropriate authority or depend entirely on family members or other persons for legal decisions. In some cases, she may also accept an informal settlement even when a proper legal remedy is available. Therefore, legal awareness should include not only knowledge of laws but also practical information about available remedies and institutions. Women should be informed about police stations, courts, legal services authorities, protection officers, women's commissions and other relevant institutions. This would help convert legal rights into practical access to justice.³⁴

4.1.3 Lack of Awareness about Legal Aid and Justice Institutions

Another important problem is the lack of awareness regarding free legal aid and justice-delivery institutions. As discussed in Chapter III, women are eligible for free legal services under the Legal Services Authorities Act, 1987. However, the availability of a legal service is of limited value if women do not know that such assistance exists. Many women, particularly those from economically weaker backgrounds, may assume that approaching a lawyer or court is expensive. Because of this assumption, they may avoid legal proceedings altogether. Lack of awareness about District Legal Services Authorities, legal aid clinics and other support mechanisms can therefore become a major barrier. Legal awareness programmes have an important role in reducing this problem. Such programmes should provide simple and practical information about rights, procedures and institutions. Awareness must reach women at the local level and should not remain limited to legal institutions or formal campaigns.

4.1.4 Effect of Legal Awareness on Access to Justice

Legal awareness directly influences a woman's ability to use the justice system. An aware woman is more likely to recognise a violation, seek legal advice and approach the proper institution. She is also in a better position to understand the procedure and make informed decisions regarding her case. At the same time, awareness alone cannot guarantee justice. A woman may know her rights but may still be unable to use them because of poverty, family

pressure, procedural difficulties or insensitive institutional responses. Therefore, legal awareness must work together with accessible legal aid and responsive institutions. This shows why women's access to justice cannot be studied only from the perspective of legal rights. The practical use of those rights depends on several connected factors. This directly supports the research gap identified in the present study.

4.2 Financial and Socio-Cultural Barriers

Financial and socio-cultural conditions have a significant influence on women's ability to seek justice. Although courts and legal institutions are formally open to everyone, the actual cost of approaching these institutions can create difficulties for economically dependent women. Legal expenses, travel expenses, loss of wages and other costs may discourage women from continuing with legal proceedings. Social conditions can make the problem more serious. Women may depend financially on husbands, parents or other family members and may therefore hesitate to take legal action against them. Social expectations and traditional attitudes can also discourage women from questioning injustice. Thus, financial and social barriers often operate together.³⁵

4.2.1 Financial Difficulties in Seeking Justice

Legal proceedings may involve several expenses, including lawyer's fees, travelling costs, documentation expenses and other related costs. Even where legal aid is available, women may still have to spend money travelling to legal aid centres, police stations or courts. For women without independent income, these expenses can become a serious obstacle. Financial dependence can also affect the decision to initiate or continue a case. A woman who depends on her husband for daily expenses may fear that legal action could result in loss of financial support. Similarly, women working in informal employment may lose wages when they have to attend police stations or court proceedings. Free legal aid can reduce some of these difficulties, but it cannot completely remove all financial barriers. Therefore, the effectiveness of legal aid must also be considered from the perspective of actual accessibility and utilisation.

4.2.2 Dependence on Family and Others

Economic dependence is often connected with family dependence. Women may depend on husbands, parents or other relatives for money, transportation, documents and decision-making. This dependence can make it difficult for them to independently approach legal institutions. For example, a woman facing domestic violence may be financially dependent on the person against whom she wants to complain. She may therefore fear losing her home, financial support or children's security if she takes legal action. In such situations, the legal

right exists, but the social and economic circumstances make its use difficult. This demonstrates that access to justice is not only a legal issue. The ability to exercise a legal right also depends upon the social and economic position of the individual.

4.2.3 Social and Cultural Restrictions

Traditional social attitudes may discourage women from approaching courts or police stations. In some families, legal disputes are considered a matter that should be settled within the family. Women may be expected to remain silent in order to maintain family relationships and social reputation. Such attitudes can particularly affect cases involving domestic violence, dowry harassment, matrimonial disputes and sexual offences. Women may be advised to compromise rather than pursue legal remedies. In some circumstances, the fear of being blamed or judged by society may be stronger than the willingness to seek justice. These restrictions reduce women's practical freedom to exercise their legal rights. Therefore, social attitudes must also be considered while evaluating the effectiveness of laws protecting women.

4.2.4 Effect of Socio-Economic Conditions on Access to Justice

Socio-economic conditions influence every stage of a woman's interaction with the justice system. Poverty may restrict access to lawyers and transportation, while financial dependence may restrict independent decision-making. Social restrictions may further discourage women from approaching institutions. Therefore, the existence of free legal aid is important but not sufficient by itself. Effective access requires legal assistance that is physically accessible, understandable and practically usable. This connection between legal aid, socio-economic conditions and actual utilisation is an important part of the research gap of this study.³⁶

4.3 Family Pressure and Social Stigma

Family pressure and social stigma are among the less visible barriers to women's access to justice. Unlike financial or procedural barriers, these difficulties may not appear directly in legal records. However, they can strongly influence whether a woman decides to report an offence, continue a case or accept a settlement. Women may face pressure from family members to withdraw complaints or avoid approaching the police and courts. Fear of social criticism may also discourage them from disclosing violence or other forms of injustice.

These factors show that legal rights may exist formally while social circumstances prevent their effective use.³⁷

4.3.1 Family Pressure on Women to Avoid Legal Action

Family members may discourage women from taking legal action because they fear damage

to family reputation, breakdown of marriage or conflict between relatives. In matrimonial and domestic disputes, women may be repeatedly advised to adjust or compromise rather than seek a legal remedy. Such pressure can prevent a woman from reporting an offence at the initial stage. Even if a complaint is made, family members may later pressure her to withdraw it. This can affect the continuity and effectiveness of legal proceedings. Therefore, family support can play an important role in enabling women to access justice, while family pressure can become a significant barrier.

4.3.2 Fear of Social Stigma and Loss of Social Support

Social stigma is particularly serious in cases involving sexual offences, domestic violence and matrimonial disputes. Women may fear that relatives, neighbours or members of the community will blame them or question their character. The fear of losing social relationships can therefore influence legal decision-making. A woman may choose not to report an offence even when she is legally entitled to protection and compensation. This is especially problematic where the victim depends on the same social network for housing, financial support or childcare. A justice system that is legally available but socially difficult to approach cannot provide complete access to justice. Women need an environment in which seeking legal protection is not treated as a source of shame.

4.3.3 Impact of Traditional Attitudes on Women's Legal Choices

Traditional attitudes may sometimes treat women as persons who should accept family decisions rather than make independent legal choices. These attitudes can reduce women's confidence in approaching institutions and asserting their rights.³⁸

For example, a woman may be told that reporting domestic violence will destroy the family or that filing a case against a relative is socially unacceptable. Such beliefs can discourage her from using legal remedies even when the law clearly provides protection. Changing these attitudes requires continuous legal awareness, education and social support. Legal reform alone cannot remove deeply rooted social barriers.³⁹

4.3.4 Effect of Family and Social Pressure on Access to Justice

Family pressure and social stigma can operate at different stages of the justice process. They may prevent initial reporting, discourage legal consultation, influence settlement decisions or cause withdrawal from proceedings. This demonstrates that access to justice is not simply the ability to enter a court. A woman must also be able to make legal decisions freely and continue the process without unreasonable social pressure. Hence, social conditions must be considered along with legal and institutional factors while evaluating women's access to justice.

4.4 Procedural Difficulties and Delay in Justice

Even when a woman is aware of her rights and has access to legal assistance, complicated procedures can create another barrier. The justice system involves several stages, including filing complaints, investigation, documentation, hearings, evidence and final remedies. For a person unfamiliar with legal procedures, these stages can be difficult to understand. Delay is another important problem. Long proceedings can cause financial and emotional difficulties and may reduce a woman's willingness to continue with the case. Therefore, simple and timely procedures are essential for converting legal rights into effective remedies.⁴⁰

4.4.1 Complexity of Legal Procedures

Legal procedures often involve technical requirements and formal processes that may be difficult for ordinary people to understand. Women who are approaching the justice system for the first time may not know where to begin or what steps must be followed. Legal assistance can help women understand these procedures. However, if legal advice is unavailable or difficult to access, procedural complexity itself becomes a barrier. This is particularly important for women who have limited education or little previous interaction with legal institutions. A justice system should therefore be understandable and accessible to ordinary persons, rather than being practically usable only by those who have legal knowledge and resources.⁴¹

4.4.2 Difficulties in Approaching Police and Courts

The police are often the first formal institution approached by a woman seeking criminal justice. Difficulties in registering a complaint, explaining the incident, producing documents or dealing with institutional procedures may discourage women from continuing. Courts may also present practical difficulties due to repeated hearings, travel requirements and unfamiliar procedures. Women may have to take time away from work or family responsibilities to attend proceedings. These difficulties show that access to justice depends not only on the final decision of a court but also on the quality of the process leading to that decision.

4.4.3 Delay in Legal Proceedings

Delay is a major concern because justice becomes less effective when a remedy is not provided within a reasonable period. Women involved in legal proceedings may have to repeatedly attend court, spend money on travel and face continued emotional stress. In cases involving domestic violence or other continuing forms of harm, prolonged proceedings can make the situation more difficult. Delay may also create pressure to settle the dispute without obtaining an appropriate legal remedy. Therefore, timely disposal of cases is an important component of effective access to justice.

4.4.4 Effect of Procedural Difficulties on Women's Access to Justice

Procedural barriers can affect women even after they have decided to seek legal protection. A woman may initially approach an institution but later discontinue the case because the procedure is too complicated, expensive or time-consuming. This shows the importance of studying the entire process of access to justice rather than merely asking whether a legal remedy exists. The practical effectiveness of a legal right depends on whether the individual can actually use the procedure required to enforce it.⁴²

4.4.5 Need for Simple and Timely Legal Remedies

A women-friendly justice system should provide procedures that are understandable, accessible and reasonably prompt. Legal aid providers should explain procedures in simple language and assist women throughout the process. Institutions should also minimize unnecessary procedural difficulties and ensure that women are treated with dignity. Timely remedies are particularly important where delay may increase the victim's vulnerability. Thus, procedural simplicity and timely justice are necessary to bridge the gap between formal legal protection and actual justice.

4.5 Institutional Insensitivity

The response of justice-delivery institutions has a direct effect on women's access to justice. Even when laws and remedies are available, insensitive or delayed institutional responses may prevent women from receiving effective protection. Police, courts, legal aid authorities and other institutions therefore have an important responsibility. Their response should be respectful, accessible and appropriate to the circumstances of women seeking assistance.⁴³

4.5.1 Role of Police in Responding to Women's Complaints

The police play an important role in the initial stage of many criminal matters. Proper registration and investigation of complaints are therefore essential for access to justice. The Supreme Court in *Lalita Kumari v. Government of Uttar Pradesh*, (2014) 2 SCC 1 held that registration of an FIR is mandatory when the information discloses a cognizable offence, subject to the limited principles regarding preliminary inquiry stated by the Court. The decision is important because it strengthens the right of a person to have a criminal complaint properly dealt with by the police. For women, an appropriate first response can be particularly important because delay or discouragement at the initial stage may prevent the matter from progressing further.⁴⁴

4.5.2 Institutional Attitude towards Women Seeking Justice

The attitude of officials can influence a woman's confidence in the justice system. If women feel that their complaints are not taken seriously or that they will be blamed for the situation, they may hesitate to continue. A sensitive institutional approach requires respectful communication, privacy where necessary and proper attention to the nature of the complaint. Women should not be made to feel that seeking legal protection is itself a problem. Institutional sensitivity is therefore not merely a matter of courtesy. It forms part of effective access to justice.

4.5.3 Lack of Proper and Timely Institutional Response

An institution may technically provide a remedy but still fail to provide effective access if its response is delayed or inadequate. For example, failure to respond promptly to a complaint may increase the difficulties faced by the woman. Similarly, if a woman is repeatedly sent from one institution to another without clear guidance, she may become discouraged and abandon the process. Proper coordination between institutions is therefore important. The effectiveness of a justice system must be judged not only by the laws it contains but also by how those laws are implemented by institutions.⁴⁵

4.5.4 Need for a Sensitive and Women-Friendly Justice System

A women-friendly justice system should recognise the particular difficulties women may face while approaching legal institutions. Officials should be properly trained to deal with complaints involving violence, harassment and discrimination. Women should also receive clear information about the next steps in their case. Where necessary, legal aid, counselling and other support services should be made available. Such measures can increase women's confidence in the justice system and reduce the gap between legal protection and actual access.⁴⁶

4.5.5 Effect of Institutional Response on Effective Access to Justice

Institutional responsiveness connects the legal system with the individual seeking justice. A strong law cannot provide effective protection if the institutions responsible for implementing it fail to respond properly. Therefore, institutional responsiveness is one of the central factors identified in the research gap of this study. The practical effectiveness of women's legal rights depends upon the combined functioning of awareness, legal assistance, procedures and institutions.

4.6 Judicial Protection of Women's Rights

The judiciary has played an important role in expanding and protecting women's rights in India. Through constitutional interpretation and judicial remedies, courts have recognised the importance of equality, dignity, personal liberty and protection from violence and discrimination. Judicial decisions have also helped to fill legal gaps and provide directions to authorities. However, judicial protection alone cannot remove all practical barriers.

The implementation of judicial directions and availability of remedies at the ground level remain important.⁴⁷

4.6.1 Role of Judiciary in Protecting Women's Rights

Indian courts have interpreted constitutional rights in a manner that provides greater protection to women. The judiciary has recognised that equality should not be understood merely as formal equality but must also take into account the actual conditions affecting individuals. Courts have also issued directions where existing legal mechanisms were inadequate to protect women. Such decisions have contributed to the development of women's rights and strengthened access to remedies. The judicial role is therefore important in ensuring that constitutional values are applied to real-life problems faced by women.

4.6.2 Judicial Interpretation of Equality and Dignity

Articles 14, 15 and 21 of the Constitution provide an important basis for protecting women's equality and dignity. Judicial interpretation has connected these provisions with the protection of women from discrimination, violence and other forms of injustice. The right to life and personal liberty under Article 21 has been interpreted broadly to include a life of dignity. This approach is significant because access to justice is not only about obtaining a legal order; it is also about protecting the dignity and basic rights of the individual. Thus, constitutional interpretation has helped strengthen the legal foundation for women's access to justice.

4.6.3 Protection of Women through Judicial Remedies

Judicial remedies provide an important means through which women can challenge violations of their rights. Constitutional remedies under Articles 32 and 226, together with remedies available under ordinary laws, allow courts to intervene where legal rights are violated. In appropriate cases, courts have also directed authorities to adopt procedures and safeguards for protecting women. Such judicial interventions can help strengthen institutional accountability. However, the effectiveness of these remedies depends on implementation. A favourable judicial decision may not provide complete justice if the concerned authorities fail to implement it effectively.⁴⁸

4.6.4 Judicial Approach towards Effective Access to Justice

The judicial approach towards women's rights has increasingly focused on practical protection rather than merely recognising formal rights. Courts have considered the difficulties faced by women and have attempted to provide meaningful remedies. At the same time, judicial decisions cannot by themselves solve problems such as poverty, lack of awareness, social stigma and institutional delay. These barriers require effective implementation, legal aid, awareness and institutional reform. Therefore, judicial protection is an important part of access to justice, but it must function together with other elements identified in this research.

4.7 Important Case Laws

4.7.1 Vishaka v. State of Rajasthan

In *Vishaka v. State of Rajasthan*, (1997) 6 SCC 241, the Supreme Court addressed the issue of sexual harassment of women at the workplace. At that time, there was no specific legislation dealing comprehensively with workplace sexual harassment. The Court laid down the Vishaka Guidelines to protect women from sexual harassment at the workplace.⁴⁹

The judgment is significant because the Court relied upon constitutional guarantees of equality and dignity and recognised workplace sexual harassment as a serious violation of women's rights. The guidelines remained an important legal framework until Parliament enacted the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. The case demonstrates how judicial intervention can provide protection where a legal gap exists and can contribute to the development of women's access to remedies.

4.7.2 Delhi Domestic Working Women's Forum v. Union of India

Delhi Domestic Working Women's Forum v. Union of India, (1995) 1 SCC 14, the Supreme Court considered the difficulties faced by women who were victims of sexual assault. The Court emphasised the need for legal assistance, support and compensation mechanisms for victims. The decision is important from the perspective of access to justice because it recognised that victims require more than a formal right to approach the legal system. They may need legal representation, assistance and support to effectively participate in the justice process. The case therefore supports the view that access to justice includes practical assistance and not merely the existence of legal remedies.

4.7.3 Lalita Kumari v. Government of Uttar Pradesh

In *Lalita Kumari v. Government of Uttar Pradesh*, (2014) 2 SCC 1, the Supreme Court dealt with the registration of FIRs by the police. The Court held that registration of an FIR is

mandatory when information discloses a cognizable offence, subject to the limited circumstances and principles relating to preliminary inquiry discussed in the judgment. The decision is relevant to women's access to justice because the police response is often the first stage in criminal justice. A clear legal requirement regarding registration of FIRs can reduce arbitrary refusal or delay at the initial stage. The case illustrates the role of the judiciary in strengthening institutional accountability and ensuring that legal procedures do not become an unnecessary barrier to justice.⁵⁰

4.7.4 Contribution of Judicial Decisions to Women's Access to Justice

The above decisions demonstrate different aspects of judicial protection. Vishaka addressed protection against workplace sexual harassment, Delhi Domestic Working Women's Forum highlighted legal assistance and victim support, and Lalita Kumari strengthened the procedural right relating to registration of criminal complaints. Together, these cases show that judicial protection can operate at different stages of access to justice. Courts can recognise rights, develop safeguards and ensure that institutions follow proper procedures. However, the benefits of judicial decisions ultimately depend on effective implementation by the concerned authorities.⁵¹

4.8 Gap Between Legal Rights and Practical Access to Justice

The discussion in this chapter shows that India has a substantial legal framework for protecting women's rights. Constitutional provisions, legislation, legal aid mechanisms and judicial decisions provide several forms of protection and remedies. However, the existence of these legal protections does not automatically ensure that every woman can obtain justice. The major issue is the gap between rights provided by law and justice received in practice.

This gap develops because several barriers operate together. A woman may lack legal awareness, may not know about legal aid, may face financial or family pressure, may find procedures difficult and may receive an inadequate institutional response.

4.8.1 Difference between Legal Protection and Actual Access

Legal protection refers to the rights and remedies recognised by law. Actual access to justice refers to the ability of a woman to understand those rights, approach the appropriate institution, obtain legal assistance, participate in the process and receive an effective remedy. For example, a woman may have a statutory right to protection from domestic violence.

However, if she does not know about the law, cannot afford assistance, faces family pressure or receives an ineffective institutional response, the legal right may not result in actual protection. Therefore, the effectiveness of a legal system should be assessed not only by the

number of laws protecting women but also by whether women can practically use those laws.⁵²

4.8.2 Combined Effect of Awareness, Financial, Social and Procedural Barriers

The barriers discussed in this chapter do not operate independently. They can strengthen one another. Lack of awareness may prevent a woman from seeking legal aid. Financial dependence may make her vulnerable to family pressure. Family pressure may prevent her from approaching the police. Even after approaching the police, procedural difficulties and institutional insensitivity may discourage her from continuing the case. This interconnected nature of barriers is central to the research gap identified in this study. Previous discussions may examine individual barriers separately, but women's practical access to justice is affected by the combined effect of several factors. Therefore, an integrated approach is necessary to understand why legal protection does not always result in effective justice.⁵³

4.8.3 Effect of Institutional Response on Practical Justice

Institutions are responsible for converting legal provisions into practical outcomes. Police officers, courts, legal aid authorities and other institutions must respond effectively to women's needs. Even where a woman is aware of her rights and has legal assistance, an insensitive or delayed institutional response can prevent effective justice. Conversely, a responsive institution can help reduce the effect of other barriers by providing guidance, protection and timely assistance. Institutional responsiveness must therefore be treated as an essential component of access to justice rather than as a separate administrative issue.

4.8.4 Need to Bridge the Gap between Legal Rights and Justice in Practice

The overall discussion establishes that improving women's access to justice requires more than creating new laws. Existing laws must be effectively implemented, women must be made aware of their rights, legal aid must be practically accessible, procedures must be simplified and institutions must respond in a timely and sensitive manner. The judiciary has an important role in protecting rights and correcting institutional failures, but judicial protection must be supported by effective implementation at the ground level. Legal awareness and legal aid should reach women before and during the process of seeking justice.

Thus, the gap between legal rights and practical justice can be reduced only through a combined approach involving legal awareness, accessible legal aid, simpler procedures and responsive institutions. This directly addresses the research gap and research questions of the present study.⁵⁴

This chapter examined the major barriers affecting women's access to justice and the role of the judiciary in protecting women's rights. It discussed lack of legal awareness, financial and

socio-cultural difficulties, family pressure, social stigma, procedural complexity, delay and institutional insensitivity. It also examined important judicial decisions such as *Vishaka v. State of Rajasthan*, *Delhi Domestic Working Women's Forum v. Union of India* and *Lalita Kumari v. Government of Uttar Pradesh*. The analysis shows that legal protection alone cannot guarantee effective justice. Women's ability to use their legal rights depends upon awareness, accessibility of legal aid, social and economic conditions, simple procedures and responsive institutions. The next chapter therefore focuses on the findings of the study, suggestions for improving women's access to justice and the overall conclusion.⁵⁵

CHAPTER V – FINDINGS, SUGGESTIONS AND CONCLUSION

This chapter presents the major findings of the study on women's access to justice in India. It brings together the issues discussed in the earlier chapters and examines how legal awareness, legal aid, financial and social conditions, procedural difficulties and institutional response affect women's ability to obtain justice. The chapter also provides suggestions for improving practical access to justice and concludes the study based on the research objectives and questions.

5.1 Major Findings of the Study

The present study finds that India has a strong constitutional and legal framework for protecting the rights of women and providing them with access to justice. The Constitution guarantees equality before law, prohibits discrimination and provides protection for life, liberty and dignity. In addition, several specific laws have been enacted to protect women from domestic violence, sexual harassment, dowry-related offences and other forms of injustice. However, the study finds that the existence of these legal protections does not automatically ensure effective access to justice. There is a practical difference between having a legal right and being able to understand, claim and use that right effectively.⁵⁶ The study finds that lack of legal awareness is one of the important barriers affecting women's access to justice. Women who are not aware of their legal rights may not recognise that a particular act amounts to a legal violation. They may also be unaware of the remedies available to them or the institutions that can provide assistance. Lack of knowledge about legal aid is another important concern. Even though free legal services are available to eligible persons, including women, the benefit cannot reach women effectively if they are not aware of such services. Therefore, legal awareness is closely connected with the ability of women to make use of their legal rights. The

study further finds that accessibility of legal aid has an important role in reducing financial and procedural difficulties. The Legal Services Authorities Act, 1987 provides a legal framework for free legal services. Legal aid can help women obtain legal advice, assistance and representation without being prevented by the cost of private legal services. However, the study finds that the existence of legal aid provisions alone is not sufficient. Women must be able to identify the appropriate legal service institution, reach it without unnecessary difficulty and receive proper assistance. Therefore, the effectiveness of legal aid depends not only on its availability but also on awareness, accessibility and proper implementation.⁵⁷ Another major finding is that financial dependence and socio-cultural conditions influence women's ability to seek justice. Women who are financially dependent on their families or spouses may hesitate to take legal action because they fear losing financial support, housing or other forms of assistance. Social and cultural expectations may also encourage women to tolerate certain forms of injustice in order to maintain family relationships. These conditions can make women less willing to approach the police, courts or other institutions even when a legal remedy is available. The study also finds that family pressure and social stigma can operate as strong informal barriers. In cases involving domestic violence, matrimonial disputes, dowry harassment or sexual offences, women may be advised by family members to remain silent or settle the matter within the family. Fear of criticism, loss of social support and damage to family reputation may discourage women from reporting violations. Such pressure may also continue after a complaint is made and may influence women to withdraw or discontinue legal proceedings. Therefore, social circumstances can affect the practical use of legal rights even when the law provides adequate protection. Another important finding relates to procedural difficulties and delay in justice delivery. Legal procedures may be difficult for persons who have little knowledge of the justice system. Repeated visits to police stations, courts or other institutions, documentation requirements, multiple hearings and delay in proceedings can increase the financial and emotional burden on women. When proceedings take a long time, women may lose confidence in the justice system or may feel pressured to accept an informal settlement. Thus, the effectiveness of a legal remedy depends not only on its legal availability but also on whether it can be obtained through a reasonably simple and timely process.⁵⁸ The study further finds that institutional responsiveness is an important factor in determining effective access to justice. Police, courts, legal services authorities and other institutions have an important role in converting legal rights into practical remedies. A proper and timely institutional response can encourage women to continue with their claims and can reduce confusion regarding the legal process. On the other hand, insensitive treatment, lack of proper

guidance or unnecessary delay may discourage women from pursuing their rights.

Institutional response therefore forms an important link between the legal protection available on paper and the actual justice received by women.⁵⁹ Finally, the study finds that the judiciary has played an important role in strengthening women's legal protection and access to justice. Judicial decisions have recognised the importance of equality, dignity and effective remedies and have issued directions to strengthen the protection available to women. The cases discussed in the previous chapter, including *Vishaka v. State of Rajasthan*, *Delhi Domestic Working Women's Forum v. Union of India* and *Lalita Kumari v. Government of Uttar Pradesh*, demonstrate different ways in which judicial intervention has contributed to women's protection and access to remedies. Overall, the major finding of the study is that women's access to justice is affected by several interconnected factors rather than by the absence of law alone. Legal awareness, accessibility of legal aid, financial and social conditions, procedural difficulties and institutional responsiveness collectively influence whether women are able to convert their legal rights into effective remedies. This finding directly supports the central research gap of the study.

5.2 Gap between Legal Rights and Practical Access

The study identifies a clear gap between the legal rights available to women and their practical ability to use those rights. India has developed a wide range of constitutional provisions, statutes and judicial protections for women. However, the existence of these rights does not always result in effective justice. A legal right becomes meaningful only when a woman is aware of it, is able to seek legal assistance, can approach the appropriate institution and can obtain a suitable remedy within a reasonable period.⁶⁰ The gap identified in this study is not caused by a single problem. Instead, several barriers may operate together. A woman may first lack awareness about her rights or legal remedies. Even if she becomes aware, she may not know that free legal aid is available or may face difficulty in accessing legal services. Financial dependence and family pressure may further discourage her from taking legal action. If she approaches the justice system, complicated procedures, repeated hearings and delay may create additional difficulties. Finally, an insensitive or ineffective institutional response may prevent her from receiving meaningful justice.⁶¹ Therefore, the study finds that legal awareness, accessibility of legal aid, procedural difficulties and institutional responsiveness must be understood together. These factors are not completely separate from one another. For example, lack of awareness can prevent a woman from accessing legal aid, while financial dependence can make it difficult for her to continue proceedings. Similarly, procedural difficulties may

become more serious when adequate institutional guidance is not provided. The study therefore answers the central issue identified in the research gap: there is a difference between “rights provided by law” and “justice received in practice.” The law may provide a remedy, but the practical benefit of that remedy depends on whether the woman can actually reach and use the system. Thus, measuring women's access to justice requires attention not only to the legal framework but also to the conditions under which women exercise their rights.

5.3 Effectiveness of Legal Aid and Legal Remedies

The study finds that legal aid is an important mechanism for improving women's access to justice, particularly for women who cannot afford private legal assistance. Free legal advice, assistance and representation can help women understand their rights, identify the appropriate legal remedy and navigate legal procedures. Legal aid can therefore reduce one of the major barriers to justice, namely the financial difficulty involved in obtaining legal assistance. The study also finds that legal aid has importance beyond simply providing a lawyer. A woman who is unfamiliar with legal procedures may require guidance regarding where to file a complaint, what remedy is available and what steps should be taken during the proceedings. Proper legal assistance can help her understand the process and make informed decisions. In this way, legal aid can also reduce the effect of procedural barriers.⁶² However, the study finds that the existence of legal aid provisions alone does not guarantee their effective use. Women must first know that such services are available. They must also be able to reach legal services institutions and receive proper and continuous assistance. If awareness is low or if legal aid services are difficult to access, the formal right to free legal services may not produce the intended result. The effectiveness of legal remedies also depends upon implementation. A legal remedy should not remain merely a provision in a statute; it should provide meaningful and timely relief to the person seeking protection. Therefore, the study finds that the effectiveness of legal aid and legal remedies depends on a combination of availability, awareness, accessibility, quality of assistance and proper implementation.⁶³

This finding directly answers the research question concerning the effect of legal awareness and accessibility of legal aid on women's ability to use their legal rights. It also supports the second research objective, which focuses on analysing the role of legal awareness and legal aid along with procedural and institutional factors.

5.4 Suggestions for Improving Women's Access to Justice

Based on the findings of the study, the following suggestions are made to improve women's

practical access to justice:

5.4.1 Increase Legal Awareness

Legal awareness programmes should be conducted regularly and should provide women with simple and practical information about their rights, remedies and available institutions.

Awareness should not be limited to explaining the names of laws. Women should also be informed about where to approach for assistance, how to initiate legal action and where free legal services are available.⁶⁴

5.4.2 Improve Access to Legal Aid

Information regarding free legal services should be made easily available to women, especially those facing financial and social difficulties. Legal Services Authorities and legal aid clinics should ensure that women can obtain proper guidance without unnecessary procedural difficulties. The availability of legal aid should be publicised through local-level programmes and other accessible methods.⁶⁵

5.4.3 Simplify Legal Procedures

Legal procedures relating to complaints and remedies should be made easier for ordinary persons to understand and follow. Women should receive clear information about the steps involved in their cases. Wherever possible, unnecessary procedural complications should be reduced so that lack of legal knowledge does not itself become a barrier to justice.

5.4.4 Reduce Unnecessary Delay

Steps should be taken to reduce avoidable delays in legal proceedings. Unnecessary adjournments and repeated procedural requirements can increase the burden on women and may discourage them from continuing their cases. Timely disposal is particularly important in matters where continued delay may increase the vulnerability of the woman.

5.4.5 Strengthen Institutional Support

Police, courts, legal services authorities and other justice institutions should provide proper guidance and timely assistance to women. Institutions should clearly explain the available remedies and the next steps in the process. Better coordination between different institutions can also reduce confusion and unnecessary movement from one authority to another.

5.4.6 Create a Women-Friendly Environment

Women should be treated with dignity, respect and sensitivity while approaching justice institutions. Officials dealing with women's complaints should be appropriately trained to understand the difficulties faced by women. A supportive institutional environment can increase women's confidence and encourage them to continue seeking legal remedies.⁶⁶

5.4.7 Improve Awareness at the Local Level

Legal aid clinics and awareness programmes should reach rural areas and disadvantaged communities where access to legal information may be limited. Local-level programmes can help women obtain information without having to travel long distances to courts or legal institutions. Community-based legal awareness can therefore play an important role in reducing the gap between the formal law and its practical use.⁶⁷

5.5 Strengthening Legal Awareness and Legal Aid

The study finds that legal awareness and legal aid should be strengthened together because the two factors are closely connected. Awareness gives women the knowledge required to identify and claim their rights, while legal aid provides the assistance required to use those rights through the justice system. If either element is missing, access to justice may remain incomplete.

Legal awareness programmes should therefore go beyond general information about women's rights. Women should be informed in simple language about the legal remedies available to them and the institutions that can provide assistance. They should also know about the availability of free legal services and the role of Legal Services Authorities and legal aid clinics. Legal aid services should similarly become more accessible and responsive. Women should be able to obtain clear guidance regarding their legal problems and should receive assistance throughout the relevant legal process. Legal aid should not be understood merely as assigning a lawyer; it should include meaningful assistance that helps women understand and participate in the justice process. Special attention should be given to women living in rural and disadvantaged communities. Local legal aid clinics, awareness programmes and community-level legal literacy initiatives can help reach women who may otherwise have little contact with formal legal institutions. Information should be provided in a manner that is easy to understand and appropriate to the local circumstances. Strengthening legal awareness and legal aid together can therefore reduce both the knowledge barrier and the financial barrier. It can also improve women's confidence in approaching justice institutions.

This directly addresses the research gap by helping bridge the distance between the rights recognised by law and the actual ability of women to use those rights.

5.6 Improving Institutional Response

The study finds that effective access to justice depends significantly on the response of justice-delivery institutions. The legal framework may provide adequate rights and remedies, but those

rights become meaningful only when institutions responsible for implementing them respond properly. Therefore, improving institutional response is necessary for achieving practical justice for women. The police, being an important point of contact in many cases, should receive and deal with women's complaints properly and in accordance with law.

Women should not be discouraged from approaching the police or made to feel that their complaints are unimportant. Proper guidance at the initial stage can help women understand the process and identify the next legal step. Courts and other justice institutions should also ensure that women are able to participate in proceedings without unnecessary difficulty. Clear communication regarding hearings, procedures and available remedies can reduce confusion. Where women require legal aid or other assistance, they should be guided towards the appropriate service. Institutional response should also be timely and sensitive. Delay or insensitive treatment may discourage women from pursuing their cases even after they have overcome financial and social barriers. Officials should therefore be trained to deal with women with dignity and respect, particularly in cases involving violence, harassment or other sensitive circumstances. The study therefore finds that institutional responsiveness is not a separate issue from access to justice. It is one of the factors that determines whether legal rights are effectively implemented. A responsive institution can help women overcome procedural difficulties, while an ineffective response can widen the gap between legal protection and practical justice.

5.7 Conclusion

The present study concludes that women in India have significant constitutional, statutory and judicial protection, but the existence of legal rights alone does not guarantee effective access to justice. Women's ability to use these rights is affected by legal awareness, accessibility of legal aid, financial and social conditions, family pressure, procedural difficulties, delay and institutional responsiveness. The study finds that legal awareness and accessible legal aid are essential for enabling women to understand and use their legal rights.

Although the Legal Services Authorities Act, 1987 provides a framework for free legal services, women must be aware of these services and able to access them easily. Similarly, financial dependence, family pressure and social stigma may discourage women from seeking or continuing legal action.⁶⁸ The study also concludes that simple procedures, timely remedies and responsive institutions are necessary for effective justice. Complicated procedures, unnecessary delay and insensitive institutional responses may prevent women from receiving meaningful remedies. Therefore, the effectiveness of legal rights depends not only on the law

itself but also on its practical implementation. The judicial decisions discussed in the study show that the judiciary has played an important role in protecting women's rights and strengthening legal remedies. However, judicial protection must be supported by effective implementation by police, courts, legal services authorities and other institutions.⁶⁹ Overall, the study establishes that there is a gap between "rights provided by law" and "justice received in practice." Bridging this gap requires stronger legal awareness, accessible legal aid, simpler procedures, timely remedies and responsive justice institutions. Thus, meaningful access to justice for women depends on both strong legal protection and effective implementation in practice.

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- ⁴³ Khatri v. State of Bihar, (1981) 1 SCC 627, 632–33 (India).
- ⁴⁴ Imtiyaz Ahmad v. State of Uttar Pradesh, (2012) 2 SCC 688, 699–700 (India).
- ⁴⁵ The Code of Criminal Procedure, No. 2 of 1974, § 154 (India), repealed and replaced in part by the Bharatiya Nagarik Suraksha Sanhita, No. 46 of 2023.
- ⁴⁶ M.P. JAIN, INDIAN CONSTITUTIONAL LAW (8th ed. 2018).
- ⁴⁷ INDIA CONST. art. 15, cls. (1), (3).
- ⁴⁸ Khatri v. State of Bihar, (1981) 1 SCC 627, 632–33 (India).
- ⁴⁹ INDIA CONST. art. 15, cls. (1), (3).
- ⁵⁰ Lalita Kumari v. Government of Uttar Pradesh, (2014) 2 SCC 1, 54–55 (India).
- ⁵¹ Suk Das v. Union Territory of Arunachal Pradesh, (1986) 2 SCC 401, 403–04 (India).
- ⁵² INDIA CONST. art. 21.
- ⁵³ The Legal Services Authorities Act, No. 39 of 1987, §§ 12–13, INDIA CODE (1987).
- ⁵⁴ Khatri v. State of Bihar, (1981) 1 SCC 627, 632–33 (India).
- ⁵⁵ Suk Das v. Union Territory of Arunachal Pradesh, (1986) 2 SCC 401, 403–04 (India).
- ⁵⁶ Vishaka v. State of Rajasthan, (1997) 6 SCC 241, 253–55 (India).

- ⁵⁷ The Legal Services Authorities Act, No. 39 of 1987, §§ 12–13, INDIA CODE (1987).
⁵⁸ *Imtiyaz Ahmad v. State of Uttar Pradesh*, (2012) 2 SCC 688, 699–700 (India).
⁵⁹ *Hussainara Khatoon v. Home Sec’y, State of Bihar*, (1980) 1 SCC 81, 80–81 (India).
⁶⁰ The Legal Services Authorities Act, No. 39 of 1987, §§ 12–13, INDIA CODE (1987).
⁶¹ The Legal Services Authorities Act, No. 39 of 1987, §§ 3–10, INDIA CODE (1987).
⁶² M.P. JAIN, *INDIAN CONSTITUTIONAL LAW* (8th ed. 2018).
⁶³ The Legal Services Authorities Act, No. 39 of 1987, §§ 12–13, INDIA CODE (1987).
⁶⁴ *Suk Das v. Union Territory of Arunachal Pradesh*, (1986) 2 SCC 401, 403–04 (India).
⁶⁵ *Hussainara Khatoon v. Home Sec’y, State of Bihar*, (1980) 1 SCC 81, 80–81 (India).
⁶⁶ *Maneka Gandhi v. Union of India*, (1978) 1 SCC 248, 271–72 (India).
⁶⁷ *Khatri v. State of Bihar*, (1981) 1 SCC 627, 632–33 (India).
⁶⁸ *Khatri v. State of Bihar*, (1981) 1 SCC 627, 632–33 (India).
⁶⁹ *Suk Das v. Union Territory of Arunachal Pradesh*, (1986) 2 SCC 401, 403–04 (India).

