

Prisoners' Right to Free Legal Aid: A Study with Special Reference to Indian Prisons

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Abstract: *The right to free legal aid is a cornerstone of access to justice, ensuring that every individual, irrespective of economic or social status, can seek protection of law. In India, prisoners — particularly undertrials and indigent inmates — often remain deprived of this constitutional guarantee due to systemic deficiencies, lack of awareness, and institutional neglect. This research paper examines the evolution, constitutional basis, and judicial interpretation of prisoners' right to free legal aid, with special reference to Indian prisons. It also explores the role of the Legal Services Authorities Act, 1987, in operationalizing legal aid mechanisms and reviews landmark Supreme Court directives such as Hussainara Khatoon v. State of Bihar and Khatri (II) v. State of Bihar. Through an analytical approach, the paper evaluates how far the Indian justice system has succeeded in ensuring meaningful legal representation for undertrial and poor prisoners. It concludes with recommendations to strengthen legal aid delivery within prisons, improve coordination between legal services authorities and correctional institutions, and uphold the fundamental principle that justice must not be denied due to poverty or ignorance.*

Keywords: Free Legal Aid, Prisoners' Rights, Undertrial Prisoners, Legal Services Authorities Act, Access to Justice, Judicial Directives, Indian Constitution, Human Rights, Legal Representation, Custodial Justice

