
An analysis of Role of Paralegals in ensuring Access to Justice

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Abstract

The Indian legal framework is built on the core principles of justice, liberty, equality, fraternity, unity, and integrity. These values emphasize fairness, reasoned judgment, rational thought, transparency, and accountability, ensuring that justice is accessible and easily attainable. The fundamental principles of our legal education can be understood by the well-known saying of ‘Yatho Dharma, Thatho Jayaha’, which signifies that where there is righteousness, there will be victory. Therefore, it is accurate to assert that the concept of justice is deeply rooted in our cultural and historical narrative; however, one of the most significant challenges faced by the legal system today is ensuring access to justice.

This research paper seeks to explore the complex relationship between paralegals and the public's access to justice, the necessity for broadening the roles of paralegals, the obstacles they encounter, and potential solutions. It also highlights how paralegals contribute to fostering a more inclusive and equitable society, along with the ethical principles that govern their work.

Keywords: Paralegals, Access to Justice, Marginalized Groups, Ethical Considerations, Legal Aid, Legal Services

INTRODUCTION

To deny people their human rights is to challenge their very humanity. -**Nelson Mandela**

The challenges involving access to justice has befuddled an entire generation of lawyers, social activists, judiciary, policy makers and executive. The problem of access to justice is not just legal, for it has wide and overreaching social and economic implications. This problem is due to the fact that the number of Advocates as providers of Legal Aid is not comparable with their Legal Aid

Recipients. The Implementers of Legal Aid can consist of Advocates, Paralegals, Lecturers, and Students of Law.

Paralegals are panacea of Para-legal services and legal system. Para-legal services are playing a key role in administration of justice as one of the major foundations to ensure the ends & delivery of justice in India.

The Para-Legal services have been developed by looking at Para-military forces which were created for help of military in emergency and also in medical fields as Paramedics in India.¹ Legal services mean “help or assistance or free services in the field of law. Previously the word legal aid was used in place of legal service but the Apex Court of India from time to time asserted that legal aid is not a charity but a paramount duty of a welfare State. Now legal assistance from State can be claimed as matter of right, therefore, the word legal service is being used in place of legal aid”. Access to Justice is therefore a commitment to ensure that the people have a right to have their grievances redressed, and a right to pursue their legal remedies, either in court proceedings, or other informal proceedings, so as to ensure that their rights are protected.

PARALEGALS – PRACTISING LAW FOR THE PEOPLE

- **Paralegals**

The All India Seminar on Legal Aid on 14th and 15th September' 1991 held in Hyderabad expressed the view that the Para Legals who are otherwise known as bare foot lawyers who go to the villages to disseminate the Legal Literacy Programmes and to educate the common men particularly the exploited, depressed and to women about their rights guaranteed under the Constitution and various enactments. From the above it can be deduced that the aid which is provided by Para Legals does not include the services of practicing lawyers.²

¹ Dr. S.S. Sharma, *Legal Services, Public Interest Litigations & Para-Legal Services*. 349 (Central Law Agency, 2nd edn., 2006).

² “About us,” Nalsa.gov.in, 2019 available at: <https://nalsa.gov.in/about-us>” (last visited March 15, 2025).

Traditionally a paralegal has been defined as “A person who has been trained, and holds authority to provide a specified number of legal services. A paralegal is not a lawyer, but is usually on their way to becoming one”³

At the February 2020 ABA Midyear meeting, the ABA's policy making body, the House of Delegates, adopted the current definition of paralegal which reads as follows: A paralegal is a person, qualified by education, training or work experience who is employed or retained by a lawyer, law office, corporation, governmental agency or other entity and who performs specifically delegated substantive legal work for which a lawyer is responsible.⁴

They are persons with specialized training in law who can provide legal assistance to the poor, and can therefore complement access to legal advice and representation. They are important and cost-effective components of any justice system and have strong analytical, research, communication and technical skills.⁵ Their work includes filing short, index, photocopy and draft legal documents, holding hearing and interview of witnesses. The duties of paralegal depend on the firm for which the paralegal works, their educational training and experience. A paralegal may also work directly with the lawyer's client, drafting necessary contract and paper work. Some paralegals also provide legal services for people who cannot afford them due to social and economic constraints.⁶

Honorable Justice A.M. Ahmedi stressing the training of Paralegal observed that in the first place one must be assured that those chosen have the basic education for understanding and assimilating the elementary knowledge about the laws in regards to which they are imparted training. Secondly, it must be ensured that they are service oriented and have roots in the areas where they are expected to operate. Thirdly, they must be provided with sufficient incentives and status in society for the services rendered by them. The basic knowledge of law imparted by Para-Legal to common man

³ Black's Law Dictionary. Black's Law Dictionary Free Online Legal Dictionary. 2nd ed; 1910. [cited 2019 Oct 17]. Available from: <https://thelawdictionary.org>.

⁴ “Current ABA Definition of Paralegal,” Americanbar.org, 2020available at: <https://www.americanbar.org> (last visited March 15, 2025)

⁵ Ayush Shukla, “Access to Justice for Marginalized People in India,” 1 MyLawman Socio Legal Review (2020)

⁶ **Ajay Gulati and Dr. Jasmeet Gulati, Public Interest Lawyering, Legal Aid and Para-Legal Services 196.** (Central Law Publications, Allahabad, 1st edn., 2013).

would help him/her to identify his legal problems and solve them within the community itself without resorting to litigation which is a tiring, long and expensive process.⁷

- **Para-Legal Services**

There is no particular definition of Para-Legal Services in the Legal Services Authority Act 1987 and General clauses Act 1897 but they can be defined as the supportive services of a lawyer. In Order to understand better the concept of Para-Legal Services, help can be taken from the medical field where the concept of Para-Medics is well developed. Paramedics provide specialized support services to the doctors though they are not themselves allowed to give any medical services. However, they are trained to give emergency medical aid till the arrival of the doctors or till the time the patient is taken to a hospital⁸. The concept of Para-Legal Services in India is not well developed and organized. This is primarily because the legal profession itself is not organized in the country with a huge majority of lawyers operating individually instead of operating through Law Firms.

Dr. S.R. Myneni denoted the Para-Legal Services in his book Public Interest Lawyering, Legal aid and Para Legal Services that “Service means work done by somebody for somebody else as a job, a duty, a performance, or a favour. Para-Legal Services are related to law but not belonging to the ordinary court jurisdiction. Para-Legal services are part and parcel of the Legal aid and advice programme and therefore, legal aid has to comprehend not only assistance in litigation but also such other measures as arbitration, conciliation, generating legal awareness among the masses, promotion of the meaningful community, participation in legal and national development and reformation of legal process itself. Para-legal can provide new dimension to the social mobilization for legal action by undertaking legal literacy campaigns particularly, in rural where the inhabitants are generally poor, ignorant and illiterate⁹. They can render assistance to rural masses to resolve

⁷ “Eastern Book Company - Practical Lawyer,” Ebc-india.com, 2025 available at: <https://www.ebc-india.com/lawyer/articles/93v1a2.htm> (last visited March 15, 2025).

⁸ Ajay Gulati and Dr. Jasmeet Gulati, *Public Interest Lawyering, Legal Aid and Para-Legal Services* 195 (Central Law Publications, Allahabad, 1st edn., 2013).

⁹ Dr. NV Paranjape, *Public Interest Litigation, Legal Aid & Services, Lok Adalats & Para-Legal Services* 360 (Central Law Agency, 2nd edn., 2010).

their disputes or differences at the pre-litigation stage through amicable settlement instead of approaching the law-court for justice.

The following can be listed as some of Para-Legal Services : Legal literacy and Education, Counselling and negotiation in Lok Adalats, Administrative Tribunals ,Editing Law Journals, Writing Articles on the topics of Law, Cases Comments, Legal Transcription, Document management Scoping and court reporting services, Legal Translation, Data entry service, E-filing service, OCR and scanning service.

ETHICAL CONSIDERATIONS GOVERNING PARALEGALS

While expanding access to justice, paralegals must uphold the highest ethical standards of **integrity, communication**, and the **pursuit of excellence**

Confidentiality: Paralegals handle sensitive client information and must ensure it is protected at all times. Secure data management practices are essential for maintaining trust and professionalism.

Transparency: Clear communication about the scope of services and the limits of paralegal authority helps clients understand their options. This transparency fosters trust and sets realistic expectations.

Accountability: Regular training and adherence to ethical guidelines ensure that paralegals provide reliable and professional support. By prioritizing accountability, they reinforce the integrity of the legal system.

DEMAND FOR PARALEGALS

The prison systems in India is disproportionately filled with pre-trial detainees such that there number is more than that of the convicted and sentenced prisoners. An innovative and cost-effective way to compensate for the dearth of affordable and accessible lawyers is through the use of paralegals. Reading the 'due process clause' into Article 21 of the Constitution of India, the Supreme Court has interpreted the right to life and personal liberty to include the right to a fair

trial including the right to legal representation.¹⁰ Paralegals are closely supervised through on-the-job training, often working under the supervision of lawyers, and where necessary, refer cases to lawyers for further assistance. That is, lawyers ensure that the paralegals under their care operate within the ambit of the law. Such lawyers also provide legal advice to paralegals in respect of individual cases, and help draft memoranda and formal letters directed at criminal justice officials. While paralegals cannot represent someone at trial, they provide significant legal and practical assistance to arrested and accused persons before the commencement of their trials, especially awaiting trial detainees. Paralegals tend to be closer to communities and focus on a harmonious reconciliation of disputes rather than an adversarial approach.

- **WORK OF PARALEGALS IN POLICE STATION**

Khatri v. State Of Bihar¹¹ and **Sheela Barse v. State Of Maharashtra**¹² are landmark cases showcasing the adversities faced by the under-trial detainees and prisoners at the hands of the police administration. It highlights the importance of having a legal representation and also sheds light on the duties of the state to provide legal assistance at state expense to people who lack sufficient resources to attain them. This very role can be well performed by the paralegals. At the police station using their knowledge of the law and the circumstances of their client, paralegals can identify individuals who are eligible and suitable for release from the police station, and assist them accordingly. In doing so they gather and provide information to the police about whether arrestees fulfil legal criteria for pre-trial release. Paralegals who attend a police station can assist in verifying the identities and locations of relatives and others who might assist the arrestee. The presence of a paralegal in a police station, particularly one who attends the station regularly, is also likely to moderate any tendency of police officers to mistreat arrestees or to demand a bribe. Police stations are also the most effective points for identifying and diverting juvenile suspects who might otherwise be classified and processed as adults.

¹⁰ Maneka Gandhi v. Union Of India 1978 INSC 16

¹¹ 1981 SCR (2) 408

¹² 1987 INSC 256

- WORK OF PARALEGALS AT COURT

The case of **Hussainara Khatoon v. State of Bihar**¹³ is a landmark judgment in India that emphasized the right to a speedy trial as a fundamental right under Article 21 of the Indian Constitution. A trained paralegal who has interviewed an unrepresented detainee before a court hearing is able to advise the detainee about the right to apply for bail and to gather facts that are relevant to such an application, such as the names of relatives who may be able to raise bail deposits or act as sureties. Even in systems that do not generally permit non-lawyers to speak for litigants at a pre-trial hearing, pragmatic judicial officers may often allow a paralegal to speak for an indigent defendant on matters of bail. Paralegals can improve the quality of self-representation among defendants. Pre-trial detainees are often at a risk of being tortured by police officers seeking to extract confessions that can be used in court to secure a conviction. The availability of legal and practical assistance, especially at the very early stages of the criminal justice process, can make a significant difference to the likelihood of being remanded into pre-trial detention and, in cases where they are detained, the duration thereof.

PARALEGAL EDUCATION

Access to justice depends on the implementation of rights, a fair hearing and legal representation. However it has been noted that citizens are subjected to exploitation due to their lack of knowledge about the law and their legal rights. Additionally, the poor and disadvantaged are largely excluded from the legal system as they have no means to secure the help of lawyers and access legal institutions. This situation is made even worse by the fact that the traditional forms of dispute settlement by caste panchayats. At the same time, the privileged sections of society use the law to their own advantage and in many instances prevent the implementation of the spirit of the law.

Para-legalism is essentially a new kind of alternative lawyering for the poor aimed at providing effective access to justice.¹⁴ It envisages practicing law for the people, through an integrated approach to legal services. Paralegal education takes a pro-poor stance and raises fundamental

¹³ 1979 INSC 34

¹⁴ Srikrisha Deva, "Paralegal Education in India: Problem and Prospects" SSRN Electronic Journal (2022).

questions about the social justice mission of legal education and its commitment to certain values such as democracy, individual liberty. Appropriately trained community-based paralegals can: provide invaluable assistance for legal education, navigate the legal systems, and provide support throughout the legal process. However is very sad to note that in comparison to legal education and lawyer-centric legal aid, paralegal education in India has received very little attention.

The United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems urges states to recognize the role played by paralegals or similar service providers in providing legal aid services to people in cases where access to lawyers is limited. The states should introduce measures to: • develop, where appropriate, a nationwide scheme of paralegal services with standardized training curricula and accreditation schemes • ensure that quality standards for paralegal services are set and that paralegals receive adequate training and operate under the supervision of qualified lawyers • ensure access for accredited paralegals who are assigned to provide legal aid to police stations, facilities of detention, pre-trial detention centers and prisons; and • allow court-accredited and duly trained paralegals to participate in court proceedings and advise defendants when there are no lawyers available to do so.¹⁵

The Apex Court in the case of **M.H. Haskot v. State of Maharashtra**, observed that it is important for the poor people to have more awareness about their constitutional and statutory rights. If an accused is unable to exercise his rights upon his imprisonment, then under Articles 21 and 39A, there is implicit in the court to provide legal aid to the accused so that that the individual can avail complete justice.¹⁶

PROBLEMS FACED BY PARALEGALS

Despite their significant contributions, paralegals in India face several challenges:

- **Lack of Recognition:** The paralegal profession is still in its early stages in India, with limited formal recognition. There is absence of standardized certifications and regulatory

¹⁵ UNITED NATIONS: United Nations Office on Drugs and Crime, United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems UNITED NATIONS, 2013.

¹⁶ AIR 1978 SCC 1548, (1978) 3 SCC 544.

bodies for paralegals. Despite their essential role in assisting marginalized communities, conducting legal research, preparing documents, and guiding clients through legal processes, paralegals are often undervalued within the legal system. This lack of recognition stems from misconceptions about their work, the absence of standardized regulations in many jurisdictions, and the tendency to view them as mere assistants rather than legal professionals in their own right. When paralegals are not properly acknowledged, they face limited career growth, lower salaries, and restricted responsibilities, which can reduce their motivation and job satisfaction. Moreover, the lack of formal recognition prevents them from fully utilizing their skills, as many legal systems do not allow them to represent clients in court or provide direct legal advice, even in situations where they are well-equipped to do so. This challenge also affects the communities they serve. When paralegals are not empowered, the availability of affordable legal assistance decreases, leaving vulnerable individuals with limited access to justice. To address this issue, legal institutions should create clearer professional pathways, establish regulatory frameworks, and recognize paralegals as vital contributors to the justice system.

- **Low Compensation:** Low remuneration is a major challenge for paralegals, affecting both their job satisfaction and the overall efficiency of legal aid services. Despite playing a crucial role in assisting lawyers, conducting legal research, drafting documents, and supporting clients, paralegals often receive significantly lower salaries compared to other legal professionals. In many cases, their pay does not reflect the complexity and importance of their work, leading to financial struggles and job dissatisfaction. One reason for low remuneration is the perception that paralegals serve as support staff rather than key contributors to the legal system. Many law firms, government agencies, and nonprofit organizations allocate limited budgets to paralegals, prioritizing higher salaries for attorneys instead. Additionally, because there is no universal licensing system for paralegals in many regions, their work is undervalued, making it harder to negotiate better wages. When paralegals are underpaid, many leave the profession in search of better-paying jobs, leading to high turnover rates and a shortage of experienced professionals. To

address this challenge, legal institutions must recognize the value of paralegals and implement fair compensation structures that reflect their contributions to the justice system.

- **Limited Career Advancement:** Limited career advancement is a significant challenge faced by paralegals, affecting both their professional growth and the quality of legal services they provide. Unlike lawyers, paralegals often have restricted opportunities for promotion and higher-paying roles within the legal field. Many law firms, government agencies, and nonprofit organizations view paralegal positions as support roles rather than career paths with room for growth. As a result, paralegals may find themselves stuck in repetitive tasks such as document preparation, legal research, and administrative work without the ability to take on more complex responsibilities. Another factor limiting career advancement is the absence of standardized licensing and credentialing systems in many jurisdictions. While some regions offer certification programs, paralegals often lack a clear pathway to higher-level roles, such as legal consultants or case managers. Additionally, restrictions on the practice of law prevent paralegals from representing clients in court, further limiting their professional scope. The lack of career progression can lead to job dissatisfaction, high turnover rates, and a decline in the motivation of paralegals to provide quality legal assistance. To address this issue, legal institutions must create structured advancement opportunities, specialized training programs, and pathways for experienced paralegals to take on greater responsibilities in the justice system.
- **Overwork and Burnout:** Paralegals frequently handle heavy workloads, including extensive legal research, document preparation, and case management, often under tight deadlines. This high-pressure environment can lead to stress, burnout, and job dissatisfaction. The demanding nature of the job, coupled with inadequate support and recognition, exacerbates these challenges, impacting both the well-being of paralegals and the efficiency of legal service.
- **Neglecting Needs Of Society:** Paralegals play a crucial role in bridging the gap between marginalized communities and the legal system, yet their effectiveness is often hindered when societal needs are overlooked. Many vulnerable groups, such as low-income

individuals, people with disabilities, and rural populations, face systemic barriers to justice, including a lack of awareness, financial constraints, and geographical inaccessibility. When paralegals fail to consider these needs, legal services become inaccessible, defeating the purpose of promoting justice for all. Additionally, inadequate legal education and insufficient outreach efforts further alienate those who most require legal assistance. A failure to tailor legal aid services to the unique challenges faced by different communities results in continued injustice, as many individuals remain unaware of their rights or unable to navigate legal processes. Furthermore, legal systems may impose bureaucratic and language barriers, further complicating access. To ensure true access to justice, paralegals must adopt a community-centered approach, actively identifying and addressing societal needs through legal awareness campaigns, pro bono services, and policy advocacy. Without such efforts, the legal system remains an exclusive domain, reinforcing inequality instead of upholding justice.

- **Technological Advancements and Job Security:** The rise of artificial intelligence (AI) and automation poses a threat to traditional paralegal roles. Tasks such as legal research and document review are increasingly being automated, raising concerns about job security among paralegals. To remain relevant, paralegals must adapt by acquiring new skills that complement technological tools, emphasizing the need for continuous professional development in the evolving legal landscape.¹⁷
- **Gender Imbalance:** The paralegal field in India exhibits a significant gender imbalance, with only 36% of paralegals being women. This disparity can hinder effective communication with female clients, particularly in sensitive cases such as sexual assault, where victims may feel uncomfortable discussing details with male paralegals. The shortage of female paralegals thus limits access to justice for certain demographics, underscoring the need for more inclusive recruitment and training practices.¹⁸

¹⁷ Jan, "Extinction event" Law.asia, 2025 available at: <https://law.asia/paralegals-face-ai-threat/> (last visited March 15, 2025).

¹⁸ Chandra Mishra, "Only 36% of paralegals in India are women – and it prevents sexual assault victims from speaking up" Scroll.in, 2020 (last visited March 15, 2025).

POSSIBLE SOLUTIONS

- **Standardized Certification and Regulation** – Establishing clear professional standards, licensing requirements, and accreditation systems can help enhance the recognition of paralegals. This will ensure they are seen as professionals with specialized legal expertise rather than just support staff. Para-Legal Services should be taught in Legal studies compulsorily. The Law/ Legal education system should be varied/altered, amended and reformed as required by time & circumstances.
- **Enhanced Training and Education** – Providing continuous professional development, workshops, and specialized courses can help paralegals improve their skills and adapt to changing legal environments. Law Students as paralegals should be made curious, skilled, trained, efficient, and proficient as per the changing demands of time. The experienced, eligible and skilled trainers should be available.
- **Public Awareness and Advocacy** – Increasing public and legal sector awareness about the importance of paralegals can improve their recognition and expand their role in the justice system. This includes advocacy for policy changes that empower paralegals to serve communities more effectively.
- **Greater Legal Recognition** – Legal institutions and policymakers should recognize the role of paralegals in providing legal aid and access to justice, allowing them to play a more active role in legal processes, such as representing clients in minor cases or mediation.
- **Fair Compensation** – Increasing salaries and benefits for paralegals based on their contributions to legal services can improve motivation and reduce turnover rates. Law firms, nonprofits, and government agencies should allocate sufficient budgets to fairly compensate paralegals.



CONCLUSION

Paralegals play an indispensable role in bridging the gap between the legal system and marginalized communities. They provide crucial legal assistance by conducting legal research, drafting documents, managing cases, and offering support at police stations and courts. Their contributions help expedite justice, reduce case backlogs, and provide affordable legal aid to those who cannot afford lawyers. Paralegals also play a key role in legal literacy, empowering individuals with knowledge of their rights and remedies. Despite their significant contributions, paralegals in India continue to face challenges such as lack of formal recognition, low remuneration, and limited career progression.

Recognizing and strengthening the role of paralegals is essential for enhancing access to justice. Standardized training, accreditation programs, and legal aid clinics should be established to provide paralegals with the necessary support and resources. Law schools should integrate paralegal education into their curriculum to ensure well-trained professionals. Government bodies like NALSA, SALSA, and DALSA must take proactive steps to formalize the profession and improve working conditions. Strengthening the paralegal framework will not only ensure justice for all but also create a more inclusive legal system. It is time to acknowledge paralegals as essential pillars of legal aid and grant them the recognition they rightfully deserve.