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EDITORIAL ANALYSIS

Legal Aid Defence Counsels: Strengthening India's Public Defence System

 INDIAN EXPRESS

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POLITY ·

GS2

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Legal Aid Defence Counsels: Strengthening India's Public Defence System

 The Indian Express

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INTERVIEW ANGLE

"The editorial argues LADCs should be strengthened, not discontinued, despite handling only about 6% of cases. What specific institutional reforms would expand LADC coverage while preserving the quality advantages the editorial credits them with?"

 Every fact web-verified against primary sources

THE LIFT LINE

If a defence system that handles only 6% of cases is producing better outcomes than the alternatives, the problem isn't the system. It's that too few people can reach it.

WHY THIS EDITORIAL MATTERS FOR YOUR EXAM

This editorial gives a concrete institutional case study distinguishing a scale problem from a design problem in public-service delivery, directly useful for GS2 answers on access to justice and Article 39A's implementation.

GS Paper 2: Access to justice, Directive Principles of State Policy, legal-aid institutional mechanisms.

CONCEPT	MEANING	WHY IT IS TESTABLE
Legal Aid Defence Counsels (LADCs)	A specific institutional mechanism providing criminal defence to indigent accused persons	The system at the centre of the editorial's argument
Article 39A	Directive Principle committing the state to ensure free legal aid so justice is not denied by economic disability	The constitutional basis for the editorial's access-to-justice framing
Scale problem vs design problem	Distinguishing a good system with limited reach from a fundamentally flawed system	The editorial's core diagnostic distinction

BACKGROUND AND CONTEXT

Legal Aid Defence Counsels (LADCs) operate as a specific institutional model for providing criminal defence representation to indigent accused persons unable to afford private counsel, one mechanism among several (including legal aid clinics and empanelled private advocates) through which India seeks to fulfil its constitutional commitment under **Article 39A** to ensure free legal aid. This editorial responds to a proposal to discontinue the LADC system, examining available evidence on its performance before evaluating whether discontinuation is the appropriate policy response.

THE ANALYSIS

1. The editorial's central move is separating "how much reach" from "how good is it." By citing evidence that LADCs provide comparable or better defence quality than alternatives despite handling only about 6% of cases, the editorial isolates institutional scale as the actual identified problem, distinct from the mechanism's underlying effectiveness.

2. This diagnostic distinction directly determines the appropriate policy response. A scale problem calls for expanding funding, staffing and institutional reach; a design problem would call for discontinuation and replacement, making the editorial's evidentiary claim about quality the pivotal fact determining which remedy is actually appropriate.

3. Article 39A frames this as a constitutional obligation, not a discretionary programme. Treating free legal aid as a Directive Principle commitment shifts the framing from "is this programme worth continuing" to "how should the state fulfil an obligation it has already constitutionally accepted," raising the stakes of getting the diagnosis right.

4. The counter-argument about structural limitations remains a genuine possibility worth engaging. Even a well-designed mechanism can face funding, staffing or institutional constraints serious enough that a different model might scale more effectively, meaning the editorial's case rests on the strength of its quality evidence, not on discontinuation being self-evidently wrong.

5. This reflects a broader public-service-delivery principle. Distinguishing between "this programme doesn't work" and "this programme works but doesn't reach enough people" is a reusable diagnostic question relevant across many under-resourced but effective public services, not legal aid alone.

DATA AND INSTITUTIONS VAULT

PRELIMS-GRADE FACTS:

LADCs: handle roughly 6% of relevant criminal-defence cases for indigent accused

Constitutional basis: Article 39A, Directive Principle on free legal aid

WATCH THE TRAP: THE EDITORIAL'S ARGUMENT DEPENDS SPECIFICALLY ON THE CLAIM THAT LADC DEFENCE QUALITY IS COMPARABLE TO OR BETTER THAN ALTERNATIVES; IF THAT EVIDENTIARY PREMISE IS CONTESTED, THE CASE FOR STRENGTHENING RATHER THAN DISCONTINUING WEAKENS CORRESPONDINGLY.

THE DEBATE

Argument FOR discontinuation and replacement. A mechanism reaching only about 6% of cases after being operational may reflect structural limitations that a different legal-aid model could address more effectively than incremental reform of the existing framework.

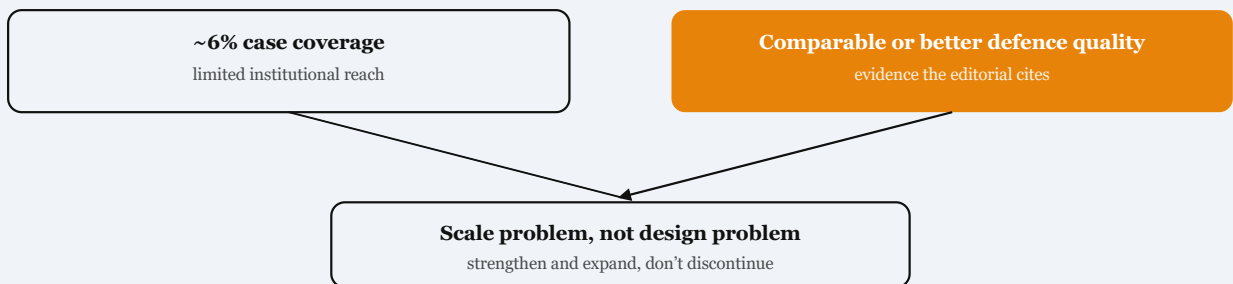
Argument AGAINST discontinuation (Indian Express's position). Evidence on LADC defence quality supports strengthening institutional oversight and expanding reach, since the identified shortfall is one of scale, not a fundamental flaw in the model.

Balanced verdict. The strength of Indian Express's position rests substantially on the quality evidence it cites; if that evidence holds up, expanding rather than discontinuing is the more defensible response, but the case would weaken considerably if the 6% coverage itself reflects deeper institutional dysfunction the editorial does not fully address.

HOW TO THINK ABOUT THIS

The transferable pattern: **when a public-service mechanism is proposed for discontinuation due to limited reach, first establish whether the underlying problem is genuinely one of scale (a good system reaching too few people) or design (a flawed system), since the appropriate policy response, expansion versus replacement, depends entirely on which diagnosis is correct.** This applies across under-resourced public services generally, not legal aid alone.

DIAGRAM-IN-WORDS



LADCs' limited case coverage, paired with comparable or better defence quality, points to a scale problem favouring institutional strengthening over discontinuation.

TAKEAWAY BOX

If a defence system that handles only 6% of cases is producing better outcomes than the alternatives, the problem isn't the system. It's that too few people can reach it.

Legal Aid Defence Counsels (LADCs), handle ~6% of cases; constitutional basis: **Article 39A**.

what obligation does the state have to expand a demonstrably effective but under-resourced public-service mechanism, versus replacing it with an untested alternative?

UPSC has tested Directive Principles and access-to-justice mechanisms (GS2); this editorial's scale-versus-design diagnostic strengthens any such answer.

"A public-service mechanism's limited reach should not automatically be treated as grounds for its discontinuation." Discuss with reference to India's Legal Aid Defence Counsel system.

Sources: *The Indian Express*

Source: Legal Aid Defence Counsels: Strengthening India's Public Defence System — Ujjayari.com | Free UPSC & State PCS Editorial Analysis

● KEY ARGUMENTS AT A GLANCE

Indian Express argues that the proposed discontinuation of Legal Aid Defence Counsels (LADCs) ignores evidence that they provide quality criminal defence to indigent accused while handling only about 6% of cases, and contends that reform should focus on strengthening institutional oversight to expand their reach and effectiveness, rather than dismantling a system that advances India's constitutional access-to-justice commitment.



SUPPORTING

- LADCs are reported to provide a standard of criminal defence quality comparable to or better than alternative legal-aid mechanisms, based on available evidence the editorial cites, making their limited current caseload share (roughly 6%) a scale problem rather than a quality problem.
- Article 39A of the Constitution commits the state to ensuring free legal aid so that justice is not denied to any citizen by reason of economic or other disabilities, making a well-functioning public defence system a constitutional obligation, not merely a discretionary policy choice.



COUNTER

A counter-view holds that if LADCs currently handle only a small fraction, roughly 6%, of relevant cases despite being in operation, this may reflect structural limitations, funding, staffing or institutional design, that discontinuation and replacement with a different legal-aid model could more effectively address than incremental strengthening of the existing framework.



WAY FORWARD

Indian Express's position is that the evidence on LADC defence quality argues for expanding and reforming the system, through stronger institutional oversight, better funding and expanded staffing, rather than discontinuing it, since the identified problem is one of limited scale and reach, not a fundamental flaw in the LADC model itself.


MAINS ANSWER FRAMEWORK
QUESTION

Examine the case for strengthening India's Legal Aid Defence Counsel system, and discuss why institutional oversight reform may be preferable to discontinuation as a policy response to any identified gaps. (250 words)

INTRODUCTION

Indian Express argues against a proposed discontinuation of India's Legal Aid Defence Counsel system, contending that available evidence on LADC defence quality supports strengthening institutional oversight to expand their limited current reach, rather than dismantling a mechanism that advances the constitutional commitment to access to justice.

BODY

Legal Aid Defence Counsels function as a specific institutional mechanism for providing criminal defence representation to indigent accused persons who cannot afford private counsel, operationalising the constitutional commitment under Article 39A that the state ensure free legal aid so that justice is not denied by reason of economic or other disabilities. The editorial's central evidentiary claim is that LADCs, despite currently handling only around 6% of relevant cases, provide defence quality comparable to or better than alternative legal-aid arrangements, meaning the identified shortfall is one of limited institutional scale and reach rather than a fundamental defect in the LADC model itself.

This distinction matters significantly for the appropriate policy response: if the problem were poor defence quality, discontinuation and replacement might be a reasonable remedy, but if the problem is that a genuinely effective mechanism simply reaches too few cases, the more logical response is expanding its funding, staffing and institutional oversight rather than dismantling it. The editorial frames this as directly relevant to India's constitutional access-to-justice commitment, arguing that a functioning public defence system for indigent accused persons is not a discretionary programme to be discontinued based on limited current scale, but an obligation requiring investment to genuinely fulfil.

CONCLUSION

A complete Mains answer should distinguish between a scale problem (a good system reaching too few people) and a design problem (a flawed system reaching many or few people), since conflating the two risks discontinuing an effective mechanism when the evidence instead supports expanding it.

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