

India's per capita legal aid just 75 paise a year¹

Since 1995, barely 15 million people have been provided legal services and advice by legal services institutions (LSIs). Almost 80% of India's over 1.25 billion population is eligible for free legal aid including women, children, disabled people, Scheduled Castes and Scheduled Tribes, those with mental illnesses, victims of mass disaster or ethnic violence, persons in custody. Yet, India's per capita free legal aid spend is just 0.75 paise per annum, and no state fully utilised the budget given to it by the National Legal Services Authority

These are some of the findings on the status of the legal aid system in India of the first-ever India Justice Report (IJR), an initiative of Tata Trusts. The India Justice Report is a quantitative analysis of the capacity of the four pillars of justice - judiciary, police, prisons, and legal aid. This is the first time that these four pillars are being quantitatively studied together using six filters – budgets, human resources, work load, diversity, infrastructure and trends (change of the last five years). The report presents a state-wise picture of each pillar, in separate clusters, of 18 Large and Mid-sized states and seven Small states, basis population, and seven Union Territories (UTs) and 4 other 'unranked' states.

Funds underutilised

The funds for LSIs are sourced through both the National Legal Services Authorities (NALSA) and state budgets. NALSA funds for legal aid are used for legal services activities such as representation, Lok Adalats, counselling, legal advice and awareness. At the state level, funds are usually expended on administrative expenses, such as staff salaries and infrastructural requirements.

Even the inadequate funds allocated to state legal services authorities (SLSAs), for the year 2016-17, have been underutilised. In 2017-18, only five states – of the 28 states and seven UTs mapped – utilised more than 90% of NALSA allocated funds. For the same period, six states and UTs, including Jharkhand and Assam, had no funds allocated from the state, whereas Nagaland, Arunachal Pradesh, Manipur, Tripura saw less than 20 per cent being provided by the state governments.

In nearly all the states, the problem of budget inadequacy is juxtaposed with that of underutilisation of available funds.

¹ In 2017-18

Only 18% women lawyers

At an all-India level, only 18 % of the total 63,759 panel lawyers with legal services institutions are women. Among the Large and Mid-sized states, this percentage varies between seven per cent and 40%. Among the Small states, it varies between 15% and 54%.

The presence of a large number of women panel lawyers is essential for reaching out to a constituency that is often under-served and faces socio-cultural barriers when they try to come forward for legal assistance.

14,161 clinics for 597,000 villages

There is a paucity of necessary infrastructure.

The Report states that in 2017, about 14,161 clinics existed addressing about 597,000 villages. On an average, at these figures, one legal services clinic serves 42 villages. However, NALSA Regulations 2011 stipulate that clinics be set up in all villages or reasonable clusters of villages to ensure provision of easily accessible legal assistance.

At present, only 11 states and UTs have made provisions for a legal service clinic to cover, on an average, less than 10 villages. One state (Arunachal Pradesh) and three UTs (Delhi, Lakshadweep and Andaman and Nicobar Islands) do not have a single legal service clinic. Among Large and Mid-sized states, the number of villages per legal services clinic ranges between six to 1603. Among the Small states, it ranges between three and 142.

The India Justice Report evidences such gaps and deficits at the level of each State and UT, allowing perusers to realise the urgency needed in repairing the system. This will allow duty holders and policymakers to identify where weaknesses are and undertake appropriate interventions with ease, working towards improving the overall capacity of the justice system to deliver to all citizens.