

## **Access to Justice in India and the Privatization of Legal Knowledge**

**Pratyush Kumar<sup>1</sup>**  
**Anushka Soni<sup>2</sup>**

### **Abstract:**

*This paper explores how legal knowledge is a prerequisite for “Access to Justice” in India. I begin by grounding the idea of access to justice in global definitions and discuss literature wherein this correlation has been established. The Paper goes on to argue that justice is not only about courts or lawyers. It also requires that people understand the rights they hold and the duties that bind them. A person cannot seek a remedy if they do not know that a remedy exists. This simple truth drives the core claim of the paper: knowledge is a precondition to justice, not a luxury. The Paper examines how lack of legal awareness, weak civic education, and high dependence on private legal resources restrict public participation in law. The Paper highlights gaps in school education, limited government legal outreach, and the dominance of private publishers and legal databases. These systems create invisible barriers for ordinary citizens. They reward those who already understand law and push others to the margins. The paper reviews state programmes and digital reforms, but notes that most efforts focus on numerical outreach, not meaningful empowerment. The recommends stronger public legal education, open-access legal platforms, and community learning structures. The paper concludes that a democratic society must treat legal knowledge as a public good. Only then can access to justice become real, equal, and lasting.*

**Keywords:** *Access To Justice, Legal Literacy, Public Legal Education, Democratization of Law, Privatization of Legal Knowledge*

### **Introduction**

“Access to justice means more than access to civil legal aid and an appointment with a lawyer. It is about meeting equally the needs of the people of every community... It is about access to the courts, lawmakers, service providers and information.”<sup>3</sup>

“Access to Justice” is an overarching term which includes several facets to it and has a different context to it, for each author who writes about it. The meaning of access to justice which the author has relied on in this research paper would be derived from literature which are referred to in this research paper. The author would summaries his finding and use the definition of access to justice as he would have delineated in the first part of the research paper.

*Justice* is the first virtue that the Constitution seeks to secure for the people of India.<sup>4</sup> Access to justice is an enigma which is discussed at length in the legal literature circles but there has been

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<sup>1</sup> Student, LLM, NLSIU, Bangalore

<sup>2</sup> Student, 5th year B.A LLB, NUSRL, Ranchi

<sup>3</sup> Noeline Blackwell, *Civil Legal Aid in Ireland: Forty Years On* (FLAC report, 2009)

<sup>4</sup> Aparna Chandra, *Indian Judiciary and Access to Justice: An Appraisal of Approaches*, Daksh India, <https://dakshindia.org/state-of-the-indian-judiciary/33-chapter-18.html>

no set parameter which can be said to cover all the aspect of what might entail access to justice. The United Nation Describes Access to justice as “a basic principle of the rule of law.”<sup>5</sup> “Access to justice in India can understood as the ability of individuals to obtain a fair, timely, and effective remedy for legal grievances, regardless of socio-economic status.”<sup>6</sup> It is also to appreciate that further the values enshrined in the preamble also acts as a guiding light as to what access to justice can mean and in a sense, ought to mean.<sup>7</sup> Access to Justice is an intrinsic part of the rule of law and is enshrined in the Constitution through Articles 14 (equality before law) and 21 (right to life and personal liberty). In India’s constitutional scheme, Article 39A of the Directive Principles explicitly directs the State to provide free legal aid to ensure that justice is not “denied to any citizen by reason of economic or other disabilities.”<sup>8</sup> Conversely, denial of access to justice undermines “public confidence in the justice delivery system”<sup>9</sup>. Internationally and in India, scholars note that free access to law is essential to equality before law and the rule of law<sup>10</sup>.

India being a common law country follows the maxim of “*ignorantia juris non excusat*” which translates to ignorance of law is not an excuse. If a country follows such a doctrine and is committed to the cause of access to justice or even substantive justice then it is only logical to deduce that the country would make an effort to disseminate the laws and in such a manner that people are aware of the law, of what it means, and the consensus which it will follow, if they are not compliant with the law. It is also important to appreciate that the level of basic education in India is low<sup>11</sup> with only 15% of the men and 10% of the women achieving higher education.<sup>12</sup> There now stands a need for public legal education because it would be antithetical of justice if less than 20% of the population of a country understands the law wherein a legal maxim exists as an underlying principle of the legal structure of the nation, which bars the ignorance of law.

Through the course of this term paper the author would firstly discuss the contour of access to justice and in what sense the author is dealing with access to justice and the literature he has referred to construct the contours. As the paper progresses it would discuss how legal knowledge would help in improving access to justice.

## **Access to Justice and its Contours**

Access to justice is “a cross-cutting right that must be understood and interpreted in line with other principles such as equal recognition before the law” and which “enables and enhances other rights such as the right to health as it guarantees judicial and administrative protection

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<sup>5</sup> “Access to Justice”, United Nation and the Rule of Law <https://www.un.org/ruleoflaw/thematic-areas/access-to-justice-and-rule-of-law-institutions/access-to-justice/>

<sup>6</sup> Supra Note 4.

<sup>7</sup> Ibid.

<sup>8</sup> P Goswami, *From Constitution to Courtroom: Enhancing Access to Justice Through Legal Frameworks in India*, 3 Int’l J. Legal & Soc. Sc. (IJLSSS) 503 (2025).

<sup>9</sup> I Siddiqui, *Free Access to Law Movement: Indian Perspectives*, Legal Educ. eJournal (Dec. 31, 2011)

<sup>10</sup> Goswami, Supra Note 5.

<sup>11</sup> Abhishek Waghmare, Education levels in India, Data for India, Jun 6, 2024 / Updated Mar 28, 2025,

<https://www.dataforindia.com/education-levels-in-india/>

<sup>12</sup> Ibid

of that right".<sup>13</sup> It can also be understood as "the ability of all people to seek and obtain effective remedies through accessible, affordable, impartial, efficient, effective, and culturally competent institutions of justice"<sup>14</sup> further it is also understood as "a principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards"<sup>15</sup>.

It is important to note that all these definitions have an explicit normative notion, that the people know what is the law they are supposed to follow. It is also important to note that a person would not seek access to justice if he does not know that he has a right to do so. For instance a child would not sue someone if he gets beaten up as he has no notion of the fact that the act committed against him is violative of his right.<sup>16</sup> The premise of my paper would rest on the understanding that "access to justice is a right wherein knowledge of rights which a person has, is presupposed and the effort is made by state and non-state actors in actualising and protecting the set of right which a person carries." The paper would focus on the "presupposed knowledge" part wherein there is an explicit understanding of what rights people carry and understand how it is important. The paper would address how this knowledge gap affect access to justice and how do we bridge this gap.

### How Access to Justice is affected by Public Legal Education

Civil legal issues are common place<sup>17</sup> in India with citizens facing issues such as consumer disputes, with sellers selling subpar goods to consumers, and the most common being builders delaying possession. Another instance would be work place abuse and wage curtailment leading to heightened level of stress which in turn effects the mental health of the general populace. A solution if not "the solution" would be to make the people aware of their legal rights or laws made to protect their interest. If the consumers have a legal knowledge about the laws or if the workers have knowledge about labour laws the scenario would be different. The people "atop the ivory tower" use this lack of awareness to further their agenda. This knowledge gap is reflected in the social structure of the society wherein anyone who has legal knowledge exploits someone who is not cognizant of his rights.

As established earlier, there exists a concern pertaining to low level of education and awareness. The general populace who have not been involved in any legal proceeding has a very skewed opinion on the legal system creating a circumstance wherein it is difficult to say that the country has "predominance of legal spirit".<sup>18</sup> "Professional legal bodies in a number of jurisdiction have pressed for the need to educate laymen to recognise their problem"<sup>19</sup> since at least 1974, there has been a school of thought which suggest that the first duty of an advocate would be to educate

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<sup>13</sup> A. Byrnes, I. Doron, N. Georgantzi, W. Mitchell and B. Sleap, Access to Justice: A discussion paper for the 11th session of the United Nations General Assembly Open-ended Working Group of Ageing (January 2020).

<sup>14</sup> Agrast, et al., World Justice Project Rule of Law Index 2012-2013.

[https://worldjusticeproject.org/sites/default/files/WJP\\_Index\\_Report\\_2012.pdf](https://worldjusticeproject.org/sites/default/files/WJP_Index_Report_2012.pdf)

<sup>15</sup> Goswami, Supra Note 5.

<sup>16</sup> Pascoe Pleasence et al., suggestion that inaction is related to perception of problem severity.

<sup>17</sup> Alan Guterman, What is Access to Justice? (February 17, 2022). Available at SSRN: <https://ssrn.com/abstract=4050575> or <http://dx.doi.org/10.2139/ssrn.4050575>

<sup>18</sup> A.V. Dicey, *Introduction to the Study of the Law of the Constitution* (8th ed., 1885).

<sup>19</sup> Whitler, I.D, Public legal education, Journal of Family law, pp 269-92 (1974)

the masses of their rights.<sup>20</sup> These ideas are highly relevant in the current socio-economic scenario which exist within our country because of the knowledge dissemination apparatus which is prevalent within our country. The current information apparatus is heavily relied on media, be it any form of media. <sup>21</sup>This paints a biased picture wherein not the rights rather the agenda of the news conglomerate are pushed. It is also important to appreciate that “access” to justice and access to “justice” <sup>22</sup>are two different concepts. One dealing in holistic sense and one dealing in the presence of certain predetermine set of criteria which does not really further the cause of justice.

“Public Legal Education (PLE) provides people with awareness, knowledge and understanding of rights and legal issues, together with the skills and confidence necessary to deal with disputes and gain access to justice. It also helps people recognise when they may need support, what sort of advice is available, and how to go about getting it”<sup>23</sup>. It can also be understood as “raising of awareness amongst society as a whole and/or specific groups, of legal and related entitlements, obligations and processes. Also known as community-based legal education.”<sup>24</sup>

The current public legal education movement has fallen into the trap of providing “access” to justice and not access to “justice”. They have relegated the entire process into a clerical job wherein they just have a requirement of making the laws available. The best example for these would be state government laws which ought to be published in the public domain but in states such as Bihar you would find that there is just an “availability” of law and no holistic effort to make those laws accessible or curate them in such a manner that the general populace can understand or even find the laws. This is mitigated through India code or PRS which has a comprehensive data set of laws. This ties into the broader theme of the paper which is that legal knowledge is privatized and there exist a problem of access in relation to these laws.

“Citizenship is a status bestowed on those who are full members of a community. All who possess the status are equal with respect to the rights and duties with which the status is endowed.” <sup>25</sup>This in turn read with ideas of Miller<sup>26</sup>, Johansson and Hvinden<sup>27</sup> along with the concept of active citizenship,<sup>28</sup> we get an understanding that knowledge of rights and responsibility is a critical element of social and civil participation.<sup>29</sup>

To summarise all the points that have been discussed to be an active citizenship, one should be cognisant of his legal rights and should be able to exercise them. A citizen is expected to be

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<sup>20</sup> Siberian, C. Crisis in Classroom, New York Random House (1970)

<sup>21</sup> Ibid

<sup>22</sup> Baxi P, Access to Justice and Rule-of (Good) Law1: The Cunning of Judicial Reform in India, Indian Journal of Human Development, Vol. 2, No. 2, 2008.

<sup>23</sup> Public legal education, House of Commons Library, Friday, 11 May, 2018, <https://commonslibrary.parliament.uk/research-briefings/cdp-2018-0119/>

<sup>24</sup> Grimes, R. (2025). "88: Public legal education (community)". In *Elgar Concise Encyclopedia of Legal Education*. Cheltenham, UK: Edward Elgar Publishing. Retrieved Sep 9, 2025, from <https://doi.org/10.4337/9781035302932.ch88>

<sup>25</sup> Marshal, T.H, Class Citizenship and Social Development, New York (1964)

<sup>26</sup> Miller D. Citizenship and National Identity, Cambridge, Polity Press, 2000

<sup>27</sup> Johansson H. and Hvinden, B. (2007), “What do we mean by active citizenship”, Citizenship in Nordic Welfare states : Dynamics of choice, duties and participation in a changing Europe. Routledge pp. 32-49

<sup>28</sup> Denvir C et al., Informed citizens? Knowledge of Rights and the Resolution of Civil Justice Problems. Journal of Social Policy, 41 pp591-614 (pg 594)

<sup>29</sup> Ibid

aware of all the laws that are enforced in the court the concept of "*ignorantia juris non excusat*" is relevant to be discussed as when an aggrieved citizen would move to court, he cannot be expect the court to be sensitive to the fact, due to the predominance of lack of legal education, a person would not be aware of his rights or the associated duties attached to it. For instance, to initiate a cheque bounce case there exists a period of limitation. If a person who want to swindle someone that person just needs to delay the filling to such a date that the period of limitation is reached. True, that a condonation of delay can be filled but these thoughts appear in our mind due to the legal education with which we are equipped with. It would be a logical fallacy if we assume the same level of legal understanding when more than 80% of Indian population have an education level of secondary level.<sup>30</sup>

## **Democratization of Legal Knowledge and Access to justice**

Rights-based education is understood as an approach that teaches individuals about their legally guaranteed entitlements and obligations, thereby underpinning access to justice. For example, public legal education (PLE) has been defined as providing people with "awareness, knowledge and understanding of rights and legal issues, together with the confidence and skills they need to deal with disputes and gain access to justice."<sup>31</sup> Access to justice itself is defined as the ability of people to "seek and obtain a remedy through formal or informal institutions of justice"<sup>32</sup> which implies that legal awareness is a necessary precondition. Empirical research in England and Wales finds that public legal education which includes both school-based "rights-based education" and just-in-time self-help resources helps citizens to resolve relatively simple legal problems without formal legal education.<sup>33</sup> In India, national legal aid authorities articulate the same idea: their mission is to "empower individuals and communities by enhancing their understanding of the law and their legal rights"<sup>34</sup> and their widespread legal awareness campaigns are explicitly designed to educate people about available remedies so they can "make informed decisions, assert their rights, and effectively engage with the legal system"<sup>35</sup> These definitions and reports together underscore a scholarly consensus in both India and the UK that a rights-based approach to education and public legal awareness is central to access to justice, by treating learners as rights-holders and equipping them with legal knowledge and confidence, these educational strategies enable individuals to claim their rightful legal entitlements and navigate the justice system.

To better understand the scenario in rights-based education the author looked into the NCERT books which is the primary textbooks prescribed to teach secondary school student and tried to ascertain if they have an understanding of their rights or there exist public legal education on a secondary education level. What I found is that there is no dedicated chapter on rights which they possess. There are two chapters dedicated to political parties but none to fundamental

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<sup>30</sup> Waghmare, *Supra Note 11*

<sup>31</sup> Wintersteiger L et al., Effectiveness of Public Legal Education initiatives, The Legal Services Board, <https://legalservicesboard.org.uk/wp-content/uploads/2021/02/PLE-systematic-review-report-Feb-2021.pdf>

<sup>32</sup> Necessary Condition: Access to Justice, United States Institution for Peace, <https://www.usip.org/guiding-principles-stabilization-and-reconstruction-the-web-version/rule-law/access-justice#:~:text=Access%20to%20justice%20is%20more,in%20compliance%20with%20human%20rights>

<sup>33</sup> K. Krishnan , Shirish N. Kavadi, Azima Girach & Dhanaji Khupkar, Grappling at the Grassroots: Access to Justice in India's Lower Tier, 27 HARV. HUM. RTS. J. 151

<sup>34</sup> Mann S, Chauhan S, ACCESS TO JUSTICE IN INDIA: A REPORT, [clp.law.harvard.edu](http://clp.law.harvard.edu).

<sup>35</sup> *Ibid*

rights or any legal rights for that matter. This shows a level of negligence (or rather wilful) exclusion of public legal education aspect. Whenever there is a conversation about dissemination of legal education this is overseen. This arena has untapped potential wherein we can inculcate a sense of rights which they possess at a young age promoting a rights-based thoughts process. This is not only limited to school children as then these books can also act as a tool to educate the general populace as well.

“Accessible and impartial justice is one of the core principles underlying the rule of law”.<sup>36</sup> In the first legal information institutes of the world meeting in Montreal, they declared that Public legal information for all countries and international institutions is part of the common heritage of humanity. They tied in this idea to the idea which supports human rights in international sphere. Further they contended that there should be a general prevalence of legal knowledge in common law country. It is also important to maximize access to information which promotes access to justice and the rule of law. As it has been established earlier legal knowledge helps in upliftment in social and economic conditions of the marginalized society. Helping them chart a course from where they can create their own space in a civil society

The digitalization of public legal information has made it digital common property which can be accessed anywhere in a holistic manner. The problem which lies although lies in the state instrumentalities which follow the dictum of “access” to justice and not access to “justice”.<sup>37</sup> A possible solution to it that it should be made accessible to all, on a non-profit basis, free of charge to promote legal knowledge. There should be organizations such as legal information institutes which have the right to publish public legal information and the government bodies that create or control that information should provide access to it so that it can be published by other parties.<sup>38</sup>

The start of “Free Law Access Movement” was established by Peter Martin and Thomas Bruce. Their idea which was promulgated in 1994 pitches for the establishment of legal information institution would promote democratization of knowledge.<sup>39</sup> The Indian counterpart of free access movement was established in 2008 with the support of several prominent law school. This ran into trouble due to lack of funding and as of this moment is reduce to nothing more than a broken internet link.<sup>40</sup>

This ties into the idea of Marc Galanter wherein the repeat players or rather the one who have the resources to interact with law or people who have legal knowledge comes out ahead. This ties into the broader scheme of the paper which is that if someone who is accustomed to legal processes have a better chance of attaining the desired justice than those who are not familiar with the process.<sup>41</sup> This same disparity in one which public legal education strives to mitigate. The Democratization of knowledge also ties into a deeper social issue. The prevalence of a skewed power structure, gives little to no incentive for the people on top to democratize

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<sup>36</sup> Goswami, *Supra Note 3*

<sup>37</sup> Baxi, *Supra Note 22*

<sup>38</sup> Montreal Declaration on Free Access to Law, [http://www.worldlii.org/worldlii/declaration/montreal\\_en.html](http://www.worldlii.org/worldlii/declaration/montreal_en.html)

<sup>39</sup> Thomas R. Bruce & Peter W. Martin, *The Legal Information Institute: What is It and Why Is It*, 20 CORNELL LAW FORUM (FACULTY eD.) 3 (March 1994).

<sup>40</sup> See also <http://www.liofindia.org/>.

<sup>41</sup> Galanter, Marc. "Why the haves come out ahead: Speculations on the limits of legal change." *Law & Soc'y Rev.* 9 (1974): 95.

knowledge as this would threaten the status quo where they enjoy a dominant position. This contention was also reflected by Dr. N. R. Madhava Menon, who advocated that “legal education in India should be liberated from the dominant control of the Bar Councils and entrusted to legal academics with freedom to innovate, experiment and compete globally.”<sup>42</sup>

We should also be mindful not to correlate availability with accessibility, albeit similar terms but with differential application in the context of access to justice. An example which would exemplify this divide would be that there is an availability of online sources for bare acts and legal research papers, but in order to access them one would need infrastructure to access the internet, the knowledge of where to find the relevant document, be well versed in English to understand the research paper and be capable of understanding legal jargons. For the uninitiated these are walls which are too high to overcome and they often stay within the confines wherein misinformation rules. This problem can be seen in the manifestation of divide between classes of people within a society who tend to support political decisions without understanding the underlying legal rights which they are foregoing. Legal literature also bats for the notion that “When justice is available regardless of wealth or status, citizens trust institutions and grievances are resolved, reducing social conflict. By contrast, barriers such as high costs, delays, or lack of legal information leave people with a “brooding sense of injustice” and erode faith in governance.”<sup>43</sup>

Legislative initiatives have also sought to decentralize justice. For example, the Gram Nyayalayas Act, 2008 was enacted to establish village courts in rural areas, providing “cost-effective, speedy justice” for petty civil and criminal cases close to home.<sup>44</sup> Gram Nyayalayas is designed to lower travel costs and simplify procedures for villagers, thereby widening access.<sup>45</sup> Likewise, NALSA organizes *campus awareness* (through over 18,745 legal literacy clubs in schools and colleges) and massive *outreach campaigns* (Jan Andolan) in villages. In late 2022, NALSA reports holding 151,100 village camps and reaching 38.7 million citizens, providing legal assistance to 1,021,533 persons. A Pan-India campaign in 2021 covered 640,727 villages and benefitted 6.545 million people<sup>46</sup>. These data show sustained legislative and administrative effort to bring legal knowledge and services to the poor, consistent with constitutional mandates. These efforts are focused on quantitative access of justice and not qualitative access to justice. It is important to understand the context behind the numbers. The statistics suggest 6 million people benefitted from the program but do these 6 million people can access the legal knowledge in a timely and secure manner on their own? This is a question which needs to be asked when we are going through these numbers. It is easy for us to celebrate statistical achievement but a deeper look into the context of data paints a very different picture.

## **Privatization of Legal Knowledge in India**

<sup>42</sup> Mukhija K, *DEMOCRATIZATION OF KNOWLEDGE AND ROLE OF ELECTRONIC LEGAL RESEARCH, ACCESS TO LEGAL INFORMATION & RESEARCH IN DIGITAL AGE*.

<sup>43</sup> Audichya K & Audichya N, *EXPANDING ACCESS TO JUSTICE TO REACH THE POOR AND THE MARGINALIZED COMMUNITIES*, *Bharati Law Review*, Oct-Dec, 2016

<sup>44</sup> Baxi, Supra Note 22

<sup>45</sup> Ibid

<sup>46</sup> Ibid

A major impediment to legal knowledge has emerged from the privatization of legal knowledge. In India, the authoritative text of statutes and case law is often controlled by private publishers and online databases who require hefty subscription fees in order to be accessed. Private firms such as LexisNexis-India,<sup>47</sup> Universal Law Publishing,<sup>48</sup> Taxmann, CCH<sup>49</sup>, etc. publish *bare acts* (statutes) with commentary and annotations which is then protected under the intellectual property regime. Crucially, under Section 52(1)(q) of the Copyright Act, reproduction of legislative texts with added commentary is explicitly permitted<sup>50</sup>. This has led to an ecosystem where only versions of laws accompanied by proprietary commentary are legally saleable. Meanwhile, paid legal databases like Manupatra and SCC Online dominate case law research. These platforms compile all Supreme Court, High Court, and tribunal judgments, but only subscribers (usually lawyers, law firms, or universities) can access them.

This commercialization of legal information effectively creates an access problem for the poor who not only don't have a basis level of understanding of laws and also don't have any recourse to access the laws. In a Public Interest Litigation filed in the apex court, a contention was raised that private publishers have "created a monopoly and charge the public at large according to their whims and fancies,"<sup>51</sup> violating citizens' "fundamental right to know" unless the State provides affordable versions.<sup>52</sup> In government affidavits, officials have admitted that the State's official publications of laws are limited and difficult to navigate<sup>53</sup>, whereas private publishers adding their own commentary produce cheaper books for profit<sup>54</sup> and are easier to navigate. Thus, the "access problem" arises, if free statutes or decisions exist in principle (on a portal) but are not user-friendly, and if practical use requires buying annotated versions or database subscriptions, ordinary litigants and small lawyers are effectively locked out of up-to-date law.

The institutional support for privatized legal knowledge is evident. Legally, the Copyright Act's fair-use exception has been interpreted liberally: the government's position is that reproduction of any enactment with commentary "does not violate" copyright<sup>55</sup>. As a result, private *Bare Act* books proliferate unchallenged. This itself is hypocrisy because the garb under which they are using government legislation to make profit, is the fair dealing provision under section 52 of copyright act. Then they go on to deny fair and equitable access to the same resources which they get through the provision of fair dealing. Furthermore, in practice the judiciary and legislature rely on these sources. For example, Supreme Court judgments often cite sections from commonly used private editions, and even the Union legislature recognized India code only after court orders. Government officials have pointed out that the State lacks capacity to produce affordable editions, tacitly endorsing private publication<sup>56</sup>. Scholars note this as well, open-access advocates urge the government to foster free law initiatives such as Indian Kanoon and IndLII as alternatives to commercial sites.

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<sup>47</sup> LEXISNEXIS INDIA, <https://www.lexisnexis.in/>

<sup>48</sup> UNIVERSAL PUBLISHERS, <https://www.universal-publishers.com/>

<sup>49</sup> TAXMANN, <https://www.taxmann.com/>

<sup>50</sup> S.S. Rana & Co., *India: Bare Acts by Private Publishers Infringe Govt Copyright?* (Jan. 11, 2018),

<sup>51</sup> Ibid

<sup>52</sup> Supra Note 27

<sup>53</sup> See Bihar legislative site

<sup>54</sup> "Bare Acts Published by Private Publishers Does Not Infringe Govt's Copyright," *Economic Times*, May 12, 2018 (PTI).

<sup>55</sup> Ibid

<sup>56</sup> Baxi, Supra Note 22

Manupatra and SCC Online are the two dominant online case law databases in India. Apart from the requirement of annual paid subscriptions required, often amounting up to thousands of rupees per year and do not allow non-subscribers to read judgments online. No public alternative such as a government repository offers even a similar breadth and searchability. Likewise, key statute books are sold through private publishers. Some grassroots legal services or NGOs resort to unofficial photocopies (sometimes infringing copyright) or poor-quality scans because no other options are affordable.

This privation of legal knowledge starkly contradicts India's constitutional ideals and creates an access to justice problem. Many have argued that access to law is a component of the right to life and liberty.<sup>57</sup> If citizens cannot freely access the text of laws or judicial precedents, their ability to understand and enforce legal rights is severely curtailed. Indeed, some activists characterize the situation as "fabrication of privilege" by non-state actors: as one firm noted, citizens' right to know obliges the State to make laws "reasonably priced, accurate and authentic" which currently it does not<sup>58</sup>. An Amnesty International report on India's rights record warned that "significant obstacles exist in the task of ensuring access to justice, particularly for marginalized communities."<sup>59</sup> In light of this report and the arguments presented through the course of the paper and the problems which have been delineated in the next part of the paper, the author has presented few recommendations.

## **Recommendations**

To address the problem discussed in the paper there can be no one size fits all solution. We have to take into consideration the linguistic and cultural aspect which are prevalent in the country and fashion the policies accordingly.

The first would be to collect data on legal literacy, this can be facilitated by district and panchayat level workers. Once we have this data, we can move to fill this yawning gap. We need to also appreciate the current infrastructure which is present in the state and work to make them more accessible. First, the government can expand and upgrade official law repositories. The India Code portal and e-Gazette system already publish central statutes online for free<sup>60</sup>. By strengthening these with better search, annotations, and continuous updates and actively disseminating official bare acts, the State could undercut private monopolies.

Second, the State should honor its constitutional duties. Under Article 39A and the right to life (Art. 21), the government is obligated to ensure legal information is accessible to all. Access to knowledge is a prerequisite to "reasonable, fair and just procedure." The Supreme Court has held that economic limitations cannot justify depriving a person of justice<sup>61</sup>. By analogy, it cannot justify denying access to legal rules. Therefore, the State should proactively distribute statutes through digital and physical libraries, sponsor low-cost law reporting, or even partner

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<sup>57</sup> Denvir, *Supra Note 28*

<sup>58</sup> Baxi, *Supra Note 22*

<sup>59</sup> India: Accountability, impunity and obstacles to access to justice: Amnesty International Submission to the UN Universal Periodic Review, May-June 2012

<sup>60</sup> Bar & Bench, *Indiacode Launched After HC Order to Increase Public Access to Laws* (Dec. 18, 2019).

<sup>61</sup> *Supra Note 5*

with open-access initiatives. International experience suggests model laws where legal texts are government-published in the public domain.

Third, enhancing legal literacy and public legal education should be enabled through technologies. Funds to support mobile legal aid units, legal awareness radio/TV programs should be made available. Courts and legislature should give teeth to citizens' "right to know." They could mandate that counsel cite official online versions with neutral pagination rather than proprietary reporters. They could penalize deliberate misquotation from unofficial sources. On the legislative side, amendments like making all central Acts and Rules mandatorily available online as in some countries would preclude confusion.

Lastly, A rights-based education curriculum should be introduced in schools which would inculcate basic legal knowledge to student at a young age. As it has been discussed earlier majority of the adult Indian population have a minimal level of education which does not include rights-based educations. The government should introduce diploma courses or night school or use state media to educate everyone on their rights.

## **Conclusion**

Through this paper an effort has been made to correlate the dimensions of access to justice with that of legal education. The author delineates what access to justices means in the context of the paper, which is to construe it in a holistic sense and not just the availability of scattered resources which could not solve the access problem even if someone is legal and digitally literate. The paper then analyse the state of public legal education and rights-based education finding that there exist none. Through going through books used to teach in the secondary school the state of legal education or rather legal awareness can be construed. In the end the author would like to conclude by saying that there have been efforts to bridge legal knowledge but these efforts solve "low hanging" statistical problem and not holistic problem which the author believe is the root cause of the civic society problem in India.