

**GUJARAT NATIONAL LAW UNIVERSITY
GANDHINAGAR**

Course: **Access to Justice: Theory and Practice**
Semester- IV (Batch: 2021-26)

End Semester Examination: May 2023

Date: 13th May, 2023

Duration: 3 hours

Max. Marks: 50

Instructions:

- Read the questions properly and write the answers in the given answer book.
- Do not write anything on the question paper.
- The respective marks for each question are indicated in-line.
- Indicate correct question numbers in front of the answer.
- No questions or clarification can be sought during the exam period, answer as it is, giving reason, if any.
- Word Limit: 7 Marks: 750-850 words, 4 Marks: 450-550 words.

Q.1 “Although states have increased budget allocation for legal aid, legal aid clinics reduced by 44 per cent between 2019 to 2021, the India Justice Report (IJR) 2022 stated, while adding that all states and Union Territories contributed more than 60 per cent to their legal aid budgets.

Marks
(4x2=8)

The findings come as part of the third edition of IJR 2022, released on Tuesday, April 4, 2023 which compiles and categorises data of states and UTs, based on “four pillars” of justice delivery—the police, judiciary, prisons, and legal aid. “Each pillar was analysed through the prism of budgets, human resources, workload, diversity, infrastructure, and trends (intention to improve over a five-year period), against the state’s own declared standards and benchmark,” the report states adding that it “separately assesses the capacity of the 25 State Human Rights Commissions” as well.

However, the report mentions that India’s justice system as a whole remains plagued by low budgets. This could be due to the fact that “except for two union territories, Delhi and Chandigarh, no state spends more than 1 per cent of its total annual expenditure on the judiciary.” The report further reasons that most states have not fully utilised the funds given to them by the Centre and “their own increase in spending on the police, prisons, and judiciary has not kept pace with the overall increase in state expenditure.” Despite this, the national per capita spending on police significantly increased from Rs 912 in 2017-18 to Rs 1151 in 2020-21.

Concerning budgets, the report states the national per capita spend on legal aid, including the expenditure of the National Legal Services Authority (NALSA) and the state/UT governments themselves, is a “meagre Rs 4.57 per annum”. Excluding NALSA, this figure drops to Rs. 3.87, the report says.

It adds that out of the 18 large and medium-sized states having a population of over 1 crore each, Karnataka ranked first in “justice delivery” followed by Tamil Nadu, Telangana, Gujarat, and Andhra Pradesh, respectively. Meanwhile, Uttar Pradesh ranked 18 among the states with a population of over 1 crore each.

The report flags the issue of “vacancy” in areas like the police, prison staff, judiciary, and legal aid. When it comes to the judiciary, it highlights that India has about 20,076 judges

for a population of 1.4 billion, indicating a vacancy of 22 per cent among the sanctioned posts. Among high courts, there is a 30 per cent vacancy of judges, it says, adding that “only 13% of High Court judges and 35% of Subordinate Court judges are women.”

On the aspect of workload in the judiciary, the report said that in 28 states, “one in every four high court cases is pending for more than five years”. Similarly, in district courts of 11 states/UTs, one in every four cases is pending for more than five years,” the report said, adding that “the population per subordinate court judge and high court judge is 71,224 persons and 17,65,760 persons, respectively”. (Source: The Indian Express, April 6, 2023)

- a) Define ‘Access to Justice’ and state how the findings of the India Justice Report 2022 reflect the current state of access to justice in India.
 - b) Concerning Access to Justice, what are the key constitutional provisions in India, and how do they address the various issues related to justice delivery in the country, as highlighted in the India Justice Report 2022?
- Q.2 What are the systemic and societal implications and potential consequences of inadequate Access to Justice for individuals and society as a whole? What strategies and measures can the legal system implement to tackle the complex interplay between social and legal factors that contribute to barriers to justice, particularly for those who face intersecting forms of discrimination? (7)
- Q.3 How can a "Human-Centred" design approach be used to develop solutions to the barriers to Access to Justice? Applying a “Human-Centred” design approach, recommend a solution for one of the barriers to access to justice in India. (7)
- Q.4 Define the concept of vulnerable and disadvantaged groups. Identify one group that faces significant barriers to accessing justice in India and describe those barriers. (7)

OR

- How do impairments impact Access to Justice for persons with disabilities? Discuss the significant measures that can be taken to ensure their equal access to the justice system.
- Q.5 Discuss the various informal (traditional and indigenous) justice systems in India and compare and contrast them with formal judicial systems. (7)
- Q.6 Examine the role and effectiveness of the National Human Rights Institutions in India in protecting citizens' rights and in improving access to justice in India. Propose a new oversight mechanism that could help ensure fairness in the Indian justice system. (7)
- Q.7 Analyse the role of legal awareness in promoting access to justice in India and design a new strategy for promoting legal awareness in a specific community in India. (7)
