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Reforming the Indian Bar: The limits of technological solutions

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Abstract

A majority of Indians do not have effective access to legal services, despite the constitutional promise of access to justice. There are two intertwined reasons for this: the unavailability of a sufficient number of good quality lawyers, and the high costs of accessing legal services. The Indian legal profession is highly unequal, with 'prestige' being the currency of upward professional mobility. The professional regulator, the Bar Council of India, simply lacks the capacity to regulate quality. As a consequence, clients lack the information to access lawyers, and to understand the outcomes they desire from them, and the fees they have to pay. Legal aid solutions are only able to cater to a fraction of these unmet legal needs. In this paper, we observe that in the absence of regulatory reform, the Indian state and private players are attempting to use technology to address this capacity problem. The Supreme Court's e-Courts project promised to transform the system through information technology enablement of courts, while the private legal tech sector has designed several solutions, including lawyer matching platforms for delivery of legal services. However, the success of the e-courts project remains mixed at best, with the litigant remaining underserved, and private sector solutions have failed to reach scale due to regulatory uncertainty and their inability to build trust. The paper argues that technological solutions as currently designed are useful in fixing process-specific issues, but are inadequate to address the more fundamental problem of misaligned incentives and deep-rooted regulatory design flaws of the Indian legal profession, which require much broader scale reform.

Keywords: Technology, Solutions, Legal System, Lawyers, State capacity, Access to Justice.

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1. Introduction

A country as vast and diverse as India must build independence and responsiveness in its judicial system to be able to safeguard the rights of its disadvantaged citizens. Ultimately, the legitimacy of the state is built on its citizens' trust in state institutions and in their capacity to govern. The paradox is that Indians show a high level of effective trust in the judiciary, but they do not show the same level of trust in legal professionals (CSDS, Lok Niti and Azim Premji University 2019). Indians view lawyers with scepticism, and do not report achieving satisfaction when seeking legal assistance (Krishnaswamy and Swaminathan 2019; Krishnan et al. 2014).

The Indian legal profession suffers from significant capacity constraints — symptoms of this problem include the unavailability of a sufficient number of good-quality lawyers and the high costs of accessing legal services. These costs include not only financial costs but also the time and effort spent on hiring and following up with a lawyer. This has been attributed to the lack of reliable information on the costs and benefits of pursuing legal action, and on the role of the lawyer in court. The Indian legal profession is highly stratified and unequal and does not seem to demonstrate effective signals of quality. This only serves to aggravate the feeling of distrust.

Attempts are being made by both the executive and judicial branches of the Indian state, as well as private sector actors, to resolve these issues using technological solutions. These solutions are intended to generate more information about court processes and provide information about the services offered by courts and lawyers along with their costs. However, while the use of technology can meaningfully contribute to the reform process, we warn against a 'digital first' approach that veers into the path of technological solutionism (Morozov 2013). Solutionist thinking 'presumes, rather than investigates, the problem it is trying to solve'. This approach could result in unintended consequences without solving the problem in the first place.

Our study begins with an explanation of the key issues preventing Indians from accessing lawyers to resolve their legal problems. It then highlights the various attempts made by the Indian state and India's rapidly growing tech sector to address these issues. We conduct a detailed evaluation of the available technological solutions offered by various private sector providers, and show how these have failed to overcome the significant market failure in the delivery of legal services. The paper concludes with the view that technological solutions, as currently designed, are limited in impact and highly inadequate for large-scale systemic reform of the legal services market in the country. Only full-scale regulatory reform can address the problems of access in the Indian legal profession.

2. The problem of unmet legal needs

Access to legal services in most countries is a right guaranteed by law. In India this right is guaranteed by the Constitution. However there is a large gap between assurance and access. This is the problem of unmet legal needs.

The problem of unmet legal needs is global in scope. The World Justice Project's global legal needs survey, conducted across 100,000 households in 101 countries, found that almost half of the respondents had experienced at least one legal problem in the last two years (World Justice Project 2019). These included problems related to housing, land, family, employment, and other issues critical to people's economic and social well-being.

Among those who reported experiencing a legal problem, more than half were unable to meet their needs for legal representation. The scale of this gap amounts to 1.4 billion people with unmet civil and administrative justice needs globally. This also imposes a heavy cost on societies, as people experience physical or stress-related ill health, loss of income or employment, or the need to relocate. Unmet legal needs also present serious macroeconomic challenges. It has been estimated that legal problems represent a cost of between approximately 0.5 and 3% of GDP annually for all countries (Organisation for Economic Co-operation and Development and the World Justice Project 2019).

While the problem of unmet legal needs is very much global, there are three specific causes in the Indian context: (i) low judicial capacity, (ii) high costs of accessing the legal system, and (iii) the difficulties of accessing a lawyer.

2.1 The problem of low judicial capacity

The judicial capacity problem in India has been discussed extensively, not only in the academic space but also in the Economic Survey and even in popular culture (Ministry of Finance, Government of India 2018; Aithala, Sudheer, et al. 2021).

One symptom of low judicial capacity is the low rate of civil litigation per capita. In 1881, 7198 civil suits were filed per million population — this number rose to 9931 per million by 1933. However, by the time of independence from British rule, this number had started to fall: to 3810 per million in 1947 and to a low of 1487 per million by 1967 (Galanter 2009a). In 2025, based on data from the National Judicial Data Grid (NJDG), 2650 civil suits per million population were instituted.[1]

The judicial system also suffers from low rates of productivity with wide variation across the country (Aithala, Sudheer, et al., 2021). Even when it comes to commercial matters such as debt recovery in large cities like Mumbai, the litigant has to contend with a 'substantive' hearing (i.e., a hearing that is not an adjournment) that comes only after two or three non-substantive hearings (Manivannan et al. 2023). All in all, this leads to a problem of predictability (Manivannan et al. 2024).

The capacity problem is complicated by the low availability of judges. In 2024, India had one subordinate court judge for every 63,000 people (Sir Dorabjee Tata Trust 2025). This is certainly an improvement since 1995, when India had one judge for every 100,000 people (Galanter 2009b). For comparison, England and Wales had a ratio of one judge for every 3750 people in 2023 (House of Commons, UK Parliament 2024).

2.2 The problem of costs while accessing the legal system

Accessing the legal system in India is a costly affair. It has been estimated that the high costs of litigation, e.g., travel to courts and conduct of cases, value of lost time, requirement of social support systems, litigants' expectations, etc. are collectively equivalent to 0.5% of India's GDP (Baruah et al. 2017). While the costs of hiring a lawyer vary widely across India, the costs of litigation (excluding lawyer's fees) was calculated at INR 1039 per day (i.e., roughly four days' worth of average wages) (Naik 2016). These observations, to a slightly lower extent, also hold for legal services availed by Indian corporations (Sankaraguruswamy and Varottil 2023).

2.3 The problem of accessing lawyers

When it comes to accessing lawyers, the state of affairs is even more concerning. To put it bluntly, the regulator for the legal profession in India, the Bar Council of India (BCI) (and the bar councils of India's 28 states) simply does not know how many advocates actively practise law in India.[2] The closest estimate available is that of the BCI Chairperson in 2013 — 'around 1.7 million registered advocates' in the Lok Sabha (2014). Using this estimate, the lawyer-to-citizen ratio would stand at one lawyer for every 752 Indians.[3] This ratio has doubled since 1989, when Marc Galanter estimated that there was one lawyer for every 336 Indians.[4] This problem alone provides deep insights into the lack of regulatory capacity at the BCI.

In most jurisdictions, the regulator for the legal profession performs the function of quality control and monitoring entry, such as by setting entry standards. This is done by one or a combination of methods, such as holding bar entrance examinations, mandating an apprenticeship or training with a full and senior member of the profession, or requiring continuing education and evaluation of quality every few years (Glen 2002).

In India, the BCI conducts the All India Bar Examination (AIBE) on an annual basis. Since 2010, a 'pass' grade in the examination has been necessary to obtain a certificate to practice law. However, while this examination imposes a qualification and enrollment condition on a new advocate's right to practice law, it does not help regulate quality effectively. The BCI itself observed that the AIBE's objective of improving the standard of the profession has failed — many advocates simply do not take the examination and continue practicing without the BCI's certificate of practice.[5] The examination is also plagued with administrative issues such as incorrect results being supplied, incorrect or badly framed questions etc. (Bar and Bench 2019). In other words, given the regulator's ineffective licensure controls upon entry, the regulator is forced to rely on ensuring post-entry competence of licensed practitioners (Trebilcock 2001).

Misconduct by lawyers is another area where the BCI and the state bar councils have drawn criticism. Under the Advocates Act, 1961 the client is required to file a complaint with the state bar council and the state bar council is required to dispose of the complaint within one year. If the complaint is pending for more than a year, under section 36B of the Advocates Act, 1961 the complaint is transferred to be heard by the BCI. However in December 2021 the Supreme Court noted that there is a practice among the state bar councils to 'deliberately delay the hearing of the

complaint' so that it automatically needs to be transferred to the BCI (Supreme Court of India 2021b).

The BCI's authority to decide whether an advocate has breached the rules of professional conduct has been described as a 'system of peer justice' where the disciplinary committees comprise only of advocates which has led to allegations of regulatory capture (Vidhi Center for Legal Policy 2020). This follows earlier remarks by the Law Commission of India which pointed out 'the crumbling regulatory structure' of the legal profession and its 'inherent problems of deficiency in professionalism, ethical decline and lack of devotion' (Law Commission of India 2017). The Law Ministry has attempted to frame new regulations to govern legal practitioners but so far there have been no major changes to the disciplinary mechanism.

3. The malaise in the Indian legal profession

Why do these deep and structural problems within the Indian legal system persist? There are multiple explanations. One explanation comes from the British practice of discouraging litigation by Indians by creating the 'myth of the litigious Indian' (Galanter 2009b; Moog 1993). Courts in British India were exclusionary by design — they imposed high rates of court fees, which discouraged all but the wealthiest litigants to file suits.

Another explanation comes from the Indian state's attempt to improve the judiciary by building carve-outs (specialised tribunals, consumer courts, alternative dispute resolution, etc.) rather than addressing the fundamental causes of delays and other factors that weaken the rule of law (Sahoo 2012; see also Kelkar and Shah 2022) This meant that most subordinate courts, and by extension the legal profession, did not develop deep institutional experience with complex cases of high value. As a consequence, the Indian judiciary decreases in capacity as one moves from the top of the hierarchy to the bottom (Robinson 2016).

However, the bulk of the academic literature addressing this topic in the Indian context has found that the deeper answers may lie with the notion of 'nobility' and 'prestige' in the Indian legal profession. This gap in 'prestige' between leading lawyers and others has deep colonial roots (Ballakrishnen 2012; Galanter 1974; D. B. Wilkins et al. 2017; Talesh 2013; Dezalay and Garth 2011). Colonial-era hierarchies between barristers trained in Britain and '*Vakils*' trained in India deepened professional hierarchies and created two separate classes of professionals (Galanter and Robinson 2013).

After India's independence from British rule, a small but elite cadre of lawyer-politicians, government lawyers and judges belonging to prominent families reimagined the concept of an 'Indian advocate' to protect their own prestige and political power. They have been termed the *Grand Advocates* — 'a stratum of legal superstars, advocates based at the Supreme Court and some High Courts, very visible, renowned and in high demand' (Williams 2020). Grand Advocates enjoy several advantages over other lawyers: fluency in English, family connections, being from a specific social

stratum (caste, religion, etc.) and junior lawyers found it easy to be referred to work with seniors from the same stratum.

Grand Advocates became sought after, since used the extensive human capital they have developed within the court system, nuanced knowledge of the formal and informal procedures and their reputational capital before judges to get more 'face time' and favourable verdicts for their deep-pocketed clients (Galanter and Robinson 2013). This steep and pervasive professional hierarchy continues to this day at the Indian Bar — for example, it has been argued that the notion of the 'Grand Advocate' persists in the formal recognition of the position of Senior Advocate in the Advocates Act, 1961 (Williams 2020).

The most significant consequence of this stratification of the Bar is that lawyers considered 'not prestigious' are underworked and underpaid. In India's lower courts, 'leading advocates' form a handful of the total advocates, followed by advocates who are 'below top' (established lawyers with more than ten years of practice), 'average' (men with many years of practice and some important position in the community outside the bar, but who lack the district-wide professional reputation of the top practitioners), and 'below average'. At the bottom, are 'briefless lawyers, struggling beginners or old, semi-retired practitioners' (Morrison 1972).

Lawyers from small towns often operate within existing constraints of lack of institutional support and pressures of social norms, social exclusion and local political positions. It is only through innovative methods, familiarity with disputants and the disputant's real interests, knowledge of specific laws that are pertinent to disputes, and network building with other small town lawyers, they manage to survive (Mamidi 2013). As a consequence, Indian lawyers are characterized by four distinctive features:

i. they practice the law as individual lawyers (as opposed to being part of larger law firms),
ii. they are oriented to courts and not other dispute resolution forums,
iii. they focus on oral performance (i.e., advocacy) rather than advising, negotiating, or planning for their clients, and
iv. they are relatively unspecialized as they do not limit themselves to one area of the law (Galanter 1968; Galanter and Robinson 2013; D. Wilkins 1992).

The client's engagement with the lawyer is episodic and not enduring and the lawyer is expected to deliver on performative aspects. This also means that Indian clients typically approach lawyers at a relatively later stage of the dispute.

It is therefore remarkable to us that most conversations concerning reforms in the legal profession in India today are about technological solutions. Technological solutions have focused on the problem of costs and, to a lesser extent, the quality of legal services. In the next section, we present some of these solutions.

4. Technological solutions

India has attempted to address the problem of low capacity with technological solutions. In this section, we look at various attempts by the state (i.e., the executive and the judiciary) and the private sector to fill the gap when it comes to accessing legal services.

4.1 The role of the state

The judiciary, along with the executive (i.e., the Ministry of Law and Justice, along with various state governments), have played a leading role in India's pivot towards the use of technology in enhancing access to legal services.

The *e-Courts* project, a 'mission-mode' project that has been implemented since 2005, seeks to employ information and communication technologies (ICTs) 'to transform the judicial system of the country by ICT enablement of courts and to enhance the judicial productivity, both qualitatively and quantitatively, making the justice delivery system accessible, cost-effective, reliable, and transparent' (Ministry of Law and Justice, Government of India 2023b) The project has a dedicated budget (receiving, on average, INR 2180 million each year after adjusting for inflation) and a dedicated coordinating agency (the e-Courts committee of the Supreme Court of India).

The e-Courts project has been carried out in three phases.

- In the first phase (2007-2015), the courts were computerised, court records were digitised, and case information systems were set up for litigants. Cloud computing architecture was applied to complement court capacities, and the infrastructure of Common Service Centres was widely utilised to ensure that litigants in rural regions of the country can access court services via phone and video conferencing facilities. In 2013, the government launched the eCourts website, which makes detailed case-related information available.
- The second phase of the project (2015-2023) has seen the development of litigant-centric software applications through the use of Free and Open Source Solutions (FOSS). This phase also saw some important initiatives, such as the *Tele-Law* scheme and the *Nyaya Bandhu* portal, which were started in 2017 (Aithala and De Souza 2018).
- The third phase, which is currently underway, is seeing the use of asynchronous virtual courts, Online Dispute Resolution (ODR) platforms, and the use of AI tools for document translation, prediction and forecasting of litigation patterns, automating judicial processes, use of natural language processing (NLP) for identifying patterns in statutes and precedents, automated scrutiny in e-filing, intelligent scheduling of cases, automated delivery of court summons by National Serving and Tracking of Electronic Processes (NSTEP), and litigant friendly chatbots.
    - Blockchain is being suggested for storing digital evidence and issuing warrants, in addition to other uses in judgments and court orders. The aim is to enable a 'unified technology platform for the judiciary, which will provide a seamless and paperless interface between

the courts, the litigants, and other stakeholders' (Ministry of Law and Justice, Government of India 2023a).

- In 2023, the Supreme Court inaugurated the Supreme Court Vidhik Anuvaad Software (SUVAS), an AI-powered translation tool to translate judicial documents between English and India's various regional languages. The transcription and live audio-visual streaming of court proceedings using AI was piloted in the Constitution Bench proceedings of the Indian Supreme Court with plans for its implementation to be extended across the country. Despite its limited reach, there is hope that this 'would truly transform the court into a court of record' (Spandana 2023).

While it is heartening to see the judiciary and the executive making efforts to improve access to legal services by adopting technology, we must also note that the record of the *e-courts* project is, at best, mixed (Aithala, De Souza, et al. 2021). At a design level, it is apparent that while courts are key stakeholders in these discussions, the litigant remains an unlikely recipient of limited tech-enabled solutions. When it comes to accuracy and correctness, the e-courts databases suffer from high rates of data errors, issues with standardisation and data quality, and the lack of systematic data quality reviews, and capacity building. The e-Committee's limited efforts to improve data standardisation and access have not yet seen success (Anand and Damle 2020).

4.2 Initiatives by the private sector

In recent years, India has seen many private sector providers offering legal technology products to lawyers, law firms, corporations, and consumers. The legal tech space can be divided into the following categories: legal service delivery, process efficiency, access to legal recourse, and do-it-yourself (DIY) tools (Shukla 2022).

Indian companies provide, and Indian clients (e.g., law firms and litigation offices) use document proofing, contract management, case management, document sharing applications, data security systems, virtual data rooms, and due diligence software. Consumers use legal tech tools for legal and statutory compliances like tax and intellectual property. There is an uptick in the use of online dispute resolution platforms. DIY solutions assist consumers in routine tasks like e-signatures, drafting, registration, and digital signatures. Several startups enable platforms and aggregation of legal services for consumers.

Startup firms that provide delivery of legal services and access to legal recourse occupy a unique space in India. Unlike other jurisdictions, Indian bar associations do not operate lawyer reference and search programs. Two types of portals exist. Some portals offer clients 'legal advice on a budget' from independent advocates and in-house counsel. Its objective is to standardise the quality and price of legal services, particularly for small businesses and individual clients, by clearly listing service delivery metrics and prices on the site.[6]

Others allow lawyers to list their personal information, professional experience, and services offered, with searchable profiles. To study the scope and operation for the market for legal services in India, we collected and reviewed information from the public profiles and lawyer lists available on an Indian lawyer-client matching website in April 2022, and analysed the extracted datasets. This platform has more than 5000 advocates registered on it.

Figure 1: Distribution of lawyers in India from a portal listing their services

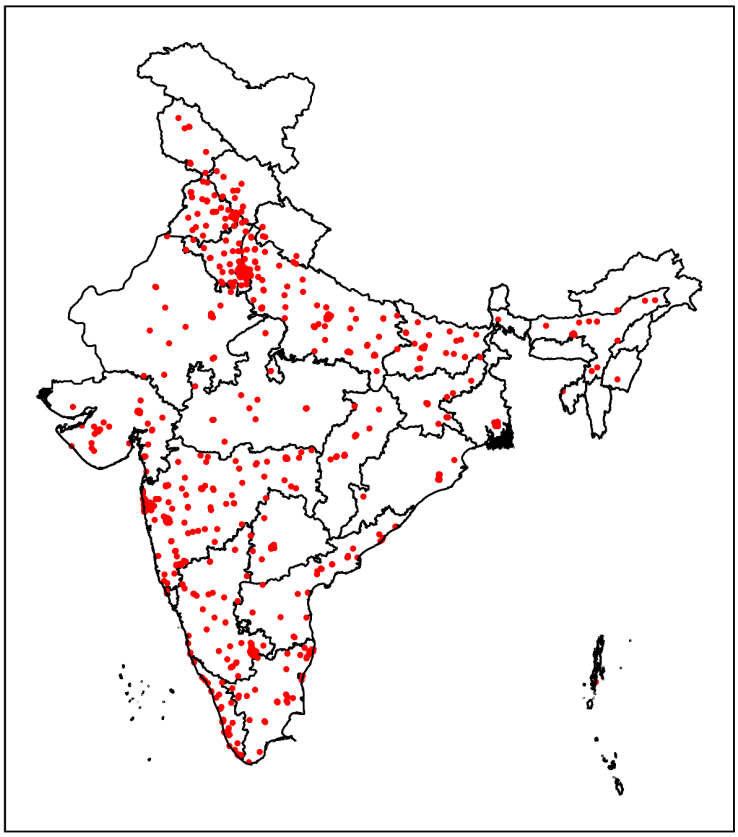

Figure 1: Distribution of 5040 lawyers in India from a portal for Indian lawyers. Lawyers are represented by a red dot. Source: authors' compilation.

A review of this dataset reveals that these lawyer platforms usually list the advocate's name, location/address, practice expertise, and years of experience; some also have an internal rating for the advocates on a scale of 1 to 5 and provide details of their hourly consultation fees. There is a concurrent, broad array of practice expertise among the advocates listed on these platforms in corporate laws, family laws, civil laws, including property, money recovery, consumer protection, employment, and criminal law matters.

They cater to the most common legal problems that everyday litigants face. Some offer specialist legal advisory services in addition to these general practice areas, including insurance law, taxation, and immigration laws. There is wide variation in the number of years of practice recorded for advocates listed on these sites, ranging from 1 year to more than 40 years.

With these web portals, we observed that lawyers are concentrated around India's urban centres, e.g., state capitals and large cities like Delhi, Mumbai, Bengaluru, Hyderabad, Chennai, Kolkata, etc. Ideally, while such portals could harness the efficiency of the private sector in terms of scale and reach, this would also mean that their adoption would be restricted to lawyers who have awareness of such portals.

Why are these platforms not reaching scale? One reason could be regulatory uncertainty. Rule 36 of the Bar Council of India Standards of Professional Conduct and Etiquette prohibits an advocate from soliciting work or advertising in any manner other than through personal relations.[7] At the same time, it remains unclear whether and how this rule could be made applicable to these platforms and advocates listed on them. The Supreme Court of India is currently hearing a writ petition that seeks to exempt such portals from the purview of the BCI rules (Supreme Court of India 2020).

The other reason could be that litigants may repose more trust in humans as trusted intermediaries when faced with opacity in the judicial system (Rostain 2019). When it comes to 'one-shotter' systems (like being a client of a lawyer in India), certain disparities are inherent in the transaction: individuals in lower socio-economic groups, those 'who do not speak one of the official languages', and individuals who live in larger communities with less social cohesion have fewer opportunities to know lawyers socially, and so, may not be able to rely on this means of information. Therefore, the lack of advertising tends to concentrate high-paying clients to the books of 'prestigious' lawyers, while clients with less capacity to pay would consequently need to engage 'non-prestigious' lawyers (Hudec and Trebilcock 1982).

5. The limitations of technological solutions

The problems of access in the Indian judicial system, at their core, are incentive problems. To begin with, the executive and the judiciary — let alone the public — do not have access to reliable information that would allow them to predict the quality of legal services, nor a sufficient baseline from which to evaluate quality.

Systematic collection and access to such information can constitute a comprehensive feedback loop that builds state capacity. Given the absence of information, actors within the system are incentivised to monopolise the flow of information, or at least, use one's access to superior information to seek an edge over others who don't. Galanter calls this the problem of 'repeat player' litigants being able to frustrate the attempts of 'one-shotter' litigants (Galanter 1974).

This asymmetry of information should be mitigated by using a combination of two methods. The first is to conduct periodic reviews of operational Management Information Systems (MIS) i.e., to study the inflow and outflow of cases and other events on a weekly, monthly, and annual basis.[8] The second is to conduct periodic needs surveys that ascertain how people understand and interact with the legal system and how and why they choose particular paths to justice, putting people's needs and capabilities at the centre of policy design and reform (Pleasence and Balmer 2019).

The e-Courts project has partially succeeded in setting up the infrastructure for courts to be able to review their MIS. However, when it comes to perceptions regarding the legal system, India has started to make progress only recently. In the United States, for example, the National Center for State Courts has routinely conducted state-level perception surveys over the last fifty years. These surveys are qualitative analyses of the experiences of litigants in different US states. In India, Baruah et al. (2017), as well as the survey by Manivannan et al. (2024) which analysed how practitioners and litigants perceived their experiences with the courts of Mumbai, are early attempts at qualitative analysis of litigant experiences. These are valuable efforts to reduce the information barriers, however these are cross-sectional surveys. A large-scale annual nationwide household panel survey, with state participation, that systematically assesses people's legal needs, has not been conducted so far in India.

Surveys, as a tool of research, provide powerful insights which should be read along with other empirical data (Clifton et al. 2022). Survey-based measurements that are conducted periodically at the household level can provide richer context while mitigating the infirmities of raw MIS-based data. They act as a strong complement to official statistics. Such exercises, for instance, crime victimisation surveys, provide a systematic, continuous evaluation of long-term trends (panel data) due to repeated measurements of individuals' behaviour and preferences across time for a selected range of experiences of the general public, including those not recorded by the authorities (Krishnaswamy and Aithala 2022). This makes it possible for us to understand how these institutions have evolved over time, and helps us to study changes in social or economic conditions of individuals relative to changes in macroeconomic conditions, or policy changes (Sane and Shah 2022).

We now come to the specific problems relating to the capabilities of the legal profession in India. Firstly, the BCI has flaws with its design and mandate which impact its capacity to regulate effectively. We have spoken about how the BCI simply does not know how many lawyers are practicing in India. This is because the BCI suffers from a lack of transparency, defensive reactions to social and technological changes that affect the profession, etc. (Shah et al. 2013). The Law Commission of India, for example, has provided a detailed treatment of these problems at the BCI and the state bar councils (Law Commission of India 2017).

Technological solutions could help address some incentives, such as the lack of information on the cost of legal services, but they cannot address the fundamental regulation design problems that the legal profession faces in India. As mentioned earlier, uncertainty regarding the legality of these portals is another reason why they have not been able to pick up scale. The current system for lawyers is highly regulated, and it restricts the potential to exploit economies of scale. We therefore suggest that the traditional all-encompassing ban on advertising of legal services should be relaxed.

In this model, the Bar Council of India operates as an 'enlightened self-regulated professional organisation', its interests fully aligned with the lawyers and focused on being 'truly irreplaceable' by re-focussing its attention on its highest value services (Shah et al. 2013). This would be a permissive system that enables Indian lawyers to use advertising portals by providing basic information about their services, including details such as: name, address, contact details, academic qualifications,

memberships to professional bodies, broad areas of practice, professional experience including duration of practice and a specified range of professional fees charged. These portals should be governed using appropriate measures to protect the public against misleading advertising, deception and misrepresentation, including about the fees charged.

Secondly, judicial delays and other issues could be monitored with regular feedback from MIS and perception surveys. However, the fundamental tension between 'one-shotters' and 'repeat players' (à la Galanter), which serves to frustrate the legal system, cannot be resolved solely through technological solutions. These issues need to be addressed by committing to broader systemic reforms to the Indian legal system e.g., by making suitable amendments to the rules of civil procedure, etc.

Thirdly, while countries such as Singapore have successfully solved their problems of access to lawyers through generous legal aid programs, the Indian experience with legal aid leaves much to be desired (Aithala and De Souza 2018). The Indian market for legal services is too large, the gap in access to information regarding costs is too wide, and its service potential is too small. Because of these and other reasons, an Indian lawyer is not incentivised to take up cases pro bono.

One approach, as D. Wilkins (1992) suggests, is to undertake efforts to strengthen the capacities of what he terms, 'sophisticated intermediaries' between the lawyer and client, like public interest organisations and grassroots community groups. Successive perception studies reveal that people tend to rely on such providers more frequently for support than legal service providers, and that they can be better positioned to support vulnerable populations, through service framing or community engagement (Balmer et al. 2023). They can be encouraged to adopt technological solutions to aid their constituents in obtaining quality, low-cost legal services, to partially address the failures of the State-run legal aid programs in India (Aithala and De Souza 2018).

6. Conclusion

In India, barriers to access to justice through access to lawyers are compounded by the capacity constraints faced by the regulator of the legal profession, the Bar Council of India, in overseeing the quality and delivery of legal services. As we explain in this paper, this is mainly due to the regulatory design of the Advocates Act, 1961, which prescribes different roles for the union and state bar councils that make coordination and effective governance a serious challenge.

These constraints have effectively meant that the Supreme Court of India and other institutions have taken over the role of overseeing the regulation of the legal profession. For instance, after seven years of indirect oversight, in April 2023, the Supreme Court of India set up a committee on the recommendation of the Bar Council of India, to monitor the exercise of verification of practicing advocates.[9]

However, the courts — which are responsible for resolution of people's everyday legal problems — are also plagued by several capacity issues. The absence of a functional legal aid programme means an

alternative approach is necessary to reduce access barriers. In the Indian context, this has been the widespread adoption of technological solutions by courts and the legal profession.

While this is extremely important and welcome in the Indian context, and can 'usher in a regime of maximum ease of justice', these solutions are useful mainly in fixing process-specific problems, and can only help improve well-designed legal processes (Ministry of Law and Justice, Government of India. 2023b). Technological solutions are not effective when the problem is more fundamental e.g., situations where incentives and institutional structures are the cause of problems in the legal system that need deeper change.

This, of course, applies to all kinds of technological solutions — including solutions that originate from the fields of artificial intelligence (AI) and blockchain. AI solutions have shown a lot of promise when it comes to improving the daily workflow of lawyers, particularly as regards communication with clients and speed of service provision (Shukla 2022). Their widespread use can positively transform the traditional mode of delivery of legal services and solve a limited range of specific problems, but not the fundamental problems of the legal profession in India, which we have discussed earlier in this paper.

We are cognizant of the BCI's efforts to improve the quality of the Bar. A recent example comes from the regulations that now allow foreign lawyers a limited right to practice in India. The BCI's intention in promulgating these rules is to "*promote the growth of the legal profession in India ... and address concerns about the flow of FDI*" (Bar Council of India 2023). However, these reforms are only scratching the surface of the changes that are required (Aithala and Suresh 2023).

The need is for the executive and the legislature to step up efforts to promote larger scale reform of the legal profession. Historically, these are done by the legislature, especially the relevant Departmentally-Related Standing Committee, that calls for evidence and submits reports that document regulatory failures in each case. Government research organisations such as the NITI Aayog are also tasked with doing this. Consequently, Parliament has enacted laws that reform the governance of specific professions, either by creating an entirely new regulatory body for the profession, or by making significant amendments to the powers of existing bodies.

For example, the National Medical Commission Act, 2019 abolished the Medical Council of India and created a new National Medical Commission, aimed at improving delivery of quality health services in the country. Similarly, the Companies (Amendment) Act, 2019 created the National Financial Regulatory Agency which undertakes investigations and imposes sanctions on auditors and audit firms who violate the rules on quality, professional ethics and public confidence.

It is too early to say if these reforms have solved the fundamental malaises in these professions. Nevertheless, it is important that these diagnoses of the regulator's performance be done on a periodic basis, which we will endeavour to address in future research.

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Notes

[1] For comparison, in England and Wales, 25,146 civil suits were instituted per million population in 2023, see House of Commons, UK Parliament (2024)

[2] The Supreme Court ordered the BCI, along with the state bar councils, to conduct a nation-wide verification exercise of advocate registrations to 'weed out fake lawyers' and improve the quality of the Bar. However, as of July 2025, the BCI has not been able to obtain the necessary information on the number of registered advocates practising in India. Many of the state bar councils had not taken action to submit the final verified list — the Supreme Court noted that the BCI 'appears to have no effective administrative and disciplinary control over the state bar councils and local bar associations'. See Supreme Court of India (2021a).

[3] This is close to the estimate provided by the Commonwealth Human Rights Initiative i.e. one lawyer for every 736 Indians. See Commonwealth Human Rights Initiative (2018).

[4] Galanter (1989) For comparison, England and Wales has one solicitor for every 312 individuals. See Solicitors' Regulatory Authority (n.d.).

[5] *Ajayinder Sangwan vs. Bar Council of Delhi* 2017 INSC 795.

[6] Notes from our conversation with the company's founder and CEO on 23 May 2022.

[7] This restriction has its origins in the deep association of 'prestige' with the Indian legal profession and its strong hierarchical nature. The Supreme Court of India observed that if a lawyer were to solicit briefs, 'he is a very unworthy member of the learned profession'. See Supreme Court of India (1962). Also see, Bar Council of India, Press Release "Bar Council of India takes strict view on unethical legal advertising, misleading social media promotions, and professional misconduct by advocates and legal influencers" 17 March 2025

[8] Currently, in India, this is done at an aggregated level by the e-Courts Committee of the Supreme Court of India. In other jurisdictions, disaggregated court-specific and even judge-specific data is available for public access. The data is published by specialized executive agencies (e.g., His Majesty's Courts and Tribunals Service in the United Kingdom) or statutory bodies (e.g., the Federal Judicial Center in the United States).

[9] *Ajay Shankar Srivastava vs. Bar Council of India* (2023) 6 SCC 144.