
ACCESS TO JUSTICE IN RURAL INDIA: CHALLENGES AND LEGAL SOLUTIONS

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ABSTRACT

The right to access justice is a constitutional principle embedded in the Indian Constitution, but something that remains elusive to millions of people living in the village. This article discusses the complex problems faced by rural communities in gaining access to the justice delivery system and analyzes the effectiveness of the current legal frameworks and institutional processes available to help close this divide. The Articles 14, 21, 22(1), and above all Article 39A of the Directive Principles of State Policy have stipulated in its a constitutional duty of the State to give equal access to justice to all citizens regardless of their socio-economic status. Legal Services Authorities Act, 1987, the Gram Nyayalayas Act, 2008 and other legislative efforts seeking to democratise access to justice are critically analysed by the study. Although there is a well-established system of laws that include organizations like the National Legal Services Authority (NALSA), Lok Adalats and mobile courts, there are still important gaps in implementation. Having over 68.8 percent of the Indian population living in rural locations, there have been systemic hindrances such as geographical distance, procedural complexity, lack of money, inappropriate infrastructure and low literacy regarding the law in order to have meaningful access to justice. The Hussainara Khatoon v State of Bihar ruling highlighted the constitutional obligation of sound justice on time and free legal assistance, but the miracle has not taken place with the marginalised rural community. In this article, there are detailed reforms such as increased funding of legal aid programmes, a growth in Gram Nyayalayas and mobile courts, the exploitation of technology by use of e-Courts and Tele-Law programs, expansion of paralegal networks, pro bono legal service promotion and the introduction of specific legal literacy campaigns. This articles concludes that substantive rural access to justice can only be realised through a beneficial approach where the concerted efforts of The State,

judiciary, civil society, and legal fraternity are to be used to transform constitutional dreams into practical realities.

Key Words: - Rural Access to Justice, Legal Aid, Constitutional Rights, Gram Nyayalayas, Justice Delivery System.

I. INTRODUCTION

Justice, as they say, should not only be done but also be seen to be done. But what happens when millions cannot even reach the halls where justice is supposed to be served? In the democratic framework of India, the right to access justice is recognized as a fundamental cornerstone of a fair society, not merely a legal formality, but an important tool for the protection of all other civil and political freedom. Yet, laws are of little value if the means to enforce them remain out of reach for the common citizen.

Among many Indians living in villages, the constitutional promise of equal access to courts remains only on paper. Around 68.8% of Indians reside in rural areas yet, there is a huge disparity between urban and rural India. A farmer in a village often has to travel over a hundred kilometres to reach the nearest court. An elderly person cheated of their land might give up on justice simply because the process seems too complicated and expensive. Justice promised by law does not reach most people who need it. Poor villagers, Dalits, Adivasis, and women are denied their basic rights. Courts are remote, operations are slow and are expensive. The influential abuse their status and are not afraid. The right given to us under law is of no value when individuals are not able to avail their right. This disparity between the law and what they receive leads to anger, fights, and increasing unfairness in all places.

Equal justice is promised by the Constitution and laws, but villages have a number of challenges such as distance, lack of awareness, bad infrastructure, and complexity of procedures. This discussion will look at how the constitutional provisions and the legislative frameworks have tried to provide the access to the justice, what the mechanisms should be on paper, why they are not working in practice and what can be provided under the existing laws to be able to make a justice to all a reality and not a distant dream. It is postulated that the access to justice in rural India should be seen as the collective duty of the State, judiciary and civil society and both structural and grassroots involvement is needed to achieve this.

II. CONSTITUTIONAL FOUNDATIONS OF ACCESS TO JUSTICE

The Constitution does not merely provide rights, but it also provides the fact that the rights can be effectively claimed and enforced. What is the use of the right to equality when a poor individual cannot hire a lawyer to plead his or her defense? The framers of the Constitution knew this issue very well, that is why the document enshrined the provisions that are directly targeted in providing the access to justice to all people, not to mention the marginalized ones. Even though the very phrase of access to justice has not literally been applied in the Constitution, it derives out of a series of constitutional clauses that when considered collectively creates an obligation on the State.

Article 39A, of DPSPs gives a direct implication to the state by the provision of free legal assistance to the poor and the weaker segments. This is a constitutional directive that the legal system is supposed to enhance justice in terms of equal opportunity where no citizen is denied justice due to economic or other disabilities.

Article 14, guarantees equality before the law and equality of the protection of the laws. This implies that the legal system should treat all individuals equally irrespective of their wealth, caste and social status. When one party has the means to seek the best legal services and the other party has no means to stand in the court, there cannot be any equality.

Article 21, is perhaps the most significant provision. It gives the freedom of life and liberty. When the poor people are unable to access courts or spend years in jails awaiting a trial, the fundamental right to live is infringed and since justice is delayed really becomes justice denied to them.

Article 22(1), specifically grants the right to consult and be defended by a legal practitioner of one's choice. This is one of the rights that are essential in case one is arrested or detained. But the right is worth nothing when the individual is unable to hire an attorney and this is where the constitutional duty to give free legal assistance becomes vital.

In India, many people have their individual experience of poverty, illiteracy, and inaccessible justice in the rural areas. This was the ugly reality revealed in the landmark case of Hussainara

Khatoon (1979) in which thousands of poor undertrials in Bihar jails had been kept longer than the duration of their maximum term. Most of them did not even realize the reason why they were in prison and they had free legal aid rights. This case disclosed that the constitutional pledges of equal justice usually never reach Indian villages and hence legal awakening and the availability of courts are necessary. This sentence served as a wake-up call and gave way to a tangible action to establish a system of organised legal assistance with the focus that the constitutional rights are meaningless without the means to implement them.

III. LEGISLATIVE FRAMEWORK

The constitutional promise of justice for all needed concrete action. This is where the Legal Services Authorities Act, 1987 and other acts stepped in, transforming words on paper into practical implementation.

A. Legal Services Authorities Act, 1987

Enacted by Parliament to give support to Article 39A, this Act created a whole machine to make sure that no-one is denied justice just because he or she can not afford it. The essence of it was straightforward that the legal services must not be a commodity that can be purchased by only the wealthy.

A four-level structure was developed. The top is occupied by NALSA (National Legal Services Authority), which is headed by the Chief Justice of India, and it dictates policies in the country. Beneath it are State Legal Services Authority (SLSA) of each state. District Legal Services Authorities (DLSA) are established at the district level to provide panels of lawyers who give free legal assistance and hold awareness camps. Lastly, Taluk Legal Services committees are present in the sub-districts, and they deliver justice to the rural population.

This Act give free legal services to women and children, to members of Scheduled Castes and Scheduled Tribes, to victims of trafficking, to persons with disabilities and to any individual with an annual income below 3 lakh rupees per annum in the most states.

Individuals can refer to the case of widow Champa Devi, a Rajasthan girl whose husband had attempted to evict her. She received a free representation under the DLSA panel lawyer system and won her case which gave her entitlement to occupy the property. However, in most of the

rural places, people are not aware of the existence of such a system. Legal aid clinics are good only on paper in reality silent because sometimes panel lawyers are reluctant to travel long distances to reach the villages.

B. Other Relevant Legislative Provisions

The Gram Nyayalayas Act, 2008 was passed to establish village courts at panchayat level for handling local disputes like land conflicts and petty crimes. These courts were envisioned to travel between villages, bringing justice to people's doorstep. However, implementation has been slow, with just a few in place. The Right to Information Act, 2005 has also been used by villagers to expose corruption, misuse of welfare funds, and illegal land grabbing.

IV. MECHANISMS FOR ENSURING RURAL ACCESS TO JUSTICE

Having laws promising free legal help is one thing but actually delivering it to a farmer in remote villages is quite another. Multiple mechanisms have been designed to bridge this gap, though their success varies dramatically.

Nyaya Bandhu (Pro Bono Lawyers): The Government's Nyaya Bandhu scheme encourages volunteer lawyers to provide free legal assistance to needy people. Launched in 2017, it connects eligible citizens to advocates who give pro bono advice. By late 2025, about 9,776 lawyers had registered as Nyaya Bandhu volunteers, ready to help poor clients.

Lok Adalats: Lok Adalats are informal "people's courts" set up at the state, district or even village level. They work through conciliation and compromise rather than formal trials. A recent government report explains that in Lok Adalats, "disputes are resolved by consensus, not contest". There are no court fees and procedures are simple. The settlement (award) from a Lok Adalat has the same legal force as a court order. Lok Adalats have become very effective. For example, nearly 10.12 lakh (1.012 million) cases were settled by State Lok Adalats in 2024, significantly reducing local backlogs.

Gram Nyayalayas (Village Courts): The Gram Nyayalayas Act (2008) created special village courts to deliver justice locally. These courts sit at the level of a group of villages and hear certain civil and criminal cases through summary proceedings. A judge (Nyayadhikari) often travels to villages to hear cases "at their doorsteps". Official data notes that by late 2024, 313

Gram Nyayalayas were functioning in the country, handling disputes through fast-track and conciliatory methods.

Public Interest Litigation (PIL): Indian courts allow any socially conscious person or group to file a PIL on behalf of people's interest. In other words, if an issue affects many villagers (such as pollution of a local water source or denial of benefits), someone can approach the court for the interest of public. This tool helps rural issues reach higher courts even when the affected people cannot file lawsuits themselves.

V. CHALLENGES TO ACCESS TO JUSTICE IN RURAL INDIA

Despite above mentioned mechanisms, rural justice delivery still faces serious hurdles:

Limited Court Access: Many villages have no nearby courts or lawyers. Official figures show that 688 district courts across India, but these are often far from remote areas. Few Gram Nyayalayas have been set up relative to what was planned, only 313 village courts were operational as of October 2024. This means a farmer or tribal resident may have to travel long distances for a court hearing.

Huge Backlogs: India has only 21 judges per million of the population across the country, far below the recommended. As of September 2025, the Supreme Court has 88,417 pending cases, the highest ever. High Courts have to deal with more than 63 lakh cases and subordinate courts have a huge backlog of 4.7 crore cases. A basic land dispute that is supposed to take months becomes years and even decades in some cases.

Socio-Economic Barriers: There are a lot of poor, illiterate or local-dialects citizens living in the rural areas. They do not know their legal rights or orientation in the court proceedings. The official legislation provides that those who are in a strictly economically disadvantaged position and marginalized groups (women, SC/ST, etc.) receive legal assistance, yet in the reality these individuals usually do not know that such assistance exists. The villagers are also unable to use the courts due to economic constraints (such as the costs of travelling, loss of time in their employment).

Complicated Processes: Legal procedures are sometimes confusing and stressful. Bringing a suit involves administration and knowledge of legal terminologies, which might not be possessed

by the rural litigants. Even with free help, one has to apply and show eligibility, which is not an easy task in the case of a person lacking legal knowledge.

Implementation Gaps: Not all laws and schemes reach the ground. As an example, in 2008, Gram Nyayalayas Act was enacted to set up village courts, yet states have been slower to establish them or staff them. On the same note, there are provisions such as free legal aid and paralegal volunteers but in reality not all the eligible individuals access assistance. E-services may be lacking equipment or internet in the rural court offices. In short, there are a lot of measures on paper but in reality there is unequal coverage and gaps in access are left.

VI. LEGAL SOLUTIONS AND RECOMMENDATIONS

The issues are obvious, and now we can speak about what is really possible. Good intentions are not enough to bring real change, but practical and innovative solutions need to be applied to the very last village and the very last person.

Grow Legal Aid and Funding: The government has still been investing in legal aid programs. It has given an example of a release of 200 crore to NALSA in 2024-25 as legal aid schemes. Further funding will hire additional panel lawyers and support staff in rural locations. By Sept 2024, the panel lawyers had already topped 41,000, and the para-legal volunteers were 43,000, willing to assist clients. Legal assistance should be further extended by recruiting and training additional such volunteers (particularly local village women).

Judicial Reforms: India has just 21 judges per million and its courts are overwhelmed. There must be vigorous recruitment campaigns and speedy courts that would serve the rural regions by taking land disputes, pension claims, and family cases with tight schedules and no continuous adjournments. The great role can be played by technology creating balance. Many courts have been digitized through the e- Courts portal and rural areas are left behind. All the taluks level courts require computers, internet and video conferencing. A farmer does not have to go 100 kilometres to have a regular hearing when he can meet through video conferencing in the closest panchayat office.

Empower Lok Adalat Programs: Lok Adalats have been very effective in resolving disputes within a short period of time. Thousands of cases can be dropped off the record by encouraging more Lok Adalats to be established in rural areas. Last year (2024-25), state and permanent Lok

Adalats disposed more than 10.1 Lakh cases. Organizing Lok Adalats on district or even taluka level (with the assistance of the local administration) would provide the villagers with a quick, inexpensive way to address any problem, such as land or family disputes without having to pay an attorney.

Increase Gram Nyayalayas and Mobile Courts: The Gram Nyayalayas Act intended a village court in every group of villages. States must inform and staff more Gram Nyayalayas to meet this vision and have judges visit villages on a regular basis. On the same note, petty cases can be heard by mobile courts (judges in remote areas on selected days) close to the house of the people. These are aspects that were originally planned and which require vigorous enforcement.

Legal Awareness and Education: What if every child from Class 8 onwards learned basic legal rights? Schools should teach students about fundamental rights, how to file an FIR, and where to get free legal help. The Tele-Law programme already connects citizens to panel lawyers via video call at Common Service Centres, but most villagers don't know its existence. Every village should have trained paralegals (educated young people) who can fill forms, draft applications, and guide villagers to the right authorities. NGOs and self-help groups already work in remote areas where officials rarely visit, so legal services authorities should try to partner with them.

Promote Pro Bono Work (Nyaya Bandhu): The Nyaya Bandhu system of volunteer lawyers should be expanded. As evidence shows, almost 10,000 advocates have signed up to help the poor. Encouraging more young lawyers to join, for example through law school pro bono clubs would add manpower. Socializing Nyaya Bandhu services (through local radio or courts) would help villagers know that they can get free advice from these volunteers.

VII. CONCLUSION

The Constitution of India guarantees that all shall be given justice under the Article 39A, Article 14 and Article 21. The Legal Services Authorities Act, 1987 laid down a comprehensive system of legal aid institutions from that of NALSA to committees operating at the village level with the goal of providing free legal assistance to those in need. Mechanisms such as Lok Adalats, Gram Nyayalayas, Tele-Law and Nyaya Bandhu program were meant to bring the justice right in front of the doors of people. Everything appears to be solid and well-thought on paper.

But the real situation on the ground is another thing. The distance between the courts and the villages is quite far off and 313 Gram Nyayalayas were employed when thousands of them were needed. More than 4.7 crores cases are pending in the lower courts which have turned the simple cases into a decade long fight. Some villagers do not even know about free legal assistance and cannot afford the cost of travelling and had lost employment in order to visit the courts which are way far. There are a number of reasons why justice is still out-of-reach of millions who need it the most, including poverty, lack of awareness, and complicated legal procedures.

The government needs to allocate more than 200 crores, establish additional village courts as well as roll out more technology such as Tele-Law to all Common Service centres. Pro bono work is a responsibility and is not a charity that lawyers should embrace. NGOs and panchayats should build awareness on the services available. Citizen's ought to understand their right and enforce their rights better. Justice cannot be confined in the court-rooms of the urban cities, it has to go to the mud roads and the farmlands where nearly 68.8% of Indians live. Only under these circumstances will our constitutional promise be realised when a farmer will be able to resolve his disputes on land in months and not years and when a tribal woman can protect her rights without misperception. The path exists in our laws. Now we must walk it together.

The realization of access to justice from a constitutional aspiration to a tangible reality requires a paradigm shift in the way we think about legal empowerment in rural areas. As Justice P.N. Bhagwati eloquently observed in *Hussainara Khatoon*, “The State is under a constitutional mandate to ensure that the operation of the legal system promotes justice on a basis of equal opportunity and is not allowed to become the privilege of the few.” This judicial pronouncement underlines the State’s positive duty to remove structural obstacles, which are perpetuating inequality in accessing justice. The judiciary through its extended interpretation of Article 21 in cases like *Maneka Gandhi V. Union of India*, *Sheela Barse V. State of Maharashtra*, etc. has always reiterated that access to justice is an integral part of the right to life and personal liberty.

The realisation of substantive justice in rural India requires a multi-dimensional strategy, which includes legislative reform, institutional strengthening, technological innovation and community participation. The setting up of adequately funded and staffed Gram Nyayalayas, expansion of mobile courts, digitisation of court process through e-Courts infrastructure and setting up of Tele-Law services are some of the critical institutional interventions. Simultaneously, the

development of legal consciousness by systematic programmes for legal literacy, strengthening of paralegal networks and active participation of civil society organisations can empower the rural community to assert their rights effectively. The legal profession must embrace pro-bono work, not as an act of benevolence but as a professional and ethical duty, and making its contribution to the democratisation of legal services.

To sum up, the road to meaningful access to justice for rural India is an incomplete but attainable one. The constitutional and legislative frameworks create a strong foundation, but their effective implementation requires sustained political will, adequate resource allocation, and active collaboration between all stakeholders. As Dr. B.R. Ambedkar aptly stated that “The Constitution is not a mere lawyer’s document, it is a vehicle of life and its spirit is always the spirit of age.” The spirit of the age we live in demands that the promises enshrined in our Constitution go beyond the boundaries of legal texts and courtrooms and reach every village, every farm and every marginalised individual. Only then can we truly say that we have constructed a just and equitable society where the rule of law is prevalent and justice is accessible to all, without any geographical or socio-economic barriers.

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