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Legal Barriers Obstructing Administration of Justice in Rural India

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ABSTRACT

The slow process of judicial service is often referred by a term, “justice delayed is justice denied”. And when the same process takes speedy delivery of justice then it is termed as, “justice hurried is justice buried”. A common man’s expectation to get timely relief from the court is a dream cum lifelong project which takes undue, unnecessary and frivolous time of the disputants and in many cases, the relief can be seen hardly getting any motivated outcomes. This is one amongst the series of problems revolving around the Judicial structure of the country. In India, Judiciary plays a crucial role when it exercises its power of checks and balances upon other two major bodies of the government, i.e., Legislative and Executive. Supreme Court being the guardian of the Constitution has taken several steps to make the judicial system of India more robust with the help of several technological advancement in the Supreme court as well as in the High court but the lower judiciary which is considered to be the backbone of the entire judicial system is quite far from its service. As of today, there are almost 4.90 crore cases pending in India out of which more than 3.78 crore are criminal and 1.11 crore are civil cases in the district and taluka levels. According to the NJDG data, the reason for such delays are mainly due to securing presence and unattended court proceedings by the parties. This raises serious concern not only on the part of judiciary but also on the part of other stakeholders involved in making laws and executing the same.

Keywords: Justice, Supreme court, High court, Lower judiciary

I. INTRODUCTION

In its broadest definition, justice refers to making decisions based on the principles of fairness, equity, justice, and reason. The Indian Constitution is a wonderful enshrinement of this concept of justice. Justice has been ranked above the other ideals of liberty, equality, and fraternity and includes social, economic, and political justice. The Preamble does indeed define justice in a very broad sense¹. In addition to the Preamble, social, economic, and political justice are

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¹ SUBHASH C. KASHYAP, CONSTITUTIONAL LAW OF INDIA 309, (Vol. 1, Universal Law Publishing Co. 2008)

discussed in Article 38² of the Constitution. The thing which is to be noticed here is that the framing fathers of the Indian Constitution did not limit the scope of justice only for the courts rather they assigned wider responsibilities upon the State to protect the interest of the people and promote their welfare. Also the precedence given to social over economic and political justice makes State liable to fulfill the idea of Socialist State. Hence, to attain justice in its fullest sense, a strong system of justice delivery is therefore essential. Various institutions, including ordinary courts, fast track courts, lok adalats and gram nyayalayas, are working to offer an accessible and reasonably priced justice delivery system in this setting.

During debates in the Constituent Assembly, several voices, including the father of the nation, Mahatma Gandhi, argued for a decentralized, informal method of delivering justice along indigenous lines. Sadly, the Constituent Assembly ignored these viewpoints and ultimately embraced the multilevel British legal system, which starts with the district court at the bottom. Voices in support of "indigenous" local dispute resolution mechanisms persisted even after the Constituent Assembly omitted any mention of Panchayat Institutions from the proposed Constitution. Following Gandhi's lead, a large number of academics and researchers contended that the British legal system was not appropriate for the Indian context. Panchayats were thus incorporated into Part IV³ of the Indian Constitution under the Directive Principles of State Policy in order to actualize the goal of democracy. Importantly, the 73rd Constitutional Amendment Act of 1992, which established the Panchayati Raj System as a third level of government in India, signalled the beginning of a new era in Indian democracy. At the village level, there are currently 2,55,397 Panchayats, 6,742 at the intermediate level, and 665 at the district level⁴.

According to the Union Minister for Finance and Corporate Affairs' Economic Survey (2022–23), 65% of the nation's population resides in rural areas as of 2021 data. Given that 47% of the population depends on agriculture for a living, the government must prioritize rural development⁵.

² "The State shall strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice, social, economic and political, shall inform all the institutions of the national life." INDIA CONST. art. 38, cl. 1.

³ "The State shall take steps to organize village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government." INDIA CONST. art. 40.

⁴ *Consolidated Local Government Directory (LGD) Codes of Panchayats*, MoPR, (last visited Dec.23, 2025), https://lgdirectory.gov.in/rptConsolidateforRuralLB.do?OWASP_CSRFTOKEN=MDV3-O82N-APYS-A35O-PIH6-SFXB-MW5M-2AH3

⁵ PIB, (last visited Dec.23, 2025), <https://pib.gov.in/PressReleasePage.aspx?PRID=1894901>

Generally, people in rural India prefer to adopt the informal mode of dispute settlement mechanism such as through panchayats rather than adopting formal method of justice delivery system through courts. Some of the barriers which comes on the way for the people of rural India in getting access to justice through formal court systems are low legal awareness and literacy⁶, geographical distance⁷, financial constraints, language and cumbersome procedural laws, social and cultural barriers. Particularly in India, Bangladesh, Nepal, and Pakistan, issues like inheritance disputes, violence against women, dowry disputes, divorce, maintenance disputes, and land disputes are social rather than criminal issues that are typically settled through informal dispute settlements in South Asian rural areas⁸.

Based on the "indigenous" paradigm of conflict resolution, which had mostly died out by the late 1970s, the now-infamous "Nyaya Panchayats" were entrusted with the duty of giving rural litigants access to justice in the early years of the Indian Republic. This issue has been a recurring issue in India's law reform initiatives since then. The 114th report of the Law Commission, 1986, served as the basis for the current Gram Nyayalaya Act of 2008, which was passed in order to declog local courts and provide rural India with speedy and inexpensive justice. The motive was to set up 5,000 Gram Nyayalayas at the grassroot level intended to work like a mobile village courts but the reality is even after 16 years of its introduction, there are only 337 Operational Gram Nyayalayas all over in India⁹. The reason seems to be its weak implementation policy and non-cooperation between State and Centre. The Supreme Court has frequently asked the States and High Courts to provide comprehensive reports on the creation and operation of these Gram Nyayalayas, but the States have consistently fallen short in this regard. Recently, the apex court has warned the States which have not filed compliance affidavits in this matter¹⁰. This paper discusses the legal obstacles faced by the people residing in the rural areas in accessing justice delivery system and also analyses the steps taken by the

⁶ In *Suk Das & Anr vs Union Territory Of Arunachal* 1986 AIR 991 (Ind.), the Hon'ble Supreme Court observed that "Now it is common knowledge that about 70% of the people living in rural areas are illiterate and even more than that percentage of the people are not aware of the rights conferred upon them by law. Even literate people do not know what their rights and entitlements under the law are."

⁷ Daksh India, *Access to Justice Survey 2015-16*, pg.16, DAKSH INDIA, (May, 2016), <https://dakshindia.org/wp-content/uploads/2016/05/Daksh-access-to-justice-survey.pdf>

⁸ Tarikul Islam, M., *Access to justice for marginalised rural victims across South Asia: Issues and challenges*, LSE, (June 8, 2020), <https://blogs.lse.ac.uk/southasia/2020/06/08/access-to-justice-for-the-marginalised-rural-people-across-south-asia-issues-and-challenges/>

⁹ Department of Justice, *Gram Nyayalaya*, DOJ, (last visited May.23, 2026), https://dashboard.doj.gov.in/gn/operational_gram_nyayalaya

¹⁰ Jain, D., *Establishment Of Gram Nyayalayas: SC Again Seeks Affidavits From States/UTs, Warns Chief Secretaries Of Action In Case Of Failure To Furnish Data*, LL, (Dec.19, 2024), [https://www.livelaw.in/top-stories/supreme-court-pil-for-constitution-of-gram-nyayalayas-affidavits-called-from-states-uts-chief-secretaries-warned-278933#:~:text=In%20a%20PIL%20seeking%20establishment,as%20take%20action%20\(as%20deemed](https://www.livelaw.in/top-stories/supreme-court-pil-for-constitution-of-gram-nyayalayas-affidavits-called-from-states-uts-chief-secretaries-warned-278933#:~:text=In%20a%20PIL%20seeking%20establishment,as%20take%20action%20(as%20deemed)

government to realize the desired outcomes. In addition, the article offers several crucial recommendations for giving the rural populace quick and reasonably priced access to justice.

II. LEGAL BARRIERS

An insensitive enforcement mechanism, costly and time consuming litigations, complicated procedural laws, legal ignorance, inadequate judicial infrastructure, a complex court hierarchy, the intimidating nature of the legal profession, etc. amounts to the faulty legal system which all comes under the banner of legal and institutional barriers. Whereas, poverty, illiteracy, social seclusion, cultural inhibitions, bureaucratic and political corruption comes under the head of non-legal or extra-legal barriers. The current paper emphasizes more on legal or institutional barriers in administering justice in rural India. Some of them are as follows:

A. Delayed Justice Process

In India, the amount of cases getting instituted each year is more or similar to amount of cases getting disposed. According to the NJDG data¹¹, till now the total cases disposed in the subordinate judiciary for the year 2025 is somewhere around 41 lakhs and the number of cases instituted is around 39 lakhs. Delay in justice delivery is one of the main reason for cases getting backlogged and compiled up for years. Several other causes such as frequent adjournments, ever increasing litigations and insufficient courts also plays an important role which needs immediate attention from the policymakers and respective stakeholders.

B. Lack of Sufficient Technology and Judicial Infrastructure

Under the e-Courts Project, an online platform to track the real time database of judgments, orders and case details of Supreme Court, High Courts and District Courts has been launched named as NJDG¹² to enable the policymakers to make necessary decision in reducing the pendency and efficient working of the courts in India. As part of the National e-Governance Plan, which is currently in its third phase, the e-Courts Mission Mode Project¹³ is another important step made to establish a single technological platform for the court. e-Sewa Kendra¹⁴ is yet another milestone in facilitating access to e-court services for those living in far flung areas and does not have availability of technology. The motive towards making court system

¹¹ National Judicial Data Grid, *District Court of India, Pending Dashboard, Institution Vs Disposal 2025*, NJDG (last visited May.23, 2026), https://njdg.ecourts.gov.in/njdg_v3/?p=home&app_token=eb4e043784a539c5d266dbd0abb6fc6b9c9db90a261a80d84992cd97532830ae

¹² Ibid

¹³ e-Committee, Supreme Court of India, *E-Courts Mission Mode Project*, available at <https://ecommitteesci.gov.in/project/brief-overview-of-e-courts-project/>

¹⁴ e-Committee, Supreme Court of India, *e-Sewa Kendra*, available at <https://ecommitteesci.gov.in/service/e-sewa-kendra/>

inexpensive, convenient and hassle free is not so easy for all the citizens of the country especially for those living in lack of awareness about these services in rural India. The issue is especially severe in the lower courts due to a lack of adequate judicial infrastructure and staff.

C. Inadequate Number of Judges

In the *Imtiyaz Ahmed v. State of Uttar Pradesh*¹⁵ case, the Supreme Court of India upheld the Law Commission's 120th Report's conclusions and ordered that, within five years, but no later than ten, a judge to population ratio of fifty judges per million be attained. The Supreme Court made similar findings in cases like *Brij Mohal Lal vs. Union of India*¹⁶ and *P. Ramachandra Rao vs. State of Karnataka*¹⁷. As of the now, there are roughly 21 judges for every million people in 2023¹⁸. Insufficient judges to decide cases and an ever-increasing caseload are the primary causes of delays in the lower judiciary's case resolution process.

D. Lack of Necessary Expertise

Apart from their impeachment, there is nothing in the law pertaining to judges' accountability. Judges frequently feel unprepared to handle cases involving some of the increasingly specialized fields of law, such as human rights, cybercrimes, and intellectual property rights. Lack of efficient judicial training to adjudicate such matters due to insufficient time either renders delay in process or affects the decision itself.

E. Adjournments as a Delaying Tactic

At each stage of the litigation there must be a mandatory ceiling limits on adjournments sought before the court of law. Over the preceding decade, in States such as UP, Maharashtra and Bihar, the backlog of cases in the lower courts has increased due to the grant of long and frequent adjournments¹⁹ which in turn affects the interest of the poor litigants. Lawyers, who are the court's officers, are not allowed to torment rural litigants with such purposeful delays because of India's adversarial legal system.

F. Issue of Jurisdiction

Many a times litigants are not sure about which court to approach due to the overlapping of jurisdiction in multiple courts and due to this before deciding the main dispute, a long time is

¹⁵ (2017) 3 SCC 658 (Ind.)

¹⁶ (2002) 5 SCC 1 (Ind.)

¹⁷ (2002) 4SCC 478 (Ind.)

¹⁸ Government of India, Ministry of Law and Justice, Department of Justice, *Number of Judges Per Million Population*, NIC, (Feb.9, 2024), <https://sansad.in/getFile/loksabhaquestions/annex/1715/AU1335.pdf?source=pqals>

¹⁹ Dua, A., *The path to more effective administration of justice*, TSG, (Aug.20, 2022). <https://sundayguardianlive.com/opinion/path-effective-administration-justice>

taken to decide the issue of jurisdiction itself. Furthermore, there is frequently little consistency among various forums with regard to legal procedures including the rules of evidence, the possibility of appeals, and the presence of lawyers.

G. Language of the Law is too Complex

The 50th Chief Justice of India Dr. DY Chandrachud recently highlighted the need for developing law and legal education in vernacular and regional languages²⁰. Generally, people in India find it hard to understand law due to the language and its complexity. And even when the translated versions are accessible, people may find it challenging to follow the law because the legal jargon is frequently incomprehensible.

H. Problem with the Legal System itself

For those who are economically and socially disadvantaged, basic necessities including food, shelter, health care, education, and clothes are unassailable in court due to the fact that these fundamental needs are kept under Directive Principles of State Policy. As a result, laws become meaningless to those who are unable to access the official legal system to address their basic guaranteed needs. Additionally, the procedural laws provide some exemptions and privileges in situations when the government is engaged, mostly to prevent needless litigation. However, this leads to an imbalance between the disputing parties and is frequently used against the opposing party by the government.

I. Insufficient Knowledge of the Law

Majority rural population in India are quite clueless about the law and their rights due to legal illiteracy which results in them being suspicious of the court process and hampers their confidence in the legal system itself. In addition, the Legal Services Authorities Act of 1987, which guarantees free legal representation to the poor and marginalized groups in society, is actually not free at all.

III. PROPOSED MEASURES

The fact that Indian law is so complicated and difficult to comprehend is one of the biggest issues facing the Indian judiciary. In this regard, some of the suggestions are as follows:

1. Leveraging Digital Infrastructure in Rural India

Digital platforms in rural India can enhance legal awareness by hosting webinars on relevant

²⁰ ETV Bharat English Team, 'Local Context, Legal Terms', *CJI for Developing Law, Legal Education in Vernacular Languages*, ETV BHARAT, (Jul.13, 2024), <https://www.etvbharat.com/en/!bharat/cji-for-developing-law-and-legal-education-in-vernacular-languages-enn24071306462>

legal topic, enable legal consultations with legal expert online and will help individuals to file and track their cases online, thus empowering rural communities.

2. Legal Services Clinics

Such specialized clinics may be established for the marginalised groups such as women, tribal communities and to ensure that everyone must have access to justice.

3. Paralegal Volunteers and Panel Lawyers Should Receive Specialized Training

In order to help the local public, paralegal volunteers and panel lawyers should receive training to develop the practical abilities necessary to handle the common legal concerns.

4. Strengthening Gram Nyayalayas

The need of the hour is to set up more number of gram nyayalayas in India which will cater to the need of the local people in rural area.

5. Promoting Collaboration

Enhanced cooperation between NGO's, Universities and Government Agencies could significantly broaden outreach in rural communities.

6. To increase the strength of the Judiciary at all levels

India needs more number of judges with respect to its population size data as well as number of cases getting instituted each day. Unfortunately, lack of physical infrastructure and poorly maintained court premises in the lower judiciary is one of the biggest hurdles that requires immediate attention by the government and policymakers.

7. Intervention of Legal Services Authorities

To comprehend the legal issues and challenges faced by the rural India, the intervention of legal services authorities is crucial. Through progressive capacity building initiatives and a strategic plan of action, it will empower rural population to know about their rights and navigate the legal system.

IV. CONCLUSION

In the words of Senior Advocate Fali S. Nariman²¹, *“In India, judges are far too few and lawyers far too many. There are, of course, problem areas in our courts. We need more judges pushing more cases to a speedier resolution of the dispute at hand. What is required in many cases is not prolonged arguments, and not even long judgments, but primarily solutions. At the*

²¹ 10 Thoughts on Law and Justice in India, HARVARD LAW SCHOOL CENTER ON THE LEGAL PROFESSION, <https://clp.law.harvard.edu/article/10-thoughts-on-law-and-justice-in-india/> (last visited June 1, 2026).

highest level, we do strive to see that justice gets done but not always successfully". Second, the high costs of litigation is one of the greatest obstacle in the Indian courts²². The current position in India can be summed up with "Too much law, too little justice, too much rhetoric, too little reform."

²² Law Commission of India, *128th Law Commission Report on Cost of litigation, 1988*, MoLJ, Govt. of India, (Aug, 2022), <https://cdnbbsr.s3waas.gov.in/s3ca0daec69b5adc880fb464895726dbdf/uploads/2022/08/2022080883-3.pdf>