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Access to Justice in Rural India: Strengthening Legal Institutions for Inclusive Development

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Abstract

Access to justice is a crucial prerequisite for inclusive development, yet it remains a relatively overlooked aspect of India's rural development agenda. This paper treats the inability of rural citizens to secure timely and affordable justice as a structural deprivation and proposes a rights-based framework that aligns legal empowerment with other fundamental capabilities.

Keywords: Access to Justice; Rural Development; Legal Empowerment; Inclusive Governance; Constitutional Rights

Access to Justice in Rural India: Strengthening Legal Institutions for Inclusive Development

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Abstract

Access to justice is a crucial prerequisite for inclusive development; however, it remains a relatively overlooked aspect of India's rural development agenda. The discussion surrounding multidimensional poverty primarily assesses deprivations related to health, education, and living standards, often neglecting the justice shortfall that hinders the realization of these rights. This paper contends that the inability of rural citizens to secure timely and affordable justice constitutes a structural deprivation that perpetuates exclusion and weakens democratic governance. Grounded in the constitutional guarantees of equality and dignity enshrined in Articles 14 and 21, along with the Directive Principles that call for legal aid and fair resource distribution, the research positions access to justice as a developmental right essential to the vision of Viksit Bharat 2047.

Utilizing the Gram Nyayalayas Act of 2008 and the Legal Services Authorities Act of 1987 as a basis, the paper thoroughly explores the effectiveness and implementation challenges of decentralized justice delivery systems. Empirical evaluations from the National Legal Services Authority and the Ministry of Law indicate ongoing deficiencies such as the limited functionality of Gram Nyayalayas. These shortcomings, as the paper contends, undermine public confidence and reinforce rural disparities that typical development initiatives cannot resolve.

In light of these issues, the study puts forth a rights-based framework of developmental justice that aligns legal empowerment with education and health as fundamental capabilities. It suggests institutional reforms focused on digital legal aid platforms, community paralegal networks, and organized collaboration among panchayats, Lok Adalat's, and Gram Nyayalayas. By integrating justice institutions into the rural governance structure, the paper concludes, India has the opportunity to reshape its poverty alleviation initiatives towards an inclusive approach where access to legal resources is not just supplementary to development but integral to it.

Keywords: Access to Justice; Rural Development; Legal Empowerment; Inclusive Governance; Multidimensional Poverty; Viksit Bharat 2047; Constitutional Rights; Institutional Reform.

I. Introduction

Conversations surrounding rural development in India have historically focused on concrete socio-economic metrics such as income, housing, health, education, and employment. However, the critical institutional factor that underpins these outcomes access to justice has largely been overlooked in the dominant developmental discourse. Justice is not simply a procedural requirement of the State; it is an essential catalyst for equitable progress. Without effective legal institutions at the grassroots level, the rights outlined in welfare legislation and constitutional guarantees remain more aspirational than actionable.¹ Thus, the inability to provide justice represents a unique form of deprivation one that reinforces social exclusion and exacerbates multidimensional poverty.²

The aspiration of Viksit Bharat @2047 aims to reposition India as a developed nation founded on inclusivity and sustainability.³ Achieving this vision requires that development be perceived not only through material gains but also through the establishment of strong institutional structures that ensure fairness, participation, and accountability. In rural India, where approximately 65 percent of the population live, the justice system is often prohibitively distant geographically, economically, and culturally. Formal courts are hard to reach, legal literacy is low, and alternative dispute resolution mechanisms are often either underfunded or poorly understood.⁴ The lack of accessible and affordable legal recourse directly contributes to the continuation of poverty and disempowerment.

India's constitutional framework positions justice as a key foundation of governance. The Preamble explicitly seeks to secure “Justice—social, economic, and political” for all citizens. Articles 14 and 21 of the Constitution ensure equality and the right to life and liberty, respectively, while Article 39A, introduced through the Forty-Second Amendment, instructs the State to provide equal access to justice and free legal aid. Collectively, these provisions acknowledge justice as an integral part of human dignity. Nevertheless, despite this stated

¹ Government of India. (1976). *The Constitution (Forty-Second Amendment) Act, 1976*. Ministry of Law and Justice.

² NALSA. (2022). *Annual Report 2021–22*. National Legal Services Authority.

³ NITI Aayog. (2023). *Vision Document for Viksit Bharat @2047*. Government of India.

⁴ Sen, A. (1999). *Development as Freedom*. Oxford University Press.

commitment, access to justice in rural India remains hindered by structural, institutional, and social obstacles.

This paper argues that enhancing legal institutions in rural locales is crucial for realizing inclusive development. It aims to explore the foundational aspects of justice as a developmental right, analyze the legal frameworks governing rural justice delivery, highlight systemic challenges, and suggest necessary institutional reforms. By redefining justice as a quantifiable aspect of rural capability and governance quality, the paper intends to place the rule of law at the core of India's developmental path.

II. Understanding Access to Justice as a Developmental Right

The Indian constitutional framework offers a normative basis for recognizing access to justice as a developmental right. The Preamble emphasizes that justice—social, economic, and political—is a fundamental principle. Article 14 guarantees equality before the law and equal protection under the law, while Article 21 assures the right to life and personal liberty, which the Supreme Court has interpreted broadly to include a variety of socio-economic rights. Notably, Article 39A, introduced through the Forty-Second Amendment in 1976, specifically mandates the State to ensure that “opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities.”

Judicial interpretation has consistently upheld this constitutional principle. In *Hussainara Khatoon v. State of Bihar* (1979), the Supreme Court affirmed that the right to a speedy trial is a fundamental right implicit in Article 21.⁵ Subsequently, in *Anita Kushwaha v. Union of India* (2016), the Court confirmed that access to justice is an integral part of the right to life, which includes not just procedural fairness but also the accessibility and affordability of institutions. The Court noted that justice must be “real, effective, and meaningful,” rather than merely theoretical or illusory.⁶

III. Empirical and Structural Challenges

Even with a strong statutory and constitutional framework in place, the promise of accessible justice in rural India is still largely unfulfilled. The legal framework designed to deliver justice “to the doorstep” has struggled due to a mix of institutional inertia, administrative apathy, and

⁵ Supreme Court of India. (1979). *Hussainara Khatoon v. State of Bihar*, AIR 1979 SC 1369.

⁶ Supreme Court of India. (2016). *Anita Kushwaha v. Union of India*, (2016) 8 SCC 509.

entrenched socio-cultural obstacles⁷. The subsections below describe the key empirical and structural challenges that persist in hindering effective justice delivery in villages across India.

A. Institutional Inactivity and Implementation Deficits

A prominent issue facing the rural justice system is institutional inactivity. Although the Gram Nyayalayas Act was passed over fifteen years ago, its implementation has been unpredictable and varies greatly among states. The Ministry of Law and Justice Annual Report (2023) indicates that out of 1,871 Gram Nyayalayas established, fewer than 400 are operational.⁸ In several states including Bihar, Uttar Pradesh, Odisha, and Gujarat these courts exist primarily on paper.

The Law Commission of India's 245th Report (2018) credits this shortcoming to a lack of political motivation and administrative dedication.⁹ Many states have failed to create the necessary infrastructure or approve positions for Nyayadhikaris. Additionally, there is poor coordination between the High Courts (which are responsible for oversight) and state governments (which are responsible for funding). Consequently, Gram Nyayalayas are often located in makeshift spaces, lack digital resources, and experience irregular sessions.

This institutional stagnation has led to a damaging cycle: low usage discourages public participation, and limited demand is then cited to justify more inaction. Overall, the initial goal of providing accessible and prompt justice has been compromised by bureaucratic red tape and a lack of financial support.

B. Legal Literacy and Awareness Deficits

A deeper barrier to justice is the prevalent lack of legal awareness. For many individuals in rural areas, the law is an unfamiliar concept seen as complicated, external, and punitive rather than empowering. Data from NALSA (2022) shows that fewer than 30 percent of rural inhabitants know about their right to free legal aid, and this figure reduces to 22 percent among women. This lack of awareness is not just a matter of information; it is systemic¹⁰. The absence

⁷ Bhatia, R. (2022). *Local Governance and Access to Justice in Rural India*. Indian Journal of Public Administration, 68(3), 415–431.

⁸ Government of India. (2023). *Annual Report 2022–23*. Ministry of Law and Justice.

⁹ Law Commission of India. (2018). *Report No. 245: Gram Nyayalayas – Justice at the Doorsteps*.

¹⁰ NALSA. (2022). *Legal Services in India: Annual Review*. National Legal Services Authority.

of ongoing outreach, along with linguistic and educational hurdles, limits engagement with formal justice systems.

While NALSA and various State Legal Services Authorities (SLSAs) conduct occasional Legal Literacy Camps, their impact remains limited¹¹. A 2021 assessment by the Centre for Social Justice found that over 60 percent of rural Gram Panchayats had not held a legal-awareness event in the past five years. The gap between legal institutions and daily governance fosters a disempowerment cycle, wherein rights exist nominally but are not actionable.

C. Socio-Cultural Barriers: Caste, Gender, and Power

Justice delivery in rural India functions within a complicated web of social hierarchies and informal power dynamics. Caste supremacy, patriarchal customs, and economic dependency often hinder the fair application of law. Research conducted in Bihar and Rajasthan reveals that Dalit complainants frequently withdraw their cases due to social pressure or fear of reprisals¹². Women, particularly those from marginalized castes, encounter additional discrimination when pursuing claims related to land, domestic violence, or labor issues.

These structural disparities result in procedural disadvantages. Police often hesitate to document complaints, intermediaries from upper castes intimidate victims, and biases within local institutions undermine trust in the justice system. The net result is a feeling of institutional alienation a belief that the law only benefits the powerful and neglects the marginalized.

Moreover, cultural practices that prioritize reconciliation can reinforce patriarchal dominance. For example, in cases of domestic violence that go to Lok Adalats, women are regularly urged to reconcile instead of asserting their legal rights. While alternative dispute resolution mechanisms are helpful, their misuse within unequal social contexts can perpetuate injustice rather than rectify it.

D. Limitations in Resources and Capacity

¹¹ Ibid.

¹² Verma, S., & Sinha, K. (2021). *Caste, Gender, and Justice: Barriers to Legal Access in Bihar and Rajasthan*. *Economic and Political Weekly*, 56(42), 55–63.

Every level of the rural justice system is affected by financial and human resource challenges. Many District Legal Services Authorities (DLSAs) function with minimal staff and rely heavily on temporary volunteers. Legal-aid counsels receive low compensation, leading to a lack of motivation and inconsistent quality of representation. Although the Eleventh Finance Commission suggested dedicated funds for Gram Nyayalayas, the implementation has been alarmingly poor (Law Commission, 2018).

The deficits in infrastructure are equally severe: courts often lack permanent facilities, there is inadequate internet access, translation services are missing, and security measures are minimal. Such material shortcomings not only cause delays in justice but also erode public trust in government institutions.

F. The Confidence Gap

Possibly the most abstract yet significant obstacle is the trust gap between rural residents and the formal legal system. Prolonged experiences of exclusion, delays, and perceived partiality have diminished faith in judicial processes. Alternative dispute-resolution mechanisms—whether caste panchayats or village elders—often serve as the primary sources of justice for many, despite their intrinsic inequities. Without efforts from legal institutions to restore credibility through increased accessibility, expedited processes, and fairness, the quest for justice will persist outside the constitutional framework.

In conclusion, the structural shortcomings of rural justice delivery are not simply administrative but fundamentally systemic. They highlight a disparity between constitutional ideals and the realities of institutions. The ongoing existence of social hierarchies, legal illiteracy, and fragmented governance ensures that justice remains a privilege for the few rather than a right for all. Therefore, tackling these structural barriers is crucial for unlocking the developmental potential of law in rural India.

IV. Reforms and Policy Innovations

The ongoing existence of institutional and social obstacles within India's rural justice system highlights the pressing necessity for comprehensive reform. This reform should extend beyond simple procedural adjustments to fundamentally redefine how justice is perceived, administered, and intertwined with rural governance. The aim is not only to broaden the accessibility of legal institutions but also to integrate them within the developmental

framework of rural communities¹³. This requires a three-pronged approach: technological advancement, community engagement, and institutional alignment.

A. Digital Legal-Aid and E-Justice Platforms

The digital transformation of governance presents a distinctive opportunity to make justice more accessible to all. The experiences during the pandemic showed that technology can facilitate justice in a quicker, cheaper, and more inclusive manner when it is designed with fairness in focus. The Nyaya Bandhu (Pro Bono Legal Services) App, initiated by the Ministry of Law and Justice, enables individuals to connect with volunteer lawyers through their mobile devices. Nevertheless, its current usage is largely confined to urban areas. Broadened outreach of such platforms in regional languages, featuring voice-based and offline functionalities, could greatly enhance access for rural populations¹⁴.

Likewise, the success of virtual Lok Adalats responsible for resolving over 1.2 million cases in 2022 (NALSA, 2023) demonstrates the potential for digital dispute resolution. Institutionalizing these as e-Gram Nyayalayas, linked with Panchayat networks and Common Service Centres (CSCs), would create a blended justice model that fuses technology with community involvement. Additionally, establishing a National Justice Data Grid for Rural Courts could promote transparency, facilitate performance tracking, and support data-informed policy measures¹⁵.

However, digitalization must not worsen exclusion. The design of technology should focus on accessibility for low-income, low-literacy populations by integrating mobile voice interfaces, assisted kiosks, and content in local languages. Ultimately, digital justice must prioritize those on the margins, rather than simply reflecting urban realities.

B. Strengthening Community-Based Paralegal Networks

A justice system that aims for inclusivity needs to empower citizens to be active contributors, rather than merely passive recipients. Community paralegals trained local volunteers who possess basic legal knowledge can act as intermediaries between individuals and formal

¹³ Bhatia, R. (2022). *Local Governance and Access to Justice in Rural India*. Indian Journal of Public Administration, 68(3), 415–431.

¹⁴ Government of India. (2008). *The Gram Nyayalayas Act, 2008*. Ministry of Law and Justice

¹⁵ Law Commission of India. (2018). *Report No. 245: Gram Nyayalayas – Justice at the Doorsteps*

institutions. The NALSA (Paralegal Volunteers) Scheme of 2010, while effective in certain districts, remains largely underused on a national scale.

Incorporating paralegal training into Self-Help Groups (SHGs), youth organizations, and Panchayat committees would utilize existing community frameworks. These volunteers can aid in drafting grievances, guiding mediation, and providing legal information. In nations like the Philippines and South Africa, community paralegals have significantly transformed rural justice systems¹⁶. Their establishment in India could spark a similar grassroots movement towards legal empowerment.

Moreover, including paralegal volunteers within Gram Nyayalayas and DLSAs would establish a support continuum from awareness to adjudication. Paralegals could also play a role in legal literacy initiatives, particularly aimed at women and marginalized groups, ensuring that justice is not only accessible but also within reach.

C. Integrating Justice with Panchayati Raj Governance

To ensure that justice delivery is genuinely participatory, it must be embedded within current local governance structures. The 73rd Constitutional Amendment established Panchayati Raj Institutions (PRIs) as the foundation of decentralized development. However, justice has remained somewhat disconnected from local governance.

Embedding Access to Justice Indicators into the Gram Panchayat Development Plans (GPDPs) would help close this gap. Panchayats could keep Justice Registers to monitor local disputes, referrals to Gram Nyayalayas, and outcomes of legal aid efforts. Establishing dedicated Legal-Aid Desks within Panchayat offices could serve as initial points of contact for grievance resolution, digitally linked to the closest DLSA or Nyayalaya.

This kind of institutional integration would not only strengthen accountability but also transform justice from a reactive measure into a proactive governance tool. Panchayat-level planning sessions could evolve into forums for discussion where social justice priorities—such as gender equity, land rights, or labor welfare—are woven into local development plans.

D. Institutional and Financial Reform

¹⁶ Mehta, P. (2023). *Digital Justice Delivery in India: Evaluating Virtual Courts and Lok Adalats*. *Journal of Law and Technology*, 15(2), 210–234.

Sustainable legal access hinges on reliable financing and accountability within institutions. Historical insights from the Eleventh and Fourteenth Finance Commissions indicate that one-time funding is inadequate. Both Union and state governments should implement a performance-based funding model, distributing resources according to measurable metrics like case resolution rates, citizen satisfaction, and outreach efforts.

In addition, it is crucial to integrate Gram Nyayalayas into the e-Courts Mission Mode Project, ensuring they are compatible with district and high courts. This would standardize data, enhance oversight, and decrease backlog¹⁷. Hiring specialized judicial officers for Gram Nyayalayas, along with regular audits by High Courts, could rejuvenate these entities as trustworthy venues for initial legal proceedings.

Capacity building is equally critical. Judicial officers assigned to rural regions need focused training in community engagement, mediation, and gender-sensitive decision-making. Concurrently, local officials and Panchayat representatives should be educated about their supportive roles in delivering justice.

E. Legislative and Policy Coherence

Lastly, achieving lasting reform requires alignment among the various laws and policies that currently function in isolation. The Gram Nyayalayas Act, Legal Services Authorities Act, and Panchayati Raj Acts should be synchronized through amendments or executive orders that clarify jurisdictional connections. Establishing a National Framework for Rural Justice Delivery under the aegis of the NITI Aayog or Ministry of Rural Development—could unify initiatives, set norms, and assess results across different states.

Such alignment would also resonate with India’s international obligations under the UN Sustainable Development Goal 16, which advocates for “peace, justice, and strong institutions.” By embedding justice within governance principles, India would progress toward realizing the constitutional promise of equality and the developmental vision of Viksit Bharat 2047¹⁸.

¹⁷ NALSA. (2023). *Report on Lok Adalats and Legal Aid Clinics*. National Legal Services Authority.

¹⁸ UNDP. (2022). *Human Development Report 2022: Uncertain Times, Unsettled Lives*. United Nations Development Programme.

The suggested reforms collectively reconceptualize justice as an instrument of empowerment rather than mere adjudication. By merging technology, community involvement, and governance collaboration, the aim is to transform the justice system from sporadic outreach to systemic inclusivity an essential shift for justice to be genuinely experienced by rural India.

V. Advancing a Rights-Based Model of Developmental Justice

The earlier analysis shows that the rural justice system in India is not only hindered by bureaucratic stagnation but also by a more profound conceptual error: justice continues to be perceived as a supplementary service instead of an essential aspect of development. A rights-based model of developmental justice aims to amend this misunderstanding by recognizing access to justice as both a constitutional right and a developmental priority¹⁹. It shifts the emphasis from the distribution of welfare to the empowerment of rights-holders individuals and communities who can demand accountability from the State.

Fundamentally, the rights-based approach is built upon three interconnected principles: justiciability, participation, and accountability. Justiciability means that the opportunity to seek remedies should not be contingent upon generous discretion but should be rooted in enforceable rights. The Constitution, specifically through Articles 14, 21, and 39A, already establishes the normative basis for such enforceability. However, in practice, rural citizens face overwhelming procedural and financial obstacles. Integrating these guarantees into local institutions like Gram Nyayalayas, legal-aid centers, and Panchayat justice desks turns abstract rights into concrete tools for empowerment.

Participation acknowledges that the process of delivering justice cannot be exclusively controlled by formal courts. Community involvement through paralegal volunteers, women's self-help groups, and Panchayat-level mediation returns agency to those who have been historically marginalized in legal proceedings²⁰. This involvement also broadens the knowledge base of law, ensuring that legal decisions reflect local realities rather than remote bureaucratic standards. When communities take part in justice delivery, compliance improves, legitimacy strengthens, and the law transforms into a social norm rather than an outside imposition.

¹⁹ NITI Aayog. (2023). *Vision Document for Viksit Bharat @2047*. Government of India.

²⁰ Nussbaum, M. (2011). *Creating Capabilities: The Human Development Approach*. Harvard University Press.

Accountability completes this triad. A rights-based framework evaluates the effectiveness of justice institutions not by the volume of cases filed or resolved but by how much they promote fairness, accessibility, and public confidence²¹. This necessitates incorporating justice indicators into India’s development assessments. Adding factors like case-resolution time, legal-aid access, and grievance-redress effectiveness into the Multidimensional Poverty Index (MPI) or District Development Plans would highlight the distributive aspect of justice. The UNDP’s Human Development Reports (2022) have already recognized access to justice as crucial for effective governance; India’s policy structure can implement this understanding by linking legal inclusion with socio-economic advancement.

Such connection also aligns with global objectives under Sustainable Development Goal 16, which advocates for “peace, justice, and strong institutions.” Developmental justice thus serves as the national interpretation of SDG 16 within the rural context of India. It closes the divide between legal formalism and social equity by converting the constitutional promise of justice into quantifiable development results.

In the end, a rights-based model reconceptualizes justice not as the final point of conflict but as a continual process of enhancing capabilities. It redefines legal institutions as venues of empowerment where citizens gain skills to negotiate, engage, and assert their dignity. For rural India, this change is essential: only when justice becomes a developmental asset—integrated into governance, financed as a public service, and evaluated as a capability can the aspirational vision of Viksit Bharat 2047 move beyond mere rhetoric and become a tangible constitutional reality²².

VII. Conclusion

The ability to seek justice is fundamental to constitutional democracy and essential for fair development. In rural areas, justice is not merely a benefit but a crucial factor influencing empowerment, governance quality, and human dignity. The analysis presented shows that India’s rural justice system—while grounded in strong principles—remains fundamentally unfulfilled. The Gram Nyayalayas Act of 2008 and the Legal Services Authorities Act of 1987 reflect a legislative effort to democratize access to justice, but their execution has been

²¹ Sen, A. (1999). *Development as Freedom*. Oxford University Press

²² NITI Aayog. (2023). *Vision Document for Viksit Bharat @2047*. Government of India.

hampered by institutional stagnation, social hierarchies, and lack of resources. As a result, the constitutional guarantee of equal justice continues to be a promise unfulfilled for those in greatest need.

A significant change is required: justice should be woven into the very fabric of development rather than regarded as an ancillary issue. Adopting a rights-based perspective, rooted in justiciability, participation, and accountability, reinterprets access to justice as both a method and a goal for rural transformation. This approach guarantees that every individual, irrespective of their location or status, not only has the theoretical right to be heard but also the practical means to seek redress.

The reforms suggested in this study digitizing legal aid, empowering paralegal networks, fostering collaboration between Panchayats and the judiciary, and linking funding to performance demonstrate that justice can extend beyond the confines of courts. When effectively institutionalized, these strategies can turn constitutional principles into tangible developmental achievements. Incorporating justice indicators into India's policy frameworks, including the Multidimensional Poverty Index and Gram Panchayat Development Plans, would meaningfully and symbolically embed the rule of law into the country's development initiatives.

The vision of Viksit Bharat 2047 calls for not just advancements in infrastructure and economy, but also a profound ethical and institutional revitalization of justice. A rural India wherein citizens can assert their rights confidently, resolve conflicts with dignity, and trust the integrity of institutions will embody the true essence of constitutional democracy. The full realization of development begins when justice is not merely an ideal, but a guarantee experienced in everyday life.