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Justice Delivery System: Role of Judiciary and Legal Aid

P. Vignesh
LLM- Corporate and Commercial Law, 2nd Year
Hindustan Institute of Technology and Science, Chennai
vignesh2085@gmail.com

Abstract: *A sound and effective justice delivery system is fundamental to the functioning of any democratic nation. It ensures that laws are upheld, rights are protected, and wrongs are redressed through fair, transparent, and impartial procedures. In India, the judiciary stands as the central pillar of this system, entrusted with interpreting the Constitution, safeguarding fundamental rights, and maintaining the balance of power among the legislature and the executive. The Indian judiciary, through its hierarchical structure—from subordinate courts to the Supreme Court—acts as the ultimate custodian of justice and the protector of the rule of law.*

Keywords: *democratic nation*

I. INTRODUCTION

A sound and effective justice delivery system is fundamental to the functioning of any democratic nation. It ensures that laws are upheld, rights are protected, and wrongs are redressed through fair, transparent, and impartial procedures. In India, the judiciary stands as the central pillar of this system, entrusted with interpreting the Constitution, safeguarding fundamental rights, and maintaining the balance of power among the legislature and the executive. The Indian judiciary, through its hierarchical structure—from subordinate courts to the Supreme Court—acts as the ultimate custodian of justice and the protector of the rule of law.

The role of the judiciary extends beyond mere dispute resolution. It plays a transformative role in promoting social justice, equity, and good governance. Through mechanisms such as judicial review, public interest litigation (PIL), and constitutional interpretation, the judiciary ensures that state actions remain within constitutional boundaries and that marginalized sections of society are not deprived of their rights. Over the decades, judicial activism has further strengthened citizens' faith in the system, reflecting the judiciary's proactive approach toward ensuring justice in a changing socio-political environment.

However, justice must not only be available but also accessible to all. Economic hardship, illiteracy, and social inequalities often prevent disadvantaged citizens from seeking legal remedies. To address this, legal aid plays a crucial role by offering free legal services to those who cannot afford representation. The establishment of National Legal Services Authority (NALSA) and its allied state and district bodies have institutionalized access to justice, making the legal system more inclusive and equitable.

Together, the judiciary and legal aid constitute the foundation of India's justice delivery framework—ensuring that justice is not only done but also available to every citizen, irrespective of status or wealth.

1.1 Review of Literature

Access to justice is widely accepted as a core element of rule of law and social equity: it requires both a functioning judiciary (fair, timely adjudication) and effective legal aid (services that allow disadvantaged people to use the justice system). International agencies and comparative studies treat legal aid and judicial reform as complementary pillars of access to justice.

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National Legal Services / Department of Justice — Access to Justice (overview & NALSA role) — official description of legal aid schemes, Lok Adalats and institutional structure for legal services in India.[1] Elaborates its constitutional responsibility as Article 39A of the Constitution of India provides for free legal aid to the poor and weaker sections of the society and ensures justice for all. Articles 14 and 22(1) of the Constitution also make it obligatory for the State to ensure equality before law and a legal system which promotes justice on the basis of equal opportunity to all.

India Justice Report (Tata Trusts / partners) — made a state-wise ranking and data on police, judiciary, prisons and legal aid; useful for comparative and metrics-based analysis.[2]

Varsha Aithala, Rathan Sudheer & Nandana Sengupta[3] in their district-level analysis of case pendency and socioeconomic correlates using the National

Judicial Data Grid. Their empirical evidence also supported the traditional association between pendency numbers and provision of more courts, by estimating that case pendency over 10 years reduces with increase in the number of courts per lakh of population in a district. While this result goes against the usual discourse on measures to reduce case pendency, it supports early research by Moog questioning the claim that the solution to the crisis of delays in India's lower courts is adding more judges.

Varun Gauri in his work Public Interest Litigation in India: Overreaching or Underachieving?[4] analysed win rates for fundamental rights claims are significantly higher when the claimant is from an advantaged social group than when he or she is from a marginalized group, which constitutes a social reversal, both from the original objective of public interest litigation and from the relative win rates in the 1980s.

V. A. Kumar — Judicial Delays in India: Causes & Remedies — widely-cited working paper/review on delay and reform suggestions and concluded that No body can dispute the fact that the Justice delivery system in India is in a bad shape. A survey of working of more than half a century of Indian Judicial System reveals that this system which had worked smoothly and satisfactorily for centuries has now failed to deliver Justice expeditiously

The literature consistently treats the judiciary and legal aid as complementary: courts create and enforce rights and institutional mandates, while legal aid ensures marginalized people can access those rights in practice. Evidence shows legal aid improves outcomes for many users, but the impact is uneven across deepen exclusion — areas where future empirical and comparative work would be especially valuable case types and provider quality. Contemporary prioritiesare improving quality/accountability, expanding outreach, and ensuring digital reforms do not

1.3 Research Gap

There is a lack of integrated research evaluating the combined performance of the judiciary and legal aid systems in contributing to pendency of cases.

Absence of quality-assessment frameworks that connect inadequate legal aid representation and procedural inefficiencies to prolonged litigation and growing pendency.

The coordination between courts and legal services authorities (NALSA, SALSAs, DLSAs) remains poorly studied. Delays in appointing legal aid counsels, lack of communication between court registries and legal aid offices, and weak supervision contribute to adjournments and backlog.

1.4 Research Objectives

To critically examine the functioning of the justice delivery system in India, focusing on the interrelationship between the judiciary and the legal aid mechanism, and to analyse how their institutional and operational shortcomings contribute to the increasing pendency of cases.

https://doj.gov.in/access-to-justice-for-the-marginalized/

'India Justice Report: Ranking States on Police, Judiciary, Prisons and Legal Aid', Tata Trusts, New Delhi, India, published on Oct, 2019

Varsha Aithala, Rathan Sudheer & Nandana Sengupta in 'Justice Delayed: A District-Wise Empirical Study on Indian Judiciary' published in Journal of Indian Law and Society, Vol 12(1) [Monsoon (2021)

Gauri, Varun, Public Interest Litigation in India: Overreaching or Underachieving? (November 1, 2009). World Bank Policy Research Working Paper No. 5109

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To study the structural and procedural causes of case pendency in Indian courts, including judicial vacancies, procedural delays, and administrative inefficiencies.

To identify how the inadequacy of legal aid services, lack of awareness, and poor quality of representation contribute to adjournments, prolonged litigation, and overall backlog.

1.5 Research Methodology

This study adopts a doctrinal and socio-legal approach. While doctrinal research analyses statutes, case law, and judicial reasoning, the present study focuses on how the justice delivery system operates in practice—particularly how judicial inefficiencies and inadequate legal aid contribute to the rising pendency of cases in India.

A descriptive design is employed.

Descriptive, to document the functioning, awareness, and perceptions of legal aid and judicial systems.

Exploratory, to uncover new insights regarding public understanding of judicial reforms and legal aid services.

II. THE JUDICIARY: PILLAR OF JUSTICE DELIVERY

The judiciary stands as the pillar of justice delivery and the ultimate guardian of the rule of law in any democratic state. It ensures that every individual, regardless of status, gender, or wealth, receives equal protection and fair treatment under the law. In India, the judiciary derives its authority and independence from the Constitution, which establishes it as one of the three co-equal organs of the State — alongside the Legislature and the Executive.

However, despite being the most trusted institution of democracy, the judiciary faces mounting challenges — pendency of cases, judicial vacancies, delays in justice delivery, and limited access to legal aid. These systemic issues often weaken the effectiveness of justice and contribute to growing public dissatisfaction.

2.1 Constitutional Status

The framers of the Constitution designed the judiciary to be independent of the executive and legislature, thereby ensuring the separation of powers and the supremacy of law.

Key constitutional provisions establishing the judiciary's framework include:

Article 124–147 – Establish the Supreme Court of India, its composition, powers, and jurisdiction.

Article 214–231 – Provide for High Courts in the States.

Article 233–237 – Deal with subordinate courts under the control of the High Courts.

Article 50 – Directs the State to take steps to separate the judiciary from the executive in the public services of the State.

The judiciary thus enjoys constitutional recognition not as a mere administrative body but as a sovereign institution essential to upholding justice, equality, and the rule of law.

Judicial affirmation:

In **S. P. Gupta v. Union of India**[5], affirmed that the appointment of judges to the higher judiciary is primarily an executive function, with the President acting on the advice of the Council of Ministers. Although the judiciary's views are to be consulted, the ultimate power to appoint judge rests with the President. The ruling established a framework where the executive retains significant authority in judicial appointments, shaping the governance of the judiciary while maintaining the constitutional provisions of separation of powers.

The Matter Heard by Bench: Justice P.N. Bhagwati, Justice A.C. Gupta, Justice S.M. Fazal Ali, Justice V.D. Tulzapurkar, Justice D.A. Desai, Justice R.S. Pathak, Justice F.S. Venkataramaiah.

In **Kesavananda Bharati v. State of Kerala**[6], The Supreme Court on 24th April 1973 by this landmark introduced the basic structure doctrine. The basic structure doctrine is a blanket doctrine wherein the provisions falling under it cannot be amended. The Apex Court overruled the Golaknath's case by stating that the Parliament has right to amend any part of the Constitution however, it should not violate the basic structure of the Constitution otherwise it will be invalid.

The Apex Court listed down some of the features to be a part of basic structure which are:

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1) Supremacy of the Constitution
2) Republican and democratic form of government
3) Secular character of the Constitution
4) Separation of powers between legislative, executive and judiciary
5) Federal character of the Constitution

2.2 Guardian of the Constitution

The judiciary in India serves as the guardian and interpreter of the Constitution, ensuring that every law and executive action conforms to constitutional principles. As envisaged by the framers, it acts as the sentinel on the qui vive, protecting the supremacy of the Constitution and safeguarding the rights of citizens from legislative or executive excesses. This constitutional role is derived

from provisions such as Articles 13, 32, 131–136, and 226, which empower the judiciary to exercise judicial review — the authority to examine the constitutionality of laws and executive actions. Judicial review forms the cornerstone of constitutional democracy, maintaining the balance of power among the three organs of the State.

In **Maneka Gandhi v. Union of India**[7] a landmark case that it gave a new and highly varied interpretation to the meaning of 'life and personal liberty' under Article 21 of the Constitution. Also, it expanded the horizons of freedom of speech and expression to the effect that the right is no longer restricted by the territorial boundaries of the country. In fact, it extends to almost the entire world. Thus, the case saw a high degree of judicial activism, and ushered in a new era of expanding horizons of fundamental rights in general, and Article 21 in particular. This case is called as golden triangle case where art 14, 19 and 21 were challenged together and it was appreciated by the apex court.

2.3 Protector of the Fundamental Rights

The Indian judiciary acts as the protector and guarantor of fundamental rights, ensuring that the ideals of liberty, equality, and justice enshrined in Part III of the Constitution are preserved. The framers of the Constitution vested the judiciary with this crucial responsibility through Articles 32 and 226, empowering the Supreme Court and High Courts to issue writs for the enforcement of fundamental rights. Dr. B. R. Ambedkar described Article 32 as the "heart and soul of the Constitution," highlighting its centrality in upholding citizens' freedoms.

In **Olga Tellis v. Bombay Municipal Corporation**[8] the apex court held that pavement dwellers and public interest organizations claim eviction of pavement dwellers would violate right to life under the Constitution by depriving them of their livelihood; right to life includes protection of means of livelihood; obligations to provide natural justice before eviction but no automatic right to resettlement under Indian constitutional law.

In **Vishaka v. State of Rajasthan**[9] Articles 14, 15, and 19(1)(g) of the Indian Constitution guarantees gender equality as a fundamental right. To protect the same, elimination of sexual harassment at workplace is essential. The fundamental right to carry on any profession, trade or occupation depends on the presence of 'safe' working environment. Right to life means life with dignity. It is the primary responsibility of the legislature and executives to ensure such safety and dignity through suitable mechanism and legislation. However, in case of its absence, there is a requisite for effective guidelines to fill the legislative void.

2.4 Judicial Activism and PIL

Judicial activism in India represents a dynamic and progressive interpretation of constitutional provisions by the judiciary to advance justice, safeguard rights, and promote social welfare. It reflects the proactive role of the courts in filling gaps left by the legislature and executive, ensuring that constitutional ideals are effectively realized. Judicial activism emerged as a response to the failures of other state organs in addressing issues of governance, human rights, and social justice.

5. 1981 Supp SCC 87
6. (1973) 4 SCC 225
7. (1978) 1 SCC 248
8. (1985) 3 SCC 545
9. (1997) 6 SCC 241

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The concept gained prominence during the post-Emergency period of the 1970s and 1980s when the Indian judiciary began to expand its role beyond traditional adjudication. The courts started interpreting the Constitution liberally to address public grievances and to make justice accessible to those who were historically marginalized or unaware of their legal rights. This marked the rise of Public Interest Litigation (PIL) — a judicial innovation that democratized access to justice.

The Indian judiciary has used PILs to expand the scope of constitutional rights and ensure social justice. In Hussainara Khatoon v. State of Bihar (1979 AIR 1360), the Supreme Court recognized the right to a speedy trial as a part of the right to life under Article 21, leading to the release of thousands of undertrial prisoners.

In M.C. Mehta v. Union of India (1987 AIR 965), the Court introduced the concept of absolute liability in environmental law, holding industrial units strictly responsible for environmental harm. This case established the judiciary as a guardian of environmental protection and public health.

Further, in Vishaka v. State of Rajasthan (1997) 6 SCC 241), the Court framed guidelines to prevent sexual harassment at the workplace, emphasizing the right to a safe and dignified working environment. Similarly, People's Union for Democratic Rights v. Union of India (1982) 3 SCC 235) upheld labour rights and directed the enforcement of minimum wages for construction workers.

III. LEGAL AID: ENSURING EQUAL ACCESS TO JUSTICE

3.1 Concept and Constitutional Mandate

Legal aid is a cornerstone of a democratic justice system, ensuring that justice is not denied due to poverty or ignorance. It embodies the constitutional promise of equality before law under Article 14 and the right to legal assistance under Article 39A of the Directive Principles of State Policy, which mandates the State to provide free legal aid to ensure equal access to justice for all citizens.

To fulfil this objective, the Legal Services Authorities Act, 1987 established the National Legal Services Authority (NALSA) and State Legal Services Authorities to provide free legal assistance, representation, and awareness programs for economically and socially disadvantaged groups.

In **Hussainara Khatoon v. State of Bihar**[10] the Supreme Court directed that the undertrial prisoners, whose names and particulars were given in the list filed by Mrs. Hingorani, should be released forthwith as their continued detention was illegal and in violation of their fundamental right under Article 21 of the Constitution. The Court also instructed the State Government to report to the High Court of Patna on its compliance with the directive to provide free legal services to the poor and needy within six weeks from the date of the judgment. Furthermore, the State Government was ordered to release the undertrial prisoners as far as possible within the same six-week period and submit a compliance report to the High Court of Patna.

The Court held that the right to free legal services is an essential component of a "reasonable, fair, and just" procedure for a person accused of an offense, and this right is implicit in the guarantee provided by Article 21. It emphasized that the State cannot shirk its constitutional obligation to provide a speedy trial to the accused by citing financial or administrative difficulties. The Court directed the State to fulfill its constitutional duty to ensure a speedy trial for the accused as much as possible. Additionally, the Court recommended the introduction of a comprehensive legal service program across the country to uphold and ensure the right to legal aid for all.

In **Khatri v. State of Bihar**[11] the Supreme Court decision regarding the State's constitutional obligation under Article 21 of the Constitution to provide free legal aid to the accused if (1) the accused is indigent and cannot obtain legal aid, and (2) there is a possibility of imprisonment; legal aid is to be provided without the request of the accused; under Article 22 of the Constitution, an arrested person must be brought before a judicial magistrate within 24 hours of the arrest in the interest of police oversight.

3.2 Legal Service Authority Act 1987

The Legal Services Authorities Act, 1987 was enacted to give statutory effect to the constitutional mandate under Article 39A of the Indian Constitution, which directs the State to ensure that opportunities for securing justice are not

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denied to any citizen by reason of economic or social disadvantage. The Act provides the framework for organizing and implementing free and competent legal services to the weaker sections of society and for conducting Lok Adalats to promote alternative dispute resolution.

The Act came into force on 9th November 1995, establishing a nationwide network of legal services authorities at the national, state, district, and taluk levels. The National Legal Services Authority (NALSA), headed by the Chief Justice of India as its Patron-in-Chief, is the apex body responsible for policy formulation and coordination. Corresponding State Legal Services Authorities (SLSAs) and District Legal Services Authorities (DLSAs) function to provide free legal representation, legal literacy programs, and organize Lok Adalats for amicable dispute settlement.

One of the key features of the Act is Section 12, which specifies categories of persons entitled to free legal aid—such as women, children, persons with disabilities, members of Scheduled Castes and Scheduled Tribes, and victims of human trafficking or natural disasters. The Act also institutionalized Lok Adalats under Sections 19 to 22, which serve as people's courts for speedy and cost-effective resolution of disputes.

In **State of Maharashtra v. Manubhai Pragaji Vashi**[12], The Supreme Court upheld the High Court of Bombay's judgment that the State of Maharashtra's failure to extend the grants-in-aid scheme to non-government law colleges was discriminatory. The Court emphasized that grants were being provided to other professional non-government institutions such as Engineering, Medical, and B.Ed colleges, thereby singling out law colleges for adverse treatment ~~without valid justification. The Supreme~~ Court reinforced the necessity of fulfilling constitutional directives to ensure equal opportunities and adequate legal education, which is fundamental for the delivery of free legal aid and the promotion of justice. Ultimately, the Supreme Court affirmed the High Court's directives, ordering the State to implement the grants-in-aid scheme for non-government law colleges, thereby rectifying the discriminatory practices and ensuring the sustenance of legal education in the state.

Thus, the Legal Services Authorities Act, 1987, operationalizes the vision of "Equal access to justice for all", bridging the gap between law and justice by empowering the marginalized and ensuring inclusive participation in the justice delivery system.

3.3 Lok Adalat and ADR

The concept of Lok Adalat is rooted in India's ancient tradition of community-based dispute resolution, where village elders and panchayats played an active role in resolving conflicts amicably. Recognizing its importance in modern governance, the Legal Services Authorities Act, 1987 institutionalized Lok Adalats under Sections 19 to 22B, providing them statutory status and legal recognition.

Under the 1987 Act, Lok Adalats are organized at national, state, district, and taluk levels by the National Legal Services Authority (NALSA) and its subsidiary bodies. They are presided over by serving or retired judicial officers, assisted by legal professionals and social workers.

Lok Adalats deal with both civil cases (including matrimonial, property, and contractual disputes) and compoundable criminal cases. They function on the principle of conciliation rather than adjudication — parties resolve disputes voluntarily through mutual agreement, not through imposed judgments.

Permanent Lok Adalats (PLAs): Established under Section 22B, these deal with public utility services such as transport, postal, and telecommunication services. PLAs can decide disputes if conciliation fails, provided the dispute does not involve a non-compoundable offense.

National, State, and District Lok Adalats: Periodically organized at various levels to dispose of pending cases and pre-litigation disputes.

Mobile Lok Adalats: Conducted in rural and remote areas to take justice closer to people who lack access to formal courts.

10. 1979 AIR (1) 360
11. (1981 1 SCC 627)
12. (1995) 5 SCC 730

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Lok Adalat represents India's indigenous form of Alternative Dispute Resolution (ADR), complementing other mechanisms such as mediation, arbitration, and conciliation under the Arbitration and Conciliation Act, 1996. ADR mechanisms collectively aim to reduce pendency, decongest courts, and promote participatory justice.

In **State of Punjab v. Jalour Singh**[13], the Supreme Court clarified that the role of Lok Adalats is purely facilitative, emphasizing voluntary settlement rather than judicial determination. The process enhances the restorative and reconciliatory aspects of justice by promoting dialogue and mutual understanding between parties.

The **Court, in Afcons Infrastructure Ltd. v. Cherian Varkey Construction Co. (P) Ltd. (2010) 8 SCC 24**, also recognized ADR, including Lok Adalats, as an essential tool for effective justice delivery and recommended that courts encourage parties to resort to ADR methods wherever possible.

IV. CHALLENGES

4.1 Delay and Pendency

The problem of delay and pendency of cases is one of the most persistent challenges facing the Indian judicial system. Justice delayed is often justice denied — and the staggering number of pending cases has eroded public confidence in the justice delivery mechanism. As per the National Judicial Data Grid (NJDG, 2024), over 5.1 crore cases are pending across various levels of the judiciary in India, with nearly 4 crore in subordinate courts, 60 lakh in High Courts, and around 80,000 in the Supreme Court[14].

Causes of Delay and Pendency

The causes of judicial delay are systemic, structural, and procedural.

Vacancies in the Judiciary: Chronic shortages of judges severely impede case disposal. According to the Department of Justice (2024), nearly 30% of sanctioned judicial posts in High Courts and 20% in district courts remain vacant.

Procedural Complexities: Outdated procedural laws, adjournments, and lengthy documentation contribute to inefficiency. Despite reforms through the Civil Procedure Code (Amendment) Acts and Criminal Procedure Code reforms, procedural rigidity persists.

Increasing Litigation: Rapid urbanization, industrialization, and socio-economic awareness have increased the number of disputes, but judicial capacity has not proportionately expanded.

Inefficient Case Management: The absence of modern digital case management, delays in filing evidence, and limited use of technology further exacerbate pendency.

Frequent Appeals and Frivolous Litigation: Repeated appeals and misuse of legal remedies prolong litigation, often weaponized by powerful litigants to delay justice.

4.2 Accessibility Barriers

Access to justice is a fundamental aspect of the rule of law and an indispensable condition of democracy. In India, despite constitutional guarantees and statutory mechanisms, the justice system remains largely inaccessible to vast sections of society, particularly the poor, marginalized, and uneducated. Although Article 14 guarantees equality before law and Article 39A mandates the provision of free legal aid to ensure equal access to justice, practical and systemic barriers continue to deny many citizens their constitutional rights.

1. Economic Barriers

The cost of litigation in India is one of the most significant deterrents to justice. Expenses related to court fees, lawyer remuneration, documentation, and repeated adjournments make the process unaffordable for the poor and lower-middle class. As per a NITI Aayog report (2018), nearly 70% of the Indian population finds litigation economically burdensome. In Hussainara Khatoon v. State of Bihar (1979 AIR 1360), the Supreme Court recognized that the lack of legal representation due to poverty violates the right to life and liberty under Article 21, underscoring the economic inaccessibility of justice.

13. (2008) 2 SCC 660
14. https://njdg.ecourts.gov.in/njdg_v3/

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2. Geographical and Infrastructural Barriers

India's vast geography and rural demography create logistical hurdles in accessing courts. Most High Courts and district courts are located in urban centers, requiring litigants from remote villages to travel long distances. The Law Commission of India (245th Report, 2014) highlighted the uneven distribution of courts, especially in tribal and backward regions, and called for Gram Nyayalayas (village courts) under the Gram Nyayalayas Act, 2008 to decentralize justice delivery. However, implementation has been limited, with fewer than 400 such courts functioning nationwide as of 2023.

3. Social and Educational Barriers

Low literacy levels and lack of legal awareness significantly restrict people's ability to seek justice. Women, Dalits, Adivasis, and minorities often face discrimination, intimidation, and procedural complexity within the legal system. According to National Legal Services Authority (NALSA, 2022), legal literacy remains below 20% among marginalized groups. The fear of authority, coupled with the technical language of law, alienates common citizens from the judicial process.

4. Procedural and Institutional Barriers

The judicial process is often complex, time-consuming, and intimidating. Lengthy procedures, adjournments, and formalities discourage litigants from pursuing justice. The pendency crisis—with over 5 crore cases pending across courts (NJDG, 2024)—adds to the delay. In Imtiyaz Ahmad v. State of Uttar Pradesh (2012) 2 SCC 688, the Supreme Court acknowledged that structural bottlenecks, lack of infrastructure, and procedural inefficiency collectively impede access to justice.

5. Digital and Technological Barriers

While digitization through the e-Courts Project and online case systems has improved efficiency, it has also introduced new barriers for citizens lacking digital literacy or access to technology. Many rural litigants, particularly women and the elderly, find virtual hearings inaccessible. Bridging this digital divide is essential to ensure equitable participation in the justice process.

4.3 Inequality of Representation

The Indian justice system, while constitutionally anchored in the ideals of equality and fairness, continues to grapple with deep-rooted inequalities of representation—both in the judiciary and in the provision of legal aid. The principle of equality before law enshrined in Article 14 and the constitutional vision of equal access to justice under Article 39A are often undermined by socio-economic disparities, gender bias, caste-based exclusion, and institutional imbalance in judicial appointments and legal services.

1. Underrepresentation in the Judiciary

Despite being a democratic institution, the composition of the Indian judiciary reflects social and gender imbalances. Studies, including the Vidhi Centre for Legal Policy Report (2022), show that only about 13% of judges in High Courts and less than 12% in the Supreme Court are women. Representation of marginalized groups—such as Scheduled Castes, Scheduled Tribes, and Other Backward Classes—is even lower, as there is no formal reservation policy in judicial appointments.

The Collegium system, though aimed at ensuring judicial independence, has often been criticized for fostering elitism and opacity. As Justice D.Y. Chandrachud (now Chief Justice of India) observed, "Diversity in the judiciary is essential for the legitimacy of the institution and for ensuring that justice is not viewed from a singular social lens." Lack of inclusivity affects the empathy and sensitivity of judicial decisions, particularly in cases involving gender violence, caste discrimination, and minority rights.

Landmark judgments such as **Indra Sawhney v. Union of India (1992 Supp (3) SCC 217)** have underscored the importance of representation in public institutions, but this principle has not been adequately extended to the judicial branch.

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2. Inequality in Legal Aid Access

Legal aid, intended to bridge the gap between law and justice, has itself become a domain of inequality. The Legal Services Authorities Act, 1987, operationalized through NALSA and State Legal Services Authorities, seeks to provide free legal assistance to weaker sections. However, implementation remains uneven and under-resourced.

According to NALSA's Annual Report (2023), nearly 70% of eligible beneficiaries in rural areas remain unaware of their legal rights or the availability of free aid. Moreover, the quality of representation provided through legal aid lawyers often suffers due to low remuneration, lack of accountability, and inadequate training. In Khatri v. State of Bihar (1981 1 SCC 627), the Supreme Court emphasized that providing a lawyer is not enough; the assistance must be "competent and effective."

Women, Dalits, tribals, and economically weaker citizens often face discrimination not only in society but also within the justice system itself. The combination of economic inability, social stigma, and procedural complexity perpetuates inequality in access to quality legal representation.

4.4 Resources Constraint

The effectiveness of any justice delivery system depends heavily on its institutional capacity and resource availability. In India, however, the judiciary and legal aid mechanisms face severe resource constraints—financial, infrastructural, and human—which collectively hinder timely and equitable access to justice. Despite the constitutional commitment under Articles 14 and 39A to ensure equality before law and free legal aid, chronic underfunding and administrative neglect have weakened the justice infrastructure.

1. Financial Constraints in the Judiciary

The judiciary's budgetary allocation has remained disproportionately low compared to other sectors of governance. According to the India Justice Report (2022), the average share of the judiciary in state budgets is less than 0.1% to 0.4%, far below what is needed to modernize infrastructure, appoint judges, and digitize records. The 14th Finance Commission (2015) and Justice A.M. Ahmadi Committee (1997) both emphasized the urgent need for increased funding, yet implementation has been inadequate.

This financial shortfall directly affects the efficiency of the courts. Outdated court buildings, lack of basic amenities for litigants, shortage of courtrooms, and inadequate technological facilities contribute to judicial delays and case backlogs. In All India Judges' Association v. Union of India (1992) 1 SCC 119, the Supreme Court noted that inadequate infrastructure and poor service conditions for judicial officers undermine the independence and dignity of the judiciary.

2. Human Resource Shortages

A major cause of delay and inefficiency is the acute shortage of judges and support staff. As per the Department of Justice (2024), nearly 30% of sanctioned judicial posts in High Courts and 20% in subordinate courts remain vacant. The judge-to-population ratio, estimated at around 21 judges per million people, is far below the global average recommended by the Law Commission (50 judges per million).

Additionally, court clerks, stenographers, process servers, and record keepers are insufficiently trained and overburdened. This lack of human resources leads to procedural bottlenecks, slower disposal rates, and administrative inefficiency. In Imtiyaz Ahmad v. State of Uttar Pradesh (2012) 2 SCC 688), the Supreme Court stressed that adequate manpower and infrastructure are essential components of the right to a speedy trial under Article 21.

3. Resource Gaps in Legal Aid Mechanisms

The Legal Services Authorities Act, 1987 created a framework for free legal assistance through NALSA, SLSAs, and DLSAs. However, these bodies operate under severe financial and logistical constraints. The NALSA Annual Report (2023) revealed that legal aid spending accounts for less than 1% of the total judicial budget, and many district authorities function with limited staff and outdated facilities.

Legal aid lawyers are often paid nominal honoraria, leading to low motivation and inconsistent quality of representation. Many eligible beneficiaries remain unaware of their rights due to insufficient outreach programs. In Khatri v. State of Bihar (1981 1 SCC 627), the Supreme Court held that free legal aid must be "competent and effective," yet resource inadequacy continues to compromise this constitutional promise.

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4. Technological and Infrastructure Deficits

While the e-Courts Project and National Judicial Data Grid (NJDG) have modernized parts of the judiciary, resource gaps persist in rural and semi-urban areas. Courts lack stable internet connectivity, digital infrastructure, and trained personnel to manage virtual hearings. These technological disparities deepen inequalities between urban and rural litigants.

VI. CONLUSION

The judiciary and legal aid together form the backbone of India's justice delivery system. While the judiciary ensures the rule of law and the protection of fundamental rights, legal aid guarantees that justice is not denied due to poverty or ignorance. Their combined functioning transforms the constitutional vision of "justice—social, economic, and political" into reality. The effectiveness of this system, however, depends on continuous reform, transparency, and accessibility. As India's democracy evolves, strengthening both judicial accountability and the reach of legal aid will remain essential to uphold the principles of equality and fairness embedded in the Constitution. A just, efficient, and inclusive justice delivery system is not merely a legal necessity but a moral imperative for sustaining democracy, empowering citizens, and ensuring that justice truly serves as the foundation of a free and equitable society.

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