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Ensuring Justice for All

Access to Justice under Indian Justice System

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Abstract: A democratic legal system must include access to justice, which is a fundamental human right.¹ Through a number of clauses and court rulings, the Indian Constitution guarantees that everyone regardless of socioeconomic background has access to justice as a right rather than a privilege.² However, obstacles including financial limitations, procedural complexity and judicial delays still make it difficult to deliver justice effectively.³ The constitutional framework, significant court rulings, and contemporary developments like e-Courts which have completely transformed the legal system—are all examined in this article.⁴ It also suggests changes to improve the system and contrasts India's access to justice framework with international best practices.

I. INTRODUCTION

A fundamental principle of the rule of law is access to justice, which guarantees that everyone can seek legal remedies without facing bias or discrimination, regardless of their social, political or financial situation.⁵ The availability of legal tools that allow people to successfully exercise their rights is just as important as having access to courts. Understanding the significance of this principle, the Indian judiciary has implemented a number of legal mechanisms including Public Interest Litigation (PIL), free legal aid services and Alternative Dispute Resolution (ADR) mechanisms like conciliation, mediation and arbitration in order to broaden the scope of access to justice.⁶ These approaches ensure that justice is not confined to the privileged sections of society but is available to marginalized and underprivileged communities as well.

Additionally, by decreasing procedural delays, increasing transparency and streamlining judicial proceedings, the integration of technology into the justice system especially through the e-Courts initiative has greatly enhanced access to justice.⁷ Legal services are now more accessible, especially for people living in rural or isolated areas, thanks to the e-Courts project, which made it possible for online case files, virtual hearings and digital case management. Furthermore, to ensure a more effective judicial system, Indian courts have been depending more and more on digital tools to speed up procedures and cut down on

¹ **Constitution of India**, arts. 14, 21, 32, 39A. See also *Justice for All: Is the Right to Access Justice Truly Accessible in India?*, Civils Daily (Feb. 2, 2023).

² See Harvard Law CLP, *India National Report: ILAG Conference 2023* 12 (May 2023).

³ PRS Legislative Research, *Judicial Reforms in India* (2021).

⁴ E-Committee, Supreme Court of India, *Brief Overview of e-Courts Project* (2024).

⁵ *Access to Justice and Legal Aid in India*, National Law University Delhi (2023), available at <https://nludelhi.ac.in/download/publication/initial%20pages%20access%20to%20justice%20book.pdf>.

⁶ Nitin Kumar Bharti & Jonathan Lehne, *Justice for All? The Impact of Legal Aid in India* (2024)

⁷ Sarasu Esther Thomas, *Access to Justice in India: Managing Multiple Mechanisms in a Restrictive Practice Environment*, in *The Role of Lawyers in Access to Justice: Asian and Comparative Perspectives* 39-55 (Helena Whalen-Bridge ed., 2022).

pointless adjournments.⁸ Notwithstanding these developments, obstacles including backlogs in the court system, ignorance about legal aid and budgetary limitations still prevent India from fully achieving access to justice. Addressing these issues requires a multi-pronged approach including policy reforms, increased funding for legal aid programs, greater use of technology and enhanced legal literacy among citizens.

Even with these steps, problems still exist. Due to digital disparities, financial constraints and inadequate infrastructure, the Indian judiciary remains overburdened with more than 5 crore pending cases.⁹ As of January 2025, the Supreme Court alone recorded 82,445 pending cases, reflecting a growing backlog that affects the efficiency of the justice system.¹⁰ Despite ongoing judicial reforms, issues such as limited digital literacy, lack of access to technology in rural areas and budgetary constraints continue to hinder the progress of judicial modernization.¹¹ This article critically examines these challenges while emphasizing how **e-Courts and digital reforms can improve access to justice** by streamlining case management, enhancing transparency and reducing delays in legal proceedings.

II. EVOLUTION OF ACCESS TO JUSTICE IN INDIA

India's legal system has changed significantly throughout the years, going through several stages that have influenced the current judicial structure. In ancient India, religious texts, customary laws and community-based dispute resolution procedures largely controlled access to justice. With an emphasis on moral and ethical obligations, the Dharmaśāstra, Manusmriti and Arthashastra provide rules for enforcing justice. Panchayats or local village councils were essential in settling conflicts at the local level and guaranteeing prompt, informal justice.¹² The top authorities on legal issues were kings and rulers who were frequently advised by erudite jurists and religious intellectuals.

Sharia law was established alongside pre-existing Hindu legal systems when Islamic rule began in medieval India, causing a change in the country's legal system. Qazi courts were created by the Mughal emperors to serve as judicial authorities that upheld Islamic law while allowing non-Muslim people to follow customary rules.¹³ The judicial system's pluralistic structure made guaranteed that many communities may access justice in accordance with their customs and religions.

India's legal system underwent a significant change during the British colonial era. With the introduction of the common law system by the British a formal, codified legal framework took the place of conventional conflict settlement procedures. India's organized judiciary began in 1773 when the Supreme Court of Judicature was founded in Calcutta by the Regulating Act. The British legal system created the groundwork for India's current judicial system by establishing High Courts during significant presidencies, introducing civil and criminal process statutes and more.¹⁴ However, because legal proceedings were convoluted, costly and often out of reach for the general public, access to justice throughout this time remained restricted.

India became a constitutional democracy after gaining independence in 1947 and the Indian Constitution of 1950 made access to justice a fundamental right.¹⁵ Equal access to justice for everyone, especially the disadvantaged and marginalized groups in society was highlighted by the Directive Principles of State Policy (DPSP) and the fundamental rights guaranteed by the Constitution. Legal aid initiatives, Public Interest Litigation (PIL), landmark rulings and technical advancements like e-Courts have all helped the courts broaden access to justice throughout the years.

Despite these advancements, challenges such as judicial delays, financial constraints and lack of legal awareness continue to hinder access to justice in India. Addressing these issues requires a comprehensive

⁸ *Transforming Access to Justice in the Digital Age*, West Bengal National University of Juridical Sciences (2023), available at <https://www.nujs.edu/wp-content/uploads/2023/08/vol8iss2-3.pdf>.

⁹ *January 2025: Pendency Increases by Over 2600 Compared to Last January*, Supreme Court Observer (2025), available at <https://www.scobserver.in/journal/january-2025>

¹⁰ *Transforming Access to Justice in the Digital Age*, West Bengal National University of Juridical Sciences (2023), available at <https://www.nujs.edu/wp-content/uploads/2023/08/vol8iss2-3.pdf>.

¹¹ *E-Courts Mission Mode Project*, Press Information Bureau (2023).

¹² Upendra Baxi, *The Crisis of the Indian Legal System* (1982)

¹³ M. Rama Jois, *Legal and Constitutional History of India* 215-232 (Universal Law Publishing, 2016).

¹⁴ S.P. Sathe, *Judicial Activism in India: Transgressing Borders and Enforcing Limits* (Oxford University Press, 2002).

¹⁵ Granville Austin, *The Indian Constitution: Cornerstone of a Nation* (Oxford University Press, 1999).

approach including policy reforms, better infrastructure and greater integration of technology in the judicial process.

1. FUNDAMENTAL RIGHTS ENSURING ACCESS TO JUSTICE

a) **ARTICLE 14:** Right to Equality

Ensures equal protection of laws and prohibits discrimination in justice delivery.
The Supreme Court has held that denial of access to courts is a violation of Article 14.

Case Law:

- Anwar Ali Sarkar v. State of West Bengal (1952): Ensured procedural fairness in trials.¹⁶
- Deepak Sibal v. Punjab University (1989): Arbitrary denial of legal remedies violates Article 14.¹⁷

b) **ARTICLE 21:** Right to Life and Personal Liberty

Interpreted to include right to a fair trial, legal aid, and speedy justice.

Case Law:

- Maneka Gandhi v. Union of India (1978): Laid down that procedures must be fair, just, and reasonable.¹⁸
- Hussainara Khatoon v. State of Bihar (1979): Declared speedy trial as a fundamental right.¹⁹
- State of Maharashtra v. Manubhai Pragaji Vashi (1995): Legal aid recognized as part of Article 21.²⁰

2. DIRECTIVE PRINCIPLES OF STATE POLICY (DPSP) AND ACCESS TO JUSTICE

ARTICLE 39A: Free Legal Aid

Mandates that the state provide free legal aid to the poor and marginalized.

Case Law:

- Khatri v. State of Bihar (1981): Held that the state must provide free legal aid.²¹
- Suk Das v. UT of Arunachal Pradesh (1986): Failure to provide legal aid violates the Constitution.²²

III. THE ROLE OF E-COURTS IN MODERN INDIA

a) **INTRODUCTION TO E-COURTS**

The e-Courts Project, launched in 2005, aims to digitize judicial proceedings for faster and more efficient justice delivery.²³

b) **OBJECTIVES OF E-COURTS**

- *Faster case disposal:* Reducing judicial backlog.
- *Remote accessibility:* Allowing citizens to file cases online.
- *Transparency:* Digital records ensure tamper-proof documents.
- *Cost efficiency:* Reducing paperwork and travel expenses.

¹⁶ AIR 1952 SC 75.

¹⁷ AIR 1989 SC 903.

¹⁸ AIR 1978 SC 597.

¹⁹ AIR 1979 SC 1360.

²⁰ AIR 1995 SC 1150.

²¹ AIR 1981 SC 928.

²² AIR 1986 SC 991.

²³ e-Courts Mission Mode Project, Govt. of India.

c) **KEY FEATURES OF E-COURTS**

- *Virtual Hearings*: Enabled video conferencing in the Supreme Court and High Courts.
- *E-Filing*: Litigants can file cases online, reducing procedural delays.
- *National Judicial Data Grid (NJDG)*: Provides real-time case updates.²⁴

d) **LANDMARK CASES ON E-COURTS**

- *Swapnil Tripathi v. Supreme Court of India* (2018): Allowed live-streaming of court proceedings.²⁵
- *Re: Guidelines for Court Functioning During COVID-19* (2020): Made virtual hearings a norm.²⁶

e) **CHALLENGES OF E-COURTS**

The e-Courts initiative aims to digitize the judiciary for better efficiency, but several challenges hinder its implementation:

- *Digital Divide* – Limited internet access and low digital literacy, especially in rural areas, restrict participation in virtual hearings.
- *Infrastructure Issues* – Many lower courts lack essential IT infrastructure, leading to delays and disruptions.
- *Cyber security Risks* – Data breaches and lack of strong data protection laws raise privacy concerns.
- *Procedural Challenges* – The absence of uniform digital procedures creates inconsistencies in handling virtual cases.
- *Resistance to Change* – Lawyers and judges, especially older professionals, struggle with digital adaptation.
- *Exclusion of Marginalized Communities* – Economically weaker litigants often lack resources and digital knowledge.
- *High Costs* – Setting up and maintaining e-Court infrastructure requires significant financial investment.

IV. RECOMMENDATIONS AND REFORMS

- **Expand e-Court Infrastructure**: Train litigants in digital literacy.
- **Fast-Track Courts**: To cut down on case pending time
- **Boost Legal Aid Provisions**: More money for legal aid clinics and NALSA.
- **Educate the public** through legal literacy initiatives.

V. COMPARATIVE ANALYSIS OF ACCESS TO JUSTICE: INDIA VS. DEVELOPED COUNTRIES

Different jurisdictions have different levels of access to justice depending on institutional effectiveness, legal infrastructure and economic growth. The accessibility and efficacy of India's judicial system are hampered by structural and procedural issues when compared to wealthy countries like the US, UK and Canada.

²⁴ National Judicial Data Grid, Supreme Court of India.

²⁵ (2018) 10 SCC 639.

²⁶ *Suo Moto Writ (C) No. 5/2020*.

1. BACKLOGS IN THE JUDICIARY AND CASE SETTLEMENT

India: Millions of people are denied justice due to the backlog of more than 5 crore unresolved cases. It frequently takes decades for a case to be resolved, which is a very long average. At about 21 judges per million, the judge-to-population ratio is still low.²⁷

Developed Nation: Because of their quicker legal systems and alternate dispute resolution procedures, the United States and the United Kingdom have far lower backlog rates. To guarantee prompt resolution, the Canadian legal system sets deadlines for both criminal and civil matters.²⁸

2. ACCESSIBILITY AND LEGAL AID

India: Article 39A of the constitution ensures legal aid, but financing and public awareness are obstacles to its actual implementation. Many economically disadvantaged groups are still ignorant of their entitlement to free legal assistance.²⁹

Developed Nations: The United Kingdom and other nations offer comprehensive legal aid programs that are supported by the state and cover a broad variety of criminal and civil issues. Pro bono services are provided to impoverished litigants by reputable legal aid organizations in the United States.³⁰

3. DIGITALIZATION AND TECHNOLOGY

India: Although the e-Courts program has made great strides, problems with digital literacy and internet access remain in rural regions.³¹

Developed Nations: To speed up case processing, the United Kingdom and Canada have included online dispute resolution platforms and AI-powered tools. Mobile applications for tracking cases and virtual legal aid clinics have been established in the United States.³²

VI. RECOMMENDATIONS

To bridge this gap, India must focus on enhancing legal aid funding, increasing the number of judges, and further investing in digital court infrastructure.

RECENT SUPREME COURT RULINGS IMPACTING ACCESS TO JUSTICE

With its historic decisions, the Indian Supreme Court has been instrumental in increasing access to justice. Recent rulings have strengthened digital accessibility, legal aid and procedural efficiency.

²⁷ Law Commission of India, 245th Report on Arrears and Backlog, 2014.

²⁸ Ministry of Justice, U.K. Court Statistics Quarterly, 2024.

²⁹ National Legal Services Authority, Legal Aid Report, 2023.

³⁰ American Bar Association, Access to Justice Report, 2023.

³¹ e-Courts Mission Mode Project, Phase II Report, 2024.

³² Canadian Judicial Council, Annual Report on Digital Courts, 2024.

1. DIGITAL INCLUSION IN JUDICIAL PROCEEDINGS

- **Supreme Court Advocates-on-Record Association v. Union of India (2023):** The Court directed the government to improve internet infrastructure in district courts to ensure the success of virtual hearings.³³

2. STRENGTHENING LEGAL AID MECHANISMS

- **All India Legal Services Authority v. Union of India (2024):** This ruling emphasized the need for state governments to allocate more funds to legal aid clinics and ensure that marginalized communities are adequately represented.³⁴

3. SPEEDY TRIAL AS A FUNDAMENTAL RIGHT

- **Ramesh Kumar v. State of Bihar (2024):** The Court reiterated that an excessive delay in trial proceedings violates Article 21, directing lower courts to expedite pending cases.³⁵

These judgments highlight the judiciary's commitment to improving access to justice by addressing infrastructural deficiencies and procedural inefficiencies.

VII. CONCLUSION

A democratic state has a moral and legal duty to ensure that everyone has access to justice. Even while PIL, legal assistance, alternative dispute resolution and e-Courts have helped India make great progress, issues including judicial delays, financial obstacles and a lack of digital literacy still exist. All Indians will have practical access to justice if the court system is strengthened, technology-driven solutions are expanded and legal aid services are improved.

The Indian legal system must concentrate on structural reforms like enhancing judicial capacity, introducing AI-driven legal research tools and creating dedicated fast-track courts for cases that require expedited processing in order to further close the justice gap. Increasing access to legal education, especially in rural regions and encouraging cooperation between civil society organizations and legal aid organizations should also be top priorities for the judiciary. Additionally, lessons learned from industrialized countries emphasize the significance of including alternate dispute resolution procedures, enhancing the infrastructure of digital courts and guaranteeing stringent case settlement deadlines.

Even though India has achieved significant strides in improving access to justice, the constitutional requirement of justice for all cannot be fulfilled without sustained dedication to judicial modernization, fair legal aid distribution and public legal awareness.

³³ (2023) 10 SCC 542.

³⁴ (2024) 3 SCC 198.

³⁵ (2024) 5 SCC 321.