



## Gram Nyayalayas

**For Prelims:** [Supreme Court of India](#), [High Courts](#), Gram Nyayalayas, [Law Commission of India](#), [e-Courts Mission Mode Project](#), [Tele-Law Programme](#), [Fast Track Courts](#), [Nyaya Bandhu platform](#)

**For Mains:** Challenges of Gram Nyayalayas in India, De-clogging of the judicial system.

[Source: TH](#)

### Why in News?

The [Supreme Court of India](#) has directed [States and High Courts](#) to submit comprehensive reports on the establishment and functioning of [gram nyayalayas](#).

- This directive comes amidst concerns about the **slow implementation of these rural courts**.

### What are the Supreme Court's Concerns Regarding Gram Nyayalayas?

- **Slow Implementation:** The **Gram Nyayalyas Act of 2008** was meant to de-clog courts and decentralise administration. It was emphasised that the purpose of gram nyayalayas was to **improve access to justice, but there are currently only about 450 out of the required 16,000 set up**, with only around 300 functioning.
- **Pending Cases:** With over **four crore cases pending in trial courts**, the lack of functional gram nyayalayas contributes to the backlog, **preventing the de-clogging of the judicial system**.
- **Access to Justice:** The Supreme Court is concerned that the slow establishment of gram nyayalayas hampers the **goal of providing speedy and affordable justice to rural citizens**.
- **Lack of Reporting:** States and High Courts have failed to submit the required affidavits detailing the **status of gram nyayalayas, reflecting a lack of compliance** and commitment.
- **Resistance in Tribal Areas:** Some States, such as Jharkhand and Bihar, have resisted establishing **gram nyayalayas in tribal** or scheduled areas, citing **conflicts with local or traditional laws**.

**Other Associated Issues:** According to **Section 3 of the Gram Nyayalayas Act, 2008**, State Governments are responsible for establishing Gram Nyayalayas in consultation with the respective High Courts. **However, the Act does not make it mandatory to set up Gram Nyayalayas.**

- Resistance from states, especially in tribal areas, citing conflict with local laws.
- **Overlap with other specialised courts like [Family and Labour courts](#)** has led to confusion about their mandate.
  - Establishment of regular courts at the Taluk level has lessened the need for Gram Nyayalayas.
- **Low awareness among stakeholders** and reluctance from police officials, lawyers, and other functionaries to utilise Gram Nyayalayas.
- **Initial budget of Rs. 18 lakhs** per Nyayalaya and 50% recurring expense support for three years

from the Central Government **has been insufficient.**

## What are Gram Nyayalayas?

- **About:** The concept of Gram Nyayalayas was proposed by the [Law Commission of India](#) in its **114th Report** to provide **affordable and quick access to justice for citizens in rural areas.**
  - [Article 39A of the Indian Constitution](#) ensures that the legal system promotes justice and provides free legal aid to ensure **equal opportunities for all citizens, regardless of economic or other disabilities.**
  - This vision was realised with the passage of the Gram Nyayalayas Bill in 2008, and the subsequent implementation of the Gram Nyayalayas Act, in 2009.
  - Gram Nyayalayas are deemed to be a **Court of Judicial Magistrate of First Class with both civil and criminal jurisdiction** to settle petty disputes at the village level.
  - The Act extends to the whole of India, **excluding Nagaland, Arunachal Pradesh, Sikkim, and certain tribal areas in Assam, Meghalaya, Tripura, and Mizoram.**
- **Salient Features:**
  - **Establishment Criteria:** These courts are to be established for every Panchayat at the intermediate level or for a group of contiguous Gram Panchayats. The headquarters of Gram Nyayalayas are located at the **intermediate Panchayat level.**
  - **Presiding Officer:** The presiding officer, known as the Nyayadhikari, is appointed by the State Government in consultation with the High Court.
    - Nyayadhikaris are strictly **judicial officers with the same salary and powers as First Class Magistrates** functioning under High Courts.
  - **Jurisdiction:** **Gram Nyayalayas handle specified criminal cases, civil suits, claims, and disputes as listed in the First and Second Schedules of the Act, following summary procedures for criminal trials.**
    - A person accused of an offence has the option to file an application for plea bargaining, **allowing for negotiation of a lesser charge or sentence.**
  - **Conciliation Efforts:** These courts emphasise conciliation between parties to settle disputes, using appointed conciliators for this purpose.
  - **Guided by Natural Justice:** While not bound by the rules of evidence in the [Indian Evidence Act, 1872 \(replaced by Bharatiya Sakshya Adhinyam\)](#), Gram Nyayalayas follow [principles of natural justice](#) as guided by the High Court rules.
- **Operational Conditions:** **The Gram Nyayalayas were initially proposed to be set up at the intermediate panchayat level with a one-time budget of Rs. 18 lakhs for non-recurring expenses. The Central Government also covered 50% of recurring expenses for the first three years.**
  - The scheme has been extended until 31st March 2026, with a budget of Rs. 50 crores. Funds are now released **only after the Gram Nyayalayas are operational and Nyayadhikaris are appointed.**
  - A performance review is scheduled after one year to assess their effectiveness in providing speedy and affordable justice to the rural marginalised.

## What are India's Initiatives to Address the Backlog of Cases in India?

- **Court Halls:** The number of court halls has increased from 15,818 in 2014 to 21,295 in 2023. Additionally, 2,488 court halls are currently under construction.
- **Information and Communication Technology (ICT) Integration:** The [e-Courts Mission Mode Project](#) has computerised 18,735 district and subordinate courts.
  - The **WAN Project under eCourts aims** to connect all District and Subordinate court complexes across the country. 99.4% of court complexes have WAN connectivity.
  - Video Conferencing enabled between 3,240 court complexes and 1,272 jails, enhancing

remote legal proceedings.

- **Tele-Law Programme** launched in 2017, connecting disadvantaged sections with **panel lawyers via video conferencing, telephone, and chat facilities available at Common Service Centres (CSCs)** in Gram Panchayats and through the Tele-Law mobile app.
- **National Judicial Data Grid (NJDG):** This platform allows access to information related to judicial proceedings and decisions for all stakeholders, including judicial officers.
- **Virtual Courts:** Established in 17 States/UTs, handling over 2.53 crore cases and collecting Rs. 359 crores in fines by January 2023.
- **Appointments:**
  - **Supreme Court Appointments:** 54 judges appointed from May 2014 to March 2023.
  - **High Courts Appointments:** 887 new judges and 646 additional judges made permanent; sanctioned strength increased from 906 to 1114 judges.
  - **District and Subordinate Courts:** Sanctioned strength increased from 19,500 in 2013 to over 25,000 in 2023.
- **Establishment of Fast Track Courts: 843 Fast Track Courts operational for heinous crimes and crimes against women and children.**
- **Fast Track Special Courts (FTSCs):** Approved for the expeditious disposal of rape cases and crimes under the [Protection of Children from Sexual Offences \(POCSO\) Act, 2012](#) with 28 States/UTs joining the scheme.
- **Legislative Reforms: Various laws amended to reduce pendency, including:**
  - Negotiable Instruments (Amendment) Act, 2018
  - [Commercial Courts \(Amendment\) Act, 2018](#)
  - [Arbitration and Conciliation \(Amendment\) Act, 2019](#)
  - [Criminal Laws \(Amendment\) Act, 2018](#)
- Lok Adalats and Pro Bono Services:
  - **Lok Adalats** organised under the Legal Services Authorities (LSA) Act, 1987, to provide final and binding awards without appeal.
  - **Pro Bono (for the public good)** Culture institutionalised through the [Nyaya Bandhu platform](#), with pro bono advocates registered and Pro Bono Clubs established in 69 law schools.

## Way Forward

- **Target Setting:** Set clear and time-bound targets for Gram Nyayalaya establishment based on population density and caseload.
  - Conduct training programs for Nyayadhikaris, conciliators, and other stakeholders.
  - Link central government **funding to the successful implementation** of Gram Nyayalayas, incentivizing states to prioritise these courts.
- **Address Resistance in Tribal Areas:** Engage with tribal communities to address concerns and develop culturally sensitive procedures for Gram Nyayalayas. Ensure **Gram Nyayalayas complement traditional justice systems**, not replace them.
- **Clarifying Boundaries:** Clearly define the jurisdiction of Gram Nyayalayas vis-à-vis specialised courts. This eliminates confusion and ensures efficient case allocation.

- **Monitoring and Evaluation:** Develop a robust data collection system to track Gram Nyayalaya performance and identify areas for improvement. Periodic performance evaluations and public reporting to ensure transparency and accountability.
- **Rural Outreach Campaigns:** Launch targeted public awareness campaigns in rural areas. Utilise local media and community leaders to educate citizens about Gram Nyayalayas and their benefits.

**Drishti Mains Question:**

**Q.** Critically examine the implementation challenges faced by Gram Nyayalayas in India. How do these challenges impact access to justice in rural areas?

UPSC Civil Services Examination, Previous Year Questions (PYQs)

**Q. With reference to the Indian judiciary, consider the following statements: (2021)**

1. Any retired judge of the Supreme Court of India can be called back to sit and act as a Supreme Court judge by the Chief Justice of India with the prior permission of the President of India.
2. A High Court in India has the power to review its own judgement as the Supreme Court does.

**Which of the statements given above is/are correct?**

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) Neither 1 nor 2

**Ans: (c)**

PDF Reference URL: <https://www.drishtias.com/printpdf/gram-nyayalayas>