



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 \(replaced by Bharatiya Sakshya Adhiniyam\)](#), 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>