



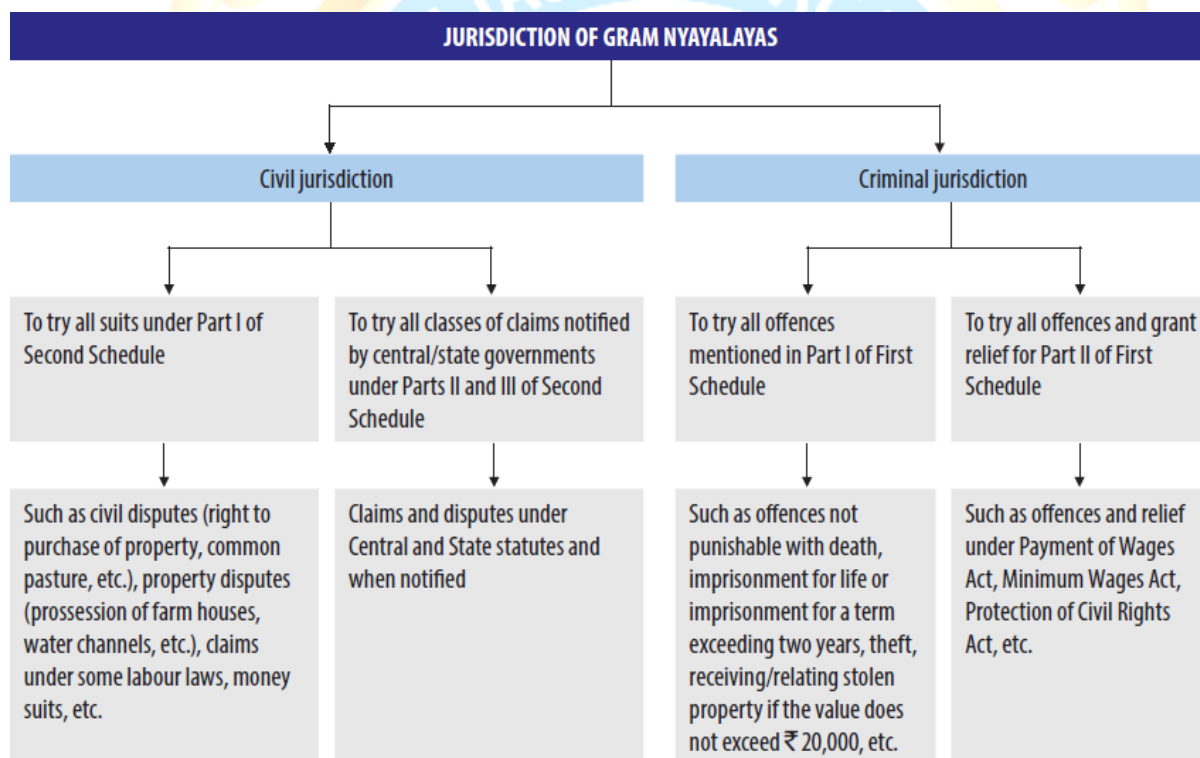
## GRAM NYAYALAYAS - POLITY

**NEWS:** The Supreme Court questioned the practicality of establishing Gram Nyayalayas given the inadequate infrastructure of regular courts.

### WHAT'S IN THE NEWS?

#### About Gram Nyayalayas

- The Law Commission of India proposed the establishment of **Gram Nyayalayas in its 114th Report** to ensure affordable and quick access to justice for rural citizens.
- **The Gram Nyayalayas Act** was enacted on October 2, **2009**, applying throughout India except in certain northeastern states and specified tribal areas.
  - The Act does not apply to Nagaland, Arunachal Pradesh, Sikkim, and certain tribal areas in Assam, Meghalaya, Tripura, and Mizoram.



#### Key Features and Objectives:

- **Location:** Headquarters at the intermediate Panchayat; Nyayadhikaris may visit villages to hear cases.
- **Accessibility:** Designed to provide inexpensive justice at the doorstep of rural communities.
- **Establishment:** Set up for each intermediate Panchayat or groups of contiguous Panchayats, located at their headquarters.



- **Procedures:** Handle specified civil and criminal cases using a summary procedure, with an emphasis on conciliation.
- **Flexibility:** Not strictly bound by the Indian Evidence Act, guided by natural justice principles.

## Features of the Gram Nyayalayas

**Decentralisation of justice system :** The State Government, after consultation with the High Court, may, by notification, establish one or more Gram Nyayalayas for every Panchayat at intermediate level or a group of contiguous Panchayats at intermediate level in a district or where there is no Panchayat at intermediate level in any State, for a group of contiguous Gram Panchayats.

The Gram Nyayalaya shall exercise both civil and criminal jurisdiction in the manner and to the extent provided under this Act.

### Nyayadhikari :

- The State Government shall, in consultation with the High Court, appoint a Nyayadhikari for every Gram Nyayalaya. A person to be appointed as a Nyayadhikari is eligible to be appointed as a Judicial Magistrate of the first class.
- For Nyayadhikari, representation shall be given to the members of the Scheduled Castes, the Scheduled Tribes, women and such other classes or communities as may be specified by notification, by the State Government from time to time.
- The salary and other allowances payable to, and the other terms and conditions of service of, a Nyayadhikari shall be such as may be applicable to the Judicial Magistrate of the first class.

**Appointment :** The State Government shall determine the nature and categories of the officers and other employees required to assist a Gram Nyayalaya in the discharge of its functions and provide the Gram Nyayalaya with such officers and other employees as it may think fit.

**Judgement :** The judgment passed by a Gram Nyayalaya shall be deemed to be a decree and it shall be executed by a Gram Nyayalaya as a decree of the civil court and for this purpose, the Gram Nyayalaya shall have all the powers of a civil court.

- The Gram Nyayalaya shall not be bound by the procedure in respect of execution of a decree as provided in the Code of Civil Procedure, 1908 and it shall be guided by the principles of natural justice.
- In every suit or proceeding, endeavor shall be made by the Gram Nyayalaya in the first instance, consistent with the nature and circumstances of the case, to assist, persuade and conciliate the parties in arriving at a settlement.

**Appeal :** An appeal shall lie from judgment or order of a Gram Nyayalaya to the District Court in case of civil cases and Sessions Court in criminal cases.

**Establishment :** Gram Nyayalaya are established generally at headquarter of every Panchayat at intermediate level or a group of contiguous panchayat in a district where there is no panchayat at intermediate level.



## Challenges

- **Feasibility Concerns:** The Supreme Court questioned the practicality of establishing gram nyayalayas given the **inadequate infrastructure** of regular courts.
  - Only about 314 out of a targeted 2,500 gram nyayalayas are operational across India.
- **Funding Issues:** State governments struggle to fund existing courts, making it unlikely they can support additional rural courts.
- **Limited Effectiveness:** Concerns were raised about the effectiveness of gram nyayalayas, as some magistrates handle very few cases (e.g., one in Karnataka managed only 116 cases in four years).
- **Potential Burden on Higher Courts:** The court warned that establishing these rural courts might lead to an increase in appeals and writ petitions in high courts, counteracting the intended purpose of declogging district courts.

## Suggestions

- The Supreme Court suggested increasing the number of regular courts and judicial officers, rather than establishing more gram nyayalayas.
- The court proposed that the establishment of gram nyayalayas should be based on specific state needs rather than a uniform mandate across all states.

**Source :** <https://www.hindustantimes.com/india-news/sc-questions-feasibility-of-gram-nyayalayas-amid-regular-court-infrastructure-challenges-101729104175744.html>