

3. Gram Nyayalayas Act, 2008

Prelims Level: Judiciary

Mains Level: GS-II Functions and responsibilities of the Union and the States, issues and challenges pertaining to the federal structure, devolution of powers and finances up to local levels and Challenges Therein.

Why in News?

- The Supreme Court has directed the states, which are yet to come out with notifications for establishing 'Gram Nyayalayas' with a specific time period.

About Gram Nyayalayas:

- Gram Nyayalayas or village courts are established under the **Gram Nyayalayas Act, 2008 for speedy and easy access to justice system in the rural areas of India.**
- The Act came into force from 2 October 2009.
- The Gram Nyayalayas are presided over by a **Nyayadhikari**, who will have the same power, enjoy same salary and benefits of a **Judicial Magistrate of First Class.**
- Such Nyayadhikari are to be appointed by the State Government in consultation with the respective High Court.

What are its Jurisdictions?

- A Gram Nyayalaya have jurisdiction over an area specified by a notification by the State Government in consultation with the respective High Court.
- The Court can function as a mobile court at any place within the jurisdiction of such Gram Nyayalaya, after giving wide publicity to that regards.
- They have **both civil and criminal jurisdiction** over the offences.
- The pecuniary jurisdiction of the Nyayalayas is fixed by the respective High Courts.
- Gram Nyayalayas has been given power to accept certain evidences which would otherwise not be acceptable under Indian Evidence Act.

What is the Procedure followed by Gram Nyayalayas?

- Gram Nyayalayas can follow special procedures in civil matters, in a manner it deem just and reasonable in the interest of Justice.
- Gram Nyayalayas allow for conciliation of the dispute and settlement of the same in the First Instance.

Can the decision of Nyayalayas be appealed in Other Courts?

- Appeal in **criminal cases** shall lie to the **Court of Session**, which shall be heard and disposed of within a period of six months from the date of filing of such appeal.
- Appeal in **civil cases** shall lie to the **District Court**, which shall be heard and disposed of within a period of six months from the date of filing of the appeal.

What is the Issue?

- So far only 11 states have taken steps to notify Gram Nyayalayas. Several states have issued notifications for establishing 'Gram Nyayalayas' but all of them were not functioning except in Kerala, Maharashtra and Rajasthan.
- Only 208 'Gram Nyayalayas' are functioning in the country as against 2,500 estimated to be required by the 12th five-year plan.

Why Gram Nyayalayas are Essential?

- The setting up of Gram Nyayalayas is considered as an important measure to reduce arrears and is a part of the judicial reforms.
- It is estimated that Gram Nyayalayas can reduce around 50% of the pendency of cases in subordinate courts and can take care of the new litigations which will be disposed within six months.

