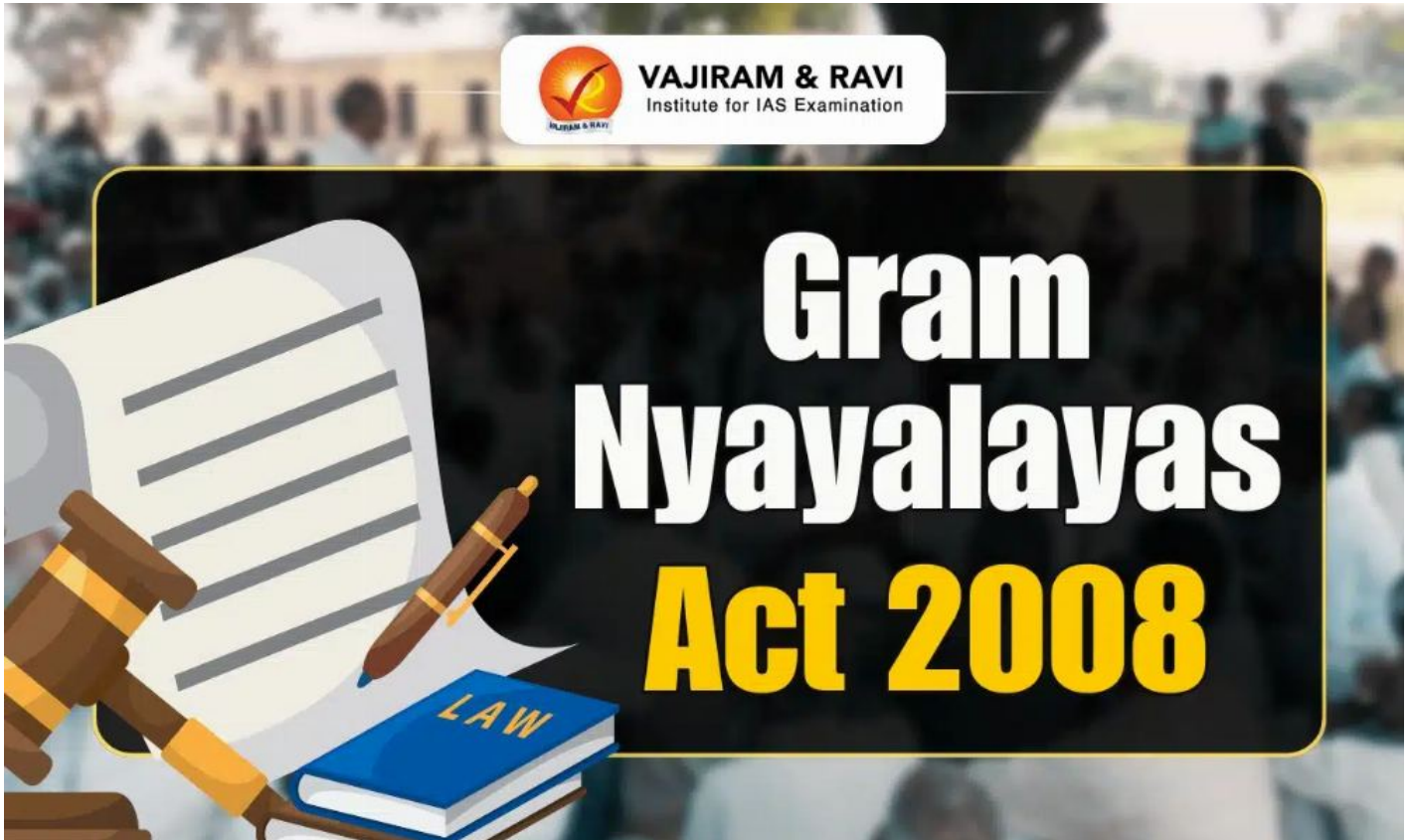


Gram Nyayalayas Act, 2008, Objectives, Key Features, Significance

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The **Gram Nyayalayas Act, 2008** was enacted to establish courts at the grassroots level and provide speedy, affordable and accessible justice at the doorstep of rural citizens. It seeks to ensure that social, economic or other disabilities do not prevent any person from accessing justice. The **Gram Nyayalayas Act, 2008** came into force on **2 October 2009** and is broadly based on the recommendations of the **Law Commission of India's 114th Report on Gram Nyayalayas**. It gives effect to the constitutional vision of **Article 39A**, which directs the State to promote equal access to justice and provide free legal aid.

Gram Nyayalayas Act, 2008 Need

Despite constitutional guarantees and judicial reforms, distance, cost, procedural complexity and lack of legal awareness continue to make formal justice inaccessible to many rural and disadvantaged citizens.

- **Justice at the Doorstep:** Rural citizens often have to travel long distances to Taluka or District Courts, incurring substantial costs and losing wages in the process.

- **Article 39A:** Gram Nyayalayas seek to translate the constitutional promise of equal access to justice and free legal aid into a practical grassroots institution.
- **Speedy Resolution:** Simplified procedures and summary trials are intended to provide quicker resolution of minor civil and criminal disputes.
- **Affordable Justice:** The Act aims to reduce the financial burden associated with litigation; in civil cases, the fee for instituting a case cannot exceed ₹100, as prescribed under the **Gram Nyayalayas Act, 2008**.
- **Reducing Court Burden:** By dealing with specified minor offences and local civil disputes, Gram Nyayalayas can reduce the burden on regular courts and help address judicial pendency.
- **Local Dispute Resolution:** Many rural disputes concern land possession, water use, wages, common pasture and local resources. A local judicial forum can resolve such disputes closer to the affected communities.

Gram Nyayalayas Act, 2008 Features

Gram Nyayalayas Act, 2008 creates a formal judicial institution at the grassroots level, combining judicial authority with mobility, simplified procedure and conciliation.

- **Local Establishment:** The State Government, in consultation with the High Court, may establish one or more Gram Nyayalayas for every intermediate Panchayat or a group of contiguous intermediate Panchayats; where no intermediate Panchayat exists, they may be established for a group of contiguous Gram Panchayats.
- **Independent Judicial Officer:** Each Gram Nyayalaya is presided over by a **Nyayadhikari**, who must be eligible for appointment as a Judicial Magistrate First Class and receives corresponding service conditions.
- **Inclusive Appointment:** While appointing Nyayadhis, the Act provides for representation of **Scheduled Castes, Scheduled Tribes**, women and other notified classes or communities.
- **Mobile Courts:** The Nyayadhikari is required to periodically visit villages and conduct proceedings at a place close to where the parties reside or where the dispute arose; the State Government is required to provide facilities, including vehicles, for such mobile courts.
- **Dual Jurisdiction:** Gram Nyayalayas **exercise both criminal and civil jurisdiction** over matters specified in the First and Second Schedules of the Act.
- **Specified Local Disputes:** Their civil jurisdiction covers specified disputes relating to property possession, water channels, irrigation, common pasture, wages, money claims, cultivation partnerships and forest produce, among others.
- **Summary Criminal Trials:** Specified criminal offences are tried through a summary procedure to promote speedy disposal. In the present legal framework, criminal procedure is read with the applicable provisions of the **Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023**, wherever consistent with the Gram Nyayalayas Act.
- **Simple Civil Procedure:** Civil proceedings follow a simplified procedure, with hearings intended to proceed on a day-to-day basis and **cases to be disposed of within six months** from institution.
- **Conciliation First:** The Gram Nyayalaya must, wherever possible, first attempt to assist, persuade and conciliate the parties to reach a settlement.

- **Village-Level Conciliators:** The **District Court**, in consultation with the District Magistrate, prepares a panel of suitable village-level social workers to act as conciliators.
- **Local Language:** Proceedings and judgments are, as far as practicable, conducted in an official language of the State other than English, improving accessibility for rural litigants.
- **Flexible Evidence:** The Gram Nyayalaya may receive reports, statements, documents and other material that may assist in resolving a dispute effectively, while being **guided by the principles of natural justice**.
- **Legal Aid:** The State Legal Services Authority is required to prepare a panel of advocates so that legal assistance can be provided to accused persons unable to engage a lawyer.
- **Enforceable Judgments:** A judgment in a civil matter is treated as a decree and can be executed by the Gram Nyayalaya itself or another competent Gram Nyayalaya.
- **Time-Bound Appeals:** Criminal appeals lie to the Court of Session, while civil appeals lie to the District Court; the Act provides for disposal of appeals within six months.
- **Limited Appeals in Minor Matters:** The Act restricts appeals in certain cases, including matters settled with the consent of parties and specified minor-value civil disputes or minor criminal sentences.
- **Mandatory Official Assistance:** Police officers, revenue officers and other government officials are required to assist a Gram Nyayalaya when lawfully directed to do so.
- **Flexible Jurisdiction:** The Central and State Governments can amend the Schedules within their respective legislative competence, while High Courts determine the applicable pecuniary limits for civil jurisdiction.

Gram Nyayalayas Significance

Gram Nyayalayas represent an attempt to decentralise formal justice without compromising its judicial character.

- **Deepens Access to Justice:** They reduce the geographical and financial barriers that prevent rural citizens from approaching conventional courts.
- **Strengthens Article 39A:** They provide an institutional mechanism to advance the constitutional objective of equal opportunity in securing justice.
- **Bridges Rural-Urban Justice Gap:** Mobile courts and local-language proceedings can bring formal justice closer to communities that remain distant from the regular judicial system.
- **Combines Formal and Informal Justice:** The institution retains the authority of a formal court while incorporating conciliation, simplified procedure and local accessibility.
- **Supports Judicial Efficiency:** Handling specified local disputes can help regular courts focus on more complex litigation.
- **Promotes Social Justice:** Representation in the appointment of Nyayadhikaris and provision of legal aid strengthen the inclusion of disadvantaged groups.
- **Complements Digital Access to Justice:** Gram Nyayalayas can be supported by initiatives such as Tele-Law under the DISHA framework, which provides legal advice through technology and connects citizens with lawyers through Common Service Centres.

Gram Nyayalayas Act, 2008 Issues

The central challenge is not the absence of a legal framework but the persistent gap between statutory design and actual operationalisation.

- **Poor Implementation:** The Act makes establishment dependent on State Governments in consultation with High Courts, resulting in uneven implementation across States.
- **Low Operationalisation:** Against 481 notified Gram Nyayalayas, only 309 were reported as functional, reflecting a significant gap between institutional targets and ground-level functioning.
- **State-Centre Funding Gap:** While central assistance supports initial establishment costs under the Centrally Sponsored Scheme, recurring expenditure and operational responsibilities largely fall on States, which may prioritise regular courts and other judicial infrastructure.
- **Infrastructure Deficit:** Many rural areas lack adequate courtrooms, staff, vehicles, connectivity and other facilities necessary for regular functioning.
- **Overlapping Jurisdiction:** The presence of regular Taluka courts, Lok Adalats, ADR mechanisms and other local dispute-resolution institutions can create uncertainty regarding the appropriate forum.
- **Limited Awareness:** Many rural citizens remain unaware of the existence, jurisdiction and procedures of Gram Nyayalayas.
- **Reluctance of Stakeholders:** Reluctance among police officials, other government functionaries and sections of the legal profession has affected the effective use of these courts.
- **Weak Institutional Ecosystem:** The non-availability of notaries, stamp vendors and supporting legal services in rural areas can make it difficult for citizens to effectively pursue cases.
- **Inadequate Case Flow:** In some places, the absence of regular referral of suitable cases by police and other authorities has limited the workload and relevance of Gram Nyayalayas.
- **Part-Time or Shared Functioning:** Where courts function only intermittently or share infrastructure and personnel, the objective of continuous and speedy local justice is weakened.
- **Rural Accessibility Challenge:** A court may be formally established but remain practically inaccessible if it is located far from villages or lacks reliable mobility support.

Way Forward

The focus should shift from merely notifying Gram Nyayalayas to creating a functional, integrated and citizen-centric rural justice system.

- **Targeted Expansion:** Prioritise Gram Nyayalayas in areas far from regular courts, aspirational blocks, remote rural regions and communities facing serious access barriers rather than establishing them merely to meet numerical targets.
- **Clear Centre-State Responsibility:** Ensure predictable funding for both initial establishment and recurring operational expenses, with clearly defined responsibilities for the Centre and States.
- **Strengthen Mobility:** Provide dedicated mobile court vehicles, basic infrastructure and logistical support so that the statutory mandate of taking justice to villages becomes a reality.
- **Integrate Technology:** Link Gram Nyayalayas with the e-Courts ecosystem and use Tele-Law under the DISHA framework for pre-litigation advice, legal consultation and hybrid access where physical mobility is difficult.
- **Improve Legal Awareness:** Conduct legal literacy campaigns through Panchayats, Legal Services Authorities, CSCs, schools, SHGs and community organisations to inform citizens about their rights and available forums.

- **Clarify Jurisdiction:** Develop clear coordination mechanisms among Gram Nyayalayas, regular courts, Lok Adalats and other ADR institutions to prevent forum-related confusion.
- **Strengthen Legal Aid:** Ensure the regular availability of trained legal-aid lawyers and paralegal volunteers at or near Gram Nyayalayas.
- **Improve Stakeholder Coordination:** Police, revenue authorities, Panchayati Raj institutions, State Legal Services Authorities and the judiciary should work through coordinated protocols for referral and enforcement of cases.
- **Use Conciliation Effectively:** The statutory mechanism of village-level conciliators should be strengthened through proper training, transparent selection and monitoring.
- **Monitor Outcomes:** Evaluation should focus not merely on the number of courts notified but on functional days, case filings, disposal rates, time taken, accessibility and citizen satisfaction.

Ultimately, Gram Nyayalayas can fulfil their constitutional promise only when “justice at the doorstep” becomes a functioning institutional reality rather than merely a statutory objective.

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