



FACULTY OF JURIDICAL SCIENCES

COURSE: LLM TWO YEARS Constitutional & Administrative Group /Criminal group/ corporate & business group

Semester-II

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Lecture-27



Concept of Grama Nyayalayas.

The Gram Nyayalayas Act was passed in January 2009 (got President's assent on 7 January 2009) to provide for the establishment of Gram Nyayalayas at the grass roots level for the purpose of providing access to justice to the citizens at their doorsteps and to ensure that opportunities for securing justice are not denied to any citizen by reason of social, economic or other disabilities and for matters connected therewith or incidental thereto.

The latest in the reforms in the structure of the Indian judiciary is the Gram Nyayalayas. The State initiated other means to dispense justice such as Fast track Courts and Lok Adalats to address the colossal backlog of cases in the judiciary. Considering the sensitive issues of family the Family Courts were instituted in 1984 which also promotes speedy disposal, sensitive approach and relaxation of strict rules of evidence and procedure. The Gram Nyayalayas seems to be a combination of the objectives of several special courts in disparity to the regular stress on the adversarial trial.

The 114th Law Commission of India back in 1986 proposed the Gram Nyayalaya as a different court. The report recommended the concept of the Gram Nyayalaya had two objectives. While addressing the pendency in the subordinate courts was the major objective, other objective was the introduction of a participatory forum of justice. To make it participatory the Law Commission recommended that the Magistrate be accompanied by two persons who shall act as Judges, that the legal training of the Magistrate will be complemented by the knowledge of the lay persons who would bring in the much required socio-economic dimension to adjudication. It was proposed that such a model of adjudication will be best suited for rural litigation. However the participatory aspect has been set aside in current Act and we find the Gram Nyayalaya manned by the regular Judicial First Class Magistrate. The Law Commission also observed that such a court would be ideally suited for villages as the nature of disputes coming before such a court would be 'simple', 'uncomplicated' and obviously would be easy for solution and that such disputes should not be trapped in procedural claptrap. This act extends to whole of India except the State of Jammu and Kashmir, the State Nagaland, the State of Arunachal Pradesh, and the State of Sikkim and to the tribal areas of country. The Tribal area under this act means the area specified in Part I, II, hA, and III of table below paragraph 20 of the sixth Schedule to the Constitution within the State of Assam, the State of Meghalaya, the State of Tripura and the State of Mizoram, respectively.

Establishment of Gram Nyayalaya -

The State Government shall, after consultation with the High Court establish one or more gram Nyayalaya for every Panchayat. Such establishments shall be in addition to the 'courts established under any other law for the time being in force'. The State Government shall, in accordance with this act specify the local limits of the area of jurisdiction, as well as increase or reduce or alter such limits of a Gram Nyayalaya.

The Nyayadhikari, shall preside the matters of dispute in the Gram Nyayalaya, and shall be appointed in consultation with the High Court. Any person eligible to be appointed as a judicial magistrate of first class shall be qualified to be appointed as Nyayadhikari. It is specifically mentioned in the act

that appropriate representation shall be given to the members of Schedule Castes, the Scheduled Tribes, women and such other communities as may be specified in the notification by the State Government. Also the salary and other allowances and the terms and conditions of services shall be as of the Judicial Magistrate first class.

The Nyayadhikari shall not preside in the matters which he has interest or is otherwise involved or is related to any party to such proceedings. If it is so he shall refer the matter to the District Court or Court of Sessions, which shall subsequently transfer the matter to other Nyayadhikari. It shall be the duty of the Nyayadhikari periodically to visit the village under his jurisdiction and conduct trials or proceedings. If the Gram Nyayalaya decides to hold mobile courts outside its headquarters it shall give wide publicity as to the date and place where it proposes to hold mobile court.