



Study of Gram Nyayalaya Act, 2008, its salient features, Advantages and Disadvantages

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Abstract : The village panchayat constitutes a very old and administrative/traditional institution in India. With the advent of the Mughal Empire and the advent of British power, this institution lost its reputation and importance. But, during the latter part of the British period, he made some efforts to restore the status of village panchayat with the Village Court Acts of 1888. Who made panchayat courts for the administration of justice.

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The real effort could be made only after independence, where a separate provision was made in Article 40 of the Constitution of India, which states, "State Village Panchayat is settled and it ended with such power and authority. To take action as it may be necessary to be able to act as the units of government itself.

Key Words : Gram Panchayat, GRAM NYAAYAALAY ACT

Benefits of nyaay-panchayats over the regular courts¹,

- (1) They provide a inexpensive and expeditious mechanism to settle disputes.
- (2) They provide relief to the ordinary courts as they lift the part of burden of judicial work on their shoulders. In a way, they are emerged on solution of problem to mounting-arrears of cases before the courts.
- (3) They provide justice to the people of the village at the door,
- (4) They provide protection to local customs and traditions,
- (5) Panchayat system is a great educated value for the villagers.

Disadvantages of nyaay-panchayats

- (1) They are institutions of the group of groups run by groups. The justice provided by them is based on caste, community, personal or political views. Therefore, the chances of injustice cannot be ignored,
- (2) It has been observed that the punches are often corrupt, partial and behave inappropriate or vulgar.

¹ "GRAM NYAYALAYA."



- (3) They are ordinary people, therefore unaware of the law and often give arbitrary and irrational decisions,
- (4) No one can ignore that casteism and group are the major characteristics of rural India and therefore these shades on justice cannot be influenced by the 77th report of the Law Commission, in which it has been seen that on the actual method The backward step will be to revert to the modern complexities of life, in the simple general public group about the disputes, the administration of justice and the legal concepts and the type Not conform to procedures.

GRAM NYAAYAALAY Act, 2008

The access of justice to the poor and the deprived people remains a worldwide problem. Article 39-A of the Constitution has instructed the state to ensure that the conduct of the legal system promotes justice on the basis of equal opportunity, and provide special legal assistance especially in the appropriate laws or schemes or any other way. To ensure that opportunities to secure justice for any citizen are not denied due to economic or another disabilities.

To influence the said mandate, the government has taken various measures to strengthen the judicial system by simplifying the procedural laws, including the various alternative dispute resolution mechanisms such as mediators, settlement and arbitration, the conduct of public courts, etc. Setting up of Fast-track courts, providing free legal aid to special courts and tribunals / and poor women and children.

In order to provide access to justice at the grass level, in one hundred and fourteenth report on the Gram-nyaayaalay, the Law Commission of India recommended the setting up of Gram-nyaayaalay to provide fast, cheap and adequate justice to the common man. In consequence, the Government introduced the Gram-nyaayaalay Bill, 2007 in Rajya Sabha on 15th July, 2007 to influence the recommendations of the law commissions.

The main features of the present bill are as follows:

- 1) The Gram-nyaayaalay will be a court of the first class judicial magistrate and its presiding official (NyaayAdhikari) will be appointed by the state government in



- consultation with the High Court. Eligibility, salary, terms, and conditions of service of Nyaaydhikari will be like the first class judicial magistrate,
- 2) Gram-nyaayaalay will be established for every panchayat of a group of related panchayats at the intermediate level or intermediate level in a district or where there is no Panchayat at the Madhya Pradesh level, if any state, for a group of panchayats,
 - 3) Gram-nyaayaalay will be a mobile-court and will use the powers of both the criminal and the civil court. Economic jurisdiction of civil suit etc. will be notified by the concerned High Court,
 - 4) Gram-nyaayaalay will try criminal cases, civil suit, claims or disputes which are specified in the first schedule and are specified in the second schedule of the proposed bill,
 - 5) In addition to the Central Government, the State Governments have been given the power to amend the first schedule of proposed bill and amend the second schedule according to their respective legislative capacity,
 - 6) In the Gram-nyaayaalay criminal proceedings under section 262 of sub-section (1) and section 262, 264 and 265, under the Criminal Procedure Code, 1973, with some amendments and in relation to other matters, follow the summary procedure in criminal trial Will not be provided in the bill, the provisions of the Criminal Procedure Code will apply,
 - 7) Gram-nyaayaalay will use the powers of a civil court with some amendments and will follow the special procedure provided in the bill, in relation to other matters not provided in the bill, the provisions of the Civil Procedure Code, 1908 will apply,
 - 8) The Gram-nyaayaalay will try to settle the dispute between the parties and resolve the disputes as far as possible for this purpose, it will use the compromises to appoint for this purpose,
 - 9) The decision passed by the Gram-nyaayaalay and the order shall be deemed to be a decree and to avoid delays in its execution, Gram-nyaayaalay will follow the summary process for its execution.
 - 10) Gram-nyaayaalay will not be bound by the rules of evidence given in the Indian Evidence Act, 1872, but will be directed under the principles of natural justice and any rule made by the High Court,



- 11) In the criminal cases, the judgment, sentence or order of the Gram-nyaayaalay will have lied to the court of session, which has been heard and disposed within a period, to the extent provided in the Code of Criminal Procedure Code, 1973, Six-months from the date of filing appeal,
- 12) Appeal to the decision of the Gram-nyaayaalay in civil cases and order to the extent provided in the Code of Civil Procedure, 1908, will have to lie in the District Court, which will be heard and disposed of within six months and the date of filing of appeal,
- 13) A person accused of committing an offense can apply for a petition deal, in which the trial of such offense is pending and the same will be settled by the same Gram-nyaayaalay. in accordance with the provisions of Chapter XVI Code of Criminal Procedure,1973

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