

Decentralizing Justice: Assessing the Role of Gram Nyayalayas in Addressing Judicial Delays in Rural India

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Abstract

Access to timely, effective and affordable justice remains a persistent challenge in rural India due to the concentration of courts in urban areas, procedural rigidity, and an overwhelming pendency of cases. To address these issues, the Gram Nyayalaya Act, 2008, was enacted with the objective of decentralizing justice delivery and ensuring speedy and inexpensive justice at the doorstep of needy people. This paper critically examines the role of Gram Nyayalayas as a decentralized judicial system aimed at reducing judicial delays and enhancing access to justice for rural and disadvantaged people. It analyses the constitutional mandate under Articles 14, 21, and 39A of the Constitution of India, the legislative framework of the Act and the practical functioning of Gram Nyayalayas across various states. The study highlights significant challenges such as inadequate infrastructure, shortage of judicial officials, limited jurisdiction, lack of political will, resistance from the legal fraternity and uneven implementation. While Gram Nyayalayas possess the potential to decongest subordinate courts and bring justice closer to rural litigants, their impact on reducing judicial delays has remained limited due to systematic and operational deficiencies. This paper concludes with suggestions to strengthen implementation and realise the true objective of decentralized justice delivery system.

Keywords: Gram Nyayalayas, Access to Justice, Judicial Delay, Rural India.

1. Introduction

The fundamental aim of a legal system is to provide timely, inexpensive, and equal justice to all bona fide claimants, regardless of societal status, economic condition, and remoteness. In other words, access to justice should be so easy and affordable that any aggrieved party can approach the courts to resolve their disputes. This will help to build a peaceful and developed society because the only goal of justice is to bring peace and development. But in India, where around 50 per cent of the rural females and 25 per cent of the rural males are illiterate and 68.8 per cent population are residing in villages, the mere existence of laws and institutions like the court will not effectively perform its duty towards delivering equal, social, affordable and timely justice to the poor citizens because of the concentration of courts in urban areas. Conversely, people with appropriate resources and means are seemingly able to access and take advantage

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of these institutions. Presently, over 4.5 crore cases are pending before the Indian judiciary, and people with claims are waiting year after year even some civil cases like land disputes are going from generation to generation to conclude disputes. In *Rex v. Sussex Justice*, Lord Hewart coined the phrase “Justice must not only be done, but must also be seen to be done”. To realize this concept of justice, the Constitution of India guarantees timely, inexpensive and equal justice as a fundamental right to its citizens. Article 39A of the Constitution of India also imposes a duty upon the states to ensure justice by providing opportunities to the citizens so that no one shall be denied equal justice irrespective of economic or social condition. Emphasizing the role of government, the Hon’ble Supreme Court observed that providing timely justice to the citizens is the primary obligation. There may be some financial inadequacy but the law does not allow a government to deprive its citizens of timely justice on the ground of financial strain. Dealing with this problem the Law Commission of India in its 114th Report proposed the concept of Gram Nyayalayas. And finally, in 2008 the Gram Nyayalayas Act was passed to deal with all these problems.

However, before the coming of Gram Nyayalayas, the Nyaya Panchayats were in existence and have been working since independence but gradually these institutions lost their existence due to various reasons. Basically, in the absence of a formal justice system, the informal form of the justice system starts to play its role i.e., there are two forms of justice delivery system formal (state legal systems) and informal (non-state legal systems). The first one includes an existing legal system run by codified law which includes the existing Gram Nyayalayas and the second one includes any institution either caste-based panchayat, community-based, tribal panchayat or reformist one. This decentralized justice system exists worldwide, specifically in developing countries and India is not an exception. Still, the Gram Nyayalayas can fill this vacuum if it is established and implemented properly.

This study focuses on the importance of Gram Nyayalayas as the substitute for Nyaya Panchayats in providing speedy, affordable and equal justice at the doorstep of remotely resided inhabitants of rural India. Because the poor and disadvantaged people always remain the victims of the judicial system as it is mostly accessed by the advantaged population. Delays in the administration of justice became the order of the judicial system. In this respect, the Gram Nyayalayas can become the last hope for those disadvantaged populations to access justice easily at their doorstep. Consequently, it is also important to study the role of this institution as the decentralized justice system providing timely justice and, in this way, how it can relieve the delayed justice system.

2. Availability of Access to Justice to Rural Inhabitants

According to Black’s Law Dictionary ‘access to justice’ means the ability of a person, or society as a whole, to approach the court of law or any other judicial institution delivering justice and to protect their rights and claims effectively. It means the phrase has two fundamental goals to achieve; firstly, the institutions will be equally accessible to everyone and secondly, it must produce some outcomes that will be both individually and socially equitable. Despite that, the Constitution of India also provides fundamental rights to its citizens to access justice but the reality is different. Only the advantaged people with appropriate means can take advantage of this right, the disadvantaged, economically backward and geographically remotely resided population always remain far away from this right. Several laws have been enacted and a series of judicial pronouncements have been passed providing free legal aid, guaranteeing free access to justice but the mere existence of such laws and such judicial precedents are not sufficient to ensure equal and social justice to all. Every single aggrieved party must have the opportunity to access justice which will be inexpensive, equal and affordable. Specifically, for petty cases

a person has to wait year after year for its solution to which lots of expense is required, a calamint has to travel forty to eighty kilometers to arrive at the court premise, in this course that person has expended unnecessary money due to delay and remoteness and has undergone mental trauma for his valid claim. If the maxim ‘ubi jus ibi remedium’ is to be realized by the litigants the access to justice must be available at their doorstep. The order of society, well-being and welfare cannot be imagined without effective administration and deliverance of justice. The Law Commission of India in its 222nd Report emphasizing access to justice mentioned that every litigant should have the opportunity for equal access to such institutions and the outcomes should be fair enough to those persons involved both personally and socially. As more than 68 per cent population reside in villages and all courts are concentrated in urban areas, this remote access to justice becomes a barrier to bringing social justice in society. To counter all these challenges the Gram Nyayalayas have been adopted. The later discussion will scrutinize the role of such village courts and how they will effectively deliver affordable justice to the doorstep of rural litigants.

3. Role of Gram Nyayalayas in Rural Justice Delivery

Access to justice at the rural level has always been a problem in India since Independence. Though Nyaya Panchayats were there at the grass-root level but it did not succeed in providing justice at doorstep. Hence, based on the recommendation of LCI, the Gram Nyayalayas Act was passed in 2008. The fundamental objective of this institution is to provide affordable justice at the doorstep of rural litigants with minimum expense and to ensure that no one will be denied access to justice because of economic or social conditions. Conversely, it will help to minimize the huge pendency of cases from the neck of subordinate courts. Now, how such judicial institutions of the lowest tier shall play a pivotal role in rural justice delivery shall be discussed below.

The State Government can create a Gram Nyayalaya at any panchayat at the intermediate level or for a group of panchayats at an intermediate level. In consultation with the respective High Court, the government can appoint a Nyayadhikari who shall preside over such institution and will be of equal designation to a judicial magistrate of first class. Such court shall be mobile court and whenever required such Nyayadhikari shall visit the place of disputes or villages and for the sake of parties he will sit at the nearest place of dispute. Gram Nyayalayas will have both criminal and civil jurisdictions. It can try any offence provided under the first schedule of the Act including some listed offences of the Bharatiya Nyaya Sanhita, 2023. The civil jurisdiction has been outlined under part I of the second schedule including any other disputes if notified by the state government. Except for certain provisions of the Code of Civil Procedure, 1908 and Bharatiya Nagarik Suraksha Sanhita, 2023, such institutions are free from procedural intricacies. It is not bound to apply the Bharatiya Sakshya Adhinyam, 2023 during the trial. It will try to end cases by summary trial and shall also employ a conciliation process to end a dispute for the speedy trial procedure. After rendering the decree, a copy of the judgment must be delivered freely to the parties within three days. Any judgement passed by the Nyayadhikari shall be appealed before the respective District & Sessions Court. Every six months the High Court can call for an inspection report of such Nyayalayas and such High Court has been empowered to make rules for such institutions.

Therefore, it is obvious that provisions of the Act are targeting summary trial including the conciliation method for a speedy trial. The Act intended access to justice to be at the doorstep of rural claimants. It vividly demarcates from the subordinate judiciary which is intricated with procedural rigidity and huge pendency. Compared with conventional courts Gram Nyayalayas are affordable, free from rigid procedure

and bound by natural justice and good conscience. Further, its movable feature makes it more efficient in access to justice at the doorstep of disadvantaged litigants.

4. Challenges Faced by Gram Nyayalayas

The Gram Nyayalayas Act was passed in 2008 and came into force on 2nd October 2009 with an expectation that five thousand Gram Nyayalayas would be created to meet all the challenges mentioned above but till now only fifteen states and union territories have been notified about the establishment of only 485 Gram Nyayalayas out of which only 314 are operational. Furthermore, State/UT wise notified and operational number of gram nyayalayas have been stated below in Table 1.

Table 1

Sl. No.	Name of the States/Union Territories	Number of Notified Gram Nyayalayas	Number of Operational Gram Nyayalayas
1	Panjab	09	02
2	Kerala	30	30
3	Maharashtra	39	26
4	Rajasthan	45	45
5	Odisha	24	20
6	Jharkhand	06	01
7	Karnataka	02	02
8	Goa	02	00
9	Telangana	55	00
10	Ladakh	02	00
11	Jammu & Kashmir	20	00
12	Madhya Pradesh	93	93
13	Haryana	03	02
14	Andhra Pradesh	42	00
15	Uttar Pradesh	113	93

Gram Nyayalayas were intended to improve access to justice in rural areas by setting up village courts that handle small civil and criminal cases at the rural level. While the intention was to decongest higher courts and ensure speedy justice in remote areas, these courts have faced numerous challenges that have hindered their effectiveness. Except these such institutions are facing other various challenges which are following:

- Like the conventional judicial system, this institution also suffers from inadequate infrastructure and equipment, including lack of proper court buildings, basic facilities, and poor technology support. For instance, most Gram Nyayalayas operate without proper physical infrastructure. In many instances, these courts function in temporary or shared buildings, lacking basic amenities like clean water, electricity or even separate rooms for hearings. The absence of proper facilities also impacts record-keeping and technological integration, further hindering their efficiency.
- Another critical issue is the shortage of judicial officers. Many Gram Nyayalayas remain non-functional due to the lack of presiding officers or judges appointed to them. The shortage of trained

and dedicated judges severely affects the ability of these courts to function efficiently. This leads to delays in hearing cases, which defeats the very purpose of these courts providing speedy justice.

- These courts were planned to minimize the pendency of cases and the burden of backlog from the neck of the subordinate judiciary but due to the conventional factors the gram nyayalayas itself face the problem of delayed justice delivery. They are designed to deliver justice by speedy trial by non-application of procedural rigidity and applying additional dispute resolution mechanisms but ultimately these institutions are failing to achieve the purpose assigned to it.
- Local advocates and members of the legal fraternity have shown resistance to the Gram Nyayalaya system. One of the reasons is that the fee structure in Gram Nyayalayas is considerably lower compared to regular courts, which impacts the earnings of lawyers practicing in rural areas. Additionally, lawyers in rural areas worry that their caseloads and income may decrease if cases are resolved quickly and locally, rather than being taken to district or higher courts where litigation can be prolonged. Furthermore, advocates also hesitate to practice in such courts because it will not be easy for them to travel and attend such Nyayalayas from the district court.
- The financial problem for Gram Nyayalayas depends on state governments. Many states have not allocated sufficient resources for the smooth functioning of these courts. Inadequate funding leads to poor infrastructure, lack of human resources and delays in implementing technological improvements. Many states cite budgetary constraints as a reason for not establishing or maintaining these courts, leading to an irregular implementation across the country.
- The jurisdiction of Gram Nyayalayas is confined to minor civil and criminal cases. For civil cases, the court's jurisdiction includes disputes related to land, property, wages, and compensation, while for criminal matters, it deals with minor offences under the BNS and other statutes. However, the limited jurisdiction reduces their overall impact on the judicial system. They are not equipped to handle more serious cases, and this restriction means that many disputes still go to higher courts, negating the benefits of having local courts.
- Although the Gram Nyayalayas Act was passed in 2008, its implementation has been slow and uneven across the country. Many states have been reluctant to set up these courts due to various reasons, including financial constraints and the political will to drive the initiative forward. As a result, while some states have set up several Gram Nyayalayas, others have established very few or none at all, leading to inconsistencies in rural access to justice across India. In states where Gram Nyayalayas have been set up, many are not functional due to logistical issues. For instance, in Odisha out of 24 notified Nyayalayas only 20 are operational.
- Under the Gram Nyayalayas Act the respective High Court has been given the duty to inspect the working report of such courts but due to a lack of such regular inspection. There are no checks and balances among the working of such courts which is a great concern.

Except these, establishing gram nyayalayas in remote areas, resistance from the end of tribal people establishing such courts etc., are other notable challenges. The Gram Nyayalayas was planned as a transformative solution to India's rural justice delivery problems. However, due to challenges like lack of awareness, poor infrastructure, inadequate funding, shortage of judges, and resistance from the legal community, they have not been able to fulfil their potential. In many parts of India, these courts either do not exist or remain largely dysfunctional, which defeats their very purpose of providing speedy and affordable justice to rural litigants.

5. Impact of Gram Nyayalayas on Judicial Delays

The Gram Nyayalayas were introduced with the hope of reducing judicial delays by offering a decentralized, speedy justice system aimed primarily at rural areas. Judicial delay, or the excessive time taken by courts to resolve cases, has long been a critical issue in India’s legal system, contributing to a massive backlog of cases. However, the notable impacts of such courts upon the existing delayed judicial system are the following:

- One of the key objectives of the Gram Nyayalayas is to lessen the caseload burden on subordinate courts by resolving small civil and criminal disputes at the grassroots level. This was supposed to create a trend that could reduce congestion in the judiciary. However, in practice, this has been partially realized. The goal to reduce the burden on district courts has not been largely successful.
- In regions where Gram Nyayalayas are functional, the courts have shown the intention for quicker resolution of disputes. Since the procedures are less formal and the focus is on settlement through conciliation, cases are disposed of faster than in regular courts. However, due to a shortage of presiding officers, limited infrastructure, and poor awareness, many Gram Nyayalayas are unable to operate at full capacity, limiting their overall impact on reducing judicial delays.
- The Gram Nyayalayas were designed with easy and more flexible procedures to minimize the procedural rigidity that causes delays in higher courts. But while the framework is promising, procedural simplification has only been partially successful.
- One of the significant advantages of Gram Nyayalayas is the decentralization of the judiciary, making justice more accessible to rural populations at their doorstep. The ability to hear cases at the village level should reduce the time and cost of travel for litigants, encouraging speedy disposal of disputes. However, the intent to make justice accessible to rural populations has been partially realized in areas where these courts are functioning.
- One of the central goals of establishing Gram Nyayalayas was to prevent minor disputes from reaching subordinate courts, thereby reducing the pendency of cases in these courts. However, due to poor implementation, Gram Nyayalayas have not significantly contributed to reducing the backlog in subordinate courts. In those States, where Gram Nyayalayas have been effectively implemented, they have played a role in diverting some minor cases from district courts, but their overall impact has been limited by their non-uniform functioning across the country.
- Ironically, Gram Nyayalayas themselves have experienced delays due to a shortage of trained judges, inadequate staff, and lack of facilities. In some areas, cases in Gram Nyayalayas have taken longer than anticipated due to these operational inefficiencies, limiting their impact on the larger judicial system. The lack of proper infrastructure, including modern courtrooms, digital case management, and internet connectivity, further worsens delays. The below mentioned data in Table 2 affirm the above-mentioned statement.

Table 2

Sl. No.	States/UTs	Total cases pending plus received in last month	Cases disposed	Pending cases
1	Haryana	1088	15	1073
2	Jharkhand	383	05	378
3	Karnataka	240	10	234

4	Kerala	19810	489	19321
5	Madhya Pradesh	258	14	244
6	Maharashtra	4163	94	4069
7	Odisha	49839	950	48899
8	Panjab	135	15	120
9	Rajasthan	40562	1794	38768
10	Uttar Pradesh	162508	19454	143054

The success of Gram Nyayalayas in reducing judicial delays depends significantly on the cooperation of the local legal community, including advocates and local authorities. If these stakeholders support the system, more cases can be disposed of quickly at the rural level. However, in many regions, rural advocates have resisted the Gram Nyayalaya system due to concerns over lower fees and the reduced scope for prolonged litigation.

For Gram Nyayalayas to fully realize their potential and make a more significant step in reducing judicial delays, there needs to be an intensive effort to improve their implementation across all states, address infrastructural shortages, provide proper training to nyayadhikaris, and raise public awareness about their existence and benefits.

6. Conclusion and Suggestions

In conclusion, it can be said that the Gram Nyayalayas Act has been enacted with the expectation to combat delays in justice delivery, huge pendency and expensive justice system. Also, to provide equal and affordable justice to the disadvantaged and poor litigants at their doorstep so that no person shall be denied access to justice. The Act also empower these village courts to be free from procedural rigidity emphasizing more on ADR mechanisms to provide speedy justice to the needy litigants. However, it suffered from numerous challenges like lack of awareness, improper implementation of such courts, jurisdictional confusion, budgetary issues, resistance from local advocates and tribal residents, inadequate infrastructure and basic amenities and so on. Consequently, it fails to deliver the expected targets and objectives set in the preamble of the concerned Act. The dream of speedy trial and decentralized justice to the rural litigants remains the same. They at first, abstained from approaching the gate of the court, further if they did so would have to spend a lot of money to get justice and access to justice, then have to become victims of this delayed judicial system and ultimately the value of justice remains useless and unimportant to them. Establishing these gram nyayalayas is not made compulsory in the Act. The term used in that Act is 'May' which is discretionary to the states to create such institutions but in *Dilip Kumar Basu v State of West Bengal*, the Hon'ble court held that 'may' shall be used as 'shall' in such cases. Consequently, the Act failed to achieve its goal because only 314 nyayalayas were operational while five thousand courts were intended to be created at the panchayat level. Non-implementation of such an Act violates the statutory as well as constitutional rights of the citizens provided under Articles 14 and 21 of the Constitution of India. Memorandums of political parties during elections are full of freebies but neither such parties include this concept in their agenda nor do the general people demand their easy access to justice at their doorstep through such gram nyayalayas. Hence, after analyzing all the aspects of Gram Nyayalayas and its objectives set forth, for poor working and not meeting the expectations of rural people some suggestions can be made which are the following:

- For every panchayat there shall be a Gram Nyayalaya with adequate infrastructure.
- The nyayadhikaris shall be trained to deal with local customs and conditions.
- The jurisdictions gram nyayalayas shall be extended.
- The proposed mobile court should be strictly implemented.
- Monitoring and inspection of Gram Nyayalayas should be compulsory.
- Such nyayalayas should be separated from the conventional court system rather than converting it to JMFC.
- Conflict among tribal areas regarding establishing gram nyayalayas shall be resolved.
- As gram nyayalayas have been designed for access to justice at the doorstep of rural litigants keeping in mind to lessen pendency, the same step can be taken to establish such courts for urban areas also.

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