

Gram Nyayalaya

August 11, 2020

Gram Nyayalaya Act passed by Parliament in 2008 provided for setting up of Gram Nyayalaya at the grass roots level for providing access to justice to citizens at the doorstep and to ensure that opportunities for securing justice are not denied to anyone by reason of social, economic or other disabilities.

Features of the Act

- The State Government, after consultation with the High Court, may, by notification, establish one or more Gram Nyayalayas for every Panchayat at intermediate level or a group of contiguous Panchayats at intermediate level in a district or where there is no Panchayat at intermediate level in any State, for a group of contiguous Gram Panchayats.
- The State Government shall, in consultation with the High Court, appoint a Nyayadhikari for every Gram Nyayalaya. A person shall not be qualified to be appointed as a Nyayadhikari unless he is eligible to be appointed as a Judicial Magistrate of the first class.
- While appointing a Nyayadhikari, representation shall be given to the members of the Scheduled Castes, the Scheduled Tribes, women and such other classes or communities as may be specified by notification, by the State Government from time to time.
- The salary and other allowances payable to, and the other terms and conditions of service of, a Nyayadhikari shall be such as may be applicable to the Judicial Magistrate of the first class.
- The Nyayadhikari shall periodically visit the villages falling under his jurisdiction and conduct trial or proceedings at any place which he considers is in close proximity to the place where the parties ordinarily reside or where the whole or part of the cause of action

had arisen.

- The Gram Nyayalaya shall exercise both civil and criminal jurisdiction in the manner and to the extent provided under this Act.
- The State Government shall determine the nature and categories of the officers and other employees required to assist a Gram Nyayalaya in the discharge of its functions and provide the Gram Nyayalaya with such officers and other employees as it may think fit.
- A person accused of an offence may file an application for plea bargaining in Gram Nyayalaya in which such offence is pending trial and the Gram Nyayalaya shall dispose of the case in accordance with the provisions of CrPC 1973.
- The State Legal Services Authority shall prepare a panel of advocates and assign at least two of them to be attached to each Gram Nyayalaya so that their services may be provided by the Gram Nyayalaya to the accused unable to engage an advocate.
- The judgment passed by a Gram Nyayalaya shall be deemed to be a decree and it shall be executed by a Gram Nyayalaya as a decree of the civil court and for this purpose, the Gram Nyayalaya shall have all the powers of a civil court.
- The Gram Nyayalaya shall not be bound by the procedure in respect of execution of a decree as provided in the Code of Civil Procedure, 1908 and it shall be guided by the principles of natural justice.
- In every suit or proceeding, endeavor shall be made by the Gram Nyayalaya in the first instance, consistent with the nature and circumstances of the case, to assist, persuade and conciliate the parties in arriving at a settlement.
- The District Court shall, in consultation with the District Magistrate, prepare a panel consisting of the names of social workers at the village level having integrity for appointment as Conciliators who possess

such qualifications and experience as may be prescribed by the High Court.

- The proceedings before the Gram Nyayalaya and its judgment shall, as far as practicable, be in one of the official languages of the State other than the English language.
- An appeal shall lie from judgment or order of a Gram Nyayalaya to the District Court in case of civil cases and Sessions Court in criminal cases.