

**Gram Nyayalaya Act 2008:
The Context of Rural Justice in Rajasthan
(A Study of Gram Nyayalaya in Jodhpur district)**

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Abstract

Many fundamental rights have been given to the citizens of our country and every citizens of India have the rights of timely justice but even after 72 years of post-Independence millions of people are waiting for timely justice, 2.95 lakhs cases including civil and criminal are pending across the country. Many effective steps has been taken by the Indian Parliament and Higher Judiciary but of no use. Specially the litigants at village level are facing major problem for timely justice because courts were not speedily settling the cases at the village according to need of litigants. The need was felt that cheapest and speedy justice in the in the need of people at village level. The Law Commission of India had sent a report to the Law Ministry with recommendation of establishment of Gram Nyayalaya in our country at village level to deliver the speedy justice to the poor litigants in 1986. Finally The Gram Nyayalaya Act, 2008 was passed. India's first Gram Nyayalaya was inaugurated by union law minister M. Veerappa Moily to reduce the pendency burden from Indian judiciary on 27th November, 2010. The Gram Nyayalaya is made up with two Hindi words "Gram" and "Nyayalaya" which gram means village and Nyayalaya means a place where justice be delivered. The state of Rajasthan has over 14,50,845 cases were pending on July 2018. There were two Gram Nyayalaya were established in Jodhpur district in Rajasthan Jodhpur Metro and Jodhpur District respectively because the Jodhpur District is the second largest District with having huge population to reduce this burden of pendency. By ending the year 2017 total pending cases were 1047 & 5 in both Gram Nyayalaya respectively. Finally it can say that in this District both Gram Nyayalaya are playing effective role to reduce the pending of cases and fulfil the motive of establishment of Gram Nyayalaya.

Key words :Unity, Integrity, fundamental, rights, justice, pendency, Parliament, Litigants, Gram Nyayalaya, Grassroot, village, Criminal, cases.

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Introduction

India saw the ups and down of the almost endless phase of India's independence. The Indian Judiciary principally the face of British judiciary. The question was clearly mentioned in the Indian constitution that every level of people should be rewarded justice keeping in mind the different level of courts was formed in India. After which the supreme court at the top level and High courts were established in every state and subordinate courts also established at district level in every state. The main purpose of the formation of all these various courts will give rapid justice to poor litigants at grassroots level. But not all the courts were followed the speedy settlement at the village in country as according to need. The need was felt that cheapest and speedy justice in the need of people at village level. For this reason the Indian parliament with a view to providing justice to the landowners. The gram nyayalaya Act,2008 was passed by the parliament keeping in mind the establishing of gram nyayalaya.

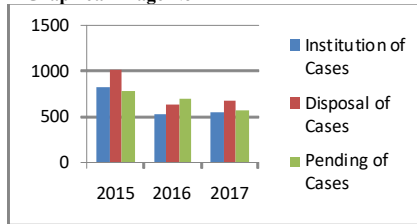
- (A) Definition of gram nyayalaya:** According to gram nayayalaya Act, 2008 gram nayayalaya is a court establish under section 3(1) of the Act. Generally we know that gram nyayalaya is made up two Hindi words "Gram" and "nyayalaya" which gram means village or Nyayalaya means a place where justice be delivered to villagers. According to Sec. 11 or 17 the powers has delivered to gram nyayalaya to dispose civil and criminal cases. In civil cases gram nyayalaya can dispose border disputes, Takasma and encroachment disputes. Where in criminal gram nyayalaya can hear only summon trial cases.
- (B) (B) object of establishing of gram nyayalaya in Jodhpur:** Jodhpur is a second largest city in the state of Rajasthan with having big population so due to this reason hipped of cases raised to the court so on the date of 18-12-2009 both of gram nayayalaya (Mandore & Osian) were establish in Jodhpur District for speedy disposal of cases at village level. In the ending of year 2017 the total pending cases (including civil & criminal cases) in Mandore and Osian Gram Nayayalaya in Jodhpur District was 1052. Present time in India round about 2.95 carore cases are pending in various courts. Keeping in mind to reduce the burden of huge burden of cases the Indian parliament was passed the gram nyayalaya Act,2008. The virappa moely Law minister was Inaugurated India's first gram nyayalaya in bassi village on the date of 27th November, 2010 in Rajasthan under the gram nyayalaya Act,2008¹ anl law commission report. Law minister said that the gram nyayalaya will plaid an important role in reducing the burden of cases.

Statistical study of data in gram nayayalaya Jodhpur

Pending statement of criminal cases in gram nayayalaya in Jodhpur Metro.

Year	Institution of Cases	Disposal of Cases	Pending of Cases
2015	818	1017	789
2016	540	629	700
2017	546	675	571

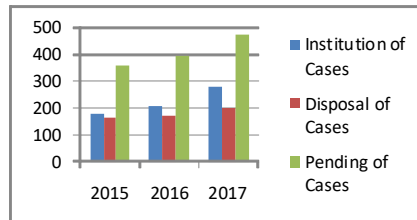
Graphical Image No 1



Pending statement of criminal cases in gram nayayalaya in Jodhpur Metro.

Year	Institution of Cases	Disposal of Cases	Pending of Cases
2015	179	165	356
2016	207	172	391
2017	282	197	476

Graphical Image No 2

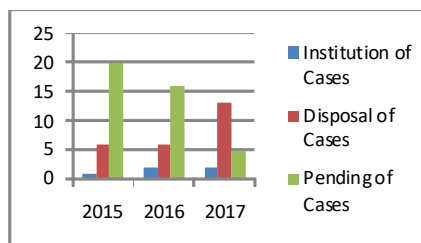


The pending of criminal cases in going on rapidly down in gram nayayalaya Jodhpur metro The pendency was as high as 789 in the year 2015 and finally in the year 2017 pendency was only 571 cases. This rate is good enough to cope with the institutional rate but in the gram nayayalaya Jodhpur district condition is not good because the pendency of cases in the year 2015 was 356 but it was increasing highly in the year 2017 that was 476 so the conduction of gram nayayalaya Jodhpur is not good here.

Pending Statement of civil cases in gram nayalaya Jodhpur metro.

Year	Institution of Cases	Disposal of Cases	Pending of Cases
2015	1	6	20
2016	2	6	16
2017	2	13	5

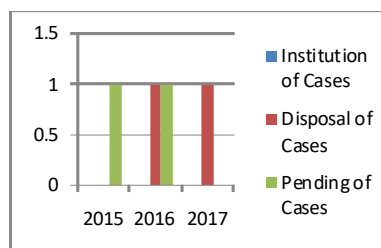
Graphical Image No 3



Pending Statement of civil cases in gram nayalaya Jodhpur District .

Year	Institution of Cases	Disposal of Cases	Pending of Cases
2015	0	0	1
2016	0	1	1
2017	0	1	0

Graphical Image No 4



In civil cases the pendency was 20 in the year of 2015 and finally in the year 2017 the pendency was only 5 in the gram nayalaya Jodhpur metro. It is very good indication for sustainability of gram nayalaya whereas in gram nayalaya Jodhpur district the pendency in the year of 2015 was 1 and finally in the year of 2017 was 0 and it was also good condition.

(C) Benefits of gram nyayalaya : 1. establishment of gram nyayalaya to deliver speedy justice to the poor litigants. 2. To make people aware of their legal rights at the level of the soil. 3. To protecting the Rudi and traditions of people. 4. Reducing the burden of pendency on the shoulders of the courts.

(D) Critical point of gram nyayalaya:

1. There will be no power to hear cases related to the prevailing localism.
2. Gram nyayalaya is not a system of disposal on the basis of intermediary solution of cases.
3. Gram nyayalaya has no power to dispose of revenue disputes.

(E) Conclusion and advice: It can definitely be said that the gram nyayalaya Act, 2008 is definitely less revolutionary in the direction of reducing the billions pending in the country because at the rural level lakhs of parties are waiting their chance to justice. Although the gram nyayalaya is the last level row of courts but it can be imagine that gram nyayalaya will prove to be the mile stone to dispose of

cases. The gram nyayalaya of Jodhpur has put-up a revolutionary step to dispose of cases. It can be said that the gram nyayalaya of Jodhpur realized the establishment its objective. Therefore it is advised that by amending the gram nyayalaya Act,2008 to above mentioned suggestions it will be the golden step to give the justice at the grassroots level, as well as to the poor parties.

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(Footnotes)

- ¹ Imtiyaz Ahamed V/S State of Uttar Pradesh and other AIR 2012 (642) and law commission report no 245
- ² Data Received through RTI form jodhpur high court
- ³ Data Received through RTI form jodhpur high court
- ⁴ Data Received through RTI form jodhpur high court
- ⁵ Data Received through RTI form jodhpur high court