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Justice Beyond the Courts: Local Dispute Redressal Mechanism in India

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ABSTRACT

Access to justice is essential for any society. The Constitution of India guarantees social, political, and economic justice for its citizens. Recently, formal institutions have faced two significant challenges: long delays in case resolution and growing backlogs. Since independence, various committees and commissions have emphasised the importance of local dispute resolution systems by examining their structure and functions. This study reviews secondary data on the historical evolution, status, and potential of these systems in modern justice administration. It concludes that these systems are highly effective in delivering quick, affordable justice and promoting local participation, which helps communities better understand laws.

Keywords: Nyaya Panchayat, Gram Nyayalaya, Access to Justice

I. INTRODUCTION

In the twentieth century, development economists deliberated that the absence of well-defined, low-cost means of enforcing contracts was the foremost reason for both historical stagnation and contemporary underdevelopment in Third World Nations. The importance of good governance in economic development has necessitated reform in judicial systems. To make the economy market-friendly in developing countries, Judicial reform is a key component. According to Messick, judicial reforms include measures such as making the judicial branch independent, speeding up case processing, increasing access to dispute resolution mechanisms, and professionalising the branch and bar (The International Bank for Reconstruction and Development / The World Bank, 1999). One of the most essential approaches to legal and judicial reform is the access to justice approach. In the absence of it, laws and legal institutions become meaningless. Furthermore, if we discuss about the barriers to access, they include psychological, informational, economic, linguistic and physical (Legal Vice Presidency, 2003). Hence, expanding access to facilitate or encourage the use of dispute resolution mechanisms by non-traditional users/marginalised groups is one aspect of this research that we will discuss.

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The Constitution of India prioritises Justice as its primary goal for citizens, covering Social, Economic, and Political dimensions. Panchayati Raj institutions, such as Gram Panchayats and Nyaya Panchayats, function within the executive and judicial systems, respectively. Nevertheless, the Nyaya Panchayat lacks strong judicial authority and is less effective than the executive branch established by the 73rd Constitutional Amendment Act of 1992. As a local judicial body, the Nyaya Panchayat aims to expedite case resolution and enhance access to dispute settlement. To address this imbalance and the significant gap in grassroots justice delivery, the Gram Nyayalayas Act 2008 was enacted to strengthen Nyaya Panchayats and enhance justice in rural India. This paper traces the evolution of local dispute resolution mechanisms from ancient times through the colonial and post-independence periods, including current mechanisms. It assesses the relevance of the Nyaya Panchayat today in India. Subsequently, the paper proposes important points to strengthen this local dispute mechanism further.

II. LITERATURE REVIEW

The author observed in his study, “In Search of Nyaya Panchayats: The Politics of a Moribund Institution,” that data on Nyaya Panchayats (NP) in Uttar Pradesh showed a significant decrease in caseloads, dropping from a peak of 1,914,098 cases in 1949-1950 to just 17,782 in 1972. In 1972, the 8297 NPs handled an average of 2.1 cases each, compared to the 8,543 NPs in 1950-1951, which averaged 59.3 instances. He attributed this decline to several structural issues within the Uttar Pradesh Nyaya Panchayat system. First, the mixed method of constituting NPs - by election and nomination - fosters public apathy, fears of favouritism, and increasing factionalism in local elections. Second, limited budgets severely restrict NP activities. Third, the low educational level of Panches makes managing procedural complexities difficult. To become a panch, one must be at least thirty years old and able to read and write Hindi in the Devanagari script. Fourth, factors such as caste, faction, stratification, and local politics hinder the use of NPs as forums for dispute resolution. For most people, traditional, unofficial caste panchayats, village leaders, or regular state courts are the preferred social forums (Meschievitz & Galanter, 1982).

In “Justice Delivery: Issues and Prospects,” the author quoted the United Nations Development Programme’s (UNDP) view of Access to Justice as people's ability to seek and receive remedies through either formal or informal justice systems, aligned with human rights standards. The author emphasises that the rule of law is crucial for effective governance, with access to justice being a fundamental aspect of this framework. The term ‘access’ suggests that obstacles exist,

which need to be identified and removed. He further elaborates that these obstacles can be social, economic, political, demographic, or psychological, creating inequalities that lead to exclusion or delay the resolution of fair rights. When individuals encounter legal problems but cannot access justice, it perpetuates poverty and social inequality, causing marginalisation and social exclusion (Chadah, 2025).

Messick explained that the central element of a judicial reform program usually involves measures to enhance the judicial branch. These include ensuring judicial independence, expediting case processing, expanding access to dispute resolution mechanisms, and professionalising the judiciary and legal practitioners. He also mentioned that judicial reform is part of broader efforts to make legal systems in developing countries and transition economies more market-friendly (The International Bank for Reconstruction and Development / The World Bank, 1999).

III. EVOLUTION OF LOCAL DISPUTE RESOLUTION MECHANISM

The village administration, encompassing justice management, is as ancient as the village itself. The panchayat system has traditionally been seen as a democratic institution. Max Müller called it “true India of the Indians,” highlighting the autonomous villages where the earlier panchayat system existed.

Ancient Period

India, home to one of the world's oldest civilisations, has a rich tradition of justice administration. Bhishmacharya recalls that in ancient times, an ideal stateless society thrived, where everyone adhered to Dharma and supported each other. However, as influential individuals driven by desire began infringing on the rights, freedoms, and property of weaker people, the role of the king emerged—authorised to collect taxes, protect citizens, and punish wrongdoers. As individual conduct declined, Narada describes the development of a legal system designed to safeguard rights and penalise offenders, with the king responsible for resolving disputes and empowered to enforce laws. The ideal state existed when people protected each other according to Dharma. Initially, a court hierarchy existed, ranging from local villages to the highest authority. Katyayana Smriti outlines the courts as follows: Kula (gatherings of impartial persons from the families or castes of the litigants), Shreni (groups of people of the same craft, profession, or trade), Gana (assemblies of people from the same place but from different castes), Adhikrita (courts appointed by the king), and Nripa (the king himself). These courts were responsible for deciding cases, with each level being superior to the one below it. A Shreni could review the decision of a Kula, and a Gana could review the

decision of a Shreni. Judges could review the decisions of a Gana, and the king was the highest court of appeal, with his decision final (Panadan, 2007).

Pre independence

The Village Courts Act of 1888 officially introduced the Nyaya Panchayat in Madras, allowing groups of two or more villages to establish their own village courts (Tamil Nadu Village Courts Act, 1888, n.d.). Over time, many other states adopted similar systems with some adjustments to suit their laws. In 1907, the Royal Decentralisation Commission highlighted the benefits of Nyaya Panchayats over traditional courts, citing their reduced susceptibility to false evidence and the influence of local public opinion. These tribunals can also verify facts more easily. Consequently, they should be empowered to handle minor civil and criminal cases both administratively and judicially, reducing the burden on regular courts with petty disputes (Royal Commission upon Decentralisation in India, 1909). However, the Government of India's resolution in May 1915 delegated the regulation of panchayats to the provinces (Ministry of Law, 1962). The Civil Justice Committee (also known as the Rankin Committee) in 1924-25 expressed concerns that communal differences and factionalism might hinder further expansion of these tribunals' jurisdiction.

Progress in the post-independence period

After independence, the 14th report of the 2nd Law Commission highlighted the significance of the Nyaya Panchayat, particularly because many people in rural areas were illiterate, and for them it was tough to approach the formal system of the judiciary for any litigation. It called for the reinforcement of this traditional dispute resolution system. The report also praised Nyaya Panchayat's ability to handle cases more affordably and quickly than regular courts (Law Commission on India: Fourteenth Report, 1958). Additionally, lessons from the Samjhauta Samiti in Himachal Pradesh, which uses conciliation to resolve disputes, influenced the Study Team on the Nyaya Panchayat in 1962, recommending the incorporation of this approach into Nyaya Panchayat processes. This study team also called for the adoption of a uniform pattern of Nyaya Panchayat in all the states. Apart from this, the study team also made some pivotal recommendations. Some are listed as follows (Ministry of Law, 1962). The principle of separation of judicial and executive functions should be maintained. To mitigate the detrimental effects of factions and unhealthy rivalries, Nyaya Panchayats may be established. A group of villages may be formed based on factors such as area, population, contiguity, compactness, and means of communication. Representation of women is desirable in trials of cases, and provisions must be made for at least two women in the committee if, in the process of election,

they do not find a place therein. No legal practitioner should be allowed to appear before Nyaya Panchayats.

Regarding the development of local dispute redressal systems in states, the 1971 Legal Aid Committee Report, established by the Gujarat Government under Chief Justice P.N. Bhagwati, proposed a new Nyaya Panchayat model. This model included a Panchayati Raj Judge supported by two members chosen from a panel created by the District Collector, primarily aimed at resolving disputes on-site. Later, Gujarat's government established a High-Level Committee on Panchayati Raj, which reported in 1972. Nyaya Panchayats are discussed in Chapter XIII of that report. The suggested procedure was to be simple, avoiding technicalities or complexities. The Panchayati Raj Committee generally agreed with the Legal Aid Committee's recommendations, except that it opposed the nomination of two Panchayati court members by the Collector and supported elections (Desai, 1986)

Moreover, the 1978 report by the Ashok Mehta Committee recommended setting up Nyaya Panchayats as a decentralised justice mechanism. It stressed that elected panchayat members with executive powers should not be transferred together. The report also suggested a three-member Nyaya Panchayat, where a qualified judge (who could also be retired) would lead the bench alongside two elected Panches. However, the Panches would serve outside their elected areas (Mehta, 1978). In 1986, the 11th Law Commission's 114th report recommended implementing a uniform local dispute redressal system called Gram Nyayalaya. This system includes a legally trained judge as part of the Nyaya Panchayat, based on the principle of an egalitarian society governed by the rule of law, recognising that a purely elected panchayat may lack the expertise to judge cases on their merits. The commission also proposed forming a panel of respected village residents who have completed a graduation degree or at least a higher secondary school examination. This approach does not exclude marginalised groups, as it allows the District Magistrate or District Judge to decide on their inclusion (Desai, 1986).

To ensure citizens have access to justice at their doorstep, the Central Government enacted the Gram Nyayalayas Act, 2008. This law mandates the establishment of Gram Nyayalayas for each Panchayat at the intermediate level, or for groups of contiguous Panchayats within a district. In states without intermediate Panchayats, the Act applies to groups of neighbouring Panchayats. The Central Government does not participate in the actual setup of the Gram Nyayalayas. However, it implements a Centrally Sponsored Scheme to fund the initial cost in terms of non-recurring expenses for setting up Gram Nyayalayas by the States, with the assistance limited to Rs. 18.00 lakhs per Gram Nyayalaya as a one-time measure. The scheme also bears 50% of the recurring expenses of these courts, subject to a ceiling of Rs. 3.20 lakhs

per court per annum during the first three years of their operationalisation. The State Governments are responsible for establishing Gram Nyayalayas in consultation with the respective High Courts (Lok Sabha Starred Question No. 424, 2022).

However, the Act does not make the setting up of Gram Nyayalayas mandatory. Nyaya Panchayats are solely the responsibility of the State Governments, and the Department is not running any scheme on Nyaya Panchayats (Lok Sabha Starred Question No. 424, 2022). Moreover, for redressal of the disputes, the State Government shall, in consultation with the High Court, appoint a Nyayadhikari for every Gram Nyayalaya. Qualified to be appointed as a Nyayadhikari unless he is eligible to be appointed as a Judicial Magistrate of the first class. It lies within the Jurisdiction of the Gram Nyayalaya, which includes the Code of Criminal Procedure, 1973 (2 of 1974), or the Code of Civil Procedure, 1908 (5 of 1908), or any other law for the time being in force. The Gram Nyayalaya shall exercise both civil and criminal jurisdiction in the manner and to the extent provided under this Act. Further, the Appointment of Conciliators, 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 Gram Nyayalayas Act, 2008).

IV. RELEVANCE OF NYAYA PANCHAYAT IN THE PRESENT SCENARIO

India's commitment to the Sustainable Development Goals by 2030 includes ambitious targets for gender equality, reduced inequalities, peace, justice, and strong institutions. While some progress is likely in certain areas, notably improved access to justice that is driven by digitisation and increased legal awareness, full achievement across all goals will remain a challenge. However, if we examine the status of courts in redressing cases, it has been very pathetic in terms of pending cases. Our judicial system faces two major issues: excessive delays in case disposal and a growing backlog. As of July 20, 2024, district and subordinate courts have over 45 million pending cases, including about 11 million civil cases and roughly 34 million criminal cases (Chadah, 2025).

Table 1: Court-wise number of Civil and Criminal Cases resolved/disposed by Time Taken (as on 22.07.2025)

Time limit	Supreme Court		High Courts		District Courts	
	Civil	Criminal	Civil	Criminal	Civil	Criminal

Within 1 Year	13675 (67.68%)	8545 (79.50%)	455893 (64.42%)	423543 (85.26%)	821981 (38.75%)	7390610 (70.57%)
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Source: (Lok Sabha Unstarred Question No. 1072, 2025)

According to Table 1, as of July 22, 2025, there is significant variation in case disposal efficiency across court levels. The Supreme Court demonstrates relatively high efficiency, resolving over two-thirds of both civil (67.68%) and criminal (79.50%) cases within one year. High Courts show comparable or higher performance, especially in criminal matters (85.26%). However, District Courts, despite handling the majority of cases, exhibit slower civil case disposal; they are taking more than one year for 61 per cent of civil cases, indicating systemic delays at the grassroots level. Now, let us examine the penetration of the Gram Nyayalaya system in India, which could become very handy in reducing the loads of formal courts.

Table 2: State-wise details of the Gram Nyayalayas Notified, Operationalised by the State Governments

State/UTs	Gram Nyayalayas Notified	Gram Nyayalayas Functional
Madhya Pradesh	89	89
Rajasthan	45	45
Kerala	30	30
Maharashtra	36	23
Odisha	23	19
Uttar Pradesh	113	45
Karnataka	2	2
Haryana	2	2
Punjab	9	2
Jharkhand	6	1
Goa	2	0

Andhra Pradesh	42	0
Telangana	55	0
Jammu & Kashmir	20	0
Ladakh	2	0
Total	476	258

Source: (Lok Sabha Starred Question No. 424, 2022)

11th Law Commission hoped that the functioning of the local dispute redressal system would help reduce the large number of cases that are filed in the District courts directly. Which we can be a very prospective for as we see the data provided by various High Courts on the Gram Nyayalaya portal set up by the Department of Justice (see Table 2), 43,914 cases have been disposed of during the period December, 2020 to February, 2022 (15 months) in these 258 Gram Nyayalayas, which on an average works out to around 136 cases per court per year. As per information made available by State Governments / High Courts, 476 Gram Nyayalayas have been notified so far by 15 States, including Odisha. Out of these, 258 are operational in 10 States, at present (Lok Sabha Starred Question No. 424, 2022).

The local dispute redressal mechanism and the role of ordinary people should be highlighted, particularly in light of current issues such as time-consuming and expensive procedures, as well as the costly apparatus required for justice administration. In this regard, new structures, procedures, and organisational mechanisms for local justice administration need to be developed. India's significant effort to improve access to justice for millions of villagers via the promotion of this type of system is both a theoretical challenge and of practical significance.

V. SUGGESTIONS FOR EFFECTIVE LOCAL JUSTICE ADMINISTRATION

The rule of law is vital for good governance and economic development. Numerous studies highlight the benefits of strong, effective judiciaries, and the level of judicial independence correlates with economic growth. In developing countries like ours, many communities face barriers to access justice and cannot utilize the formal justice system. To enhance local participation in delivering justice, strengthening local dispute redressal mechanisms is essential. India's local justice system is highly diverse and complex, with reforms rooted in the Grama Nyayalaya Act, 2008, which should be initiated by the states. For successful implementation,

the central government should increase funding for one-time costs and extend the support period from three to at least five years for recurring expenses. Lessons from Himachal Pradesh's Samjhauta Samiti, which uses conciliation to resolve disputes, can guide local justice efforts. Additionally, Bihar's Gram Kachahari system, where Nyaya Mitras—qualified lawyers assisting in legal matters—operate under the Bihar Panchayati Raj Act, 2006, offers useful insights. To improve transparency and accessibility, these institutions should adopt digital case management, allowing applicants to register and check the status of their cases. Focusing on strengthening such institutions is vital to transforming India into a developed economy by 2047.

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