
INEFFECTIVENESS OF GRAM NYAYALAYAS IN UTTAR PRADESH IN ADDRESSING CHILD EXPLOITATION, WITH PARTICULAR EMPHASIS ON CHILD LABOUR AND CHILD TRAFFICKING

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ABSTRACT

The Gram Nyayalayas Act, 2008 was enacted to promote the decentralization of the justice system and to offer low-cost, accessible and speedy justice to the rural population. Gram Nyayalayas were envisioned as institutions of grassroots justice, which would help to address the issues and concerns of the rural communities. But concerns persist about their effectiveness in solving problems that impact vulnerable groups, including children. In spite of the presence of an elaborate constitutional and statutory mechanism for child protection, this Article explores the effectiveness of Gram Nyayalayas in tackling child labour and child trafficking. This article adopts a doctrinal and policy approach to study the constitutional provisions, statutory framework and judicial developments related to child protection and Gram Nyayalayas. Special focus is given to the following acts: Gram Nyayalayas Act, 2008, Child and Adolescent Labour (Prohibition and Regulation) Act, 1986, Bonded Labour System (Abolition) Act, 1976 and relevant provisions in the Bharatiya Nyaya Sanhita, 2023. The Article also utilises government statistics, such as the National Crime Records Bureau (NCRB) Crime in India Report-2023, the pendency statistics for Gram Nyayalayas and socio-economic indicators from the NFHS-5 and Census data for the State of Uttar Pradesh. It is argued that structural and functional issues are responsible for the inadequate results of the Gram Nyayalaya's efforts to stop child labour and trafficking. At the structural level Restrictive jurisdiction of the Act puts significant constraints on the scope of the institution's significance, as a large number of offences and conflicts closely linked with child exploitation are excluded from its jurisdiction. At the operational level, the significant pendency in cases, weak institutional capacity and disparities in implementation of the justice system erode the prospect for the timely and accessible justice. The Article also shows the weak mechanisms of detection of child exploitation and socio-economic vulnerability (educational deprivation, poor child welfare and economic insecurity) in certain districts of Uttar Pradesh. The article concludes that the challenges do not lie in absence of legal safeguards in place, but that the existing grassroots justice

mechanisms are ineffective in ensuring that these safeguards are enforced. It therefore advocates specific jurisdictional reform, scaling up institutional capacity and stronger institutional linkages for child protection concerns in the context of Gram Nyayalayas, to better achieve the goals of the Act, and make access to justice more effective for vulnerable children.

I. Introduction

In spite of having an extensive legal framework for child welfare and protection, child exploitation remains a huge problem in Uttar Pradesh. With the highest number of children in India, Uttar Pradesh has high pressure on its administrative and welfare systems, making it challenging to protect children from exploitation.¹

Child exploitation can take different forms such as sexual abuse, neglect, child marriage, bonded labour, child labour, trafficking. Of these, child labour and child trafficking warrants attention in Uttar Pradesh. Trafficking is strongly linked to both phenomena and often used as a mechanism for recruitment and/or transport of children into exploitative labour.² Furthermore, children from the disadvantaged and underprivileged communities are particularly vulnerable to exploitation as result of their socio-economic marginalization and poverty.

In this context, the current Article examines the effectiveness of Gram Nyayalayas in tackling the issue of child labour and trafficking in Uttar Pradesh. Both institutions are meant to be instruments of grassroots governance and justice, but are largely ineffective as a result of their jurisdiction limitations, operational deficiencies and weak mechanisms for detection and reporting.

II. Legal Framework

India possesses a comprehensive Constitutional framework and a set of Laws in place to protect children from their exploitation and to promote their all-round development. The Constitution of India has not only ensured the fundamental rights of children but has also imposed a positive duty on the State to create conducive conditions for physical, intellectual and moral

¹ Office of the Registrar General & Census Commissioner, *Census of India 2011*, <https://censusindia.gov.in> (last visited June 25, 2026).

² International Labour Organization & UNICEF, *Child Labour: Global Estimates 2020, Trends and the Road Forward* (2021).

development of children.³

Article 21(1) of the Constitution guarantees the right to life and personal liberty, which has been judicially interpreted to include the right to live in a state of dignity and the right to be protected from an exploitative state of living⁴. Article 23 forbids trafficking in human beings, begar and other forms of forced labour.⁵ Article 24 explicitly prohibits child labour in factories, mines and other dangerous occupations under the age of 14.⁶ Furthermore, the child is guaranteed by Articles 39(e) and 39(f) of the Directive Principles of State Policy against being forced to work by economic necessity, and to enjoy opportunities for development in freedom and dignity. Moreover, Article 39A provides for equal access to justice and free legal aid, which highlights the constitutional objective of access to justice.⁷

There are several laws that complement these constitutional protections. The Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 prohibits the employment of children and regulates the conditions of the work of adolescents.⁸ Bonded Labour System (Abolition) Act, 1976 aims at the abolition of bonded labour and for rehabilitation of persons affected by bonded labour.⁹ The Juvenile Justice (Care and Protection of Children) Act, 2015 lays down a detailed mechanism for the care, protection and rehabilitation of child in need.¹⁰ Provisions under the Bharatiya Nyaya Sanhita, 2023 criminalise trafficking and allied forms of exploitation.¹¹ The Gram Nyayalayas Act, 2008 was passed with the goal of providing cheap and quick justice to the rural people.¹² The Uttar Pradesh Panchayat Raj Act, 1947 has envisioned the institutions of local self-government to perform welfare and development functions.¹³ These constitutional and statutory measures clearly indicate that the problem before Uttar Pradesh is not lack of legislation but lack of legislation's implementation and institutional effectiveness. this is the humanised version what changes need to be made

³ INDIA CONST. arts. 21, 23, 24, 39(e), 39(f), 39A.

⁴ Bandhua Mukti Morcha v. Union of India, AIR 1984 SC 802.

⁵ INDIA CONST. art. 23.

⁶ INDIA CONST. art. 24.

⁷ INDIA CONST. art. 39A.

⁸ Child and Adolescent Labour (Prohibition and Regulation) Act, 1986, No. 61, Acts of Parliament, 1986 (India).

⁹ Bonded Labour System (Abolition) Act, 1976, No. 19, Acts of Parliament, 1976 (India).

¹⁰ Juvenile Justice (Care and Protection of Children) Act, 2015, No. 2, Acts of Parliament, 2016 (India).

¹¹ Bharatiya Nyaya Sanhita, 2023, §§ 143-146, No. 45, Acts of Parliament, 2023 (India).

¹² Gram Nyayalayas Act, 2008, No. 4, Acts of Parliament, 2009 (India).

¹³ Uttar Pradesh Panchayat Raj Act, 1947, No. 26, Acts of Uttar Pradesh State Legislature, 1947 (India).

III. Jurisdictional Limitations of Gram Nyayalayas

The Gram Nyayalayas Act, 2008 was an important step towards fulfilling the constitutional mandate in Article 39A to ensure equal access to justice and free legal aid to the poor. The concept of village level courts had been long been suggested by the Law Commission of India in its 114th Report on Gram Nyayalaya (1986), which had highlighted the importance of providing inexpensive, speedy and accessible justice at the grassroots level.¹⁴ Likewise, the Statement of Objects and Reasons of the Act had envisioned Gram Nyayalayas as an institution which would help in minimizing the procedural complexities and make the administration of justice more accessible to the masses in the rural areas.¹⁵ Despite these worthy goals, however, the legal structure that regulates the functioning of Gram Nyayalayas has severely limited their capacity to respond to severe expressions of child exploitation.

Sections 5 and 6 of the Gram Nyayalayas Act, 2008 provide for the appointment and qualifications of the Nyayadhikari. Only a person who is qualified to be appointed as a Judicial Magistrate of the First Class can be appointed as a Nyayadhikari. Accordingly, the office of Nyayadhikari is occupied by a judicial officer who has equivalent qualifications to Judicial Magistrate First Class.¹⁶ It is not, therefore, a lack of judicial competence that can be blamed for the limitations of Gram Nyayalayas, but limitations in the act itself in terms of its jurisdictional framework.

Sections 11 to 13 of the Act, together with the First Schedule, lay down the criminal jurisdiction of Gram Nyayalayas. Offences subject to the jurisdiction thereunder are limited to those expressly mentioned in the Schedule, and most of the offences are punishable by imprisonment of not more than two years.¹⁷ Although this could suffice for minor criminal proceedings, it severely restricts Gram Nyayalayas' ability to address serious cases of child exploitation. In several offences which are closely related to child labour and trafficking, the punishment prescribed exceeds the prescribed limit and therefore is beyond the jurisdiction of Gram Nyayalayas.

The exclusion of these offences is of special importance in the context of Uttar Pradesh, where child labour and trafficking are some of the most common forms of child exploitation.

¹⁴ Law Commission of India, *Gram Nyayalaya*, Rep. No. 114 (1986).

¹⁵ Statement of Objects and Reasons, Gram Nyayalayas Bill, 2007.

¹⁶ Gram Nyayalayas Act, 2008, §§ 5-6, No. 4, Acts of Parliament, 2009 (India).

¹⁷ Gram Nyayalayas Act, 2008, §§ 11-13 & First Schedule, No. 4, Acts of Parliament, 2009 (India).

However, the more serious offences resulting from such exploitation are outside the jurisdiction of Gram Nyayalayas and are brought before ordinary criminal courts, limiting the realization of the principles decentralization and accessibility which was the intent behind enacting the Gram Nyayalayas Act, 2008.

Notably, the limited powers granted to Gram Nyayalayas seem to be at variance with the more comprehensive idea that the Law Commission of India had in mind. In its 114th Report on Gram Nyayalaya (1986), the Commission had recommended that a number of socially significant disputes be placed under its jurisdiction such as disputes arising under the Bonded Labour System (Abolition) Act, 1976. The Commission noted that such conflicts could be conveniently brought under the jurisdiction of Gram Nyayalayas to ensure easy access to justice at the grassroots level. The jurisdiction, however, which was to come under the Gram Nyayalayas Act, 2008, was still much narrower. As a result, issues that have close linkages with child labour and trafficking have largely remained beyond the ambit of effective action of Gram Nyayalayas, thereby compromising their role as institutions of grassroots justice.

It is not that the qualifications of the Nyayadhikaris are not sufficient to deal with the issue of child labour and child trafficking, but there is a lack of capacity because of the limitation in the design of the Act itself. The limited powers over crime assigned to them have left Gram Nyayalayas essentially powerless to deal with serious crimes that are prevalent in modern-day child exploitation.

IV. Operational Deficiencies of Gram Nyayalayas

In addition to the limitations of jurisdiction as provided by the statutory provisions, there have been a number of operational weaknesses in the functioning of Gram Nyayalayas. The Government of Uttar Pradesh has declared 113 Gram Nyayalayas, of which 111 are declared as operational, however that doesn't necessarily reflect effective functioning.¹⁸ Their capacity to provide accessible justice to people in rural areas has been hindered by poor infrastructure, lack of supporting staff, irregular sitting and lack of public awareness.

The large pendency of cases in the courts at the national level further weakens the objective of the Gram Nyayalayas Act, 2008. As per the Department of Justice Gram Nyayalaya Dashboard,

¹⁸ Department of Justice, Government of India, *Gram Nyayalaya Dashboard*, <https://dashboard.doj.gov.in/gn/> (last visited June 25, 2026).

the pendency of civil cases and criminal cases before Gram Nyayalayas currently stands at 35,032 and 106,184, respectively, making a total of 141,216 pending cases in Gram Nyayalayas in Uttar Pradesh.¹⁹ These statistics raise questions about the institutions' ability to deliver the affordable and speedy justice that led to their establishment. The objectives of speed and accessibility envisioned by the legislature have thus not been realized to any great degree.

These issues have also been brought before the courts. In the case of *National Federation of Societies for Fast Justice & Anr. v. Union of India & Ors.*, W.P. (C) No. 1067 of 2019, the Supreme Court reiterated that Gram Nyayalayas were meant to provide speedy, affordable and accessible justice to the citizens of the rural areas and requested information from States/High Courts about the number of Gram Nyayalayas functioning, infrastructure, staffing and pendency of cases in the Gram Nyayalayas. The proceedings highlight the ongoing shortcomings in the implementation of the Gram Nyayalayas Act, 2008.²⁰

This is especially relevant in relation to child labour and trafficking in the context of operational limitations of the Gram Nyayalayas. Early responses are essential to issues concerning children in need, and delays in the decision making process could extend the time that children are placed in an exploitative situation and fail to achieve the aims of child protection laws. Even when the issues involved in the dispute are within their jurisdiction, their practical constraints make them a weak instrument of grassroots justice.

Thus, the failure of Gram Nyayalayas to deal with child exploitation cannot be blamed entirely on the limited jurisdiction given in the Gram Nyayalayas Act, 2008. Equally important are the shortcomings in their operation which have made it difficult for these institutions to operate as the legislature had intended and the Law Commission of India had envisioned.

V. Weak Detection Mechanisms and Socio-Economic Vulnerability

The prevalence of child labour and trafficking is particularly challenging to tackle as these are often not detected and reported. Official crime statistics give one indication of the problem, but they often underestimate the true problem. The National Crime Records Bureau (NCRB) Crime in India Report 2023 indicates that only 5 cases under the Child and Adolescent Labour

¹⁹ Id.

²⁰ *National Federation of Societies for Fast Justice & Anr. v. Union of India & Ors.*, W.P. (C) No. 1067 of 2019.

(Prohibition and Regulation) Act, 1986 were reported in Uttar Pradesh with 08 child victims.²¹ These figures appear inconsistent with evidence of the presence of child labour in areas like carpet weaving, brick kilns, construction and domestic work. This means that the low number of detections/registrations should not be used as a measure of lack of exploitation, but rather as an indicator of gaps in detection, reporting and enforcement systems.

Socio-economic conditions in several districts of Uttar Pradesh makes it more complicated to detect the problem. Health and educational indicators at the district level show that developmental shortcomings remain despite the efforts of various actors, making children increasingly vulnerable to exploitation. Based on the data of NFHS-5, for example, there are districts like Bahraich, Shrawasti and Gonda where the full immunization coverage is low, reflecting deficiencies of health services, healthcare access and public health outreach.²² These concerns are compounded by educational deprivation. The Census 2011 data shows that the literacy rate of Shrawasti is about 49 per cent, which is very low as compared to the national average literacy rate of 74 per cent.²³ Likewise, Bahraich has a high reliance on agricultural and marginal labour. These indicators are indicative of the broader socio-economic vulnerabilities, which constrain access to education, healthcare and social protection mechanisms.

These conditions can increase the risks of child labour and trafficking, and reduce the likelihood of detecting it. Children may be forced to use their labour as a source of livelihood due to economic insecurity, and low literacy and awareness of child protection institutions may limit the ability of children and their families to report exploitation to authorities. Therefore, the number of officially reported cases of child exploitation is likely significantly lower. In the absence of adequate law enforcement, the prevalence of child labour and trafficking in UP is not just a matter of criminal law enforcement, but also a structural socio-economic problem which not only allows child labour to be exploited, but also makes its detection and prevention difficult.

VI. Suggestions and Reforms

The weak performance of Gram Nyayalayas in combating child labour and trafficking is due

²¹ National Crime Records Bureau, *Crime in India 2023* (Ministry of Home Affairs 2024).

²² Ministry of Health and Family Welfare, *National Family Health Survey-5 (2019-21): Uttar Pradesh District Fact Sheets*.

²³ Office of the Registrar General & Census Commissioner, *Census of India 2011*.

to the inadequate functioning of the Gram Nyayalaya, as well as to the structural disconnect between grassroots governance and child protection systems. Therefore, reforms need to be based on improving the preventive and reporting functions of local institutions and strengthening the ability of Gram Nyayalayas to respond to early instances of child exploitation.

One major shortcoming of the existing system is that many offences closely linked with child labour and trafficking are not under the jurisdiction of Gram Nyayalayas as they are not listed in the First Schedule of the Act and do not meet the punishment criteria of the Act.²⁴ Where serious trafficking related offences, involving severe punishments, are concerned, it is appropriate that they shall be handled under the ordinary criminal court but in case of some child protection offences, bonded labour disputes and rehabilitation related matters, consideration could be given to expanding the jurisdiction of Gram Nyayalayas. This would be in line with the wider vision set out in the Law Commission's 114th Report and would facilitate earlier institutional intervention. There appears little justification for excluding a more wide-ranging scope of child protection cases beyond the jurisdiction of Nyayadhikaris, since their qualifications are as those of Judicial Magistrates First Class. Parliament should also consider introducing a specific category in the First Schedule of the Gram Nyayalayas Act, to allow Gram Nyayalayas to become a first point of contact for child exploitation cases and not to be burdened with serious crime cases.

Secondly, a proper linkage programme should be created between the Gram Panchayats and Gram Nyayalayas. The interaction between these institutions remains limited and informal. Gram Panchayats are often the first public institutions to be able to identify vulnerable children, school dropouts and cases of suspected child labour. A reporting system to the Gram Nyayalaya on such cases periodically would make it a more responsive institution of grassroots justice rather than merely an adjudicatory unit.

Above all, the prevention function of Gram Panchayats needs to be given increased importance. Vulnerability registers which include children who are susceptible to exploitation, trafficking or school dropouts in the village level should not be limited to the work of the Panchayats, but they should be encouraged. This would help in preventing the exploitation and would also help in early detection. The goals of the Gram Nyayalayas Act, 2008 and the Constitutional

²⁴ Gram Nyayalayas Act, 2008, First Schedule, No. 4, Acts of Parliament, 2009 (India).

guarantees of accessible justice (Article 39A) could thus be better achieved.

VII. Conclusion

Gram Nyayalayas under the Gram Nyayalayas Act 2008 were established with the aim to bring justice at the grassroot level, which is accessible and affordable. But in the context of child labour and trafficking in the state of Uttar Pradesh, their working has been very much hindered due to jurisdictional limitations and working inefficiency. The pendency of cases is high, and they have also not been able to be effective child protection institutions due to the fact that many offences related to child exploitation have been excluded from their jurisdiction. The socio-economic vulnerabilities of some of the districts of the State further exacerbate the vulnerability of children to exploitation and puts a barrier to the detection of exploitation. For this reason it is essential to improve the ability of the Gram Nyayalayas to operate effectively and to reconsider their existing jurisdictional framework.