LOK SATTA

People Power

The Andhra Pradesh Grama/Nagara Nyayalaya Bill, 2003
A draft legislation by LOK SATTA

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Historical Perspective

- Ancient India – dispensation of justice was decentralized
- Colonial rule stifled people’s participation
- The Indian Police Commission, 1902 – “it is expedient to relegate the trial of petty offences to the village headmen and the Panchayats”
- Ashok Mehta Committee 1978 suggested Nyaya Panchayats presided by qualified judge
114th Law Commission Report

- Panchayat courts are capable of dealing with petty civil litigation and criminal cases
- Panchayat courts can dispose of cases more cheaply and expeditiously
- Grama Nyayalayanas suggested to distinguish from elected or traditional Nyaya Panchayats and from voluntary or optional Lok Adalats
- Grama Nyayalaya proposed with one professional judge and two lay judges
Andhra Pradesh

- Andhra Pradesh Mandala Praja Nyaya Parishad Bill passed by Legislative Assembly in 1989. Later withdrawn

- Andhra Pradesh Mandala Grameena Nyaya Panchayats Bill passed by Legislative Assembly in 1995. In 1996 December the Bill was withdrawn
Need for Grama / Nagara Nyayalaya

- Justice accessible to the people
  - Geographical
  - Psychological
  - Financial
Need for Grama / Nagara Nyayalaya

- Excessive formalism and alien language
  - Poor getting alienated
  - Losing faith in the judicial process
  - Perjury has become endemic
  - Costs of litigation prohibitive
  - People resorting to rough and ready justice through muscle power
  - Rule of law vitiated
Need for Grama / Nagara Nyayalaya

- Huge pendency of cases
  - Supreme Court - 23, 012
  - AP High Court – 1.46 lakhs
  - District and Subordinate Courts – 8.44 lakhs (AP)
  - Large number of under-trials for petty offences
  - No. of junior and civil judges in AP only 555 (433 + 122)
    - OECD Norm: 110 judges per million - in India less than 10 per million population
    - Supreme Court directive: 50 judges per million by 2007
Difficulties with Nyaya Panchayat Concept

- Appointment by government/district magistrate makes it partisan
- Politicization inevitable
- Factions and caste vitiating society
- Three or five member court court cumbersome
- Legal representation denied
Salient Features of the Bill

- Nyayalayas – population
  - Rural – 25,000
  - Urban – 50,000
  - New honorary magistrate proposed
    - about 2000 rural + 400 urban
Salient Features of the Bill

- Exclusive jurisdiction
  - Civil – one lakh rupees
  - Criminal – Imprisonment not exceeding one year and/or fine not exceeding Rs 10,000
Salient Features of the Bill

- Nyayalaya is an integral part of independent judiciary
  - Appointment by district judge
  - Accountable to district judge
  - Provision for appeal
  - No involvement of jury or Panchayat
  - Legal representation allowed
  - No political interference
Salient Features of the Bill

- Simple procedure
  - Summary procedure
  - Nyayadhikari may visit site to record evidence
  - Order to be delivered within 90 days
  - Proceedings shall be in Telugu language
  - Appeals lie with District Judge
Salient Features of the Bill

- Low cost solution
  - Only honorary appointment for a term of three years
  - Honorarium + secretarial and travel allowance
  - No new staff
  - Utilizing existing infrastructure
    - Government, Municipal, and Panchayat offices