



LOK SATTA

People Power

The Andhra Pradesh Sthanika Nyayalaya Bill, 2003

A draft legislation by LOK SATTA

14th Nov, 2003, AP High Court Bar Association, Hyderabad

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
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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 Nyayalayas 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
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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 Later withdrawn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 In 1996 December the Bill was withdrawn
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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
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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
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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 cumbersome
 - Legal representation denied
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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
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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
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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