



Standing Committee Report Summary

The Gram Nyayalayas Bill, 2007

- The Standing Committee on Personnel, Public Grievances, Law and Justice submitted its 22nd Report on ‘The Gram Nyayalayas Bill, 2007’ on September 6, 2007. The Chairperson was Dr E.M. Sudarsana Natchiappan.
- The Committee states that there are certain incongruencies in the Bill that would defeat the objective of rendering inexpensive, non-formal, and easily available justice. Also, some members of the Committee feel that instead of having a parallel system of judiciary, the funds available should be used to strengthen the existing infrastructure. Therefore, it has reservations about setting up gram nyayalayas as per the Bill. If the government is keen to proceed with the Bill, it should consider the recommendations of the Committee.
- The Bill seeks to establish gram nyayalayas as the lowest tier of the judiciary for rural areas. The Committee feels that these be created for the urban populace too so that every person has access to participatory justice.
- Since the aim of the Bill is to reduce the number of pending cases, the Committee recommends that plea bargaining should be included in it. Also, gram nyayalayas should not be exempted from the Code of Civil Procedure, 1908 or the Indian Evidence Act, 1872.
- The Bill states that a gram nyayalaya shall be the lowest court of subordinate judiciary in the state. According to the Code of Criminal Procedure, 1973 the Court of a Magistrate of the Second Class is the lowest court. Both courts have jurisdiction over cases where punishment does not exceed imprisonment for a year. The Committee feels that there is overlapping of jurisdiction over cases where punishment does not exceed imprisonment for a year.
- While gram nyayalayas cannot try cases where penalty is imprisonment for more than a year, the Bill states that all specified offences may be tried by the gram nyayalayas. But many offences entail maximum punishment of more than a year. Since First Class Magistrate Court can sentence the guilty to upto three years’ imprisonment, the Committee recommends that if gram nyayalayas are First Class Magistrate Courts, this anomaly will be rectified. Also, the Bill provides that a Nyayadhikari shall be eligible to be appointed as a Judicial Magistrate of the First Class. The Committee feels that a person eligible to be a Magistrate would have no incentive to opt for the post of a Nyayadhikari in the gram nyayalayas.
- The Bill provides for a case to be transferred to a superior court if the gram nyayalaya feels that it needs to be so or the guilty should receive higher punishment than a gram nyayalaya is allowed to give. The Committee feels that such a provision will create confusion about jurisdiction of gram nyayalayas and neither lead to inexpensive justice nor clear the backlog of cases.
- The Committee suggests that disputes against the government and revenue disputes, excluded from the jurisdiction of gram nyayalayas in the Bill, should be included. Such disputes may constitute the bulk of cases at the grass root level.
- The Bill states that a nyayadhikari shall not be more than 45 years and shall have the same qualifications as a First Class Magistrate. He would however remain in the same post till retirement. The Committee feels that these conditions would be a disincentive for attracting talent. So a nyayadhikari should be entitled to the salaries and service conditions of a First Class Magistrate.
- In order to ensure participatory justice and expeditious disposal of disputes, the Committee recommends that gram nyayalayas should be mobile courts. Also, reservation for SC/ST and women should be made compulsory.
- The Bill states that the central government shall bear the non-recurring cost of gram nyayalayas for three years. As states may not have sufficient funds, the Committee recommends that the central government should bear both the recurring and non-recurring cost for five years. A study should also be conducted to gauge the success rate of gram nyayalayas after which expenses should be shared by central and state governments.
- The Committee also recommends that the expenditure incurred on gram nyayalayas should be made part of the Plan expenditure.

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