

India's villages await justice

THOUGH THE LAW is in place, there is little movement on creating 5,000 village courts, paucity of funds being the main hurdle

justicedenied



Nagendar Sharma
in New Delhi

■ nagendar.sharma@hindustantimes.com

The first village court in India under legislation was supposed to come up on Friday, the birth anniversary of Mahatma Gandhi, who said India lives in its villages.

But nothing is happening on the ground.

Parliament enacted a law — the Gramin Nyayalayas Act — nine months ago for creating 5,000 *gramin nyayalayas* (village courts) to make justice accessible for people living in rural areas. But the problem of tying up funds threatens to keep the project just on paper.

For more than a decade, the number of cases pending in various courts of India, including the Supreme Court, has stood at 30 million. Of these, about 25 million (83 per cent) are in lower courts, which come below high courts. If one takes the average, it takes about 15 years for a case to get resolved.

Prime Minister Manmohan Singh highlighted the issue recently and asked for ways to ensure speedy justice, in line with the Mahatma's wish to "wipe every tear from every eye".

Law Minister M. Veerappa Moily has described the move to set up village courts as a "revolution in making speedy and affordable justice (available) to the majority of Indians. The law provides for deciding cases in these courts with-

in six months, (and) this will bring down the pending cases by 50 per cent".

In the first phase, 200 such courts are to be set up and all the 5,000 are expected to be functional over the next three years.

However, the devil is always in the detail. The uncomfortable question whether adequate funds will be available for implementing the mammoth project is unanswered.

Though they have agreed in principle with the concept, states are reluctant to set up of such courts, unless the Centre funds them.

The law ministry tried hard, but in vain, to persuade the Rajasthan government to agree to inaugurate at least one village court on October 2 to launch the flagship programme.

"We were ready but wanted a concrete assurance that the Centre would provide us adequate funds to keep the court going. Unfortunately the assurance did not come and we had to postpone it," said a senior Rajasthan government official on condition of anonymity.

Ministry officials say that states are not enthusiastic about the project, "though for the record, almost all states have appreciated the move to set up village courts".

This year's budget on July 6 sets aside a meagre sum of Rs 90 lakh (Rs 9 million) for setting up village courts during the current financial year.

According to ministry officials, the cost of setting up a village court has been estimated at about Rs 18 lakh (Rs 1.8 million). And this is apart from the expenditure required each year for keeping the courts running.

The law ministry has agreed to bear

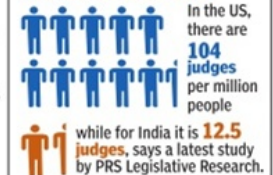
THE LAW'S DELAY



MAKING A CASE FOR IT



JUDGE : PEOPLE RATIO



■ Law Minister **Veerappa Moily** says it takes **15 years** on average to decide a case in India.

■ **10 judges**

WILL GRAMIN NYAYALAYAS (VILLAGE COURTS) PROVIDE THE ANSWER?

- The government wants to set up 5,000 *gramin nyayalayas* (village courts) over the next three years to bring down the number of pending cases.
- These courts will decide criminal offences for which there can be imprisonment of up to two years.
- Civil disputes involving purchase of village property, use of common land, water

resources etc., will also be decided in these courts.

- The courts will also have the powers to decide cases of minimum wages, bonded labour, domestic violence, money lending, etc.
- The village court judge will have the powers of a judicial magistrate.

PROBLEMS

- Lack of funds.
- States want the Centre to bear the entire expenditure for setting up and running the village courts

the cost of setting up the courts, and pay for basic infrastructure during the first three years, but the states are still not convinced. It is not clear where the law ministry will get the money from.

Going by the government's own estimates, around Rs 40 crore (Rs 400 million) will be required as an initial grant to set up 200 such courts immediately. "We hope to get the required funds," a law ministry official said. But he gave no deadline for raising the funds for the project.

The proposed village courts will

decide petty criminal cases where there can be a maximum imprisonment of two years, and civil disputes arising out of purchase of village property, use of common roads and drawing water from wells.

Judges will have the powers of a judicial magistrate, and appeals against their orders can be filed in district courts.

The legislature has done its job. It is the executive that has to attend to various details now while the judiciary, and the village people, wait.

"More clarity is required before taking such a step. Involve the high courts in making these courts functional at the grassroots"

J. S. VERMA,
Former Chief Justice of India, who cautioned the government against rushing through the measure

"The problem is similar to the (ones with) the recent laws against domestic violence and juvenile justice. They were enacted without taking the financial aspects and willingness of states into consideration"

V. R. KRISHNA IYER,
former Supreme Court judge

ILLUSTRATION: ABHIMANYU SINHA

TOP

www.pressmart.net

PR-SSMART

www.pressmart.net