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Survey

NYAYA PANCHAYAT
Towards Speedy and Easy Justice

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1. Introduction

India, being a country of the ancient civilizations in the world, possesses a valuable heritage in the field of administration of justice. India's rich cultural heritage in the field of administration of justice and the need to bring those institutions in the form of *Nyaya Panchayat* (village courts) institution and the common people should be brought to limelight, especially against the present practices of time consuming, costly, extravagant and expensive paraphernalia that involve in the administration of justice. In this context, new structures, procedures and organization of new *Nyaya Panchayats* need to be in place. India's massive attempt to provide access to justice for hundreds of millions of villagers through promotion of *Nyaya Panchayat* is theoretically provocative as well as of practical import.

Administration of justice was, according to the *Smritis*, one of the most important and obligatory functions of a king. The *Smritis* stressed that the very object with which the institution of 'kingship' was conceived and brought into existence was for the enforcement of *dharma* by the use of the might of the king (State) and also to punish individuals for contravention of *dharma* and to give protection and relief to those who were subjected to injury and in whose favour *dharma* (law) lay.[1] Ancient Indian jurists bestowed great attention in evolving the law governing administration of justice.[2]

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[1]Rama Jois, *Legal and Constitutional History of India*, Bombay: Tripathi, 1990, 1:489.

[2]Varadachariar, *The Hindu Judicial System*, Nagpur: Wadhwa Sales Corporation, 1946, 258.

2. *Nyaya Panchayat* in Ancient India

Nyaya Panchayat was the prestigious institutions of ancient India to impart speedy and easy justice to the people. Model and structure of village courts and administration of justice in India were designed along this line. The *Smritis* greatly emphasized that it was the responsibility of the king to protect the people through proper and impartial administration of justice and that alone could bring peace and prosperity to the king as well as to the people.[3] The noble role of judges in the administration of justice as laid down in the *Smritis* and the requirement of fearlessness, impartiality and independence on their part, even if their decisions are against the wishes of the king, are of great value and a source of inspiration to us. The law received its sanction from the faith of the people and the king in *dharma.* Thus, the *Smritis* had laid down a firm foundation for an independent judiciary to ensure *dharmic* supremacy where the king was the head of the State under the monarchic system. The king was also warned of the consequence of having meek judges who would give opinion to his liking. This principle holds good even in a democratic set up based on constitutional supremacy, as it implies that if judges give opinion contrary to law, to suit the wishes of the persons in power, it is not only bound to denigrate the judiciary, but the persons in power also would incur the displeasure of the people. In the ultimate analysis, concepts of *dharma* and natural law have not only a role to play in the enacting of laws in the most modern democratic systems but also throw light upon and guide the interpretation and enforcement of the laws enacted in order to secure justice to the individuals concerned. The same was the position under the ancient Indian practice of *rajadharma.* The supremacy of *dharma* was declared thus: "Law is the king of kings; nothing is superior to law; the law aided by the power of the king enables the weak to prevail over the strong."[4] The above said verse, not only declares the supremacy of Law but also the principle of Rule of Law which aspect shall be highlighted under the head. *Dharma* was the ultimate authority and the authority of king was only penultimate. It is no doubt true that there was no forum before which any violation of *rajadharma* by the king could be questioned. The king himself constituted the highest court, but he was required to give his decision in conformity with the views of the judges of the court, who were required to give their opinion without fear or favour. It

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[3]Jois, *Legal and Constitutional History of India*, 1:489.

[4]*Brihadaranyaka Upanishad* 1.4.14.

was the firm view of ancient Indian thinkers that *dharma* without *rajadharma* for its enforcement would only be an illusion. Therefore, *rajadharma* was regarded as paramount *dharma*.

After making a detailed survey of the ancient Indian judicial system and the historical evidence available, Sir S. Varadachariar concludes: "Whenever and wherever and so far as circumstances permitted, attempts were all along being made in Hindu India to administer justice broadly on the lines indicated in the law books."[5] The elaborate provisions for different grades of courts made in the article are indicative of a fairly well developed system of administration of justice in the ancient Indian judicial system.

In fact, *Smritis* recognized the following people's courts and administration of justice.

2.1. Gradation of Courts

The court presided over by the king was the highest court. There were other courts, some of them appointed by the king and the others which were people's courts, recognized by the *Smritis* as having the power to administer justice. *Katyayana Smriti* 82 gives the grades of courts in the following way: *Kula* (gatherings of impartial persons of the family or caste of the litigants),[6] *Shreni* (corporation of persons of the same craft, profession or trade), *Gana* (assembly of persons belonging to one place but to different caste), and *Adhikrita* (court appointed by the king), *Nripa* (king himself).[7] These are the administrative courts. These are invested with the power to decide cases. Among these each of the courts mentioned later is superior to the one mentioned earlier. *Brihaspati Smriti* 281:29 states about the appellate jurisdiction as follows:

> A *Shreni* can review the decision of a *Kula*, and a *Gana* has the power to review the decision of a *Shreni*. Judges have power to review the decisions of a *Gana*, and the king is the highest court of appeal and his decision is final.[8]

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[5]14th Law Commission Report, 1:26.

[6]Gharpure, ed., *Smiriti Chandrika of Devanna Bhatta*, Bombay: Tripati, 1950, 32-33.

[7]Gharpure, ed., *Smiriti Chandrika of Devanna Bhatta*, 32-33.

[8]Gharpure, ed., *Smiriti Chandrika of Devanna Bhatta*, 37.

Further, *Katyayana Smriti* 496 says: "If a party was not satisfied with a decision given by any court or tribunal, including a *Kula*, the king should reconsider that decision in case he felt that it was wrongly decided.[9]

The above provision recognized the prerogative of the sovereign, i.e., the king, to function as the highest court of his kingdom. A party could approach the king for a review of the decision given by any tribunal such as a *Kula*, a *Gana*, a *Shreni* or such other courts. This part of the sovereign power is comparable to the power conferred on the Supreme Court under Article 136 of the Constitution of India.

Brihaspati Smriti 277:2-3 divides the courts in the following way: *Pratistitha* is a court which is established at a particular village or town, *Apratistitha* is a mobile court, moving from village to village, *Mudrita* is a court appointed by the king and authorized to use the royal seal, *Sasita* is the court over which the king himself presided.[10] These are the judicial courts. These courts would decide disputes in accordance with the customs or usage of the locality, caste, trade or family. Only the royal courts could execute severe punishments. These lesser courts could pronounce decrees and invoke Royal power to enforce them. It is clear indication of separation of powers which is basis of a constitutional government.

2.2. Qualifications of Chief Justice (*Pradvivaka*) and Other Judges

Katyayana Smriti 69 gives the meaning of the designation: "The meaning of *Pradvivaka* (Chief Justice) is given below: In a dispute between two parties, one who puts questions (*Prat*) and distinguishes right from wrong (*Vivaka*) is called *Pradvivaka*."[11] Again, *Narada Smriti* 43 speaks of the qualification of the chief justice as follows:

> A person who is well versed in the eighteen titles of law and their eight thousand subdivisions, and who is proficient in logic (*Tarka*), interpretation (*Mimamsa*) and other relevant subjects, who is master of the *Vedas* and *Smritis*, who has the capacity to extract the truth from the judicial proceedings by application of the law, should be appointed as the Chief Justice.[12]

Narada Smriti 36:4-5 says about the qualification of other judges:

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[9]Jois, *Legal and Constitutional History of India*, 1:492.

[10]Gharpure, ed., *Smiriti Chandrika of Devanna Bhatta*, 32-33.

[11]Jois, *Legal and Constitutional History of India*, 1:494.

[12]Lakshman Sastri Joshi, ed., *Dharmakosa*, Nagpur: Wadhwa Sales Corporation, 1946, 1:43.

> Let the king appoint, as members of the Court of Justice, honourable men of tried integrity (*Sabhyas*) who are able to bear the burden of the administration of justice and who are well versed in the sacred laws, rules of prudence, who are noble and impartial towards friends or foes.[13]

It adds that the king who is the fountainhead of justice has to depend on the judges and, therefore, he should have reliable and worthy men in that position. In *Rajadharma*, the king is advised to appoint suitable judges, indicating therein the qualities of a person to be a judge. Moreover, *Katyayana Smriti* (63-67) lists the qualification of judges:

> A person who is well versed in *Vyavahara* (laws regulating judicial proceedings) and *Dharma* (law on all topics), a *Bahushruta* (profound scholar), a *Pramanajna* (well versed in the law of evidence), *Nyayasastravalambinah* (law abiding), and has fully studied the *Vedas* and *Tarka* (logic) should be appointed to carry on the administration of justice.[14]

2.3. Dispensation of Justice: The Highest Dharma of Judges

All the *Dharmasastras* and *Manusmriti* (VIII, 12-14) with one voice laid down that dispensation of justice was the highest *dharma* of judges:

> In a case where *dharma* (justice) has been injured or made to suffer at the hands of *adharma* (injustice) and still the judges fail to remove the injustice, such judges are sure to suffer for their act (or omission) which is *adharma*. Where *dharma* (justice) is sought to be destroyed by *adharma* (injustice), and truth is sought to be destroyed by untruth, and the judges fail to prevent the same but remain mere spectators, they are sure to be destroyed.[15]

2.4. Judges Must Be Impartial, Independent and Fearless

Katyayana Smriti (74-77) speaks of the impartiality and independence of the judges in the following way:

> The members of a court should not connive with the king when he begins to act unjustly. If they do so, they, along with the king, fall head down into hell. Judges who agree with the king when he proceeds in an unjust manner become parties to the sin flowing from

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[13] Jois, *Legal and Constitutional History of India*, 1:494.
[14] Jois, *Legal and Constitutional History of India*, 1:494.
[15] Jois, *Legal and Constitutional History of India*, 1:496.

such unjust decision. They may, therefore, mollify the king by speaking at first what is agreeable to him and by persuasion gradually bring him round to the right path. When the king directs a judge to give an unjust decision in a case, the judge should beseech the king against the order which will lead to injustice, and dissuade him from wrong doing. A judge should give his decision only in accordance with law and justice. If the king disregards that decision, the judge incurs no sin.[16]

2.5. King Not to Be Angry with Judges for Giving Frank Opinion

Katyayana Smriti (12-13) say about judges' fearlessness in imparting justice:

> The king should never be angry towards his ministers, judges and physicians, when they express their frank opinion, since they are expected to tell what is proper and correct and not what is just agreeable to him. In a kingdom where the ministers, judges and physicians are made to give opinions according to the wishes of the king, the king will soon be deprived of his kingdom and happiness because of his disregarding *dharma*.[17]

2.6. Judges Should Remove Inequity

Narada Smriti (39:16) says: "As an experienced surgeon extracts a dart from the body of a person by means of surgical instruments, even so the Chief Justice must extract the dart of inequity from a law suit."[18] Asahaya explains this provision thus:

> As a skilful surgeon, conversant with the art of extracting a dart, takes it out by the application of surgical instruments, spells and other manifold artful practices, even though it may be difficult to get at, it being invisible, even so a judge shall extract the dart of inequity which has entered a law suit, by employing the artful expedients of judicial investigation.[19]

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[16]Jois, *Legal and Constitutional History of India*, 1:496.

[17]Jois, *Legal and Constitutional History of India*, 1:497.

[18]Joshi, ed., *Dharmakosa*, 1:48.

[19]Ramasastri, ed., *Naradasmriti*, Nagpur: Wadhwa Sales Corporation, 1946, 33-39.

2.7. Unanimous Decision Recommended

Narada Smriti (40:17) insists that the unanimous decision is to be preferred:

> Unanimous decision by all the judges leaves no room for doubt while a majority decision leaves doubt in the minds of litigants. When there is no unanimity among the judges, opinion of the majority of *Sabhyas* (Judges) should prevail.[20]

2.8. Assistance by Learned Scholars (*Amicus Curiae*)

Narada Smriti (36:2) states: "Whether authorized or not, a person acquainted with law shall give his opinion. The word of a person who acts in accordance with the dictates of law is divine."[21] This is a very important rule which enables the king or judge to take the assistance of a person well versed in law, and is comparable to the appointment of *amicus curiae* by the courts, prevalent under the present system.

3. Presence of *Nyaya Panchayat* during 1900-1947 (Pre-Independence Period)

The development of village government from 1900-1947 consisted primarily of the creation of *panchayat* bodies blending municipal/ administrative and judicial functions. Judicial functions, however, seem pre-eminent in the available accounts of the *panchayat* institutions. During this period, these functions were performed by special village courts. The personnel of these village courts were elected by villagers though in some cases there were indirect election and nomination.

Under United Provinces Act 1920, the principal function of the *panchayat* was to act as a petty court. Judicial functions were pre-eminent in the ordinary *panchayats* of Central Provinces, Punjab and the 'Union Courts' in Bengal and 'Village Courts' in Madras. In United Provinces in 1925, the *panchayat* disposed 122,760 cases (two thirds being civil cases).

4. Constitution-Making Period and *Nyaya Panchayat*

The draft Constitution of India did not contain any reference to *Nyaya Panchayat* and was subjected to the criticism that "no part of it represents the ancient polity of India."[22] B. R. Ambedkar was the person who caused this omission. I quote his words here: "I hold that those village republics

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[20] Joshi, ed., *Dharmakosa*, 1:48.
[21] Joshi, ed., *Dharmakosa*, 1:44.
[22] *Constituent Assembly Debates*, 7:549-550.

have been a ruination of India... What is a village, but a sink of localism, a den of ignorance, narrow-mindedness and communalism?"[23]

Gandhi, however, had another dream of an ideal village *swaraj* (self rule). The *panchayat* will be legislative, judiciary and executive combined, a perfect democracy based upon individual freedom. The individual is the architect of his own government. He and his village are able to defy the might of a world.

5. Formation of *Nyaya Panchayat* in the Constitution Era

While Article 40 of our Constitution enjoins the state to organize village *panchyats*, Article 50 directs states to take steps to separate the judiciary from the executive. This impulse led to the creation of *Nyaya Panchayat* in states which do not have such bodies.

The purposes of the *Nyaya Panchayat* are, (1) to provide easy legal access to the village population, and (2) to represent a massive attempt by the state to displace the existing dispute processing institutions in village areas with territorially based secular institutions or special dispute processing institutions.

Nyaya Panchayats are established for a group of villages (7 to 10 villages). Each *Nyaya Panchayat* has a chairman and secretary elected by its members (by *Grama Panchayat* members). One-third of its members retire every second year. A member must be able to read and write the state language and must not hold an office of *Sarpanch* or member in the *panchayat*. In different states there was a little difference in the mode of election. In the United Provinces, *panchayat* members nominate a person among themselves to *Nyaya Panchayat*. In Bihar, four members are directly elected and four from *Grama Panchayat* members are elected. In Kerala, the system followed was complete nomination. Under Union Territory of Delhi, direct election system existed.

The jurisdiction of *Nyaya Panchayat* was both civil which is limited and criminal which is extensive. The civil jurisdiction is normally confused to pecuniary claim of value Rs. 100 and by agreement of parties it can be raised to Rs. 200 or more. Civil jurisdiction in some states extends to the recovery of minimum wages or arrears for maintenance. The criminal jurisdiction covers most of the offences under Indian Penal Code as well as the Special Statutes like Cattle Trespass Act. It varies from state

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[23] *Constituent Assembly Debates*, 6:55.

to state. There was no power to sentence offenders to imprisonment, but to levy fine. The emphasis was on the amicable settlement of dispute.

The essential features of the organization of *Nyaya Panchayat* were (1) simplicity of procedures and (2) flexibility of functioning. The complaints may be made orally or in writing and no legal representation is allowed. In some civil matters parties may be represented by an agent. The parties are heard in a fairly informal manner. They arrive at a decision which is pronounced in the open court. Minor court fees were levied (that is, 50 paisa). *Nyaya Panchayats* have power to issue summons, not warrants, and to proceed *exparte*. They will have the power to levy execution through attachment orders if the decrees are unfulfilled. The judgements are written and maintained as part of official records. The higher judiciary has powers of control and oversight. The Sub-divisional or District magistrate can transfer a case from one *Nyaya Panchayat* to another when there is chance for miscarriage of justice.

It is a fact that, by 1980, *Nyaya Panchayats* have disappeared from almost all the states. The reasons were the following: (a) *Sarpanchas*' opposition to the rise of parallel powerful institution in the form of *Nyaya Panchayat*, (b) *Nyaya Panchayats* are operating within the context of the *panchayat* system without being an integral part of it, (c) *Nyaya Panchayats* were neither magistrates, nor are they adjudicated in the traditional sense, (d) lack of minimum training of the *panchas* in the law they are to administer, (e) lack of quorum in many instances, (f) they are not elders of caste in *panchayats* and they do not necessarily enjoy a reputation for integrity and wisdom, nor are they necessarily members of dominant *jatis*, (g) since members were always nominees of *Sarpanchas*, the system became the centre of favouritism, (h) members were not paid well, and (j) execution of the sanction always was at the mercy of the state law.

6. The Necessity of Reviving *Nyaya Panchayat*

Nyaya Panchayat as an institution capable of administering speedy and easy justice to the people must be revived in India today. In order to make it more effective, I suggest new constitution, jurisdiction and organization for the *Nyaya Panchayat*, which will surely be a source of insights for parliamentarians of our country when they discuss "New *Nyaya Gramalaya* Bill 2007" in the parliamentary session.

6.1. Constitution and Composition of the New *Nyaya Panchayat*

Nyaya Panchayat is established for a village. According to a recent report, there are nearly 600,000 villages in India. The members of the *Nyaya Panchayat* should be judges. Three judges are to be appointed in each village. A peon is appointed to help the judges and to keep records. The prospective judges receive an education designed to prepare them for their professional responsibilities in the judicial academies and upon passing LLB with first class and an aptitude test conducted by Union Public Service Commission of India (UPSC), they are made judges and assigned to each *Nyaya Panchayat*. In France, as in other civil law systems, judges are not selected from the ranks of practicing attorneys. They should not be allowed to be polluted by bar practices in the country. The lawyers elevated to the bench have often had specialized legal practices which will be harmful to the justice delivery system of our country. The appointment will be by each state government from the list published by UPSC. As a whole, I suggest a career judiciary. It should be a mobile court. In every ward of each village there should be one small room and separate building in each village head quarters for the function of the court.

6.2. Jurisdiction of the New *Nyaya Panchayat*

New *Nyaya Panchayat* should have both civil and criminal jurisdiction as the former *Nyaya Panchayat*. The civil jurisdiction is normally confined to pecuniary claim of Rs. 100,000 and by agreement of the parties the amount could be increased. The civil jurisdiction also extends to the recovery of minimum wages or arrears of maintenance, Dowry Prohibition Act, Bonded Labour Abolition Act, Family Court Act, Consumer Protection Act, etc. The criminal jurisdiction should cover most of the offenders under Indian Penal Code. It should have power to levy fine, though without any power to impose imprisonment. The emphasis is on the amicable settlement of disputes. Since delay and limitation in justice delivery system defeat equity, the maximum time limit given to judges to settle a dispute will be 60 days. The concept of limitation period is not applicable here and so cases cannot be dismissed for the expiry of the limitation period.

6.3. Organisation of the New *Nyaya Panchayat*

The main drawback of Indian judicial system is that it destroys substance by giving importance to procedures. So, the basic features of the new system should be simplicity of procedures and flexibility of functioning.

The complaint can be made by orally or in writing. Since lawyers apparently lack concern for justice and, therefore, they may use their legal expertise to advance their own interests, no legal practitioners shall be permitted to appear on behalf of any party in any proceeding before the *Nyaya Panchayat*. It will be nice to remember the word of William Shakespeare here: "The first thing we do, let's kill the lawyers."[24] But a party to a proceeding may in writing authorize any person, not being a legal practitioner, to appear and plead for him. The unanimous decision of the three judges shall be mandatory. For, very rarely the collective wisdom, knowledge, and experience of the three learned judges may go wrong. The 'Collegiate Court' in France prohibits any further appeal to the higher courts from the decision of three member bench so constituted. The judgement is pronounced in the open court without indicating who authored an opinion or whether there were any dissents. All judicial decisions are rendered in the name of the court as a whole, and no individual judge must take responsibility for a decision. This is to eliminate personal favouritism and political consideration which will affect judicial independence which is a fundamental issue in the civil law systems. This will help the judges to render decisions unaffected by partisan concerns or external pressures. The appeal on the judgement is only to the courts of Assistant Sessions Judges. Since the administration of justice is the main duty of the state, no court fee can be levied. Each *Nyaya Panchayat* has power to issue summons, to proceed *exparte* and to levy execution through attachment orders with the help of the state force. There is no need of thousands pages judgement to prove that judges are so learned (which, from another point of view, is very difficult to be understood by the common people); written judgement should not exceed more than five pages and it should be maintained as official records. The higher judiciary always has the power to control and to supervise the functions of the *Nyaya Panchayats*. The state should provide good salary, living quarters and conveyance facilities to judges. The total expense for running the system efficiently can be divided between State and Centre governments, that is, 40% by each State and 60% by the Central government. Every Judge of a *Nyaya Panchayat* and every person employed in the discharge of any duties or in the exercise of any power

[24]Sol M. Linowiz, *The Betrayed Profession: Lawyering at the End of the Twentieth Century*, New York: Charles Scribner's Sons, 1994, 40.

vested in a *Nyaya Panchayat* shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code and Prevention of Corruption Act 1947.[25]

6.4. Relevance of *Nyaya Panchayat* in the Present Indian Situation

Pendency of large number of cases in the courts challenges the Indian judicial system today. In this connection, we may recall recent reports from Bangalore where a telecom company had filed a staggering 73,000 cases in a single day. These 73,000 cases were filed under section 138 of the Negotiable Instruments Act (cheque bouncing).[26] Such development makes pendency unavoidable. The judge can take up a maximum number of 10 to 15 cases a day. Even if he takes up 100 cases a day, it will not help to solve the problem of pendency. The above explained situation compels me to raise the question, "Why can't we revive *Nyaya Panchayat* again?" Like the village *panchyats*, *Nyaya Panchayats* have been perceived as reviving an important feature of traditional community life in India. Even when the intervening "swing of the pendulum is in favour of centralization," which occurred during the Moghul and British eras, is acknowledged, administration of justice by villagers and, therefore, decentralization is perceived as a "swing back" to the "historic past and .... deep rooted sentiment."[27] The revivalist ideology is one important element accounting for the creation and maintenance of the *Nyaya Panchayat* system. The fervour for "democratic decentralization" and the institutionalization of the *Panchayat Raj* system are contributing to the revival of *Nyaya Panchayat* again. The value of access to state justice is another theme which calls for the revival of *Nyaya Panchayats*. Administration of justice could be gotten "at the door-step of the village" only through *Nyaya Panchayats*. Then, justice would be easy and cheap, less procedure-ridden, more informal and flexible and more community based.[28] *Nyaya Panchayats* would be carriers of the secular, egalitarian, modernistic, legal ideology and, thus, assist in the desired transformation of society. The Law Commission, in its Fourteenth Report, stresses the

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[25]*Report of the Expert Committee on Karnataka Panchayat Raj Act, 1993* (Submitted in March 1996), 64.

[26]"Pendency of Litigation Troubles," *Times of India*, December 23, 2007, 11.

[27]P. M. Baxi, "Access, Development and Distributive Justice," *Indian Law Institute Journal* 18 (1976), 357-430.

[28]T. Bastedo, *The Judiciary in Bihar* (Unpublished Doctoral Dissertation, Duke University, 1969), 194-5.

"educative value of *Nyaya Panchayats*: just as village *panchayats* would educate the villager in the art of self-government, so would *Nyaya Panchayats* train him in the art of doing justice between fellow-citizens and instil in him a growing sense of fairness and responsibility."[29] The *Nyaya Panchayats* are also visualized as the lowest rungs of the state system of administration of justice. This will be a very useful device to prevent court congestion in the country. Finally, *Nyaya Panchayats* are supposed to combine some features of the state legal system (e.g., formal principles of organization and operation, hierarchy, oversight and control) with some features of community dispute-handling process (e.g., informality, flexibility). Thus, *Nyaya Panchayats* will be one of the vital instruments that would establish speedy and easy justice to the people of India.

7. Conclusion

The judicial administration of the country is in a disturbing condition and requires numerous structural changes to impart justice in an easy and speedy manner. Hence, there should be a set up which would mark a departure from the functioning of existing court room system and would follow an informal approach like *Nyaya Panchayats* with a view to resolve disputes by consensus, wherever possible, and to provide justice at the doorsteps of the rural people, particularly to those who are financially weak and are unable to go outside the village for filing suits in the courts. Article 40 of Indian Constitution, which directs the State to take steps to organize village *panchayats* and endow them with such powers and authority as may be necessary to enable them to function as units of self-government, has to be appreciated afresh in the light of the mandate of the new Article 39A which compels State to impart equal justice and free legal aid to all citizens of the country.[30]

We live in an age of alternatives. The quest for judicial alternatives has been a subject for national and international debates, academic discussions, and political juggleries. Justice delivered through judicial mechanisms has become inaccessible to a common man. The destiny of India, we believe, rests in the deliverance of the people from ignorance and insecurity to deep sense of self-reliance and democratization of justice delivery system through *nyaya panchayats*.

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[29]Bastedo, *The Judiciary in Bihar*, 24.

[30]The Law Commission, 114th Report, August 1986 (Chapter V, para 5.3).