

# NYAYA MITRA SCHEME

## 1. INTRODUCTION

The issues of delays and pendency have been the bone of contention for the Indian Judiciary for a long time. According to the statistics available on NJDG<sup>1</sup>, as on 2019 April 29, more than 3.03 crores cases are pending in different subordinate courts of India. The data further showed that out of 3.03 crore pending cases, 46.16 lakh cases – almost 15.23 per cent, are 5 to 10 years old. Another 25.29 lakh cases, which constituted around 8.34 per cent are more than 10 years old. Combined together, 23.57 per cent pending cases in the courts have been waiting disposal for at least 5 years now.

Since the last five decades, the Judiciary, the Ministry of Law & Justice, eminent thinkers and jurists have mooted several strategies to tackle the issues of delays and pendency in India. This is just an indication of the immense load that our Hon'ble judges handle and the pressure they experience in order to clear as many cases as possible. It is recognized that India requires proper case management and also court administration systems to achieve the goal. There is no doubt that there have been many positive actions from our legislators and the judiciary to keep pendency at its minimum.

## 2. BACKGROUND OF NYAYA MITRA

Nyaya Mitra (hereinafter NM) program aims at assisting the district judiciary in reduction of pendency of ten year old cases and increasing access to justice for marginalized people. The program was launched in 227 selected districts of 16 States i.e. Uttar Pradesh, Bihar, Maharashtra, Gujarat, Rajasthan, West Bengal, Odisha, eight states of North Eastern Region and Jammu & Kashmir during April 2017. Selection of district courts for Nyaya Mitra was done based on highest pendency of court cases over 10 years of period sourced from National Judiciary Data Grid (NJDG) database. The position of the NMs were open to retired judicial officers and retired government officers (with legal background only).

## 3. LOCATION IDENTIFIED FOR THE YEAR 2019-20

S.No	State	Districts	Nos. Of Districts
1	Uttar Pradesh	Allahabad, Jaunpur, Gorakhpur, Lucknow, Pratapgarh, Deoria, Kanpur Nagar, Gonda, Kushinagar, Sultanpur, Sitapur, Bahraich, Ghaziabad, Basti, Bareilly, Azamgarh, Ghazipur, Mau, Faizabad, Muzaffarnagar, Ballia, Saharanpur, Mirzapur, Agra, Bijnor, Siddharthnagar, Shravasti, Balrampur, Meerut, Fatehpur, Sonbhadra	31
2	Bihar	Patna, Motihari, Samastipur, Sheikhpura, Jamui, Banka, Nawada, Khagaria, Katihar, Purnea, Aurangabad, Araria, Begusarai	13

<sup>1</sup> Source : [www.njdg.ecourts.gov.in](http://www.njdg.ecourts.gov.in)

S.No	State	Districts	Nos. Of Districts
3	Maharashtra	Mumbai Cmm Courts, Thane, Pune, Nagpur, Nashik, Solapur, Raigad, Ahmednagar, Aurangabad, Kolhapur, Osmanabad, Mumbai City Civil Court	12
4	Gujarat	Ahmedabad, Vadodara, Surat, Rajkot, Gandhinagar, Jamnagar, Bhavnagar, Kachchh At Bhuj, Mahesana, Banaskanth At Palanpur, Gir Somnath At Veraval, Dahod, Narmada	13
5	Orissa	Khurda, Cuttack, Anugul, Balasore, Puri, Sundargarh, Mayurbhanj, Ganjam, Jagatsinghpur	9
6	Rajasthan	Jaipur Metro, Kota, Alwar, Jodhpur Metro, Ganganagar, Bhilwara, Ajmer, Udaipur	8
7	West Bengal	South Twenty Four Parganas, Calcutta, North Twenty Four Parganas, Murshidabad, Howrah, Nadia, Burdwan	7
<b>Total</b>			<b>93</b>

#### 4. SCOPE OF ENGAGEMENT

To facilitate judiciary in reduction of old pending cases.

#### 5. OBJECTIVES

- I. Providing assistance to the High Court / district judges for speedier disposal of ten year old pending cases.
- II. Building convergence with legal services authorities, relevant govt. departments, subordinate judiciary and litigants for speedier disposal of pending cases.
- III. Undertake Access to Justice Initiatives to support effective implementation of Article 39-A of the Constitution of India ensuring that easy and affordable legal aid is available to all irrespective of economic or other disabilities of those wishing to access it.

#### 6. TARGET BENEFICIARIES

The litigants identified through the National Judicial Data Grid (NJDG) whose cases are languishing in the courts for more than 10 years and for whom quality legal aid is not available due to social and economic barriers.

#### 7. ROLES & RESPONSIBILITIES OF THE NM

- (1) **Preparation of detailed list**-To prepare a detailed list of 10 year old pending cases of the district/s.
- (2) **Critical analysis of Pending cases**-To assist in conducting critical analysis of pending cases that may help Registrar General/district judges to understand the issues/bottlenecks and discuss solutions with other government departments and subordinate judiciary for early disposal of old pending cases.
- (3) **Coordination with State/District Authorities**-To coordinate with State/district authorities for enabling witnesses to come on time or

fixed/stipulated time frame for disposal of cases and inform concerned parties.

- (4) **Identification of cases for Lok Adalat-** To identify the cases in Pre-Lok adalats to be referred to the Lok adalats on priority basis.
- (5) **Follow -up action-**To take necessary action pursuant to orders passed by the High Court/district court in relation of old pending cases i.e. issue notice/summons, stay/injunction, copy of order, inform the arbitrator, local government departments and issue letters to lower courts for summoning the record etc.
- (6) **Miscellaneous-**Any other activities related to disposal of 10 year old pending cases OR task assigned by Registrar General/district judge / Secretary DLSA.

## 8. PLACE OF WORK

- The sitting space for Nyaya Mitra to be placed at High Court will be allocated by the respective High Court
- NM will be provided sitting space either at District Legal Services Authority (DLSA) or District Court as allotted by the respective High Courts/SLSA.
- Sitting arrangement of the NM may also be provided at ADR Centre of the district if a suitable place is not available within District Court/DLSA.
- District Judge cum Secretary DLSA will be the controlling officer of the NM and hence the final decision of sitting location will be taken by the respective district judge.
- No clerical support will be provided to NMs by District Legal Services Authority (DLSA) or District Court.

## 9. MONITORING AND REPORTING:

- Monitoring of the project on the basis of pre-designed indicators, and outputs will be done on a quarterly and yearly basis. Review of program will be conducted through field visits, scrutinizing the reports and data and through consultation and video conferencing with project partners.
- Reporting of the activities will be done on monthly, quarterly and yearly progress reports in a predesigned format taking into account the above parameters will be submitted to the Department by the team. This will also include a financial statement. For this purpose, an online monitoring and reporting system will be developed.
- A quarterly meeting of the partners and stakeholders shall be organized to review progress and next steps.
- Travel to Project states for monitoring and review of project activities will be carried out by the DoJ consultants.

- **OUTCOMES:** NM contributes to disposing off 10% of ten year old pending cases at the district & subordinate courts.
- **Measurable Indicators**
  - Increased number of 10 year old pending cases disposed-off.
  - Increased no. of meetings & lok adalats, in which legal assistance is provided by the NM.
  - Positive feedback from the DLSA and district and high court judges on the performance of the NMs.

## **10 EVALUATION**

The NM initiative will be evaluated by an external agency every year in coordination/consultation with the respective high courts, district courts and the Department of Justice to assess the impact or for any course correction.