

# Standing Committee Report Summary

## Synergy between tribal justice system and regular justice system of the country

- The Standing Committee on Personnel, Public Grievances, Law and Justice (Chairperson: Dr. E.M. Sudarsana Natchiappan) submitted its report on the ‘Synergy between tribal justice system and the regular justice system of the country’ on March 10, 2016.
- **Functioning of the current tribal justice system:** The Committee noted that most tribal communities preferred the tribal justice system because of: (i) their familiarity with customary laws; (ii) its minimal procedure and cost effectiveness; and (iii) timely delivery of justice.
- However, there were certain challenges: (i) every tribe within a state had its own customary practices of dispute resolution, (ii) most of the judicial decisions were not written down, and give the tribal chief wide discretion. As a result, sometimes, punishments for the same crime vary from person to person.
- **Issues with the regular justice system:** The Committee observed that some sections of the tribal population do not prefer the regular justice system as it is expensive, lengthy, and follows complex procedures. In the Committee’s opinion, a large number of the tribal population has not been exposed to the mainstream justice delivery system, and hence has remained out of its ambit. The benefits of the regular justice system should not be denied to the tribal population.
- **Statutory recognition to tribal courts:** The Committee recommended that Parliament may enact a law to set up a tribal justice court system. States would be permitted to modify the law as per their requirements. Such a law would give the tribal courts institutional framework, in relation to appointment of personnel, salary and benefits, etc. Further, this would enable them to codify their customs, write judgments and orders, and follow penal laws and precedents. This could be similar to the recognition given to the Lok Adalat Courts.
- **Appointment of staff, funding, etc. to tribal courts:** The Committee suggested that court staff could be appointed from existing personnel, without insisting on tenure, age, education, etc. The salary and other facilities should be equal to that of entry level judicial officers as recognised by the current criminal or civil procedure codes. To facilitate the codification of laws and training of staff, special funds may be allocated to state judicial academies and village mobile courts.
- **Separate high courts for north eastern states:** In its earlier report, in 2008, the Committee had recommended that separate high courts be established in the north eastern states. The Committee reiterated this recommendation, as these high courts could play a role in the codification of tribal laws. The judgements of the high courts will be treated as precedent, and its interpretations of customary law could be documented. This, with time, can evolve into written and codified laws. The Committee also recommended that independent judicial academies should be established in every state.
- **Synergy between tribal and regular justice systems:** The Committee suggested that the respective state governments must bring about synergy between the tribal and regular justice delivery mechanisms by: (i) providing necessary infrastructure, trained judicial officers, and modern record management practices; (ii) utilising the services of State Legal Services Authorities at the state and district levels; and (iii) reassuring the tribal population that integrating the regular justice system with the tribal justice system would strengthen the latter.
- The Committee also recommended that a comparative study of the tribal and regular justice systems should be carried out. This could be done under the project ‘Access to Justice for North-East and Jammu and Kashmir’ which is currently operational under the Department of Justice.
- **Participation of women in public office:** The Committee observed that many tribal societies do not permit their women to participate in public office. Further, their property rights are also restricted. The Committee recommended that the representation of women in tribal bodies and district councils may be encouraged. This would bring gender equality in local administration as provided in the Constitution.

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