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RESEARCH ARTICLE OPEN ACCESS

DEMOCRATISATION OF JUSTICE SYSTEM- A CASE STUDY OF RYAGATLAPALLE, THE 'FIRST LITIGATION FREE VILLAGE' OF TELANGANA

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ABSTRACT

During the course of the past four decades, justice system reform has become an essential component in the struggle for both economic and political development in India. Despite India's democratic history over the last seventy-five years, it remains a country struggling with certain liberal democratic norms, one of which is enhancing the public's access to justice, and in so doing, dealing with problems plaguing its lower courts. Local courts in India particularly confront poor infrastructure, debilitating delays, under funding, and accusations of corruption, all of which act to restrict access to and confidence in the judiciary. However, one area of reform in which India has been quite active, and continues to be is that of alternatives to the formal justice system like Naya Panchayats, Lok Adalat, Consumer Forum, Public Interest Litigation etc. The present studyattempts to make an empirical analysis of unique Alternative Dispute Resolution mechanism called 'PANJUL' adopted by Ryagatlapalle village of Biknur Mandal, Kamareddy District of Telangana state, which was declared, on 15th August 2022, as the 'First Litigation Free Village' of Telangana. For the past 40 years no case, from this village, has been filed neither in Police Station nor in any Court of Law and all the issues are settled at village level.

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INTRODUCTION

Justice Warren Burger, the former Chief Justice of the Supreme Court of America had rightly said: "The obligation of the legal profession is to serve as healers of human conflict and we should provide a mechanism that can produce an acceptable result in shortest possible time, with the least possible expense and with a minimum of stress on the participants. That is what justice is all about."

'Justice delayed is justice denied' opined William E. Gladstone. An impartial and compelling legal framework requires not just that fair outcomes are reached but also, they be reached quickly. If it is not resolved at the beginning, it grows at a very fast rate, and with time, it becomes very difficult to resolve it1. In India, besides many other reasons, this delay has been attributed to a very low number of judges to population ratio (1 judge per 100,000 persons with a small number of courts available)2. At present, India has a sanctioned strength of 25,628 judges. The delay in judgement always favours the criminal and the victim continues to be a victim till the date of judgement. If a case is not solved within a certain period, it leads to a sequence of cases and it almost becomes impossible to end the case. Sometimes civil cases may also lead to criminal cases. It takes an extremely long effort to get justice through the setup court system. The rigid procedural framework adopted by justice system in India has resulted in serious issues like unnecessary deferrals, prolonged pendency of

cases, and costly litigation. In this way, the poor find it difficult to approach the court for dispute resolution. The 42nd Amendment Act of 1976 led to the insertion of Article 39A in the Indian Constitution. Article 39A states that each State within the Indian territory must ensure that the functioning of the legal system promotes justice, based on equal opportunity and shall provide free legal aid. The free legal aid must be facilitated through appropriate legislations, schemes or in any other manner so that the chance to secure justice is not denied to even a single citizen due to economic or other disabilities. The principle ideology behind the said Article is that no one must be denied justice for whatsoever reason and it is the responsibility of the States to ensure that. India is the world's second most populated country and in such a country it is difficult to completely ensure justice to each citizen by the means of just a few legal institutions. Therefore, there are Alternative Dispute Resolutions mechanisms for the prevention of piling up of cases and provide economically sound justice³. The different modes of ADR are Lok Adalat, Mini Lok Adalat, Nyaya Panchayats, Village Courts, Consumer Forum, Public Interest Litigation, Arbitration, Conciliation, Mediation Centres. It was recommended by the Justice Malimath Committee in its report that after the framing of the issue it should be made obligatory for the court to refer the dispute for settlement either by way of arbitration, conciliation, mediation or through Lok Adalat4. Therefore, it is a principal right of each citizen to get fast justice, which likewise is the fundamental imperative of good legal organization. Democratisation of justice system should

start from the grassroot level through transforming and sensitising existing dispute settlement mechanisms to assure human rights and constitutional values and linking them with the formal justice system. This will interface well with the process of democratic decentralization that is presently going on in the country through the Panchayat Raj institutions as dispensation of justice is critical to any poverty reduction agenda and economic growth. A functioning justice system is not only a mark of development but also a factor of development. Thus, access to justice is not only central to the realization of constitutionally guaranteed rights, but also to broader goals of development and poverty reduction and urgently needs acceptance as a development indicator⁵. The present study endeavours to study the unique Alternative Dispute Resolution mechanism called "PANJUL" adopted by Ryagatlapalle village in Biknur Mandal of Kamareddy district in Telangana state. This village was recently declared as the First Litigation Free Village of Telangana. Special Judicial Magistrate of First Class and District Legal Services Authority ChairpersonJustice Sridevi of Kamareddy has declared the village a 'Litigation Free village' and issued a certificate in this regard on 15th of August 2022. For the past 40 years no case, from this village, has been filed neither in Police Station nor in any Court of Law, and all the cases are resolved at village level.

Target area of study: Ryagatlapalle village is located in Bhiknoor mandal of Kamareddy district in the state of Telangana, India. It is situated 8km away from sub-district headquarter Bhiknoor (tehsildar office) and 83km away from district headquarter Nizamabad. The village is 127 km away from the district of Karimnagar. As per 2009 statistics, Ryagatlapalle is the gram panchayat of Ryagatlapalle village. The total geographical area of village is 272 hectares. Ryagatlapalle has a total population of 825 peoples, out of which male population is 406 while female population is 419. Literacy rate of Ryagatlapalle village is 52.61% out of which 61.33% males and 44.15% females are literate. There are about 219 houses in Ryagatlapalle village. The historical Sri Sidda Rameshwara Temple in this village is 400 years old and is called as 'Dakshina Kashi'.



Demography of Ryagatlapalle - 2011 census details

Census Parameters	Census Data
Total Population	825
Total No. of Houses	219
Female Population	50.8% (419)
Total Literacy rate	52.6%(434)
Female Literacy rate	22.4% (185)
Scheduled Caste Population	33.5% (276)
Working Population	54.3%

Community wise population details

Sl. No	Caste/community	Families
1	Forward Castes	80
2	Scheduled Castes	70
3	Backward Castes	45

Statement of the problem: The judicial system in India is under tremendous pressure. As of May 2022, over 4.7 crore cases are pending in courts across different levels of the judiciary. Of them, 87.4% are pending in subordinate courts, 12.4% in High Courts, while nearly 1,82,000 cases have been pending for over 30 years. Amid the rising trend of litigation, more people and organisations are approaching courts. This spike, however, is not reflected in the number of judges available to hear these cases.

Inadequate infrastructure has resulted in overburdened courts, which in turn has led to a massive backlog of cases⁶. It is a universal concept that every individual should be able acquire justice efficiently and at reasonable price. Any 'quarrel is cancerous.' Under the circumstance, the Alternative Redressal Mechanisms are handy in resolving the issues at grass root level. Democratization of Justice System in India is an unavoidable imperative, thanks to the huge population, enormous diversity and mounting petitions in the courts of law. Alternative Dispute Resolution mechanisms not only help the people to avoid cumbersome legal procedures but also save their money which otherwise would have been spent on advocates and court fee.

Hypothesis

- 1. Alternative Dispute Resolution mechanisms act as a platform to resolve the litigations at grass root level.
- 2. It is cost effective and saves times.
- 3. Builds social cohesion and cooperation among the people.
- 4. Enhance economic development.

Aims and Objectives

- To gauge the need and niceties of Democratization of Justice System in India.
- To study the Alternative Redressal Mechanism called 'Panjul' adopted in Ryagatlapalle village.
- To fathom the reasons for zero petitions in Police Station or Court of law from this village.
- 4. To survey the social structure of Ryagatlapalle village.
- 5. To assess whether the dispute resolution mechanism adopted by the village is in tune with the constitution.
- To identify the need for implementing Nyaya Panchayats in Telangana.
- 7. To identify the possibilities of adopting this system in other villages of Telangana.
- Creating awareness in the society of the mediation process and its benefits, and developing capacities for the same will help expedite the shift from adversarial litigation to methods of alternative dispute resolution in a big way.

Economically viable solution for social problem: This Student Study Projectattempts to bring to light that Alternative Dispute Resolution mechanism like arbitration and mediation are cost effective and time saving methods to address the social problem. Arbitration is a result of an agreement between the parties, and the details of the parties' specific agreement of arbitration are commonly controlling. Before any debate has emerged, parties may agree to refer to arbitration in future issues; arbitration arrangements are mainly involved in commercial cases or for business contracts or in labour agreement for the sale of services. Arbitration additionally includes an unbiased authority (the arbitrator) who is capable of running the procedure and settling on the choices important to determine the issue. On the other hand, Mediation includes the involvement of a mediator who is a third party and dissimilar to a judge or an arbitrator has no power to force a decision on the parties in dispute. Rather, the mediator's objective is to encourage negotiation and help the parties themselves to arrive at a commonly satisfactory settlement of their own issue. Mediation is regularly an intentional procedure where the parties themselves may pick the individual who will go about as the third-party mediator who is neutral towards the parties. It is private and secret, and not open to the general population. In spite of the fact that the mediator is regularly liable for dealing with the mediation procedure, there are no standard strategies or fixed principles. The procedure by which the mediator encourages exchange is frequently casual and unstructured. The real acts of individual arbitrators change incredibly. A mediated result may from one viewpoint essentially mirror the net expected estimation of what is likely to occur in court or, on the other, can be formed to address the issues and interests of the parties by making exchanges that are inconsequential to the lawful issues.

Status of Nyaya Panchay at in the States in India

S.No.	States	Actual NyayaPanchayat	Provisions of Nyaya Panchayat in Panchayt Raj Act
		existing (Yes/No)	(Yes/No)
1.	Bihar	Yes	Yes. Bihar has Chapter VI - ESTABLISHMENT, POWERS, DUTIES
			ANDPROCEDURE OF GRAM KATCHAHRY AND BENCHES
			THEREOF in The Bihar
			Panchayat Raj Act, 2006
2.	HimachalPradesh	Yes	Yes Himachal Pradesh has CHAPTER IV-JUDICIAL FUNCTIONS AND
			POWERS OF
			GRAM PANCHAYAT in The HimachalPradesh Panchayati Raj Act, 1994
3.	Uttrakhand	Yes	Yes Uttrakhand has CHAPTER VI- NYAYAPANCHAYAT in The
			U.P.Panchayat Raj Act, 1947
4.	Punjab	No	Yes Punjab has CHAPTER IV- JUDICIALFUNCTIONS OF GRAM
			PANCHAYATS
			In The Punjab Panchayati Raj Act, 1994
5.	Uttar Pradesh	No	Yes Uttar Pradesh has CHAPTER VI-NYAYA PANCHAYAT in The U.P.
			Panchayat Raj Act, 1947
6.	West Bengal	No	Yes West Bengal has Chapter VII- Nyaya Panchayat in The West Bengal
		Panchayat Act, 1973	
7.	Kerala Panchayat Raj Act, 1994, Tamil Nadu Panchayats Act,1994, Karnataka Panchayat Raj Act, 1993, Andhra Pradesh Panchayat Raj Act, 1994, Telangana Panchayat Raj Act, 2018, Haryana State Panchayati Raj Act-1994, Rajasthan State Panchayat Raj Act and Rules.1994, Gujarat Panchayati Raj Act-1993, Jharkhand State Panchayati Raj Act,2001, Maharashtra Zilla Parishads and Panchayat Samiti Act,1961, Assam State Panchayati Raj Act,1994, Arunachal Pradesh Panchayati Raj Act,1997, Manipur Panchayati Raj Act,1994, Tripura State Panchayati Raj Act 1993, Nagaland Village and Area Councils Act,1978, Mizoram Lusha		
	Hills DistrictAmendment Act,2006, Sikkim Panchayat Act 1993, Chhattisgarh Panchayat Raj Adhiniyam, 1993 and Goa		
	Panchayati Raj Act-1994 have no provisions for Nyaya Panchayat.		

As the subsequent resolution is commonly acceptable to the parties, there is no need that it includes the utilization of formal lawful standards or approaches the courts for it. In Mediation there is commonly no procedure of audit. In the event that parties can resolve their issue by agreeing mutually and reaching a resolution, that understanding is consequently enforceable as a contract? Ryagatlapalle has adopted the mediation method called Panjul in resolving the disputes, whichinturn helped in economy of time and money. The fruits of which are seen in the economic development of the people in particular and the village in general. Major crops grown in this village are paddy, jowar, maize, red gram, green gram, black gram, chilli, sugarcane and turmeric. Ryagatlapalle is claimed to be the 'Vegetable Basket' of Kamareddy district because of the amount of agricultural output produced by this village.

Nyaya Panchayat status in Telangana: The Nyaya Panchayat is a part of the Panchayat system, which was established to resolve villagers' problems. Its many functions include resolving minor criminal and civil issues in which the parties present their arguments to the Panchayat members. The Government of India enacted the Gram Nyayalaya Act, 2008 and it came into effect on October 2, 2009. Section 3 of the Gram Nyayalaya Act, 2008 provides for the establishment of Gram Nyayalaya and Section 4 of the Act provide for the establishment of the village Gram Nyayalaya headquarters in the concerned panchayat or intermediate panchayat notified by the State Government. The establishment of Gram Nyayalaya is at an intermediate level i.e., a Gram Nyayalaya for a group of contiguous Panchayats. The level of Gram Nyayalaya is equivalent to the Court of First-Class Judicial Magistrate. As per information available in February 2022, a total of 476 Grama Nyayalayas have been notified so far by 15 states, and out of these 258 are operational in 10 states at present. These 10 states have been notified and functioning the Grama Nyayalayas in their states, which are Madhya Pradesh, Rajasthan, Kerala, Maharashtra, Haryana, Punjab, and Jharkhand. Out of these 5 states Goa, Andhra Pradesh, Telangana, Ladakh, and Jammu & Kashmir are notified but not implemented.

REVIEW OF LITERATURE

A thorough ground work has been done by the student researchers by referring to books and research articles in reputed Journals. The following are the few:

- 1. 'The Impact of Mediation in India', research article by Arjun Pal, University of Toronto, published in ResearchGate in August 2017. In this article the author explores different methods of Alternative Redressal Mechanisms in business, between organizations and among people and their impact.
- 'Panchayats and Building Model Villages' book written by M. V. Rao and E. Venkatesu, published by NIRD. This book is a compilation of Model Gram Panchayats in India and explain about the criteria for selecting few villages as model villages.
- 'Fair ways of Dispute Resolution' by Dr. Mohan Kanda published in HANS INDIA on 20th October 2022. In this article the writer highlights the significance of arbitration and mediation in speedy resolution of disputes.
- 4. "Nyaya Panchayat" research article by R. Thilagaraj published in Restorative Justice in India on 5th July 2017 from pp 3 12.

RESEARCH METHODOLOGY

The present study is an empirical and analytical study based on primary data by visiting the village. This is an empirical study because it is based on observable facts. The details of the demography of the village, caste wise population is procured from the Gram Panchayat. The research is inductive, because taking Ryagatlapalle village as specific the researcher endeavours to generalize a method that could be adopted by other villages. This project is developed on primary and secondary data. Primary data is collected from the people through interview and questionnaire method and the secondary data is collected through newspapers and internet. The data is also collected on the opinion of the people by a questionnaire through Google Form on random basis.

Sample Design: The researchers relied on probability sampling by adopting the method of Simple Random Sampling. The target area of study is 825 (total population of the village). Sample size decided for the present study is 85 which accounts to 10% of the population. Meticulous care is taken to select respondents from all sections of people. Data is collected through a questionnaire by visiting the village.

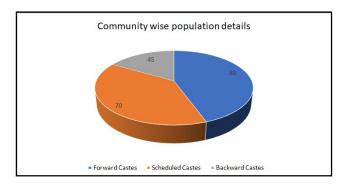
Inter-disciplinary relevance: This study is inter-disciplinary because social benefits are generally backed by economic benefits.

Cost effective dispute resolution methods will help the prevention of economic wastage and the utilization of the saved money for development. Knowledge of Economics is necessary to understand the financial benefit accrued by adopting alternative mechanisms of dispute resolution. The researchers also derived information from Sociology to understand the social engineering of the village. Caste and community organizations play an important role in moderating the social life in rural areas. The books of Legal Studies are also referred to understand whether the dispute resolution methods adopted at grassroot level are in tune with the constitution. History is handy in exploring the process of evolution of justice system in different parts of the county and to understand the adaptation and functioning of Nyaya Panchayats in India.

FINDINGS

- Ryagatlapalle village has not reported any litigation, either civil or criminal, in the Police Station nor in the Court of Law for the past 40 years.
- 2. Recently the village has been declared as 'First Litigation Free Village' of the state of Telangana.
- 3. The linear study of Ryagatlapalle village show that a strong social cohesion and organization has evolved in this village. This helped the village in many ways such as, the formation of Credit Groups, Self Help groups and many more. The significant contribution of this social organization is the Dispute Resolution Mechanism called 'Panjul' which is being practised for many decades.
- 4. The social structure of this village shows that there are 03 prominent communities in this village.

Sl. No	Caste/community	Families
1	Forward Castes	80
2	Scheduled Castes	70
3	Backward Castes	45
4	Minorites	03



- 5. Each caste is divided into number of Sanghams, which are well organized and structured. The combination of all these Sanghams is called 'Sadar'. The origin of the word Sadaris from Arabic which means 'leader' or 'chief'. The 'Sangham' and it's chief the 'Sadar' play an important role in settling the disputes.
- The following tables will list out the details of different caste organizations.

Gudadior Reddy: This community has five 'Sanghams' with its highest form of union called as 'Sadar' having one President and four other members.

Sl. No.	GudadiSanghams	Sadar
1	Sama Sangham	One President and
2	Singi Reddy Sangham	four other members
3	NagannaSangham	
4	Dharma Gari Sangham	
5	AaktiSangham	

Scheduled Castes: In this village the Scheduled Castes have four Sanghams, with its highest form of association called 'Sadar' consisting of one President and three other members.

Sl. No.	Scheduled Castes Sanghams	Sadar
1	GudiselaSangham	One President and
2	ManthuriSangham	three other members
3	LingapuramSangham	
4	Mangala Sangham	

Backward Castes: In this village the Backward Castes have four Sanghams, with its highest form of association called 'Sadar' consisting of one President and three other members.

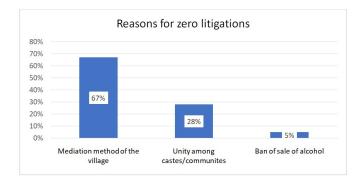
Sl. No.	Backward castes Sanghams	Sadar
1	GollaSangham	One President and
2	KurumaSangham	three other members
3	VadlaSangham	
4	KummariSangham]

PANJUL - The Dispute Resolution Mechanism

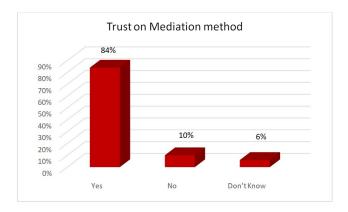
- The unique Dispute Resolution Mechanism adopted in Ryagatlapalle village is called 'PANJUL'. This word is of Hindi origin and denotes 'tact', 'negotiation skills' or 'understanding'. All kinds of litigations including land disputes, property issues, domestic violence, petty quarrels, family issues etc., are resolved amicably by this mechanism.
- Sadar play an important role in dispute resolution. People of all
 communities participate on equal footing to settle the dispute,
 which is the remarkable achievement of this village in adopting
 inclusive justice.
- Initially the litigants have to pay a certain amount of money as'security deposit'. This amount varies according to the severity of the litigation, and will be decided by the Sadar. This amount is used towards the expenses of the day and the remaining amount is refunded.
- 6. The litigants will be given a choice to choose any four members to fight their contention. Initially both the parties will be allowed to put forward their argument. If necessary, the required documents like promiser notes, will deeds, land documents etc also will scrutinized thoroughly.
- 7. After a detailed hearing of the litigation, the four members selected by each litigant, together will prepare the final judgement. Before the judgement is delivered both the parties have to give in writing that they would abide by the judgement. Later the judgement will be announced to the litigants.
- 8. As the judgement is finalized on the basis of detailed deliberations by the representatives of both the parties, the judgement will bebalanced and fair most of the times.

Data Analysis

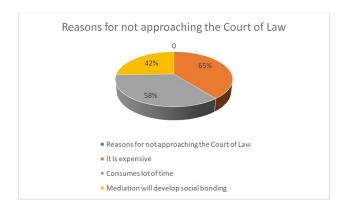
Regarding the opinion of the people on the reasons for zero litigations in the village for the past four decades, 67% of them opined that it is because of trust in mediation method adopted in the village, 28% felt that is because of social cohesion among different castes and 5% felt that it is because of ban of sale of alcohol in the village.



Regarding peoples trust in the fair and unbiased judgement of the mediators in the village, 84% said 'Yes' and 10% said 'No' and 6% said they have no idea.



Regarding the reason for not approaching the Court of Law, 65% felt that the procedure is expensive, 58% felt that it is time consuming, 42% opined that good social bonding will develop if the issues are settled amicably among themselves instead of going to the Court of Law.



1. Regarding the reasons for the people respecting the settlement arrived through mediation, 44% are of the opinion that it is because of the involvement of elders of all castes in settlement of a dispute, 62% felt that in most of the litigations the settlement will be favourable to both the parties involved, 28% reported that the because the settlement is done within the village, it will not become a public issue.



Interpretation on the basis of Findings:

- Panjul, the Dispute Resolution Mechanism adopted by Ryagatlapalle village helped not only in economy of time and money, but in turn favoured economic development of the village.
- 2. The long pending delay for judgement in Courts of Law could escalate the dispute and also will lead to strained relationship between the petitioners. But the Dispute Resolution Mechanism adopted by this village, which settles the dispute when it is still hot, will help to lessen the friction and develop fraternal feeling among the people.
- This helps in lessening the burden on the Courts of Law. This
 mechanism is a panacea to the long pending cases with courts.

- If the petty issues are resolved at local level, the courts will have time to concentrate of important issues that need legal intervention.
- 4. The time spend on going round Police Stations or Courts of Law is spent on some form of productive activities. The fruits of which are seen in the economic development of the people in particular and the village in general. Major crops grown in this village are paddy, jowar, maize, red gram, green gram, black gram, chilli, sugarcane and turmeric. Ryagatlapalle is claimed to be the 'Vegetable Basket' of Kamareddy district because of the amount of agricultural output supplied by this village to the district
- 5. Inclusive Justice is one of the secrets for the success of this mechanism in this village. The social cohesion of this village is so beautifully orchestrated since decades that, in resolving any litigation the people of all the communities, irrespective of their caste will participate on equal grounds.
- 6. Another reason for marginal litigations and crime is the prohibition of sale of alcohol in the village. Sale of alcohol (Belt Shop) is banned in this village in 2009 when Sri. Sama Narayana Reddy was the Sarpach. Any violation of this rule will be penalized with Rs. 11000.
- 7. People developed faith in this mechanism for the reasons that, it is inclusive and involves people of all communities and the judgement is mostly balanced because it is finalized by the representative of both the litigants.
- 8. Though this dispute resolution mechanism is successfully adopted in this village of study, this is not constitutional. Henceforth, the legislatures need to come out with mechanisms more effective than Nyaya Panchayats to deliver justice on petty issues at village level.

CONCLUSIONS AND SUGGESTIONS

Man is by nature a social animal. Disputes and disagreements are common features of social living. Very often, they are resolved amicably on a one-to-one basis, inculcating the spirit and attitude of give-and-take. On some occasions, the need for mediation by third party, may arise, to establish common ground between the parties involved. While petty issues can be usually resolved at the local level, the complex litigations that involve legal intervention are taken to the Courts of Law for resolution. Abraham Lincoln, said "discourage litigation, persuade your neighbours to compromise whenever you can. Point out to them how the normal winner is often the loser in fees, expenses, cost and time". The process of mediation is less cumbersome and economical because, the issue is settled on the basis of mutual agreement and the details are not open to the public, protecting the privacy of the people involved. Settlements of disputes through mediation assures recouping of social relations between the litigants, avoiding strained and broken relationships. In this process the mediator does not make a judgement, but facilitate discussion between the parties, helping the parties to find a solution themselves and which is acceptable to both. Justice V. Gopala Gowda of the Supreme Court too emphasised the need for a collective endeavour to popularise mediation, a potent tool of Alternative Dispute Resolution (ADR) mechanism, with a thrust on rural areas to help the litigant public arrive at mutually agreeable settlement⁸. In this regard the Government of Telangana should consider the feasibility of introduction of Nyaya Panchayats in the state. Ryagatlapalle is a unique village in the state of Telangana that has, very successfully, adopted the Alternative Dispute Resolution mechanism called 'Panjul' for more than four decades to resolve the issues at the village level. Success of Democracy depends on the citizens who abide by the democratic norms and principles in every walk of life.

The social organization of this village is structured in such a way that, in resolving any litigation the heads and people of all the communities, irrespective of their caste and gender, will participate on equal grounds. The commitment and the discipline the people have towards the tradition of decades long dispute resolution mechanism helped in many ways in the development of the village. It saved their

time and money which was in turn invested on productive activities. Economic development of this village is the manifestation of this fact. Ryagatlapalle is proudly claimed as the 'Vegetable Basket' of Kamareddy District because of the amount of agricultural output produced by this village. The example shown by Ryagatlapalle village bring to light the need of a legislation on a dispute resolution mechanism at village level more effective than Nyaya Panchayats, so as to make democracy strong from grass root level.

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