

**GOVERNMENT OF INDIA
MINISTRY OF LAW & JUSTICE
DEPARTMENT OF JUSTICE**

LOK SABHA

UNSTARRED QUESTION NO. †2770

TO BE ANSWERED ON WEDNESDAY, THE 11TH MARCH, 2020

Village Courts

**†2770. SHRI SUDHAKAR TUKARAM SHRANGARE:
SHRI DEVJI M. PATEL:
MS. PRATIMA BHOUMIK:**

Will the Minister of LAW AND JUSTICE be pleased to state:

- (a) the total number of village courts functioning in the country including Rajasthan and Tripura;**
- (b) the structure of the said village courts along with the details of the scope and process to file appeal; and**
- (c) the reasons for delay in setting up of village courts in all the States?**

A N S W E R

**MINISTER OF LAW AND JUSTICE, COMMUNICATIONS AND
ELECTRONICS & INFORMATION TECHNOLOGY
(SHRI RAVI SHANKAR PRASAD)**

(a): As per information available 353 Gram Nyayalayas have been notified so far by eleven States, out of which 221 are operational. The State-wise details of number of Gram Nyayalayas notified and operational, including State of Rajasthan, are given as under:

Sl. No.	Name of the State	Gram Nyayalyas Notified	Gram Nyayalayas operational
1	Madhya Pradesh	89	87
2	Rajasthan	45	45
3	Karnataka	2	0
4	Orissa	22	16
5	Maharashtra	39	24
6	Jharkhand	6	1
7	Goa	2	0
8	Punjab	2	2

9	Haryana	3	2
10	Uttar Pradesh	113	14
11	Kerala	30	30
Total		353	221

o Gram Nyayalaya has been notified or operational in the State of Tripura.

(b): Section 3 (3) of the Gram Nyayalayas Act, 2008 provides that Gram Nyayalayas shall be in addition to the ordinary courts established under any other law for the time being in force. For every Gram Nyayalaya, the State Government shall in consultation with the High Court appoint a Nyayadhikari in terms of Section 3(5) of the above Act. The provisions of appeals from any judgment, sentence or order of a Gram Nyayalaya in criminal cases and civil cases is laid down in Sections 33 and 34 of the said Act which is placed at **Annexure**. Gram Nyayalayas shall deemed to be a Court of Judicial Magistrate of the First Class and exercise both civil and criminal jurisdiction to the extent provided under the Act. The Nyayadhikari periodically visit the villages under his jurisdiction to hold mobile courts and conduct proceedings.

(c): As per Section 3(1) of the Act, the State Government, after consultation with the respective High Court may, by notification, establish one or more Gram Nyayalayas for every Panchayat at intermediate level or a group of contiguous Panchayats at intermediate level in a district or where there is no Panchayat at intermediate level in any State, for group of contiguous Gram Panchayats. The Central Government has no role in establishment of the Gram Nyayalayas. However, the issues affecting operationalization of the Gram Nyayalayas were discussed in the Conference of Chief Justices of High Courts and Chief Ministers of the States on 7th April, 2013. It was decided in the Conference that the State Governments and High Courts should decide the question of setting up of Gram Nyayalayas wherever feasible, taking into account the local issues and situation. It is, therefore, upto State Governments and High Courts to set up Gram Nyayalayas accordingly.

Extract of Gram Nyayalaya Act, 2008 referred to Lok Sabha Unstarred Question No. †2770 for Reply on 11.03.2020

2 of 1974

33. (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 or any other law, no appeal shall lie from any judgment, sentence or order of a Gram Nyayalaya except as provided hereunder.

Appeal in criminal cases.

(2) No appeal shall lie where—

(a) an accused person has pleaded guilty and has been convicted on such plea;

(b) the Gram Nyayalaya has passed only a sentence of fine not exceeding one thousand rupees.

(3) Subject to sub-section (2), an appeal shall lie from any other judgment, sentence or order of a Gram Nyayalaya to the Court of Session.

(4) Every appeal under this section shall be preferred within a period of thirty days from the date of judgment, sentence or order of a Gram Nyayalaya:

Provided that the Court of Session may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that the appellant had sufficient cause for not preferring the appeal within the said period.

(5) An appeal preferred under sub-section (3) shall be heard and disposed of by the Court of Session within six months from the date of filing of such appeal.

(6) The Court of Session may, pending disposal of the appeal, direct the suspension of the sentence or order appealed against.

(7) The decision of the Court of Session under sub-section (5) shall be final and no appeal or revision shall lie from the decision of the Court of Session:

Provided that nothing in this sub-section shall preclude any person from availing of the judicial remedies available under articles 32 and 226 of the Constitution.

Appeal in civil cases

34. (1) Notwithstanding anything contained in the Code of Civil Procedure, 1908 or any other law, and subject to sub-section (2), an appeal shall lie from every judgment or order, not being an interlocutory order, of a Gram Nyayalaya to the District Court.

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(2) No appeal shall lie from any judgment or order passed by the Gram Nyayalaya—

(a) with the consent of the parties;

(b) where the amount or value of the subject matter of a suit, claim or dispute does not exceed rupees one thousand;

(c) except on a question of law, where the amount or value of the subject matter of such suit, claim or dispute does not exceed rupees five thousand.

(3) Every appeal under this section shall be preferred within a period of thirty days from the date of the judgment or order of a Gram Nyayalaya:

Provided that the District Court may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that the appellant had sufficient cause for not preferring the appeal within the said period.

(4) An appeal preferred under sub-section (1) shall be heard and disposed of by the District Court within six months from the date of filing of the appeal.

(5) The District Court may, pending disposal of the appeal, stay execution of the judgment or order appealed against.

(6) The decision of the District Court under sub-section (4) shall be final and no appeal or revision shall lie from the decision of the District Court:

Provided that nothing in this sub-section shall preclude any person from availing of the judicial remedies available under articles 32 and 226 of the Constitution.
