

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

LOK SABHA

UNSTARRED QUESTION NO. 432

TO BE ANSWERED ON WEDNESDAY, THE 3RD FEBRUARY, 2021

Village Courts

432. DR. SANJAY JAISWAL:

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

(a) the total number of village courts functioning in the country including Bihar, district-wise;

(b) the structure of the said village courts along with the details of the scope and process to file appeal;

(c) the details of number of women advocates who are practicing in the High Courts and the Supreme Court; state-wise;

(d) the number of women who are currently serving as Judge in the High Courts; and

(e) the steps that have been taken by the Ministry to include more women in the judicial system of India?

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, 402 Gram Nyayalayas have been notified by 12 States. The State-wise details of Gram Nyayalayas notified and operational is at *Annexure-I*. Gram Nyayalayas have not been notified in the State of Bihar. However, the State Government has set up 8386 *Gram Kachehris* in Bihar, the district-wise detail of which is at *Annexure-II*.

(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-III***. Gram Nyayalayas shall be 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 visits the villages under his jurisdiction to hold mobile courts and conduct proceedings.

(c): Information on data relating to women advocates in High Courts and Supreme Court is not centrally maintained.

(d): 77 women are serving as Judges in the High Courts as on 20.01.2021.

(e): The appointment of Judges of the Supreme Court and High Courts are made under Articles 124 and 217 of the Constitution of India respectively. These Articles do not provide for reservation for any caste or class of persons. The Government has, however, been requesting the Chief Justices of the High Courts that while sending proposals for appointment of Judges, due consideration be given to suitable candidates belonging to Scheduled Castes, Scheduled Tribes, Other Backward Classes, Minorities and Women.

Referred to in Lok Sabha Unstarred Question No. 432 for Reply on 03.02.2021

State wise notified and functional Gram Nyayalayas

Sl. No.	Name of the State	Gram Nyayalyas Notified	Gram Nyayalayas operational
1	Madhya Pradesh	89	89
2	Rajasthan	45	45
3	Karnataka	2	2
4	Odisha	22	16
5	Maharashtra	39	24
6	Jharkhand	6	1
7	Goa	2	0
8	Punjab	9	2
9	Haryana	3	2
10	Uttar Pradesh	113	14
11	Kerala	30	30
12	Andhra Pradesh	42	0
Total		402	225

Annexure –II**Referred to in Lok Sabha Unstarred Question No. 432 for Reply on 03.02.2021****District-wise details of *Gram Kachehri* in the State of Bihar.**

Sl. No.	Name of District	No of <i>Gram Kachehri</i>
1.	Araria	218
2.	Arwal	65
3.	Aurangabad	204
4.	Banka	185
5.	Begusarai	229
6.	Bhagalpur	242
7.	Bhojpur	228
8.	Buxar	142
9.	Darbhanga	324
10.	Gaya	332
11.	Gopalganj	234
12.	Jamui	153
13.	Jehanabad	93
14.	Kaimur	149
15.	Katihar	235
16.	Khagaria	129
17.	Kishanganj	126
18.	Lakhisarai	80
19.	Madhepura	170
20.	Madhubani	399
21.	Munger	101
22.	Muzaffarpur	385
23.	Nalanda	249
24.	Nawada	187
25.	West Champaran	315
26.	Patna	322
27.	East Champaran	405
28.	Purnia (Purnea)	246
29.	Rohtas	245
30.	Saharsa	151
31.	Samastipur	381
32.	Saran	323
33.	Sheikhpura	54
34.	Sheohar	53
35.	Sitamarhi	270
36.	Siwan	293
37.	Supaul	181

38.	Vaishali	288
	Total	8386

Annexure-III

Extract of Gram Nyayalaya Act, 2008 referred to Lok Sabha Unstarred Question No. 432 for Reply on 03.02.2021

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. 5 of 1908

(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.
