

National Advisory Council

Proposed changes in draft Gram Nyayalayas Bill, 2005, with reasons

Original section (portions deleted are in bold and italics)	Changed section (Portions added are in bold and underlined)	Reasons
THE GRAM NYAYALAYAS BILL, 2005 A BILL	THE GRAM NYAYALAYAS BILL, 2005 A BILL	
<i>to provide for the establishment of Gram Nyayalayas for the purposes of providing access to justice both civil and criminal to the citizens at the grass root level and to ensure that opportunities for securing justice are not denied to any citizen by reason of social, economic or other disabilities and for matters connected therewith or incidental thereto.</i> BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:	<i>to provide for the establishment of Gram Nyayalayas for the purposes of providing access to justice both civil and criminal to the citizens at the grass root level and to ensure that opportunities for securing justice are not denied to any citizen by reason of social, economic or other disabilities and for matters connected therewith or incidental thereto.</i> BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:	- No Change -
CHAPTER I PRELIMINARY	CHAPTER I PRELIMINARY	- No Change -
1. (1) This Act may be called the Gram Nyayalayas Act, 2005. (2) It extends to the whole of India except the State of Jammu and Kashmir. (3) It shall come into force on such date as the Central Government may, by notification, in the Official Gazette, appoint, and different dates may be appointed for different States and any reference to the commencement of this Act in any provision of this Act shall be construed as a reference to the coming into force of that provision.	1. (1) This Act may be called the Gram Nyayalayas Act, 2005. (2) It extends to the whole of India except the State of Jammu and Kashmir. (3) It shall come into force on such date as the Central Government may, by notification, in the Official Gazette, appoint, and different dates may be appointed for different States and any reference to the commencement of this Act in any provision of this Act shall be construed as a reference to the coming into force of that provision.	- No Change -
2. In this Act, unless the context otherwise requires, -	2. In this Act, unless the context otherwise requires, -	- No Change -

Original section (portions deleted are in bold and italics)	Changed section (Portions added are in bold and underlined)	Reasons
<p>(a) "Gram Nyayalaya" means a subordinate court established under section 3;</p> <p>(b) "Gram Panchayat" means an institution (by whatever name called) of self-government constituted, at the village level, under article 243B of the Constitution, for the rural areas</p> <p>(c) "High Court" means –</p> <p>(i) in relation to any State, the High Court for that State;</p> <p>(ii) in relation to a Union territory to which the jurisdiction of the High Court for a State has been extended by law, that High Court;</p> <p>(iii) in relation to any other Union territory, the highest Court of criminal appeal for that territory other than the Supreme Court of India.</p> <p>(d) "notification" means a notification published in the Official Gazette;</p> <p>(e) "Panchayats at Intermediate level" means an institution (by whatever name called) of self-government constituted, at the intermediate level, under article 243B of the Constitution, for the rural areas;</p> <p>(f) "prescribed" means prescribed by rules made under this Act;</p> <p>(g) "State Government in relation to the Union territory means the Administrator of the Union territory and the references to the word Governor shall be construed as references to the Lieutenant Governor;</p> <p>(h) all other words and expressions used but not defined in this Act and defined in the Code of Civil Procedure 1908 or the Code of Criminal Procedure, 1973 shall have the meanings respectively assigned to them in those Codes.</p>	<p>(a) "Gram Nyayalaya" means a subordinate court established under section 3;</p> <p>(b) "Gram Panchayat" means an institution (by whatever name called) of self-government constituted, at the village level, under article 243B of the Constitution, for the rural areas</p> <p>(c) "High Court" means –</p> <p>(i) in relation to any State, the High Court for that State;</p> <p>(ii) in relation to a Union territory to which the jurisdiction of the High Court for a State has been extended by law, that High Court;</p> <p>(iii) in relation to any other Union territory, the highest Court of criminal appeal for that territory other than the Supreme Court of India.</p> <p>(d) "notification" means a notification published in the Official Gazette;</p> <p>(e) "Panchayats at Intermediate level" means an institution (by whatever name called) of self-government constituted, at the intermediate level, under article 243B of the Constitution, for the rural areas;</p> <p>(f) "prescribed" means prescribed by rules made under this Act;</p> <p>(g) "State Government in relation to the Union territory means the Administrator of the Union territory and the references to the word Governor shall be construed as references to the Lieutenant Governor;</p> <p>(h) all other words and expressions used but not defined in this Act and defined in the Code of Civil Procedure 1908 or the Code of Criminal Procedure, 1973 shall have the meanings respectively assigned to them in those Codes.</p>	
<p>CHAPTER II GRAM NYAYALAYA</p>	<p>CHAPTER II GRAM NYAYALAYA</p>	<p>- No Change -</p>
<p>3. (1) The State Government shall, for securing access to justice, both civil and criminal at the grass root level to the citizens, by notification, establish <u>a</u> Gram Nyayalaya for every Panchayat at Intermediate level or a group of contiguous Panchayats at</p>	<p>3. (1) The State Government shall, for securing access to justice, both civil and criminal at the grass root level to the citizens, by notification, establish <u>one or more</u> Gram Nyayalayas for every Panchayat at Intermediate level or a group of contiguous</p>	<ul style="list-style-type: none"> • The size of intermediate panchayats is not uniform across the states.

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<p>Intermediate level in a district.</p> <p>Provided that where there is no Panchayat at Intermediate level in any State, then a Gram Nyayalaya shall be established for a group of Gram Panchayats.</p> <p>(2) The Gram Nyayalayas established under sub-section (1) shall be in addition to the civil and criminal courts established under any other law for the time being in force.</p> <p>(3) The State Government shall, after consultation with the High Court, specify, by notification, the Gram limits of the area to which the jurisdiction of the Gram Nyayalaya shall extend and may, at any time, increase, reduce or alter such limits.</p> <p>4) A Gram Nyayalaya shall be the lowest court of subordinate judiciary in the State.</p> <p>(5) The headquarters of every Gram Nyayalaya shall be located at the headquarters of the <i>tehsil</i> in which the Gram Nyayalaya is established.</p> <p>(6) The office of the Gram Nyayalaya shall be called the Nyayalaya Kendra.</p>	<p>Panchayats at Intermediate level in a district.</p> <p><u>Provided that there shall be a Gram Nyayalaya for a population not exceeding 50,000</u></p> <p>Provided that where there is no Panchayat at Intermediate level in any State, then a Gram Nyayalaya shall be established for a group of Gram Panchayats.</p> <p>(2) The Gram Nyayalayas established under sub-section (1) shall be in addition to the civil and criminal courts established under any other law for the time being in force.</p> <p>(3) The State Government shall, after consultation with the High Court, specify, by notification, the Gram limits of the area to which the jurisdiction of the Gram Nyayalaya shall extend and may, at any time, increase, reduce or alter such limits.</p> <p>(4) A Gram Nyayalaya shall be the lowest court of subordinate judiciary in the State.</p> <p>(5) The headquarters of every Gram Nyayalaya shall be located at the headquarters of the <u>intermediate panchayats</u> in which the Gram Nyayalaya is established, <u>or such other place as may be notified</u></p> <p>(6) The office of the Gram Nyayalaya shall be called the Nyayalaya Kendra.</p>	<ul style="list-style-type: none"> • Access requires a reasonable and realistic population norm, say, 50,000 • Wherever feasible, the Nyayalaya should be located as close to people as possible. Therefore states need flexibility
<p>4. (1) Every Gram Nyayalaya shall consist of a Nyayadhikari and two lay judges</p> <p>(2) The Nyayadhikari and two lay judges shall be appointed by the Governor of the State in consultation with the High Court in accordance with the rules made in consultation with the State</p>	<p>4. (1) Every Gram Nyayalaya shall consist of a Nyayadhikari</p> <p>(2) The Nyayadhikari shall be appointed by the Governor of the State in consultation with the Chief Justice of the High Court in accordance with the rules made in this behalf.</p>	<ul style="list-style-type: none"> • Two lay judges make the process cumbersome, dilatory and expensive. • Judiciary, even in local courts, needs to be insulated from partisan pulls and

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<p><i>Public Service Commission</i> in this behalf.</p> <p>(3) A person shall not be qualified to be appointed as a Nyayadhikari unless he –</p> <p>(a) is eligible to be appointed as a Judicial Magistrate of the first class; and</p> <p>(b) belongs to the cadre of Nyayadhikaris constituted by the Governor in consultation with the State Public Service Commission and the Chief Justice of the High Court under section 5.</p> <p><i>(4) The two lay judges shall be appointed from a panel of names prepared under section 6.</i></p> <p>(5) While appointing the Nyayadhikari and the lay judges, as afar as practicable representation shall be given to the members of the Scheduled Castes, Scheduled Tribes and women, as the</p>	<p>(3) A person shall not be qualified to be appointed as a Nyayadhikari unless he –</p> <p><u>(a) is a law graduate or has such other qualifications as the High Court may prescribe;</u></p> <p><u>(b) is not more than forty-five years of age at the time of appointment;</u></p> <p><u>(c) is proficient in at least one official language of the State other than English.</u></p> <p>(d) belongs to the panel of Nyayadhikaris constituted by the Governor in consultation with the Chief Justice of the High Court under this section</p> <p>(4) While appointing the Nyayadhikari as afar as practicable representation shall be given to the members of the Scheduled Castes, Scheduled Tribes and women, as the case may be.</p>	<p>pressures.</p> <ul style="list-style-type: none"> • In many states, already High Court is finalizing selections without the role of Public Service Commission • Depending on the local situation, the High Court needs flexibility to relax qualifications for the honorary magistrate. • This clause in the original draft (appearing as Section 5(b)) is merely rearranged. • This clause in the original draft (appearing as Section 5(d)) is merely rearranged. • The High courts are already appointing authorities for subordinate judiciary in many states. • Cadre implies a permanent bureaucracy. Nyayadhikari is conceived to be largely honorary, to ensure accessible, speedy justice • Deleted as explained above (Section 4(1) here), since lay judges are not proposed. • Lay judges are not proposed.

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<p>case may be.</p> <p>5. The Governor shall, after consultation with the High Court, constitute a cadre of Nyayadhikaris comprising of persons with integrity and fulfilling the conditions and possessing qualifications as follows</p> <p><i>(a) he should possess a degree in law from a recognised University or equivalent;</i></p> <p><i>(b) he should not be more than forty-five years of age at the time of appointment;</i></p> <p><i>(c) he should be eligible to be appointed as a Munsiff Magistrate or as a Civil Judge or as a Judicial Magistrate of the first class;</i></p> <p><i>(d) he should have proficiency in at least one official language of the State other than English.</i></p> <p>6. <i>The district judge shall, in consultation with the district magistrate, prepare a panel consisting of the names of social workers at the village level having integrity for appointment as lay judges who possess the following qualifications and experience:-</i></p> <p><i>(a) possess a bachelors degree awarded by a recognized university;</i></p> <p><i>(b) has experience in socially oriented activities;</i></p> <p><i>(c) possess proficiency in the local language of the area and the official language of the State.</i></p> <p><i>(d) satisfies such other conditions as may be prescribed by the</i></p>	<p>(5). The Governor shall, after consultation with the <u>Chief Justice of the</u> High Court, constitute a panel of Nyayadhikaris comprising of persons with integrity and fulfilling the conditions and possessing qualifications as prescribed in this section.</p>	<ul style="list-style-type: none"> • For routine administrative and procedural matters Chief Justice can be empowered. For substantive, long-term decisions, High Court may have the authority. • Rearranged and incorporated in Section 4. • Deleted, as lay judges are not proposed now.

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<i>High Court</i>		
<p>7. (1) A person shall be disqualified to be appointed as a Nyayadhikari <i>or as a lay judge</i> to continue as a Nyayadhikari or as a lay judge, if he</p> <p>(a) has been convicted of an offence involving moral turpitude and punishable with imprisonment;</p> <p>(b) is an undercharged insolvent;</p> <p>(c) becomes of unsound mind and stands so declared by a competent court;</p> <p>(d) refuses to act or becomes incapable of acting;</p> <p>(e) has any proceedings pending against him in a criminal court;</p> <p>(f) is a member of any political party.</p> <p>(2) Any person who has been removed from office of Nyayadhikari or a lay Judge shall be ineligible for appointment under the Government.</p>	<p>5. (1) A person shall be disqualified to be appointed as a Nyayadhikari or to continue as a Nyayadhikari if he</p> <p>(a) has been convicted of an offence involving moral turpitude and punishable with imprisonment;</p> <p>(b) is an undercharged insolvent;</p> <p>(c) becomes of unsound mind and stands so declared by a competent court;</p> <p>(d) refuses to act or becomes incapable of acting;</p> <p>(e) has any proceedings pending against him in a criminal court;</p> <p>(f) is a member of any political party.</p> <p><u>(2) The term of office of Nyayadhikari will be three years. He may be reappointed upon completion of term.</u></p> <p><u>(3) A Nyayadhikari may be removed for incompetence, gross negligence, corruption, malfeasance, or conduct unbecoming of a magistrate.</u></p> <p>(4) Any person who has been removed from office of Nyayadhikari shall be ineligible for appointment under the Government.</p>	<ul style="list-style-type: none"> • For reasons explained above, provisions regarding lay judges are deleted. • A fixed term with renewal is necessary to ensure the honorary nature of appointment, and to give security of tenure. • Explicit removal provision needs to be incorporated to ensure accountability. • Provisions relating to the lay judges are deleted.

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	<p><u>(5) The Nyayadhikari shall not participate in the proceedings of Nyayalaya if he has any interest or is involved in the subject matter of the dispute pending consideration or is related to one of the parties to the proceeding, and in such a case the Nyayadhikari shall refer the matter to the District and Sessions judge for transfer of the case to any other Gram Nyayalaya</u></p>	<ul style="list-style-type: none"> • The clause, which appears as Section 9(4) is suitably reworded, and rearranged.
<p>8. The <i>salary</i> allowances and other terms and conditions of service of the Nyaydhikaris and lay judges shall be such as may be prescribed by the State Government.</p>	<p>6 The emoluments, allowances and other terms and conditions of service of the Nyaydhikaris shall be such as may be prescribed by the State Government.</p>	<ul style="list-style-type: none"> • Salary implies permanent employment. Emoluments indicate honorary and functional nature.
<p>9. <i>(1) The Gram Nyayalaya shall be presided over by the Nyayadhikari.</i></p> <p><i>(2) The lay judges shall assist the Nyayadhikari in the conduct of the proceedings of the Gram Nyayalaya but the opinion of the lay judges on legal issues shall not be binding on the Nyayadhikari in delivering any order or judgment.</i></p> <p><i>(3) The Nyayadhikari shall be responsible for delivering the Judgment of the Gram Nyayalaya.</i></p> <p><i>(4) The Nyayadhikari or the lay judge shall not participate in the proceedings of Nyayalaya if he has any interest or is involved in the subject matter of the dispute pending consideration or is related to one of the parties to the proceeding.</i></p>		<ul style="list-style-type: none"> • Sections 9(1), (2) and (3) are deleted, as they pertain to lay judges. • Section 9(4) is rearranged as new Section 5(5) now.
<p>10. (1) The Gram Nyayalaya shall periodically visit the villages falling under its jurisdiction and conduct proceedings (including taking of evidence, deciding of cases and the holding of mobile court if considered necessary) at any place</p>	<p>7 . (1) The Gram Nyayalaya shall periodically visit the villages falling under its jurisdiction and conduct proceedings (including taking of evidence, deciding of cases and the holding of mobile court if considered necessary) at any place which it considers is</p>	

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<p>which it considers is in close proximity to the place where the parties ordinarily reside or where the whole or part of the cause of action had arisen: Provided that where the Gram Nyayalaya decides to conduct its proceedings outside its Headquarters, it shall give wide publicity to the proposed date and place where it proposes to conduct its proceedings.</p> <p>(2) The State Government shall extend all facilities to the Gram Nyayalaya including the provision of vehicles for holding mobile court and additional security for the Nyayadhikari and the lay Judges while conducting proceedings outside its headquarters.</p> <p>(3) Subject to the provisions of sub-sections (1) and (2) the Gram Nyayalaya may conduct its proceedings at its headquarters.</p>	<p>in close proximity to the place where the parties ordinarily reside or where the whole or part of the cause of action had arisen: Provided that where the Gram Nyayalaya decides to conduct its proceedings outside its Headquarters, it shall give wide publicity to the proposed date and place where it proposes to conduct its proceedings.</p> <p>7 (2) The State Government shall extend all facilities to the Gram Nyayalaya for holding mobile court while conducting proceedings outside its headquarters.</p> <p>(3) Subject to the provisions of sub-sections (1) and (2) the Gram Nyayalaya may conduct its proceedings at its headquarters.</p>	<ul style="list-style-type: none"> • The wording is changed, to allow functional efficiency and flexibility with economy.
<p>11. Every Gram Nyayalaya established under this Act shall use a seal of the court in such form and dimensions as prescribed by the State Government.</p>	<p>8 . Every Gram Nyayalaya established under this Act shall use a seal of the court in such form and dimensions as prescribed by the State Government.</p>	<p>- No Change -</p>
<p>CHAPTER III JURISDICTION, POWERS AND AUTHORITY OF GRAM NY AYALA Y AS</p>	<p>CHAPTER III JURISDICTION, POWERS AND AUTHORITY OF GRAM NY AYALA Y AS</p>	<p>- No Change -</p>
<p>12. The State Government shall, by notification, fix and may, from time to time, depending on the workload vary, the Gram limits of the jurisdiction of any Gram Nyayalaya in consultation with the High Court.</p>	<p>9 . The State Government shall, by notification, fix and may, from time to time, depending on the workload, alter, the Gram limits of the jurisdiction of any Gram Nyayalaya in consultation with the High Court.</p>	<ul style="list-style-type: none"> • Mere stylistic change.
<p>13.(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 or any other law for the time being in force , the Gram Nyayalaya shall try all offences specified in the First Schedule.</p>	<p>10 .(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 or any other law for the time being in force , the Gram Nyayalaya shall try all offences specified in the First Schedule.</p>	

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<p>(2) Without prejudice to the provisions of subsection (1) the Gram Nyalaya shall also try all offences under the Central Acts <i>in respect of which no special courts or tribunals are constituted</i> where –</p> <p>(i) the maximum punishment prescribed is imprisonment not exceeding one year, whether with or without fine;</p> <p>(ii) the punishment prescribed is only fine;</p> <p>(iii) the offences are compoundable under the Code of Criminal Procedure 1973 or under any other law for the time being in force.</p> <p>(3) Without prejudice to the provisions of subsections (1) and (2) the Gram Nyayalaya shall also try all offences under the State Acts –</p> <p>(i) in respect of which the maximum punishment prescribed is imprisonment not exceeding one year whether with or without fine;</p> <p>(ii) the punishment prescribed is only fine;</p> <p>(iii) all offences which are compoundable under the Code of Criminal Procedure 1973 or under any other law for the time being in force.</p>	<p>(2) Without prejudice to the provisions of subsection (1) the Gram Nyayalaya shall also try all offences under the Central Acts where –</p> <p>(i) the maximum punishment prescribed is imprisonment not exceeding one year, whether with or without fine;</p> <p>(ii) the punishment prescribed is only fine;</p> <p>(iii) the offences are compoundable under the Code of Criminal Procedure 1973 or under any other law for the time being in force.</p> <p>(3) Without prejudice to the provisions of subsections (1) and (2) the Gram Nyayalaya shall also try all offences under the State Acts –</p> <p>(i) in respect of which the maximum punishment prescribed is imprisonment not exceeding one year whether with or without fine;</p> <p>(ii) the punishment prescribed is only fine;</p> <p>(iii) all offences which are compoundable under the Code of Criminal Procedure 1973 or under any other law for the time being in force.</p>	<ul style="list-style-type: none"> • Since there are several safeguards, the Nyayalaya is proposed to have jurisdiction even if special courts or tribunals are constituted.
<p>14. (1) Notwithstanding anything contained in any other law for the time being in force and subject to the provisions of the Code of Civil Procedure, 1908 and sub section (2), the Gram Nyayalayas shall have, jurisdiction to all original civil suits and proceedings of a civil nature.</p> <p>(2) The Gram Nyayalayas shall be the lowest court of competent jurisdiction to hear and dispose of suits of a civil nature falling under the classes of disputes specified in the Second Schedule.</p>	<p>11 . (1) Notwithstanding anything contained in any other law for the time being in force and subject to the provisions of the Code of Civil Procedure, 1908 and sub section (2), the Gram Nyayalayas shall have, jurisdiction to all original civil suits and proceedings of a civil nature, <u>subject to pecuniary limit prescribed by the High Court.</u></p> <p>(2) The Gram Nyayalayas shall be the lowest court of competent jurisdiction to hear and dispose of suits of a civil nature falling under the classes of disputes specified in the Second Schedule.</p>	<ul style="list-style-type: none"> • The High Court prescribes pecuniary limits for other civil courts. This power is necessary to make changes to suit local requirements in each State.
<p>15. (1) If the Central Government is satisfied that it is necessary</p>	<p>12 . (1) If the Central Government is satisfied that it is necessary</p>	

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<p>or expedient so to do, it may by notification, add to or omit items from the First Schedule or the Second Schedule as the case may be and thereupon the First or the Second Schedule shall be deemed to have been amended accordingly.</p> <p>(2) Every notification issued under subsection (I) shall be laid before each House of Parliament.</p> <p>(3) If the State Government is satisfied that it is necessary or expedient <i>so</i> to do, it n consultation with the Central Government and the High Court, by notification, add to any items from the First Schedule or the Second Schedule and thereupon the First or cond Schedule shall be deemed to have been amended accordingly:</p> <p>Provided that no item shall be added to the First Schedule or the Second Schedule unless the offence is punishable under the State Act or the nature of the dispute is relatable to the State Act:</p> <p>(4) Every notification issued under subsection (3) shall be laid before the State Legislature.</p>	<p>or expedient so to do, it may by notification, add to or omit items from the First Schedule or the Second Schedule as the case may be and thereupon the First or the Second Schedule shall be deemed to have been amended accordingly.</p> <p>(2) Every notification issued under subsection (I) shall be laid before each House of Parliament.</p> <p>(3) If the State Government is satisfied that it is necessary or expedient to do <u>so</u>, it n consultation with the Central Government and the High Court, by notification, add to any items from the First Schedule or the Second Schedule and thereupon the First or cond Schedule shall be deemed to have been amended accordingly:</p> <p>Provided that no item shall be added to the First Schedule or the Second Schedule unless the offence is punishable under the State Act or the nature of the dispute is relatable to the State Act:</p> <p>(4) Every notification issued under subsection (3) shall be laid before the State Legislature.</p>	
<p>16. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, or the Code of Civil Procedure, 1908, or any other law for the time being in force and subject to the provisions of this Act, a Gram Nyayalaya shall have exclusive jurisdiction in respect of disputes covered by the subject matters specified in sections <i>13 and 14.</i></p>	<p>13 . (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, or the Code of Civil Procedure, 1908, or any other law for the time being in force and subject to the provisions of this Act, a Gram Nyayalaya shall have exclusive jurisdiction in respect of disputes covered by the subject matters specified in sections <u>10 and 11.</u></p> <p><u>(2) On the constitution of the Nyayalayas under this Act all cases triable by the Nyayalaya shall transfer to the Nyayalaya with jurisdiction in the matter, and the Nyayalaya shall proceed with the trial of those cases from the stage as they stood on the date of transfer.</u></p>	<ul style="list-style-type: none"> • This transitional provision is necessary to reduce pendency in trial courts, and to serve the purposes of this Act.

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<p>17. The Gram Nyayalayas shall not have jurisdiction to take cognizance of the following classes of disputes, namely: –</p> <p>(a) a dispute by or against the Central Government or the State Government or a public servant for any bonafide act done by him in his official capacity;</p> <p>(b) a dispute against a minor or a person of unsound mind;</p> <p>(c) claims relating to applications cognizable by revenue courts.</p>	<p>14 . The Gram Nyayalayas shall not have jurisdiction to take cognizance of the following classes of disputes, namely: –</p> <p>(a) a dispute by or against the Central Government or the State Government or a public servant for any bonafide act done by him in his official capacity;</p> <p>(b) a dispute against a minor or a person of unsound mind;</p> <p>(c) claims relating to applications cognizable by revenue courts.</p>	<p>- No Change -</p>
<p>18. If the Gram Nyayalaya feels <i>that</i> it necessary in the interest of justice to close a case, may on its own motion or on an application by either party to the civil dispute pass orders closing the case, and advise the parties to approach the appropriate civil court in respect of matters relating to any complicated issue of fact or law which should be decided by any other competent court of law:</p> <p>Provided that whenever a case is closed by the Gram Nyayalaya under this section, the period for which the case has been pending in the Nyayalaya shall be excluded for the purposes of computing the period of limitation.</p>	<p>15 . If the Gram Nyayalaya feels it necessary in the interest of justice to close a case, it may on its own motion or on an application by either party to the civil dispute pass orders closing the case, and advise the parties to approach the appropriate civil court in respect of matters relating to any complicated issue of fact or law which should be decided by any other competent court of law:</p> <p>Provided that whenever a case is closed by the Gram Nyayalaya under this section, the period for which the case has been pending in the Nyayalaya shall be excluded for the purposes of computing the period of limitation.</p>	<p>- No Change -</p>
<p>19. The provisions of the Limitation Act, 1963, and the provisions of Chapter. XXXVI of the Code of Criminal Procedure, 1973 shall be applicable to Gram Nyayalaya.</p>	<p>16 . The provisions of the Limitation Act, 1963, and the provisions of Chapter. XXXVI of the Code of Criminal Procedure, 1973 shall be applicable to Gram Nyayalaya.</p>	<p>- No Change -</p>
<p>20. (1) <i>The State Government shall determine the nature and categories of the officers and other employees required to assist the Gram Nyayalaya in the discharge of its functions and provide the Gram Nyayalaya with such officers and other employees as it may think fit.</i></p>	<p>17 . (1) <u>The State Government shall make adequate financial and other provisions as it deems fit, to ensure the availability of secretarial assistance to the Gram Nyayalaya to discharge its functions.</u></p> <p>(2) The officers and other employees of a Gram Nyayalaya shall</p>	<ul style="list-style-type: none"> • The states need the flexibility of establishing the Nyayalayas, without huge additional burden of permanent staff, and to combine efficiency with

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(2) The officers and other employees of a Gram Nyayalaya shall perform such duties as may from time to time be assigned to them by the Nyayadhikari.	perform such duties as may from time to time be assigned to them by the Nyayadhikari	economy.
		- No Change -
CHAPTER IV PROCEDURE IN CRIMINAL CASES	CHAPTER IV PROCEDURE IN CRIMINAL CASES	
21. (1) Subject to the provisions of sub-section (2) the provisions of the Code of Criminal Procedure, 1973 and the rules made there under shall apply to the proceedings in respect of criminal cases triable by the dram Nyayalaya under this Act. (2) The Gram Nyayalaya while exercising criminal jurisdiction shall follow the summary procedure and the provisions of sections 262 to 265 of the Code of Criminal Procedure 1973 shall apply accordingly.	18 . (1) Subject to the provisions of sub-section (2) the provisions of the Code of Criminal Procedure, 1973 and the rules made there under shall apply to the proceedings in respect of criminal cases triable by the Gram Nyayalaya under this Act. (2) The Gram Nyayalaya while exercising criminal jurisdiction shall follow the summary procedure and the provisions of sections 262 to 265 of the Code of Criminal Procedure 1973 shall apply accordingly.	- No Change -
22. (1) Subject to the provisions of section 21, the Nyayalaya shall in regard to the conduct of its business, follow such rules as may be prescribed by the High Court under this Act. (2) The trial of offences by the Gram Nyayalaya under this Act shall be as far as may be ,on a day-to-day basis and the case shall be disposed of within a period of ninety days from the date of its institution. (3) The Gram Nyayalaya shall pronounce its judgment within one week from the last date of its hearing. (4) A copy of the Judgment shall be delivered immediately to both the parties free of cost. (5) The Gram Nyayalaya shall, in cases where imprisonment has been awarded, forward the copies of the Judgment along	19 . (1) Subject to the provisions of section 21, the Nyayalaya shall in regard to the conduct of its business, follow such rules as may be prescribed by the High Court under this Act. (2) The trial of offences by the Gram Nyayalaya under this Act shall be as far as may be , on a day-to-day basis and the case shall be disposed of within a period of ninety days from the date of its institution. (3) The Gram Nyayalaya shall pronounce its judgment within one week from the last date of its hearing. (4) A copy of the Judgment shall be delivered immediately to both the parties free of cost. (5) The Gram Nyayalaya shall, in cases where imprisonment has been awarded, forward the copies of the Judgment along with	- No Change -

Original section (portions deleted are in bold and italics)	Changed section (Portions added are in bold and underlined)	Reasons
with the warrant of commitment to the officer-in-charge of the jail concerned, the police station concerned, and the Assistant Sessions Judge having jurisdiction.	the warrant of commitment to the officer-in-charge of the jail concerned, the police station concerned, and the Assistant Sessions Judge having jurisdiction.	
<p>23. If at any stage of the proceedings, it appears to the Gram Nyayalaya that the case is one which ought to be tried by a Judicial Magistrate of the first class or any other superior officer, or if at the close of a trial, the Gram Nyayalaya is of the opinion that the accused is guilty and that he ought to receive a punishment more severe than that which the Gram Nyayalaya is empowered to impose, it shall submit the case to the appropriate Magistrate having jurisdiction who shall transfer the case to his own court and proceed according to law.</p>	<p>20. If at any stage of the proceedings, it appears to the Gram Nyayalaya that the case is one which ought to be tried by a Judicial Magistrate of the first class or any other superior officer, or if at the close of a trial, the Gram Nyayalaya is of the opinion that the accused is guilty and that he ought to receive a punishment more severe than that which the Gram Nyayalaya is empowered to impose, it shall submit the case to the appropriate Magistrate having jurisdiction who shall transfer the case to his own court and proceed according to law.</p>	- No Change -
<p>24. (I) The State Government shall appoint an advocate to present the criminal cases before each Gram Nyayalaya.</p> <p>(2) Notwithstanding anything contained in sub-section (1) or in the Code of Criminal Procedure, 1973, in a criminal proceeding before the Gram Nyayalaya, the complainant may, engage an advocate of his choice and at his expense to present the case of the prosecution with the leave of the Gram Nyayalaya.</p> <p>(3) The State Legal Services Authority constituted under section 6 of the Legal Services Authorities Act, 1987 shall prepare a panel of advocates and assign at least two of them to be attached to each Gram Nyayalaya so that their services shall be readily available to the parties, if they so desire.</p>	<p>21. (I) The State Government shall appoint an advocate to present the criminal cases before each Gram Nyayalaya.</p> <p>(2) Notwithstanding anything contained in sub-section (1) or in the Code of Criminal Procedure, 1973, in a criminal proceeding before the Gram Nyayalaya, the complainant may, engage an advocate of his choice and at his expense to present the case of the prosecution with the leave of the Gram Nyayalaya.</p> <p>(3) The State Legal Services Authority constituted under section 6 of the Legal Services Authorities Act, 1987 shall prepare a panel of advocates and assign at least two of them to be attached to each Gram Nyayalaya so that their services shall be readily available to the parties, if they so desire.</p>	- No Change -
<p>25. Any offence cognizable by a Gram Nyayalaya under this Act may be compounded with its permission, if such offence is compoundable under any law.</p>	<p>22. Any offence cognizable by a Gram Nyayalaya under this Act may be compounded with its permission, if such offence is compoundable under any law.</p>	- No Change -
<p>26. The Gram Nyayalaya shall not take cognizance of any offence, which is punishable by more than one year's</p>	<p>23. The Gram Nyayalaya shall not take cognizance of any offence, which is punishable by more than one year's</p>	- No Change -

Original section (portions deleted are in bold and italics)	Changed section (Portions added are in bold and underlined)	Reasons
imprisonment if the accused, has been previously convicted and sentenced to suffer imprisonment for a term of one year or more.	imprisonment if the accused, has been previously convicted and sentenced to suffer imprisonment for a term of one year or more.	
<p>27. In imposing any fine, the Gram Nyayalaya may direct that the whole or any portion of the fine recovered shall be applied</p> <p><i>(a)</i> towards defraying the expenses incurred in the case by the complainant; or <i>(b)</i> in giving compensation to a person for any material loss or damage caused to him by reason of commission of the offence.</p>	<p>24. In imposing any fine, the Gram Nyayalaya may direct that the whole or any portion of the fine recovered shall be applied</p> <p><i>(a)</i> towards defraying the expenses incurred in the case by the complainant; or <i>(b)</i> in giving compensation to a person for any material loss or damage caused to him by reason of commission of the offence.</p>	- No Change -
CHAPTER V PROCEDURE IN CIVIL CASES	CHAPTER V PROCEDURE IN CIVIL CASES	- No Change -
<p>28. (1) In every suit or proceeding of civil nature instituted, endeavour shall be made by the Gram Nyayalaya in the first instance, where it is possible to do so consistent with the nature and circumstances of the case, to assist, persuade and conciliate the parties in arriving at a settlement in respect of the subject matter of the suit or proceeding, as the case may be, and for this purpose a Gram Nyayalaya may, subject to the rules made by the High Court, follow such procedure as it may deem fit.</p> <p>(2) If, in any suit or proceeding, at any stage, it appears to the Gram Nyayalaya that there is a reasonable possibility of a settlement between the parties, the Gram Nyayalaya may adjourn the proceedings for such period as it thinks fit to enable attempts to be made to effect such a settlement.</p> <p>(3) The power conferred by sub-section (2) shall be in addition to, and not in derogation of, any other power of the Gram Nyayalaya to adjourn the proceedings.</p>	<p>25. (1) In every suit or proceeding of civil nature instituted, endeavour shall be made by the Gram Nyayalaya in the first instance, where it is possible to do so consistent with the nature and circumstances of the case, to assist, persuade and conciliate the parties in arriving at a settlement in respect of the subject matter of the suit or proceeding, as the case may be, and for this purpose a Gram Nyayalaya may, subject to the rules made by the High Court, follow such procedure as it may deem fit.</p> <p>(2) If, in any suit or proceeding, at any stage, it appears to the Gram Nyayalaya that there is a reasonable possibility of a settlement between the parties, the Gram Nyayalaya may adjourn the proceedings for such period as it thinks fit to enable attempts to be made to effect such a settlement.</p> <p>(3) The power conferred by sub-section (2) shall be in addition to, and not in derogation of, any other power of the Gram Nyayalaya to adjourn the proceedings.</p>	- No Change -

Original section (portions deleted are in bold and italics)	Changed section (Portions added are in bold and underlined)	Reasons
<p>29. (1) Subject to the other provisions of this Act, and the rules made thereunder, the Gram Nyayalaya shall be deemed to be a civil court and shall have all powers of such court for dealing with the suits of civil nature.</p> <p>(2) The Gram Nyayalaya shall not be bound by the procedure laid down in the Code of Civil Procedure, 1908 or the rules of evidence as laid down in the Indian Evidence Act, 1872, but shall be guided by the principles of natural justice and subject to the other provisions of this Act and any rule made by the High Court, the Gram Nyayalaya shall have the power to regulate its own procedure including the fixing of places and times of its proceedings.</p>	<p>26. (1) Subject to the other provisions of this Act, and the rules made thereunder, the Gram Nyayalaya shall be deemed to be a civil court and shall have all powers of such court for dealing with the suits of civil nature.</p> <p>(2) The Gram Nyayalaya shall not be bound by the procedure laid down in the Code of Civil Procedure, 1908 or the rules of evidence as laid down in the Indian Evidence Act, 1872, but shall be guided by the principles of natural justice and subject to the other provisions of this Act and any rule made by the High Court, the Gram Nyayalaya shall have the power to regulate its own procedure including the fixing of places and times of its proceedings.</p>	<p>- No Change -</p>
<p>30. (1) Any person desirous of settlement of any dispute or matter of a civil nature referred to in the Second Schedule may make an application to the Gram Nyayalaya in such form and in such manner and accompanied by a fee of one hundred rupees.</p> <p>(2) The Gram Nyayalaya shall issue a notice accompanied by a copy of the application served on the opposite party in the prescribed manner fixing a date for his appearance or to file a counter affidavit.</p> <p>(3) After the opposite party files his counter affidavit, the Gram Nyayalaya shall fix a date for hearing and inform all the parties to be present in person or through their lawyers or authorized agents.</p> <p>(4) On the date fixed for hearing the Gram Nyayalaya shall hear both the parties in regard to their respective contentions and if the dispute does not require recording of any evidence,</p>	<p>27. (1) <u>Notwithstanding any other law for the time being in force relating to court fee,</u> any person desirous of settlement of any dispute or matter of a civil nature referred to in the Second Schedule may make an application to the Gram Nyayalaya in such form and in such manner and accompanied by a fee of one hundred rupees, <u>or such other amount as may be prescribed by the High Court from time to time.</u></p> <p>(2) The Gram Nyayalaya shall issue a notice accompanied by a copy of the application served on the opposite party in the prescribed manner fixing a date for his appearance or to file a counter affidavit.</p> <p>(3) After the opposite party files his counter affidavit, the Gram Nyayalaya shall fix a date for hearing and inform all the parties to be present in person or through their lawyers or authorized agents.</p> <p>(4) On the date fixed for hearing the Gram Nyayalaya shall hear both the parties in regard to their respective contentions and if the dispute does not require recording of any evidence,</p>	<ul style="list-style-type: none"> • The court fee may have to be suitably increased with time, and High Court should have the flexibility without having to amend the law each time.

Original section (portions deleted are in bold and italics)	Changed section (Portions added are in bold and underlined)	Reasons
<p>pronounce the decision on the same day.</p> <p>(5) In case any of the parties to the dispute desires to produce oral and or documentary evidence, or the Gram Nyayalaya is of the opinion that the dispute involves questions of fact which have to be decided by recording oral or documentary evidence for a just decision, the Gram Nyayalaya shall record the summary of evidence, if any, on a date fixed for hearing.</p> <p>(6) Notwithstanding that the procedure <i>lay</i> down in the Code of Civil Procedure, 1908 shall not be applicable to civil disputes or claims before the Gram Nyayalaya, the Gram Nyayalaya shall, for the purposes of this Act have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 while trying the claim or dispute in respect of the following matters, namely:–</p> <p>(i) summoning and enforcing attendance of any defendant or witness and examining the witness on oath;</p> <p>(ii) discovery and production of any document or other material object producible as evidence;</p> <p>(iii) reception of evidence on affidavits.</p> <p>(7) The Gram Nyayalaya shall have the power to proceed <i>ex parte</i> if any of the parties does not appear.</p> <p>(8) In regard to any incidental matters that may arise during the course of the proceedings, the Gram Nyayalaya shall adopt such procedure as is deemed fit from time to time.</p> <p>(9) The hearing shall be on a day-to-day basis.</p> <p>(10) The Gram Nyayalaya shall pronounce the judgment within a period of ninety days from the date of statement of claim, and</p>	<p>pronounce the decision on the same day.</p> <p>(5) In case any of the parties to the dispute desires to produce oral and or documentary evidence, or the Gram Nyayalaya is of the opinion that the dispute involves questions of fact which have to be decided by recording oral or documentary evidence for a just decision, the Gram Nyayalaya shall record the summary of evidence, if any, on a date fixed for hearing.</p> <p>(6) Notwithstanding that the procedure <u>laid</u> down in the Code of Civil Procedure, 1908 shall not be applicable to civil disputes or claims before the Gram Nyayalaya, the Gram Nyayalaya shall, for the purposes of this Act have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 while trying the claim or dispute in respect of the following matters, namely:–</p> <p>(i) summoning and enforcing attendance of any defendant or witness and examining the witness on oath;</p> <p>(ii) discovery and production of any document or other material object producible as evidence;</p> <p>(iii) reception of evidence on affidavits.</p> <p>(7) The Gram Nyayalaya shall have the power to proceed <i>ex parte</i> if any of the parties does not appear.</p> <p>(8) In regard to any incidental matters that may arise during the course of the proceedings, the Gram Nyayalaya shall adopt such procedure as is deemed fit from time to time.</p> <p>(9) The hearing shall be on a day-to-day basis.</p> <p>(10) The Gram Nyayalaya shall pronounce the judgment within a period of ninety days from the date of statement of claim, and</p>	

Original section (portions deleted are in bold and italics)	Changed section (Portions added are in bold and underlined)	Reasons
<p>within one week of the last day of hearing of the case.</p> <p>(11) The judgment shall contain the number of the petition, the names of the parties, the particulars of the claim, the points for determination, the summary of evidence adduced on either side, if any, and the findings reached by the Gram Nyayalaya.</p> <p>(12) A copy of the order shall be delivered to both the parties within three days on payment of five rupees.</p>	<p>within one week of the last day of hearing of the case.</p> <p>(11) The judgment shall contain the number of the petition, the names of the parties, the particulars of the claim, the points for determination, the summary of evidence adduced on either side, if any, and the findings reached by the Gram Nyayalaya.</p> <p>(12) A copy of the order shall be delivered to both the parties within three days on payment of five rupees.</p>	
<p>31. The District and Sessions Judge having jurisdiction may on an application made by any party or when there is considerable pendency with one Gram Nyayalaya, or whenever he considers it necessary in the interests of justice, transfer any case pending before a Gram Nyayalaya to any other Gram Nyayalaya within his jurisdiction.</p>	<p>28. The District and Sessions Judge having jurisdiction may on an application made by any party or when there is considerable pendency with one Gram Nyayalaya, or whenever he considers it necessary in the interests of justice, transfer any case pending before a Gram Nyayalaya to any other Gram Nyayalaya within his jurisdiction.</p>	- No Change -
<p>32. (1) Where the Gram Nyayalaya in any claim for money due, passes an order for payment of money, it may also order payment of interest thereon at a rate not exceeding 12 per cent. per annum from the date of the claim statement till the date of payment.</p> <p>(2) The Gram Nyayalaya may if it deems fit direct payment in installments with or without interest.</p>	<p>29. (1) Where the Gram Nyayalaya in any claim for money due, passes an order for payment of money, it may also order payment of interest thereon at a rate not exceeding 12 per cent. per annum from the date of the claim statement till the date of payment.</p> <p>(2) The Gram Nyayalaya may if it deems fit direct payment in installments with or without interest.</p>	- No Change -
<p>33. The Gram Nyayalaya shall have all the powers of the civil court to issue commission and the provisions of sections 75 to 78 of the Code of Civil Procedure, 1908 shall apply as if for the words "the Court" referred to therein, the words "Gram Nyayalaya" has been substituted.</p>	<p>30. The Gram Nyayalaya shall have all the powers of the civil court to issue commission and the provisions of sections 75 to 78 of the Code of Civil Procedure, 1908 shall apply as if for the words "the Court" referred to therein, the words "Gram Nyayalaya" has been substituted.</p>	- No Change -
<p>CHAPTER VI PROCEDURE GENERALLY</p>	<p>CHAPTER VI PROCEDURE GENERALLY</p>	

Original section (portions deleted are in bold and italics)	Changed section (Portions added are in bold and underlined)	Reasons
<p>34. The proceedings before the Gram Nyayalaya and its judgment of the Nyayalaya shall, as far as practicable be in one of the official language of the State other than English. .</p>	<p>31. The proceedings before the Gram Nyayalaya and its judgment of the Nyayalaya shall, as far as practicable be in one of the official language of the State other than English. .</p>	<p>- No Change -</p>
<p>35. Evidence given orally before a Gram Nyayalaya shall be on oath or on solemn affirmation.</p>	<p>32. Evidence given orally before a Gram Nyayalaya shall be on oath or on solemn affirmation.</p>	<p>- No Change -</p>
<p>36. (1) The Gram Nyayalaya shall have the power of Judicial Magistrate of the first class in respect of all matters relating to summons securing the presence of witnesses, attendance of persons confined or detained in prisons, production of any material evidence including revenue records, title deeds, agreements, contracts, weapons and any other such relevant material as <i>the</i> may deem fit.</p> <p>(2) Where any person has been compelled to appear before the Gram Nyayalaya, the Gram Nyayalaya shall record his statement and thereafter the Gram Nyayalaya may dispense with his attendance at the hearing of the case.</p>	<p>33. (1) The Gram Nyayalaya shall have the power of Judicial Magistrate of the first class in respect of all matters relating to summons securing the presence of witnesses, attendance of persons confined or detained in prisons, production of any material evidence including revenue records, title deeds, agreements, contracts, weapons and any other such relevant material as <u>it</u> may deem fit.</p> <p>(2) Where any person has been compelled to appear before the Gram Nyayalaya, the Gram Nyayalaya shall record his statement and thereafter the Gram Nyayalaya may dispense with his attendance at the hearing of the case.</p>	<ul style="list-style-type: none"> • Error in language
<p>CHAPTER VII APPEALS</p>	<p>CHAPTER VII APPEALS</p>	<p>- No Change -</p>
<p>37. (1) An appeal shall lie to the Court of Sessions exercising jurisdiction over the area against any order or sentence passed by a Gram Nyayalaya within thirty days of the passing of such order or sentence.</p> <p>(2) The Court of Sessions shall dispose of an appeal preferred under sub-section (1) within six months from the date of filling of the appeal.</p> <p>(3) The Court of Sessions may, pending disposal of the appeal,</p>	<p>34. (1) An appeal shall lie to the Assistant Sessions Judge exercising jurisdiction over the area against any order or sentence passed by a Gram Nyayalaya within thirty days of the passing of such order or sentence.</p> <p>(2) The Assistant Sessions Judge shall dispose of an appeal preferred under sub-section (1) within six months from the date of filling of the appeal.</p> <p>(3) The Court of Sessions may, pending disposal of the appeal,</p>	<ul style="list-style-type: none"> • It is desirable to allow only

Original section (portions deleted are in bold and italics)	Changed section (Portions added are in bold and underlined)	Reasons
direct the suspension of the sentence or order appealed against.	direct the suspension of the sentence or order appealed against. <u>(4) The decision of the appellate court shall be final</u>	one appeal, with the usual revision if needed, because the cases are relatively small in nature, and endless litigation should be discouraged. • Sessions judge is too high a level for first appeal, since the cases are small and even now, some appeals on JMFC's orders go to the Assistant Sessions Judge.
<p>38. (1) An appeal shall lie to the <i>District Court</i> exercising jurisdiction over the area against any final order or judgment passed by a Gram Nyayalaya within thirty days of the passing of such order or judgment.</p> <p>(2) The District Court shall dispose of an appeal preferred under sub-section (1) within six months from the date of filling of the appeal.</p> <p>(3) The District Court may, pending disposal of the appeal, direct the suspension of the order or judgment appealed against.</p>	<p>35. (1) An appeal shall lie to the Senior Civil Judge exercising jurisdiction over the area against any final order or judgment passed by a Gram Nyayalaya within thirty days of the passing of such order or judgment.</p> <p>(2) The Senior Civil Judge shall dispose of an appeal preferred under sub-section (1) within six months from the date of filling of the appeal.</p> <p>(3) The Senior Civil Judge may, pending disposal of the appeal, direct the suspension of the order or judgment appealed against.</p> <p><u>(4) The decision of the appellate court shall be final</u></p>	<ul style="list-style-type: none"> • Please see the reasons under the new Section 34.
CHAPTER VIII MISCELLANEOUS	CHAPTER VIII MISCELLANEOUS	
<p>39. (1) The Gram Nyayalaya shall not try any civil matter which is the subject matter of any proceeding pending or disposed of by a competent court.</p> <p>(2) Where a case is pending in any court against an accused person in respect of any offence or where an accused person has been tried for any offence, the Gram Nyayalaya shall not</p>	<p>36. (1) The Gram Nyayalaya shall not try any civil matter which is the subject matter of any proceeding pending or disposed of by a competent court, <u>unless a pending case is transferred to it by the District Judge.</u></p> <p>(2) Where a case is pending in any court against an accused person in respect of any offence or where an accused person has</p>	<ul style="list-style-type: none"> • This is merely to facilitate transfer of cases by the District Judge, and to avoid misinterpretation.

Original section (portions deleted are in bold and italics)	Changed section (Portions added are in bold and underlined)	Reasons
take cognizance of any such offence or on the same facts, or any other offence of which the accused might have been charged or convicted. .	been tried for any offence, the Gram Nyayalaya shall not take cognizance of any such offence or on the same facts, or any other offence of which the accused might have been charged or convicted.	
<p>40. (1) Every police officer functioning within the Gram limits of jurisdiction of a Gram Nyayalaya shall be bound to assist the Nyayalaya in the exercise of its lawful authority .</p> <p>(2) Whenever the Gram Nyayalaya, in the discharge of its functions, requests revenue or police officer or a Government servant to provide assistance to the Nyayalaya, he shall be bound to provide such assistance. _</p>	<p>37. (1) Every police officer functioning within the Gram limits of jurisdiction of a Gram Nyayalaya shall be bound to assist the Nyayalaya in the exercise of its lawful authority .</p> <p>(2) Whenever the Gram Nyayalaya, in the discharge of its functions, requests revenue or police officer or a Government servant to provide assistance to the Nyayalaya, he shall be bound to provide such assistance. _</p>	- No Change -
<p>41. The Nyayadhikari, lay judges and other employees of the Gram Nyayalayas shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants within the meaning of section 21 of the Indian Penal Code.</p>	<p>38. The Nyayadhikari, lay judges and other employees of the Gram Nyayalayas shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants within the meaning of section 21 of the Indian Penal Code.</p>	- No Change -
<p>42. The District Judge shall inspect the Gram Nyayalayas within his jurisdiction once in every six months or such other period as the High Court may specify and issue such instructions, as he considers necessary and submit a report to the High Court.</p>	<p>39. The Senior Civil Judge having jurisdiction over the area shall inspect the Gram Nyayalayas within his jurisdiction once in every six months or such other period as the High Court may specify and issue such instructions, as he considers necessary and submit a report to the High Court.</p>	<ul style="list-style-type: none"> • The District may have dozens of Gram Nyayalayas and it is not practical for the District Judge to inspect all such courts twice a year. Senior Civil Judge is sufficient for inspections.
<p>43. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as may appear to be necessary for removing the difficulty:</p> <p>Provided that no order shall made under this section after the expiry of a period of three years from the date of</p>	<p>40. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as may appear to be necessary for removing the difficulty:</p> <p>Provided that no order shall made under this section after the expiry of a period of three years from the date of</p>	- No Change -

Original section (portions deleted are in bold and italics)	Changed section (Portions added are in bold and underlined)	Reasons
<p>commencement of this Act.</p> <p>(2) Every order made under this section shall be laid, as soon as m,ay be after it is made, before each House of Parliament.</p>	<p>commencement of this Act.</p> <p>(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.</p>	
<p>44. (1) The High Court may, by notification, make rules for carrying out the provisions of this Act.</p> <p>(2) In particular and without generality of the foregoing power, such rules may provide for all or any of the following matters, namely:</p> <p>(a) the receipt and custody of all documents and records by or on behalf of the Gram Nyayalaya and the grant of judgment, orders and other records;</p> <p>(b) the place and the manner in which the proceedings of the Gram Nyayalaya shall be conducted;</p> <p>(c) the manner in which any process is issued by the Gram Nyayalaya;</p> <p>(d) the particulars of the registers and records to be maintained by the Gram Nyayalaya;</p> <p>(e) the conduct of training programme of the Gram Nyayalaya;</p> <p>(j) the supervision and inspection of the Gram Nyayalayas in respect of specified matters;</p> <p>(g) any other matter which is to be or may be prescribed by rules for carrying out the provisions of this Act.</p>	<p>41. (1) The High Court may, by notification, make rules for carrying out the provisions of this Act.</p> <p>(2) In particular and without generality of the foregoing power, such rules may provide for all or any of the following matters, namely:</p> <p>(a) the receipt and custody of all documents and records by or on behalf of the Gram Nyayalaya and the grant of judgment, orders and other records;</p> <p>(b) the place and the manner in which the proceedings of the Gram Nyayalaya shall be conducted;</p> <p>(c) the manner in which any process is issued by the Gram Nyayalaya;</p> <p>(d) the particulars of the registers and records to be maintained by the Gram Nyayalaya;</p> <p>(e) the conduct of training programme of the Gram Nyayalaya;</p> <p>(j) the supervision and inspection of the Gram Nyayalayas in respect of specified matters;</p> <p>(g) any other matter which is to be or may be prescribed by rules for carrying out the provisions of this Act.</p>	- No Change -
<p>45. (1) The State Government may, by notification, make rules for carrying out the provisions of this Act.</p>	<p>42. (1) The State Government may, by notification, make rules for carrying out the provisions of this Act.</p>	- No Change -

Original section (portions deleted are in bold and italics)	Changed section (Portions added are in bold and underlined)	Reasons
<p>(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:</p> <p>(a) the form in which and the manner in which an application shall be made to the Gram Nyayalaya;</p> <p>(b) the fixation of honorarium, secretarial allowance and traveling allowance and other financial matters in respect of the Gram Nyayalayas.</p> <p>(3) Every rule made by the State Government under this Act shall be laid as soon as may be after it is made, before the State Legislature.</p>	<p>.</p> <p>(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:</p> <p>(a) the form in which and the manner in which an application shall be made to the Gram Nyayalaya;</p> <p>(b) the fixation of honorarium, secretarial allowance and traveling allowance and other financial matters in respect of the Gram Nyayalayas.</p> <p>(3) Every rule made by the State Government under this Act shall be laid as soon as may be after it is made, before the State Legislature.</p>	
<p>FIRST SCHEDULE [See sections 13 & 15] PART I OFFENCES UNDER THE INDIAN PENAL CODE (45 OF 1860)</p>	<p>FIRST SCHEDULE [See sections 13 & 15] PART I OFFENCES UNDER THE INDIAN PENAL CODE (45 OF 1860)</p>	- No Change -
<p>(a) Sections 109 to 113 in so far as they relate to the offences mentioned at sub-item (b); (b) Sections 120B (relating to any other criminal conspiracy), 137, 138, 140, 143, 149, 150,151, 153, 154, 155, 156, 157, 158 (except being hired to take part in an unlawful assembly or riot by going with arm), 160,163,166, 168, 171, 171E, 171F,171G, 171H, 171I, 172, 173, 174, 175, 176, 177 (relating to knowingly furnishing false information to a public servant), 178, 179, 180, 182, 183, 184, 185, 186, 187, 188, 190,202,225B,228,264,265,266,267,269,271,272,273,274,275,276,278,279,280,282,283, 284,285,286, 287,288,289, 290,291, 294A, 296, 297, 298, 309, 3</p>	<p>a) Sections 109 to 113 in so far as they relate to the offences mentioned at sub-item (b); (b) Sections 120B (relating to any other criminal conspiracy), 137, 138, 140, 143, 149, 150,151, 153, 154, 155, 156, 157, 158 (except being hired to take part in an unlawful assembly or riot by going with arm), 160,163,166, 168, 171, 171E, 171F,171G, 171H, 171I, 172, 173, 174, 175, 176, 177 (relating to knowingly furnishing false information to a public servant), 178, 179, 180, 182, 183, 184, 185, 186, 187, 188, 190,202,225B,228,264,265,266,267,269,271,272,273,274,275,2</p>	

Original section (portions deleted are in bold and italics)	Changed section (Portions added are in bold and underlined)	Reasons
23,334,336,337,341,342,357,358, 374,417,426, 434,447,448,482,486,489, 489E, 491,508,509 and 510.	76,278,279,280,282,283, 284,285,286, 287,288,289, 290,291, 294A, 296, 297, 298, 309, 3 23,334,336,337,341,342,357,358, 374,417,426, 434,447,448,482,486,489, 489E, 491,508,509 and 510. <u>(c) 125, 324, 332, 353, 379, 427, 428, 429, 430, 431, 432, 504,</u>	<ul style="list-style-type: none"> • First Schedule of CrPC (under Section 26) provides for a lower class of magistrate trying offences involving punishment exceeding his powers. The same principle needs to be adopted in respect of Gram Nyayalayas subject to the condition that the magistrate shall not award imprisonment exceeding one year. The Gram Nyayalaya will have the power to transfer cases to JMFC under Section 20 (Section 23 in the original draft), if the case warrants a higher punishment.
PART II OFFENCES UNDER THE CENTRAL ACTS NOTIFIED UNDER SUB-SECTION (1) OF SECTION 15 BY THE CENTRAL GOVERNMENT	PART II OFFENCES UNDER THE CENTRAL ACTS NOTIFIED UNDER SUB-SECTION (1) OF SECTION 15 BY THE CENTRAL GOVERNMENT	- No Change -
PART III OFFENCES UNDER THE STATE ACTS NOTIFIED UNDER SUB-SECTION (2) OF SECTION 15 BY THE STATE GOVERNMENT	PART III OFFENCES UNDER THE STATE ACTS NOTIFIED UNDER SUB-SECTION (2) OF SECTION 15 BY THE STATE GOVERNMENT	- No Change -

Original section (portions deleted are in bold and italics)	Changed section (Portions added are in bold and underlined)	Reasons
<p>SECOND SCHEDULE [See sections 14 & 15] PART I SUITS OF A CIVIL NATURE WITHIN THE JURISDICTION OF GRAM NY AYALA Y AS</p> <p><i>(i) Civil Disputes:</i></p> <p>(a) Tenancies-protected and concealed and contested; (b) Boundary disputes and encroachment of revenue land; (c) Right to purchase; (d) Use of common pasture; (e) Entries in revenue records; (f) Regulation and timing of taking water from irrigation channel;</p> <p><i>(il) Property Disputes:</i></p> <p>(a) Village and farm houses (Possession); (a) Village and farm houses (Possession); (b) Sehan; (c) Easements: Right of way for men, cart and cattle to fields and courtyards; (d) Water channels; (e) Right to draw water from a well or tube well.</p> <p><i>(iil) Family Disputes:</i></p> <p>. (a) Marriage;</p> <p>(b) Divorce;</p> <p>(c) Custody of children; (d) Inheritance and succession-share in property; (e) Maintenance. (f) Domestic violence.</p> <p>. <i>(iv) Other Disputes:</i></p> <p>(a) Non-payment of wages and violation of Minimum Wages</p>	<p>SECOND SCHEDULE [See sections 14 & 15] PART I SUITS OF A CIVIL NATURE WITHIN THE JURISDICTION OF GRAM NY AYALA Y AS</p> <p><i>(i) Civil Disputes:</i></p> <p>(a) Tenancies-protected and concealed and contested; (b) Boundary disputes and encroachment of revenue land; (c) Right to purchase; (d) Use of common pasture; (e) Entries in revenue records; (f) Regulation and timing of taking water from irrigation channel;</p> <p><i>(il) Property Disputes:</i></p> <p>(a) Village and farm houses (Possession); (a) Village and farm houses (Possession); (b) Sehan; (c) Easements: Right of way for men, cart and cattle to fields and courtyards; (d) Water channels; (e) Right to draw water from a well or tube well.</p> <p><i>(iil) Family Disputes:</i></p> <p>. (a) Marriage;</p> <p>(b) Divorce;</p> <p>(c) Custody of children; (d) Inheritance and succession-share in property; (e) Maintenance. (f) Domestic violence.</p> <p>. <i>(iv) Other Disputes:</i></p> <p>(a) Non-payment of wages and violation of Minimum Wages</p>	<p>- No Change -</p>

Original section (portions deleted are in bold and italics)	Changed section (Portions added are in bold and underlined)	Reasons
<p>Act, 1948 (1 I of 1948); <i>(b) Money suits either arising from trade transaction or money lending;</i> <i>(c) Disputes arising out of the partnership in cultivation of land;</i> <i>(d) Disputes as to the use of forest produce by Gram inhabitants;</i> <i>(e) Complaints of harassment against Gram officials belonging to police forest, , revenue, medical and transport department;</i> <i>(f) Disputes arising from</i> (1) the Protection of Civil Rights Act, 1955 (22 of 1955); and (ii) the Bonded Labour System (Abolition) Act, 1976 (19 of 1976).</p>	<p>Act, 1948 (1 I of 1948); <i>(b) Money suits either arising from trade transaction or money lending;</i> <i>(c) Disputes arising out of the partnership in cultivation of land;</i> <i>(d) Disputes as to the use of forest produce by Gram inhabitants;</i> <i>(e) Complaints of harassment against Gram officials belonging to police forest, , revenue, medical and transport department;</i> <i>(f) Disputes arising from</i> (1) the Protection of Civil Rights Act, 1955 (22 of 1955); and (ii) the Bonded Labour System (Abolition) Act, 1976 (19 of 1976).</p>	
<p>PART II CLAIMS AND DISPUTES UNDER THE CENTRAL ACTS NOTIFIED UNDER SUB-SECTION-(1) OF SECTION 15 BY THE CENTRAL GOVERNMENT</p>	<p>PART II CLAIMS AND DISPUTES UNDER THE CENTRAL ACTS NOTIFIED UNDER SUB-SECTION-(1) OF SECTION 15 BY THE CENTRAL GOVERNMENT</p>	<p>- No Change -</p>
<p>PART III CLAIMS AND DISPUTES UNDER THE STATE ACTS NOTIFIED UNDER SUB-SECTION (2) OF SECTION 15 BY THE STATE GOVERNMENT</p>	<p>PART III CLAIMS AND DISPUTES UNDER THE STATE ACTS NOTIFIED UNDER SUB-SECTION (2) OF SECTION 15 BY THE STATE GOVERNMENT</p>	<p>- No Change -</p>