

ITEM NO.38

COURT NO.2

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(s)(Civil) No(s). 1067/2019

**NATIONAL FEDERATION OF SOCIETIES
 FOR FAST JUSTICE & ANR.**

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(IA No. 42346/2020 - APPLICATION FOR WAIVER OF ADDITIONAL COSTS,
 IA No. 203793/2024 - EXEMPTION FROM FILING O.T., IA No. 27884/2023
 - EXEMPTION FROM FILING O.T., IA No. 23726/2023 - EXEMPTION FROM
 FILING O.T., IA No. 20754/2020 - EXEMPTION FROM FILING O.T., IA
 No. 7966/2020 - EXEMPTION FROM FILING O.T., IA No. 226445/2023 -
 INTERVENTION/IMPLEADMENT, IA No. 168393/2019 -
 INTERVENTION/IMPLEADMENT, IA No. 158887/2019 - PERMISSION TO FILE
 ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 18-12-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.R. GAVAI
 HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Petitioner(s)

Mr. Nidhesh Gupta, Sr. Adv. (A.C.)
 Ms. Japneet Kaur, Adv.
 Ms. Viriti Gujral, Adv.
 Mr. Bikram Dwivedi, Adv.
 Mr. Manu Abhishek, Adv.
 Mr. Bhar Dwaj, adv.

Ms. Suhasini Sen, Adv. (A.C.)
 Ms. Supraja V., Adv.

Mr. Prashant Bhushan, AOR
 Mr. Anurag Tiwary, Adv.

For Respondent(s)

Mrs. Aishwarya Bhati, A.S.G.
 Mr. R Bala, Sr. Adv.
 Mr. Rajeev Ranjan, Adv.
 Mr. Annirudh Sharma Ii, Adv.
 Mr. Akshay Nain, Adv.
 Mr. Ishaan Sharma, Adv.
 Mr. Gaurang Bhushan, Adv.
 Mr. Arvind Kumar Sharma, AOR

Ms. Prerna Singh, Adv.
 Mr. Guntur Pramod Kumar, AOR
 Mr. Arunabha Ganguli, Adv.
 Mr. Dhruv Yadav, Adv.

Mr. Abhimanyu Tewari, AOR
 Ms. Eliza Bar, Adv.

Mr. Shuvodeep Roy, AOR

Mr. Manish Kumar, AOR

Mr. Arjun D Singh, Adv.
 Ms. Ankita Sharma, AOR

Mr. Abhay Anil Anturkar, Adv.
 Mr. Dhruv Tank, Adv.
 Mr. Aniruddha Awalgaonkar, Adv.
 Ms. Surbhi Kapoor, AOR
 Mr. Sarthak Mehrotra, Adv.
 Mr. Bhagwant Deshpande, Adv.
 Ms. Subhi Pastor, Adv.

Ms. Deepanwita Priyanka, AOR
 Mr. Prashant Bhagwati, Adv.

Mr. B.K. Satija, A.A.G.
 Mr. Samar Vijay Singh, AOR
 Ms. Sabarni Som, Adv.
 Mr. Darshan Chandrakant Siddarkar, Adv.
 Ms. Shalini Satyanarayan, Adv.
 Dr. Ratipal Singh Tanwar, Adv.
 Mr. Abhishek Kumar Suman, Adv.
 Mr. Keshav Mittal, Adv.
 Mr. Fateh Singh, Adv.

Mr. Anoop Kumar Rattan, Advocate General
 Mr. Rajender Yadav, D.A.G.
 Mr. Abhishek Yadav, Adv.
 Mr. Mayank Kumar Singh, Adv.
 Mr. Yadav Narendra Singh, AOR

Mr. Parth Awasthi, Adv.
 Mr. Pashupathi Nath Razdan, AOR

Mr. Shantanu Sagar, AOR
 Mr. Prabhat Ranjan Raj, Adv.
 Mr. Anil Kumar, Adv.
 Mr. Gunjesh Ranjan, Adv.
 Mr. Vaibhav Jain, Adv.
 Mr. Ashish K Singh, Adv.
 Mr. Manoneet Dwivedi, Adv.

Mr. V. N. Raghupathy, AOR
 Mr. Vishwanath P. Allannavar, Adv.
 Ms. Mythili S, Adv.
 Mr. Shiv Kumar, Adv.
 Ms. Vaishnavi, Adv.

Mr. Nishe Rajen Shonker, AOR
 Mrs. Anu K Joy, Adv.
 Mr. Alim Anvar, Adv.

Mr. Sarthak Raizada Ga, Adv.
 Mr. Sarad Kumar Singhanian, AOR
 Mr. Shiv Sagar Tiwari, Adv.

Mr. Shrirang B. Varma, Adv.
 Mr. Siddharth Dharmadhikari, Adv.
 Mr. Aaditya Aniruddha Pande, AOR

Mr. Pukhrambam Ramesh Kumar, AOR
 Mr. Karun Sharma, Adv.
 Ms. Rajkumari Divyasana, Adv.

Mr. Avijit Mani Tripathi, AOR
 Mr. T.k. Nayak, Adv.
 Mr. Vikas Bansal, Adv.
 Mr. Daniel Lyngdoh, Adv.
 Ms. Marbiang Khongwir, Adv.

Mr. Anando Mukherjee, AOR
 Mr. Shwetank Singh, Adv.

Mr. Abhinav Bajaj, Adv.
 Ms. Geetashi Chandna, Adv.
 Mr. Saksham Ojha, Adv.
 Ms. K. Enatoli Sema, AOR
 Mr. Amit Kumar Singh, Adv.
 Ms. Chubalemla Chang, Adv.
 Mr. Prang Newmai, Adv.

Mr. Som Raj Choudhury, AOR
 Ms. Shrutee Aradhana, Adv.
 Mr. Prashant Kumar, Adv.

Ms. Nupur Kumar, AOR

Mr. Sandeep Kumar Jha, AOR
 Mr. Shiv Mangal Sharma, A.A.G.
 Ms. Nidhi Jaswal, Adv.
 Ms. Shalini Singh, Adv.
 Mr. Saurabh Rajpal, Adv.

Mr. Sameer Abhyankar, AOR
Mr. Rahul Kumar, Adv.
Mr. Aakash Thakur, Adv.
Ms. Ayushi Bansal, Adv.
Mr. Sarthak Dora, Adv.

Mr. Amit Anand Tiwari, A.A.G.
Mr. Sabarish Subramanian, AOR
Ms. Devyani Gupta, Adv.
Mr. Vishnu Unnikrishnan, Adv.
Ms. Tanvi Anand, Adv.
Mr. C Kranthi Kumar, Adv.
Mr. Danish Saifi, Adv.

Ms. Devina Sehgal, AOR
Mr. Dhananjay Yadav, Adv.
Mr. Maroof Khan, Adv.

Ms. Garima Prashad A.A.G., Sr. Adv.
Mr. Avanish Deshpande, Adv.
Mr. Harsh Pratap Shahi, Adv.
Mr. Adarsh Upadhyay, AOR

Ms. Ishita Bist, Adv.
Mr. Manan Verma, AOR
Mr. Sumit Kumar, Adv.
Mr. Shubham Arora, Adv.

Ms. Madhumita Bhattacharjee, AOR
Ms. Debarati Sadhu, Adv.

Mr. Ramesh Babu M. R., AOR
Mr. Pranav P P, Adv.

Ms. Charu Ambwani, AOR

Mr. Prashant Shrikant Kenjale, AOR
Ms. S Soorya Gayathry, Adv.

Mr. Kunal Chatterji, AOR
Ms. Maitrayee Banerjee, Adv.
Mr. Rohit Bansal, Adv.
Ms. Mrinalini Mukherjee, Adv.

Mr. Apoorv Kurup, AOR

Mr. Samir Ali Khan, AOR
Mr. Pranjal Sharma, Adv.
Mr. Abhimanyu Jhamba, Adv.
Mr. Kashif Irshad Khan, Adv.

Ms. Vishakha, AOR

Ms. Sneha Kalita, AOR

Ms. Manisha Ambwani, AOR

Mr. Abhishek Singh, AOR

Mr. Tapesk Kumar Singh, Sr. Adv.

Mr. Akshat Choudhary, Adv.

Ms. K. V. Bharathi Upadhyaya, AOR

Mr. Sufyan Hasan, Adv.

Ms. Hema Malik, Adv.

Mr. V. K. Biju, AOR

Ms. Nisha Dakha, Adv.

Ms. Ipsita Ojal, Adv.

Mr. A. Renganath, Adv.

Mr. R. Ayyam Perumal, AOR

Mr. Arjun Garg, AOR

Mr. Aakash Nandolia, Adv.

Ms. Sagun Srivastava, Adv.

Ms. Kriti Gupta, Adv.

Mr. Sanjai Kumar Pathak, AOR

Mrs. Shashi Pathak, Adv.

Mr. Arvind Kumar Tripathi, Adv.

Mr. Mahesh Thakur, AOR

Mr. Ahanthem Henry, Adv.

Mr. Ahanthem Rohen Singh, Adv.

Mr. Mohan Singh, Adv.

Mr. Aniket Rajput, Adv.

Ms. Khoisnam Nirmala Devi, Adv.

Mr. Kumar Mihir, AOR

Mr. Niranjana Sahu, AOR

Ms. Asmita Singh, AOR

Mr. Tushar Nair, Adv.

Mr. Anirudh Anand, Adv.

Mr. Punishk Handa, Adv.

Mr. Mukul Kumar, AOR

Ms. Enakshi Mukhopadhyay Siddhanta, AOR

Mr. Govindarajan J., Adv.

Mr. B. Shrvanth Shanker, AOR

Ms. Prerna Robin, Adv.
 Mr. Shivam Kunal, Adv.
 Mr. B. Yeshwanth Raj, Adv.

Mr. Amit Sharma, AOR
 Mr. Dipesh Sinha, Adv.
 Ms. Pallavi Barua, Adv.
 Ms. Aparna Singh, Adv.

Ms. Radhika Gautam, AOR

Mr. Abhinav Bajaj, Adv.
 Ms. Geetashi Chandna, Adv.
 Mr. Saksham Ojha, Adv.
 Ms. K. Enatoli Sema, AOR
 Mr. Amit Kumar Singh, Adv.
 Ms. Chubalemla Chang, Adv.
 Mr. Prang Newmai, Adv.

Mr. K.M. Nataraj, A.S.G.
 Mrs. Indira Bhakar, Adv.
 Mr. Neeraj Kumar Sharma, Adv.
 Mrs. Kanu Agrawal, Adv.
 Mr. Shreekant Neelappa Terdal, AOR

Mr. Jose Abraham, AOR
 Mr. Gurmeet Singh Makker, AOR

Mrs. Archana Pathak Dave, A.S.G.
 Mr. Mukesh Kumar Maroria, AOR
 Mrs. Ankita Choudhary Rathi, Adv.
 Mr. Jagdish Chandra Solanki, Adv.
 Ms. Sonia Dhamija, Adv.

Mr. Varinder Kumar Sharma, AOR

Mr. Chirag M. Shroff, AOR

Mr. Aravindh S., AOR
 Mr. Akshay Gupta, Adv.

Ms. Anita Tripathi, Adv.
 Ms. K. R. Chitra, AOR

UPON hearing the counsel the Court made the following
 O R D E R

1. Mr. Nidhesh Gupta, learned Amicus Curiae states that after the last order passed by this court on 16.10.2024, some

of the States have filed their affidavits whereas some of them have yet not filed the same.

2. Learned Amicus Curiae submits that the stand of various State Governments/Union Territories would be divided/classified into three different stands.

3. Firstly, some of the States/UTs have taken a stand that the Gram Nyayalaya Act, 2008 (hereinafter referred to as "Act") is not mandatory for them, and, therefore, there is no necessity for them to constitute a Gram Nyayalaya. Secondly, some of the States/UTs have taken a stand that, though the Act is applicable to them, in view of the existing infrastructure available in the said State/UT it is not necessary for them to establish the Gram Nyayalayas. Thirdly, some of the States/UTs have taken a stand that as per the Act, they have established the Gram Nyayalayas.

4. Learned Amicus Curiae states that in order to address the various issues, it will be necessary that answers are sought from the various High Courts for the questionnaire that the learned Amicus Curiae with the assistance of Ms. Suhasini Sen, learned counsel, has prepared.

5. Insofar as the State (NCT of Delhi) is concerned, Ms. Archana Pathak Dave, learned Additional Solicitor General appearing for the State (NCT of Delhi) submits that there are no intermediate panchayats and as such, it is the stand of the

State as well as the High Court that no Gram Nyayalaya is required to be established.

6. We, therefore, find that, as suggested by the learned Amicus Curiae, it will be necessary that the following information as is sought from each State/UT:

1. Total number of Districts in the State
2. In terms of Section 3(1) of the Act, the total number of:
 - i. Intermediate Panchayats/group of contiguous Panchayats at the intermediate level in each district as applicable
 - ii. Groups of contiguous Gram Panchayats where there is no Panchayat at the intermediate level
3. Number of Judicial Magistrate of First Class (JMFCs) currently serving in each district
4. Number of Civil Judges (Junior Division) currently serving in each district
5. Data concerning pending cases:
 - a. Total number of pending cases before each JMFC
 - b. Total number of pending cases before Civil Judge (Junior Division)
 - c. Of the aforesaid pending cases in (a) and (b) above, how many will fall within the jurisdiction of Sections 12 and 13 of the Act.
 - d. How many appeals are pending before the Court of Sessions and the District Court which fall within the scope of Sections 33 and 34 of the Act?
 - e. How many civil and criminal cases are pending before each High Court under different statutory provisions which would not have been required to be adjudicated had the said cases been instituted under the Gram Nyayalayas Act, 2008 in view of Sections 33(7) and 34(6) of the Act?
6. Pecuniary limits of each Gram Nyayalaya specified by the High Court, in consultation with the State Government by notification under Section 13(2) of the Act?
7. District-wise Judge to Population Ratio of the State
8. Qualifications for appointment as JMFC in each State (in view of Section 6 of the Act)

9. (a) Existence of similar State Legislation and the qualifications, jurisdiction, powers and pendency (civil and criminal) of such Courts.

(b) Whether the aforesaid legislation is in exercise of matters enumerated in List II or List III of the 7th Schedule to the Constitution of India and the Entry thereof.

(c) If the answer to (b) above is List III, then whether the said legislation has received Presidential Assent?

7. Needless to state that, as observed in our earlier order dated 16.10.2024, the said information shall be given by the respective States/UTs only after consultation with the Registrar General of the High Courts.

8. We, therefore, direct the Chief Secretaries of all the States/UTs to file an affidavit providing information in response to each of the questions stated hereinabove.

9. The affidavit, as aforesaid, shall be filed within a period of 12 weeks from today.

10. Needless to state that such of the States/UTs, that have not filed affidavits in response to the order dated 16.10.2024 shall include the information requested in the order dated 16.10.2024 in their affidavits which would be filed in pursuance of this order.

11. We clarify that in the event, any of the States/UTs fails to comply with the aforesaid directions within a period of 12 weeks from today, we shall be constrained to take a serious view of the matter and take such action as deemed appropriate against the Chief Secretaries of the concerned States/UTs.

12. List this matter after 14 weeks.

13. Copy of this order be forwarded to the Registrar General of the High Courts and the Chief Secretaries of all the States/UTs.

(DEEPAK SINGH)
ASTT. REGISTRAR-cum-PS

(ANJU KAPOOR)
COURT MASTER (NSH)