

The Village Courts Act, 2006

(Act No. XIX of 2006)

[9th May, 2006]

An Act to provide for the constitution of village courts under the jurisdiction of each union of the country for easy and speedy trial of certain disputes and cases.

WHEREAS, it is expedient and necessary to provide for the constitution of village courts under the jurisdiction of each union of the country for the purpose of easy and speedy trial of certain disputes and cases;

It is hereby enacted as follows:

Short title, commencement and extent.- 1. (1) This Act may be called the Village Courts Act, 2006.

(2) It shall come into force at once.

(3) It shall be applicable only to the areas within the jurisdiction of a union.

Definition.- In this Act, unless there is anything repugnant in the subject or context, -

(a) “Cognizable offence” means cognizable offence as defined under the Code of Criminal Procedure (CrPC);

¹[(b) “Union” means union as defined under Section 2 (5) of the Local Government (Union Parishad) Act, 2009 (Act No. LXI of 2009);]

²[(c) “Union parishad” means *union parishad* as defined under Section 2 (6) of the Local Government (Union Parishad) Act, 2009 (Act No. LXI of 2009);]

(d) “Assistant Judge having jurisdiction” means an Assistant Judge within the limit of whose jurisdiction the concerned union is situated; and where more than one Assistant Judges have such jurisdiction, the most junior of such Assistant Judges;

(e) “Village Court” means Village Courts constituted under Section 5;

(f) “Chairman” means Chairman of the Village Court;

(g) “Schedule” means the schedule of this Act;

(h) “Penal Code” means the Penal Code, 1860 (Act No. XLV of 1860);

¹Clause (b) was substituted by Section 2 (a) of the Village Court (Amendment) Act, 2013 (Act No. XXXVI of 2013).

²Clause (c) was substituted by section 2 (b) of the Village Court (Amendment) Act, 2013 (Act No. XXXVI of 2013).

- (i) “Code of Civil Procedure” means the Code of Civil Procedure, 1908 (Act No. V of 1908);
- (j) “Prescribed” means prescribed by rules;
- (k) “Party” includes such person whose presence is considered necessary for proper resolution of disputes and whom the Village Courts impleads as a party to the dispute;
- (l) “Code of Criminal Procedure” means the Code of Criminal Procedure, 1898 (Act No. V of 1898);
- (m) “Rules” mean the Rules made under this Act;
- (n) “Decision” means any decision of the Village Court.

3. Cases triable by Village Court.- (1) Notwithstanding anything contained in the Code of Criminal Procedure and the Code of Civil Procedure, all cases relating to offences specified in Part- 1 of the Schedule and to the matters specified in Part- 2 thereof shall, except as otherwise provided hereunder, be triable by Village Courts, and no civil or criminal courts shall have the jurisdiction to try such cases or suits.

(2) ³[No criminal case specified in Part- 1 of the Schedule shall be triable in Village Court, if the accused person in such case had previously been convicted by the Village Court or by any court for any cognizable offence], or no case relating to the matters specified in Part- 2 of the schedule shall be triable by Village court, if –

- (a) Interest of a minor is involved in the suit;
- (b) There is provision for arbitration or mediation in any contract made between the parties to the dispute;
- (c) The Government or local authority or any public servant acting in the discharge of his duty is not a party to the dispute;

(3) The provisions of subsection (1) shall not be applicable to a suit or proceeding to establish a title to any immovable property in respect of which an order issued by a Village Court or to recover possession thereof.

4. Application for constitution of Village Court.-(1) Where a case is triable under this Act by a Village Court, a party to the dispute may, in the prescribed manner apply to the Chairman of the

³The words “No criminal case specified in Part- 1 of the Schedule shall be triable in Village Court, if the accused person in such case had previously been convicted by the Village Court or by any court for any cognizable offence” was substituted for the words “A village courts shall try a case relating to an offence specified in Part 1 of the schedule, if the accused had previously been convicted for a commendable offence” by Section 3 of the Village Court (Amendment) Act, 2013 (Act No. XXXVI of 2013).

Union Parishad for the constitution of a Village Court for the trial of the case and the Chairman shall, unless for reasons to be recorded in writing reject the application, proceed to constitute a Village court in the prescribed manner.

(2) Any person aggrieved by an order of rejection under subsection (1) may prefer, in the prescribed manner and within the prescribed time, an application for revision to the Assistant Judge having jurisdiction.

⁴[(3) After receiving the application for revision made under subsection (2), the concerned Assistant Judge shall resolve the same within a period of thirty (30) days from the receipt of such application.]

5. Constitution of Village Courts, etc.- (1) A village Court shall be constituted with a Chairman and two (02) members nominated by each party to the dispute:

Provided that, one (01) of the two (02) members nominated by each party shall be a member of the concerned Union Parishad.

⁵ [Further provided that, if the interest of any minor is involved in any criminal case specified in Part 1 and the interest of any woman is involved in any criminal or civil case specified in Schedule 2, the concerned party shall nominate one (01) woman as a member.]

(2) The Chairman of the Union Parishad shall be the Chairman of the Village Court. However, where he is, for any reason, unable to act as Chairman or his impartiality is challenged by any party to the dispute, any member of the Union Parishad other than those mentioned under subsection (1) appointed in the prescribed manner, shall be the Chairman of the Village Court.

(3) If either party to the dispute consists of more than one (01) person, the Chairman shall call upon the persons constituting the party to nominate the two (02) members on their behalf. And if they fail to so nominate, the Chairman shall authorize any one (01) of such persons to do so and thereupon the person so authorized shall nominate such members.

(4) Notwithstanding anything contained in subsection (1), any party to the dispute, with the permission of the Chairman, may nominate any person other than the members of the Union Parishad, as a member of the village Court.

⁶[(5) Notwithstanding anything contained in this Act or any other law in force for the time being, within the prescribed time –

⁴Subsection (3) was inserted by section 4 of the Village Court (Amendment) Act, 2013 (Act No. XXXVI of 2013).

⁵“.” Was substituted for “.” And the proviso was inserted by section 5 (a) of the Village Court (Amendment) Act, 2013 (Act No. XXXVI of 2013).

⁶Subsection (5) was substituted by section 5 (b) of the Village Court (Amendment) Act, 2013 (Act No. XXXVI of 2013).

(a) If the applicant fails to nominate a member, he shall inform in writing the reason of such failure, to the Chairman; or

(b) If the defendant fails to nominate a member, the Chairman shall return the application with a certificate, in the prescribed manner, saying that the applicant may file a case on the triable matter in any appropriate court.]

6. Jurisdiction of Village Court, etc.-(1) Subject to the provision of subsection (2), a Village Court shall be constituted and shall have the jurisdiction to try a case when the parties to the dispute ordinarily reside within the limits of the union in which the offence has been committed or the cause of action has arisen.

(2) Where one of the parties to the dispute ordinarily resides, and the offence has been committed or the cause of action has arisen, within the jurisdiction of one union and the other party ordinarily resides within the jurisdiction of another union, then Village Court may be constituted in the union in which the offence has been committed, or as the case may be, the cause of action has arisen. However, each party shall have the right to nominate, if it so chooses, its representatives from its own union.

⁷[**6A. Time limit of filing a case.**- Notwithstanding anything contained in the Limitation Act, 1908 (Act No. IX of 1908), the application should be submitted to the Chairman of Union Parishad:

(a) To file a criminal case specified in Part 1 of the Schedule, within a period of thirty (30) days from occurrence of the offence; and

(b) To file any civil case other than the cases specified in Serial 3 of Part 2 of the Schedule, within a period of sixty (60) days from the date on which the cause of action arose.

6B. Pre-Trial.- (1) The first session of the Village Court shall be held within a period of not more than fifteen (15) days after the constitution of the Village Courts under Section 5 and in that session the Village Court shall, after hearing both the parties, determine the cause of action and shall take initiative to dispose the cause of action through settlement or mediation.

(2) After determining the cause of action through settlement or mediation in accordance with subsection (1), it should be disposed of within a period of thirty (30) days from the date of such initiative.

(3) If the cause of action is disposed of under subsection (2), both party shall jointly sign or put thumb impression of left-hand in a memorandum of settlement where the cause of action shall be mentioned. The nominated members of both parties shall also sign the memorandum of settlement as witnesses.

⁷6A, 6B and 6C was inserted by section 6 of the Village Court (Amendment) Act, 2013 (Act No. XXXVI of 2013).

(4) If a memorandum of settlement is signed in accordance with subsection (3), the Village Court shall register its order in the prescribed form and such order shall be considered as an order of the Village Court.

(5) No appeal for revision may be preferred if the cause of action has been disposed of through a memorandum of settlement under this section.

6C. Time-limit for disposal of cases.- (1) If any case is not possible to be disposed of under Section 6B, the Village Court shall commence the hearing of the case within a period of fifteen (15) days:

Provided that, any party may, with approval from the Chairman, after showing reasonable cause, change any nominated member and nominate any other member before the commencement of the hearing.

(2) The case should be disposed of within a period of ninety (90) days from the commencement of the hearing under subsection;

Provided that, if it is not possible to dispose of the case within such time limit, the Village Court shall, after recording the reasons thereof, dispose of the case within the following thirty (30) days.

(3) If the case is not disposed of within the time limit prescribed in subsection (2), the Village Court shall be automatically dissolved after such time limit.

(4) Notwithstanding anything contained in any other provision of this Act, if the Village Court, except for any reason related to natural disaster, fails to dispose of any case within the time limit prescribed under this Act, the party may file a case in the appropriate court within a period of sixty (60) days from the dissolution of such Village Court.

7. Powers of village Court.-(1) Save as otherwise provided in this Act, a court shall have power only to pass order to pay compensation of an amount not exceeding ⁸[Taka seventy five (75)] thousand in respect of offences specified in Part 1 of the Schedule.

(2) In a suit relating to matters specified in Part 2 of the Schedule, the Village Court shall have the power to order payment of money of the amount mentioned therein in respect of such matters of delivery of property or possession to the actual owner thereof.

8. Finality of the decision of the Village Courts and Appeal.- (1) If the decision of a Village Court is unanimous or by a majority of four to one (4:1), or by a majority of three to one (3:1) in presence of four (04) members, the decision shall be binding on the parties and shall be enforceable in accordance with the provision of this Act.

⁸ The number and bracket “75 (seventy five)” was substituted for the word “twenty five” of section 7 of the Village Court (Amendment) Act, 2013 (Act No. XXXVI of 2013).

(2) If the decision of a Village Court is by a majority of three to two (3:2) any party aggrieved may, within thirty (30) days of the decision, prefer an appeal in the prescribed manner-

(a) If the case relates to an offence specified in Part 1 of the Schedule, to a magistrate of First Class having jurisdiction; and

(b) If the case relates to matters specified in Part 2 of the Schedule, to the Assistant Judge having jurisdiction.

(3) In case of appeals under subsection (2), the Magistrate or, as the case may be, the Assistant Judge, if satisfied that the Village Court has failed to deliver justice in the matter under consideration, may set aside or modify the decision, or direct that the dispute be referred back to the Village Court for reconsideration.

(4) Notwithstanding anything contained in any other law for the time being in force, any matter decided by a Village Court in accordance with the provision of this Act shall not be tried in any court, including other Village Courts.

9. Enforcement of decree of Village Court.- (1) Where a Village Court decides to award compensation to a person or to order the delivery of property or possession, it shall pass a decree in such form and in such manner as may be prescribed, and shall enter the particulars thereof in the prescribed register.

(2) If any money is paid or any property or possession is delivered in the presence of the Village Court in satisfaction of the decree, it shall enter the fact of payment or delivery, as the case may be, in the aforesaid register.

(3) Where a decree relates to payment of compensation and the detailed amount is not paid within the prescribed time, the Chairman of the Village Court shall forward the same to the Union Parishad concerned which shall proceed to recover it in the same manner as arrears of tax to the Union Parishad under the ⁹[Local Government (Union Parishad Act, 2009 (Act No. LXI of 2009)] which shall be paid to the aggrieved party.

(4) Where the satisfaction of the decree can be had otherwise than by payment of compensation, the decree may be presented for execution to the court of the Assistant Judge having jurisdiction and such court shall thereupon proceeded to execute the decree as if it were a decree passed by itself.

(5) A Village Court may, if it thinks fit, direct that the amount of compensation be paid in such installments as it may determine.

⁹ The words, brackets, comma and numbers “Local Government (Union Parishad Act, 2009 (Act No. LXI of 2009)” was substituted for the words, brackets, numbers “Public Demands Recovery Act, 1913 (Act III of 1913” by section 7 of the Village Court (Amendment) Act, 2013 (Act No. XXXVI of 2013).

¹⁰[**9A. Fine for filing false cases.**- (1) If any person, with full knowledge that there is no fair or lawful reason to file a case under this Act, files a case against another person with an intention to cause har, he shall be liable to a fine not exceeding an amount of Taka five (05) thousand.

(2) The fine money imposed under subsection (1) shall be considered as compensation for the person aggrieved due to the false case and shall be recoverable in accordance with the provisions of Section 9 (3)]

10. Power of village court to summon witnesses, etc.- (1) A Village Court may issue summons to any person to appear and give evidence, or to produce or cause the production of any document:

Provided that-

(a) No person who is exempt from personal appearance in court under subsection (1) of Section 133 of the Code of Civil Procedure shall be required to appear in person;

(b) A Village Court may refuse to summon a witness to enforce a summon already issued against a witness when in the opinion of the court the attendance of the witness cannot be produced without such delay, expense or inconvenience as in the circumstances would be unreasonable;

(c) A Village Court shall not require any person living beyond its jurisdiction to give evidence, to produce or cause the production of a document unless such amount of money is deposited for payment to him as the court would think sufficient for defraying his travel and other expenses;

(d) A Village Court shall not require any person to produce a secret document or unpublished official record relating to any affairs of the state, or permit any person to give any evidence derived from such secret documents or unpublished official record except with the permission of the officer at the head of the department concerned.

(2) If any person to whom a Village Court has issued summons to appear and give evidence or to produce or cause the production of any document before it willfully disobeys such summons, the court may take cognizance of such disobedience and, after giving such person an opportunity to explain, sentence him to a fine not exceeding Taka ¹¹[one (01) thousand].

11. Contempt of Village Courts.- (1) A person shall be guilty of contempt of a Village Court if he, without lawful excuse-

¹⁰ Section 9A was inserted by section 9 of the Village Court (Amendment) Act, 2013 (Act No. XXXVI of 2013).

¹¹ The number, brackets and words “1 (one)” was substituted for the words “five hundred” by section 10 of the Village Court (Amendment) Act, 2013 (Act No. XXXVI of 2013).

- (a) Offers any insults to the court or any member thereof by filthy language, intimidation, attacking or offensive behavior while the court is functioning as such; or
- (b) Causes any interruption in the work of the Village Court; or
- (c) Fails to produce or deliver documents even after being ordered by the Court to do so; or
- (d) Refuses to answer any question of the Village Court which he is bound to answer; or
- (e) Refuses to take oath, to state the truth or to sign any statement made by him when required by the Court to do so.

(2) In case of offences under subsection (1) the Village Court may, without any complaint having been made to it, try such person for such contempt in sentencing to a fine not exceeding ¹² Taka [one (01) thousand].

¹³[**12. Recovery of fine.**- (1) Where a Village Court imposes a fine under Sections 10 and 11 and such fine is not immediately recovered, it shall record an order stating the amount of fine imposed and the fact that it has not been recovered, and shall forward the same to the Union Parishad and such Union Parishad shall recover the fine as the tax imposed thereby under the Local Government (Union Parishad) Act, 2009 (Act No. LXI of 2009).

(2) The money deposited to the Village Courts under Sections 10 or 11 or, as the case may be, recovered under subsection (1) shall be deposited in the Union Parishad fund.]

13. Procedure.- ¹⁴[(1) Save as otherwise provided in this Act, the provisions of the Evidence Act, 1872 (Act No. I of 1872) and the Code of Criminal Procedure and the Code of Civil Procedure except Sections 10 and 11, shall not be applicable to proceedings before any Village Court.]

(2) Section 8, 9, 10 and 11 of the Oaths Act, 1873 (Act No. X of 1873) shall be applicable to all proceedings before the Village Court.

(3) For the prosecution of a Public Servant for an offence triable under ¹⁵[Part 1 of the Schedule] of this Act, previous sanctions of the appointing authority shall be required if the Public Servant raises the plea that the offence alleged to have been committed by him was committed while acting or purporting to act in the discharge of his official duties.

¹² The number, brackets and words “1 (one)” was substituted for the words “five hundred” by section 11 of the Village Court (Amendment) Act, 2013 (Act No. XXXVI of 2013).

¹³ Section 12 was substituted by section 12 of the Village Court (Amendment) Act, 2013 (Act No. XXXVI of 2013).

¹⁴ Subsection (1) was substituted by section 13 (a) of the Village Court (Amendment) Act, 2013 (Act No. XXXVI of 2013).

¹⁵ The words “of part 1 of the schedule” was substituted for the words “of these Act” by section 13 (b) of the Village Court (Amendment) Act, 2013 (Act No. XXXVI of 2013).

14. Restriction on appointment of lawyers.- Notwithstanding anything contained in any other law, no party shall be permitted to engage a legal practitioner to conduct his case before any Village Court.

15. Representation of Government Servants, *Pardanashin* (veiled) old lady and physically disabled person.- (1) If the person required to appear before a Village Court is a Government Servant and he raises the plea with the recommendation of a superior officer to the effect that his personal appearance will hamper his official duties, the court may permit his duly authorized representative to appear before the Village Court on his behalf.

(2) If a person required to appear before a village court is a *Pardanashin* (veiled) or old lady, or physically disabled person who is unable to appear before the Court to give evidence, the Court may permit her or him to be represented by a duly authorized representative.

(3) A representative appointed under subsection (1) and (2) shall not be entitled to receive any remuneration.

16. Transfer of certain cases.- (1) Where the ¹⁶[Chief Judicial Magistrate] is of the opinion that the circumstances of a ¹⁷[criminal case] relating to a matter falling under Part 1 of the Schedule pending before a Village Court is such that, for the public interest and the ends of justice it demands trial in a criminal court, he may, notwithstanding anything contained in this Act, withdraw the same from the Village Court and send it to the criminal court for trial and disposal.

¹⁸[(1A) Where the District Judge is of the opinion that, the circumstances of a civil case relating to a matter falling under Part 1 of the Schedule pending before a Village Court is such that, for the public interest and the ends of justice it demands trial in a civil court, he may, notwithstanding anything contained in this Act, withdraw the same from the Village Court and send it to the civil court for trial and disposal.]

(2) Any Village Court may, if it is of the opinion that in a case relating to a matter under subsection (1) pending before it, for the ends of justice, demands a punishment for the accused, forward the case to the criminal court for trial and disposal.

17. Investigation by police.-Nothing in this Act shall prevent the police from investigating a cognizable case by reason of the fact that the case relates to an offence specified in Part 1 of the Schedule, but if any such case is taken to a criminal court, such Court may, if it thinks fit, direct that it be referred to a Village Court constituted under this Act.

¹⁶ The words “Chief judicial Magistrate” was substituted for the words “District Magistrate” by section 14 (a) of the Village Court (Amendment) Act, 2013 (Act No. XXXVI of 2013).

¹⁷ The words “criminal case” was substituted for the word “matters” by section 14 (a) of the Village Court (Amendment) Act, 2013 (Act No. XXXVI of 2013).

¹⁸ Subsection (1a) was inserted by section 14 (b) of the Village Court (Amendment) Act, 2013 (Act No. XXXVI of 2013).

18. Pending cases.-This Act shall not apply to causes triable under this Act which, immediately before the coming into force of this Act, are pending in any civil or criminal court, and such cases shall be disposed of by such Code as if this Act had not been enacted.

19. Power to exempt.-The Government may, by notification in the Official Gazette, exempt any area or areas, or any case or class of cases, or any community from the operation of all or any of the provisions of this Act.

20. Power to make Rules.-The Government may, by notification in the Official Gazette, make Rules for the purposes of this act.

21. Repeal and savings.- (1) The Village Courts Ordinance, 1976 (Ord. No. LXI of 1976) hereinafter referred to as the repealed ordinance, is here by repealed.

(2) Notwithstanding the repeal of the ordinance-

(a) The pending cases and the execution of the decrees shall be disposed of as if this Act has not been enacted.

(b) Until repealed or modified, all the Rules framed which are not inconsistent with the provision of this Act shall be applicable.

Schedule
Part 1
Criminal Cases

1. Sections 143 and 147 of the penal code (acts XLV of 1860), read with the third or the fourth clause of section 141 of the code, when the Common object of the unlawful assembly is to commit an offence under section 323 or 426, 447 of that code, and when not more than 10 persons are involved in the unlawful assembly.
2. Sections 160, 334, 341, 342, 352, 358, 504, 506 (first part), 508, 509 and 510 of the penal code.
3. Sections 379, 380 and 381 of the penal code, when the orphans committed is in respect of cattle and the value thereof does not exceed 75 (seventy five) thousand taka.
4. Sections 379, 380 and 381 of the penal code, when the orphans committed is in respect of any property other than cattle, and the value of such property does not exceed 50 (fifty) thousand taka.
5. Sections 403, 406, 417 and 420 of the penal code, when the amount in respect of which the offences committed does not exceed 75 (seventy five) thousand taka.
6. Section 427 of the penal code, when the value of the property involved does not exceed 75 (seventy five) thousand taka.
7. Section 4 to 8 and 4 to 9 of the penal code, and the value of the cattle does not exceed 75 (seventy five) thousand taka.
8. Repealed.
9. Attempts to commit or the abetment of the commission of any of the above offences.

Part 2
Civil suits

1. Suit for the recovery of money due on contracts, receipts or other documents.
2. Suits for the recovery of movable property or for the value thereof.
3. Suit for the recovery of persuasion of immovable property within one year of dispossession.
4. Suit for compensation for wrongfully taking or damaging movable property.
5. Suit for damages by cattle trespass.
6. Suit for recovery of wage and compensation of agricultural labor.

When the amount claimed or the piece of movable property, or the value of movable property involved does not exceed 75 (seventy five) thousand taka.
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