

Bihar Gram Katchahry Nyaya Mitra (Employment, Service Conditions and Duties) Rules, 2007

BIHAR

India

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Rule

BIHAR-GRAM-KATCHAHRY-NYAYA-MITRA-EMPLOYMENT-SERVICE- of 2007

- Published on 28 August 2008
- Commenced on 28 August 2008
- [This is the version of this document from 28 August 2008.]
- [Note: The original publication document is not available and this content could not be verified.]

Bihar Gram Katchahry Nyaya Mitra (Employment, Service Conditions and Duties) Rules, 2007
Published vide Notification No. 1338 Patna, dated 28.8.2008
Government of Bihar, Panchayati Raj Department, Notification No. 1338 Patna, dated 28.8.2008. - In exercise of the powers conferred by Section 146 read with Section 94(2) of the Bihar Panchayat Raj Act, 2006 (Bihar Act 6 of 2006), the Governor of Bihar makes the following Rules:-

1. Short title, extent and commencement.

- (i) These Rules may be called Bihar Gram Katchahry Nyaya Mitra (Employment, Service Conditions and Duties) Rules, 2007.(ii) These shall extend to the whole of the State of Bihar.(iii) These shall come into force from the date of their publication in the Official Gazette.

2. Definitions.

- In these Rules, unless otherwise required in the context:-(a)"Act" means the Bihar Panchayat Raj Act, 2006 (Bihar Act 6, 2006);(b)"Government" means the State Government of Bihar;(c)"Collector" means Collector of the district;(d)"Commissioner" means Commissioner of the division;(e)"Gram Katchahry" means the Gram Katchahry constituted under subsection (1) of Section 90 of the Bihar Panchayat Raj Act, 2006;(f)"Sarpanch" means elected Sarpanch of the Gram Katchahry under Section 93(1) of the Bihar Panchayat Raj Act, 2006;(g)"Panch of the Gram Katchahry" means the elected Panch of a Gram Katchahry;(h)"Sub-Divisional Magistrate" means a Sub-Divisional Magistrate appointed by the State Government and includes such officer as the State

Government may especially appoint under the Act to discharge all or any of the functions of the (Sub-Divisional) Magistrate;(i)"Block Development Officer" means an officer appointed as such by the State Government;(j)"Gram Panchayat Supervisor" means block level Panchayat Officer or Block Panchayat Raj Officer especially appointed by the State Government for the purpose of supervision and inspection of books of account of Gram Panchayats of the State and Gram Katchahries under their purview or their benches;(k)"Suit" means triable by the bench of Gram Katchahry;(l)All the words and terms used but not defined in these Rules shall have the same meaning as has been assigned to them in the Act.

3. Employment of Nyaya Mitra, Gram Katchahry.

- One Nyaya Mitra may be appointed on contract basis to assist each Gram Katchahry or its bench in the district.

4. Reservation.

(a)Roster will be prepared at the district level in the light of letter No. 458 dated 30.9.2002 of the Personnel and Administrative Reforms Department.(b)As far as may be (50) fifty per cent female candidates will be employed in each category.(c)In case of non-availability of female candidates the said posts may be filled by the male candidates of the same category.(d)For grouping of posts action will be taken under Resolution No. 2803 dated 3.10.2006 of the personnel and Administrative Reforms Department.(e)In this appointment reservation will be given to handicapped persons under Resolution No. 62 dated 5.1.2007 of the Personnel and Administrative Reforms Department.Note.-In case of selection of any person on merit he/she will not be debarred from employment by reason of being handicapped.

5. For appointment.

(a)Qualification.-(i) He/she must be a citizen of India and resident of the concerned district of the State of Bihar,(ii)At least a law graduate from any recognized institute or university shall be eligible for appointment on the post of Nyaya Mitra of Gram Katchahry.(b)Age.-Minimum age of the candidate shall be 25 years and maximum age will be 65 years on 1st January of the year in which appointment is being made.

6. Procedure for employment.

(1)A Nyaya Mitra may be appointed on contract basis to assist each Gram Katchahry or its bench in the district.(2)On the basis of roster prepared on district level details of vacancies of Nyaya Mitra (as per reservation), conditions of appointment and qualifications for it shall be displayed on the notice board of the offices of District Board, Panchayat Samiti, Gram Panchayat and Gram Katchahry concerned.(3)Application in prescribed form (Schedule-I) shall be received in the office of the Block Development Officer concerned. The Block Development Officer will nominate Gram Panchayat Supervisor or in his/her absence any other block level supervisor as Nodal Officer for this purpose

who will receive applications and give receipt to the applicants and maintain them in the register Katchahry-wise.(4)The panel for employment of Nyaya Mitra, Gram Katchahry will be prepared by the Secretary of Gram Katchahry on marks basis.(5)Marks obtained by law graduates will be the basis for determination of merit.(6)Panel prepared for employment of Nyaya Mitra, Gram Katchahry will be approved by the Committee consisting of the following:-

- (a) Sarpanch of Gram Katchahry - Chairman
- (b) All other Panch of Gram Katchahry - Member
- (c) Secretary of Gram Katchahry - Member Secretary

(7)The Block Development Officer shall depute nominated Nodal Officer to participate in the meeting of the Committee as "Facilitator".(8)The proceeding of the meeting of the committee must be sent to the District Panchayat Raj Officer and Block Development Officer.(9)After the approval of the committee the said panel will be displayed within one month from the last date of receipt of the application on the Notice Board of the offices of the District Magistrate, District Board, Panchayat Samiti, Gram Panchayat and Gram Katchahry concerned. For raising any objection to the panel a period of fifteen days will be allowed.(10)Any objection to the panel will be filed to the office of the Block Development Officer concerned within fifteen (15) days from the date of its publication.(11)The objector will be given acknowledgement receipt for the objection received.(12)The objection will be met by the Block Development Officer concerned within seven (7) days from the last date of its receipt and Gram Katchahry will be intimated thereafter which will amend the panel as per need and republish it as per sub-rule (9) as usual.(13)The panel finally published will be valid for the entire tenure of Gram Katchahry.(14)First of all the vacancy of the Gram Katchahry concerned will be filled from the Gram Katchahry-wise merit list.(15)The date of counselling will be published on the Notice Board of the offices of the District Magistrate, District Board, Panchayat Samiti, Gram Panchayat and Gram Katchahry concerned. The candidates will be given receipt of their presence in the counselling.(16)The letter (Schedule-II) for employment on contract basis to the candidates selected by the Samiti for Gram Katchahry will be sent by the Secretary of the Gram Katchahry after verification of the certificates. Joining will be accepted on the basis of consent letter (Schedule-III).(17)After filling the vacancy of the Gram Katchahry concerned from its merit list, the panel prepared, Gram Katchahry-wise will be preserved, so that in case any vacancy occurs in future it may be filled from the merit list of the Gram Katchahry concerned in descending order on the basis of counselling by the Samiti mentioned above.

7. Verification of Certificates.

- The Executive Officer of the Panchayat Samiti or Nodal Officer nominated by him will be empowered to make necessary verification of certificates of qualification. In case any certificate is found to be forged or false the appointment will be cancelled and other legal actions will be taken.

8. Other conditions of Service.

(1)Nyaya Mitra will be employed on fixed amount (contract amount) and they will be paid Rs. 2,500/- (Two thousand and five hundred only) a month.(2)The contract of the candidates employed

to the post of Nyaya Mitra on contract basis will terminate automatically with the completion of the tenure of the Gram Katchahry.(3)The appointment will be made on contract basis and it may be cancelled at any time with one month's prior notice, if the service is found to be un-satisfactory in the light of reasons mentioned in Rule 11.(4)In case of non-availability of the suitable candidates the vacancy of Nyaya Mitra, in a particular Gram Katchahry will be filled by giving additional charge to the Nyaya Mitra of contiguous Gram Katchahry by the Block Development Officer concerned. For this additional charge 20% of the contract amount shall be payable as deputation allowance.(5)The selected candidate shall have to execute an agreement in prescribed form before employment.

9. Payment of contract amount.

- The payment of the contract amount will be made with the joint signature of Sarpanch/Up-Sarpanch on the basis of the absentee report/statement:Provided that, if the post of Sarpanch or Up-Sarpanch in Gram Katchahry falls vacant the payment of the contract amount will be made by the joint signature of the Panch elected by the majority of the Panch and either Sarpanch or Up-Sarpanch.

10. Functions to be performed by Nyaya Mitra.

- Nyaya Mitra appointed under Section 94(2) of the Act:-(1)Nyaya Mitra shall give information regarding each legal aspect to Sarpanch, Up-Sarpanch and Panch in discharge of their legal duties.(2)He shall give legal advice to Sarpanch/Panch in determining whether the case produced before Gram Katchahry comes within its jurisdiction under Sections 106,110,111 & 113 of the Act as the case may be and any suit filed before it is triable or not or whether it is cognizable or not by any Bench of Gram Katchahry.(3)Nyaya Mitra shall give assistance to Sarpanch in writing all order sheets dictated/ordered by him on the dates fixed for hearing of suits produced before the Bench/Full Bench of Gram Katchahry.(4)Nyaya Mitra shall give legal advice to Sarpanch & Panches concerned on legal points during hearing of any suit by the Bench/Full Bench.(5)Nyaya Mitra shall render all such assistance and services in constituting Gram Katchahry and its Benches and in exercising their powers and duty timely, reasonably and justifiably in discharging their function and subject to the proviso mentioned in Chapter-VI of the Act as required and prescribed by Sarpanch or Bench/Full Bench.(6)Other responsibilities assigned to him by the Government from time to time regarding the conduct of business of Gram Katchahry.

11. Disciplinary action.

- Sarpanch or in his absence Up-Sarpanch of Gram Katchahry shall take disciplinary action against Nyaya Mitra, in case he absents himself from Gram Katchahry, does not report his presence on time and show negligence to his duties, indulges in corrupt practices and is found to be in mental disability. Final decision in regard to disciplinary action shall be taken by the committee under para 6(6) of these Rules. In the light of the decisions taken by the aforesaid committee appropriate action shall be taken by the Secretary of Gram Katchahry concerned.

12. Complaint.

- Any complaint regarding employment of Nyaya Mitra of Gram Katchahry on contract basis may be filed before the concerned Sub-Divisional Magistrate within 30 (thirty) days of such employment under these Rules, Sub-Divisional Magistrate shall be competent to take decision on the complaint received. Sub-Divisional Magistrate concerned shall give his decision on the complaint received not later than 30 days.

13. Appeal.

- Any appeal against the decision of Sub-Divisional Magistrate may be filed before the District Magistrate concerned within thirty days from taking such decision, hearing of which shall be made by District Magistrate or an officer equivalent to the rank of Additional District Magistrate authorised by him. Order shall be passed after the hearing is completed.

14. Miscellaneous.

- The State Government may explain any of the provisions of the Rules by notification/instruction and may remove difficulties in its implementation.

I

Proforma for ApplicationApplication form for the employment on the post of Nyaya Mitra in Gram Katchahry

Tick mark (☐) whichever is applicable

1. Name of Block of employment and Gram Katchahry:- Self attested passport size photo
2. Name of the candidate:-
3. (a) Father's/Husband's Name:-
(b) Mother's Name:-
4. Date of Birth:-
5. Sex:- ☐ Male ☐ Female

☐ Female

6. Age on the date of application
Year

Month

| Day|

|}|-| 7.|

PermanentAddress:-Village/Town/Mohalla/Road.....

8.| Address of correspondence:-Village/Mohalla/Road/Town||-||

9.| Caste:-|

General {|

| Reserved|

|}|-| 10.| Category of Reservation:-|

SC {|

| ST|

| EBC|

| BC|

|}|-| 11.| If handicapped:-|

Visually impaired {|

| Audibly handicapped|

| Orthopaedically handicapped|

|}|-| 12.| Qualification:-||}

Educational	Name of the School/ College	Name of the Board/ Council/ University	Year of passing	Total marks	Percentage of marks
1	2	3	4	5	
Law					
Graduate					

Certified that all the information given is correct. If any information is found to be incorrect, my candidature will be cancelled and necessary legal action may be

taken.Place.....Date.....Signature of the CandidateReceiptReceived the application in prescribed form for the employment on the post of Nyaya Mitra in Gram Katchahry from Shri/Miss/Shrimati.....receipt number of which is.....Dated.....Full name & Signature ofReceiving Authority (with seal)Necessary Instructions

- 1. Application form must be sent to the office of Block Development Officer either direct or through Registered post.**
- 2. Two self addressed and stamped envelopes of 10" x 6" size must be attached to the application.**
- 3. Attested photocopies of educational certificate/marks sheet/caste certificate must be attached to the application form.**
- 4. Selected candidates shall have to appear on fixed date, time and place alongwith their all original certificates/marks sheet/caste certificate and photocopies thereof.**
- 5. Residential certificate must be submitted as required before employment.**
- 6. Necessary enquiry will be made on the basis of photocopies and in case of any false information, employment will be cancelled and he may be liable to legal action.**
- 7. No travelling allowance will be admissible for counselling/joining.**

Note:- S.C. - Scheduled Castes S.T. - Scheduled Tribes E.B.C. - Extremely Backward Classes B.C. - Backward Classes

II

Employment letter for the employment of Nyaya Mitra in Bihar Gram

Katchahry To, Shri/Miss/Shrimati..... I am pleased to inform you that you have been selected for the employment on the post of in Gram Katchahry under the Block your employment will be as per Bihar Gram Katchahry Nyaya Mitra (Employment, Service Conditions and Duties) Rules, 2007. If you accept your employment, please mention your acceptance in following form and submit it in the office of the undersigned and join the post in the above Gram Katchahry within ten days. Date..... Place..... Signature of the authorised person Full Name, Office and Seal

III

Consent Letter I..... S/O..... M/O..... Address..... give my consent to work as Nyaya Mitra under the conditions mentioned in Bihar Gram Katchahry Nyaya Mitra (Employment, Service Conditions and Duties) Rules, 2007. Date..... Place..... Signature Full name..... Address.....