

Chhattisgarh Evening Courts Rules, 2013

CHHATTISGARH

India

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Rule CHHATTISGARH-EVENING-COURTS-RULES-2013 of 2013

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Chhattisgarh Evening Courts Rules, 2013 Published vide Notification No. 1207/R.G./2013, dated 19th February, 2013 Last Updated 15th October, 2019 Notification No. 1207/R.G./2013 dated the 19th February, 2013. - Pursuant to the resolution passed in the joint Conference of Chief Ministers and Chief Justices, held at New Delhi on 18th September, 2004, all the Chief Ministers and Chief Justices were requested by the Hon'ble Chief Justice of India to take appropriate steps for speedy disposal of cases pending in the Courts. Now, therefore, in exercise of the powers conferred by the proviso to Article 309 of the Constitution of India and all other powers enabling to it in this behalf the Governor of Chhattisgarh in consultation with the High Court of Chhattisgarh hereby makes the rules for introduction and implementation of the scheme of Evening Courts in the State of Chhattisgarh namely;

1. Short title and commencement.

- (i) These rules may be called "The Chhattisgarh Evening Courts Rules, 2013". (ii) It shall be applicable to the whole State of Chhattisgarh. (iii) It shall come into force on such date as the State Government may by notification in the official gazette, specify in this behalf.

2. Definitions.

- (i) In these rules, unless the context otherwise requires, - (a) "Act" means The Chhattisgarh Civil Court Act, 1958; (b) "Chief Judicial Magistrate" means a Judicial Officer of a Civil District so appointed by the High Court; (c) "Courts" means the District Court, Court of Sessions and the Courts subordinate thereto, including Motor Accident Claims Tribunal under the control of the High Court; (d) "District" means civil district as notified Under Section 4 of the Chhattisgarh Civil Courts Act, 1958; (e) "District Judge" means a Judicial Officer of a Civil District so appointed by the High Court; (f) "Evening Court" means the Court as notified under rule 4 of these rules; (g) "Family Court" means Court established under The Family Courts Act, 1984; (h) "Judge, Evening Court" means any person appointed, under rule 8 of these rules, to preside over an evening Court; (i) "Government"

means the Government of Chhattisgarh;(j)"High Court" means High Court of Chhattisgarh;(k)"Judicial Officer" means serving and/or retired member of The Chhattisgarh Higher Judicial Service (Recruitment & Conditions of Service) Rules, 2006 and The Chhattisgarh Lower Judicial Service (Recruitment & Conditions of Service) Rules, 2006;(l)"Member of Staff" means any person or employee so appointed by the District Judge for conducting the affairs of Evening Court;(m)"Judge, Family Court" means Principal Judge, Additional Principal Judge, Family Court;(n)"Regular Court" means existing courts established and functioning under any law;(o)"Rules" means The Chhattisgarh Civil Courts Rules, 1961 and Chhattisgarh Rules & Orders (Criminal);(ii)Words and expressions used but not defined in these rules shall have the same meaning as assigned to them in their respective Act/Rules.

3. Constitution of Evening Courts.

- The State Government may, in consultation with the High Court, constitute, by notification, Evening Courts at places where Regular Courts constituted under Chhattisgarh Civil Courts Act, 1958 or any other law for the time being in force are functioning.

4. Notification of Evening Courts.

- The High Court may as and when deem necessary notify as many Courts as deem fit to be the Evening Courts under these rules.

5. Classes of Evening Courts.

- There shall be following classes of courts, namely:-(i)Court of Additional District & Sessions Judge.(ii)Court of Civil Judge Class-I and Chief/Additional Chief Judicial Magistrate.(iii)Court of Civil Judge Class II and Judicial Magistrate First Class.(iv)Court of Civil Judge Class II and Judicial Magistrate First/Second Class.(v)Court of Principal Judge, Family Court or Additional Principal Judge, Family Court.

6. Jurisdiction of Evening Court.

(1)The evening Court shall have the jurisdiction in respect of the following categories of cases, namely :-(a)Complaints under Section 138 of The Negotiable Instruments Act, 1881 (26 of 1881) where cheque amount is up to Rs. one lakh;(b)Cases pertaining to offences triable summarily under Chapter XXI of the Code of Criminal Procedure, 1973 (2 of 1974);(c)Cases under The Electricity Act, 2003;(d)Claim cases under The motor Vehicle Act, 1988;(e)Matrimonial cases;(f)Civil appeal and miscellaneous appeal under the provisions of Code of Civil Procedure, 1908 and other allied Acts;(g)Criminal Appeals and Revisions;(h)Application u/s 156(3) of the Code of Criminal Procedure, 1973;(i)Civil Suits for recovery of money where the claim is not more than Rs. 50,000/- (fifty Thousand);(j)Such other cases or class of cases as may be notified by the High Court from time to time;(k)Criminal Cases under : (i)The Motor Vehicles Act, 1988 and ancillary regulations;(ii)The Municipal Corporation Act, 1956(iii)Laws relating to Weights and Measures(iv)The Prevention of

Food Adulteration Act, 1954(v)The Essential Commodities Act, 1955(vi)The Shops and Establishments Act, 1958(vii)The Indian Penal Code, 1860 and any other Acts or Rules where the Punishment prescribed for the offences which are punishable with imprisonment up to 2 (two) years;(2)The Evening Court under rule 3 of these rules shall be in addition to the Courts established under any other law for the time being in force.

7. Working Hours.

- Notwithstanding anything contained in any other law for the time being in force on all working days, the working hours of the Evening Court shall be from 6.00 PM to 8.00 PM.

8. Appointment of Judge, Evening Courts.

- (i) The High Court may appoint, depute or transfer any serving Judicial Officer as Judge, Evening Court to perform the functions of Judge, Evening Court;(ii)In case of non-availability of serving judicial officer the Government may in consultation with the High Court, appoint any serving Principal Judge, Family Court or Additional Principal Judge, Family Court as Judge, Evening Court;(iii)If any Judicial Officer is not willing to act as Judge, Evening Court the Government may, in consultation with the High Court, appoint a retired Judicial Officer as Judge, Evening Court;Provided that such Judicial Officer must be willing to act as Judge, Evening Court :Further provided that, no person shall act as Judge, Evening Court after he has completed sixty eight years of age.(iv)Notwithstanding anything contained in sub-rule (i) High Court may appoint serving Judicial Officer on rotation basis to preside Evening Court and in that event such Judicial Officer shall be entitled for proportionate remuneration as prescribed under Rule 11(1) of these rules.

9. Appointment of staff of Evening Court.

- (i) A Member of Staff of Evening Court shall be appointed on contract basis by the District Judge of the Civil District with prior approval of the High Court:Provided that serving staff of District Court may also be appointed for Evening Court by the District Judge.(ii)In each Evening Court, there shall be one Stenographer, one Deposition Writer, one Reader/Execution Clerk, one Bailiff and one peon.(iii)Notwithstanding anything contained in sub-rule (i), the District Judge may post serving staff on rotation basis and in that event such staff shall be entitled for proportionate remuneration as prescribed under Rule 11(3) of these Rules.

10. Holidays.

- (i) Subject to provision made under rule 9, Evening Courts shall observe such holidays as are declared by the High Court for subordinate Courts; however, there shall be no Vacation for Evening Courts.(ii)A Judge, Evening Court shall not be allowed any kind of leave and every absence from duty shall entail proportionate deduction of remuneration.(iii)Staff of Evening Court shall not be allowed any kind of leave and every absence from duty shall entail proportionate deduction of remuneration.

11. Remuneration of Judge, Staff of Evening Courts.

- (i) Where the serving Judicial Officer is appointed as Judge of Evening Court, he shall be entitled to 25% (Twenty Five Percent) of his/her Salary (Basic pay + Dearness Allowance). (ii) A retired Judge appointed as a Judge, Evening Court shall be entitled to remuneration at the rate of Rs. 1,000/- (One Thousand) per month. (iii) Serving staff posted in Evening Court shall be entitled to 25% (Twenty Five percent) of Salary. (Basic pay + Dearness Allowance). (iv) Every member of the staff of Evening Court appointed under rule 9(i) of these rules shall be entitled to remuneration as follows :- (a) Stenographer - Rs. 300/- (Three Hundred) per day. (b) Deposition Writer - Rs. 200/- (Two Hundred) per day. (c) Reader/Execution Clerk - Rs. 200/- (Two Hundred) per day. (d) Peon - Rs. 100/- (One Hundred) per day. (v) A Judge and staff working in Evening Court shall be entitled to Conveyance Allowance as follows :- (a) Judge, Evening Court - Rs. 150/- per day (b) Stenographer - Rs. 75 per day. (c) Deposition Writer - Rs. 75/- (d) Reader/Execution Clerk - Rs. 75/- (e) Court Moharir - Rs. 50/- (f) Peon - Rs. 50/-

12. Supervision and Control.

- (i) Subject to the overall control of the High Court, the District Judge shall supervise and monitor the functioning of the Evening Courts except Judge, Family Court. (ii) The District Judge or the Chief Judicial Magistrate, as the case may be, shall have the power to withdraw the cases suo moto or on the request made by the parties or with consent of the parties for the reasons recorded in writing.

13. Transfer of Business.

- (i) The District Judge shall ensure transfer of sufficient number of pending cases in regular courts, as provided under Rule 5 of these rules to the Evening Court. The Chief Judicial Magistrate shall also have power to transfer pending cases in regular courts as provided under Rule 4 of these rules to the Evening Courts, with intimation to the Sessions Judge. (ii) Party(s) to a pending case in a regular court may apply to the District Judge for transfer of their case(s) to the Evening Court and the District Judge may transfer such cases to Evening Court as he deems fit. (iii) The District Judge shall have power to transfer a pending case in Evening Court to any other Evening Court or regular Court. (iv) The Judge, Family Court shall ensure transfer of sufficient number of such pending cases of regular court, as are mentioned under Rule 6 of these rules to the Evening Court, however, Judge, Family Court shall also have the power to withdraw any of the cases, so transferred.

14. Power of appeal/revision.

- The decree or judgment or order or sentence passed by Judge, Evening Court shall be subject to appeal or revision as the case may be, under the law in force as if decree/judgment or order or sentence has been passed by the Regular Court having the jurisdiction.

15. Condition of Service.

(1) Save as otherwise provided by these rules, every serving Judge of Evening Court appointed under rule 8 shall be subject to and shall also be governed by The Chhattisgarh Higher Judicial Service (Recruitment and Conditions of Service) Rules, 2006 and The Chhattisgarh Lower Judicial Service (Recruitment and Conditions of Service) Rules, 2006 (Whichever is applicable) and other service condition rules applicable to serving Judicial Officers. (2) Save as otherwise provided by these rules, every staff of Evening Court appointed under proviso to sub-rule (i) & (ii) of rule 9 shall be subject to and shall also be governed by the service conditions rules and Government orders as are applicable to the serving staff of District Court.

16. De-notification of Evening Courts.

- High Court may de-notify any Evening Court as and when it deems fit and proper.

17. Savings.

(1) All the laws in force as applicable to Regular Court, shall also be applicable to Evening Courts notified under these rules. (2) Unless otherwise expressly provided in these rules, the provisions to The Chhattisgarh Civil Courts Rules, 1961 and Rules & Orders (Criminal) shall apply mutatis-mutandis in relation to proceedings before evening Court.