

# The Chhattisgarh Gram Nyayalaya Rules, 2001

CHHATTISGARH

India

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### Rule THE-CHHATTISGARH-GRAM-NYAYALAYA-RULES-2001 of 2001

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The Chhattisgarh Gram Nyayalaya Rules, 2001 Published vide Notification No. 21-Gra Nyaya-43-Niyam-2001, dated the 9-4-2001, published in the Chhattisgarh Rajpatra (Asadharan), dated 10-4-2001 In exercise of the powers conferred by Section 32 read with Sections 6, 10, 11, 12, 13, 14 and 17, sub-section (1) of Section 21, 26 and 29 of the Chhattisgarh Gram Nyayalaya Adhiniyam, 1996 (No. 26 of 1996), the State Government hereby makes the following rules, namely :-

## Chapter I Preliminary

### 1. Short title and commencement.

(1) These rules may be called the Chhattisgarh Gram Nyayalaya Rules, 2001. (2) They shall come into force with effect from the date of their publication in the Chhattisgarh Gazette.

### 2. Definitions.

- In these rules unless the context otherwise requires, -(a) "Act" means the Chhattisgarh Gram Nyayalaya Adhiniyam, 1996 (No. 26 of 1997); (b) "Applicant" means a person making application or presenting a plaint under Section 17; (c) "Chief Executive Officer" means Chief Executive Officer of the Janpad Panchayat; (d) The expression examination or taking evidence shall include examination, cross-examination and re-examination of the witness; (e) "Form" means the form appended to these rules; (f) "Gram Nyayalaya" means Gram Nyayalaya established under Section 4 of the Act; (g) "Member" means a member of the Gram Nyayalaya and includes Pradhan; (h) "Section" means a section of the Act; (i) "Secretary" means the Secretary of the Gram Nyayalaya nominated under Section 13; (j) "Nyayalaya Sahayak" means a person who has been referred in Rule 50; (k) the words and expressions used and not defined in these rules shall have the same meanings

respectively as assigned to them in the Act.

## **Chapter II**

### **Trial of Civil Suits/Revenue Cases**

#### **3. Procedure for filing application.**

(1)An application or plaint, to the Gram Nyayalaya, shall be presented by the applicant in Form-I alongwith documents and list of witnesses with their proposed statement in brief which he proposes to rely, in person or by a duly authorised Legal Aid Officer of the district to the Nyayalaya Sahayak or any other person authorised in writing by the Nyayalaya Sahayak to receive the same or be sent by registered post with acknowledgement due addressed to the Nyayalaya Sahayak.(2)The application or plaint under sub-rule (1) shall be presented in triplicate.(3)Where the number of non-applicants is more than one, as many extra copies of the application/plaint as there are non-applicants shall be furnished by the applicant:Provided that where the number of non-applicants is more than five, the Secretary may permit the applicant to file the extra copies of the application/ plaint at the time of issue of notice to the non-applicants.(4)The applicant may attach to and present with his application/ plaint a receipt slip in Form-II which shall be signed by the Nyayalaya Sahayak or any person receiving the application/plaint on behalf of the Nyayalaya Sahayak in acknowledgement of the application/plaint.

#### **4. Presentation and scrutiny of application/plaint.**

(1)The Nyayalaya Sahayak shall endorse on every application/plaint the date on which it is presented and shall sign the endorsement.(2)If, on scrutiny the application/plaint is found to be in order, it shall be duly registered in Form II-A in the register for civil cases or for revenue cases as the case may be and given a serial number.(3)If the application/plaint on scrutiny, is found to be defective and the defect noticed is formal in nature, the Nyayalaya Sahayak may allow the applicant to rectify the same in his presence, and if the said defect is not formal in nature, the Nyayalaya Sahayak may allow the applicant such time to rectify the defect as he may deem fit. The time for rectification shall not be more than seven days.(4)If the applicant fails to rectify the defects within the time allowed under sub-rule (3), the Nyayalaya Sahayak may by order and for reasons to be recorded in writing decline to register the application/plaint and inform the applicant accordingly in writing.

#### **5. Application fee.**

- Every application/plaint filed with the Nyayalaya Sahayak shall be accompanied by a fee of rupees Ten which shall be payable in cash :Provided that where the Gram Nyayalaya is satisfied that the applicant is unable to pay prescribed fee on ground of indigence it may exempt such an applicant from the payment of fee.

## **6. Service of notices and process issued by the Gram Nyayalaya.**

(1) Any notice or process to be issued by the Gram Nyayalaya may be served by hand delivery through Kotwar after taking receipt in writing and signed/thumb impressed by non-applicant. (2) Every notice issued by the Gram Nyayalaya shall, unless otherwise ordered, be accompanied by a copy of the application/plaint.

## **7. Filing of reply.**

(1) Each non-applicant intending to contest the application/plaint shall file in triplicate the reply to the application/plaint and documents and list of witnesses with their proposed statement in brief relied on, with the Nyayalaya Sahayak within fifteen days of the service of notice of application/plaint on him. (2) In the reply filed under sub-rule (1) the non-applicant shall specifically admit, deny or explain the facts stated by the applicant in his application/plaint and may also state such additional facts as may be found necessary for the just decision of the case. (3) The Gram Nyayalaya may allow filing of the reply after the expiry of the prescribed period.

## **8. Hearing in civil cases.**

(1) For the hearing of a revenue case the Gram Nyayalaya, shall follow the same procedure as is prescribed for revenue matters in the Chhattisgarh Land Revenue Code, 1959. (2) At the hearing of the civil case the Gram Nyayalaya shall first examine the applicant/plaintiff and his witnesses and thereafter the defendant/non-applicant and his witnesses.

## **9. Action on application/plaint for applicant's default.**

(1) Where on the date fixed for hearing of the application/plaint or on any other date to which such hearing is adjourned if the applicant does not appear when the application/plaint is called for hearing, the Gram Nyayalaya may in its discretion either dismiss the application/plaint for default or hear and decide it on merits or pass any other order as it deems fit. (2) Where the application/plaint has been dismissed for default and the applicant files an application within fifteen days from the date of dismissal and satisfies the Gram Nyayalaya that there was sufficient cause for his non-appearance when the application/plaint was called for hearing, the Gram Nyayalaya shall make an order setting-aside the order dismissing the application/plaint and restore the same : Provided that after restoration of the case the Gram Nyayalaya shall decide the case within fifteen days from the date of restoration after giving reasonable opportunity to the applicant.

## **10. Ex-parte hearing and disposal of application/plaint.**

(1) Where on the date fixed for hearing the application/plaint or on any other date to which such hearing is adjourned the applicant appears and the non-applicant does not appear and it is shown that notice have been duly served on him when the application/plaint is called for hearing, the Gram Nyayalaya may in its discretion adjourn the hearing or hear and decide the application/plaint ex

parte.(2)Where the application/plaint has been heard ex parte against the non-applicant, such non-applicant may apply to the Gram Nyayalaya, within fifteen days from the date of knowledge of the order, for an order to set-aside and if such non-applicant satisfies the Gram Nyayalaya that the notice was not duly served or that he was prevented by any sufficient cause from appearing when the application/plaint was called for hearing, the Gram Nyayalaya may make an order setting-aside the ex parte hearing against him upon such terms as it thinks fit and shall appoint a day for proceeding with the application/ plaint:Provided that after restoration of the case, the Gram Nyayalaya shall decide the case within fifteen days from the date of restoration after giving reasonable opportunity to the applicant.

## **11. Bar of abatement.**

- No suit or proceeding shall abate by reason of death of a party provided that all or any of his legal representatives are brought on record within a period of 30 days from the date of death or knowledge of death of a party :Provided that the Gram Nyayalaya, on sufficient cause being shown may condone the delay.

## **12. Compromise.**

(1)If compromise between the parties is effected it shall be reduced to writing and brought on record.(2)The record shall contain :-(a)the time and date of proceeding;(b)the names of the parties appearing, their lawful representatives, if any;(c)a brief statement of the case of each party;(d)the terms of the compromise.(e)where a party is minor or a person under disability a statement whether in the opinion of the Gram Nyayalaya the compromise is in the interest of the minor or such person as the case may be :Provided that in case no compromise has been arrived at, only items (a), (b) and (c) and the fact of failure to arrive at compromise shall be mentioned.(3)The record shall be read out to the parties or shall be given to them for reading and the fact that the same has been read over and admitted to be correct, shall be noted.(4)The record shall be signed or thumb-marked as the case may be, by the parties and the members of the Gram Nyayalaya.(5)A compromise duly recorded under this rule shall be binding on the parties.

## **13. Admission.**

- If the claim of the applicant/plaintiff is totally admitted by the defendant, the Gram Nyayalaya shall not record any evidence and shall proceed to pass orders on the admission of the defendant.

## **14. Decision of Gram Nyayalaya and its communication.**

(1)After ascertaining the facts of the case by examining the parties and their witnesses, inspection of the spot, if necessary, the Gram Nyayalaya shall record a brief order showing the grounds for its decision and communicate the decision to the applicant and non-applicant concerned. The signature or the thumb-marks of the parties present at the time of the decision shall also be obtained in the record substance of the order shall also be entered in the register for civil cases.(2)Every order

passed or decision recorded by Gram Nyayalaya shall be dated and shall also be signed by every member including Pradhan of the Gram Nyayalaya.

### **15. Interest and instalment.**

(1)The Gram Nyayalaya may award for interest on the ordered amount at a rate not exceeding twelve percent per annum till the payment from the date of final order or decision.(2)The Gram Nyayalaya may, while passing the order, direct that the payment of the amount ordered be postponed for a period not exceeding six months or be made in monthly instalments.

### **16. Compensatory costs to defendant.**

- If the Gram Nyayalaya is satisfied that a suit brought before it, is false, frivolous or vexatious it may order the plaintiff to pay to the defendant such costs not exceeding Rs. 100/-as it thinks fit by way of compensation.

### **17. Execution of order passed by Gram Nyayalaya.**

(1)Every order passed by a Gram Nyayalaya shall be deemed to be a decree passed by a Civil Court having jurisdiction to pass it and shall be executed in a manner by the Court having jurisdiction to execute that decree.(2)The execution of such order shall be made by Gram Nyayalaya after giving intimation to the opposite party. If the execution is not possible the Gram Nyayalaya shall send the order/case to the Civil Court of competent jurisdiction.

## **Chapter III**

## **Trial of Criminal Cases**

### **18. Institution of criminal cases triable by Gram Nyayalaya.**

(1)Any person wishing to institute a criminal case triable by Gram Nyayalaya shall make complaint in writing in Form-III to the Pradhan or in his absence, to the Secretary.(2)As soon as such complaint is received alongwith necessary fee of Five Rupees if complaint is in writing it shall be entered in the register of cases in Form-IV.(3)The Pradhan/Secretary shall fix a date for hearing of the complaint and give notice of the said date to the complainant and accused.

### **19. Procedure in criminal cases.**

- Subject to the provisions of the Act, the Gram Nyayalaya shall follow the summary procedure in the trial of criminal cases.

## **20. Dismissal of complaint.**

(1) If at any time it appears to the Gram Nyayalaya that there is no sufficient ground for proceeding with the complaint, it shall dismiss the complaint. (2) If at any time it appears to the Gram Nyayalaya that it has no jurisdiction to try the offence it shall return the complaint to the complainant.

## **21. Dismissal of complaint for want of prosecution.**

- If the complainant fails to appear on the date fixed for hearing or if in the opinion of the Gram Nyayalaya the complainant has shown negligence in prosecuting the complaint, the Gram Nyayalaya may dismiss the complaint.

## **22. Restoration of a complaint.**

- If within 30 days from the date of dismissal of the complaint, the complainant satisfies the Gram Nyayalaya that his absence was due to some unavoidable cause and that he was not negligent, the Gram Nyayalaya may restore the proceedings, but no such restoration shall be made without giving notice to the accused if the order of dismissal had been passed after the appearance of the accused before the Gram Nyayalaya.

## **23. Procedure where accused cannot be found or fails to appear.**

- If the accused cannot be found or fails to appear on the date fixed for hearing, the Gram Nyayalaya shall report the fact to the nearest Magistrate exercising jurisdiction over that area.

## **24. Magistrate to secure attendance of accused before Gram Nyayalaya.**

(1) The Magistrate shall thereupon issue a warrant (bailable or non-bailable) for the arrest of the accused and shall direct by endorsement on the warrant that if such person executes a bond with sufficient sureties for his attendance before himself in the manner provided by the Code of Criminal Procedure, 1973 he shall be released from custody. (2) When the accused appears before the Magistrate he shall direct him to execute a bond with or without sureties to appear before the Gram Nyayalaya on such date as he may direct and thereafter to continue to appear before the Gram Nyayalaya as directed by it. (3) On his failure to execute such bond the Magistrate shall order that the accused be produced in custody before the Gram Nyayalaya on such date as he may direct.

## **25. Procedure where accused fails to appear even after execution bond.**

- If the accused fails to appear before the Gram Nyayalaya after executing a bond under sub-rule (2) of Rule 24, the Gram Nyayalaya shall report the fact to the Magistrate before whom the bond was executed and such Magistrate shall proceed in accordance with the provisions of the Code of Criminal Procedure, 1973.

## **26. Substance of accusation to be stated.**

- When the accused appears or is brought before the Gram Nyayalaya the particular of the offence of which he is accused shall be stated to him and he shall be asked as to why he should not be convicted.

## **27. Conviction on admission of truth of accusation.**

(1) If the accused admits that he has committed the offence of which he is accused his admission shall be recorded as nearly as possible in the words used by him, the Gram Nyayalaya may convict him accordingly. (2) If the accused does not plead guilty, and if the offence is compoundable the Gram Nyayalaya shall make endeavour to bring out a compromise between the parties. Thereupon or otherwise if at any stage of the trial the Nyayalaya is satisfied that the offence has been lawfully compounded it shall record the same in writing and acquit the accused.

## **28. Procedure when no such admission is made.**

(1) If the Gram Nyayalaya does not convict the accused under Rule 27 or if the accused does not make such admission, the Gram Nyayalaya shall proceed to hear the complainant if any and take all such evidence as may be produced in support of the prosecution and also to hear the accused and take all such evidence as he produces in his defence. (2) The complaint or accused shall produce their own witnesses when called upon to do so. The Gram Nyayalaya may in its discretion issue summons to witnesses on payment of process fee of Rs. two.

## **29. Custody and disposal of property pending trial.**

(1) When it appears that any property has been used for the commission of any offence or is a subject-matter of any offence, is produced before a Gram Nyayalaya during trial, the Gram Nyayalaya may make such order as it thinks fit for the proper custody of such property pending the conclusion of the trial and if the property is subject to speedy or natural decay or it is otherwise expedient to do so, it may after recording such evidence as it thinks necessary, order it to be sold or otherwise disposed off. (2) On the conclusion of a trial, the Gram Nyayalaya may make such order as it thinks fit for the disposal, by destruction, confiscation or delivery to any person claiming to be entitled to possession thereof or otherwise, of any property or document produced before it or in its custody or regarding which any offence appears to have been committed or which has been used for the commission of any offence.

## **30. Decision and its communication.**

(1) After ascertaining the facts of the case by examining the applicant and witnesses, inspection of the spot, if necessary, and examination of accused to explain the circumstances appear against him, if necessary, and witnesses produced by him the Gram Nyayalaya shall record, a brief order showing the grounds for its decision and communicate the decision to the applicant and non-applicant

concerned. The signature or the thumb-marks of the parties present at the time of the decision shall be obtained in the record. Substance of the decision shall be entered in the register for criminal cases.(2)Every order or decision recorded by Gram Nyayalaya shall be dated and shall also be signed by every member.

### **31. Person convicted or acquitted not to be tried again for the same offence.**

- No Gram Nyayalaya shall try a person for an offence where he has already been tried by a Court of competent jurisdiction or by another Gram Nyayalaya and convicted or acquitted of that offence, while such conviction or acquittal remains in force.

### **32. Power to let off offender after admonition.**

- When any person is found guilty of an offence under the Act, the Gram Nyayalaya finding him guilty may, having regard to the circumstances of the case including the nature of the offence and the character or antecedents of the offender, if it thinks it expedient to do so, instead of imposing any sentence of fine on the offender, let him off after due admonition.

### **33. Amount of fines or compensation or fee.**

- The amount of fines or compensation or fees received by the Gram Nyayalaya shall be entered in a register to be maintained in Form-V.

## **Chapter IV**

### **General Procedure**

### **34. Time and place at which the Gram Nyayalaya shall sit.**

- Every Gram Nyayalaya shall hold its sittings from 10.30 a.m. to 5.30 p.m. with recess between 1.30 p.m. to 2.30 p.m. at the place where the office of the Gram Nyayalaya is situated or any other place within the circle as the Gram Nyayalaya thinks proper.

### **35. Sitting of Gram Nyayalaya.**

- The Gram Nyayalaya shall hold at least two sittings in a week.

### **36. Language of the Gram Nyayalaya.**

- The language of the Gram Nyayalaya shall be Hindi. The proceedings shall be conducted and its record shall be maintained in Hindi.



### **37. Seal and emblem.**

- The official seal and emblem of the Gram Nyayalaya shall be such as the State Government may specify.

### **38. Training of member.**

- The Collector shall arrange for the training of the members of Gram Nyayalaya for relating to general procedure of the Gram Nyayalaya.

### **39. Staff to be public servant.**

- The Nyayalaya Sahayak and other staff of the Gram Nyayalaya shall be deemed to be public servant within the meaning of Section 21 of the Indian Penal Code, 1860.

### **40. Date of commencement of Gram Nyayalaya.**

(1) Soon after the completion of the training of members of Gram Nyayalaya and the date of the commencement and functioning of the Gram Nyayalaya shall be notified by the Collector. After the date so notified notwithstanding anything contained in the Code of Civil Procedure, 1908, the Code of Criminal Procedure, 1973 and the Chhattisgarh Land Revenue Code, 1959, the Gram Nyayalaya shall have subject to the provisions of the Act, exclusive jurisdiction to try civil, criminal and revenue cases as specified in the Act. (2) All cases pending immediately before the notification published under sub-rule (1) shall be adjudicated by the respective Courts.

### **41. Suits not be entertained.**

- No Gram Nyayalaya shall try any suit, in respect of any matter which is pending for decision in, or has been heard or decided by, other Gram Nyayalaya or a Court of competent jurisdiction, in any former suit between the same parties or those under whom they claim.

### **42. Supply of certified copies.**

- A certified copy of order passed by the Gram Nyayalaya shall be provided to the complainant and the accused, on their demand and on payment of a fee of Rs. 2/- (Rs. Two) per page.

### **43. Exclusion of jurisdiction of Courts.**

- Except as provided in the Act no Civil, Criminal, Revenue Court shall try any case or take cognizance of any offence which is triable by a Gram Nyayalaya, regarding which notification under Rule 40 has been issued.

#### **44. Proceeding not to be invalidated by reason of absence of some members.**

- No act or proceeding of a Gram Nyayalaya shall be invalid merely by reasons of the existence of any vacancy or defect in its constitution or any irregularity in the conduct of its proceedings.

#### **45. Inspection of records and furnishing of copies.**

- Subject to the provisions of these rules on payment of the fee of Rs. 2/- per case the record of a Gram Nyayalaya shall be open to inspection by any person, certified copies thereof shall be given to any person who applies for the same on payment of a fee of Rs. 2/- per page.

#### **46. Proceeding to be judicial proceeding.**

- Every proceeding before a Gram Nyayalaya shall be deemed to be a judicial proceeding within the meaning of Sections 193 and 228 of the Indian Penal Code, 1860.

#### **47. Power to relax.**

- If suitable member belonging to Scheduled Caste or Scheduled Tribes are not available as required under Section 6 of the Act, in any area notified by the State Government, the Janpad Panchayat or the State Government, as the case may be, relax the condition of age limit and educational qualification for Scheduled Castes or Scheduled Tribes member.

#### **48. Protection of action taken in good faith.**

(1) No suit, prosecution or other legal proceeding shall lie against the members of Gram Nyayalaya or any officer or persons acting under the direction of the Gram Nyayalaya for executing any order made by it or in respect of anything which is done or intended to be done in good faith by such members, officer or person under the Act, rule or order made thereunder. (2) The provisions of the Judicial Officer Protection Act, 1950 (No. 18 of 1950) and Judicial Protection Act, 1985 (No. 5 of 1985) shall apply to members of Gram Nyayalaya in the discharge of their official duties as they apply to Judges and Magistrates.

#### **49. Meeting of Gram Nyayalaya.**

(1) Every proceeding in a Gram Nyayalaya shall be conducted in a meeting convened in that behalf. The quorum shall consist of three members. (2) At the commencement of the meeting of a Gram Nyayalaya, the Nyayalaya Sahayak shall bring to the notice of the Gram Nyayalaya the record of cases fixed for hearing in that meeting. (3) The Pradhan, Secretary or any member shall not take part in any case or other proceeding to which he or any near relation, employer, employee or partner is in his business, is a party or in which any of them may be personally interested. Explanation. - For the purpose of this sub-rule the expression near relation shall mean father, mother, brother, sister, husband, wife, son, daughter, father-in-law, mother-in-law, brother-in-law, sister-in-law,

son-in-law, daughter-in-law.(4)If a party to a suit or a criminal proceeding before a Gram Nyayalaya objects to any member thereof on the ground that he is directly and personally interested in the suit or proceedings and the member does not thereupon withdraw from the Gram Nyayalaya, the grounds of objection and the reason for the continuance of the member shall be recorded.

## **Chapter V**

### **Nyayalaya Sahayak of Gram Nyayalaya and its Powers, Functions and Duties**

#### **50. Sahayak of Gram Nyayalaya.**

(1)The Secretary of that Gram Panchayat where the Gram Nyayalaya is situated shall act as Nyayalaya Sahayak of the Gram Nyayalaya and may be paid honorarium, if any, and as may be fixed by the State Government from time to time.(2)Out of the fee recovered by any Gram Nyayalaya as copying fees, half amount shall be payable as remuneration to the Nyayalaya Sahayak of that Gram Nyayalaya.(3)The Nyayalaya Sahayak of Gram Nyayalaya shall have the custody of records of Gram Nyayalaya and seal of the Gram Nyayalaya.

#### **51. Additional powers and duties of Nyayalaya Sahayak.**

- In addition to the powers conferred in these rules, the Nyayalaya Sahayak shall have the following powers and duties :-(i)to receive all applications/plaints;(ii)to decide all questions arising out of the scrutiny of the application/plaint before they are registered;(iii)to order for the supply of copies of documents to parties of the proceedings;(iv)to dispose of all matters relating to the service of notice or other proceedings;(v)to receive applications within thirty days from the date of death for substitution of legal representative of the deceased parties during the pendency of the application/plaint;(vi)to receive and dispose of applications for substitution except where the substitution would involve setting-aside an order of abatement;(vii)to grant leave to inspect the records of the Gram Nyayalaya;(viii)to receive and dispose of applications by parties for return of documents.

## **Chapter VI**

### **Nomination of Member and Election of Pradhan**

#### **52. Notification of member.**

(1)The Janpad Panchayat shall nominate members who possess the qualification prescribed under Section 6 of the Act. The nomination so made shall be communicated to the State Government. Nominations so received shall be examined and if found to have been properly made, of persons qualified to be so nominated, its approval shall be communicated to the concerning Janpad Panchayat. The Chief Executive Officer shall thereafter convey a meeting as provided in Rule

53.(2)In case, the Janpad Panchayat fails to nominate the members under Section 5 of the Act, the State Government shall nominate the members of Gram Nyayalaya out of the panel of names which shall not exceed three times the number of vacancies sent by the Collector in consultation with District and Sessions Judges.(3)A meeting shall be held by the Chief Executive Officer by giving a notice of seven days in advance to all members of Janpad Panchayat for nomination of the members of the Gram Nyayalaya. Any of the members present in the meeting shall propose the name of the member to be nominated under Sections 5 and 6 of the Act for the Gram Nyayalaya and that proposal shall be seconded by all the members present in the meeting. If there is no consent to the names for nominating the members present in the meeting then it will be mentioned in the minutes book and such member shall not be nominated.(4)If the State Government is satisfied that the proceeding relating to the nomination of members in the Janpad Panchayat contravenes the provisions by Sections 5, 6 and 7 of the Act or the proceeding is found unlawful or to be Vitiated by other reasonable ground then the Government or the officer authorised by it may set-aside the nomination proceeding and may pass suitable order.

### **53. Meeting for election.**

- The Chief Executive Officer of the Janpad Panchayat shall, within fifteen days of the date of nomination of the members of Gram Nyayalaya, convene a meeting of all the nominated members for the purpose of electing a member to be a Pradhan of the Gram Nyayalaya.

### **54. Notice of meetings.**

(1)Notice of the meeting under Rule 53 specifying the date and time shall be given to each member concerned at least three clear days before the date of meeting in writing.(2)The meeting shall be presided over by the Chief Executive Officer of Janpad Panchayat.

### **55. Nomination by members for election of Pradhan.**

(1)The name of a member to be elected as Pradhan shall be proposed by a member and seconded by another member in the Form-VI appended to these rules. The Chief Executive Officer shall record in writing the names of members duly proposed and seconded.(2)If only one name of the member is proposed the Chief Executive Officer shall declare such member as elected as Pradhan.(3)If the names proposed are more than one, the Chief Executive Officer shall proceed to hold the election.(4)The Chief Executive Officer shall state the number of candidates contesting the election and explain to the members the method of voting.(5)The Chief Executive Officer shall supply to each member with a ballot paper on which the names of all contesting candidates shall be written in Hindi in Form-VII.(6)The Chief Executive Officer shall sign every ballot paper before supply so as to indicate its authenticity. Each member shall on receiving the ballot paper proceed to the place set apart for voting and there make a Mark X (cross) on the ballot paper against the name of the candidate for whom he wishes to vote. He shall then fold up the voting paper so as to maintain the secrecy and deposit the same with the Chief Executive Officer. Immediately after the voting is over the Chief Executive Officer shall count all the valid votes given in favour of each candidate and record the total thereof in the result sheet and then declare the candidate who secures large number

of votes to have been duly elected as Pradhan.(7)Any aggrieved party to the election of Pradhan may file a petition within a period of thirty days before the Collector who shall after giving notice to the parties decide the petition.(8)A revision against the decision of the Collector shall lie to the District Judge within a period of thirty days.

## **56. Resignation of Pradhan.**

- A Pradhan may resign his office by giving notice in writing to that effect to the Chief Executive Officer of the Janpad Panchayat and such resignation shall take effect from the expiry of one month from the date of its receipt by the Chief Executive Officer of Janpad Panchayat.

## **57. Removal of Pradhan and members.**

- The State Government may after such enquiry as it may deem fit to make at any time, remove a Pradhan and other members for corruption, negligence of duty, continued absence from meetings, moral turpitude or any other sufficient cause.

## **58. Functions of Pradhan.**

(1)The Pradhan shall preside over the meeting of Gram Nyayalaya.(2)The Pradhan shall declare the decision (judgment) of the Gram Nyayalaya.

# **Chapter VII**

## **Honorarium, Travelling Allowance and Daily Allowances to Members**

### **59. Honorarium of members.**

- The members shall be entitled to honorarium such and, if any, as may be determined by the State Government from time to time.

# **Chapter VIII**

## **Miscellaneous**

### **60. Adjournment of hearing.**

- The Pradhan may, if sufficient cause is shown at any stage of proceedings, grant time to the parties and adjourn the hearing of the application or plaint or complaint.

## **61. Order to be signed and dated.**

- Every proceeding of the Gram Nyayalaya shall be in writing and shall be signed and dated by the Pradhan and members present.

## **62. Brief statement be recorded.**

- The Gram Nyayalaya shall not take lengthy statement of witnesses. Brief statement shall only be recorded.

## **63. Return of documents.**

- The document, if any, produced by the parties shall be taken into consideration and shall be returned to the party producing it soon after the disposal of the case by the Gram Nyayalaya. If the Pradhan of the Gram Nyayalaya feels that any document filed by any party is a basis of dispute then such document shall be returned to party on his application and true copy of the same has been furnished.

## **64. Cross-examination.**

- Each party shall be allowed to cross-examine the another party and their witnesses, except accused just after their examination.

## **65. Issue of summons or notices.**

- Every summons or notice issued by the Gram Nyayalaya shall be in Form-VIII and shall be signed by the Nyayalaya Sahayak with the seal of the Gram Nyayalaya. It shall specify the time, date, place at which the person is required to attend and also whether his attendance is required as an accused, defendant, non-applicant or witness. It shall specify whether it is for the purpose of giving evidence or to produce a document or for any other purpose.

## **66. Recovery of fee.**

- If the summons or notice is to be served at the instance of party, the Gram Nyayalaya shall recover a fee of Rs. 2.00 per summons or notice from that party. The fee shall be credited in the Gram Nyayalaya Fund. A receipt of the payment shall be given in Form-IX.

## **67. Service of summons or notices.**

(1) Every summons or notice shall within the territorial jurisdiction of the Gram Nyayalaya, be ordinarily served by the kotwar or any servant of the Gram Nyayalaya. Where a summons or notice is to be served on a person residing outside the territorial jurisdiction of the Gram Nyayalaya, the same shall be served in accordance with the rules hereinafter, provided. (2) Out of the fee recovered

for the summons after service of the same, rupee one per summons shall be paid as remuneration to the kotwar or servant of the Gram Nyayalaya, as the case may be.

### **68. Mode of serving summons or notices.**

- The summons or notice shall be served on a person by delivering or tendering in the summons or notice to him. The summons or notice shall be sent in duplicate. The person shall sign or put his thumb-impression on the back of the duplicate in token of having received it. If the persons concerned cannot be found, the summons or notice shall be served by leaving one of the duplicate for him with one of the adult member of the family who shall sign or put his thumb impression on the back of the duplicate in token of having received it. If the service cannot be effected in the manner described above the serving employee shall affix one of the duplicate of the summons or notice at some conspicuous part of the house in which the person summoned or noticed ordinarily resides, in presence of at least two witnesses whose signature shall also be obtained on the second copy of the process.

### **69. Mode of serving summons or notice in a criminal or civil case outside the jurisdiction.**

- If the person, on whom, a summons or notice is to be served resides outside the territorial jurisdiction of the Gram Nyayalaya, the Gram Nyayalaya shall send the summons or notice, as the case may be, by post or otherwise to the Gram Nyayalaya within whose jurisdiction the person on whom it is to be served resides and the Gram Nyayalaya receiving it, shall cause to be served as if it were a summons or notice issued by such Gram Nyayalaya and shall return the duplicate thereof after service to the Gram Nyayalaya issuing it. The postal charges shall be borne by the concerning party.

### **70. Expenses of witnesses.**

- If the person to be summoned in a civil or criminal case is a witness whether residing within or outside the territorial jurisdiction of the Gram Nyayalaya issuing the summons, the Gram Nyayalaya shall require the person, at whose instance the summons is to be issued, to deposit in addition to the prescribed process fee diet money payable to the witness before the summons or notice is issued. The amount of diet money shall be noted on the summons and shall be paid to the witness on his appearance. Diet money shall be the same as that provided for the Civil Courts for the same purposes.

### **71. Procedure in case of refusal to receive and sign summons or notices.**

(1) If any person, on whom a summons or notice is to be served in accordance with these rules refuses to receive and sign the summons or notice, as the case may be, he shall be served with show-cause notice as to why a complaint under Section 173 of Indian Penal Code, 1860 should not be made to the competent Court. (2) If the notice shows sufficient reasons in answer to the notice the

Gram Nyayalaya may discharge the notice.(3)If the notice does not show sufficient reasons in answer to the notice or refuses to accept the notice, the Gram Nyayalaya may take appropriate action in accordance with law against the notices.(4)If the person does not comply with the notice or summons as the case may be or does not attend the Gram Nyayalaya, the Gram Nyayalaya shall also send the necessary requisition to the nearest police station to produce the person before the Gram Nyayalaya on the date and time as shown in the requisition.(5)It shall be the duty of the Station House Officer of concerned Police Station to produce the person before the concerned Gram Nyayalaya in compliance of the requisition.

## **72. Decision of Gram Nyayalaya to be by majority.**

- Any decision of a Gram Nyayalaya if it is not unanimous shall be in accordance with the opinion of the majority and where the members are equally divided in their opinion the person presiding shall have a second or casting vote.

## **73. No power to after or review a decision.**

- A Gram Nyayalaya shall have no power to cancel, revise or after any order passed by it but clerical or arithmetical mistakes in any order arising due to any accidental slip or omission may at any time be corrected by the Gram Nyayalaya either on its own motion or on the application of any of the parties.

## **74. Declaration to be submitted before assuming office of member.**

- Every member shall, before assuming office of a member of a Gram Nyayalaya make and subscribe before the Collector of the district or the officer authorised by him in his behalf a declaration in the Form-X appended to these rules.

## **75. Inspection.**

(1)The District Judge may authorise any Judicial Officer for the inspection of any Gram Nyayalaya and for the purpose of guiding and training the members of the Gram Nyayalaya to perform their duties properly under the Act and the rules.(2)A report by such judicial officer shall be submitted to the District Judge and the District Judge may from time to time issue such direction to the Gram Nyayalaya as he may deem fit.

## **76. Register of accounts.**

(1)All amounts received by the Gram Nyayalaya as fine, fee or on any other account shall remain as a fund of that Nyayalaya and may be used by the Gram Nyayalaya in performance of its functions. Every Gram Nyayalaya shall maintain the register and forms appended to these rules for receipts and expenditure in the manner prescribed in these rules. Before use the register shall be bound and pages shall be numbered. Any correction made therein shall be countersigned by the Nyayalaya



Sahayak and it shall be the responsibility of the Nyayalaya Sahayak of the Gram Nyayalaya to maintain those accounts.(2)No amount payable to Gram Nyayalaya shall be allowed to remain due without adequate reason. In case any such amount does not seem to be recoverable it may be written off with the unanimous approval of the Gram Nyayalaya.(3)Any amount from the Gram Nyayalaya Kosh shall not be drawn unless it is required for immediate use. The maximum amount to be withdrawn in one transaction shall be such as may be decided by the Gram Nyayalaya. Unspent balance, if any, not exceeding Rs. 200/- may be kept with the Nyayalaya Sahayak and any amount in excess shall be deposited in a saving account with any nationalised Bank, Co-operative Bank, Post Office, such saving account shall be opened jointly by the Pradhan and Nyayalaya Sahayak in the name of concerning Gram Nyayalaya and shall be operated by both of them jointly. All amounts shall be withdrawn under their joint signatures by cheques/withdrawal slip only.

## 77. Receipt.

- Receipt in Form-XI shall be prepared for every amount received in the Gram Nyayalaya as fee, fine or in any other form and it shall be in two copies. Second copy shall be carbon copy of the first. The original copy shall be given to the party making the payment and the carbon copy shall be preserved as Court record. Form I[See Rule 3(1)]Application/Plaint under Section 17 of the Chhattisgarh Gram Nyayalaya Adhiniyam, 1996In the Chhattisgarh Gram Nyayalaya.....Circle.

### 1. Particulars of the applicant/plaintiff

Name .....  
 Father's name .....  
 Age .....  
 Address .....

### 2. Particulars of the respondent

Name .....  
 Father's name .....  
 Age .....  
 Address .....

### 3. Jurisdiction

### 4. Limitation

### 5. Facts of the case

### 6. Relief sought

### 7. Details of remedies exhausted

### 8. Whether the matter previously filed or pending in any Court or Gram

Nyayalaya .....

VerificationI, ..... (Name of applicant/plaintiff)..... S/o, D/o, W/o..... age ..... hereby verify that the contents of above paras 1 to 8 are true to my personal knowledge. I have not suppressed any material facts.

Place : .....

Date : Signature of the  
applicant/plaintiff.

Form II[See Rule 3 (4)]Receipt/Acknowledgement slipReceipt of the application/plaint filed in the Chhattisgarh Gram Nyayalaya ..... circle by Shri/Smt./Ku..... residing at..... is hereby acknowledged.

Date..... For Secretary

Seal..... Gram Nyayalaya ..... circle.

Form II-A[See Rule 4 (2)]Register for Civil/Revenue Cases

Sl. No.	Date of Institution	Name of Applicant/ Plaintiff with Father's name,age	Address	Name of non applicant with father's name and age
(1)	(2)	(3)	(4)	(5)

Address	Description of sub matter	Date of final order or decision	Subject of the order or decision	Remarks
(6)	(7)	(8)	(9)	(10)

Form III[See Rule 18(1)]Before the Gram Nyayalaya ..... Circle.Complaint

- Name of Complainant .....
- Father's name .....
- Address .....
- Name of the accused .....
- Father's name of the accused .....
- Address of the accused .....
- Facts of Criminal Complaint/Offence .....
- Name of witnesses, if any  
1.....  
2.....
- Other relevant facts .....
- Whether the matters previously filed or pending in any Courtor Gram Nyayalaya .....

Place : .....

Date : Signature of the Complainant

Form IV[See Rule 18 (2)]Register of Criminal Cases

Sl. No.	Date of Institution	Name of complainant with Father's name, age	Address	Name of accused with father's name, age
(1)	(2)	(3)	(4)	(5)

Address	Description of the offence	Date for parties to appear	Date and judgement	Particulars of judgement	Remarks
(6)	(7)	(8)	(9)	(11)	

Form V[See Rule 33]Register of Receipts on account of fine, fee or compensation

Sl. No.	Case number	Name of parties	Amount of fine received	Amount of compensation received
(1)	(2)	(3)	(4)	(5)
Amount of fee received	Amount of compensation paid to the accused with the date of payment	Signature of the accused	Date of deposit of fine and fee in the GramNyayalaya Fund	Remarks
(6)	(7)	(8)	(9)	(10)

Form VI[See Rule 55 (1)]Proposal of election for the Post of PradhanElection to the office of the Pradhan of ..... Gram NyayalayaI hereby propose Shri ..... S/o ..... Resident of ..... to the office of the Pradhan of Gram Nyayalaya.

(1) Name in full of proposer with address. ....

(2) Name in full of seconder with address. ....

Place..... Signature of Proposer.....

Date..... Signature of Secunder.....

I above named candidate assent to this nomination, I hereby signify my willingness. I am willing to serve as a Pradhan of Gram Nyayalaya if I am elected.

Place.....

Date..... Signature of the Candidate

Form VII[See Rule 55 (5)]Ballot Paper

Sl. No. Name of contesting candidate Mark (X)

(1) (2) (3)

Signature of the Chief Executive Officer,.....Janpad PanchayatForm VIII[See Rule 65]Gram Nyayalaya ..... CircleSummons/Notice

Sl. No..... Date.....

Name of Parties .....

Vs.

Nature of claim/offence .....

Date of Institution .....

Whereas the above mentioned case will be placed before the Gram Nyayalaya on..... (date) at.....(time).You are hereby required to attend the Gram Nyayalaya as an accused/defendant/witness for giving evidence/or to produce the following documents

:(1).....(2).....(3).....

.....

Seal Signature of the Secretary

Form IX[See Rule 66]Money receipt

Case No. .... Date.....

Name of parties

R. No. ....

Received from ..... S/o ..... R/o ..... the sum of Rupees ..... (in words) ..... only on account of ..... in case No.....SignatureSeal of the Gram NyayalayaForm X[See Rule 74]DeclarationI, .....son of..... a member of Gram Nyayalaya do solemnly affirm that I have ceased to be a member of any political party and I will conscientiously and faithfully and to the best of my ability, knowledge and judgement perform the duties of my office in accordance with law, without fear or favour, affection or ill-will.

Place .....

Date ..... Signature and Name of the Member

Form XI[See Rule 77]Receipts

Date	Amount Received on Application/ Plaint/ Revenue/civil cases (Rule 5)	Amount received tor any party in execution(including Receipt No.)	Complaint fees in criminal cases	Amount of fine	Amount of copy fees
(1)	(2)	(3)	(4)	(5)	(6)

Amount of Inspection fees	Amount of Summons/ Notice Fees	Amount of Diet Money	Total of the day's receipt	Balance Amount of prior date	Total Amount (Total of Column 10 and 11)
(7)	(8)	(9)	(10)	(11)	(12)

Expenses

Date	Copy remuneration paid to Registrar	Amount of Remuneration of Kotwar/ Court Servant	Diet Money paid to witnesses
(1)	(2)	(3)	(4)

Amount if any received and given to Decree Holderin Execution	Court related other expenses (itemwise)	Total expenses of the day	Balance of the day (After deduction of theexpenses in column 7 from the total day)
(5)	(6)	(7)	(8)