CHHATTISGARH GRAM NYAYALAYA RULE, 2001. DT. 29.09.2001

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3. In these rules unless the context otherwise requires,—(a) (b) (c) (d) (e) (f) (g) (h) (i) (k) "Act" means the Madhya Pradesh Gram Nyayalaya Adhiniyam, 1996 (No. 26 of 1997), "Applicant" means a person making application or presenting a plaint under Section 17, "Chief Executive Offcer" means Chief Executive Offcer of the •Janpad Panchayat, Ihe expresion Examination or taking evidence shall include examination, cross examination and re-examination of the witness. "For" means the tonn appended to these rules, "Gram Nyayalaya" means Gram Nyayalaya established under Section 4 of the Act, "Member'.' means a member of the Gram Nyayalaya and includes pradhan, "Section" means a Section of the Act, "Secretary" means the Secretary of the Gram Nyayalaya nominated under Section 13, "Nyayalaya Sahayak" means a person who has been referred in Rule, 50, "the words and expressions used and nof defined in these rules shall have the same meanings respectively as assigned to them in the Act

CHAPTER 11—TPdAL OF CIVIL SUITS/REVEMJE CASES (l) An application or plaint, to the Gram Nyayalaya, shall be presented by the applicant in Fonn 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 offcer 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. 29 2001 (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 exfra copies of the application/plaint as there are Non-applicants shall be furnished by the applicant; Provided that where the number of Non-applicant 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 11 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. (l) lhe 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 IL-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 fornial in nature, the Nyayalaya Sahayak may allow the applicant to rectiö' 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 vffiting deeline to register the application plaint and inform the applicant accordinagly in writing

5. Every application/plaint filed with the Nyayalaya Sahayak shall be accompained 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. (l) Any notice or process to bc issued by the Gram Nyayalaya may be served by hand delivery through Kot•.var after taking receipt in and signed thumb impression by Non-applicant. (2) Every notice issued by the Gram Nyayalaya shall, unless otherwise ordered, be accompained by a copy of the application/plaint. 7. (l) 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 Nyayaiaya Sahayak within fifteen days of the service of notice of application/plaint on him. (2) In the reply filed under sub-rule (l) the Non-applicant shall specifically 458 (25) Presentation and Scrutiny of applica- tion/plaint. Application Fee. Service of notices and process is- sued by thc Nyayalaya. Filling of re- ply. 458 (26) Hearing in Civil Cases. Action on ap- plaint for applicant's de- fault. hearing •and disposal of ap- plaint. Bar of Abate- ment. 29 2001 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. For the hearing of Revenue case the Gram Nyayalaya, shall follow the 8. (1) same procedure as is prescribed for revenue matters in the M.P. Land Revenue Code, 1959. (2) At the hearing of the Civil case the Gram Nyayalaya shall first examine the applicant/plaintiff and his witnesseé and thereafter the defendant/Non-applicant and his witnesses. (I) Whereon the date fixed for hearing of the application/plaint or on any 9. other date to which such hearing is adjournment 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 pase 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 Nyayaiaya that there was sumcient cause for his non-appearance when the application/plaint was called for hearing, the Grazn 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. (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 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 heared 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-asside 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. I l. No suit or proceeding shall abate by reason of death of a party provided that all or any of his legal representative •are brought on record within a period of 30 days from the date of death or knowledge of death of a Party : 29 2001 Provided that the Gram Nyayalaya, on

sufficient cause being shown may condone the delay. If compromise between the parties is effected it shall be reduced to writing 12. (l) and brought on record. (2) The record shall contain : (a) the time and date of proceeding, (b) the naines of the parties appearing, their lawful representatives, if (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 Inay 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 bc 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 comprotnise duly recorded under this rule shall be binding on the parties. If the claim of the applicant/plaintiff is totally admitted by the defendant, the 13. Gram Nyayalaya shali not record and evidence and shall proceed to pass orders on the adinission of the defendant. (l) After ascertaining the facts of the case by examining thc parties and their 14. 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 thumbmarks of the parties present at the time of the decision shall also be obtained in the record substancc of the order shall also bc 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- (l) The Grani Nyayalaya Inay award for interest on the ordered mnount at a rate 15. not exceeding twelve percent per annum till the payment from the date of final order or decision. The Gram Nyayaiaya Inay, while påssing the order. direct that the payment (2) of .t•he amount ordered be postponed for a period not exceeding six Inonths or be Inade 458 (27) Compromise. Admission. Decision of Nya ya laya and its Com- munication. Interest and Instalment. 458 (28) Compensa- tory Costs to defendant. Execution of order passed by Gram Nyayalaya. Institution of Criminal Cases triable by Gram Nyayalaya. Procedure in Cases. Dismisal of Complaint. Dismissal of complaint for want of pros- ecution. Restoration of a complaint. Procedure where accused be cannot found or fails to appear. Magistrate to , secure atten- dance of ac- a.used before. Gram 29 2001 in monthly instalment. If the Gram Nyayalaya is satisfied that a suit brought before it, is false frivolous 16. 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. (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 the 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 Ill—TRAIL OF CRIMINAL CASES (l) Any person wishes to institute a criminal case triable by Gram Nyayalaya 18. shall make a complaint in writing in form Ill to the Pradhan or 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 complaint i and accused. Subject to the provisions of the Act, the Gram Nyayalaya shall follow the 19. summary procedure in the trial of Criminal Cases. If at any time it appears to the Gram Nyayalaya that there is no sumcient 20. (1) ground for not proceeding with the complaint, it shall dismiss the complaint. If at any time it appears to the Gram Nyayalaya that it has no jurisdiction (2) to try the offence it shall return the complaint to the complainant, If the complainant fails to appear on the date fixed for hear-ing or if in the opinion 21. of the Gram Nyayalaya the complainant has shown negligence in prosecuting the complaint, the Gram Nyayalaya Inay dismiss the complaint. If within 30 days from the date of dismissal of the complaint, the conlplainan{ 22. 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 proccedings, but no such restoration shall be made without giving notice to the accused if thc order of dismissal had been passed after the appearance of the accused before the Gram Nyayalaya. If the aqcused cannot be found or fails to appear on the date fixed for hearing, the 23. Gram Nyayalaya shall report the fact to the nearest Magistrate exercising jurisdiction over that area. (1) The Magistrate shall thereupon issue a warrant (bailable or non-baitable) for 24. the arrest of the accused and shall direct by endorsement on the warrant that if such person executes bond with sufficient

sureties for his attendance before himself in the 29 2001 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 afrear 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 Magisfrate shall order that the accused be produced in custody before the Gram Nyayalaya on such date as he may direct. If the accused fails to appear before the Gram Nyayalaya after executing a bond 25. under sub-rule (2) of Rule 24. lhe Gram Nyayalaya shall report the fact to the before whom the bond was executed and such Magistrate shall proceed in accordance with the provisions of the Code of Criminal Procedure, 1973

26. 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. If the accused admits that he has committed the offence of which he is 27. (l) accused his admission shall be recorded as nearly as possible in the words used by him, the Gram Nyayalaya may convict him accordingly. If the accused does not plead guilty, and if the offence is compoundable the (2) Gram Nyayalaya shall make endeavour to bring out a compromise between the parties. There upon or otherwise if at any stage of the trial the Nyayalaya is satisfied that the offence has been lawrrully compounded it shall record the same. in writing and acquit the accused. If the Gram Nyayalaya does not convict the accused under rule 27 or if the 28. 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 complainant 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 fees of Rs. '['wo. (l) When it appears that any property has been used for the Commission of any 29. oflu•lce or is a subject matter of any offence. is produced before a Gram Nyayalaya during trial, the Gram Nyayalaya may makc 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 expendient 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 458 (29) Procedure where ac- cused fails to appear even after execu- tion bond. Substance of accusation to be stated. Conviction on admission of truth of accusation. Procedure when no such admission is made. Custody and disposal of pending trial. 458 (30) Decision and its Communi- cation. Person con- victed or ac- quitted not to be tried again for the same ofence. Power to let off offender after admoni- tiøn-r Amount of fines or com- pensation or fee. T imc •and place.at which the Gram Nyayalaya shall sit. Sitting of Nyayalaya. Langüäge of the Gram Nyayalaya. Seq! gm- Training of Member. 29 2001 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. (l) After ascertaining the facts of the case by examining •the applicant and 30. 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. 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 acquital remains in force

32. When any person is found guilty of an offence under the Act, the Gram Nyayalaya finding him guilty may, h'aving 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. The amound 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: Every Gram,Nyayalaya shall hold its sittings from 10.30 a.m. to 5.30 p.m. with recess between 130 p.m. to 2.30 •p.m. at the place where the office of the Gram Nyayalaya his situated or any other place within the cercle as the Gram Nyayalaya think proper

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

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

37. The Qffcial seal and emblem of the Gram Nyayalaya shall be such as the State Government may speciW

38. The Collector shall arrange for the training of the members of Gram Nyayalaya för relating to general procedure of the Gram Nyayalaya.29 2001 39. 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. (1) Soon after: the completion of the Training of members of Gram Nyayalaya 40. and date of the commencement and fimctioning of the Gram Nyayalaya shall be notified by the Collector. After the date so notified not withstanding any thing contained in the code of Civil Procedure, 1908, the Code of Criminal Procedure, 1973 and the Madhya Pradesh Land Revenue Code, 1959, the Gram Nyayalaya shall have subject to the provisions of the Act, exclusive jurisdiction to civil, criminal and revenue cases as specified in the Act. (2) All cases pending immediately before the notification published under sub- rule (l) shall be adjudicate by the respective courts

41. 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 patties or those under whom they claim

42. A Certified copy 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. Except as provided in the Act no Civil, Criminal or Reyenue 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. 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. Subject to the provisions of these rules on payment of the fee of Rs. 2?- per case 45. 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. 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. 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 Janapad Panchayat or the State Government, as the case may be, relax the condition of age limit and educational qualification for Scheduled Caste or Scheduled Tribes member.(1) No suit, prosecution or other legal proceeding shall lie against the members 48. of Gram Nyayalaya or any omcer 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 458 (31) Staff to be Public Ser- vant. Date of com- mencement of Gram Nyayalaya. Suits not be entertained. Supply of C.ertified copies. Exclusion of Jurisdiction of Courts. Proceeding not to be in- validated by reasons of absence of some mem- bers. Inspection of records and furnishing of copies. Proceeding to be Judicial procceding. Power to re- lax. Protection of action taken in good faith. 458 (32) Meeting of Nyayalaya. Sahayak of Nyayalaya. Additional powers a.nd of duties N y a ya laya Sahayak. 29 2001 or intended to be done in good faith by such members, offcer or person under the Act, Rule or order made thereunder. (2) The provisions of the Judicial Offcer 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 offcial duties as they apply to judges and magistrates. (l) • Every proceeding in a Gram Nyayalaya shall be conducted in a meeting 49. convened in that behalf. The quorum shall consists 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 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) Ifa party to a suit or a criminal proceeding before a Gram Nyayakaya 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 there upon withdraw from the Gram Nyayalaya, the grounds of objection and the reasons for the continuance of the member shall be recorded

CHAPTER V—NYAYALAYA SAHAYAK OF GRAM NYAYALAYA AND ITS POWERS, FUNCTIONS AND DUTIES (l) The Secretary of that Gram Panchayat where the Gram Nyayalaya situated 50. shall act as Nyayalaya Sahayak of the Gram Nyayalaya and may be paid honorarium if any and as may be fixed by the Statc Government from time to me. (2) Out of the fee recorded 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. In addition to the powers conferred in these rules, the Nyayalaya Sahayak shall 51. have the following powers and duties :— to receive all applications/plaints: (ii) (iii) to decide all questions arising out of the scrutiny of the application/plaint before they are registered; to order for the supply of copies of documents to parties of the proceedings; (iv) (v) 29 2001 to dispose of all matters relating to the service of notice or other proceed -ings; to receive applications within thirty days from the date of death for substitution of legal representative of the decesed perties during the pen- dency of the application/plaint; to receive and diSpose of application for substitution except where the sub- stitution would involve setting aside an order or abatement; (vii) to grant leave to inspect the records of the Gram Nyayalaya; (viii) to receive and dispose of appliations by parties for retum of documents. CHAPTER OF rvm,fBER AND ELECTION OF PRADHAN (1) The Janapad Panchayat shall nominate members who possess the qualifica- 52. tion prescribed under Section 6 of the Act. The nomination so made shall be connnu- nicated 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 Janapad Panchayat. The Chief Executive Officer shall thereafter convey a meeting as provided in rule 53. (2) In case, the Janapad 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 penal 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 Offcer by giving a notice of seven days in advance to all members of Janapad Panchayat for nomination of the members of the Gram Nyayalaya. Any of the members present in the meeting shall propose the name of member to be nominate under Section 5. and 6 of the Act for the Gram Nayayalaya 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 Janapad panchayat contravenes the provisions by section 5, 6 and 7 by the Act or the proceeding is found unlawful or to be vitiated by other reasonable ground then the Governtnent or the officer authorised by it Inay set aside the nomination proceeding and Inay pass suitable order

53. The Chief Executive Officer of the Janapad• Panchayat shall.within fifteen days of the date of nomination of the members of Gram Nyayalaya. convene a Ineeting of all the nominated members for the purpose of electing a member to be a Pradhan of thc Grain Nyayalaya. (l) Notice of the meeting under rule 53 specifring the date and time shall be 54. given to each member concerned atleast three clear days before the date of meeting in writino. (2) The meeting shall be presided over by th'e Cheif Executive Offcer of 458 (33) Nomination of Member. Meeting for election. Notice meetings. of 458 (34) Nominated by members for election of Pradhan. Resignation Pradhan. Removal of Pradhan and members. Functions of Pradhan. Honorarium of members. 29 2001 (1) The name of a member to be elected as Pradhan shall be proposed by a 55. member and seconded by another member in the

form VI appended to these rules. The Chief Executive Officer shall recorded in writing the names of members duly proposed and seconded. (2) If only one name of the member is proposed the Chief Executive Offcer shall declare such member as elected as Pradhan. If the names Oroposed are more than one, the Chief Executive Officer shall (3) proceed to hold the election. (4) The Chief Executive Offcer shall state the number of candidate contesting the election and explain to the members thc method of voting. (5) The Chief Executive Offcer shall supply to each member with a ballot paper on which the names of all contesting candidates shall be vaitten in Hindi in for VII. (6) lhe Chief Executive Offcer 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 shall 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 candidates and record the total thereof in the result sheet and then declare the candidate who secures largest number of votes to have been duly elected as Pradhan'. (7) Any aggrieved party to the election pf 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. A Pradhan may resign his office by giving notice in writing to that effect to the Chief Executive Officer of the Janapad 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 Janapad Panchayat

57. 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. (l) The Pradhan shall preside over the meeting of Gram Nyayalaya, (2) The Pradhan shall declare the decision (judgement) of the Gram Nyayalaya

CHAPTER VII—HONORARIUM, TRAVELLING ALLOWANCE AND DAILY ALLOWNACES TO r•vffMBERS 59. The members shall be entitled to honorarium such and if any, as may be determined by the State Government from time to time. 29 2001 CHAPTER VIII—MISCELLANEOUS 60. The pradhan may if sufficient cause is shown at any stage of proceedings, grant time to the parties and adjourn thé hearing of the application or plaint or complaint

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

62. The Gram Nyayalaya shall not take lengthy statement of witnesses. Brief state- ment shall only be recorded. 63. 'Ihe document if any, produced by the parties shall be taken into consideration and shall be returned to the palty producing it soon after the disposal of the case by the Gram Nyayalaya. Ifthe Pradhan of the Gram Nyayalaya feels that any document filed by any party is base of dispute then such document shall be returned to party on his application and true copy of the same has been furnished

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

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 in required to attend and also whether his attendance is required as an accused, defendant, non-applicant or witnesses. it shall specify whether it is for the purpose of giving evidence or to produce a document or for any other purpose. If Lhe summons or notice is to be served at the instance of party, the Gram

66. 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. (1) Every sununon or notice shall, within the territorial jurisdiction of the Gram 67. Nyayalaya, be ordinarily served by the kotwar or any servant of the Gram Nyayalaya. Where a sununons or notice is to be served on a person residing outside the territorial jurisdiction of the Grani Nyayalaya, the sanic shall be served in accordance with the rules hereinafter. provided.' (2) Out of the fee recovered ror the sumrnons after service of the same, rupee. one per summon shall be paid as remuneration to the kotwar or servant of the Gram Nyayalaya. as the case may bc. The summons or notice shall be served on a person by delivering or tendering in 68. any lhe summons or notice to him. The summons or notice shall be sent in duplicate. The person shall sign or put his thunlb-impression on the back of the duplicate in taken of having received it. If thc persons. concerned can not be found, the summons or notice shall be served by leaving one of the duplicatc for him with onc of the adult member of the family who shall sign or put his thLi111b impression on the back of the duplicate in token of having received it. 458 (35) Adjournment of hearing. Order to be signed and dated. Brief State- ment be re- corded. Rcturn of documents. Cross Exami- nation. Issue of sum- mons or No- tices. Recovery of Fee. Service of summons or Notices. Mode of serving sum- mons or no- tices. 458 (36) Mode of serv- ing summons or notice in a Criminal or civil case out- side the juris- diction. Expenses of Witnesses. Procedure in case of refusal to receive and sign summons or notices. Decision of Nyavalaya to be by M.jority. No power to alter or review a decision. 29 2001 If the service cannot be effected in the manner described above the serving employee shall amx one of the duplicate of the sununon or notice at some conspicious part of the house in which the person summoned or noticed ordinarily resides, in presence of at least two witness whose signature shall also be obtained on the second copy of the process

69. If the person, on whom a summon, or notice is to be served resides outside the territorial jurisdiction of the Gram Nyayalaya, the Gram Nyayalaya shall send the summon 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 Grarn Nyayalaya receiving it, shall cause to be served as if it were a summon 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 born by the concerning party

70. If the person to be summoned in a civil or criminal case is a wimess whether residing uithin 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 pres0ribed 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 för the same purposes

71. If any person, on whom a summon, or notice is to be served in accordance (1) with these rules refuses to receive and sign the summons oi notice, as the case may be, he shall be served with show cause notice as to why a complaint under Section 173 of Indian Panel Code 1860 should not be made to the competent Court. If the notice shows sufficient reasons in answer to the notice the Gram (2) Nyayalaya may discharge the notice. (3) If the. notice does not show sufficient reasons in answer to the notice 07 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 requistion. If shall be the duty of the station House Offcer of concerned Police Station (5) to produce the person before the concerned Gram Nyayalaya in compliance of the requisition. 72. '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. A Gram Nyayalaya shall have no power to cancel,.revise or alter 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 Inotion or on the application of any of the parties. 29 2001

74. Every member, shall, before assuming offce of a member of a Gram Nyayalaya make and subscribe before the collector of the District or the offcer authorised by him in this behalf a declaration in the

form X appended to these rules. (l) The District Judge may authorise any Judicial Offcer for the inspection of 75. any Gram Nyayaiaya and for the purpose of guiding and training the hembers 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. (1) All amounts received by the Gram Nyayalaya as fine, fee or on any other 76. account shall remain as a fimd •of that Nyayalaya and may be used by the Gram Nyayalaya in performanc;e of its ftmctions. Every Gram Nyayalaya shall maintain the register and forms appended to these ndes for receißts and expenditure in the manner prescribed in these niles. Before use the register shall be bounded and pages shall be numbered. Any correction made their in 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 d.rmvn unless it is required for immediate use. The maximum amount to be withdra•yvn in one transition shall be such as may be decided by the Gram Nyayalaya. Unspent balance. if any not exceeding R.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 Offce, 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 the jointly. All amounts shall be withdrawn under their joint signatures by cheques withdrawl slip only

77. Receipt in form XI shall be prepared for eveuy 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. 458 (37) Declaration to be submit- ted before as- suming office of member. Inspection. Register of Accounts. Receipt. 458 (38) 29 2001 FORM 1 [See Rule 30)] Application/Plaint under section 17 of the Madhya Pradesh Gram Nyayalaya Adhiniyam, 1996 In the Madhya Pradesh Gram Nyayalaya..... .....,.....Circlc. 2, 3. 4. 5. 6. 7

8. Particulars of the applicant/plaintiff Name Father's Name Age Address- Particulars of the respondent Name Father's Nalne Age Address, Jurisdiction Limitation Facts of the case Relief sought Details of remedies exhausted Whether the matter Previously filed or pending in any COLUt or Gram Nyayalaya VERIFICATION .. ..(Name of applicaqt/plaintiff) S/o, D/o, W/o.....,..... .. age... ... .hereby verify that the contents of above para I Io 8 are true to lily personel knowledge. I have not suppressed any material facts. Place . Date Signature of the applicant/plaintiff. 458 (39) 29 2001 RECEIPT/ACKNOWLEDGEMENT SLIP

FORM-II [See Rule 3 (4)] Receipt of lhe applicant/plaint filled in the Chhattisgarh Gram Nyayalaya..... .... circle by Shri/Smt./Ku. . edged. Date : Seal S.N0. .....residing at.....is hereby acknowl- For Secretary Grani Nyayalaya.....circle. FORM-11 A [See Rule 4 (2) | Register for Civil/Revenue Cases Address Nanite Address Descrip- Date of Insti- tution (2) Name of Applicant/ Plaintiff with Father•s name. age (3) Date of final order or Decision (8) Subject of thc order or Decision (9) Remarks (4) non applicant with father's name and age (5) (6) tion of submatter (7) 458 (40) Date :..... .. 29 2001 FORM-IN [See Rule 18 (1)] Complaint for Criminal Cases Before the Gram Nyayalaya... Complaint 1. 2. 3. 4. 5. 6. 7. 8. 9. IO. Name of the Complainant Father's Name Address Name of the accused Father's Name of the accused Address of the accused Facts of Criminal C.omplaint/OfTence . .... Name of witnesses if any Other relevant facts Whether the matters previously filed or pending in any court or Gram Nyayalaya. ... .CircIe Signature of the Complainant tace . S.N0. (l) FORM-IV [See Rule 18 (2) Register of Criminal Cases Date of Institution (2) Name of complainant with Father's name, age (3) Address (4) Naine of accused with father's naine, age (5) 29 Register of Criniinal Cases Adclress S.N0. (l))unl or ft•e received (6) l)escription of' lhe oiü:nce (7) Date för part ies to appear (S) Date and judgtncnt (9) Particulars of iud21nent Renlarks REGIS'I'ER OF RECEIPTS ON ACCOUN"I' OF FINE. FEE OR COMPENSAFION FORM-V (See Ruic 33) (2) Alnount of C.01npensation paicl Io the accused Hitli the dale of' pavine.nl (7) Natne Qi' parties (3) Signature of the accused (8) Alnount 01' line received (4) Date of Deposit of fine and ft.'.e in the Gram Nvavaiava Fund .'\znount o l' conlpensation received (5) Renlarks 458 (42) 29 2001 FORM-VI [See Rule 55 (l) Proposal of Election for the Post of Pradhan ....-.Resident Election to the Office of the Pradhan of.... hereby propose ... .Gram Nyayalaya of..... (2) Date... ....S/O..... ... .to thc office of Pradhan of the Gram Nyayalaya. Name in full of proposer with address Namc in filll of seconder with address Signature of the. Proposer..... Signature of the Seconder..... I above .named candidate assent to this nomination. I hereby signify Illy willingness. I anl willing to serve as a Pradhan of Gram Nyayalaya if I elected. Signature of the Candidate S.N0. FORM-VI! [See Rule 55 (5)] Ballot Paper Name of Contesting Candidate (2) Mark (X) (3) Signature of the Chiel' Executive Ofliccr. ... .Janapad Panchayat. 29 2001 FORM-VIII [see Rule 65] Gram Nyayalaya..... ....Circle Summons/Notice S.N0. Name of Parties Nature of Clain)/Offence Date of Instit•ution 458 (43) vs. Whereas the above mentioned case will be placed before the Gram Nyayalaya on.....,....(date) at..... . Your are hereby required to attend the Gran) Ny•ayalaya as an accused/defendant/witness for giving evidance/or to produce the following, docurnents. (2) (3) Case No.... Name of Parties..... Received (in FORM-IX [See Rule 66 Money Receipt ...S/o..... . .....the sun) of Rupees..... . .....onl.y account of.... Seal Signature of the Secretary Date..... . .....in casc No. Sienatlll•e ot• thc Grani . .t-., 458 (44) Date... 29 2001 FORM-X see Rule 74 Declaration a Inember of Grain Nyayalaya do solemnly affirm that I have ceased to be a member of any political party and I will conscitiously and faithfully and to the best of my ability, knowledge and judgment perform the duties of my office in accordance with law, without fear or favour, affection or illwill. Signature and naine of the Member. FORM-X1 (See Rule 77) Receipts batc (l) Amount Received on Application Plant/Revenue/ Amount Received for any party in Execution (including Receipt No.) (3) Alnount of Diel Money (9) C01npIaint fees in Crilninal Cases Civil Cases (Rule 5) (2) Atnount of Sutn1nan/Notice (8) fiztfii, Amount of (5) Alnount of' copy fees (6) Atuount of Inspection (7) (4) Total of the day's receipt Balance Amount of prior date "l'otal Alnount (Total of Coltnnn)