

## **GUJARAT NYAYA PANCHAYAT (PROCEDURE) RULES, 1963**

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## **GUJARAT NYAYA PANCHAYAT (PROCEDURE) RULES, 1963**

No. PRR. 17/63-H-In exercise of the powers conferred by section 323 of the Gujarat Panchayats Act, 1961 (Guj.VI of 1952), and in supersession of all the previous rules on the subject the Government of Gujarat hereby makes the following rules, namely:-

### **1. Short title :-**

These Rules may be called the Gujarat Nyaya Panchayat (Procedure) Rules, 1963.

### **2. Definitions :-**

In these Rules, unless the context otherwise requires-

- (1) "the Act" means the Gujarat Panchayats Act, 1961;
- (2) "Form" means a form appended to these Rules;
- (3) "Nyaya Panchayat" means a gram Nyaya Panchayat or as the case may be Nagar Nyaya Panchayat;

(4) "Panchayat" means a Gram or Nagar Panchayat as the case may be;

(5) "Section" means a section of the Act.

### **3. Duties of the Chairman of Nyaya Panchayat :-**

It shall be the duty of the Chairman of the Nyaya Panchayat-

(i) to fix sittings of the Nyaya Panchayat in accordance with these Rules.

(ii) to ensure that registers and account books of the Nyaya Panchayat are maintained properly.

(iii) to furnish information and statement relating to the working of the Nyaya Panchayat as may be required from time to time by the State Government or its officers and the High Court or the Courts subordinate to the High Court.

(iv) to correspond on behalf of the Nyaya Panchayat, and

(v) to intimate to the Panchayat concerned any vacancy on the Nyaya Panchayat.

### **4. Duties of the clerk of the conciliation panch :-**

The clerk of the conciliation panch shall furnish to the Chairman of such, information as may from time to time be called by him and shall assist the Chairman in discharging his duties.

### **5. Duties of Judicial Clerk :-**

(1) The Judicial Clerk shall maintain all account books and registers of the Nyaya Panchayat in respect of the suits and cases pertaining to the area of jurisdiction of the panchayat of which he is the Secretary.

(2) The judicial Clerk shall furnish to the Chairman of the Nyaya Panchayat such information as may from time to time be called for by him.

(3) The Judicial Clerk shall submit a monthly return of suits and cases instituted before the Nyaya Panchayat pertaining to the area of jurisdiction of the Panchayat of which he is the Secretary, in Form A to the Chairman of the Nyaya Panchayat.

(4) The Judicial Clerk shall pass receipts in Form A-I for all moneys received by him as institution fees, fines-composition or other money under the Act and enter all amounts so received in the

registers, maintained, for the purpose.

(5) The Judicial Clerk shall be responsible for the preparation and supply of certified copies in respect of any record in regard to a case or suit on an application made in that behalf. He shall furnish such copies within three days from the date of receipt of the application.

(6) The Judicial clerk shall work under the guidance, direction and supervision of the local member of the Nyaya Panchayat.

#### **6. Registration of suits and cases :-**

The person before whom a suit or case is instituted under section 240 shall receive the application made under section 244 together with the prescribed fees and shall on such receipt endorse on the application the date and time of the presentation of the application and amount of fee paid. He shall then make over the application and the fees to the Judicial Clerk, who shall forthwith register the suit or case in the Register of Suits or as the case may be, the Register of Cases, provided for under these rules, and shall enter the amount of fees received in the registers maintained under these rules.

#### **7. Intimation of suit or case to Chairman of the Nyaya Panchayat :-**

The Judicial Clerk shall communicate the fact of a suit or case having been instituted to the Chairman of the Nyaya Panchayat as soon as possible after the suit or case has been registered under rule 6.

#### **8. Sitting of Nyaya Panchayat :-**

(1) A Nagar Nyaya Panchayat shall hold its sitting in the nagar.

(a) A Gram Nyaya Panchayat shall hold its sitting at least once in two months in every gram within jurisdiction.

(b) The sequence of such sittings shall be determined by the \*Gujarat alphabetical order of the names of the panchayats within the Jurisdiction of the Nyaya Panchayat:

Provided that a Nyaya Panchayat may not hold its sitting at a gram where there are no suits or cases to be enquired into.

(3) Sittings of a Nyaya Panchayat shall be held at the office of the panchayat or the village Chavdi or at such other suitable public place as the Chairman of the Nyaya Panchayat may specify in this

behalf.

(4) The date, time and place of sitting so fixed shall be communicated by the Chairman of the Nyaya Panchayat to the Judicial Clerk of such Nyaya Panchayat who shall communicate the same to each member of the Nyaya Panchayat at least three days before the date of the sitting.

**9. Language :-**

The proceedings of Nyaya Panchayat and of the conciliation panch shall be conducted and its records be maintained in the Gujarati Language.

**10. Proceedings in in Rusry :-**

(1)

(a) In proceedings relating to suits, the Nyaya Panchayat shall first examine the plaintiff and his witnesses and then the defendant and its witnesses. The plaintiff and defendant shall have the right to cross-examine the opposite party and also its witnesses.

(b) In proceedings relating to cases the Nyaya Panchayat shall first examine the complainant and his witnesses. The accused shall be allowed to cross-examine the complainant and his witnesses. Thereafter the Nyaya Panchayat shall record any statement which the accused may wish to make and the evidence of his witnesses if any. The complainant shall have the right to cross-examine the witnesses for the accused,

(2) The Nyaya Panchayat shall record the statements of the parties and witnesses made in relation to an inquiry in a suit or case in Form F. Every such statement shall be signed by the Chairman.

(3) The procedure of conciliation proceeding shall be as provided in section 250.

**11. Documents :-**

If any document is produced in evidence in any suit or case, and endorsement shall be made on the document so produced in Form B-I and shall be signed by the Chairman of the Nyaya Panchayat and a note of it shall be taken in the relevant statement recorded under sub-rule (2) of rule 10. Such document shall be returned to the person producing the same after the suit is finally decided and in respect of proceedings relating to any case, such document shall on the conclusion of the trial, be returned to the persons producing

the same or disposed of in the manner provided in sub section (1) of section 274 as the case may be.

**12. Decision to be recorded :-**

The Nyaya Panchayat shall record its decision in Form C and the members who concur in the majority in the decision shall affix their signatures thereto. The decision shall be pronounced in the open sitting of the Nyaya Panchayat and shall be communicated to the parties concerned whose signatures shall be taken in token of the decision having been communicated to them.

**13. Form of summons :-**

Every summons issued by a Nyaya Panchayat to a defendant or an accused person shall be in Form D and to a witnesses shall be in Form E. Such summons shall, in the case of a Nagar Nyaya Panchayat be signed and issued by the Chairman there of and in the case of a Gram Nyaya Panchayat shall be ordinarily signed and issued by the member of the Nyaya Panchayat, elected by the Panchayat in the area to which the suit or case pertains, and in his absence shall be signed and issued by the Chairman of the Nyaya Panchayat.

**14. Maintenance of Registers :-**

A Nyaya Panchayat shall maintain the following registers at each of the offices of the Panchayat under its jurisdiction.

I. Register of proceedings in Form F.

II. Register of suits in Form G.

III. Register of cases in Form IT.

IV. Register of decrees in Form I.

V. Register of fines and compensation in Form J.

VI. Register of property and documents in Form K.

VII. Register of bhatta in Form L.

**15. Fees for institution of a suit :-**

(1) Fees shall be charged at the following rates for the institution of a suit : When the amount or value of the claim: (a) does not exceed Rs. 10. 50 paise. (b) exceeds Rs. 10 but does not exceed Rs. 25. One rupee (c) exceeds Rs. 25 but does not exceed Rs. 50. One rupee and fifty paise. (d) exceeds Rs. 50 but does not exceed

Rs, 75. Two rupees. (e) exceed Rs. 75 but does not exceed Rs. 100. Two rupees and fifty paise. (f) exceeds Rs. 100 but does not exceed Rs. 150. Three rupees. (g) exceeds Rs. 150 but does not exceed Rs. 200. Four rupees. (h) exceeds Rs. 200 but does not exceed Rs. 250. Five rupees.

(2) Fees for institution of a case- (a) A case instituted by or on behalf of panchayat or by a public servant in his official capacity in respect of any offence under the Act. Nil (b) Any other case. Fifty paise.

#### **16. Process fee :-**

For every summons issued by a Nyaya Panchayat a fee of twenty-five naye paise shall be charged when the summons is to be served within the gram or as the case may be, Nagar where the suit is heard or the case is tried, and a fee of fifty naye paise shall be charged when a summons is to be served outside the gram or as the case may be nagar. A receipt shall be given to the person making payment. The fee shall be paid to the person employed to serve the summons.

#### **17. Copying fees :-**

(1) For every certified copy of a document in respect of any suit or any case there shall be charged fees at the following rates. (a) For every 33 words or fraction of words 5 nP..... (b) For examining or comparing 100 words or fraction of 100 words. \ 5 nP. (c) If the original be in tabulated form twice the rates \ \ \ \ \ \ \ \ respectively named \ \ \ \ \ \ \ \ in clause (a) and (b). (d) If the copy be given on a printed form, 2 nP plus the fees for every sheet or page of forms used at the rates herein \ \ \ \ \ \ \ \ prescribed for \ \ \ \ \ \ \ \ the manuscript \ \ \ \ \ \ \ \ additions on the \ \ \ \ \ \ \ \ form. (e) When no printed form is supplied or 2 nP. available, for each sheet of foolscap paper used in preparing the copy (f) For every certified copy of a map sketch, etc. 50 nP.

(2) A surcharge of 25 per cent shall be levied on all copying and comparing fees leviable according to sub-rule (1).

(3) Out of the amount of the fees received for a certified copy half the amount of the fee received by way of copying charges only shall be paid to the person making the copy and the balance shall be credited to the gram or the nagar panchayat fund as the case may be.

## **18. Custody of Funds :-**

(1) The amount provided under sub-section (4) of section 218 by the State Government to meet the expenses of a Nyaya Panchayat in exercising their powers and discharging their functions under the Act shall be deposited in a postal saving bank, a co-operative bank or a scheduled bank as the Nyaya Panchayat may determine, by opening an account in the name the Nyaya Panchayat. The account shall be operated by the Chairman of the Nyaya Panchayat.

(2) The Nyaya Panchayat may incur expenses for the following purposes, namely:-

(i) payment of travelling allowance to the members of a Nyaya Panchayat at the following rates, namely:-

(a) for journeys not exceeding eight kilometres, actual expenses incurred for attending the meeting or sitting of a Nyaya Panchayat, subject to a maximum of Rs. 2 per day;

(b) for journeys exceeding eight kilometers at ten naya Paisa per kilometer of the distance travelled;

Provided that-

(1) Where any distance is travelled by rail, one second class return fare therefor and incidental expenses at a flat rate of one paisa per kilometers shall be payable.

(2) where any distance is travelled by a service bus of a road transport service one and a half actual bus fare per single journey;

(c) daily allowance at the rate of Rs. 4 for the day for which no fare or mileage as provided in clause (a) and (b) is claimed.

(ii) contingent expenditure not exceeding such limit as may from time to time be fixed by the Government;

(iii) postal stamps.

(3) The accounts of the funds in Forms M to P shall be maintained:-

(a) In the case of the Nagar Nyaya Panchayat by the Secretary of the relevant nagar panchayat for which a Nyaya Panchayat has been constituted.

(b) in the case of the Gram Nyaya panchayat by the Secretary of such gram panchayat as the Chairman of the relevant Nyaya

Panchayat may direct.

**19.** . :-

The register for recording the substance of the statement of the accused under the proviso to Sub-section (2) of section 265 shall be maintained in Form Q.