

Panaji, 30th July, 2009 (Sravana 8, 1931)

SERIES I No. 18

OFFICIAL GAZETTE



GOVERNMENT OF GOA

NOTE

There are two Extraordinary issues to the Official Gazette, Series I No. 17 dated 23-7-2009 as follows:

- (1) Extraordinary dated 23-7-2009 from pages 1847 to 1848 regarding Notification from Department of Home (Home-General Division).
- (2) Extraordinary (No. 2) dated 29-7-2009 from pages 1849 to 1854 regarding Notification from Department of Finance (Revenue & Control Division).

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3. Power Office of the Chief Electrical Engineer ex officio Additional Secretary	CEE/Estt-2-1-81(Creation) Part-II/1594	Creation of Station Operator posts.	1868
4. Public Health Under Secretary	5/2/2005-I/PHD	Revival of Chemist (Food) Post.	1868
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GOVERNMENT OF GOA

Department of Industries

Notification

15/6/2008-IND

Read:- Proclamation No. 15/6/2008-IND dated 21st October, 2008, published in the Official Gazette, Series I No. 31 dated 30-10-2008.

Whereas vide Proclamation No. 15/6/2008-IND dated 21-10-2008, published in the Official Gazette, Series I No. 31 dated 30-10-2008 and local newspapers, namely, "Navhind Times" dated 25-10-2008 and

"Gomantak (Marathi)" dated 26-10-2008 (hereinafter referred to as the "said Proclamation"), the Government of Goa had published its proposal to declare the industrial area as specified in the Schedule to the said Proclamation to be notified area and to declare that the provisions of any law relating to local authorities providing for control or erection of buildings, levy and collection of taxes, fees and other dues to the local authorities, which are in force in the said area, shall cease to apply thereof and that the Municipalities and the Village Panchayats which were receiving house tax from the occupants of the said area, under their respective laws, shall be compensated by the Government to the extent of the last financial year's collection of taxes for a period

of five years, in terms of clauses (a) and (c) respectively of sub-section (1) of section 37 A of the Goa Industrial Development Act, 1965 (Act 22 of 1965) (hereinafter referred to as the "said Act");

And whereas the Government of Goa vide said Proclamation also proposed to appoint the Goa Industrial Development Corporation (hereinafter called the "said Corporation"), for the purpose of the assessment and recovery of any taxes as per the provisions of law as in force and to authorize the said Corporation for the purpose of exercising all the powers, such as, control or erection of buildings, levy and collection of taxes, fees and other dues in respect of local authorities which are in force in the said area, in terms of clauses (b) and (d) of sub-section (1) of section 37 A of the said Act (hereinafter collectively called the "said proposals") and that house tax, other taxes, fees and all other types of dues so collected by the said Corporation in respect of said area, shall be deposited with the Government immediately by the said Corporation after such collection under Budget Head:—

- 0851 — Village and Small Industries.
- 101 — Industrial Estates.
- 02 — Collection of house tax from the occupant of the Industrial Estates.

And whereas in pursuance of sub-section (2) of section 37 A of the said Act, the Government of Goa, vide said Proclamation, invited all persons who entertain any objections to the said proposals to submit the same in writing with reasons therefor to the Director of Industries, Trade and Commerce, Government of Goa, Panaji, within two months from the date of publication of the said Proclamation in the Official Gazette;

And whereas the said Official Gazette was made available to the public on 30-10-2008;

And whereas one Shri Tome Isidora A. Carvalho, resident of House No. 116, Nauta Cortalim, vide letter dated 21-11-2008 had submitted his objections to the said proposals (hereinafter referred to as the "said objections");

And whereas the Director of Industries, Trade and Commerce examined the said objections vis-a-vis the provisions contained in section 37A of the said Act after giving an opportunity of hearing to the said Shri Tome Isidora A. Carvalho and dismissed the same, being devoid of any merit.

Now, therefore, in exercise of the powers conferred by clauses (a) and (c) of sub-section (1) of section 37 A of the said Act, the Government of Goa is hereby pleased to declare the industrial area as specified in the Schedule to the said Proclamation and also specified in the Schedule hereto to be notified area and also declare that the provisions of any law relating to local authorities providing for control or erection of buildings, levy and collection of taxes, fees and other dues to the local authorities which are in force in the said area shall cease to apply thereof and that the Municipalities and the Village Panchayats, which were receiving house tax from the occupants of the said area, under their respective laws, shall be compensated by the Government to the extent of the last financial year's collection of taxes, for a period of five years.

Further, in exercise of the powers conferred by clauses (b) and (d) of sub-section (1) of section 37 A of the said Act, the Government of Goa is pleased to appoint the said Corporation for the purpose of the assessment and recovery of any taxes as per the provisions of law as in force and authorize the said Corporation for the purpose of exercising all the powers, such as, control or erection of buildings, levy and collection of taxes, fees and other dues in respect of local authorities which are in force in the said area and to direct that the house tax, other taxes, fees and all other types of dues so collected by the said Corporation in respect of said area, shall be deposited with the Government immediately by the said Corporation after such collection under the following Budget Head:—

- 0851 — Village and Small Industries.
- 101 — Industrial Estates.
- 02 — Collection of house tax from the occupant of the Industrial Estates.

SCHEDULE

Land Acquisition for setting up Industrial Estate/
/Food Park at Quitol Village of Quepem Taluka.

(a) Area: 8,83,576m².

(b) Village: Quitol.

(c) Taluka: Quepem.

(d) Survey Nos.: 35, 36, 46p, 51, 52/1, 52/2, 53/1, 53/2, 53/3, 53/4, 53/5, 54/1p, 54/2, 54/3, 54/4, 54/5, 54/6, 54/7, 54/8, 54/9, 54/10, 54/11, 54/12, 54/13, 55/1, 55/2, 55/3, 55/4, 101/1, 101/2, 102/1p, 102/4, 102/7p, 102/8.

(e) Boundaries:—

North: Survey Nos. 45/26, 31, 24, 32, 29, 30, 31, 38/5, 62, 34, 37/9, 10, 11, 5.

South: Road.

East: Survey Nos. 31, 32/1, 2, S. No. 33, 34.

West: Survey Nos. 47, 50/1, 2, 56, 57/1, 100, 98.

By order and in the name of the
Governor of Goa.

B. S. Kudalkar, Under Secretary (Industries).

Porvorim, 20th July, 2009.



Department of Law & Judiciary

Legal Affairs Division

**Notification**

10/1/2009-LA/221

The Gram Nyayalayas Act, 2008 (Central Act No. 4 of 2009), which has been passed by Parliament and assented to by the President of India on 7-1-2009 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 9-1-2009, is hereby published for general information of the public.

Julio Barbosa Noronha, Under Secretary (Law).

Porvorim, 16th July, 2009.

THE GRAM NYAYALAYAS ACT, 2008

Arrangement of Sections

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THE FIRST SCHEDULE.

THE SECOND SCHEDULE.

THE GRAM NYAYALAYAS ACT, 2008

AN

ACT

to provide for the establishment of Gram Nyayalayas at the grass roots level for the purposes of providing access to justice to the citizens at their doorsteps and to ensure that opportunities for securing justice are not

denied to any citizen by reason of social, economic or other disabilities and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Fifty-ninth Year of the Republic of India as follows:—

CHAPTER I

Preliminary

1. *Short title, extent and commencement.*—
(1) This Act may be called the Gram Nyayalayas Act, 2008.

(2) It extends to the whole of India except the State of Jammu and Kashmir, the State of Nagaland, the State of Arunachal Pradesh, the State of Sikkim and to the tribal areas.

Explanation.— In this sub-section, the expression “tribal areas” means the areas specified in Parts I, II, IIA and III of the Table below paragraph 20 of the Sixth Schedule to the Constitution within the State of Assam, the State of Meghalaya, the State of Tripura and the State of Mizoram, respectively.

(3) It shall come into force on such date as the Central Government may, by notification published in the Official Gazette, appoint; and different dates may be appointed for different States.

2. *Definitions.*— In this Act, unless the context otherwise requires,—

(a) “Gram Nyayalaya” means a court established under sub-section (1) of section 3;

(b) “Gram Panchayat” means an institution (by whatever name called) of self-government constituted, at the village level, under article 243B of the Constitution, for the rural areas;

(c) “High Court” means,—

(i) in relation to any State, the High Court for that State;

(ii) in relation to a Union territory to which the jurisdiction of the High Court for

a State has been extended by law, that High Court;

(iii) in relation to any other Union territory, the highest Court of criminal appeal for that territory other than the Supreme Court of India;

(d) “notification” means a notification published in the Official Gazette and the expression “notified” shall be construed accordingly;

(e) “Nyayadhikari” means the presiding officer of a Gram Nyayalaya appointed under section 5;

(f) “Panchayat at intermediate level” means an institution (by whatever name called) of self-government constituted, at the intermediate level, under article 243B of the Constitution, for the rural areas in accordance with the provisions of Part IX of the Constitution;

(g) “prescribed” means prescribed by rules made under this Act;

(h) “Schedule” means the Schedule appended to this Act;

(i) “State Government”, in relation to a Union territory, means the administrator thereof appointed under article 239 of the Constitution;

(j) words and expressions used herein and not defined but defined in the Code of Civil Procedure, 1908 or ^{5 of 1908.} the Code of Criminal Procedure, 1973 ^{2 of 1974.} shall have the meanings respectively assigned to them in those Codes.

CHAPTER II

Gram Nyayalaya

3. *Establishment of Gram Nyayalayas.*— (1) For the purpose of exercising the jurisdiction and powers conferred on a Gram Nyayalaya by this Act, the State Government, after consultation with the High Court, may, by

notification, establish one or more Gram Nyayalayas for every Panchayat at intermediate level or a group of contiguous Panchayats at intermediate level in a district or where there is no Panchayat at intermediate level in any State, for a group of contiguous Gram Panchayats.

(2) The State Government shall, after consultation with the High Court, specify, by notification, the local limits of the area to which the jurisdiction of a Gram Nyayalaya shall extend and may, at any time, increase, reduce or alter such limits.

(3) The Gram Nyayalayas established under sub-section (1) shall be in addition to the courts established under any other law for the time being in force.

4. *Headquarters of Gram Nyayalaya.*— The headquarters of every Gram Nyayalaya shall be located at the headquarters of the intermediate Panchayat in which the Gram Nyayalaya is established or such other place as may be notified by the State Government.

5. *Appointment of Nyayadhikari.*— The State Government shall, in consultation with the High Court, appoint a Nyayadhikari for every Gram Nyayalaya.

6. *Qualifications for appointment of Nyayadhikari.*— (1) A person shall not be qualified to be appointed as a Nyayadhikari unless he is eligible to be appointed as a Judicial Magistrate of the first class.

(2) While appointing a Nyayadhikari, representation shall be given to the members of the Scheduled Castes, the Scheduled Tribes, women and such other classes or communities as may be specified by notification, by the State Government from time to time.

7. *Salary, allowances and other terms and conditions of service of Nyayadhikari.*— The salary and other allowances payable to, and the other terms and conditions of service of, a Nyayadhikari shall be such as may be

applicable to the Judicial Magistrate of the first class.

8. *Nyayadhikari not to preside over proceedings in which he is interested.*— The Nyayadhikari shall not preside over the proceedings of a Gram Nyayalaya in which he has any interest or is otherwise involved in the subject matter of the dispute or is related to any party to such proceedings and in such a case, the Nyayadhikari shall refer the matter to the District Court or the Court of Session, as the case may be, for transferring it to any other Nyayadhikari.

9. *Nyayadhikari to hold mobile courts and conduct proceedings in villages.*— (1) The Nyayadhikari shall periodically visit the villages falling under his jurisdiction and conduct trial or proceedings at any place which he considers is in close proximity to the place where the parties ordinarily reside or where the whole or part of the cause of action had arisen:

Provided that where the Gram Nyayalaya decides to hold mobile court outside its headquarters, it shall give wide publicity as to the date and place where it proposes to hold mobile court.

(2) The State Government shall extend all facilities to the Gram Nyayalaya including the provision of vehicles for holding mobile court by the Nyayadhikari while conducting trial or proceedings outside its headquarters.

10. *Seal of Gram Nyayalaya.*— Every Gram Nyayalaya established under this Act shall use a seal of the court in such form and dimensions as may be prescribed by the High Court with the approval of the State Government.

CHAPTER III

Jurisdiction, Powers and Authority of Gram Nyayalaya

11. *Jurisdiction of Gram Nyayalaya.*— Notwithstanding anything contained in the Code of

Criminal Procedure, 1973 or the Code of Civil Procedure, 1908 or any other law for the time being in force, the Gram Nyayalaya shall exercise both civil and criminal jurisdiction in the manner and to the extent provided under this Act. 2 of 1974.
5 of 1908.

12. *Criminal jurisdiction.*— (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 or any other law for the time being in force, the Gram Nyayalaya may take cognizance of an offence on a complaint or on a police report and shall— 2 of 1974.

(a) try all offences specified in Part I of the First Schedule; and

(b) try all offences and grant relief, if any, specified under the enactments included in Part II of that Schedule.

(2) Without prejudice to the provisions of sub-section (1), the Gram Nyayalaya shall also try all such offences or grant such relief under the State Acts which may be notified by the State Government under sub-section (3) of section 14.

13. *Civil jurisdiction.*— (1) Notwithstanding anything contained in the Code of Civil Procedure, 1908 or any other law for the time being in force, and subject to sub-section (2), the Gram Nyayalaya shall have jurisdiction to— 5 of 1908.

(a) try all suits or proceedings of a civil nature falling under the classes of disputes specified in Part I of the Second Schedule;

(b) try all classes of claims and disputes which may be notified by the Central Government under sub-section (1) of section 14 and by the State Government under sub-section (3) of the said section.

(2) The pecuniary limits of the Gram Nyayalaya shall be such as may be specified

by the High Court, in consultation with the State Government, by notification, from time to time.

14. *Power to amend Schedules.*— (1) Where the Central Government is satisfied that it is necessary or expedient so to do, it may, by notification, add to or omit any item in Part I or Part II of the First Schedule or Part II of the Second Schedule, as the case may be, and it shall be deemed to have been amended accordingly.

(2) Every notification issued under sub-section (1) shall be laid before each House of Parliament.

(3) If the State Government is satisfied that it is necessary or expedient so to do, it may, in consultation with the High Court, by notification, add to any item in Part III of the First Schedule or Part III of the Second Schedule or omit from it any item in respect of which the State Legislature is competent to make laws and thereupon the First Schedule or the Second Schedule, as the case may be, shall be deemed to have been amended accordingly.

(4) Every notification issued under sub-section (3) shall be laid before the State Legislature.

15. *Limitation.*— (1) The provisions of the Limitation Act, 1963 shall be applicable to the suits triable by the Gram Nyayalaya. 36 of 1963.

(2) The provisions of Chapter XXXVI of the Code of Criminal Procedure, 1973 shall be applicable in respect of the offences triable by the Gram Nyayalaya. 2 of 1974.

16. *Transfer of pending proceedings.*— (1) The District Court or the Court of Session, as the case may be, with effect from such date as may be notified by the High Court, may transfer all the civil or criminal cases, pending before the courts subordinate to it, to the Gram

Nyayalaya competent to try or dispose of such cases.

(2) The Gram Nyayalaya may, in its discretion, either retry the cases or proceed from the stage at which it was transferred to it.

17. *Duties of ministerial officers.*— (1) The State Government shall determine the nature and categories of the officers and other employees required to assist a Gram Nyayalaya in the discharge of its functions and provide the Gram Nyayalaya with such officers and other employees as it may think fit.

(2) The salaries and allowances payable to, and other conditions of service of, the officers and other employees of the Gram Nyayalaya shall be such as may be prescribed by the State Government.

(3) The officers and other employees of a Gram Nyayalaya shall perform such duties as may, from time to time, be assigned to them by the Nyayadhikari.

CHAPTER IV

Procedure in Criminal Cases

18. *Overriding effect of Act in criminal trial.*— The provisions of this Act shall have effect notwithstanding anything contained in the Code of Criminal Procedure, 1973 or any other law, but save as expressly provided in this Act, the provisions of the Code shall, in so far as they are not inconsistent with the provisions of this Act, apply to the proceedings before a Gram Nyayalaya; and for the purpose of the said provisions of the Code, the Gram Nyayalaya shall be deemed to be a Court of Judicial Magistrate of the first class. 2 of 1974.

19. *Gram Nyayalaya to follow summary trial procedure.*— (1) Notwithstanding anything contained in sub-section (1) of section 260 or sub-section (2) of section 262 of the

Code of Criminal Procedure, 1973, the Gram Nyayalaya shall try the offences in a summary way in accordance with the procedure specified in Chapter XXI of the said Code and the provisions of sub-section (1) of section 262 and sections 263 to 265 of the said Code, shall, so far as may be, apply to such trial. 2 of 1974.

(2) When, in the course of a summary trial, it appears to the Nyayadhikari that the nature of the case is such that it is undesirable to try it summarily, the Nyayadhikari shall recall any witness who may have been examined and proceed to re-hear the case in the manner provided under the Code of Criminal Procedure, 1973.

2 of 1974.

20. *Plea bargaining before Gram Nyayalaya.*— A person accused of an offence may file an application for plea bargaining in Gram Nyayalaya in which such offence is pending trial and the Gram Nyayalaya shall dispose of the case in accordance with the provisions of Chapter XXIA of the Code of Criminal Procedure, 1973.

2 of 1974.

21. *Conduct of cases in Gram Nyayalaya and legal aid to parties.*— (1) For the purpose of conducting criminal cases in the Gram Nyayalaya on behalf of the Government, the provisions of section 25 of the Code of Criminal Procedure, 1973 shall apply. 2 of 1974.

(2) Notwithstanding anything contained in sub-section (1), in a criminal proceeding before the Gram Nyayalaya, the complainant may engage an advocate of his choice at his expense to present the case of prosecution with the leave of the Gram Nyayalaya.

(3) The State Legal Services Authority, constituted under section

6 of the Legal Services Authorities Act, 1987, shall prepare a panel of advocates and assign at least two of them to be attached to each Gram Nyayalaya so that their services may be provided by the Gram Nyayalaya to the accused unable to engage an advocate. 39 of 1987.

22. *Pronouncement of judgment.*— (1) The judgment in every trial shall be pronounced by the Nyayadhikari in open court immediately after the termination of the trial or at any subsequent time, not exceeding fifteen days, of which notice shall be given to the parties.

(2) The Gram Nyayalaya shall deliver a copy of its judgment immediately to both the parties free of cost.

CHAPTER V

Procedure in Civil Cases

23. *Overriding effect of Act in civil proceedings.*— The provisions of this Act shall have effect notwithstanding anything contained in the Code of Civil Procedure, 1908 or any other law, but save as expressly provided in this Act, the provisions of the Code shall, in so far as they are not inconsistent with the provisions of this Act, apply to the proceedings before a Gram Nyayalaya; and for the purpose of the said provisions of the Code, the Gram Nyayalaya shall be deemed to be a civil court. 5 of 1908.

24. *Special procedure in civil disputes.*— (1) Notwithstanding anything contained in any other law for the time being in force, every suit, claim or dispute under this Act shall be instituted by making an application to the Gram Nyayalaya in such form, in such manner, and accompanied by such fee, not exceeding rupees one hundred, as may be prescribed by the High Court, from time to time, in consultation with the State Government.

(2) Where a suit, claim or dispute has been duly instituted, a summons shall be issued by the Gram Nyayalaya, accompanied by a copy of the application made under sub-section (1), to the opposite party to appear and answer the claim by such date as may be specified therein and the same shall be served in such manner as may be prescribed by the High Court.

(3) After the opposite party files his written statement, the Gram Nyayalaya shall fix a date for hearing and inform all the parties to be present in person or through their advocates.

(4) On the date fixed for hearing, the Gram Nyayalaya shall hear both the parties in regard to their respective contentions and where the dispute does not require recording of any evidence, pronounce the judgment; and in case where it requires recording of evidence, the Gram Nyayalaya shall proceed further.

(5) The Gram Nyayalaya shall also have the power,—

(a) to dismiss any case for default or to proceed *ex parte*; and

(b) to set aside any such order of dismissal for default or any order passed by it for hearing the case *ex parte*.

(6) In regard to any incidental matter that may arise during the course of the proceedings, the Gram Nyayalaya shall adopt such procedure as it may deem just and reasonable in the interest of justice.

(7) The proceedings shall, as far as practicable, be consistent with the interests of justice and the hearing shall be continued on a day-to-day basis until its conclusion, unless the Gram Nyayalaya finds the adjournment of the hearing beyond the following day to be necessary for reasons to be recorded in writing.

(8) The Gram Nyayalaya shall dispose of the application made under sub-section (1) within a period of six months from the date of its institution.

(9) The judgment in every suit, claim or dispute shall be pronounced in open court by the Gram Nyayalaya immediately after conclusion of hearing or at any subsequent time, not exceeding fifteen days, of which notice shall be given to the parties.

(10) The judgment shall contain a concise statement of the case, the point for determination, the decision thereon and the reasons for such decision.

(11) A copy of the judgment shall be delivered free of cost to both the parties within three days from the date of pronouncement of the judgment.

25. *Execution of decrees and orders of Gram Nyayalaya.*— (1) Notwithstanding anything contained in the Code of Civil Procedure, 1908, the judgment passed by a Gram Nyayalaya shall be deemed to be a decree and it shall be executed by a Gram Nyayalaya as a decree of the civil court and for this purpose, the Gram Nyayalaya shall have all the powers of a civil court. 5 of 1908.

(2) The Gram Nyayalaya shall not be bound by the procedure in respect of execution of a decree as provided in the Code of Civil Procedure, 1908 and it shall be guided by the principles of natural justice. 5 of 1908.

(3) A decree may be executed either by the Gram Nyayalaya which passed it or by the other Gram Nyayalaya to which it is sent for execution.

26. *Duty of Gram Nyayalaya to make efforts for conciliation and settlement of civil disputes.*— (1) In every suit or proceeding, endeavour shall be made by the Gram Nyayalaya in the first instance, where it is possible to do so, consistent with the nature and circumstances of the case, to assist, persuade and conciliate the parties in arriving at a settlement in respect of the subject matter

of the suit, claim or dispute and for this purpose, a Gram Nyayalaya shall follow such procedure as may be prescribed by the High Court.

(2) Where in any suit or proceeding, it appears to the Gram Nyayalaya at any stage that there is a reasonable possibility of a settlement between the parties, the Gram Nyayalaya may adjourn the proceeding for such period as it thinks fit to enable them to make attempts to effect such a settlement.

(3) Where any proceeding is adjourned under sub-section (2), the Gram Nyayalaya may, in its discretion, refer the matter to one or more Conciliators for effecting a settlement between the parties.

(4) The power conferred by sub-section (2) shall be in addition to, and not in derogation of, any other power of the Gram Nyayalaya to adjourn the proceeding.

27. *Appointment of Conciliators.*— (1) For the purposes of section 26, the District Court shall, in consultation with the District Magistrate, prepare a panel consisting of the names of social workers at the village level having integrity for appointment as Conciliators who possess such qualifications and experience as may be prescribed by the High Court.

(2) The sitting fee and other allowances payable to, and the other terms and conditions for engagement of, Conciliators shall be such as may be prescribed by the State Government.

28. *Transfer of civil disputes.*— The District Court having jurisdiction may, on an application made by any party or when there is considerable pendency of cases in one Gram Nyayalaya or whenever it considers necessary in the interests of justice, transfer any case pending before a Gram Nyayalaya to any other Gram Nyayalaya within its jurisdiction.

CHAPTER VI

Procedure Generally

29. *Proceedings to be in the official language of the State.*— The proceedings before the Gram Nyayalaya and its judgment shall, as far as practicable, be in one of the official languages of the State other than the English language.

30. *Application of Indian Evidence Act, 1872.*— A Gram Nyayalaya may receive as evidence any report, statement, document, information or matter that may, in its opinion, assist it to deal effectually with a dispute, whether or not the same would be otherwise relevant or admissible under the Indian Evidence Act, 1872. 1 of 1872.

31. *Record of oral evidence.*— In suits or proceedings before a Gram Nyayalaya, it shall not be necessary to record the evidence of witnesses at length, but the Nyayadhikari, as the examination of each witness proceeds, shall, record or cause to be recorded, a memorandum of substance of what the witness deposes, and such memorandum shall be signed by the witness and the Nyayadhikari and it shall form part of the record.

32. *Evidence of formal character on affidavit.*— (1) The evidence of any person where such evidence is of a formal character, may be given by affidavit and may, subject to all just exceptions, be read in evidence in any suit or proceeding before a Gram Nyayalaya.

(2) The Gram Nyayalaya may, if it thinks fit, and shall, on the application of any of the parties to the suit or proceeding, summon and examine any such person as to the facts contained in his affidavit.

CHAPTER VII

Appeals

33. *Appeal in criminal cases.*— (1) Notwithstanding anything contained in the Code of Criminal Procedure,

1973 or any other law, no appeal shall lie from any judgment, sentence or order of a Gram Nyayalaya except as provided hereunder.

(2) No appeal shall lie where—

(a) an accused person has pleaded guilty and has been convicted on such plea;

(b) the Gram Nyayalaya has passed only a sentence of fine not exceeding one thousand rupees.

(3) Subject to sub-section (2), an appeal shall lie from any other judgment, sentence or order of a Gram Nyayalaya to the Court of Session.

(4) Every appeal under this section shall be preferred within a period of thirty days from the date of judgment, sentence or order of a Gram Nyayalaya:

Provided that the Court of Session may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that the appellant had sufficient cause for not preferring the appeal within the said period.

(5) An appeal preferred under sub-section (3) shall be heard and disposed of by the Court of Session within six months from the date of filing of such appeal.

(6) The Court of Session may, pending disposal of the appeal, direct the suspension of the sentence or order appealed against.

(7) The decision of the Court of Session under sub-section (5) shall be final and no appeal or revision shall lie from the decision of the Court of Session:

Provided that nothing in this sub-section shall preclude any person from availing of the judicial remedies available under articles 32 and 226 of the Constitution.

34. *Appeal in civil cases.*— (1) Notwithstanding anything contained

in the Code of Civil Procedure, 1908 or any other law, and subject to sub-section (2), an appeal shall lie from every judgment or order, not being an interlocutory order, of a Gram Nyayalaya to the District Court.

(2) No appeal shall lie from any judgment or order passed by the Gram Nyayalaya—

(a) with the consent of the parties;

(b) where the amount or value of the subject matter of a suit, claim or dispute does not exceed rupees one thousand;

(c) except on a question of law, where the amount or value of the subject matter of such suit, claim or dispute does not exceed rupees five thousand.

(3) Every appeal under this section shall be preferred within a period of thirty days from the date of the judgment or order of a Gram Nyayalaya:

Provided that the District Court may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that the appellant had sufficient cause for not preferring the appeal within the said period.

(4) An appeal preferred under sub-section (1) shall be heard and disposed of by the District Court within six months from the date of filing of the appeal.

(5) The District Court may, pending disposal of the appeal, stay execution of the judgment or order appealed against.

(6) The decision of the District Court under sub-section (4) shall be final and no appeal or revision shall lie from the decision of the District Court:

Provided that nothing in this sub-section shall preclude any person from availing of the judicial remedies available under articles 32 and 226 of the Constitution.

CHAPTER VIII

Miscellaneous

35. *Assistance of police to Gram Nyayalayas.*— (1) Every police officer functioning within the local limits of jurisdiction of a Gram Nyayalaya shall be bound to assist the Gram Nyayalaya in the exercise of its lawful authority.

(2) Whenever the Gram Nyayalaya, in the discharge of its functions, directs a revenue officer or police officer or Government servant to provide assistance to the Gram Nyayalaya, he shall be bound to provide such assistance.

36. *Nyayadhikaris and employees, etc., to be public servants.*— The Nyayadhikaris and the officers and other employees of the Gram Nyayalayas shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants within the meaning of section 21 of the Indian Penal Code. ^{45 of 1860.}

37. *Inspection of Gram Nyayalayas.*— The High Court may authorise any judicial officer superior in rank to the Nyayadhikari to inspect the Gram Nyayalayas within his jurisdiction once in every six months or such other period as the High Court may prescribe and issue such instructions, as he considers necessary and submit a report to the High Court.

38. *Power to remove difficulties.*— (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for removing the difficulty:

Provided that no order shall be made under this section after the expiry of a period of three years from the date of commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

39. *Power of High Court to make rules.*— (1) The High Court may, by notification, make rules for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the form and dimensions of the seal of the Gram Nyayalaya under section 10;

(b) the form, the manner and the fee for institution of suit, claim or proceeding under sub-section (1) of section 24;

(c) manner of service on opposite party under sub-section (2) of section 24;

(d) procedure for conciliation under sub-section (1) of section 26;

(e) qualifications and experience of Conciliators under sub-section (1) of section 27;

(f) the period for inspection of Gram Nyayalayas under section 37.

(3) Every notification issued by the High Court shall be published in the Official Gazette.

40. *Power of State Government to make rules.*— (1) The State Government may, by notification, make rules for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the salaries and allowances payable to, and the other terms and conditions of service of, the officers and other employees of the Gram Nyayalayas under sub-section (2) of section 17;

(b) the sitting fee and other allowances payable to, and the other terms and conditions for engagement of, Conciliators under sub-section (2) of section 27.

(3) Every rule made by the State Government under this Act shall be laid as soon as may be after it is made, before the State Legislature.

THE FIRST SCHEDULE

(See sections 12 and 14)

PART I

Offences under the Indian Penal Code (45 of 1860), etc.

(i) offences not punishable with death, imprisonment for life or imprisonment for a term exceeding two years;

(ii) theft, under section 379, section 380 or section 381 of the Indian Penal Code (45 of 1860), where the value of the property stolen does not exceed rupees twenty thousand;

(iii) receiving or retaining stolen property, under section 411 of the Indian Penal Code (45 of 1860), where the value of the property does not exceed rupees twenty thousand;

(iv) assisting in the concealment or disposal of stolen property, under section 414 of the Indian Penal Code (45 of 1860), where the value of such property does not exceed rupees twenty thousand;

(v) offences under sections 454 and 456 of the Indian Penal Code (45 of 1860);

(vi) insult with intent to provoke a breach of the peace, under section 504, and criminal intimidation, punishable with imprisonment for a term which may extend to two years, or with fine, or with both, under section 506 of the Indian Penal Code (45 of 1860);

(vii) abetment of any of the foregoing offences;

(viii) an attempt to commit any of the foregoing offences, when such attempt is an offence.

PART II

Offences and relief under the other Central Acts

(i) any offence constituted by an act in respect of which a complaint may be made under section 20 of the Cattle-trespass Act, 1871 (1 of 1871);

(ii) the Payment of Wages Act, 1936 (4 of 1936);

(iii) the Minimum Wages Act, 1948 (11 of 1948);

(iv) the Protection of Civil Rights Act, 1955 (22 of 1955);

(v) order for maintenance of wives, children and parents under Chapter IX of the Code of Criminal Procedure, 1973 (2 of 1974);

(vi) the Bonded Labour System (Abolition) Act, 1976 (19 of 1976);

(vii) the Equal Remuneration Act, 1976 (25 of 1976);

(viii) the Protection of Women from Domestic Violence Act, 2005 (43 of 2005).

PART III

Offences and relief under the State Acts (To be notified by the State Government)

THE SECOND SCHEDULE

(See sections 13 and 14)

PART I

Suits of a Civil Nature within the Jurisdiction of Gram Nyayalayas

(i) *Civil Disputes:*

- (a) right to purchase of property;
- (b) use of common pasture;
- (c) regulation and timing of taking water from irrigation channel.

(ii) *Property Disputes:*

- (a) village and farm houses (Possession);
- (b) water channels;
- (c) right to draw water from a well or tube well.

(iii) *Other Disputes:*

(a) claims under the Payment of Wages Act, 1936 (4 of 1936);

(b) claims under the Minimum Wages Act, 1948 (11 of 1948);

(c) money suits either arising from trade transaction or money lending;

(d) disputes arising out of the partnership in cultivation of land;

(e) disputes as to the use of forest produce by inhabitants of Gram Panchayats.

PART II

Claims and Disputes under the Central Acts notified under sub-section (1) of section 14 by the Central Government

(To be notified by the Central Government)

PART III

Claims and Disputes under the State Acts notified under sub-section (3) of section 14 by the State Government

(To be notified by the State Government)



Department of Power

Office of the Chief Electrical Engineer

Order

CEE/Estt-2-1-81(Creation) Part-II/1594

Sanction of the Government is hereby conveyed for creation of 25 posts of Station Operator, Group 'C', Non-Gazetted in the pay scale of PB-1 Rs. 5,200-20,200+GP 2,400/- as per VIth pay commission scale, with immediate effect, for the following Sub-stations as per the details shown below, in the Electricity Department.

Sr. No.	Name of sub-station	Number of posts
1	2	3
1.	220/33 KV, Amona Sub-station	5
2.	33/11KV, Ponda Sub-station	4
3.	33/11 KV, Shiroda Sub-station	4
4.	33/11 KV, Cavelossim Sub-station	4
5.	33/11 KV, Sanguem Sub-station	4
6.	33/11 KV, Poinguinim Sub-station	4
Total		25

The expenditure on the pay and allowances shall be debited to the Budget Head "2801 — Power, 05 — Trans. & Dist., 001 — Dir. & Admn., 01 — Estt. (Non-Plan), 01 — Salaries.

This issues with the recommendation of the Administrative Reforms Department and concurrence of the Finance Department vide their U. O. No. 1576 dated 22-12-2008 and No. 1306-F dated 2-4-2009 respectively. The Council of Ministers have also approved these posts as communicated by the General Administration Department vide letter No. 17/28/2007-GAD-II(XXVIII) dated 18-6-2009.

By order and in the name of the Governor of Goa.

Nirmal Braganza, ex officio Additional Secretary.

Panaji, 8th July, 2009.



Department of Public Health

Order

5/2/2005-I/PHD

Sanction of the Government is hereby accorded for revival of one post of Chemist (Food), Group 'B' (Non Gazetted) in the Directorate of Food & Drugs Administration, Panaji in the pay scale of Rs. 9,300-34,800+ Rs. 4,200/-.

The expenditure towards pay & allowances shall be debited under Budget Head Demand No. 53, "2210—Medical & Public Health, 08—General, 800—Other Expenditure, 01—Strengthening of Combined Food & Drugs Laboratory (Plan), 01—Salaries.

This issues with the recommendation of Administrative Reforms Department vide their U. O. No. 102/F dated 26-3-2009 and concurrence of Finance (Rev. & Cont.) Deptt. vide their U. O. No. 1300-F dated 17-4-2009.

By order and in the name of the Governor of Goa.

Maria J. R. Pires, Under Secretary (Health-II).
Porvorim, 22nd July, 2009.

Department of Transport

Directorate of Transport

Notification

D.Tpt/EST/1493/2002

In compliance with Rule 50 of Central Motor Vehicles Rules, 1989 and the directives of the Hon'ble Supreme Court of India, Delhi, the Government of Goa is to implement the introduction of High Security Registration Plates for all vehicles in the State of Goa with effect from 3-8-2009 as per the following programme.

The new vehicles registered at,—

Place of registration	Where payment to be made for HSRP	Fixation Centre
Registration Authority, Panaji	Office of the Asstt. Director of Transport, Panaji	Porvorim KTC Central Workshop, Porvorim-Goa.
Registration Authority, Mapusa	Office of the Asstt. Director of Transport, Mapusa	Porvorim KTC Central Workshop, Porvorim-Goa.
Registration Authority, Bicholim	Office of the Asstt. Director of Transport, Bicholim	KTC Bus Stand, Bicholim, Goa.
Registration Authority, Ponda	Office of the Asstt. Director of Transport, Ponda	KTC Bus Stand, Ponda-Goa.
Registration Authority, Margao	Office of the Asstt. Director of Transport, Margao	Old, R.T.O. Office Arlem, Fatorda-Goa.
Registration Authority, Vasco	Office of the Asstt. Director of Transport, Vasco	KTC Bus Stand, Vasco-Goa.
Registration Authority, Quepem	Office of the Asstt. Director of Transport, Quepem	Old R.T.O. Office Arlem, Fatorda-Goa.

All vehicles on fresh registration will be given an appointment to fix HSRP at the fixation centre within seven days from the date of registration and vehicles registered prior to 3-8-2009 shall be fitted with HSRP within 3 days from the date of payment of prescribed fees in accordance with the following programme.

Schedule of Conversion into HSRP of Already Registered Vehicles

Sr. No.	Period for Conversion	For vehicles registered during the period
1	2	3
1.	Oct., 2009 to Dec., 2009	2007-2009
2.	Jan., 2010 to March, 2010	2004-2006
3.	April, 2010 to June, 2010	2001-2003
4.	July, 2010 to September, 2010	1997-2000
5.	October, 2010 to December, 2010	1992-1996

1	2	3
6.	January, 2011 to March, 2011	1984-1991
7.	April, 2011 to June, 2011	1976-1983
8.	June, 2011 to August, 2011	All vehicles registered on or before 1975

SCHEDULE OF RATES OF HSRP-FORM-I

Type of Plate	Amount
Complete set of Registration Plates inclusive of Snap lock and fixing for 2 wheelers-scooters/motor cycles	Unit-set Amount-Rs. 550
Complete set of Registration Plates inclusive of Snap Lock, 3rd Registration Plate and fixing for 3 wheelers and invalid carriages	Unit-Set Amount-Rs. 650
Complete set of Registration Plates inclusive of Snap Lock, 3rd Registration Plate and fixing for Light Motor Vehicles/Passengers Cars	Unit-Set Amount-Rs. 1,200
Complete set of Registration Plates inclusive of Snap Lock, 3rd Registration Plate and fixing for Medium Commercial Vehicles/Heavy Commercial Vehicles/Trailer/comboination	Unit-Set Amount-Rs. 1,250

SCHEDULE OF RATES OF HSRP-FORM-II

Type of Plate	Amount
Registration Plate size 285×45 mm (Two wheelers-scooters/ /motor cycles)	Unit Pc Amount-Rs. 255/-
Registration Plate size 200×100 mm (Three wheelers & invalid carriages)	Unit Pc Amount-Rs. 255/-
Registration Plate size 500×120 mm (LMV/Passenger Cars)	Unit Pc Amount-Rs. 555/-
Registration Plate size 340×200 mm (Heavy and Medium vehicles)	Unit Pc Amount-Rs. 555/-
3rd Registration Plate sticker inclusive of printing (not applicable to two wheelers market)	Unit Pc Amount-Rs. 100/-
Snap Locks	Unit Pair Amount-Rs. 40/-

By order and in the name of the Governor of Goa.

Sd/- (*Arvind D. Loliyekar*), Director & ex officio Joint Secretary (Tpt.).

Panaji, 24th July, 2009.

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