

## CHAPTER VI

**The Nyaya Panchayat**

**42. Establishment of Nyaya Panchayat** – (1) The State Government or the prescribed authority shall divide a district into circles, each circle comprising as many areas subject to the jurisdiction of the [Gram Panchayat] as may be expedient, and establish Nyaya Panchayat of each such circle;

Provided that the areas of [Gram Panchayat] within each circle shall, as far as possible be contiguous.

(2) Subject to a minimum of ten and a maximum of twenty-five, every Nyaya Panchayat shall have such number of members as may be prescribed, but it shall be lawful for a Nyaya Panchayat to function notwithstanding any vacancy therein;

Provided the number of Panches therein is not less than two-thirds of the prescribed strength.

**43. Appointment of Panches and their term** – (1) There shall be appointed by the prescribed authority out of the members of a Gram Panchayat such number of persons, as may be prescribed to the Panches of the Nyaya Panchayat and thereupon the members so appointed shall cease to be member of the Gram Panchayat and their seats in the Gram Panchayat shall be filled, as far as may be in the manner provided in Section 12;

<sup>1</sup>[Provided that if the requisite number of members of a Gram Panchayat are not available for being Panches of the Nyaya Panchayat, it shall be lawful for the prescribed authority to fill in any seat so remaining vacant by nomination from amongst other members of the Gram Panchayat.]

(2) No person may be appointed as a Panch of the Nyaya Panchayat unless he has the qualification that may be prescribed;

Provided that where suitable person having the prescribed qualifications are not available for such appointment any or all of such qualifications may, by an order in writing, be relaxed by the prescribed authority.

**44. Election of Sarpanch or Sahyak Sarpanch** – The Panches appointed under Section 43 shall, in the manner and within the period to be prescribed, elect from amongst them two persons who are able to record proceedings, one as the Sarpanch and the other as the Sahyak Sarpanch;

Provided that if the Panches fail to elect the Sarpanch or the Sahyak as aforesaid the prescribed authority may appoint the Sarpanch or the Sahyak Sarpanch.

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<sup>1</sup> Added. by U.P. Act No. 3 of 1973.

45. **Term of Panch** – The term of every Panch of a Nyaya Panchayat shall commence on the date of his appointment as such, and unless otherwise determined under the provisions of this Act, shall expire with the Gram Panchayat, from which he was appointed;

Provided that Sarpanch and the Sahayak Sarpanch shall continue in office until their respective successors are elected or appointed.

46. <sup>1</sup>[\* \* \*]

47. **Resignation of Panches** – A Panch, a Sarpanch or Sahayak Sarpach may resign his office as such by writing under his hand addressed to such authority as may be prescribed and his office shall thereupon become vacant.

48. <sup>2</sup>[\* \* \*]

49. **Bnch of Nyaya Panchayat** – (1) The Sarpanch shall form Benches consisting of five Panches each for the disposal of cases and inquiries coming up before the Nyaya Panchayat.

(2) The formation of Benches, the period for which they will work including the hearing of part heard cases, the method of distribution, transfer or re-transfer of work among the Benches and procedure generally to be followed by them in cases and enquiries shall be governed by rules.

(3) No Panch, Sarpanch or Sahayak Sarpanch shall take part in the trial of or inquiry in any case to which he or any relation, employer, employee debtor, creditor or partner of his is a party or in which any of this is personally interested.

(4) Notwithstanding anything contained in this section, the State Government may prescribe the constitution of Special Benches for the trial of any class or classes of cases;

Provided that the State Government may at any time order for the reconstitution of such Special Bench.

(5) Any dispute relating to the formation of Benches or method of their working, shall be referred to the prescribed authority whose decision shall be final.

50. **Filling of casual vacancies** – (1) If a vacancy in the office of a Panch arises by reason of his death, removal or resignation it shall, subject to the provisions of Section 45, be filled for the unexpired part of his terms by the prescribed authority by appointing a person from amongst the members for the time being of the Gram Panchayat, and if the Panch vacating the office was also Sarpanch or Sahayak

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<sup>1</sup> Omitted by Section 46 of U.P. Act No. 2 of 1955.

<sup>2</sup> Deleted by U.P. Act No. 2 of 1955, Section 48..

Sarpanch a new Sarpanch or Sahayak Sarpanch, as the case may be, shall be elected in the manner provided in Section 44.

(2) Any person appointed as Panch under sub-section (1) shall cease to be a member of the Gram Panchayat from the date of his appointment and the vacancy so caused in the <sup>1</sup>[Gram Panchayat] shall be deemed to be a casual vacancy for the purpose of Section 12-H.

**50-A Powers of Sahayak Sarpanch** – The Sahayak Sarpanch shall exercise such powers of the Sarpanch as may be prescribed.

**51. Territorial Jurisdiction** – (1) Notwithstanding anything contained in the [Code of Criminal Procedure, 1973] every criminal case triable by a Nyaya Panchayat shall be instituted before the Sarpanch of the Nyaya Panchayat of the circle in which the offence is committed.

(2) Notwithstanding anything contained in the Civil Procedure Code, 1908, every civil case instituted under this Act shall be instituted before the Sarpanch of the Nyaya Panchayat of the circle in which the defendant or, where there are more than one, all the defendants ordinarily reside or carry on business at the time of the institution of the civil case irrespective of the place where the cause of action arose.

**52, Offences cognizable by Nyaya Panchayats** – [(1) The following offences as well as abetments of and attempts to commit such offences, if committed within the jurisdiction of a Nyaya Panchayat shall be cognizable by such Nyaya Panchayat] :

- (a) Offences under section 140, 160, 172, 174, 179, 269, 277, 283, 285, 289, 290, 294, 324, 334, 341, 352, 357, 358, 374, 379, 403, 411 (where the value of the stolen or misappropriated property in cases under Sections 379, 403 and 411 does not exceed fifty rupees), 427, 428, 430, 431, 447, 448, 504, 506, 509, and 510 of the Indian Penal Code, 1860;
- (b) Offences under sections 24 and 26 of the Cattle Trespass Act, 1871;
- (c) Offences under sub-section (1) of 10 of the United Provinces District Board Primary Education Act, 1926;
- (d) Offences under Section 3, 4, 7 and 13 of the Public Gambling Act, 1867;
- (e) Any other offence under aforesaid enactments or any other enactment as may, by notification in the official Gazette, be declared by the State Government to be cognizable by a Nyaya Panchayat; and
- (f) Any offence under this Act or any rule made thereunder.

<sup>1</sup> Subs. by U.P. Act No. 9 of 1994.

(1-A) The State Government may by order published in the Official Gazette empower any Nyaya Panchayat to take cognizance of offences under Section 279, 286, 336 and 356 of the Indian Penal Code, 1860 and may likewise withdraw any offence referred to in clauses (a) to (d) of sub-section (1) from the cognizance of Nyaya Panchayats generally or such Nyaya Panchayats as may be specified.

(2) Any criminal relating to an offence under Section 143, 145, 151 or 153 of the Indian Penal Code, 1860, pending before any court may be transferred for trial to the Nyaya Panchayat if in the opinion of such court the offence is not serious.

**53. Security for keeping the peace** – (1) Wherever the Sarpanch of a Nyaya Panchayat has reason to apprehend that any person is likely to commit a breach of peace or disturb public tranquility, he may call upon such person to show cause how he should not execute a bond or an amount not exceeding Rs. 100 with or without sureties for keeping the peace for a period not exceeding 15 days.

(2) The Sarpanch shall after issue of such notice report the matter to a Bench. The Bench may either confirm the order or discharge the notice after hearing such person and such witnesses as he may desire to produce.

(3) If the person required to execute a bond as aforesaid under sub-section (2) fails to do so, he shall be liable to pay a penalty up to five rupees as the Bench may fix for every day if the default continues during the period fixed in the order.

**54. Penalties** – (1) No Nyaya Panchayat shall inflict a substantive sentence of imprisonment.

(2) A Nyaya Panchayat may impose a fine not exceeding <sup>1</sup>[two hundred and fifty rupees] but not imprisonment may be awarded in default of payment;

Provided that no accused shall be tried for more than three offences in the same criminal case and the fine that may be imposed on any one accused in a criminal case shall not in the aggregate exceed <sup>2</sup>[two hundred and fifty rupees].

**55. Cognizance of cases** – (1) After a Nyaya Panchayat has been established for any area, no Court except as otherwise provided in this Act shall take cognizance of any case triable by such Nyaya Panchayat.

(2) When a Nyaya Panchayat is suspended, superseded or dissolved under Section 95, or for any other reason ceases to function all cases pending before it shall stand transferred to the Court of competent jurisdiction which shall dispose them of according to law;

Provided that the trial of all such cases in Court shall commence *de novo*;

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<sup>1</sup> Ins. by U.P. Act No. 37 of 1978, dated 30<sup>th</sup> December, 1978.

<sup>2</sup> Subs. by U.P. Act No. 37 of 1978.

Provided further that a Nyaya Panchayat shall not be deemed to cease to function merely for the reason that its Panches have to be re-elected.

(3) Notwithstanding anything contained in Section 52 and in sub-section (1) of this section any court may take cognizance of any offence under Section 431 and 447 of the Indian Penal Code, 1860, if it is otherwise competent to do so.

(4) Notwithstanding anything contained in Section 52 and Sub-section (1) to (3) of this section but subject always to the provisions of the Code of Criminal Procedure, 1898, (Now Act 2 of 1974) where any Court has taken cognizance of any offence referred to in the said section and a summons or warrant, as the case may be, has been issued for the appearance of the accused in such case, the offence may be enquired into and tried by such Court.

**56. Transfer of cases by Courts to Nyaya Panchayat** – A Court if it finds that a case is triable by a Nyaya Panchayat, shall, except as provided in sub-section (4) of Section 55 transfer the case to the Nyaya Panchayat of competent jurisdiction which shall thereafter try the same *de novo*.

**57. Summary dismissal of complaint** – A Nyaya Panchayat may dismiss any complaint if after examining the complainant and taking such evidence as he produces it is satisfied that the complaint is frivolous, vexatious or untrue.

**58. Transfer of cases by Nyaya Panchayat to courts** – If at any time it appears to a Nyaya Panchayat –

- (a) that it has no jurisdiction to try any case pending before it.
- (b) that the offence involved is one for which it cannot award adequate punishment, or
- (c) that the case should otherwise be tried by a court; it shall transfer the same to the Court of competent jurisdiction and shall give information of such transfer to the parties concerned.

**59. Certain persons not to be tried by Nyaya Panchayat** – No Nyaya Panchayat shall take cognizance of any criminal case against a person where such person

- (a) has been previously convicted of an offence punishable with imprisonment of either description for a term of three years or more.
- (b) has been previously fined for theft by any Nyaya Panchayat.
- (c) has been found over to be of a good behaviour under <sup>1</sup>[Sections 109 or 110 of the Code of Criminal Procedure, 1973].

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<sup>1</sup> Subs. by U.P. Act No. 37 of 1978.

- (d) has been previously convicted under the Public Gambling Act, 1867, or
- (e) is a public servant.

60. **Compensation to complainants.** – In imposing any fine the Nyaya Panchayat may order any portion or the whole of the fine recovered to be applied –

- (a) in defraying the expenses properly incurred in the criminal case by the complainant.
- (b) In the payment to any person of compensation for any material loss or injury caused by the offence, or
- (c) In compensation any bona fide purchaser of stolen property for loss of the same, where property is re-stored to the possession of the person entitled thereto.

61. **Compensation to the accused** – (1) If any criminal case instituted before a Nyaya Panchayat any person is accused of any offence triable by a Nyaya Panchayat and the Nyaya Panchayat acquits the accused and is of the opinion that the accusation against him was false and either frivolous or vexatious, the Nyaya Panchayat may call upon the complainant forthwith to show cause why he should not pay compensation to such accused.

(2) If after hearing the complainant, the Nyaya Panchayat is satisfied that the accusation was false and either frivolous or vexatious, it may direct that compensation not exceeding twenty-five rupees be paid by such complainant to the accused.

62. **Release of offenders on probation** – The powers under Section 4 of the U.P. First Offenders Probation Act, 1938, may be exercised by a Nyaya Panchayat.

63. **Enquiry in cases forwarded by Magistrates** – Notwithstanding anything in the Code of Criminal Procedure, <sup>1</sup>[1973] a Magistrate may direct an enquiry referred to in Section 202 of the Code to be made by a Nyaya Panchayat in a criminal case in which the offence was committed within the territorial jurisdiction of such Nyaya Panchayat and the Nyaya Panchayat shall enquire into the case and submit its report to the said Magistrate. On the receipt of the directions the Sarpanch or Sahayak Sarpanch and in their absence the Panch mentioned in Section 75 shall entrust it to a Bench formed under Section 49.

64. **Extent of jurisdiction in Civil cases** - (1) Subject to the provisions of Section 66 a Nyaya Panchayat may take cognizance of any civil case of the following description if its value does not exceed one hundred rupees –

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<sup>1</sup> Subs. by U.P. Act No. 37 of 1978, dated 30<sup>th</sup> December, 1978.

- (a) a civil case for money due on contract other than a contract in respect of immovable property;
- (b) a civil case for the recovery of movable property or for the value thereof;
- (c) a civil case for compensation for wrongfully taking or injuring a movable property; and
- (d) a civil case for damages caused by cattle trespass.

(2) The State Government may, by notification in the official Gazette, direct that the jurisdiction of any Nyaya Panchayat shall extend to all such civil cases of the value not exceeding five hundred rupees.

**65. Extension of jurisdiction by agreement of parties – <sup>1</sup>[\* \* \*]**

**66. Exclusion of Nyaya Panchayat's jurisdiction** – Subject to the provisions of Section 64, a Nyaya Panchayat, shall have no jurisdiction to take cognizance of the following civil cases –

- (1) a civil case for a balance due on partnership account, except where the balance has been struck by the parties or their agents;
- (2) a civil case for a share or part of a share under an intestacy or for a legacy or part of a legacy under a will;
- (3) a civil case by or against the State Government or the Central Government or a public servant for acts done in his official capacity;
- (4) a civil case by or against a minor or a person of unsound mind, and
- (5) a civil case the cognizance of which by a Panchayat established under U.P. Village Panchayat Act, 1920, is barred by Section 25 of the United Provinces Debt Redemption Act, 1940.

**67. Civil case to include the whole claim** – (1) Every civil case instituted before a Nyaya Panchayat shall include the whole of the claim which the plaintiff is entitled to make in respect of the matter in dispute, but he may relinquish any portion of his claim in order to bring the suit within the jurisdiction of the Nyaya Panchayat.

(2) If a plaintiff omits to sue in respect of or relinquishes any portion of his claim, he shall not afterwards sue in respect of the portion so omitted or relinquished.

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<sup>1</sup> Deleted by U.P. Act No. 9 of 1955.

68. **Limitation** – Every civil case instituted before Nyaya Panchayat after the period of limitation prescribed therefor in the Schedule shall be dismissed, even though limitation has not been set up as defence;

Provided that in computing the period of limitation prescribed for any civil case the time during which the plaintiff has been prosecuting with due diligence another civil case against the defendant in any court shall be excluded where the other case is founded upon the same cause of action and is prosecuted in good faith in a Court which from defect of jurisdiction or other cause of a like nature is unable to entertain it.

69. **Effect of the decision by Nyaya Panchayat** – (1) The decision of Nyaya Panchayat on the question of the title, legal character contract or obligation shall not bind the parties except in respect of the civil case in which such matter is decided.

<sup>1</sup>[(2) No conviction ordered by a Nyaya Panchayat shall by itself operate as, or be the basis of any disqualification or penalty under any law for the time being in force.

70. **Proceedings under the U.P. Land Revenue Act, 1901** – <sup>2</sup>[\* \* \*]

71. **Revision** – <sup>2</sup>[\* \* \*]

72. **Procedure for cases under Section 70** – <sup>2</sup>[\* \* \*]

73. **Res judicata and pending cases** – (1) No Nyaya Panchayat shall try any civil case, proceedings or issue in respect of any matter which is pending for decision in or has been heard or decided by a court of competent jurisdiction in a former civil case between the same parties or between the parties under whom they or any of them claim.

(2) Where a criminal case is pending in any court against an accused in respect to any offence or where an accused has been tried for any offence, no Nyaya Panchayat shall take cognizance of any such offence or on the same facts, of any other offence of which the accused might have been charged or convicted.

74. **Concurrent jurisdiction** – Where a [criminal or civil case] is maintainable in more than one Nyaya Panchayat the complainant or the plaintiff as the case may be, may bring the [criminal or civil case] in any one of such Nyaya Panchayats. Any dispute regarding jurisdiction shall be decided by the [Judicial Magistrate or Munsif] having jurisdiction as the case may be.

74-A **Trial when cause of action in a civil** <sup>3</sup>[\* \* \*] **case arises in circles more than one** – Section 10 of the Code of Civil Procedure, 1908, shall apply to trial

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<sup>1</sup> Subs. by U.P. Act No. 37 of 1978.

<sup>2</sup> Deleted by U.P. Act No. 2 of 1955.

<sup>3</sup> Deleted by U.P. Act No. 37 of 1978.



of <sup>1</sup>[\* \* \*]civil cases pending before two or more Nyaya Panchayats having jurisdiction.

**74-B Trial where scene of offence is uncertain or not in one circle only or where offence is a continuing one or consists of several acts** – Where it is uncertain in which of several circles an offence was committed or where an offence was committed partly in one circle and partly in another or where an offence is a continuing one and continues to be committed in more circles than one or where it consists of several acts done in different circles, it may be enquired into by a Nyaya Panchayat, having jurisdiction in any such circle.

**75. Institution of civil cases and criminal cases** – (1) Any person who wishes to institute <sup>2</sup>[a civil case or a criminal case] under this Act before a Nyaya Panchayat may make an application orally or in writing to the Sarpanch and in his absence to the Sahayak Sarpanch of the Nyaya Panchayat or in case of their absence from the circle to such other Panch as may have been appointed by the Sarpanch in this behalf and shall at the same time pay the prescribed fee. The Court Fees Act VII, 1870, shall not apply to Nyaya Panchayats except as may be prescribed. In every civil case the plaintiff shall state its value.

(2) Where a [\* \* \*] case is instituted orally the Sarpanch, Sahayak Sarpanch or Panch receiving the application shall record without delay the prescribed particulars and the signature or thumb-impression of the applicant shall be taken thereon.

**76. Application to be laid before the Bench** – The Sarpanch, Sahayak Sarpanch or in their absence the Panch mentioned in Section 75, shall thereupon lay the application before a Bench of the Nyaya Panchayat formed under Section 49 for disposal and shall also fix a date for the first hearing of the application before the said bench and give notice of the date of the applicant complainant or plaintiff as the case may be and to the members of the Bench.

**77. Chairman of the Bench** – The Bench shall choose one of the members to be the Chairman of that Bench who shall conduct the proceedings;

Provided that where the Sarpanch or the Sahayak Sarpanch is a member of the Bench, he, and where both of them are members of the same Bench, the Sarpanch shall be the Chairman.

**77-A Absence of a Panch from the Bench** – (1) If any Panch appointed to a Bench constituted under Section 49 is absent at any hearing, the remaining Panches may, notwithstanding anything contained in this Act, try the case, provided, however that at least three Panches including the Chairman, are present, and provided further that at least one of the Panches present is able to record evidence and proceedings.

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<sup>1</sup> Deleted. by U.P. Act No. 37 of 1978.

<sup>2</sup> Subs. by U.P. Act No. 379 of 1978.

(2) No trial as aforesaid shall be invalid to reason merely that all the five panches forming the Bench were not present at any hearing or that the same Panches were not present at all the hearings.

(3) The provisions of sub-sections (1) and (2) shall *mutates mutandis* apply to an inquiry made by a Nyaya Panchayat under Section 63.

**78. Dismissal of civil cases and criminal cases in the absence of the party concerned** – <sup>1</sup>[(1) If the plaintiff or the complainants, as the case may be, fails to appear after having been informed of the time and place fixed for hearing, the Nyaya Panchayat may dismiss the case or pass such other order as it may deem fit.

(2) The Nyaya Panchayat may hear and decide <sup>2</sup>[civil or a criminal case in the absence of the defendant or the accused, as the case may be], if the summons have been served upon him or if he has been informed of the time and place fixed for hearing.

**79. Nyaya Panchayat not to revise or review its decision** – (1) Except as provided in sub-section (2), or to correct a clerical error, a Nyaya Panchayat shall have no power to cancel, revise or alter any decree or order passed by it.

(2) A Nyaya Panchayat may, for sufficient reasons to be recorded, on application made within one month of the date of the decree or order or knowledge thereof in case personal service of summons has not been effected, restore any [civil or criminal case] which has been dismissed in default or in which a decree or order has been passed *ex parte*.

**80. Legal Practitioner not to appear before Nyaya Panchayat** – No legal practitioner shall appear plead or act on behalf of any party before a Nyaya Panchayat.

Provided that a person who is arrested and is detained in custody shall have the right to consult and be defended by a legal practitioner of his choice.

**81. Appearance in person or by representative** – Subject to the provisions of Section 80, any party to a <sup>3</sup>[civil case or criminal case] may appear before Nyaya Panchayat either in person or by such servant (not bearing a tout), partner, relation or friend duly authorized in writing by him as the Nyaya Panchayat may admit as a fit person to represent him;

Provided that no stamp duty shall be required to be paid for any power of attorney filed under this section.

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<sup>1</sup> Subs. by U.P. Act No. 37 of 1978.

<sup>2</sup> Deleted by U.P. Act No. 37 of 1978.

<sup>3</sup> Subs. by U.P. Act No. 37 of 1978.

**82. Special jurisdiction in certain matters** – Notwithstanding anything contained in this Act or in any other law for the time being in force, it shall be lawful for a Nyaya Panchayat to decide any dispute arising in its local area and not pending in any Court in accordance with any settlement, compromise or oath agreed upon in writing by the parties.

**83. Procedure and power to ascertain, truth** – (1) The Nyaya Panchayat shall receive such evidence in a <sup>1</sup>[civil case or criminal case] as the parties may adduce and may call for such further evidence as, in their opinion, may be necessary for the determination of the points in issue. It shall be the duty of the Nyaya Panchayat to ascertain the facts of every [civil case or criminal case] before it by every lawful means in its power and thereafter to make such decree or order with or without cost, as to it may seem just and legal. It may make local investigation in the <sup>2</sup>[locality] to which the dispute relates. It shall follow the procedure prescribed by or under this Act. The code of Civil Procedure, 1908 the <sup>2</sup>[Code of Criminal Procedure, 1973] the Indian Evidence Act, 1872 and [the Indian Limitation Act, 1963] shall not apply to any <sup>2</sup>[civil case or criminal case] in a Nyaya Panchayat except as provided in this Act or as may be prescribed.

(2) Nothing in this sub-section shall entitle any party to compound any offence which is not compoundable under the provisions of the <sup>2</sup>[Code of Criminal Procedure 1973] or to compound an offence without the permission of the Bench concerned, if it is compoundable with permission under the provisions of said Code.

<sup>2</sup>[(3) Where in the opinion of the Nyaya Panchayat, any party deliberately delays the disposal of a case it may impose on such party costs not exceeding five rupees payable to the other party.

**84. Majority to prevail** – In the event of any disagreement between the Panches the opinion of the majority shall prevail.

**85. Power of Superior Court to transfer cases from Nyaya Panchayats** – (1) On the application of any of the parties and after notice to the parties and after hearing such of them as desired to be heard or on his own motion without such notice the Judicial Magistrate or the Munsif according to the case pending before a Nyaya Panchayat in <sup>2</sup>[criminal or civil case] may, at any stage, withdraw the same and –

- i- try to dispose of the same, or
- ii- transfer it to another Bench of the Nyaya Panchayat, or
- iii- transfer the same for trial or disposal to any other <sup>3</sup>[Magistrate or Munsif] competent to try or dispose of the case.

<sup>1</sup> Subs. by U.P. Act No. 37 of 1978.

<sup>2</sup> Subs. by U.P. Act No. 37 of 1978, dated 30<sup>th</sup> December, 1978.

<sup>3</sup> Subs. by U.P. Act No. 37 of 1978, dated 30<sup>th</sup> December, 1978

(2) Where any criminal or civil case has been withdrawn under sub-section (1), the court which thereafter tries it may either retry it or proceed from the state at which it was withdrawn.

(3) If any application under sub-section (1) is either frivolous or vexatious the applicant may be fined up to fifty rupees by the <sup>1</sup>[Judicial Magistrate or the Munsif], as the case may be.

**86. Issue of summons to witnesses** – A Nyaya Panchayat may, if considers the evidence of or the production of a document by any person necessary in a [civil or criminal case] issue and cause, to be served in the prescribed manner, a summons on such person to compel his attendance or to produce or cause the production of such documents, and such person shall be bound to comply with the direction contained in the summons.

**87. Penalties for failing to appear before the Nyaya Panchayat** – If any person who is summoned by a Nyaya Panchayat by a written order to appear to give evidence or to produce any document before it, willfully disobeys such summons or notice or order, the Nyaya Panchayat may make a complaint to the Magistrate having jurisdiction and the said person shall be punishable with fine which may extend to twenty-five rupees;

Provided that no woman shall be compelled to appear in person before the Nyaya Panchayat. She may be examined on commission in the manner prescribed;

Provided also that if a document is produced in obedience to a summons issued under this section, the Nyaya Panchayat shall cause the document to be copied, mark the copy, after comparing with original, to be true copy and return the original document to the person producing the same;

Provided further that where it appears to the Nyaya Panchayat that a witness is unable to appear before it by reason of illness or physical infirmity or that his presence cannot be procured without unreasonable delay, expense or inconvenience, it may, subject to such restrictions as may be prescribed, issue a commission in the manner prescribed to take the evidence of such witness. The evidence so taken shall form part of the record of the case.

**88. Dismissal of civil cases etc.** – A Nyaya Panchayat may dismiss any civil <sup>2</sup>[\* \* \*]case if after examining the plaintiff or the applicant it is satisfied that the civil <sup>2</sup>[\* \* \*]case is frivolous, vexatious or untire.

**89. Revisions** – (1) A <sup>3</sup>[Judicial Magistrate or Munsif] according as it is criminal or civil case may either on his own motion or on the application of any party

<sup>1</sup> Subs. by U.P. Act No. 37 of 1978, dated 30<sup>th</sup> December, 1978

<sup>2</sup> Deleted by U.P. Act No. 37 of 1978.

<sup>3</sup> Subs. by U.P. Act No. 37 of 1978.

made within 60 days from the date of the order complained of where personal service of summons had not been effected on the application from the date of the knowledge of the order call for the record of any case which has been decided by a Nyaya Panchayat and if it appears to him that injustice or material irregularity has occurred, he may make such order in the case as he thinks fit.

*Explanation* – Failure to exercise a jurisdiction vested by law or exercise of jurisdiction in excess of that vested by law shall for purpose of this section be deemed to be a material irregularity.

(2) Without prejudice to the generality of the foregoing provisions, the [Judicial Magistrate or Munsif], as the case may be, may –

- (a) quash the decree or order passed by the Nyaya Panchayat.
- (b) modify the order,
- (c) remand the case to the Nyaya Panchayat for retrial with such direction as he may deem fit, or
- (d) try the case himself or transfer it to another court or officer competent to try the same.

(3) If any application under sub-section (1) is found by the [Judicial Magistrate or Munsif] as the case may be frivolous or vexatious, he may, for reasons to be recorded, make an order for the payment to the opposite party by the application of special costs not exceeding fifty rupees by way of compensation.

(4) Except as aforesaid, a decree or order passed by a Nyaya Panchayat in any [civil or criminal case] shall not be open to appeal or revision in any court.

(5) Notwithstanding anything contained in Section 95 where any Judicial Magistrate or Munsif records a finding in an order passed under this section that any Bench or Panches (including any Sarpanch) of a Nyaya Panchayat has or have in relation to the case which gave rise to the revision, behaved in a manner becoming of his or their offices the prescribed authority may remove such Panch or Panches on the basis of such finding and it shall not be necessary to give him or them any opportunity to show cause against the action proposed.

**90. Summons to defendant or accused persons** – A Nyaya Panchayat after an application is made under Section 75 shall, unless it has been dismissed or otherwise disposed of under the provisions of this Act, cause summons in the prescribed form to be served in the prescribed manner on the defendant or the accused person requiring him to attend and produce his evidence at such time and place as

may be stated in the summons and shall at the same time direct the plaintiff or complainant <sup>1</sup>[\* \* \*] to attend and produce his evidence at such time and place.

91. **Warrant** – <sup>2</sup>[\* \* \*]

92. **Payment or adjustment of decree to be recorded** – If on the application of the decree-holder or the judgment debtor the Nyaya Panchayat which passed the decree finds after enquiry that the decree has been satisfied wholly or in part, the Nyaya Panchayat shall record the fact in the prescribed register.

93. **Execution of decrees** – (1) A decree or order passed by a Nyaya Panchayat shall be executed by it in such manner as may be prescribed. If the property of the defendant is situated outside the jurisdiction of the Nyaya Panchayat passing the decree or order, it may in the manner prescribed, transfer the decree or order for execution to the Nyaya Panchayat, with in whose jurisdiction the property may situated, and if there be no Nyaya Panchayat then to the court of the <sup>3</sup>[Munsif] as the case may be within whose jurisdiction it may be situated.

(2) If a Nyaya Panchayat finds any difficulty in executing decree or order, it may forward the same to the <sup>3</sup>[Munsif] who shall then execute the same as if it were decree or order passed by him.

94. **Recovery of fine** – Any fine imposed, or compensation ordered to be paid in Section 61 by a Nyaya Panchayat shall be recoverable in the manner prescribed. But if the Nyaya Panchayat finds any difficulty in its recovery, it may request the Judicial Magistrate within whose jurisdiction the Nyaya Panchayat lies to recover it and he shall recover it as if the sentence of find had been passed by him.

94-A **Contempt of Nyaya Panchayat** – (1) If any person intentionally offer any insult a Nyaya Panchayat or any member thereof, while it is sitting in any stage of judicial proceedings in its or his view or presence or refuses to take oath duly administered or sign a statement made by the said persons when legally required to do so, the Nyaya Panchayat may at any time before rising on the same day take cognizance of the offence and sentence the offender to a fine not exceeding [ten rupees].

(2) The fine imposed under sub-section (1), shall, for the purposes of Section 94 be deemed to be a fine imposed in a criminal case.

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<sup>1</sup> Deleted by U.P. Act No. 37 of 1978.

<sup>2</sup> Deleted by U.P. Act No. 2 of 1955.

<sup>3</sup> Subs. by U.P. Act No. 9 of 1994.