

**REPORT ON**

**20  
22**



**STUDY OF THE  
INSTITUTION OF  
GRAM KACHAHARI  
IN BIHAR**



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## ACKNOWLEDGEMENT

Gram Kachahari is a unique system of elected judiciary that is functioning in Bihar at the grass root level. However, there is dearth of empirical studies on functioning of the Gram Kachaharis. This study was commissioned with grants from the Azim Premji University, with the broad objective to evaluate the performances of the Gram Kachaharis and to assess the level of satisfaction of the people to recommend steps for its systemic improvement in delivering justice at the doorsteps.

SIGMA Foundation would like to extend their sincerest thanks to Azim Premji University for giving an opportunity to take up this study, which has been a very valuable experience for the members of the study team.

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Date: 12<sup>th</sup> September, 2022



Dr. M. N. Roy  
President  
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## EXECUTIVE SUMMARY

The state of Bihar has a unique system of elected judiciary, called Gram Kachahari, which provides access to judicial services related to petty offences of both criminal and civil nature to the rural people. The Gram Kachahari is headed by the Sarpanch, who is assisted by the Panches. They are elected by the voters of the Gram Panchayat area. There are 8,463 Gram Kachaharies in Bihar, one within each Gram Panchayat area, which are established as per provision of the Bihar Panchayati Raj Act, 2006. The Act prescribes that disputes are to be settled amicably, as far as possible, by the Gram Kachahari.

There is a dearth of empirical studies on functioning of the Gram Kachaharis. So, this study was taken up by SIGMA Foundation with grants from the Azim Premji University. The objectives were to know how the system functions, type of disputes which are reported for settlement, the quality of judicial services delivered, the bottlenecks and barriers faced and possible improvement of the system. The study was divided into two phases. In the first phase, six Gram Kachaharis, known to have good performances, were selected to understand their performances. In the second phase, nine Gram Kachaharis were selected at random, one from each division. This approach was taken to assess if there was any differential functioning between the two categories of Gram Kachaharis, and if so, what are the drivers of good performances.

A mixed method of collecting both quantitative and qualitative data was adopted to assess various aspects of functioning of the Gram Kachaharis. One questionnaire was developed to collect quantitative data from all the 15 Gram Kachaharis. Qualitative data was collected by interviewing the key stakeholder and feedback of the community was taken through Focus Group Discussions using different semi-structured discussion points. The data collected was analysed and the findings have been compiled in this report.

The key findings are that the Gram Kachahari provides a very low cost yet fast and easily accessible system of judicial services for the petty offences which they have been empowered to adjudicate. No perceptible difference was found in performances of the six Gram Kachaharis based on perceived good performance and the nine Gram Kachaharis selected at random. The people are generally satisfied with the services they receive. The 15 Gram Kachaharis have tried 1,059 cases in the last five years, of which 55.7 percent were of Civil nature and 44.3 percent were of Criminal nature. Around 88.6 percent (85.6% civil and 92.3% criminal) cases were settled amicably and 9 percent (11.9% civil and 6.4% criminal) of all cases were decided through trial. Around 80.5 percent cases were disposed of within six weeks of filing the case, as stipulated in the Act. The annual pendency of cases was 5.9 percent for civil suits and 8.8 percent for Criminal cases.

The common types of cases which came before the Gram Kachahari for trial are those related to land dispute, partition of land, trace pass, nuisance committed by neighbours (damage of

property, verbal abuse, throwing waste etc.), right to passage to one's property, non-repayment of loan, not making payment against any purchase, domestic violence, physical assault etc. In some case, the value of the suit was beyond the limit of the Gram Kachahari but he suits were settled amicably. The quality of the judgement has been found to be good in most cases although there is infirmity in terms of drafting the order in some cases. The judgements are generally accepted by the litigants.

There is a post of a Secretary and a Naya Mitra in every Gram Kachahari. The latter post of Naya Mitra was vacant in 33 percent cases. They along with the Sarpanches and the Panches were trained after the election in 2016. There was demand for more training. The infrastructure of the Gram Kachaharis was generally poor. Further, remuneration/honorarium and contingencies were not released on time, which created hardship.

All the litigants who were interviewed did not mention of any difficulty in accessing services from the Gram Kachahari. They generally expressed their satisfaction on the functioning of the Gram Kachaharis. Also, the Sarpanches and the Panches were reportedly very supportive in handling their cases. Only in one village where the Mahadalits lived, the villagers mentioned that they go to the police station or the court for settling disputes implying that they have more trust on the formal institutions of the state government.

The fees charged by the Gram Kachahari is Rs.10 in cash as per value of the suit or at the rate of Rs.1/- for a part thereof for Civil suits. In criminal case, the complainant shall have to deposit a sum of Rs. 100/- only in cash as fee. Thus, access to justice is quite affordable.

The system of monitoring of the Gram Kachahari is weak. Inspection of the Gram Kachaharis by the judicial officers as well as by the officers of the Panchayati Raj Department have been prescribed. However, incidents of such inspections are few and far between.

The recommendations from the study are: (a) Need for regular training of the functionaries, (b) Building awareness of the villagers, (c) Filling vacancies of Naya Mitra, (d) Improving infrastructure of the Gram Kachahari, (e) Monitoring functioning of the Gram Kachahari, (f) Strengthening inspection and supervision, (g) Regular reviewing performances of the Gram Kachaharis, (h) Coordination with police and judiciary, (g) Enhancing the limit of trying Civil suits, (h) Timely release of remuneration and office contingencies, (i) To introduce a system of incentivizing the Gram Kachaharis and (j) Wide dissemination of the system of Gram Kachahari for consideration of other state governments for introducing a similar system.

# 01





## Introduction

1.1 Access to justice is the most fundamental prerequisite to Rule of Law. This is one of the most recognized human rights of the citizens irrespective of economic and social status. The Universal Declaration of Human Rights proclaimed and adopted by the United Nations in 1948 gave recognition to two rights pertaining to “Access to Justice”. These are:

- i) Everyone has the right to an effective remedy by the competent national tribunals for acts that violate the fundamental rights granted and guaranteed by the Constitution or by the established law.
- ii) Everyone is entitled to a fair and transparent adjudication by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charges against him.

1.2 In the case of Anita Kushwaha V. Pushap Sudan (SC 2016), the Apex court of India held that access to justice is an important aspect of right guaranteed under Article 14 and Article 21 of the Constitution of India. Thus, the most important components that constitute the essence of access to justice are:

- a) There must be in place an effective adjudicatory mechanism for the citizens and state should provide it,
- b) This mechanism needs to be accessible to all citizens in terms of distance,
- c) Process of adjudication need to be speedy,
- d) This process of getting justice must also be affordable by all i.e., less expensive.

1.3 For access to justice to be a reality as enshrined in Article 39A of the Indian Constitution, there is need to remove barriers to access in terms of distance, time and associated costs, to remove the dependence of citizens specially for those living in the rural areas and who are socially and economically marginalized.

1.4 A study was made by the Law Commission on this issue and in the 114<sup>th</sup> Report of the Commission an attempt was made for some judicial reforms by recommending setting up of Gram Nyayalayas (1986). In 2008, the Gram Nyayalayas Act was enacted “to provide for the establishment of Gram Nyayalayas at the grass roots level for the purpose 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.” The Law commission while recommending the Gram Nyayalayas as justice delivery mechanism at the grass root level thought that purely elected system of judiciary may bring in personal confrontations, prejudices and divisions and that may jeopardize the justice delivery mechanism. So, they suggested an alternative system of justice delivery at the grass root level with the induction of judicial officers in the courts at the village

level. After the enactment of the Act, so far 477 Gram Nyayalayas were notified in 15 states and out of them only 264 numbers are operational<sup>1</sup>.

1.5 However, many State Panchayat Acts have provisions for constitution of elected judiciary contrary to what has been proposed by the Law Commission. The provisions are generally not been made operational<sup>2</sup>. Bihar is one state which also has such provision which has been made that operational.

1.6 The 73<sup>rd</sup> Amendment of the Constitution recognizes the Panchayats as the third stratum of government for the rural areas. The Panchayats have been empowered to perform executive functions mostly related to socioeconomic development and they provide various local services as entrusted on them. There has been a lot of researches on the functioning of the Panchayats, particularly the Gram Panchayats, which is the elected government closest to the rural people.

### **Gram Kachahari - the village level elected judiciary**

1.7 The system of elected judiciary at the Gram Panchayat level of Bihar is known as Gram Kachahari. This is less known and even less researched. The Gram Kachahari was introduced in the Bihar Panchayat Raj Act 1947, and it was put into effect in 1948. The Gram Kachahari has been established in every Gram Panchayat of Bihar. There are 8,463 Gram Kachaharis in Bihar, one within the area of every Gram Panchayat. They provide an alternative mode of dispute resolution to the rural people at their doorstep and with little cost. In the Bihar Panchayat Raj Act 2006, which has replaced the earlier Act for the Panchayats in Bihar, a more comprehensive shape has been given to the Gram Kachahari system. The provisions related to Gram Kachahari have been laid in Section 90 to Section 122 of the Bihar Panchayat Raj Act 2006. It has the authority to try cases under 40 different Sections of the Indian Penal Code (IPC). It has also power to hear civil cases of value up to INR 10,000 and can impose fine of up to one thousand rupees for cases filed under the IPC. According to Section 102 of the said Act, the main objective of the Gram Kachahari will be to try for an amicable settlement between the litigants. Thousands of cases are settled by these Gram Kachaharis by following simple procedure including mutual reconciliation and amicable settlement.

1.8 As per the said Act, the Sarpanch is the head of the Gram Kachahari and is directly elected by the voters within a Gram Panchayat. The Panches are elected as members of the Gram Kachahari from different Wards of the Gram Panchayats, who assist the Gram Kachahari as members of trying benches constituted for each case registered with the Gram Kachahari. Each Panch represents as nearly as five hundred population of the Panchayat area. There is reservation for the Scheduled Caste (SC), Scheduled Tribes (ST), Backward Castes (BCs) and the

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<sup>1</sup> Website of the Dept. of Justice, under Ministry of Law & Justice, Government of India accessed from [https://doj.gov.in/nationaljudicialdatagrid/njdg.ecourts.gov.in/njdgnew/?p=main/index&state\\_code=10~8&dist\\_code=27&est\\_code=undefined](https://doj.gov.in/nationaljudicialdatagrid/njdg.ecourts.gov.in/njdgnew/?p=main/index&state_code=10~8&dist_code=27&est_code=undefined)

<sup>2</sup> The West Bengal Panchayat Act 1973 has an elaborate provision of constituting elected Gram Nayalay, but the same has never been made operational.

women in the posts of Sarpanch and Panches. Presence of large number of women and the socially marginalized group help to reduce the social distance between the elected judiciary and the people, in contrast with the conventional judiciary.

## **Rationale for the study**

1.9 Though Gram Kachahari is a unique system of elected judiciary at the grass root level but there is a dearth of empirical studies on functioning of the Gram Kachaharis. Therefore, this study was conducted with grants from the Azim Premji University, to know how the system is functioning, the bottlenecks and barriers being faced, type of disputes which are being settled, the quality of judicial services people are receiving and possible improvement of the system.

## **Objectives of the study**

1.10 On this backdrop, the broad objectives of the study were:

- i. To evaluate the types of cases received by the Gram Kachaharis for settlement,
- ii. To assess the performance of the system in terms of access, efficiency, cost and quality,
- iii. To understand the system of disposal and documentation of the cases, the human resources available and their capacities,
- iv. To understand the problems faced by citizens who approach Gram Kachaharis and their level of satisfaction.
- v. To recommend steps for systemic improvement including building capacity.

1.11 The findings from the study are expected to help the Government of Bihar to improve upon the system and may also encourage other state governments to put in place the system of Naya Panchayats in respective states.

## **Study area**

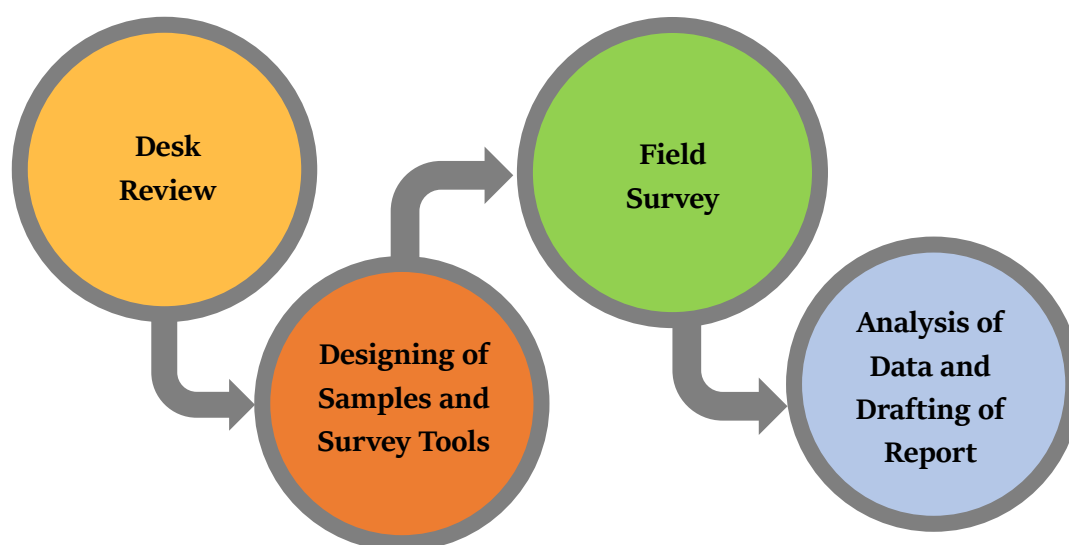
1.12 The study covered the entire state by selecting Gram Kachaharis from all the nine divisions of the state. However, the study was divided into two phases. In the first phase, six reportedly good performing Gram Kachaharis were selected. There is no system in the state to regularly monitor performance of the Gram Kachaharis to allow performance-based selection. Therefore, the districts having good performing Gram Kachaharis were identified after discussing with the officials of the state Panchayati Raj Department. Thereafter, one good performing Gram Kachahari of the district was identified through discussion with the District Panchayati Raj Officer (DPRO). In the second phase, one Gram Kachahari was selected at random following a two-stage process of first selecting a district from each division following randomised sampling and then similarly selecting a Gram Kachahari within the district. Therefore, six Gram Kachaharis were studied to know the features of a well-functioning system of elected judiciary and nine Gram Kachaharis were studied to know the performances of the Gram Kachaharis across the state in general. This report covers the study conducted in both phase I and phase II.

# 02



## Study design

2.1 This study is divided into four phases as depicted in Figure 2.1 and elaborated below.



**Figure 2.1: Study Design**

2.2 The desk review started with examining the legal framework of the Gram Kachahari, for which the Bihar Panchayati Raj Act, 2006 and the Bihar Gram Kachahari Conduct Rules 2007 were studied. Along with this, the Manual for Gram Kachahari prepared by Bihar Institute of Panchayat & Rural Development (BIPARD) and an outline for training program for representatives of Gram Kachahari prepared in March 2017 were also examined. Besides these, some of the orders issued by the Government of Bihar and research articles and other relevant reports were also studied to understand the features, significance, relevance, impact and functioning of the system of Gram Kachahari. Brief findings from these are mentioned below.

2.3 Alva-Luperdi and Zahir (2018)<sup>3</sup> in their article, have discussed functions of Gram Kachahari, the role of a Sarpanch and capacity building of the members of Gram Kachahari. They have started their discussion with a case of June 2017 where the women Sarpanch were instrumental in settling a long-running land dispute in just six days. However, not all the Gram Kachaharis are well functioning. As per the report, the police in some cases accepts complaints for investigation for crimes disposal of which comes under the Gram Kachahari. In 2012, Bihar police have issued an order restricting all police stations to entertain cases which are to be tried by the Gram Kachahari. The authors have also highlighted the challenge of the job of a Sarpanch as he/she may be threatened by aggrieved parties. The success of the Gram Kachaharis is embedded in their use by local communities and their ability to dispense justice with sensitivity to local social conditions. However, the lack of an official address due to the lack of their own

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<sup>3</sup> Alva-Luperdi, J.L and Zahir, F, Delivering rural justice through community-owned courts in Bihar, The World Bank in India, Vol.17/No.2, Sep 2018, pp 1

buildings is the biggest challenge faced by Gram Kachaharis. In some instances, Gram Kachaharis conducted their proceedings in the house of a Panchayat member. However, the World Bank, through its ongoing Bihar Panchayat Strengthening Project, has been supporting the construction of independent office buildings for Gram Panchayats, with an exclusive block to be used for Gram Kachahari. Also, all members of the Gram Kachaharis are being trained by Chanakya National Law University (CNLU).

2.4 As per a report published in the Patna edition of the Times of India, “the Gram Kachaharis in the state are setting an example as far as disposal of civil and criminal cases of minor nature is concerned. According to data available with the State Panchayati Raj Department, of the 2.23 lakh cases filed in 6,922 of 8,386 village courts in the state from 2016 to 2021, 2.05 lakh cases have been disposed. Of them, 1.2 lakh cases were of civil nature and 1.02 lakh were of criminal nature”<sup>4</sup>. This reflects the impact the institution of Gram Kachahari has been creating in rural Bihar.

2.5 One difficulty that has been reported is that, complaints under Sections which are to be tried by the Gram Kachaharis are taken cognizance by the police for trial by the judiciary. The state government has passed instruction to return such cases to the Gram Kachaharis. In an orientation meeting of the elected Sarpanch and Panches which was addressed by the Chief Minister, all officials concerned were instructed by him to follow the legal provisions properly. The Director General of Police present there mentioned that out of 17,200 cases filed with the police in the last one month around 10,000 cases were to be tried by the Gram Kachaharis<sup>5</sup>. Not forwarding the cases which are to be tried by the Gram Kachaharis by the police stations have also been reported by Mr Mahipal who visited the villages in certain districts of Bihar in October 2018 to study the working of Gram Kachaharis and reported of hearing such complaints from the community<sup>6</sup>. He also mentioned that these courts broadly dealt with disputes concerning agricultural land, division of property, drainage and disposal of waste water, etc. He further reported of complaints that Rs 250 were being charged against the prescribed fees of Rs 100 for filing a case in the Gram Kachahari. When asked, the functionaries claimed that the extra Rs 150 was used to meet photocopying, travel and other incidental expenses. People also complained that an extra amount of Rs 100 was being charged in addition to the prescribed amount of Rs 1,200 as payment to the Amin for measurement of land under dispute.

2.6 Pal (2018)<sup>7</sup> has pointed out that the Gram Kachaharis may be endowed with effective

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<sup>4</sup><https://timesofindia.indiatimes.com/city/patna/speedy-disposal-of-cases-in-village-courts-praiseworthy/articleshowprint/69567147.cms>

<sup>5</sup>[https://www.bhaskar.com/news/BIH-PAT-HMU-40-small-cases-in-village-court-news-hindi-5379052-PHO.html?\\_branch\\_match\\_id=918382685364048916&utm\\_campaign=117518847&utm\\_medium=sharing](https://www.bhaskar.com/news/BIH-PAT-HMU-40-small-cases-in-village-court-news-hindi-5379052-PHO.html?_branch_match_id=918382685364048916&utm_campaign=117518847&utm_medium=sharing)

<sup>6</sup><https://indianexpress.com/article/india/official-apathy-hampers-bihars-village-courts-from-delivering-justice-5417025/>.

<sup>7</sup> <https://indianexpress.com/article/india/official-apathy-hampers-bihars-village-courts-from-delivering-justice-5417025/>

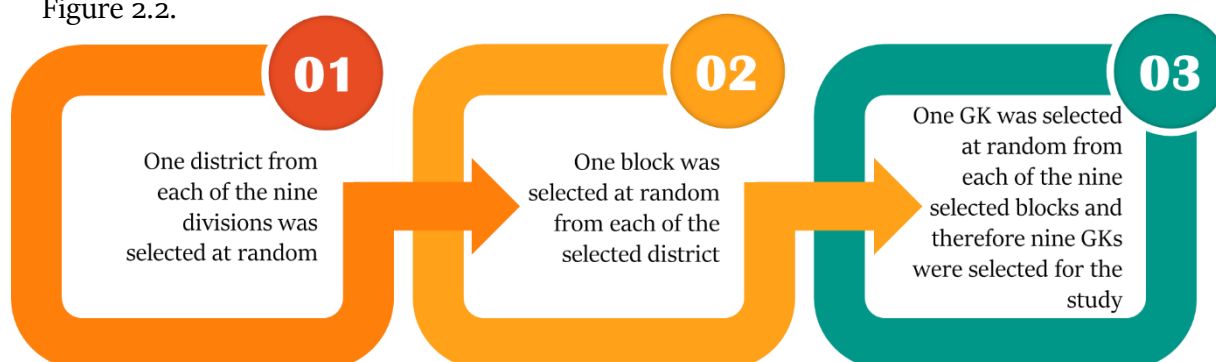
2.7 Pal (2019)<sup>8</sup> has examined Gram Kachahari as deepening decentralized democracy in rural Bihar. In the paper, the author has adopted the participatory and case study method. The study area was Sitamarthi in the North Bihar and Nalanda, Nawada, Bodh Gaya and Patna in South Bihar. The paper has discussed in detail regarding features and functioning of the Gram Kachaharis. The author has attempted to identify the challenges the Gram Kachaharis face while settling disputes and the ways of meeting the challenges.

## Sampling and survey tools

2.8 **Sampling of six well-functioning Gram Kachaharis:** First, ten districts were identified where, as per the officials of the Panchayati Raj Department of the state, the functioning of the Gram Kachaharis was better. The Chairperson of Gram Kachahari Secretary's union was also consulted to identify the districts. The DPROs of those districts were requested to identify two well-functioning Gram Kachaharis and thereby, twenty Gram Kachaharis were short listed. The study team talked to the Sarpanch or Secretary of all the 20 short listed Gram Kachaharis over phone and verified their status of functioning. All of them claimed that the Gram Kachaharis were functioning well. Thereafter, six Gram Kachaharis were selected from the list through a process of random sampling after ensuring that not more than one Gram Kachahari is selected from any district. The list of selected Gram Kachaharis is given in Table 2.1.

Sl. No.	Name of the District	Name of the Block	Name of the Gram Kachahari
1	<b>Gaya</b>	Gaya Sadar	KesharuDharampur
2	<b>Madhubnai</b>	Bisfi	NahasRupauli Uttar
3	<b>Muzaffarpur</b>	Sakra	Sarmastpur
4	<b>Nalanda</b>	Harnaut	Kolawan
5	<b>Patna</b>	Belchi	Barah
6	<b>Siwan</b>	Siwan Sadar	Chandaur

2.9 **Sampling of nine Gram Kachaharis:** In the second phase of the study, a three-stage random sampling was adopted to identify the sample Gram Kachaharis (GK) as presented in Figure 2.2.



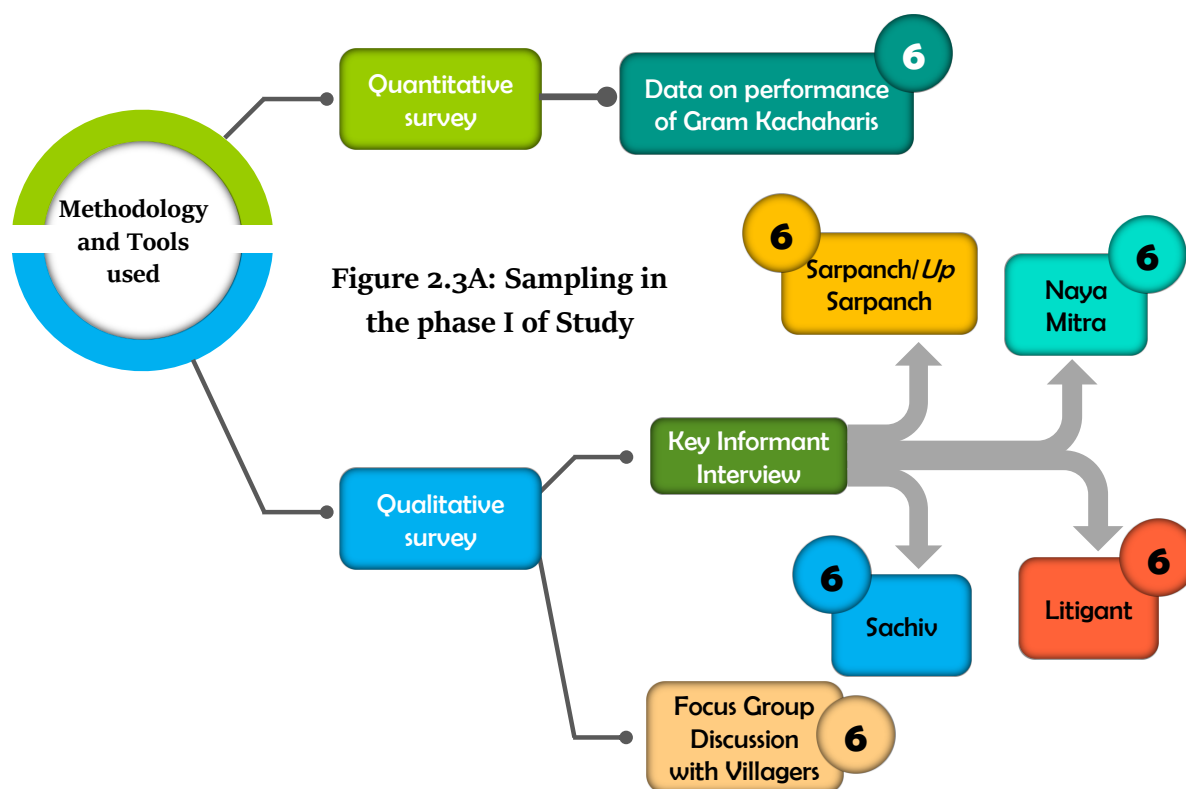
**Figure 2.2: Sampling in the second phase of Study**

<sup>8</sup> Pal, M. Gram Kachahary in Rural Bihar: Deepening Decentralised Democracy? EPW, Nov.30, 2019, Vol. LIV, No.47, p-29.

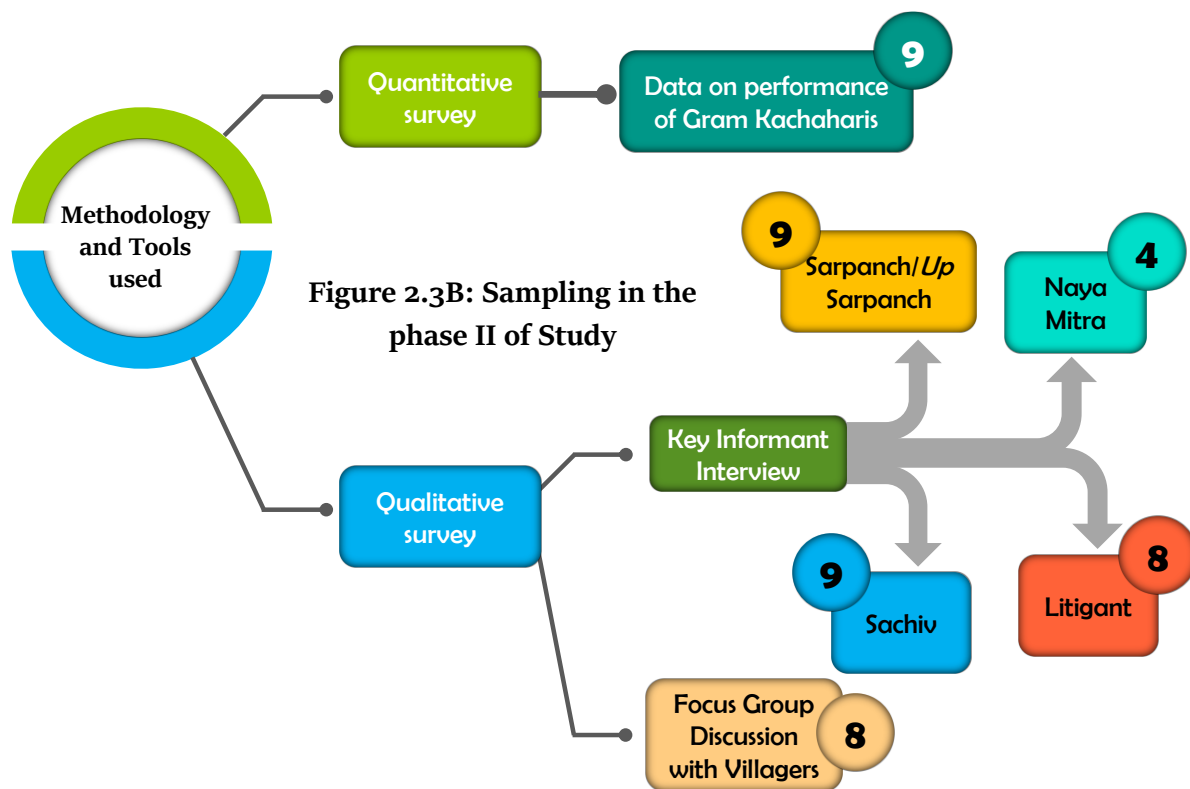
2.10 The list of selected Gram Kachaharis is given in Table 2.2.

Sl. No.	Name of the Division	Name of the District	Name of the Block	Name of the Gram Kachahari
1	Saran	Saran	Dighwara	Kuraiya
2	Purnea	Katihar	Barari	Purvi Barinagar
3	Koshi	Saharsa	Kahara	Sirade Patti
4	Darbhanga	Samastipur	Bithan	Pusaho
5	Patna	Bhojpur	Jagdishpur	Bimwa
6	Bhagalpur	Bhagalpur	Goradih	Murhan Jamin
7	Munger	Lakhisarai	Surajgarha	Arma
8	Tirhut	Vaishali	Jandaha	Mukundpur Bhath
9	Magadh	Nawada	Govindpur	Baniya Bigha

2.11 **Sampling plan and survey tools:** The study has used a combination of quantitative and qualitative tools. The quantitative data was collected using a questionnaire. The qualitative tools included Key Informant Interview (KII) with important stakeholders like the litigants, the Sarpanch, the Naya Mitra and the Secretary and Focus Group Discussion (FGD) with the members of the village community. Separate semi-structured ‘discussion points’ were prepared for each type of stakeholder for use in KIIs and FGDs. The sampling framework conducted in phase I and phase II are shown in Figure 2.3a and Figure 2.3b respectively.







2.12 The questionnaire covered availability of human resources, infrastructures, keeping of accounts, system of filing any case, hearing and disposal of the cases, method of record keeping and the system of monitoring and supervision by the Civil Courts and the Panchayati Raj Department. One FGD was planned to be conducted in any one village under the jurisdiction of each Gram Kachahari. One litigant from the jurisdiction of each Gram Kachahari was also interviewed for knowing his/her experience. The key functionaries namely the Sarpanch, the Naya Mitra and the Sachiv of each Gram Kachahari were also interviewed.

2.13 Before drafting the questionnaires and the discussion points, the team visited Vishnupur Gram Kachahari under Bihta block of Patna district to go through their functioning and the procedures followed for fair understanding of the required areas of query. That visit helped to prepare the tools.

2.14 **Pilot testing of the tools:** The team developed study tools and went Vishnupur Gram Kachahari to test the tool after which the tools were finalized for survey. The final questionnaire is placed at Annexure I. The discussion points are placed at Annexure II. The quantitative as well as the qualitative tools were translated into Hindi for effective communication with the respondents for collecting the required information.

### Conducting the field study

2.15 The first round of field study for the six Gram Kachaharis was conducted from the 23rd to 31st August 2021. Some of the Gram Kachaharies had to be visited again later for collecting quantitative data related to functioning of the Gram Kachahari since such data was

not generally available readily. Though the plan was to conduct one FGD under each Gram Kachahari, but two FGDs were conducted in the Gram Kachaharis of Nalanda, Gaya and Madhubani. Therefore, total nine FGDs were conducted. Similarly, eight KIIs were conducted with the litigants. As far as the functionaries of the Gram Kachaharis were concerned, there were 4 KIIs with Sarpanches and 2 other KIIs with Up Sarpanches (the Sarpanches were not available), 3 KIIs were conducted with the Naya Mitra (the posts were vacant in the remaining Gram Kachaharis) and six KIIs were conducted with the Secretary of the Gram Kachaharis.

2.16 In the second phase of study, the data collection was done in the five Gram Kachaharis from the districts of Vaishali, Samastipur, Lakhisarai, Saran and Nawada during 31st October to 1st November 2021 and from 1st to 3rd December 2021. In the next four Gram Kachaharis from the districts of Bhagalpur, Katihar, Saharsa, and Bhojpur the field study was conducted during 06.04.2022 to 09.04.2022. Though the plan was to conduct one FGD under each Gram Kachahari, but in Bhagalpur FGD could not be conducted. Therefore, 8 FGDs were conducted. Similarly, 8 KIIs were conducted with the litigants. As far as the functionaries of the Gram Kachaharis were concerned, there were 9 KIIs with Sarpanches/Up Sarpanches (where Sarpanches were not available), 4 KIIs were conducted with the Naya Mitra (the posts were vacant in the remaining cases) and 9 KIIs were conducted with the Secretary of the Gram Kachaharis.



**Panchayat Sarkar Bhavan at Chandaur in Siwan District from where the Gram Kachahari is functioning**

# 03



## Constitution of Gram Kachahari

3.1 Section 90 of the Bihar Panchayat Act, 2006 has the provision to constitute a Gram Kachahari in every Gram Panchayat Area. The Gram Kachahari shall consist of a) A Sarpanch elected directly under the provision of this Act will head the Gram Kachahari. b) Such number of Panches as may be notified by the District Magistrate will also be directly elected. Each Panch will represent as nearly as five hundred population of the Panchayat area. Its territorial constituency will be the same as those of the members of the Gram Panchayat. One Panch shall be directly elected, as per the provision of the Act, from each territorial constituency. The Gram Kachahari shall come into force from the date fixed for its first meeting. Bihar Gram Kachahari, Conduct Rules, 2007<sup>9</sup> has mentioned constitution of the bench and its procedure.

3.2 All the 15 Gram Kachaharis visited in the two phases of the study had elected functionaries as per provision of law. It was observed that in the phase I study, there were only one female Sarpanch and two females Up Sarpanches out of the six Gram Kachaharis studied although half the posts are reserved for women. Since the sample size is very small and selected purposively, lower number of women functionaries is not unlikely. In the phase II study, there were female Sarpanches in six Gram Kachaharis whereas Up Sarpanches were male in all the nine Gram Kachaharis. However, representation of female among 83 Panches of the Gram Kachaharis selected for phase I was 59 percent and among 117 Panches of the Gram Kachaharis selected for phase II was 67 percent.

## Tenure of Gram Kachahari after its constitution

3.3 Every Gram Kachahari, shall continue for five years from the date appointed for first meeting and no longer, unless dissolved sooner following a legal process. However, the election to constitute a Gram Kachahari shall be completed (i) before the expiration of the tenure of the existing members (ii) in case of dissolution, before the expiration of the period of six months from the date of its dissolution. However, if the time left for the continuation of the dissolved Gram Kachahari is less than six months then election is not necessary (to be conducted as per schedule). (iii) A Gram Kachahari constituted upon the dissolution of the earlier elected body before the completion of their five years tenure shall continue only for the remainder duration for which the dissolved Gram Kachahari was to be continue.

## Election of Sarpanch and Up-Sarpanch and reservation of seats

3.4 The issue of reservation has been dealt in Section 93 of the Bihar Panchayat Act, 2006. After election, every Gram Kachahari shall elect one Up-Sarpanch in its first meeting from amongst the elected Panches as per provision of Sub-section 1 of section 90 of the Act, by a majority of votes under the direction, control and supervision of State Election Commission. The Sarpanch shall be a voter in the election of Up-Sarpanch. In case of equal votes, the result shall be decided by the draw of lots. In the event of both the offices of Sarpanch and Up-Sarpanch are

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<sup>9</sup> Chap 1, rules 3-13

vacant simultaneously, the Executive Officer of the Panchayat Samiti shall call a meeting for election of Up-Sarpanch within fifteen days with a notice of at least seven days to be given to the Panches. The Executive Officer shall preside over such meeting but he shall not have right to vote. In case of equal votes, the result will be decided by draw of lots. As nearly as possible but not exceeding fifty percent of the total seats of Panches of a Gram Kachahari shall be reserved for Scheduled Castes, Scheduled Tribes and Other Backward Castes. As nearly as possible but not more than 50 percent of posts under each category is to be reserved for the women. Similar reservation policy has been laid for the post of Sarpanch based on total number of Sarpanches within the Panchayat Samiti.



**Sarpanch of one Gram Kachahari in headgear given to them after the election in 2007**

### Staff support to the Gram Kachahari

3.5 As per the Section 94 of the Bihar Panchayat Raj Act, 2006, there shall be a Secretary and one Naya Mitra in every Gram Kachahari. The later should have at least a three-year's bachelor degree in Law from a recognised Institution or University to assist the Gram Kachahari. However, only 50 percent and 78 percent of Gram Kachaharis had a Naya Mitra as observed in phase I and phase II studies respectively. In all the visited Gram Kachaharis during phase I and phase II there was a secretary, as per norm.



**Women Sarpanch, Secretary and Nyay Mitra in a Gram Kachahri**

### Remuneration, honorarium and expenses

3.6 The Sarpanch receives a monthly honorarium of just INR 2,500, while it is INR 1,200 for the Up-Sarpanch and INR 500 for the Panches. The Nyaya Mitra and the Secretary of the Gram Kachahari are paid a remuneration of only INR 7,000 and INR 6,000 per month, respectively. The Gram Kachahari needs contingent fund to meet the day-to-day expenses. However, that was also found to be irregular causing difficulty in maintaining the office. The annual allocation as reported by a few Gram Kachaharis was INR 4,000.

## **Powers of Sarpanch and Up-Sarpanch**

3.7 The Sarpanch is the President of Gram Kachahari and benches thereof as per Section 96 of the Bihar Panchayat Act, 2006. He/she will entertain suits and cases on application of parties or if referred by the Magistrate or the Munsiff. He/she also have the powers of a Civil Court under the Code of Civil Procedure, 1908 and other powers as may be prescribed. The Up Sarpanch can perform all duties and exercise all powers of Sarpanch during the vacancy in the office or the incapacity and temporary absence of the Sarpanch. The Panches are nominated in the Bench constituted to try any case.

## **Duties and functions of the Gram Kachahari**

3.8 The major duties of the Gram Kachahari are as following:

- i) To bring about amicable settlement of dispute (Section 102)
- ii) To enquire into and decide the dispute in case no amicable settlement is reached (Section 103).

3.9 The major functions of the Kachahari are the following:

- i) The Gram Kachahari has criminal jurisdiction within local limits of Gram Panchayat for the trial of some offences (Section 106). The Section 110 empowers them to try certain suits.
- ii) The Gram Kachahari also hears cases or suits transfer by Magistrate or Munsifs.

## **Civil jurisdiction of a Bench of the Gram Kachahari**

3.10 The Gram Kachahari shall have jurisdiction to hear and determine the following classes of suits (Section 110):

(a) When the value of the suit does not exceed ten thousand rupees, namely -

- (i) suits for money due on contracts;
- (ii) suits for the recovery of movable property or the value of such property;
- (iii) suits for the recovery of rent; and
- (iv) suits for compensation for wrongfully taking or injuring movable property, or for damaged property caused by cattle trespass;

(b) All suits of partition except wherein complicated question of law or title is involved.

## **Criminal Jurisdiction of Gram Kachahari**

3.11 Gram Kachahari shall have jurisdiction within the local limits of the Gram Panchayat for the trial of the following offences as well as abetment of and attempts to commit any such offence if committed within the local limits of its jurisdiction, namely (Section 106): -



- (a) offences under the Indian Penal Code, 1860 (45 of 1860), sections 140, 142, 143, 145, 147, 151, 153, 160, 172, 174, 178, 179, 269, 277, 283, 285, 286, 289, 290, 294, 294A, 323, 334, 336, 341, 352, 356, 357, 358, 374, 403, 426, 428, 430, 447, 448, 502, 504, 506, 510;
- (b) offences under the Bengal Public Gambling Act, 1867 (Ben. Act 2 of 1867);
- (c) offences under sections 24 and 26 of the Cattle Trespass Act, 1871 (1 of 1871)
- (d) except as otherwise provided offences under this Act; or under any rule or bye-law made there under, and
- (e) any other offence under any other enactment, if empowered in this behalf by the Government.

### Common cases filed in the Gram Kachaharis

3.12 KIIs were conducted by the study team with Sarpanches/Up-Sarpanches of the selected Gram Kachaharis. In one Gram Kachahari the study team interacted with the Up Sarpanch (as Sarpanch was unavailable due to the election process) and in another Gram Kachahari there was interaction with one Panch (as both the Sarpanch and Up Sarpanch were busy in election process). They highlighted the types of cases for which villagers generally visited the Gram Kachahari. The common cases mentioned were land disputes like dividing pathway between two agricultural plots, non-possession of the consolidated lands by the concerned farmers, land partition, crop damaged by cattle trespass, minor clashes and family disputes like husband wife quarrel and other social problems. The last two types of cases are very helpful to the women in distress to come to the Gram Kachahari for a remedy.

### Procedure for execution of decrees and orders

3.13 The Gram Kachahari shall transfer a decree passed by it for execution to the Munsif and Chief/ Additional/ Sub- Divisional Judicial Magistrate depending on the nature of such decree when it is unable to execute such decree.

### Procedures for disposal of civil and criminal cases by the Gram Kachahari

3.14 Certain procedures have been laid under the Bihar Gram Kachahari Conduct Rules, 2007 for dealing with cases of civil or criminal in nature. The key aspects are briefly mentioned below:

- i) **Receipt of a suit or complaint:** In civil suit, the application of the plaintiff would be received by the Secretary of the Gram Kachahari, who functions as the Peshkar. The application shall contain name of the parties concerned, amount of claim, short statement of the main point and the relief claimed. In criminal case, the complainant will submit his complaint giving summary of his statement.
- ii) **Realisation of fees:** In civil case the Secretary of Gram Kachahari shall realise fees of INR 10 in cash as per value of the suit or at the rate of INR 1/- for a part thereof. In criminal case, the complainant shall have to deposit a sum of INR 100/- only in cash as fee to the Secretary of the Gram Kachahari.
- iii) **Recording of the suit or complaint in the prescribed form:** The very moment a suit or a complaint is filed by the plaintiff or the complainant respectively, the Secretary of the

Gram Kachahari will record it in Form No.1 as annexed in Bihar Gram Kachahari Conduct Rules, 2007.

- iv) **Constitution of the Bench to hear the case:** If the Gram Kachahari finds that the suit or the complaint is triable by the Gram Kachahari, a bench of five members is constituted. Two Panches of the Gram Kachahari are to be nominated by the parties concerned (each party will nominate one Panch of his/her choice) and two other Panches will be nominated by the Sarpanch for inclusion in the said bench. There must be at least one lady member in the Bench.
- v) **Service of summons to the parties:** When the bench starts the hearing of any suit or case, it issues summons to parties and the witness if any has to appear before the bench of the Gram Kachahari.
- vi) **Hearing in case of non-appearance of the defendant in a civil case:** As per Rule 25 of Bihar Gram Kachahari Conduct Rules, 2007, if the defendant of a civil suit does not appear before the bench of the Gram Kachahari either in person or through a person authorised by him, hearing of the suit may be done ex-parte by the bench.
- vii) **Issuance ofailable warrant to ensure the presence of an accused:** If the bench of a Gram Kachahari is unable to ensure the presence of an accused, it will under Rule 13 of the Gram Kachahari Conduct Rules, 2007 forwardailable warrant in Form -6 to Chief/Additional /Sub-Judicial Magistrate to apprehend such accused. Such Judicial Magistrate will countersign the warrant and forward it to the officer in charge of the police station in whose jurisdiction the accused is likely to be found. Such officer in charge will execute the warrant and take necessary steps to ensure the appearance of the accused before the bench at the time of his trial.
- viii) **Trial of the case in case of no settlement:** As per section 102 of the Panchayat Raj Act, 2006, the bench of a Gram Kachahari while hearing a suit or trying a case shall after giving such notice to the parties, endeavour to bring out a settlement between the parties and when such settlement is brought out, the bench shall record the same and give its decision accordingly. If there is no possibility of any settlement between the parties, the bench proceeds to hear and try the case in the prescribed manner and deliver its judgement thereafter.
- ix) **Appeal against the order or judgement of the bench of the Gram Kachahari:** Rule 41 of Bihar Gram Kachahari Conduct Rules ,2007 has the provision of appeal the order or judgement of the bench of the Gram Kachahari. Such appeal is heard by the full Bench of the Gram Kachahari consisting of seven members.

## Human Resources of the Gram Kachahari and their training

3.15 Out of the two posts of one Secretary and one Naya Mitra in every Gram Kachahari, the former post was almost filled up and there was only one vacancy (6.7%, i.e., 1 out of 15). The vacancy in the post of Naya Mitra was as high as 40 percent (6 out of 15) as shown in Table 3.1.



<b>Designation</b>	<b>Sanctioned Post</b>	<b>In place</b>	<b>Trained (%)</b>	<b>Sanctioned Post</b>	<b>In place</b>	<b>Trained (%)</b>
	<b>Phase I study</b>			<b>Phase II study</b>		
<b>Sarpanch</b>	6	6	6 (100)	9	8	7 (87.5)
<b>Up-Sarpanch</b>	6	6	5 (83.3)	9	8	5 (62.5)
<b>Panch</b>	83	81	59 (72.8)	119	117	81 (69.2)
<b>Nyay Mitra</b>	6	3	3 (100)	9	6	6(100)
<b>Secretary</b>	6	6	6 (100)	9	8	8 (100)

3.16 The Panchayati Raj Department of the state government took measures for building capacity of the Gram Kachaharis after election to the Gram Kachahari held in 2016. A Manual of Gram Kachahari was developed by Bihar Institute of Panchayat & Rural Development (BIPARD) with support from UNICEF. An arrangement for training of the functionaries of the Gram Kachahari was also put in place. One two days' workshop for preparing training module for functionaries of Gram Kachaharis was conducted by Chanakya National Law University (CNLU) on the 18th and the 19th March 2017.

3.17 The trainings for Sarpanch, Up Sarpanch, Naya Mitra and Sachiv were conducted either at district level or at the block level and the Panches were trained at the block level by block officials, who were trained as Master Trainers at the CNLU. The Table 3.1, presented before, shows the status of training of the functionaries of the Gram Kachaharis visited by the study team in both the phases. The elected members of the Gram Kachaharis identified as better functioning were more trained. However, the number of samples is too small to check any statistical significance of the differences shown in the table above. However, all the employees received training. Almost all the Secretaries and the Naya Mitras were trained, which is commendable.

3.18 Feedback was taken from the functionaries to know the quality of the training and other related issues in both phases of the study. The number of days for which the Sarpanches were trained varied from five days to one day across districts. Some of them attended the training at the district level while others attended the training at the block level. Sarpanch of Kuraiya has mentioned that he was trained both at district and block levels. The Secretaries informed that they had received training either at the block or at the district level. Also, total days of training were three days at district level and two or three days at block level. One Secretary informed that he got training from CNLU, Patna as a Master Trainer. It seems that although training was organized for all but learning outcome could be different for functionaries of the Gram Kachaharis working in different districts. The training curriculum included maintenance of Forms and Registers and other documents in the Gram Kachahari. There was no difference in trainings provided for the functionaries Gram Kachaharis selected for the study in the two phases. Lecture method was the methodology adopted for training, as reported by the participants.

3.19 In course of visits of different Gram Kachaharis, one common demand, particularly from the Secretaries, was for more training on writing of order sheet and maintenance of other records.

### Record Keeping in the Gram Kachahari

3.20 Keeping record in any judicial system is critical. The forms/registers to be maintained in the Gram Kachahari has been clearly prescribed in Rule, 12 of the Gram Kachahari Conduct Rules, 2007. The list of forms/registers to be maintained are shown in Table 3.2.

<b>Form No.</b>	<b>Form/ Register</b>	<b>Any observation/remarks</b>
1	<b>Order Sheet</b>	During the visit the team found that some Gram Kachaharis were maintaining order sheet but some are not
2	<b>Register of Civil suit</b>	Team has not found such register in any Gram Kachahari
3	<b>Register of Criminal suit</b>	Team has not found such register in any Gram Kachahari
4	<b>Counter foil book of summons served to the defendant or accused inform</b>	Almost all Gram Kachaharis visited by the team maintained the copy of the summons
5	<b>Counter foil book of summons served to witnesses</b>	The Gram Kachahari who summons a witness to appear before the bench, maintained the copy of the summon
6	<b>Bailable warrant to appear before Gram Kachahari</b>	Bailable warrant has not been issued by any Gram Kachahari
7	<b>Counter foil book of receipts</b>	All Gram Kachaharis maintained counter foil book of money receipt
8	<b>Order to realise fine</b>	No order to realise fine has been issued by any Gram Kachahari except Kolawan Gram Kachahari
9	<b>Cash book of Gram Kachahari</b>	Almost all Gram Kachaharis maintain cash book. But these are not updated because of no transaction. Allotment of fund for office expenses, honorarium and remuneration to the Sarpanch, Panches and staff comes after a long gap.
10	<b>Recognizance bond to be signed by the witness to go on appearing</b>	No such record was maintained by any Gram Kachahari
11	<b>List of documents produced</b>	Whatever documents are produced by any party before Bench of the Gram Kachahari, it was maintained
12	<b>Register of application forms to be given for copying inform</b>	No such register was maintained

3.21 The Rule 7 of the Gram Kachahari Conduct Rules, 2007 prescribes 11 types of information to be maintained related to the judicial process and order of the Bench of the Gram Kachahari to be maintained. The information to be maintained and the status found after checking the records of the fifteen Gram Kachaharis are shown in Table 3.3. In this case also, no difference was found between the Gram Kachaharis studied under the two different phases.

<b>Sl. No.</b>	<b>Relevant Information</b>	<b>Observation</b>
1	<b>Date of application for filing suit or case and orders given thereon</b>	Maintained
2	<b>Date of each hearing and proceeding</b>	Maintained
3	<b>Note on each order given in the suit or case</b>	Maintained
4	<b>Whether the Sarpanch or any Panch is absent?</b>	The documents available in different Gram Kachaharis indicated that Sarpanch and Panches of the bench have remained present in course of hearing and on the date of order.
5	<b>Signature of members of the bench on each date</b>	All the Panches of the Bench put their signatures on the copy of the order.
6	<b>Name of such members of the Bench who are present but refused to sign the order sheet</b>	The study team has not come across with any such case. Normally all the members of the bench sign on the body of the order.
7	<b>Date for which hearing of suit or case has been postponed and causes of Postponement</b>	It is recorded.
8	<b>Name of persons who have been examined or have turned up as witnesses</b>	The study team has not come across with any case in which the process of examination -in-chief and cross examination of any person has taken place.
9	<b>Abstract of applications and orders given on them</b>	Maintained
10	<b>Final orders given on the suit or case</b>	Maintained
11	<b>Other matters which the Bench may deem necessary</b>	Normally Bench makes endeavour for a fair and amicable settlements. In most of the cases they succeed. After settlement they impress upon both the parties to maintain peace and harmonious relationship among themselves.

### **Inspection of the Gram Kachahari**

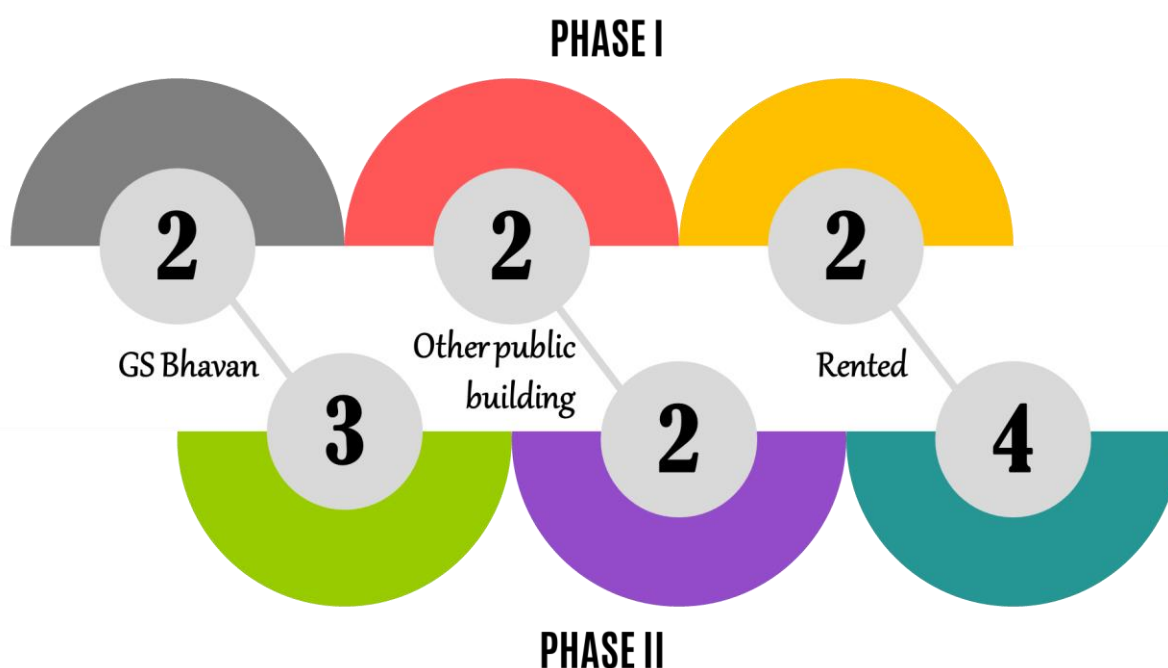
3.22 Rule 49 (1) of the Bihar Gram Kachahari Conduct Rules, 2007 stipulates that the District Judge or any Judicial officer authorised by him would visit Gram Kachahari to inspect the proceeding of the Bench. Likewise in Rule 49(2) of Bihar Gram Kachahari Conduct Rule 2007, there is provision of Gram Kachahari visit by the officials of the Panchayati Raj Department of the Government of Bihar for regular supervision and inspection of books of accounts four times a year.

3.23 Sarpanch/Up Sarpanch with whom the study team interacted, informed that no District Judge or any Judicial Officer authorised by him had inspected the records of the proceeding of Gram Kachaharis. Only two Gram Kachaharis namely, Purvi Barinagar and Kuraiya has informed that DPRDO has visited Gram Kachaharis once in last five years. Also, they do not get any support from the officials of the Panchayati Raj Department of Government of Bihar.

## Infrastructure and basic amenities

3.24 40 percent (6 out of 15) Gram Kachaharis visited in the two phases were located in rented building and one third (5 out of 15) of those were located in the Panchayat Sarkar Bhawan (PSB) as shown in Table 3.4. The other Gram Kachaharis functioned from any other public building. The Court room, the office room for Sarpanch, Panches and Gram Kachahari Secretaries are in place in the Panchayat Sarkar Bhawans. In all other cases, there was only one room which was being used both as office and court room and the working space was visibly inadequate. Furniture was adequate in two-third (10 out of 15) Gram Kachaharis. The documents were found to have been preserved in an orderly manner. All the Gram Kachaharis had electricity. But water was available in the premises in 60 percent (9 out of 15) Gram Kachaharis and there was a functional toilet in little more than half of those buildings. There was no perceptible difference in physical infrastructure in the Gram Kachaharis visited in the two phases and only one third of those visited in each phase operated from the PSB. Thus, there is need for improvement of the physical infrastructure of the Gram Kachaharis.

Study Phase	No. of GK	Had adequate space	Had adequate furniture	Availability of water in premises	Availability of functional toilet in premises
<b>I</b>	6	2	2	4	5
<b>II</b>	9	2	8	5	3
<b>Total</b>	15	4	10	9	8



**Figure 3.1: No. of GKs having different types of accommodation**

# 04



## Applications filed before the Gram Kachaharis

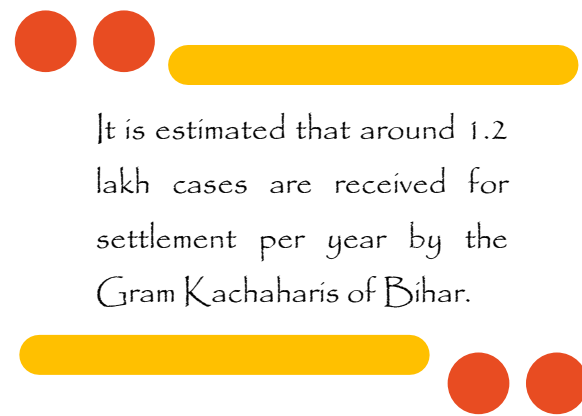
4.1 Total number of applications filed annually over the last 5 years (from 2016-17 to 2020-21) in the Gram Kachaharis visited during phase I and phase II of the study have been shown in Tables 4.1A and 4.1B respectively.

SL. No.	District	Name of the GK	No. of applications during the year					Total of 5 years		
			16-17	17-18	18-19	19-20	20-21	All types	Civil	Criminal
1	Gaya	K. Dharampur	19	29	30	21	24	123	95	28
2	Madhubani	Nahas R. Uttar	8	33	16	15	10	82	39	43
3	Muzaffarpur	Sarmastpur	12	21	8	12	5	58	28	30
4	Nalanda	Kolawan	17	30	27	7	4	85	44	41
5	Patna	Barah	10	4	7	4	4	29	16	13
6	Siwan	Chandaur	34	10	0	0	6	50	35	15
7	<b>Total</b>		<b>100</b>	<b>127</b>	<b>88</b>	<b>59</b>	<b>53</b>	<b>427</b>	<b>257</b>	<b>170</b>

SL. No.	District	Name of the GK	No. of applications during the year					Total of 5 years		
			16-17	17-18	18-19	19-20	20-21	All types	Civil	Criminal
1	Saran	Kuraiya	11	14	16	40	44	125	41	84
2	Katihar	Purvi Barinagar	9	7	3	3	1	23	0	23
3	Saharsa	Sirade Patti	11	0	10	4	7	32	29	3
4	Samastipur	Pusaho	67	34	35	0	42	178	92	86
5	Bhojpur	Bimwa	19	2	1	9	1	32	24	8
6	Bhagalpur	Murhan Jamin	9	5	8	2	3	27	16	11
7	Lakhisarai	Arma	25	21	29	27	15	117	64	53
8	Vaishali	Mukundpur Bhath	5	13	14	10	6	48	23	25
9	Nawada	Baniya Bigha	12	11	12	7	8	50	44	6
	<b>Total</b>		<b>168</b>	<b>107</b>	<b>128</b>	<b>102</b>	<b>127</b>	<b>632</b>	<b>333</b>	<b>299</b>

4.2 As the two tables above show, the highest number of cases received during any year was 67 (Pusaho Gram Kachari in Samastipur district) and no cases were filed in the entire year in three Gram Kacharis (Pushaho in Samastipur district, Chandaur in Siwan district and Sirade Patti in Saharsa district). There was a general decline of the cases filed during the period 2019-20 and 2020-21. Taking the total for the five years under study, the highest number of cases registered in any Gram Kachari was 178 (Pushaho, Samastipur). The lowest number of cases of only 23 was received by Purvi Barinagar Gram Kachari of Katihar district.

4.3 It comes out from Table 4.1A that 71 cases were received on average over a period of five years was received by each Gram Kachahari studied in the first phase. The corresponding figure derived from Figure 4.2 works out to be 70 for the Gram Kachaharis studied in the second phase. So, there was no perceptible difference in terms of number of cases filed in the two sets of Gram Kachaharis. On an average around 14 cases were received by each Gram Kachahari per year. Therefore, access to the Gram Kachahari judged by the uptake of judicial services is similar across the entire state. Taking the average value of receiving 14 cases for disposal every year, it is estimated that taking all 8,463 Gram Kachaharis of the state, an estimated total of 1,18,482 cases per year have been filed with this institution for settling disputes.

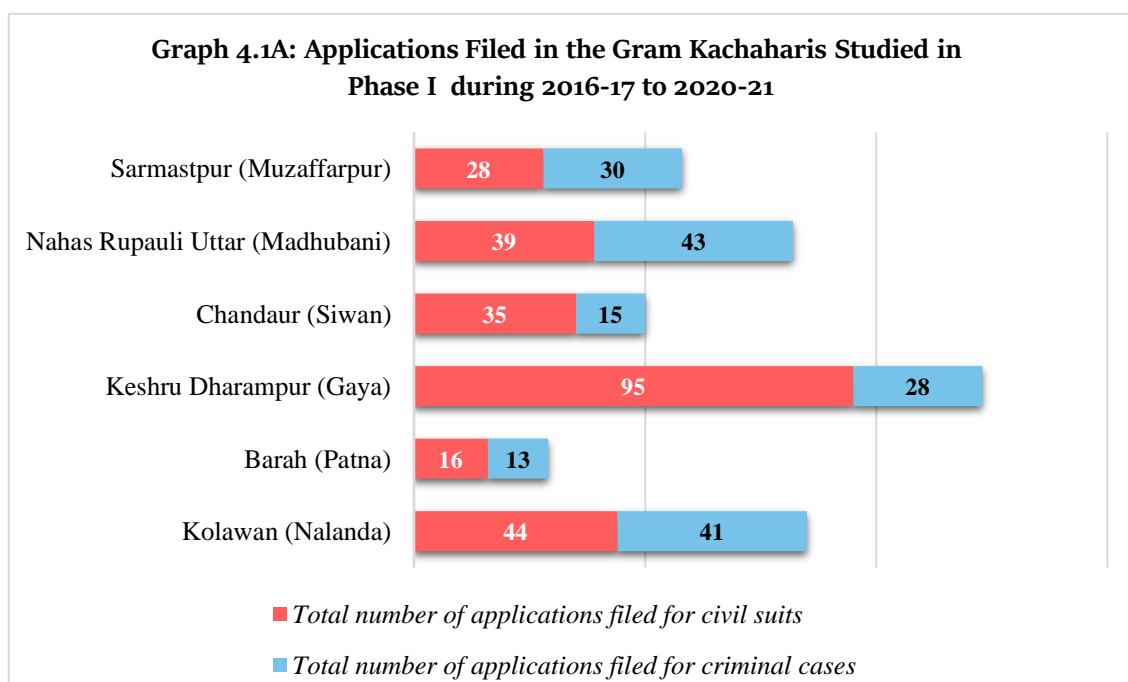


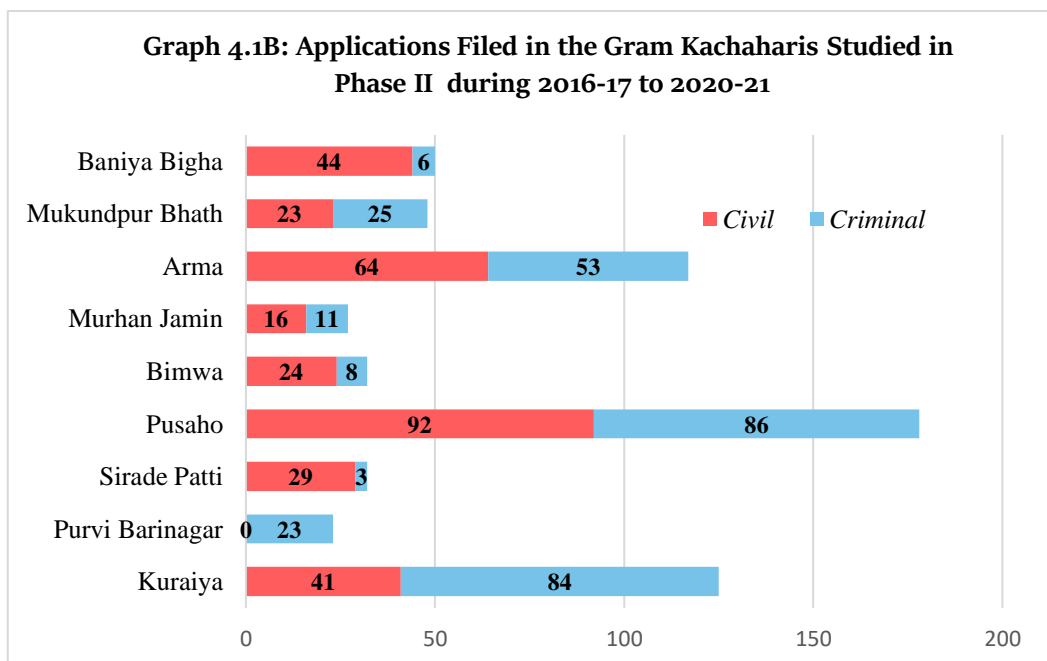
It is estimated that around 1.2 lakh cases are received for settlement per year by the Gram Kachaharis of Bihar.

### Nature of cases received by the Gram Kachaharis

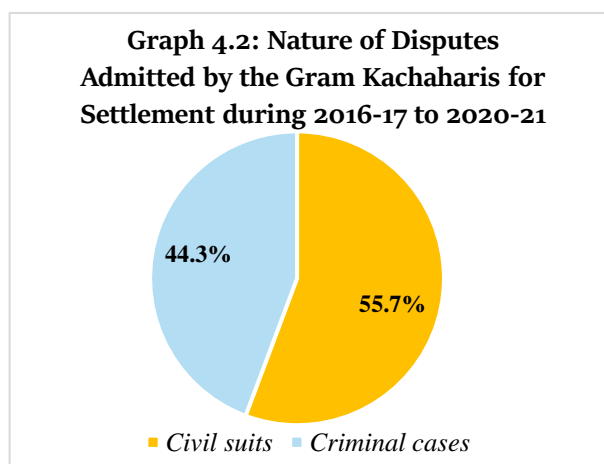
4.4 The break up between Civil and Criminal nature of disputes across the Gram Kachaharis studied has been shown in the tables above and those are also shown Graph 4.1A and 4.1B for better visualization.

4.5 The number of civil and criminal cases received during the five years (2016-17 to 2020-21) for the Gram Kachaharis studied during the first and the second phase are shown in Graphs 4.1A and 4.1B respectively.





4.6 Out of 1059 applications received by the 15 Gram Kachaharis studied, 590 (55.7%) were related to disputes of civil nature and the remaining 469 (44.3%) applications were related to disputes of criminal nature. The share of disputes of civil nature was 60.2 percent and 52.7 percent in the Gram Kachaharis studied in the first and the second phases respectively. Thus, the Gram Kachaharis are receiving more cases relate to civil disputes. However, there were wide



variation in the percentage of disputes of civil and criminal nature across different Gram



55.7% of the disputes for which the people have approached the 15 Gram Kachaharis studied were of civil nature.



Kachaharis. The share of disputes of civil nature varies from 95 percent for Keshru Dharampur Gram Kachahari of Gaya district to nil for Purvi Barinagar Gram Kachahari of Katihar district. The criminal cases were not always filed before the Gram Kachahari, as learnt from the villagers. Some of them still go to the Police Station and the people think that the Police Station is the best place for receiving instant justice.

## Disposal of cases

4.7 The disposal of cases during the study period for all the 15 Gram Kachaharis is shown at Annexure III. The total number of cases and their disposal of cases for the five years (2016-17 to 2020-21) for all the Gram Kachaharis studied in the two phases is shown in Table 4.2. It shows



that 97.3 percent cases received during the study period were disposed of within the same period, which is highly commendable. The disposal rate of civil suits (97.5%) and that of the criminal cases (97.0) were almost similar. Further, there was no perceptible difference between the disposal rate by the Gram Kachaharis studied in Phase I and Phase II. So, it is concluded that all Gram Kachaharis in Bihar, in general, are settling the disputes reported to them efficiently.

**Table 4.2: Disposal of Cases Filed in the Gram Kachaharis During 2016-17 – 2020-21**

Study Phase	Civil Cases			Criminal Cases			Total Cases		
	Received	Disposal	% Disposed	Received	Disposal	% Disposed	Received	Disposal	% Disposed
I	257	254	98.8	170	159	93.5	427	413	96.7
II	333	321	96.4	299	296	99.0	632	617	97.6
<b>Total</b>	590	575	97.5	469	455	97.0	1,059	1,030	97.3

### Nature of disposal

4.8 The cases have been disposed of through amicable settlement as well as through trial. The number of cases disposed through the said two methods are shown in Table 4.3. Out of total 1038 cases disposed (575 civil cases and 463 criminal cases), 938 cases (505 civil cases and 433 civil cases) were disposed amicably. From the data provided in Annexure III it may be seen that 6 out of the 15 Gram Kachaharis settled all the civil cases amicably and 9 out of them settled all their criminal cases amicably. The table also shows that share of amicable settlement among all the cases disposed of was almost equally high for both civil and criminal cases. It is therefore concluded that amicable settlement is the overwhelmingly predominant mode of disposal of cases by the Gram Kachaharis of Bihar. Incidentally, the share of amicable settlement by the Gram Kachaharis studied in the second phase is higher than that by the Gram Kachaharis studied in the first phase with the perception that their performance is better. This implies that there is no objective assessment of the performance of the Gram Kachaharis. Further, it indicates the need for a sound system of monitoring performances.



**Table 4.3: Nature of Disposal of the Civil and Criminal Cases by the Gram Kachaharis**

Study phase	No. of GK	Disposal of civil cases				Disposal of criminal cases			
		Total	Settled amicably		Through trial	Total	Settled amicably		Through trial
			Number	Percentage			Number	Percentage	
I	6	254	216	85.0	38	164	148	90.2	16
II	9	321	289	90.0	32	299	285	95.3	14
<b>Total</b>	15	575	505	87.8	70	463	433	93.5	30

## Tried and decided cases

4.9 Total number of cases disposed through trial was merely 9.6 percent. The same figure was 12.2 percent for civil cases and 6.5 percent cases for criminal cases. Therefore, civil cases required more trial. It may be mentioned that monetary involvement makes it more difficult to accept any settlement. However, in spite of this factor, the number of civil cases which had to be tried due to lack of any amicable settlement was very little. Low share of disposal of cases through trial puts less burden on the resources of the Gram Kachahari as well as on the litigants. This is another point worth noting on the success of the Gram Kachaharis in settling disputes pertaining to their jurisdiction.



There was hardly any difference in the nature of disposal of cases of civil or criminal nature by the Gram Kachaharis studied.



4.10 On interaction with the functionaries of the Gram Kachaharis it appears that they are keen to settle cases amicably and they went all out to convince the litigants to settle cases amicably. Others go for trial after making reasonable effort to settle the cases amicably.

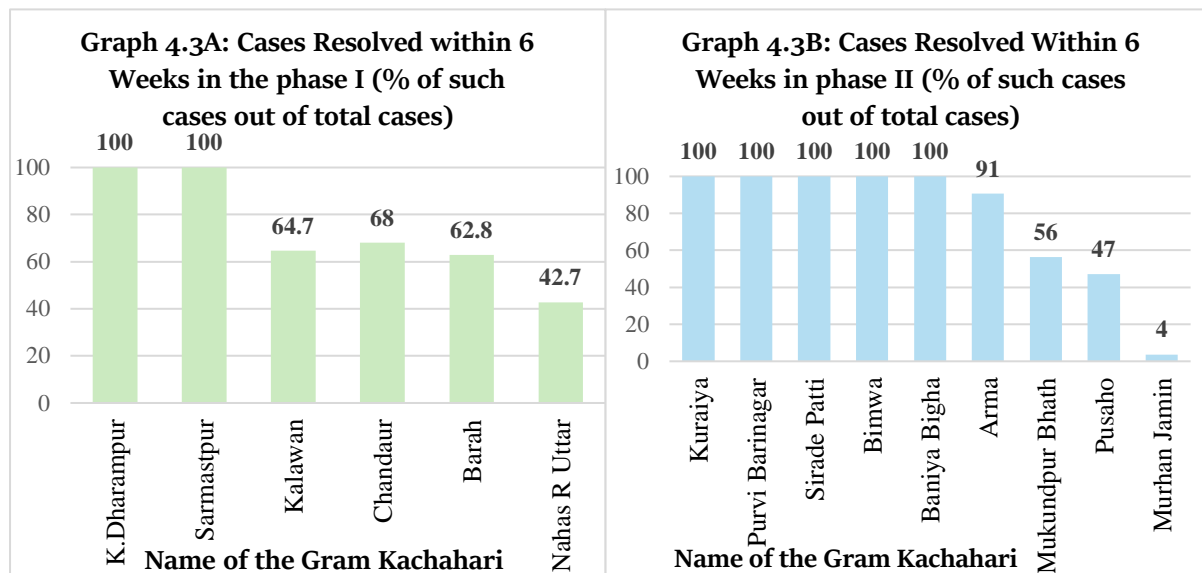
## Time taken for resolving the cases

4.11 The Rule 14 of the Bihar Gram Kachahari Conduct Rules 2007 prescribes that the cases are to be disposed of by the Gram Kachaharis within six weeks. It is notable that 80.5 percent cases for all the 15 Gram Kachaharis taken together were disposed of within the said time frame. There was difference in the percentage of cases which could be settled within the prescribed timeframe. While 87.4 percent Gram Kachaharis selected as good performers (phase I) settled the disputes within 15 days 75.9 percent Gram Kachaharis selected at random (phase II) could do so. This is the only dimension in which the Gram Kachaharis known to be good performers did appreciably better than the Gram Kachaharis selected at random. However, even those Gram Kachaharis selected at random, on average, disposed of little more than three-quarter of the cases within the prescribed period.

4.12 The status of timeliness in disposal of cases across Gram Kachaharis is shown in Graphs 4.3A and 4.3B for the selected Gram Kachaharis studied during phase I and phase II respectively. Although the overall share of timely disposal of cases was 80.5 percent, but there was some Gram Kachaharis where the rate of timely disposal was well below the average, as shown in the said two graphs. The study tried to identify the reasons for delay in trial in some of the Gram Kachaharis. The reasons for delay that could be gathered were i) non-appearance of the parties, ii) delay in fixing date of hearing by the Sarpanch (one such case was reported) and (iii) non-availability of staff/ lack of support from the staff. In Nahas Rupali Uttar Gram Kachahari, one of the low performing Gram Kachaharis, the Secretary was engaged with other professional activities and is also a rural health practitioner, for which less attention was paid to his work as

Secretary of the Gram Kachahari. However, such cases are small in number as most Gram Kachaharis disposed of their cases promptly.

4.13 It was found that the Gram Kachaharis which settled cases faster were proactive in delivering justice as soon as possible and on many occasions, they even visited the village to settle the disputes on the spot. The motivation and commitment of the Sarpanch and support of



the staffs are crucial for faster delivery of services by the Gram Kachaharis. Overall, barring the few cases as mentioned above, the Gram Kachaharis are quite active in the speedy and proper disposal of cases within the statutory timeline as mentioned in the Bihar Gram Kachahari Conduct Rules, 2007. However, there are cases where improvement is necessary.

**A Case of Speedy Trial in a Case of Physical Assault Due to its Sensitivity**

The case of Raghunandan Yadav (Complainant) Vs- Ajay Jadav (Accused) filed in Keshru Dharampur Gram Kachahari of Gaya district is an example of speedy disposal. The case record showed that the bench preferred to sit on the very day of the complaint because the matter was related with the maintenance of peace and harmony between two poor families. Any kind of delay would have further strained and deteriorated their relationship. Amicable settlement was reached between both the parties with the following direction by the Bench - (1) Both parties were to withdraw their respective complaints from the Chandouti Police station, (2) They were advised to maintain cordial relationship among themselves and (3) They should not commit any act which would be prejudicial to their harmonious relationship. Thus, peace was restored immediately with interventions by the very responsive Gram Kachahari.

4.14 Contrary to the Gram Kachaharis delivering justice within six weeks in most cases by the Gram Kachaharis, a study by IIM Calcutta has found that on an

average it took over 122 weeks, or around two-and-a-half years, for a litigant to get a judgement from the judiciary<sup>10</sup>. The study was entrusted to IIM Calcutta by the Law Ministry to understand court processes and to improve court efficiency for justice delivery. The three professors namely R Rajesh Babu, Sumanta Basu and Indranil Bose analysed 40 randomly picked civil cases of different types from the jurisdiction of South 24 Parganas district court to understand the reasons for delays. The report mentioned that sometimes it is not the verdict, but the judicial process itself which becomes the punishment for both the plaintiff and the defendant. The study finds that more than 60 per cent of court time is spent on reasons other than court functioning. Along with long pendency of cases, issues such as judges' absence, repeated adjournments and courts refusing to simplify processes add to the judicial delay.

4.15 The findings are stunning as it suggests that it took over 122 weeks, or around two-and-a-half years, for a litigant to get a judgment. Only 41 per cent of this time, or 36 weeks, was spent in court functioning, the remaining period was spent in awaiting orders/instructions from the high court (22 weeks) and adjournments for absence of judges because the presiding officer was either busy or on leave or on transfer order (17 weeks). Therefore, settling disputes by the Gram Kachaharis is much speedier. Further, disposal of petty crime related cases by a system like the Gram Kachahari will reduce the burden of the formal judiciary and the police.

### Pending cases

4.16 The overall status of pending cases in the 15 Gram Kachaharis during the last five year 2016-17 to 2020-2021 was only 2.7 percent (2.5% for civil cases and 3.0% for criminal cases). Two out of six Gram Kachaharis in phase I and five out of nine Gram Kachaharis studied in phase II had no pending cases. 14 cases were yet to be disposed of at the end of the financial year 2020-2021 in the Gram Kachaharis studied in phase I. Three were civil suits (21.4%) and 11 were Criminal cases (78.6%) of the total suits/cases filed were found pending. The number of pending cases was 15 for the Gram Kahaharis studied in phase II. Out of those 12 (80%) were civil suits and 3 (20%) were criminal cases. Overall, the share of pending cases is insignificant.

4.17 It may be pertinent to mention that data accessed from the national judicial data grid for 15 districts of Bihar on the 2<sup>nd</sup> September 2022 shows that as much as 3,573 cases per lakh population were pending in the formal judicial system<sup>11</sup>. Thus, the disposal rate in the Gram Kachahari is much faster compared to the formal system because of the very nature of processes adopted by them.

4.18 During discussion with the functionaries of Gram Kachaharis, it was revealed that cases related to land dispute and inherited property distribution took time more than six weeks. The

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10 IIM Calcutta (2019): What really delays justice in lower courts? IIM study has answers, Accessed on 5th May, 2022 from <https://www.asiaville.in/article/whyjusticeisdelayediimstudyanswers-18076>

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[https://doj.gov.in/nationaljudicialdatagrid/njdg.ecourts.gov.in/njdgnew/?p=main/index&state\\_code=10~8&dist\\_code=27&est\\_code=undefined](https://doj.gov.in/nationaljudicialdatagrid/njdg.ecourts.gov.in/njdgnew/?p=main/index&state_code=10~8&dist_code=27&est_code=undefined)

reason behind the delay was generally non-availability of related records to decide on the case. The next common cause was non-appearance of the parties of the dispute and witnesses before the bench. In a few cases, the applicant was found to have migrated out of their village after filing the case. Delay in forming the benches was found in only Chandaur Gram Kachahari. The pending cases were mostly related to land dispute and family quarrel. All three criminal cases were transferred from Civil Court to Police Station and then Police Station transferred the cases to the relevant Gram Kachahari of Barah in Patna. The Police Station took a lot of time to transfer the cases. After transferring the cases, the hearing process could not be started due to lockdown in the pandemic. Two parties of the said cases were employed in Delhi and Bombay, so, they could not appear on the time of hearing.

### **Impact of COVID-19 pandemic**

4.19 The number of cases filed during the time of COVID-19 pandemic decline since the Gram Kachaharis were closed during the period of lockdown. The impact of the pandemic on disposal of cases was not much since the rate of disposal of cases during that period was similar to that during the other period. In fact, though access to many public institutions got affected during the COVID-19 pandemic due to restriction in movement, but there was little impact on functioning of the Gram Kachaharis. It emerges that, functioning of the Gram Kachaharis, being confined to a small geography, remained immune to external factors. This confounds the rationale for democratic decentralization in ensuring that service deliveries are not affected much by external factors.

### **Summons served to defendant and accused**

4.20 According to Section 9 of the Bihar Gram Kachahari Conduct Rules 2007, Gram Kachaharis will hold its meetings at the place where the office is located. Further, it has also been mentioned that in the suits/cases considered for trial, Sarpanch will get the summons served on the defendant and the accused as the case may be, by the Secretary of the Gram Kachahari for their appearance in the Gram Kachahari on the date fixed for hearing. In the event of failure of the defendant/accused to appear before the Gram Kachahari, a report will be prepared by the Gram Kachahari stating the whereabouts of the accused and forward aailable warrant in form 6 under section 119(3) of the Act to the Chief/Additional/Sub-Judicial Magistrate to apprehend such accused. Such Judicial Magistrate will countersign the warrant and forward it to the concerned jurisdiction of the officer-in -charge of the police station. The police will then execute the said warrant and do the needful to ensure compliance of appearance of the accused.

4.21 The study reveals that during the last 5 years total 1,652 summons were served, which amounts to serving 110 summons per Gram Kachahari. The figures were 79 and 131 respectively for the Gram Kachaharis studied in the two phases, indicating differences between the two sets of Gram Kachaharis. Thus, average number of summons to be served per year per Gram Kachahari works out to be 22. Higher share of amicable settlement helps to reduce the number of summons the Gram Kachahari were required to send. However, there was a wide variation of the number of summon served across the Gram Kachaharis. No summon was served by

Chandaur GP as the Sarpanch preferred to go to the village personally to settle the disputes along with others. On the other hand, up to three summons had to be served for the same case for which the Gram Kachahari hardly has human resources.

4.22 The Gram Kachaharis finds it difficult to serve summon since there is no post of Chowkidar. The Secretary generally goes to the village to serve summon. They also face problem including threat in some of the criminal cases involving unruly people, as told by some of the Secretaries.

“

*I go to the village from where any case has been filed and try to settle the case right there.*

”

Sarpanch of a GP

### Issue of bailable warrant

4.23 Only one bailable warrant was issued to ensure attendance before the bench of Kolawan Gram Kachahari during the financial year 2018-2019 out of all the 15 Gram Kachahari studied. However, no paper could be found. This may be due to the faith of the villagers on the Gram Kachaharis for which everyone complies to the summons. So, there is no occasion to issue warrant following the procedure prescribed in the Act.

### Cost of litigation for the petitioners

4.24 The average cost incurred in both civil and criminal cases by a petitioner was Rs.100/ as court fee as reported by the Gram Kachaharis covered in the first phase and Rs 200/ for those covered in the second phase. The petitioners have to bear the cost of measurement of land by Amins, where necessary, which they have to pay directly. The cost incurred was the same irrespective of the mode of settlement.

### Limited power to try cases

4.25 The Gram Kachahari can try civil suits involving value of up to Rs 10,000/ only, which was set long ago. Many ordinary disputes involve higher amount and the Gram Kachaharis try to settle those cases amicably. Similarly, in criminal cases also people were found to approach the Gram Kachahari and they felt helpless if amicable settlement fails.

#### Limitation of Power Comes in the Way in Settling a Civil Dispute

In the civil suit No. 11/2007 - Shila Devi (Plaintiff) vs. Dayanand Gupta (Defendant) of Sarmastpaur Gram Kachahari, the value of the land was well beyond Rs 10,000/. Initial effort to settle the case amicably failed due to the recalcitrant attitude of the defendant. The functionaries of the Gram Kachahari visited the spot and got the land measured. They found the claim of the plaintiff to be true. However, because of the limitation, the Bench directed both the parties to maintain peace and suggested them to approach the civil court for judicial remedy. The Plaintiff was also advised to take administrative help for their security as there was allegation of intimidation against the defendant.

## Quality of judgement

4.26 The quality of judgement by the Gram Kachahari is very critical for people to have trust on them. The study team examined the quality of judgement by scrutinizing four sample judgements from four different Gram Kachaharis (during the phase I study), two having a Naya Mitra and two others not having any Naya Mitra posted there. The study team had also examined the quality of judgement by scrutinizing six sample judgements from six different Gram Kachaharis (during phase II study), four having a Naya Mitra and two others not having any Naya Mitra posted there. The examination of the quality of the judgement was based on the following four parameters:

- a) Concise statement of the case
- b) Indication of the points of determination
- c) Handing down the decision on the points of determination
- d) Lay down reasons for such decision.

4.27 In Civil suit Rule 27 of Bihar Gram Kachahari Conduct Rules, 2007 stipulates that if the bench of a Gram Kachahari gives the judgement in a suit to give decree wholly or partially, it will contain the following details –

- a) Name of the parties, their father's name and address related with the suit
- b) Claim and details of the claim
- c) Grounds of judgement
- d) The amount of decree with cost given in the suit or any other relief provided and amount of interest sanctioned.

4.28 In Criminal case Rule 38 and 39 of Bihar Gram Kachahari Conduct Rules, 2007 stipulate the following provisions –

- a) Amicable settlement between the parties
- b) In case of no settlement but the accused confesses his crime in such situation the bench will award its judgement according to the nature of the crime.
- c) In case of no settlement, no confession by the accused, the bench will initiate hearing of the complainant and give the judgements after examining the accused, witnesses and document.

4.29 Further, the following points should be taken into consideration while effecting a settlement between the parties –

- a) Issuance of notices to both the parties
- b) Endeavour to bring about amicable settlement between the parties without delay.
- c) Investigate the suit or case and all matters affecting the merits thereof
- d) To do all lawful things as it thinks fit for the purpose of inducing the parties to come a fair and amicable settlement.
- e) When the settlement is brought out, the bench shall record the same and give its decision accordingly.



4.30 The findings are shown in Table 4.5A and Table 4.5B and two sample judgements (6 pages typed in Hindi) passed by Kolwan Gram Kachahari of Nalanda district and (3 pages typed in Hindi) passed by Murhan Jamin Gram Kachahari of Bhagalpur district are placed at Annexure IV and Annexure V respectively.

Name of the Gram Kachahari	Case No/ Petitioner	Various aspects of the judgement quality				Remarks
		Concise statement	Points for determination	Issues considered	Order sheet	
<b>Nahas Rupauli</b>	9/16, Smt Chinta Devi	Poor	Poor	Poor	Good	No N.M*, Sarpanch is a lawyer
<b>Sarmastpur</b>	11/2017, Smt Shila Devi	Good	Good	Good	Good	No N.M, Sarpanch consults lawyer of his own
<b>Kolawan</b>	46/2018, Mr Ravidas	Good	Good	Good	Good	N.M posted & gives good support
<b>Keshru Dharampur</b>	Dated 12/4/19, Mr R Yadav	Poor	Poor	Poor	Poor	N.M posted but poor support

\*Naya Mitra

Name of the Gram Kachahari	Case No/ Petitioner	Various aspects of the judgement quality				Remarks
		Concise statement	Points for determination	Issues considered	Order sheet	
<b>Kuraiya</b>	26/2018, Parasnath Ram	Average	Poor	Poor	Good	i) No N.M* posted.
<b>Purvi Barinagar</b>	03/2018, Kishore Sharma	Good	Good	Good	Good	i) N.M posted & gives good support. ii) The case related to damage of tiled roof and cattle trespass
<b>Sirade Patti</b>	01/2009, Babita Devi	Poor	Poor	Poor	Poor	i) No N.M, posted.



						ii) The case related a marital discord.
<b>Murhan Jamin</b>	34/2020, Vivek Kumar	Good	Good	Good	Good	i) N.M posted & gives good support
<b>Arma</b>	01/2009, Ramkishore Paswan	Good	Good	Good	Good	i) N.M posted & gives good support
<b>Mukundpur Bhath</b>	03/2020, Sunaina Devi	Poor	Poor	Poor	Average	i) N.M posted but poor support.

\*Naya Mitra

4.31 The tables above show that the overall quality of judgement was good in cases where there was a Naya Mitra.

Good support of Naya Mitra appears to be another critical aspect since in two cases the quality of judgement was not good although there was a Naya Mitra who did not

**The Case of Ramanand Singh (Appellant)  
Vs. Parmanand Singh Respondent)  
Appeal no.03/18**

An appeal was filed against the judgement of Kolawan Gram Kachahari in the suit no.31/2017. The appeal has been heard and decided by the full bench following the stipulated provisions of Bihar Panchayat Raj Act, 2006 and Bihar Gram Kachahari Conduct Rules, 2007. The full bench has applied its judicial mind in its decision and both the parties accepted the judgement because of its good quality.

extend required support. This calls for more training and supervision and filling the vacancies of the Naya Mitras. However, judged by the acceptance of the judgements by the parties involved, the quality is good and people generally accepts the judgment passed by the Gram Kachahari. There is provision for filing appeal against judgement of the Gram Kachahari, which is to be heard by the full bench. However, such appeals are rare.

### Status of maintaining Order Sheet

4.32 There are 11 types of information to be recorded in Order Sheet for Gram Kachahari which the Secretary should maintain. The status of maintaining the information as per the said check list by the six Gram Kachaharis studied in phase I the nine Gram Kachaharis studied in phase II are shown in Tables 4.6A and Table 4.6B respectively. It is noted that all the Gram Kachaharis studied in phase I had maintained at least 5 out of the 11 types of information. Highest numbers (8) of information were mentioned in the Order Sheet by three Gram Kachaharis. Two Gram Kachaharis studied in phase II had not maintained any order sheet at all. However, three of the Gram Kachaharis were maintaining nine types of information in the Order Sheets. Other Gram Kachaharis were maintaining at least five types of information in their Order Sheets. Improved

guidance and monitoring may lead to keeping all the prescribed types of information in the Orders Sheets by all the Gram Kachaharis to improve the quality of the judgements.

**Table 4.6A: Information Recorded in the Order Sheet by Gram Kachaharis (Phase I)**

Sl. No.	Information maintained	Kolawan	Barah	Keshru Dharam	Chandaur	Nahas Rupauli	Sarmastpur
1	Date of application for filing suit or case and orders given thereon	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
2	Date of each hearing and proceeding	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
3	Note on each order given in the suit or case	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
4	Whether the Sarpanch or any Panch is absent?				<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
5	Signature of members of the bench on each date	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
6	Name of such members of the Bench who are present but refused to sign the order sheet						
7	Date for which hearing of suit or case has been postponed and causes of Postponement						
8	Name of persons who have been examined or have turned up as witnesses				<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
9	Abstract of applications and orders given on them	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
10	Final orders given on suit or case	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
11	Other matters which the Bench may deem necessary						

Note: Highlighted box showing the Gram Kachaharis are maintaining the relevant information of Order Sheet.

**Table 4. 6B: Information Recorded in the Order Sheet by Gram Kachaharis (Phase II)**

Sl. No.	Information maintained	Kuraiya	Purvi Barinagar	Sirade Patti	Pusaho	Bimwa	Murhan Jamin	Arma	Mukundpur Bhath	Baniya Bigha
1	Date of application for filing suit or case and orders given thereon	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
2	Date of each hearing and proceeding	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
3	Note on each order given in the suit or case	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
4	Whether the Sarpanch or any Panch is absent?					<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
5	Signature of members of the bench on each date	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	

6	Name of such members of the Bench who are present but refused to sign the order sheet									
7	Date for which hearing of suit or case has been postponed and causes of Postponement									
8	Name of persons who have been examined or have turned up as witnesses					✓	✓	✓		
9	Abstract of applications and orders given on them			✓	✓	✓	✓	✓		
10	Final orders given on suit or case	✓	✓	✓	✓	✓	✓	✓		
11	Other matters which the Bench may deem necessary	✓	✓	✓	✓	✓	✓	✓		

Note: Highlighted box showing the Gram Kachaharis are maintaining the relevant information of Order Sheet.

### Supervision of Judicial Process of Gram Kachahari

4.33 The survey data shows that three out of the six Gram Kachaharis studied in phase I namely, Kolawan, Keshru Dharampur and Naha Rupauli Uttar were inspected by the Judicial Officers once for supervision of the compliance of the judicial process by them during the last five years. All the proceedings and records were inspected in the year 2017-2018 in Kolawan and Keshru Dharampur Gram Kachahari. In Nahas Rupauli Uttar Gram Kachahari the inspection was done by judge of the Civil Court in 2018-2019. The inspection report for Kolawan and NaharRupauli Uttar Gram Kachaharis could be accessed by the study team. Both the Gram Kachaharis have sent their replies to the queries and reported compliance. In the phase II study, it has been observed that two out of the nine Gram Kachaharis studied namely, Murhan Jamin and Baniya Bigha were inspected for supervision of the compliance of the judicial process by the Judicial Officers during the last five years. No other inspection has taken place in any Gram Kchahari which were visited by the team in the two phases. Therefore, judicial supervision on the quality of the judgement has been very weak as observed by the study team.

### Monitoring of the functioning of the Gram Kachaharis

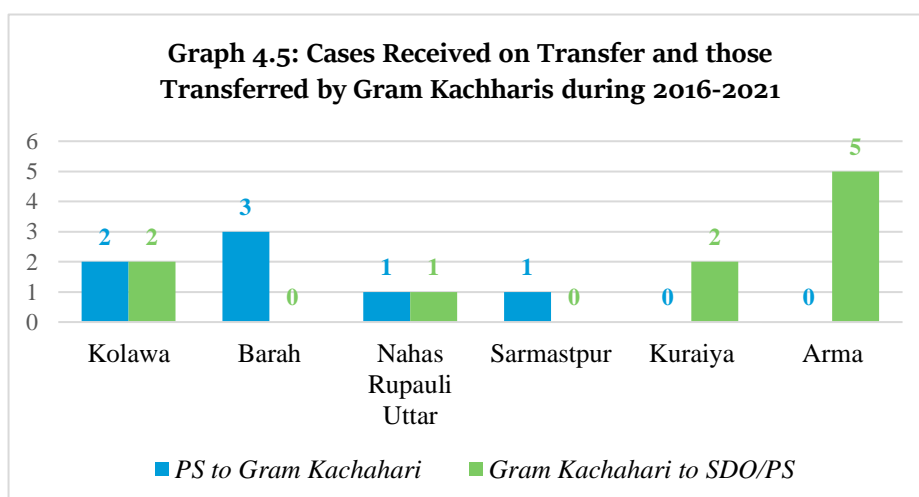
4.34 The system of monitoring of the functioning of the Gram Kachaharis have been found to be very weak. A system of collecting monthly performance data was started by the Department of Panchayati Raj of the state government for which an order (No. 8P/V0-05-148/2018/588/PR, dated 24.01.2019) was issued. The order directed all the Gram Kachaharis to share information on number of suits/cases filed, disposal and pending status etc. in three formats every month to the Block Panchayat Raj Officer (BPRO) by the 7<sup>th</sup> day of the following month. The BPROs are to submit the compiled data to the District Panchayat Raj Officer (DPRO) by the 15<sup>th</sup> of the month for onward transmission of the information to the state government for analysis of performance. The formats were shared with all the Gram Kachaharis. However, the system of submitting report is not regular and there is no follow up based on analysis of the report submitted.

## Inspection by the officials of the Panchayati Raj Department

4.35 Total six inspections of the Gram Kachaharis studied in the first phase were conducted by the officials of Department of Panchayati Raj during the period from 2016-17 to 2021-22 (till the time of visit). In the year 2016-17, inspection was conducted four times by the officials of the Department of Panchayati Raj, in Nahas Rupauli Uttar of Madhubani District. While, one inspection was conducted in Kolawan and Sarmastpur Gram Kachaharis during the financial year 2017-18 and 2020-21 respectively by the BPRO. For the Gram Kachaharis studied in the second phase, total 18 inspections were conducted by the officials of Department of Panchayati Raj during 2016-17 to 2020-21. Inspection was conducted once in each year from 2016-17 to 2020-21 in Purvi Barinagar Gram Kachahari. In Baniya Bigha the frequency of inspection varied from two to three times a year for the said period. In Arma Gram Kachahari, the inspection took place once in 2019-20. Baniya Bigha Gram Kachahari was reportedly shared with the reports by the inspecting officer and it was complied with. It thus emerges that the system of administrative inspection is also very weak. However, some Gram Kachaharis have been visited more than once a year indicating that it is possible to conduct such inspection. May be the officials of the other districts did not feel the priority and, therefore, their sensitization and training on what to inspect is very critical for improving performance of the Gram Kachaharis.

## Transferred cases from Police Station to Gram Kachahari

4.36 It was observed that only 7 cases were transferred during the last five years from Police Station to the 15 Gram Kachaharis studied whereas 10 cases were transferred by Gram Kachaharis to SDO or the Police Station. One case each was sent to Gram Kachahari in the two financial years 2016-17 and 2017-18. while, the rest 5 cases were transferred in the last financial year 2020-21. It was also found that 15 cases of Keshru Dharampur Gram Kachaharis, that relates to adjudication by the Gram Kachahari, had not been processed by the concerned Police Station and those remained pending at their level. The Gram Kachaharis reported of reluctance and unwillingness of the police station to transfer cases on which they have jurisdiction. There is a provision for referring the cases to the SDO/Police Station. Only one case each was transferred to the SDO/ Office-In-Charge of the Police Station by the Bench of the Gram Kachahari in the financial years 2018-19, 2019-20 and 2020-21 by Kolawan and Nahas Rupauli Uttar Gram



Kachaharis. No case was transferred from Police Station to nine Gram Kachaharis studied in the second phase during the last five years. However, The Gram Kachaharis Kouriya (2 in 2016-17)

and Arma (2 in 2017-18 and 1 in 2019-20) had send cases to Police Station. The transfer of cases across Gram Kachaharis is shown in Graph 4.5.

### Cost of delivering justice through Gram Kachaharis

4.37 The cost that is incurred per Gram Kachahari per year is given in Table 4.7. The table shows that expenses borne by the state government for one Gram Kachahari (presuming all posts are filled up) is INR 3,02,400. Therefore, expenses incurred from the state budget for all the 8,463 Gram Kachaharies per annum is INR 25,592.1 lakh, i.e., around Rs 256 crore. The actual budgeted amount for the five years under study could not be accessed but the said estimate is a fair one because it covers mostly the cost of human resources whose honorarium/remuneration is fixed. All the supervising officials are supporting the system of Gram Kachahari as additional responsibility. Therefore, hardly any extra expenditure is incurred by the state government to run the system of elected judiciary at the grass root level.

Period	Expenses on remuneration						Contin gency	Total annual cost
	Sarpanch	Up Sarpanch	Panches*	Sachiv	Naya Mitra	Total		
<b>Monthly</b>	2500	1200	8500	6000	7000	29,700		
<b>Annual</b>	30,000	14,400	1,02,000	72,000	84,000	3,56,400	4000	3,02,400

\*Monthly remuneration of the Panches was INR 500. There were 202 Panches in the 15 Gram Kacharies studied and so an average number of 17 Panches per Gram Kachahari has been considered for calculating their remuneration

4.38 It is worth mentioning that for any programme there is need for good monitoring and supervision and a share of the total fund used is kept earmarked for such purpose. A sound supervisory structure should be in place for overseeing the performance of the Gram Kachaharis and guiding them for further improvement. Bihar has 101 subdivisions and 38 districts. One post of a supervisory officer with background of legal education at each subdivision and each district are required to be created. Suitable number of posts with legal and administrative background is also required to be created at the state level. Presuming a monthly remuneration (including travel) of Rs 40,000, Rs 50,000 and Rs 60,000 at the subdivision, district and state level (for 2 posts at least) respectively, the cost the state will be required to bear to maintain those posts will be around Rs 8 crore per annum. This amount works out to be around 3 percent of the estimated amount being spent to keep the Gram Kachaharis operational. Such little additional investment will improve the quality of services substantially. It may be further mentioned that there is some earning, however little that may be, from the Gram Kachaharis which is credited in the state exchequer.

### Collection of court fee, penalty, compensation and other receipt

4.39 Data on collection of fees and fines was available from 11 out of the 15 Gram Kachaharis studied. It was found that the average court fee collected by the 11 Gram Kacharis was lowest

(INR 818.2) in 2019-20 and highest (INR 1840.9) in 2016-17. Highest fee (INR 7700) was collected by Pusaho Gram Kachahari in 2020-21 as court fee from the applicants during the last five years. The maximum amount was collected in the financial year 2016-2017 as court fee and the maximum amount of INR 2000/ was received as fines in the financial year 2019-2020. Table 4.8 displayed the total collection of fines and fees as reported by 11 Gram Kachaharis as well as the expected collection of fees as per provision of law. Per Gram Kahahari earning is around is around Rs 7,200. So, estimated earning for all the 8,463 Gram Kachaharis of the state works out to be around 6.1 crore, which will almost cover the proposed cost of strengthening supervision.

<b>Table 4.8: Collection of court fees and fines during by Gram Kachaharis *</b>						
<b>Total cases</b>		<b>Expected fees collection</b>			<b>Total reported collection</b>	
<b>Civil</b>	<b>Criminal</b>	<b>Civil</b>	<b>Criminal</b>	<b>Total</b>	<b>Fees</b>	<b>Fines</b>
<b>452</b>	363	4520	36300	40820	76400	2800
<b>*Data for 11 Gram Kachaharis</b>						

4.40 Although the provision is to collect Rs 10 only to file a civil suit and Rs 100 to file a criminal case, in general Rs 100 and sometimes more amount is collected for filing a suit/case. Also, Table 4.8 has clearly displayed that reported collection of fees by the 11 Gram Kachaharis are nearly double the expected collection of fees. Since the fees as per law is very low, it may sometimes happen to cope with the emerging expenses and sometimes may be due to the attitude of some of the office bearers.

# 05





## Awareness among villagers on functioning of the Gram Kachahari

5.1 The institutional issues and the functioning of the Gram Kachaharis in terms of services delivered have been discussed in the previous chapters. The issues of demand and access are also very important to understand the functioning of the Gram Kachahari as the judicial service delivery system. To know the views of the people on various aspects of Gram Kachaharis, FGDs were conducted in nine villages (under jurisdiction of the six studied Gram Kachahari in phase I and in eight villages under the jurisdiction of the eight studied Gram Kachaharis - in phase II. The list of villages is placed at Annexure VI. Villagers who participated in the discussions were aware of the Gram Kachahari as they have voted for the Panches and Sarpanches. They understand that it is a judicial body to settle petty criminal cases and civil disputes at village level.

5.2 According to the villagers, dispute related to land and house ownership, passage way, drains, partition of property among siblings/co-owners, minor clashes, marital discord etc. are the type of cases which come to the Gram Kachaharis for settlement. Many of them did not have adequate knowledge about the functional aspects of the Gram Kachaharis but they had easy access to the Panches whom they have elected and could approach them or the Gram Kachahari when needed. In many villages the proactiveness of the Sarpanch and the Panches have been specifically mentioned.

“

*Panches and the Secretary of Gram Kachahari undertook several awareness generation camps and made us aware of the services they provide.*

”

Villagers from Chandaur GP



FGD being conducted in a village within Kolawan Gram Kachahari

5.3 There has not been specific attempt to educate the villagers about the system and its advantage over the formal system of dispute resolution through the police and the judiciary. There have been sporadic attempts by some of the Sarpanches, the Sachivs and the Panches to make people aware of the system as reported by the villagers living in the jurisdiction of 6 out of the 15 Gram Kachaharis. A few villagers of Hasanpur under Kolawan Gram Kachahari



mentioned that they have noticed advertisement in different Newspaper on functioning of the Gram Kachahari and such feedback was not received from any other village. Some of the villagers were still going to the police stations for cases which can be tried by Gram Kachahari. So, there is need for generation of awareness on functioning of the Gram Kachahari, what types of cases can be tried by them, the costs involved among the villagers and how they can access the judicial services of the Gram Kachahari.

There has been little systematic effort to make people aware about functioning of the Gram Kachahari. However, awareness generation camps were organized sporadically with the initiatives of the Sarpanch, Panch and the Secretaries.

### Views of the people on functioning of the Gram Kachaharis

5.4 The villagers are overwhelmingly satisfied with functioning of the Gram Kachaharis as revealed in both phases of study. The judicial process followed in the Gram Kachaharis is reportedly helpful to the common people in settling their petty disputes with hardly any delay and with little cost as came out from the 14 number of FGDs with the villagers in course of the study. They were in general happy with the access, functioning, time taken to dispose of cases and the cost involved. It was specifically mentioned that there is both saving of time and money in using the services of the Gram Kachahari. They also mentioned that hardly any barrier was faced except

“

*The system of Gram Kachahari is very unique which they had never seen in the past but lawyers and the police are disadvantaged with this system.*

”

Villagers from Nahas  
Rupauli GP

#### The Gram Kachahari Resolves the Dispute within a Month

A villager of Bajraha village was facing difficulty to have adequate passage from the main road to his house. The same had become too narrow due to construction of a boundary wall by its side. He made frequent dialogues with the encroacher for widening the passage but he did not care. Even, the elders whom he approached to resolve the issue failed to sort out the problem. He was aware of the functioning of Gram Kachahari, and so, lastly, he approached the Gram Kachahari of his own in the last week of January' 2021 to resolve the problem.

Nobody was engaged to plead his case. He put his points on his own since he had not chosen any Panch. He spent nothing in his case as it did not go for trial but was amicably settled in February '2021, i.e., within a month. The Gram Kachahari has been very helpful to solve the dispute so fast.

the non-availability of any Naya Mitra. Further, the approach of amicable settlement is decreasing animosity in the society, said by the villagers. However, the villagers mentioned that the lawyers and police are disadvantaged because of this alternative system of delivery of justice through the Gram Kachahari.

### Type of cases for which the people approach Gram Kachahari

5.5 Cases disposed of by the Gram Kachahari, as reported by the people during discussion were related with land dispute, partition and clashes. They mentioned some of the cases they knew such as land dispute between two brothers of Hasanpur village of Kolawan Gram Kachahari was settled by the Gram Kachahari. According to villagers of Nahas Ruapauli, cases for non-cognizable offences are heard by the Gram Kachahari. Land dispute between Munni Manjhi and Katan Majhi and between Shiv Yadav and Ram Chandra has been settled by Keshru Dharampur Gram Kachahari. In Bajraha village, cases related with land-dispute, theft, fighting within the villagers have been disposed of by the Gram Kachahari. The villagers also mentioned that cases of murder, attempt to murder, dacoity and kidnapping are not heard by the Gram Kachahari. In addition, villagers of Pusaho Gram Kachahari of the same name had informed that civil cases more than INR 10,000/- are not considered by Gram Kachahari. Therefore, it seems that the villagers have awareness based on cases from their villages which were settled by the Gram Kachaharis. There is need for making the villagers aware of the functioning of the Gram Kachaharis in general so that all villagers have some minimum knowledge on the judicial services they can access from the Gram Kachahari and how to access the services.

“

*Our Sarpanch is very accessible and we can contact him any time to get advice on settling our disputes through the Kachahari.*

”

Villagers from Sarmastpur GP

5.6 A very important feature of the Gram Kachahari is that even if the people are not much aware of the procedural aspects for accessing the judicial services, they can easily approach the Panch or the Sarpanch who live in the same or adjoining village and there is little physical or psychological barrier to communicate their problem. This is in total contrast with the formal judicial system where both physical barrier and engaging and communicating with a lawyer is difficult and costly affairs. The Gram Kachahari can try civil suit involving an amount not exceeding Rs 10,000/- However, they have often taken cognizance of cases involving higher amount and settled those amicably.

### Access to Gram Kachahari

5.7 Out of the 17 villages visited by the study team in the two different phases, participants of FGD from 13 villages (76.5%) reported of getting support from the Panch in filing a case before the Gram Kachahari. The Panches in those villages were very cooperative in helping the

people to file their case for those who cannot visit the Gram Kachahari of their own. They generally approached the Kachahari on their own and sometimes the Panches accompany the petitioner in filing the cases. Some person writes the applications of illiterate persons free of cost. All the Gram Kachaharis have always entertained the application of anyone who approached it for relief as reported by the villagers. The villagers of the Baniya Bigha reported that there has been no need to visit the Gram Kachahari for settling petty disputes which the village elders sit together and resolve.

“

*Panch of Baghatila village within Barah Gram Kachahari is a Pardanashin lady. However, she is very proactive and comes out to help any villager for help related to the Gram Kachahari, whenever required.*

Villagers from Baghatila GP

”

### **The Gram Kachahari Resolves the Dispute with Nominal Fee**

A villager of Sarmastpur village took the help of Gram Kachahari the Gram Kachahari to sort out a family issue regarding a common courtyard shared by the women of the households. He was familiar with the functioning of the Gram Kachahari and had no difficulty to file a petition before the Gram Kachahari on 1st January 2017. The case started within a week after filing the application. The Panches were selected by Gram Kachahari on its own without the recommendation of any Panch. The case was settled by the Gram Kachahari very quickly. An amount of Rupees one hundred as court fee was all that he had to spent.

## **Cost of getting services from the Gram Kachahari**

5.8 The petitioner has to pay a court fee of Rs 100/ only and that is the only expenditure for getting the dispute settled and other than the court fee there is no other expenses as reported by the villagers. They mentioned that receipt is given for the court fee they have to pay. The litigant receives a copy of the proceedings written in Hindi from the Gram Kachahari free of cost after the case is settled. There is little out of pocket expenditure since the Gram Kachahari is located within the Gram Panchayat area. This was ratified by the villagers from most of the villages with whom the study team members interacted. Villagers of only Sirsi and Hasanpura within the jurisdiction of Kolawan Gram Kachahari mentioned that two hundred rupees were collected as court fee. At Harnahi village under the jurisdiction of Bimwa Gram Kachahari, people had informed that INR 200/- and sometimes 500/- is needed for the trial of a case in the Gram Kachahari whereas INR 100-125 was the required amount as per the villagers from Bakarchak under the jurisdiction of Arma Gram Kachahari. In Hasanpur village, the case of Subodh Singh of the village was decided in two years. Total expenditure incurred by him in his case was around

Rs. 200.00. In Jagannathpur village of Keshru Dharampur Gram Kachahari, it was reported that a sum of fifty rupees was needed for the trial of a case in the Gram Kachahari. It may be mentioned that the fee prescribed for settling civil case is Rs 10 only. Only in one out of the 17 (6%) villages visited, namely Shyampur of Chandaur Gram Kachahari the people mentioned that have no idea as to how much is required in filing a case.

### Preference for Gram Kachahari for resolving the petty disputes

5.9 In petty cases which can be tried by Gram Kachaharis, people in some of the villages were found to move the police either as a choice or due to ignorance about the Gram Kachahari. Such cases of approaching the police have been reported from the villagers under the three Gram Kachaharis namely, Barah, Keshru Dharampur and Chandaur under the phase I study area. Villagers of Kumarji Tola of Purvi Barinagar Gram Kachahari covered during the phase II, mentioned that good number of villagers were approaching the police. People go to the police because of their perception that Gram Kachahari cannot solve their problems in a decisive manner. Some villagers in Jagannathpur village under Keshru Dharampur Gram Kachahari visit police station for instant relief expecting that the police can threaten or even beat the offender and ask him to sign a bond for non-repetition of the committed offence. There are instances of settling some disputes in this



One important feedback of the community was that the poorer people are dependent on the Gram Kachahari while some of the richer people prefer to go to the police with the expectation that the disputes will be settled in their favour.



#### A Petty Case Comes Back from the Court for Trial to the Gram Kachahari

Nepali Singh, S/o Anshuman Singh of village Baghatilha within Barah Gram Kachahari, Patna district stated that he had a confrontation with Shivnandan Singh of his village who used to frequent around his house with evil motive. One day they had an altercation leading to a physical clash. Shivanandan Singh filed a complaint in the police station in 2017 and the matter went for trial in the court at Barh. In 2020, the complainant expired. The Court transferred that case to Gram Kachahari, Kolawan though the Police station in January 2021 for taking suitable decision. The case is pending before the bench of the Gram Kachahari for settlement or decision and two hearing has taken place. Nepali Singh have received two notices from Gram Kachahari for appearance and he attended the hearing. The case is still pending when the study team visited in August 2021.

manner and the relief is quick. Some moneyed men of Shyampur village under Chandaur Gram Kachahari go to police station to settle their disputes thinking that they can influence the police to get

their disputes favourably settled. But people from the weaker section prefers to approach Gram Kachahari for relief. In spite of orders issued by the state government many police stations reportedly take cognizance of such cases instead of advising the complainants to go to the Gram Kachahari.

5.10 In petty cases which can be tried by Gram Kachaharis people of the villages from the phase II study area, were not ready to move to the police rather they approach Gram Kachaharis. In spite of orders issued by the state government many police stations reportedly take cognizance of such cases instead of advising the complainants to go to the Gram Kachahari.

### **Suggestion to make Gram Kachahari more useful to the villagers**

5.11 The villagers from areas where the Gram Kachahari operates from a rented building/ a single room suggested that the Gram Kachahari should have an office building of its own. Another important suggestion was that the power of the Gram Kachahari should be enhanced by allowing them to try cases under sections other than those under which they have power to try and covering civil suits exceeding Rs 10,000/. Other general suggestions were that there should be police or a Chowkidar at the Gram Kachahari on the day of hearing and there should be a system of serving notice either by the Chowkidar or any person deputed by the police station. Suggestions were also received that the Sarpanch and Panches should be more educated. There were couple of other suggestions from a few villages. These include organizing awareness generation camps in the villages, availability of one computer operator and having a calendar for hearings by the Gram Kachahari. It may be mentioned that many Gram Kachaharis sit on specific days of the week, which is often on Saturdays.

5.12 In a nutshell the villagers want to have a more strengthened Gram Kachahari at the same time awareness of the villagers regarding functional aspects of the Gram Kachahari.

### **Access to judicial services by women**

5.13 Women from all villages can visit the Gram Kachahari on their own to seek justice as revealed by the villagers from both phase I and phase II study areas. Officials of Gram Kachahari are very much co-operative to them. Dalit women of Barah Gram Kachahari reportedly faced mostly family disputes and domestic violence. These can be settled by Gram Kachahari. But they were not well aware of the functioning of Gram Kachahari. In Nahas Rupauli village, it was reported that most of the newly wed brides very often misbehave with her mother-in-laws. Some mother-in-laws tolerate it silently and some seek solution. Such women can visit Gram Kachahari for a solution. Normally, women belonging to poor families in Banjara village develop disputes either with their husbands or sons. They approach Gram Kachahari for justice. The women of Sarmastpur approach the Gram Kachahari in cases mostly related with land and domestic disputes. Dalit women of Baghatilha village under Patna district reported that they mostly faced domestic disputes and violence. Those can be easily settled at Gram Kachahari level. But they are not aware about the utility of Gram Kachahari. An awareness generation programme among the women would be very much helpful.

# 06



## Recommendations

6.1 The study has brought out certain issues which need to be addressed for improving its performance as a system for delivery of justice. These are mentioned below.

6.2 **Regular training of the functionaries:** All the functionaries, particularly the Secretary, Naya Mitra and the Sarpanch need to be retrained. The Secretaries need to be oriented further on maintenance of records of the Gram Kachahari. Training of the Naya Mitras should focus on writing good quality judgement. The Sarpanches need to be oriented on how to become more proactive and enhance the share of amicable settlement and disposal within the prescribed period of 15 days.

6.3 **Improving quality of training:** Training curriculum to be followed by any particular category of elected functionary or staff has to be uniform across the state. There is need for adopting more interactive and exercise-based training methodology for reaching the desired level of learning, particularly for the Secretary and the Naya Mitra. Case studies need to be documented with videography for training of the Sarpanch and the Panches. Use of the proposed methodology will require good quality trainers and there should be a plan for developing required number of trainers so that all the elected functionaries and the new recruits are trained within say six months of their election/engagement.

6.4 **Building awareness of the villagers:** Although the villagers are fairly aware of the existence of the Gram Kachaharis but they need to have better awareness on which cases they can move the Gram Kachahari, particularly in which cases there is no need to go to the police. There should be a special drive to build awareness among the women on the offences against them for which they can move the Gram Kachahari. Help of the Self-Help Groups (SHGs) under the JEEVIKA, the programme for rural livelihood mission in Bihar, should be taken in this regard. The Gram Sabha may be used to make people aware of the Gram Kachahari as well as to report their performances at least once a year.

6.5 **Filling vacancies of Naya Mitra:** There is need for availability of Naya Mitra in every Gram Kachahari for providing professional support in maintaining the quality of judgement. All the vacant posts of Naya Mitra are required to be filled up early.

6.6 **Office space and furniture:** The Gram Kachaharis need minimum space and ambience for a Bench to sit and function and the building of should be good enough to meet those needs. Basic amenities like water, toilet for male and female and electricity should be arranged. It will be good to provide access to internet connection and computers so that conducting training in virtual mode and monitoring becomes easier.

6.7 **Monitoring functioning of the Gram Kachahari:** The reporting format to monitor functioning of the Gram Kachahari is not being regularly submitted. Also, there is no evidence of analysis of the reports submitted to the higher offices and feedback for improving functioning of the Gram Kachaharis. There should be a proper system of web-based reporting for which there should be a provision for submitting data by using a mobile phone/computer having internet connectivity. The proposed system should have a dashboard so that every Gram



Kachahari can view the critical performance parameters and compare the same with others within the block and the district.

**6.8 Reviewing performances of the Gram Kachaharis:** There is no system of reviewing the performances of the Gram Kachaharis. Non-availability of data may be one of the reasons but the study could not find any system of accountability for reviewing performance of the Gram Kachahari periodically. There should be at least a quarterly review of their functioning preferably by the SDO or at least by the BDO.

**6.9 Inspection and supervision:** There are needs for proper judicial and administrative supervision of the Gram Kachaharis. Although provisions are there for visiting and inspecting the Gram Kachaharis but those are hardly followed. The monitoring system mentioned above should also capture status of inspection, the comments and how those have been addressed in the proposed website.

**6.10 Dedicated structure for supervision:** As mentioned in Section 4.38, there should be dedicated officer with background of legal education at the subdivision, district and state level with the exclusive responsibility of supervising the functioning of the Gram Kachaharis. This will cost around three percent of the cost of maintaining the system and this additional expenditure may lead to a remarkable improvement.

**6.11 Coordination with police and judiciary:** There is need for coordination among the Judiciary, Police and DPRs/SDOs along with some of the representative Sarpanches to jointly look into the issues faced by the Gram Kachaharis in delivering justice. That may be done through an annual meeting at the district level with participation of the District Magistrate and the District Judge.

**6.12 Enhancing power of the Gram Kachahari:** Limit of Civil Suit to be tried by Gram Kachahari should be enhanced by several times, say up to Rs 1 lakh. The number of cases received per Gram Kachaharis per year is not that high. They can handle more cases. It may also be considered if some crimes committed under some more sections of the Indian Penal Code or any other Act can also be assigned to them for disposal.

**6.13 Remuneration and office contingencies:** The Gram Kachaharis face many problems due to irregular supply of contingent funds. Also, delay in releasing remuneration and honorarium of the employees and the elected functionaries causes problem, which needs to be looked into.

**6.14 Incentivizing the Gram Kachaharis:** There should be a system of rewarding good Gram Kachaharis through a transparent system of assessment. An annual function at the district level to discuss various issues of the Gram Kachaharis can also be organized on the day and the Sarpanches may be awarded on that day to motivate others to perform better.

**6.15 Reviewing fees for civil cases:** The Gram Kachaharis are found generally to collect a fee of Rs 100 for all civil suits for which the prescribed fees is Rs 10 only. The same may be enhanced to Rs 100/, like that for the criminal cases.



## Way forward

6.16 The system of Gram Kachahari is very unique in delivering justice at the village level in a cheap and efficient manner. The system also helps in maintaining peace and harmony in the villages since most disputes are settled amicably with intervention of the Gram Kachahari. There is need for dissemination of the success of the system of Gram Kachahari among the policy makers at the national level as well as at the state level across the country.

6.17 Many more researches need to be conducted regularly to have better insights of functioning of the Gram Kachaharis and how that is changing over time. The academia who are engaged with local governance and the press are to be also sensitized to pay attention to this unique system of elected judiciary of Bihar.

## Annexure I: Questionnaire for Gram Kachahari

1. Total population in jurisdiction area of the Gram Kachahari.
2. Total number of Households of the Gram Kachahari.
3. Please share details of Human Resources in your Gram Kachahari

Sl.	Designation	Sex	Position	Vacant	Trained
(a)	Sarpanch	M/F			
(b)	Up-Sarpanch	M/F			
(c)	Panch	Male-....., Female-.....			
(d)	Nyay Mitra	M/F			
(e)	Gram Kachahari Secretary	M/F			

4. Details of building, infrastructure and basic requirement

Sl.	Details of building and infrastructure	Status/ Number
(a)	Gram Kachahari Building	Rented/Own building/ Panchayat Sarkar Bhawan/ Other
(b)	No. of rooms	1. Court room -Yes/No 2. Sarpanch Room-Yes/No 3. Room for Panches- Yes /No 4. Room for GK Secretary Yes/No 5. Office room–Yes/No
(c)	Total Toilets Functional Toilets	No. .... No. ....
(d)	Table	No. ....
(e)	Chair	No. ....
(f)	Almirah	No. ....
(g)	Are all documents kept in an orderly manner for easy retrieval?	Yes/ No kept in Almirah but not in orderly manner/ No, lying on the floor/dumped in absence of space
(h)	Electricity	Available/Not Available
(i)	Water	Available within the office premises/Distance of source if not available within office premises

5. Details of total number of applications filed for the suits and cases respectively during the last five years.

	2016-17	2017-18	2018-19	2019-20	2020-21
Number of applications filed for civil suits					
Number of applications filed for criminal cases					

6. Details of cases and complaints amicably settled in civil suits and criminal cases during last five years

	2016-17	2017-18	2018-19	2019-20	2020-21
Number of cases amicably settled in civil suits					
Number of complaints amicably settled in criminal cases					

7. Details of cases and complaints tried and decided in civil suits and criminal suits respectively during last five years

	2016-17	2017-18	2018-19	2019-20	2020-21
Number of cases tried and decided in civil suits					
Number of complaints tried and decided in criminal cases					

8. Details of cases and complaints resolved in civil suits and criminal cases respectively within 6 weeks.

	2016-17	2017-18	2018-19	2019-20	2020-21
Number of cases resolved in civil suits within 6 weeks					
Number of complaints resolved in criminal cases within 6 weeks					

9. Details of pending cases and complaints in civil suits and criminal cases respectively during last five years.

	2016-17	2017-18	2018-19	2019-20	2020-21
Number of pending cases in civil suits					
Number of pending complaints in criminal cases					

10. Please share number of cases in which summon/bailable warrant issued to defendant or accused in last five years.

	2016-17	2017-18	2018-19	2019-20	2020-21
Summons served to defendant					
Summons served to accused					
Bailable warrant to appear before Gram Kachahari					

11. Are the summons served on time or there is delay? What are the reasons?

12. How many cases are disposed per month on average, including tried and amicably settled in (a) Civil suits (b) Criminal Cases?

13. Please share average cost incurred in disposal of cases in both (a) amicably settled and (b) tried cases.

14. Total number of cases in which the help of Chief /Additional/Sub Judicial Magistrate has been taken to ensure the presence of the accused before the Bench of the Gram Kachahari for the trial of the case.

15. Number of cases in which fine imposed on the defendant in different cases by the bench of Gram Kachahari in last five years.

16. Total number of persons demanded and received the copy of the proceeding record of the bench in last five years.

17. Details of supervision of judicial process of Gram Kachahari in last five years

	2016-17	2017-18	2018-19	2019-20	2020-21
Total inspection of proceeding and records of Gram Kachahari					
Number of inspection report shared by the inspecting officers					
Total number of inspection reports which were complied with					

18. Details of supervision of Gram Kachahari by the officials of Department of Panchayati Raj in last five years

	2016-17	2017-18	2018-19	2019-20	2020-21
Total number of inspections					
Number of inspection report shared by the inspecting officers					
Total number of inspection reports which were complied with					

19. Total cases related to Gram Kachahari, transferred from Police Station to Gram Kachahari in last five years.

2016-17	2017-18	2018-19	2019-20	2020-21

20. Number of inspections cases for which information was sent to SDO or Officer In-charge of Police Station of the area of concerned by the bench of Gram Kachahari.

2016-17	2017-18	2018-19	2019-20	2020-21

21. Please share such type of cases which had to come in Gram Kachahari, but the Police Station involved and stopped the cases at their level.

22. Details of total collection of fees and fine in your Gram Kachahari

	2016-17	2017-18	2018-19	2019-20	2020-21
Total collected fees					
Total collected fine/penalty					
Total collected Compensation					
Other receipts (income)					

23. Details of Income and Expenditure in your Gram Kachahari

	2016-17	2017-18	2018-19	2019-20	2020-21
Income (grants from government)					
Income from own revenue					
Expenditure					

# Annexure II: Discussion Points for KIIs and FGDs

## Annexure II A: Discussion Points for Sarpanch/ Up-Sarpanch

1. What is the level of awareness among villagers regarding availability of judicial system in the Gram Kachahari?
2. Have the Panches received any training? Who provided the training and for how long?
3. Have you, as the Sarpanch, received any training? Who has provided the training and for how many days? What was the courses content of the training?
4. Are you satisfied with the training? What specific things did you learn from training session? In what aspects you need more?
5. Please focus on the type (nature) of cases commonly received in the Gram Kachahari.
6. When a suit is filed before you, you take the decision whether it is triable by the bench under the Act. Do you take this decision on your own or seek the help of Nyay Mitra?
7. With a view to finding out the facts of a suit or proceeding, have you or the bench ever visited the land or house related to the suit or proceeding?
8. What action is taken by the bench of Gram Kachahari, if it fails to ensure the appearance of an accused?
9. What action is taken by you if the bench of Gram Kachahari is unable to realise the fine imposed by it on the defendant?
10. Have you issued any bailable warrant to accused to appear before Gram Kachahari? Please mention about the case.
11. Does this Gram Kachahari maintain separate fund of its own?
12. How the Gram Kachahari manage accounting system?
13. Whether you are getting their remuneration regularly and on time? If no, why?
14. How many times the inspection of the records of the proceedings by the District Judge or any Judicial Officer authorised by him has taken place?
15. Have the officials of the Panchayat Raj Department made any visit in last 5 years for supervision of the activities and inspection of the books-of accounts of Gram Kachahari? Mention the year wise visits and their observations and your compliance. Please collect the copy of observations and their compliance.
16. Did the District Panchayati Raj Officer guide the Gram Kachahari or its bench? Can you approach them in case you need their help? Do you get the desired support?
17. What is the communication channel between inspection officer and Gram Kachahari? Can you communicate with them whenever you wish and get their responses?
18. Are the Police regularly transferring the cases which are related to Gram Kachahari? If not, what is the problem? Was the issue ever discussed with police officials?
19. Is there any system of reviewing functioning of the GK? Who does the review and how often? Do you suggest any improvement?
20. Has there been any effort by the Gram Kachahari/Gram Panchayat or state government to generate awareness of the people on judicial services delivered by the Gram Kachahari?
21. Could the GK function during the pandemic?
22. Mention any two best cases where your effort reflects in fair and amicable settlement.

23. Please share any case study related to a fast disposal and a case which faced problem in your Gram Kachahari.
24. Can you remember any resolved case that had been published in the news-paper?
25. Please share such a couple of best cases where the Sarpanch suspected a breach of the peace and it was necessary to make immediate arrangements for its prevention. Had you issued any order regarding this? Mention about it.
26. Have you faced any difficulty in carrying out your work? How you have resolved the difficulties?
27. In your opinion, what are the improvement needs to strengthen Gram Kachahari including building capacity?
28. Do you get full cooperation of the employees including Nyay Mitra?

## Annexure II B: Discussion Points for Nyay Mitra

1. What are the roles and responsibilities of the Gram Kachahari in amicable settlement of disputes or cases?
2. What steps were taken when defendant or accused does not appear before Gram Kachahari?
3. Please mention the average days of disposal of the suit or case. if not done within 6 weeks, what happens there?
4. Out of 40 Sections of IPC 1860 (45, 1860), mostly which type of complaints are filed before the bench of Gram Kachahari?  
*(List of Offences under 40 different sections of IPC is attached)*
5. Has the Gram Kachahari ever tried the Criminal cases under Bengal Gambling Act ,1867 and offenses under Sections 24 and 26 of the Cattle Trespass Act, 1871?
6. Has the Gram Kachahari tried civil suits (when the value of suit does not exceed ten thousand rupees) in the following cases-
  - (a) Suits for money due on contract
  - (b) Suits for recovery of movable property or the value of such property
  - (c) Suits for recovery of rent and
  - (d) Suits for compensation for wrongfully taking or injuring movable property or for damaged property caused by cattle trespass.
7. Has the Gram Kachahari tried the land dispute related cases under civil suit?
8. Is there any power of Bench to appoint any Amin for a short period to measure land in land disputes? If not, why?
9. Whether you give your legal advice to Panch / Sarpanch in determining the jurisdiction of the cases under Secs 106, 110,111 and 113 of the Act on the body of the complaint/suit or in a separate note?
10. Do you give advice to the Peshkar of the Gram Kachahari (Secretary) to maintain the order sheet and write the judgment in civil suit as prescribed in the Rule?
11. Are you satisfied with the quality of order sheet and points to be covered in the judgment as per Rules. What are the weaknesses and how the same can be improved?
12. Is police station cooperating in proper functioning of the Gram Kachahari's? If yes, how? If no what are the problems?
13. In how many cases there was appeal against the order of the GK in the last 5 years?
14. Whether you are getting your remuneration regularly and on time? If no, why?
15. Can you share last ten case orders? Please collect copy of these orders.
16. Mention any two best cases (case study) where your effort reflects fair and amicable settlement.
17. Case study on one fast disposal and one slow/failure of disposal case in your Gram Kachahari.
18. Do you feel that performance of your Gram Kachahari is the best for others to consider as an example? If yes, please explain why? If not, what are the weaknesses?
19. Do you face any difficulty in carrying out your work?
20. If yes, how you have overcome the problems?
21. What are needed to make the Gram Kachahari more functional?



22. Do you think all the sections of the society are getting equally benefited from GK?  
Please justify your reply?
23. Is there any attempt to undermine GK's authority and people move to PS/higher court?  
In that case what are their motivation in taking that course of action.
24. What are the main reasons for delay in disposal of cases by GK? How those can be improved?
25. Does the GK has any power to try offences committed against women and children? If yes, please narrate and how they may be better benefitted?
26. Do you feel that presence of an active GK has any impact on law and order in the jurisdiction of the GK. Explain how?

## Annexure II C: Discussion Points for Gram Kachahari Secretary

1. Please mention about present elected representatives and functionaries in the Gram Kachahari and their educational qualification, training attended.
2. Can you mention the powers given to the Gram Kachahari under the Act/ by order of the Department of Panchayati Raj? Please collect copy of any order issued related to powers provided from the department to Gram Kachahari.
3. What is the system of documentation and record keeping, safety of records, collection of fees and fine and maintenance of accounts in your Gram Kachahari? Are the documents preserved for easy retrieval?  
*(Check-list of 12 types of Forms and Registers for Gram Kachahari is attached to examine which of them are being properly maintained by the Gram Kachahari Secretary.)*
4. As a Peshkar of the Gram Kachahari, what do you record in the order sheet? *(Check-list of 11 types of information is attached and these types of information are to be recorded in the order sheet by the secretary as Peshkar.)* Inspect a few Order Sheets.
5. Have you received any training in last five years? Who has provided the training and for how many days? What was the courses content of the training?
6. Are you satisfied with the training? What specific things did you learn from training session? In what aspects you need more?
7. What is the system of inspection of books of Accounts and documents of benches? Please mention about interval of inspection and by whom is being conducted?
8. Who is to supervise/monitor/inspect the functioning of the GK? Was there any inspection in last 5 years.
9. Who has inspected the proceedings and records of the Gram Kachahari during judicial process? How many times there was any inspection done in last 5 years? Has there been record of their Inspection Report/Observations? Have those been complied?
10. Is there any system of submitting report of performance of the GK? Whom do you report and what difficulty you face related to reporting? Is there any follow up/feedback based on your reports?
11. Has District Panchayat Raj Officer or BPRO has given reasonable suggestion /instruction to Gram Kachahari or visited your GK? If yes, mention about it.
12. What are the problems faced by you in carrying out your day-to-day work?
13. How you have eased the situation?
14. What will you suggest to improve the working environment in Gram Kachahari?
15. What is the system of management of fund of the GK? Do you have a bank account? If the fees are collected in cash, how safety of the same is assured? How much liquid fund you are supposed to keep and how much cash you have today? If you need fund for official work and you do not have any allocation of funds, are you permitted to utilize the fees for meeting the expenses?
16. Do you face any difficulty in managing financial matters and in that case, what are the difficulties?
17. Whether you are getting their remuneration regularly and on time? If no, why?

18. Are the honorarium/ salary of Sarpanch/Panch/Employees in arrear? If so, what is the status of arrear?
19. Does the GK has adequate manpower? If not, what are the gaps?
20. Have you taken any measure to make people aware of the services that the GKs provide? If so, given the details.
21. Identify a couple of good cases in which the petitioner got justice? Give the details and mention why this is an exemplary case?
22. Could you mention some cases in which the GK failed to give justice? What are the reasons for which the GK failed to deliver justice? How those could be overcome?
23. What are the achievements of your GK to treat this as an exemplary one for others to learn from you?

## **Annexure II D: Discussion Points with the Litigants of cases settled /decided in the Gram Kachahari**

- Q. 1. What was the cause of action for the case (Brief summary)?
- Q.2. When and where the cause of action arose?
- Q 2A How did you come to know about Gram Kachahari?
- Q3. When did you approach Gram Kachahari for relief?
- Q.4. When your case started?
- Q.5. When it was settled or decided by the bench?
- Q.6. Did you approach Gram Kachahari on your own or somebody suggested you to approach it?
- Q.7 In case of no settlement, are you satisfied with the decision of the case after formal trial? If no, did you go for appeal before the full bench against the said decision of the bench?
- Q.8. Whether the decision of the full bench went in your favour?
- Q.9. Have you ever authorised any person to appear on your behalf before the bench or you appeared in person on all dates of hearings of the case?
- Q.10. Did you get the freedom to choose the Panch of your choice for the bench to hear your case?
- Q.11. How much you spent in your case? Please share details?
- Q.12. Do you think that Gram Kachahari is successful to solve dispute at Gram level?

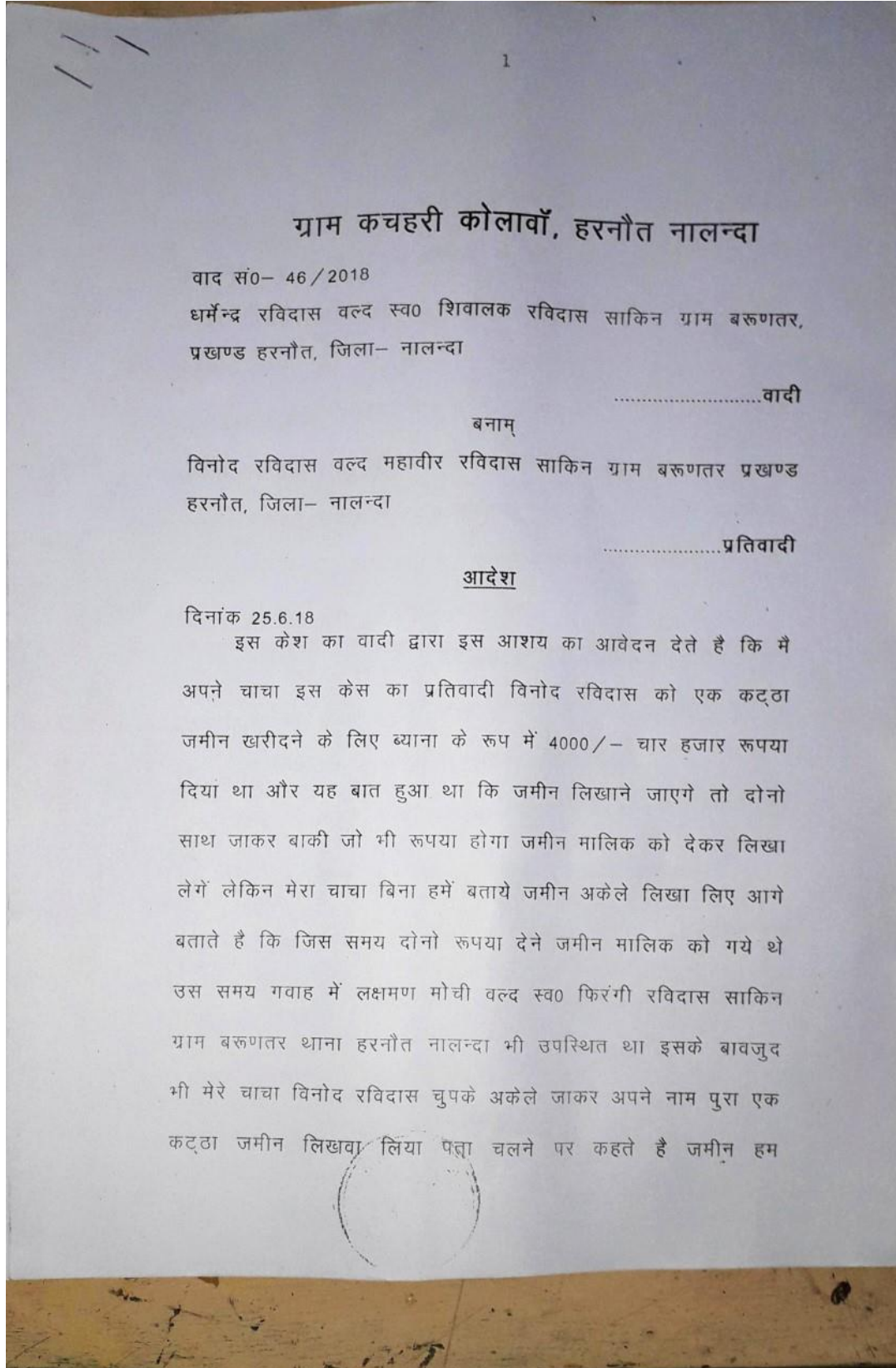
## **Annexure II E: Discussion Points for FGD with Villagers or Beneficiaries**

1. Do you know about any institution which is functioning to settle criminal and civil disputes in your Gram Panchayat? What are the types of cases which can be tried by the GK?
2. Do you think that Gram Kachahari's judicial process and decisions are helpful to the common people? What are the advantage and disadvantage of the GK in providing justice?
3. Did the officials of Gram Kachahari generate awareness about how to get judicial services of the Gram Kachahari?
4. Do you know the cases disposed by the GK belonging to your area? Are you aware of the details?
5. Can you share which type of cases that are not heard by Gram Kachahari?
6. Has anyone of you visited the GK for any relief? If yes, have you faced any problem when you approached Gram Kachahari for assistance? What were the problems?
7. Do you face any problem contacting the Sarpanch directly or is there any relative/husband of the Sarpanch who hinders you to talk directly with the Sarpanch?
8. Do you know that you can take the help of a Panch in respect of a case filed by you? Do you get proper support from the Panch in your area as and when required?
9. Can you visit the GK to file any case of your own or you need some expert or any other person to write and submit your case? If yes, how much one has to spend for that?
10. Do you have any idea of the amount of money needed to get the cases tried in GK?
11. Does Gram Kachahari ever refuse to entertain you /your neighbour's application for hearing any case? If yes, please mention the type of cases.
12. Do you think that disposal in GK is faster than courts or it takes same time/more time than the courts?
13. Do you get any messages from Gram Kachahari easily and on time in respect of cases filed by you?
14. Did Gram Kachahari provide a receipt against any payment? If no, have you asked for the same?
15. Can you share the cost incurred by any person for a settled or decided case in last one year? What was the time taken to resolve the case? How much one has to pay for a copy of any proceeding record of the bench for any case?
16. Have you taken any help from the police instead of approaching the Gram Kachahari to resolve the dispute which falls under its jurisdiction? If yes, why?
17. Are you satisfied with the decision given by Gram Kachahari? Please explain.
18. Mention any cases in which you feel that the judgement of the GK was not fair? Can you explain why you think so?
19. Is there any barrier to approach the Gram Kachahari for the cases which are to be tried by it? If yes, please mention the same.
20. Do you feel that Gram Kachahari should be more active? If yes, what should be done to make it more useful to the villagers?
21. Do you think women can visit the GK of their own and seek justice and the officials are responsive to their needs? What are such cases in which women can approach GK for justice?

## Annexure III: Disposal of Cases over the Last 5 Years for 15 Gram Kachaharis

Sl.No.	Gram Kachahari	Civil Cases			Criminal Cases			All Cases		
		Total	Disposed	%	Total	Disposed	%	Total	Disposed	%
<b>Phase I Gram Kachaharis</b>										
1	Keshru Dharampur	95	95	100	28	28	100.0	123	123	100.0
2	Nahas Rupauli Uttar	39	38	97.4	43	41	95.3	82	79	96.3
3	Sarmastpur	28	28	100	30	30	100	58	58	100.0
4	Kolawan	44	42	95.5	41	39	95.1	85	81	95.3
5	Barah	16	16	100	13	10	76.9	29	26	89.7
6	Chandaur	35	35	100	15	11	73.3	50	46	92.0
<b>Phase II Gram Kachaharis</b>										
7	Kuraiya	41	41	100	84	84	100	125	125	100.0
8	Purvi Barinagar	0	0	-	23	23	100	23	23	100.0
9	Sirade Patti	29	29	100	3	3	100	32	32	100.0
10	Pusaho	92	90	97.8	86	86	100	178	176	98.9
11	Bimwa	24	24	100	8	8	100	32	32	100.0
12	Murhan Jamin	16	14	87.5	11	11	100	27	25	92.6
13	Arma	64	57	89.1	53	50	94.3	117	107	91.5
14	Mukundpur Bhath	23	22	95.7	25	25	100	48	47	97.9
15	Baniya Bigha	44	44	100	6	6	100	50	50	100.0

## Annexure IV: Judgements (6 pages typed in Hindi) passed by Kolwan Gram Kachahari of Nalanda district





लिखवाये है तो पुरा जमीन मेरा होगा तुम 4000/- चार हजार रूपया जो ब्याना दिया है उसके हिसाब से जो जमीन होता है वह तुम्हे जमीन दे देगों आगे निवेदन करते है कि मुझे आधा जमीन दिलवाने का कष्ट करे ।

वादी का लिखित आवेदन पर ग्राम कचहरी के सदस्यों द्वारा विचारु उपरान्त प्रतिवादी को नोटिश तामिला कराई गई ।

प्रतिवादी अपने जबाब में ब्यान करते है कि वादी द्वारा मुझे 4000/- चार हजार रूपया दिया गया था परन्तु ऐ रूपया जमीन खरीदने वास्ते कोई ऐसा बात नही हुई थी ।

यह घटना सन् 2006 ई0 की बात है तथा यह परती भूमि अर्जून चौधरी का था 2007 ई0 में वादी को इस बात की जानकारी हो गई की पुरा जमीन मेरा चाचा विनोद रविदास लिखा लिए ।



प्रतिवादी के द्वारा ग्राम कचहरी में एक आवेदन दाखिल करते हैं उक्त आवेदन के अवलोकन से पता चलता है कि दोनों पक्ष आपस में मिलकर पंचो के सहयोग से एक समझौता सुलहनामा हुआ है जिसमें वादी द्वारा कहा गया 4000/- चार हजार रूपया देने की बात को लेकर हुआ है जिसमें वादी धर्मेन्द्र रविदास को उक्त रूपया के ऐवज में जमीन दिया गया जिसकी एराजी लम्बाई 38 फीट 8 ईंच तथा चौड़ाई 5 फीट 3 ½ ईंच है धमेन्द्र रविदास के घर से लेकर रोड तक जिसमें आने जाने वास्ते अधिकार चारो भाई का होगा ।

उक्त जमीन में इस केस का प्रतिवादी विनोद रविदास का हक वो अधिकार नहीं होगा ।

उक्त पंचायत के कागजात पर दोनों पक्ष का हस्ताक्षर एवं अंगूठा का निशान है जिसे ग्राम कचहरी के समक्ष दोनों पक्ष स्वीकार किये हैं तथा दाखिल कागजात पर 12 ग्राम वासियों का हस्ताक्षर एवं अंगूठे का निशान पाया गया ।



वादी द्वारा ऐसा कोई भी साक्ष्य एवं कागजात दाखिल नहीं किया गया है जिससे यह स्पष्ट हो सके कि 4000/- चार हजार रूपया उक्त जमीन खरीदने वास्ते ब्यान के में दिया गया था ।

समझौता के कागजात पर वादी द्वारा अपने हस्ताक्षर को ग्राम कचहरी के समक्ष स्वीकार किये है फिर भी ग्राम कचहरी अंतिम निर्णय पर पहुंचने वास्ते एक टीम गठित कर उक्त विवादित भूमि एवं ग्राम वासियों से पुछ-ताछ वास्ते विवादित स्थान पर गये और इस केस का गवाह लक्षमण रविदास वल्द स्व० फिरंगी रविदास ग्राम बरुणत्तर से पुछताछ किया गया वह अपने ब्यान में कहते है कि धर्मेन्द्र रविदास विनोद रविदास को 4000/- चार हजार रूपया जमीन वास्ते दिया था बाद में पंचायती हुआ दिया गया रूपया के बदले 5 <sup>घे</sup> ~~घे~~ 3 <sup>घे</sup> ~~घे~~ जमीन देने की बात हुई इस बात को लेकर एक कागज भी बना था बाद में दोनों में झगडा हुआ ।

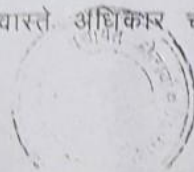
पुनः गवाह रविता देवी जौजे सुरज महाराज पासवान साकिन- बरुणत्तर थाना हरनौत जिला- नालन्दा वर्तमान में वार्ड सदस्य वार्ड नं०-1 में पदस्थापित है ।



ऐ अपनी ब्यान में कहती है दोनों पक्ष मेरे गाँव के हैं मैं इस कोस के बारे में कुछ नहीं जानती हूँ पंचायत के कागज पर मेरा हस्ताक्षर है और आगे कुछ नहीं जानती हूँ ।

ग्राम कचहरी के निरक्षण के दौरान यह बात भी प्रकाश में आई कि दोनों पक्षों के बीच इसी विवाद को लेकर मार-पीट हुई थी जिसमें वादी के पत्नी घायल हो गई थी जिसका इलाज गाँव के ही चिकित्सक द्वारा किया गया था और उस इलाजरत में एक औषधी में लगभग 2000/- दो हजार रूपया खर्च हुआ था इस खर्च को प्रतिवादी से दिलाने हेतु वादी द्वारा निवेदन किया गया था ।

दोनों पक्षों द्वारा लिखित आवेदन एवं दाखिल कागजात तथा गवाहों का स्थान एवं प्रस्तुत साक्ष्यों का ग्राम कचहरी के सदस्यों द्वारा अवलोक करते हुए अंतिम निर्णय पर पहुँचते हुए दोनों पक्षों को आदेशित किया जाता है कि वादी अपने दिये गए चार हजार रूपया के ऐचज में पंचायत द्वारा दिया गया जमीन जिसका ऐराजी लम्बाई 38 फीट 8 इंच तथा चौ० 5 फीट 3 ½ इंच धर्मेन्द्र रविदास के घर से लेकर रोड तक जिसमें आने जाने वास्ते अधिकार चारो भाई का होगा जिसमें आने-जाने वास्ते अधिकार चारो भाई का होगा परन्तु उक्त





भूमि पर प्रतिवादी विनोद रविदास का कोई हक तो अधिकार नहीं होगा जिसे स्वेच्छापूर्वक वादी स्वीकार करेंगे एवं वादी धर्मोन्द रविदास की पत्नी को इलाज कराने में हुई खर्च के ऐवज में पन्द्रह सौ (1500) प्रतिवादी विनोद रविदास को देना होगा। उक्त इलाज खर्च का रूपया वादी को नहीं देने कि स्थिति में प्रतिवादी को यह आदेश दिया जाता है कि मो0 1500/- पन्द्रह सौ रूपया आदेश कि तिथि से एक सप्ताह के अन्दर में ग्राम कचहरी में जमा कर देंगे साथ ही यह आदेश दिया जाता है कि दोनों पक्ष सौहार्दपूर्ण वातावरण में रहेंगे। ताकि भविष्य में विवाद उत्पन्न ना हो। आदेश के प्रति दोनों पक्षों को प्राप्त करा दिया गया। अस्तुष्ट की स्थिति में दोनों पक्ष सक्षम न्यायालय में जाने हेतु स्वतंत्र हैं।

मुताबक

सरपंच

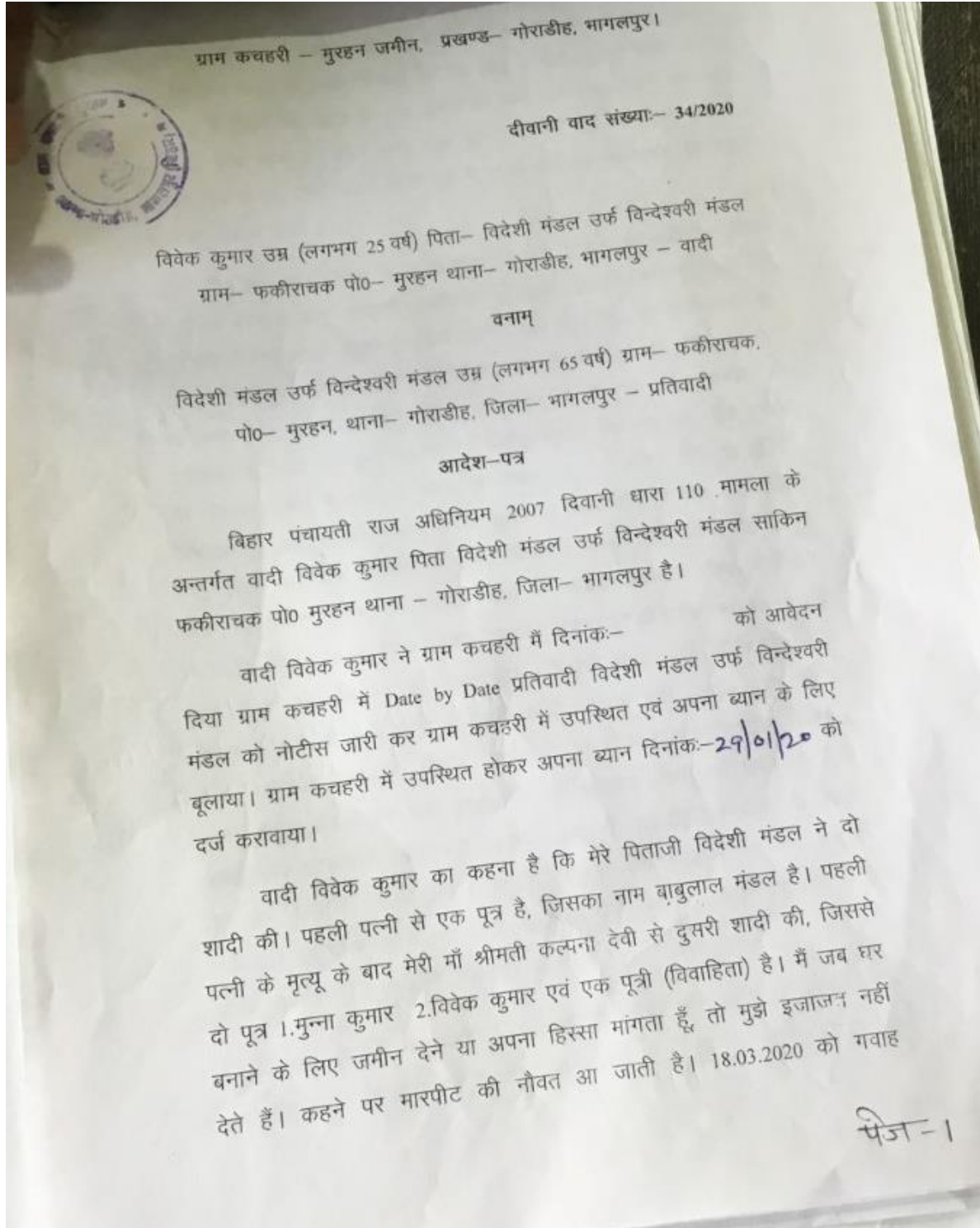
देवी देवी  
उपसरपंच  
ग्राम कचहरी कोठवाली  
हरनात, नालन्दा (बिहार)

पक्षों का हस्ताक्षर

- (1) पुनम देवी
- (2) वाराण ठाकुर
- (3) सुनीता कुमार



## Annexure V: Judgement (3 pages typed in Hindi) passed by Murhan Jamin Gram Kachahari of Bhagalpur district



विदेशी मंडल के बड़े भाई सकलदीप मंडल एवं भतीजा गिरेन्द्र मंडल, पिता-  
स्व० रामदास मंडल ने बयान में कहा कि मेरा भाई व चाचा दूसरी शादी लगभग  
1992 ई० में किया जो शादी के बाद दुमका में रहने लगा। कुछ वर्षों बाद पति  
पत्नी के बीच अन-बन होने लगा बात इतनी बिगड़ गई कि पत्नी श्रीमति  
कल्पना देवी अपने तीनों बच्चों सहित अपने मयके दोगच्छी नाथनगर, भागलपुर  
में जीवन यापन करने लगी।

दिनांक- 04.03.2020 से 12.02.2020 को इस मामले पर वारीकी-वारीक  
से गहन विचार ग्राम कचहरी न्यायपीठ में हुआ एवं निस्कर्ष निकला कि  
प्रतिवादी विदेशी अपने इच्छा मुताबिक दूसरी शादी किया है, जो दूसरी पत्नी के  
दो पुत्र एवं एक पुत्री का परिवार है, जिसे पैतृक सम्पत्ति पर घर बनाने का पूर्ण  
अधिकार है। प्रतिवादी विदेशी मंडल का कहना है कि जो व्यान सरपंच की  
उपस्थित में कहा कि मुन्ना कुमार एवं विवेक कुमार मेरा पूत्र नहीं है। लेकिन  
मेरे पैतृक जमीन पर घर बनाकर रह सकता है, जो व्यान विरोधाभासी है।  
दिनांक-12/02/20 को सरपंच पनाथ कुमार ने फकीराचक ग्रामीण एवं गोतीया  
एवं परिवार को ग्राम कचहरी के समय दिनांक- 04.03.2020 को गवाह प्रस्तुत  
होने का निर्देश दिया। विन्देश्वरी मंडल के भाई सकलदीप मंडल एवं एक  
भतीजा- गिरेन्द्र मंडल, पिता- स्व० रामदास मंडल अगली तारीख 04/03/20 में  
सरपंच के समक्ष स्व लिखित गवाह दिया। विदेशी मंडल उर्फ विन्देश्वरी मंडल  
ने प्रथम पत्नी के मृत्यु के बाद दुसरी शादी कल्पना देवी पिता- बुद्धन मंडल  
ग्राम- दोगच्छी नाथनगर, जिला- भागलपुर से किया। माननीय ग्राम कचहरी  
द्वारा आधार कार्ड, पेन कार्ड, वंशावली एवं शैक्षणीक योगता के प्रमाण-पत्र के  
आधार पर एवं उनके बड़े पापा एवं चचेरे भाई के स्व० लिखित बयान के आधार  
पर सर्व सम्पत्ति से यह निर्णय किया गया की विन्देश्वरी मंडल उर्फ विदेशी  
मंडल के पैतृक समपत्ति पर दोनों पत्नी के पूत्रों का घर बनाने एवं किसी भी  
प्रकार का उपयोग के लिए अधिकार प्राप्त है।

ग्राम कचहरी न्यायपीठ में सभी पंचों के बीच सर्व सम्पत्ति से निर्णय लिया  
गया कि वादी विवेक कुमार दुसरी पत्नी कल्पना देवी का पूत्र है। इसलिए प्रथम

पेज-2



पत्नी (मृत्यु) के आलावे दुसरी पत्नी का पूत्र 1.विवेक कुमार 2.मुन्ना कुमार को भी अधिकार प्राप्त है। पैतृक सम्पत्ति में चल एवं अचल सम्पत्ति में किसी भी प्रकार का कार्य करने के लिए स्वतंत्र है।

अतः विदेशी मंडल उर्फ विन्देश्वरी मंडल के पैतृक सम्पत्ति में दूसरी पत्नी कल्पना देवी के दोनों पूत्रों का हक व हिस्सा बराबर बनता है।

पंचो का हस्ताक्षर

1. शूरभणी देवी

2. सुनीता सिन्हा

3. किन्दु देवी

4. वालिदा देवी

5. शिवात्ममंडल

नोट - यह दस्तावेज तीन पेज में लिखा गया है।

30/11/2020  
सचिव  
ग्राम कचहरी- मुरहन जमीन  
गोराडीह (भा. पुर)

ग्राम कचहरी- मुरहन जमीन,

गोराडीह, भागलपुर।

सचिव  
सुमन कुमारी

अग्रणी  
राजीव कुमार 22/07

पेज-3

## Annexure-VI: List of villages visited by the Study Team

Sl.No.	District	Block	Gram Kachahari	Village
<b>Phase I Study</b>				
1	Nalanda	Harnaut	Kolawan	Sirsi
2	Nalanda	Harnaut	Kolawan	Hasanpur
3	Patna	Belchi	Barah	Baghatilha
4	Gaya	Gaya Sadar	Keshru Dharampur	Jagannathpur
5	Gaya	Gaya Sadar	Keshru Dharampur	Dhanibigha
6	Siwan	Siwan Sadar	Chandaur	Shyampur
7	Madhubani	Bisfi	Nahas Rupauli	Nahas Rupauli
8	Madhubani	Bisfi	Nahas Rupauli	Bajraha
9	Muzafferpur	Sakra	Sarmastpur	Sarmastpur
<b>Phase II Study</b>				
10	Bhagalpur	Goradih	Murhan Jamin	Choti Jamin
11	Bhagalpur	Goradih	Murhan Jamin	Badi Jamin
12	Bhojpur	Jagdishpur	Bimwa	Harnahi
13	Bhojpur	Jagdishpur	Bimwa	Bimwa
14	Katihar	Barari	Purvi Barinagar	Kumar Ji Tola
15	Lakhisarai	Surajgarha	Arma	Bakarchak
16	Nawada	Govindpur	Baniya Bigha	Baniya Bigha
17	Nawada	Govindpur	Baniya Bigha	Gangadi
18	Saharsa	Kahara	Sirade Patti	Dighiya
19	Samastipur	Bithan	Pusaho	Pusaho
20	Saran	Dighwara	Kuraiya	Purshottampur
21	Saran	Dighwara	Kuraiya	Bishunpur
22	Vaishali	Jandaha	Mukundpur Bhath	Kajri Khurd
23	Vaishali	Jandaha	Mukundpur Bhath	Mukundpur Bhath





