

The Punjab Gram Nyayalayas Rules, 2010

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Rule THE-PUNJAB-GRAM-NYAYALAYAS-RULES-2010 of 2010

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The Punjab Gram Nyayalayas Rules, 2010 Published vide Notification No. 4 Rules/2.D4, dated 16.4.2012 Last Updated 23rd January, 2020 High Court of Punjab and Haryana at Chandigarh No. 4 Rules/II.D4. - In exercise of the powers conferred under Section 39 of the Gram Nyayalayas Act, 2008 (No. 4 of 2000), the Punjab and Haryana High Court, Chandigarh hereby makes the following Rules of the State of Punjab :-

1. Short title and commencement.

(1) These rules may be called the Punjab Gram Nyayalayas Rules, 2010. (2) The Rules shall come into force on the date of their publication in the Official Gazette.

2. Definition.

- In these rules, unless the context otherwise requires. - (a) "Act" means the Gram Nyayalayas Act, 2008 (No. 4 of 2009). (b) "Rules" means the rules made under the Act. (c) "Nyayadhikari" means the Presiding Officer of Gram Nyayalayas. (d) Words and expressions used in these rules and not defined herein but defined in the Act shall have the same meaning assigned to them in the Act.

3. Seal of Gram Nyayalayas.

- Every Gram Nyayalaya shall have a seal with the dimension as that of seal of the Judicial Magistrate First Class with State Emblem with inscription in the outer margin of the seal as "Seal of Nyayadhikari, Gram Nyayalaya _____ (seal of Nyayalaya to be filled in)".

4. Nyayadhikari.

(a) Nyayadhikari of Gram Nyayalaya shall be appointed from amongst the members of the State Judicial Service. (b) The Nyayadhikari of Gram Nyayalaya shall be entitled to residential

accommodation as per his entitlement in service at nearest district or sub- divisional headquarter.(c)He shall be provided with vehicle with fuel to be used for official purposes including commuting from residence to work place.

5. Court hours and decorum.

- (i) Gram Nyayalaya shall observe Court working hours as observed by the Judicial courts.(ii)Provisions of Rule 30 of 'Canons of Judicial Ethics' of Rules and Orders of Punjab and Haryana High Court, Volume-4 shall be applicable to Nyayadhikari, Advocates and Lawyers.

6. Procedure for Institution of Application or Complaint.

- Any application in prescribed proforma as per forms provided in Appendix 'A' of first schedule of CPC or complaint shall be filed in the Gram Nyayalaya on every working day during court hours. Application or complaint shall be scrutinized and if found proper, the same shall be registered and be assigned a unique number.

7. Nomenclatures to be given to the Applications/Complaints.

- The nomenclatures as mentioned in Appendix 'A' to the Rules shall be employed for different types of Applications/Complaints filed in the Gram Nyayalaya.

8. Court Fee.

- Every application or complaint shall be accompanied by a Court fee stamp of Rs. 50/-. In respect of all other matters. Court Fee as per the provisions of Court Fee Act shall be payable.

9. Issue of Notice in Application.

(a)When an Application has duly been filed, a Notice on prescribed proforma as provided in CPC may be issued to the Opposite Party to appear and answer the claim and to file the written statement of his defence. if any, within thirty days from the date of service of notice on that Opposite Party :Provided that where the opposite party fails to file the written statement within the said period of Thirty days, he shall be allowed to file the same on such other day as may be specified by the Gram Nyayalaya, for reasons to be recorded in writing, but which shall not be later than 45 days from the date of service.(b)The Applicant(s) shall deposit one time process fee of Rs. 50 in each case alongwith copies of Application equal to the number of defendants/respondents.(c)Every notice shall be accompanied by a copy of the Application.(d)Notices shall be served through process serving Agency of Court of Civil Judge (Sr. Division) situated in district within the jurisdiction of which notices are to be served or through registered post or through courier service providers, approved by the High Court, and will be returned served or unserved alongwith affidavit of person who effected the service.

10. Issue of Summons in Complaint Matters.

- (i) Summons on proforma as provided in second schedule of Cr.P.C. shall be in writing, in duplicate, signed by the Nyayadhikari of such Gram Nyayalaya and shall bear the seal of the Gram Nyayalaya.(ii)The Complainant(s) shall deposit one time process fee of Rs. 50 in each case alongwith copies of Complaint and list of witnesses equal to the number of accused to be served.

12. Certified Copies.

(a)A copy of the final order shall be supplied to the parties free of cost.(b)An extra certified copy shall be issued on a payment of fee of Rs. 20.(c)A certified copy of an order shall clearly specify the date of order, date when the copy was prepared and date of issuance thereof.(d)A certified copy of any document on the file of the Gram Nyayalaya, shall be issued on payment of fee of twenty rupees per copy. Provided that if any such document exceeds 5 pages, an extra amount of one rupee per page shall be payable.(e)Certified copy of any miscellaneous order passed by the Gram Nyayalaya shall be supplied on payment of fee of Rs. 5 per copy.(f)All other matters with regard to supplying certified copies shall be dealt with in accordance with Rules contained in Chapter 17 of Rules and Orders of Punjab and Haryana High Court, Volume-4.

13. Conciliation.

- (i) Appointment of Conciliator. - The Gram Nyayalayas shall, in the first instance appoint a Conciliator out of panel to assist, persuade and conciliate the disputing parties in arriving at a settlement in respect of the subject matter of the application/complaint :Provided that the Nyayadhikari may appoint a person a conciliator who is not in the panel of Conciliators where both the parties to dispute propose the name of such person in writing.(ii)The Conciliators will follow the procedure as prescribed in the Mediation and Conciliation Rules contained in Sub-part II of Part O, Chapter 1, Volume-I of the Rules and Orders of Punjab and Haryana High Court.(iii)Panel of Conciliators. - (1) Every Gram Nyayalaya shall have panel of 10 Conciliators prepared by the District Judge in consultation with the District Magistrate.(2)Such panel shall be reviewed periodically. The maximum tenure of a Conciliator will be 2 years, extendable by another term of two years.(3)Panel shall consist of at least one woman, one member of Panchayat and one person belonging to SC/BC Category.(iv)Qualification/Persons to be empanelled as Conciliator. - The persons having following qualifications shall be eligible to be empanelled as Conciliators :-(a)A person should be of minimum 35 years of age(b)A person should be a graduate or retired teacher from a Government recognized educational institution.(c)He should be preferably from the local area of the Gram Nyayalaya ;(d)any person who has been adjudged insolvent; or against whom criminal charges involving moral turpitude have been framed by a court or convicted of such offence ; or against whom disciplinary proceedings have been initiated by the competent authorities or who has been punished in such proceedings ; or is having any pending litigation in Gram Nyayalaya or any other Court of his own or any of his family member such as mother, father, brother, sister, son, daughter, wife etc. or Such other categories of persons as may be notified by the District Judge shall not be empanelled as Conciliators.

14. Inspection of Gram Nyayalaya.

- Every Gram Nyayalaya shall be inspected preferably twice a year by the Chief Judicial Magistrate. He shall issue such instructions as he may deem necessary for proper functioning of Gram Nyayalaya and shall submit a report to the High Court through proper channel.

15. Administrative Judge.

- Every Gram Nyayalaya in Sessions Division shall be inspected by the Administrative Judge of the High Court for the said Sessions Division.

16. Publication.

- These Rules shall be published in the Government Gazette of the State of Punjab."

APPENDIX

`A'

Sr. No.	Nature of Proceedings	Abbreviated Form
1.	Offences under the Indian Penal Code (45 of 1860) ETC.,	
(i)	Offences not punishable with death, imprisonment for life or imprisonment for a term exceeding two years;	Challan (IPC)Comp (IPC)
(ii)	theft, under section 379, Section 380 or Section 381 of the Indian Penal Code (45 of 1860), where the value of the property stolen does not exceed rupees twenty thousand;	
(iii)	receiving or retaining stolen property under section 411 of the Indian Penal Code (45 of 1860), where the value of the property does not exceed rupees twenty thousand;	
(iv)	assisting in the concealment of disposal of stolen property under section 414 of the Indian Penal Code (45 of 1860), where the value of such property does not exceed rupees twenty thousand;	
(v)	offences under Sections 454 and 456 of the Indian Penal Code (45 of 1860);,	
(vi)	insult with intent to provoke a breach of the peace under section 504, and criminal intimidation, punishable with imprisonment	

	for a term which may extend to two years, or with fine, or with both, under section 506 of the Indian Penal Code (45 of 1860);,	
(vii)	abetment of any of the foregoing offences;,	
(viii)	an attempt to commit any of the following offences, when such attempt is an offence.,	
2.	Offences and relief under the other Central Acts	
(i)	any offence constituted by an act in respect of which a complaint may be made under section 20 of the Cattle-trespass Act, 1871 (1 of 1871);	(i) Comp. (CTA)
(ii)	the Payment of Wages Act, 1936 (4 of 1936);	(ii) Comp. (PWA)
(iii)	the Minimum Wages Act, 1948 (11 of 1948);	(iii) Comp. (MWA)
(iv)	the Protection of Civil Rights Act, 1955 (22 of 1955);	(iv) Comp. (PCR)
(v)	order for maintenance of wives, children and parents under Chapter IX of the Code of Criminal Procedure, 1973 (2 of 1974);	(v) Comp. Misc (Cr.P.C.)
(vi)	the Bonded Labour System (Abolition) Act, 1976 (19 of 1976);	(vi) Comp. (BLA)
(vii)	the Equal Remuneration Act, 1976 (25 of 1976)	(vii) Comp. (ERA)
(viii)	the Protection of Women from Domestic Violence Act, 2005 (43 of 2005)	(viii) Comp. (DVA)
3.	Suits of a Civil Nature within the jurisdiction of Gram Nyayalayas	
(i)	Civil Disputes,	
	(a) right to purchase of property;	(a) CD (RPP)
	(b) use of common pasture;	(b) CD (UCP)
	(c) regulation and timing of taking water from irrigation channel	(c) CD (WIC)
(ii)	Property Dispute,	
	(a) village and farm houses (Possession)	(a) PD (Possession)
	(b) water channels;	(b) PD (WC)
	(c) right to draw water from a well or tube well	(c) PD (RDW)

(iii)

Other Disputes

- | | |
|---|-----------------------------|
| (a) claims under the Payment of Wages Act, 1936 (4 of 1936); | (a) Civil PWA |
| (b) claims under the Minimum Wages Act, 1948 (11 of 1948); | (b) Civil MWA |
| (c) money suits either arising from trade transaction or money lending; | (c) Money suit |
| (d) disputes arising out of the partnership in cultivation of land; | (d) Cultivation Dispute |
| (e) disputes as to the use of forest produce by inhabitants of Gram Panchayats. | (e) Forest Produce Disputes |