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Deted Lucknow, April 16, 2013

THE UTTAR PRADESH GRAM NYAYALAYA PROCEDURE AND PRACTICE RULES, 2009

In exercise of the powers conferred by section 39 of the Gram Nyayalays Act, section 122 of the Code of Civil Procedure and all other powers enabling it in this behalf, the High Court of judicature ot Allahabad in consultation with the Government of Uttar Pradesh makes the following rules)

CHAPTER-I

Short titte Application and commencement

1. (a) These Rules may be called the Uttar Pradesh Gram Nyayalaya (Procedure and Practice) Rules, 2009,

(b) They shall apply to Gram Nyayalayas as constituted in the State of Uttar Pradesh under the Gram Nyayalays Act, 2008,

(e) They shall come into force with effect from the date of publication in the official Gazette of the State of Uttar Pradesh

Definition

2. In these rules, unless the context otherwise requires
(a) The "Act" means (the Gram Nyayalayas Act, 2001 (Act no.4 of 2009).

(b)"Code" means the Code of Criminal Procedure or the Code of Civil Procedure, as may be applicable).

(c)"Conciliator" means the Conciliator appointed under section 27 of the Act.

(d)"Kshetra Panchayat" means a Kshetra Panchayat as defined in Section 2 (6) of the Uttar Pradesh Kshetra Panchayats and Zila Panchayats Adhiniyam, 1961

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(e) "State Government" means the Government of Uttar Pradesh,

(f) "High Cout" means the High Court of Judicature at Allahabad;

(g) "Proceedings" shall include pleadings, petitions, complaints and applications;

(h) Words and expressions used but not defined herein and defined in Gram Nyayalayas Act, 2008, the Code of Civil Procedure, 1908 or the Code of Criminal Procedure, 1973 shall have the meanings respectively assigned to them in those Statutes as applicable from time to time.

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CHAPTER-II

Location of territorial (jurisdiction of Gram Nyayalaya

3. (a) Gram Nyayalaya shall be established at the Headquarters of (a) Kshetrs Panchayat or at such other place as may be notified by the State Government and shall have the territorial jurisdiction over one or more Kshetra Panchayats for which it is established.

(b) Gram Nyayalaya may conduct sittings at such place or places within the jurisdiction with prior public notice under intimation of the High Court.

Office Hours

4. The office of Gram Nyayalaya shall be open on all working days from 10.00 a.m to 5.00 p.m. or during such other hours as may be notified by the High Court from time to time.

Siting hours of Gram Nyayalaya

5. The Gram Nyayalaya shall ordinarily hold (sitting from 10.30 am to 1.30 p.m. and from 2.00 pm. to 4.00 pm. with a lunch break not exceeding half-an-hour between 1.30 pm. to 2.00 p.m.

Language of Proceedings, Fetitions and Complaints

6. All proceedings before the Gram

Nyayalaya (shall be in Hindi/Devnagarı Script.

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CHAPTER-III

7. The State Government shall in consultation with the High Court of. Judicature. at Allahabad appoint Nyayadhikari from amongst the Officers of the cadre of Civil Judge (Junior Division) for such Nyayalayas. — Appointment of Nyayadhikari

8. Each Gram Nyayalaya will be provided the staff as is considered necessary as required and approved by the High Court for smooth and efficient functioning. — Staff

9. Nyayadhikari may within his local limits hold mobile court with prior intimation to the Chief Judicial Magistrate or the District and Sessions Judge of the District.. — Mobile Court

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CHAPTER-IV

PROCEDURE IN RESPECT OF CIVIL CASES — Pecuniary Jurisdiction of the Gram Nyayalaya and the court fee payable

10. (a) The Gram Nyayalaya shall have jurisdiction to entertain and decide all Civil proceeding of valuation up to Rs 25,000/-:

Provided that the value for the purpose of determining the jurisdiction shall be done as per the provisions of the Suits Valuation Act, 1887 read with the Court Fees Act, 1989.

Further provided that the High Court may from time to consultation with the State Government increase or reduce the limit of pecuniary jurisdiction of the Nyayadhikari.

(b) A fixed Court fee of Rs. 50/- shall be payable on every plaint or original petition

(c) The fees payable on vakalatnama shall be Rs.5/- and on all other applications shall be Rs.2/-

Presentation of Proceedings) documents

11. (a) All proceedings, documents and other papers required to be filed before the Gram Nyayalaya shall be presented or filed before the Chief Ministerial Officer or any other officer of Gram Nyayalaya specifically specified in that behalf, by delivery of the same by the party personally or by this counsel or the (letter's) registered clerk on any worlong day during the office hours before 3.00 p.m., or if the presiding officer so desires, even after 3.00 p.m. immediately on receipt, the officer shall put his dated initials thereon and if a proceeding thereby is institured, assign a serial number to be allotted and preserved for the said purpose in a bound register. In case the computers are provided an entry of it shall immediately be made in the same

(b) No document or proceeding required to be presented to or filed in Gram Nyayalaya shall be received by post, telegram or phonogram:

Provided that in cases where an Official Receiver or an Officer appointed by any Court does not intend to defend or contest any proceeding before à Gram Nyayalaya in which he is impleaded in such capacity as a party or wishes to bring a formal defect in the proceeding to the notice of the Gram Nyayalaya, he may inform (the) Gram Nyayalaya accordingly by a statement in writing in a form appropriate to the proceeding and send it to the Gram Nyayalaya by post or by personal messenger.

Form of plaint and original Petition

12. (a) The plaint and original petitions shall contain the following particulars;

i. the name of the Gram Nyayalaya in which the suit is filed;

ii. the name, description and place of residence of the plaintiff/petitioner;

iii. The name, description and place of residence of the defeudant/respondent, so far as they can be ascertained;.

iv. Where the plaintiff or the defendant is a minor or a person of unsound mind, a statement to that effect, and, in case of a minor, a statement regarding his age to the best of the knowledge and belief of the person verifying the plaint;

v. The facts constituting the cause of action and when it arose;

vi. The facts to satisfy that the Gram Nyayalaya has jurisdiction;

vii. The relief which the plaintiff/petitioner claims,

viii. Where the plaintiff/petitioner has allowed a set-off or relinquished a portion of his claim, the amount so allowed or relinquished; and

ix. a statement of the value of the subject matter of the suit for the purposes of jurisdiction so far as the case admits.

(b) Where the plaintiff or the defendant is a minor or a person of unsound mind, the provisions of Order XXXII of the Code of Civil Procedure shall apply to the extent applicable.

Appearance of the parties

13. A Party to the proceeding before the Gram Nyayalaya may appear in person or through his counsel duly authorised.

14. The details of all the proceedings of a

Registration of plaint petition	civil nature shall be registered in (registers as prescribed in the General Rules (Civil), 1957、
Summons to defendants/respondents how served	15. (a) When a plaint/petition as the case may be has been duly presented, the Gram Nyayalaya shall cause the same to be registered, and shall, by summon in writing require the defendant to appear and answer the claim on a specific day.. (b) The summons shall be served on the defendant personally or by registered post acknowledgement due. (c) In case the summons is served on the defendant personally, his signature shall be taken on the summons by the person serving the summons and a copy thereof delivered to him, and in case of postal service, an acknowledgment purporting, to be signed by the defendant shall be deemed to be proof of service of such summons.
Mode of service when defendant/respondent evades service	16. If the Gram Nyayalaya is satisfied that the defendant/respondent is evading service of summons, or has refused to affix his signature to the summons, or for any other reason the summons can not be served in the manner provided for in rule 12, the Gram Nyayalaya may order that it be served through an advertisement is daily newspaper circulating in the locality in which the defendant resides, carries on business or works for gain.
Mode of service when defendant/respondent is beyond local Jurisdiction	17. When the defendant/respondent is beyond local Jurisdiction of Gram Nyayalaya, the summons shall be served through registered post with acknowledgement due and the return of the acknowledgement due shall be prima facie evidence of the facts stated therein.

18. In matters of appearance and consequence of non-sppearance of parties Order IX of the Code shall apply.

Apprearance of the parties and consequence of the non appearance

CHAPTER-V

19. (a) Gram Nyayalaya shall initially endeavour to bring an amicable settlement between the parties.

Gram nyay alaya to attempt amicable settlement and reference to Counciliator

(b) If it appears at any stage or the proceedings that the parties are likely to settle the matter amicably, the Gram Nyayalaya may adjourn the hearing to a later date and refer the matter to a conciliator or concilistors with a direction to submit a report as to the outcome of the conciliations within 15 days of such reference.

(c) If the parties arrive at a settlernent before the conciliator relating to the suit, claim or dispute or any part thereof, such settlement shall be reduced to writing signed by both the parties and countersigned by the conciliator.

20. Upon submission of report by the conciliator/ conciliators the Gram Nyayalya shall take up the matter for hearing on a date fixed therefor, and shall pronounce the judgement or order in terms thereof unless it considers the terms of the settlement unconscionable or illegal or against the public policy.

Gram nyay alaya to dispose of proceedings

21. (a) Conciliators shall be appointed by the Government from a panel prepared by the District and Sessions Judge in consultation with District Magistrate and they shall be deployed at the disposal of Gram Nyayalaya in the district.

Appointment and qualification of conciliators

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(b) Persons to be appointed as conciliators must have Master's Degree in Social Work/Psychology/Sociology and shall be persons of integrity, aptitude and experience.

(c) If the parties do not settle their dispute, or where the terms of settlement appear to be unconscionable or illegal, the Gram Nyayalaya shall proceed to hear and dispose of the matter on merit in accordance with law.

22. The proceedings prescribed under Order XXIII rule 1 of the Code shall apply for the withdrawal of the proceedings. — withdrawal of proceedings

23. The provisions of the Code of Civil Procedure and General Rules (Civil). 1957 may be followed in respect of civil proceeding to the extent they are not inconsistent with the provisions of the Act and these rules, — Applicability of the Code of Civil Procedure and the General Rule (Civil), 1957

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CHAPTER-VI

PROCEDURE IN RESPECT OF CRIMINAL CASES

24. (a) Initiation of Criminal Cases before the Gram Nyayalaya shall be either on a police report or a complaint given orally or in writing by the complainant. — Initiation of Criminal Cases

(b) If the complaint is given orally, the same shall be reduced to writing by the Nyayadhikari and read over to the complainant and signed by the complainant.

	25. In trials under this Chapter, the procedure prescribed under Chapter XXI of the Code shall apply.	Procedur for trials
	26. Every Gram Nyayalaya shall maintain a bound register for making an entry into it of the cases instituted there under Rule (21).	Record in Summary trials
	27. The provisions of the Code of Criminal Procedure and the General Rules (Criminal), 1977 may be followed in respect of criminal proceedings to the extent they are not inconsistent with the Act and these rules	Applicability of the Code of Criminal Procedure and the General Rules (Criminal), 1977

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CHAPTER-VII

Seal of the Gram Nyayalaya	28. Every Gram Nyayalaya shall have an office seal contening the name of the Gram Nyayalaya as approved by the High Court of Judicature at Allahabad Court.	
Inspection of Gram Nyayalaya	29. The Gram Nyayalaya in a District shall be inspected by thr. District and Sessions Judge concernd every six months or by an officer of the High Court specifically authorised in this behalf. They shall issue such directions as the necessary and shall submit a report to the High Court.	
Outer of the Jurisdiction of Courts	30. Gram Nyayalaya shall have exclusive jurisdiction in respects of matters covered by it's jurisdiction and specifically conferred on it.	
Time within which the judgement and final order are to be delivered.	31. The judgement and final orders in civil matters be delivered within 15 days from the date of final hearing of the matter and in criminal matters within 7 days. If the Gram Nyayalaya fails to deliver it's	

judgement/final order in any matter within the prescribed time the reasons thereof shall be recorded.

Apart from the instructions in the Code, every judgement/final order shall contain the following:

(a) The statutory period for appeal, if appeal lies.

(b) Name of the appellate forum.

Forms

32. The forms prescribed in the Code, General Rules (Civil), 1957 and the General Rules (Criminal), 1977 shall apply mutatis mutandis.

CHAPTER-VIII

Holidays

33. Gram Nyayalaya shall observe such holidays, as are declared by the High Court of Judicature at Allahabad for the subordinate courts from time to time.

Confidential Reports

34. Confidential reports of Nyayadhikaris shall be written by the concerned District and Sessions Judge of the district as is written in case of other subordinate Judes and will be placed before the High Court of Judicature at Allahabad

Service Condition Rules

35. The Nyayadhikari shall be subject to the same Service Condition Rules as are applicable to the other Judicial Officers of the Subordinate Courts.

Limitation

36. The provisions of the Indian Limitation Act, 1963 shall be applicable in proceedings before Gram Nyayalayas. No suit or proceeding shall be instituted in a Gram Nyayalaya for which the period of limitation prescribed by the Indina Limitation Act has expired.

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Amendmeat in Rules	37. The High Court of Judicature at Allahabad shall have power to amend, modify, delete or relax any rule whenever it is deemed necessary.

By orde,

SHASHI KANT PANDEY,
Pramukh Sochiv.

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