

UP GRAM NAYAYALAYA PROCEDURE AND PRACTICE RULES, 2009

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 2013 PÜDESH GRAM NYAYALAYAÉROCEDURE AND PRACTICARULES, 2009 (lije,xerci"
 .ofGpowers conferred by section 39 of the Gram Nyayalaya 122 of the Code of Civil Procedure and all
 other powers enabling it in this behalf, the High Court Jildicature at consultation with the Government of
 Uttar Pradesh makes the following@les Sbärt title, Application and Commencement • Definitio€)
 CHAPTER-I 1. (a) These Rules may be called the Uttar Pradesh Grmn -rlyaya-laya (Procedure and
 Pract..ce) Rules, 2009. (b) They Shall apply to Gram Nyayalayas as constituted in ttlF. State 'If Uttar
 Pradesh under the Gram NyayalayaNAct, 2008. (c) They shall come into force with effect from the date of
 publication in the official Gazette of the State of Uttar Pradesh

**2. In these r Ales, unless the context otherwise requires,': •the "Aft" means (iGå Gram Nyayalayas
 Act, 2008 (Act no.4 of 2009m means the Code of Criminal Procedure or the of Civil Procedure, as may b?
 applicablq0 means the. Conciliatoy appointed underl 27 of the Act}) . .(d)"Kshetra Panchayat" • means a
 Ksbetra Panchayat-I at defined 2. oction 2 (6) of the Uttar Pradesh KShetra Panchayats and Zila
 ?anchayats' Adhiniyarn, 1961"; (e) "Siaie Government" means the Government of Uttar Pradesh..; (f)
 "High Cotu•t" means the I--ligh Court of Judicature at A.I)ahabad; (g) "Proceedings" shall • include
 pleadings, petitions, complaints and applications; 4) RPHN.y Mly•rnawaJi 2613 0) WOrds and
 expressions used but not defined herein and defined in Gram Nyayalayas Act , 2008 the Code of Civil
 Procedure, 1908 •or the COO Criminal Procedure, 1973 shall have the meanings respectively assigned'lo
 them in those Statutes as applicable from time to time. CHAPTER-11 3. (a) Gram Nyayalaya shall be
 established at the Hegdquarters of(äl Kshelra Panchayat or at such other place as mãy be notified by the
 State Government 'and chali have the temtorial jurisdiction over one or more Kshetra Panchayats for
 which it is established, Gram Nyayalaya may conduct sit-nngs at IFuch place or places within lhe
 jurisdiction with prior public notice under intimation €5the I-Ogh Court. 4..The office of@Gram
 Nyayalaya shÅLI be open on all worlcing days from IO 00 a.m. tb 5.00 pn. or during such other hours as
 may be notified by the High Court from time to time**

**5. The Gram Nyayalaya shall ordinarily hold c-s—om 10.30 a.m. to I .30 p.m. and from 2.00 p m. to
 4.00 p.m. with a lunch brm not exceeding half-an-hour between 1.30 p.m. to 2.00 p.m**

6. All proceedings before the Gram Nyayalaya shall be in Hindi/Devnagari Script. 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. g. 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 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. Civil CHAPTER-IV PROCEDURE IN RESPECT OF CIVIL CASES 10. a) The Gram Nyayalaya shall have jurisdiction to entertain and decide any proceeding of valuation up to 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 time in 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 valuations shall be Rs.5/- and on all other applications shall be Rs.2/- . documents 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 at that behalf, by delivery of the same by the party personally or by his counsel or clerk on any working 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 the officer signing the same his dated initials thereon and if assigned 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. O RPH Location of Office Hours Sitting hours Gram Nyayalaya Language of Proceedings, Petitions and Complaint; Appointment Nyayadhikari • Staff • Court fees • Jurisdiction of the Gram Nyayalaya Court fees payable Presentation of Proceedings • Documents 8 Form of plaint • Appearance of the parties Registration of plaint • Summons to defendants/ respondents how served Mode of service when defendant is respondent evades service Mode of service when defendant is respondent is beyond local Jurisdiction 16 2013 (b) No document or proceeding required to be presented or filed in 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 Gram Nyayalaya in which he is impleaded in such capacity as a party or wishes to bring a motion in the proceeding to the notice of the Gram Nyayalaya, he may inform (through 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

12. The plaint and original petitions shall contain the 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 defendant/respondent, so far as they can be ascertained; iv. Where the plaintiff or the defendant is a minor, 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 verifying the plaintiff; 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 purposes of jurisdiction so far as the case admits. (b) Where the plaintiff or the defendant is a minor or a person of tender mind, the provisions of Order XXXII of the Code of Civil Procedure shall apply to the extent applicable

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 civil nature shall be recorded in (registers as prescribed in the General Rules (Civil), 1957, 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 summons requiring 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 by the defendant shall be deemed to be proof of service of such summons

16. If the Gram Nyayalaya is satisfied that the defendant/respondent evading service of summons, or has refused to affix his signature to the summons or : other reason the summons can not be served in the manner provided for in rule 9, the Gram Nyayalaya may order that it be served through an advertisement daily in newspaper circulating in the locality in which the defendant resides, carries on business or works for gain

17. When the defendant/respondent is beyond local Jurisdiction Nyayalaya, the summons shall be served through registered post with due and the return of the acknowledgement due shall be prima facie evidence of the facts stated therein. RPH Nay Gubh. a-d. t. 2 My. m. w. ll 2013 of non-appearance of parties 9 18. In matters of appearance and consequence Order DC of the Code shall- apply. CHAPTER.V 19.. (a) Gram Nyayalaya shall initially endeavour to bring an amicable settlement between the parties: . 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 conciliators 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 settlement 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 Nyayalaya shall take up the matter for hearing on a date fixed 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,

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. (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 X of the Code shall apply for the withdrawal of the proceedings

23. The provisions of the Code of Civil Procedure and General Rules (Civil), 1957 may be followed in respect of civil proceedings to the extent they are not inconsistent with the provisions of the Act and these rules. CHAPTER-VI- PROCEDURE 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. (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 X of the Code shall apply

26. Every Gram Nyayalaya shall maintain a bound register for making an entry into it of the cases instituted there under Rule (21)

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. RPH Nayunr. li 20 Appr of , and the P' of Gram Nyayalaya. Section 19 of Gram Nyayalaya Act, 2008. Zings Appointed an Officer in charge of the Gram Nyayalaya. Code of Civil Procedure and the General Rules of Cases for trial. Section 19 of Gram Nyayalaya Act, 2008. and the (Criminal), 10 Seal Of the Gram Nyayalaya Inspection of Gram Nyayalaya Ouster of the Jurisdiction of Courts: Time within which the judgement and final order are to be delivered . Holidays Confidential Reports Service Condition Rules Limitation Amendment in Rules 16 2013 CHAPTER-VII 28. Every Gram Nyayalaya shall have an official seal containing the name of Gram Nyayalaya as approved by the High Court of Judicature at Allahabad Court

29. The Gram Nyayalaya in a District shall be inspected by the District and Sessions Judge concerned every six months or by an officer of the High Court specifically authorised in this behalf. They shall issue such directions as necessary and shall submit a report to the High Court

30. Gram Nyayalaya shall have exclusive jurisdiction in respect of matters covered by its jurisdiction and specifically conferred on it

31. The judgement and final orders in civil matters be delivered 15 days from the date of final hearing of the matter and in criminal matters within V Rays. If the Gram Nyayalaya fails to deliver its 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

32. The forms prescribed in the Code, General Rules (Civil), and the General Rule' (Criminal), 1977 shall apply mutatis mutandis. CHAPTER-VIII 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 of Nyayadhikaris shall be written by concerned District and Sessions Judge of the district as is written in case of other and will be placed before the High Court of Judicature at Allahabad

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

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

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 order SHASHI I (ANT Pramukh 41 I 4 first)

