

**THE GAUHATI HIGH COURT AT GUWAHATI**  
**(HIGH COURT OF ASSAM : NAGALAND : MEGHALAYA : MANIPUR :  
TRIPURA : MIZORAM AND ARUNACHAL PRADESH)**

**NOTIFICATION**  
**Dated Guwahati, the 17<sup>th</sup> May, 2012.**

No. HC.XI-01/2012/242/RC # # # # In exercise of the powers conferred by Sub-Section (1) and (2) of Section 39 of the Gram Nyayalayas Act, 2008, **THE GAUHATI HIGH COURT** in consultation with Govt. of Assam do hereby makes the following rules for regulation of Gram Nyayalayas established in the **STATE OF ASSAM**:

**CHAPTER-I**

1. Short title and commencement :-
  - (a) These rules may be called the “**THE GAUHATI HIGH COURT GRAM NYAYALAYAS RULES, 2011**”.
  - (b) These rules shall come into force from such date as may be fixed by the Govt. of Assam by publishing notification in the State Gazette.

**DEFINITION**

2. In these rules unless the context otherwise provides :-
  - (a) “Act” means the Gram Nyayalayas Act, 2008
  - (b) “Chief Judicial Magistrate” means Chief Judicial Magistrate of the concerned District in whose local limit Gram Nyayalayas is established.
  - (c) “District & Sessions Judge” means District & Sessions Judge of concerned District in whose local limit Gram Nyayalaya is established.
  - (d) “High Court” means the Gauhati High Court.
  - (e) “Judicial Officer” means any officer of Grade-III of Assam Judicial Service.
  - (f) “Nyayadhikari” means the Presiding Officer of the Gram Nyayalaya established under Section 5 of the Gram Nyayalayas Act, 2008.
  - (g) “State Government” means the State Government of Assam.
  - (h) Word and expressions used but not defined in these rules shall have the same meaning as assigned to them in the Act or the Code of Civil Procedure and Criminal Procedure.

**CHAPTER-II**

**GRAM NYAYALAYA**

3. One of more Gram Nyayalaya shall be established under Section 3 of the ‘Act’ for “every Block/Anchalik Panchayat or a group of Block/ Anchalik Panchayat, depending upon the area and population, by the State Govt. under Section 3 of the Act.

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4. The Headquarter of the Gran Nyayalaya shall be at a place specified by the notification issued by the Government of Assam under Section 3 & 4 of the Act.

**NYAYADHIKARI**

5. The State Govt. shall in consultation with the Gauhati High Court nominate such person having requisite qualification, as envisaged in Section 6(1) of the Act, as NYAYADHIKARIs to preside over one or more GRAM NYAYALAYA by creating a separate cadre AND TILL CREATION OF SUCH CADRE, State Govt. may in consultation with the Gauhati High Court nominate such Judicial Officers of Assam Judicial Service of *Grade-III* to preside over for one or more Gram Nyayalayas.
6. The person having a Law Degree from a recognized Institution is entitled to apply for the post of Nyayadhikari. The State Government in consultation with the High Court shall conduct a test on the pattern of recruitment of Grade-III Officers of Assam Judicial Service for the selection of Nyayadhikari. After selection, such candidates should be provided a Refresher Court of 2/3 months at NEJOTI, Guwahati or such other institution by the State Government after consultation with the High Court.
7. In appointing the Nyayadhikaris the reservation as per State Government Notification shall be applicable.
8. (a) NYAYADHIKARI, appointed for Gram Nyayalayas, shall within his local limits hold mobile court with prior intimation to the Chief Judicial Magistrate and/or District & Sessions Judge of the District.
- (b) Until creation of a special cadre of NYAYADHIKARIs for such Gram Nyayalayas, the nominated JUDICIAL OFFICER apart from his regular court duty shall within the local limits of the Gram Nyayalaya, for which he was nominated, hold mobile court with prior permission of District & Sessions Judge of the concerned District.
9. (i) The Gram Nyayalayas shall use a common seal of one and a half inch square with the name of Gram Nyayalayas on the top, name of ANCHALIK PANCHAYAT at the bottom, name of Revenue District on left arm, State of Assam on right arm and monogram of "Ashok Chakra" with inscription "Satyamev Jayate" in the State Language in the centre as shown below :-

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| Name of Gram Nyayalaya |                                      |                |
|------------------------|--------------------------------------|----------------|
| Name of District       | Ashok Chakra with<br>Satyamev Jayate | State of Assam |
|                        | Name of Anchalik<br>Panchayat        |                |

(ii) The Nyayadhikari shall use his designation seal as :-

**Nyayadhikari**  
**Name of the Gram Nyayalaya**  
**Name of the District : Assam**

### CHAPTER-III

#### JURISDICTION :-

10. *The pecuniary jurisdiction of the Gram Nyayalayas shall be to entertain and decide all civil matters as specified in Schedule-II when the value of subject matter does not exceed 50,000/-.*
11. The Local Limits of each Gram Nyayalaya shall be the Block/Anchalik Panchayat Area for which the Gram Nyayalaya has been constituted.
12. Notwithstanding anything contained in the Court Fees Act, 1870 and without prejudice to any other law in force, a court fees of ` 100/- (Rupees one hundred) only shall be payable on all the applications which are in the nature of suits, claims and disputes for CIVIL DISPUTES presented before the Gram Nyayalaya and a Court Fee of ` 1/- (Rupee one) only shall be payable on all other miscellaneous applications as well as CRIMINAL CASE and on other interlocutory matter *including vakalatnama* presented before the Gram Nyayalayas.

### CHAPTER-IV

#### PROCEDURE :-

13. Unless otherwise expressly provided in the Act or by the Rules, the provisions of Gauhati High Court Civil Court Rules & Order and Gauhati High Court Criminal Rules & Order shall apply mutatis mutandis in relation to proceedings before the Gram Nyayalayas to the extent they are not in consistent with the Act.

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14. Unless otherwise expressly provided in the Act or by the Rules, provisions of Civil Procedure Alternative Dispute Resolution and Mediation Rules, 2006 shall apply mutatis mutandis in relation to proceedings before the Gram Nyayalaya.
15. Where a suit, claim or dispute has been duly instituted, summons shall be issued by the Gram Nyayalaya, accompanied by a copy of the plaint/application to the Opposite Party to appear and answer the claim by such date as may be specified therein and same shall be served either personally or through the Gram Nyayalaya's Process Service/Staff entrusted with such job or through Registered A/D Post. The process server may take the assistance of the Gaonburah of that particular area for service of such Summon/Notice and in such the said Gaonburah shall put his signature as a witness to such service or non-service of Summon/Notice.
16. (i) All suits, claims or disputes as referred in Schedule-II of the Act shall be presented in the form of simple application by stating the name and detail address of the petitioner(s), opposite party(s), facts leading to dispute and relief claimed followed by a verification.
- (ii) The applications in the nature of suits, claims or disputes and all other miscellaneous applications shall be presented before the NYAYADHIKARI or the officer so authorised by the NYAYADHIKARI.
17. Duty of the Nyayadhikari in the first instance should be to make efforts for settlement of all civil disputes through conciliation and mediation. The provisions of Legal Services Authority Act, 1987 shall be extended to the litigants before the Gram Nyayalayas.
18. **Appointment of Conciliations/Mediations** :- For the purposes of Section 26, the Nyayadhikari, in consultation with the District Magistrate, shall, prepare a panel consisting of the names of social workers at the village level having integrity, qualification and experience for appointment as Conciliators/Mediators.
- The following persons may, after observing the formalities in Section 27 of the Act, be appointed as Mediators.
- (a) Gaonburahs
  - (b) Gaon Panchayat President/Member(s)
  - (c) Anchalik Panchayati President/Member(s)
  - (d) Senior Gram Sevak(s)
  - (e) Circle Officer(s)
  - (f) Any other persons who has been trained as mediator
  - (g) Any leading citizen of the locality whom the Nyayadhikari finds fit to work as a mediator.

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## CHAPTER-V

### MISCELLANEOUS

19. (i) The District & Sessions Judge or any other Grade-I Judicial Officer as nominated or authorised by the District & Sessions Judge shall inspect the Gram Nyayalayas within his jurisdiction once in every six months or as directed by the High Court.
- (ii) The Annual Confidential Report of the Nyayadhikari shall be written by the District & Sessions Judge and same shall be submitted before the High Court.
20. The Gram Nyayalayas shall observe such holidays, as may be notified by the State Government from time to time.
21. The Gauhati High Court shall have power to amend, modify, delete or relax any provision of these rules, as may be deemed necessary.

By Order/-  
Sd/- R.K. Phukan  
**REGISTRAR GENERAL**

Memo No. HC.XI-01/2012/243-265/RC Dated: 17.05.2012.