

## West Pakistan Conciliation Courts Rules 1962

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**No. Integ. 7-1/62.**—In exercise of the powers conferred by section 21 of the Conciliation Courts Ordinance, 1961 (XLIV of 1961), the Government of West Pakistan is pleased to make the following rules, namely:---

**1.** (1) These rules may be called the West Pakistan Conciliation Courts Rules, 1962.

(2) They shall extend to the whole of the Province of West Pakistan, except the Cantonments.

**2.** In these rules, unless there is anything repugnant in the subject or context,

- (a) "Form" means a form appended to these rules;
- (b) "Ordinance" means the Conciliation Courts Ordinance, 1961 (XLIV of 1961);
- (c) "Part" means a Part of the Schedule to the Ordinance;
- (d) "petitioner" means a person who makes an application under section 4 of the Ordinance ;
- (e) "respondent" means the person against whom an application under section 4 of the Ordinance is made; and
- (f) "section" means a section of the Ordinance.

**3.** (1) An application under subsection (1) of section 4 shall be in writing and shall be signed by the petitioner and shall be presented to the Chairman of the Union Council.

(2) The application under sub-rule (1) shall contain the following particulars :—

- (a) the name of the Union Council in which the application is made,
- (b) the name, description and place of residence of the petitioner,

- (c) the name, description and place of residence of the respondent,
- (d) the name of the Union in which the offence was committed, or the cause of action arose,
- (e) the complaint or the nature and valuation of the claim with particulars in brief, and
- (f) the relief claimed.

(3) An application under this rule shall be accompanied by a fee of one rupee if the case relates to Section A of Part I or Section A of Part II, and by a fee of two rupees if it relates to Section B of Part I or Section B of Part II.

**4.** When an application is rejected by the Chairman of the Union Council under subsection (1) of section 4, it shall be returned to the petitioner together with the order passed on it.

**5.** (1) An application for revision under subsection (2) of section 4 shall be made within 30 days from the date of rejection—

- (a) to the Controlling Authority or to an officer not lower than a Magistrate of the first class nominated by the Controlling Authority in this behalf, if the case relates to Section A of Part I or Section A of Part II, and
- (b) to the District Judge, if the case relates to Section B of Part I or Section B of Part II.

(2) An application under sub-rule (1) shall be in writing, shall be signed by the petitioner, shall contain the names, descriptions, and addresses of the parties and shall be accompanied by the original application rejected and returned by the Chairman of the Union Council, and shall also contain in a precise form the grounds on which the application for revision is made.

**6.** If the authority to whom an application is made under subsection (2) of section 4 is of opinion that the order passed by the Chairman of the Union Council is mala fide or substantially unjust, it shall return the application to the petitioner together with the order in writing directing the Chairman of the Union Council to admit the application.

**7.** (1) When an application has been admitted, its particulars shall be entered in a register to be maintained in Form I, and the number and year of the case in the said register shall also be endorsed on the application.

(2) When a case is referred back under subsection (2) of section 8 by the Controlling Authority or the District Judge, as the case may be, for reconsideration, the case shall be entered afresh in the register in Form I and shall be heard as a fresh application.

**8.** (1) After having registered the application under rule 7, the Chairman of the Union Council shall direct the petitioner to be present on a date and time which he may fix and shall also issue summons to the respondent for appearing before him on the date and time so fixed.

(2) Every summons issued under these rules, shall be in writing, in duplicate, signed and sealed by the Chairman, of the Union Council, and after the constitution of the Conciliation Court, by the Chairman of the Conciliation Court.

(3) Save as otherwise provided, every summons issued under these rules shall be served by a servant of the Union Council or by such other person as the Chairman of the Union Council or the Chairman of the Conciliation Court, as the case may be, may appoint in this behalf.

(4) Service of the summons shall, if practicable, be made personally on the person summoned by delivering or tendering to him one of the duplicates of the summons.

(5) Every person on whom a summons is served shall sign a receipt on the back of the other duplicate.

(6) If service in the manner mentioned in the foregoing sub-rules cannot, By exercise of due diligence, be effected, the serving officer shall affix one of the duplicates of the summons to some conspicuous part of the residence in which the person summoned ordinarily resides and thereupon the summons shall be deemed to have been duly served.

(7) If the person to whom a summons is issued resides outside the jurisdiction of the Union Council, the Chairman of the Union Council or the Chairman of the Conciliation Court may cause the summons to be served through registered post (acknowledgement due) and the cost thereof shall be paid by the petitioner.

**9.** (1) A summons to a party shall be in Form II.

(2) A summons to a witness shall be in Form III.

**10.** (1) If the case relates to Part I and the respondent does not appear in obedience to the summons, the Chairman of the Union Council shall ask the petitioner to nominate within seven days his representatives and the representatives so nominated and the Chairman of the Union Council shall constitute the Conciliation Court.

(2) If the case relates to Part II and any of the respondents does not appear in obedience to the summons, or if he appears but does not agree to refer the case to the Conciliation Court, the Chairman of the Union Council shall issue a certificate to the effect that conciliation has failed.

**11.** If the case relates to Part II and the parties agree to refer the case to the Conciliation Court or if the case relates to Part 1, the Chairman of the Union Council shall ask the parties to nominate their representatives within a period of seven days.

**12.** On receiving the names of the representatives, the Chairman of the Union Council shall record the names in the relevant columns in the register in Form I.

**13.** (1) Where at any time, before the Conciliation Courts gives its decision, the Chairman of the Union Council is for any reason referred to in subsection (2) of section 5 unable to act as Chairman of the Conciliation Court, or his impartiality is challenged by any party, the Controlling Authority may, on receiving an intimation from the Chairman, or, as the case may be, an application in writing of the party, appoint any member of the Union Council (not being a member nominated by any party as his representative) to act as Chairman of the Conciliation Court.

(2) The Controlling Authority may, pending the appointment of a Chairman of the Conciliation Court under rub-rule (1), stay the proceedings before the Conciliation Court.

(3) The name of the Chairman of the Conciliation Court appointed under sub-rule (1) shall be entered in the register in Form I.

**14.** After the constitution of the Conciliation Court, its Chairman shall ask the respondent to submit his written objections against the application within a period of three days, and fix the day, time and place where the Conciliation Court shall sit, and may direct the parties to pro-duce necessary evidence in support of their respective cases.

**15.** (1) The Conciliation Court shall try the case on the day fixed under rule 14, but for sufficient reasons, it may adjourn the hearing of the case, from time to time, for a period which shall, in no case, exceed seven days at a time.

(2) The Chairman of the Conciliation Court shall ask the witnesses to make statements on solemn affirmation or on oath and shall record or cause to be recorded the substance thereof.

(3) The Conciliation Court may at any stage of the case hold local inquiry in respect of any matter in dispute between the parties.

**16.** If in any case, before the Chairman of the Union Council or on the day, the case is fixed for hearing before the Conciliation Court, the petitioner fails to appear and if in the opinion of the Chairman of the Union Council or of the Conciliation Court, as the case may be, he shows negligence in prosecuting his case

(a) if the case relates to Part I, the application shall be dismissed for default, and

(b) If the case relates to Part II, the Chairman of the Union Council or the Chairman of the Conciliation Court, as the case may be, shall record a finding that the conciliation has failed and may issue a certificate to that effect.

**17.** Where an application is dismissed under clause (a) of the rule 16, the petitioner may apply in writing for its restoration to the Chairman of the Union Council or of the Conciliation Court, as the case may be, and if the said Chairman is satisfied that there was sufficient cause for his non-appearance and that he had not acted negligently, the said Chairman may restore the application and fix a date for its hearing.

**18.** (1) The decision of the Conciliation Court shall be recorded by the Chairman of the Conciliation Court in the register in Form I.

(2) Every decision recorded under sub-rule (1) shall indicate whether such decision is unanimous, and if not, the ratio of the majority by which it has been arrived at.

**19.** Every decision of the Conciliation Court shall be pronounced in open Court by the Chairman of the Conciliation Court.

**20.** (1) An application under subsection (2) of section 8 shall be in writing, shall be signed by the applicant, shall contain the names, descriptions and addresses of the parties and shall also state briefly the grounds on which the application is made.

(2) A copy of the decree or order passed by the Conciliation Court certified under the hand of the Chairman of the Conciliation Court shall also be attached to the application.

**21.** The certificate under clause (b) of subsection (4) of section 5 or under subsection (3) of section 8 or under rule 10 or 16 shall be in Form IV.

**22.** The period in which the decretal amount or the amount of compensation shall be paid, shall be such as the Conciliation Court may fix but in no case it shall be more than six months from the date of the final order.

**23.** After the decision of every case, a decree shall be drawn in Form V, which shall be signed by the Chairman of the Conciliation Court.

**24.** (1) The Chairman of the Union Council shall then make the entries in the register of decrees in Form VI.

(2) Any order made under subsection (2) of section 8 by the Controlling Authority or the District Judge, as the case may be, shall be duly intimated to the Chairman of the Union Council concerned and the Chairman of the Union Council shall amend the decree or order accordingly and shall also make necessary entries to that effect in the register of decrees in Form VI.

**25.** The Chairman of the Conciliation Court, or when there is no such Court, the Chairman of the Union Council shall, on the application of any party to a dispute allow inspection of the records of the Conciliation Court relating to the dispute on payment of a fee of twenty-five paise.

**26.** The Chairman of the Conciliation Court or when there is no such Court, the Chairman of the Union Council shall, on the application of any party to a dispute, supply copy of the relevant record or entry in any register maintained under these rules or of any portion thereof, on payment of a fee calculated at the rate of twenty-five paise for one hundred words or part thereof.

**27.** (1) Whenever a fine is paid under section 11 or section 12 or is collected under section 13 or any fee realised under these rules, a receipt shall be given in Form VII which shall be serially numbered and the counter-foil thereof shall be kept in the office of the Union Council.

(2) All fines and fees received under these rules shall be entered in a register in Form VIII.

**28.** All fees payable under these rules shall form part of the funds of the Union Council concerned.

- 29.** The entries in the register of cases and the register of decrees and orders shall be numbered in every year according to the order in which the applications are admitted or the decrees or orders are passed.
- 30.** All records of the Conciliation Court including registers, shall be deposited in the office of the Union Council and shall be preserved for a period of ten years in the case of registers and three years in the case of other records.
- 31.** Where an amount is to be recovered under subsection (3) of section 9, the Chairman of the Conciliation Court shall send the particulars in Form IX to the Controlling Authority for recovery of the same as arrears of land revenue.
- 32.** The order stating the amount of fine to be recovered under subsection (1) of section 13 shall be forwarded to the Magistrate in Form X.
- 33.** The Chairman of the Union Council shall before the first day of February and the first day of August in each year, send to the Controlling Authority a return in Form XI of the work of the Conciliation Courts in the Union during the preceding half year ending on the 31st December and the 30th June respectively.
- 34.** When a Conciliation Court is of opinion that in a case pending before it the ends of justice demand that the accused should be punished, it may forward the case to the Criminal Court in Form XII.
- 35.** When in obedience to the summons or otherwise the respondent appears and admits the claim or dispute and satisfies the claim in the presence of the Chairman of the Union Council, no Conciliation Court shall be constituted.
- 36.** Where the Conciliation Court or the Chairman of the Union Council receives any amount payable to a party, such amount shall be paid to the party, as far as may be, within seven days of his applying therefor.
- 37.** (1) There shall be kept in the office of every Union Council a seal of the Conciliation Court which shall be circular in shape and shall bear the inscription "Conciliation Court" and the name of the Union.
- (2) The said seal shall be used on all summons, orders, decrees, copies and other documents issued under these rules.

**FORM 1**  
(See rule 7)

**REGISTER OF CASES**

Union Committee of.....

1	Year
2	Number of the case
3	Date of admission
4	The name description and address of the petitioner
5	The name description and address of the respondent
6	If the case relates to Part II, the name if any of the party objecting to the conciliation
7	The names of the representatives of the petitioner
8	The names of the representatives of the petitioner
9	The name of the Chair man of the Conciliation Court if he is different from the chair man of the Union Committee
10	Subject matter of dispute and valuation
11	Substance of respondents objection if any
12	If the case ends in conciliation the decision arrived at and date of such decision
13	Whether decision is unanimous and if not the ratio of the majority
14	Gist of the order if any of Controlling Authority or District Judge and the date of such order
15	Remarks



**FORM II**  
[See rule 9 (1)]

**SUMMONS TO A RESPONDENT**

In the Union Committee of .....

To.....  
...

Whereas your attendance is necessary to answer the application of ..... in respect of his complaint/claim for.....  
.....  
..... hereby required to appear before me on the .....day of.....19.....at .....

Signature of the Chairman of the Conciliation Court  
Union Committee

Date.....

Seal.....

**FORM III**

[See rule 9 (2)]

**SUMMONS TO A WITNESS**

In the Conciliation Court of the Union Committee of.....  
.....case No.....Petitioners vs  
.....Respondent

To.....  
.....  
.....

Whereas your attendance is required to depose about certain facts or/and to produce the documents set out below on behalf of the Petitioner in the above noted case, you are hereby required to appear personally before this Court on the ..... day of .....19 and to bring with you the following documents:--

1.....

2.....

3.....

If you fail to comply with this order without lawful excuse, you will be liable to fine under the provisions of the Conciliation Courts Ordinance, 1961.

Dated the .....day of .....19.....

Seal

Signature of the Chairman of the Conciliation Court.

**FORM IV**  
**(See rule 21)**

**CERTIFICATE OF FAILURE OF CONCILIATION**

In the Union Committee of.....Certified that in case No.....of 19.....petitioner versus.....respondent, the conciliation has failed for the following reason(s) :-

1.....

2.....

3.....

Signature of the Chairman of the Union Committee.

Conciliation Court.

Date.....

Seat.....

**FORM V**

(See rule 23)

**FORM OF DECREE OR ORDER**

In the Conciliation Court of the Union Committee  
of.....Case No in Form  
I.....Petitioner Versus  
.....Respondent.

Claim for.....

The application coming on this day for the final disposal before this  
Conciliation Court, we unanimously/by a majority  
of.....order  
that.....  
.....

Signature of the Chairman of the Conciliation  
Court.

Date.....

Seal.....

**FORM VI**

(See rule 24)

**REGISTER OF DECREES AND ORDERS**

Union Council of.....

1	Year
2	Sr. No
3	No. and year if the case in Form I
4	The name of the petitioner
5	The name of the respondent
6	Date of decree or order
7	Particulars of decree or order
8	Whether satisfied in presence of the Conciliation court
9	Order of any of the controlling Authority or the District Judge
10	Date before which the decree is to be satisfied or compensation is to be paid
11	Date of satisfaction
12	If the decree is not satisfied or the compensation is not paid within the prescribed period the particulars of steps taken
13	Remarks

Chairman of the Union Committee.  
Signature of the Chairman of the Conciliation Court.

SEAL.

**FORM VII FORM VII**  
(See rule 27)

**RECEIPT OF FINE OR FEES**

1. Name of the Union Committee.....
2. Name of the payer .....
3. The amount of fine or fee paid.....

- 4. Particulars.....
- 5. Date of payment.....

Chairman of the Union Committee.  
Signature of the Chairman of the Conciliation Court.

SEAL.

**FORM VIII**  
[See rule 27 (2) ]

**REGISTER OF FINES AND FEES**

Union Committee of .....

Sr. No	The name of the prayer	Amount realized	Particulars	The date of receipt	The number of receipt in form VII	Signature of the Chairman of the Union Committee	Remarks
1	2	3	4	5	6	7	8

**FORM IX**  
(See rule 31)

**RECOVERY OF AMOUNT**

In the Union, Committee of .....To.....(Controlling Authority).

Whereas a sum of Rs..... has remained unpaid in case No, .....of 19.....you are requested to recover the same under subsection (3) of section 9 of the Conciliation Courts Ordinance, 1961, from ..... of .....and to remit the amount to the Chairman of the Union Committee.....

Signature of the Chairman of the Conciliation Court.

Date .....

Seal .....

**FORM X**  
**(See rule 32)**

**RECOVERY OF FINE**

In the Union Committee of.....

To.....(The nearest Magistrate) .....

Whereas a sum of Rs .....has been imposed as fine on..... (name of)..... (address) and it has not been recovered, you are requested to recover the fine under subsection (1) of section 13 of the Conciliation Courts Ordinance, 1961, and to remit the same to the Chairman of the Union Committee of.....:

Signature of the Chairman of the Conciliation Court.

Date .....

Seal .....

**FORM XI**

(See rule 33)

**HALF YEARLY RETURN OF THE CONCILIATION COURTS**

Union Committee of.....

- 1. Year.....
- 2. Number of cases instituted.....
- 3. Number of cases disposed of .....
- 4. Number of cases pending .....
- 5. Number of cases decided .....
- 6. Fees realised .....
- 7. Fines imposed.....
- 8. Fines realised .....

Signature of the Chairman of the  
Union Committee.

Date .....

Seal .....

**FORM XII**  
(See rule 34)

**TRANSFER OF CASES TO THE CRIMINAL COURT**

In the Union Committee of.....  
To..... (Criminal Court).

Whereas in the opinion of the Conciliation Court the matter relating to the application appended, the ends of the justice demand a punishment for the respondent.....we hereby forward the case to you with the request that the case may be tried and disposed of in your Court.

Date .....  
Seal .....

Signature of the Chairman of the  
Conciliation Court.