

THE PUNJAB LOCAL GOVERNMENT MUSALIHAT ANJUMAN (CONSTITUTION AND FUNCTIONS RULES, 2006)

[30th May, 2006]

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**THE PUNJAB LOCAL GOVERNMENT MUSALIHAT ANJUMAN
(CONSTITUTION AND FUNCTIONS), RULES. 2006.**

[SO(R)38-1/2005]

[30th May, 2006]

1. Short title and commencement. - (1) These rules may be called the Punjab Local Government Musalihat Anjuman (Constitution and Functions), Rules. 2006.

(2) They shall come into force at once.

2. Definitions.- (1) In these rules, unless there is anything repugnant in the subject or context:

- (i) "agency" means any government agency including the police, institution or organization referring a dispute to the Musalihat Anjuman;
- (ii) "Amicable settlement" means a settlement of dispute through arbitration, mediation and conciliation;
- (iii) "Arbitration" means resolution of dispute by an arbitrator or umpire appointed by the parties;
- (iv) "conciliation" means placating, removing hostility and creating harmony between the parties;
- (iv) "Dispute" means quarrel or disagreement, amongst the individuals, whether of civil or criminal nature and includes the disputes mentioned in the schedule appended with these rules;
- (v) "Insaf Committee" means the Insaf Committee elected under section 88(n) of the Ordinance;
- (vi) "mediation" means facilitating resolution of dispute between the parties through negotiation;
- (vii) "Musalihat Anjuman" means the Musalihat Anjuman constituted under the Ordinance;
- (ix) "Musleh" means a Conciliator selected by the Insaf Committee and includes a Conciliator appointed by a Nazim to resolve a dispute;
- (x) "Ordinance" means the Punjab Local Government Ordinance, 2001; and
- (xi) "party" means a party to the dispute.

(2) Words and expression used herein but not defined shall have the same meanings which are respectively assigned to them by the Ordinance.

3. Constitution of Musalihat Anjuman. - (1) Musalihat Anjuman shall be constituted in accordance with the provisions of the Ordinance.

(2) For the purpose of selection of panel of Musaliheen, the Insaf Committee of each Union Council shall compile and maintain a list of suitable persons eligible under the Ordinance for selection as a Musleh:

Provided that the persons having legal experience or retired civil servants and at least one woman may be included in such a list.

(3) The Union Nazim shall notify the constitution of the Musalihat Anjuman.

(4) A Musleh may resign, at any time, in writing addressed to the Insaf Committee or a Union Nazim, as the case may be.

(5) A Insaf Committee may at its own, or on the application of a resident of the Union, subject to show cause, remove a Musleh on the grounds of consistent partiality or malpractice.

- (6) Any casual vacancy in the panel of Musaliheen shall be filled within two weeks of its occurrence in accordance with the provisions of the Ordinance.

4. Reference of disputes to Musalihat Anjuman. - (1) A dispute may be brought to the Musalihat Anjuman by –

- (a) a party or parties by filing an application in the office of Union Council or in case

where Musalihat Anjuman has a separate office, at that office or directly to one or more of the Musaliheen, setting forth brief description of the dispute;

Provided that such a request may also be made verbally and in this case the Union Nazim, Secretary of the Union Council, or a Musleh, as the case may be, shall reduce it into writing and obtain thumb impression or signature of the party or parties;

- (b) a court of competent jurisdiction; or

- (c) an agency subject to any restrictions and stipulations as laid down by any law.

- (2) The Musalihat Anjuman may also at its own, approach the parties impressing upon them to have an amicable settlement of a dispute.

5. Procedure of settlement of disputes.- (1) On receipt of a request from a party, or reference by the court or agency and subject to direction, if any, of such court or agency, the Musalihat Anjuman shall summon the parties with a view to obtain their consent to the amicable settlement. Service of summon shall be made by –

- (i) a registered post or urgent mail service or a courier service; or

- (ii) through personal communication by a member of the Musalihat Anjuman or through

a messenger

- (2) In case the parties agree for such settlement, the Musalihat Anjuman shall proceed further in the matter in accordance with the provisions of the Ordinance and these rules.

- (3) Where a party refuses to appear or after making appearance, does not agree to the amicable settlement or the Musalihat Anjuman is of the view that no amicable settlement is possible or that it would not be in the interest of justice to proceed with the matter, it shall prepare a report accordingly and intimate the parties and the court or the agency referring the dispute.

- (4) Where the parties agree to an amicable settlement, then subject to any direction issued by the court or the agency, the Musalihat Anjuman shall follow the procedure as provided herein below:

- (a) The Convener of the Musalihat Anjuman shall fix date, time as well as the venue for the meeting of the Musalihat Anjuman.

- (b) The meeting may be arranged separately or jointly with the parties, giving consideration to the facts of the case.

- (c) A party may present its views in writing and furnish documentary materials to substantiate its claim.

- (d) The members of Musalihat Anjuman, if deemed appropriate, may conduct site visits for fact-finding.

- (e) The Convener of the Musalihat Anjuman may, with the consent of the parties, seek reasonable assistance from any person or institution, for the amicable settlement.

- (5) The Musaliheen shall make every reasonable effort for ensuring informal, cost-free and simplified resolution of the dispute.

- (6) The parties may make statements on oath before the Musalihat Anjuman which shall conclude its proceedings as early as possible but not later than ninety days from the date of commencement of the proceedings.

6. Musaliheen to be guided by the principles of equity. - The Musaliheen shall be guided by the principles of fairness, justice, impartiality and equity, giving due consideration to the rights and obligations of the parties as well as the specific circumstances of the dispute.

7. Parties to Act in good faith. - Without prejudice to the voluntary nature of the proceedings, the parties and their allies shall be asked to enter and participate in these proceedings in good faith and with an explicit intention of settling the dispute amicably.

8. Responsibility of the Musaliheen. - The Musaliheen shall make every reasonable effort in encouraging and assisting the parties in arriving at an amicable settlement but for this purpose shall not impose, coerce or try to dictate terms for any specific resolution of the dispute.

9. Communication of the Final Report/Settlement by Musalihat Anjuman. - (1) The report of the settlement, shall be reduced in writing and signed or thumb marked by the members of the Musalihat Anjuman and the same may also be signed or thumb marked by the parties or a party. The parties shall be bound to abide by the settlement and implement the same within thirty days of such settlement. In case a party resiles from the settlement or fails to implement the same within the given period, the other party may proceed in accordance with law.

- (2) In case a matter was referred to the Musalihat Anjuman by a court or a agency, the report of the proceedings and the settlement, if arrived at, shall be forwarded to that court or agency, as the case may be. Where the settlement could not be reached within the time as stipulated by such court or authority, the report to this effect shall be sent to that court or authority by the Convener of Musalihat Anjuman through the Union Nazim requesting for extension in the time.

- (3) A counter original or a copy of all reports or settlements shall be kept at the office of the Union Council and any of the parties or any other person affected from such report or settlement may obtain a certified copy of the same by depositing Rs.5/- per page with the Secretary of the Union Council:

Provided that the Union Nazim may in an appropriate case dispense with the payment of charges for obtaining the certified copy of a report or settlement.

10. Confidentiality, Disclosure and Inadmissibility of Information. - (1) A party shall disclose fully and honestly to the Musaliheen all information relevant to the dispute. The information, so received from a party shall be disclosed to the other party enabling it to respond and comment on it in an appropriate manner.

Provided that where any information is provided by a party subject to confidentiality, the same shall not be passed on to the other party and such party shall not use the same in any other forum.

- (2) The contents of the proceedings shall be confidential and the Musaliheen and the parties shall maintain the confidentiality of the same and the presence of a person other than a party in the proceedings shall be subject to mutual consent of the parties.
- (3) The Musaliheen shall not disclose the information gathered through the proceedings to a third party except with express approval of the parties.
- (4) If, during the proceedings, any party initiates any other process in connection with the dispute it shall immediately disclose the fact to the Musalihat Anjuman and to the other party. In such a case the Musalihat Anjuman may stop its proceedings and prepare a report to that effect.

11. Miscellaneous. - (1) The members of Musalihat Anjuman or the personnel of the Union Council shall not change anything in cash or kind in lieu of the services rendered in connection with the proceedings of the Musalihat Anjuman.

(2) The Union Nazim concerned shall make through paper budgetary allocation all reasonable efforts to meet the bonafide optimum resource requirements for the smooth functioning of the Musalihat Anjuman.

(3) The Secretary of the Union Council under the overall supervision and guidance of the Convener of the Musalihat Anjuman and the Union Nazim shall maintain record of the matters brought before the Musalihat Anjuman and shall also prepare a monthly report giving gist of the same.

(4) The copies of the monthly report shall be sent to the offices of District and Sessions Judge and District Police Officer of the district.

12. Procedure where Musleh is appointed by Nazim. - The provisions of these rules shall mutatis mutandis, apply to the proceedings before the Musleh appointed by a Union Nazim under section 105 of the Ordinance.

13. Immunity.- A Musleh shall not be liable for anything done in good faith in the course of proceedings for amicable settlement.