THE PERMANENT LOK ADALAT
(OTHER TERMS AND CONDITIONS OF APPOINTMENT OF CHAIRMAN AND OTHER PERSONS) RULES, 2003[1]

In exercise of the powers conferred by clause (1a) of sub-section (2) of Section 27 of the Legal Services Authorities Act, 1987 (39 of 1987), the Central Government, in consultation with the Chief Justice of India, hereby makes the following rules, namely :-

1. Short title and commencement.—

(1) These rules may be called the Permanent Lok Adalat (Other Terms and Conditions of Appointment of Chairman and other Persons) Rules, 2003.

(2) They shall come into force on the date of their publication in the Official Gazette.

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2. Definitions —In these rules, unless the context otherwise requires, –

(a) *"Act"* means the Legal Services Authorities Act, 1987 (39 of 1987);

(b) *"Chairman"* means a person appointed as Chairman of the Permanent Lok Adalat established by the Central Authority or a State Authority under sub-section (1) of Section 22B of the Act.

(c) *"other person"* means a person nominated under clause (b) of sub-section (2) of Section 22B;

(d) *"Section"* means a section of the Act;

(e) *"Permanent Lok Adalat"* means a Prmanent Lok Adalat established under sub-section (1) of Section 22B;

(f) Words and expressions used in these rules and not defined but defined in the Act shall have the meanings respectively assigned to them in the Act.

3. Sitting Fee and other allowances of Chairman and other persons of Permanent Lok Adalat.—

1. Vide G.S.R. 3(E), dated 2-1-2003, published in the Gazette of India Ext., Pt. II, S.3(i), dated 2-1-2003.

(1) When a serving judicial officer is appointed as Chairman, he shall receive the salary, allowances and other perquisites as are admissible to a serving judicial officer.

(2) When a retired judicial officer is appointed as Chairman, he shall be entitled to [1](a monthly fee of last drawn salary less the amount of pension received by him).

(3) Any other person shall be entitled to a sitting fee of rupees [2](five) hundred per sitting,

(4) The Chairman and other person shall be entitled to such travelling and daily allowances on official tour as are admissible to Group 'A' officers of the Central Government.

5) For the purpose of attending the sittings of Permanent Lok Adalat, the Chairman and other person shall be entitled to conveyance allowance of rupees three thousand per month.

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4. Terms and Conditions of Service of Chairman and other persons of Permanent Lok Adalat—

(1) Before appointment, the Chairman and other person, shall have to take an undertaking that he does not and will not have any such financial or other interest as is likely to affect prejudicially his functions as such chairman or other person.

(2) The Chairman and other persons shall hold office for a term of five years and shall not be eligible for re-appointment.

(3) Notwithstanding anything contained in sub-rule (2), Chairman or other persons may —

(a) by writing under his hand and addressed to the Central Authority or, as the case may be, the State Authority, resign his office at any time;
(b) be removed from his office in accordance with the provisions of rule 5.

(4) When the Chairman is unable to discharge his functions owing to absence, illness or any other cause, the senior-most (in order of appointment) person of Permanent Lok Adalat holding office for the time being shall

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1. The word "a sitting fee of rupees five hundred per sitting" is omitted and "a monthly fee of last drawn salary less the amount of pension received by him" inserted by notification dated 13th May 2008 issued by Government of India, Ministry of Law & Justice, New Delhi.
2. The word "four" is omitted and "five" inserted by notification dated 13th May 2008 issued by Government of India, Ministry of Law & Justice, New Delhi.

discharge the functions of the Chairman until the day on which the Chairman resumes the charge of his functions.

(5) The Chairman or any other person ceasing to hold office as such shall not hold any appointment in, or be connected with the management or administration of an organization which has been the subject of the proceeding under the Act during his tenure for a period of five years from the date on which he ceases to hold such office.

5. Resignation and removal—The Central Authority or State Authority, as the case may be, may remove from office, Chairman or other person who —

(a) has been adjudged an insolvent; of
(b) has been convicted of an offence which, in the opinion of the Authority, involves moral turpitude; or

(c) has become physically or mentally incapable of acting as such Chairman or other person; or

(d) has acquired such financial or other interest as is likely to affect prejudicially his functions as Chairman or other person; or

(e) has or so abused his position as to render his continuance in office prejudicial to the public interest.

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Provided that the Chairman or any other person shall not be removed from his office on the grounds specified in clauses (d) and (e), except on inquiry held in accordance with the procedure prescribed in rule 6.

6. Procedure for Inquiry —

(1) Whenever the Central Authority or, as the case may be, State Authority is of the opinion that an allegation under clause (d) or clause (e) of rule 5 is required to be inquired into, it may hold an inquiry against the Chairman or other person and shall draw or cause to be drawn up the substance of the allegation which shall contain a statement of relevant facts and a list of documents and witness.

(2) The Central Authority or, as the case may be, State Authority shall deliver or cause to be delivered to the Chairman or other person a copy of the allegation and a list of documents and witnesses and shall require him to submit within such time a s may be allowed, a written reply or statement of his defence.

(3) If the allegations are admitted by the Chairman or other person, the Central Authority or , as the case may be, State Authority shall record reasons and remove the Chairman or other person.

(4) Where the charges have been denied by the Chairman or the other person, the Central Authority or, as the case may be, State Authority may appoint an officer to inquire into the truth of the allegations and it may also appoint a Presenting Officer to present the case on behalf of the Central Authority or, as the case may be, State Authority before the Inquiry Officer.

(5) The Inquiry Officer shall give an opportunity to the Presenting Officer to present the case within such time as may be allowed by the Inquiry Officer from time to time. After the evidence is closed by the presenting Officer, the Chairman or other person, as the case may be, shall be given an opportunity to present his defence in respect of allegations within such time as may be allowed by the Inquiry Officer.

(6) The Inquiry Officer shall have power to call witnesses and record their statements or receive evidence on affidavits or call for production of documents or other relevant records, which may be necessary for the inquiry.

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(7) The Inquiry Officer shall submit his report within a period of six months or within such time as may be extended by the Central Authority or, as the case may be, State Authority.

(8) If the Central Authority or, as the case may be, State Authority is satisfied that the charges are proved on the basis of the report submitted by the Inquiry Officer, it shall remove the delinquent Chairman or other person, as the case may be.

7. Place of Sitting —

(1) The Permanent Lok Adalat may sit at a place specified by the Central Authority or the State Authority, as the case may be.

(2) The working days and office hours of the Permanent Lok Adalat shall be the same as that of the Central Government or the State Government, as the case may be.

(3) The sitting of the Permanent Lok Adalat, as and when necessary, shall be convened by the Chairman.

8. Staff of Permanent Lok Adalat—The Central Government or the State Government, as the case may be, shall provide such staff as may be necessary to assist the Permanent Lok Adalat in its day-to-day work and perform such other functions as are provided under the Act and these rules or assigned to it by the Chairman. The salary payable to such staff shall be defrayed out of the Consolidated Fund of India or the Consolidated Fund of the State, as the case may be.

The Permanent Lok Adalat *(Other Terms and Conditions of Appointment of Chairman and other Persons)* Amendment Rules, 2008.

Government of India
Ministry of Law and Justice
(Department of Legal Affairs)

New Delhi, the 13th May, 2008

NOTIFICATION

G.S.R. [E] In exercise of the powers conferred by section 27 of the Legal Services Authorities Act, 1987 (39 of 1987), the Central Government in consultation with the Chief Justice of India, hereby makes the following rules to amend the Permanent Lok Adalat (Other Terms and Conditions of Appointment of Chairman and Other Persons) Rules, 2003, namely :-

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(1) These rules may be called the Permanent Lok Adalat (Other Terms and Conditions of Appointment of Chairman and other Persons) Amendment Rules, 2008.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Permanent Lok Adalat (Other Terms and Conditions of Appointment of Chairman and Other Persons) rules, 2003 in rule 3:-

(a) for sub-rule (2), the following sub-rule shall be substituted, namely "(2) When a retired Judicial Officer is appointed as Chairman, he shall be entitled to a monthly fee of last drawn salary less the amount of pension received by him :"

(b) for sub-rule (3), the following sub-rule shall be substituted namely ; "(3) Any other person shall be entitled to a sitting fee of Rupees Five Hundred per sitting.

[F. No. A-60011/60/2006-Admn. III (LAS)[NALSA]

[M. A. KHAN YUSUF]
JOINT SECRETARY & LEGAL ADVISER
TO THE GOVT. OF INDIA

Note : The Principal rules were published in the Gazette of India vide G.S.R. 3(E) dated the 2nd January, 2003.