National Legal Services Authority (Lok Adalat) Regulations, 2009

NOTIFICATION

New Delhi, the 14th October,2009

No.L/28/09-NALSA.—*In exercise of the powers conferred by section 29 of the Legal Services Authorities Act, 1987 (39 of 1987), the Central Authority hereby makes the following regulations, namely: —*

1. Short title and commencement. –

(1) These regulations may be called National Legal Services Authority (Lok Adalats) Regulations, 2009.

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

2. Definitions. - In these Regulations, unless the context otherwise requires, –

(a) 'Act' means the Legal Services Authorities Act, 1987 (39 of 1987).

(b) 'Lok Adalats' means Lok Adalats to be organized under Section 19 of the Act.

(c) all other words and expressions used but not defined in these regulations and defined in the Legal Services Authorities Act, 1987 (39 of 1987) or the National Legal Services Authority Rules, 1995 shall have the meaning respectively assigned to them in the said Act or rules.

3. Procedure for organizing Lok Adalats:-

(1) Lok Adalats may be organized by the State Authorities or District Authorities or Supreme Court Legal Services Committee or High Court Legal Services Committee or, as the case may be, the Taluk Legal Services Committees at regular intervals and such Lok Adalats shall be organised for a definite geographical area as the aforesaid Authorities or Committees think fit:

Provided that, special Lok Adalats shall be organized for all Family Courts at regular intervals

(2) The Member-Secretary or Secretary of the High Court Legal Services Committee or District Authority or, as the case may be, the Chairman of the Taluk Legal Services Committee may associate the members of the legal profession, college students, social organizations, charitable and philanthropic institutions and other similar organization for organizing the Lok Adalats.

4. Intimation to the State Authority:-The Secretary of theHigh Court Legal Services Committee or District Authority or Chairman of the Taluk Legal Services Committee, as the case may be, shall inform the State Authority about the proposal to organize the Lok Adalat, well before the date on which the Lok Adalat is proposed to be organised, and furnish the following information to the State Authority, namely:-

(i) The place and the date on which the Lok Adalat is proposed to be organised;

(ii) whether any of the organisation as referred to in sub-regulation (2) of regulation 3 above have agreed to associate themselves with Lok Adalat;

(iii) categories and nature of cases, viz. pending cases or pre-litigation disputes proposed to be placed before the Lok Adalat;

(iv) number of cases proposed to be brought before the Lok Adalat in each category;

(v) any other information relevant to the convening and organizing of Lok Adalat

5. **Notice to parties concerned**:-The Member-Secretary or Secretary of the High Court Legal Services Committee or District Authority or, as the case may be, the Chairman of the Taluk Legal Services Committee convening and organising the Lok Adalat shall inform every party concerned whose case is referred to the Adalat, well in time so as to afford him an opportunity to prepare himself for the Lok Adalat:

Provided that such notice may be dispensed with, if the court while referring the case to the Lok Adalat fixes or informs the date and time of the Lok Adalat in the presence of the parties or their advocates:

Provided further that if a party is not willing to refer their case to Lok Adalat, the case may be considered on its merits by the court concerned.

6. **Composition of Lok Adalat. -**

(a) At State Authority Level.-The Member-Secretary organising the Lok Adalat shall constitute benches of the Lok Adalats, each bench comprising of a sitting or retired Judge of the High Court or a serving or retired judicial officer and any one or both of the following:

(i) a member from the legal profession; and

(ii) a social worker of repute who is engaged in the upliftment of the weaker sections of the people, including the Scheduled Castes, the Scheduled Tribes, women, children, rural and urban labour and interested in the implementation of legal services schemes or programmes.

(b) At High Court level.- The Secretary of the High Court Legal Services Committee organising the Lok Adalat shall constitute benches of the Lok Adalats, each bench comprising of a sitting or retired Judge of the High Court or a serving or retired judicial officer and any one or both of the following:

(i) a member from the legal profession;

(ii) a social worker belonging to the category as mentioned in item (ii) of sub-para (a) above.

(c) At District Level,- The Secretary of the District Authority organising the Lok Adalats shall constitute benches of the Lok Adalats, each bench comprising of a sitting or retired judicial officer and any one or both of the following:

(i) a member from the legal profession;

(ii) a social worker belonging to the category as mentioned in item (ii) of sub-para (a) above or a person engaged in para-legal activities of the area, preferably a woman.

(d) At Taluk Level.- The Chairman of the Taluk Legal Services Committee organising the Lok Adalat shall constitute benches of the Lok Adalat, each bench comprising of a sitting or retired judicial officer and any one or both of the following:

(i) a member from the legal profession; and

(ii) a social worker belonging to the category as mentioned in item (ii) of sub-para (a) above or a person engaged in para-legal activities of the area, preferably a woman.

7. Allotment of cases to Lok Adalats.-

(1) The Member Secretary, the Secretary of the High Court Legal Services Committee, the District Authority or Chairman of the Taluk Legal Services Committee, as the case may be, shall assign specific cases to each bench of the Lok Adalat.

2. The Member Secretary, the Secretary of the High Court Legal Services Committee or the District Authority or Chairman of the Taluk Legal Services Committee, as the case may be, may prepare a cause list for each bench of the Lok Adalat and intimate the same to all concerned at least two days before the date of holding of the Lok Adalat.

(3) Every bench of the Lok Adalat shall make sincere efforts to bring about a conciliated settlement in every case put before it without bringing about any kind of coercion, threat, undue influence, allurement or misrepresentation.

8. Holding of Lok Adalats. - Lok Adalats may be organised at such time and place and on such days, including holidays as the State Authority, High Court Legal Services Committee, District Authority, or the Taluk Legal Services Committee, as the case may be, organising the Lok Adalat deems appropriate.

9. Jurisdiction of Lok Adalats.- Lok Adalats shall have the power only to help the parties to arrive at a compromise or settlement between the parties to a dispute and, while so doing, it shall not issue any direction or order in respect of such dispute between the parties.

10. Reference of cases and matters. -

(1) Lok Adalat shall get jurisdiction to deal with a case only when a court of competent jurisdiction orders the case to be referred in the manner prescribed in section 20 of the Act or under section 89 of the Code of Civil Procedure, 1908 (5 of 1908).

(2) A mechanical reference of pending cases to Lok Adalat shall be avoided and the referring court shall, *prima facie* satisfy itself that there are chances of settlement of the case through Lok Adalat and the case is appropriate to be referred to Lok Adalat:

Provided that matters relating to divorce and criminal cases which are not compoundable under the Code of Criminal Procedure, 1973 (2 of 1974) shall not be referred to Lok Adalat.

(3) In a pending case where only one of the parties had made application to the court for referring the case to Lok Adalat, or where the court *suomotu* is satisfied that the case is appropriate to take cognizance by Lok Adalat, the case shall not be referred to the Lok Adalat except after giving a reasonable opportunity of being heard to the parties.

11. Summoning of records and the responsibility for its safe custody. -

(1) The Member Secretary, the Secretary of the High Court Legal Services Committee, the District Authority or, as the case may be, the Chairman of the Taluk Legal Services Committee may call for the judicial records of pending cases which are referred to the Lok Adalat under Section 20 of the Act from the courts concerned.

(2) The officer duly authorised by the Member Secretary, the Secretary of the High Court Legal Services Committee, the District Authority or the Chairman of the Taluk Legal Services, as the case may be, shall be responsible for the safe custody of records from receiving of the same from court till they are returned.

(3) The judicial records shall be returned within ten days of the Lok Adalat irrespective or whether or not the case is settled by the Lok Adalat with an endorsement about the result of proceedings:

Provided that wherever it is appropriate, the court concerned from where the records are called may permit the records to be retained beyond the period of ten days.

(4) Every judicial authority is expected to co-operate in transmission of the judicial records.

12. Pre-Litigation matters. -

(1) In a Pre-litigation matter it may be ensured that the court for which a Lok Adalat is organised has territorial jurisdiction to adjudicate in the matter.

(2) Before referring a Pre-litigation matter to Lok Adalat the Authority concerned or Committee, as the case may be, shall give a reasonable hearing to the parties concerned.

Provided that the version of each party, shall be obtained by the Authority concerned or, as the case may be, the Committee for placing it before the Lok Adalat,

(3) An award based on settlement between the parties can be challenged only on violation of procedure prescribed in section 20 of the Act by filing a petition under articles 226 and 227 of the Constitution of India.

13. Procedure in Lok Adalats.-

(1) Members of Lok Adalat have the role of statutory conciliators only and have no judicial role and they, *mutatis mutandis*, may follow the procedure laid down in sections 67 to 76 of the Arbitration and Conciliation Act, 1996 (26 of 1996).

IndiaCode

(2) Members of Lok Adalat shall not pressurise or coerce any of the parties, to compromise or settle cases or matters, either directly or indirectly.

(3) In a Lok Adalat the members shall discuss the subject matter with the parties for arriving at a just settlement or compromise and such members of the Lok Adalat shall assist the parties in an independent and impartial manner in their attempt to reach amicable settlement of their dispute:

Provided that if it found necessary the assistance of an independent person or a trained mediator may also be availed of the by Lok Adalat.

(4) Members of Lok Adalat shall be guided by principles of natural justice, equity, fairplay, objectivity, giving consideration to, among other things, the rights and obligations of the parties, custom and usages and the circumstances surrounding the dispute.

(5) The Lok Adalat may conduct the proceedings in such a manner as it considers appropriate taking into account the circumstances of the case, wishes of the parties including any request by a party to the Lok Adalat to hear oral statements, and the need for a speedy settlement of the dispute.

(6) The Lok Adalat shall not determine a reference, at its own instance, but shall determine only on the basis of a compromise or settlement between the parties by making an award in terms of the compromise or settlement arrived at:

Provided that no Lok Adalat has the power to hear the parties to adjudicate their dispute as a regular court:

Provided further that the award of the Lok Adalat is neither a verdict nor an opinion arrived at by any decision making process.

14. Administrative assistance. - Administrative assistance for facilitating Lok Adalat proceedings may be arranged by suitable institutions or persons engaged in providing legal services.

15. Formulating compromise or settlements. - The Lok Adalat may, at any stage of the proceedings, make proposal for a settlement of the dispute and such proposal need not be accompanied by a statement of the reasons therefor.

16. Communication between Lok Adalat and parties. -

(1) A Lok Adalat may invite the parties to meet it or may communicate with it orally or in writing and it may meet or communicate with the parties together or with each of them separately. The factual information concerning the dispute received from a party may be disclosed to the other party in order that the other party may have the opportunity to present any explanation:

Provided that the Lok Adalat shall not disclose any information, if one of the party desires to keep it confidential.

(2) Each party may on his own initiative or at the invitation of the Lok Adalat, submit suggestions for settlement of the dispute.

(3) When it appears to the Lok Adalat that there exists elements of a settlement which may be acceptable to the parties, the terms of a possible settlement may be formulated by the Lok Adalat and given to the parties for their observations and modifications, if any, suggested by the parties can be taken into consideration and terms of a possible settlement may be re-formulated by the Lok Adalat.

(4) If the parties reach a compromise or settlement of the dispute, the Lok Adalat may draw up or assist the parties in drawing up the compromise or settlement.

17. Award.–

(1) Drawing up of the award is merely an administrative act by incorporating the terms of settlement or compromise agreed by parties under the guidance and assistance from Lok Adalat.

(2) When both parties sign or affix their thumb impression and the members of the Lok Adalat countersign it, it becomes an award. (see a specimen at Appendix-I) Every award of the Lok Adalat shall be categorical and lucid and shall be written in regional language used in the local courts or in English. It shall also contain particulars of the case viz., case number, name of court and names of parties, date of receipt, register number assigned to the case in the permanent Register (maintained as provided under Regulation–20) and date of settlement. Wherever the parties are represented by counsel, they should also be required to sign the settlement or award before the members of the Lok Adalat affix their signature.

(3) In cases referred to Lok Adalat from a court, it shall be mentioned in the award that the plaintiff or petitioner is entitled to refund of the court fees remitted.

(4) Where the parties are not accompanied or represented by counsel, the members of the Lok Adalat shall also verify the identity of parties, before recording the settlement.

(5) Member of the Lok Adalat shall ensure that the parties affix their signatures only after fully understanding the terms of settlement arrived at and recorded. The members of the Lok Adalat shall also satisfy themselves about the following before affixing their signatures:

(a) that the terms of settlement are not unreasonable or illegal or one-sided; and

(b) that the parties have entered into the settlement voluntarily and not on account of any threat, coercion or undue influence.

(6) Members of the Lok Adalat should affix their signatures only in settlement reached before them and should avoid affixing signatures to settlement reached by the parties outside the Lok Adalat with the assistance of some third parties, to ensure that the Lok Adalats are not used by unscrupulous parties to commit fraud, forgery, etc.

(7) Lok Adalat shall not grant any bail or a divorce by mutual consent.

(8) The original award shall form part of the judicial records (in pre-litigation matter, the original award may be kept with the Legal Services Authority or committee, concerned)

and a copy of the award shall be given to each of the parties duly certifying them to be true by the officer designated by the Member-Secretary or Secretary of the High Court Legal Services Committee or District Legal Services Authority or, as the case may be, the Chairman of Taluk Legal Services Committees free of cost and the official seal of the Authority concerned or Committee shall be affixed on all awards.

18. Confidentiality.—

(1) The members of the Lok Adalat and the parties shall keep confidential all matters relating to the proceedings in the Lok Adalat and the members of the Lok Adalat shall not be compelled to disclose the matter which took place in the Lok Adalat proceedings before any court of law, except where such disclosure is necessary for purposes of implementation and enforcement of the award.

(2) The views expressed and discussions made by parties during the proceedings of Lok Adalat in respect of the possible settlement of a dispute and the proposals made by the members of Lok Adalat or admission made by any party or the conduct of the parties in the course of the proceeding before Lok Adalat shall not be brought in evidence or made use of in other court or arbitral proceedings.

(3) Members of the Lok Adalat shall not record the statement of any of the parties or record any conduct of the parties or express any opinion in such a manner as it would prejudice such party in any other proceedings before a court or arbitrator.

(4) If any member of the Lok Adalat violates the confidentiality and the ethical concerns which are akin to any other judicial proceedings, such member shall be removed from the panel of members of Lok Adalat.

19. Failure of Lok Adalat proceedings. – If a pre-litigation matter is not settled in the Lok Adalat, the parties may be advised to resort to other Alternative Dispute Resolution (ADR) techniques or to approach a court of law and in appropriate cases they may be advised about the availability of legal aid.

20. Compilation of results. – At the conclusion of session of the Lok Adalat, the officer designated by the Member-Secretary, the Secretary of the High Court Legal Services Committee, the District Authority or the Chairman of the Taluk Legal Services Committee, as the case may be, shall compile the results for submission to the State Authority in the proforma given in Appendix-II.

21. Maintenance of panel of names of Lok Adalat Members. – The Member-Secretary or Secretary of the High Court Legal Services Committee or District Authority or, as the case may be, the Chairman of the Taluk Legal Services Committee shall maintain a panel of names of retired judicial officers, advocates and social workers to work in Lok Adalats.

22. Procedure for maintain record of cases referred under Section 20 of the Act or otherwise. –

(1) The officer designated by the Member-Secretary, the Secretary of the High Court Legal Services Committee, the District Authority or the Chairman of the Taluk Legal

Services Committee, as the case may be, shall maintain a permanent register wherein all the cases and pre-litigation matters received by him by way of reference to the Lok Adalat shall be entered giving particulars of:

(i) date of receipt;

(ii) nature of the case or pre-litigation matter;

(iii) other particulars, if any;

(iv) date of compromise or settlement and the manner in which the case or matter was finally disposed of; and

(v) *date of return of the case file.*

(2) A copy of the award, if passed, duly certified in the manner stated in regulation 17 shall be kept in the office of the Authority or Committee, as the case may be, as a permanent record.

(3) Records other than the original of the awards of pre-litigation Lok Adalats may be destroyed after a period of three years from the date of disposal of the matter by Lok Adalat.

23. **Appearance of lawyers and the procedure to be followed in the cases before Lok Adalat.** – The appearance of lawyers on behalf of the parties at the Lok Adalat shall not be barred and an effort shall be made to encourage the parties to be present personally. The lawyers may be advised to avoid wearing their robes and bands during the proceedings before the Lok Adalat.

24. **Application of regulation.** – *The above regulations shall be applicable in the same* manner with appropriate changes to the Lok Adalats organised by the National Legal Services Authority and the Supreme Court Legal Services Committee.

IndiaCode

APPENDIX–I

BEFORE THE LOK ADALAT

HELD AT _____

[Organized by _____Authority/ _____Committee under Section 19, of Legal Services Authorities Act 1987(Central Act)]

Petitioner/Plaintiff/Complainant :

Defendant/Respondent :

No. of proceedings of the _____Court/Authority/Committee

Present:-

Name of Judicial Officer / Retired Judicial Officer :

Name of Members: (1)

(2)

IndiaCode

AWARD

The dispute between the parties having been referred for determination to the Lok Adalat and the parties having compromised/settled the case/matter, the following award is passed in terms of the settlement :

.....

.....

.....

The parties are informed that the court fee, if any, paid by any of them shall be refunded.

Petitioner/Plaintiff/ComplainantDefendant/Respondent

Judicial Officer **Member** **Member**

Date:

(Seal of the Authority/Committee)

APPENDIX–II

PROFORMA
DISPOSAL OF CASES IN LOK ADALAT

Place:			Date:		
			Nature of Cases disposed of		
Sl.No.	Case No.	Name of parties	Civil	Claims	Criminal
Total					

****

IndiaCode