

# **THE LEGAL SERVICES AUTHORITIES ACT, 1987**

**(Act No. 39 of 1987, dated 11.10.1987)**

**As amended by Legal Services Authorities (Amendment) Act, 2002  
Assented on 11.06.2002**

***An Act to constitute legal services authorities to provide free and competent legal services to the weaker sections of the society to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities, and to organize Lok Adalats to secure that the operation of the legal system promotes justice on a basis of equal opportunity.***

## **CHAPTER I**

### **PRELIMINARY**

#### **1. Short title, extent and commencement**

- (1) This Act may be called the Legal Services Authorities act, 1987.
- (2) It extends to the whole of India, except the State of Jammu and Kashmir.
- (3) It shall come into force on such date as the Central Government may, by notification, appoint; and different dates' may be appointed for different provisions of this Act and for different States, and any reference to commencement in any provision of this Act in relation to any State shall be, construed as a reference to the commencement of that provision in that State.

#### **2. Definitions**

- (1) In this Act, unless the context otherwise requires;
  - 2(a) "Case" includes a suit or any proceeding before a court;
  - (aa) "Central Authority" means the National Legal Services Authority constituted under section 3;
  - (aaa) "Court" means a civil, criminal or revenue court and includes any tribunal or any other authority constituted under any law for the time being in force, to exercise judicial or quasi-judicial functions;]
  - (b) "District Authority" means District Legal Services Authority constituted under section 9'
  - [(bb) "High Court Legal Services Committee" means a High Court Legal Services

Committee constituted under section 8 A;]

(c) "legal Services" includes the rendering of any services in the conduct of any case or other legal proceeding before any Court or other authority or tribunal and the giving of advice on any legal matter;

(b) "Lok Adalat" means a notification published under Chapter VI;

(e) "prescribed" means prescribed by rules made under this Act;

1 [(ff) "regulations" means regulations made under this Act;]

(h) "State Authority" means a State Legal Services Authority constituted under section 6;

(i) "State Government" includes the administrator of a Union Territory appointed by the President under Article 239 of the Constitution;

1 [(j) "Supreme Court Legal Services Committee" means the Supreme Court Legal Service Committee constituted under section 3A.

(k) "Taluk Legal Service Committee" means a Taluk Legal Services Committee constituted under section 11A,]

(2) Any reference in this Act to any other enactment or any provision thereof shall, in relation to an area in which such enactment or provision is not in force, be construed as a reference to the corresponding law or the relevant provision of the corresponding law, if any, in force in that area.

## **CHAPTER II**

### **NATIONAL LEGAL SERVICES AUTHORITY**

#### **3. Constitution of the National Legal Services Authority.**

(1) The Central Government shall constitute' a body to be called the National Legal Services Authority to exercise the power and perform the function conferred on, or assigned to, the Central Authority under this Act.

(2) The Central Authority shall consist of-

(a) The Chief justice of India who shall be the Patron-in-Chief;

(b) A serving or retired Judge of the Supreme Court to be nominated by the President, in consultation with the Chief Justice of India, Who shall be the Executive Chairman; and

(c) Such number of other members, possessing such experience and qualifications, as may be prescribed by the Central Government, to be nominated by that Government in consultation with the Chief Justice of India.

(3) The Central Government shall, in consultation with the Chief Justices of India,

appoint a person to be the Member-Secretary of the Central Authority, possessing such experience and qualifications as may be prescribed by that Government, to exercise such powers and perform such duties under Executive Chairman of the Central Authority as may be prescribed by that Government or as may be assigned to him by the Executive Chairman of that Authority.

(4) The terms of office and other conditions relating thereto, of members and the Member-Secretary of the Central Authority shall be such as may be prescribed by the Central Government in consultation with the Chief Justice of India.

(5) The Central Authority may appoint such number of officers and other employees as may be prescribed by the Central Government, in consultation with the Chief Justice of India, for the efficient discharge of its functions under this Act.

(6) The Officers and other employees of the Central Authority shall be entitled to such salary and allowances and shall be subject to such other condition of services as may be prescribed by the Central Government in consultation with the Chief Justice of India.

(7) The administrative expenses of the Central Authority, including the salaries, allowances and pensions payable to the Member-Secretary, officers and other employees of the Central Authority, shall be defrayed out of the Consolidated Fund of India.

(8) All orders and decisions of the Central Authority shall be authenticated by the Member-Secretary or any other officer of the Central Authority duly authorized by the Executive Chairman of that Authority.

(9) No act or proceeding of the Central Authority shall be invalid merely on the ground of the existence of any vacancy in, or any defect in the constitution of the Central Authority.

### **3A. Supreme Court Legal Services Committee**

(1) The Central Authority shall constitute a committee or be called the Supreme Court Legal Services Committee for the purpose of exercising such power and performing such functions as may be determined by regulations made by the Central Authority.

(2) The committee shall consist of-

(a) Such number of other members possessing such experience and qualifications

as may be prescribed by the Central Government, to be nominated by the Chief Justice of India.

(3) The chief Justice of India shall appoint a person to be the Secretary to the Committee, possessing such experience and qualifications as may be prescribed by the Central Government.

(4) The terms of office and other conditions relating thereto, of the members and Secretary of the Committee shall be such as may be determined by regulations made by the Central Authority.

(5) The Committee may appoint such number of officers and other employees as may be prescribed by the Central Government, in consultation with the Chief Justice of India, for efficient discharge of its functions.

(6) The officers and other employees of the Committee shall be entitled to such salary and allowances and shall be subject to such other conditions of services as may be prescribed by the Central Government in consultation with the Chief Justice of India.

#### **4. Functions of the Central Authority**

The Central Authority shall, 1[\*\*\*] perform all or any of the following functions, namely:

- (a) Lay down policies and principles for making legal services available under the provisions of this Act;
- (b) Frame the most effective and economical schemes for the purpose of making legal services available under the provisions of this Act;
- (c) Utilize the funds at its disposal and make appropriate allocations of funds to the State Authorities and District Authorities;
- (d) Take necessary steps by way of social justice litigation with regard to consumer protection, environmental protection or any other matter of 'special' concern to the weaker sections of the society and for this purpose, give training to social workers in legal skills'
- (e) Organize legal aid camps, especially in rural area, slums or labour colonies with the purpose of educating the weaker sections of the society as to their rights as well as encouraging the settlement of disputes through Lok Adalats;
- (f) Encourage the settlement of disputes by way of negotiation, arbitration and

conciliation;

- (g) Undertake and promote research in the field of legal services with special reference to the need for such services among the poor;
- (h) To do all things necessary for the purpose of ensuring commitment to the fundamental duties of citizen under part VIA of the constitution;
- (i) Monitor and evaluate implementation of the Legal aid programmes at periodic intervals and provide for independent evaluation of programmes and schemes implemented in wide or part by funds provided under this Act;
- (j) Provide grants-in-aid (or specific schemes to various voluntary social service institutions and the State and District Authorities, from out of the amounts placed at its disposal for the implementation of legal services schemes under the provisions of this Act;
- (k) Develop, in consultation with the bar Council of India, programmes for clinical legal education and promote guidance and supervise the establishment and working of legal service clinics in universities, law colleges and other institutions.
- (l) Take appropriate measures for spreading legal literacy and legal awareness amongst the people and, in particular, to educate weaker sections of the society about the rights, benefits and privileges guaranteed by social welfare legislations and other enactments as well as administrative programmes and measures;
- (m) Make special efforts to enlist the support of voluntary social welfare institutions working at the grass-root level, particularly among the Scheduled Castes and the Scheduled Tribes, women and rural and urban labour; and
- (n) Coordinate and monitor the functioning of '[State Authorities, District Authorities, Supreme Court legal Services Committee, High Court Legal Services Committee, Taluk legal Services Committees and voluntary social service institutions] and other legal services organization and give general directions for the proper implementation of the legal services programmes.

## **5. Central Authority to work in coordination with other agencies**

In the discharge of its function under this Act, the Central Authority shall, wherever appropriate, act in coordination with other Governmental and non-Governmental agencies, universities and others engaged in the work of promoting the cause of legal service to the poor.

## **CHAPTER III**

### **STATE LEGAL SERVICES AUTHORITY**

## **6. Constitution of State Legal services Authority**

(1) Every State Government shall constitute a body to be called the State Legal Services Authority for the State to exercise the power and perform the function conferred on, or assigned to, a State Authority under this Act.

(2) A State Authority shall consist of-

(a) The Chief Justice of the High Court who shall be the Patron-in-Chief;

(b) A serving or retired Judge of the High Court, to be nominated by the Governor, in consultation with the Chief Justice of the High Court, who shall be the Executive Chairman; and

(c) Such number of other members, possessing such experience and qualifications as may be prescribed by the State Government, to be nominated by that Government in consultation with the Chief Justice of the High Court.

(3) The State Government shall, in consultation with the Chief Justice of the High Court, appoint a person belonging to the State Higher Judicial Service, not lower in rank than that of a District Judge, as the Member-, Secretary of the State Authority, to exercise such power and perform such duties under the executive chairman of the State Authority as may be prescribed by that Government or as may be assigned to him by the Executive Chairman of that Authority;

Provided that a person functioning as Secretary of a State legal Aid and Advice Board immediately before the date of constitution of the State Authority may be appointed as Member-Secretary of that Authority, even if he is not qualified to be appointed as such under this sub- section, 'for a period not exceeding five years.

(4) The terms of Office and other conditions relating thereto, of members and the Member-Secretary of the State Authority shall be such as may be prescribed by the State Government in consultation with the Chief Justice of the High Court.

(5) The State Authority may appoint such number of officers and other employees as may be prescribed by the state Government in consultation with the chief Justice of the High Court, for the efficient discharge of its functions under this Act.

(6) The officers and other employees of the State Authority shall be entitled to such salary and allowances and shall be subject to such other conditions of service as may be prescribed by the State Government in consultation with the Chief Justice of the High Court.

(7) The administrative expenses of every State Authority, including the salaries, allowances and pensions payable to the Secretary, officers and other employees of the State Authority shall be defrayed out of the Consolidated Fund of the State.

(8) All orders and decisions of the State Authority shall be authenticated by the Member-Secretary or any other officer of the State Authority duly authorized by the Executive Chairman of State Authority.

(9) No act or proceeding of a State Authority shall be invalid merely on the ground of the existence of any vacancy in, or any defect in the constitution of, the State Authority.]

## **7. Functions of the State Authority**

(1) It shall be the duty of the State Authority to give effect to the policy and directions of the Central authority.

(2) Without prejudice to the generality of the functions referred to in sub-section (1), the State Authority shall perform all or any of the following functions, namely:

- (a) Give legal service to persons who satisfy the criteria laid down under this Act;
- (b) Conduct 1[Lok Adalats; including Lok Adalats for High Court cases]
- (c) Undertake preventive and strategic legal aid programmes; and
- (d) Perform such other functions as the State Authority may, in consultation with the [Central Authority], fix by regulations.

## **8. State Authority to act in coordination with other agencies and be subject to directions given by Central Authority**

In the discharge of its functions the ' State shall appropriately act in coordination with other government 'agencies, non-governmental voluntary social service institutions, universities and other bodies engaged in the work of promoting the cause of legal services to the poor and shall also be guided by such directions as the Central Authority may give to it in writing,

## **8A. High Court Legal Services committee**

(1) The State Authority shall constitute a committee to be called the High court Legal Services Committee for every High court, for the purpose of exercising such powers and performing such functions as may be determined by regulations made by the State Authority.

(2) The committee shall consist of-

(a) A sitting Judge of the High court who shall be the chairman; and

(b) Such number of other members possessing such experience and qualifications as may be determined by regulations made by the State Authority, to be nominated by the chief Justice of the High Court.

(3) The Chief Justice of the High Court shall appoint a Secretary to the Committee possessing such experience and qualifications as may be prescribed by the State Government.

(4) The terms of office and other conditions relating thereto, of the members and Secretary of the Committee shall be such as may be determined by regulations made by the State Authority.

(5) The Committee may appoint such number of officers and other employees as may be prescribed by the State Government in consultation with the Chief Justice of the High Court for the efficient discharge of its functions.

(6) The officers and other employees of the Committee shall be entitled to such salary and allowances and shall be subject to such other conditions of service as may be prescribed by the State Government in consultation with the Chief Justice of the High Court.

## **9. District Legal Services Authority**

(1) The State Government shall, in consultation with the Chief Justice of the High Court, constitute a body to be called the District Legal Services Authority for every District in the State to exercise the powers and perform the functions conferred on, or assigned to, the District Authority under this Act.

(2) A District Authority shall consist of-

(a) The District Judge who shall be its Chairman; and

(b) Such number of other members, possessing such experience and qualification, as may be prescribed by the State Government, to be nominated by that Government in consultation with the Chief Justice of the High Court.

(3) The State Authority shall, in consultation with the Chairman of the District Authority, appoint a person belonging to the State Judicial Service not lower in rank than that of a Subordinate Judge or Civil Judge Posted at the seat of the District Judiciary as Secretary of the District Authority to exercise such powers and perform such duties under the Chairman of that Committee as may be assigned to him by such Chairman.

(4) The terms of office conditions relating thereto, of members and Secretary of the District Authority shall be such as may be determined by regulations made by the State Authority in consultation with Chief Justice of the High Court.

(5) The District Authority may appoint such number of officers and other employees as may be prescribed by the State Government in consultation with the Chief Justice of the High court for the efficient discharge of its functions.

(6) The officers and other employees of the District Authority shall be entitled to such salary and allowances and shall be subject to such other conditions of service as may be prescribed by the State Government in consultation with the Chief Justice of the High Court.

(7) The administrative expenses of every District Authority including the salaries, allowances and pensions payable to the Secretary, officers and other employees of the District authority shall be defrayed out of the Consolidated Fund of the State.

(8) All orders and decisions of the District Authority shall be authenticated by the Secretary or by any other officer of the District Authority duly authorized by the Chairman of that Authority.

(9) Not act or proceeding of a District Authority shall be invalid merely on the ground of the existence of any vacancy in, or any defect in the constitution of, the District Authority.

## **(10) Functions of District Authority**

(1) It shall be the duty of every District Authority to perform such of the functions of the State Authority in the District as may be delegated to it from time to time by the State Authority-;

(2) Without prejudice to the generality of the functions referred to in sub-section (1), the District Authority may perform all or any of the following functions, namely:

[(a) Coordinate the activities of the Taluk Legal Services committee and other legal Services in the District;]

(b) Organize Lok Adalat within the district; and

(c) Perform such other functions as the State Authority may, 2 [\*\*\*\*] fix by regulations.

## **11. District Authority to act in coordination with other agencies and be subject to directions given by the Central Authority, etc.**

In the discharge of its functions under the Act, the District Authority shall, wherever appropriate, act in coordination with other governmental and non-governmental institution, universities and others engaged in the work of promoting the cause of legal services to the poor and shall also be guided by such directions as the Central Authority or the State Authority may give to it in writing.

### **11A. Taluk Legal Services Committee**

- (1) The State Authority may constitute a Committee, to be called the Taluk Legal Service Committee, for each Taluk or mandal or for group of Taluks or mandals.
- (2) The Committee shall consist of-
  - (a) The Senior-most Judicial Officer operating within the jurisdiction of the Committee who shall be the ex-office Chairman; and
  - (b) Such number of other members, possessing such experience and qualifications, as may be prescribed by the State Government, to be nominated by that Government in consultation with the Chief Justice of the High Court;
- (3) The Committee may appoint such number of officers and other employees as may be prescribed by the State Government in consultation with the Chief Justice of the High Court for the efficient discharge of its functions.
- (4) The officers and other employees of the Committee shall be entitled to such salary and allowances and shall be subject to such other conditions of service as may be prescribed by the state Government in consultation with the Chief Justice of the High Court.
- (5) The Administrative expenses of the Committee shall be defrayed out of the District Legal Aid Fund by the District Authority.

### **11B. Functions of Taluk Legal Services Committee**

The Taluk Legal Services Committee may perform all or any of the following functions, namely;-

- (a) Coordinate the activities of legal Services in the taluk;
- (b) Organize Lok Adalats within the taluk; and

(c) Perform such other functions as the District Authority may assign to it.

## **CHAPTER IV**

### **ENTITLEMENT TO LEGAL SERVICES**

#### **12. Criteria for giving legal Services**

Every person who has to file or defend a case shall be entitled to legal services under this Act if that person is

- (a) A member of a Scheduled Caste or Scheduled Tribe;
- (b) A victim of trafficking in human being or begar as referred to in article 23 of the Constitution;
- (c) A woman or a child;
- (d) A person with disability as defined in clause (i) of section 2 of the Persons With Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.
- (e) A person under circumstances of undeserved want such as being a victim of a mass disaster, ethnic violence, caste atrocity, flood, drought, earthquake or industrial disaster; or
- (f) An industrial workman; or
- (g) In custody, including custody in a protective home within the meaning of clauses (g) of section 2 of the Immoral Traffic (Prevention) Act, 1956, or in a juvenile home within the meaning of clause G) of section 2 of the Juvenile Justice Act, 1986, or in a psychiatric hospital or psychiatric nursing home within the meaning of clause (g) of section 2 of the Mental Health Act, 1987; or
- (h) In receipt of annual income less than rupees nine thousand or such other higher amount as may be prescribed by the State Government, if the case is before a court other than the Supreme Court, and less than rupees twelve thousand or such other higher amount as may be prescribed by the Central Government, if the case is before the Supreme Court.

#### **13. Entitlement to legal services**

(1) Persons who satisfy all or any of the criteria specified in section 12 shall be entitled to receive legal Services provided that the concerned Authority is satisfied that such person has a prima facie case to prosecute or to defend.

(2) An affidavit made by a person as to his income may be regarded as sufficient for

making him eligible to the entitlement of legal services under this Act unless the concerned Authority has reason to disbelieve such affidavit.

## **CHAPTER V**

### **FINANCE, ACCOUNTS AND AUDIT**

#### **14. Grants by the Central Government**

The Central Government shall, after due appropriation made by Parliament by law in this behalf, pay to the Central Authority, by way of grants, such sums of money as the Central Government may think fit for being utilized for the purposes of this Act.

#### **15. National Legal Aid Fund**

(1) The Central Authority shall establish a fund to be called the National Legal Aid Fund and there shall be credited thereto

- (a) All sums of money given as grants by the Central Authority under section 4.
- (b) Any grants or donations that may be made to the Central Authority by any court or other person for the purposes of this Act;
- (c) Any amount received by the Central Authority under the orders of any court or from any other source.

(2) The National Legal Aid Fund shall be applied for meeting,

- (a) The cost of legal services provided under this Act including grants made to State Authority.
- [(b) The cost of legal services provided by the Supreme Court Legal Services Committee;
- (b) Any other expenses which are required to be met by the Central Authority;

#### **16. State Legal Aid Fund**

(1) A State Authority shall establish a fund to be called the State Legal Aid Fund and there shall be credited thereto;

- (a) All sums of money paid to it or any grants made by the Central Authority for the purposes of this Act;
- (b) Any grants or donations that may be made to the State Authority by the State Government or by any person for the purposes of this Act;
- (c) Any other amount received by the State Authority under the orders of any court or from any other source.

- (2) A State Legal Aid Fund shall be applied for meeting
- (a) The cost of functions referred to in section 7:
  - (b) The cost of legal services provided by the High Court Legal Services Committee;
  - (c) Any other expenses which are required to be met by the State Authority.

## **17. District Legal Aid Fund**

- (1) Every District Authority shall establish a fund to be called the District Legal Aid Fund and there shall be credited thereto-
- (a) all sums "of money paid or any grants made by the State Authority to the District Authority for the purposes of this Act
  - [(b) any grants or donations that may be made to the District Authority by any person, with the prior approval of the State Authority, for the purposes of thisAct;] ,
  - (c) any other amount received by the I District Authority under the orders of any court or from any other source
- (2) A District Legal Aid Fund shall be applied for meeting-
- (a) the cost of functions referred to in section 10' [and 11 B]
  - (b) any other expenses which are required to be met by the District Authority .

## **18. Accounts and audit**

- (1) The Central Authority, State Authority or the District Authority (hereinafter referred to in this section as "the Authority"), as the case may be, shall maintain proper accounts and other relevant records and prepare an annual statement of accounts including the income and expenditure account and balance-sheet in such form and in such manner as may be prescribed by the Central Government in consultation with the comptroller and auditor-General of India.
- (2) The accounts of the Authorities shall be audited by the Controller and Auditor General of India at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Authority concerned to the Comptroller and Auditor-General of India.
- (3) The Comptroller and Auditor- General of India and any other person appointed by him in connection with the auditing of the accounts of an Authority under this Act shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor-General of India has in connection with auditing of the

Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Authorities under this Act.

(4) The accounts of the Authorities, as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon, shall be forwarded annually by the Authorities to the Central Government or the State Governments as the case may be.

(5) The Central Government shall cause the accounts and the audit report received by it under sub-Section (4) to be laid, as soon as may be after they are received, before each House of Parliament.

(6) The State Government shall cause the accounts and the audit report received by it under sub-section (4) to be laid, as soon as may be after they are received, before the State Legislature.]

## **CHAPTER VI**

### **LOK ADAIATS**

#### **19. Organization of Lok Adalats**

(1) Every State Authority or District Authority or the Supreme Court Legal Services Committee or every High Court Legal Services Committee or, as the case may be, Taluk Legal Services Committee may organize Lok Adalats at such intervals and places and for exercising such jurisdiction and for such areas as it thinks fit.

(2) Every Lok Adalat organized for an area shall consist of such number of-

(a) Serving or retired judicial officers; and

(b) Other persons, of the area as may be specified by the State Authority or the Supreme Court Legal Services Committee or the High Court Legal Services Committee, or as the case may be, the Taluk Legal Services Committee, organizing such Lok Adalat.

(3) The Experience and Qualifications of other persons referred to in clause (b) of sub-section (2) for Lok Adalats organized by the Supreme Court Legal Services Committee shall be such as may be prescribed by the Central Government in consultation with Chief Justice of India.

(4) The experience and qualifications of other persons referred to in clause (b) of sub-section (2) for Lok Adalats other than referred to in sub-section (3) shall be such as may be prescribed by the State Government in consultation with the Chief Justice of the High Court.

(5) A Lok Adalat shall have jurisdiction to determine and to arrive at a compromise or settlement between the parties to a dispute in respect of:

(i) any case pending before; or

(ii) any matter which is falling within the jurisdiction of, and is not brought before, any court for which the Lok Adalat is organized:

Provided that the Lok Adalat shall have no jurisdiction in respect of any case or matter relating to an offence not compoundable under any law]

## **20. Cognizance of case by Lok Adalats**

(1) Where in any case referred to in clause (1) of sub-section (5) of section 19,-

(i) (a) the parties thereof agree; or

(b) one of the parties thereof make an application to the court.

For referring the case to the Lok Adalat for settlement and if such court is prima facie satisfied that there are chances of such settlement; or

(ii) the court is satisfied that the matter is an appropriate one to be taken cognizance of by the Lok Adalat, the court shall refer the case to the Lok Adalat:

Provided that no case shall be referred to the Lok Adalat under sub-clause (b) of clause (i) or clause (ii) by such court except after giving a reasonable opportunity of being heard to the parties.

(2) Notwithstanding anything contained in any other law for the time being in force, the Authority or Committee organizing the Lok Adalat under sub-section (1) of section 9 may, on receipt of an application from anyone of the parties to any matter referred to in clause (ii) of sub-section (5) of section 19 that such matter needs to be determined by a Lok Adalat, refer such matter to the Lok Adalat, for determination:

Provided that no matter shall be referred to the Lok Adalat except after giving reasonable opportunity of being heard to the other party.

(3) Where any case is referred to a Lok Adalat under sub-section (1) or where a reference has been made to it under sub-section (2), the Lok Adalat shall proceed to dispose of the case or matter and arrive at a compromise or settlement between the parties.

(4) Every Lok Adalat shall, while determining any reference before it under this Act, act with utmost expedition to arrive at a compromise or settlement between the parties and shall be guided by the principles of justice, equity, fair play and other legal principles

(5) Where no award is made by the Lok Adalat on the ground that no compromise or settlement could be arrived at between the parties, the record of the case shall be returned by it to the court, from which the reference has been received under sub-section (1) for disposal in accordance with law.

(6) Where no award is made by the Lok Adalat on the ground that no compromise settlement could be arrived at between the parties, in a matter referred to in sub-section (2) that Lok Adalat shall advise the parties to seek remedy in court.

(7) Where the record of the case is returned under sub-section (5) to the court, such court shall proceed to deal with such case from the stage which was reached before such reference under sub-section (1).

## **21. Award of Lok Adalat**

(1) Every award of the Lok Adalat shall be deemed to be a decree of a civil court or as the case may be, an order of any other court and where a compromise or settlement has been arrived at, by a Lok Adalat in a case referred to it under sub-section (1) of section 20, the court-fee paid in such case shall be refunded in the manner provided under the Court-fees Act, 1970)

(2) Every award made by a Lok Adalat shall be final and binding on all the parties to the dispute, and no appeal shall lie to any court against the award.

## **22. Powers of Lok Adalat or Permanent Lok Adalat**

(1) The (Lok Adalat or Permanent Lok Adalat) shall, for the purposes of holding any determination under this Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908, while trying a suit in respect of the following matters, namely-

- (a) the summoning and enforcing the attendance of any witness and examining him on oath;
- (b) the discovery and production of any document;
- (c) the reception of evidence on affidavits;
- (d) the requisitioning of any public record or document or copy of such record or document from any court or office; and
- (e) such other matters as may be prescribed,

(2) Without prejudice to the generality of the powers contained in sub-section (1), every (Lok Adalat or Permanent Lok Adalat) shall have the requisite powers to specify its own procedure for the determination of any dispute coming before it,

(3) All proceedings before a (Lok Adalat or Permanent Lok Adalat) shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code and every [Lok Adalat or Permanent Lok Adalat] shall be deemed to be a civil court for the purpose of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973.

## **CHAPTER VI A**

### **PRE-LITIGATION CONCILIATION AND SETTLEMENT**

#### **22A. Definitions**

In this Chapter and for the purposes of Sections 22 and 23, unless the context otherwise requires,

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

(b) "Public utility Services" means any-

(i) transport service for the carriage of passengers or goods by air, road or water;

or

(ii) postal, telegraph or telegraph or telephone service; or

(iii) supply of power, light or water to the public by any establishment, or

(iv) system of public conservancy or sanitation; or

(v) service in hospital or dispensary; or

(vi) insurance service,

And includes and service which the Central Government or the State Government, as the case may be, may in the public interest, by notification, declare to be a public utility service for the purposes of this Chapter.

#### **22B. Establishment of Permanent Lok Adalats**

(1) Notwithstanding anything contained in section 19, the Central Authority or, as the case may be, every State Authority shall, by notification, establish Permanent Lok Adalats at such places and for exercising such jurisdiction in respect of one or more public utility services and for such areas as may be specified in the notification.

(2) Every Permanent Lok Adalat established for an area notified under sub-section (1) shall consist of-

(a) a person who is, or has been, a district Judge or additional district Judge or has

held judicial office higher in rank than that of a district Judge, shall be the Chairman of the permanent Lok Adalat, and

- (b) Two other persons having adequate experience in public utility service to be nominated by the Central Government or, as the case may be, the State Government on the recommendation of the Central Authority or, as the case may be, the State Authority, appointed by the Central Authority or, as the case may be, the

State Authority, establishing such Permanent, Lok Adalat and the other terms and conditions of the appointment of the Chairman and other persons referred to in clause (b) shall be such as may be prescribed by the Central Government.

## **22C. Cognizance of cases by Permanent Lok Adalat**

- (1) Any party to a dispute may, before the dispute is brought before any court, make an application to the Permanent Lok Adalat for the settlement of dispute;

Provided that the Permanent Lok Adalat shall not have jurisdiction in respect of any matter relating to an offence not compoundable under any law:

Provided further that the Permanent Lok Adalat shall also not have jurisdiction in the matter where the value of the property in dispute exceeds ten lakh rupees:

Provided also that the Central Government, may by notification, increase the limit of ten lakh rupees specified in the second proviso in consultation with the Central Authority.

- (2) After an application is made under sub-section (1) to the, Permanent Lok Adalat, no party to that application shall invoke jurisdiction of any court in the same dispute.

- (3) Where an application is made to a Permanent Lok Adalat under sub- section (1), it

- (a) Shall direct each party to the application to file before it a written statement, stating therein the facts and nature of dispute under the application, points or issues in such dispute and grounds relied in support of or in opposition to, such points or issues, as the case may be, and such party may supplement such statement with any document and other evidence which such party deems appropriate in proof of such facts and grounds and shall send a copy of such statement together with a copy of such document and other evidence, if any, to

each of the parties to the application.

- (b) May require any party to the application to file additional statement before it at any stage of the conciliation proceedings;
- (c) Shall communicate any document or statement received by it from any party to the application to the other party, to enable such party to present reply thereto.

(4) When statement, additional statement and reply, if any, have been filed under sub-section (3) to the satisfaction of the Permanent Lok Adalat, it shall conduct conciliation proceedings between the parties to the application in such manner as it thinks appropriate taking into account the circumstance of the dispute.

(5) The Permanent Lok Adalat shall, during conduct of conciliation proceedings under sub-section (4), assist the parties in their attempt to reach an amicable settlement of the dispute in an independent and impartial manner.

(6) It shall be the duty of every party to the application to cooperate in good faith with the Permanent Lok Adalat in conciliation of the dispute relating to the application and to comply with the direction of the Permanent Lok Adalat to produce evidence and other related documents before it.

(7) When a permanent Lok Adalat, in the aforesaid conciliation proceedings, is of opinion that there exist elements of settlement in such proceedings which may be acceptable to the parties, it may formulate the terms of a possible settlement of the dispute and give to the parties concerned for their observations and in case the parties reach at an agreement on the settlement of the dispute, they shall sign the settlement agreement and the Permanent Lok Adalat shall pass an award in terms thereof and furnish a copy of the same to each of the parties concerned.

(8) Where the parties fail to reach at an agreement under sub-section (7), the Permanent Lok Adalat shall, if the dispute does not relate to any offence, decide the dispute.

## **22D. Procedure of Permanent Lok Adalat**

The Permanent Lok Adalat shall, while conducting conciliation proceedings of deciding a dispute on merit under this Act, be guided by the principles of natural justice, objectivity, fair play, equity and other principles of justice, and shall not be bound by the Code of Civil Procedure, 1908 and the Indian Evidence Act, 1872.

## **22E. Award of Permanent Lok Adalat to be final**

(1) Every award of the Permanent Lok Adalat under this Act made either on merit or

in terms of a settlement agreement shall be final and binding on all the parties thereto and on persons claiming under them.

(2) Every award of the Permanent Lok Adalat under this Act shall be deemed to be a decree of a Civil Court

(3) The award made by the Permanent Lok Adalat under this Act shall be by a majority of the persons constituting the Permanent Lok Adalat.

(4) Every award made by the Permanent Lok Adalat under this Act shall be final and shall not be called in question in any original suit, Application or execution proceeding.

(5) The Permanent Lok Adalat may transmit any award made by it to a Civil court having local jurisdiction and such civil court shall execute the order as if it were a decree made by that Court.

## **CHAPTER VII**

### **MISCELLANEOUS**

#### **23. Members and staff of Authorities, Committees and Lok Adalat to be public servants**

The Members including Member- Secretary or, as the case may be, Secretary of the Central Authority, the State Authorities, the District Authorities, the Supreme Court Legal Services Committee, High Court Legal Services Committees, Taluk Legal Services Committees and officers and other employees of such Authorities, Committees and the members of the Lok Adalats or the persons constituting Permanent Lok Adalats shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

#### **24. Protection of Action taken in good faith**

No suit, prosecution or other legal proceedings shall lie against-

- (a) The Central Government or State Government,
- (b) The Patron-in-Chief, Executive Chairman, Members, Member-Secretary or officers or other employees of the Central Authority;
- (c) Patron-in-Chief, Executive Chairman, Member, Member-Secretary or officers or other employees of the State Authority;
- (d) Chairman, Secretary, Members or Officers or other employees of the Supreme Court Legal Services Committee, High Court Legal Services Committees, Taluk Legal Services Committee or the District Authority; or
- (e) Any other members authorized by any of the Patron-in-Chief, Executive Chairman, member, Member-Secretary referred to in sub-clause (b) or (d), for any thing which is in good faith done or intended to be done

under the Provision of this Act or any rule or Regulation made thereunder.

## **25. Act to have overriding effect**

The Provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

## **26. Power to remove difficulties**

(1) If any difficulty arises in giving effect to the provisions of this Act, The Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removing the difficult.

Provided that no such order shall be made after the expiry of a period of two years from the date on which this Act receives the assent of the president.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

## **27. Power of the Central Government to make rules**

(1) The Central Government in consultation with the Chief Justice of India may, by notification, make rules to carry out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power such rules may provide for all or any of the following matters, namely:-

- (a) The number, experience and qualifications of other members of the Central Authority under Clause (c) of sub-section (2) of section 3;
- (b) The experience and qualification of the Member-Secretary of the central Authority and his powers and functions under sub-Section (3) of section 3;
- (c) The terms of office and other conditions relating thereto, of members and Member-Secretary of the Central Authority under sub-section (4) or section 3;
- (d) The number of officers and employees of the Central Authority under sub-section (5) of section 3;
- (e) The conditions of service and the salary and allowance of officers and other employees of the Central Authority under sub-section (6) of section 3;
- (f) The number, experience and qualifications of the members of the Supreme Court Legal Services Committee under clause (b) of sub- section 3A;

- (g) The experience and qualifications of Secretary of the Supreme Court Legal Service Committee under sub-section (3) of section 3A;
- (h) The number of officers and other employees of the Supreme Court Legal Services Committee under sub-section (5) of section 3A and the conditions of service and the salary and allowances payable of them under sub-section (6) of that section;
- (i) The upper limit of annual income of a person entitling him to legal services under clause (h) of section 12, if the case is before the Supreme Court;
- (j) The manner in which the accounts of the Central Authority, the State Authority or the District Authority shall be maintained under section 18;
- (k) The experience and qualifications of other persons of the lok Adalats organized by the Supreme Court legal Services Committee specified in sub- section (3) of section 19;
- (l) Other matters under clause (e) of sub-section (1) of section 22;
- [(a) The other terms and conditions of appointment of the Chairman and other persons under sub-section (2) of Section 22B;]
- (m) Any other matter which is to be, or may be, prescribed.

## **28. Power of State Government to make rules**

- (1) The State Government in consultation with the Chief Justice of the High Court may, by notification, make rules to carry out the provisions of this Act.
- (2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:-
  - (a) The number, experience and qualifications of other members of the State Authority under clause (c) of sub- section (2) of section 6;
  - (b) The powers and functions of the Member-Secretary of the State Authority under sub-section (3) of section 6;
  - (c) The terms of office and other conditions relating thereto, of members and Member-Secretary of the State Authority under sub-section (4) of section 6.
  - (d) The number of officers and other employees of the state Authority under sub-section (5) of section 6;
  - (e) The conditions of service and the salary and allowance of officers and other employees of the State Authority under sub-section (6) of section 6;
  - (f) The experience and qualifications of Secretary of the High Court Legal Services Committee under sub-section (3) of section 8 A;
  - (g) The number of officers and other employees of the High Court Legal Services Committee under sub-section (5) of section 8A and the conditions of service and the salary and allowances payable to them under sub-section (6) of that section;

- (h) The number, experience and qualifications of members of the District Authority under clause (b) of sub-section (2) of section 9;
- (i) The number of officers and other employees of the District Authority under sub-section (5) of section 9;
- (j) The conditions of service and the salary and allowances of the officers and other employees of the District Authority under sub-section (6) of the section 9;
- (k) The number, experience and qualifications of members of the Taluk Legal Services Committee under clause (b) of sub-section (2) of section 11A;
- (l) The number of officers and other employees of the Taluk Legal Services Committee under sub-section (3) of section 11 A;
- (m) The conditions of service and the salary and allowances of officers and other employees of the Taluk Legal Services Committee under sub-section (4) of section 11 A;
- (n) The upper limit of annual income of a person entitling him to legal services under clause (h) of section 12, if the case is before a court, other than the Supreme court;
- (o) The experience and qualifications of other person entitling him legal services under clause (h) of section 12, if the case is before a court, other than the Supreme court;
- (p) Any other matter is to be, or may be, prescribed.

## **29. Power of Central Authority to make regulations**

- (1) The Central Authority may, by notification, make regulations not inconsistent with the provisions of this Act and the rules made thereunder, to provide for all matters for which provision is necessary or expedient for the purposes of giving effect to the provisions of this Act.
- (2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:-
  - (a) The power and functions of the Supreme Court Legal Services Committee under sub-section (1) of section 3 A;
  - (b) The terms of office and other conditions relating thereto, of the members and Secretary of the Supreme Court Legal Services Committee under sub-section (4) of section 3 A;

## **29A. Power of State Authority to make regulations**

- (1) The state Authority may, by notification, make regulations not inconsistent with the provisions of this Act and the rules made thereunder, to provide for all matters for

which provision is necessary or expedient for the purposes of giving effect to the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide all or any of the following matters, namely :-

- (a) The other functions to be performed by the State Authority under clause (d) of sub-section (2) of section 7;
- (b) The power and function of the High Court Legal Services Committee under sub-section (1) of section 8A;
- (c) The number, experience and qualifications of members of the High Court Legal Services Committee under clause (b) of sub-section (2) of section 8A,
- (d) The terms of office and other conditions relating thereto, of the members and Secretary of the High Court Legal Services Committee under section (4) of section 8A;
- (e) The number of office and other conditions relating thereto, of the members and Secretary of the District Authority under sub-section (4) of section 9;
- (f) The number, experience and qualifications of members of the High Court Legal Service Committee under clause (b) of sub-section (2) of section 8A.
- (g) Other functions to be performed by the District Authority under clause (c) of sub-section (2) of section 10;
- (h) The terms of office and other conditions relating thereto, of members and Secretary of the Taluk legal Services Committee under sub-section (3) of section 11 A.]

### **30. Laying of rules and regulations**

(1) Every rule made under this Act by the Central Government and every regulation made by the Central Authority thereunder shall be laid, as soon as may be after it is made, before each house of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation, or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

(2) Every rule made under this Act by a State Government and every regulation made by a State Authority thereunder shall be laid, as soon as may be after it is made, before the State Legislature.

