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MINISTRY OF LAW & JUSTICE
(Department of Legal Affairs)
NATIONAL LEGAL SERVICES AUTHORITY

NATIONAL LEGAL SERVICES AUTHORITY (LOK ADALATS) REGULATIONS, 2009.

NOTIFICATION

New Delhi, dated 10th July, 2009

S.O. (E).- In exercise of the powers conferred by Section 29 of the Legal Services Authorities Act, 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 at once.¹

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

- a) ‘Act’ means the Legal Services Authorities Act, 1987 (39 of 1987).
- b) ‘Central Authority’ means the National Legal Services Authority constituted under Section 3 of the Act;
- c) ‘District Legal Services Authority’ means District Legal Services Authority constituted under Section 9 of the Act.
- d) ‘High Court Legal Services Committee’ means High Court Legal Services Committee constituted under Section 8A of the Act.
- e) ‘Lok Adalats’ means Lok Adalats to be organized under Section 19 of the Act.
- f) ‘Member Secretary’ means Member Secretary appointed under sub Section (3) of Section 6 of the Act.
- g) ‘State Authority’ means State Authority constituted under Section 6 of the Act.
- h) ‘Taluk Legal Services Committee’ means Taluk Legal Services Committee constituted under Section 11A of the Act.

3. Constitution of Lok Adalats

Lok Adalats may be organized by State Authorities/District Authorities/ Supreme Court Legal Services Committee/ High Court Legal Services Committee/ Taluk Legal Services Committees. The Lok Adalats shall be organized for a definite geographical area the aforesaid Authorities/Committees think fit. Special Lok Adalats shall be organized for all Family Courts at regular intervals.

4. Procedure for organizing Lok Adalat

- (a) The Member Secretary of the State Authority, the Secretary of the High Court Legal Services Committee or the District Authority or the Chairman of the TalukLegal

¹ Adopted in the Meeting of the Central Authority on 10 July, 2009.

Services Committee as the case may be, may convene and organize Lok Adalats at regular intervals.

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

5. Intimation to the State Authority

The Secretary of the High Court Legal Services Committee or the District Authority or the 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 organized and furnish the following information to the State Authority, namely:-

- a. The place and the date on which the Lok Adalat is proposed to be organized.
- b. Whether any of the organizations as referred to in Regulation 4(b) above have agreed to associate themselves with Lok Adalat.
- c. Categories and nature of cases, viz. pending cases or pre-litigation disputes proposed to be placed before the Lok Adalat.
- d. Number of cases proposed to be brought before the Lok Adalat in each category.
- e. Any other information relevant to the convening and organizing of the Lok Adalat.

6. Notice to the parties concerned:-

The Member Secretary, Secretary of the High Court Legal Services Committee or District Authority, Chairman of the Taluk Legal Services Committee, as the case maybe, organizing 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/informs the date and time of the Lok Adalat in the presence of the parties / Advocates.

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

7. Composition of the Lok Adalat:-

(a) **At the State Authority Level** – The Member Secretary organizing 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 of the Legal Profession;
- ii) A Social Worker of repute who is engaged in the upliftment of the Weaker Sections of the people, including Scheduled Castes, Scheduled Tribes, women, children, rural and urban labour and interested in the implementation of Legal Services Schemes and Programmes.

(b) **At the High Court Level** – The Secretary of the High Court Legal Service Committee organizing 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 of the Legal Profession; and
- ii. A Social Worker belonging to the category mentioned in Sub Para (a) above.

(c) **At District Level** – The Secretary of the District Authority organizing 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 of the Legal Profession; and
- iii. A Social Worker belonging to the category mentioned in 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 organizing the 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 of the Legal Profession; and
- iii) A Social Worker belonging to the category mentioned in Sub Para (a) above or a person engaged in para- legal activities of the area, preferably a woman.

8. Allotment of cases to Lok Adalat:-

- a) The Member Secretary, Secretary of the High Court Legal Services Committee or District Authority, Chairman of the Taluk Legal Services Committee, as the case may be, shall assign specific cases to each Bench of the Lok Adalat.
- b) The Member Secretary, Secretary of the High Court Legal Services Committee or District Authority, 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 the Lok Adalat.
- c) 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.

9. Holding of Lok Adalat:-

Lok Adalat may be organized at such time and place and on such days, including holidays as State Authority, High Court Legal Services Committee, District Authority, Taluk Legal Services Committee, as the case may be, organizing the Lok Adalat deems appropriate.

10. Jurisdiction of Lok Adalats

Lok Adalat shall have powers only for helping parties to arrive at a compromise or settlement between the parties to a dispute. Lok Adalat shall have no power whatsoever to issue a ‘direction’ or ‘order’ in respect of the dispute between the parties.

11. Reference of cases and matters

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 Legal Services Authorities Act, 1987, or under Section 89 of the Code of Civil Procedure, 1908.

12. A mechanical reference of pending cases to Lok Adalat should be avoided. The referring court should be *prima facie* satisfied that there are chances of settlement of the case through Lok Adalat and the case is appropriate to be referred to Lok Adalat. Matters relating to divorce and criminal cases which are not compoundable under the Code of Criminal Procedure, 1973 (Act No. 2 of 1974) shall not be referred to Lok Adalat.

13. 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 *suo motu* is satisfied that the case is appropriate to be taken cognizance of 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.

14. Summoning of Records and the Responsibility for its safe custody:-

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

b) If any case is referred to the Lok Adalat at the pre-litigation stage, the version of each party shall be obtained by the Member Secretary, Secretary of the High Court Legal Services Committee, District Authority, Chairman of the Taluk Legal Services Committee, as the case may be, for placing it before the Lok Adalat.

c) The Officer duly authorized by the Member Secretary, Secretary of the High Court Legal Services Committee, District Authority, Chairman of the Taluk Legal Services Committee, as the case may be, shall be responsible for the safe custody of the records from the time he receives the same from the court till they are returned.

d) The Judicial records shall be returned within **ten days** of the Lok Adalat irrespective of whether or not the case is settled by the Lok Adalat with an endorsement about the result of proceedings. In appropriate cases, the court concerned may permit the records to be retained beyond 10 days.

15. Every judicial authority is expected to co-operate in transmission of the Court records.

16. Pre-Litigation matters

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

17. Before referring a Pre-litigation matter to Lok Adalat the Authority/Committee shall give a reasonable hearing to the parties concerned.

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

Procedure in the Lok Adalats

19. Members of the Lok Adalat have the role of statutory conciliators only and have no judicial role. They, *mutatis mutandis*, may follow the procedure laid down in Sections 67 to 76 of the Arbitration and Conciliation Act, 1996.

20. Members of the Lok Adalat shall not pressurize or coerce any of the parties to compromise/settle cases or matters either directly or indirectly.

21. In a Lok Adalat the members shall discuss the subject matter with the parties for arriving at a just settlement or compromise. 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. If necessary the assistance of an independent person or a trained mediator also may be availed of by Lok Adalat.

22. The Members of the Lok Adalat shall be guided by principles of 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.

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

24. 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. It is made clear that no Lok Adalat has the power to "Hear" parties to adjudicate the dispute as a court does.

25. The award of the Lok Adalat is not an independent verdict or opinion arrived at by any decision making process.

26. **Administrative assistance** Administrative assistance for facilitating Lok Adalat proceedings may be arranged by suitable institutions or persons.

27. **Formulating compromise/settlements** The Lok Adalat may, at any stage of the proceedings, make proposal for a settlement of the dispute. Such proposal need not be accompanied by a statement of the reasons therefore.

28. **Communication between Lok Adalat and parties** A Lok Adalat may invite the parties to meet it or may communicate with it orally or in writing. The Lok Adalat 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. If such information is desired by the party to be kept confidential, the Lok Adalat shall not disclose such information to the other party.

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

30. 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. Modifications, if any, suggested by the parties can be taken into consideration and terms of a possible settlement may be reformulated by the Lok Adalat.

31. If the parties reach a compromise or settlement of the dispute the terms of such compromise or agreement may be drawn up. The Lok Adalat may draw up or assist the parties in drawing up the compromise or settlement.

AWARD

32. 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.

33. When both parties sign/affix their thumb impression and the members of the Lok Adalat countersign it, it becomes an Award. (See a Model Award in 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 (case no, name of court and names of parties), date of receipt, Register Number assigned to the case in the permanent Register (maintained as per Regulation– 44 below) and date of settlement. Wherever the parties are represented by counsel, they should also be required to sign the settlement / award before the members of the Lok Adalat affix their signature. ⁹ In cases referred to Lok Adalat from a court, it shall be mentioned in the Award that the plaintiff / petitioner is entitled to refund of the court fees remitted.

34. Where the parties are not accompanied/represented by counsel, the members of the Lok Adalat should also verify the identity of parties, before recording the settlement.

35. 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 *ex-facie* unreasonable for unconscionable or illegal or one-sided. (b) That the parties have entered into the settlement voluntarily and not on account of any threat, coercion or undue influence.

36. Members of the Lok Adalat should affix their signatures only in settlement reached before them. They 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.

37. Lok Adalat shall not grant any bail or a divorce by mutual consent.

38. 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 / 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, Secretary of the High Court Legal Services Committee or District Legal Services Authority, Chairman of Taluk Legal Services Committees, as the case may be, **free of charge**. The official seal of the Authority/Committee shall be affixed on all Awards.

CONFIDENTIALITY

39. The Members of the Lok Adalat and the parties shall keep confidential all matters relating to the proceedings in the Lok Adalat. The members of the Lok Adalat shall not be compelled to disclose the matters 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.

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

41. Members of the Lok Adalat shall not record the statement of any of the parties or record any conduct of the parties in such a manner as it would prejudice such party in any other proceedings before a court or arbitrator. The Members shall not express any opinion which may be prejudicial to any party. 10

42. 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 Lok Adalat Members.

FAILURE OF LOK ADALAT PROCEEDINGS

43. 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. In appropriate cases they may be advised about the availability of legal aid.

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

45. Maintenance of Panel of names of Lok Adalat Members:- The Member Secretary, Secretary of the High Court Legal Services Committee or District Authority, Chairman of the Taluk Legal Services Committee, as the case may be, shall maintain a panel of names of retired Judicial Officers, Advocates and Social Workers to work in Lok Adalats.

46. Procedure for maintaining record of cases referred under Section 20 of the Act or otherwise:-

a) The Officer designated by the Member Secretary, Secretary of the High Court Legal Services committee or District Authority, 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 the:-

- i. date of receipt;
- ii. nature of the case/ pre-litigation matter;
- iii. such other particulars as may be deemed necessary;
- iv. date of compromise / settlement and the manner in which the case /matter was finally disposed of and;
- v. date of return of the case file.

b) A copy of the Award, if passed, duly certified in the manner stated in Regulation 33 shall be kept in the office of the Authority/ Committee as a permanent record.

c) 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.

47. Appearance of Lawyers and the Procedure to be followed in the cases before Lok Adalats:- The appearance of lawyers on behalf of the parties at the Lok Adalat is not barred. The lawyers may be advised to avoid wearing their robes and bands while before the Lok Adalat. But an effort should be made to encourage parties to be present personally.

48. The above guidelines *mutatis mutandis* shall be applicable to the Lok Adalats organized by the National Legal Services Authority and Supreme Court Legal Services Committee also.

**APPENDIX-I
BEFORE THE LOK ADALAT**

HELD AT _____
[Organized by _____ Authority/ _____ Committee under Section 19, 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)

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:

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

Petitioner/Plaintiff/Complainant

Defendant/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					

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