

H.P. STATE LEGAL SERVICES AUTHORITY, SHIMLA-9.

NOTIFICATION

Shimla-9 the 14th August, 2019

No. 12-LSA/L.A./97— In exercise of the powers conferred by clause (g) of section 2 of the Legal Services Authorities Act, 1987 (Act No. 39 of 1987), read with clause (c) of sub section (2) of Section 7 of the Legal Services Authorities Act, 1987 (Act No. 39 of 1987), the H.P. State Legal Services Authority hereby makes the following scheme further to amend the Himachal Pradesh Lok Adalat Scheme, 2005:—

1. **Short title and commencement:-** (i) This Scheme may be called the Himachal Pradesh Lok Adalat (second amendment) Scheme, 2005.

(ii) It shall come into force with immediate effect.

2. **To amend Clause 3:-** The following second proviso shall be inserted in the Clause 3 of the Himachal Pradesh Lok Adalat Scheme, 2005 after the first proviso:

Provided further that, Special Lok Adalats shall be organized for all Family Courts at regular intervals.

3. **To insert new Clause 8A:-** The following Clause 8A shall be added after the Clause 8 of the Himachal Pradesh Lok Adalat Scheme, 2005:

8A. 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).

(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, fair play, 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.

4. Amendment in Clause 11:- The following Clause 11 of the Himachal Pradesh Lok Adalat Scheme, 2005 shall be incorporated in place of the existing Clause:

Clause 11:- Award to be categorical and lucid.

- (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 the 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 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.

5. Amendment of Clause 15 (3):— In Clause 15 (3) of the Himachal Pradesh Lok Adalat Scheme, 2005 the word “*including Mediation*” shall be added after the word *Lok Adalat Scheme* and before the word *shall constitute Plan expenditure*.

By order,

— Sd —
(Prém Pal Ranta)
Member Secretary

2715-2746
Endst.No: As above. Dated Shimla-9 **14th August, 2019**

Copy forwarded to:-

1. The Principal Private Secretary to Hon'ble the Chief Justice, High Court of Himachal Pradesh and Patron-in-Chief, Himachal Pradesh State Legal Services Authority, Shimla with a request for placing the same before His Lordship for kind perusal, please.
2. The Secretary to Hon'ble the Executive Chairman, H.P. State Legal Services Authority, Shimla with a request for placing the same before His Lordship for kind perusal, please.
3. The Secretary to Hon'ble Chairman, H.P. High Court Legal Services Committee, Shimla with a request for placing the same before His Lordship for kind perusal, please.
4. The Advocate General, Government of Himachal Pradesh.
5. The Chairman, Himachal Pradesh Bar Council, Shimla.
6. The Registrar General, High Court of Himachal Pradesh, Shimla.
7. The Registrar (Vigilance), High Court of Himachal Pradesh, Shimla.
8. The Secretary, H.P. High Court Legal Services Committee, Shimla.
9. The Registrar (Judicial), High Court of Himachal Pradesh, Shimla.
10. The Registrar (Rules), High Court of Himachal Pradesh, Shimla.
11. The Registrar (Establishment), High Court of Himachal Pradesh, Shimla.
12. The Addl. Chief Secretary (Finance) to the Government of Himachal Pradesh.
13. All the Chairpersons (District Judges), District Legal Services Authorities in Himachal Pradesh.
14. The District & Sessions Judge (Forest), Shimla.

15. The Presiding Officers, H.P. Industrial Tribunal-cum-Labour Court Shimla/ Dharamshala, H.P.
16. All the Presidents, District Consumer Disputes Redressal Fora in Himachal Pradesh.
17. The L.R.-cum-Secretary (Law) to the Government of Himachal Pradesh, Shimla-2.
18. The Principal Secretary (Welfare), to the Government of Himachal Pradesh.
19. The Director General of Police, Himachal Pradesh.
20. The Member Secretary, National Legal Services Authority, 12/11, Jamnagar House, New Delhi-110 011.
21. The Secretary, Vidhan Sabha, Government of Himachal Pradesh, Shimla-3.
22. The Director, H. P. State Judicial Academy Shimla.
23. The Additional Director General, Prisons Department, Shimla.
24. All the Member Secretaries, State Legal Services Authorities in India.
25. All the Judicial Officers in the State of Himachal Pradesh.
26. All the Chairpersons (Senior Civil Judges/ Civil Judges), Sub Divisional Legal Services Committees in Himachal Pradesh.
27. All the Deputy Commissioners in Himachal Pradesh.
28. All the Superintendents of Police in Himachal Pradesh
29. All the Sub Divisional Officers (Civil) in Himachal Pradesh
30. All the Presidents, District/ Sub Divisional Bar Associations in Himachal Pradesh.
31. All the Secretaries, District Legal Services Authorities in the State of Himachal Pradesh.
32. The Controller, Printing & Stationery Department, Government of Himachal Pradesh, Shimla-5 for publication in Rajpatra, H.P.


Member Secretary

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)

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)