

## THE HIMACHAL PRADESH LOK ADALAT SCHEME, 2005

### NOTIFICATION

*Shimla-9, the 12<sup>th</sup> January, 2005*

**No. 12-LSA/L.A./97.**—In exercise of the powers conferred by clause (b) of section 2 of the Legal Services Authorities Act, 1987 (Act No. 39 of 1987), the Himachal Pradesh State Legal Services Authority hereby makes the following scheme namely :—

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

(ii) It shall come into force from the date of publication in Rajpatra, Himachal Pradesh.

**2. Definitions.**—(1) In this scheme, unless the context otherwise requires,—

- (a) "Act" means the Legal Services Authorities Act, 1987 (Act No. 39 of 1987);
- (b) "Chairman" means Executive Chairman of the State Authority or Chairman of the High Court Legal Services Committee or District Legal Services Authority or Sub Divisional (Taluk) Legal Services Committee, as the case may be;
- (c) "Lok Adalat" means a Lok Adalat organised under chapter VI of the Act;
- (d) "Patron-in-Chief" means the Chief Justice of the High Court of Himachal Pradesh;
- (e) "regulations" means the H.P. State Legal Services Authority Regulations, 1996;
- (f) "rules" means The H.P. State Legal Services Authority Rules, 1995;
- (g) "Secretary" means the Secretary of the High Court Legal Services Committee or District Legal Services Authority or Sub Divisional (Taluk) Legal Services Committee, as the case may be.

(2) All other words and expressions used in this scheme but not defined shall have the meanings respectively assigned to them in the Act, rules and regulations.

**3. Procedure for organising Lok Adalat.**—The Secretary or the Chairman, as the case may be, shall convene and organise Lok Adalats at regular intervals in the State of Himachal Pradesh at High Court, District and Sub Divisional (Taluk) levels :

Provided that the Secretary or the Chairman, as the case may be, shall convene a Lok Adalat as soon as sufficient number of cases referred to it under section 20 of the Act or otherwise are available for being taken up.

**4. Intimation to the State Authority.**—The Secretary or the Chairman, as the case may be, shall submit to the State Authority an annual calendar of Lok Adalats well before the dates on which the Lok Adalats are proposed to be organised and furnish the following information to the State Authority, namely :—

- (i) the place and the date at which the Lok Adalat is proposed to be organised;
- (ii) approximate number of cases proposed to be brought before the Lok Adalat;
- (iii) categories and nature of cases, such as pending cases or pre-litigation disputes or both, proposed to be placed before the Lok Adalat; and
- (iv) any other information relevant to the convening and organising of the Lok Adalat.

**5. Notice to the parties concerned.**—The Secretary or the Chairman, as the case may be, convening and organising the Lok Adalat shall inform accordingly every litigant or his counsel or a duly recognised agent, whose case is referred to the Lok Adalat, well in time so as to afford him, an opportunity to prepare himself for the Lok Adalat.

**Explanation.**—In pending matters, notice to the Counsel shall be treated as information to litigant.

**6. Composition of the Lok Adalat.**—(1) At the High Court Level, the Secretary of the High Court Legal Services Committee organising the Lok Adalat shall with the approval of the Chairman constitute Benches of the Lok Adalat and each Bench shall comprise of the following :—

- (i) a sitting or retired Judge of the High Court;
- (ii) a sitting or retired Judicial Officer of the rank of District Judge;
- (iii) any other person specified in rule 18;

- (iv) The Chairman may in his discretion also associate as a member of bench an eminent persons in the field of medicine;

**(2) At the District Level,** the Secretary of the District Authority organising the Lok Adalat shall with the approval of the Chairman constitute Benches of the Lok Adalat and each Bench shall comprise of two or three of the following:—

- (i) a sitting or retired judicial officer;
- (ii) any other person specified in rule 18;
- (iii) The Chairman may in his discretion also associate as a member of bench an eminent persons in the field of medicine.

**(3) At the Sub-Divisional (Taluk) Level,** the Chairman of the Sub-Divisional (Taluk) Legal Services Committee organising the Lok Adalat shall constitute Benches of the Lok Adalat and each Bench shall comprise of two or three of the following:-

- (i) a sitting or retired judicial officer;
- (ii) any other person specified in rule 18;
- (iii) The Chairman may in his discretion also associate as a member of bench an eminent persons in the field of medicine.

**7. Summoning of records and the responsibility for its safe Custody.—**(1) The Secretary of the High Court Legal Services Committee or the District Authority or the Chairman of the Sub-Divisional (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 concerned Courts.

(2) If any matter is referred to the Lok Adalat at the pre-litigation stage, the version of each party shall be obtained by the Secretary or the Chairman, as the case may be, to be placed before the Lok Adalat.

(3) The Secretary or the Chairman, as the case may be, may appoint by a general or special order an official who shall be responsible for the safe custody of the records from the time he receives the same from the Court till the records are returned.

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

(5) The judicial records shall be returned immediately after holding of the Lok Adalat irrespective of whether or not the case is settled by the Lok Adalat with an endorsement about the result of the proceedings.

**8. Functioning of the Lok Adalat.**—(1) The Secretary or the Chairman of the High Court Legal Services Committee or District Authority or the Sub-Divisional (Taluk) Committee, as the case may be, shall assign cases to the Bench of the Lok Adalat after obtaining order from the Chairman.

(2) The Secretary or the Chairman, as the case shall be, may prepare a cause list for each Bench of the Lok Adalat and the same shall be duly notified to all concerned.

(3) Every Bench of the Lok Adalat shall make sincere efforts and persuade the parties to bring about a conciliatory settlement in every case put before it.

**9. Holding of Lok Adalat.**—A Lok Adalat may be organised at such time and place and on such days, including Saturdays, as the State Authority, High Court Legal Services Committee, District Authority or Sub-Divisional (Taluk) Legal Services Committee as the case may be, organising the Lok Adalat deems appropriate.

**10. Procedure for effecting compromise or settlement at Lok Adalat.**—(1) Every Award of the Lok Adalat shall be signed by the Bench constituting the Lok Adalat.

(2) The original Award shall form part of the judicial records and a copy of the Award shall be given to the parties duly certified to be true by the concerned copying agency.

**11. Award to be categorical and lucid.**—(1) Every Award of the Lok Adalat shall be categorical and lucid and shall be written in the language used in the local Courts.

(2) The Parties to the dispute or their counsel or their duly authorised agents shall be required to affix their signatures or thumb impression as the case may be on the settlement/compromise arrived between them before the Lok Adalat.

**12. Compilation of results.**—At the conclusion of session of the Lok Adalat, the Secretary shall compile the result for submission to the State Authority.

**13. Remuneration to officers and staff of the Lok Adalat.**—The Presiding Officer and members of the Lok Adalat shall be entitled to actual conveyance charges to and fro journey between their residence and the place of Lok Adalat and such honorarium as may be fixed by the State Authority from time to time.

**14. Procedure for maintaining records of cases referred under section 20 of the Act or otherwise.**—(1) The Secretary or the Chairman, as the case may be, shall maintain a Register wherein all the cases received by him by way of reference to the Lok Adalat shall be entered giving particulars of the—

- (i) date of the receipt;
- (ii) category and nature of the case.
- (iii) such other particulars as may be deemed necessary; and
- (iv) date of settlement and return of the case file.

(2) When the case is finally disposed of by the Lok Adalat, an appropriate entry shall be made in the Register.

**15. Budget.**—(1) The High Court Legal Services Committee and the District Authority shall submit the Budget proposals to the State Authority on financial year basis in respect of the Lok Adalat Scheme.

(2) The Sub Divisional (Taluk) Legal Services Committee shall submit the Budget proposal to the District Authority on financial year basis in respect of the Lok Adalat Scheme.

(3) The expenditure for Lok Adalat Scheme shall constitute Plan expenditure and may be met out of the grants received by the High Court Legal Services Committee and the District Authority and the Sub Divisional (Taluk) Legal Services Committee, as the case may be.

**16. Maintenance of Accounts.**—(1) The Chairman of the Authority or the Committee, as the case may be, shall exercise complete and full control over the expenditure to be incurred on the Lok Adalats.

(2) The Secretary of the High Court Legal Services Committee or the District Authority, as the case may be, shall render true and proper accounts to the State Authority quarterly.

(3) The Chairman of the Sub Divisional (Taluk) Legal Services Committee shall render true and proper accounts to the District Authority every month.

**17. Funding.**—On a request received from the High Court Legal Services Committee or the District Authority or the Sub Divisional (Taluk) Legal Services

Committee, as the case may be, the State Legal Services Authority may release special grants for convening and holding of Lok Adalats, if considered necessary.

**18. Miscellaneous.**—(1) The appearance of Lawyers on behalf of the parties at the Lok Adalat shall not be refused.

(2) No fee shall be payable by the parties in respect of matters or cases brought before or referred to a Lok Adalat.

(3) The Secretary of the High Court Legal Services Committee or the District Authority or the Chairman of the Sub Divisional (Taluk) Legal Services Committee, as the case may be, shall provide all assistance as may be necessary to the Lok Adalat.

(4) Every Bench of the Lok Adalat may evolve its own procedure for conducting the proceedings before it and shall not be bound by either the Civil Procedure Code or the Evidence Act or the Code of Criminal Procedure subject, however, to the principles of natural justice.