

## UNION TERRITORY OF PONDICHERRY LOK ADALAT SCHEME 1999

No.262/UTPLSA./98

Pondicherry , the 30<sup>th</sup> August 1999

### NOTIFICATION

In exercise of the powers conferred by clause (g) of section 2 read with clauses (a) and (b) of sub-section (2) of section 7 and section 29-A of the Legal Services Authorities Act, 1987. (Central Act 39 of 1987), as amended in 1994 and all other powers enabling it in this behalf, the Union Territory of Pondicherry Legal Services Authority hereby makes the following Scheme namely :-

1. **Short title:** The Scheme shall be called the “Union Territory of Pondicherry Lok Adalat Scheme, 1999”.
2. **Definitions:** In this Scheme unless the context otherwise requires,-
  - (a) “Act” means the Legal Services Authorities Act, 1987 (Central Act 39/1987) as amended in 1994;
  - (b) “Rules” means the rules framed under the Legal Services Authorities Act, 1987;
  - (c) “Chairman” means the Executive Chairman of the State Authority or as the case may be, the Chairman of the Taluk Legal Services Committee or Regional Legal Services Committee as the case may be or as may be notified by the Executive Chairman from time to time in this behalf;
  - (d) “District Authority” means the District Legal Services Authority constituted under section 9 of the Act;
  - (e) “Patron-in-Chief” means the Chief Judge of the High Court of Judicature at Madras or such other High Court which having jurisdiction over the Union Territory of Pondicherry.
  - (f) “The Union Territory of Pondicherry Authority” means the Legal Services Authority constituted under section 6 of the Act;
  - (g) “Taluk Legal Services Committee” means a Taluk Legal Services Committee constituted under section 11-A of the Act;
  - (h) “Regional Committee” means Regional Legal Services Committee formed under the orders of the Executive Chairman for the four regions, namely:- (i) Pondicherry ; (ii) Karaikal; (iii) Mahe and (iv) Yanam;
  - (i) Any other expression or words used in this Scheme, but not defined shall have the same meaning as provided in the Act.
3. **Procedure for organizing Lok Adalat:**
  - (1) The Member Secretary of the Union Territory of Pondicherry Legal Services Authority or the Chairman/Chairperson of Taluk Legal Services Committee or the Regional Legal Services Committee as the case may be shall convene and organize Lok Adalats at such regular intervals as may be required from time to time:

Provided that sufficient number of cases referred to the Adalat under section 20 of the Act or otherwise available for being taken up.

(2) The Member Secretary of the Union Territory of Pondicherry Legal Services Authority or the Chairman of the Taluk Legal Services Committee or the Regional Legal Services Committee as the case may be shall inform the State Authority about the proposal to organize the Lok Adalats well in advance on which Lok Adalats are proposed to be organized and furnish the following information to the State Authority:-

- (a) The place, date and time on which the Lok Adalat is proposed to be organized.
- (b) Categories and subject-wise nature of the cases viz. pending cases or pre-litigation disputes or both proposed to be placed before the Lok Adalat.
- (c) Number of cases proposed to be brought before the Lok Adalat.
- (d) Any other information relevant to the convening and organizing of the Lok Adalat.
- (e) The composition of the Lok Adalats or the persons to exercise the powers under Chapter VI of the Legal Services Authorities Act, 1987.

**4. Holding pre-negotiations:**

(1) The State Authority or the Taluk Legal Services Committee or the Regional Committee shall hold pre-negotiations, discussions or sittings with parties, their Advocates or representatives connected with the disputes before organizing Adalats and the same shall be recorded by the person prescribed in this respect by the State Authority which shall be the basis for placing the dispute before Lok Adalat.

(2) For preliminary work, such as preparing the dockets, listing out cases required from various courts and sorting out to place before the benches to be constituted at the time of organizing Lok Adalats the services of (Retired) Government servants of the Judicial Department, Junior Advocates/Para Legal Trainees/Students of the Law College may be requisitioned by the Member Secretary. Honorarium will be paid to them as fixed by the Chairman.

**5. Notice of the parties concerned:**

(1) The Secretary of the State Authority or Chairman of the Taluk Legal Services Committee or the Regional Committee as the case may be, convening and organizing Lok Adalats shall inform every litigant whose cases are referred to the Lok Adalat well in time so as to afford him necessary opportunity to prepare himself for the Lok Adalat and such notice could be served either on the party or on the Advocate appearing in the case as the case may be or on both of them.

(2) Notice to party or the Advocate shall be sufficient for the purpose of holding Lok Adalat with respect to pending matters as information to the litigant.

**6. Composition of the Lok Adalats :** At the Union Territory level, the Member Secretary of the Union Territory of Pondicherry Legal Services Authority shall organize Lok Adalat with the permission of the Executive Chairman and shall constitute the Benches of the Adalat, each Bench comprising two or three of the following:-

(a) A sitting or retired Chief Judge of the Union Territory of Pondicherry or Additional District Judge.

(b) A member of the legal profession or the President of the Local Bar Association or a retired Judicial Officer who had discharged the functions of Judicial Officer for ten years or a Regional Executive Officer who had exercised the executive powers as Class-I Magistrate as may be nominated by the Executive Chairman from time to time.

**7. Regional level / Taluk level :** The Member Secretary of the State Authority shall organize Regional Lok Adalat with the approval of the Chairman at the following regions:- (i) Pondicherry; (ii) Karaikal; (iii) Mahe; and (iv) Yanam.

(2) With the approval of the Executive Chairman, the Member Secretary shall constitute as many Benches as may be required for holding Regional Lok Adalat in each region and each Bench shall comprise two or three following:-

(a) A sitting or retired Judicial Officer not less than the rank of a Sub Judge and wherever the Sub Judge is not available with the prior permission a Munsif-cum-Judicial Magistrate also could validly constitute;

(b) A member of the legal profession as may be nominated by the Executive Chairman or the President of the local Bar Association or a Lecturer in Law having ten years in teaching experience and who had three years standing at the Bar or a retired Judicial Officer who had exercised the powers of First Class Magistrate; and

(c) Any other eminent person in the field of law or a social worker or leading reputed personality who has no objection to serve the people.

**8. Summoning of records and the responsibility for its safe custody :**

(1) The Member Secretary of the Union Territory of Pondicherry Legal Services Authority or the Taluk Legal Services Committee or Regional Committee, as the case may be, shall 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 court.

(2) If any matter is referred to Lok Adalat at the pre-litigative stage, the version of each party shall be obtained by the Member Secretary of the State Authority or the Taluk Legal Services Committee or the Regional Committee as the case may be, to be placed Lok Adalat.

(3) The Member Secretary or the Chairman of the Legal Services Committee or the Regional committee of the Lok Adalat shall be responsible for the safe custody of the records that he receives from the courts from time to time till they are returned.

(4) Every Judicial Authority shall co-operate in transmission of the court records.

(5) The Judicial records shall be returned immediately after holding Lok Adalat irrespective of whether or not the case is settled by the Lok Adalat with the endorsement about the result of the proceedings and the Regional Committee shall forward a copy of the same to the State Authority from time to time.

**9. Functioning of Lok Adalat:**

(1) The Member Secretary of the Union Territory of Pondicherry Legal Services Authority or the Chairman of the Taluk Legal Services Committee or the Regional Committee as the cases may be, shall assign cases to the Benches of the Lok Adalat after obtaining orders from the Chairman with respect to the State Authority and in respect of Taluks

or regions concerned Chairman of the Taluk Legal Services Committee or the Regional Committee shall be the competent authority to allot cases to the various Benches constituted.

(2) The Member Secretary shall prepare and circulate a cause list for each Bench of the Lok Adalat and the same shall be notified to all the concerned including the courts having jurisdiction over the area.

(3) Every Bench of the Lok Adalat constituted for the purpose shall make necessary efforts to bring about a conciliatory settlement in every case placed before it without any duress or threat or undue influence or allurement or misrepresentation or coercion.

**10. Holding of Lok Adalats:** A Lok Adalat may be organized at such time and place and on such days including Saturdays, Sundays and Public Holidays as the State Authority or the Taluk Legal Services Committee or the Regional Committee deems appropriate.

**11. Procedure for effecting compromise or settlement at Lok Adalat:**

(1) Every Award or Order of the Lok Adalat shall be signed by the panel constituting Lok Adalat.

(2) The original award or order shall form part of the judicial record and a copy of the award or order shall be given to each of the parties duly certified to be true by the Bench of Lok Adalat.

(3) In respect of cases already reached finality, the Member Secretary shall be competent to furnish certified copy of the order or award from time to time on payment of such cost, as may be notified by the Member Secretary from time to time.

**12. Award or Order in writing:**

(1) Every Award or Order of the Lok Adalat shall be categorical, lucid and shall be written in English language and shall also summarily refer the proceedings and the person or the parties.

(2) The parties to the dispute shall be required to affix their signature or thumb-impression as the case may be, in the minutes of the proceedings as well as on the award or order of the Lok Adalat.

**13. Compilation of results.:** The Member Secretary of the State Authority or the Taluk Legal Services Committee or the Regional Committee as the case may be shall compile the results of the Award or Order or such result in the proforma as may be prescribed by the State Authority for submission and for being maintained as a regular record which shall be a public record of evidence.

**14. Remuneration:**

(1) Every Member of the Lok Adalat Benches shall be entitled to a honorarium and conveyance as may be fixed by the Executive Chairman from time to time.

(2) The State Authority shall bear such other incidental or other expenses including providing free lunch to the litigants, who participate in the Lok Adalat and their representatives of legal practitioners at prenegotiation stage or perquisites as may be required to encourage the participants and the members of the Bar.

**15. Procedure for maintenance of record of cases under section 20 of the Act or otherwise:**

(1) The Member Secretary of the State Authority or the Taluk Legal Services Committee or the Regional Committee as the case may be, shall maintain a register where in all the cases received by them by way of reference to Lok Adalat shall be entered giving the particulars of the case such as (i) date of receipt (ii) category and subject wise nature of the case (iii) name of the disputants, their representatives or counsel (iv) the details of summary of claims (v) the result of the case and such other particulars as may be deemed necessary and the date of settlement and return of the case file.

(2) When a dispute is finally disposed of by the Lok Adalat an entry shall be made in the register with respect to the ultimate result of the dispute.

**16. Budget:**

(1) The Member Secretary of the State Authority, Taluk Legal Services Committee or the Regional Committee shall submit budget proposal to the State Authority on a financial year basis in respect of Lok Adalat Scheme for each year well in advance with break-up particulars.

(2) The expenditure for Lok Adalat Scheme shall constitute non-plan expenditure and may be met out of grants received by the State Legal Services Authority or the Taluk Legal Services Committee as the case may be.

**17. Maintenance of accounts:**

The Member Secretary of the State Authority or the Taluk Legal Services Committee or the Regional Committee as the case may be shall exercise complete and full control over the expenditure to be incurred in the Lok Adalats from time to time and shall render true and proper accounts and maintain records and produce the same as and when required for verification by the State Authority or and Authority constituted by the Executive Chairman from time to time for purpose of verification.

**18. Finance:**

(1) On a request received from the State Authority or Taluk Legal Services Committee or Regional Committee as the case may be, the State Authority may release such grants for convening and holding Lok Adalats in regular intervals or as may be required from time to time to meet the exigencies and also provide necessary funds for holding Special Lok Adalats or sittings as the case may be or the occasion may warrant from time to time.

(2) All the honorarium or other expenditure provided for in this Scheme shall be incurred by the Member Secretary of the State Authority or the Taluk Legal Services Committee or Regional Committee from out of the Legal Aid Funds (by the Taluk Legal Services Committee or the Regional Committee) as may be authorized from time to time specifically in this behalf by the Executive Chairman or the Member Secretary as the case may be.

**S.NADAMUNI,**

Member Secretary.