

Permanent and Continuous Lok Adalat with Conciliation and Counselling Centre Scheme, 2000

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Rule

PERMANENT-AND-CONTINUOUS-LOK-ADALAT-WITH-CONCILIATION of 2000

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Permanent and Continuous Lok Adalat with Conciliation and Counselling Centre Scheme, 2000Published vide Notification SRO No. 62/2001, Orissa Gazette Extraordinary No. 137 dated 31.1.2001S.R.O. No. 62/26th January, 2001. - In exercise of the powers conferred by Section 7(1) of the Orissa State Legal Services Authority Act, 1987. The Orissa State Legal Services Authority do hereby give effect to the enclosed scheme of establishment of Permanent and Continuous Lok Adalat with Conciliation and Counselling Centre sponsored by National Legal Service Authority, New Delhi (Central Authority) and approved by the Hon'ble Full Court.Scheme For Establishment of Permanent and Continuous Lok Adalat as Well as Counselling and Conciliation Centres in the Undivided 13 Districts of Orissa in the Court Premises of the Respective District Judges

1. Short title and Commencement.

- (i) The Scheme may be called Permanent and Continuous Lok Adalat with Conciliation and Counselling Centre Scheme, 2000.(ii)This shall come into force on such date as the Orissa Legal Service Authority/Orissa High Court by notification in the Gazette Appoint.

2. Definition.

(a)"Permanent and Continuous Lok Adalat" - Means Lok Adalat established for continuously providing as additional forum to the litigants for conciliatory settlement of their disputes and cases.(b)"Counselling and Conciliation Centres" - This is ancillary to permanent and continuous Lok Adalat whose endeavour shall be to settle the disputes and cases amicably in presence of the parties

before placing the same in the permanent and continuous Lok Adalat.(c)"Permanent Lok Adalat Judge" - Registrar of the District Courts functioning as the Secretary of the District Legal Services Authority or some other Judicial Officer as nominated by the Executive Chairman shall work as the permanent Lok Adalat Judge.(d)"Members of Conciliation and Counselling Centre" - Two members of the District Legal Service Authority shall be nominated by the Chairman of the said Authority to act as conciliators in the District Counselling and Conciliatory Centres.(e)"Disputes and Cases" - Both pending cases as well as disputes at pre-litigation stage.

3. Function.

(a)In pre-litigation/disputes the grievance application of the party shall be registered as Legal Aid Application by the District Authority, for which a register is to be maintained. After receipt of such application the District Authority shall examine the bona fides and prospects of the claim. If it feels just to proceed ahead it shall issue notice to the adversary for an amicable settlement of the disputes. No sooner the adversary appears the dispute shall be referred to the conciliation centre whose endeavour shall be to convince the parties to settle their differences through bilateral dialogues subject to the supervision of the conciliators. In case the conciliators are successful in resolving the dispute the matter with appropriate proposal shall be placed before the permanent Lok Adalat Judge for final disposal. In the event of such disposal it shall amount to a decree in accordance with the provisions of Section 21 of the Legal Services Authorities Act, 1987.(b)The preservation of such decrees till a Permanent Records Room is made available, the record after its disposal shall be kept in the District Record Room.(c)As regards pending cases no sooner appearance is complete and the Court feels just and appropriate, shall refer the case to the District Permanent and Continuous Lok Adalat. A register shall be maintained at the receiving point showing the receipt of record of such cases. Then the Permanent and Continuous Lok Adalat shall make an attempt involving the Counselling and Conciliation Centre for amicable settlement. In case the Conciliators succeed in their efforts they shall remit the record to the permanent Lok Adalat for disposal in accordance with the settlement. After such disposal the Judge Permanent Lok Adalat shall send the record to the Court who was in session thereof for consignment to the District Record Room.

4. Infrastructure.

(a)The respective District Judges shall provide two rooms, one for the Counselling and Conciliation Centre and another for the Permanent and Continuous Lok Adalat of the District.(b)The Jr. Clerk-cum-Typist posted at the disposal of the Taluk level Legal Aid functionaries within the judgeship shall be the custodian of the records and in-charge of maintenance of all registers referred to above. The maintenance of the registers and records shall be monitored by the Permanent and Continuous Lok Adalat Judge. The District Permanent and Continuous Lok Adalat shall utilise the services of the District Court Nizarat to procure the attendance of the parties.

5. Number of sittings of Permanent and Continuous Lok Adalat and Counselling and Conciliation Centre.

- The number of sitting shall be worked out by the permanent Lok Adalat Judge depending upon work load. For the Present, Permanent and Continuous Lok Adalat sitting may be confined to once in a fortnight and so also Conciliation and Counselling Centre.

6. Term of office.

(a)The Registrar, District Court shall continue to work as the Permanent and Continuous Lok Adalat Judge as long as he holds the office of the Registrar and Functions as the Secretary of the District Legal Service Authority.(b)The Conciliators nominated by the Chairman of District Legal Service Authority shall continue for a term of 2 years and shall be eligible for renomination subject to suitability.

7. Remuneration.

(a)Since the Registrar is working as Secretary of the District Legal Services Authority and getting honorarium as per rules, there is no necessity to make further payment to him for his nomination as Permanent and Continuous Lok Adalat Judge.(b)The conciliators are entitled to get allowance which shall be fixed per sitting basis by the State Authority.

8. Progress Report.

- The District Legal Services Authority shall submit a progress report every month regarding the functioning and achievements of Permanent and Continuous Lok Adalat and Counselling and Conciliation Centre to the State Authority.