

The M.P. Lok Adalat Scheme, 1998

MADHYA PRADESH

India

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Rule THE-M-P-LOK-ADALAT-SCHEME-1998 of 1998

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The M.P. Lok Adalat Scheme, 1998 Published vide Notification F. No. 38-Estt-SLSA-97, dated 3-1-1998, published in the M.P. Rajpatra Part 4 (ga) dated 9-1-1998 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 of the Legal Services Authorities Act, 1987 (No. 39 of 1987), the State Authority hereby makes the following scheme, namely :-

1. Short Title.

- This scheme may be called the M.P. Lok Adalat Scheme 1998.

2. Definitions.

- In these rules, unless the context otherwise requires, -(a)"Act" means the Legal Services Authorities Act, 1987 (No. 39 of 1987);(b)"Chairman" means the Executive Chairman of the State Authority, or, as the case may be, the Chairman of the District Authority, or, as the case may be, the Chairman of the Taluk Legal Services Committee;(c)"District Authority" means the District Legal Service Authority constituted under Section 9 of the Act;(d)"High Court Legal Services Committee" means a High Court Legal Services Committee constituted under Section 8-A of the Act;(dd)"Patron-in-Chief" means the Chief Justice of the Madhya Pradesh High Court;(e)"State Authority" means the State Legal Services Authority constituted under Section 6 of the Act;(f)"Taluk Legal Services Committee" means a Taluk Legal Services Committee constituted under Section 11-A of the Act;(g)Words and expressions used in this scheme but not defined shall have the meaning respectively assigned to them in the Act.

3. Procedure for organising Lok Adalat.

(1)The Secretary of the High Court Legal Services Committee or the District Authority of the Chairman of the Taluk Legal Services Committee, as the case may be, shall convene and organise

Lok Adalats at regular intervals :Provided that 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 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.(2)Intimation to the State Authority-(1) 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 organise the Lok Adalat well before the date on which the Lok Adalat is proposed to be organised and furnish the following information to the State Authority,-(i)The place and the date at which the Lok Adalat is proposed to be organised;(ii)Categories and subject-wise nature of cases, viz. pending cases or pre-litigation disputes, or both, proposed to be placed before the Lok Adalat;(iii)Number of cases proposed to be brought before the Lok Adalat;(iv)Any other information relevant to the convening and organising of the Lok Adalat.

4. Notice of the parties concerned.

- 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, convening and organising the Lok Adalat shall inform every litigant, 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 may be treated as information to litigant.

5. Composition of the Lok Adalat.

(1)At High Court Level. - The Secretary of the High Court Legal Services Committee organising the Lok Adalat shall with the approval of the Chief Justice constitute Benches of the Lok Adalats, each Bench comprising two or three of the following,-(i)A sitting or retired Judge of the High Court;(ii)A member of the legal profession; and(iii)Any other eminent person in the field of law or a social worker.(2)At District level. - The Secretary of the District Authority organising the Lok Adalat shall with the approval of the Chairman constitute Benches of the Lok Adalats each Bench comprising two or three of the following,-(i)A sitting or retired Judicial Officer;(ii)A member of the legal profession; and(iii)Any other eminent person in the field of law or a social worker.(3)At Taluk level. - The Chairman of the Taluk Legal Services Committee organising the Lok Adalat shall constitute Benches of the Lok Adalat, each Bench comprising two or three of the following,-(i)A sitting or retired Judicial Officer;(ii)A member of the legal profession; and(iii)A social worker or para-legal of the area.

6. 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 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 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, to be placed before the Lok Adalat.(3)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 be responsible for the safe custody of the records from the time he received them from the Court till they are returned.(4)Each judicial authority to co-operate in transmission of the Court records.(5)The Judicial records shall be returned immediately after holding 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.

7. Functioning of the Lok Adalat.

(1)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 assign cases to the Benches of the Lok Adalat after obtaining orders from the Chairman, as the case may be.(2)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, 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 to bring about a conciliatory settlement in every case put before it without any duress, threat or undue influence, allurement or misrepresentation.

8. Holding of Lok Adalat.

- A Lok Adalat may be organised at such time and place, on closed Saturdays, Sundays and holidays as the State Authority, High Court Legal Services Committee, District Authority, Taluk Legal Services Committee, as the case may be, organising the Lok Adalat deems appropriate.

9. 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 the Lok Adalat.(2)The original award or order shall form part of the judicial records 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.

10. Award/Order to be categorical and lucid.

(1)Every Award or order 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 shall be required to affix their signatures or, as the case may be, thumb impression on the award or order of the Lok Adalat.

11. Compilation of results.

- At the conclusion of session of the Lok Adalat, 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 compile the results in the Annexed proforma for submission to the State

Authority.

12. Remunerations to officers and staff of the Lok Adalat.

(1) Every member of the Bench of Lok Adalat shall be entitled to conveyance allowance, as may be fixed by the patron-in-Chief. (2) The Presiding Officer of the Lok Adalats held at Taluk and District Levels shall also be entitled to honorarium at the rate as may be fixed by the Patron-in-Chief. (3) The Presiding Officer for the Lok Adalats held at High Court Level shall also be entitled to honorarium at such rates as may be fixed by the Patron-in-Chief.

13. Procedure for maintaining record of cases referred under Section 20 of the Act or otherwise.

(1) 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 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 subject-wise 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 will be made in the register.

14. 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 Taluk Legal Services Committee shall submit the Budget proposals to the District Authority on financial year basis in respect of the Lok Adalat Scheme. (3) The expenditure for Lok Adalat Scheme shall constitute 'Non-plan' expenditure and may be made out of the grants received by the High Court Legal Services Committee and the District Authority and the Taluk Legal Services Committee, as the case may be.

15. Maintenance of Accounts.

(1) The Chairman of the High Court Legal Services Committee or the District Authority or the Taluk Legal Services 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 every quarter. (3) The Chairman of the Taluk Legal Services Committee shall render true and proper accounts to the District Authority every month.

16. Funding.

- On a request received from the High Court Legal Services Committee or the District Authority or the 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, -(1)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 provide all assistance as may be necessary to the Lok Adalats.(2)Lok Adalats shall be held in a non ceremonial manner.ProformaFor Disposal of cases in Lok Adalat

| S. No. | Name of Place | Date of Holding of Lok Adalat | No. of Cases disposed of | |
|--------|---------------|-------------------------------|--------------------------|---------|
| Civil | Claims | Criminal | | |
| (1) | (2) | (3) | (4) | (5) (6) |
| Total | | | | |