

*The Orissa Lok Adalat Rules, 1990

S.R.O. No. 257/90-In exercise of the powers conferred by Section 28 of the Legal Service Authorities Act, 1987 (39 of 1987) the State Government do hereby make the following rules, namely :

1. Short title and commencement-(1) These rules may be called the Orissa Lok Adalat Rules, 1990.

(2) They shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

2. Definitions-In these rules, unless the context otherwise requires-

- (a) **"Act"** means the Legal Service Authorities Act, 1987 (39 of 1987);
- (b) **"Authority"** means the State Authority constituted under Section 6 or, as the case may be, District Authority constituted under Section 9;
- (c) **"Chairman"** means the Chairman of the State Authority or, as the case may be, the Chairman of the District Authority;
- (d) **"Form"** means a Form appended to these rules;
- (e) **"joint application"** means an application made jointly of severally by the parties to a dispute to the Court or tribunal indicating their intention to compromise the matter or to arrive at a settlement under Sub-section (1) of Section 20;
- (f) **"member"** means a member of the Lok Adalat;
- (g) **"pending cases"** means suits or other proceedings pending before any Court or tribunal;
- (h) **"pre-litigation disputes"** means disputes or matters referred to in Sub-section (2) of Section 20 in respect of which suits or other proceedings have not been filed in any Court or tribunal;
- (i) **"Secretary"** means the Member-Secretary of the State Authority or, as the case may be, the Secretary of the District Authority constituted under Sections 6 and 9 respectively;
- (j) **"section"** means a section of the Act;
- (k) all other words and expressions used in these rules and not defined in the Act shall have the meanings respectively assigned to them in the Act.

3. Procedure for organising Lok Adalats-(1) The Secretary shall initiate proposal to organise a Lok Adalat :

Provided that no such proposal shall be initiated unless there are at least thirty cases for settlement by a particular Lok Adalat.

(2) After the proposal for holding a Lok Adalat referred to in, Sub-rule (1) is approved by the Chairman, the Secretary shall endeavour to associate the local Bar Association, social Organisation, social workers' charitable institutions and other similar bodies and persons, if possible, with the proposed Lok Adalat.

4. Intimation to the State Authority-The Secretary of the District Authority shall inform the State Authority about the proposal; to organise the Lok Adalat at least fifteen days before the date on which the Lok Adalat is proposed to be organised and furnish the following informations to the State Authority, namely :

- (a) the place and the date on which the Lok Adalat is proposed to be organised;
- (b) the bodies and persons mentioned in Sub-rule (2) of Rule 3 those have agreed to associate themselves, with the proposed Lok Adalat;
- (c) funds to be required for organising the proposed Lok Adalat;
- (d) categories of cases, such as pending cases or pre-litigation disputes or both, proposed to be brought before the Lok Adalat;
- (e) the nature and number of cases proposed to be brought before the Lok Adalat;
- (f) report on the disposal of cases by previous Lok Adalats, if any, organised at the same place;
- (g) special assistance, if any, required from the State Authority; and
- (h) any other information relevant to the Organisation of the Lok Adalat.

5. Publicity to Lok Adalat-After completing the formalities required for organising a Lok Adalat mentioned in Rules 3 and 4, the Secretary shall ensure that-

- (a) publicity is given about the Lok Adalat in the particular area;
- (b) circulars in respect of the Lok Adalat being organised are issued to all offices of Government, semi-Government, public undertakings and local bodies, Bar Associations, social organisations, charitable institutions, situated in that area, as far as practicable.

6. Intimation about Lok Adalat-(1) The Secretary of the State Authority shall inform the High Court and the Central Authority about the proposed Lok Adalat being organised and shall, after the Lok Adalat is organised, send the number and nature of cases settled at the Lok Adalat to the High Court and the Central Authority.

(2) The Secretary of the District Authority shall inform the State Authority in advance about the proposed Lok Adalat being organised and after the Lok Adalat is organised, he shall send the details of the cases settled at the Lok Adalat to the State Authority.

7. Categories and classification of cases-The cases brought before the Lok Adalat shall be categorised on the basis of their nature,

such as, pending cases or pre-litigation disputes and further classified as civil, criminal, revenue, matrimonial or labour and the like.

8. Procedure for processing of case-(1) The State Authority or, as the case may be, the District Authority may seek the co-operation of the agencies mentioned in Sub-rule (2) of Rule 3 in persuading the parties to settle their cases through Lok Adalats.

(2) Pamphlets giving information regarding the aims and objects as well as method of working of Lok Adalats may be distributed to the people through the Local Revenue Officers, Block Development Officers, Public Relations Officers, Chairman of the Panchayat Samiti and Sarpanches of nearby Grama Panchayats, as far as practicable.

9. Pre-litigation disputes-(1) In case of pre-litigation disputes, any person may make an application to the concerned District Authority mentioning the details of the dispute or matter with full address of the parties for a compromise or settlement to be approved at by the Lok Adalat in the disputes referred to under Sub-section (2) of Section 20.

(2) When an application referred to in Sub-rule (1) is received by the District Authority, an officer of the said Authority shall examine whether the application is made by both the parties jointly and, where it is so made, the Secretary shall, by letter, invite both the parties to remain present before the Lok Adalat on the appointed date, time and place alongwith the necessary papers and documents.

(3) Where an application is made by only one of the parties or by any other person, a letter shall be issued to the other party or the parties concerned, as the case may be, under the signature of the Secretary alongwith the copy of the application inviting the party or parties, as the case may be, to appear on the appointed date, time, place before the Secretary with necessary papers and documents, if any, whereupon the Secretary shall, on perusal of the documents and hearing the parties, if necessary, prepare a summary in respect of each case and place the same before the Lok Adalat for disposal.

(4) Copy of the letter issued under Sub-rule (2) or Sub-rule (3), may be endorsed to the every Revenue Officer and Sarpanch of the concerned locality for the purpose of using their good offices in securing the presence of the parties at the Lok Adalat.

10. Pending cases-(1) The State Authority or, as the case may be the District Authority shall identify the cases which may be fit for being taken by the Lok Adalats and in doing so, may seek the, co-operation of the concerned Court, tribunal and members of the Bar, if necessary-

(2) After the cases are identified under Sub-rule (1) the parties to the dispute may, by notice, be invited by the Secretary of the concerned Authority to file a joint application before the concerned Court or tribunal, indicating their intention to compromise the matter or to arrive at a settlement through the Lok Adalat.

(3) Where any case is transferred to a Lok Adalat by any Court or tribunal, the Secretary of the concerned Authority shall send notice to the parties to attend the Lok Adalat on the date, time and place, specified in the notice.

11. Preparation of cases for Lok Adalat-The Secretary shall arrange to prepare-

- (a) a summary in respect of each case as referred to in Sub-rule (3) of Rule 9 for being placed before the Lok Adalat alongwith the records of the cases transferred under Sub-section (1) of Section 20 for settlement ; and
- (b) a final list of pending cases as well as pre-litigation disputes to be referred to the Lok Adalat and have the same displayed at a conspicuous place where the Lok Adalat is being organised.

12. Location of Lok Adalat-The Lok Adalat shall be organised in the premises of public institutions, such as, schools, colleges and Courts or at any other public place as may be decided by the Chairman.

13. Working hours of Lok Adalat-(1) Unless otherwise determined by the Chairman, the working hours of a Lok Adalat shall be from 10-00 A.M. to 5.00 P.M. with a convenient lunch break.

(2) The Lok Adalat shall ordinarily be organised on Sundays or holidays, unless otherwise decided by the Chairman.

14. Language of award of Lok Adalat - Every award of the Lok Adalat shall be written in the language used in the local Courts.

15. Fees-No fees shall be payable by the parties in respect of cases brought before a Lok Adalat and tribunals.

16. Responsibility for the safe custody of records-The Secretary of the Authority concerned shall be and tribunal responsible for-

- (a) the safe custody of the records of the Authority including the case files received from the Courts and tribunals and their return to the concerned Courts and tribunals alongwith the records of the Lok Adalat and its awards; and
- (b) submission of the records of the Lok Adalat in pre-litigation disputes alongwith the awards of Lok Adalat to the Office of the District Judge for purposes of record.

17. Composition of Lok Adalat-(1) Every Lok Adalat shall consist of-

- (a) a Presiding Officer, who shall be a serving Judicial Officer of the area not below the rank of a Chief Judicial Magistrate or a retired District Judge or a retired Judge of the High Court, as may be specified by the Chairman of the concerned Authority ; and
- (b) not exceeding two other members, to be nominated by the Chairman of the Authority concerned, from amongst the following, namely:
 - (i) Retired Judicial Officers;
 - (ii) Advocates;

- (iii) Teachers;
- (iv) Social workers;
- (v) Persons of social repute :

Provided that no person who is involved in any litigation shall be nominated as a member under this clause.

(2) If for any reason, a member of the Lok Adalat remains absent or is unable to function as such, the Chairman of the Authority concerned may nominate any other eligible person in place of such member.

18. Functioning of Lok Adalat-(1) As far as possible, separate Lok Adalats shall be constituted for separate class of cases.

(2) The Lok Adalat dealing with matrimonial matters shall, as far as possible, have one lady member.

19. Public sitting-The Lok Adalat shall be open to the public; provided that the Presiding Officer of the Lok Adalat may, in exceptional cases, decide to hold its proceedings *in camera*.

20. Procedure for effecting compromise or settlement-Every award of the Lok Adalat shall be signed by the Presiding Officer and the member or members, as the case may be, of the Lok Adalat and a copy of the said award shall be given to each of the parties, the original being kept on the record of the case.

CASE LAW :

- Lok Adalat can dispose of a matter by way of compromise or settlement between the parties - Terms "compromise" and "settlement" - Meaning stated : **State of Punjab and others v. Mohinderjit Kaur : 2005 (I) OLR (SC) 454.**

21. Arrangements for refreshments -The Authority organising the Lok Adalat may make arrangements for serving refreshments to guests, members of the Lok Adalat, Officers and other employees of Authority and others participating or assisting the Lok Adalat.

22. Remuneration to members-Members of the Lok Adalat including the Presiding Officer shall not be paid any remuneration for services rendered as such member of Presiding Officer. The concerned authority shall, however, pay to them travelling allowance and daily allowance as may be admissible to the highest category of Grade I Officers of the Government under the Orissa Travelling Allowances Rules and a sumptuary allowance of rupees fifty per each Lok Adalat.

23. Period spent by officers and staff in connection with the Organisation of Lok Adalat-The period spent by officers and staff in connection with the Organisation of a Lok Adalat shall be treated as on duty.

24. Remuneration to officers and staff-All officers and staff required to travel away from their respective headquarters in connection with Lok Adalat shall be entitled to travelling allowance and daily allowance as may be admissible to them under the Orissa Travelling Allowances Rules and shall draw such allowance from their respective offices.