



Government Of Maharashtra

Business Reform Action Plan 2016 Response by Government of Maharashtra

Area 10a: Commercial Dispute Resolution Enablers

331: Mandate pre-trial discovery for cases in commercial matters

Response:

Yes

Remarks:

Yes, according to Chapter VI A of the Legal Services Authority Act, 1987 (attached), "Pre-litigation Conciliation and Statement, point 22C on page 17, "Any party to a dispute is brought before any court, make an application to the Permanent Lok Adalat for the settlement of dispute"

Supporting Documents:

Contents

Sr. No.	Introduction	Page No.
I	THE LEGAL SERVICES AUTHORITIES ACT, 1987	1-23
II	THE HARYANA STATE LEGAL SERVICES AUTHORITY RULES, 1996	24-43
III	THE HARYANA LEGAL SERVICES AUTHORITY (TRANSACTION OF BUSINESS AND OTHER PROVISIONS) REGULATIONS, 1998	44-61
IV	THE HIGH COURT LEGAL SERVICES COMMITTEE REGULATIONS, 1998	62-67
V	THE PERMANENT LOK ADALAT (OTHER TERMS AND CONDITIONS OF APPOINTMENT OF CHAIRMAN AND OTHER PERSONS) RULES, 2003	68-71
VI	THE CIVIL PROCEDURE ADR AND MEDIATION RULES, 2003	72-85
VII	SECTION 89 OF CODE OF CIVIL PROCEDURE, 1908 (AS INSERTED BY C.P.C. (AMENDMENT) ACT, NO. 46 OF 1999	86-89
VIII	IMPORTANT NOTIFICATIONS	90-94

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I

The Legal Services Authorities Act, 1987

(No. 39 of 1987)

[As amended by The Legal Services Authorities (Amendment)
Act, 1994 (No. 59 of 1994)]

and

[Legal Services Authorities (Amendment) Act, 2002 (No. 37 of 2002)]

The 11th October, 1987

The 29th October, 1994

An Act to constitute legal services authorities to provide free and competent legal services to the weaker sections of the society to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities, and to organize Lok Adalats to secure that the operation of the legal system promotes justice on a basis of equal opportunity.

Be it enacted by Parliament in the thirty-eighth year of the Republic of India as follows:-

**CHAPTER I
PRELIMINARY**

1. (1) This Act may be called the Legal Services Authorities Act, 1987. Short title, extent and commencement.
- (2) It extends to the whole of India, except the State of Jammu and Kashmir.
- (3) It shall come into force on such date¹ as the Central Government may, by notification, appoint; and different dates may be appointed for different provisions of this Act and for different States, and any reference to commencement in any provision of this Act in relation to any State shall be construed as a reference to the commencement of that provision in that State.
2. (1) In this Act, unless the context otherwise requires,- Definitions.
- (a) ² “case” includes a suit or any proceeding before a court;
- (aa) “Central Authority” means the National Legal Services Authority constituted under Section 3;
- (aaa) “court” means a civil, criminal or revenue court and includes any tribunal or any other authority constituted under any law for the time being in force, to exercise judicial or quasi-judicial functions;
- (b) “District Authority” means a District Legal Services Authority constituted under Section 9;

¹ Whole Act except Chapter III. Came into force on 9.11.1995, vide S.O.893 (E) dated 9.11.1995.

² Subs. by Act 59 of 1994 Sec. 2, for clause (a) (w.e.f. 29.10.1994)

- ³(bb) “High Court Legal Services Committee” means a High Court Legal Services Committee constituted under Section 8A;
- (c) “legal service” includes the rendering of any service in the conduct of any case or other legal proceeding before any court or other authority or tribunal and the giving of advice on any legal matter;
- (d) “Lok Adalat” means a Lok Adalat organized under Chapter VI;
- (e) “notification” means a notification published in the Official Gazette;
- (f) “prescribed” means prescribed by rules made under this Act;
- (ff) ⁴“regulations” means regulations made under this Act;
- (g) “scheme” means any scheme framed by the Central Authority, a State Authority or a District Authority for the purpose of giving effect to any of the provisions of this Act;
- (h) “State Authority” means a State Legal Services Authority constituted under Section 6;
- (i) “State Government” includes the administrator of a Union territory appointed by the President under article 239 of the Constitution.
- (j) “Supreme Court Legal Services Committee” means the Supreme Court Legal Services Committee constituted under Section 3A;
- (k) “Taluk Legal Services Committee” means a Taluk Legal Services Committee constituted under Section 11A.

(2) Any reference in this Act to any other enactment or any provision thereof shall, in relation to an area in which such enactment or provision is not in force, be construed as a reference to the corresponding law or the relevant provision of the corresponding law, if any, in force in that area.

CHAPTER II

The National Legal Services Authority

⁵**3.** (1) The Central Government shall constitute a body to be called the National Legal Services Authority to exercise the powers and perform the functions conferred on, or assigned to, the Central Authority under this Act.

(2) The Central Authority shall consist of -

³ Ins. by Act 59 of 1994, sec.2(w.e.f. 29.10.1994)

⁴ Ins. by Act 59 of 1994, sec.2(w.e.f. 29.10.1994)

⁵ Ins. by Act 59 of 1994, sec.3, for section 3 (w.e.f. 29.10.1994)

- (a) the Chief Justice of India who shall be the Patron-in-Chief;
- (b) a serving or retired Judge of the Supreme Court to be nominated by the President, in consultation with the Chief Justice of India, who shall be the Executive Chairman; and
- (c) such number of other members, possessing such experience and qualifications, as may be prescribed by the Central Government, to be nominated by that Government in consultation with the Chief Justice of India.

(3) The Central Government shall, in consultation with the Chief Justice of India, appoint a person to be the Member Secretary of the Central Authority, possessing such experience and qualification as may be prescribed by that Government, to exercise such powers and perform such duties under the Executive Chairman of the Central Authority as may be prescribed by that Government or as may be assigned to him by the Executive Chairman of that Authority.

(4) The terms of office and other conditions relating thereto, of members and the Member Secretary of the Central Authority shall be such as may be prescribed by the Central Government in consultation with the Chief Justice of India.

(5) The Central Authority may appoint such number of officers and other employees as may be prescribed by the Central Government, in consultation with the Chief Justice of India, for the efficient discharge of its functions under this Act.

(6) The Officers and other employees of the Central Authority shall be entitled to such salary and allowances and shall be subject to such other conditions of service as may be prescribed by the Central Government in consultation with the Chief Justice of India.

(7) The administrative expenses of the Central Authority, including the salaries, allowances and pensions payable to the Member-Secretary, officers and other employees of the Central Authority, shall be defrayed out of the Consolidated Fund of India.

(8) All orders and decisions of the Central Authority shall be, authenticated by the Member-Secretary or any other officer of the Central Authority duly authorized by the Executive Chairman of that Authority.

(9) No act or proceeding of the Central Authority shall be invalid merely on the ground of the existence of any vacancy in, or any defect in the constitution of, the Central Authority.

3A. (1) The Central Authority shall constitute a committee to be called the Supreme Court Legal Services Committee for the purpose of exercising such powers and performing such functions as may be determined by regulations made by the Central Authority.

Supreme Court
Legal Services
Committee.

(2) The Committee shall consist of –

- (a) a sitting Judge of the Supreme Court who shall be the Chairman; and
- (b) such number of other members possessing such experience and qualifications as may be prescribed by the Central Government,

to be nominated by the Chief Justice of India.

(3) The Chief Justice of India shall appoint a person to be the Secretary to the Committee, possessing such experience and qualifications as may be prescribed by the Central Government.

(4) The terms of office and other conditions relating thereto, of the members and Secretary of the Committee shall be such as may be determined by regulations made by the Central Authority.

(5) The Committee may appoint such number of officers and other employees as may be prescribed by the Central Government, in consultation with the Chief Justice of India, for the efficient discharge of its functions.

(6) The officers and other employees of the Committee shall be entitled to such salary and allowances and shall be subject to such other conditions of service as may be prescribed by the Central Government in consultation with the Chief Justice of India.

4. The Central Authority shall [****]⁶ perform all or any of the following functions, namely: -

Functions of the
Central
Authority.

- (a) lay down policies and principles for making legal services available under the provisions of the Act;
- (b) frame the most effective and economical schemes for the purpose of making legal services available under the provisions of this Act;
- (c) utilize the funds at its disposal and make appropriate allocations of funds to the State Authorities and District Authorities;
- (d) take necessary steps by way of social justice litigation with regard to consumer protection, environmental protection or any other matter of special concern to the weaker sections of the society and for this purpose, give training to social workers in legal skills;
- (e) organize legal aid camps, especially in rural area, slums or labour colonies with the dual propose of educating the weaker sections of the society as to their rights as well as encouraging the settlement of disputes through Lok Adalats.

⁶ The words “subject to the general directions of the Central Government” omitted by Act 59 of 1994 sec. 4, (w.e.f. 29.10.1994).

- (f) encourage the settlement of disputes by way of negotiations, arbitration and conciliation;
- (g) undertake and promote research in the field of legal services with special reference to the need for such services among the poor;
- (h) to do all things necessary for the purpose of ensuring commitment to the fundamental duties of citizens under Part IVA of the Constitution;
- (i) monitor and evaluate implementation of the legal aid programmes at periodic intervals and provide for independent evaluation of programmes and schemes implemented in whole or in part by funds provided under this Act;
- (j) ⁷provide grants-in-aid for specific schemes to various voluntary social service institutions and the State and District Authorities, from out of the amounts placed at its disposal for the implementation of legal services schemes under the provisions of this Act;
- (k) develop, in consultation with the Bar Council of India, programmes for clinical legal education and promote guidance and supervise the establishment and working of legal services clinics in universities, law colleges and other institutions;
- (l) take appropriate measures for spreading legal literacy and legal awareness amongst the people and, in particular, to educate weaker sections of the society about the rights, benefits and privileges guaranteed by social welfare legislations and other enactments as well as administrative programmes and measures;
- (m) make special efforts to enlist the support of voluntary social welfare institutions working at the grass-root level, particularly among the Scheduled Castes and the Scheduled Tribes, women and rural and urban labour; and
- (n) coordinate and monitor the functioning of State⁸ Authorities, District Authorities, Supreme Court Legal Services Committee, High Court Legal Services Committees, Taluk Legal Services Committees and voluntary social services institutions and other legal services organization and give general directions for the proper implementation of the legal services programmes.

Central Authority
to work in
Coordination
with other
agencies.

5. In the discharge of its functions under this Act, the Central Authority shall, wherever appropriate, act in coordination with other governmental and non-governmental agencies, universities and others engaged in the work of promoting the cause of legal services to the poor.

⁷ Subs. by Act 59 of 1994 sec.4, for clause (j) (w.e.f 29.10.1994).

⁸ Subs. by Act 59 of 1994, sec.4, for “state and District Authorities and other voluntary social welfare institution” (w.e.f. 29.10.1994).

CHAPTER III
State Legal Services Authority

Constitution of
State Legal
Services
Authority.

⁹6. (1) Every State Government shall constitute a body to be called the Legal Services Authority for the State to exercise the powers and perform the functions conferred on, or assigned to, a State Authority under this Act.

(2) A State Authority shall consist of-

- (a) the Chief Justice of the High Court who shall be the Patron-in-Chief;
- (b) a serving or retired Judge of the High Court to be nominated by the Governor, in consultation with the Chief Justice of the High Court, who shall be the Executive Chairman; and
- (c) such number of other members, possessing such experience and qualifications as may be prescribed by the State Government, to be nominated by that Government in consultation with the Chief Justice of the High Court.

(3) The State Government shall, in consultation with the Chief Justice of the High Court, appoint a person belonging to the State Higher Judicial Service, not lower in rank than that of a District Judge, as the Member Secretary of the State Authority, to exercise such powers and perform such duties under the Executive Chairman of the State Authority as may be prescribed by that Government or as may be assigned to him by the Executive Chairman of that Authority:

Provided that a person functioning as Secretary of a State Legal Aid and Advice Board immediately before the date of constitution of the State Authority may be appointed as Member-Secretary of that Authority, even if he is not qualified to be appointed as such under this sub-section, for a period not exceeding five years.

(4) The terms of office and other conditions relating thereby, of members and the Member-Secretary of the State Authority shall be such as may be prescribed by the State Government in consultation with the Chief Justice of the High Court.

(5) The State Authority may appoint such number of officers and other employees as may be prescribed by the State Government in consultation with the Chief Justice of the High Court, for the efficient discharge of its functions under this Act.

(6) The officers and other employees of the State Authority shall be entitled to such salary and allowances and shall be subject to such other conditions of service as may be prescribed by the State Government in consultation with the Chief Justice of the High Court.

⁹ Subs. by Act 59 of 1994, sec.5, for section 6 (w.e.f. 29.10.1994)

(7) The administrative expenses of the State Authority, including the salaries, allowances and pensions payable to the Member-Secretary or any other officer of the State Authority shall be defrayed out of the consolidated fund of the State.

(8) All orders and decisions of the State Authority shall be authenticated by the Member Secretary or any other officer of the State Authority duly authorized by the Executive Chairman of the State Authority.

(9) No act or proceeding of a State Authority shall be invalid merely on the ground of the existence of any vacancy in, or any defect in the constitution of, the State Authority.

7. (1) It shall be the duty of the State Authority to give effect to the policy and directions of the Central Authority. Functions of the State Authority

(2) Without prejudice to the generality of the functions referred to in sub-section (1), the State Authority shall perform all or any of the following functions, namely:-

- (a) give legal service to persons who satisfy the criteria laid down under this Act;
- (b) conduct Lok Adalats, including Lok Adalats for High Court cases¹⁰;
- (c) undertake preventive and strategic legal aid programmes; and
- (d) perform such other functions as the State Authority may, in consultation with the Central Authority¹¹, fix by regulations.

¹²8. In the discharge of its functions the State Authority shall appropriately act in coordination with other governmental agencies, non-governmental voluntary social service institutions, universities and other bodies engaged in the work of promoting the cause of legal services to the poor and shall also be guided by such directions as the Central Authority may give to it in writing. State Authority to act in coordination with other agencies, etc., and be subject to directions given by Central Authority.

8A. (1) The State Authority shall constitute a committee to be called the High Court Legal Services Committee for every High Court, for the purpose of exercising such powers and performing such functions as may be determined by regulations made by the State Authority. High Court Legal Services Committee.

(2) The Committee shall consist of-

- (a) a sitting Judge of the High Court who shall be the Chairman; and
- (b) such number of other members possessing such experience and qualifications as may be determined by regulations made by the State Authority.

¹⁰ Subs. by Act 59 of 1994, sec.6, for "Lok Adalats" (w.e.f. 29.10.1994).

¹¹ Subs. by Act 59 of 1994, sec.6, for Central Government" (w.e.f. 29.10.1994).

¹² Subs. by Act 59 of 1994, sec.7, for section 8 (w.e.f. 29.10.1994).

to be nominated by the Chief Justice of the High Court.

(3) The Chief Justice of the High Court shall appoint a Secretary to the Committee possessing such experience and qualifications as may be prescribed by the State Government.

(4) The terms of office and other conditions relating thereto, of the members and Secretary of the Committee shall be such as may be determined by regulations made by the State Authority.

(5) The Committee may appoint such number of officers and other employees as may be prescribed by the State Government in consultation with the Chief Justice of the High Court for the efficient discharge of its functions.

(6) The officers and other employees of the Committee shall be entitled to such salary and allowances and shall be subject to such other conditions of service as may be prescribed by the State Government in consultation with the Chief Justice of the High Court.

¹³9. (1) The State Government shall, in consultation with Chief Justice of the High Court, constitute a body to be called the District Legal Services Authority for every District in the State to exercise the powers and perform the functions conferred on, or assigned to, the District Authority under this Act.

Constitution of
District Legal
Services Authority

(2) A District Authority shall consist of-

- (a) the district Judge who shall be its Chairman; and
- (b) such number of other members, possessing such experience and qualifications, as may be prescribed by the State Government, to be nominated by that Government in consultation with the Chief Justice of the High Court.

(3) The State Authority shall, in consultation with the Chairman of the District Authority, appoint a person belonging to the State Judicial Service not lower in rank than that of a Subordinate Judge or Civil Judge posted at the seat of the District Judiciary as Secretary of the District Authority to exercise such powers and perform such duties under the Chairman of that Committee as may be assigned to him by such Chairman.

(4) The terms of office and other conditions relating thereto, of members and Secretary of the District Authority shall be such as may be determined by regulations made by the State Authority in consultation with the Chief Justice of the High Court.

(5) The District Authority may appoint such number of officers and other employees as may be prescribed by the State Government in consultation with the Chief Justice of the High Court for the efficient discharge of its functions.

¹³ Subs. by Act 59 of 1994, sec. 7, for section 9 (w.e.f. 29.10.1994)

(6) The officers and other employees of the District Authority shall be entitled to such salary and allowances and shall be subject to such other conditions of service as may be prescribed by the State Government in consultation with the Chief Justice of the High Court.

(7) The administrative expenses of every District Authority, including the salaries, allowances and pensions payable to the Secretary, officers and other employees of the District Authority shall be defrayed out of the Consolidated Fund of the State.

(8) All orders and decisions of the District Authority shall be authenticated by the Secretary or by any other officer of the District Authority duly authorized by the Chairman of that Authority.

(9) No act or proceeding of a District Authority shall be invalid merely on the ground of the existence of any vacancy in, or any defect in the constitution of, the District Authority.

10. (1) It shall be the duty of every District Authority to perform such of the functions of the State Authority in the District as may be delegated to it from time to time by the State Authority. Functions of District Authority.

(2) Without prejudice to the generality of the functions referred to in sub-section (1), the District Authority may perform all or any of the following functions, namely:-

- (a) ¹⁴coordinate the activities of the Taluk Legal Services Committee and other legal services in the District;
- (b) organize Lok Adalats within the District; and
- (c) perform such other functions as the State Authority may [****]¹⁵ fix by regulations.

11. In the discharge of its functions under this act, the District Authority shall, wherever appropriate act in coordination with other governmental and non-governmental institutions, universities and others engaged in the work of promoting the cause of legal services to the poor and shall also be guided by such directions as the Central Authority or the State Authority may give to it in writing. District Authority to act in coordination with other agencies and be subject to directions given by the Central Authority, etc.

¹⁶11A. (1) The State Authority may constitute a Committee, to be called the Taluk Legal Services Committee, for each taluk or mandal or for group of taluks or mandals. Taluk Legal Services Committee.

(2) The Committee shall consist of ---

¹⁴ Subs. by Act 59 of 1994, sec.8, for clause (a) (w.e.f. 29.10.1994)

¹⁵ The words "in consultation with the State Government", omitted by Act 59 of 1994, sec.8 (w.e.f. 29.10.1994).

¹⁶ Ins. by Act 59 of 1994, sec.9 (w.e.f. 29.10.1994)

- (a) the “senior most judicial officer”¹⁷ operating within the jurisdiction of the Committee who shall be the ex-officio Chairman; and
- (b) such number of other members, possessing such experience and qualifications, as may be prescribed by the State Government, to be nominated by that Government in consultation with Chief Justice of the High Court.

(3) The Committee may appoint such number of officers and other employees as may be prescribed by the State Government in consultation with Chief Justice of the High Court for the efficient discharge of its functions.

(4) The officers and other employees of the Committee shall be entitled to such salary and allowances and shall be subject to such other conditions of service as may be prescribed by the State Government in consultation with Chief Justice of the High Court,

(5) The administrative expenses of the Committee shall be defrayed out of the District Legal Aid Fund by the District Authority.

11B. The Taluk Legal Services Committee may perform all or any of the following functions, namely:--

Functions of Taluk
Legal Services
Committee.

- (a) coordinate the activities of legal services in the taluka;
- (b) organize Lok Adalats within the taluk; and
- (c) perform such other functions as the District Authority may assign to it.

CHAPTER IV **Entitlement to Legal Services**

Criteria for giving
legal services.

12. Every person who has to file or defend a case shall be entitled to legal services under this Act if that person is--

- (a) a member of a Scheduled Caste or Scheduled Tribe;
- (b) a victim of trafficking in human beings or beggar as referred in article 23 of the Constitution;
- (c) a woman or a child;
- (d) a person with disability as defined in clause (i) of section 2 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995¹⁸.

¹⁷ Subs. by Act 37 of 2002, sec.2, for “senior Civil Judge” (w.e.f. 11.6.2002).

¹⁸ Subs. by Act 1 of 1996, sec.74, for clause (d) (w.e.f. 7.2.1996)
Subs. by Act 59 of 1994, sec.10, for clause (h) (w.e.f. 29.10.1994).

- (e) a person under circumstances of undeserved want such as being a victim of a mass disaster, ethnic violence, caste atrocity, flood, drought, earthquake or industrial disaster; or
- (f) an industrial workman; or
- (g) in custody, including custody in a protective home within the meaning of clause (g) of section 2 of the Immoral Traffic (Prevention) Act, 1956, or in a Juvenile home within the meaning of clause (j) of section 2 of the Juvenile Justice Act, 1986, or in a psychiatric hospital or psychiatric nursing home within the meaning clause (g) of section 2 of the Mental Health Act, 1987; or
- (h) in receipt of annual income less than rupees nine thousand or such other higher amount as may be prescribed by the State Government, if the case is before a court other than the Supreme Court, and less than rupees twelve thousand or such other higher amount as may be prescribed by the Central Government, if the case is before the Supreme Court.

Entitlement of legal services.

13. (1) Persons who satisfy or any of the criteria specified in section 12 shall be entitled to receive legal services provided that the concerned Authority is satisfied that such person has a prima-facie case to prosecute or to defend.

(2) An affidavit made by a person as to his income may be regarded as sufficient for making him eligible to the entitlement of legal services under this Act unless the concerned Authority has reason to disbelieve such affidavit.

CHAPTER V

Finance, Accounts and Audit

Grants by the Central Government

14. The Central Government shall, after due appropriation made by Parliament by law in this behalf, pay to the Central Authority, by way of grants, such sums of money as the Central Government may think fit for being utilized for the purposes of this Act.

National Legal Aid Fund.

15. (1) The Central Authority shall establish a fund to be called the National Legal Aid fund and there shall be credited thereto—

- (a) all sums of money given as grants by the Central Government under section 14;
 - (b) any grants or donations that may be made to the Central Authority by any other person for the purposes of this Act;
 - (c) any amount received by the Central Authority under the orders of any court or from any other source.
- (2) The National Legal Aid Fund shall be applied for meeting--
- (a) the cost of legal services provided under this Act including grants made to State Authorities;

- (b) the cost of legal services provided by the Supreme Court Legal Services Committee;
- (c) any other expenses which are required to be met by the Central Authority.¹⁹

16. (1) A State Authority shall establish a fund to be called the State Legal Aid Fund and there shall be credited thereto — State Legal Aid Fund.

- (a) all sums of money paid to it or any grants made by the Central Authority for the purposes of this Act;
- (b) any grants or donations that may be made to the State Authority by the State Government or by any person for the purposes of this Act;
- (c) any other amount received by the State Authority under the orders of any court or from any other source.

(2) A State Legal Aid Fund shall be applied for meeting--

- (a) the cost of functions referred to in section 7;
- (b) the cost of legal services provided by the High Court Legal Services Committees;
- (c) any other expenses which are required to be met by the State Authority.²⁰

17. (1) Every District Authority shall establish a fund to be called the District Legal Aid Fund and there shall be credited thereto— District Legal Aid Fund.

- (a) all sums of money paid or any grants made by the State Authority to the District Authority for the purposes of this Act;
- (b) any grants or donations that may be made to the District Authority by any person, with the prior approval of the State Authority, for the purposes of this Act;
- (c) any other amount received by the District Authority under the orders of any court or from any other source.²¹

(2) A District Legal Aid Fund shall be applied for meeting--

- (a) the cost of functions referred to in section 10 and 11B²²;
- (b) any other expenses which are required to be met by the District Authority.

¹⁹ Subs. by Act 59 of 1994, sec.11, for clause (b) (w.e.f. 29.10.1994)

²⁰ Subs. by Act 59 of 1994, sec.12, for clause (b) (w.e.f. 29.10.1994)

²¹ Subs. by Act 59 of 1994, sec.13, for clause (b) (w.e.f. 29.10.1994)

²² Ins. by Act 59 of 1994, sec. 13, (w.e.f.29.10.1994).

18. (1) The Central Authority, State Authority or the District Authority (hereinafter referred to in this section as ‘the Authority’), as the case may be, shall maintain proper accounts and other relevant records and prepare an annual statement of accounts including the income and expenditure account and the balance-sheet in such form and in such manner as may be prescribed by the Central Government in consultation with the Comptroller and Auditor General of India. Accounts and
Audit

(2) The accounts of the Authorities shall be audited by the Comptroller and Auditor General of India at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Authority concerned to the Comptroller and Auditor General of India.

(3) The Comptroller and Auditor General of India and any other person appointed by him in connection with the auditing of the accounts of an Authority under this Act shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor General of India has in connection with the auditing of the Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Authorities under this Act.

(4) The accounts of the Authorities, as certified by the Comptroller and Auditor General of India or any other person appointed by him in this behalf together with the audit report thereon, shall be forwarded annually by the Authorities to the Central Government or the State Governments, as the case may be.

²³(5) The Central Government shall cause the accounts and the audit report received by it under sub-section (4) to be laid, as soon as may be after they are received, before each house of Parliament.

(6) The State Government shall cause the accounts and the audit report received by it under sub-section (4) to be laid, as soon as may be after they are received, before the State Legislature.

CHAPTER VI

LOK ADALATS

Organisation of Lok
Adalats.

19. (1) Every State Authority or District Authority or the Supreme Court Legal Services Committee or every High Court Legal Services Committee or, as the case may be, Taluk Legal Services Committee may organize Lok Adalats at such intervals and places and for exercising such jurisdiction and for such areas as it thinks fit.

(2) Every Lok Adalat organized for an area shall consist of such number of-

- (a) serving or retired judicial officers; and
- (b) other persons,

of the area as may be specified by the State Authority or the District Authority or the Supreme Court Legal Services Committee or the High Court Legal Services Committee

²³ Ins. by Act 59 of 1994, sec.14 (w.e.f. 29.10.1994)

or, as the case may be, the Taluk Legal Services Committee, organizing such Lok Adalat.

(3) The experience and qualifications of other persons referred to in clause (b) of sub-section (2) for Lok Adalats organized by the Supreme Court Legal Services Committee shall be such as may be prescribed by the Central Government in consultation with the Chief Justice of India.

(4) The experience and qualifications of other persons referred to in clause (b) of sub-section (2) for Lok Adalats other than referred to in sub-section (3) shall be such as may be prescribed by the State Government in consultation with the Chief Justice of the High Court.

(5) A Lok Adalat shall have jurisdiction to determine and to arrive at a compromise or settlement between the parties to a dispute in respect of--

- (i) any case pending before; or
- (ii) any matter which is falling within the jurisdiction of and is not brought before, any court for which the Lok Adalat is organized:

Provided that the Lok Adalat shall have no jurisdiction in respect of any case or matter relating to an offence not compoundable under any law.

²⁴20. (1) Where in case referred to in clause (i) of sub-section (5) of section 19. Cognizance of cases by Lok Adalats.

- (i) (a) the parties thereof agree; or
- (b) one of the parties thereof makes an application to the court,

for referring the case to the Lok Adalat for settlement and if such court is prima facie satisfied that there are chances of such settlement; or

- (ii) the court is satisfied that the matter is an appropriate one to be taken cognizance of by the Lok Adalat,

the court shall refer the case to the Lok Adalat :

Provided that no case shall be referred to the Lok Adalat under sub-clause (b) of clause (i) or clause (ii) by such court except after giving a reasonable opportunity of being heard to the parties.

(2) Notwithstanding anything contained in any other law for the time being in force, the Authority or Committee organizing the Lok Adalat under sub-section (1) of section 19 may, on receipt of an application from any one of the parties to any matter referred to in clause (ii) of sub-section (5) of section 19 that such matter needs to be determined by a Lok Adalat, refer such matter to the Lok Adalat, for determination:

Provided that no matter shall be referred to the Lok Adalat except after giving a reasonable opportunity of being heard to the other party.

²⁴ Subs. by Act 59 of 1994, sec.15, for section 20 (w.e.f 29.10.1994)

(3) Where any case is referred to a Lok Adalat under sub-section (1) or where a reference has been made to it under sub-section (2), the Lok Adalat shall proceed to dispose of the case or matter and arrive at a compromise or settlement between the parties.

(4) Every Lok Adalat shall, while determining any reference before it under this Act, act with utmost expedition to arrive at a compromise or settlement between the parties and shall be guided by the principles of justice, equity fair play and other legal principles.

(5) Where no award is made by the Lok Adalat on the ground that no compromise or settlement could be arrived at between the parties, the record of the case shall be returned by it to the court, from which the reference has been received under sub-section (1) for disposal in accordance with law.

(6) Where no award is made by the Lok Adalat on the ground that no compromise or settlement could be arrived at between the parties, in a matter referred to in sub-section (2), that Lok Adalat shall advise the parties to seek remedy in a court.

(7) Where the record of the case is returned under sub-section (5) to the court, such court shall proceed to deal with such case from the stage which was reached before such reference under sub-section (1).

21. ²⁵(1) Every award of the Lok Adalat shall be deemed to be a decree of a civil court or, as the case may be, an order of any other court and where a compromise or settlement has been arrived at by a Lok Adalat in a case referred to it under sub-section (1) of section 20, the court-fee paid in such case shall be refunded in the manner provided under the Court-fees Act, 1870. Award of Lok Adalat.
7 of 1870

(2) Every award made by a Lok Adalat shall be final and binding on all the parties to the dispute, and no appeal shall lie to any court against the award.

22. (1) The Lok Adalat “or Permanent Lok Adalat”²⁶ shall, for the purposes of holding any determination under this Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908, while trying a suit in respect of the following matters, namely:- Powers of Lok Adalats.
5 of 1908.

- (a) the summoning and enforcing the attendance of any witness and examining him on oath;
- (b) the discovery and production of any document;
- (c) the reception of evidence on affidavits;
- (d) the requisitioning of any public record or document or copy of such record or document from any court or office; and
- (e) such other matters as may be prescribed.

²⁵ Sub. by Act 59 of 1994, sec. 16, for sub-section (1) (w.e.f. 29.10.1994)

²⁶ Added by Legal Services Authorities (Amendment) Act No. 37 of 2002 published in Gazette of India vide notification No. 40 dated 12-6-2002.

45 of 1860.

(2) Without prejudice to the generality of the powers contained in sub-section (1), every²⁷ Lok Adalat “or Permanent Lok Adalat” shall have the requisite powers to specify its own procedure for the determination of any dispute coming before it.

2 of 1974.

(3) All proceedings before a Lok Adalat “or Permanent Lok Adalat” shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code and every Lok Adalat shall be deemed to be a civil court for the purpose of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973.

CHAPTER VIA²⁸

Pre-Litigation Conciliation and Settlement

Definitions. **22A.** In this Chapter and for the purpose of sections 22 and 23, unless the context otherwise requires;-

- (a) “Permanent Lok Adalat” means a Permanent Lok Adalat established under sub-section (1) of section 22B;
- (b) “public utility service” means any-
 - (i) transport service for the carriage of passengers or goods by air, road or water; or
 - (ii) postal, telegraph or telephone service; or
 - (iii) supply of power, light or water to the public by any establishment; or
 - (iv) system of public conservancy or sanitation; or
 - (v) service in hospital or dispensary; or
 - (vi) Insurance service.
 - (vii) Housing and Estates²⁹
 - (viii) Banking and Financial³⁰

and includes any service which the Central Government or the State Government, as the case may be, may, in the public interest, by notification, declare to be a public utility service for the purposes of this chapter.

Establishment of Permanent Lok Adalats.

22B. (1) Notwithstanding anything contained in section 19, the Central Authority or, as the case may be, every State Authority shall, by notification, establish Permanent Lok Adalats at such places and for exercising such jurisdiction in respect of one or more public utility services and for such areas as may be specified in the notification.

²⁷ Subs.by Act 37 of 2002, sec.3, for Lok Adalat (w.e.f. 11.6.2002)

²⁸ Chapter VIA (containing sections 22A to 22E) ins. by Act 37 of 2002 (w.e.f. 11.6.2002)

²⁹ Notified by Haryana Government vide Notification No.20/1/2009-4JJ(1) dated 19.5.2009

³⁰ Notified by Haryana Government vide Notification No.20/1/2009-4JJ(1) dated 19.5.2009

(2) Every Permanent Lok Adalat established for an area notified under sub-section (1) shall consist of --

- (a) a person who is, or has been, a district judge or additional district judge or has held judicial office higher in rank than that of a district judge, shall be the Chairman of the Permanent Lok Adalat; and
- (b) two other persons having adequate experience in public utility service to be nominated by the Central Government or, as the case may be, the State Government on the recommendation of the Central Authority or, as the case may be, the State Authority,

appointed by the Central Authority or, as the case may be, the State Authority, establishing such Permanent Lok Adalat and the other terms and conditions of the appointment of the Chairman and other persons referred to in clause (b) shall be such as may be prescribed by the Central Government.

22C. (1) Any party to a dispute may, before the dispute is brought before any court, make an application to the Permanent Lok Adalat for the settlement of dispute;

Cognizance of cases by Permanent Lok Adalat.

Provided that the Permanent Lok Adalat shall not have jurisdiction in respect of any matter relating to an offence not compoundable under any law:

Provided further that the Permanent Lok Adalat shall not have jurisdiction in the matter where the value of the property in dispute exceeds twenty five lakh rupees³¹:

Provided also that the Central Government, may, by notification, increase the limit of “twenty five lakh rupees” specified in the second proviso in consultation with the Central Authority.

(2) After an application is made under sub-section (1) to the Permanent Lok Adalat, no party to that application shall invoke jurisdiction of any court in the same dispute.

(3) Where an application is made to a Permanent Lok Adalat under sub-section (1), it--

- (a) shall direct each party to the application to file before it a written statement, stating therein the facts and nature of dispute under the application, points or issues in such dispute and grounds relied in support of, or in opposition to, such points or issues, as the case may be, and such party may supplement such statement with any document and other evidence which such party deems appropriate in proof of such facts and grounds and shall send a copy of such statement together with a copy of such document and other evidence, if any, to each of the parties to the application;

³¹ Substituted vide notification No.S.O. 2083 (E) dated 15.9.2011 by Ministry of Law and Justice Government of India.

- (b) may require any party to the application to file additional statement before it at any stage of the conciliation proceedings;
- (c) shall communicate any document or statement received by it from any party to the application to the other party, to enable such other party to present reply thereto.

(4) When statement, additional statement and reply, if any, have been filed under sub-section (3), to the satisfaction of the Permanent Lok Adalat, it shall conduct conciliation proceedings between the parties to the application in such manner as it thinks appropriate taking into account the circumstances of the dispute.

(5) The Permanent Lok Adalat shall, during conduct of conciliation proceedings under sub-section (4), assist the parties in their attempt to reach an amicable settlement of the dispute in an independent and impartial manner.

(6) It shall be the duty of every party to the application to cooperate in good faith with the Permanent Lok Adalat in conciliation of the dispute relating to the application and to comply with the direction of the Permanent Lok Adalat to produce evidence and other related documents before it.

(7) When a Permanent Lok Adalat, in the aforesaid conciliation proceedings, is of opinion that there exist elements of settlement in such proceedings which may be acceptable to the parties, it may formulate the terms of a possible settlement of the dispute and give to the parties concerned for their observations and in case the parties reach at an agreement on the settlement of the dispute, they shall sign the settlement agreement and the Permanent Lok Adalat shall pass an award in terms thereof and furnish a copy of the same to each of the parties concerned.

(8) Where the parties fail to reach at an agreement under sub-section (7), the Permanent Lok Adalat shall, if the dispute does not relate to any offence, decide the dispute.

Procedure of
Permanent Lok
Adalat

5 of 1908.
1 of 1872.

22D. The Permanent Lok Adalat shall, while conducting conciliation proceedings or deciding a dispute on merit under this Act, be guided by the principles of natural justice, objectivity, fair play, equity and other principles of justice, and shall not be bound by the Code of Civil Procedure, 1908(1 of 1872) and the Indian Evidence Act, 1872(5 of 1908).

Award of
Permanent Lok
Adalat to be final.

22E. (1) Every award of the Permanent Lok Adalat under this Act made either on merit or in terms of a settlement agreement shall be final and binding on all the parties thereto and on persons claiming under them.

(2) Every award of the Permanent Lok Adalat under this Act shall be deemed to be a decree of a civil court.

(3) The award made by the Permanent Lok Adalat under this Act shall be by a majority of the persons constituting the Permanent Lok Adalat.

(4) Every award made by the Permanent Lok Adalat under this Act shall be final and shall not be called in question in any original suit, application or execution proceeding.

(5) The Permanent Lok Adalat may transmit any award made by it to a civil court having local jurisdiction and such civil court shall execute the order as if it were a decree made by that court”.

CHAPTER VII

Miscellaneous

Members and staff of Authorities, Committees and Lok Adalats to be public servants.

45 of 1860.

23. The members including Member-Secretary or, as the case may be, Secretary of the Central Authority, the State Authorities, the District Authorities, the Supreme Court Legal Services Committee, High Court Legal Services Committee, Taluk Legal Services Committees and officers and other employees of such Authorities, Committees “and the Members of the Lok Adalats or the persons Constituting Permanent Lok Adalats”³³ shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

Protection of action taken in good faith.

24. No suit, prosecution or other legal proceedings shall lie against--

- (a) the Central Government or the State Government;
- (b) the Patron-in-Chief, Executive Chairman, Members or Member Secretary or officers or other employees of the Central Authority;
- (c) Patron-in-Chief, Executive Chairman, Member, Member Secretary or officers or other employees of the State Authority;
- (d) Chairman, Secretary, Members or officers or other employees of the Supreme Court Legal Services Committee, High Court Legal Services Committees, Taluk Legal Services Committees or the District Authority; or
- (e) Any other person authorized by any of the Patron-in-Chief, Executive Chairman, Chairman, Member, Member Secretary referred to in sub-clauses (b) to (d),

for anything which is in good faith done or intended to be done under the provisions of this Act or any rule or regulation made thereunder.

Act to have overriding effect.

25. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

Power to remove difficulties.

26. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such

³² Subs. by Act 59 of 1994, sec. 17, for sections 23 and 24 (w.e.f. 29.10.1994).

³³ Substituted by Legal Services Authorities (Amendment) Act No. 37 of 2002 published in Gazette of India vide notification No. 40 dated 12-6-2002.

provisions, not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removing the difficulty.

Provided that no such order shall be made after the expiry of a period of two years from the date on which this Act receives the assent of the President.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

³⁴27. (1) The Central Government, in consultation with the Chief Justice of India may, by notification, make rules to carry out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the forgoing power, such rules may provide for all or any of the following matters, namely:-

- (a) the number, experience and qualifications of other members of the Central Authority under clause (c) of sub-section (2) of section 3;
- (b) the experience and qualifications of the Member Secretary of the Central Authority and his powers and functions under sub-section (3) of section 3;
- (c) the terms of office and other conditions relating thereto, of Members and Member Secretary of the Central Authority under sub-section (4) of section 3;
- (d) the number of officers and other employees of the Central Authority under sub-section (5) of section 3;
- (e) the conditions of service and the salary and allowances of officers and other employees of the Central Authority under sub-section (6) of section 3;
- (f) the number, experience and qualifications of Members of the Supreme Court Legal Services Committee under clause (b) of sub-section (2) of section 3A;
- (g) the experience and qualifications of Secretary of the Supreme Court Legal Services Committee under sub-section (3) of section 3A;
- (h) the number of officers and other employees of the Supreme Court Legal Services Committee under sub-section (5) of section 3A and the conditions of service and the salary and allowances payable to them under sub-section (6) of that section;
- (i) the upper limit of annual income of a person entitling him to legal services under clause (h) of section 12, if the case is before the Supreme Court;

³⁴ Subs. by Act 59 of 1994, sec.18, for sections 27, 28 and 29 (w.e.f. 29.10.1994)

Power of Central Government to make rules.

- (j) the manner in which the accounts of the Central Authority, the State Authority or the District Authority shall be maintained under section 18;
- (k) the experience and qualifications of other persons of the Lok Adalats organized by the Supreme Court Legal Services Committee specified in sub-section (3) of section 19;
- (l) other matters under clause (e) of sub-section (l) of section 22;
- (la) the other terms and conditions of appointment of the Chairman and other persons under sub-section (2) of section 22B,³⁵
- (m) any other matter which is to be, or may be, prescribed.

Power of State Government to make rules.

28. (1) The State Government in consultation with the Chief Justice of the High Court may, by notification, make rules to carry out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:--

- (a) the number, experience and qualifications of other Members of the State Authority under clause (c) of sub-section (2) of section 6;
- (b) the powers and functions of the member Secretary of the State Authority under sub-section (3) of section 6.
- (c) the terms of office and other conditions relating thereto, of Members and Member Secretary of the State Authority under sub-section (4) of section 6;
- (d) the number of officers and other employees of the State Authority under sub-section (5) of section 6;
- (e) the conditions of service and the salary and allowances of officers and other employees of the State Authority under sub-section (6) of section 6;
- (f) the experience and qualifications of Secretary of the High Court Legal Services Committee under sub-section (3) of section 8A;
- (g) the number of officers and other employees of the High Court Legal Services Committee under sub-section (5) of section 8A and the conditions of service and the salary and allowances payable to them under sub-section (6) of that section;
- (h) the number, experience and qualifications of Members of the District Authority under clause (b) of sub-section (2) of section 9;

³⁵ Inserted by Legal Services Authorities (Amendment) Act No. 37 of 2002 published in Gazette of India vide notification No. 40 dated 12-6-2002.

- (i) the number of officers and other employees of the District Authority under sub-section (5) of section 9;
- (j) the conditions of service and the salary and allowances of officers and other employees of the District Authority under sub-section (6) of section 9;
- (k) the number, experience and qualifications of Members of the Taluk Legal Services Committee under clause (b) of sub-section (2) of section 11A;
- (l) the number of officers and other employees of Taluk Legal Services Committee under sub-section (3) of section 11A;
- (m) the conditions of service and the salary and allowances of officers and other employees of the Taluk Legal Services Committee under sub-section (4) of section 11A;
- (n) the upper limit of annual income of a person entitling him to legal services under clause (h) of section 12, if the case is before a court, other than the Supreme Court;
- (o) the experience and qualifications of other persons of the Lok Adalats other than referred to in sub-section (4) of section 19;
- (p) any other matter which is to be, or may be, prescribed.

Power of Central Authority to make regulations.

29. (1) The Central Authority may, by notification, make regulations not inconsistent with the provisions of this Act and the rules made there under, to provide for all matters for which provision is necessary or expedient for the purposes of giving effect to the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:--

- (a) the powers and functions of the Supreme Court Legal Services Committee under sub-section (1) of section 3A;
- (b) the terms of office and other conditions relating thereto, of the members and Secretary of the Supreme Court Legal Services Committee under sub-section (4) of section 3A.

Power of State Authority to make regulations.

29A. (1) The State Authority may, by notification, make regulations not inconsistent with the provisions of this Act and the rules made thereunder to provide for all matters for which provision is necessary or expedient for the purposes of giving effect to the provisions of this Act.

(2) In particular, and without prejudice to the generality of the forgoing power, such regulations may provide for all or any of the following matters namely:--

- (a) the other functions to be performed by the State Authority under clause (d) of sub-section (2) of section 7;

- (b) the powers and functions of the High Court Legal Services Committee under sub-section (1) of section 8A;
- (c) the number, experience and qualifications of Members of the High Court Legal Services Committee under clause (b) of sub-section (2) of section 8A;
- (d) the terms of office and other conditions relating thereto, of the Members and Secretary of the High Court Legal Services Committee under sub-section (4) of section 8A.;
- (e) the terms of office and other conditions relating thereto, of the Members and Secretary of the District Authority under sub-section (4) of section 9;
- (f) the number, experience and qualifications of Members of the High Court Legal Services Committee under clause (b) of sub-section (2) of section 8A;
- (g) the other functions to be performed by the District Authority under clause (c) of sub-section (2) of section 10;
- (h) the terms of office and other conditions relating thereto, of the Members and Secretary of the Taluk Legal Services Committee under sub-section (3) of section 11A;

30. (1) Every rule made under this Act by the Central Government and every regulation made by the Central Authority there under shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation, or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation. Laying of rules and regulations.

(2) Every rule made under this Act by a State Government and every regulation made by a State Authority there under shall be laid, as soon as may be after it is made, before the State Legislature.

The Haryana Legal Services Authority (Transaction of Business & Other Provisions) Regulations, 1998

III
¹HARYANA LEGAL SERVICES AUTHORITY
(TRANSACTION OF BUSINESS AND OTHER PROVISIONS)
REGULATIONS, 1998

In exercise of the powers conferred by Section 29-A of the Legal Services Authorities Act, 1987 (Act No. 39 of 1987) the Haryana Legal Services Authority hereby makes the following regulations:

CHAPTER I
Preliminary

Short title and commencement.

1. (1) These regulations may be called the Haryana Legal Services Authority (Transaction of Business and Other Provisions) Regulations, 1998.

(2) They shall come into force with effect from the date of their publication in the official Gazette.

Definitions

2. In these regulations, unless the context otherwise requires:-

- (a) "Act" means the Legal Services Authorities Act, 1987 (Central Act No. 39 of 1987) as amended from time to time;
- (b) "Aided Person" means a person to whom legal aid, legal advice or legal services has been provided in any form;
- (c) "Central Authority" means the National Legal Services Authority constituted under Section 3;
- (d) "Chairman" means the Chairman of the District Authority and Sub-Divisional Legal Services Committee, as the case may be;
- (e) "Chief Justice" means the Chief Justice of the Punjab and Haryana High Court;
- (f) "Court" means a Civil, Criminal or Revenue Court and includes any Tribunal or any other authority constituted under any law for the time being in force to exercise judicial or quasi-judicial functions;
- (g) "Committee" means the Sub-Divisional Legal Services Committee.
- (h) "District Authority" means the District Legal Services Authority constituted under section 9 of the Legal Services Authorities Act;
- (i) "Executive Chairman" means the Executive Chairman of the State Authority;
- (j) "High Court" means the Punjab and Haryana High Court at Chandigarh;

¹ Published in Haryana Government Gazette (Extra). Dated April 17,1998 (CHTR 27, 1920 SAKA).

The Haryana Legal Services Authority (Transaction of Business & Other Provisions) Regulations, 1998

- (k) “Legal Practitioner “ shall have the meaning as assigned to the expression in the Advocate Act, 1961;
- (l) “Legal Service” includes rendering of any service in the conduct of any case or other legal proceeding before any court or other authority or Tribunal and giving of advice on any legal matter;
- (m) “Lok Adalat” means a Lok Adalat organized under Chapter VI of the Act;
- (n) “Member” means a member of the State Authority, District Authority or Sub-Divisional Legal Services Committee as the case may be;
- (o) “Member Secretary” means Member Secretary of the State Authority;
- (p) “Nominated Member” means a member nominated to State Authority, the District Authority or the Sub-Divisional Committee, as the case may be;
- (q) “Patron-in-Chief” means the Chief Justice, Punjab and Haryana High Court;
- (r) “Rules” means the Haryana State Legal Services Authority Rules, 1996;
- (s) “Secretary” means the Secretary of the District Authority, or Sub-Divisional Legal Services Committee, as the case may be;
- (t) “Section” means a section of the Act;
- (u) “State Authority” means the Haryana Legal Services Authority constituted under section 6 (1) of the Act;
- (v) all other words and expressions used in these Regulations, but not defined shall have the meaning respectively assigned to them in the Act and the Rules framed there under.

CHAPTER—II

3. The Executive Authority of the State Authority shall vest in the Executive Chairman and may be exercised through the Member Secretary who shall act under the control of the Executive Chairman:

Provided that the Patron-in-Chief may give such advice as he may deem necessary in respect of any matter concerning the affairs of the State Authority.

The Executive Authority of the District Authority shall vest in its Chairman and may be exercised through its Secretary, who shall act under the control of the Chairman.

The Executive Authority of the Sub-Divisional Committee shall vest in its Chairman and may be exercised either by himself or through such other officer, who is chosen for the purpose.

The Haryana Legal Services Authority (Transaction of Business & Other Provisions) Regulations, 1998

Provided that the Executive Chairman may give such advice as he may deem necessary in respect of any matter concerning the affairs of the District Authority and Sub-Divisional Committee.

**CHAPTER—III
STATE LEGAL SERVICES AUTHORITY**

Other functions of the State Authority

4. In addition to the functions to be performed by the State Authority, as laid down by Section 7(1) and 7(2) (a) (b) (c) of the Act, the State Authority may also perform such other functions, as may be fixed in consultation with the Central Authority, for carrying out schemes and programmes of promoting the cause of legal aid, legal literacy and conciliation in coordination with Governmental, non-Governmental Agencies, Voluntary Social Service Institutions, Universities and other bodies.

5. (1) The State Authority shall meet once in every three months provided that the Executive Chairman may convene a meeting of the State Authority whenever any business is to be transacted.

(2) A meeting of the State Authority shall ordinarily be held at Chandigarh. However, it may be held at such other place within the State, as may be directed by the Executive Chairman.

(3) Annual General Meeting of the State Authority shall be convened ordinarily in the month of April every year or in such other month as may be directed by the Executive Chairman. Besides other business annual statement of accounts, annual progress of performance report about the plans, programmes and schemes of the State Authority shall be placed before the State Authority for consideration and approval.

(4) A meeting of the State Authority shall be presided over by the Executive Chairman. In case, Patron-in-Chief is present in the meeting, then he shall preside over the meeting.

(5) The quorum for a meeting shall be five members including the Chairman.

(6) For every meeting of the State Authority, at least two weeks' notice shall be given to the Members to attend the meeting. However, an emergent meeting may be convened by the Member Secretary in accordance with the direction of the Executive Chairman on short notice.

(7) The State Authority may regulate its own procedure.

(8) One or more persons, who are engaged or interested in the upliftment of the weaker section of the society, who are considered suitable by the Executive Chairman, may be invited for any meeting in order to seek their views, cooperation and help. Such person shall have no right to vote at such meeting.

Meeting of the
State Authority

The Haryana Legal Services Authority (Transaction of Business & Other Provisions) Regulations, 1998

(9) All matters requiring confirmation from the State Authority under the Act or the Rules, shall be placed and all policy matters shall be placed or any specific matter as may be directed by the Executive Chairman shall be placed before the State Authority for consideration and decision.

(10) All the decisions of the State Authority shall be taken by majority of the members present and voting and in case of tie, the person presiding over the meeting shall have a second or casting vote;

Provided that in such matters as may be directed by the Executive Chairman of the State Authority, the decision of the State Authority may be taken by circulation.

(11) It shall be the duty of the Member Secretary to record or cause to be recorded the minutes of the meeting in the register to be maintained for the purpose.

(12) The non-official Members shall be entitled to payment of travelling allowance and daily allowance in respect of the journeys performed in connection with the work of the State Authority at the rates admissible to a Class-I officer of the State Government.

6. (1) Executive Chairman shall be competent to take all decisions as may be required on behalf of the State Authority.

(2) Legal Aid, Legal Advice or other legal services may be provided by the Executive Chairman to any person directly in respect of any matter before any court in Haryana.

(3) Executive Chairman may review the cases where legal services have been refused by the District Authority and Sub-Divisional Legal Services Committee.

7. Funds of the State Authority shall comprise of State Legal Aid fund as per Section 16(1) of the Act and shall further be:-- Funds of the State Authority

(1) All such amounts as received by way of costs, charges and expenses recovered from the persons to whom legal service is provided or the opposite party.

(2) All the amounts credited to the State Legal Aid Fund shall be deposited in a Nationalized Bank.

Explanation:-- In this Sub-regulation “Nationalized Bank” means corresponding new Bank as defined in the Bank Companies (Acquisition and Transfer of Undertakings) Act, 1970 and the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980.

(3) For the purpose of meeting incidental minor charges, such as court fee, stamps and expenditure necessary for obtaining copies of documents and contingent expenditure etc., a permanent advance of rupees three thousand shall be placed at the disposal of the Member Secretary of the State Authority.

(4) All expenditure necessary for carrying out the various functions of the State Authority including expenses required for meetings shall be

The Haryana Legal Services Authority (Transaction of Business & Other Provisions) Regulations, 1998

incurred out of the funds of the State Authority with the approval of the Member Secretary of the State Authority;

Provided that for an expense of more than Rs.15,000², approval of the Executive Chairman shall be taken.

- (5) The Member Secretary shall have the accounts and other relevant records of the receipts and expenditure to be maintained properly in accordance with the rules and directions of the Central/State Government and Comptroller and Auditor General of India.

**CHAPTER IV
DISTRICT LEGAL SERVICES AUTHORITY
Other functions of the District Authority**

Other functions of
the District
Authority

8. The District Authority, besides functions specified in section 10 shall perform the following functions, namely:--

- (1) give legal service within the District to persons who satisfy the criteria under the Act:

Provided that District Authority may assign the functions of providing legal services to Sub-Divisional Legal Services Committees within their respective jurisdictions within the District;

- (2) conduct legal literacy camps in different parts of the District with a view to transmitting knowledge about the legal aid schemes conducted in the State or with a view to spreading consciousness about the legal rights and duties of citizens with special references to rural population, women, children, disabled, handicapped and the weaker sections of the society;
- (3) administer and implement the legal services programme in so far as it relates to the courts within the District and for this purpose, take all such steps as may be necessary and to act in accordance with the directions issued by the Central Authority or the State Authority from time to time;
- (4) conduct legal aid clinics in different parts of the District in collaboration with Law Colleges, Universities and other social service organizations;
- (5) supervise, direct and guide the working of the Sub-Divisional Committees in the district;
- (6) call for, from the Sub-Divisional Committees in the District such periodical reports, returns and other statistics or information as it may think fit, or as are required by the State Authority;

² Substituted by Haryana State Legal Services Authority vide notification No.HALSA/1(5)2011/12834 dated 19.10.2011.

The Haryana Legal Services Authority (Transaction of Business & Other Provisions) Regulations, 1998

- (7) prepare and submit returns, reports and statistic information in regards to the legal services programme to the State Authority.

Terms and other conditions of members of the District Authority

9. Terms of office and other conditions relating thereto of the members of the District Authority:--

- (1) The term of the office of a member of the District Authority, other than ex-officio member, shall be two years and they shall be eligible for re-nomination;
- (2) A member of the District Authority nominated under clause (b) of rule 13 may be removed by the State Government, if--
- (a) he fails, without sufficient cause, to attend three consecutive meetings of the District Authority or five meetings held within the span of two years; or
- (b) has been adjudged as insolvent; or
- (c) has been convicted of an offence which in the opinion of the State Authority involves moral turpitude; or
- (d) has become physically or mentally incapable of acting as a member; or
- (e) has not abused his position as to render his continuance in the District Authority pre-judicial to the public interest.
3. Notwithstanding anything contained in sub rule (2), no member shall be removed from the District Authority on the grounds specified therein without consultation with the Chief Justice.
4. A member may, by writing under his hand addressed to the Chairman, resign from the District Authority and such resignation, shall take effect on the expiry of a period of 30 days from the date of tendering resignation.
5. If any nominated member ceases to be member of the District Authority for any reason, the vacancy shall be filled up in the manner and from the source from which the same was originally filled under clause (4) of rule 15.
6. All nominated members shall be entitled to payment of travelling allowance and daily allowance in respect of journeys performed in connection with the meetings of the District Authority and shall be paid by the District Authority in accordance with the rules as are applicable to the Class I officers of the Haryana Government as amended from time to time.
7. The ex-officio members shall be entitled to travelling allowance and daily allowance from his parent department.

Power and Functions of the Chairman of the District Authority

10. Powers & Functions of the Chairman of the District Authority

- (1) The Chairman of the District Authority shall be in overall in-charge of administration and implementation of the programme of the State Authority and that of the District Authority.

The Haryana Legal Services Authority (Transaction of Business & Other Provisions) Regulations, 1998

- (2) The Chairman shall call meetings of the District Authority convened through the Secretary of the District Authority at least once in a period of three months.
- (3) The Chairman shall preside over the meeting of the District Authority.
- (4) The Chairman shall have all the residuary powers of the Authority.

11. Secretary of the District Authority

- (1) The Secretary appointed under sub-section (3) of Section 9 of the Act shall be the Principal Officer of the District Authority. He shall be paid Rs. 500/- as honorarium or at such rate as may be determined by the Executive Chairman of the State Authority and he shall be the custodian of all assets, accounts, records and funds at the disposal of the District Authority, and all other necessary records.

³**Note 1.** In exercise of the powers conferred under Regulation 11(1) of the Haryana State Legal Services Authority (Transaction of Business and Other Provisions) Regulations, 1998 the Hon'ble Executive Chairman of this Authority has been pleased to revise the rates of honorarium payable to the Secretary, District Legal Services Authority, appointed under sub section (3) of Section 9 of the Legal Services Authorities Act, 1987 from Rs.500/- to Rs.1500/- per month with effect from 1.9.2008.”

- (2) The Secretary shall maintain or cause to be maintained true and proper accounts of receipts and disbursement of the funds of the District Authority.
- (3) The Secretary shall convene meetings of the District Authority with the previous approval of the Chairman of the District Authority and shall also attend meetings and shall be responsible for maintaining a record of the minutes of the proceedings of the meeting.

12. Meeting of the District Authority

- (1) The District Authority shall meet at least once in three months on such dates and at such place as the Chairman of the District Authority may direct.
- (2) A meeting of the District Authority shall be presided over by the Chairman.
- (3) The minute shall, as soon as may be, after the meeting, be forwarded to the State Authority.
- (4) The quorum for the meeting shall be three including the Chairman.
- (5) All questions which come up before any meeting of the District Authority shall be decided by the majority of votes of the members

³ Issued vide Officer order No.13743/2008/MS/HLSA, Dated ,Chandigarh the 22.8.2008.

The Haryana Legal Services Authority (Transaction of Business & Other Provisions) Regulations, 1998

present and voting and in case of a tie, the Chairman shall also have casting vote.

Provided that in such matters as may be directed by the Chairman of the District Authority, the decision of the District Authority may be taken by circulation.

- (6) All matters requiring confirmation from the District Authority under the Act or the Rules, shall be placed before the said Authority from time to time.

Funds of
District
Authority

13. Funds of the District Authority shall comprise of District Legal Aid Fund as per section 17(1) of the Act and shall further be:--

- (1) All such amounts as received by way of costs, charges and expenses recovered from the persons to whom legal service is provided or the opposite party.
- (2) All the amounts credited to the State Legal Aid Fund shall be deposited in a Nationalized Bank.

Explanation:-- In this Sub-regulation “Nationalized Bank” means corresponding new Bank as defined in the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 and the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980.

- (3) All expenditure necessary for carrying out the various functions of the District Authority or Sub-Divisional Legal Services Committee including expenditure necessary for meetings shall be incurred out of the funds of the District Authority with the approval of the Chairman of the District Authority.
- (4) The funds of the District Authority may be utilized for meeting the expenses incurred on or incidental to journeys undertaken by the Chairman or other Members of the District Authority or the Secretary in connection with Legal Services activities. The travelling allowance and daily allowance payable to the Chairman, the Ex-officio Members and the Secretary shall be such as to which they are entitled by virtue of their respective office held.
- (5) The Secretary shall operate the Bank Accounts of the District Authority in accordance with the directions of the Chairman.
- (6) The District Authority shall cause to be kept and maintained true and correct accounts of all receipts and disbursements and furnish quarterly returns to the State Authority.
- ⁴(7) For the purpose of meeting incidental minor charges such as court fee, stamps and expenditure necessary for obtaining copies of documents

⁴ Added vide this Authority notification No. HSLA/1(5)/2000 dated 25-5-2000, published in Haryana Government Gazette (Extra) on May, 25, 2000.

The Haryana Legal Services Authority (Transaction of Business & Other Provisions) Regulations, 1998

etc., a permanent advance of Rs.2,000/- may be placed at the disposal of the Secretary, District Legal Services Authority out of the District Legal Aid Fund.”

CHAPTER IV

SUB-DIVISIONAL LEGAL SERVICES COMMITTEE

Terms and other conditions of members of Sub-Divisional Committee.

- 14.** The term of the office and other conditions relating thereto of the members of the Sub-Divisional Committee.
- (1) The term of the office of a Member of the Sub-Divisional Committee, other than ex-officio members shall be two years and they shall be eligible for re-nomination;
 - (2) A member of the Sub-Divisional Committee nominated under clause (b) of rule 18, may be removed by the State Govt. if –
 - (a) he fails, without sufficient cause to attend three consecutive meetings of the Sub-Divisional Committee or five meetings held within the span of two years; or
 - (b) has been adjudged as insolvent; or
 - (c) has been convicted of an offence which in the opinion of the Sub-Divisional Committee involves moral turpitude; or
 - (d) has become physically or mentally incapable of acting as a member; or
 - (e) has so abused his position as to render his continuance in the Sub-Divisional Committee prejudicial to the public interest.
 - (3) Notwithstanding anything contained in sub-rule (2) no member shall be removed from the Sub-Divisional Committee on the grounds specified therein without consultation with Chief Justice.
 - (4) A member may, by writing under his hand addressed to the Chairman, resign from the Sub-Divisional Committee and such resignation shall take effect on the expiry of a period of 30 days from the date of tendering resignation.
 - (5) If any nominated member ceases to be member of the Sub-Divisional Committee for any reason, the vacancy shall be filled up in the manner and from the source from which the same was originally filled under clause (4) of rule 18.
 - (6) All nominated members shall be entitled to payment of travelling allowance and daily allowance in respect of journeys performed in connection with the meetings of the Sub-Divisional Committee and shall be paid by the District Authority in accordance with the rules as are

The Haryana Legal Services Authority (Transaction of Business & Other Provisions) Regulations, 1998

applicable to the Class I officers of the Haryana Government as amended from time to time.

- (7) The ex-officio members shall be entitled to travelling allowance and daily allowance either from his parent department, or as the case may be, from the District Authority.

Additional functions of the Sub-Divisional Committee.

15. Additional functions of the Sub-Divisional Committee

In addition to the functions assigned to it under the Act and Rules, the Sub-Divisional Committee shall perform such other functions and discharge such other duties as the District Authority or the State Authority may entrust to it from time to time.

Meetings of Sub-Divisional Committee

16. Meetings of Sub-Divisional Committee:

- (1) The Sub-Divisional Legal Services Committee shall ordinarily meet once in two months on such date, at such place, as the Chairman may decide.
- (2) The Chairman and in the absence of the Chairman, next senior most Civil Judge shall preside at the meeting of the Sub-Divisional Legal Services Committee.
- (3) The minutes of the proceedings of each meeting shall be maintained by the Chairman or any other person authorized by him and shall, as soon as may be, sent to the District Authority and the State Authority.
- (4) The quorum for the meeting shall be three including the Chairman.
- (5) All questions at the meeting of the Sub-Divisional Legal Services Committee shall be decided by a majority of the members present and voting and in case of a tie, the person presiding shall have second or casting vote:

Provided that in such matters as may be directed by the Chairman of the Sub-Divisional Legal Services Committee, the decision of the said Committee may be taken by circulation.

- (6) All matters requiring confirmation from the Sub-Divisional Legal Services Committee by virtue of the Act or Rules shall be placed before the said Committee from time to time.

Funds of Sub-Divisional Committee.

17. Funds of the Sub-Divisional Legal Services Committee:

- (a) All the expenses of the Sub-Divisional Legal Services Committee, for performing its functions, shall be met out of District Legal Aid Fund.
- (b) For the purpose of meeting incidental minor charges, such as court fee, stamps and expenditure necessary for obtaining copies of documents etc. a permanent advance of rupees one thousand may be placed at the

The Haryana Legal Services Authority (Transaction of Business & Other Provisions) Regulations, 1998

disposal of the Chairman of the Sub-Divisional Legal Services Committee by the District Authority from District Legal Aid Fund.

**CHAPTER V
LOK ADALAT**

Procedure for organizing Lok Adalat.

18. Procedure for organizing Lok Adalat

- (1) The Secretary of the District Authority or the Chairman of the Sub-Divisional Legal Services Committee, as the case may be, shall convene and organize Lok Adalats at regular intervals or on such dates, as may be directed by the State Authority:

Provided that in order to coordinate the holdings of Lok Adalats, Member Secretary of the Authority may, with the approval of the Executive Chairman, prepare a quarterly roster for holding Lok Adalats at different District and Sub-Division Head-quarters and circulate the same to different Authorities.

Intimation to the State Authority.

(2) Intimation to the State Authority.

The Secretary of the District Authority or the Chairman of the Sub-Divisional Legal Services Committee as the case may be, shall inform the State Authority about the proposal to organize the Lok Adalat well before the date on which the Lok Adalat is proposed to be organized.

Notice to the parties concerned

19. Notice to the parties concerned.

The Secretary of the District Authority or the Chairman of the Sub-Divisional Legal Services Committee, as the case may be, convening and organizing the Lok Adalat shall inform every litigant and his counsel, 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.

Composition of the Lok Adalat

20. Composition of the Lok Adalat:

- (1) **At District Level:** The Secretary of the District Authority organizing 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, medicine or a social worker.
- (2) **At Sub-Divisional Level :** The Chairman of the Sub-Divisional Legal Services Committee organising the Lok Adalat shall constitute Benches

The Haryana Legal Services Authority (Transaction of Business & Other Provisions) Regulations, 1998

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, Medical practitioner or para legal of the area.

Summoning of Records and the responsibility for its safe custody.

21. Summoning of Records and the responsibility for its safe custody:

- (1) The Secretary of the District Authority or the Chairman of the Sub-Divisional 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 on the pre-litigation stage, the version of each party shall be obtained by the Secretary of the District Authority or the Chairman of the Sub-Divisional Legal Services Committee, as the case may be, to be placed before the Lok Adalat.
- (3) The Secretary of the District Authority or the Chairman of the Sub-Divisional Legal Services Committees, as the case may be, shall be responsible for the safe custody of the records from the time he receives them from the court till these are returned.
- (4) Each Judicial Authority to cooperate 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.

Functioning of the Lok Adalat

22. Functioning of the Lok Adalat:

- (1) The Secretary of the District Authority or the Chairman of the Sub-Divisional 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 District Authority or the Chairman of the Sub-Divisional 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, allurements or misrepresentation.
- (4) In case any Bench of the Lok Adalat cannot take up, hear or dispose of any case/cases on that day, it may be in its discretion to take up such

The Haryana Legal Services Authority (Transaction of Business & Other Provisions) Regulations, 1998

case/cases on the next day or on any such subsequent day as may be convenient, under intimation to the Secretary/Chairman of the Committee/Authority concerned. In that case, judicial record may be kept with permission of the Court concerned.

23. Holding of Lok Adalat:

Lok Adalat may be organised at such time and place, on closed Saturday, Sundays and holidays as the State Authority, District Authority, Sub-Divisional Legal Services Committee, as the case may be, organising the Lok Adalat deems appropriate.

24. 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 shall form part of the judicial records and a copy of the Award shall be given to each of the parties duly certified to be true by the Secretary/Chairman of the Committee/Authority concerned, free of costs.

25. 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 or English.
- (2) The parties to the dispute shall be required to affix their signatures or thumb impression as the case may be on the statements/compromise recorded by or placed before the Lok Adalat.
- (3) The Award of the Lok Adalat shall be based upon the statement of the parties to the compromise duly recorded by it.

26. Compilation of results:

At the conclusion of the sessions of the Lok Adalat, the Secretary of the District Authority or the Chairman of the Sub-Divisional Legal Services Committee, as the case may be, shall compile the results in the Annexed proforma for submission to the State Authority.

27. Remuneration to the Judges and Members of the Lok Adalats : (1) The Presiding Judges of the Lok Adalat/Permanent Lok Adalat held at the High Court and who is not a sitting Judge, shall be entitled to honorarium at such rates as may be determined by the Chairman of the High Court Legal Services Committee, but it shall not exceed Rs.50/- (fifty rupees only) per decided case, subject to a maximum of Rs.500/- (five hundred rupees only) per day or at such rate as may be revised by the Executive Chairman of the Haryana State Legal Services Authority from time to time.

⁵ Substituted vide this Authority Notification No.MS/HLSA/7396/1(5)2000, dated 8-11-2000 published as in Haryana Government Gazette (Extra) on November 14, 2000.

The Haryana Legal Services Authority (Transaction of Business & Other Provisions) Regulations, 1998

- (2) The other Members of the Lok Adalat/Permanent Lok Adalat held at High Court Level shall be entitled to honorarium at such rates as may be determined by the Chairman of the High Court Legal Services Committee which shall not exceed Rs.45/- (forty five rupees only) per decided case but subject to a maximum of Rs.300/- (three hundred rupees only) per day or at such rates as may be revised by the Executive Chairman of the Haryana State Legal Services Authority from time to time.
- (3) The Presiding Officer and other Members of the Lok Adalat/Permanent Lok Adalat Bench at the High Court Level shall be provided with conveyance or conveyance allowance as per actual fare to and fro journey between their residence and the place of Lok Adalat.
- (4) Every Presiding Officer of the Permanent Lok Adalat at District and Sub-Divisional Level shall be entitled to honorarium at the rate of Rs.45/- (forty five rupees only) per decided case but subject to a maximum of Rs.2500/- (two thousand five hundred rupees only) per month besides conveyance allowance not exceeding Rs.500/- (Five hundred rupees only) per month or at such rates as may be revised by the Executive Chairman of the Haryana State Legal Services Authority from time to time.
- (5) Other Members of the Permanent Lok Adalat at the District and Sub-Divisional Level shall be paid a fixed honorarium at the rate of Rs.30/- (thirty rupees only) per decided case but subject to a maximum of Rs.1500/- (one thousand and five hundred rupees only) per month besides conveyance allowance not exceeding Rs.500/- (five hundred rupees only) per month or at such rate as may be revised by the Executive Chairman of the Haryana State Legal Services Authority from time to time.

⁶**Note 1.** In exercise of powers conferred under Regulation 27(4) & (5) of Haryana Legal Services Authority (Transaction of Business and Other Provisions) Regulations, 1998, Hon'ble Mr. Justice V.K. Bali, Judge, Punjab and Haryana High Court and Executive Chairman, Haryana State Legal Services Authority is pleased to revise the rates of honorarium at the rate of Rs.2500/- (Rupees two thousand five hundred only) per month for the Presiding Officers and at the rate of Rs.1500/- (Rupees one thousand five hundred only) per month for the Members of Permanent Lok Adalat at District and Sub-Division Level, besides conveyance allowance, irrespective of the number of cases decided by the Permanent Lok Adalat as previously fixed by this Authority Notification No. MS/HSLSA/7396/1 (5)2000 dated 8.11.2000 published in Haryana Government Gazette (Extra) November, 14, 2000.

⁷**Note 2.** In partial modification of office order No. 120(5)2001/MS/HSLSA dated 9-1-2001 of this Authority providing for a minimum payment of Rs.2500/- per month as honorarium to retired Judicial Officers, presiding over the Permanent and Continuous Lok Adalats at District Headquarters, the Hon'ble

⁶ Office order No. 120 (5) 2001/MS/HSLSA dated 9-1-2001.

⁷ Office order No. 2600 (5) 2002/MS/HSLSA dated 23-4-2002.

The Haryana Legal Services Authority (Transaction of Business & Other Provisions) Regulations, 1998

Executive Chairman of this Authority in exercise of powers vested in him under Regulation 27(4) and (5) of Haryana Legal Services Authority (Transaction of Business and Other Provisions) Regulations, 1998, has been pleased to order that the aforesaid limit of minimum amount of Rs.2500/- per month shall remain valid upto 20 decided cases but for every subsequent decided case exceeding 20 (excluding summary cases) he shall be entitled for an additional sum of Rs.45/- per decided case.

⁸**Note 3.** In continuation of this Authority's order conveyed vide endorsement No. 120(5)2001/MS/HLSLA, dated 9-1-2001 and subsequent office order conveyed vide endorsement No. 2600(5)2002/MS/HLSLA, dated 23-4-2002, it is hereby clarified that the honorarium of Rs.2500/- per month referred to in sub-clauses 4 and 5 of Regulation 27 of the Haryana Legal Services Authority (Transaction of Business and Other Provisions) Regulations, 1998, (herein after referred to as the regulations) can only be paid either to the retired judicial officers appointed as Presiding Officer, or to the member of any "Permanent Lok Adalat" which have been set up at the district level by the Hon'ble Executive Chairman of this Authority in the light of letter dated 8-12-1997 of Hon'ble the Chief Justice of India. No other person associated intermittently, occasionally or otherwise as a member of the Lok Adalat organized by the District Legal Services Authority or Sub-Divisional Legal Services Committee in accordance with the provisions contained in Regulation 20, is entitled to any such remuneration or honorarium.

Note 4. In supersession of this Authority's order conveyed vide endst. No.121-58(5)/2001/MS/HLSLA dated 9.1.2001, endst. No.2601-15(5)/2002/MS/HLSLA dated 23.4.2002 and subsequent office order conveyed vide endst. No.5233-49(5)/2002/MS/HLSLA, dated 17.7.2002 and letter issued vide memo No. 9766 dated 19-11-2004 and letters issued vide memo Nos. 9802, 9806, 9810 and 9814 dated 22-11-2004, the Hon'ble Executive Chairman of this Authority in exercise of powers vested in him under Sub-Regulations (4) and (5) of Regulation 27 of Haryana Legal Services Authority (Transaction of Business and Other Provisions) Regulations 1998, has been pleased to revise the honorarium and conveyance allowance payable to the Presiding Judges and Members of the Permanent and Continuous Lok Adalats (Samjhauta Sadans) at the District and Sub-Divisional Level in the State of Haryana as below: -

Presiding Judge of Permanent and Continuous Lok Adalat (Samjhauta Sadan)	Rs.3,000/- per month which shall remain valid upto 20 decided cases (excluding summary cases and exceeding 20 cases, he shall be entitled for an additional sum of Rs.45/- per decided case) and Rs.2,000/- per month as conveyance allowance.
Member of Permanent and Continuous Lok Adalat (Samjhauta Sadan)	Rs.2,000/- per month which shall remain valid upto 20 decided cases (excluding summary cases and exceeding 20 cases, he shall be entitled for an additional sum of Rs.30/- per decided case) and Rs.1,500/- per month as conveyance allowance.

The above revised rate of honorarium and conveyance allowance will be effective from today i.e. 7-3-2005. No payment shall be made for deciding summary cases."

⁸ Office order No. 5232 (5) 2002/MS/HLSLA dated 17-7-2002.

The Haryana Legal Services Authority (Transaction of Business & Other Provisions) Regulations, 1998

⁹“**Note 5.** In exercise of the powers conferred under Sub-Regulations (4) and (5) of Regulation 27 of the Haryana State Legal Services Authority (Transaction of Business and Other Provisions) Regulations, 1998 the Hon'ble Executive Chairman of this Authority has been pleased to revise the rates of honorarium payable to the Presiding Judge and Members of the Permanent and Continuous Lok Adalat (Samjhauta Sadan) at the District and Sub-Divisional Level in the State of Haryana as below:-

Presiding Judge of Permanent and Continuous Lok Adalat (Samjhauta Sadan)	Rs.5,000/- per month which shall remain valid upto 20 decided cases excluding summary cases and exceeding 20 cases, he shall be entitled for an additional sum of Rs.45/- per decided case.
Member of Permanent and Continuous Lok Adalat (Samjhauta Sadan)	Rs.3,000/- per month which shall remain valid upto 20 decided cases excluding summary cases and exceeding 20 cases, he shall be entitled for an additional sum of Rs.30/- per decided case.

However, the conveyance allowance payable to the Presiding Judge and Members of the Permanent and Continuous Lok Adalat (Samjhauta Sadan) shall remain the same. No payment shall be made for deciding summary cases.

The above revised rate of honorarium will be effective from 1.9.2008.

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

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

(1) The Secretary of the District Authority or the Chairman of the Sub-Divisional 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 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 off by the Lok Adalat an appropriate entry will be made in the register.

Budget

29. Budget:

The expenditure for Lok Adalats organized by the District Authority or Sub-Divisional Legal Services Committee, shall be met out of District Legal Aid Fund. State Authority, may also make grants out of the State Legal Aid Fund to the District Authorities for this object.

⁹ Issued vide Office order No.13784/(5)MS/HSLSA, Dated, Chandigarh, the 22.8.2008.

The Haryana Legal Services Authority (Transaction of Business & Other Provisions) Regulations, 1998

Maintenance of Accounts.

30. Maintenance of Accounts:

- (1) The Chairman of the Authority or the Sub-Divisional 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 District Authority, as the case may be, shall render true and proper accounts to the State Authority every quarter.
- (3) The Chairman of the Sub-Divisional Legal Services Committee shall render true and proper accounts to the District Authority every month.
- (4) After the Lok Adalat is organized, the Secretary of the District Authority or Chairman of the Sub-Divisional Legal Services Committee, shall forward the report in the following proforma prescribed for Disposal of Cases in Lok Adalats:

Sr.No.	Name of place	Date of holding of Lok Adalat	No. of cases disposed of			
			Civil	Claims	Criminal	Total
1	2	3	4	5	6	7

31. Since one High Court Legal Services Committee under Section 8-A for the States of Punjab, Haryana and the Union Territory of Chandigarh, has been constituted, the Lok Adalats in the High Court shall be conducted in the manner as may be evolved by the Executive Chairman of the State Authorities of Punjab, Haryana, Union Territory of Chandigarh and Chairman of the High Court Legal Services Committee.

- 32.**
- (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 District Authority or the Chairman of the Sub-Divisional Legal Services Committee, as the case may be, shall provide all assistance as may be necessary to the Lok Adalats.
 - (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.

The Haryana Legal Services Authority (Transaction of Business & Other Provisions) Regulations, 1998

CHAPTER-VI

MISCELLANEOUS

Miscellaneous.

33. Miscellaneous:

All notifications, regulations and orders made by the State Government will be valid unless they are inconsistent with Act, Rules made thereunder and these regulations.

Interpretation.

34. Interpretation:

If any question arises as to the interpretation of these regulations, the decision of the Executive Chairman of the State Authority shall be final.

IV

**¹THE HIGH COURT LEGAL SERVICES COMMITTEE REGULATIONS,
1998**

In exercise of the powers conferred by Section 8A and 29-A of the Legal Services Authorities Act, 1987 (Act No. 39 of 1987) the Haryana State Legal Services Authority, Chandigarh hereby makes the following regulations:

CHAPTER 1

Preliminary

1. Short title extent and commencement - (1) These regulations may be called the High Court Legal Services Committee Regulations, 1998.

(2) They shall come into force with effect from the date of their publication in the official Gazette.

2. In these regulations, unless the context otherwise requires:-

- (a) “Act” means the Legal Services Authorities Act, 1987;
- (b) “Aided Person” means a person to whom legal aid, legal advice or legal services have been provided in any form;
- (c) “Chief Justice” means the Chief Justice of the High Court;
- (d) “Chairman” means the Chairman of the High Court Legal Services Committee;
- (e) “Committee” means the High Court Legal Services Committee;
- (f) “Central Authority” means the National Legal Services Authority constituted under Section 3;
- (g) “High Court” means the High Court of Punjab and Haryana at Chandigarh;
- (h) “Legal Service” includes rendering of any service in the conduct of any case or other legal proceeding before any court or other authority or tribunal and the giving of advice on any legal matter;
- (i) “Lok Adalat” means a Lok Adalat organized by the High Court under Chapter VI of the Act;
- (j) “Member” means a member of the Committee;
- (k) “Rules” means the State Legal Services Authorities Rules;

¹ Published in Haryana Government Gazette (Extra.) April 17, 1998 (CHTR.27, 1920 SAKA).

- (l) "Secretary" means the Secretary of the High Court Legal Services Committee;
- (m) "Section" means a Section of the Act;
- (n) "State Authority" means State Legal Services Authority constituted under Section 6.

CHAPTER II

3. Members of the High Court Legal Service Committee - (1) The Committee shall consist of the following ex-officio members;

- (a) Advocate General, Punjab.
- (b) Advocate General, Haryana.
- (c) Chairman, Bar Council for the States of Punjab and Haryana.
- (d) President, High Court Bar Association, Chandigarh.
- ²(e) Home Secretary, Chandigarh Administration.

(2) The Chief Justice may nominate other members not exceeding five, from amongst persons possessing the experience and qualifications specified in sub-regulation (3);

(3) A person shall not be qualified for nomination as a member unless he is;

- (a) an eminent social worker who is engaged in the upliftment of the weaker sections of the Society, including scheduled castes, scheduled tribes, women, children, rural and urban labour,
- (b) an eminent person in the field of law or public administration,

or

(c) a person of repute who is specially interested in the implementation of the Legal Services Schemes.

4. Term of office and other conditions of the members - (1) The term of the office of the members nominated under sub-regulation (2) of regulation 3 shall be two years and such members shall be eligible for re-nomination.

(2) A member nominated under sub-regulation (2) of regulation 3 may be removed by the Chief Justice, if he;

- (a) fails without sufficient cause to attend three consecutive meetings of the Committee;

² Inserted by Haryana State Legal Services Authority vide Notification No. 2692/HSLA/98, dated 20-8-1998 as published in Haryana Government Gazette (Extra) on 4-9-98.

- (b) has been adjudged as insolvent;
- (c) has been convicted of an offence which in the opinion of the Chief Justice involves moral turpitude;
- (d) has become physically or mentally incapable of acting as a member; or
- (e) has, in the opinion of Chief Justice so abused his position as to render his continuance as member prejudicial to the public interest;

Provided that no member shall be removed from the Committee under clauses (a), (d) or (e) without affording him an opportunity of being heard.

(3) A member may, by writing under his hand addressed to the Chairman, resign from the membership of the Committee and the resignation shall take effect from the date on which it is accepted by the Chairman.

(4) If any member nominated under sub-regulation (2) of the regulation 3 ceases to be a member for any reason, the vacancy shall be filled up in the manner provided in the regulations for the residue of the term of the person in whose place he is nominated.

(5) All non-official members nominated under sub-regulation (2) of regulation 3 shall be entitled to payment of such travelling allowance and daily allowance in respect of journeys performed in connection with the work of the Committee in accordance with the rules applicable to Class-I officers of the High Court.

5. Functions of the Committee -Subject to the general superintendence and control of the State Authority, the High Court Committees shall exercise the following powers and perform the following functions :-

(1) It shall be the duty of the Committee to give effect to such policies, programmes and schemes of the Legal Aid, Legal Advice and Legal Services as may be formulated and required by the Central Authority and the State Authority.

(2) The Committee shall perform all or any of the functions, namely:-

- (a) provide Legal Aid, Legal Advice and Legal Services to persons who are eligible for the purpose under the Act or the rules for High Court cases;
- (b) organize and conduct Lok Adalat for High Court cases; and
- (c) encourage settlement of cases by way of negotiations, arbitration and conciliation.
- (d) perform such functions as may be delegated to it from time to time by the State Authority.

6. Secretary of the Committee - (1) The Secretary of the aforesaid Committee will be paid honorarium of Rs.1,000/- per month or such amount as may be fixed by

the Chairman for the performance of the functions and discharge of the duties as Secretary.

(2) The Secretary of the Committee shall be the principle officer of the Committee and shall:

- (a) be the custodian of all the assets, accounts, records and funds of the Committee and shall work under the supervision and direction of the Chairman;
- (b) maintain or cause to be maintained true and proper accounts of receipts and disbursements of the funds of the Committee in such form and in such manner as may be specified by the State Authority;
- (c) exercise such powers and perform such functions and discharge such duties as may be assigned to him by the Chairman; and
- (d) perform all other acts as may be expedient and necessary for efficient and proper performance of functions and discharge duties of the Committee.

7. Transaction of business of the Committee - (1) The Committee shall ordinarily meet once in every three months, on such date and at such place as may be fixed by the Secretary with the prior approval of the Chairman.

- (2) (a) All policy and other important matters shall be brought before the State Authority for consideration and decision;
- (b) Any specific matter or matters as may be desired or required by the Committee, generally or otherwise, to be placed before it, shall be brought before the Committee for its consideration and decision;
- (c) A meeting of the Committee shall be presided over by the Chairman.
- (d) The quorum for a meeting shall be five members including the Chairman.
- (e) For every meeting of the Committee, at least two weeks notice shall be given to the members to attend the meeting; however an emergent meeting may be convened by the Secretary, in accordance with the directions of the Chairman, on short notice;
- (f) In respect of emergent matters, the Chairman may exercise the powers and perform the functions and discharge the duties of the Committee. All such matters shall however be placed before the Committee for its information and approval.

(3) The Committee shall regulate its own procedure under the directions of the State Authority.

(4) All questions at the meetings of the Committee shall be decided by a majority of the members present and voting and in case of tie, the Chairman or the person presiding over the meeting, shall have a second or casting vote.

(5) The minutes of the proceedings of each meeting shall be truly and faithfully maintained by the Secretary. A copy of the minutes shall, as soon as may be after the meeting, be forwarded to the Member Secretaries of the State Authorities of Punjab, Haryana and Union Territory of Chandigarh.

8. Funds, Audit and Accounts of the Committee:

(1) The Committee shall maintain a Fund to be called the High Court Legal Services Committee Fund to which shall be credited:

(a) Such amount as may be allocated and granted to it by the State Authorities of Punjab, Haryana and Union Territory of Chandigarh as per the apportionment made by the Hon'ble Chief Justice in consultation with the Executive Chairmen of the State Authorities of Punjab, Haryana and Union Territory of Chandigarh.

(b) All such amounts as received by the Committee by way of donations; costs, charges and expenses recovered from the persons to whom legal service is provided or from the opposite party.

(2) All the amounts credited to the said Fund shall be deposited in a nationalized bank.

Explanation : In this sub-regulation "Nationalized Bank" means corresponding new bank as defined in the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 and the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980.

(3) For the purpose of meeting incidental minor charges, such as court fee, stamps and expenditure necessary for obtaining copies of documents etc., a permanent advance of Rupees two thousand five hundred shall be placed at the disposal of the Secretary of the Committee.

(4) All expenditure on legal service, accommodation and staff of the committee as also expenditure necessary for carrying out the various functions of the Committee shall be incurred out of the funds of the Committee with the prior approval of the Chairman.

(5) The funds of the Committee may be utilized for meeting the expenses incurred on or incidental to journeys undertaken by the Chairman or other members of the Committee or the Secretary in connection with legal services activities. The travelling allowance and dearness allowance payable to the Chairman, the ex-officio

members and the Secretary shall be such to which they are entitled by virtue of their respective offices.

(6) The Secretary of the Committee shall operate the bank accounts of the Committee in accordance with the directions of the Chairman.

(7) The Committee shall maintain regular accounts of receipts and disbursement of income and expenditure and submit annual returns to State Authorities of Punjab, Haryana and Union Territory of Chandigarh. The account shall be subject to audit as per Section-18 of the Act.

9. Special provision regarding Legal Services - (1) There being one High Court for the States of Punjab, Haryana and Union Territory of Chandigarh, one High Court Legal Services Committee for the High Court of Punjab and Haryana shall be constituted.

(2) For Legal Services originating or pertaining to Haryana State, Rules 19 to 27 of the Haryana State Legal Services Authority Rules, 1996, shall be followed.

10. Miscellaneous - All notifications, regulations and orders made by the State Government, will be valid unless they are inconsistent with Act, Rules made there under and these regulations.

11. Interpretation - If any question arises as to the interpretation of these regulations, the decision of the Executive Chairman of the State Authority shall be final.

V

**¹THE PERMANENT LOK ADALAT (OTHER TERMS AND CONDITIONS
OF APPOINTMENT OF CHAIRMAN AND OTHER PERSONS) RULES, 2003**

G.S.R. 3 (E). – In exercise of the powers conferred by clause (1a) of sub-section (2) of section 27 of the Legal Services Authorities Act, 1987 (39 of 1987), the Central Government, in consultation with the Chief Justice of India, hereby makes the following rules, namely: -

1. Short title and commencement –

- (1) These rules may be called the Permanent Lok Adalat (Other Terms and Conditions of Appointment of Chairman and Other Persons) Rule, 2003.
- (2) They shall come into force on the date of their publication in the Official Gazette.

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

- (a) “Act” means the Legal Services Authorities Act, 1987 (39 of 1987);
- (b) “Chairman” means a person appointed as Chairman of the Permanent Lok Adalat established by the Central Authority or a State Authority under sub-section (1) of section 22B of the Act;
- (c) “other person” means a person nominated under clause (b) of sub-section (2) of section 22B;
- (d) “Section” means a section of the Act;
- (e) “Permanent Lok Adalat” means a Permanent Lok Adalat established under sub-section (1) of section 22B;
- (f) words and expressions used in these rules and not defined but defined in the Act shall have the meanings respectively assigned to them in the Act.

3. Sitting Fee and other allowances of Chairman and other persons of Permanent Lok Adalat - (1) When a serving judicial officer is appointed as Chairman, he shall receive the salary, allowances and other perquisites as are admissible to a serving judicial officer;

²(2) When a retired Judicial Officer is appointed as Chairman, he shall be entitled to a monthly fee of last drawn salary less the amount of pension received by him.

¹ Framed vide notification No. G.S.R.3 (E) dated 2.1.2003 by Government of India, Ministry of Law & Justice, Department of Legal Affairs.

² Notification No.G.S.R.[E] dated 13.5.2008 published in the gazette of India, Issued by Government of India Ministry of Law and Justice (Department of Legal Affairs).

³(3) Any other person shall be entitled to a sitting fee of Rupees Five Hundred per sitting.

(4) The Chairman and other person shall be entitled to such traveling and daily allowances on official tour as are admissible to Group 'A' officers of the Central Government.

(5) For the purpose of attending the sittings of Permanent Lok Adalat, the Chairman and other person shall be entitled to conveyance allowance of rupees three thousand per month.

4. Terms and Conditions of Service of Chairman and other persons of Permanent Lok Adalat – (1) Before appointment, the Chairman and other person shall have to take an undertaking that he does not and will not have any such financial or other interest as is likely to affect prejudicially his functions as such Chairman or other person.

(2) The Chairman and other persons shall hold office for a term of five years and shall not be eligible for reappointment.

(3) Notwithstanding anything contained in sub rule (2), Chairman or other persons may—

(a) by writing under his hand and addressed to the Central Authority or, as the case may be, the State Authority, resign his office at any time;

(b) be removed from his office in accordance with the provisions of rule 5.

(4) When the Chairman is unable to discharge his functions owing to absence, illness or any other cause, the senior-most (in order of appointment) person of Permanent Lok Adalat holding office for the time being shall discharge the functions of the Chairman until the day on which the Chairman resumes the charge of his functions.

(5) The Chairman or any other person ceasing to hold office as such shall not hold any appointment in, or be connected with, the management or administration of an organization which has been the subject of the proceeding under the Act during his tenure for a period of five years from the date on which he ceases to hold such office.

5. Resignation and removal – The Central Authority or State Authority, as the case may be, may remove from office, Chairman or other person who—

(a) has been adjudged an insolvent; or

(b) has been convicted of an offence which, in the opinion of the Authority, involves moral turpitude; or

³ Notification No. G.S.R.[E] dated 13.5.2008 published in the gazette of India, Issued by Government of India Ministry of Law and Justice (Department of Legal Affairs)

The Permanent Lok Adalat (Other Terms and Conditions of Appointment of Chairman and Other Persons) Rules, 2003

- (c) has become physically or mentally incapable of acting as such Chairman or other person; or
- (d) has acquired such financial or other interest as is likely to affect prejudicially his functions as Chairman or Other person; or
- (e) has or so abused his position as to render his continuance in office prejudicial to the public interest :

Provided that the Chairman or any other person shall not be removed from his office on the grounds specified in clauses (d) and (e), except on inquiry held in accordance with the procedure prescribed in rule 6.

6. Procedure for Inquiry – (1) Whenever the Central Authority or, as the case may be, State Authority is of the opinion that an allegation under clause (d) or clause (e) of Rule 5 is required to be inquired into, it may hold an inquiry against the Chairman or other person and shall draw or cause to be drawn up the substance of the allegation which shall contain a statement of relevant facts and a list of documents and witnesses.

(2) The Central Authority or, as the case may be, State Authority shall deliver or cause to be delivered to the Chairman or other person a copy of the allegation and a list of documents and witnesses and shall require him to submit within such time as may be allowed, a written reply or statement of his defence.

(3) If the allegations are admitted by the Chairman or other person, the Central Authority or, as the case may be, State Authority shall record reasons and remove the Chairman or other person.

(4) Where the charges have been denied by the Chairman or the other person, the Central Authority or, as the case may be, State Authority may appoint an officer to inquire into the truth of the allegations and it may also appoint a Presenting Officer to present the case on behalf of the Central Authority or, as the case may be, State Authority before the Inquiry Officer.

(5) The Inquiry Officer shall give an opportunity to the Presenting Officer to present the case within such time as may be allowed by the Inquiry Officer from time to time. After the evidence is closed by the Presenting Officer, the Chairman or other person, as the case may be, shall be given an opportunity to present his defence in respect of allegations within such time as may be allowed by the Inquiry Officer.

(6) The Inquiry Officer shall have power to call witnesses and record their statements or receive evidence on affidavits or call for production of documents or other relevant records, which may be necessary for the inquiry.

(7) The Inquiry Officer shall submit his report within a period of six months or within such time as may be extended by the Central Authority or, as the case may be, State Authority.

The Permanent Lok Adalat (Other Terms and Conditions of Appointment of
Chairman and Other Persons) Rules, 2003

(8) If the Central Authority or, as the case may be, State Authority is satisfied that the charges are proved on the basis of the report submitted by the Inquiry Officer, it shall remove the delinquent Chairman or other person, as the case may be.

7. Place of sittings – (1) The Permanent Lok Adalat may sit at a place specified by the Central Authority or the State Authority, as the case may be.

(2) The working days and office hours of the Permanent Lok Adalat shall be the same as that of the Central Government or the State Government, as the case may be.

(3) The sitting of the Permanent Lok Adalat, as and when necessary, shall be convened by the Chairman.

8. Staff of Permanent Lok Adalat – The Central Government or the State Government, as the case may be, shall provide such staff as may be necessary to assist the Permanent Lok Adalat in its day-to-day work and perform such other functions as are provided under the Act and these rules or assigned to it by the Chairman. The salary payable to such staff shall be defrayed out of the Consolidated Fund of India or the Consolidated Fund of the State, as the case may be.

VI

¹THE CIVIL PROCEDURE ADR AND MEDIATION RULES, 2003

The following Rules shall be added as Part O after Part N of Chapter-1 of Rules and Orders of the Punjab High Court, Volume-1 : -

In exercise of the powers conferred under Part X of the Code of Civil Procedure, 1908 read with Section 89 thereof, the High Court of Punjab and Haryana hereby frames the following Rules:

Part I

Alternative Disputes Resolution Rules

RULE 1: These Rules shall be called the ‘Alternative Disputes Resolution Rules, 2003’.

RULE 2: Procedure for directing the parties to opt for alternative modes of settlement:

- (a) If after recording admissions and denials at the first hearing of the suit under Order X Rule 1, it appears to the Court that there exist elements of a settlement which may be acceptable to the parties, it shall formulate the terms of settlement and give the same to the parties for their observations. The parties shall furnish their observations to the court within next fifteen days.
- (b) On the next date of hearing, which shall be not later than fifteen days fixed for furnishing the observations of the parties, the court may reformulate the terms of possible settlement and direct the parties to opt for one of the modes of settlement of dispute out of Court as specified in clauses (a) to (d) of sub-section (1) of Section 89 read with Order X Rule 1A, in the manner stated hereunder:-

Provided that the Court, in exercise of such power, shall not refer any dispute to arbitration or for settlement through Lok Adalat or judicial settlement under the Legal Services Authorities Act, 1987, as envisaged under clauses (a) and (c) of sub section (1) of Section 89, without the written consent of all the parties to the suit.

RULE 3: Persons authorized to take decision on behalf of the Union of India, State Governments and others :

Where one of the parties to the suit is the Union of India, State Government, Union Territory, Local Authority, a Public Sector Undertaking, a Statutory Corporation or body or Public Authority, such party shall be directed by the Court concerned at the time of issuing notice to nominate a person or group of persons who will be empowered to take a final decision as to the mode of alternative dispute resolution which it may prefer to opt for. Such a decision shall be communicated to

¹ Published by Hon'ble High Court of Punjab and Haryana at Chandigarh vide notification No. 44-Rules/II.D.4 dated 2.9.2003.

the concerned Court within the period specified in the notice and latest within a period of 30 days from the date of receipt of notice.

Provided that the High Court may direct such parties to nominate one or more persons who may be authorized to take final decision as to mode of alternative dispute resolution which the party concerned may prefer to opt. Within three months of the receipt of direction from the High Court, such party shall furnish a list of nominated persons, which shall circulate the same to all the Courts in the two States and Union Territory, Chandigarh.

RULE 4: Court to give guidance to parties while giving direction to opt :

Before directing the parties to exercise option under clause (b) of Rule 2, the Court shall give such guidance to them as it deems fit, by drawing their attention to the following factors which they shall take into account, before exercising their option as to the particular mode of settlement :-

- (i) that it will be to the advantage of the parties, so far as time and expenses are concerned, to opt for one of the modes of settlement rather than seek a trial of the dispute arising in the suit.
- (ii) that where there is a relationship between the parties which requires to be preserved, it will be in their interest to seek reference of the matter to conciliation or mediation, as envisaged in clause (b) or (d) of sub-section (1) of Section 89.
- (iii) that where there is no relationship between the parties which requires to be preserved, it may be in their interest to seek reference of the matter to arbitration as envisaged in clause (a) of sub-section (1) of Section 89.

Explanation :- Disputes arising in matrimonial, maintenance and child custody matters shall, among others, be treated as cases where a relationship between the parties is required to be preserved.

- (iv) that where the parties are interested in final settlement which may lead to a compromise, it will be in their interest to seek reference of the matter to judicial settlement including Lok Adalat as envisaged in clause (c) of sub-section (1) of section 89.
- (v) the difference between the various modes of settlement, namely, arbitration, conciliation, mediation and judicial settlement as explained below :-

'Arbitration' means the process by which an arbitrator appointed by parties or by the Court, as the case may be, adjudicates the disputes between them and passes an award by applying the provisions of the Arbitration and Conciliation Act, 1996 (26 of 1996), insofar as they refer to arbitration.

‘Conciliation’ means the process by which a conciliator who is appointed by the parties or by the Court, as the case may be, conciliates the disputes between them by applying the provisions of Arbitration and Conciliation Act, 1996 (26 of 1996) insofar as they relate to conciliation, and in particular, in exercise of his powers under Sections 67 and 73 of that Act, by making proposals for a settlement of the disputes and by formulating or reformulating the terms of a possible settlement; and has a greater role than a mediator.

‘Mediation’ means the process by which a mediator appointed by the parties or by the Court, as the case may be, mediates the disputes between them by applying the provisions of the Mediation Rules contained in Part-II, and in particular by facilitating discussion between the parties directly or by communicating with each other through the mediator, by assisting the parties in identifying the issues, reducing misunderstandings, clarifying priorities, exploring areas of compromise, generating options in an attempt to solve the dispute and emphasizing that it is their own responsibility for making decisions which affect them.

‘Judicial Settlement’ means a final settlement by way of compromise before a Lok Adalat or before a suitable institution or person, which shall be deemed to be a settlement before a Lok Adalat within the meaning of the Legal Services Authorities Act, 1987 (39 of 1987).

RULE 5: Procedure for reference by the Court to the different modes of settlement:-

- (a) Where all parties to the suit decide to exercise their option and agree for settlement by arbitration, they shall apply to the Court, within fifteen days of the direction of the Court under clause (b) of Rule 2 and the Court shall, within fifteen days of the receipt of such application, refer the matter to arbitration and then the provisions of the Arbitration and Conciliation Act, 1996 (26 of 1996) shall apply as if the proceedings were referred for settlement by way of arbitration under the provisions of that Act;
- (b) Where all the parties to the suit decide to exercise their option and to agree for settlement by the Lok Adalat, they shall apply to the Court within fifteen days of the direction under clause (b) of Rule 2 and the Court shall, within fifteen days of the receipt of application, transfer the matter to the Lok Adalat and then all the provisions of the Legal Services Authorities Act, 1987 shall apply as if the proceedings were referred for settlement by Lok Adalat under the provisions of that Act.
- (c) Where all the parties to the suit decide to exercise their option and to agree for judicial settlement, they shall apply to the Court within fifteen days of the direction under clause (b) of Rule 2 and the Court shall, within fifteen days of the receipt of application, transfer the matter to a suitable institution or person and such institution or person shall be deemed to be a Lok Adalat and all the provisions of the Legal

Services Authorities Act, 1987 (39 of 1987) shall apply as if the proceedings were referred for settlement under the provisions of that Act.

- (d) Where all the parties are unable to opt or agree to refer the dispute to arbitration, Lok Adalat or judicial settlement, within fifteen days of the direction of the Court under clause (b) of Rule 2, they shall consider if they could agree for reference to conciliation or mediation, within the same period.
- (e)
 - (i) Where all the parties opt and agree for conciliation, they shall apply to the Court, within fifteen days of the direction under Rule 2 and the Court shall, within fifteen days of the receipt of application refer the matter to conciliation and then the provisions of the Arbitration and Conciliation Act, 1996 (26 of 1996) shall apply, as if the proceedings were referred for settlement by way of conciliation under the provisions of that Act.
 - (ii) Where all the parties opt and agree for mediation, they shall apply to the Court, within fifteen days of the direction under Rule 2 and the Court shall, within fifteen days of the receipt of application, refer the matter to mediation and then the Mediation Rules contained in Part II shall apply.
- (f) Where under clause (d), all the parties are not able to opt and agree for conciliation or mediation, one or more parties may apply to the Court within fifteen days of the direction under clause (b) of Rule 2, seeking settlement through conciliation or mediation as the case may be, and in that event, the Court shall, within a further period of fifteen days issue notice to the other parties to respond to the application, and
 - (i) in case all the parties agree, the Court shall refer the matter to conciliation or mediation, as the case may be, as stated in clause (e);
 - (ii) in case all the parties do not agree and where it appears to the Court that there exist elements of a settlement which may be acceptable to the parties and that there is a relationship between the parties which has to be preserved, the Court shall refer the matter to conciliation or mediation, as the case may be.
- (g)
 - (i) Where none of the parties apply for reference either to arbitration, Lok Adalat, judicial settlement, conciliation or mediation, within fifteen days of the direction given under clause (b) of Rule 2, the Court shall, within a further period of fifteen days, issue notices to the parties or their representatives fixing the matter for hearing on the question of making a reference either to conciliation or mediation.
 - (ii) After hearing the parties or their representatives on the date so fixed, the Court shall, whether parties agree or not, and if there exist

elements of settlement which may be acceptable to them, refer the matter to :

- (a) conciliation, if the Court considers that a matter is fit for conciliation and then the provisions of the Arbitration and Conciliation Act, 1996 (26 of 1996) shall apply, as if the proceedings were referred for settlement by way of conciliation under the provisions of that Act; or
- (b) mediation, if the Court considers that the matter is fit for mediation and then the provisions of the Mediation Rules contained in Part-II shall apply.

RULE 6: Appearance before the Court upon failure of attempts to settle disputes by judicial settlement, conciliation or mediation:

- (1) Where a suit has been referred for settlement under one of the modes referred for to in clauses (b) to (d) of sub-section (2) of Section 89 read with Rule 1A of Order X and clauses (b) to (g) of Rule 5 of these Rules and has not been settled or where it is felt that it would not be in the interest of justice to proceed with the matter, the suit shall be referred back to the Court with a direction to the parties to appear before it on a specified date.
- (2) Upon the reference of the matter back to the Court, it shall proceed with the suit in accordance with law.

RULE 7: Training in alternative methods of resolution of disputes and preparation of manual:

- (a) The High Court shall take steps to have training courses conducted by requesting bodies recognized by it or the Universities imparting legal education or retired faculty members or other persons who, according to the High Court are well-versed in the techniques of alternative methods of disputes resolution, to conduct training courses for lawyers and judicial officers.
- (b) (i) The High Court shall nominate a committee of judges, faculty members including retired persons belonging to the above categories, senior members of the Bar, members of the Bar specially qualified in the techniques of alternative disputes resolution, for the purpose of preparing a detailed manual of procedure for alternative disputes resolution to be used by the Courts in the State as well as by the arbitrators, members of the Lok Adalat, conciliators and mediators.

(ii) The said manual shall describe the various methods of alternative disputes resolution the manner in which any one of the said methods is to be opted for, the suitability of any particular method for any particular type of dispute and shall specifically deal with the role of conciliators and mediators in disputes which are commercial or

domestic in nature or which relate to matrimonial, maintenance and child custody matters.

- (c) The High Court and the District Courts shall periodically conduct seminars and workshops on the subject of alternative disputes resolution procedures throughout the State over which the High Court has jurisdiction with a view to bring awareness of such procedures and to impart training to lawyers and judicial officers.
- (d) Persons who gain experience in the matter of alternative disputes resolution procedures, and in particular with regard to conciliation and mediation, shall be given preference for purpose of appointment in the matter of resolution of disputes by the said procedures.

RULE 8: Applicability to other proceedings :

The provision of these Rules may be applied to proceedings before the Courts, including Family Courts constituted under the Family Courts Act (66 of 1984), while dealing with matrimonial, maintenance and child custody disputes.

PART II

MEDIATION RULES

RULE 1: These Rules shall be called the Mediation Rules.

RULE 2: Appointment of mediator:

- (a) The parties to a suit may agree on the name of a sole mediator for mediating between them. In that event, he shall be appointed as mediator. If the parties fail to agree on the name of a mediator, then the Court shall appoint one or more mediators out of the panel of mediators referred to in Rule 3.
- (b) Where the parties are unable to agree on the name of a sole mediator, then each set of parties shall nominate a mediator.
- (c) Where the parties agree on the name of a sole mediator, he need not necessarily be a person from the panel of mediators referred to in Rule 3, nor bear the qualifications referred to in Rule 4 but should not be a person who suffers from any of the qualifications referred to in Rule 5.
- (d) Where there are more than two sets of parties having diverse interests, each set shall nominate a person on its behalf and the said nominees shall select the sole mediator and failing unanimity in that behalf, the court shall appoint a sole mediator.

RULE 3: Panel of mediators:

- (a) The High Court shall, for the purpose of appointing mediators in the cases filed on its original side, prepare a panel of mediators. Such panel shall be published on the notice board of the High Court, within

three months of the coming into force of these Rules. A copy of the panel of mediators shall be sent to the High Court Bar Association.

- (b) (i) The District Judge in each District shall, for the purpose of appointing mediators to mediate between parties in the suits filed on the original side, prepare a panel of mediators, within a period of three months of the commencement of these Rules. Such panel shall be published on the notice boards of various Courts after obtaining approval of the High Court.
- (ii) Copies of the panels referred to in clause (i) shall be forwarded to all the Courts subordinate to the District Judge and the Bar Associations attached to each of the Courts.
- (c) The consent of the persons whose names are included in the panel shall be obtained before empanelling them.
- (d) The panel of names of mediators shall be accompanied by an Annexure containing details of the qualifications of the mediators, and their professional or technical experience in different fields.

RULE 4: Qualifications of persons to be empanelled under Rule 3 :

The following persons shall be treated as qualified and eligible for being empanelled as mediators under Rule 3:-

- (a) (i) Retired Judges of the Supreme Court of India;
- (ii) Retired Judges of the High Courts;
- (iii) Retired District and Sessions Judges/Additional District and Sessions Judge and retired Civil Judges;
- (b) Legal practitioners with atleast fifteen years standing at the Bar in the Supreme Court, High Court or District Court;
- (c) Experts or other professionals with at least fifteen years standing or retired senior bureaucrats or retired senior executives;
- (d) Institutions which are themselves experts in mediation and have been recognized as such by the High Court.

RULE 5: Disqualifications:

The following shall be the disqualifications for being empanelled as mediator:-

- (i) any person who has been adjudged insolvent;
- (ii) any person against whom criminal charges involving moral turpitude have been framed by a criminal court and are pending; or

- (iii) any person who has been convicted by a criminal court for any offence involving moral turpitude;
- (iv) any person against whom disciplinary proceedings have been initiated by the competent authority or who has been punished in such proceedings;
- (v) such other categories of persons as may be notified by the High Court.

RULE 6: Preference :

The Court shall, while nominating any person from the panel of mediators referred to in Rule 3, consider his suitability for resolving the nature of dispute involved in the suit and shall give preference to those who have proven record of successful mediation or who have special qualification or experience in mediation.

RULE 7: Duty of mediator to disclose certain facts:

- (a) When a person is approached in connection with his possible appointment as a mediator, he shall disclose in writing to the parties the factors which may give rise to a justifiable doubt as to his independence or impartiality. If any such factor comes into existence after his appointment as Mediator, the same shall be disclosed to the parties in writing without delay.

Note – While appointing mediator the Court concerned shall ensure that the person to be appointed is not interested or connected with the subject matter of the dispute and is not related to any of the parties or to those who represent them. However, the parties shall be free to waive such objection in writing.

- (b) Every mediator shall, from the time of his appointment and throughout the continuance of the mediation proceedings, without delay, disclose to the parties in writing, about the existence of any of the circumstances referred to in clause (a).

RULE 8: Cancellation of appointment:

Upon information furnished by the mediator under Rule 6 or upon any other information received from the parties or any other person, if the Court concerned is satisfied after conducting such inquiry as it deems fit and after giving opportunity of hearing to the mediator, that the said information has raised a justifiable doubt as to the mediator's independence or impartiality, it shall cancel the appointment by a reasoned order and replace him by another mediator.

RULE 9: Removal or deletion from panel:

The name of a person placed in the panel referred to in Rule 3 may be removed or deleted from the said panel by the Court concerned if :

- (i) if he incurs any of the disqualifications referred to in Rule 5;

- (ii) he resigns or withdraws his name from the panel for any reason;
- (iii) he exhibits or displays conduct, during the continuance of the mediation proceedings, which is unbecoming of a mediator;
- (iv) if, upon receipt of an information and after conducting such enquiry as it deems fit, the Court concerned is satisfied that it is not desirable to continue the name of that person in the panel.

Provided that, before removing or deleting his name, under clauses (iii) or (iv), the Court shall hear the mediator whose name is proposed to be removed or deleted from the panel and shall pass a reasoned order.

RULE 10: Procedure of mediation:

- (a) The parties may agree on the procedure to be followed by the mediator in the conduct of the mediation proceedings.
- (b) Where the parties do not agree on any particular procedure to be followed by the mediator, the mediator shall follow the procedure hereinafter mentioned, namely :-
 - (i) he shall fix, in consultation with the parties, a time schedule, the dates and the time of each mediation session, where all the parties have to be present;
 - (ii) he shall hold the mediation at any convenient location agreeable to him and the parties, as he may determine;
 - (iii) he may conduct joint or separate meetings with the parties;
 - (iv) each party shall, ten days before a session, provide to the mediator a brief memorandum setting forth the issues, which according to it, need to be resolved and its position in respect of these issues and all information reasonably required for the mediator to understand the issue such memoranda shall also be mutually exchanged between the parties;
 - (v) each party shall furnish to the mediator such other information as may be required by him in connection with the issues to be resolved.
- (c) Where there is more than one mediator, the mediator nominated by each party shall first confer with the party that nominated him and shall thereafter interact with the other mediators, with a view to resolve the disputes.

RULE 11: Mediator not bound by Evidence Act, 1872 or Code of Civil Procedure, 1908:

The mediator shall not be bound by the provisions of Evidence Act, 1872 or Code of Civil Procedure, 1908, but shall be guided by the principles of fairness and

justice, having regard to the rights and obligations of the parties, usages of trade, if any, and the circumstances of the dispute.

RULE 12 : Non-attendance of parties at sessions or meetings on due dates :

- (a) The parties shall be present personally through their counsel or power of attorney holders at the meetings or sessions notified by the mediator.
- (b) If a party fails to attend a session or a meeting notified by the mediator, other parties or the mediator can apply to the Court in which the suit is filed, to issue appropriate directions to that party to attend before the mediator and if the Court finds that such party is absenting himself before the mediator without sufficient cause, the Court may take action against the said party by imposition of costs or by taking action for contempt.

RULE 13: Administrative assistance :

In order to facilitate the conduct of mediation proceedings, the parties or the mediator with the consent of the parties, may arrange for administrative assistance by a suitable institution or person.

RULE 14: Offer of settlement by the parties:

Any party to the suit may, without prejudice, to the rights of either party, offer a settlement to the other party at any stage of the proceedings with notice to the mediator.

RULE 15: Role of mediator:

The mediator shall attempt to facilitate voluntary resolution of the dispute by the parties and communicate the view of each party to the other, assist them in identifying issues, reducing misunderstandings, clarifying priorities, exploring areas of compromise and generating options in an attempt to solve the dispute, emphasizing that it is the responsibility of the parties to take decision which effect them. However, he shall not impose terms of settlement on the parties.

RULE 16: Parties alone responsible for taking decision:

The parties must understand that the mediator only facilitates in arriving at a decision to resolve disputes and that he will not and cannot impose any settlement nor does the mediator give any warranty that the mediation will result in a settlement.

RULE 17: Time limit for completion of mediation:

On the expiry of sixty days from the date fixed for the first appearance of the parties before the mediator, the mediation shall stand terminated, unless the Court, which referred the matter, either *suo motu* or upon request by any of the parties and upon hearing all the parties, is of the view that extension of time is necessary or may be useful then he extend the time but such extension shall not be beyond a further period of thirty days.

Rule 18: Parties to act in good faith:

All the parties shall participate in the mediation proceedings in good faith with the intention to settle the dispute.

Rule 19 : Confidentiality, disclosure and inadmissibility of information :

(1) When a mediator receives information concerning the dispute from any party, he shall disclose the substance of that information to the other party, so that the other party may have an opportunity to present such explanation as it may consider appropriate;

Provided that, when a party gives information to the mediator subject to a specific condition that it be kept confidential, the mediator shall not disclose that information to the other party.

(2) Receipt or perusal, preparation of records, reports or other documents by the mediator, while serving in that capacity, shall be confidential and the mediator shall not be compelled to divulge information regarding those documents nor as to what transpired during the mediation.

(3) Parties shall maintain confidentially in respect of events that transpired during mediation and shall not rely on or introduce the said information in any other proceedings as to :

- (a) views expressed by a party in the course of the mediation proceedings;
- (b) documents obtained during the mediation which were expressly required to be treated as confidential or notes, drafts or information given by parties or mediators;
- (c) proposals made or views expressed by the mediator;
- (d) admission made by a party in the course of mediation proceedings;
- (e) the fact that a party had or had not indicated willingness to accept a proposal;

(4) There shall be no stenographic or audio or video recording of the mediation proceedings.

Rule 20: Privacy:

Mediation sessions and meetings are private. Only the concerned parties or their counsel or power of attorney holders can attend. Other persons may attend only with the consent of the parties and with the permission of the mediator.

Rule 21: Immunity:

No mediator shall be held liable for anything *bone fide* done or omitted to be done by him during the mediation proceedings for civil or criminal action nor shall he be summoned by any party to the suit to appear in a Court of law to testify in regard

to information received by him or action taken by him or in respect of drafts or records prepared by him or shown to him during the mediation proceedings.

Rule 22: Communication between mediator and the Court:

(a) In order to preserve the confidence of parties in the court and neutrality of the mediator, there should be no communication between the mediator and the Court, except as stated in clauses (b) and (c) of this Rule.

(b) if any communication between the mediator and the Court is necessary, it shall be in writing and copies of the same shall be given to the parties or their counsel or power of attorney holder;

(c) Communication between the mediator and the Court shall be limited to communication by the mediator;

(i) with the Court about the failure of party to attend;

(ii) with the Court with the consent of the parties;

(iii) regarding his assessment that the case is not suitable for settlement through mediation;

(iv) that the parties have settled the dispute or disputes.

Rule 23: Settlement Agreement:

(1) Where an agreement is reached between the parties in regard to all the issues in the suit or some of the issues, the same shall be reduced to writing and signed by the parties or their power of attorney holders. If any counsel has represented the parties, they shall attest the signatures of their respective clients.

(2) The agreement of the parties so signed and attested shall be submitted to the mediator who shall, with a covering letter signed by him, forward the same to the Court in which the suit is pending.

(3) Where no agreement is arrived at between the parties, before the time limit specified in Rule 17 or where, the mediator is of the view that no settlement is possible, he shall report the same to the said Court in writing.

Rule 24: Court to fix a date for recording settlement and passing decree:

(1) Within seven days of the receipt of any settlement the court shall issue notice to the parties fixing a day for their appearance which date shall not be beyond 14 days from the date of receipt of the settlement and the Court shall then take the settlement on record.

(2) Thereafter, the Court shall pass a decree in accordance with the settlement, so taken on record, if the disposes of all the issues in the suit.

(3) If the settlement disposes of only certain issues arising in the suit, the Court shall take on record the settlement on the date fixed and shall include the terms of the said settlement in the judgment, while deciding the other issues.

RULE 25: Fee of mediator and costs:

(1) At the time of referring the disputes to mediation, the Court shall after consulting the mediator and the parties, fix the fee of the mediator.

(2) As far as possible a consolidated sum may be fixed rather than for each session or meeting.

(3) Where there are two mediators as in clause (b) of Rule 2, the Court shall fix the fee payable to the mediators which shall be shared equality by the parties.

(4) The expenses of the mediation including the fee of the mediator, costs of administrative assistance, and other ancillary expenses concerned, shall be borne equality by the various contesting parties or as may be otherwise directed by the Court.

(5) Each party shall bear the costs for production of witnesses on his side including experts, or for production of documents.

(6) The mediator may, before the commencement of mediation, direct the parties to deposit equal sums, tentatively, to the extent of 50% of the probable costs of the mediation, as referred to in clauses (3), including his fee. The remaining 50% shall be deposited with the mediator, after the conclusion of mediation. The amount deposited towards costs shall be expended by the mediator by obtaining receipts and a statement of account shall be filed, by the mediator in the Court.

(7) If any party or parties do not pay the amount referred to in sub-rule (5), the Court shall, on the application of the mediator, or any party, issue appropriate directions to the defaulting party. If the defaulting party does not pay the amount of expenses including fee, the Court shall recover the same as if it was a decree for the said amount.

RULE 26 : Ethics to be followed by mediator :

The mediator shall :

- (1) follow and observe these Rules strictly and with due diligence;
- (2) not carry on any activity or conduct which could reasonably be considered as conduct unbecoming of a mediator;
- (3) uphold the integrity and fairness of the mediation process;
- (4) ensure that the parties involved in the mediation are fairly informed and have an adequate understanding of the procedural aspects of the process;
- (5) satisfy himself/herself that he/she is qualified to undertake and complete the assignment in a professional manner;
- (6) disclose any interest or relationship likely to affect impartiality or which might seek an appearance of partiality or bias;
- (7) avoid, while communicating with the parties, any impropriety or appearance of impropriety;
- (8) be faithful to the relationship of trust and confidentiality reposed in the office of mediator;

- (9) conduct all proceedings related to the resolutions of a dispute, in accordance with the applicable law;
- (10) recognize that mediation is based on principles of self-determination by the parties and that mediation process relies upon the ability of parties to reach a voluntary, undisclosed agreement;
- (11) maintain the reasonable expectations of the parties as to confidentiality;
- (12) refrain from promises or guarantees of results.

RULE 27 : Transitory provisions:

Until a panel of mediators is prepared by the High Court and the District Court as provided under Rule 3, the Court concerned may nominate a mediator of its choice provided that he is fully qualified and does not suffer from any disqualification.

VII

Analogous Provisions

Section 89 of Code of Civil Procedure, 1908 (as inserted by C.P.C. (Amendment) Act, No. 46 of 1999)

Settlement of disputes outside the Court. (1) Where appears to the Court that there exist elements of a settlement which may be acceptable to the parties, the Court shall formulate the terms of settlement and give them to the parties for their observations and after receiving the observation of the parties, the Court may reformulate the terms of a possible settlement and refer the same for—

- (a) arbitration;
 - (b) conciliation;
 - (c) judicial settlement including settlement through Lok Adalat; or
 - (d) mediation.
- (2) Where a dispute has been referred--
- (a) for arbitration or conciliation, the provisions of the Arbitration and Conciliation Act, 1996 (26 of 1996) shall apply as if the proceedings for arbitration or conciliation were referred for settlement under the provisions of that Act;
 - (b) to Lok Adalat, the Court shall refer the same to the Lok Adalat in accordance with the provisions of sub-section (1) of Section 20 of the Legal Services Authorities Act, 1987 (39 of 1987) and all other provisions of that Act shall apply in respect of the dispute referred to the Lok Adalat;
 - (c) for judicial settlement, the Court shall refer the same to a suitable institution or person and such institution or person shall be deemed to be a lok Adalat and all the provisions of the Legal Services Authorities Act, 1987 (39 of 1987) shall apply as if the dispute were referred to a Lok Adalat under the provisions of that Act;
 - (d) for mediation, the Court shall effect a compromise between the parties and shall follow such procedure as may be prescribed.

Order X, Rules 1A to 1C as inserted by CPC (Amendment) Act, 1999

1A. Direction of the Court to opt for any one mode of alternative dispute resolution .—

After recording the admissions and denials, the court shall direct the parties to the suit to opt either mode of the settlement outside the court as specified in sub-section (1) of Section 89. On the option of the parties, the court shall fix the date of appearance before such forum or authority as may be opted by the parties.

1B. Appearance before the conciliation forum, or authority.— Where a suit is referred under rule 1A, the parties shall appear before such forum or authority for conciliation of the suit.

1C. Appearance before the Court consequent to the failure of efforts of conciliation.— Where a suit is referred under rule 1A and the Presiding Officer of conciliation forum or authority is satisfied that it would not be proper in the interest of justice to proceed with the matter further, then, it shall refer the matter again to the court and direct the parties to appear before the court on the date fixed by it.

**Section 16 of Court Fees Act, 1870 as inserted by Code of Civil Procedure
(Amendment) Act, 1999**

“16. Refund of fee.—Where the Court refers the parties to the suit to any one of the mode of settlement of dispute referred to in Section 89 of the Code of Civil Procedure, 1908 (5 of 1908) the plaintiff shall be entitled to a certificate from the Court authorizing him to receive back from the collector, the full amount of the fee paid in respect of such plaint.”

XII

Important Extracts from the Jail Manual Concerning undertrials/convicts.

633-A. Ordinary remission not earnable for certain offences committed after admission to jail.— If a prisoner is convicted of an offence committed after admission to jail under sections 147, 148, 152, 224, 302, 304, 304-A, 306, 307, 308, 323, 324, 325, 326, 332, 333, 352, 353 or 377 of the Indian Penal Code, or of an assault committed after admission to jail on a warder or other officer or under Section 6 of the Good Conduct Prisoners Probational Release Act, 1926 (x of 1926), the remission of whatever kind earned by him under these rules up to the date of the said conviction may, with the sanction of the Inspector-General of Prisons, be cancelled.

800. Maintenance from private sources.—An un-convicted criminal prisoner shall be permitted to maintain himself, and to purchase, or receive from private sources at proper hours, food, clothing, bedding or other necessaries, but subject to examination and to such rules as may be approved by the Inspector-General.

802. Supply of clothing and bedding.—Every un-convicted criminal prisoner unable to provide himself with sufficient clothing and bedding shall be supplied by the Superintendent with such clothing and beddings as may be necessary.

803. Supply of food, clothing, bedding and other necessaries to un-convicted criminal prisoner.—(1) Every un-convicted criminal prisoner may, unless in any case the Superintendent otherwise directs, be supplied with food, clothing bedding and other necessaries by his friends at such hours as the superintendent may, from time to time, fix in that behalf.

(2) Every article supplied under clause (1) shall--

(a) be delivered to the Deputy Superintendent or other officer appointed by the Superintendent for that purpose, and

(b) be examined, before it is made over to such prisoner, either by the medical officer or the Medical Subordinate.

806. Permission to cook his own food.—Claims for permission to cook are not recognised but such a privilege may be granted at the discretion of the Superintendent.

811. Unconvicted prisoners may be kept separate.—Any special directions as to separation of an unconvicted criminal prisoner, given by the Magistrate, should be carried out. Such separation should be unaccompanied by any irksome conditions beyond those that are necessary to secure the object in view, namely, to prevent his communicating directly or indirectly with other prisoners concerned in the same case.

832. Children of female prisoners.—(1) A child under the age of four years, the offspring of a female prisoner shall, if it has not been weaned and no friend or relative can be found to take charge of it, be admitted to jail with its mother.

(2) A child born in jail may be permitted to remain with its mother.

(3) As soon as any child admitted or born in jail attains the age of 4 years of female prisoner dies leaving a child under that age, the Superintendent shall communicate with the Magistrate of the District of which the mother is or was a resident, with a view to the child being made over to the charge of a relative or friend or being placed in an orphanage or being entrusted to some respectable person to be brought up at the expense of Government, if necessary, until it attains an age to earn a livelihood.

(4) Any female prisoner may be allowed to retain her child with her until it is four or with the approval of the Superintendent even up to 6 years of age if she so desires.

832-A. Children of male prisoners.—(1) A child under the age of four years shall be admitted to jail with its father if its mother is dead and no friend or letter can be found to take charge of it.

(2) As soon as any child admitted to jail with its father attains the age of 4 years or a male prisoner dies leaving a child under that age, the Superintendent shall communicate with Magistrate of the District of which the father is or was a resident with a view to the child being made over to the charge of a relative or friend or being placed at on orphanage or being entrusted to some respectable person to be brought up at the expense of Government, if necessary, until it attains an age to earn livelihood.

(3) Any male prisoner whose wife is dead may be allowed to retain his child with him until it is 4 years or with the approval of the Superintendent even upto 6 years of age if he so desires.

836-A. Female prisoners not to be employed on grinding .—Female convicts shall not be employed on gridding grains except as punishment awarded by competent authority.

Journey expenses of poor prisoners to be borne by State Government.—(Under Section 7 of Punjab Good Conduct Prisoners (Temporary Release) Act, 1962.—If, on the report of the District Magistrate, the State Government is satisfied that a prisoner’s family cannot bear the expenses of his journey from and to the prison after his temporary release under this Act, the expenses may be borne by the State Government to such extent and in such manner as may be prescribed.

In case a prisoner has already been allowed parole, no police verification shall be required in case he seeks to go on parole for the next time (Crl. M.No. 8876-M of 2000 decided on May 22, 2000)

XIII

CORRECTION SLIP NO. 1/2001 INSERTED BY HARYANA GOVERNMENT IN PUNJAB JAIL MANUAL ON 25-6-2001

In Para-47, in sub-para (2), after item (h) and entries there against, the following items and entries there against shall be added at the end, namely:--

- “(i) Member-Secretary, Haryana State Legal Services authority.
- (ii) Secretary to Government, Haryana, Jails Department.”

Financial Commissioner & Principal Secretary to Govt. Haryana,
Jails Department.

XIV

SECTION 21 OF THE JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN ACT, 2000

Prohibition of publication of name, etc. of juvenile involved in any proceeding under the Act:

(1) No report in any newspaper, magazine, newssheet or visual media of any inquiry regarding a juvenile in conflict with law under this Act, shall disclose the name, address or school or any other particulars calculated to lead to the identification of the juvenile nor shall any picture of any such juvenile be published:

Provided that for reasons to be recorded in writing the authority holding the inquiry may permit such disclosure, if in its opinion such disclosures is in the interest of the juvenile.

(2) Any person contravening the provisions of sub-section (1) shall be punishable with fine, which may extend to one thousand rupees.

VIII

Government of India

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Department of Legal Affairs)

Notification

New Delhi, the 9th November, 1995

S.O. 893(E). – In exercise of the powers conferred by sub-section (3) of Section 1 of the Legal Services Authorities Act, 1987 (39 of 1987), the Central Government hereby appoints the 9th November, 1995 as the date on which all the provisions of the said Act except Chapter III shall come into force.

[F.No.6(10)/89-CILAS]
Dr. V.K. Agarwal, Addl.
Secy.

Government of India

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Department of Legal Affairs)

New Delhi, the 3rd April, 1996

Notification

S.O.(E) – In exercise of the powers conferred by sub-section (3) of section 1 of the Legal Services Authorities Act, 1987 (39 of 1987), the Central Government hereby appoints 3rd April, 1996 as the date on which the provisions of chapter III of the said Act shall come into force in the State of Haryana.

(Dr.V.K. Agarwal)
Additional Secretary to the Government of
India F.No.6(1)(7)/95-NALSA

HARYANA GOVERNMENT

ADMINISTRATION OF JUSTICE DEPARTMENT

NOTIFICATION

The 15th October, 1997

No.20/10/96-4JJ(I) – In exercise of the powers conferred by sub-section (1) of section 6 of the Legal Services Authorities Act, 1987 (Central Act No. 39 of 1987) read with rule 3 of the Haryana State Legal Services Authority Rules, 1996 the Governor of Haryana hereby constitutes a body to be called the State Authority for the State of Haryana to exercise the powers and perform the functions conferred on, or assigned to, it under the aforesaid Act and rules and consisting of the following members, namely :-

1. Hon'ble Chief Justice of High Court of Punjab and Haryana. Patron-in-Chief
2. Name of the Hon'ble Judge shall be notified separately. Executive Chairman
3. Secretary to Government, Haryana Administration of Justice Department. Member
4. Secretary to Government, Haryana, Finance Department. Member
5. Secretary to Government, Haryana, Law and Legislative Department Member
6. Advocate General, Haryana. Member
7. Director General of Police, Haryana. Member
8. Chairman, Bar Council of Haryana & Punjab. Member
9. Director, Public Relations Department, Haryana. Member
10. Member Secretary of the State Authority. Member

The names of nominated members of the State Authority shall be notified later on.

K.G.VARMA
Financial Commissioner &
Secretary to Government, Haryana,
Administration of Justice Department.

HARYANA GOVERNMENT

Administration of Justice Department

Notification

The 15th October, 1997

No.20/10/96-4JJ(I) – In exercise of the powers conferred by sub-section (1) of section 9 of the Legal Services Authorities Act, 1987 (Central Act No. 39 of 1987) read with rule 15 of the Haryana State Legal Services Authority Rules, 1996, the Governor of Haryana, hereby constitutes a body for every district in the State of Haryana to be called the District Authority to exercise the powers and perform the functions conferred on, or assigned to it under the aforesaid Act, for the said district consisting of the following ex-officio members, namely :-

- | | | |
|----|---------------------------|------------------|
| 1. | District & Sessions Judge | Chairman |
| 2. | District Magistrate | Member |
| 3. | Superintendent of Police | Member |
| 4. | District Attorney | Member |
| 5. | Chief Judicial Magistrate | Member Secretary |

The names of nominated members of each District Legal Services Authority shall be notified later on.

K.G.VARMA
Financial Commissioner & Secretary to
Government, Haryana, Administration of
Justice Department.

HARYANA STATE LEGAL SERVICES AUTHORITY

NOTIFICATION

The 23rd December, 1997

No. MS/HLSA/2(18). – In the meeting of the Haryana State Legal Services Authority held on 15.12.97 under the Chairmanship of the Hon'ble Chief Justice, Punjab and Haryana High Court as Patron-in-Chief, it was decided that the Executive Chairman of the State Authority, shall have the power of general superintendence/direction, control and management for day to day working of the State Authority.

It is, therefore, ordered that the Executive Chairman of the State Authority shall have the powers of general superintendence, direction, control and management for day to day working of the State Authority.

By Order of the
Haryana State Legal
Services Authority,
Chandigarh.

HARYANA GOVERNMENT

Administration of Justice Department

Order

The Governor of Haryana is pleased to declare Member Secretary, Haryana State Legal Services Authority, as “Head of Department”.

Dated Chandigarh
the 29.7.1998.

K.G.VARMA
Financial Commissioner & Secretary to
Government, Haryana, Administration
of Justice Department.

Endst. No. 20/7/97-4JJ (I)

Dated 29.7.98

HARYANA GOVERNMENT

ADMINISTRATION OF JUSTICE DEPARTMENT

Notification

The 10th August, 2011

No.20/10/1996-4JJ(1). – In exercise of the powers conferred by clause (c) Sub-section (2) of Section 6 of the Legal Services Authorities Act, 1987 (Central Act No.39 of 1987), read with Sub-Rule (2) of rule 3 of the Haryana State Legal Services Authority Rules, 1996, the Governor of Haryana, in consultation with the Chief Justice of the Punjab and Haryana High Court, hereby makes the following amendment in the Haryana Government, Administration of Justice Department, Notification No.20/10/96-4JJ(I), dated the 15th October, 1997, namely:-

AMENDMENT

In the Haryana Government, Administration of Justice Department, Notification No.20/10/96-4JJ(1), dated 15th October, 1997 after serial number 15 and entries there against, the following serial numbers, and entries there against shall be added at the end namely:-

- “16. The Sectary in the Department of Higher Education : Member
17. The Sectary in the Department of Secondary Education : Member”.

SAMIR MATHUR,
Financial Commissioner and Principal Secretary to
Government Haryana, Home Department