



# DELHI STATE LEGAL SERVICES AUTHORITY

(Constituted Under the 'Legal Services Authorities Act, 1987', an Act of Parliament)  
Under the Administrative Control of High Court of Delhi



## **Standard Operating Protocol for 'Daily Continuous Lok Adalats'**

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# **Delhi State Legal Services Authority Patiala House Courts, New Delhi**



**STANDARD OPERATING PROTOCOL FOR  
DAILY CONTINUOUS LOK ADALATS  
(DCLA)**

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### **STANDARD OPERATING PROTOCOL FOR DAILY CONTINUOUS LOK ADALATS (DCLA)**

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## **STANDARD OPERATING PROTOCOL FOR DAILY CONTINUOUS LOK ADALATS (DCLA)**

1. **Short title, extent and commencement** - (1) This protocol shall be called the “DSLISA’s Standard Operating Protocol (SOP) for Daily Continuous Lok Adalats, 2015”;  
  
(2) It shall come into force from the date of its approval by the Executive Chairman, DSLISA.
2. **Definitions** – (1) In this protocol, unless the context otherwise requires, -
  - (a) “Act” means the Legal Services Authorities Act, 1987 (39 of 1987);
  - (b) “Lok Adalat” means Lok Adalat to be organized under Section 19 of the Act;
  - (c) “DLSA” means District Legal Services Authority in Delhi constituted under Section 9 of the Legal Services Authorities Act, 1987;
  - (d) “DSLISA” means Delhi State Legal Services Authority in Delhi constituted under Section 6 of the Legal Services Authorities Act, 1987;
  - (e) “Daily Continuous Lok Adalats (DCLA)” means Lok Adalats to be organized by respective DLSAs in the District Court Complexes on day to day basis as approved by the Patron-in-Chief and Executive Chairman, DSLISA in the minutes of meeting dated 03.02.2015 held at the High Court of Delhi;

- (f) “National Lok Adalats” means Lok Adalats organised by DSLSA and DLSAs on monthly basis on every Second Saturday on the directives of NALSA;
- (g) “Pre-sittings” means and includes sittings prior to a Lok Adalat day where there is real, active and genuine intervention providing for and facilitating hearings, meetings and negotiations between the parties to reach an amicable settlement on the day of the Lok Adalat;
- (h) “Referral 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;
- (i) “Award” means a settlement award passed in a Lok Adalat as per Section 21 of the Legal Services Authorities Act, 1987.
- (2) All other words and expressions used but not defined in this protocol and defined in the Legal Services Authorities Act, 1987 or its Rules and Regulations framed thereunder, shall have the same meanings assigned to them in the said Act or Rules or Regulations.

**3. Organization of DCLA-** Every District Legal Services Authority shall organize Daily Continuous Lok Adalats on all working days.

**4. Composition of DCLA-** The composition of each DCLA shall be as under:

- (1) A Serving Judicial Officer who shall preside, alongwith a nominated DLSA empanelled Legal Services Advocate/Counsellor; or
- (2) The Secretary, DLSA who shall preside, alongwith a Legal Services Advocate/Counsellor on duty in the Front Office; or
- (3) A Retired Judicial Officer who shall preside, alongwith a Legal Services Advocate/Counsellor from the panel of DLSA or a practising Medical Practitioner for MACT matters.

**5. Frequency and duration of DCLA sittings** - (1) DCLA shall be organized in three formats:

- (1) Daily sittings from 04.00 pm to 06.00 pm by a DCLA in terms of Clause 4(1);
- (2) Daily sittings from 10.00 am to 04.00 pm by a DCLA in terms of Clause 4(2);
- (3) Need based sittings between 10.00 am to 5.00 pm by a DCLA in terms of Clause 4(3).

**6. Nature of cases to be taken up** – DCLA shall take up pre-litigative stage cases as well as pending civil and criminal compoundable cases apart from cases covered under Chapter 21-A of Cr.P.C. for helping parties to have a meeting for arriving at a mutually satisfactory disposition under Section 265-C Cr.P.C.

**7. Jurisdiction of DCLA** - (1) DCLA shall hold pre-sittings of cases marked to it by the concerned Courts or by DSLSA/DLSAs alongwith cases to be taken up before DCLAs or monthly National Lok Adalats;

- (2) DCLAs can also take up cases for final settlement of the disputes and pass Lok Adalat awards;
- (3) DCLA shall also facilitate multiple sittings/hearings to the willing parties so as to arrive at a mutually acceptable amicable settlement award;
- (4) DCLA can also be assigned cases by Sessions Courts and Magisterial Courts which are covered under Chapter 21-A Cr.P.C. after recording their satisfaction under Section 265-B Cr.P.C. DCLA would help parties in having meetings to arrive at mutually satisfactory disposition under Section 265-C Cr.P.C. and then send the matter back to the referral Court for disposal in the monthly Plea-Bargaining sittings arranged by DSLSA/DLSAs alongwith NLA.

**8. Time duration** - (1) DCLAs shall strive to help parties in arriving at amicable settlements as early as possible.

- (2) DCLA can retain the assigned matter for upto four weeks. During this period, it can give as many hearings or sittings it wishes to finalize a settlement between the parties.

**9. Allocation of cases to DCLAs** – The following nature of cases can be allocated to DCLAs :-

**I. Pending Cases :**

- (1) By District & Sessions Judges/Family Courts/Addl. District Judges/Addl. Sessions Judges/Magisterial Courts/Civil Courts/

Rent    Controllers/Labour    Courts/other    Quasi    Judicial  
Bodies/Fora and all other Courts;

- (2) By Addl. Sessions Judges who are hearing bail matters at the pre-FIR or post-FIR stages where charge sheet is yet to be filed;
- (3) By District & Sessions Judges/ASJs & MMJs to help parties to have a meeting to arrive at mutually satisfactory dispositions under Section 265-C Cr.P.C.
- (4) By all Civil & Criminal Courts on a day to day basis to facilitate amicable settlements.

## **II. Pre-litigative Cases**

- (1) By DSLSA through the concerned DSLAs;
- (2) By Secretaries of DSLAs of matters received from Crime against Women Cell (CAW), Police Stations and any other Governmental Departments/Organizations for amicable settlements of their disputes and for passing mutually agreeable Lok Adalat Awards;

**10. Notice to the parties -** (1) In pending matters, the Referral Court shall notify the parties about the date and time for appearance before the Front Office of the concerned DSLA in the format as provided as **Annexure – A.**

- (2) The Secretary, DSLA may in turn either himself proceed to hold the Lok Adalat sitting with a co-member or owing to Administrative and other Financial exigencies, may instead



assign the matter to the DCLA for the same day or on any date convenient to the parties.

- (3) As regards pre-litigative cases, upon assignment of matters by the Central Office, DSLSA, it will be the duty of the Secretary, DLSA concerned to ensure allocation of matters to DCLA and issuance of notices to the parties with the help of a Party or Nodal Officer of the Bank/ Company/Entity approaching the DLSA for the same;
- (4) As regards the multiple sittings/hearings of the matters before DCLA, the concerned Lok Adalat Judge presiding over the DCLA shall inform the parties in person about the next date of pre-sittings and record the same in the proceeding sheet;
- (5) As regards cases referred by CAW Cell or Police or any other Governmental Organization, the concerned office shall notify the parties to appear before the DLSA as per format in **Annexure – 'A'** and in turn the Secretary, DLSA would either hold the sittings himself or assign the matter to DCLA and notify the parties to appear before the DCLA on a convenient date.

- 11. Procedure in Lok Adalats –** (1) Members of the Lok Adalat have the role of statutory conciliators only and have no judicial role and they, mutatis mutandis, may follow the procedure laid down in Sections 67 to 76 of the Arbitration and Conciliation Act, 1996.

- (2) Members of the Lok Adalat shall not pressurize or coerce any of the parties, to compromise or settle cases or matters, either directly or indirectly.
- (3) In a Lok Adalat the members shall discuss the subject matter with the parties for arriving at a just settlement or compromise and such members of the Lok Adalat shall assist the parties in an independent and impartial manner in their attempt to reach an amicable settlement of their dispute.
- (4) Members of the Lok Adalat shall be guided by principles of Justice, equity, fairplay, objectivity, giving consideration to, among other things, the rights and obligations of the parties and the circumstances surrounding the dispute.
- (5) The Lok Adalat may conduct the proceedings in such a manner as it considers appropriate taking in to account the circumstances of the case, the wishes the parties may express, including any request by a party that the Lok Adalat hear oral statements, and the need for a speedy settlement of the dispute.
- (6) The Lok Adalat determines a reference only, at its instance, on the basis of a compromise or settlement between the parties by making an Award in terms of the compromise and settlement arrived at.

Provided that no Lok Adalat has the power to hear the parties to adjudicate their disputes as a regular court:

Provided further that the award of the Lok Adalat is neither a verdict nor an opinion arrived at by any decision making process.

- 12. Administrative assistance** - Administrative assistance for facilitating Lok Adalat proceedings shall be arranged by the concerned DLSA.
- 13. Formulating compromise or settlements** - The Lok Adalat may, at any stage of the proceedings, make proposals for settlement of the disputes. Such proposals need not be accompanied by a statement of the reasons therefor.
- 14. Communication between Lok Adalat and parties** – (1) DCLA may invite the parties for a meeting or may communicate with them in writing. The DCLA may meet or communicate with the parties together or with each of them separately. The factual information concerning the dispute received from a party may be disclosed to the other party in order that the other party may have the opportunity to present an explanation.

Provided that the DCLA shall not disclose any information, if one of the party desires to keep it confidential.

- (2) Each party may on his own initiative or at the invitation of the DCLA, submit suggestions for settlement of the dispute.

**15. Award -**

- (1) Drawing up of the award is an important component of DCLA as it incorporates the terms of settlement or compromise agreed

by the parties under the guidance and assistance from Lok Adalat.

- (2) When both parties sign/affix their thumb impression with names and the members of the Lok Adalat countersign it, with names, it becomes an Award. Every Award of the DCLA shall be categorical and lucid and shall be written in English. It shall also contain particulars of the case (case no, name of Court, if any, and names of parties), date of receipt, Register Number assigned to the case in the permanent Register maintained by DLSA and the date of settlement.
- (3) Wherever the parties are represented by counsel, they should also be required to sign the settlement / award, with names, before the members of the Lok Adalat.
- (4) In cases referred to Lok Adalats from a Court, it shall be mentioned in the Award that the plaintiff / petitioner is entitled to refund of the court fees remitted as per the provisions of law.
- (5) Where the parties are not accompanied/represented by counsel, the members of the DCLA should also verify the identity of parties, before recording the settlement award. Also, if possible self attested copies of identification documents be attached.
- (6) Member of the DCLA shall ensure that the parties affix their signatures only after fully understanding the terms of

settlement arrived at and recorded. Parties be informed about the irrevocability and binding nature of a Lok Adalat Award. The members of the Lok Adalat shall also satisfy themselves about the following before affixing their signatures:

- (a) that the terms of settlement are not unreasonable, unconscionable or illegal.
  - (b) that the parties have entered into the settlement voluntarily and not on account of any threat, coercion or undue influence.
- (7) Upon signing by all concerned, a duly attested copy of the Lok Adalat Award shall be supplied to each party, free of cost. It shall be attested and stamped to be a True Copy under DLSA Lok Adalat Rubber Stamp by the Reader/Ahlmad/Stenographer on duty with DCLA.
- (8) The original Award shall form part of the Referral Court's Judicial records.

However, in pre-litigation matters, the original Award shall be kept with the concerned District Legal Services Authority. The official seal of the District Authority for Lok Adalats shall be affixed on all Awards.

## **16. Confidentiality**

- (1) The Members of the Lok Adalat and the parties shall keep confidential all matters relating to the proceedings in the Lok

Adalat/Pre-sittings and the members of the Lok Adalat shall not be compelled to disclose the matter which took place in the Lok Adalat proceedings before any Court of law, except where such disclosure is necessary for purposes of implementation and enforcement of the award.

- (2) The views expressed and discussions made by parties during the proceedings of Lok Adalat/Pre-sittings in respect of the possible settlement of a dispute and the proposals made by the members of Lok Adalat or admission made by any party or the conduct of the parties in the course of the proceeding before Lok Adalat shall not be brought in evidence or made use of in other court or arbitral proceedings.
- (3) Members of the Lok Adalat shall not record the statement of any of the parties or record any conduct of the parties or express any opinion in such a manner as it would prejudice such party in any other proceedings before a Court or Arbitrator.
- (4) If any member of the Lok Adalat violates the confidentiality and the ethical concerns which are akin to any other judicial proceedings, such member shall be removed from the panel of members of Lok Adalat.

**17. Failure of Lok Adalat Proceedings -** If a Pre-Litigation matter is not settled in the Lok Adalat, the parties may be advised to resort to other Alternative Dispute Resolution (ADR) techniques or to approach a

court of law. Further, in appropriate cases they may be advised about the availability of legal aid.

- 18. Compilation of settled/unsettled cases-** At the conclusion of session of the Lok Adalat, the Officer designated by the Secretary of the District Authority shall compile data of settled/unsettled cases for submission to the State Authority in digital format.
- 19. Maintenance of Panel of names of Lok Adalat Members -** The Member Secretary, DSLSA or Secretary, DSLAs, as the case may be, shall maintain a panel of names of retired Judicial Officers, empanelled Advocates/Counsellor, Medical Practitioners, Social Workers and Para Legal Volunteers to work in DCLAs.
- 20. Procedure for maintaining record of cases referred under Section 20 of the Act or otherwise:-**
  - (1) The Officer designated by the Secretary, District Legal Services Authority shall maintain a Permanent Digital Register wherein all the pending cases and Pre-litigation matters received by him by way of reference to the Lok Adalat shall entered giving particulars in the format given vide **Annexure 'B'**.
  - (2) A certified digital copy of the Award, if passed shall be kept in the office of the Authority as a permanent record.
  - (3) Records other than the original of the Awards passed in pre-litigative matters may be destroyed as per Record Consignment,

Retention, Digitisation and Weeding Out Schedule, 2013 of DSLSA.

- 21. Appearance of Lawyers and the Procedure to be followed in the cases before DCLAs** - The appearance of lawyers on behalf of the parties at the DCLA is not barred. But, an effort should be made to encourage parties to be present personally. In case lawyers appear, they should be advised to not wear their robes and bands in proceedings before the DCLA.
- 22. Honorarium-** (1) For the sittings of DCLAs from 4.00 pm to 6.00 pm (*Except MMs of Evening Courts*) honorarium shall be payable as under:
- Judicial Officer presiding over DCLAs @ Rs.1,000/- per sitting;
  - Associate Member @ Rs.500/- per sitting.
  - Stenographer, Reader or Ahlmad @ Rs.500/- per sitting
  - Peon @ Rs. 250 per sitting.;
- (2) For the Full Day sittings of DCLAs from 10.00 am to 5.00 pm., Retired Judges, Associate Members and staff posted thereunder shall be paid honorarium as per parameters applicable to NLAs.
- 23. Summoning of record by DCLA-** (1) DCLA shall make sincere endeavours to arrive at an amicable settlement without summoning of judicial files as is done in other ADR mechanisms like Mediation;



(2) However, in case the dispute involves detailed Accounts and/ or documents which are available only in the judicial records, the Judicial Member of the Lok Adalat can summon the judicial file through a duly signed Robkar/requisition slip with the rider that the file shall be returned as soon as possible but not later than fifteen days. However, if needed the Judicial file can be re-summoned for further scheduled sittings as well.

Provided that the Ahlmad of the DCLA or the Superintendent/ Branch Incharge/ UDC of the Lok Adalat Wing of the DLSA, as the case may be, shall be the custodian of the original judicial record for its safety, security and movement.

**24. Applicability of Protocol-** In addition to DCLA, this protocol shall also be applicable on reference of cases, pre-sittings, negotiations and passing of an award, as far as practicable, in case of National Lok Adalats, Mega Lok Adalats and other formats of Lok Adalats organized by this Authority at District Courts, High Court and at other Quasi Judicial Bodies.

**Delhi State Legal Services Authority  
Central Office, Patiala House Courts, New Delhi**