

**State Legal Services Authority, Union Territory, Additional
Deluxe Building, Ground Floor, Sector 09, Chandigarh.**

**Advertisement for one post of Member, Permanent Lok Adalat
(Public Utility Services) Union Territory, Chandigarh.**

The State Legal Services Authority, Union Territory, Chandigarh invites applications from eligible candidate for one post of Member for the Permanent Lok Adalat, Public Utility Services, Union Territory, Chandigarh alongwith latest passport size photograph, biodata mentioning therein qualification and relevant experience. As per Rule the person who has already served in Permanent Lok Adalat, Public Utility Services in capacity of Chairman and Member is not eligible for the post in question. The last date of receipt of applications is 05.07.2016

For details, please see the website of the Authority: www.chdlsa.gov.in

Annexure-B

STATE LEGAL SERVICES AUTHORITY, UNION TERRITORY, CHANDIGARH **ADDITIONAL DELUXE BUILDING, GROUND FLOOR, SECTOR-9,** **CHANDIGARH.**

The State Legal Services Authority, Union Territory, Chandigarh invites applications for the one post of Member for the Permanent Lok Adalat, Public Utility Services (U.T) Chandigarh alongwith latest passport size photograph, biodata mentioning therein qualification and relevant experience. The last date for receipt of applications is 05.07.2016

ELIGIBILITY CRITERION FOR THE POST OF MEMBER, PERMANENT LOK **ADALAT (PUBLIC UTILITY SERVICES) UNDER THE LEGAL SERVICES** **AUTHORITIES (AMENDMENT) ACT 2002**

Section 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.

(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, 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.

**TERMS AND CONDITIONS OF APPOINTMENT OF CHAIRMAN AND MEMBERS
UNDER THE PERMANENT LOK ADALAT (OTHER TERMS AND CONDITIONS OF
APPOINTMENT OF CHAIRMAN AND OTHER PERSONS) RULES 2003 (AS
AMENDED IN 2008)**

Rule-3

1. **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) 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.
 - (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 travelling 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.

Rule-4

2. **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.

Rule-5

3. **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
 - (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.

THE LEGAL SERVICES AUTHORITIES (AMENDMENT) BILL, 2002

A

BILL

further to amend the Legal Services Authorities Act, 1987.

BE it enacted by Parliament in the Fifty-third Year of the Republic as follows:-

1. Short title.-This Act may be called the Legal Services Authorities (Amendment) Act, 2002.

2. Amendment of section 11A.-In the Legal Services Authorities Act, 1987 (39 of 1987) (hereinafter referred to as the principal Act), in section 11A, in sub-section (2), for the words "senior Civil Judge", the words "senior-most Judicial Officer" shall be substituted.

3. Amendment of section 22.-In section 22 of the principal Act, for the words, "Lok Adalat", wherever they occur, the words "Lok Adalat or Permanent Lok Adalat" shall be substituted.

4. Insertion of new Chapter VIA.-After Chapter VI of the principal Act, the following Chapter shall be inserted, namely:-

‘CHAPTER VI-A
PRE-LITIGATION CONCILIATION AND SETTLEMENT

22A. Definitions.-In this Chapter and for the purposes 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,

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.

22B. Establishment of Permanent Lok Adalats.-**(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.**

(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 the 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. Cognizance of cases by Permanent Lok Adalat.-(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:

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 also not have jurisdiction in the matter where the value of the property in dispute exceeds ten lakh rupees:

Provided also that the Central Government may, by notification in the Official Gazette, increase the limit of ten 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;

(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, during conduct of conciliation proceedings under sub-section (4), shall, 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 the 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 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.

22D. Procedure of Permanent Lok Adalat.-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 under the Code of Civil Procedure, 1908 (5 of 1908) and the Indian Evidence Act, 1872 (1 of 1872).

22E. Award of Permanent Lok Adalat to be final.- (1) Every award made by the Permanent Lok Adalat under this Act shall, on merit or in terms of a settlement agreement, 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 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.’.

5. Amendment of section 23.-In section 23 of the principal Act, for the words “ members of the Lok Adalats”, the words “members of the Lok Adalats or the persons constituting Permanent Lok Adalats” shall be substituted.

6. Amendment of section 27.-In section 27 of the principal Act, in sub-section (2), after clause (1), the following clause shall be inserted, namely: -

“(1a) the terms and conditions of appointment of the Chairman and other persons under sub-section (2) of section 22B;”.

STATEMENT OF OBJECTS AND REASONS

The Legal Services Authorities Act, 1987 was enacted to constitute legal services authorities for providing free and competent legal services to the weaker sections of the society to ensure that opportunities for securing justice were not denied to any citizen by reason of economic or other disabilities and to organize Lok Adalats to ensure that the operation of the legal system promoted justice on a basis of equal opportunity. The system of Lok Adalat, which is an innovative mechanism for alternate dispute resolution, has proved effective for resolving disputes in a spirit of conciliation outside the courts.

2. However, the major drawback in the existing scheme of organization of the Lok Adalats under Chapter VI of the said Act is that the system of Lok Adalats is mainly based on compromise or settlement between the parties. If the parties do not arrive at any compromise or settlement, the case is either returned to the court of law or the parties are advised to seek remedy in a court of law. This causes unnecessary delay in the dispensation of justice. If Lok Adalats are given power to decide the cases on merits in case parties fails to arrive at any compromise or settlement, this problem can be tackled to a great extent. Further, the cases which arise in relation to public utility services such as Mahanagar Telephone Nigam Limited, Delhi Vidyut Board, etc., need to be settled urgently so that people get justice without delay even at pre-litigation stage and thus most of the petty cases which ought not to go in the regular courts would be settled at the pre-litigation stage itself which would result in reducing the workload of the regular courts to a great extent. It is, therefore, proposed to amend the Legal Services Authorities Act, 1987 to set up Permanent Lok Adalats for providing compulsory pre-litigative mechanism for conciliation and settlement of cases relating to public utility services.

3. The salient features of proposed legislation are as follows:—

(i) to provide for the establishment of Permanent Lok Adalats which shall consist of a Chairman who is or has been a district judge or additional district judge or has held judicial office higher in rank than that of the district judge and two other persons having adequate experience in public utility services;

(ii) the Permanent Lok Adalat shall exercise jurisdiction in respect of one or more public utility services such as transport services of passengers or goods by air, road and water, postal, telegraph or telephone services, supply of power, light or water to the public by any establishment, public conservancy or sanitation, services in hospitals or dispensaries; and insurance services;

(iii) the pecuniary jurisdiction of the Permanent Lok Adalat shall be up to rupees ten lakhs. However, the Central Government may increase the said pecuniary jurisdiction from time to time. It shall have not jurisdiction in respect of any matter relating to an offence not compoundable under any law;

(iv) it also provides that before the dispute is brought before any court, any party to the dispute may make an application to the Permanent Lok Adalat for settlement of the dispute;

(v) where it appears to the Permanent Lok Adalat that there exist elements of a settlement, which may be acceptable to the parties, it shall formulate the terms of a possible settlement and submit them to the parties for their observations and in case the parties reach an agreement, the Permanent Lok Adalat shall pass an award in terms thereof. In case parties to the dispute fail to reach an agreement, the Permanent Lok Adalat shall decide the dispute on merits; and

(vi) every award made by the Permanent Lok Adalat shall be final and binding on all the parties thereto and shall be by a majority of the persons constituting the Permanent Lok Adalat.

4. The Bill seeks to achieve the above objects.

ARUN JAITLEY.

NEW DELHI;

The 11th March, 2002.

FINANCIAL MEMORANDUM

Clause 4 of the Bill seeks to insert section 22B in the Legal Services Authorities Act, 1987 which establishes the Permanent Lok Adalats consisting of a Chairman 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 and two other persons having adequate experience in public utility services. These Permanent Lok Adalats will provide compulsory pre-litigative mechanism for conciliation and settlement of cases relating to public utility services. Enforcement of the said provision would involve expenditure of recurring nature from the Consolidated Fund of India. It is not possible at this stage to indicate precisely the quantum of expenditure involved as the expenditure will depend upon the terms and conditions of appointment of Chairman and other persons to be specified under the rules made under the said Act and will be met out of the grants-in-aid given to the Central Authority, that is, National Legal Services Authority (NALSA).

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill seeks to insert a new clause (1a) after clause (1) of sub-section (2) of section 27 of the principal Act. This new clause empowers the Central Government to make rules in respect of other terms and conditions of appointment of the Chairman and other persons constituting the Permanent Lok Adalat under sub-section (2) of the proposed section 22B.

2. The matters in respect of which rules may be made are matters of procedure or administrative detail. The delegation of legislative power is, therefore, of a normal character.