

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.

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

3. All proceedings before a 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 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 VIA

PRE-LITIGATION AND SETTLEMENT

22A. 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;

और शपथ पर उसकी परीक्षा करना,

(ख) किसी दस्तावेज का प्रकटीकरण और उसको पेश किया जाना,

(ग) शपथ पत्र पर साक्ष्य ग्रहण करना,

(घ) किसी न्यायालय या कार्यालय से किसी लोक अभिलेख या दस्तावेज अथवा ऐसे अभिलेख या दस्तावेज की प्रति की अध्यापेक्षा करना, और

(ङ) ऐसे अन्य विषय, जो विहित किए जाएं।

2. उपधारा (1) में अन्तर्विष्ट शक्तियों की व्यापकता पर प्रतिकूल प्रभाव डाले बिना, प्रत्येक लोक अदालत को उसके समक्ष आने वाले किसी विवाद के अवधारणा के लिए अपनी प्रक्रिया विनिर्दिष्ट करने की अपेक्षित शक्ति होगी।

3. लोक अदालत के समक्ष सभी कार्यवाही भारतीय दण्ड संहिता की धारा 193, धारा 210 और धारा 228 के अर्थ के भीतर न्यायिक कार्यवाही समझी जाएगी और प्रत्येक लोक अदालत, दण्ड प्रक्रिया संहिता, 1973 की धारा 195 और अध्याय 26 के प्रयोजन के लिए सिविल न्यायालय समझा जाएगा।

अध्याय 6 क

* मुकदमा-पूर्व सुलह और समझौता

परिभाषाएं

22क. इस अध्याय में धारा 22 और धारा 23 के प्रयोजनों के लिए, जब तक कि संदर्भ से अन्यथा अपेक्षित न हो,-

(क) "स्थायी लोक अदालत" से धारा 22 ख की उपधारा (1) के अधीन स्थापित कोई स्थायी लोक अदालत अभिप्रेत है,

(ख) "उपयोगिता सेवा" से अभिप्रेत है कोई, :-

(i) वायु, सड़क, रेल या जलमार्ग द्वारा यात्रियों या माल के वहन के लिए यातायात सेवा, या

(ii) डाक, तार या टेलीफोन सेवा, या


भारत का राजपत्र
The Gazette of India.

असाधारण
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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
(Legislative Department)

New Delhi, the 12th June, 2002/Jyaistha 22, 1924 (Saka)

The following Act of Parliament received the assent of the President on the 11th June, 2002, and is hereby published for general information:—

THE LEGAL SERVICES AUTHORITIES (AMENDMENT) ACT, 2002
No. 37 OF 2002

An Act further to amend the Legal Services Authorities Act, 1987

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

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

39 of 1987.

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

3. 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. Amendment of section 22.

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

CHAPTER VIA

PRE-LITIGATION CONCILIATION AND SETTLEMENT

22A. In this Chapter and for the purposes of sections 22 and 23, unless the context otherwise requires:— Definitions.

(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.

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.

(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.

Cognizance of
cases by
Permanent
Lok Adalat.

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:

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, 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 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.

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 and the Indian Evidence Act, 1872.

Procedure of
Permanent
Lok Adalat.

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.

Award of
Permanent
Lok Adalat to
be final.

(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.

Amendment
of section 23.

5. 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.

Amendment
of section 27.

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

"(fa) the other terms and conditions of appointment of the Chairman and other persons under sub-section (2) of section 22B;"

SUBHASH C. JAIN,
Secy. to the Govt. of India.

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.

(i) 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.

(ii) 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.

(iii) ऐसा स्थापन जो जनता को विद्युत, प्रकाश या जल का प्रदाय करता है, या

(iv) लोक सफाई या स्वच्छता प्रणाली, या

(v) अस्पताल या औषधालय में सेवा, या

(vi) बैंककारी या बीमा सेवा,

और इसके अन्तर्गत ऐसी कोई सेवा सम्मिलित है जिसे, यथास्थिति, केन्द्रीय सरकार या राज्य सरकार लोकहित में, अधिसूचना द्वारा, इस अध्याय के प्रयोजनों के लिए उपयोगिता सेवा होना घोषित करे।

स्थाई लोक अदालतों की स्थापना

22ख.1. धारा 19 में अतिरिक्त किसी बात के होते हुए भी, यथास्थिति, केन्द्रीय प्राधिकरण या प्रत्येक राज्य प्राधिकरण, अधिसूचना द्वारा, ऐसे स्थानों पर और एक या एक से अधिक उपयोगिता सेवाओं के संबंध में ऐसी अधिकारिता का प्रयोग करने के लिए और ऐसे क्षेत्रों के लिए जो अधिसूचना में विनिर्दिष्ट किए जाएं, स्थाई लोक अदालतें स्थापित करेगा।

2. किसी क्षेत्र के लिए स्थापित प्रत्येक स्थाई लोक अदालत उस क्षेत्र के ऐसी संख्या में-

क. सेवारत या सेवानिवृत्त न्यायिक अधिकारियों,

ख. यथास्थिति, केन्द्रीय सरकार या इसके उपक्रम या राज्य सरकार या इसके उपक्रम के ज्येष्ठ स्तर के ऐसे अधिकारी, जिनके पास ऐसी उपयोगिता सेवा के क्षेत्र में ऐसा अनुभव हो, जो केन्द्रीय सरकार उचित समझे, और

ग. अन्य व्यक्तियों, से मिलकर बनेगी जो, यथास्थिति, केन्द्रीय प्राधिकरण या राज्य प्राधिकरण द्वारा ऐसी स्थाई लोक अदालत स्थापित करने के लिए उपधारा (1) में निर्दिष्ट अधिसूचना में विनिर्दिष्ट की जाए।

3. उपधारा (2) के खंड (ग) में निर्दिष्ट अन्य व्यक्तियों का अनुभव और अर्हता ऐसी होगी जो केन्द्रीय सरकार द्वारा

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, increase the limit of ten laks 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 the limit of ten laks rupees specified in the Second Provised inconsultation with the central Authority.
- (3) Where an application is made to a Permanent Lok Adalat under sub-section (1), it-
- (a) shall direct each pary 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;

भारत के मुख्य न्यायमूर्ति के साथ परामर्श से, विहित की जाए।

स्थाई लोक अदालत द्वारा मामलों का संज्ञान

- 22ग. 1. किसी विवाद का कोई पक्षकार, विवाद को किसी न्यायालय के समक्ष लाने से पूर्व, विवाद के निपटारे के लिए स्थाई लोक अदालत को आवेदन कर सकेगा :-

परन्तु स्थाई लोक अदालत को किसी ऐसे विषय के संबंध में कोई अधिकारिता नहीं होगी जो किसी ऐसे अपराध से संबंधित है, जो किसी विधि के अधीन शमनीय नहीं है।

2. उपधारा (1) के अधीन स्थाई लोक अदालत को आवेदन किए जाने के पश्चात् उस आवेदन का कोई पक्षकार किसी न्यायालय की अधिकारिता का अवलंब नहीं लेगा।
3. जहां उपधारा (1) के अधीन किसी स्थाई लोक अदालत को कोई आवेदन किया जाता है वहां वह, :-

(क) आवेदन के प्रत्येक पक्षकार को उसके समक्ष लिखित कथन फाइल करने के निर्देश देगा जिसमें आवेदन के अधीन विवाद के तथ्य और प्रकृति, ऐसे विवाद के प्रश्न या विवादकों और यथास्थिति, ऐसे विवादकों के समर्थन में या उसके विरोध में अवलंब के आधारों, का कथन होगा और ऐसा पक्षकार ऐसे कथन को किसी ऐसे दस्तावेज या अन्य साक्ष्य से अनुपूरित कर सकेगा जिसे ऐसा पक्षकार ऐसे तथ्यों और आधारों के सबूत में समुचित समझता है और ऐसे कथन की एक प्रति ऐसे दस्तावेज या अन्य साक्ष्य, यदि कोई हो, के साथ आवेदन के प्रत्येक पक्षकार को भेजेगा,

(ख) आवेदन के किसी पक्षकार से सुलह कार्यवाहियों के किसी प्रक्रम पर स्थाई लोक अदालत के समक्ष अतिरिक्त कथन फाइल करने की अपेक्षा कर सकेगा,

(ग) आवेदन के किसी पक्षकार से, उसके द्वारा प्राप्त

- (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

किसी दस्तावेज या कथन को, ऐसे अन्य पक्षकार को, उसका उत्तर देने में समर्थ बनाने के लिए संसूचित करेगा।

4. जब कोई कथन, अतिरिक्त कथन और उत्तर, यदि कोई हो, उपधारा (3) के अधीन स्थाई लोक अदालत के समाधानप्रद रूप में फाइल किया गया है तब वह आवेदन के पक्षकारों के बीच विवाद की परिस्थितियों को दृष्टिगत करते हुए ऐसी रीति में, जो वह समुचित समझे, सुलह कार्यवाहियां करेगी।
5. उपधारा (4) के अधीन सुलह कार्यवाहियां करने के दौरान स्थाई लोक अदालत पक्षकारों को विवाद के सौहार्दपूर्ण समझौते पर स्वतंत्र और निष्पक्ष रीति में, पहुंचने के लिए, उनके प्रयास में सहायता करेगी।
6. आवेदन के प्रत्येक पक्षकार का आवेदन से संबंधित विवाद का सुलह कराने में स्थाई लोक अदालत के साथ सद्भावना पूर्वक सहयोग करने और स्थाई लोक अदालत के, उसके समक्ष साक्ष्य और अन्य संबंधित दस्तावेज प्रस्तुत करने के निर्देश का अनुपालन करने का कर्तव्य होगा।
7. जब उपयुक्त सुलह कार्यवाहियों में स्थाई लोक अदालत की यह राय है कि ऐसी कार्यवाहियों में समझौते के ऐसे तत्व विद्यमान हैं जो पक्षकारों को स्वीकार्य हो सकेंगे, तब वह विवाद के संभाव्य समझौते के निबंधन विरचित कर सकेगी और संबंधित पक्षकार को उनके संप्रेक्षण के लिए देगी और पक्षकारों के विवाद के समझौते पर पहुंचने के करार की दशा में वे समझौता करार पर हस्ताक्षर करेंगे तथा स्थाई लोक अदालत उसके निबंधनानुसार अधिनिर्णय पारित करेगी और उसकी एक प्रति प्रत्येक संबद्ध पक्षकार को देगी।

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 by the Code of Civil Procedure, 1908 and the Indian Evidence Act, 1872.

22E. Award of Permanent Lok Adalat to be final

- (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 were a decree made by that court.

8. जहाँ पक्षकार उपधारा (7) के अधीन किसी करार पर पहुंचने में असफल रहते हैं, वहाँ स्थाई लोक अदालत, जहाँ विवाद किसी अपराध से संबंधित नहीं है, विवाद को विनिश्चित करेगी।

स्थायी लोक अदालत की प्रक्रिया

- 22व. 1. स्थाई लोक अदालत इस अधिनियम के अधीन सुलह कार्यवाहियां करने में या गुणावगुण के आधार पर विवाद का विनिश्चय करने में नैसर्गिक न्याय, वस्तु-निष्ठता, ऋजुता, साम्या और न्याय के अन्य सिद्धांतों से मार्गदर्शित होगी और सिविल प्रक्रिया संहिता, 1908 तथा भारतीय साक्ष्य अधिनियम, 1872 से आबद्ध नहीं होगी। (1908 का 5, 1872 का 1)

स्थायी लोक अदालत के अधिनिर्णय का अंतिम होना

- 22ड. (1) इस अधिनियम के अधीन स्थाई लोक अदालत द्वारा गुणावगुण के आधार पर या समझौता करार के निबंधानुसार दिया गया प्रत्येक अधिनिर्णय अंतिम होगा और उसके सभी पक्षकारों और उनके अधीन दावा करने वाले व्यक्तियों पर आबद्धकर होगा।
- (2) इस अधिनियम के अधीन स्थाई लोक अदालत का प्रत्येक अधिनिर्णय सिविल न्यायालय की डिक्री समझा जाएगा।
 - (3) स्थायी लोक अदालत का प्रत्येक आदेश ऐसे स्थायी लोक अदालत के सदस्यों के बहुमत से पारित किया जायेगा।
 - (4) इस अधिनियम के अधीन स्थाई लोक अदालत द्वारा किया गया प्रत्येक अधिनिर्णय अंतिम होगा और किसी मूल वाद, आवेदन या निष्पादन कार्यवाही में प्रश्नगत नहीं किया जायेगा।
 - (5) स्थाई लोक अदालत उसके द्वारा किए गए प्रत्येक आदेश को स्थानीय अधिकारिता रखने वाले सिविल न्यायालय को भेज सकेगी और ऐसा सिविल न्यायालय आदेश को इस प्रकार निष्पादित करेगा मानो यह उस न्यायालय द्वारा की गई डिक्री हो।