The Legal Services Authorities Act, 1987

Act 39 of 1987. 40 sections. Bare Act with the official footnotes.

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Every section online, with the old and new law side by side and exam questions:
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[11th October, 1987.]

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 the Parliament in the Thirty-eighth Year of the Republic of India as follows:-

CHAPTER I PRELIMINARY

Section 1. Short title, extent and commencement

This Act may be called the Legal Services Authorities Act, 1987.

(2) It extends to the whole of India, [1]***.

(3) It shall come into force on such date[2] 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.

[1] The words "except the State of Jammu and Kashmir" omitted by Act 34 of 2019, s. 95 and the Fifth Schedule (w.e.f. 31-10- 2019).
[2] 9th November, 1995, vide notification No. S.O. 893(E), dated 9th November, 1995, see Gazette of India, Extraordinary, Part II, sec. 3(ii).

Section 2. Definitions

In this Act, unless the context otherwise requires,-

[1][(a) "case" includes a suit or any proceeding before a court;

(aa) "Central Authority" means the National Legal Services Authority constituted under section3;

(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 Authorityconstituted under section9;

[2][(bb) "High Court Legal Services Committee" means a High Court Legal Services Committee constituted under section8A;]

(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 organised under Chapter VI;

(e) "notification" means a notification published in the Official Gazette;

(f) "prescribed" means prescribed by rules made under this Act;

[1][(ff) "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 section6;

(i) "State Government" includes the administrator of a Union territory appointed by the President under article 239 of the Constitution;

[3][(j) "Supreme Court Legal Services Committee" means the Supreme Court Legal Services Committee constituted under section3A;

(k) "Taluk Legal Services Committee" means a Taluk Legal Services Committee constituted under section11A.]

(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.

[1] Subs. by Act 59 of 1994, s. 2, for clause (a) (w.e.f. 29-10-1994).
[2] Ins. by s. 2, ibid. (w.e.f. 29-10-1994).
[3] Ins. by Act 59 of 1994, s. 2 (w.e.f. 29-10-1994).

CHAPTER II THE NATIONAL LEGAL SERVICES AUTHORITY

Section 3. Constitution of the National Legal Services Authority

[1][(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-

(a) theChief 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 qualifications 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 authorised 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.

[1] Subs. by s. 3, ibid., for section 3 (w.e.f. 29-10-1994).

Section 3A. Supreme Court Legal Services Committee

(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.

(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.]

Section 4. Functions of the Central Authority

The Central Authority shall [1]*** perform all or any of the following functions, namely:-

(a) lay down policies and principles for making legal services available under the provisions of this Act;

(b) frame the most effective and economical schemes for the purpose of making legal services available under the provisions of this Act;

(c) utilise 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) organise legal aid camps, especially in rural areas, slums or labour colonies with the dual purpose of educating the weaker sections of the society as to their rights as well as encouraging the settlement of disputes through LokAdalats;

(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;

[2][(j) provide 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 the 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 [3][State Authorities, District Authorities, Supreme Court Legal Services Committee, High Court Legal Services Committees, Taluk Legal Services Committees and voluntary social service institutions] and other legal services organisations and give general directions for the proper implementation of the legal services programmes.

[1] The words ", subject to the general directions of the Central Government," omitted by Act of 59 of 1994, s. 4 (w.e.f. 29-10- 1994).

[2] Subs. by Act 59 of 1994, s. 4, for clause (j) (w.e.f. 29-10-1994).

[3] Subs. by s. 4, ibid., for "State and District Authorities and other voluntary social welfare institutions" (w.e.f. 29-10-1994).

Section 5. Central Authority to work in coordination with other agencies

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.

CHAPTER III STATE LEGAL SERVICESAUTHORITY

Section 6. Constitution of State Legal Services Authority

[1][(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 thereto, 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 thisAct.

(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.

(7) The administrative expenses of the State Authority, including the salaries, allowances and pensions payable to the Member-Secretary, officers and other employees of the State Authorityshall 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 authorised 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.]

[1] Subs. by s. 5,ibid., for section 6 (w.e.f. 29-10-1994).

Section 7. Functions of the State Authority

(1) It shall be the duty of the State Authority to give to effect to the policy and directions of the Central 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[1][LokAdalats, including LokAdalats for High Court cases];

(c) undertake preventive and strategic legal aid programmes; and

(d) perform such other functions as the State Authority may, in consultation with the [2][Central Authority], fix by regulations.

[1] Subs. by Act 59 of 1994, s. 6, for "LokAdalats" (w.e.f. 29-10-1994).
[2] Subs. by s. 6, ibid., for "Central Government" (w.e.f. 29-10-1994).

Section 8. State Authority to act in coordination with other agencies., etc., and be subject to directions given by the Central Authority

[1][In the discharge of its functions the State Authority shall appropriately act in coordination with other governmentalagencies, 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.

[1] Subs. by s. 7, ibid., for sections 8 and 9 (w.e.f. 29-10-1994).

Section 8A. High Court Legal Services Committee

(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.

(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,

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 Governmentin 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.

Section 9. District Legal Services Authority

(1) The State Government shall, in consultation with the 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.

(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 DistrictJudiciary 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.

(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 authorised by the Chairman of that Authority.

(9) No act or proceeding of the 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.]

Section 10. Functions of the District Authority

(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.

(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:-

[1][(a) coordinate 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 [2]*** fix by regulations.

[1] Subs. by Act 59 of 1994, s. 8, for clause (a) (w.e.f. 29-10-1994).

[2] The words ", in consultation with the State Government," omitted by Act 59 of 1994, s. 8 (w.e.f. 29-10-1994).

Section 11. District Authority to act in coordination with other agencies and be subject to directions given by the Central Authority, etc

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.

Section 11A. Taluk Legal Services Committee

[1][(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.

(2) The Committee shall consist of-

(a) The [2][senior-most Judicial Officer] 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 the 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 the 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 the 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.

[1] Ins. by s. 9, ibid. (w.e.f. 29-10-1994).

[2] Subs. by Act 37 of 2002, s. 2, for "senior Civil Judge" (w.e.f. 11-6-2002).

Section 11B. Functions of Taluk Legal Services Committee

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

(a) co-ordinate the activities of legal services in the taluk;

(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

Section 12. Criteria for giving legal services

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 begar as referred to in article 23 of the Constitution;

(c) a woman or a child;

[1][(d) a person with disability as defined in clause (i) of section2 of the Persons With Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (1 of 1996);]

(e) a person under circumstances of underserved 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 section2 of the Immoral Traffic (Prevention) Act, 1956 (104 of 1956), or in a juvenile home within the meaning of clause (j) of section 2 of the Juvenile Justice Act, 1986 (53 of 1986), or in a psychiatric hospital or psychiatric nursing home within the meaning of clause (g) of section2 of the Mental Health Act, 1987 (14 of 1987); or

[2][(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.]

[1] Subs. by Act 1 of 1996, s. 74, for clause (d) (w.e.f. 7-2-1996).

[2] Subs. by Act 59 of 1994, s. 10, for clause (h) (w.e.f. 29-10-1994).

Section 13. Entitlement of legal services

(1) Persons who satisfy all 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 aprima 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

Section 14. Grants by the Central Government

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 utilised for the purposes of this Act.

Section 15. National Legal Aid Fund

(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;

[1][(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.]

[1] Subs. by s. 11, ibid., for clause (b) (w.e.f. 29-10-1994).

Section 16. State Legal Aid Fund

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

(a) all sums of money paid to it or any grants 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;

[1][(b) the cost of legal services provided by the High Court Legal Services Committee;

(c) any other expenses which are required to be met by the State Authority.]

[1] Subs. by Act 59 of 1994, s. 12, for clause (b) (w.e.f. 29-10-1994).

Section 17. District Legal Aid Fund

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

(a) all sums of money paid or any grants made by the State Authority to the District Authority for the purposes of this Act;

[1][(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) anyother amount received by the District Authority under the orders of any court or from any other source.

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

(a) the cost of functions referred to in section 10 [2][and 11B];

(b) any other expenses which are required to be met by the District Authority.

[1] Subs. by s. 13, ibid., for clause (b) (w.e.f. 29-10-1994).
[2] Ins. by s. 13, ibid. (w.e.f. 29-10-1994).

Section 18. Accounts and audit

(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.

(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.

[1][(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.]

[1] Ins. by s. 14, ibid. (w.e.f. 29-10-1994).

CHAPTER VI LOK ADALATS

Section 19. Organisation of Lok Adalats

[1][(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 organised 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, or as the case may be, the Taluk Legal Services Committee, organising such Lok Adalat.

(3) The experience and qualifications of other persons referred to in clause (b) of sub-section (2) for Lok Adalats organised 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 organised:

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.

[1] Subs. by s. 15, ibid., for sections 19 and 20 (w.e.f. 29-10-1994).

Section 20. Cognizance of cases by Lok Adalats

(1) Where in any case referred to in clause (i) of sub-section (5) of section 19,-

(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 isprima facie satisfied that there are chances of such settlement; or

(ii) thecourt 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 cither law for the time being in force, the Authority or Committee organising the Lok Adalat under sub-section (1) of section19 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.

(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 settlementcould 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 advice the parties to seek remedy in a court.

(7) Where the record of the case if 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).]

Section 21. Award of Lok Adalat

[1][(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 (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.

[1] Subs. by Act 59 of 1994, s. 16, for sub-section (1) (w.e.f. 29-10-1994),

Section 22. Powers of [1][Lok Adalat or Permanent Lok Adalat.]

(1) The [1][Lok Adalat or Permanent Lok Adalat] 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 (5 of 1908), while trying a suit in respect of the following matters, namely:-

(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.

(2) Without prejudice to the generality of the powers contained in sub-section (1), every [1][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.

(3) All proceedings before a [1][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 (45 of 1860) and every [1][Lok Adalat or Permanent Lok Adalat] shall be deemed to be a Civil Court for the purpose of section195 and Chapter XXVI of the Code of Criminal Procedure, 1973 (2 of 1974).

[1] Subs. by Act 37 of 2002, s. 3, for "Lok Adalat" (w.e.f. 11-6-2002).

CHAPTER VIA PRE-LITIGATION CONCILIATION AND SETTLEMENT

Section 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 section22B;

(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, in the public interest, by notification, declare to be a public utility service for the purposes of this Chapter.

Section 22B. Establishment of Permanent Lok Adalats

(1) Notwithstanding anything contained in section19, 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.

Section 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 often 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 the 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.

Section 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 (5 of 1908) and the Indian Evidence Act, 1872 (1 of 1872).

Section 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 it were a decree made by that court.]

CHAPTER VII MISCELLANEOUS

Section 23. Members and staff of Authorities, Committees and Lok Adalats to be public servants

[1][The members including Member-Secretary or, as the case may be, Secretary of the Central Authority, the State Authority, the District Authorities, the Supreme Court Legal Services Committee, High Court Legal Services Committees, Taluk Legal Services Committees and officers and other employees of such Authorities, Committees and the [2][members of the Lok Adalats or the persons constituting Permanent Lok Adalats] shall be deemed to be public servants within the meaning of section21 of the Indian Penal Code (45 of 1860).

[1] Subs. by Act 59 of 1994, s. 17, for sections 23 and 24 (w.e.f. 29-10-1994),
[2] Subs. by Act 37 of 2002, s. 5, for "members of the LokAdalats" (w.e.f. 11-6-2002).

Section 24. Protection of action taken in good faith

No suit, prosecution or other legal proceeding shall lie against-

(a) the Central Government or State Government;

(b) the Patron-in-Chief, Executive Chairman, members of, 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 authorised 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.]

Section 25. Act to have overriding effect

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 law other than this Act.

Section 26. Power to remove difficulties

(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 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.

Section 27. Power of Central Government to make rules

[1][(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 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 Central Authority under clause (c) of sub-section(2) of section3;

(b) the experience and qualifications of the Member-Secretary of the Central Authority and his powers and functions under sub-section(3) of section3;

(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 section3;

(e) the conditions of service and the salary and allowances of officers and other employees of the Central Authority under sub-section(6) of section3;

(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 section3A;

(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 section12, if the case is before the Supreme Court;

(j) the manner in which the accounts of the Central Authority, the State Authority or the District Authority shall be maintained under section18;

(k) the experience and qualifications of other persons of the LokAdalatsorganised by the Supreme Court Legal Services Committee specified in sub-section(3) of section19;

(l) other matters under clause (e) of sub-section(1) of section22;

[2][(la) the other terms and conditions of appointment of the Chairman and other persons under sub-section (2) of section 22B;]

(m) any other matter which is to be, or may be, prescribed.

[1] Subs. by Act 59 of 1994, s. 18, for sections 27, 28 and 29 (w.e.f. 29-10-1994).
[2] Ins. by Act 37 of 2002, s. 6 (w.e.f. 11-6-2002).

Section 28. Power of State Government to make rules

(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 section6;

(b) the powers and functions of the Member-Secretary of the State Authority under sub-section(3) of section6;

(c) the terms of office and other conditions relating thereto, of members and Member-Secretary of the State Authority under sub-section(4) of section6;

(d) the number of officers and other employees of the State Authority under sub-section(5) of section6;

(e) the conditions of service and the salary and allowances of officers and other employees of the State Authority under sub-section(6) of section6;

(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 section9;

(i) the number of officers and other employees of the District Authority under sub-section(5) of section9;

(j) the conditions of service and the salary and allowances of the officers and other employees of the District Authority under sub-section(6) of section9;

(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 the 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 section12, if the case is before a court, other than the Supreme Court;

(o) the experience and qualifications of other persons of the LokAdalats other than referred to in sub-section(4) of section19;

(p) any other matter which is to be, or may be, prescribed.

Section 29. Power of Central Authority to make regulations

(1) The Central 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 provisions 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 section3A;

(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 section3A.

Section 29A. Power of State Authority to make regulations

(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 in 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 other functions to be performed by the State Authority under clause (d) of sub-section(2) of section7;

(b) the powers and functions of the High Court Legal Services Committee under sub-section(1) of section8A;

(c) the number, experience and qualifications of members of the High Court Legal Services Committee under clause (b) of sub-section(2) of section8A;

(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 section8A;

(e) the term of office and other conditions relating thereto, of the members and Secretary of the District Authority under sub-section(4) of section9;

(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) other functions to be performed by the District Authority under clause (c) of sub-section(2) of section10;

(h) the term of office and other conditions relating thereto, of members and Secretary of the Taluk Legal Services Committee under sub-section(3) of section 11A.]

Section 30. Laying of rules and regulations

(1) Every rule made under this Act by the Central Government and every regulation made by the Central Authority thereunder 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.

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

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