

GUIDING SCHEME FOR THE NATIONAL LOK-ADALAT SCHEDULED TO BE HELD ON  
10.7.2021, IN ASSAM

In the present difficult time of lockdown and restrictions due to COVID-19, people are advised to stay at home. People are, generally following the guidelines of Governments. In such situation, the work of Courts is also suffering and disposal of cases is badly affected.

Therefore, NALSA has advised us to organise the National Lok-Adalat on 10.7.2021 by Virtual and Hybrid Mode.

In view of the above, a scheme may be planned to organize the Lok Adalat. The said plan may include to identify prospective cases by the Presiding Officers of the Courts, to give wide publicity of the Lok Adalat through different modes of publication and stakeholders. Learned advocates and parties may be invited and requested to participate in the proceedings of amicable settlement and chances of amicable settlement of the litigation or disputes between the parties, such requests and invitations to the learned advocates and parties may be sent through e-mail, SMS, Whatsapp or any other suitable electronic communication mode.

ASLSA has prepared a six points scheme to get optimum result in the said Lok Adalat. However this Scheme is not exhaustive. **The DLSA can modify the same in their respective districts as per their needs to get maximum result.** The Points may be discussed as follows:

1) Identification:

i) Case identification-

- As a part of the ensuing National Lok Adalat, taking note of the fact that it will be in virtual and hybrid mode, all Courts immediately need to initiate steps to identify cases among pending ones for settling them through the Lok Adalat, which will culminate on July 10th. The District Courts have to identify pre-litigation bank cases also for settlement at the National Lok Adalat benches to be held in the District and Taluk headquarters. For that they should arrange a meeting with banks immediately and as them to prepare the list of cases where there are possibilities of amicable settlement.

Bank may beforehand issue notices to the customers and have a pre-lokadalat sitting for preparing the list.

- For identifying the compoundable criminal cases, motor accident claim original petition, cheque bounces and matrimonial cases, the District judge who is the Chairman of the DLSA also issue direction to the subordinate Courts immediately, for settlements before Lok Adalats.
- The Presiding Officers of the Courts or Tribunals may be requested to identify, those cases, in which the Presiding Officers consider that such cases may be listed for disposal in the Lok Adalat.
- After the proper scrutiny, such cases may be identified for disposal in the Lok Adalat, wherein, chances of compromise are very high.
- After identification of the suitable cases for disposal in the Lok Adalat, such prospective cases should be referred to Lok Adalat Bench. Further, list of identified cases should be forwarded to the bench of the Lok Adalat and DLSA.

ii) Stakeholders identification

- The DLSA may find out the stakeholders case wise and invite them for Pre-Lokadalat sitting. Meetings/e-meetings with different stakeholders be conducted under the Chairmanship of the Ld. District & Sessions Judges-cum-Chairpersons, District Legal Services Authorities. The stakeholder includes Judicial Officers, Advocates and representatives of Insurance Companies dealing with MACT Cases, Bar Association President, Panel Advocates, Para Legal Volunteers, Superintendent of Police, Deputy Commissioner, Doctors, Government Agencies and Institutional Litigating Parties.
- For identification of MACT cases, it can be requested to the Insurance Companies in which the Insurance Companies have done or can play their part for compromise on the date of Lok Adalat to provide lists in advance.
- These lists can be soon shared with MACT Courts thereafter to take up those very matters in Lok Adalat as recommended by Insurance Companies. The list of the cases which can be settled by the insurance company at local/district level may be sent to the Court immediately to take up in the Lok-Adalat.
- The involvement of District Administration is also must especially in revenue matters. All such cases pending with the administration which can be disposed of in Lok Adalat can also be a part of the Lok Adalat

- Panel Advocates be intimated in the meeting that they will remain present during Lok Adalat and help the Courts and DLSA in preparation of compromises. The Panel Advocates shall be deputed in proportion to the Benches.
- Separate WhatsApp groups may be created for the purpose of the Lok Adalat for DLSA, Panel Advocates, PLVs, litigants and other stakeholders. These groups shall be utilized to connect the link and providing compromises if required (separately) with the parties and Advocates.

## 2) Service of Notice

- Apart from taking regular procedure to serve a notice to the parties through Process server or police, the notice or request may be sent to the parties and learned counsel of the parties through e-mail, SMS, Whatsapp or any other suitable electronic communication mode. The District Judges/Chairpersons, District Legal Services Authorities may direct for using the mobile number of either Reader of the concerned court or technical manpower of the District Court or District Legal Services Authority for sending notice for request to the parties.
- The phone number and e-mail address of the District Legal Services Authorities should be mentioned in the notice, so that the parties and their learned counsels may communicate their desire/decision on the phone or e-mail.
- A help desk may be established at each District Legal Services Authority for providing necessary information to the willing parties. One or two help line numbers may also be created in each District and communication about the same may be given wide publicity.

### ***(help of PLV in serving notice)***

- For those people, who are illiterate or un-aware about the online system, the notice or summons for disposal of their cases in the Lok Adalat, may be served upon them with the help of Para Legal Volunteers in their respective area. The Para Legal Volunteers and other stakeholders may be requested to give wide publicity of the Lok Adalat among the common masses in their respective areas.
- The District Judiciary may take help of DLSA for using PLVs to serve notice upon the litigants. This step will help a lot to make the Lok-Adalat successful as they are well equipped to make people realise that the regular judicial process is not the only way

to get their disputes adjudicated, through alternative dispute resolution systems such as the Lok Adalat, people can get their disputes settled amicably. If necessary, the PLVs can be trained by the DLSA secretary about what should they say to the litigants at the time of serving the notice.

- The District Judge may arrange a meeting with the SP in the District and request him not to restrain the PLVs who are carrying Court (Lok-Adalat) notice, in this partial lock-down period

### 3) Disposal

Through hybrid attendance:

- If necessary, the litigants may be allowed to meet at remote point (may be simulated also) following Covid protocol with their service provider (who are the stakeholders as indicated above) and from that place they may connect the court online or virtual medium. The settlement/compromise notes may be kept in those remote points to be utilised by the parties. After putting their signatures, they will send the notes to the bench where the case is pending. The presiding officer shall verify the genuineness of the signature having a word with them on line.
- **DLSA may upload such notes in their web site so that same can be downloaded in the remote points if necessary. Or they can send the notes to the stakeholders beforehand.**
- In compoundable criminal cases, the person who can compound or withdraw the case may be allowed to meet the APP in DLSA office. Taking the place as remote point they can contact with the bench over phone (in the link provided). DLSA secretary will facilitate the process from their official contact number or any other number as the secretary may deem fit.
- In other cases they may use the place of service providers as remote point.

Through online Links

- Once the benches are constituted, links may be generated for each bench with the assistance of technical staff of the District Court.
- Once the link is generated, the information of the link will be uploaded on the websites of the District Courts. Parties can also contact at the office of District Legal

Services Authority or the technical staff of the District Court for information about the link of their cases. The information of the said link can be sent to the parties and other stakeholders through e-mail, SMS, Whatsapp or any other digital mode or may be printed in the notice

- In which the parties are not well-literate and unable to understand the procedure or not well-aware about the online system, the parties may be allowed to participate through any other platform of video conferencing, like Whatsapp etc.
- Compromise note with all necessary conditions can be sent to the remote point in well advance.

#### 4) Press Meet

The Chairman DLSA may address a press conference in their respective district well before the schedule date of Lok Adalat disseminating important informations about the Lok Adalat viz. that the Lok-Adalat is a win-win system for the parties, why settlement in the Lok-Adalat is helpful to them, what kind of cases the courts going to take up, how many benches will be set up, the litigants can get in touch with their advocates and refer their cases and settle them once for all, litigants who settle their cases in Lok Adalats can get their court fees paid through stamp duties refunded, they can also get copies of final orders and awards instantly and heave a sigh of relief as there was no provision to appeal against the settlements, Litigants can make use of the opportunity as they can get speedy justice, they can approach their lawyers or the courts, where their cases were pending or the DLSA to get their cases referred to the National Lok Adalat etc. etc.

Wide publicity of the pattern (virtual and hybrid) of the Lok Adalat should be given through print, electronic and digital media platforms. Information of the same should also be shared on social media platforms. Para Legal Volunteers may be deputed to give publicity in their respective areas with the help of local body representatives like; Gram Pradhan, etc. Help may also be obtained from other stakeholders like; Police Departments, Banks, and Insurance Companies, etc.

#### 5) Pre Lok Adalat Meetings among the Stakeholders:

- As a part of the scheme to make the Lok-Adalat Successful, frequent meetings of the stakeholders to plan out the road map is essential.

- Hon'ble Executive Chairman may address the chairpersons and secretaries of the DLSAs to take report of the progress of the preparation for the Lok-Adalat.
- Zone-wise meetings among PLVs, chairpersons of DLSAs and Hon'ble Executive Chairman may be held
- The District Judges (Chairpersons, DLSAs) may hold meeting with other stakeholders in the district level to take down the roadmap to grass root level.
- For the purpose of high chances of amicable settlement, the meetings with Bar and the learned counsels who deal with MACT cases N.I. Act Cases, matrimonial disputes and the representatives of Insurance Companies, etc. may be conducted to inform about the e-Lok Adalat and they may be requested to inform their parties, so that sincere participation of needy litigants may be ensured.

#### 6) Miscellaneous

- All norms of social distancing, as per Government of India and State Government guidelines, need to be strictly complied with. Therefore, Advocates and their parties should be allowed to make their appearance only through the e-link. Physical appearance in the court room should be minimized. The Court should not insist on the presence of the parties in the court, except in extremely urgent matters, where the presence cannot be dispensed with.
  - ASLSA may think to start an arrangement like "Hall of fame". ASLSA can announce "best district" award considering its performance in the Lok-Adalat. The district may be awarded in the Zonal Meet of ASLSA. ASLSA may innovate a plan about what should be the criteria for such award.
  - CIS software should be used for the purpose of constitution of Benches and referral/disposal of cases.
  - **For information of the parties concerned, scanned copy of the award may be sent to the concerned learned counsels or parties on their e-mail address. Original hard copy of the order may subsequently be collected from the office of courts concerned with the help of DLSAs.**
- 
- A sample Settlement/compromise note and Award have been attached along with this scheme to be utilised in the Lok Adalat (remote points). DLSAs may modify the same as per their requirement