

**THE NATIONAL LEGAL SERVICES AUTHORITY (FREE AND  
COMPETENT LEGAL SERVICES) REGULATIONS, 2010**  
**(As amended vide notification F.No. L/61/10/NALSA dated 22.10.2018)**

*- In exercise of the powers conferred by section 29 of the Legal Services Authorities Act, 1987 (39 of 1987) and in pursuance of the provisions in section 4 of the Act to make available free and competent legal services to the persons entitled thereto under section 12 of the said Act, the Central Authority hereby makes the following regulations, namely: -*

**1. Short title, extent and commencement.** – (1) These regulations may be called the National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010.

(2) They shall be applicable to Supreme Court Legal Services Committee, State Legal Services Authorities, High Court Legal Services Committees, District Legal Services Authorities, and Taluk Legal Services Committees in India.

(3) They shall come into force from the date of their publication in the Official Gazette.

**2. Definitions.** – (1) In these regulations, unless the context otherwise requires,

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(a) “Act” means the Legal Services Authorities Act, 1987 (39 of 1987);

(b) “Form” means a Form annexed to these Regulations;

(c) “Front Office” means a room in the Legal Services Institution where legal services are made available;

(d) “Legal Practitioner” shall have the meaning assigned to it in clause (i) of section 2 of the Advocates Act, 1961 (25 of 1961);

(e) “Legal Services Institution” means the Supreme Court Legal Services Committee, a State Legal Services Authority, the High Court Legal Services Committee, District Legal Services Authority or the Taluk Legal Services Committee, as the case may be;

<sup>1</sup>(ea) “Monitoring and Mentoring Committee” means the Committees set up under regulation 10;

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<sup>1</sup> Substituted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.

(eb) “Panel Lawyer” means a legal practitioner empanelled as a Panel lawyer under regulation 8;

(f) “Para-Legal Volunteer” means a para-legal volunteer trained <sup>2</sup>under the „National Legal Services Authority Scheme for Para Legal Volunteers“ and empanelled by a Legal Services Institution;

<sup>3</sup>(fa) “Retainer Lawyer” means a Panel Lawyer designated as the Retainer Lawyer under sub-regulation (9) of regulation 8;

(g) “Secretary” means the Secretary of the Legal Services Institution;

(h) “Section” means the section of the Act;

(i) “State regulation” means regulation made by the State Authorities under the Act.

2. All other words and expressions used but not defined in these regulations shall have the same meanings assigned to them in the Act.

**3. Application for legal services.-** (1) An application for legal services may be presented preferably in Form-I in the local language or English.

(2) The applicant may furnish a summary of his grievances for which he seeks legal services, in a separate sheet along with the application.

(3) An application, though not in Form-I, may also be entertained, if reasonably explains the facts to enable the applicant to seek legal services.

(4) If the applicant is illiterate or unable to give the application on his or her own, the Legal Services Institutions may make arrangement for helping the applicant to fill up the application form and to prepare a note of his or her grievances.

(5) Oral requests for legal services may also be entertained in the same manner as an application under sub-regulation (1) and (2).

(6) An applicant advised by the para-legal volunteers, legal aid clubs, legal aid clinics and voluntary social service institutions shall also be considered for free legal services.

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<sup>2</sup> Inserted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.

<sup>3</sup> Inserted vide notification dated 31/7/2012, published in the Gazette of India on 25/8/2012.

(7) Requests received through e-mails and interactive on-line facility also may be considered for free legal services after verification of the identity of the applicant and on ensuring that he or she owns the authorship of the grievances projected.

**4. Legal Services Institution to have a front office.-** (1) All Legal Services Institutions shall have a front office to be manned by <sup>4</sup>[a Retainer Lawyer on rotational basis and] one or more para-legal volunteers available during office hours.

<sup>5</sup>Provided that persons with the qualification of Masters degree in Social Work or Diploma or Masters<sup>6</sup> degree in psychiatry or psychology from any recognised institute or university may also be called to the front office as and when necessary.

<sup>6</sup>(2) \*\*\*\*\*

<sup>7</sup>(3) The Para-Legal Volunteers in the front office shall render services such as issuing of simple notices, drafting of applications and petitions, providing basic information on the course of action to be taken in a situation and to act as an intermediary between the persons in need of legal services and the legal services institutions to enable such persons to gain access to justice.

<sup>8</sup>(4) The Para-Legal Volunteers or the panel lawyer or the retainer lawyer, as the case may be, in the front office may obtain secretarial assistance from the staff of the Legal Services Institutions.

<sup>9</sup>(5) \*\*\*\*\*

<sup>10</sup>**5. Proof of entitlement of free legal services.** – A self-certificate of the applicant, along with self-attested copy of relevant documents or certificates, if any, that he falls under the categories of persons entitled to free legal services under Section 12 of the Act shall ordinarily be sufficient.

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<sup>4</sup> Inserted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.

<sup>5</sup> Inserted vide notification dated 31/7/2012, published in the Gazette of India on 25/8/2012.

<sup>6</sup> Omitted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.

<sup>7</sup> Inserted vide notification dated 31/7/2012, published in the Gazette of India on 25/8/2012.

<sup>8</sup> Inserted vide notification dated 31/7/2012, published in the Gazette of India on 25/8/2012.

<sup>9</sup> Omitted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.

<sup>10</sup> Substituted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.

<sup>11</sup>(2) \*\*\*\*\*

<sup>12</sup>(3) \*\*\*\*\*

**6. Consequences of false or untrue details furnished by the applicant.** –The applicant shall be informed that if free legal services have been obtained by furnishing incorrect or false information or in a fraudulent manner, the legal services shall be stopped forthwith and that the expenses incurred by the Legal Services Institutions shall be recoverable from him or her.

<sup>13</sup>**7. Scrutiny and evaluation of the application for free legal services.-** (1) The application for legal services, for eligibility of the applicant and existence of a prima facie case to prosecute or to defend, shall be scrutinised by the Member-Secretary or Secretary, as the case may be, or any officer, deputed by him:

Provided that a defendant in a civil case and an accused or a convict in a criminal case shall be deemed to have prima facie case to defend or to file an appeal against his conviction and sentence:

Provided further that in case, there is some difficulty to determine the prima facie case to prosecute, the Member-Secretary or Secretary may for this purpose, seek opinion from a panel lawyer having more than seven years standing at the Bar:

Provided further that in case of the Supreme Court Legal Services Committee, the Secretary shall seek opinion from an Advocate having more than fifteen years standing at the Bar.

(2) A decision on application for legal services shall be taken immediately, but not more than seven days from the date of receipt of the application.

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<sup>11</sup> Omitted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.

<sup>12</sup> Omitted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.

<sup>13</sup> Substituted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.

(3) If the applicant is not covered under the categories mentioned in section 12, he or she shall be advised to seek assistance from any other body or person rendering free legal services either voluntarily or under any other scheme.

(4) The Legal Services Institution shall maintain a list of such agencies, institutions or persons who have expressed willingness to render free legal services.

(5) Any person aggrieved by the decision or order of the Member-Secretary or the Secretary, as the case may be, he may prefer appeal to the Executive Chairman or Chairman of the Legal Services Institution and the decision or order in appeal shall be final.

(6) In case the Member-Secretary or Secretary of the Legal Services Institution decides to provide legal services through a panel lawyer, the choice of the panel lawyer, if expressed by the applicant, may be considered.

<sup>14</sup>**8. Selection of legal practitioners as panel lawyers.** – (1) Every Legal Services Institution shall invite applications from legal practitioners for their empanelment as panel lawyers and such applications shall be accompanied with proof of the professional experience with special reference to the type of cases which the applicant-legal practitioners may prefer to be entrusted with.

(2) The applications received under sub-regulation (1) shall be scrutinised and selection of the panel lawyers shall be made by the Executive Chairman or Chairman of the Legal Services Institution in consultation with the Attorney General [for the Supreme Court], Advocate General [for the High Court], District Attorney or Government Pleader [for District and Taluka level] and the Monitoring and Mentoring Committee set up under regulation 10:

Provided that the Executive Chairman or Chairman of the Legal Services Institution may also suo moto empanel any legal practitioner;

(3) No legal practitioner having less than three years“ experience at the Bar shall ordinarily be empaneled.

(4) District Legal Services Authorities and Taluk Legal Services Committees shall get the panel approved from the Executive Chairman of the State Legal Services Authority.

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<sup>14</sup>

Substituted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.

(5) The Executive Chairman or Chairman of the Legal Services Institution shall take into consideration the competency, integrity, suitability, and experience of lawyers for the empanelment.

(6) There may be representation of the Scheduled Castes, the Scheduled Tribes, women and differently abled lawyers in the panel.

(7) The Executive Chairman or Chairman of the Legal Services Institution may maintain separate panels for dealing with different types of cases like Civil, Criminal, Constitutional Law, Environmental Law, Labour Laws, Matrimonial disputes, Juvenile Justice, etc.

(8) The Member-Secretary or Secretary, as the case may be, may assign a case to a panel lawyer of a subject matter other than for which he has been empanelled.

(9) The Chairman of the Legal Services Institution may, in consultation with the Executive Chairman of the State Legal Services Authority or National Legal Services Authority, as the case may be, prepare a list of legal practitioners from among the panel lawyers to be designated as Retainers.

(10) The Retainer lawyers shall be selected for a period fixed by the Executive Chairman on rotation basis or by any other method specified by the Executive Chairman;

(11) The strength of Retainer lawyers shall not exceed, -

- (a) twenty in the Supreme Court Legal Services Committee;
- (b) fifteen in the High Court Legal Services Committee;
- (c) ten in the District Legal Authority;
- (d) five in the Taluk Legal Services Committee.

(12) The honorarium payable to Retainer lawyer shall not be less than, -

- (a) rupees forty thousand per month in the case of Supreme Court Legal Services Committee;
- (b) rupees twenty five thousand per month in the case of State Legal Services Authority or High Court Legal Services Committee;
- (c) rupees fifteen thousand per month in the case of District Legal Services Authority;
- (d) rupees ten thousand per month in the case of the Taluk Legal Services Committee:

Provided that the honorarium specified in this sub-regulation is in addition to the honorarium or fee payable by the Legal Services Institution for each case entrusted to the Retainer lawyer.

(13) The panel prepared under sub-regulation (2) for the period of three years shall also be reviewed and updated periodically by the Executive Chairman or the Chairman, as the case may be, keeping in view the performance of the panel lawyers.

(14) The Legal Services Institution shall be at liberty for withdrawing any case from a Retainer Panel Lawyer during any stage of the proceedings.

(15) If a panel lawyer is desirous of withdrawing from a case he shall state the reasons thereof to the Member-Secretary or the Secretary, as the case may be, and the panel lawyer may be permitted to do so by an order.

(16) The panel lawyers shall not ask for or receive any fee, remuneration or any valuable consideration in any manner, from the person to whom he has rendered legal services under these regulations.

(17) If the panel lawyer engaged is not performing satisfactorily or has acted contrary to the object and spirit of the Act and these regulations, the Legal Services Institution shall take appropriate steps including withdrawal of the case from such lawyer and his removal from the panel.

(18) The panel lawyers shall undergo training periodically as per modules prepared by the National Legal Services Authority and the State Legal Services Authority.

(19) The participation in the training programme shall be a relevant consideration for the retention or continuation of panel lawyers.

**<sup>15</sup>9. Legal services by way of legal advice, consultation, drafting and conveyancing.** - (1) The Executive Chairman or Chairman of the Legal Services Institution may maintain a separate panel of senior lawyers, law firms, retired judicial officers, mediators, conciliators and law professors in the law universities or law colleges for providing legal advice and other legal services like drafting and conveyancing.

(2) The Executive Chairman or Chairman of the Legal Services Institution, as the case may be, may maintain a separate panel of retired senior

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<sup>15</sup>  
25/10/2018.

Substituted vide notification dated 22/10/2018, published in the Gazette of India on

bureaucrats, senior executives, retired police officials, doctors, engineers, psychiatrists, marriage counsellors, chartered accountants, educationists and other experts of the specialised field for legal services and honorarium payable to them shall be decided by the Executive Chairman of State Legal Services Authority or the Chairman of the Supreme Court Legal Committee, as the case may be.

(3) The Member-Secretary may send a request to Senior Advocates to volunteer their pro bono professional services for rendering advice as and when required.”.

<sup>16</sup>**10. Monitoring and Mentoring Committee.** - (1) Every Legal Services Institution shall set up a Monitoring and Mentoring Committee for close monitoring of the court based legal services rendered and the progress of the cases in the legal aided matters and to guide and advise the panel lawyers.

(2) The Monitoring and Mentoring Committee at the level of the Supreme Court shall consist of, -

(i) a sitting or retired judge of the Supreme Court or a Senior Advocate as may be nominated by the Chairman, Supreme Court Legal Services Committee;

(ii) Secretary, Supreme Court Legal Services Committee;

(iii) a renowned Academician or an Advocate-on-Record having ten years of practice to be nominated by the Chairman of the Supreme Court Legal Services Committee;

(iv) The Legal Service Counsel-cum-Consultant, Supreme Court Legal Services Committee.

(3) The Monitoring and Mentoring Committee at the level of the High Court shall consist of, -

(i) a sitting or retired Judge of the High Court or a Senior Advocate as may be nominated by the Chairman, High Court Legal Services Committee;

(ii) Secretary, High Court Legal Services Committee.

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<sup>16</sup>

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Substituted vide notification dated 22/10/2018, published in the Gazette of India on



(4) The Monitoring and Mentoring Committee at the State or District Legal Services Authority shall consist of, -

(i) Member-Secretary or Secretary of the Legal Services Institution, as the case may be;

(ii) one serving judicial officer from the State Higher Judicial Service;

(iii) one retired judicial officer or one Advocate of fifteen years" standing or more.

(5) The Monitoring and Mentoring Committee at the Taluk Legal Services Committee shall consist of, –

(i) Chairman of the Taluk Legal Services Committee;

(ii) one retired judicial officer;

(iii) one advocate of 10 years standing or more.

(6) The members of the Monitoring and Mentoring Committee shall render their services on the days as may be required and fixed by the Executive Chairman or Chairman of the Legal Services Institution and the members except serving Judicial Officers shall be paid the honorarium as fixed by the Executive Chairman.

<sup>17</sup>**11. Procedure of the Monitoring and Mentoring Committee.** - (1) Whenever court based legal aid is provided to an applicant, the Member-Secretary or Secretary as the case may be, shall send the details in Form II to the Monitoring and Mentoring Committee at the earliest.

(2) The Legal Services Institution shall provide adequate staff and infrastructure to the Monitoring and Mentoring Committee for maintaining the records of the day-to-day progress of the legal aided cases.

(3) The Monitoring and Mentoring Committee shall assist the Legal Services Institution in organising training programmes for panel lawyers from time to time to enhance the skill of the panel lawyers.

(4) The Monitoring and Mentoring Committee shall mentor the panel lawyers and guide them in providing quality legal services.

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<sup>17</sup>  
25/10/2018.

Substituted vide notification dated 22/10/2018, published in the Gazette of India on

(5) The Monitoring and Mentoring Committee shall maintain a register for legal aided cases for monitoring the day-to-day progress of the case and the end result (success or failure) in respect of cases for which legal aid is allowed and the said register shall be scrutinised every month by the Member-Secretary or Secretary or the Chairman, as the case may be.

(6) The Legal Services Institution may request the Presiding Officer of the court to allow access to the registers maintained by the court for ascertaining the progress of the cases.

(7) The Monitoring and Mentoring Committee shall keep a watch on the progress of the case by calling for reports from the panel lawyers within such time as may be determined by the Committee.

(8) If the progress of the case is not satisfactory, the Committee may advise the Legal Services Institution to take appropriate steps.

(9) The Committees shall meet at least once in a fortnight.

(10) The Monitoring and Mentoring Committee may meet as and when the meeting is convened by the Member-Secretary or the Secretary as the case may be.

**12. Monitoring and Mentoring Committee to submit bi-monthly reports.**— (1) The Monitoring and Mentoring Committee shall submit bi-monthly reports containing its independent assessment on the progress of each and every legal aid case and the performance of the panel lawyer or Retainer lawyer, to the Executive Chairman or Chairman of the Legal Services Institution.

(2) After evaluating the reports by the Committee, the Executive Chairman or Chairman of the Legal Services Institution shall decide the course of action to be taken in each case.

(3) It shall be the duty of the Member-Secretary or Secretary of the Legal Services Institution to place the reports of the Monitoring Committee before the Executive Chairman or Chairman of the Legal Services Institution and to obtain orders.

**13. Financial assistance.** — (1) If a case for which legal aid has been granted requires additional expenditure like payment of court fee, the fee payable to the court appointed commissions, for summoning witnesses or documents, expenses for obtaining certified copies etc., the Legal Services Institution may take urgent steps for disbursement of the requisite amount on the advice of the panel lawyer or Monitoring and Mentoring Committee.

(2) In the case of appeal or revision the Legal Services Institution may bear the expenses for obtaining certified copies of the judgment and case records.

**14. Payment of fee to the panel lawyers.** - (1) Panel lawyers shall be paid fee in accordance with the Schedule of fee, as approved under the State regulations.

(2) The State Legal Services Authority and other Legal Services Institution shall effect periodic revision of the honorarium to be paid to panel lawyers for the different types of services rendered by them in legal aid cases.

(3) As soon as the report of completion of the proceedings is received from the panel lawyer, the Legal Services Institution shall, without any delay, pay the

**15. Special engagement of senior advocates in appropriate cases.** - (1) If the Monitoring and Mentoring Committee or Executive Chairman or Chairman of the Legal Services Institution is of the opinion that services of senior advocate, though not included in the approved panel of lawyers, has to be provided in any particular case the Legal Services Institution may engage such senior advocate.

(2) Notwithstanding anything contained in the State regulations, the Executive Chairman or Chairman of the Legal Services Institution may decide the honorarium of such senior advocate.

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**16. Evaluation of the legal aid cases by the National Legal Services Authority and State Legal Services Authorities.** – (1) The Supreme Court Legal Services Committee shall send copies of the bi-monthly reports of the Monitoring and Mentoring Committee of the Supreme Court Legal Services Committee to the Central Authority.

(2) The High Court Legal Services Committees, the State Legal Services Authorities shall submit copies of the bi-monthly reports of their Monitoring and Mentoring Committees to their Patron-in-Chief.

(3) The District Legal Services Authorities and Taluk Legal Services Committees shall submit copies of the bi-monthly reports of their Monitoring and Mentoring Committees to the Executive Chairman of the State Legal Services Authority.

(4) The State Legal Services Authorities shall also send consolidated half-yearly reports of the Monitoring Committees, indicating the success or failure of each of the legal aided cases, to the Central Authority.

(5) In appropriate cases, the Executive Chairman of the National Legal Services Authority may nominate and authorise the members of its Central Authority to supervise, monitor or advise the Legal Services Institution for effective and successful implementation of these regulations.

FORM –I

*National Legal Services Authority*  
*(Free and Competent Legal Services) Regulations, -2010*  
(see regulation-3)

The Form of Application for Legal Services  
(This may be prepared in the regional language)

Registration No.

1. Name :
2. Permanent Address :
3. Contact Address with phone no. if any, e-mail ID, if any :
4. Whether the applicant belongs to the category of persons mentioned in section -12 of the Act :
5. Monthly income of the applicant :
6. Whether proof has been produced in support of income/eligibility u/s 12 of the Act :
7. Nature of legal aid or advise required :
8. A brief statement of the case, if court based legal services is required :

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Signature of the applicant

Place:

Date:

Form-II

*National Legal Services Authority  
(Free and Competent Legal Services) Regulation, 2010  
(see regulation-11)*

*Information furnished to the Monitoring and Mentoring Committee about the legal Services provided*

- (i) Name of the Legal Services Institution :  
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- (ii) Legal aid application number and date on which legal aid was given. : .....
- (iii) Name of the legal aid applicant :  
.....
- (iv) Nature of case :  
.....  
(civil, criminal, constitutional law etc.).
- (v) Name and roll number of the lawyer assigned to the applicant :  
.....
- (vi) Name of the Court in which the case is to be filed/defended : .....
- (vii) The date of engaging the panel lawyer :  
.....
- (viii) Whether any monetary assistance like, court fee, advocate commission fee, copying :  
.....  
charges etc. has been given in advance?
- (ix) Whether the case requires any interim orders or appointment of commission? :  
.....
- (x) Approximate expenditure for producing records, summoning of witnesses etc. :  
.....

(xi) The expected time for conclusion of  
the proceedings in the Court :

.....

MEMBER-SECRETARY / SECRETARY

Dated .....

**THE NATIONAL LEGAL SERVICES AUTHORITY (LOK ADALAT)  
REGULATIONS, 2009**

**(As amended vide notification F.No. L/28/09/NALSA dated 22.10.2018)**

*In exercise of the powers conferred by Section 29 of the Legal Services Authorities Act, 1987, the Central Authority hereby makes the following regulations, namely:*

**1. Short title and commencement.** – (1) These regulations may be called National Legal Services Authority (Lok Adalats) Regulations, 2009.

(2) They shall come into force on the date of their publication in the Official Gazette.

**2. Definitions.** - In these Regulations, unless the context otherwise requires –

(a) ‘Act’ means the Legal Services Authorities Act, 1987 (39 of 1987).

(b) ‘Lok Adalat’ means Lok Adalats to be organized under Section 19 of the Act

<sup>1</sup>(ba) ‘Pre-Litigation matter’ means a dispute between the parties which is not filed before the court.

(c) All other words and expressions used but not defined in these regulations and defined in the Legal Services Authorities Act, 1987(39 of 1987) or the National Legal Services Authority Rules, 1995 shall have the meanings respectively assigned to them in the said Act or rules.

**3. Procedure for organising Lok Adalats:-** (1) Lok Adalat may be organised by the State Authorities or District Authorities or Supreme Court Legal Services Committee or High Court Legal Services Committee or, as the case may be, the Taluk Legal Services Committees at regular intervals and such Lok Adalats shall be organised for a definite geographical area as the aforesaid Authorities or Committees think fit:

Provided that, Special Lok Adalats shall be organised for all Family Courts at regular intervals.

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<sup>1</sup> Inserted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.



(2) The Member-Secretary or Secretary of the High Court Legal Services Committee or District Authority, or the case may be, the Chairman of the Taluk Legal Services Committee may associate the members of the legal profession, college students, social organisations, charitable and philanthropic institutions and other similar organisations for organizing the Lok Adalats.

**4. Intimation to the State Authority:-** The Secretary of the High Court Legal Services Committee or District Authority or Chairman of the Taluk Legal Services Committee, as the case may be, shall inform the State Authority about the proposal to organize the Lok Adalat, well before the date on which the Lok Adalat is proposed to be organized, and furnish the following information to the State Authority, namely:-

- (i) the place and the date on which the Lok Adalat is proposed to be organized;
- (ii) whether any of the organisations as referred to in sub-regulation(2) of regulation 3 above have agreed to associate themselves with Lok Adalat;
- (iii) categories and nature of cases,viz., pending cases or pre-litigation disputes, proposed to be placed before the Lok Adalat;
- (iv) number of cases proposed to be brought before the Lok Adalat in each category;
- (v) any other information relevant to the convening and organizing of the Lok Adalat.

**5. Notice to parties concerned:-** The Member Secretary or Secretary of the High Court Legal Services Committee or District Authority or, as the case may be, the Chairman of the Taluk Legal Services Committee convening and organizing the Lok Adalat shall inform every party concerned whose case is referred to the Adalat, well in time so as to afford him an opportunity to prepare himself for the Lok Adalat:

Provided that such notice may be dispensed with, if the Court while referring the case to the Lok Adalat fixes or informs the date and time of the Lok Adalat in the presence of the parties, or their advocates:

Provided further that if a party is not willing to refer their case to Lok Adalat, the case may be considered on its merits by the Court concerned.

**6. Composition of Lok Adalat:- (a) At State Authority Level.-** The Member Secretary organising the Lok Adalat shall constitute benches of the Lok Adalats, each bench comprising of a sitting or retired Judge of the High Court

or a serving or retired judicial officer and any one or <sup>2</sup>two of the following:-

(i) a member of the legal profession;

(ii) a social worker of repute who is engaged in the upliftment of the weaker sections of the people, including the Scheduled Castes, the Scheduled Tribes, women, children, rural and urban labour and interested in the implementation of legal services schemes or programmes.

<sup>3</sup>(iii) a professional from the field related to the subject matter of the Lok Adalat; and

<sup>4</sup>(iv) a mediator or a professional or a serving or retired senior executive.

**(b) At High Court Level:-** The Secretary of the High Court Legal Services Committee organizing the Lok Adalat shall constitute benches of the Lok Adalats, each bench comprising of a sitting or retired Judge of the High Court or a serving or retired Judicial Officer and any one or <sup>2</sup>two of the following: -

(i) a member of the legal profession;

(ii) a social worker belonging to the category as mentioned in item (ii) of sub-para (a) above;

<sup>3</sup>(iii) a professional from the field related to the subject matter of the Lok Adalat; and

<sup>4</sup>(iv) a mediator or a professional or a serving or retired senior executive.

**(c) At District Level:-** The Secretary of the District Authority organizing the Lok Adalats shall constitute benches of the Lok Adalats, each bench comprising of a sitting or retired judicial officer and any one or <sup>2</sup>two of the following:-

(i) a member of the legal profession;

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<sup>2</sup> Substituted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.

<sup>3</sup> Inserted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.

<sup>4</sup> Inserted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.

(ii) a social worker belonging to the category as mentioned in item(ii) of sub-para (a) above or a person engaged in para-legal activities of the area, preferably a woman;

<sup>3</sup>(iii) a professional from the field related to the subject matter of the Lok Adalat; and

<sup>4</sup>(iv) a mediator or a professional or a serving or retired senior executive.

(d) **At Taluk Level :-** The Chairman of the Taluk Legal Services Committee organizing the Lok Adalat shall constitute benches of the Lok Adalat, each bench comprising of a sitting or retired judicial officer and any one or two of the following:-

(i) a member of the legal profession;

(ii) a social worker belonging to the category as mentioned in item(ii) of sub-para (a) above or a person engaged in para-legal activities of the area, preferably a woman;

<sup>3</sup>(iii) a professional from the field related to the subject matter of the Lok Adalat; and

<sup>4</sup>(iv) a mediator or a professional or a serving or retired senior executive.

<sup>5</sup>**6 A. Payment of Special Duty Allowance:-** If the Lok Adalat is organised on a holiday or organised beyond court hours on a working day, the judicial officers, other members and staff assisting the Lok Adalat shall be paid Special Duty Allowance as may be fixed by the concerned State Legal Services Authority:

Provided that such Special Duty Allowance shall not be less than the allowance recommended by the National Legal Services Authority.

**7. Allotment of cases to Lok Adalats:- (1)** The Member Secretary, the Secretary of the High Court Legal Services Committee, the District Authority or Chairman of the Taluk Legal Services Committee, as the case may be, shall assign specific cases to each bench of the Lok Adalat.

(2) The Member Secretary, the Secretary of the High Court Legal

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<sup>5</sup> Inserted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.

Services Committee or the District Authority or Chairman of the Taluk Legal Services Committee, as the case may be, may prepare a cause list for each bench of the Lok Adalat and intimate the same to all concerned at least two days before the date of holding of the Lok Adalat.

(3) Every bench of the Lok Adalat shall make sincere efforts to bring about a conciliated settlement in every case put before it without bringing about any kind of coercion, threat, undue influence, allurements or misrepresentation.

**8. Holding of Lok Adalats.** - Lok Adalats may be organised at such time and place and on such days, including holidays as the State Authority, High Court Legal Services Committee, District Authority, or the Taluk Legal Services Committee, as the case may be, organising the Lok Adalat deems appropriate.

**9. Jurisdiction of Lok Adalats.**- Lok Adalats shall have the power only to help the parties to arrive at a compromise or settlement between the parties to a dispute and, while so doing, it shall not issue any direction or order in respect of such dispute between the parties.

**10. Reference of cases and matters.** - (1) Lok Adalat shall get jurisdiction to deal with a case only when a court of competent jurisdiction orders the case to be referred in the manner prescribed in Section 20 of the Act or under Section 89 of the Code of Civil Procedure, 1908 (5 of 1908).

<sup>6</sup>(1A) A pre-litigation matter may be referred to the Lok Adalat by the concerned Legal Services Institution on the request of any of the parties after giving a reasonable opportunity of being heard to the other party.

(2) A mechanical reference of pending cases to Lok Adalat shall be avoided and the referring court shall, *prima facie* satisfy itself that there are chances of settlement of the case through Lok Adalat and the case is appropriate to be referred to Lok Adalat:

Provided that matters relating to divorce and criminal cases which are not compoundable under the Code of Criminal Procedure, 1973 (2 of 1974) shall not be referred to Lok Adalat.

(3) In a pending case where only one of the parties had made application to the court for referring the case to Lok Adalat, or where the court *suo motu* is satisfied that the case is appropriate to take cognizance by Lok Adalat, the case

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<sup>6</sup> Inserted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.

shall not be referred to the Lok Adalat except after giving a reasonable opportunity of being heard to the parties.

<sup>7</sup>(4) The need based continuous Lok Adalats may be constituted in order to facilitate regular reference and timely disposal of cases.

**11. Summoning of records and the responsibility for its safe custody. -**

(1) The Member Secretary, the Secretary of the High Court Legal Services Committee, the District Authority or, as the case may be, the Chairman of the Taluk Legal Services Committee may call for the judicial records of pending cases which are referred to the Lok Adalat under Section 20 of the Act from the courts concerned.

(2) The officer duly authorised by the Member Secretary, the Secretary of the High Court Legal Services Committee, the District Authority or the Chairman of the Taluk Legal Services, as the case may be, shall be responsible for the safe custody of records from receiving of the same from court till they are returned.

(3) The judicial records shall be returned within ten days of the Lok Adalat irrespective of whether or not the case is settled by the Lok Adalat with an endorsement about the result of proceedings:

Provided that wherever it is appropriate, the court concerned from where the records are called may permit the records to be retained beyond the period of ten days.

(4) Every judicial authority is expected to co-operate in transmission of the judicial records.

**12. Pre-Litigation matters. -** (1) In a Pre-litigation matter it may be ensured that the court for which a Lok Adalat is organised has territorial jurisdiction to adjudicate in the matter.

(2) Before referring a Pre-litigation matter to Lok Adalat the Authority concerned or Committee, as the case may be, shall give a reasonable hearing to the parties concerned.

Provided that the version of each party, shall be obtained by the Authority concerned or, as the case may be, the Committee for placing it before the Lok Adalat,

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<sup>7</sup> Inserted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.

(3) An award based on settlement between the parties can be challenged only on violation of procedure prescribed in section 20 of the Act by filing a petition under articles 226 and 227 of the Constitution of India.

**13. Procedure in Lok Adalats.-** (1) Members of Lok Adalat have the role of statutory conciliators only and have no judicial role and they, *mutatis mutandis*, may follow the procedure laid down in sections 67 to 76 of the Arbitration and Conciliation Act, 1996 (26 of 1996).

(2) Members of Lok Adalat shall not pressurise or coerce any of the parties, to compromise or settle cases or matters, either directly or indirectly.

(3) In a Lok Adalat the members shall discuss the subject matter with the parties for arriving at a just settlement or compromise and such members of the Lok Adalat shall assist the parties in an independent and impartial manner in their attempt to reach amicable settlement of their dispute:

Provided that if it found necessary the assistance of an independent person or a trained mediator may also be availed of the by Lok Adalat.

(4) Members of Lok Adalat shall be guided by principles of natural justice, equity, fairplay, objectivity, giving consideration to, among other things, the rights and obligations of the parties, custom and usages and the circumstances surrounding the dispute.

(5) The Lok Adalat may conduct the proceedings in such a manner as it considers appropriate taking into account the circumstances of the case, wishes of the parties including any request by a party to the Lok Adalat to hear oral statements, and the need for a speedy settlement of the dispute.

(6) The Lok Adalat shall not determine a reference, at its own instance, but shall determine only on the basis of a compromise or settlement between the parties by making an award in terms of the compromise or settlement arrived at:

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

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

**14. Administrative assistance.** - Administrative assistance for facilitating Lok Adalat proceedings may be arranged by suitable institutions or persons engaged in providing legal services.

**15. Formulating compromise or settlements.** - The Lok Adalat may, at any stage of the proceedings, make proposal for a settlement of the dispute and such proposal need not be accompanied by a statement of the reasons therefor.

**16. Communication between Lok Adalat and parties.** - (1) A Lok Adalat may invite the parties to meet it or may communicate with it orally or in writing and it may meet or communicate with the parties together or with each of them separately. The factual information concerning the dispute received from a party may be disclosed to the other party in order that the other party may have the opportunity to present any explanation:

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

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

(3) When it appears to the Lok Adalat that there exists elements of a settlement which may be acceptable to the parties, the terms of a possible settlement may be formulated by the Lok Adalat and given to the parties for their observations and modifications, if any, suggested by the parties can be taken into consideration and terms of a possible settlement may be re-formulated by the Lok Adalat.

(4) If the parties reach a compromise or settlement of the dispute, the Lok Adalat may draw up or assist the parties in drawing up the compromise or settlement.

**17. Award.** – (1) Drawing up of the award is merely an administrative act by incorporating the terms of settlement or compromise agreed by parties under the guidance and assistance from Lok Adalat.

(2) When both parties sign or affix their thumb impression and the members of the Lok Adalat countersign it, it becomes an award. (see a specimen at Appendix-I) Every award of the Lok Adalat shall be categorical and lucid and shall be written in regional language used in the local courts or in English. It shall also contain particulars of the case viz., case number, name of court and names of parties, date of receipt, register number assigned to the case in the permanent Register (maintained as provided under Regulation–20) and date of settlement. Wherever the parties are represented by counsel, they should also be required to sign the settlement or award before the members of the Lok Adalat affix their signature.

(3) In cases referred to Lok Adalat from a court, it shall be mentioned in the award that the plaintiff or petitioner is entitled to refund of the court fees remitted.

(4) Where the parties are not accompanied or represented by counsel, the members of the Lok Adalat shall also verify the identity of parties, before recording the settlement.

(5) Member of the Lok Adalat shall ensure that the parties affix their signatures only after fully understanding the terms of settlement arrived at and recorded. The members of the Lok Adalat shall also satisfy themselves about the following before affixing their signatures:

- (a) that the terms of settlement are not unreasonable or illegal or one-sided; and
- (b) that the parties have entered into the settlement voluntarily and not on account of any threat, coercion or undue influence.

(6) Members of the Lok Adalat should affix their signatures only in settlement reached before them and should avoid affixing signatures to settlement reached by the parties outside the Lok Adalat with the assistance of some third parties, to ensure that the Lok Adalats are not used by unscrupulous parties to commit fraud, forgery, etc.

(7) Lok Adalat shall not grant any bail or a divorce by mutual consent.

(8) The original award shall form part of the judicial records (in pre-litigation matter, the original award may be kept with the Legal Services Authority or committee, concerned) and a copy of the award shall be given to each of the parties duly certifying them to be true by the officer designated by the Member-Secretary or Secretary of the High Court Legal Services Committee or District Legal Services Authority or, as the case may be, the Chairman of Taluk Legal Services Committees free of cost and the official seal of the Authority concerned or Committee shall be affixed on all awards.

**18. Confidentiality.**—(1) The members of the Lok Adalat and the parties shall keep confidential all matters relating to the proceedings in the Lok Adalat and the members of the Lok Adalat shall not be compelled to disclose the matter which took place in the Lok Adalat proceedings before any court of law, except where such disclosure is necessary for purposes of implementation and enforcement of the award. `



(2) The views expressed and discussions made by parties during the proceedings of Lok Adalat in respect of the possible settlement of a dispute and the proposals made by the members of Lok Adalat or admission made by any party or the conduct of the parties in the course of the proceeding before Lok Adalat shall not be brought in evidence or made use of in other court or arbitral proceedings.

(3) Members of the Lok Adalat shall not record the statement of any of the parties or record any conduct of the parties or express any opinion in such a manner as it would prejudice such party in any other proceedings before a court or arbitrator.

(4) If any member of the Lok Adalat violates the confidentiality and the ethical concerns which are akin to any other judicial proceedings, such member shall be removed from the panel of members of Lok Adalat.

**19. Failure of Lok Adalat proceedings.** – If a pre-litigation matter is not settled in the Lok Adalat, the parties may be advised to resort to other Alternative Dispute Resolution (ADR) techniques or to approach a court of law and in appropriate cases they may be advised about the availability of legal aid.

**20. Compilation of results.** – At the conclusion of session of the Lok Adalat, the officer designated by the Member-Secretary, the Secretary of the High Court Legal Services Committee, the District Authority or the Chairman of the Taluk Legal Services Committee, as the case may be, shall compile the results for submission to the State Authority in the proforma given in Appendix-II.

**21. Maintenance of panel of names of Lok Adalat Members.** – The Member-Secretary or Secretary of the High Court Legal Services Committee or District Authority or, as the case may be, the Chairman of the Taluk Legal Services Committee shall maintain a panel of names of retired judicial officers, advocates and social workers to work in Lok Adalats.

**22. Procedure for maintain record of cases referred under Section 20 of the Act or otherwise.** – (1) The officer designated by the Member-Secretary, the Secretary of the High Court Legal Services Committee, the District Authority or the Chairman of the Taluk Legal Services Committee, as the case may be, shall maintain a permanent register wherein all the cases and pre-litigation matters received by him by way of reference to the Lok Adalat shall be entered giving particulars of:

- (i) date of receipt;

- (ii) nature of the case or pre-litigation matter;
- (iii) other particulars, if any;
- (iv) date of compromise or settlement and the manner in which the case or matter was finally disposed of; and
- (v) date of return of the case file.

(2) A copy of the award, if passed, duly certified in the manner stated in regulation 17 shall be kept in the office of the Authority or Committee, as the case may be, as a permanent record.

(3) Records other than the original of the awards of pre-litigation Lok Adalats may be destroyed after a period of three years from the date of disposal of the matter by Lok Adalat.

**23. Appearance of lawyers and the procedure to be followed in the cases before Lok Adalat.** – The appearance of lawyers on behalf of the parties at the Lok Adalat shall not be barred and an effort shall be made to encourage the parties to be present personally. The lawyers may be advised to avoid wearing their robes and bands during the proceedings before the Lok Adalat.

**24. Application of regulation.** – The above regulations shall be applicable in the same manner with appropriate changes to the Lok Adalats organised by the National Legal Services and the Supreme Court Legal Services Committee.

**APPENDIX–I**

**BEFORE THE LOK ADALAT**

**HELD AT \_\_\_\_\_**

**[Organized by \_\_\_\_\_ Authority/ \_\_\_\_\_ Committee under Section 19, of Legal Services Authorities Act 1987(Central Act)]**

**Petitioner/Plaintiff/Complainant :**

**Defendant/Respondent :**

**No. of proceedings of the \_\_\_\_\_ Court/Authority/Committee**

***Present:-***

**Name of Judicial Officer / :  
Retired Judicial Officer**



**PROFORMA  
DISPOSAL OF CASES IN LOK ADALAT**

<b>Place:</b>			<b>Date:</b>		
			<b>Nature of Cases disposed of</b>		
<b>Sl.No.</b>	<b>Case No.</b>	<b>Name of parties</b>	<b>Civil</b>	<b>Claims</b>	<b>Criminal</b>
<b>Total</b>					

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