

Abhijit Som, WBHJS
Member Secretary

**STATE LEGAL SERVICES AUTHORITY
WEST BENGAL**



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No. 2257(19)/SLSA-1/14

Dt.:- 25.08.2014

Cell: 98306 51827

To
The Chairman,
District Legal Services Authority
&

The Chief Judge/The District & Sessions Judge
Kolkata, Howrah, Hooghly, Burdwan, Purba Medinipur, Paschim Medinipur, Birbhum, Bankura,
North 24-Parganas, South 24-Parganas, Purulia, Nadia, Murshidabad, Malda, Uttar Dinajpur,
Dakshin Dinajpur, Jalpaiguri, Coochbehar and Darjeeling.

Sir/Madam,

Enclosed herewith F. No. L/23/2014/NALSA dated 20.08.2014 of National Legal Services Authority, I am directed to inform you that the next **National Lok Adalat** is to be held on **6th December, 2014**.

I am now directed to request you to take all kinds of preparation to make this National Lok Adalat a huge success. It is to convey you that National Lok Adalat 2014 is to be held in District level as well in Sub-Division level comprising as many number of benches as possible and in referring cases priority should be given to pending litigations. It is suggested in the NALSA guidelines that pre-sitting discussion with the parties should be held, so that parties may have time to reach a settlement and in this process parties may be called for by issuing notice for pre-Lok Adalat conciliation sittings.

Now, I am once again request you to initiate the process by involving all Judicial Officers presiding the Courts of your district Judgeship in selecting and identifying cases fit for referring to National Lok Adalat for settlement and the process of identification ought to be completed and the list should reach to the Office of the Chairman, District Legal Services Authority by 15th September, 2014. The enclosed directive of NALSA has described exhaustive list of types of cases, pending in various Courts, could be taken up for disposal at the National Lok Adalat.

You are also requested to keep in mind that Courts will remain open in all districts of West Bengal on 6th December, 2014 and so you are to make all arrangements for holding National Lok Adalat in District and Sub-Division Courts taking space and other logistical support, if required, from the Government.

Lastly, you are requested to send the data of tentative number of cases to be placed in National Lok Adalat by 18th September, 2014.

With regards,

Yours faithfully,

Abhijit Som

(**Abhijit Som**)

Member Secretary

State Legal Services Authority, W.B.

Encl : **As Stated**.



राष्ट्रीय विधिक सेवा प्राधिकरण
NATIONAL LEGAL SERVICES AUTHORITY

(Constituted under the Legal Services Authorities Act, 1987)

आशा मेनन

सदस्य सचिव

ASHA MENON

(Delhi Higher Judicial Service)

Member Secretary

12/11, जाम नगर हाऊस
शाहजहाँ रोड, नई दिल्ली-110011
12/11, Jam Nagar House
Shahjahan Road, New Delhi-110011

F.No.L/23/2014/NALSA | 2372
Dated: 20th August, 2014

To

The Member Secretary-in-Charge,
W.B. State Legal Services Authority,
City Civil & Sessions Court Building,
1st Floor, 2&3, Kiran Sankar Roy Road,
KOLKATA – 700 001.

Dear Shri Abhjit Som,

As you are aware, the Central Authority had resolved on 25.04.2014 that in addition to the Lok Adalat being held presently, there shall be a National Lok Adalat organized twice every year on a date to be fixed by the Hon'ble Patron-in-Chief, NALSA.

2. You are also aware that the National Lok Adalat fixed for April, 2014 had to be postponed as elections clashed with the date. As a result, Mega Lok Adalats were organized in different parts of the country which were highly successful.

3. This is to inform that the Hon'ble Patron-in-Chief, NALSA and the Hon'ble Executive Chairman, NALSA have fixed 6th December, 2014 for the next National Lok Adalat.

4. All are requested to put in the same level of intense action as before to make this National Lok Adalat a thumping success. Old cases at various levels may be pulled out to unburden the courts. At the same time appropriate fresh cases should also be taken up for disposal in the National Lok Adalat. The date of the National Lok Adalat is being informed to you well in advance so that all the courts are able to identify appropriate cases for disposal at the National Lok Adalat in large numbers.

5. The following types of cases have been found to have been more successfully disposed of in the National Lok Adalat of 2013 and the Mega Lok Adalats organized in month of April, 2014. Therefore, these following types of cases, pending in various courts, could be taken up for disposal at the National Lok Adalat: -

1. Criminal Compoundable Cases

2. NI Act cases u/s 138

3. MACT Cases: Accident Information Report (AIR) case should also be taken up in MACT as also State Transport cases.

4. Matrimonial/family courts cases
5. Labour disputes including cases where re-employment with no back wages (as per policy) could be disposed of and including cases relating to Liquidation where claims of industrial workers for wages and other benefits are pending.
6. Land Acquisition cases including relating to Industrial Boards, land acquisition for ONGC, Railways, and other centrally sponsored schemes and also land acquisition executions.
7. Civil cases----- rent, bank recovery, easementary rights, Debt Recovery Tribunal Cases.
8. Revenue cases
9. MNREGA
10. Electricity & water bills (excluding theft cases)
11. Cases relating to Sales Tax, Income Tax, Indirect Tax (CESTAT) other Revenue matters in Mumbai/Delhi other commercial centres
12. Service matters relating to pay and allowances and retiral benefits
13. Forest Act cases.
14. Cantonment Boards matters.
15. Railway Claims.
16. Disaster compensation
17. Misc. Appeals , Criminal Appeals, Civil appeals, 2nd Appeals, Original suits, Writs, MACT Appeals before the Hon'ble High Court
18. Covered Matters
- 19 Pre-litigation matters

Special sitting of Magistrates may be organized to dispose off petty matters under the Municipal laws, Shops and Establishment Act, Local Police Acts, Excise Act, prosecutions for violation of labour laws such as Minimum Wages Act, Traffic challans etc. including for stopping of proceedings under section 258 CrPC. All deadwood cases could be identified and disposed of.

6. To reiterate, from the experience of National Lok Adalat/Mega Lok Adalats held on 23.11.2013 & 12.04.2014, it is seen that the task of identifying suitable cases undertaken in all earnestness has resulted in a higher rate of settlement. It may be repeated that it would be a purposeless exercise if a large number of cases are referred for the Lok Adalat and only a small number actually get settled. Careful selection of old matters is a must. Appropriate new cases should also be referred to and must be taken up in the Lok Adalat. Newer areas may also be explored for reference to and settlement at Lok Adalats. Areas which lagged in the last National Lok Adalat and Mega Lok Adalats may be reviewed to strengthen the reference and disposal. It is, requested that the learned Member Secretary monitor the reference and disposal at the National Lok Adalat.

7. Once again pre-sitting discussions with the parties should be held so that parties have time to reach a settlement. For this, the parties may be issued notices and called for the pre-lok adalat conciliation sittings. However, as advised by Hon'ble Mr. Justice H.L.Dattu, Executive Chairman, NALSA at the meeting of the Hon'ble Executive Chairpersons of SLSAs on 12.07.2014, there should be no need to show the fat figures. However, every effort must be made to identify the correct cases which would ensure reduction in the backlog of cases in

the courts at the different levels. His Lordship also advised that relief to the party should be immediate.

It is, therefore, requested that best efforts must be made to make a dent in the pendency of cases while at the same time facilitating quick disposal where parties have come to settlement even before the date that has been fixed for National Lok Adalat.

8. Adequate publicity must be given of the holding of the Lok Adalat so that parties could themselves approach the SLSA/DLSA/TLSC for getting their matter referred to the Lok Adalat. Once cases are identified for reference to the Lok Adalats, cause lists may be got prepared and Benches constituted and notified through notice boards and web-sites. NALSA may also be forwarded the details with regard to total number of cases, their categories, number of Benches and the background of the members (e.g. lawyers, social workers and sitting/retired judges, doctors etc).

9. The Hon'ble Executive Chairman has permitted the SLSAs to utilize the NALSA funds for meeting the expenditure involved in payment of honorarium, arrangements such as hiring charges of tents/ halls, publicity materials, snacks, conveyance charges and other related expenses, avoiding extravagance and ostentatious spending and keeping austerity in mind. I would like to draw your attention to the resolution adopted at the meeting of the Hon'ble Executive Chairpersons of SLSAs held on 12.07.2014 viz:-

"Resolved that all engaged in the legal aid movement must preach austerity and make it habit enjoying the confidence of the people at large who are in the need of help."

10. NALSA may be informed at regular intervals of the progress in the preparations. The details of expenses incurred under distinct heads may also be forwarded to NALSA immediately after the National Lok Adalat.

11. The following principles underlying the settlement through Lok Adalats are reiterated and may be kept in mind during this National Lok Adalat also:-

- a) No coercion or pressure should be exercised or even perceived by the parties while arriving at a settlement / Award by the Lok Adalat bench;
- b) Award is to be made strictly by mutual consent that is informed consent;
- c) Cases for pre-litigation Lok Adalats must be screened closely to eliminate malpractices;
- d) Notices to parties must be for attendance at the Lok Adalat nearest their residence and not merely at the convenience of banks and other financial institutions in pre-litigation matters.
- e) All other previous guidelines may also be followed.

12. Kindly place this letter before the Hon'ble Patron-in-Chief and the Hon'ble Executive Chairman of your Authority for further directions.

With regards,

Yours sincerely,

Asha Menon
(ASHA MENON)