

HIGH COURT OF CHHATTISGARH, BILASPUR

MEMORANDUM

No. 2622 / (Checker)
III-6-3/2000

Bilaspur, dated 09 March, 2022

To,

The District & Sessions Judge,

Balod/Balodabazar/Balrampur headquarter at Ramanujganj/
Bastar at Jagdalpur/Bemetara/ Bilaspur/ Dakshin Bastar,
Dantewada/Dhamtari/ Durg/Janjgir-Champa/ Jashpur/ Kabirdham
(Kawardha)/ Kondagaon/ Korba/Koria at Baikunthpur/
Mahasamund/ Mungeli/Raigarh/ Raipur/ Rajnandgaon/ Surajpur/
Surguja at Ambikapur/Uttar Bastar, Kanker, (Chhattisgarh).

The Registrar,

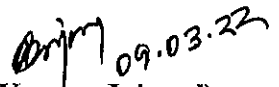
Industrial Court, Ghadi Chowk, Raipur

Subject:- Regarding to depute one or more Special sitting of Magistrates/concerned presiding officer of the court on the day of National Lok Adalat on 12-03-2022.

On the subject cited above, I am directed to inform you that Hon'ble the High Court, has been pleased to direct all the District & Sessions Judges of the State to depute one or more Magistrates/concerned Presiding Officer of the Court to hold special sitting on the day of National Lok Adalat on 12-03-2022 to dispose off petty matters under the Municipal laws, Shops and Establishment Act, Local Police Acts, Excise Act, Prosecution for violation of labour laws such as Minimum Wages Act, Traffic Challans etc. including stopping of proceedings under section 258 Cr.P.C., cases under Sec. 188, IPC & Disaster Management Act, 2005, (as prescribed in letter of NALSA dated 20-08-2014).

You are requested to comply with the above direction of the High Court.

Encl: as above


(Sanjay Kumar Jaiswal)
Registrar General

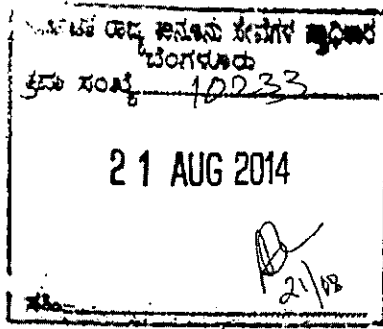
Endt. No. 2623 / (Checker)
III-6-3/2000

Bilaspur, dated 09 March, 2022

Copy forwarded to -

- 1) The Member Secretary, Chhattisgarh State Legal Services Authority, Old High Court Building, Bilaspur, for information.
- 2) The I/c NIC, High Court of Chhattisgarh, Bilaspur with a direction to upload this Memorandum in the official website of this High Court.


(Sanjay Kumar Jaiswal)
Registrar General



To
The Member-Secretary,
All State Legal Services Authorities.
Sir/Madam,

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

dt Anshu
Abel
Aneshi

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

06

9

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,
Sd/-
(ASHA MENON)

Note: Hard copy has already been dispatched to all SLSAs.