DELHI STATE LEGAL SERVICES AUTHORITY

(*Constituted Under the 'Legal Services Authorities Act, 1987', an Act of Parliament)*

Under the Administrative Control of High Court of Delhi

Central Office, Patiala House Courts Complex, New Delhi - 110001

Ph. : 23384781, 20371626, Fax : 23387267, Email : **dslsa-phc@nic.in, lokadalatwing-dslsa@nic.in**

Website :-www.dslsa.org **24x7 Helpline No. 1516**

Ref. No.: 12/DSLSA/ADRW/2nd E- LA/2020/ Dated: 03.09.2020

Ld. District & Sessions Judges,
Chairpersons, District Legal Services Authorities,
Delhi.

Sub.: 2nd E-Lok Adalat on 20.09.2020 (Sunday) at all District Courts Complexes.

Respected Sir/Madam,

This is to inform your goodself that Delhi State Legal Services Authority (DSLSA) is going to organize **2nd E-Lok Adalat** on **20.09.2020 (Sunday)** at all District Courts Complexes.

In this Lok Adalat, following categories of cases pending in Courts will be taken up:-

1. Criminal Compoundable Cases
2. u/s 138 NI Act Cases
3. u/s 188 IPC
4. Labour Disputes

All Concerned Courts dealing the aforesaid matters can refer the settle-able cases wherein mobile numbers/email Ids of parties is available. Parties who are willing to get their matters referred to the Lok Adalat can approach the Court by sending their consent through e-mail of the Court/respective DLSAs or DSLSA.

Courts will conduct pre Lok Adalat sittings in referred matters so that maximum cases can be settled. All other procedure will be followed as per Standard Operating Procedure (SOP) of E-Lok Adalat.

Further, it is informed to your good-self that this time we are not having technical assistance of any outside agency and hence, all the Courts are requested to conduct pre Lok Adalat sittings and E-Lok Adalat through **Cisco Webex App** which is already being used by the Courts.

In order to get maximum disposal of cases, your good-self is humbly requested to kindly hold meeting(s) with all stakeholders and encourage all Concerned Judicial Officers to refer maximum cases to the E-Lok Adalat. As it is online process, your goodself is further requested to kindly direct that there is continuous electricity and internet connectivity for seamless functioning of E- Lok Adalat.

Your goodself is also requested to kindly direct the concerned to make available updated data in respect of reference of cases to the Lok Adalat on daily basis to DSLSA office on e-mail Id:-lokadalatwing-dslsa@nic.in.

With best regards,

Yours faithfully,
Sd/-
(Kanwal Jeet Arora)
Member Secretary

Copy for information and necessary action to:-
Ld. Secretaries, District Legal Services Authorities, Delhi.

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Notification

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All Concerned Courts dealing the aforesaid matters can refer the settle-able cases wherein mobile numbers/email Ids of parties is available. Parties who are willing to get their matters referred to the Lok Adalat can approach the Court by sending their consent through e-mail of the Concerned Court/DLSA or DSLSA.

Details of e-mails as well Nodal Officers of Courts are available at the website of Delhi District Courts i.e. https://delhidistrictcourts.nic.in/ (details are in VC Hearing Links header) while e-mails of DLSAs are on website of DSLSA i.e. www.dslsa.org.

Proceedings of pre Lok Adalat sittings and E-Lok Adalat will be held through **Cisco Webex App**.

Sd/-
(Kanwal Jeet Arora)
Member Secretary, DSLSA

No. 12/ADR Wing/DSLSA Dated 03.09.2020

Copy to:-
1. Ld. Member Secretary, National Legal Services Authority, Jam Nagar House, Delhi
2. All Ld. District & Sessions Judges/Chairpersons, New Delhi/Delhi.
3. All Ld. Secretaries, Delhi State Legal Services Authorities, Delhi/New Delhi.
4. Website of DSLSA
5. Website of Delhi District Courts.
6. Nyay Sanyog, DSLSA

Sd/-
(Kanwal Jeet Arora)
Member Secretary, DSLSA

STANDARD OPERATING PROTOCOL

E-LOK ADALAT ,

TAKING AN E-WAY TO EFFECTIVE DISPOSAL

DELHI STATE LEGAL SERVICES AUTHORITY

"Access to Justice for All"

STANDARD OPERATING PROTOCOL
E Lok Adalat , taking an e-Way to effective disposal

The Preface

It is said that the wheels of the sun never stop, so is with the wheels of Justice. The servants of law are expected to be in service at every moment, in all conditions. Whereas, the Global Pandemic has brought the entire world on its knees, the law enforcement machinery has been busier than ever, be it Interim Bails or legal aid to the inmates, be it special Jail Sittings or be it maintaining the law and order, the servants of law have been working day and night, to the best of their ability and reach.

The nationwide lockdowns have brought the entire society to a standstill and our courts are no exception to the wrath of this global pandemic. Despite the best efforts of the Supreme Courts and the respective High Courts, the general public is facing the brunt of the suspended functioning, with many important matters being delayed on account of the national lockdown. Despite passage of time and despite abundant cautions and precautions taken by the state and the national administrations, this unprecedented situation does not seem to be getting any better. With more than one lakh confirmed cases[1], the proud capital of our country stands at number three in the overall national tally. In such an atmosphere, it will be absolutely quixotic, rather unwise, to expect the litigants to cross the thresholds of their houses and come to the courts; the requirements of social distancing and maintaining public hygiene, further make the plan of regular court functioning a herculean task.

With no solution in sight in the near future as well, the path ahead seems grim and barely lit, in such a situation a ray of hope can be provided by allowing parties an opportunity of disposing disputes by deploying means of Alternative Dispute Resolution (hereinafter as ADR). This may assume special importance in areas like MACT matters, Civil Recovery matters, matters under Negotiable Instruments Act etc., for the adjudication of these disputes culminates into a quantified monetary relief to the parties.

With an endeavour to serve the cause of Justice and for giving much needed motion to otherwise still pendency of the courts and above all, to help undo the misery of the litigants, the Delhi State Legal Services Authority, under the guidance of Hon'ble the Patron-in-Chief, Mr. Justice D.N. Patel, the Chief Justice of the High Court of Delhi and Hon'ble the Executive Chairperson,

[1] As per the data available on Delhi Government website on 15th July 2020

Ms.Justice Hima Kohli, Judge of the High Court of Delhi, proposes to organize the first ever E-Lok Adalat for MACT, Electricity and Civil recovery matters, through online channels and platforms, as approved by the Hon'ble Delhi High Court.

The Objective.

The last three months have not seen much progress qua the pending matters, causing an unimaginable and unprecedented hardship, physical, economic and psychological, to the litigants, who have been nothing but patient, despite their agony.

Occasioned by the national lockdowns, the figures of the disposals stand not far from zero. The scare of the disease and the uncertainty still hover over our heads like a faceless monster. In the present scenario, with growing numbers of the Corona cases, the idea of a fully functional court mechanism seems far and thus whatever can be done, should be done. Effectiveness of Lok Adalats as a means of quick and effective disposal is unquestionable, ergo; the same can be called upon to our rescue in these ungodly times. The objective of organising the present E-Lok Adalat is to give a much needed push to the pending matters and to allow the litigants an opportunity to seek effective disposal, at the terms suiting their needs and convenience. This will be a step in the direction of our penultimate goal, ***Access to Justice for all***, and shall give an economic shot in the arm to the litigants and a much needed mental relief from the standstill, created by the pandemic.

Types of matters to be taken up

Keeping the objective of effective and quick disposal and limitations of the available technology in mind, only those matters can be taken up which have an element of quick settlement, illustratively MACT disputes, Civil recovery matters, matters pertaining to Electricity Act etc.

The Platform

As discussed hereinabove, the current times require keen attention to public safety, health and hygiene. The safety and health of the litigants, the court staff, members of the Bar and the Judges, cannot be compromised and thus the best way to ensure social distancing and public health is by E-rendezvous i.e. meetings through Video Conferencing. The E-Lok Adalat shall be conducted through the Online Platform of Cisco Webex or any other platform prescribed by Delhi State Legal Services Authority.

Standard Operating Protocol

The following shall be the Standard operating Protocol (SOP) for the E-Lok Adalat

1. Extent and commencement. - (1) This protocol shall be called '*Standard Operating Protocol, E Lok Adalat*' (hereinafter as the protocol) and shall be applicable to all Lok Adalats organized by the Delhi State Legal Services Authority (hereinafter as the DSLSA) on online platform.

(2) It shall come into force from the date of its approval by Hon'ble the Executive Chairman, the DSLSA.

2. Definitions – (1) In this protocol, unless the context otherwise requires, -

(a) "Act" means the Legal Services Authorities Act, 1987 (39 of 1987), hereinafter as the Act;

(b) "Lok Adalat" means Lok Adalat to be organized U/s 19 of the Act;

(c) "E-Lok Adalats" means Lok Adalats to be organized by the DSLSA and the respective District Legal Services Authorities (hereinafter referred to as the DLSAs) in the District Court Complexes, by use of online platforms/channels (like CISCO WEBEX or any other Platform approved by the Delhi State Legal Services Authority);

(d) "National Lok Adalat" means Lok Adalats organised by the DSLSA and the DLSAs on quarterly basis on the directives of NALSA and the Hon'ble Supreme Court of India;

(e) "Pre-sittings" means a sitting before the scheduled E-Lok Adalats and shall include a real, active and genuine intervention by the members E-Lok Adalats providing and facilitating hearings, meetings and negotiations before the parties to reach an amicable settlement;

(f) "Video Conferencing" means a meeting, dialogue, sitting between the parties, jointly or individually, and the members of E-Lok Adalat through online platform prescribed by the DSLSA, in consultation with the Hon'ble Executive Chairperson of the DSLSA

(2) All other words and expressions used but not defined in this protocol and defined in the Legal Services Authorities Act, 1987 or its Rules and Regulations framed thereunder, shall have the same meanings assigned to them in the said Act or the Rules or the Regulations.

3. **Organization of E-Lok Adalats**- Every District Legal Services Authority shall organize E-Lok Adalats on such date and through such online channels as is approved by the DSLSA, in consultation with the Hon'ble Executive Chairperson of the DSLSA.

4. **Composition of E-Lok Adalats**- The composition of the E-Lok Adalats shall be the same as the Lok Adalats.

5. **Nature of cases to be taken up –** E-Lok Adalats shall take up pre-litigative as well as pending Civil cases, Matrimonial matters, matters under Electricity Act and Criminal Compoundable cases, apart from cases covered under Chapter XXI-A of Cr.P.C. for helping parties have a meeting to arrive at a mutually satisfactory disposition under Section 265-C, Cr.P.C.

6. **Notice to the parties -** (1) In pending matters, it will be the duty of the DSLSA through its approved agency to notify the parties about the date and time for appearance and also about the mode of appearance before the E-Lok Adalats. The notice can be served to the parties and/or their respective counsels through Whatsapp and Email.

(2) As regards pre-litigative cases, it will be the duty of the Ld. Secretary, DLSA concerned to ensure due service by means aforesaid through agency as approved by DSLSA.

7. **Procedure in E-Lok Adalats –** (1) Members of the E-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.

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

(3) In an E-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 E-Lok Adalat shall assist the parties in an independent and impartial manner in their attempt to reach amicable settlement of their dispute.

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

(5) The E-Lok Adalat may conduct the proceedings in such a manner as it considers appropriate taking into account the circumstances of the case, the wishes the parties.

(6) The E-Lok Adalat has no power to adjudicate the disputes as a regular court.

8. Appearance before the E-Lok Adalat- The Judicial assistant (Reader) of the Judge/magistrate presiding over the E-Lok Adalat/agency prescribed by DSLSA, shall send the URL (link) of the online platform to be used for conducting the E-Lok Adalat to the concerned parties and their respective counsels, through Email and/or Whatsapp, along with all necessary instructions on how to join, passwords if any etc., at least three days prior to the Scheduled E-Lok Adalat (excluding the day on which the E-Lok Adalat is scheduled). The said URL shall be valid for period specified in the said Email/Whatsapp message, as prescribed by the members of the E-Lok Adalat.

Illustration

For an the E-Lok Adalat scheduled for 26th July 2020, to be conducted on CISCO WEBEX internet application or any other application as prescribed by DSLSA, the Reader of the Court of the Judge, who is presiding over the E-Lok Adalat, shall create an online meeting and shall send URL/ meeting Link, along with other specifications such as meeting number, password, time for meeting etc to the concerned parties and their respective counsels. The Reader shall also send along with the aforesaid URL/Meeting number etc, the details on the procedure of Joining and other instructions, such as, How to download the app of CISCO WEBEX, whether an registration is required, the time frame for which the URL/Link shall be valid. These Emails/Whatsapp messages shall be sent latest by 22nd July 2020

9. Administrative and Technical assistance - Whereas the administrative assistance for facilitating E-Lok Adalat Proceedings shall be arranged by concerned DLSA, the technical assistance shall be provided by the DSLSA through the approved agency. The DSLSA shall run around the clock helpline to address the queries of the parties qua the E-Lok Adalat.

10. Communications between E-Lok Adalat and parties – E-Lok Adalat shall communicate, during the Pre-sitting or on the day of scheduled E-Lok Adalat, with the parties through Video Conferencing on the online platform(s) prescribed by the DSLSA, in consultation with **the Hon'ble Executive Chairperson of the DSLSA**. The said video conferencing can be 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 E- Lok Adalat shall not disclose any information, if one of the party desires to keep it confidential.

11. Award - An award shall incorporate the terms of the settlement or the compromise agreed by the parties under the guidance and assistance from the E-Lok Adalat. The parties shall be made to affix their digital signatures/E-signatures on the compromise entered into before the E- Lok Adalat. Every Award of the E- Lok Adalat shall be categorical and lucid and shall be written in English and shall be sent to all the parties by way of registered Email, Whatsapp and/or any other mode prescribed by the DSLSA. The award shall also contain the particulars of the case (case no, name of Court and names of parties), date of receipt before the E- Lok Adalat etc.. Wherever the parties are represented by a counsel(s), they shall also affix their digital signatures/E-signatures before the E- Lok Adalat.

12. Refund of the Court Fee: If a matter gets settled before the E- Lok Adalat, the parties shall be entitled to refund of the court fee, as per the provisions of the Court Fee Act. The award shall contain a clause to that effect.

13. Identification of the Parties. The parties shall be identified by the counsels representing them. The E- Lok Adalat shall record the registration numbers of the counsels in the proceedings drawn by it. In a situation where parties are not accompanied/represented by a counsel, the members of the E- Lok Adalat shall verify the parties through the **Aadhar Card number** or any other I.D. Proof and shall record the said number in the proceedings drawn by it.

14. Caveat to the parties. The members of the E- Lok Adalat shall ensure that the parties affix their digital signatures only after fully understanding the terms of settlement arrived at and recorded by the E- Lok Adalat. Each award of the the E-Lok Adalat shall contain a certificate by the members of the E-Lok Adalat that the parties have been explained the entire process and have been duly cautioned. The members of the E-Lok Adalat shall also satisfy themselves about the following before affixing their signatures:

a. that the terms of settlement shall not be unreasonable, unconscionable or illegal.
b. that the parties have entered into the settlement voluntarily and not on account of any threat, coercion or undue influence.

15. Award to form part of record : (1) The original Award of the E- Lok Adalat shall form the part of the Trial Court's Judicial records. The digitally signed award shall be sent to the trial court through Email and the Judicial

Assistant (Reader) of the concerned court (Referring court) shall make it the part of the court record by taking a printout and attesting the same under his signatures.

(2) In pre-litigation matters, the digitally signed Awards shall be sent to the DSLSA, the DLSA and the parties and to the office of the District and Session Judge Concerned, through the DSLSA.

16. Confidentiality: Any communication made by the parties before the E-Lok Adalat shall be confidential and shall be covered by Section 23 of the Indian Evidence Act, 1872. The views expressed and discussions made by parties during the proceedings of the E-Lok Adalat in respect of the possible settlement of a dispute shall not be brought in evidence in any Judicial or Arbitrator proceedings. The proposals made by the members of the E-Lok Adalat or admission made by any party or the conduct of the parties in the course of the Lok Adalat proceedings shall not be made use of in other court or arbitral proceedings.

17. **Failure of the parties to settle :**In the event of failure of the parties to settle the matter/ the dispute, the record shall be sent back to the court concerned and in the Pre-Litigation matters, in such event, the parties may be advised to resort to other ADR techniques or to approach a court of law.

18. **The DSLSA and the DLSA to maintain records:** DSLSA and DLSA shall maintain digital records of all matters referred to the E-Lok Adalat.

19. **Honorarium-** As prescribed by the Fee Schedule of DSLSA for the Lok Adalat.

20. **Summoning of record by E-Lok Adalat. -** The referral court shall send the record of the referred matters to the E-Lok Adalat through a duly signed Robkar/requisition slip with the rider that the file shall be returned back as soon as possible. The Ahlmad of the Judge/Magistrate presiding over the E-Lok Adalat shall be the custodian of the record, until sent back to the concerned court.

OFFICE OF THE PRINCIPAL DISTRICT & SESSIONS JUDGE-CUM-SPECIAL JUDGE (PC ACT)(CBI)ROUSE AVENUE DISTRICT COURT COMPLEX, NEW DELHI.

No.Lok Aadalat/RADC/Gaz./2020/E-12691-12705 Dated 8th September, 2020.

E-copy of the letter of Ld. Member Secretary, Delhi State Legal Services Authority Patiala House Courts Complex, New Delhi dated 3rd September, 2020 received through e-mail where the Ld. Member Secretary, DSLSA has informed DSLSA is going to organize 2nd E-Lok Adalat on 20.09.2020 (Sunday) at all the District Court Complexes.

In this Lok Adalat, following cases will be taken up:-

1. Criminal Compoundable Cases,
2. Complaint u/s 138 NI Act,
3. Cases u/s 188 IPC and
4. Labour Disputes pending in Courts.

All concerned Courts dealing with the aforesaid matters can refer the settle-able cases wherein mobile numbers/email Ids of parties are available. Parties who are willing to get their matters referred to the Lok Adalat can approach the courts by sending their consent through e-mail ID of the Courts/respective DLSAs or DSLSA. Courts will conduct pre Lok Adalat sittings in referred matters so that maximum cases can be settled. All other procedure will be followed as per Standard Operating Procedure (SOP) of E-Lok Adalat. It has further been informed that this time there will be no technical assistance of any outside agency and hence, all the courts are requested to conduct pre Lok Adalat sittings and E-Lok Adalat through Cisco Webex App which is already being used by the Courts. The updated data in respect of reference of cases to the Lok Adalat is to be sent on daily basis to DSLSA office on e-email Id:-***lokadalatwing-dslsa@nic.in.*** The letter along with Notification and Standard Operating Procedure(SOP) of E-Lok Adalat be forwarded digitally for information and necessary action to:-

1. All the Ld. Presiding Officers, Industrial Tribunal and Labour Courts at Rouse Avenue District Court, New Delhi with the request to refer the settle-able matters wherein the mobile numbers/email Ids of parties are available so that maximum cases can be settled. Parties who are willing to get their matters referred to the Lok Adalat can approach the Court by sending their consent through e-mail of the Court and DLSA/DSLSA. The Ld. Judicial Officers shall send the data in respect of reference of cases to the Judicial Branch of RADC at email id ***judicialrouseavenue@gmail.com*** for onward transmission to DSLSA **every day by 4.pm**.

2. The Hony. Secretary, Rouse Avenue Court Bar Association, New Delhi (Registered Office:-C-18, SDA Market, Opp. IIT Gate, New Delhi-110016.).

3. The President, Labour Law Association, 222, First Floor, Second Avenue, Jorbagh, New Delhi-110003.

4. The Ld. Member Secretary, Delhi State Legal Services Authority, Patiala House Courts Complex, New Delhi, for information.

5. The Secretary Delhi Legal Services Authority, Central District, Tis Hazari Courts, Delhi.

6. The Branch In-charge, Computer Branch, RADC, New Delhi for information and necessary action and also for uploading the same on Official Website.

7. The Branch In-charge, Administration Branch, RADC, New Delhi

8. The PS to the undersigned.

This is computer generated copy and does not require signature.

Sd/-
(SUJATA KOHLI)
Principal District & Sessions Judge-
cum-Spl. Judge (PC Act)(CBI)
Rouse Avenue District Court
New Delhi