

## **“INSTRUCTIONS”**

**BY**

### **KARNATAKA STATE LEGAL SERVICES AUTHORITY**

➤ **Lok Adalat sittings and Pre Conciliation can be done in hybrid mode i.e., both Physical and Virtual mode. You are requested to maintain separate statistics of cases settled in Physical and Virtual Mode.**

1. **To give wide publicity to National Lok Adalat:**

All DLSAs/TLSCs shall give wide publicity to the National Lok Adalat through:-

(i) Local TV Channels / Newspapers/ FM Radio/ Social Media

(ii) To give wide publicity of National Lok Adalat by displaying banners and matters related to the purpose and benefits of Lok-Adalat in the LED Screen placed in every traffic signals of the City and in Railway stations.

(iii) Involve PLVs, Panel Advocates & Advocates who are getting stipend from the Government and also Law Students.

(iv) To request the State Government/District Authority to put a bottom line news just under the Government Advertisement in Print and Electronic Media.

(v) To request the KSRTC/BMTC Department to give advertisement in its bus tickets in the bottom by printing a message in vernacular language “ತ್ವರಿತ ನ್ಯಾಯಕ್ಕಾಗಿ ದಿನಾಂಕ:25.06.2022 ರಾಷ್ಟ್ರೀಯ ಲೋಕ್ ಅದಾಲತ್ ನಲ್ಲಿ ವ್ಯಾಜ್ಯ ಇತ್ಯರ್ಥ ಪಡಿಸಿಕೊಳ್ಳಿರಿ” (For quick disposal of cases, settle the case in National Lok Adalat scheduled on 25.06.2022)

(vi) To request the Commissioner City Municipal Corporation, to give wide publicity about the National Lok Adalat through Audio announcement in Municipal Waste Management Vehicles, Bus Stand and in Railway Stations.

(vii) Press Conference to be called by DLSAs/TLSCs to publicize Lok Adalat and its use to general public and to add QR Code of telegram channel in the press note and other advertisement.

(viii) To give publicity to Lok-Adalat in Telegram Channel /You tube / Whatsapp by posting videos and photographs of your success stories.

(ix) Pamphlets on lok adalats be annexed to summons and court notices.

(x) Information that cases can be settled in lok adalat be displayed in auto generated court summons.

(xi) Lok Adalat date be displayed on court hall screen display in CIS

**2. To convene meeting of Hon'ble Administrative Judge:-**

The PDJs after getting prior approval of the Hon'ble Administrative Judge of the District may convene a virtual / physical meeting with all Judicial Officers of the District, Bar Association Members, Top Officers of various departments, to motivate them in identifying and settling more number of cases, which are fit for settlement and address any problems faced by the officers. Also, to submit the statistical information every alternative days to the Administrative Judges.

**3. Identification of cases:**

(i) The PDJs shall call for a meeting of all Judicial Officers of their unit and motivate them and request them to physically verify the records and identify cases in all categories, which are fit for settlement.

(ii) Every Judicial Officer shall identify the cases which are fit for settlement and send the list on day to day basis to the Member Secretaries of DLSAs & TLSCs in prescribed format.

(iii) To identify the matter at the stage of Appeal/Revision – (NI Act / DV Act / Sec 125 / LAC)

(iv) To focus on old cases pending more than 5 years and take up in National Lok Adalat.

(v) Identify only pending cases, which are already entered in CIS.

**4. The PDJs/Member Secretaries shall convene meetings through online or physically by following SOP guidelines with;**

1. Office bearers of Advocate Bar Association
2. Panel Advocates
3. Claimants Advocates
4. Insurance Company Officers
5. Police Officers
6. Officers of department of Mines and Geology
7. Special Land Acquisition Officers / Land Acquisition Officers / District Commissioner /Assistant Commissioner.

5. **Group Leaders - DLSAs/TLSCs may create Whats-App / Telegram group:-**

(i) In big Districts, PDJs can nominate any experienced Judicial Officer, preferably one who has worked as Member Secretary of DLSAs or TLSCs, as group leader and provide him/her simcard purchased by DLSA to create Whatsapp group of Panel Advocates / Claimants Advocates / Insurance Company Officers / Police Officers / Government Officers to have discussions/deliberations/ to identify cases and to have Pre-conciliation.

(ii) The list of compoundable cases be shared with the Jurisdictional police officers to co-ordinate with the concerned court, the complainant & accused. The presence of the complainant / Accused may be secured through virtual mode for settlement of cases.

6. **Pre-Conciliation in identified cases:-**

(i) The past experience shows that effective pre-conciliation is one of the tools for settlement of identified cases. If pre-conciliation is required, in any case, experienced conciliator may be requested to conciliate physically or by virtual mode. DLSA/TLSC shall make necessary arrangements for Virtual / Physical conciliation and it must be intimated to the parties and conciliators well in advance.

(ii) Everyday there shall be pre conciliation sittings by Judicial Officers – a table in the court premises for pre conciliation sittings be set up, where the judicial officers can attend for three quarters in a day (morning -afternoon-evening) on turn basis-time table be scheduled for such sittings of Judicial officers.

(iii) Retired Judges or Mediators available in the respective District / Taluka may be involved for pre-conciliation sittings relating to (MVC cases, NI Act cases, LAC cases, Civil Suits, Matrimonial disputes (except divorce case) etc.). You can also involve law college students.

7. **MVC Cases:**

Everything has been settled by Hon'ble Supreme Court on all issues that may arise in Motor Vehicle Accident Cases.

(A) **Important Decisions in MVC Cases:**

1. Constitution Bench decision in **Pranay Sethi case – [(2017) 16 SCC 680]**
2. **Sarala Verma Case (2009) 6 SCC 121)**
3. **Magma General Insurance Company Limited [(2018) 18 SCC130]**

- Loss of Consortium includes : –
  - i. Spousal consortium
  - ii. Parental consortium
  - iii. Filial consortium
- Absence of any evidence as to income of the deceased and consideration of minimum wages is proper.

**(B) Future Prospects, where there is no proof of income.**

**a) (2018) 4 SCC 571 (Jagdish Vs Mohan & Others)-**

By following guidelines laid down in Pranay Sethi case, Hon'ble Supreme Court held that benefit of future prospects should not be confined only to those who have a permanent job and would extend to self-employed individuals.

**b) [(2018) 2 SCC 765] (Munusamy & others Vs M.D. T.N.S.T. Corpn)**

Adding future prospects to established income of deceased while determining compensation, must be done in all cases as per ruling of five-Judge Bench in Pranay Sethi, (2017) 16 SCC 680.

**(C ) [(2019) SCC Online SC 1029] Joginder Singh & Another Vs ICICI L.G.I. Co. Ltd. and Royal Sundaram Alliance Insurance Co. Ltd Vs Mandala Yadagari Goud (2019 5 SCC 554)**

- The Age of deceased has to be taken into account and not the age of the dependents.

**(D) Kajal Vs Jagdish Chand and others (2020 SCC Online SC 127)**

- Determining of income in case of the minor (minimum wages payable to the skilled workmen).

**(E) Direction to deposit the award amount**

**(i) M.R. Krishna Murthy Vs. The New India Assurance Co. Ltd., [(2019) SCC ONLINE SC 315]**

**“In the award, the Claims Tribunal shall specifically direct the Insurance Company and/or the owner/driver, as**

**the case may be, to deposit the award amount or transfer the same by RTGS/NEFT/IMPS directly to the bank of the Claims Tribunal”.**

**(ii) Smt. Yamuna Channabasappa Shetty Vs. K. Raghukumar @ Raghu (ILR 2019 KAR 3603)**

The directions were issued by the Hon'ble High Court of Karnataka:

**“(xix) The Claims Tribunals shall also ensure that in case of compromise being recorded in Lok-Adalat proceedings, at the time of such compromise, the details of bank accounts, Pan Card (if available) of the claimant or claimants and/or legal representatives shall also be obtained and disbursement of the amount compromised shall also be only by way of NEFT/RTGS. In cases where the claimants or victims have Adhaar Cards, a self attested copy of the same may also be obtained.**

**(xxi) The Registry to send copy of this Order to all the District Judges/concerned Tribunal under Employee's Compensation Act or the Motor Vehicles Claims Act, and shall ensure strict compliance of the above directions”.**

**8. Follow “Notional Income” Chart sent by KSLSA dated 26.02.2022:-**

In Lok-Adalat, endeavor should be made to follow the chart sent by KSLSA dated 26.02.2022, to determine the 'Notional Income'. In the meeting attended by Panel Lawyers, tell them that henceforth, the tribunal will fix the 'Notional Income' as indicated in the Chart.

See the Judgment of the Hon'ble High Court of Karnataka reported **in ILR 2017 Kar 3045: (2018)**

**9. The Settlement of Land Acquisition Cases: (Execution Cases):-**

(i) To concentrate on LAC Execution cases pending in the trial Courts in the State. The concerned Courts shall prepare a list of Execution Cases preferably for lesser award amount and grouping them for a sum less than Rs. 5,00,000/-, above Rs.5,00,000/- to below Rs. 10,00,000/-, above Rs. 10,00,000/- to below Rs.20,00,000/- and above Rs.20,00,000/- and handover that list to DLSA/TLSC.

(ii) The Courts dealing with LAC Execution Cases shall request both the parties to submit Memo of calculation with upto date interest and send the list to DLSAs.

(iii) DLSAs to hold meeting with District Level Officers, Special LAO, CEO of Nigams, Panel/claimant advocates and motivate them to settle more cases.

#### 10. **Service of Special Notices:-**

If the accused is resident of other States, the Member Secretary, District Legal Services Authority shall prepare a list of such accused with all details (contact no./email address and correct address in English) and special notice of Lok Adalat be forwarded to the concerned State Legal Services Authority with a request to serve special notice through PLVs / Panel Advocates / Jurisdictional police.

#### 11. **Special sitting of Magistrates for disposal of Petty matters:-**

As intimated by **NALSA vide letter dated 20.08.2014**, Special sitting of Magistrates may be organised to dispose of petty matters under:

- i. Municipal Laws
- ii. Shops and Establishment Act
- iii. Local Police Acts
- iv. Excise Act
- v. Violation of Minimum Wages Act
- vi. Traffic Challan etc.,

#### 12. **Identifying N.I. Act Cases, Commercial disputes and Bank suits: (Judge incharge shall group the cases based on Companies/Firm):-**

(i) In NI Act Cases, the group leaders or concerned Judge shall hold meeting with the officers of Company or Finance and try to identify more number of cases, which could be compounded. The Judicial Officer shall prepare a list of N.I. Act cases based on cheque amount, preferably of lesser amount of Rs.25,000/-, Rs.50,000/-, Rs.1,00,000/- and Rs.2,00,000/- as there are more chances of settlement of such cases.

(ii) The directions given by Hon'ble Supreme Court in **Indian Bank Association Cases [(2014) 5 SCC 590]** must strictly be followed - Convince the parties that as directed by Hon'ble Supreme Court, in N.I. Act cases, the evidence of the complainant must conclude within 3 months of assigning the case.

(iii) Further, as per Sec. 143-A of amended N.I. Act, the Trial Court may direct the accused to pay 20% of the cheque amount to the complainant

as Interim Compensation. Then as per Sec.148 of amended N.I.Act, on conviction if the accused prefers appeal, he may be required to deposit 20% of the compensation/fine amount before the Appellate Court.

(iv) In **Damodar S. Prabhu Vs Sayed Babalal H [(2010) 5 SCC 663]**, Hon'ble Supreme Court laid down certain guidelines to encourage the litigants in cheque dishonour cases, to opt for compounding during early stages of litigation and laid down graded scheme of imposing costs on parties who unduly delay in compounding of offence.

(v) Judgment rendered by **Hon'ble Mr. Justice Suraj Govindraj in W.P.No.23519/2018 (GM-RES)** wherein it is stated that -

**“31.1. Depending on the terms of a compromise arrived at before the Lok-Adalat it can be enforced as a Civil decree or in terms of the applicable provisions of Cr.P.C., including that under Section 431 of Cr.P.C. if so provided in the compromise.**

**31.2. In the event of a default of the compromise arrived at before the Lok-Adalat this Court or the Trial Court can on an application made by the Complainant set-aside the compromise arrived at before the Lok-Adalat, restore the complaint on its file and proceed with the complaint or enforce the compromise as per the terms of the compromise including by issuance of an FLW under Section 431 of the Cr.P.C.”**

(vi) Judgment rendered by **Hon'ble Smt. Justice K.S. Mudagal in Criminal Revision Petition No.909/2017**, dated 04.02.2021 (**Sri M Vijay Nayak Vs. M/S Sri Sai Book Manufacturers**) - may be taken note of.

### **13. Settlement in Partition Suits:-**

The Settlement in Partition Suits be guided by decision in **Vineeta Sharma V/s Rakesh Sharma (Section 6 of Hindu Succession Act, 1956) – (2019) 6 SCC 162, (2019) 3 SCC (Civ) 171 and Karnataka High Court Circular No. 06/2020 Dtd. 24.08.2020**

14. **Ejectment Suits/Specific Performance Suits / Money Suits and other Civil Suits:-**

Ejectment Suits/Specific Performance Suits / Money Suits and other Civil Suits, where there is element of settlement can be taken up for Lok Adalat. The concerned judicial officers to make list of such cases and same be shared with stake holders. Pre-conciliation sittings be held and cases which are settled be posted for orders on the date of Lok Adalat.

Compromise petition files under order XXIII Rule 3 (CPC) cannot be referred to Lok Adalat has held by the Hon'ble High Court (Dharwad Bench) in Writ Petition 105119/2017 (GM-CPC)- Ramachandra Vs. Lakshman.

15. **Settlement of MMRD Cases before Lok Adalath**

If the case is filed under MMRD Act & Rules, then such case shall be compounded by 'Authorized Officer' and not the court.

But, if the case is registered under Sec.379 IPC, the court may permit for compounding of the case.

- Judgment rendered by **Hon'ble Mr Justice John Michael Cunha** CrI.RP.No. **683/2020**, dated 02.12.2020 (**The State of Karnataka by Gowribidanur Rural Police V/s Sri Narasimha Murthy & others**)

16. Success stories of each DLSA to be shared with KSLSA along with videos/photographs containing the details of the cases settled in National Lok Adalat.

17. All District Legal Services Authorities shall co-ordinate with Jurisdictional Permanent Lok Adalats, Consumer Forum, Revenue Department etc., to settle more number of cases.

18. Constitution of benches in such Tribunals /Consumer Forum etc.,

19. **The Statistics of Identified cases** is to be sent on daily basis to KSLSA in the Formats.