

NATIONAL LEGAL SERVICES AUTHORITY

Guidelines for an Effective Lok Adalat on NREGA

1. **Announcements**: If a public announcement is made to invite complaints to the Lok Adalat, it should be worded carefully, to ensure that there is clarity from the beginning about the Lok Adalat process and the sort of disputes that may be referred to the Lok Adalat:
2. **Legal awareness**: If a “Legal awareness camp” is organized along with the Lok Adalat, the awareness generation material should be thoroughly scrutinized for factual accuracy, to avoid any confusion. The material should be in local language, accessible and user-friendly.
3. **Sorting of complaints**: Careful attention should be paid to the sorting of the classification and numbering of complaints, e.g. to facilitate efficient retrieval and to make it possible to “group” them easily. The right type of disputes must be chosen for referring the same to the Lok Adalat so that there is no hindrance for settling the same.
4. **Briefings**: All relevant staff, including members of the “benches”, should be thoroughly briefed / sensitized about NREGA before they start their work. They should know what type of disputes can be settled in Lok Adalat and if the dispute cannot be settled, the beneficiaries must be told about the provisions of the NREGA, so that there will be no confusion.
5. **Constitution of benches**: Every Bench of the Lok Adalat must consist of serving or retired Judicial Officer and social worker/retired engineer/retired revenue officer. There should be a panel of the Members of the Benches and the Members should have adequate experience in welfare schemes. The constitution of the benches should be fair and transparent. Persons with vested interests of any sort should be avoided. The induction of members from neighbouring Blocks or Districts should be considered.
6. **Guidelines for benches**: Detailed guidelines should be given to the benches on how to “resolve” different types of complaints (e.g. lack of work, late payment of wages, unemployment allowance, fake entries in Job Cards, and so on). The Members must have patience, institutional feelings and work exuberance.
7. **User friendliness**: Priority should be given to amity, harmony and amiability in the functioning of the Lok Adalats. A Humane prospective should never be overlooked. The disempowered predicament of NREGA workers (and other applicants) should be borne in mind at every step. For instance, adequate facilities and support need to be provided to non-literate applicants, e.g. through Help Desks. Law Students and para-legal volunteers can be involved for Help Desks.

8. **Essential desks**: Aside from Help Desks, other essential desks should be available at the Lok Adalat for matters such as opening bank accounts, making work applications, submitting new complaints, applying for a Job Card, checking MIS data etc. For this purpose, concerned authorities may be contacted.
9. **Fresh complaints**: Facilities should be available for making “new” complaints at the Lok Adalat –. There should not be a hurry for settling the dispute. Fresh complaints should be processed / sorted out and after identifying the disputes which can be referred to the Lok Adalat may be taken up in the next Lok Adalat.
10. **On the spot payments**: Facilities are also required for immediate payment in cases where, say, wages due or the unemployment allowances, need to be paid on the spot. For petty amount, poor worker should not run here and there. Ministry of Rural Development and the concerned authorities should be impressed upon to bring cash or cheques to the Lok Adalat so that if disputes of petty amount are settled, the same may be disbursed on the spot.
11. **Informed consent**: Care must be taken to ensure that applicants understand the “award” they are agreeing to. For instance, in the case of non-literate persons, the award should be read out and explained to them before requesting their signature or thumbprint. Settlement may be written in local language also which can be understood by the workers.
12. **Legal aid**: It is felt that most of the illiterate workers cannot explain their grievances . Therefore, aid must be made available through para-legal volunteers / law students / legal aid counsel Legal to the applicants, so that they are able to defend their rights in the Lok Adalat.
13. **Sarkari participation**: Competent officials (e.g. BDO, Panchayat Sevak, Gram Rozgar Sevak) should be present at the Lok Adalat to answer queries and act as the respondent party in cases of complaints about matters that fall within their jurisdiction.
14. **Non-interference**: Vested interests of any kind should not be allowed to interfere with the Lok Adalat. For instance, private contractors should be banned.
15. **Awards**: A true copy of the “award” must be given to the applicant on the day of the Lok Adalat. The applicant should be made aware that the Award of the Lok Adalat is binding on both the parties and if it is not complied with, execution process can be initiated.

G.M.Akbar Ali
Member Secretary, NALSA