

DOCUMENT INFORMATION

Project	PLCF
Project Manager	
Version number	
Draft as of	
Printed on	

DOCUMENT HISTORY

Document source

Mention the location where the document will be stored.

Revision history

Version number	Date	Summary of changes	Revision marks

Approvals

The following people have approved this document.

Name	Function	Date of approval	Signature

Distribution

This document has been distributed to,

Name	Function

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1.0 Introduction/Background

A number of citizens who come to police stations and senior police officers for their grievance redressal actually do not come with a complaint which discloses commission of a cognizable offence. A very large proportion of these minor disputes in the community are what is called “civil disputes”. In a very large number of cases the citizens come with money or property disputes which require resolution. Similarly, the police also spend a huge amount of time in investigating criminal cases that finally do not get tried in court, but are compounded off by judiciary.

The strength of any legal system depends on how it responds in all situations, be it times of stress or of peace, moments of progress or of great economic challenge. A legal system that offers answer to all situations is truly a mature legal system. Blueprints for police reforms as well as excellent ideas to improve the criminal justice system have been around for years. Sadly, these ideas have not been turned into a tangible agenda for change and improvement in India.

It is the investigation process of the police and the evidence that it develops that serves essentially as the ‘gateway’ to the criminal justice system, as the police initiate most criminal matters that other components of the justice system deal with. The information collection efforts and decisions made during the investigation by police officers are key determinants of whether or not any other elements of the system will ever become involved. The quality and thoroughness of police investigations also affect how prosecutors dispose of them. In this sense, the police directly influence the amount and quality of evidence available for prosecution. The police investigation process also influences the workload and activities of the court systems. The police investigation process generates many of the legal issues that are raised and adjudicated in courts.

However, improvements in the productivity of a single element, for example, an increase in police case detection rates through the improved quality of investigation, will increase the workload of other system elements. Increasing workloads without bringing about reforms to handle the additional work may prove to be futile. The inability of one component to take advantage of improvements in another could have negative repercussions on reform programs and could also decrease the confidence of the public in the value of investing more resources in a system that yields counterproductive results.

2.0 Overview

2.1 Project Title: Pre-Litigation Counselling Forum (PLCF)

2.2 Vision: To have a system based mechanism to address minor disputes and compoundable criminal cases efficiently and effectively

2.3 Project Objective: To prepare an S.O.P. for achieving the above vision with simplicity and robustness

3.0 The Project

3.1 Purpose of the project:

Due to endemic delay in civil procedure, most of these citizens hesitate to approach civil courts and look for speedy resolution to their disputes. They look to police for providing this resolution and when they are told that the police has no role to play in civil disputes they end up losing whatever little faith they have in the police system. They also fall prey to those unscrupulous police officers who settle civil disputes with more interest than their legitimate mandate. In many cases, civil matters are given the colour of cognizable offences, FIRs got issued, and the heavy handed police methods used to “settle” the matter. Needless to say, this is often done with the connivance of such police officers themselves. In metros and in urban areas mafia and anti social elements have got generated who specialize in settling such civil disputes. The tragedy is that the citizens find these illegal redressal forums still more effective than the civil courts. Many times, unresolved civil disputes lead to commission of crime as well. Those police officers who try to settle civil disputes with the best of intentions also soon fall victim to allegations by vested interests and get entangled legally. In many cases, lawyers who are affected by these unofficial civil dispute redressals, by even well meaning police officers, ensure that such officers are taken to task through the courts.

Police manuals and Rules prevent the police from taking a proactive role in settlement of such disputes. However, solving of these minor disputes in the community is a genuine felt need and should be part and parcel of community policing. US Dept of Justice defines Community policing as a philosophy that promotes organizational strategies, which support the systematic use of partnerships and problem-solving techniques, to proactively address the immediate conditions that give rise to public safety issues such as crime, social disorder, and fear of crime. The focus of most community policing initiatives is to improve the delivery of police services and solving of minor/civil disputes in the community may be only a peripheral component of any scheme. However, all police officers know the strain they face due to the mismatch between the pressure of the community's expectations and the conventional limits placed on their role. Therefore, police has to take a proactive role in finding resolution of these civil disputes within the framework of law.

One can envisage the various components of the criminal justice system as compartments of a canal system through which water is flowing continuously. If the flow rate gets clogged at any point, it will build up the level of water. If official, rational and legal ‘gates’ are not designed to control and harmonize this flow at every stage, the stakeholders at every stage will create unofficial, irrational and illegal ‘gates’ to avoid submergence. In criminal jurisprudence, this flow of cases begins with the police. Because the criminal law can be (and should be) set in motion at no cost to the complainant, there is a need to create such official ‘gates’ to rationalize the workload of the investigating agencies. Because we have failed to do this, the stakeholders ‘manage’ this by burking the registration of crime and despite the best

intentions of police and judicial leadership, the problem of burking doesn't get resolved. For instance, the 'gate' of plea bargaining that evolved in jurisdictions where the conviction percentage exceeds 90% and criminal trials usually don't last several years, will not serve any purpose in India today, as it is presently designed, due to very low conviction rates. We therefore, also need to create a system to lighten the investigative load on police stations so that the expensive and time consuming investigative machinery operates only in those cases that are needed to be taken to trial.

3.2 Sponsor: Government

3.3 Financial benefits: It is not possible to quantify the immense benefits that would accrue to the common people who would be able to get their minor civil disputes settled without costly litigation. Also, if the police is able to save expenditure on investigation in a large proportion of criminal cases also, the benefits would be tremendous.

4.0 Situational assessment and Problem statement:

Mediation is a negotiation process in which the parties, with the assistance of a mediator, attempt to reach a solution to their dispute through a series of offers and counter-offers. The parties retain control over the outcome of the process (i.e., whether to settle and the terms of settlement). The mediator facilitates communication between the parties and helps them generate possible solutions to a dispute. Mediation is characterized by extensive negotiations between the parties, attention to the specific facts of a dispute and interests of the parties, and focus on both traditional and non-traditional terms of agreement. The main Law governing mediation in our country is "The Arbitration & Conciliation Act" of 1996. This Act provides for both Arbitration & Conciliation.

The concept of Conciliation was introduced in the statute of Industrial Disputes Act, 1947. The Conciliation is generally conducted by an officer appointed by Government under Industrial Disputes Act, 1947. Industrial Disputes Act, 1947 provides provisions for the parties to settle disputes through Negotiation, Mediation and Conciliation. Alternate Dispute Resolution plays a major role in the family disputes settlement. Section 5 of the Family Court Act, 1984 provides provisions for the association of social welfare organizations to hold Family Courts under control of government. Section 6 of the Act provide for appointment of permanent counsellors to enforce settlement decisions in the family matters. Further, Section 9 of the Act imposes an obligation on the court to make effort for the settlement before taking evidence in the case. The Indian Contract Act, 1872 mentions Arbitration Agreement as an exception to Section 28 that renders an agreement void if it restrains a legal proceeding. Alternate Dispute Resolution whether sought for or not in a contract can be easily inferred from presence or absence of the 'Arbitration clause'. Alternate

Dispute Resolution procedures are mostly divided into two segments: Adjudicatory and Non Adjudicatory. In case of adjudicatory process case reaches a stage where decision gets a binding effect, for example in case of arbitration. The other is non-adjudicatory; it contributes to resolution without adjudication, such as process of Negotiation, Mediation etc.

Section 89 was introduced in 1999 to Civil Procedure Code which formulates four methods to settle disputes outside the court namely, Arbitration, Conciliation, Mediation and Lok Adalats. Section 89(1) of Civil Procedure Code provides for settlement of disputes outside court. There are certain lacunae in this section. Firstly, it is not clear whether reference by court to Alternate Dispute Resolution is discretionary or mandatory. Secondly, there are few details in relation to opinion of expert mediators and conciliators' compensation. This section does not come to the rescue of the common man, who is either reluctant or incapable of hiring lawyers and approaching civil courts. These Alternate Dispute Resolution mechanisms are only corporate friendly. Commercial parties enter into contracts with Arbitration Clause. Most of the companies resort to Alternate Dispute Resolution, as it is less complicated, less expensive and confidential. Many institutions have been established for the purpose of alternate Dispute Resolution implementation. However, the class of minor/civil disputes which plagues all police stations does not lend itself well to above mechanisms.

Of greater interest to us is Part III of the Arbitration & Conciliation Act, 1996 which deals with conciliation. Section 73 of the Act reads *“(1) When it appears to the conciliator that there exists elements of settlement which may be acceptable to the parties, he shall formulate the terms of a possible settlement and submit them to the parties for their observations. After receiving of the observations of the parties, the conciliator may reformulate the terms of a possible settlement in the light of such observations (2) If the parties reach agreement on a settlement of the dispute, they may draw up and sign written settlement agreement. If requested by the parties, the conciliator may draw up, or assist the parties in drawing up, the settlement agreement. (3) When the parties sign the settlement agreement, it shall be final and binding on the parties and persons claiming under them respectively. (4) The conciliator shall authenticate the settlement agreement and furnish a copy thereof to each of the parties.”* Therefore, the police can use section 73 of the Arbitration & Conciliation Act, 1996 to have two disputing parties come to a mutual settlement.

However, considering the nature of the police image and the social discourse in our country as on today, a better recourse is to the chapter VI A of the Legal Services Authorities Act, 1987 (amended in 2002) which deals with pre litigation conciliation. Lok Adalat is essentially an evaluation process in which a panel of neutral lawyers, judges, and prominent citizens proposes a settlement after hearing the facts and claims involved a dispute. Limited negotiations may take place during Lok Adalat.

There is rarely any direct communication between the parties or any extensive give and take regarding their settlement offers.

If a system is to be evolved where the police act as the facilitator to resolve these minor disputes in the community, then such a system would need to necessarily satisfy these conditions:

- It would have to be Officer-independent and not identified with an individual facilitating officer
- It should not be exclusively identified with the police
- It should be resistant to manipulation by any individual officer
- It should not attract adverse attention of the Courts and should be within the boundaries as prescribed by law.

A system oriented effort to marry Mediation with Lok Adalat was made in Vijayawada to provide an effective pre-litigation conflict resolution, in December 2004. This mechanism was called “**Pre-Litigation Counselling Forum**”. The important thing to note is that more than 12 years after the transfer of the officer who initiated this program, this Forum is still going strong with wide acceptance from public.

5.0 Critical assumptions and constraints

This Forum was brought up in the A.P. High Court (by lawyers who were apprehensive about their livelihood) in a writ petition (W.P. no 13391/2006) and the High Court found nothing objectionable in the working of the Forum. The operative part of the judgement reads “...*all the Forum is stated to be doing is to perform mediatory and a negotiatory function. In the interest of resolution of disputes in the civil society, organized participatory enterprise is not prohibited... All the Forum appears to be doing is to offer a facilitation platform to parties to voluntarily come before it and compound their differences if there is a mutual agreement and consensus on the resolution. Providing such a facilitation platform is not illegal, arbitrary or unconstitutional.*”

It is instructive to contrast this ruling with the adverse ruling of the same court in WP 5473/2010 where the Police were seen as the sole agency trying to “settle” civil disputes. In fact, this is bound to be the fate of the best intentioned efforts of the Police to go solo in this treacherous terrain. The Forum, on the other hand, has adequate checks and balances to safeguard its working from both internal as well as external damage. The High Court has again upheld the working of this forum in another writ petition in WP no. 32347/2013 on 20/11/2013.

6.0 Implementation Strategy

6.1 Implementation: A committee consisting of one officer each from the Revenue Department (in Vijayawada this was done through the office of the Sub Collector, under the orders of the Collector Krishna district, as the headquarters of the

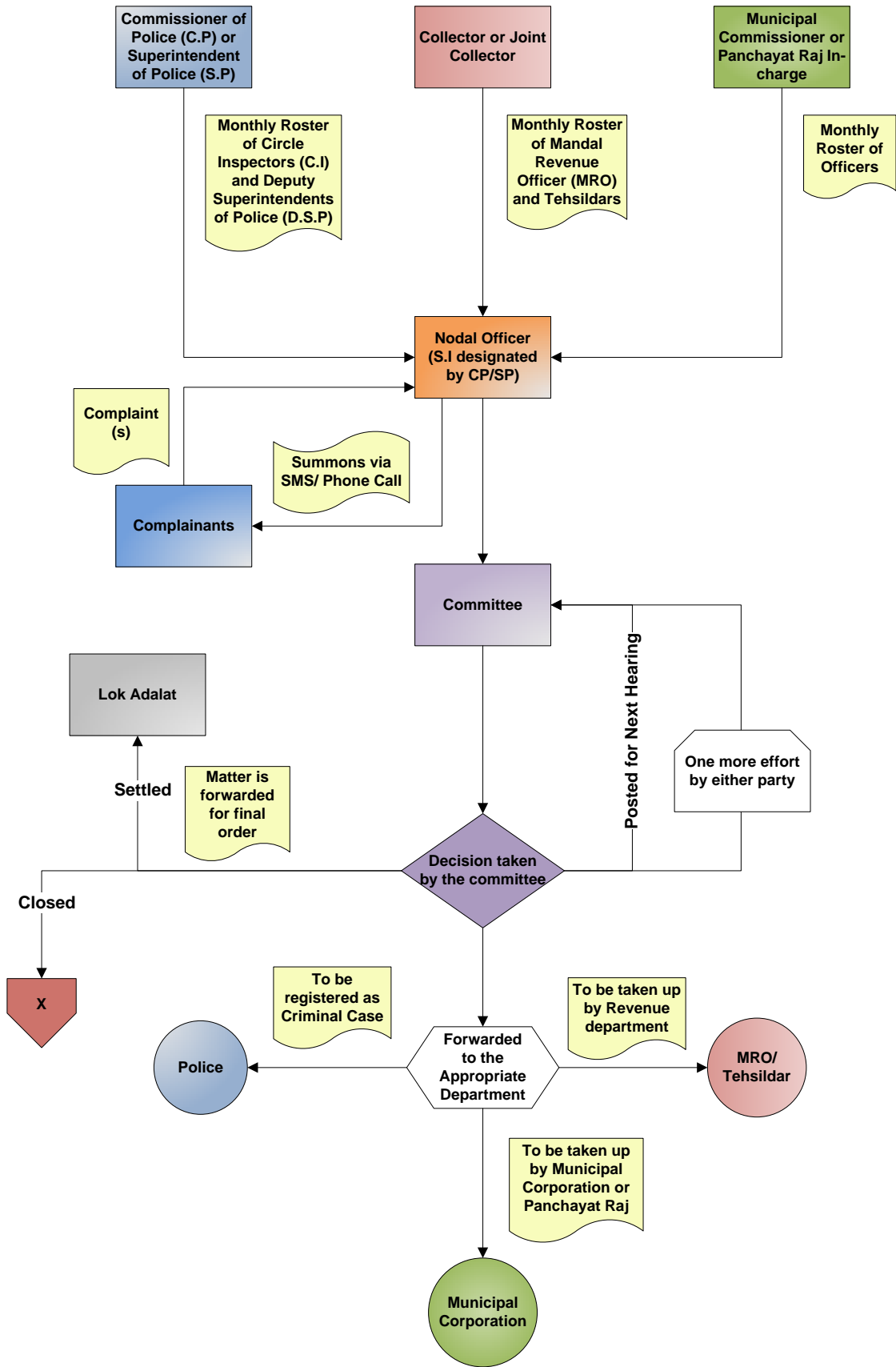
Collector was not in Vijayawada but in Machilipatnam), Vijayawada Municipal Corporation (through the Municipal Commissioner) and the Police (through the Commissioner of Police) sits in the premises of the Sub-Collector's office 2 days a week. Petitions seeking redressal of civil disputes are received on the other 3 days. Parties to the disputes are summoned and counselled on the days of sitting and the resultant compromise, if any, is produced before the Lok Adalat, sitting in the MSJ Court premises, on the same day for passing a final award u/s 22(e) of the Legal Services Authority Act, 1987. This implies that the moral force of the three most important wings of the Administration brings about the mediation and the final, non appealable award passed by the Lok Adalat in the evening, brings lawful closure to the dispute.

The Sub-Inspector of Police Central Complaints Cell is the Nodal Officer on behalf of the Commissioner of Police to liaise with this Forum and he produces the required documents and written reports. [In Units that do not have a separate Central Complaints Cell (this Cell was got sanctioned to coordinate, process and monitor petitions made to the Commissioner of police), this work can be entrusted to an officer, preferably an S.I., from one of the specialized wings like the Special Branch or the District Crime Records Bureau]. He collects list of petitions decided to be acted upon from the office of the Sub-Collector and attends the Forum on every sitting day and also follows up the disposal to the Metropolitan Sessions Judge for the Lok Adalat award. All the 3 departments produce monthly roster of officers who will attend the Forum on every sitting day. Thus, there is no monopoly of any officer or any department in the Forum and the system also ensures that there is no bias or vested interest by anyone in the settlement of cases. In the more than 12 years in which this Forum has been functioning, no allegation was made against the Forum unlike other cases where officers were hauled up before the courts for 'meddling' with civil disputes. This Forum was actually appreciated by the Lokayukta of A.P. (*Justice R. Ramanujam in orders dated 15-04-2005 in complaint No. 995/2004/B1*).

The critical design elements in this System were:

- Monthly rosters ensuring that no one officer is identified with a dispute or the redressal
- Location in the Sub Collector's office ensures Police is not targeted
- Three departments' involvement brings ownership of the system to the entire administration, thus police achieves its objectives without the attendant entanglements
- The redressals are balanced, fair and not forced. Recalcitrant litigants are allowed to pursue their routine avenues of redressal

A flow chart of the processes in this forum is as follows:



6.2 Deliverables:

All the complaints received in this forum could be divided into these broad categories: Family disputes, Disputes with neighbours/other people, Money disputes, Landlord/Tenant disputes, Disputes relating to nuisance/other issues, Land disputes. This forum can also hear compoundable criminal cases.

The Forum had heard about **five thousand** petitions till recently of which about 46% were successfully compromised.

This type of Forum can be thought of in all units to provide a quick and effective administrative solution to a long pending need of the citizens and generate immense goodwill for the police in the public. In bigger towns, the Forum may comprise officers from the police & revenue departments and the local municipality/corporation. In the districts which do not have a municipality, it could be the police, revenue and the panchayat raj departments. The Police unit Heads would have to enthuse their district collectors to take up the leadership role in the functioning of the Forum & would need to provide the “back-end” support for the Forum to be sustainable.

As far as criminal cases are concerned, the judiciary has been able to use the ‘gate’ of compounding offences quite effectively. It is common knowledge that trial courts keep compoundable cases pending for disposal in *Lok Adalats*. Legal Services Authorities at district, state and national levels keep organizing *lok-adalats* to dispose off cases by this method. NALSA (National Legal Services Authority) website reports taking up of as many as 897462 compoundable criminal cases on a single day on 12.9.2015 and disposing off 571741! This brings the ratio of cases disposed off by compounding to 27.8% of reported IPC crime of the year, that too in a single day!

As per NCRB data, more than half of IPC crime is compoundable u/s 320 Cr.P.C. with theft, rash driving, marital cruelty, trespass/burglary, cheating, grievous hurt and criminal breach of trust amounting to 46.7% of overall IPC crime (without counting ‘other IPC’ cases that contribute to 35.5% of overall IPC crime, and would contribute further to the proportion of compoundable crime).

It is the police that determine which case will be charged and which will not be. Because there is no system to evaluate the evidence, trial-worthiness of the case and feasibility of prosecution, it is presently expected as a matter of routine that every true case investigated successfully should be taken to trial. Hence, in practice, regardless of the quality of investigation, all such cases get charged. The ruling paradigm in police is ‘to leave it to court’! Even case and counter case, where the police know one side to be false, are charged, leaving the court to decide the matter. Therefore, would it not be much better if cases that are compoundable are first attempted to be compounded and only if the compromise fails, investigation taken up? After all, if the fate of a case subjected to the full investigation is to get compounded later on, why shouldn’t this effort be made in the beginning itself after registration of the case?

6.3 Stakeholders:

The entire district administration represented by the three most critical departments: Revenue, Police and Municipal.

6.4 Related projects:

Not Applicable

6.5 Work Plan

This project does not require any legislative or major administrative/procedural changes. There are also no financial implications in the implementation of this project. The sequence of action should be as follows:

6.5.1. Criminal Cases falling under the category of “compoundable by complainant” u/s 320(1) Cr PC – F.I.R. should be issued and both parties sent to the Pre Litigation Counselling Forum and then to the Lok Adalat for the compromise award. If compromise fails, investigation & charge sheet should follow.

6.5.2. Criminal Cases falling under the category of “compoundable with the permission of trial court” u/s 320(2) Cr PC- F.I.R. should be issued and both parties sent to the Pre Litigation Counselling Forum. If there is a successful compromise, final report should be filed in the concerned jurisdictional court to compound the matter. If compromise fails, investigation & charge sheet should follow.

6.5.3. Complaints that reveal a civil/non-cognizable matter, should be entered into the General Diary and the parties referred to the Pre Litigation Counselling Forum
A possible set of guidelines to assist the PLCF in the counselling and handling of civil disputes could be as follows:

Sl. No.	Category of land disputes	Action to be taken on receipt of complaint	Nature of criminal action required to be taken / not to be taken
(1).	Boundary conflicts	<ul style="list-style-type: none">➤ Party should be advised to go for survey at the mandal level. If not satisfied, they should be advised to go for AD (Assistant Directors) Survey. For big holdings/disputes, parties may be advised to seek state level survey.➤ Court Commission report and civil court orders will be final proof for deciding the boundaries.➤ Protection to be given at the time of survey to the concerned authorities on their written request.	<p>If the land documents have been forged or altered, the relevant sections of law must be applied by registering an FIR.</p> <p>In case of physical trespass, the relevant sections of law must be applied.</p>

(2).	Inheritance conflicts	Inheritance conflicts are generally civil matters and require a close scrutiny of the relevant documents. There may be claims and counter - claims regarding inheritance issues.	No criminal action should be taken, unless the inheritance conflicts have the potential to cause L&O problems or where any criminal cause of action has accrued.
(3).	Ownership conflicts due to multiple registration	<ul style="list-style-type: none"> ➤ Legal support should be given to the first purchaser. ➤ If the subsequent purchaser is in possession, the first party should be advised to approach the concerned court for eviction of subsequent purchaser. ➤ Any illegal occupants should be evicted through legal process by approaching the concerned court. ➤ Initiating 145 CrPC proceedings if required through the revenue authorities, and where different parties are involved and there is likelihood of breach of peace. ➤ Initiating 107 CrPC proceedings if different parties are involved in breach of peace and tranquility. ➤ If civil litigations are pending in the courts, protection should be given on the specific directions of the concerned court. ➤ physical possession should not be disturbed. 	In case of disturbance of possession, cases should be registered under appropriate provisions of law.
(4).	Ownership conflicts due to non registration of GPA or Agreement for Sale	<p><u>Situation-I</u></p> <p>a) A person produces General Power of Attorney regarding agricultural, non-agricultural land, building or a site and seeks police protection.</p> <ul style="list-style-type: none"> ➤ Genuineness of GPA in respect of the petitioner to be thoroughly verified (unregistered GPA, registered GPA, irrevocable GPA, agreement for sale cum GPA with possession) ➤ Whether the GPA is given by the legally authorized persons or not. 	<p>If the GPA agreement or the Agreement for sale has been forged, as per the preliminary verification of documents, appropriate criminal action must be initiated under the appropriate provisions of IPC.</p> <p>In case of disturbance of possession, cases should be registered under appropriate provisions of law.</p>

		<ul style="list-style-type: none"> ➤ Status of GPA, i.e., whether the GPA holder is alive or not, (if the principal GPA holder dies, the said GPA is deemed to be cancelled). ➤ At the time of transfer of property, the GPA is in existence or not. ➤ In case of cancellation of GPA, whether the GPA is cancelled according to law or not (recently registration authorities made it compulsory for both parties to be present at the time of cancellation of GPA) ➤ Notice and paper publication regarding cancellation of GPA given by the principal should be collected. ➤ Possession to be verified, and the terms and conditions of GPA should be verified. ➤ The Parties may approach civil court for obtaining specific eviction order with police protection against illegal occupants. ➤ Initiating 145 Cr P.C, proceedings through revenue authorities, if different parties are involved and creating breach of peace. ➤ Initiating 107 CrPC proceedings if different parties are involved in breach of peace and tranquility. ➤ Whoever is in factual/physical possession, the possession is not disturbed. <p><u>Situation-II</u></p> <p>b) In case, a person having GPA and registration on one side and another having revenue records.</p> <ul style="list-style-type: none"> ➤ Genuineness of GPA in respect of the petitioner to be thoroughly verified. ➤ Revenue records have to be verified with reference to the 	
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		<p>following points</p> <ul style="list-style-type: none"> ➤ How the right is acquired (inheritance, by purchase, by gift, allotment by government, evacuee property, lease property (private, endowment, Govt, wakf, etc.), <ul style="list-style-type: none"> a) tenancy (38 A, D & E). b) KHASRA PAHANI/ PAHANI / ADANGAL, ROR proceedings, pattedar pass books, survey record, podi (division of survey numbers), teepan according to grama naksha. ➤ The parties should be advised to get the land surveyed by mandal/AD Survey, if required. ➤ Records at registration office should be verified and genuineness of registration shall be verified. <p><u>Situation-III</u> A person produces Sale Agreement in respect of agricultural land, non-agricultural land, site or building and requests for protection.</p> <ul style="list-style-type: none"> ➤ The agreement for sale-holder should be advised to file a specific performance suit in the court to get property registered. ➤ Possession should be verified. ➤ If the owner executes second agreement of sale in favor of third party, without cancelling/by concealing the earlier agreement for Sale, it amounts to cheating. <p><u>Situation-IV</u> A person produces Registered AGPA with possession and approaches P.S with regards to possession, etc.</p> <ul style="list-style-type: none"> ➤ revenue authorities should be asked for clarification 	
(5).	Disputes relating to payment of money	Cases where the person produces proof of having given advance money towards purchase of agricultural land,	No criminal action should be taken, unless the conflict has the potential to cause L&O

		non-agricultural land, building or site.	problems or where any criminal cause of action has accrued.
(6).	Implementation of Court orders	<p><u>Situation -I</u> A person seeks protection on the ground of a specific injunction order from the court in respect of agricultural land, non-agricultural land, building or site.</p> <ul style="list-style-type: none"> ➤ When there is no specific direction from court, the police should not interfere ➤ A Police should act only on specific direction from the court. <p><u>Situation –II</u> A person produces specific court orders for protection of agricultural land, non-agricultural land, building or site.</p> <ul style="list-style-type: none"> ➤ Police should act according to the specific directions from the court. Police should give protection. The revenue authorities concerned must clarify the boundaries of the subjected land. <p><u>Situation –III</u> When court issues Status-Quo order in respect of agricultural land, building or site.</p> <ul style="list-style-type: none"> ➤ For open plots both parties should be advised not to change the physical features of the property (if any ambiguity is there, the opinion of GP for revenue may be obtained) ➤ should be advised to get the property mutated (entry of rights of purchaser in the revenue records) in his name by approaching revenue authorities. ➤ In case of non-agricultural land/building/flat/structures, the party should be advised to get the 	Possession of the property at time of implementation of Court order is sine quo-non. If the possession is disturbed in the grab of court order, appropriate criminal action can be taken.

		<p>entries updated in the registers of local bodies, such as Gram Panchayat, Municipality, etc.</p> <p>➤ Protection to be given to the purchaser in the absence of any court cases.</p>	
(7).	Claim on Govt. land /Pvt land based on Revenue records.	<p><u>Situation –I</u> A person seeks protection on the basis of the Record of Rights or pahani in respect of the land which has been acquired by the Government or a Government Agency No protection should be given to such party in respect of the land acquired by the Government or the Government Agency. The applicant should be advised to approach the court to prove his contentions and get appropriate orders. For open plots, both parties should be advised not to change the physical features of the property (if any ambiguity is there, the opinion of GP for revenue may be obtained).</p> <p>➤ Steps to be taken to initiate Sec 145 CrPC proceedings, if law and order situation arises.</p> <p><u>Situation -II</u> Illegal occupation of Govt./Non govt agricultural land, non-agricultural land, launi patta, assigned land, poramboku, grama kantam, building or site.</p> <p>➤ revenue authorities must issue clarification.</p>	<p>If the verification of documents reveals forgery or falsification of records, action must be taken under IPC section by registering an FIR.</p> <p>On receipt of a complaint from the person/authority having title to the agricultural land according to the Revenue Records or the ownership and possession according to the certified survey report, pahani extract of the local revenue authority, a case should be registered. After the investigation is completed and if the fact of illegal occupation is made out, such person should be arrested and charge sheet filed against him.</p>

(08).	Disputes relating to INAM lands/Assigned lands.	<ul style="list-style-type: none"> ➤ The genuineness of ORC (Occupancy Right Certificate) to be verified with the revenue authorities. ➤ Whether concerned entries made in the local revenue office. ➤ Whether pattedar passbooks issued to the concerned or not. Protection may be given to the ORC holder. ➤ No protection should be given to such a party in respect of the land acquired by the Government or a Government Agency. 	
(09).	Lease Disputes	<p>When a person complains at the police station that a person having leased non-agricultural land, building, flat or site, has not renewed lease deed and is not vacating the premises.</p> <ul style="list-style-type: none"> ➤ Any ambiguity with regard to Govt/private land should be clarified with the Revenue authorities. ➤ Legal support should be given to the first purchaser/owner. ➤ Purchaser should be advised to get the property mutated (entry of rights of purchaser in the revenue records) in his name by approaching revenue authorities. ➤ Protection to be given to the purchaser/owner in the absence of any court cases. 	<p>On receipt of a complaint from the person/authority having title to the agricultural land according to the Revenue Records or the ownership and possession according to the certified survey report, pahani extract of the local revenue authority, a case should be registered under appropriate provisions of law and should be investigated.</p> <p>If illegal occupation is proved, based on verification of records, prosecution can be initiated.</p> <p>After completion of investigation, if the fact of illegal occupation is made out, such a person should be arrested and charge sheet filed against him.</p>
(10).	Tenancy Disputes	<p>Dispute with regard to Tenancy lands, The genuineness of the Tenancy Certificate to be verified with the revenue authorities.</p> <ul style="list-style-type: none"> ➤ Cases to be verified at the level of RDO and Jt. Collector with regard 	

		<p>to the tenancy certificates.</p> <ul style="list-style-type: none"> ➤ In the absence of any civil litigation, protection may be given to the protected tenant certificate holder. ➤ The genuineness of ORC (occupancy right certificate) to be verified with the RDO Cum Inam Tribunal. ➤ Whether concerned entries are made in the local revenue office. ➤ Whether pattedar passbooks issued to the concerned or not. <p>Protection may be given to the ORC holder.</p>	
(11).	Intra-family conflicts	Such conflicts are generally civil matters and require a close scrutiny of the relevant documents. There may be claims and counter - claims regarding different issues.	Criminal action must be taken where there is physical violence or there is potential threat of L&O problems.

6.5.4 The State Government may direct setting up of such PLCFs in all District Headquarters, and the Police Commissionerates by issuing suitable orders to the District Collectors. A sample order that the District Collectors would need to issue is as follows:

Draft order of the Collector for PLCF

It is decided to set up a Pre Litigation Counselling Forum (PLCF) in_____. The PLCF will function from _____ located in the office of the District Collector/Magistrate _____. A committee consisting of one officer each from the Revenue Department, _____Municipal Corporation/Municipality/Panchayat Raj and the Police will sit in the above premises of the Collector’s office -- days a week i.e. on _____, _____ &_____. Petitions seeking redressal of civil disputes and compoundable criminal matters will be received in the PLCF on the other --- days as well. Parties to the disputes/cases will be summoned and counselled on the days of sitting and the resultant compromise, if any, will be produced before the Lok Adalat, sitting in the District Court premises, on the same day for satisfying itself on the said compromise and passing a final award u/s 22(e) of the Legal Services Authority Act, 1987. No parties shall be coerced to arrive at any particular settlement. All the 3 departments will produce monthly roster of officers who will attend the Forum on every sitting day. These officers should not be below the rank of Tahsildars/Sub Inspectors and equivalent. The necessary secretarial assistance to the PLCF will be provided by the office of the District Collector/Magistrate. The

necessary process services with respect to summoning the parties concerned will be provided by the police. _____ is nominated as the Chief Coordinator of the PLCF and he will ensure that the monthly rosters of the three departments are prepared every month and adhered to. He will also review and supervise the functioning of the PLCF. A Sub-Inspector of Police (nominated by the District Supdt. Of Police/Commissioner) will be the Nodal Officer on behalf of the Supdt. /Commissioner of Police to liaise with this Forum and he will produce the required documents and written reports. He will collect the list of petitions decided to be acted upon from the office of the Collector and attend the Forum on every sitting day and also follow up the disposal for the Lok Adalat award.

Copy: to the District & Sessions Judge & District Legal Services Authority, with a request to notify u/s 19 of the Legal Services Authorities Act, 1987, a Lok Adalat for this purpose, to sit in the premises of the District Court in the evenings on every _____, _____&_____ (the --- days on which the PLCF will sit)and nominate its Bench accordingly.

- **Umesh Sharraf,**
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