

BA.LL.B VIIIth Sem
Arbitration Conciliation & ADR (BL 802)
Lok Adalat

Introduction

Lok Adalat is system of alternative dispute resolution developed in India Lok Adalat established by the legal services authority act 1987

The legal services authority act makes provisions powers and functions of Lok Adalat. The preamble of the act makes it clear that it has been enacted to contribute the legal service authorities to provide free and competent legal services to the weaker sections of the society to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities and to organise Lok Adalat to secure that the operation of the legal system promotes justice on a basis of equal opportunity . the Lok Adalat's provide quick justice at less expenses.

Scope of Lok Adalat

Lok Adalat is very effective in settlement of money claims. Disputes like partition suits, damages and matrimonial cases can also be easily settled before Lok Adalat, as the scope for compromise through an approach of give and take is high in these cases.

Organisation of Lok Adalat

Section 19 in The Legal Services Authorities Act, 1987

(1) Every State Authority or District Authority or the Supreme Court Legal Services Committee or every High Court Legal Services Committee or, as the case may be, Taluk Legal Services Committee may organise Lok Adalats at such intervals and places and for exercising such jurisdiction and for such areas as it thinks fit.

(2) Every Lok Adalat organised for an area shall consist of such number of—

(a) serving or retired judicial officers; and

(b) Other persons, of the area as may be specified by the State Authority or the District Authority or the Supreme Court Legal Services Committee or the High Court Legal Services Committee, or as the case may be, the Taluk Legal Services Committee, organising such Lok Adalat.

(3) The experience and qualifications of other persons referred to in clause (b) of sub-section (2) for Lok Adalats organised by the Supreme Court Legal Services Committee shall be such as may be prescribed by the Central Government in consultation with the Chief Justice of India.

(4) The experience and qualifications of other persons referred to in clause (b) of sub-section (2) for Lok Adalats other than referred to in sub-section (3) shall

be such as may be prescribed by the State Government in consultation with the Chief Justice of the High Court.

Jurisdiction

(5) A Lok Adalat shall have jurisdiction to determine and to arrive at a compromise or settlement between the parties to a dispute in respect of—

(i) any case pending before; or

(ii) any matter which is falling within the jurisdiction of, and is not brought before, any court for which the Lok Adalat is organised:

Provided that the Lok Adalat shall have no jurisdiction in respect of any case or matter relating to an offence not compoundable under any law.

Salient Features of Lok Adalat

- It is based on settlement or compromise reached through systematic negotiations.
- It is one among the Alternate Dispute Resolution (ADR) systems. It is an alternative to "Judicial Justice".
- No court fee is payable. If any court fee is paid, it will be refunded.
- The parties to a dispute can interact directly with the presiding officer, which is not possible in the case of a court proceeding.
- Lok Adalat is deemed to be civil court for certain purposes.
- Lok Adalat is having certain powers of a civil court.
- The award passed by the Lok Adalat is deemed to be a decree of a civil court.
- An award passed by the Lok Adalat is final and no appeal is maintainable from it.
- An award passed by the Lok Adalat can be executed in a court.
- Code of Civil Procedure and Indian Evidence Act are not applicable to the proceedings of Lok Adalat.
- A Permanent Lok Adalat can pass an award on merits, even without the consent of parties. Such an award is final and binding. From that no appeal is possible.
- Co-operation of lawyers.

Levels of Lok Adalats

• At the State Authority Level

The Member Secretary of the State Legal Services Authority organizing the Lok Adalat would constitute benches of the Lok Adalat, each bench comprising of a sitting or retired judge of the High Court or a sitting or retired judicial officer and any one or both of- a member from the legal profession; a social worker engaged in the upliftment of the weaker sections and interested in the implementation of legal services schemes or programmes.

• At High Court Level

The Secretary of the High Court Legal Services Committee would constitute benches of the Lok Adalat, each bench comprising of a sitting or retired judge of the High Court and any one or both of- a member from the legal profession; a social worker engaged in the upliftment of the weaker sections and interested in the implementation of legal services schemes or programmes.

- **At District Level**

The Secretary of the District Legal Services Authority organizing the Lok Adalat would constitute benches of the Lok Adalat, each bench comprising of a sitting or retired judicial officer and any one or both of either a member from the legal profession; and/or a social worker engaged in the upliftment of the weaker sections and interested in the implementation of legal services schemes or programmes or a person engaged in para-legal activities of the area, preferably a woman.

- **At Taluk Level**

The Secretary of the Taluk Legal Services Committee organizing the Lok Adalat would constitute benches of the Lok Adalat, each bench comprising of a sitting or retired judicial officer and any one or both of either a member from the legal profession; and/or a social worker engaged in the upliftment of the weaker sections and interested in the implementation of legal services schemes or programmes or a person engaged in para-legal activities of the area, preferably a woman.

Cases Suited for Lok Adalat

Lok Adalat have the competence to deal with the following cases: -

- Compoundable civil, revenue and criminal cases.
- Motor accident cases
- Partition Claims
- Matrimonial and family disputes
- Bonded Labour disputes
- Land acquisition disputes
- Bank's unpaid loan cases
- Arrears of retirement benefits cases
- Cases which are not under the jurisdiction of any Court.

Powers of The Lok Adalat (Section 22)

The Powers of Lok Adalats are as follows:

1. It has the power of the Civil Court, under the Code of Civil Procedure, 1908, while trying a suit,

2. Power to summon and enforce the attendance of any witness and to examine him/her on oath.
3. Power to enforce the discovery and production of any document.
4. Power to receive evidence on affidavits,
5. Power for requisitioning of any public record or document or copy thereof or from any court.
6. Such other matters as may be prescribed.
7. Every Lok Adalat shall have the power to specify its own procedure for the determination of any dispute coming before it.

Kinds of Lok Adalat

- National Lok Adalat
- Permanent Lok Adalat
- Mobile Lok Adalats.

Judgement of The Lok Adalat

- Every award of the Lok Adalat shall be deemed to be a decree of a civil court.
- Every decree or award made by Lok Adalat shall be final and binding on all the parties to the dispute.
- No appeal shall lie to any court against the award.

Importance of Lok Adalat

1. There is no court fee and even if the case is already filed in the regular court, the fee paid will be refunded if the dispute is settled at the Lok Adalat.
2. The disputes can be brought before the Lok Adalat directly instead of going to a regular court first and then to the Lok Adalat.
3. The decision of the Lok Adalat is binding on the parties to the dispute and its order is capable of execution through legal process.
4. No appeal lies against the order of the Lok Adalat.

For further clarification you may reach us via

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