



FACULTY OF JURIDICAL SCIENCES

COURSE: B.A.LL.B.

Semester: VIII

SUBJECT: Alternative Dispute

Resolution

SUBJECT CODE: BAL803

NAME OF FACULTY: Mohammad Aqib

Lecture-35



LECTURE 35: Lok Adalats

Lok Adalat is one of the alternative dispute redressal mechanisms, it is a forum where disputes/cases pending in the court of law or at pre-litigation stage are settled/ compromised amicably. Lok Adalats have been given statutory status under the Legal Services Authorities Act, 1987. Under the said Act, the award (decision) made by the Lok Adalats is deemed to be a decree of a civil court and is final and binding on all parties and no appeal against such an award lies before any court of law.

If the parties are not satisfied with the award of the Lok Adalat though there is no provision for an appeal against such an award, but they are free to initiate litigation by approaching the court of appropriate jurisdiction by filing a case by following the required procedure, in exercise of their right to litigate.

There is no court fee payable when a matter is filed in a Lok Adalat. If a matter pending in the court of law is referred to the Lok Adalat and is settled subsequently, the court fee originally paid in the court on the complaints/petition is also refunded back to the parties. The persons deciding the cases in the Lok Adalats are called the Members of the Lok Adalats, they have the role of statutory conciliators only and do not have any judicial role; therefore they can only persuade the parties to come to a conclusion for settling the dispute outside the court in the Lok Adalat and shall not pressurize or coerce any of the parties to compromise or settle cases or matters either directly or indirectly.

The Lok Adalat shall not decide the matter so referred at its own instance, instead the same would be decided on the basis of the compromise or settlement between the parties. The members shall assist the parties in an independent and impartial manner in their attempt to reach amicable settlement of their dispute.

Lok Adalat is a system of a dispensation of justice which has come into existence to grapple with the problem of giving cheap and speedy justices to the people. Lok Adalat as the very name suggests means people's court. Lok stands for people and the Adalat means court.

Nature and Scope: Generally speaking, Lok Adalat is not a court in its accepted connotation. The difference between Lok Adalat and law court is that the law court sets at its premises where the litigants come with their lawyers and witnesses goes to the people to deliver justice at their doorstep. It is a forum provided by the people themselves or by interested parties including social

activities or social activist legal aiders, and public spirited people belonging to every walk of life. It is just a firm forum provided by the people themselves for enabling the common people to ventilate their grievances against the state agencies or against other citizens and to seek a just settlement if possible.

The basic philosophy behind the Lok Adalat is to resolve the people dispute by discussion, counseling, persuasion and conciliation so that it gives speedy and cheap justice, mutual and free consent of the parties. In short it is a party's justice in which people and judges participate and resolve their disputes by discussion, persuasion and mutual consent.

Types of cases at Lok Adalat: The types of cases dealt with generally are:

1. Mutation of land cases.
2. Compoundable criminal offences.
3. Family disputes.
4. Encroachment on forest lands.
5. Land acquisition disputes.
6. Motor accident claim, and
7. Cases which are not sub-judice.

Resources and achievement of Lok Adalat: Lok Adalat can only expect gratitude of the people in distress in return. They must devote time for the cause of social justice and dedicate their service for its success. Lok Adalats are generally organized in the premises of courts. Lok Adalat can work as real good substitutes for setting cases which are pending in superior courts. Encouraged by the response that Lok Adalat have been receiving at the district level, the state legal aid boards have started organizing Lok Adalats for cases pending in the High Courts.

The Lok Adalat has also been organized even for the cases pending in the Supreme Court. Lok Adalats are known as Peoples festivals of justice because settlements are not always necessarily according to legal principles settlements have an eye mainly on;

- a. Social goals like ending quarrels
- b. Restoring family peace
- c. Providing succor for destitute.

