



# **FACULTY OF JURIDICAL SCIENCES**

**COURSE: B.A.LL.B.**

**Semester: VIII**

**SUBJECT: Alternative Dispute**

**Resolution**

**SUBJECT CODE: BAL803**

**NAME OF FACULTY: Mohammad Aqib**

# Lecture-36



## LECTURE 36: Organization of Lok Adalats and Cognizance of cases by Lok Adalats

### Organization of Lok Adalat (Sec. 18)

1. The State authority or district authority or the High Court legal services committee or as the case may be; Tehsil legal services committee may organize Lok Adalat at such intervals and places and for exercising such jurisdiction and for such areas as it thinks fit. Every Lok-Adalat organized for an area shall consist of such number of;
  - a) Serving or retired judicial officer, and
  - b) Other person of the area as may be specified by the state authority or the district authority or the High Court legal services committee or as the case may be, the Tehsil legal services committee organizing such Lok Adalats.
2. The experience and qualifications of persons. Referred to in clause (b) of sub sec. (2) for Lok Adalats shall be such as may be prescribed by the government in consultation with the chief justice of the High Court.
3. Lok Adalats shall have jurisdiction to determine and to arrive at a compromise or settlement between the parties to a dispute in respect of;
  - a) Any case pending before the court
  - b) Any matter which is falling within the jurisdiction of and is not brought before any court for which the Lok Adalat is organized.Provided that the Lok Adalat shall have no jurisdiction in respect of any matter or case relating to an offence not compoundable under any law.

### Cognizance of cases by Lok-Adalat (Sec. 19)

1. Wherein any case referred in clause (1) of sub sec. (4) of sec. 18
  - i) (a) The parties thereof agree; or
  - (b) One of the parties there of makes an application to the court of referring the case to the Lok Adalat for settlement and if such court prime facie satisfy that there are chances of such settlement, or
  - ii) That the court is satisfied that the matter is an appropriate one to take cognizance of by the Lok Adalat; the court shall refer the case to the Lok Adalat. Provided that no case shall be referred to the Lok-Adalat under sub-clause (b) clause;

2. by such court after giving a reasonable opportunity of being heard to the parties.
3. Not with standing anything contained in any other law for the time being in force the authority or committee organizing the Lok Adalat under sub sec. (1) of sec. 18 may on the receipt of application from any of the parties to any matter referred to in clause (h) of sub sec. (4) of sec. 18, that such matter needs to be determined by a Lok Adalat, for determination. Provided that no matter shall be referred to Lok-Adalat except after giving a reasonable opportunity of being heard to the other party.
4. When any case is referred to a Lok Adalat under sub sec. (1) or where a reference has been made to its under sub sec. (2), the Lok Adalat shall proceed to dispose of the case or matter of case and arrive at the compromise or settlement between parties.
5. Every Lok Adalat shall, while determining any reference before it under this act, act to the utmost expedition to arrive at compromise or settlement between the parties and shall be guided by the principles of justice, equality fair play and other legal principles.
6. Where no reward is made by the Lok Adalat on the ground that no compromise or settlement could be arrived at between the parties, the record of case shall be returned by it to the court, by which the reference has been received under sub sec. (1) for disposal in accordance with law.
7. Where no award is made by the Lok Adalat on the ground that no compromise or settlement could be arrived at between the parties in a matter referred to it under sub sec. (2) of sec. 18 that Lok Adalat shall advise the parties in a matter referred to in sub sec. (2), that Lok Adalat shall advise the parties to seek remedy in a court.
8. Where the record of the case is returned under sub sec. (5) to the court, such court shall proceed to deal with such cases from the stage which was reached before such reference under sub sec. (1).