



FACULTY OF JURIDICAL SCIENCES

COURSE: B.A.LL.B.

Semester: VIII

SUBJECT: Alternative Dispute

Resolution

SUBJECT CODE: BAL803

NAME OF FACULTY: Mohammad Aqib

Lecture-37



LECTURE 37: Procedure, Powers and Functions of Lok Adalat

Procedure of Lok-Adalats (Sec. 20)

1. The Lok Adalats are generally organized by state legal aid and advice boards or the district legal aid committees etc.
2. Lok Adalats shall have jurisdiction to determine and arrive at a compromise or settlement between the parties to a dispute in respect of;
 - a) Any case pending before the court; or
 - b) Any matter which is falling within the jurisdiction of and is not brought before any court for which the Lok Adalat is organized.The Lok Adalat shall not have jurisdiction in respect of any matter or case relating to an offence not compoundable under any law.
3. The date and place of holding a Lok Adalat are fixed about a month in advance by the Legal Aid Board. The date so fixed is generally a Saturday or Sunday or some other holiday.
4. Information about holding a Lok Adalat is given wide publicity through press, posters, radio, TV, etc.
5. Before a Lok-Adalat is held, its organizers request the presiding officers of the various local courts to examine cases pending in their courts where in their opinion, conciliation is possible. Once the cases are identified, parties to the dispute are motivated by the judges of the Lok Adalats to settle their cases through Lok Adalat.
6. Generally, senior judicial officers are invited to inaugurate a Lok Adalat.
7. The team of Lok Adalat generally consist of retired judges, senior local officers, members of the Bar, spirited public-men, active women social worker, elders of the locality and voluntary social organizations. The members of the Lok Adalat are called conciliators. The number of conciliators is usually three.
8. If conciliation result in a settlement of a dispute, a compromise deed is drawn up and after obtaining the signatures of the parties to the disputes and their advocates, it is presented to the presiding officer of the competent court who is normally present at the place where the Lok Adalat is organized.
9. The judge (Presiding officer) after examining the fairness and legality of compromise and satisfying himself that the compromise has been arrived at by the free will and mutual consent of the parties, passes a decree.

Award of Lok-Adalat (Sec. 21)

1. Every award of the Lok Adalat shall be deemed to be a decree of civil court or as the case may be, an order of any other court and where a compromise or a settlement has been arrived at, by a Lok Adalat in a case referred to it under sec. 20(1), the court fee paid in such case shall be refunded in a manner provided under the court fee Act, 1870.
2. Even award made by a Lok Adalat shall be final and binding on all the parties to the dispute and no appeal shall lie to any court against the award.

Powers of Lok Adalat (Sec. 22)

- a) The Lok-Adalat shall have the same powers as are vested in a civil court under the code of civil procedure 1908 while trying a suit in respect of the following matters namely;
 - a) The summoning and enforcing the attendance of any witness and examining him on oath.
 - b) The discovery and production of any document.
 - c) The reception of evidence on affidavits.
 - d) The requisitioning of any public record or document or copy of such record or document from any court of office and
 - e) Such other matters as may be prescribed.
- b) Without prejudice to the generality of the powers contained in sub sec. (1), every Lok Adalat shall have the requisite powers to specify its own procedure for the determination of any dispute coming before it.
- c) All proceedings before the Lok Adalat shall be deemed to be judicial proceedings within the meaning of sec. 193, 219 and 228 of the I.P.C and every Lok-Adalat shall deemed to be civil for the purpose of sec. 195 of C. P C.

Functions of the Lok Adalat:

Lok Adalat can accept only such cases as come within their competence and capability for disposal. The movement towards organizing of Lok-Adalats came into being in respect of a few selected matters. All their initial functioning they entertained motor vehicle accident causes and appeals connected with them. It is hopefully expected that the Lok Adalats would accept other causes also among them being tenure matters, money causes, so that such disputes are settled on personal bonds or under takings.

This will be indication of the fact that in the matters of resolution of disputes, India is back to its

traditional methods. But even so experience has shown that it is not easy to bring the parties to dispute to the negotiation table and to ask them to settle under some kind of compromise involving give and take.

A large number of legal causes are such that one of the parties is interested in prolonging litigation and only the other wants a speedy trial. It would seem that by this approach the state would be saved of needless costs of litigation and also meaningless administrative compilations. Government has to bear many direct and indirect cost of litigation. In the category of direct of costs, the costs are court and lawyers fees, expenses of prosecution and of attending to incidental matters.

Indirect costs are loss of time involved in disputes and increasing costs of expending fiduciary. There are some categories of government litigation in which Lok Adalats can play a constructive role. One of such categories is matter arising out of land acquisition. Among the people whose land is acquired are generally poor villagers those belonging to middle classes. When their land is taken away, from their hands, they naturally expect that compensation should be provided to them at the earliest movement of time.

Another category of government litigation which can be handled through Lok Adalats is disciplinary proceeding. Many proceedings in this category are such in which the cause of dispute is very simple, the background is also very clear and there is not controversy about it but the parties are not able to come out openly but the time factor goes on accumulating complication. For example with holding of pension and other retirement benefits. Labour disputes are another category in which Lok Adalats can play healthy role. The machinery of conciliation and amicable settlements available under the Industrial dispute Legislations which has been generally successful in resolving needless conflicts Lok Adalats would be a better form even in some service disciplinary matters.