



Lok Adalat

 drishtiias.com/printpdf/lok-adalat

Why in News

Recently, a daily wager in Odisha's Kandhamal district has moved the **Lok Adalat** against the Prime Minister of India but the hearing is yet to begin.

He allegedly failed to get an **Aadhaar card** registered in his name despite various attempts due to technical glitches in taking his fingerprint.

Key Points

- **About:**
 - The term 'Lok Adalat' means '**People's Court**' and is based on **Gandhian principles**.
 - As per the **Supreme Court**, it is an old form of adjudicating system **prevailed in ancient India** and its validity has not been taken away even in the modern days too.
 - It is **one of the components of the Alternative Dispute Resolution (ADR)** system and delivers **informal, cheap and expeditious justice** to the common people.
 - The **first Lok Adalat camp** was organised in **Gujarat in 1982** as a **voluntary and conciliatory agency** without any statutory backing for its decisions.
 - In view of its growing popularity over time, it was **given statutory status** under the **Legal Services Authorities Act, 1987**. The Act makes the provisions relating to the organisation and functioning of the Lok Adalats.

- **Organisation:**

- The **State/District Legal Services Authority** or the **Supreme Court/High Court/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.
- Every Lok Adalat organised for an area shall **consist of such number of serving or retired judicial officers and other persons of the area as may be specified** by the agency organising.

Generally, a Lok Adalat consists of a **judicial officer as the chairman** and a **lawyer (advocate) and a social worker as members.**

- **National Legal Services Authority** (NALSA) along with other Legal Services Institutions **conducts Lok Adalats.**

NALSA was constituted under the **Legal Services Authorities Act, 1987** which came into **force on 9th November 1995** to establish a **nationwide uniform network for providing free and competent legal services to the weaker sections** of the society.

- **Jurisdiction:**

- 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:**
 - Any case pending before any court, or
 - Any matter which is falling within the jurisdiction of any court and is not brought before such court.
- **Any case** pending before the court can be referred to the Lok Adalat for **settlement if:**
 - Parties agree to settle the dispute in the Lok Adalat or one of the parties applies for referral of the case to the Lok Adalat or court is satisfied that the matter can be solved by a Lok Adalat.
 - In the case of a pre-litigation dispute, the matter can be referred to the Lok Adalat on receipt of an application from any one of the parties to the dispute.
- **Matters** such as matrimonial/family disputes, criminal (compoundable offences) cases, land acquisition cases, labour disputes, workmen's compensation cases, bank recovery cases, etc. are being taken up in Lok Adalats.
- However, the Lok Adalat shall have **no jurisdiction in respect of any case or matter relating to an offence not compoundable under any law.** In other words, the offences which are non-compoundable under any law fall outside the purview of the Lok Adalat.

- **Powers:**
 - The Lok Adalat shall have the **same powers as are vested in a Civil Court under the Code of Civil Procedure (1908)**.
 - Further, a Lok Adalat shall have the **requisite powers to specify its own procedure for the determination of any dispute** coming before it.
 - All proceedings before a Lok Adalat shall be **deemed to be judicial proceedings within the meaning of the Indian Penal Code (1860)** and every Lok Adalat shall be deemed to be a Civil Court for the purpose of the Code of Criminal Procedure (1973).
 - An **award** of a Lok Adalat shall be **deemed to be a decree of a Civil Court or an order of any other court**.
 - Every award made by a Lok Adalat shall be **final and binding on all the parties to the dispute. No appeal shall lie to any court against the award** of the Lok Adalat.
- **Benefits:**
 - There is **no court fee** and if court fee is already paid the **amount will be refunded** if the dispute is settled at Lok Adalat.
 - There is **procedural flexibility and speedy trial** of the disputes. There is **no strict application of procedural laws** while assessing the claim by Lok Adalat.
 - The parties to the dispute can **directly interact with the judge through their counsel which is not possible in regular courts** of law.
 - The **award by the Lok Adalat is binding** on the parties and it has the status of a decree of a civil court and it is **non-appealable**, which **does not cause the delay** in the settlement of disputes finally.

Permanent Lok Adalats

- The **Legal Services Authorities Act, 1987** was **amended in 2002** to provide for the establishment of the Permanent Lok Adalats to **deal with cases pertaining to the public utility services** like transport, postal, telegraph etc.

- **Features:**

- These have been **set up as permanent bodies.**
- It shall consist of **a Chairman** who is or has been a district judge or additional district judge or has held judicial office higher in rank than that of the district judge and **two other persons having adequate experience in public utility services.**
- It **shall not have jurisdiction in respect of any matter relating to an offence not compoundable under any law.** The jurisdiction of the Permanent Lok Adalats is upto Rs. 1 Crore.
- Before the dispute is brought before any court, any party to the dispute may make an application to the Permanent Lok Adalat for settlement of the dispute. **After an application is made to the Permanent Lok Adalat, no party to that application shall invoke jurisdiction of any court** in the same dispute.
- It shall **formulate the terms of a possible settlement and submit them to the parties for their observations** and in case the parties reach an agreement, the Permanent Lok Adalat shall pass an award in terms thereof. In case parties to the dispute **fail to reach an agreement**, the Permanent Lok Adalat **shall decide the dispute on merits.**
 - A **major drawback of the Lok Adalats** is that if the parties do not arrive at any compromise or settlement, the **case is either returned to the court of law or the parties are advised to seek a remedy in a court of law.** This causes **unnecessary delay** in the dispensation of justice.
- Every award made by the Permanent Lok Adalat shall be **final and binding** on all the parties thereto and **shall be by a majority of the persons constituting** the Permanent Lok Adalat.

Source: TH