

Q. Discuss the organization, power and cognizance of the Lok adalat est. under the LSAA 1987. Explain the advantages and disadvantages of Lok adalates? 10+5

L 22-23-19

Introduction :-

Lok adalat provide quick justice at less expenditure. The legal service authorities act 1987 make provision in relation to the establishment, power and function etc. The Lok adalat are organized to promote justice on a basis of equal opportunity and not to deny the justice to any citizen by reason of economic or other disability.

15-01-25
12.
15

Lok adalat :-

The award passed by the Lok adalat are deemed to be decree of civil courts and binding on all the parties to the dispute. no appeal lie against the award. All categories cases can be settled through Lok adalat except criminal cases, Lok adalats had so far resolved some 1,36,00,000 cases.

Chapter VI of the Legal Services Authority Act 1987 deals with the Lok adalats.

organization of Lok adalats (Sec 19)

- ① Every State Authority or District Authority or the Supreme court legal service committee or every high court legal service committee

or taluk legal service committee may
organise Lok adalats at such interval
and places and exercising such jurisdiction

② Every Lok adalat organised for an area

shall consist of such number of—

a) serving or retired judicial officer

b) other person.

of the area as may be
specified by the state authority or Dist
authority or the Supreme court legal servi
ce committee or the high court legal
service committee or Taluk legal
service committee organising such
Lok adalat.

③ The qualification and experience of other person referred to in clause (b) of sub-sec (2). For Lok adalat organised by the Supreme Court Legal Service Committee shall be such as may be prescribed by the central govt in consultation with the CJI.

④ The qualification and experience of other person referred to in clause (b) of Sub-section (2) for Lok adalat other than ~~ref~~ those referred to in clause (3)

Sub-section (3) shall be such as may be prescribed by the state govt in consultation with the CT or HC.

⑤ A Lok adalat shall have jurisdiction to determine at and to arrive at a compromise —

in any case pending before.

cognizance of cases by Lok adalat (S-20)

① where in any case referred to in clause (i) of Sub-Section (5) of Section 19 (any case pending before any court)

① a The parties thereof agree.

② one of the parties thereof makes any application to the court.

③ The court is satisfied that the matter is an appropriate one to be taken cognizance of by the Lok adalat.

② Notwithstanding anything contained in any other law in force being in force ~~the~~ Lok Adalat refer such matter to the Lok Adalat for determination.

③ Where in any case referred to the Lok Adalat, the Lok Adalat shall proceed to dispose of the case or matter.

④ Every Lok Adalat shall while determining any reference before it, the Lok Adalat shall be guided by the principle of justice equity, fair.

⑤ Where no award is made by the Lok Adalat on the ground of that no ~~no~~ compromise or settlement could

be arrived arrived b/w the parties
the record of the case shall be return
to the court.

⑥ Where the record of the case is
returned to the court, the court
shall proceed further for trial.

Advantages of Lok Adalat :

① cost effective

Advantages of
Lok Adalat

- ① cost-effective.
- ② Speedy Resolution.
- ③ Accessible and informal.
- ④ Binding & final decision.
- ⑤ voluntary participation.
- ⑥ Relieve court burden.
- ⑦ promote harmony.

- ① cost-effective :- The process of free of charge as no court fees are required.
- ② speedy resolution :- Lok adalat resolved dispute quickly compared to the court.
- ③ accessible & informal :- The procedure are simple and doesn't follow rigid procedural law.
- ④ Binding and Final decision :- Award passed by Lok adalat are binding and have the status of civil court.
- ⑤ voluntary participation :- Both parties voluntary agree to settle their disputes.
- ⑥ Relieves court burden :- Lok adalat help reduce the workload on formal courts.
- ⑦ promote harmony :- its help preserve relationship b/w parties.

Disadvantages of Lok Adalat

- ① Limited jurisdiction
- ② No appeal
- ③ Dependence on mutual consent.
- ④ not suitable for complex cases.
- ⑤ quality of justice.
- ⑥ Lack of legal expertise

Conclusion of

Lok Adalat is a vital mechanism for resolving disputes in India, providing an alternate to the lengthy and expensive litigation process in conventional court.

Q. Discuss the evolution of Lok adalat in India
what is their jurisdiction under the LSMA 1987?
How is the ADR provision in section 89 of the
Code of civil procedure, 1908 different from per-
manent Lok adalat or from ordinary and
ad hoc Lok adalat? 7+3+5

Introduction :-

Conflict and disputes lead to
consumption of capital, valuable time, effort
etc, it is very important that conflict must
not arise in society. But its near to impos-
sible as people live together in a society
and there is the possibility of conflict and
dispute arising between them. When the
disputes arose the matter ~~to~~ refer to
the court which is burden for the court

for this burden, to make reduce the

✓ Lok adalat for the solution.

Lok adalat :-

Lok adalat is based on principles by Mahatma ~~Gant~~ Gandhi, Generally known as Gandhian principles. Lok adalat has been there in India since its ancient times popularly it was known as panchayat its legal nomenclature called arbitration.

Lok adalat is an of the form of ADR

The award passed by the Lok adalat are deemed to be decree of civil court and binding all the parties on a dispute. and there is no ~~appte~~

appeal lie against the award. all categories cases can initiated to Lok adalat except criminal cases, Lok adalat had so far resolved 8 cases 1,36,00,000. Chapter vi of Legal Service Authority Act 1987 deals with Lok adalat.

Evolution of Lok adalats in India :-

Lok adalats trace their origin to ancient Indian tradition, where panchayats and community elders resolved disputes through consensus. In modern times Lok adalat gained momentum in the 1980, driven by the need to address the ↑ backlog in courts and provide affordable access to the justice.

The turning point came with

the enactment of the Legal Service Authority Act 1987, which gave statutory status to the Lok Adalat. The Lok Adalat have played a significant role in promoting ADR, methods and reducing litigation.

Jurisdiction under LSAA 1987 :-

The Legal Service Authority Act, 1987, defines the jurisdiction of Lok Adalat broadly, covering both pre-litigation and post-litigation dispute, such as-

① civil cases :- Lok Adalat handle a wide range of disputes, including civil, matrimonial, consumer and compoundable criminal cases.

② Binding Decision :- The award passed by Lok adalat are binding, final, and equivalent to a court decree.

③ Limitation :- Lok adalat cannot entertain non-compoundable criminal offenses ~~and~~ matters

Section 89 of the Code of Civil Procedure,

1908 :-

Section 89 of the Code of Civil Procedure (CPC), 1908, introduced ADR mechanism into formal civil litigation. It empowers courts to refer dispute for resolution through.

→ ~~And~~ Arbitration

→ Conciliation

•> Lok adalats

•> mediation

— This provision aims to reduce the burden on court by encouraging parties to resolve dispute outside formal judicial proceeding. It identifying cases suitable for ADR and ensuring that such methods are appropriately applied.

Difference between Sec-8, 89 CPC & Lok adalat

① Nature of authority

Section 89 is ADR

mechanism, where court processes & the judge decide the mode of ADR.

Lok adalat function

Independently or through legal service authorities.

② Types of cases :-

Section 89 ADR can involve arbitration or mediation for cases that require complex negotiation.

Lok adalat mainly deal with similar dispute where an amicable settlement is more feasible.

③ Binding nature :-

As per Sec-89, ~~act~~ of CPC arbitration and conciliation may require further steps for enforceability.

Lok adalat award are final and binding without further appeal.

Difference b/w PLA & Ad hoc Lok adalat :-

① PLA est. under Section 22B of LSAA, its deal with dispute relating public utility service, eg - transport, communication, banking.

Adhoc Lok adalat organised occasionally for specific cases.

② PLA handle dispute public utility up to 10L parties consent is not require.

Adhoc Lok adalat resolved dispute only if parties agree to a settlement.

③ focused on public utility, but ordinary Lok adalat focused on civil matter.

Conclusion

Lok adalat represent a progressive step towards inclusive justice.

Q. What are various modes of alternative DR?

Distinguish b/w an arbitral award, in an arbitral award? 7+5

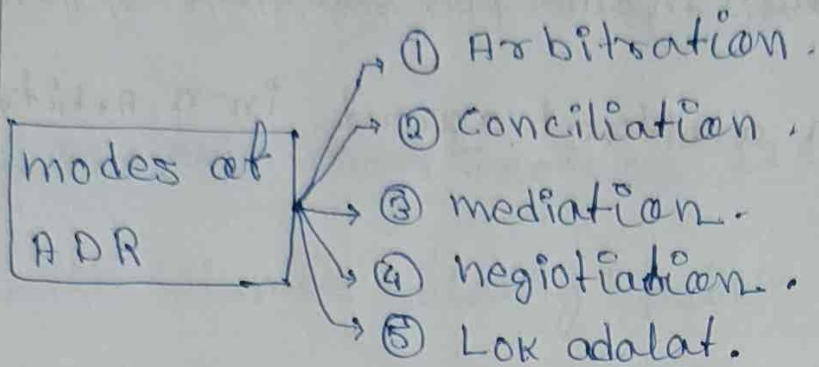
Introduction :-

Alternate dispute Resolution refers to the methods of resolving disputes outside the traditional court system. ADR mechanisms are designed to provide faster, cost-effective and less formal means of settling disputes.

to focus on the process rather than the outcome. Settlement, reduce the burden on courts.

The common modes of ADR include arbitration, mediation, conciliation and negotiation.

These are explained below —



① Arbitration :-

Arbitration in ordinary language, means the settlement of dispute by the decision of one or more person.

The arbitration is the decision by a pvt person of a controversy submitted to him by disputant who have agreed to accept the decision as a final determination of their claims.

Definition of arbitrators :-

The ~~arbitrator~~ term

arbitrator has not defined by the arbitration and conciliation Act 1996, however an arbitrator may be defined as a person to whom the matter in dispute are submitted by the parties and whose function are more or less judicial.

types of arbitration

- ① Ad hoc arbitration.
- ② Institutional arbitration.
- ③ contractual arbitration.
- ④ Statutory arbitration.
- ⑤ Domestic arbitration.

② conciliation :-

The conciliation means the settling of dispute without litigation

conciliation is a process by which discussion between parties is kept going through the participation of a conciliator. In conciliation both the parties of dispute are brought into harmony. In conciliation the parties are induced themselves to come to settlement. In conciliation the conciliator does not engage in any formal hearing, though he may informally consult. In conciliation the final award depends on the will of the parties.

③ Mediation :-

In mediation a neutral third party the (mediator) facilitates discussion

between disputes parties to help them reach a mutually acceptable agreement. Unlike arbitration, the mediator does not impose a decision, and the outcome is non-binding unless formalised by the parties.

Negotiation :-

The simple and most informal mode of ADR, where parties engage directly with each other to resolve their dispute without involving a third party.

The negotiation is flexible and non-binding.

⑤ Lok adalat :-

Lok adalat provide quick justice at less expenditure. The award passed by the Lok adalat are deemed to be

decree of civil court, which is binding all the disputing parties, and there is no appeal lie against award. the Lok adalats had so far resolved 1-36,00,000 cases, and chapter VI of Lok Adalat LSAA deals with Lok Adalat.

Difference b/w arbitral award and inⁿ arbitral award :-

arbitral award :-

its a decision made by an arbitrator or an arbitral tribunal in domestic arbitration process, its jurisdiction is within the country governed by national law.

international arbitral award :-
 an award made by
 an arbitration process involving parties from
 different countries or where the dispute arises
 from international trade. its jurisdiction
 is internationally governed by an
 convention such as New York convention
 1958.

aspect	Arbitral award	international award.
① nature of parties	Domestic parties	parties from different countries.
② jurisdiction	Domestic	International
③ Governing Laws	National laws	International treaties and convention.

	arbitral tribunal	in-n tribunal award
① Recognition	Enforced domestically	enforced internationally under convention
② Example	Labor, property or family disputes	cross-border commercial disputes

conclusion :-

ADR provides an efficient and effective framework for resolving disputes without the complexities of traditional litigation. Each mode of ADR mechanism provide unique benifites to the parties.