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LOK ADALAT: SOME REVIEW

***Dr. Pralhad V Chengte**

Assistant Professor of Political Science, Government First Grade College, Humnabad

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ABSTRACT

It is true that in spite of number of legislations the fate of weaker sections has not improved. The poor persons are the silent victims of injustice. It is no more a secret that crimes against women are increasing. Dowry death cases are being registered in number throughout the country. In order to protect the weaker sections it is thought that law should be utilized as an instrument of "Socio Economic" change. Further to protect weaker section from unnecessary litigation and to reduce the mounting arrears of cases in Law courts, Law Commission recommended for the establishment of Nyaya Panchayats. The basic idea behind the Scheme of Lok Adalat is to speed up clearance of pendency of huge arrears in Law Courts, and to reduce the Costs of litigations. In this paper we study some over view of and basic concept of lok adalat.

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INTRODUCTION

The concept of conciliated settlement of disputes is not alien to the traditional Indian culture and social life. Nyaya Panchayats and Gram Panchayat provided seats for resolving the disputes in rural areas on an immediate basis. Generally, any crime or civil dispute used to be resolved within the village itself. Either village elders or caste elders or family elders used to facilitate the process. The introduction of Lok Adalats added a new chapter to the justice dispensation system of this country and succeeded in providing a supplementary forum to the victims for satisfactory settlement of their disputes. This system is based on Gandhian principles. It is one of the components of ADR systems. It is an Indian contribution to the world jurisprudence of ADR. Lok Adalat (people's courts), established by the government settles dispute by the principles of justice, equity and fair play, which are the guiding factors for decisions based on compromises to be arrived at before such Adalats. The camps of Lok Adalats were initially started in the state of Gujarat in 1982. The first Lok Adalat was organized on 14th March 1982 at Junagarh. Maharashtra commenced the Lok Nyayalaya in 1984. The movement has now subsequently spread to the entire country. The reason to create such camps was only the pending cases and to give relief to the litigants who were in a queue to get justice.

***Corresponding author: Dr. Pralhad V Chengte,**
Assistant Professor of Political Science, Government First Grade College, Humnabad.

Organization of Lok Adalat

Every State Authority or District Authority or the Supreme Court Legal Services Committee or every High Court Legal Services Committee or, as the case may be, 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 State Authority or the District Authority or the Supreme Court Legal Services Committee or the High Court Legal Services Committee, or as the case may be, the Taluk Legal Services Committee, organising such Lok Adalat.

The experience and qualifications of other persons referred to in clause (b) of sub-section (2) for Lok Adalats organised by the Supreme Court Legal Services Committee shall be such as may be prescribed by the Central Government in consultation with the Chief Justice of India.

The experience and qualifications of other persons referred to in clause (b) of subsection (2) for Lok Adalats other than referred to in subsection (3) shall be such as may be prescribed by the State Government in consultation with the Chief Justice of the High Court.

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-

- (i) Any case pending before; or
- (ii) Any matter, which is falling within the jurisdiction of, and is not brought before, any court for which the Lok Adalat is organised:

Provided that the Lok Adalat shall have no jurisdiction in respect of any case or matter relating to an offence not compoundable under any law.

Cases Suitable For Lok Adalats

Lok Adalats have competence to deal with a number of cases like:

- Compoundable civil, revenue and criminal cases.
- Motor accident compensation claims cases
- Partition Claims
- Damages Cases
- Matrimonial and family disputes
- Mutation of lands case
- Land Pattas cases
- Bonded Labour cases
- Land acquisition disputes
- Bank's unpaid loan cases
- Arrears of retirement benefits cases
- Family Court cases
- Cases which are not sub-judice

Cognisance of cases by Lok Adalats

A Lok Adalat may take cognizance of cases, as per Section 20 of the Legal Services Authority Act where:

(I) (a) the parties thereof agree; or

(b) one of the parties thereof makes an application to the court for referring the case to the Lok Adalat for settlement and if such court is prima facie satisfied that there are chances of such settlement; or

(II) the court is satisfied that the matter is an appropriate one to be taken 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 by such court except after giving a reasonable opportunity of being heard to the parties.

Need For Lok Adalats

Justice Ramaswamy says: " Resolving disputes through Lok Adalat not only minimizes litigation expenditure, it saves valuable time of the parties and their witnesses and also facilitates inexpensive and prompt remedy appropriately to the satisfaction of both the parties"

Law Courts in India face mainly four problems:

- The number of courts and judges in all grades are alarmingly inadequate

- Increase in flow of cases in recent years due to multifarious Acts enacted by the Central and State Governments
- The high cost involved in prosecuting or defending a case in a court of law, due to heavy court fee, lawyer's fee and incidental charges
- Delay in disposal of cases resulting in huge pendency in all the courts

Lok Adalat has a positive contributory role in the administration of justice. It supplements the efforts and work of the courts. Area of contribution chosen for the purpose specially concerns and helps the common man, the poor, backward and the needy-most sections of the society.

Powers of Lok Adalats 23[or Permanent Lok Adalats.]

The Lok Adalat or 23[Permanent Lok Adalat] shall, for the purposes of holding any determination under this Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908) while trying a suit in respect of the following matters, namely: -

- The summoning and enforcing the attendance of any witness and examining him on oath;
- The discovery and production of any document;
- The reception of evidence on affidavits;
- The requisitioning of any public record or document or copy of such record or document from any court or office; and
- Such other matters as may be prescribed.

Without prejudice to the generality of the powers contained in subsection (1), every Lok Adalat or 23[Permanent Lok Adalat] shall have the requisite powers to specify its own procedure for the determination of any dispute coming before it. (3) All proceedings before a Lok Adalat or 23[Permanent Lok Adalat] shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code (45 of 1860) and every Lok Adalat 23[or Permanent Lok Adalat] shall be deemed to be a civil court for the purpose of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 (2 of 1974).

Advantages Of Lok Adalats

- Speedy Justice And Saving From The Lengthy Court Procedures
- Justice At No Cost
- Solving Problems Of Backlog Cases
- Maintenance Of Cordial Relations

Conclusion

Lok Adalats, as it has been again and again iterated throughout the paper, serve very crucial functions in a country due to many factors like pending cases, illiteracy etc. The Lok Adalat was a historic necessity in a country like India where illiteracy dominated about all aspects of governance. The most desired function of lok adalats may seem to be clearing the backlog, with the latest report showing 3 crore pending cases in Indian courts but the other functions cannot be ignored.

The concept of Lok Adalat has been a success in practice. Lok Adalats play a very important role to advance and strengthen “equal access to justice”, the heart of the Constitution of India, a reality. This Indian contribution to world ADR jurisprudence needs to be taken full advantage of. Maximum number of Lok Adalats need to be organized to achieve the Gandhian Principle of Gram Swaraj and “access to justice for all”.

REFERENCES

Commr. K.S.P. 2001. Instruction v. Nirupadi Virbhadrappa Shiva, AIR kant 504 at 507,508

Devi. Hans v. Beena Singh, AIR 2005 All 349

Dr. Myneni, S.R. 2009. Arbitration, Conciliation, and ADR Systems, Asia Law House, 10.

Madhabhushi Sridhar, 2006. Alternative Dispute Resolution, Lexis Nexis.

Rajan, R.D. 2005. A Primer on Alternative Dispute Resolution, Barathi Law House.

Sarfraz Ahmed Khan, Lok Adalat: an effective alternative dispute resolution mechanism, APH Publishing, 2006.

Union of India v. Ongbi Ibeyaima Devi, 2005 (36) AIC 721 (Gau)
