



INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS

Open Access, Refereed Journal Multi Disciplinary
Peer Reviewed Edition :

www.ijlra.com

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Megha Middha, is working as an Assistant Professor of Law in Mody University of Science and Technology, Lakshmangarh, Sikar (Rajasthan). She has an experience in the teaching of almost 3 years. She has completed her graduation in BBA LL.B (H) from Amity University, Rajasthan (Gold Medalist) and did her post-graduation (LL.M in Business Laws) from NLSIU, Bengaluru. Currently, she is enrolled in a Ph.D. course in the Department of Law at Mohanlal Sukhadia University, Udaipur (Rajasthan). She wishes to excel in academics and research and contribute as much as she can to society. Through her interactions with the students, she tries to inculcate a sense of deep thinking power in her students and enlighten and guide them to the fact how they can bring a change to the society

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Mrs.S.Kalpana

Assistant professor of Law

Mrs.S.Kalpana, presently Assistant professor of Law, VelTech Rangarajan Dr. Sagunthala R & D Institute of Science and Technology, Avadi. Formerly Assistant professor of Law, Vels University in the year 2019 to 2020, Worked as Guest Faculty, Chennai Dr.Ambedkar Law College, Pudupakkam. Published one book. Published 8 Articles in various reputed Law Journals. Conducted 1 Moot court competition and participated in nearly 80 National and International seminars and webinars conducted on various subjects of Law. Did ML in Criminal Law and Criminal Justice Administration. 10 paper presentations in various National and International seminars. Attended more than 10 FDP programs. Ph.D. in Law pursuing.



Avinash Kumar



Avinash Kumar has completed his Ph.D. in International Investment Law from the Dept. of Law & Governance, Central University of South Bihar. His research work is on "International Investment Agreement and State's right to regulate Foreign Investment." He qualified UGC-NET and has been selected for the prestigious ICSSR Doctoral Fellowship. He is an alumnus of the Faculty of Law, University of Delhi. Formerly he has been elected as Students Union President of Law Centre-1, University of Delhi. Moreover, he completed his LL.M. from the University of Delhi (2014-16), dissertation on "Cross-border Merger & Acquisition"; LL.B. from the University of Delhi (2011-14), and B.A. (Hons.) from Maharaja Agrasen College, University of Delhi. He has also obtained P.G. Diploma in IPR from the Indian Society of International Law, New Delhi. He has qualified UGC - NET examination and has been awarded ICSSR - Doctoral Fellowship. He has published six-plus articles and presented 9 plus papers in national and international seminars/conferences. He participated in several workshops on research methodology and teaching and learning.

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INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS
ISSN

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LOK ADALATS – SETTLEMENTS OUTSIDE THE COURTS, IN THE AMBIT OF LAW

AUTHORED BY -: SUYASHI VINIT

BBA.LLB(H), 3rd Semester

Amity Law School, Amity University, Patna

Abstract

Lok Adalat plays a significant role in the legal system as primarily the lessen the burden of cases in the court system. They (awards) hold the same legal validity as a decree of civil court. Supreme Courton several occasion has highlighted the role and importance of the Lok Adalat and supports for more ofthe establishments of Lok Adalat. The Lok Adalat are regulated through the NALSA (Lok Adalat) Regulations, 2009.

Introduction

Lok Adalat are bodies that resolve disputes arising between the parties. It can be considered as a phenomena which is at pre litigation stage. The purpose of establishing these Lok Adalat were majorly tolessen the burden in the courts of law. They have been entitled as a statutory body under the Legal Services Authority Act,1987. Compromises or settlements are made through the Lok Adalat and its decision is final and binding upon the parties. It requires no fees in its registration. It can be considered as a boon, both in the perspective of the courts and over the parties.

The first Lok Adalat was held in Una, Gujarat (1982). When the COVID-19 pandemics hit the world, the e-Lok Adalat was introduced in the state of Chattisgarh for the very first time.

Composition and Segmentation of Lok Adalat

Basically, the Lok Adalat can be divided in following levels-:

- State Authority Level
- High Court Level
- District Level
- Taluka Level

The bench of these levels, are headed by either retired justice or serving or retired judicial officer (depending upon their level) along with a social worker, member of legal professional and a mediator. The members deciding the cases of Lok Adalats have no judicial role. They do not have the authority to direct or force any of the parties. They can only help in resolution of cases when both the parties are ready to compromise or settle.

Lok Adalat – bodies that lessen the burden of courts

Lok Adalat have been established to lower the pressure of cases in the courts, through settlements at pre-litigation stage. But what needs to be noted here is that such resolutions cannot be produced as references in the court by the advocates. This means that the settlements made in Lok Adalat are individually efficient but cannot be binding upon other similar cases. And therefore, for the similar kind of cases, the settlements can vary depending upon the parties.

Also, the members of the Lok Adalat cannot disclose the proceedings or any information in relation to the proceedings of the Lok Adalat, except when such information is necessary for enforcement of the awards (section 18 of The National Legal Services Authority Regulations, 2009). Which means the proceedings of Lok Adalat are very confidential and it can hold relation as every single case is resolved uniquely because for similar cases the settlement conditions can vary.

Matters dealt in Lok Adalat

Any case which is pending before the court can be referred to Lok Adalat. But such cases need to be compoundable. Cases at pre litigation stage, which means that such cases have still not come in the courts, can also be brought in Lok Adalat. A pending case before a court can also be brought in Lok Adalat if both the parties agree upon it and want the settlement in Lok Adalat.

Divorce cases and related matters cannot be brought in the Lok Adalat. Also, the criminal cases which are non-compoundable cannot be brought in Lok Adalat.

Some Judgements that highlighted Lok Adalat

1. S. S. Bola vs. B. D. Sardana – Supreme Court in this case held the importance of Lok Adalat and its significance in lowering the burden on regular court system. The judgement emphasized the need for more of the promotion and establishment of Lok Adalat.

2. State of Punjab and Ors. vs. Jalour Singh and Ors. (2008) – In this case the Supreme Court emphasized the importance of Lok Adalat and that its decisions hold the legal sanctity as of decree passed by the civil courts. It once again highlighted the significant role played by the Lok Adalat in the lowering of burden in courts.

Permanent Lok Adalat

Permanent Lok Adalat have been introduced under Section 22-B of The Legal Services Authorities Act, 1987.

Permanent Lok Adalat have been established permanently with a Chairman and two members for doing pre-litigative mechanism for conciliation and settlement of cases relating to Public Utility Services like transport, telegraph etc.

If parties are unable to resolve the disputes, the Permanent Lok Adalat can resolve disputes (only that it should not be non-compoundable). Also, the award assigned by Permanent Lok Adalat is final and binding on the parties. Its jurisdiction is up to Rs. One Crore.

References

<https://nalsa.gov.in/lok-adalatquora.com>

The National Legal Services Regulations, 2009

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