

ALTERNATE DISPUTE (REDRESSAL) REDRESSAL MECHANISMS

**Lok Adalats, Conciliation, Arbitration etc.
for 89th Foundation Course**

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**The origin of ADR is derived from
“*The Bengal Regulation Act, 1772*”**

The following further Acts/Rules have been emerged:

ALTERNATIVE DISPUTE RESOLUTION & MEDIATION RULES, 2006

LOK ADALAT

**THE PERMANENT LOK ADALAT
(OTHER TERMS AND CONDITIONS OF APPOINTMENT OF
CHAIRMAN AND OTHER PERSONS) RULES, 2003**

**Arbitration and Conciliation Act, 1996
THE ARBITRATION AND CONCILIATION
(AMENDMENT) BILL, 2003**

Indian Contract Act, 1872

Code of Civil Procedure, 1908

Arbitration Act, 1940

Companies Act, 1956

Code of Criminal Procedure, 1973

Legal Services Authorities Act, 1987

Legal Services Authorities Rules, 1995

Legal Services Authorities (Amendment) Act, 2002

United Nations Commission on International Trade Law

Limited Liability Partnership Act, 2008

THE ROLE OF ADR WILL BE IN THE ISSUES RELATING TO:

EMPLOYMENT DISPUTES & INDUSTRIAL RELATIONS

FAMILY DISPUTES

PERSONAL INJURIES

COMMERCIAL DISPUTES

CONSUMER DISPUTES

PROPERTY DISPUTES

Few Modes of Alternative Dispute Resolution

Arbitration

Conciliation

Mediation

Negotiation

Online dispute resolution

Article 39-A of C.O.I. enjoins the State to provide free legal aid

As per Sec.89 Civil Procedure Code, the Parties can settle their cases arriving at compromise

Different ADR Models in India

Gram Panchayat

Gram Sabha

Nyaya Panchayat

Lokpal

Lok Adalat

Family Court

Counseling Centers

Commission of Inquiry

Tribunal

Consumer Court

Non-Governmental Organization

Bar Council of India

Indian Legislation on ADR

LOK ADALAT MECHANISM

The advent of Legal Services Authorities Act, 1987 gave a statutory status to Lok Adalats, pursuant to the constitutional mandate in Article 39-A of the Constitution of India

"Lok" stands for "people" and the term "Adalat" means court

The first Lok Adalat was held on March 14, 1982 at Junagarh in Gujarat

The idea of Lok Adalat was mainly advocated by Justice P.N. Bhagwati, a former Chief Justice of India

It's a non-adversarial (a perfect) system

Lok Adalat is one of the modes of Alternative Dispute Resolution (ADR) developed in India

It roughly means "People's court"

They are held by the:

State Authority

District Authority

Supreme Court Legal Services Committee

High Court Legal Services Committee

Taluk Legal Services Committee

They are held periodically

These are usually presided over by retired judges, social activists, or other members of the legal profession

The Lok Adalats can deal with:

**Compoundable (Excusable) Civil and Criminal and
Revenue 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

**The first Lok Adalat was held in 1985 in Delhi where more than 150
cases were solved within a day**

The Plaintiff/Petitioner is entitled to get refund of Court Fee that has been paid by him at the time of filing a Suit before a Court and that suit has been settled before the Lok Adalat

**The parties who wish to avail the Lok Adalat Mechanism can simply approach the Court concerned or any of the Legal Services Institution
No fee is required to be paid by the parties to settle their cases before Lok Adalat**

No Appeal shall lie to any Court against the Award of the Lok Adalat

There is no court fee

There is no strict application of procedural law

Disputes can be resolved without going to the court

Procedure/Salient Features and Benefits of the decision of the Lok Adalats

It is quick and free from legal hassles

Award of Lok Adalat has the force of decree of civil court

Parties are bound by such award

These are final

No appeal shall lie against award of Lok Adalat

Dispute comes to an end forever

Entire Court fee is refundable

Implementation of awards of Lok Adalat is easy because these are based on mutual consent

There is no sense of victory or defeat

Settlement of one dispute in Lok Adalat results in disposal of numerous connected cases pending in Courts

That reduces the workload of courts and accelerates their speed of disposal

That leads to quick decisions and end of long wait and anxiety of litigants for justice

ADR requires the facilitation of a third party neutral

These include arbitrators, mediators and negotiators

The focus in Lok Adalats is on compromise
When no compromise is reached, the matter goes back to the court

However, if a compromise is reached, an award is made and is binding on the parties

The disputing parties plead their case themselves in Lok Adalats

No advocate or pleader is allowed, even witnesses are not examined

No court fees is levied

Speedy justice is given to the people of all classes of society

Award has same effect as of a Civil Court decree

It is under LEGAL SERVICES AUTHORITY ACT 1987, which gave statutory status to Lok Adalat

**THE PERMANENT LOK ADALAT (FOR PUBLIC UTILITY SERVICES)
(OTHER TERMS AND CONDITIONS OF APPOINTMENT OF
CHAIRMAN AND OTHER PERSONS) RULES, 2003**

Chairman can be:

- 1. A judicial officer**
- 2. A retired judicial**
- 3. Any other person who is having a good knowledge about procedures**

**The Permanent Lok Adalat may sit at a place specified by the Central
Authority or the State Authority**

**The Permanent Lok Adalat (Other Terms and Conditions
of Appointment of Chairman and other Persons)
Amendment Rules, 2008**

This Amendment relates to Monthly Fee, Sitting Fee etc.

"PERMANENT LOK ADALATS (PLA)"

The Central or State

**Authorities may establish by notification, Permanent Lok
Adalats for determining issues in connection with
PUBLIC UTILITY SERVICES**

include:

- (1) Transport service**
- (2) Postal, telegraph or telephone services**
- (3) Supply of power, light and water to public**
- (4) System of public conservancy or sanitation**
- (5) Insurance services and such other services as notified
by the Central or State Govts.**

ARBITRATION AND CONCILIATION

After liberalization of Indian
economy
in the 1990's, "*Arbitration and
Conciliation Act, 1996*" was
enacted

ARBITRATION AND CONCILIATION ACT, 1996

Sections' Overview

Section 7: Relates to arbitration agreement

Section 8: Parties to move to court

Section 9: Interim measures

Section 10: No. of arbitrators to be appointed

Section 12: Procedure of appointment of arbitrators

Section: 13-14 Challenge of Arbitrator

Sections 16-17: Jurisdiction of Arbitrator

Sections 18-30: Conduct of Proceedings

Section 31: Awards

Sections 32-33: Correction of Award

ARBITRATION

Arbitration is the procedure by which parties agree to submit their disputes to an independent, neutral and third party, known as an arbitrator

Arbitrator considers

**Arguments and evidence from both sides
Then hands down a final and binding decision**

ARBITRATION

The process of arbitration can start only if there exists a valid Arbitration Agreement between the parties prior to the emergence of the dispute

As per Sec. No. 7, agreements must be in writing

Most formal in nature

Arbitrations within a civil law context are generally designed to be binding

More generally an arbitrator is invested with the authority to impose a resolution to a dispute

CONCILIATION

Conciliation is a less formal form of arbitration

This process does not require an existence of any prior agreement

Any party can request the other party to appoint a conciliator

One conciliator is preferred but two or three are also allowed

In case of multiple conciliators, all must act jointly

THANK YOU VERY MUCH