

facilities of bringing about a compromise settlement. The counsels of the parties play in the process of compromise, the role of mediators.

The Contract Act, 1872 contains provisions for encouraging mutual settlements through the process described as accord and satisfaction. Section 62 and 63 enable parties to arrive at any alternative solution in respect of the bargain that they have made.

- (2) **Mediation:** It is a non-binding procedure in which an impartial third party, the conciliator or mediator, assists the parties to a dispute in reaching a mutually satisfactory and agreed settlement of the dispute. Mediation is a process by which for resolution of disputes parties engage the assistance of a third Party to act as a mediator.
- (3) **Arbitration:** It has been discussed in the Chapter pertaining to Arbitration.
- (4) **Conciliation:** It has been discussed in the Chapter pertaining to Conciliation.
- (5) **Settlement through Lok Adalats :**

Lok Adalats are organized by the State Legal Aid and Advisory Boards or Districts Legal Aid Committees. Conciliators is the name given by Statute to members of Lok Adalat who are appointed from retired judicial officers, social workers and advocates.

#### **Types of Cases dealt by the Lok Adalats**

1. Mutation of land cases
2. Compoundable criminal offences
3. Encroachment on forest lands
4. Family disputes
5. Land acquisition disputes
6. Motor accident claims
7. Cases which are not sub-judice

**Powers of Lok Adalat [Sec. 22 of Legal Services Authorities Act, 1987]**-The powers of the Lok Adalat are similar to that of Civil Court

#### **Award of the Lok Adalat [Sec. 21 of Legal Services Authorities Act, 1987]**

1. Every award of the Lok Adalat shall be deemed to be a decree of a civil court.
2. Shall be final and binding
3. No appeal shall lie.

#### **Jurisdiction**

- ☞ To determine a dispute and compromise or settlement between parties to a dispute in a case pending before any court or any matter which falls within which the jurisdiction of the court but has not been brought before them.
- ☞ The Lok Adalat has no jurisdiction in respect of matters relating to an offence which is not compoundable under any law

#### **Cognizance of case by Lok Adalats [Sec. 20 of Legal Services Authorities Act, 1987]**

Cognizance has to be taken on reference by the court. The court can refer a pending matter either on the agreement of the parties or on application by one of the parties. The parties agreeing on the party applying has to show desire for settlement through Lok Adalat. The Court can also make an independent reference if is satisfied that the case is an appropriate one for reference.

**Return to Court:** Where the Lok Adalat fails in its efforts to bring about a compromise or settlement, it has to return the matter to Court from which it came.