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Q2

Explain and distinguish between Lok Adalats and Arbitration Tribunals. Whether they entertain civil as well as criminal cases?

UPSC Civil Services Mains 2024 · GS II · 10 marks · Separation of Powers

Separation of powers between various organs; dispute redressal mechanisms and institutions.

Core demand of the question

- Define Lok Adalat and arbitration as distinct forums
- Contrast jurisdiction, procedure, appeal and the nature of the award
- Answer whether each entertains civil as well as criminal cases
- Do not treat Permanent Lok Adalat as the same as a private tribunal

Revision summary

- **Lok Adalat is a Legal Services Authorities Act forum:** conciliation, award as a decree, generally no appeal.

It hears civil matters and compoundable criminal cases, not non-compoundable crime.

- **Arbitration is contractual under the 1996 Act:** civil-commercial disputes, **Section 34** challenge, no criminal trial.

Booz Allen and Vidya Drolia mark what cannot be sent to a private tribunal.

Permanent Lok Adalats for public utilities are a statutory hybrid, still not private arbitration.

The working distinction is public compromise at little cost versus paid private adjudication.

Introduction

Lok Adalats and arbitration tribunals both sit outside the regular civil court queue. They are not twins. One is a **statutory, conciliatory** public forum under the **Legal Services Authorities Act, 1987**. The other is a **consensual private** court under the **Arbitration and Conciliation Act, 1996**. What they may hear, including crime, follows from that difference.

Body

Lok Adalat

A Lok Adalat is a Legal Services Authority sitting, not a hired private bench.

- **Peg: Article 39A** and the 1987 Act authorise Authorities to organise Lok Adalats of sitting or retired judges and other persons.
- **Peg:** The method is **compromise**; if parties agree, the award is a **civil court decree**, generally **not appealable**, though a fresh suit on limited grounds can remain.
- **Peg:** If they do not agree, the case goes back to the parent court; there is no forced private verdict.
- **Peg: Permanent Lok Adalats** for public-utility services can decide some matters on merits if conciliation fails - a statutory hybrid, still not private arbitration.

Arbitration tribunals

Arbitration exists only if the parties have a contract to arbitrate.

- **Peg:** Parties choose the seat, the rules and the arbitrators under the **Arbitration and Conciliation Act, 1996**.
- **Peg:** The dispute must be **arbitrable**; **Booz Allen and Hamilton v. SBI Home Finance** and **Vidya Drolia v. Durga Trading** keep criminal guilt, matrimonial status, insolvency and some tenancy and trust disputes out because they affect the public or third parties.
- **Peg:** The award binds the parties; challenge is a **Section 34** set-aside petition, not a full appeal on facts.
- **Peg:** Consumer and labour forums have their own statutes; they are not arbitral tribunals unless a statute says so.

Civil and criminal coverage

The criminal question is answered by compoundability, not by the word "tribunal".

- **Peg:** Lok Adalats routinely take civil claims - money, partition, agreed matrimonial settlements, motor-accident compensation, bank recovery - and may take only **compoundable** criminal offences.
- **Peg:** Murder, rape and other non-compoundable felonies cannot be bargained away in a Lok Adalat.
- **Peg:** An arbitral tribunal does not try a criminal charge or convict; a parallel prosecution may go on, but the award cannot replace a criminal court.

Flow diagram

Dispute -> Lok Adalat 1987
 Dispute -> Arbitration 1996
 Lok Adalat 1987 -> Civil plus compoundable crime
 Arbitration 1996 -> Civil commercial
 Lok Adalat 1987 -> Award as decree
 Arbitration 1996 -> Section 34 set-aside

Conclusion

Lok Adalats settle civil and compoundable criminal matters by consent under the 1987 Act. Arbitration decides civil-commercial disputes by agreement under the 1996 Act. Neither is a criminal court for non-**compoundable offences**.

Facts & figures

Legal Services Authorities Act, 1987

Parent statute for Lok Adalats and Permanent Lok Adalats; an award is deemed a civil court decree.

Arbitration and Conciliation Act, 1996

UNCITRAL-based law for domestic and international commercial arbitration in India.

Article 39A of the Constitution

Directs equal justice and free legal aid, the constitutional hook for Legal Services Authorities.

Vidya Drolia v. Durga Trading Corporation

Restated the outer edge of arbitrability: criminal, matrimonial, insolvency and some public-rights disputes stay in court.

Compoundable offences

Offences the complainant may lawfully compromise; these alone can close in a Lok Adalat.

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