



Concept of Lok Adalat in India

Jatinder Singh

Research Fellow, Dept. of Law, Chaudhary Devi Lal University, Sirsa.

Email: jsinghriar@yahoo.com

Abstract: In recent time, the community world over has become more and more conscious about their rights. They frequently resort to redresses their disputes through Courts of law by way of litigation. However, owing to the complications of modern era, litigants want a decision without any undue delay. In India, the litigation, especially matters which are civil in nature are well known for prolonged pendency and are flooded by adjournments, appeals and revisions etc. Many tribunals, forums though have been created to reduce humungous workload upon the Courts. Besides, many mechanisms for amicable settlement of disputes such as negotiation, conciliation, mediation, arbitration, Nyaya-Panchayat and institution like Ombudsman, Lok Adalat have also been set up to provide rapid, effective and economical remedies, which are now available to the people along with Traditional Legal System and to ensure guarantee of equal access to justice. The present paper attempts to study the concept, origin and organization of Lok Adalats in India.

Key Words: Court, Lok Adalat, Dispute, settlement, Judicial System.

Introduction:

The introduction of Lok Adalats has brought a new chapter into the country's justice system, and it has been successful in offering a supplemental platform to the litigants or disputants in settle their problems satisfactorily. It is a major aspect of a legal aid programme since it intends to provide equal protection of law and equal access to justice to all people, particularly the poor **who lack adequate resources and means to knock at the door of justice.** The title 'Lok Adalat' literally means 'People's Court'. The Lok Adalat is a dispute-resolution organisation which follows the values of justice, equity, and fairness. These noble qualities serve as guiding principles for Lok Adalat rulings based on concessions reached prior to such Adalats. The Lok Adalats were held as part of the legal aid programmes. In fact, all laws and the Constitution aim at mutual settlement of disagreements, which is always preferable to protracted and costly litigation. Similar provisions exist in the Civil Procedure Code, the Criminal Procedure Code, and a number of special and municipal statutes (Family Court Act, Arbitration Act, and so on) that allow the court to try to reach an agreement and avoid adjudication whenever possible. In general, Lok Adalat is a para-judicial entity created by the people for the people. It was in its infancy prior to the passage of the Legal Services Authorities Act, striving to find an adequate structure and method in the struggle of the common people for social justice. Lok Adalat is a court for the people, held at their doorsteps, with a true spirit of conflict resolution and free of the existing judicial system's rigorous formalism. It is designed to understand technically the issues of conflict at the fixed locations where litigants, their attorneys, judges, and social workers are present. Adjudication in a Lok Adalat is a people-oriented, quick, and summary-styled process for resolving disputes on mutually agreeable conditions. The ideology of Lok Adalat conceptualises and institutionalises the concept of resolving disputes through mediation, negotiation, or arbitration. All those who are anywhere related with the resolution of the conflict are included.



SPECIAL EDITION: INTERNATIONAL CONFERENCE
Lala Hansraj Puthela College of Law Sirsa

Objective of the paper: The main objective of the paper is to study the concept and organisation of Lok Adalat system in India.

Review of Literature:

Selven and Dinesh (2018) explained the concept of Lok Adalats in Indian legal system. The present paper is based on the secondary resources. It also studied the origin, powers, functions, structure and procedure to be followed by Lok Adalats in imparting justice. It was found that the origin traced back to 1982 in Gujarat and statutory status was given in 1987 with the establishment of Legal Services Authorities Act. The Lok Adalats resolved claims with amicable settlement among the parties after giving them reasonable opportunity of hearing. The Lok Adalats are vested with all the powers of a civil court. Further, it was suggested that in order to make the concept of Lok Adalats workable in efficient and effective manner, coordination among the legal officers, general public and judiciary shall be ensured.

Patil (2015) analysed the Lok Adalats system in India. The main objective of this paper was to explain the concept and difficulties in implementation of Lok Adalat system in India. Further it also suggested appropriate solutions for effective implementation of Lok Adalat system in India. It also highlighted the advantages of Lok Adalat system. The paper found Lok Adalat system to be the most successful ADR mode in present India as the huge backlog of unsolved cases not in proportion to the available courts. The main advantages were no court fee, speedy trial, procedural flexibility, opportunity of participation and finality of award. The key drawbacks in Lok Adalat system were the resistance and reluctance among the lawyers to entertain matters in Lok Adalat and unnecessary delay to contest the dispute in regular courts when the dispute is not resolved in Lok Adalats. Further it was suggested to create legal literacy and awareness at grass root level, dissemination of information to public about Lok Adalat, increase the involvement and awareness of common people in the Lok Adalat system. It was recommended to improve the quality of legal aid and further emphasis has been laid for the enactment of more statutory provision allowing justice through

Singh and Kumar (2014) studied the concept of Lok Adalat, its objectives, powers and functions in India. The present study attempted to find out the hurdles faced by Lok Adalats in India. It was observed that dual burden upon judges to run regular courts as well as Lok Adalats hampers the proper functioning of Lok Adalats. It was further found that the second party usually does not participate diligently on matters pending before Lok Adalats which results in wastage of time, energy and money as well inordinate delays. It was also found out there is no proper mode of intimation of organizing the Lok Adalats. The system followed by Lok Adalats in rural areas was found to be unsystematic due to which the parties are not able to put their views before the Lok Adalats. It was also found that there were limited adjudicatory powers given to Lok Adalats. It was found out that the authorities and judges do not pay diligence to Lok Adalats due to low incentives and also that there is lack of improvement in the functioning of Lok Adalats due to no research in this sphere. It was suggested to appoint separate judges, proper advertisement, financial and operational autonomy to Lok Adalats, research promotion and run awareness camp at grass root level in order to promote the smooth functioning of Lok Adalat and carry out the objective of justice through free legal service to poor at all levels.

Kumar (2013) examined the functioning of Lok Adalat in Indian Legal process. The main objective of the paper was to study the history of Lok Adalat in India, various advantages of Lok Adalats. It also studies the effect of Lok Adalats on India's power structure. The study was based on secondary data. It was found that the history of Lok Adalat traced back to British regime and the first ever Lok Adalat was held in India on 14 March 1982 in Gujarat. The main motive of Lok Adalat was relieving the downtrodden public from the pending disputes due to heavy pendency. The prominent cases which were been taken up in Lok Adalats are Matrimonial disputes, labor disputes and disputes related to public services. Convenient procedure, binding of decision on parties, no court fees and direct approach to Lok Adalats without running into regular courts was found to be the key advantages of Lok Adalats. Further it was found that quick settlement of long pending disputes with minimal costs and quick disposal lead to convenience to common masses.

Origin of Lok Adalats in India:



SPECIAL EDITION: INTERNATIONAL CONFERENCE

Lala Hansraj Puthela College of Law Sirsa

During the last few centuries prior to the nations independence, and particularly during the British government, the concept of Lok Adalats was pushed into obscurity. This concept has now been revitalised once more. It has become quite famous and well-known among lawyers. This is the system, which has deep roots in Indian legal history as well as a strong connection to Indian culture and the idea of justice. It has proven to be one of the most effective and

Lok Adalats, important ADR techniques, as well as one of the most appropriate to the Indian environment, culture, and societal interests. Lok Adalat camps were first established in Gujarat in March 1982, and have since spread across the country. The development of this movement was part of a strategy to relieve the burden of pending cases on the courts while also providing relief to litigants. On March 14, 1982, in Junagarh, Gujarat, the first Lok Adalat was held. The Lok Nyayalaya was established in 1984 in the state of Maharashtra. Following the constitutional mandate in Article 39-A of the Indian Constitution, the Legal Services Authorities Act of 1987 gave Lok Adalats legal status. It contains a number of provisions for resolving disputes through the Lok Adalat system. This Act mandates the establishment of legal services authorities to provide free and competent legal services to the most vulnerable members of society, as well as to ensure that no citizen's right to seek justice is denied. It also calls for the formation of Lok Adalats to ensure that the legal system functions in a way that promotes equal justice for all. When the Lok Adalat was granted statutory recognition, it was specified that the award issued by the Lok Adalat articulating the terms of compromise would have the force of a court judgement and may be enforced as a civil court order. The development of the Lok Adalat movement was part of a strategy to reduce the weight of pending cases on the courts and provide assistance to litigants waiting for justice. It offers a number of provisions for resolving disputes through the Lok Adalat system. The parties are not permitted to be represented by lawyers and are encouraged to communicate with the judge, who assists them in reaching an agreeable agreement. The parties do not pay a charge. The Civil Procedural Court's strict rules and evidence are not applied. The Lok Adalat's decision is made in an informal meeting and is binding on the parties. There is no right of appeal against the Lok Adalat's decision.

Organisation of Lok Adalat

The National Legal Services Authority (NALSA), the Supreme Court Legal Services Committee (SCLSC), the High Courts Legal Services Committee (HCLSC), the State Legal Services Authority (SLSA), the District Legal Services Authority (DLSA), and the Sub-Division Legal Services Committee are all established under the provisions of the Legal Services Authorities Act, 1987. For the purpose of organising Lok Adalats, the NALSA, SCLSC, HCLSC, SLSA, DLSA, and SDLSC shall select retired judicial officers and other residents of the area. The Supreme Court Legal Services Committee provides for the experience and qualifications of other members in clause (b) of Sub-Section (2) of the Act, 1987 for Lok Adalats. Other than the Lok Adalat referred to in Sub-Section (3) of the Act,

1987, the State Government may prescribe Lok Adalat in consultation with the Chief Justice of the High Court. The Lok Adalat shall have its own jurisdiction to reach an agreement or settle disputes between parties in any case pending before it and any matter that the Central Government, in consultation with the Chief Justice of India, prescribes. The qualifications and experience of the members are directed to the jurisdiction of and are not brought before any of the Lok Adalats.

National Legal Services Authority

Article 39A of India's Constitution guarantees free legal assistance to the impoverished and weaker sections of society, as well as equal justice for all. Articles 14 and 22(1) of the Constitution also make it mandatory for the government to provide equality before the law and a legal system that fosters justice for all. The Legal Services Authorities Act was enacted by Parliament in 1987 and came into effect on November 9, 1995. Its purpose was to create a state wide uniform network for delivering free and competent legal services to the weaker parts of society on an equal footing. The Legal Services Authorities Act of 1987 established the National Legal Services Authority (NALSA) to monitor and assess the execution of legal aid programmes and to establish policies and standards for providing legal services under the Act. NALSA establishes policies, concepts, and standards, as well as effective and cost-effective strategies enabling State Legal Services Authorities to implement Legal Services Programs across the country. NALSA is made up of The President of India, in consultation with the Chief Justice of the Supreme Court,



SPECIAL EDITION: INTERNATIONAL CONFERENCE

Lala Hansraj Puthela College of Law Sirsa

shall nominate a serving or retired Supreme Court judge to exercise powers and functions as Executive Chairman of NALSA; Other panel members, possessing such experience and qualifications as may be prescribed by the Union Government, shall be nominated by the Central Government in consultation with the Union Government. The Act also allows the Union Government, in conjunction with the Chief Justice of the Supreme Court, to appoint a Member Secretary of the NALSA to exercise powers and perform responsibilities under the Executive Chairman. For the purpose of sustaining collaboration and coordination among authorities in the implementation of various legal service programmes at all levels. According to the Act of 1987, the Central Authority must have a minimum of 12 members, including the Secretary of the Department of Legal Affairs under the Ministry of Law, Justice and Company Affairs and the Secretary of the Department of Expenditure under the Ministry of Finance or his nominee, because finance is the backbone of a company's smooth operation. The Act also mandates that the Central Authority collaborate with various lower-level authorities formed at the federal, state, district, and subdivision levels. It also provides, that the Central Authority should, co-ordinate with other Governmental and non-Governmental agencies like NGO and local bodies Universities, civil society, to promote public awareness regarding free legal services to the poor and needy.

Supreme Court Legal Services Committee

Section 3A of the Act of 1987 establishes the Supreme Court Legal Services Committee. This Act also gave the Central Authority the authorization to form a Supreme Court Committee to provide underprivileged people with access to justice. The Act called for the formation of a Committee comprises of one sitting or retired Supreme Court judge and additional members with the qualifications and experience required under the Act of 1987. The Supreme Court Legal Services Committee Regulations 1996 prescribe the detailed guidelines for the functioning of the Committee at the Supreme Court level.

State Legal Services Authority

The Act also empowers the state government to establish the State Legal Services Authority to exercise the powers and perform the functions conferred by the 1987 Act. The Act also establishes rules for the State Member-appointment. Secretary's The State Governments have been given the right to set the terms of office and other conditions for the Members, Member Secretary, and other officers and members essential for the authority to carry out its tasks in accordance with the Act of 1987. It has also stated that, in accordance with the requirements of the Act of 1987, all administrative expenses of the State Legal Services Authority should be paid out of the State's Consolidated Fund. The State Authority is required to give effect to all orders given to the lesser authorities on a regular basis. The Act states that the State Legal Services Authority shall be comprised of a panel of members, including the Chief Justice of the High Court, who will serve as Patron-in-Chief; a serving or retired High Court Judge, to be nominated by the Governor in consultation with the Chief Justice of the High Court, who will serve as Executive Chairman.

High Court Legal Services Committee

The Act also stated that the State Government has the authority to establish a High Court Legal Services Committee, which will be comprised of a sitting High Court Judge who will serve as Chairman, as well as other members as determined by the State Government with the advice of the Chief Justice of the High Court. Advocate General, Punjab; Advocate General, Haryana; Chairman, Bar Council for the States of Punjab and Haryana; President, High Court Bar Association, Chandigarh; Home Secretary, Chandigarh Administration; and The Chief Justice may nominate up to five additional members from among those with the experience and qualifications specified in Sub-Regulation. At present 46 HCLSC are working across the states in order to resolve dispute by a way of Lok Adalats.

District Legal Services Authority

At the district level, there exists the authority which is called as District Legal Services Authority. The District and Session Judge or senior most Additional District and Session Judge or senior most judicial officer is the Chairman and the Chief Judicial Magistrate or Additional Chief Judicial Magistrate of every district is the Secretary of the authority. At present 686 DLSAs are working in different states across the country in form of Lok Adalats at district level.

Sub-Divisional Legal Services Committee

In the state of Haryana, there are 62 sub-divisions with functioning judicial courts. The existing authority at the sub-divisional level is known as the Sub-Divisional Legal Services Committee. The Chairman of the Committee is the Sub-most Division's senior judicial authority. This provision for the



SPECIAL EDITION: INTERNATIONAL CONFERENCE
Lala Hansraj Puthela College of Law Sirsa

formation of such a committee was not included in the original 1987 Act, but it was later added to offer access to justice at the local level. Section 11A of the Act of 1987 enumerates the provisions relevant to the formation of the Taluk Legal Services Committee. It directs the State Authority to form a Taluka or Sub-Divisional Committee comprised of a senior Civil Judge working within the Committee's jurisdiction who would serve as ex-officio Chairman and other members.

Conclusion:

The literal meaning of 'Lok Adalat' is 'People's Courts', where people come together and settle their disputes through various amicable methods. This method proves to be more effective, less time consuming and prominent method for dispute settlement. This method of dispute settlement was accepted as practicable, profitable, effective, easy and speedy method of dispute settlement. The basic idea of dispute settlement is based on the principle of mutual understanding, voluntary acceptance by the parties. The main purpose and objective of Lok- Adalat is to settle the dispute and reduce the pendency of cases from the court. For achieving this objective, the Lok Adalat adopts persuasive common sense and common human approach to the dispute. Taking in to consideration the large pendency of cases and prolong delay it seem that illiterate and common people are in queue for justice. The Lok-Adalat system is now a well-established system in India. If properly, thoughtfully, and wisely constituted, Lok Adalats can become an additional arm of existing judicial institution, and moreover, if the process of accumulation of arrears is reversed and there is appropriate and reasonable burdening, its performance can surely improve.

References:

- M.P. Paridhi Selvan and Dhinesh, "A Study on Lok Adalats in Indian Legal System" 119 *IJPAM* 299-311 (2018).
- Deepa. P. Patil, "A Critical Analysis of Lok-Adalat in India" 3 *RF* 45-52 (2015).
- Mohinder Singh and Suresh Kumar, "Justice Delivery through Lok Adalats: A Study" 3 *AJMR* 7-14 (2015).
- Kundan Kumar, "An analysis of Functioning of Lok Adalats in Indian Legal Process" 6 *JASRAE* 1-4 (2013).