International Journal for Multidisciplinary Research (IJFMR)
E-ISSN: 2582-2160 ● Website: www.ijfmr.com ● Email: editor@ijfmr.com

Lok Adalats in India: A Comprehensive Analysis of Their Effectiveness in Ensuring Access to Justice

Shristi Bora

ABSTRACT

This research paper aims to conduct in-depth analysis of the Lok Adalats in India, with particular emphasis on their effectiveness in ensuring affordable and speedy justice. The research primarily focuses on the organizational structure, jurisdiction and historical evolution along with the legal frameworks of Lok Adalats in India. The study also analyzes the functioning of Lok Adalats in India and the impact of Lok Adalats in addressing the huge backlog of cases in the Indian Judiciary. This paper tries to attempt to assess the procedural aspects and the mechanisms that are employed by the Lok Adalats in resolving disputes and emphasizing their efficiency in achieving speedy justice.

This study seeks to evaluate the effectiveness of the Lok Adalats in India as an alternative dispute resolution mechanism and assess their contribution to reducing the expediency of cases in the Indian Judicial system. Lok Adalats represents as an innovative forum for dispute resolution. They symbolize an independent, voluntary, efficient, justice oriented and technical platform for the settlement of disputes in addition to being a recourse from the millions of cases clogging the dockets in courts.

This paper will also explore the general public's perceptions and stakeholders opinion regarding Lok Adalats and its work. The Lok Adalat has become a tool for magnifying the legal crisis not only act as tangible reminders of the failure of the formal justice systems but also their unabashed acceptance reflects a form of acquiescence to failure and complacency that discourages any substantial reform of the state judicial system.

Keywords: Alternative Dispute Resolution (ADR), Court Backlog, Judicial Efficiency, Legal reforms and Speedy Justice.

INTRODUCTION

India is the second most populated country in the world and it leads to thousands of disputes arising daily which works as the main contributing factors to the increasing workload of the Indian Judiciary. The pendency of cases obstruct the legal system due to which cases on for years at a stretch and then are piled up for the future. This is the time when the legal maxim of "Justice delayed is justice denied" comes into the picture and thus the concept of Alternate Dispute Resolution was introduced. ADR focuses on providing alternatives to the citizens in seeking justice. These modes of settlement outside the courts have been enshrined in Section 893 of the Code of Civil Procedure.

Section 893 includes alternate modes of Arbitration, Conciliation, Lok Adalats and Mediation. This provisions of ADR seeks to provide customized and flexible mode of redressal wherein the motive is just speedy justice. The term Lok Adalats denotes people's court. The use of ADR is to settle disputes is deeply rooted in the practices of Indian history where the Panchayats containing some elder men of that particular village used to resolve all the disputes as per the general principles of a peaceful settlement.

HISTORICAL EVOLUTION, ORGANISATION AND FUNCTIONS OF LOK ADALAT

In ancient times people used to settle disputes among themselves without going to court. In villages disputes were always referred to as Panchayats of their respective villages who were assigned the job of adjudicating disputes arising in the village within themselves. The members of the Panchayats (also known as the Panch) used to apply the principles of negotiation, mediation and arbitration to make the aggrieved parties come to a common consensus and settle the disputes peacefully. Hence it can be said that the process of ADR has been practiced in India since ancient times even at the grassroots level. The concept of Lok Adalat has been originated from the Gandhian Principles of Gram Swaraj which aims at providing equal justice and free legal aid to everyone.

Lok Adalats have been given status under the Legal Service Authority Act,1987. Under this Act the decision made by the Lok Adalats is deemed to be a decree of a civil court and is final and binding on all the parties and no appeal against such an award lies before any court of law. If the parties are not satisfied with the decision of the Lok Adalat there is no provision for an appeal against such an award, they are free to initiate litigation by approaching the court of appropriate jurisdiction by filing a case by following the required procedure in exercise of their right to litigate. There is no court fee payable when a matter is filed in a Lok Adalat. If the matter is pending in the court of law is referred to the Lok Adalat and is settled subsequently the court fee originally paid in the court on the complaints/petition is also refunded back to the parties.

Lok Adalat was set up across the country in an attempt to clear up the backlog of cases. Lok Adalat encourages parties to settle cases outside the formal court system. In the last two decades crores of cases have been settled through these courts. Lok Adalats was allowed by the 42nd Constitutional Amendment. In 1976, Article 39-A was introduced in the Indian Constitution to ensure that justice is not denied to any citizen of the country due to reasons of economic or other disabilities. Article 14 also make it obligatory for the state to ensure equality before the law and a legal system that promotes justice based on equal opportunity for all.

The first Lok Adalat camp was organized in Gujarat in 1982 as a voluntary and conciliatory agency without any statutory backing for its decisions. The Legal Service Authorities Act 987 makes the provisions relating to the organization and functioning of Lok Adalat. A Lok Adalat shall have jurisdiction to determine and to arrive at a compromise or settlement between the parties to a dispute in respect of any case pending before any court, or any matter which falls within the jurisdiction of any court and is not brought before such court. The Lok Adalat enjoys certain exceptional powers which are vested in a Civil Court under the Code of Civil Procedure (1908).

Section 22 Clause (1) of The Legal Services Authorities Act, 1987 titled "Powers of Lok Adalat or Permanent Lok Adalat" summarises the powers sanctioned to the Lok Adalat in the following manner:

- summoning and enforcing the attendance of any witness and examining him on oath;
- the discovery and production of any document;
- the reception of evidence on affidavits;
- the requisitioning of any public record or document or copy of such record or document from any court or office; and
- such other matters as may be prescribed.

However Section 19 Clause 2(a) of the Act mandates Lok Adalats to consist of retired judicial officers which gurantees quality justice owing to their experience. The jurisdiction of Lok Adalats is mentioned under Section 19 of clause 5 stating that its jurisdiction runs parallel to whichever court is organizing it.

However the jurisdiction does not permit Lok Adalats to adjudicate upon cases of non- compoundable nature. Some common categories of cases that Lok Adalats adjudicate on include family disputes like matrimonial disputes, cases of partition, motor accident claims, bonded labor cases even cases that are not sub-judice and the list goes on. Hence one can conclude that the jurisdiction of Lok Adalats is quite wide but is limited to compoundable offences.

There are 4 levels of Lok Adalat. At the top is the State Legal Services Authority which is constituted in all the states of the country. After this comes the High Court Legal Services Committee which is located in the High Court complex of every High Court. These are followed by the District Legal Services Authority at the district level, and the Taluk Legal Services Committee at the taluka level.

Therefore, The Lok Adalat shall not decide the matter so referred at its instance, instead the same would be decided based on the compromise or settlement between the parties. The members shall assist the parties independently and impartially in their attempt to reach an amicable settlement of their dispute. Lok Adalat is of three types namely National Lok Adalat which is held at regular intervals throughout the country, Permanent Lok Adalat that are organized under Section 22-B of The Legal Services Authorities Act, 1987, Mega Lok Adalat which is organized in the State on a single day in all courts of the State, and Mobile Lok Adalat organized in various parts of the country which travel from one location to another to resolve disputes to facilitate the resolution of disputes through this mechanism.

BENEFITS AND ADVANTAGES OF LOK ADALAT

As per the Supreme Court it is an old form of adjudicating system is prevelant in ancient India and its validity has not been taken away even in the modern days too. Alternative Dispute Resolution (ADR) delivers informal, cheap and expeditious justice to the common people. The Legal Service Authorities Act 1987 makes provisions relating to the organization and the functioning of the Lok Adalat. The People's Court also offers certain assistance to the common people seeking justice as it charges no court fee and if the court fee is already paid the amount will be refunded if the dispute is settled at Lok Adalat. There is procedural flexibility and speedy trial of disputes in these courts. There is not strict application of procedural of procedural laws while assessing the claim by Lok Adalat. The parties of the dispute can directly interact with the judges through their counsel which is not possible in regular courts of law and it also bridges the gap created by the traditional courts of justice in the delivery of quick justice. The award by the Lok Adalat is binding on the parties it has the status of a decree of a civil court and it is non-appealeable which does not cause a delay in the settlement of disputes.

Lok Adalat represents an innovative forum and a much-needed addition to international jurisprudence for dispute resolution. They symbolize an independent, voluntary, disputant friendly, efficient, justice-oriented, and non-technical platform for the settlement of disputes, in addition to being a recourse from the millions of cases clogging the dockets in courts. The officials presiding over proceedings of the Lok Adalat do not perform a judicial or adjudicatory function. Instead, they are harmonious and idyllic "para-judicial" proceedings where the conciliator assists in resolving disputes by settling or compromising through a less formalized, less expensive and more purposeful procedure. They attempt to voluntarily settle disputes between the parties by recourse to an amalgamation of mediation, arbitration and conciliation without clinging to rigid technicalities of the law. The process uses conciliation along with elements of arbitration as the decisions are binding. Further the settlement process is adjusted according to the nature of the issue at hand as the process in auto accident cases tends to be more evaluative as in conciliation and in family disputes, it tends to be more facilitative as in mediation. They have proven to

be a preferred alternative due to their functional ability to minimize tension between the parties and reach a compromise or 'win-win' situation as opposed to traditional judicial proceedings where there has to be a 'winner' and a 'loser'.

The advantages of Lok Adalats extend beyond their effectiveness. The fact is that the people who can manage to cover court and attorney costs on a long-term basis often have access to conventional litigation in the court system which is the fundamental drawbacks Lok Adalats have entirely clarified such issues since they provide justice unaccompined by levy of any costs on the litigants. Lok Adalats are essential in fostering the availability of justice. They assist in alleviating the load of unsolved cases in normal courts by providing a workable substitute for the established judicial system. Lok Adalats are vital for achieving impartial and fair opportunities to secure justice which is at the Indian Constitution.

A major contribution to this success can be attributed to the advancement of technologies. In June 2020 the Legal Services Authorities integrated technology with the conventional modes of disputes settlement and introduced virtual Lok Adalats which is also called as E-Lok Adalats. Since then all the Lok Adalats including National Lok Adalats have been organized through virtual and hybrid modes. To provide an unhindered experience during the proccedings the Legal Services Authorities across the country are continuously upgrading their digital infrastructure.

The other major factor in the success of Lok Adalats was the formulation of decisive strategies at the National level. Under these strategies the State Legal Services Authorites were instructed to conduct meetings with various stakeholders across every level to ensure their full cooperation and coordination. The authorities were guided to follow a litigant-friendly approach as well as to persuade such litigants to settle the cases involving settled positions of law.

CHALLENGES AND DRAWBACKS OF LOK ADALAT

Challenges can be related to the ill-preparedness of the advocates of one or both parties which makes it difficult for parties to settle and inevitably delay by forcing the judges to adjourn the proceedings for a future date. Many cases depict the failure of judges and lawyers to facilitate settlements that are in the best interests of their clients, resulting in unfair outcomes for the uninvolved parties. If one parties does not consent to the settlement the entire proceedings fails and the case goes back to the formal court system. However there are serious concerns regarding the credibility of such consent and the exercise of the will by the parties engaged in proceedings before the Lok Adalat. Undue emphasis on achieving high statistics has caused the creation of a distorted version of justice and possibly obscured the pursuit of the primary objectives of "promotion of justice through the compromise or settlement of disputes" as envisaged in the Legal Services Authorities Act. Instead the aim of effecting a compromise or settlement more often results in the denial of fail minimum claims to the petitioners rather than a compromise or settlements of mutual benefits.

The Lok Adalat forum was promoted as a tool for the legal empowerment of the poor, however in practice, the informality has the effect of further disempowering the disadvantaged sections by creating a dual legal system. Resultantly the Lok Adalat has become a tool for magnifying the legal crisis not only do they act as tangible reminders of the failure of the formal justice system but their unabashed acceptance reflects a form of acquiescence to failure and complacency that discourages any substantial reform of the state judiciary system. Another point of criticism arises from the impact that forums advocating for conciliation and compromise have on the rights of the affected parties. An essential feature of the 2002 amendment to the Legal Services Authority Act was the establishment of Permanent Lok Adalats under Section22D. As

opposed to the Lok Adalat established under Section 19, this new forum has been empowered to decide cases on merit between parties by resorting to binding arbitration.

POLICY RECOMMENDATIONS

There is an urgent need to expand the legal aid programs to empower the poor and ignorant. This is necessary as the success of the Lok Adalat movement depends upon the voluntary participation of the people and sensitization about the forum would encourage people to opt for Lok Adalat. This may be done by facilitating the organization of awareness camps at the grassroot level in addition to utilizing mediums of mass media such as televisions, newspapers and radios to disseminate information about holding of Lok Adalat and their contribution to achieving expedient and inexpensive justice. Therefore the quality of legal aid being rendered by advocates needs to be examined and improved upon.

Lok Adalat is being recognized for its success despite several instance of dissatisfaction amongst disputing parties being placed on record by legal scholars. Hence it is equally necessary for questions relating to their impact on the community or their role in the realization of any substantive goals to be included within the mainstream of Lok Adalat. Failure to give due consideration to these factors would be fatal to the rights of the disputants as well as to efficacy of the alternative dispute resolution forum.

JUDICIAL PRECEDENT

The concerns for Lok Adalat have been addressed by the Supreme Court in the case **State of Punjab v. Jalour Singh** which held that Lok Adalat is purely conciliatory as it has no adjudicatory or judicial function. As compromise is its central idea there is a valid concern that in the endeavor for speedy disposal of cases it undermines the idea of justice. In a majority of cases litigants are set against powerful entities such as insurance companies, banks and electricity boards among others. In many cases such litigants have to accept discounted future values of their claims instead of their just entitlements or small compensations. It is being done just to bring a long-pending legal process to an end. Similarly poor women under the so-called harmony ideology of the state are virtually dictated by the family courts to compromise matrimonial disputes.

CONCLUSION

Lok Adalats can be functional at larger levels if people are willing and aware of its advantages. Furthermore provisions and innovative utilization are needed that could empower permanent Lok Adalats and are made supplementary forms of litigation for people who cannot or should not resort to courts. Therefore the debate over whether Lok Adalat is a genuine avenue for access to justice or merely a legal gimmick continues. To truly serve as a means of access to justice for all it is essential to address the existing challenges and expand the scope of Lok Adalat while ensuring the quality and enforceability of their decisions. In doing so India can harness the full potential of the Lok Adalat system to provide timely and affordable justice to its citizens.

Taking into consideration the extreme conditions prevailing within Indian society there is a need for an efficient justice system in India that aims to reduce the complexities of the legal machinery and simplify the process of accessing justice with the ability to tackle the country's tremendous population, high illiteracy rate and poverty.