

# Lok Adalat System in India

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**Abstract:** The concept of Lok Adalat is an innovative Indian contribution to the world jurisprudence. The introduction of Lok Adalats added a new chapter to the justice dispensation system of this country and succeeded in providing a supplementary forum to the victims for satisfactory settlement of their disputes. This system is based on Gandhian principles. It is one of the components of ADR systems. In ancient times the disputes were used to be referred to "panchayat" which were established at village level. Panchayat's used to resolve the dispute through arbitration. It has proved to be a very effective alternative to litigation. This very concept of settlement of dispute through mediation, negotiation or through arbitral process known as decision of "Nyaya-Panchayat" is conceptualized and institutionalized in the philosophy of Lok Adalat. It involves people who are directly or indirectly affected by dispute resolution.

**Keywords:**

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## I. MEANING

The institution of Lok Adalat in India, as the very name suggests, means, People's Court. "Lok" stands for "people" and the term "Adalat" means court. India has a long tradition and history of such methods being practiced in the society at grass roots level.

## II. ORIGIN

The concept of Lok Adalats was pushed back into oblivion in last few centuries before independence and particularly during the British regime. Now, this concept has, once again, been rejuvenated. It has, once again, become very popular and familiar amongst litigants. This is the system which has deep roots in Indian legal history and its close allegiance to the culture and perception of justice in Indian ethos. Experience has shown that it is one of the very efficient and important ADRs and most suited to the Indian environment, culture and societal interests. Camps of Lok Adalats were started initially in Gujarat in March 1982 and now it has been extended throughout the Country.

## III. LOK ADALAT SYSTEM IN INDIA

The evolution of this movement was a part of the strategy to relieve heavy burden on the Courts with pending cases and to give relief to the litigants who were in a queue to get justice. The first Lok Adalat was held on March 14, 1982 at Junagarh in Gujarat the land of Mahatma Gandhi. Maharashtra commenced the Lok Nyayalaya in 1984. Lok Adalats have been very successful in settlement of motor accident claim cases, matrimonial/family disputes, labourdisputes, disputes relating to public services such as telephone, electricity, bank recovery cases and so on. Some statistics may give us a feeling of tremendous satisfaction and encouragement. Up to the middle of last year (2004), more than 200,000 Lok Adalats have been held and therein more than 16 million

cases have been settled, half of which were motor accident claim cases. More than one billion US dollars were distributed by way of compensation to those who had suffered accidents. 6.7 million Persons have benefited through legal aid and advice.

## IV. SCOPE AND OBJECT

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, contains various provisions for settlement of disputes through Lok Adalat. It is an Act to constitute legal services authorities to provide free and competent legal services to the weaker sections of the society to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities, and to organize Lok Adalats to secure that the operation of the legal system promotes justice on a basis of equal opportunity. Even before the enforcement of the Act, the concept of Lok Adalat has been getting wide acceptance as People's Courts as the very name signifies. Settlement of disputes at the hands of Panchayat Heads or tribal heads was in vogue since ancient times. When statutory recognition had been given to Lok Adalat, it was specifically provided that the award passed by the Lok Adalat formulating the terms of compromise will have the force of decree of a court which can be executed as a civil court decree. The evolution of movement called Lok Adalat was a part of the strategy to relieve heavy burden on the Courts with pending cases and to give relief to the litigants who were in a queue to get justice. It contains various provisions for settlement of disputes through Lok Adalat. It is an Act to constitute legal services authorities to provide free and competent legal services to the weaker sections of the society to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities, and

to organize Lok Adalats to secure that the operation of the legal system promotes justice on a basis of equal opportunity.

- **Under The Constitution of India-** The framers of the Constitution prescribed the mandate for justice - social, economic and political, in the Preamble. The various provisions of the Constitution such as Articles 14, 21, 38 and 40 also lay down stress upon the right to equal and effective justice. In order to achieve the goal of justice, Article 39A has been enshrined in the Constitution with the purpose to provide free legal aid and to strengthen the justice delivery system. Keeping in view, the philosophy of equality and justice embodied in Part III and Part IV of the Constitution, the Supreme Court has also played a vital role through its various judgments and declared the right of free legal services and speedy trial as the fundamental rights which are included within the broad matrix of the principle of right to life and personal liberty in Article 21 and right to equality under Article 14.
- **Under Code of Civil Procedure, 1908-** In spite of Constitutional mandates and the directions of the Supreme Court, the desired goal of effective justice dispensing system have not been achieved. Because the Indian Judicial system has been affected by the problems of legal formalities, rigid procedural rules, delay in justice, corruption, expensive litigation, arrears of cases in all courts, inadequate number of courts etc. In the light of these drawbacks in the justice delivery mechanism, the Alternative Dispute Resolution (ADR) system has been introduced in order to provide speedy and less expensive justice to all. The ADR system is not established to replace the courts of the country but it is in addition to the traditional judicial system and supplement to it for dispensation of justice. The main focus of the ADR mechanism is to dispense economical and speedy justice to the disputing parties.

The system settles the disputes amicably outside the scope of formal courts system that is why it is called as an alternative means of settlement of disputes. Civil Courts has power under **Section 89 r/w Order X rule 1A-1C** of Civil Procedure Code to refer cases for settlement of disputes, outside the court, by way of either (i) arbitration, or (ii) conciliation, or (iii) judicial settlement including settlement through Lok Adalat, or (iv) mediation. Thus, ADR mechanism has various major methods such as arbitration, conciliation, mediation and Lok Adalat. The disputants have liberty to use any method of ADR in order to achieve qualitative justice. The institution of Lok Adalat is a significant method of Alternative Dispute Resolution system which promotes justice on the basis of equal opportunity. The vernacular meaning of Lok Adalat is "people's court" which is innovated in order, to provide speedy and inexpensive justice at the door steps of poor and neglected section of the society.

**Salem Advocate Bar Association Tamil Nadu Vs. Union of India**<sup>1</sup>- Hon'ble Supreme Court has made ADR mechanism obligatory for all the courts for every suit in between 1st hearing and framing of issues; otherwise reasons should be recorded.

**Afcons Infrastructure Ltd. Vs. Cherian Varkey Constuction Co. Ltd.**<sup>2</sup>- Hon'ble Supreme Court held that the award passed by the ADR mechanism including Lok Adalat, will be a decree.

## V. CASES SUITABLE FOR LOK ADALAT

Lok Adalats have competence to deal with a number of cases like:

- Compoundable civil, revenue and criminal 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<sup>3</sup>
- Cases which are not sub-judice

## VI. JURISDICTION 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: (i) any case pending before; or (ii) any matter which is falling within the jurisdiction of, and is not brought before, any court for which the Lok Adalat is organised. The Lok Adalat can compromise and settle even criminal cases, which are compoundable under the relevant laws.

## VII. NEED FOR LOK ADALATS

As Justice Ramaswamy said: "Resolving disputes through Lok Adalat not only minimizes litigation expenditure, it saves valuable time of the parties and their witnesses and also facilitates inexpensive and prompt remedy appropriately to the satisfaction of both the parties" Law Courts in India face mainly four problems:

- The number of courts and judges in all grades are alarmingly inadequate.
- Increase in flow of cases in recent years due to multifarious Acts enacted by the Central and State Governments.
- The high cost involved in prosecuting or defending a case in a court of law, due to heavy court fee, lawyer's fee and incidental charges.

<sup>1</sup> 2005 SC

<sup>2</sup> 2010 SC

<sup>3</sup> K Shrinivasa Rao Vs. D.A. Deepa (2013 SC)

- Delay in disposal of cases resulting in huge pendency in all the courts.

#### **VIII. ORGANISATION OF LOK ADALAT:**

The State Authority and District Authority, Supreme Court Legal Services Committee, High Court Legal Services Committee and Taluk Legal Services Committee (mentioned in Section 19 of the Act) can organize Lok Adalats at such intervals and Permanent Lok Adalats as may be deemed fit. Every Lok Adalat so organized shall consist of: (a) Serving or retired judicial officers, (b) Other persons, as may be specified. The experience and qualification of "other persons" in a Lok Adalat conducted by Supreme Court Legal Services Committee shall be prescribed by the Central Government in consultation with the Chief Justice of India. At present, Rule 13 of the National Legal Services Authorities Rules, 1995 prescribes such experience and qualifications as:

- A. A member of the legal profession; or
- B. A person of repute who is specially interested in the implementation of the Legal Services Schemes and Programmes; or
- C. An eminent social worker who is engaged in the upliftment of weaker sections of people, including Scheduled Castes, Scheduled Tribes, women, children, rural and urban labour. The experience and qualification of "other persons" mentioned in clause (b) shall be prescribed by the State Government in consultation with the Chief Justice of High Court.

#### **IX. COGNIZANCE OF PENDING CASES AND DETERMINATION:**

A. On Application: When all the parties to the case agree for referring the case to Lok Adalat, or When one of the party to the case makes an application to court, praying to refer the case to Lok Adalat and the court is prima facie satisfied that there are chances for settlement

B. Suo Moto: Where the court is satisfied that the matter is an appropriate one to be taken cognizance of, by the Lok Adalat, then the court shall refer the case to the Lok Adalat, after giving a reasonable opportunity for hearing to all the parties. Further, the Authority or Committee organising Lok Adalat may, on application from any party to a dispute, refer the said dispute to Lok Adalat, after giving a reasonable opportunity for hearing to all the parties. Lok Adalat shall proceed to dispose of a case referred to it expeditiously. It shall be guided by principles of law, justice, equity and fair Permanent Lok Adalat. It shall yearn to reach a settlement or compromise between parties. When no compromise or settlement is accomplished, the case is to be returned to the court which referred it. Then the case will proceed in the court from the stage immediately before the reference.

#### **PASSING OF THE AWARD:**

- Every award of Lok Adalat shall be deemed to be a decree of a civil court.<sup>4</sup>
- Every award shall be signed by all the parties to the dispute and the panel constituting the Lok Adalat.
- Every award shall form part of the judicial records.
- Every award shall be categorical and lucid.
- Every award shall be in the regional language or in English.
- A certified copy of the award will be given free of cost, to all the parties.
- Every award made by Lok Adalat shall be final and binding on all the parties to the dispute, and no appeal shall lie to any court against the award. If a pending case is settled at Lok Adalat, any court fee already paid will be refunded as provided by the Court Fees Act, 1870.

#### **X. POWERS OF LOK ADALAT**

i) The Lok Adalat shall have the powers of a civil court under the Code of Civil Procedure, 1908, while trying a suit, in respect of the following matters:- a) Power to summon and enforce the attendance of any witness and to examine him/her on oath. b) Power to enforce the discovery and production of any document. c) Power to receive evidence on affidavits, d) Power for requisitioning of any public record or document or copy thereof or from any court. e) Such other matters as may be prescribed.

ii) Every Lok Adalat shall have the power to specify its own procedure for the determination of any dispute coming before it.

iii) All proceedings before a Lok Adalat shall be deemed to be judicial proceedings within the meaning of Sections 193, 219 and 228 of IPC.

iv) Every Lok Adalat shall be deemed to be a Civil Court for the purpose of Sec 195 and Chapter XXVI of Cr.P.C.

#### **XI. PERMANENT LOK ADALAT**

The other type of Lok Adalat is the Permanent Lok Adalat, organized under Section 22-B of The Legal Services Authorities Act, 1987. Permanent Lok Adalats have been set up as permanent bodies with a Chairman and two members for providing compulsory pre-litigative mechanism for conciliation and settlement of cases relating to Public Utility Services like transport, postal, telegraph etc. Here, even if the parties fail to reach to a settlement, the Permanent Lok Adalat gets jurisdiction to decide the dispute, provided, the dispute does not relate to any offence. Further, the Award of the Permanent Lok Adalat is final and binding on all the parties. The jurisdiction of the Permanent Lok Adalats is upto Rs. Ten Lakhs. Here if the parties fail to reach to a settlement, the Permanent Lok Adalat has the jurisdiction to decide the case. The award of the Permanent Lok Adalat is

<sup>4</sup> Afcons Infrastructure Ltd. Vs. Cherian Varkey Constuction Co. Ltd., (2010 SC)

final and binding upon the parties. The Lok Adalat may conduct the proceedings in such a manner as it considers appropriate, taking into account the circumstances of the case, wishes of the parties like requests to hear oral statements, speedy settlement of dispute etc.

**Mobile Lok Adalats** are also organized in various parts of the country which travel from one location to another to resolve disputes in order to facilitate the resolution of disputes through this mechanism.<sup>5</sup>

As on 30.09.2015, more than 15.14 lakhs Lok Adalats have been organized in the country since its inception. More than 8.25 crore cases have been settled by this mechanism so far.

## XII. COGNIZANCE OF PENDING CASES BY LOK ADALAT

a. Any party to a dispute can apply to Permanent Lok Adalat for settlement of a dispute in respect of a public utility service, which is not pending before any court.

b. Permanent Lok Adalat does not have jurisdiction to entertain disputes involving offences which are not compoundable.

c. Permanent Lok Adalat does not have jurisdiction to entertain a matter where the value of the property involved exceeds ten lakhs, which limit can be enhanced as provided for.

d. Once, an application is preferred to Permanent Lok Adalat for determination of a dispute, no party to such application can invoke the jurisdiction of any court in the same dispute.

### ADVANTAGES OF LOK ADALAT

(i) **Speedy Justice and saving from the Lengthy Court Procedures:** - Lok Adalats ensure speedier justice because it can be conducted at suitable places, arranged very fast, in local languages too, even for the illiterates. The procedural laws and the Evidence Act are not strictly followed while assessing the merits of the claim by the Lok Adalat. Hence, Lok Adalats are also known as "People's Festivals of Justice". The victims and the offender may be represented by their advocate or they can interact with the Lok Adalat judge directly and explain their stand in the dispute and the reasons thereof, which is not possible in a regular court of law.

ii) **Justice At No Cost:** - Lok Adalat is the only institutionalized mechanism of dispute resolution in which the parties do not have to bear any expenses. There is no court fee in Lok Adalat. If the case is already filed in the regular court, the fee paid is refunded in the manner provided under the Court Fees Act if the dispute is settled at the Lok Adalat. This kind of refund is an incentive given to parties to negotiate for settlement. Lok Adalat is a boon to the litigant public, where they can get their disputes settled fast and free of cost.

iii) **Solving Problems Of Backlog Cases:** - In a Lok Adalat, if a compromise is reached, an award is made and is

binding on the parties. It is enforced as a decree of a civil court. An important aspect is that the award is final and cannot be appealed, not even under Article 226 because it is a judgment by consent. All proceedings of a Lok Adalat are deemed to be judicial proceedings and every Lok Adalat is deemed to be a Civil Court. Section 25 of the Legal Services Authority Act, 1987 provides that the provisions of the act have an overriding effect notwithstanding anything which is inconsistent with any other law.

(iv) **Maintenance Of Cordial Relations:** - The main thrust of Lok Adalats is on compromise. When no compromise is reached, the matter goes back to the court. While conducting the proceedings, a Lok Adalat acts as a conciliator and not as an arbitrator. Its role is to persuade the parties to hit upon a solution and help in reconciling the contesting differences. Lok Adalat cannot decide the issues nor can it influence or force the parties to decide in a particular way. It encourages consensual arrangements. It is not possible for Lok Adalat to decide upon any issue not acceptable to any of the parties. In Lok Adalats, disputes are not only settled but also the cordial relations between the parties are retained as disputes are resolved amicably. Hence, it is a very healthy way of dispute resolution.

## XIII. CONCLUSION

*"Discourage litigation; persuade your neighbors to compromise wherever you can. Point out to them that a nominal winner is often a real loser-'in fee, expenses and waste to time. As a peacemaker, the lawyer has a superior opportunity of being a good man. There will still be business enough".*

**-Abraham Lincoln**

Lok Adalats, as it has been again and again iterated throughout the paper, serve very crucial functions in a country due to many factors like pending cases, illiteracy etc. The Lok Adalat was a historic necessity in a country like India where illiteracy dominated about all aspects of governance. The most desired function of Lok Adalats may seem to be clearing the backlog, with the latest report showing 3 crore pending cases in Indian courts but the other functions cannot be ignored. The concept of Lok Adalat has been a success in practice. Lok Adalats play a very important role to advance and strengthen "equal access to justice", the heart of the Constitution of India, a reality. This Indian contribution to world ADR jurisprudence needs to be taken full advantage of. Maximum number of Lok Adalats needs to be organized to achieve the Gandhian Principle of Gram Swaraj and "access to justice for all". During the last few years Lok Adalat has been found to be a successful tool of alternate dispute resolution in India. It is most popular and effective because of its innovative nature and inexpensive style. The system received wide acceptance not only from the litigants, but from the public and legal functionaries in general.

<sup>5</sup> <https://nalsa.gov.in/lok-adalat>

Therefore, it may be concluded that the system of Lok Adalat and giving free legal aid to eligible persons is a very noble one which has helped judiciary not only in speedy disposal of cases but has given some relief to the litigant, particularly to them who are poor and cannot afford to claim their right through court of law.

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