

An Analysis of Lok Adalat in India

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ABSTRACT: *The Lok Adalat scheme in India is particularly advantageous for society's deprived sectors. These Adalats deal with the jurisdiction of the Civil Court in accordance with the process. The implementation of the Adalats' mechanism introduced a new chapter to this country's justice dispensation system and helped to provide the plaintiffs with a supplementary platform to address the conflict satisfactorily. These Adalats are even called as Peoples Courts. In paper titled "An Analysis of Lok Adalat in India" the author will analyze the role of these adalats, the origin and composition of these courts in providing justice and acting as a hand to the court system in India and the author has adopted questionnaires' method to understand the view of people for the Lok Adalat System in India.*

KEYWORDS: *Alternate Dispute Resolution, Courts, Dispute, Lokadalats, Remedy.*

INTRODUCTION

Lok Adalats is run by Legal Services Institutions. One of the alternate conflict settlement methods is Lok Adalat, a forum where disputes/cases pending in the court of law or at the pre-litigation level are settled/committed amicably.¹

The Legal Services Authority Act, 1987 has granted them the constitutional status. According to the said act the granting (decision) granted by the Adalats Local Authority is considered to be a decree of a civil court and is conclusive and binding on both parties.²

If, while no provision is made for an appeal against such an award, the parties will be able to begin proceedings by reaching the relevant court of law by filing an argument in compliance with the prescribed process, in accordance with their right of challenge. The parties will not be happy with the award of Lok Adalat.

When a lawsuit is filed in Lok Adalat, no court fee is payable. In the case that a matter pending in statute is appealed to and eventually decided at the Lok Adalat, the legal fee charged in original at the court in accordance with the complaints/demand is reimbursed to the parties.

The people who decide cases in the locomotives are referred to as the locomotive adalats, they play only as constitutional conciliators and have no judicial role and, therefore, they can only convince the parties to reach a conflict resolution outside the tribunal at locomotive adulate and not place any of the parties under pressure to negotiate or resolve disputes or matte cases. The Lok Adalat does not take the decision in this respect at its case, rather it is on the basis of the agreement or resolution among the parties that the same is to be determined.

Lok Adalat (individuals' courts) settles the dispute through assuagement and compromise. These Adalat consider the lawsuits pending within their reach, which may be resolved by conciliation, in the general courts. It is an exceptional type of tribunal in which conflicts between the parties are known by coordination of talks.

Lok Adalat may include people from law, university students, social groups, religious and charitable organizations and other similar associations. Interest, settlement, justice, wishes, goodwill, neighborliness, straightforwardness and lack of antipathy are striking aspects of this conflict resolution.

¹ An Analysis of the functioning of Lok Adalats in the Eastern Region of India- A Comparative Report Department of Justice A Report By: Mr. Loknath Mohapatra Dr. Rangin Pallav Tripathy Mr. Badri Narayan Nanda Mr. Satya Prakash Raychoudhury

² *Ibid.*

After looking at this scenario, Lok Adalats tries to understand the fundamental contrasts that are likely to lead to results through common understanding and exchange.³

1. *Origin of Peoples Court:*

In the last few centuries before independence and in particular under the British regime, the idea of Lok Adalats was taken back into oblivion. This idea was rejuvenated again now. It has become very common with litigants and well-known. This is the scheme that has clear origins in Indian tradition of law and its close loyalty to Indian ethological culture and understanding of justice. Experience has shown it is one of Indian climate, culture and social interests most powerful, and essential ADR mechanisms. Initially in March 1982 in Gujarat, the Local Adalats camps were initially begun, but have now been spread throughout the country. The evolution of this campaign was part of the policy of relieving the Court from heavy loads of pending litigation. On 14 March 1982, Junagarh in Gujarat, the first locomotive Adalat took place. In 1984, Lok Nyayalaya was started in Maharashtra.

According to the statutory mandate in Article 39-A of the Constitution of India, the introduction of the Law of Legal Services Authority Act, 1987, granted Lok Adalats status. It contains several provisions on conflict resolution through the Adalat.⁴ The organisation of Lok Adalats is also obligated to ensure that justice is promoted on an equitable basis with the application of the legal system. After Lok Adalat was granted constitutional recognition, the prize awarded by Lok Adalat for the formulation of settlement requirements was expressly provided for by a court decree, which could be imposed by a civil court decree. The evolution of the Lok Adalat campaign was part of the plan to lift the loured pressure of pending courts and to alleviate the litigants in a queue. It provides for various agreements to resolve disputes through Lok Adalat. The sides cannot be represented by attorneys and are advised to engage with the judge who helps find a friendly solution. The parties shall not incur any tax. Strict Law and proof are not applied by the Civil Procedural Court. Decision shall be by informal sitting and by the parties binding and the order of the Lok Adalat shall not be challenged.

2. *Composition of Lok Adalats:*

At the State Authority Level

The Secretary of State for Juridical Services organizing Lok Adalat will make up the locomotive Adalat benches, each of which includes a sitting body, a former judge or a sitting or retired judicial officer, and either or both, a member of the legal profession and a social worker involved in raising the poorer segment.

At High Court Level

The Secretary of the Legal Services Committee, each bench of a seat or retired Judge of the High Court and one or both of its members will constitute a Lok Adalat bench, a Social Worker involved in increasing the poorer sections and active in introducing legal structures or projects.

At District Level

The secretary of the Lok Adalat District Legal Services Authority will be the banks for the Lok Adalat, each bench consisting of a session or pensioner, and each of the members of the legal profession or the two; and/or a social worker involved in increasing the poorer parts of the lobby or programming.⁵

At Taluk Level

The Secretary of the Legal Services Committee of Taluk to organize Lok Adalat, each seat or bench, and one or both members of the law profession, will form benches of Lok Adalat and/or a Social Worker

³ Akhil Jindal, Lok Adalat in India: A Comprehensive Study, White Black Legal, Volume 1 Issue 7.

⁴ Concept and Nature of Lok Adalat.

⁵ *Supra* 1.

who was active in the upsurge of the poorer sections and who were engaged in carrying out legal services structures or programs.⁶

3. Types of Lok Adalat:

National

National Lok Adalats are contained on regular intervals in all courts from the Supreme Court to the Taluk levels in which cases are disposed of in large numbers on a single day, Lok Adalats are performed across the world. Every month, National Adalats will be held from February 2015 on a particular subject.

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Permanent

A second category of locomotive Adalat is the permanent locomotive Adalat, arranged in accordance with Section 22-B of the Law on Legal Services, 1987. Permanent Adalat is set up to allow for a pre-litigation system, as permanent bodies, with a chairman and two presidents, for conciliation and resolution of cases involving public sector services such as travel, postal services, telecommunications, etc. The Permanent Lok Adalat here has authority to resolve the dispute, although the parties do not reach a settlement, provided that there is no offense involved. In addition, the Adalat Permanent Local Award is definitive and binding on all parties.⁸

Mobile

There are adalats in separate regions of the world who travel from one place to another to settle conflicts so that this process can promote the dispute settlement.

Daily

Per court in the session, after court hours, becomes a regular Lok Adalat and the courts hold sessions for it, based on the workload of each court's cases every day. Thus the number of courts in this session is as high as regular Lok Adalats. One lawyer or social worker on the council supports a daily Lok Adalat.

4. Need of Lok Adalat

In the present system the litigant is the most ignored and abused in the system and is at the center of the judicial structure. He is fundamentally a recipient of justice and can be judged fairly, efficiently, inexpensively and easily. The aim of fair access to justice is imperative, which is a constitutional and legislative commandment.⁹

Incompatible load of unresolved litigation, unmanageable delays in disposing of cases at any stages, with high and lowest costs in all courts have without a doubt drawn not only the interest of lawyers, litigants, civil advocates, legal experts and parliamentarians, but also the attention of judges of the courts.

The arrears of cases at present are so immense that the scheme will fail in a few years unless it is disposed of on a war basis. The justice system now seems to be on the brink of failure in this region. It is also only normal for those interested in legislative changes to be aware of the troubling condition of the Indian judiciary.¹⁰

⁶ M.P. Paridhi Selvan and Dhinesh, a Study on LokAdalats in Indian Legal System, Saveetha Institute of Medical and Technical Sciences.

⁷ *Ibid.*

⁸ *Supra* 3.

⁹ People's Court: Historical Antecedence of Lok-Adalat by Sajisivan S132 PhD Research Scholar, Department Of Law, and University Of Kerala.

¹⁰ *Ibid.*

The Lok Adalat was / was to provide the mainstream legal framework with a supplementary purpose. Lok Adalat or the people's court is sanctified because of the increasing frustration with the current legal system and the need to provide urgent relief for the vulnerable, powerless, financial and social disadvantages, etc. In the current socio-legal circumstances the need for urgent and swift remedial settlement of disputes was felt more acutely. In the cases, there has been an effort to get justice to the gates.

It intends, as set out in its preamble, that Parliament shall pass the Act, to provide the weaker sections of society with free and qualified legal services from the State, to ensure timely justice for them and that they are not robbed of it by reason of economic and other incapacity and to organize Lok Adalat, so as to ensure that it does not suffer from any kind of disability.

5. *No Appeal Lies:*

According to the Indian Supreme Court, it is final and binding for the prize announced by the local adalat. In cases decided by Lok Adalats, however, there is no appeal.

"In our view, Lok Adalat's award is fictionally treated as Court Decrees and, as it does in accordance with its own decree, the courts have all the powers to do so. In our view, this requires the power to prolong the time as desired. In our view, the Lok Adalat award is the decision of the court itself, but it is by a simplified conciliation procedure rather than by the mechanism of arguments. It has the same influence.

In this respect, it was not stated by the High Court that the award ended the challenge in the District Court and hence the proceedings between the brothers indefinitely. The High Court took the view that the intent and purpose of the Legal Services Authority Act would be fully overwhelmed and that the Lok Adalat decision would not become relevant.

METHODOLOGY

- *Design:*

The author has used doctrinal analysis techniques, i.e. the library process, for the study of this paper. Data from primary and secondary sources is gathered by the author. The main references are laws relating to Lok Adalat, the legislative rules, current literature and books on the issue in question. The secondary references are the legal documents: journals, records, research articles, archives, and internet sources.

- *Sample:*

The analysis was based on data obtained using the form of questionnaires. The questionnaires were taken from people in the Delhi area. This knowledge helps to explain the perspective of a public/ group on the working and need of Lok Adalat.

- *Instrument:*

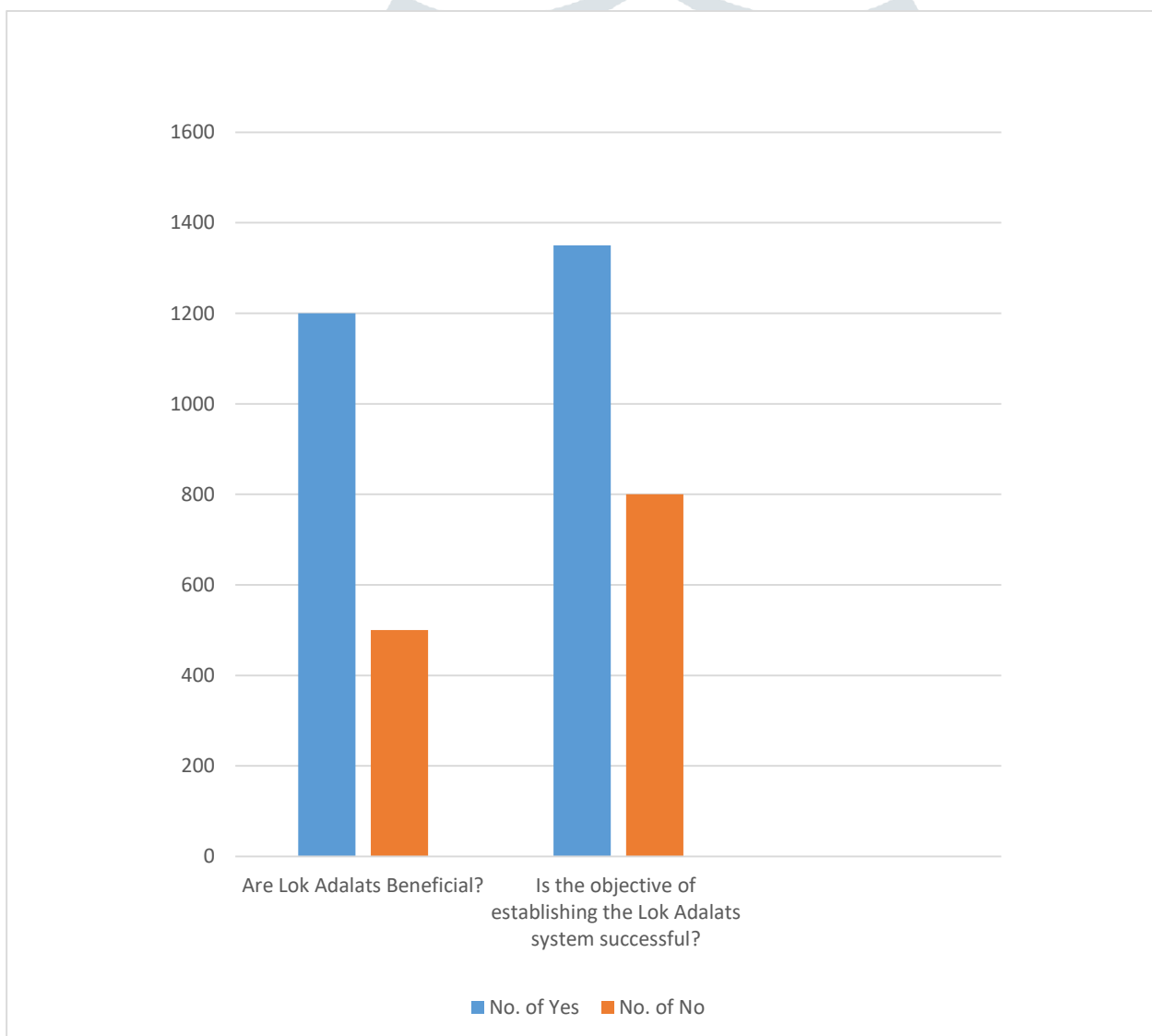
The questionnaire method is used by the author for the research of this paper. This has helped the author to understand the viewpoint of a section of society on the need and usefulness of people's adalat and are these adalats successful in its objective or not?

- *Data Collection:*

To analyze the viewpoint of people on the Lok Adalats and its need. To understand the same, the author had adopted questionnaire method. The data collected is stated below as well as presented in a Figure 1:

Table 1: Analysis on Lok Adalat System in India

Questions	Number of “Yes”	Number of “No”
Are Lok Adalats Beneficial?	1200	500
Is the objective of establishing the Lok Adalats system successful?	1350	800

**Figure 1: Analysis on Lok Adalat System in India**

- *Data Analysis:*

By having a look at the above statistics as have been composed by the author with the support of questionnaire method, it can be seen and observed in Table 1 and Figure 1 that 1200 people agree that Lok

Adalats are beneficial for the people as it provides a way to justice for the needy and poor in an efficient manner. Whereas, 500 people states that setting up Lok Adalats is not beneficial.

It can even be observed from Table 1 and Figure 1 that a little section of society i.e. 1350 people states that lok Adalats are able to fulfill their objective of providing justice to people and 800 people states that it is not able to fulfill its basic objective.

Lok Adalats should also be credited with their goal of giving justice to the people. Controversy without charge was also a strong opportunity for the poor to approach the Lok Adalats for the purposes of their differences. It encourages the sides, as they cannot afford the expense of courts, to resolve their differences. It is also impossible to conclude that the locomotive of Adalats passed the test to "justice" the poor.

RESULT AND DISCUSSION

These Adalats have become a Ray of Hope for Justice for the poors. They have become an integral part of the Indian legal system and have become the apertures for access to justice for the poors and downtroddens. It has helped to bridge the gap to legal aid, but still have certain areas of improvement which could increase their efficiency.

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The above figures show how valuable these Adalats were. Yet there is much to be done to make Lok Adalats a stronger framework for growing litigation.

Lok Adalats also provide a big opportunity for the poor to come to Lok Adalats for the conclusion of their disputations to find disputes without charging fees. This alternate conflict settlement system is much more favorable for the vulnerable to gain access to judicial redress procedures in contrary to the filing of their applications under Order 33 of the Code of Civil Procedure 1908 as an indigent citizen. Therefore the trial of having "access" to justice for the oppressed may be said to have expired.

CONCLUSIONS

The peculiar circumstances in Indian society need a lawful administration that is extraordinarily sharp and viable for people who are vulnerable and downtrodden. The Lok Adalat method is no longer a national research, indeed it is a complete accomplishment that needs room to be created and few viewpoints to be ignored up to now. It is a complete demonstration. Lok Adalats may also be viewed as a method for social reform.

"Lok Adalat has the capacity for social recreation and genuine social improvement programs and can influence the manner in which equities are organised and the legal counsel and judge in the organization.

The need for Lok Adalats is troubled by the enormous population of India which renders an in manageable weight in the judiciary system. It is necessary for the public, the legal advisors, and the officials to extend the expertise of Lok Adalats. The legislation will get them closer to the life of the general population and minimize the singularity between the law in books and the law in motion.

The general public should be aware of the Lok Adalats' upsides. The basic measure of the efficiency of the judiciary is the contribution of the majority. The collapse of Lok Adalats has given us the power in the current circumstances to settle neighborly issues.

The achievement of Lok Adalats should definitely be calculated by the total air produced by the government, not by the amount, existence or remuneration of Lok Adalat retained.

Lok Adalat is a method that alternatively saves time and expense in current court cases. It may only consider cases under its authority and disposal power. It can therefore be argued that the Adalat Local Scheme of gratuitous legal assistance to qualified individuals is a very noble mechanism that has not only allowed the judicial authority to easily dispose of lawsuits, but has also given the litigant some protection, in particular those who are disadvantaged and cannot afford to assert their right by court of law.

