



A Critical Analysis on Lok-Adalat in Indian Legal System

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Doi : <https://doi.org/10.55248/gengpi.5.0924.2615>

ABSTRACT

This research study examines the attributes of Lok Adalat, sometimes referred to as Public Court or People's Court in India, and its significance as a forum for alternative dispute settlement. Prior to the pre-litigation phase of a court action, it is commonly known as the "mediation forum." The research piece begins with an elucidation of the Lok Adalat system employed in India. Furthermore, it presents a conceptual framework for Lok Adalat, which will be employed to offer assistance to the common individual. This study is related to the process of developing and implementing decisions in Lok Adalat. The research is structured as a theoretical analysis, a critical evaluation, a field survey, and case studies. The results of this inquiry offer observations on the present condition of Lok Adalat in India. An analysis of India's Lok Adalat highlights the necessity of implementing strategies to optimize the advantages derived from such institutions. An initial assessment was conducted to gather data on the present state of Lok Adalat. Efforts have been undertaken to collect information on the policy implications of this matter, and the findings produced by the Commissions and Committees have largely influenced the official structure of Lok Adalat. The article's conclusion offers ideas for more reformative and constructive actions to prevent issues that could impact the policies and procedures of Lok Adalat.

Keywords: *Lok Adalat, Alternative dispute resolution, pre-litigation, people's court, justice*

INTRODUCTION TO LOK ADALAT IN INDIA

The role of justice is crucial in any civilized society. As India saw economic growth following its independence, there was a rapid increase in the desire for justice due to a rise in conflicts. The court was burdened with a significant number of unresolved cases, which hindered the progress in resolving them. The Latin maxim 'interest reipublicae ut sit finis litium' asserts that it is in the greatest interest of the state for a lawsuit to be concluded. Failure to do so can result in lawsuits being as detrimental as a plague, necessitating prompt intervention. In such circumstances, expeditious dispensation of justice becomes the solution. Furthermore, all stakeholders must reach a consensus regarding the specific method by which the solution will be put into effect. The period of ambiguity and hesitation should be short-lived.

Thus, it is crucial to understand the importance of accessing justice through Alternative Dispute Resolution. Lok Adalat, a highly effective and widely used alternative dispute resolution (ADR) mechanism, is expected to have a pivotal role in resolving conflicts. Lok Adalat is a legal mechanism that aims to provide expeditious and efficient resolution of disputes with the agreement of all involved parties. Lok Adalat, also referred to as Public Courts or People's court, is an establishment entrusted with the responsibility of settling unresolved or pre-litigation matters. Lok Adalat functions in accordance with the principles of parity, impartiality, and equitable conduct, as prescribed by The Legal Services Authorities Act, 1987 of India. In Lok Adalat, if the parties are unable to achieve a compromise or settlement, no award is made and the case file is returned to the court that referred it.

The existence of Lok Adalat in India is guaranteed not only by The Legal Services Authorities Act of 1987, but also by the Directive Principles of State Policies. Article 39A of the Indian Constitution upholds the primary objective of Lok Adalat, which is to provide pro bono legal aid to the underprivileged citizens of the country and ensure that no one is deprived of their right to access justice.¹

With the formation of Lok Adalat, it is believed that the major constitutional objective outlined in the preamble, which is to promote social justice, economic justice, and political justice, as well as liberty, equality, and fraternity, would be realised.²

RESEARCH OBJECTIVES

The objectives of this study are, "to ascertain, examine, and analyse the concept and law pertaining to Lok Adalat, why we needed lok adalats, to ascertain, examine, and analyse the structure, powers, procedures, and jurisdiction of Lok Adalat; and analyse the significance, role, benefits, and drawbacks of Lok Adalat in the Indian Judiciary System."

¹ Furtado, R. (2016, September 20). *Permanent Lok Adalats- A critical study*. iPleaders. <https://blog.ipleaders.in/permanent-lok-adalats-critical-study/>

² Furtado, R. (2016, September 20). *Permanent Lok Adalats- A critical study*. iPleaders. <https://blog.ipleaders.in/permanent-lok-adalats-critical-study/>

RESEARCH QUESTIONS

The research questions whose answer I want to find out by doing this research project are-

1. Why did we need Lok Adalats in India?
2. Are Lok Adalats actually disposing off cases faster than normal courts?
3. Do we need more Lok Adalats in India?

RESEARCH HYPOTHESIS

H₁- The Lok Adalat in India are helping to settle cases much faster than normal courts

H₀- The Lok Adalat in India are unable to settle cases faster compared to the normal courts

RESEARCH METHODOLOGY

The method used for this Research Project is empirical methodology. This research approach incorporates techniques from several disciplines in order to create empirical data that can be used to address research problems. Non-doctrinal research approaches legal study from a multidisciplinary perspective. It draws on methodologies and data from the other sources to provide a comprehensive approach of law. It also draws its conclusions from primary sources.

SCOPE OF STUDY

My Research project is focused on the entirety of Lok Adalats, their functions, the reason why they were set up, their advantages and disadvantages and why it is in overall beneficial for the Indian Judicial System.

LIMITATIONS OF THE STUDY

This research project is centered around Lok Adalats. Nevertheless, I have seen several constraints in the study. Firstly, the inadequate number of Lok Adalats in India has resulted in several pending cases. Furthermore, the limited number of cases being brought to the Lok Adalats results in a backlog of straightforward cases in the regular courts. Furthermore, a significant number of Lok Adalats are resolving cases at a comparable pace to regular courts. Consequently, the issues in Lok Adalats are also experiencing prolonged resolution times.

LITERATURE REVIEW

While doing this research project I took help from a lot of books, articles and journals. The first book, which I have referred for this research project is "Lok Adalat: An Effective Alternative Dispute Resolution Mechanism" by Sarfaraz Ahmed Khan³. From this book I came to know about the basics of Lok Adalat in India.

The second book which is referred by me for this research project is "Lok Adalat: Justice at the Door Steps" by Prabha Bhargava⁴. From this book, I came to know about the history of Lok Adalats in India.

The third book which is referred by me for this research project is "Lok Adalat in India: Genesis, Law, Practice and Prospects" by Hemant K. Chand⁵. From this book, I came to know about the need and structure of Lok Adalats in India.

The fourth book which is referred by me for this research project is "Lok Adalats in India: Genesis and Functioning : People's Programme for Speedy Justice" by Sunil Desta⁶. From this book, I came to know about the legal provisions regarding Lok Adalats in India.

The fifth book which is referred by me for this research project is "Lok Adalat and the Poor: A Socio-constitutional Study" by M.G. Chitkara⁷. From this book, I came to know about the Advantages and Disadvantages of having Lok Adalats in India.

³ Sarfaraz Ahmed Khan is an Professor in WBNUJS and a renowned author

⁴ Prabha Bhargava is a renowned author

⁵ Dr. Hemant K. Chand is a renowned author

⁶ Sunil Deshta is a professor in Himachal Pradesh University and a renowned author

⁷ M.G. Chitkara is a renowned author

HISTORY OF LOK ADALATS

The concept of Lok Adalats, particularly during the period before independence in India under British governance, had begun to dwindle and was forgotten with time. This concept has recently been revived. It is well known today and very popular in the courtroom.⁸

This paradigm is in full and complete harmony with the concepts of fairness and justice espoused by the land of India since time immemorial. It has a rich historical backdrop in Indian law. Moreover, this ADR is only highly efficient but one of the most frequently used methods in addition to cultural, social, and economic peculiarities of the country. The initiative of Lok Adalat was started in Gujarat in March 1982 and slowly spread its wings to all over India.⁹

The motto of this movement is to reduce the pressure on the courts by reducing the pendency of the cases pending before the courts. Lok Adalat first started in Junagarh, Gujarat on 14th March 1982. Lok Adalats gain their legal validity under the Legal Services Authorities Act of 1987 in conformity with Article 39-A of the Constitution of India.¹⁰

The Lok Adalat provides a wide range of conflict resolution procedures.

Additionally, the implementation of Lok Adalats is necessary to guarantee that the dispensation of justice aligns with the principle of equal opportunity. In order to grant Lok Adalat official recognition, it was mandated that its award, which outlines the parameters of compromise, should carry the same legal weight as a court ruling and be enforceable as a judgement from a civil court.¹¹

NEED OF LOK ADALAT IN INDIA

Regarding the advantages of Lok Adalat, it is enlightening to consider the statement made by Justice Ramaswamy, who stated that disputes resolved by Lok Adalat not only save time and money for the interested parties, but also provide a cost-effective resolution that eventually brings them satisfaction.

The primary factors contributing to the resurgence of Lok Adalat were the Indian Judiciary's failure to maintain a suitable caseload-to-judge ratio, the court's sluggishness in resolving cases, and the exorbitant costs associated with litigation.

STRUCTURE OF LOK ADALAT

Each bench comprises a judge, either now presiding or with prior service, a lawyer possessing vast expertise in the relevant field, and an ideally female social worker who has devoted her professional life to assisting the most marginalized individuals in society. Every bench in the State and High Courts comprises a sitting or retired judge from the High Court or a judicial officer, a practicing attorney, and/or a social worker who specializes in assisting the most marginalized individuals in society. Nationwide Lok Adalats are held on a designated day in all courts across the country, ranging from the local level to the Supreme Court. Today, a substantial proportion of cases are resolved.¹²

PERMANENT LOK ADALAT

The Permanent Lok Adalat is a specific type of Lok Adalat that was created under Section 22-B of the Legal Services Authorities Act of 1987. Lok Adalats are established as permanent institutions with a chairperson and two members to serve as an alternative to litigation and facilitate the resolution of disputes related to Public Utility Services. The Permanent Lok Adalat is chaired by a district judge, additional district judge, or someone who has held a higher judicial office. The Central or State Government appoints two members, recommended by the Central Authority, who have ample experience in public utility service to complete the panel.¹³

PROCEDURE OF LOK ADALAT IN INDIA

The procedure of Lok Adalat is given in Sec 20(5) of the Legal Authorities Act of 1987. The Act lays down that cases taken up before the Lok Adalat shall be disposed of expeditiously. Money-related disputes are always settled on the same day when taken up at the Lok Adalat. Unless there is consensus ad idem among all parties, a pre-litigation settlement cannot be reached. The Lok Adalat decision should be willingly and voluntarily accepted by the parties concerned. In case a dispute gets settled through the Lok Adalat method, court fee already paid on any case filed previously in a regular court would be refunded as no court charges apply when using the Lok Adalat system. Loko Adalat, on the other hand, is not tightly bound by the procedural constraints such as the Indian Evidence Act, 1872, Limitation Act, 1963 and Code of Civil Procedure, 1908 while analyzing the strength

⁸ Lok Adalats. (2015, February 4). *Academike*. <https://www.lawctopus.com/academike/lok-adalats/>

⁹ Lok Adalats. (2015, February 4). *Academike*. <https://www.lawctopus.com/academike/lok-adalats/>

¹⁰ Lok Adalats. (2015, February 4). *Academike*. <https://www.lawctopus.com/academike/lok-adalats/>

¹¹ Lok Adalats. (2015, February 4). *Academike*. <https://www.lawctopus.com/academike/lok-adalats/>

¹² Furtado, R. (2016, September 20). *Permanent Lok Adalats- A critical study*. iPleaders. <https://blog.ipleaders.in/permanent-lok-adalats-critical-study/>

¹³ Furtado, R. (2016, September 20). *Permanent Lok Adalats- A critical study*. iPleaders. <https://blog.ipleaders.in/permanent-lok-adalats-critical-study/>

of cases placed before it. The award of the Lok Adalat is final and legally binding on the parties to the dispute and enforceable and executable by the court's directions. A case decided by the Lok Adalat is final and cannot be appealed.¹⁴

The procedure before the Permanent Lok Adalats under section 22D empowers them to function with the principles of equity, justice, and fair play and not necessarily in strict adherence to the procedural laws and the Evidence Act.¹⁵

JURISDICTION OF LOK ADALAT IN INDIA

It says, "the jurisdiction of the Lok Adalat under sub-section 1 shall not exceed rupees five lakhs". Section 19(5), of the Legal Authorities Act, 1987, lays down the powers and the jurisdiction of the Lok Adalat to arrive at a compromise or settlement between the parties to a dispute. This jurisdiction would cover cases pending before the Lok Adalat itself or any matter which falls within its jurisdiction but is not brought before any court. However, it must be specifically identified that no case or matter related to an offense shall fall within the purview of the Lok Adalat upon which a settlement cannot be reached under any law.¹⁶

POWERS OF LOK ADALAT

The Lok Adalats are defined under Section 22 of the Legal Authorities Act, 1987. According to this section, every Lok Adalat shall have the same powers as are vested in a Civil Court under Section 195 of The Code of Civil Procedure, 1908, namely that of summoning and enforcing the attendance of any witness or other person and of issuing any commission for the examination of the witness; requiring the production of any document or other thing; examining evidence on affidavit; and determining their own procedure for the conduct of the cases brought before them. In accordance with sections 193, 219, and 228 of the Indian Penal Code, 1860, Lok Adalat proceedings are considered judicial proceedings.¹⁷

CRITICAL ANALYSIS OF LOK ADALAT IN INDIA

Currently, Lok Adalat has shown to be one of the most efficient Alternative Dispute settlement (ADR) mechanisms for prompt conflict settlement. The study indicates that The Legal Services Authorities Act, 1987 allows for the creation of Lok Adalat as a scientifically efficient and capable system for expeditious justice. Although the act's procedures are designed to be favorable to the litigants, they still have major shortcomings. It has been acknowledged by the higher courts in India through various rulings that although there is a mechanism for quick resolution of disputes, the fair interests of the parties must not be disregarded. This aligns with the legal saying that delaying justice leads to its denial, but rushing justice results in its burial. Attorneys were reluctant to refer cases to Lok Adalats due to their clients' aversion to having their matters heard by them. These parties were willing to adhere to the stringent legal procedures in order to obtain justice outside of Lok Adalats. The behavior of these individuals and their defenders is evidence of a lack of trust in Lok Adalat. In a statement, the esteemed Chief Justice Mr. S. R. Bannurmath of the Kerala High Court pointed out a significant drawback in the current structure of the Lok Adalat system as outlined in Chapter VI of the Legal Services Authorities Act. He noted that the primary foundation of the Lok Adalat system is the resolution of disputes through compromise or settlement between the involved parties. If the parties are unable to reach a peaceful resolution to their dispute, the matter is either returned to court for additional legal proceedings or the parties are instructed to pursue a legal remedy in court. This leads to unwarranted postponement of justice. Significantly, this issue could be resolved if Lok Adalat is empowered to adjudicate cases based on their intrinsic worth in situations where parties are unable to reach a mutually agreeable resolution.

ADVANTAGES OF HAVING LOK ADALAT IN INDIA

The benefits of having Lok Adalat are as follows:

1. No court fee is required, and if a court fee has already been paid, it will be refunded if the issue is settled through Lok Adalat. Put simply, it is less expensive.
2. Lok Adalat is characterized by procedural flexibility and efficient resolution of disputes. When assessing Lok Adalat's assertion, procedural norms such as the Civil Procedure Code and the Evidence Act are not severely enforced.
3. Parties are granted the freedom to engage in discussions regarding their issues without the risk of being exposed in a court of law.

¹⁴ Furtado, R. (2016, September 20). *Permanent Lok Adalats- A critical study*. iPleaders. <https://blog.ipleaders.in/permanent-lok-adalats-critical-study/>

¹⁵ Furtado, R. (2016, September 20). *Permanent Lok Adalats- A critical study*. iPleaders. <https://blog.ipleaders.in/permanent-lok-adalats-critical-study/>

¹⁶ Bansal, N., Parthasarathy, R. (2020). *Are SDGs a Myth? Industrial Development and Water Pollution in India*. India: Taylor & Francis.

¹⁷ Bansal, N., Parthasarathy, R. (2020). *Are SDGs a Myth? Industrial Development and Water Pollution in India*. India: Taylor & Francis.

DISADVANTAGES OF HAVING LOK ADALAT IN INDIA

The following are the disadvantages of the Lok Adalat System:

1. The reality is that the number of cases brought before the Lok Adalat is extremely high, and parties may have faced significant expenses in the form of legal fees and other additional charges.
2. The majority of cases presented before the Lok Adalat involve disputes with non-living entities, rather than disputes between individuals. Examples include claims for motor vehicle accidents, telephone bills, and the electricity board.
3. The presiding officers of Lok Adalat are chosen from a pool of retired judicial officials and others who possess the necessary qualifications and expertise specific to the region. Due to their inadequate training, these officials cannot frequently convince the parties involved to come to a mutually acceptable resolution.

CASES LAWS REGARDING LOK ADALATS IN INDIA

1. *Madhya Pradesh State Legal Service Authority v. Prateek Jain*¹⁸- In this instance, it was established that, "typically, when a matter is resolved in Lok Adalat, the requirement to adhere to the Damodar S. Prabhu guidelines should not be disregarded." Nevertheless, if there exists a distinct reason to deviate from this standard, the Court is not without power, as Damodar S. Prabhu has granted the Court the ability to reduce costs depending on the specific facts and circumstances of the case, while providing documented justifications for such departure.
2. *Abul Hassan v. Delhi Vidyut Board and others*¹⁹- It was determined in this instance that a Lok Adalat, being overseen by a currently serving or retired judge or judicial official, garners immediate acceptance and credibility.
3. *R.Thirugnanasambantham vs Central Bureau Of Investigation*²⁰- The court determined that allegations of a conspiracy or fraud leading to a decision by the Lok Adalat should be thoroughly and carefully investigated.
4. *M.I. Ibrahim Kutty vs Indian Overseas Bank*²¹- According to the ruling, "Section 20(5) of the Legal Services Authority Act, 1987 applies specifically to situations where Lok Adalat is unable to achieve a resolution or agreement." Returning papers to the court does not necessarily mean that the matter has been resolved.
5. *Usharani and Others v. Rajaram*²²- According to this case, once the parties have agreed to an award, the decision becomes conclusive and no additional appeals are allowed.

SUGGESTIONS

The research conducted on Lok Adalats in India indicates a pressing requirement to develop robust and efficient policies in order to enhance the effectiveness of alternative dispute resolution (ADR) systems. Thus, the subsequent lenses might be employed to analyze the proposals for alleviating the overwhelmed superior courts:

Prioritizing legal aid and literacy programs is essential. These activities should be expanded to target a broader demographic of economically disadvantaged individuals at the local level. Urgent actions are required to enhance the efficacy of print and electronic media for this objective. Furthermore, one of the drawbacks of Lok Adalat was its inability to enhance public awareness. A lack of general awareness resulted in a decreased number of individuals availing themselves of Lok Adalat's services. Hence, it is imperative for the Legal Services Authorities or relevant committees to adopt efficient strategies for disseminating information regarding the processes and regular sessions of Lok Adalats, with the aim of enhancing their utilization. These panels are also responsible for disseminating information about the benefits of utilizing Lok Adalat for resolving disputes instead of traditional courts.

Lawyers and advocates are hesitant to recommend matters to the Lok Adalat. The National Legal Services Authorities should increase the compensation for lawyers and advocates in order to address this issue. Consequently, this revision will lead to increased access to superior legal assistance for individuals with limited financial resources.

¹⁸ CIVIL APPEAL NO. 8614 OF 2014

¹⁹ AIR 1999 Delhi 88

²⁰ W.P.(MD)No.2148 of 2004

²¹ AIR 2005 Mad 335

²² C.R.P.(NPD)(MD)No.2542 of 2012

CONCLUSION

The Lok Adalat, formed pursuant to the Judicial Services Authorities Act of 1987, expedites the resolution of disputes within India's legal framework. The inefficiency of traditional courts in India can be attributed to their sluggishness and excessive workload, primarily due to the widespread illiteracy among the majority of the population. Despite the occurrence of the first Lok Adalat over three decades ago, the initial objective has not been achieved. The Lok Adalat has not garnered the requisite level of attention from the general populace. The legislative foundation and institutional structure of Lok Adalat continue to demand additional authority. The significance of Lok Adalat in India cannot be exaggerated. The implementation of these enlightened aspects would not only expedite the process of dispensing justice, but also enhance the foundation of the rule of law inside our judicial system. In order to truly achieve the constitutional ideals of "equality, justice, honesty, and fraternity," it is imperative to strengthen the legitimacy of Lok Adalat in India. Consequently, the populace of our country would exhibit greater confidence in the overall judicial system, encompassing Lok Adalat. Additionally, the underprivileged would have the opportunity to derive the utmost advantage from it, at a minimal expense and with little inconvenience. If this strategy is fully executed, it will greatly diminish the current accumulation of cases in the country's supreme courts and enable the prompt resolution of a substantial number of pending legal matters.

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3. Hemant K. Chand, Lok Adalat in India: Genesis, Law, Practice and Prospects (Satyam Law International, India, 1st Edition, 2016)

I have also referred the following websites for my research project:

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