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**AN ANALYSIS UPON VARIOUS CONTRIBUTION  
AND PERSPECTIVES OF LOK ADALAT AS AN  
EFFECTIVE AND LEGAL JUSTICE SYSTEM**

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# An Analysis upon Various Contribution and Perspectives of Lok Adalat as an Effective and Legal Justice System

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**Abstract – Lok Adalat has been very successful in settlement of motor accident claim cases, matrimonial/family disputes, labor disputes, and disputes relating to public services such as telephone, electricity, and bank recovery cases as so on. The advent of Legal Services Authorities Act, 1987 gave a statutory status to Lok Adalatas, 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 Adalatas 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 had 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 forum of Lok Adalat is an integral part of the Indian Constitutional scheme enshrined in Preamble, Part III and Part IV of the Constitution. The system fulfills the requirement of justice to socially and economically backward people by resolving their disputes free of cost. Lok Adalats save the expensive civil proceeding, it saves the time which is often taken in obtaining justice or bare relief; and parties go out with faces beaming with smile and hand in hand.**

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## INTRODUCTION

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 it shares close allegiance to the culture and perception of justice in Indian ethos. Experience has shown that it is one of the most efficient and important ADRs and most suited to the Indian environment, culture & societal interests. 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. Lok Adalat has been very successful in settlement of motor accident claim cases, matrimonial/family disputes, labour disputes, and disputes relating to public services such as telephone, electricity, bank recovery cases as so on.

The advent of Legal Services Authorities Act, 1987 gave a statutory status to Lok Adalatas, 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 Adalatas to secure that the operation of the legal system promotes justice on a basis of equal opportunity.

Lok Adalat can take cognizance of matters involving not only those persons who are entitled to avail free legal services but of all other persons also, be they women, men or children and even institutions. Any one or more of the parties to a dispute can move an application to the court where their matter may be pending, or even at pre-litigation stage, for such matter being taken up in the Lok Adalat whereupon the Lok Adalat Bench constituted for the purpose shall attempt to resolve the dispute helping the parties to arrive at an amicable solution and once it is successful in doing so, the award passed by it shall be final which has as much force as a decree of a Civil Court obtained after due contest.

One issue which comes to light often is the finality of the award of the Lok Adalat. During the Lok Adalat,

the parties agree to abide by the decision of the judge at the Lok Adalat. However, it is often seen that later, the same order is challenged on several grounds. In one of the recent decisions, the Supreme Court of India has once again laid to rest all such doubts. In unequivocal terms, the Court has held that award of the Lok Adalat is as good as the decree of Court. The award of the Lok Adalat is fictionally deemed to be decrees of Court and therefore the courts have all the powers in relation thereto as it has in relation to a decree passed by itself. This includes the powers to extend time in appropriate cases. The award passed by the Lok Adalat is the decision of the court itself though arrived at by the similar method of conciliation instead of the process of arguments in court.

The benefits that litigants derive through the Lok Adalats are innumerable. Firstly, there is no court fee and the dispute is settled at the Lok Adalat. Secondly, there is no strict application of the procedural laws and the Evidence Act while assessing the merits of the claim by the Lok Adalat thereby offering more flexibility during the resolution of the dispute. Further, the parties to the disputes though represented by their advocate can interact with the Lok Adalat judge directly and explain their stand in the dispute which is not possible in a regular court of Law.

Thirdly, disputes can be brought before the Lok Adalat directly instead of going to a regular court first and then to the Lok Adalat. Fourthly, the decision of the Lok Adalat is binding on the parties to the dispute and its order is capable of execution through legal process. No appeal lies against the order of the Lok Adalat whereas in the regular law courts there is always a scope to appeal to the higher forum on the decision of the trial court, which causes delay in the settlement of the dispute finally. The reason being that in a regular court, decision is that of the court but in Lok Adalat it is mutual settlement and hence no case for appeal will arise. In every respect the scheme of Lok Adalat is a boon to the litigant public, where they can get their disputes settled quickly and free of cost. Last but not the least, faster and inexpensive remedy with legal status. The system has received laurels from the parties involved in particular and the public and the legal functionaries, in general. It also helps in emergence of jurisprudence of peace in the larger interest of justice and wider sections of society. Its process is voluntary and works on the principle that both parties to the disputes are willing to sort out their disputes by amicable solutions.

The present day adjudicatory system is the legacy of British colonial rule that reigned over us for centuries. There are many sites to the existing judicial system but its shortcomings have become more prominent than its achievements. The inherent shortcoming of this system of justice dispensation lies with its formalities and technicalities and on top of it, it is costly, takes approx. 15 to 20 years to be disposed of (sometimes, even a life time) and then of course, one has the recourse of appeals, review etc., which further

prolongs final decision concerning the case. It is a fact that a large number of cases are pending for their disposal at different levels in various courts. Long pendency of matter in various courts frustrates the litigant public and also shakes their belief in the efficacy of the judicial system. This system of justice dispensation consumes to a great extent, time over procedural wrangles, technicalities of law and its costlier nature further delays the dispensation of justice to the needy. It is a well-known maxim of law "justice delayed is justice denied" and our system just confirm the same.

It would be deleterious to the efficacy of not only judicial adjudication but also maintenance of rule of law if we continue with the existing Formal Legal System (FLS). Judicial process is set in motion by action of an aggrieved party. Each party's case is presented before the learned judge in straightjacket of rules of procedural and substantial law by advocates since common man is not well versed with the court crafts and the legal language to be used. The judge understands the dispute involved and then pronounces the decree keeping in mind the known legal concepts, precedents; arguments advanced and the evidence led before him. The parties are then bound by the verdict and may face legal sanctions if not complied with. Even though the dispute finally gets adjudicated but the interpersonal relationship of the parties worsen and hence, there again lies a dispute between the parties. Thus what the Formal Legal System aims are adjudication of the dispute and not the resolution of disputes. Humans are not known to throw up their hands in despair when any challenge arises. To counter the challenges of ever increasing pendency in courts, tardy procedures involved in litigation etc., new procedures which are more informal, cost effective and speedy have been looked for and all these procedures have come to be known by a compendious expression "Alternative Dispute Resolution" or simply ADR. Seekers of justice are in millions and it is becoming rather difficult for the Courts to cope up with the ever increasing cases with the present infrastructure and manpower. Courts are clogged with cases. There is serious problem of overcrowding of dockets, because of the ever increasing number of cases the court system is under great pressure. Therefore, if there was at the threshold a permanent mechanism or machinery to settle the matters at a pre-trial stage, many matters would not find their way to the Courts. Similarly, if there are permanent forums to which Courts may refer cases, the load of cases could be taken off the Courts. The need for ADR is being underscored in the context of the failure of the formal legal system.

The success of Legal Aid Programs requires maximum participation by all persons including bar, bench and the general public. Government efforts, however, sincere and genuine, cannot bring about the desired results. It is desirable that all persons connected with the administration of justice make vigorous effort in this mass movement. The role of Law Court, Legal Profession, and Law School is equally important. Judicial tribunals have to change their traditional

outdated and technical approach. In order to eradicate social disabilities of the poor, judges have to adopt more active and innovative approach in the administration of justice.

## **COMPOSITION OF LOK ADALATS AND ITS POWERS AND FUNCTIONS**

Historical Hindu scriptures give us detailed information relating to composition of popular courts that remained quite active in ancient India. The most important and authoritative source of legal literature in the regard is found in the Smritis. All the legal Principles here and there scattered in the Vedas and also those included in the Dharamsutras as well as the customs or usages which came to be practiced and accepted by the society, have been collected together and arranged subject wise in systematic manner. A careful study of numerous Nibandhar (Commentaries and digests) have been accepted and followed by the society and quoted by the courts in the past whenever there arose the question of rules and regulations to be followed by the popular courts in their day to day business."

This view is also supported by R.C. Majumdar to quote them, The village administration was self-contained. It functioned smoothly, whoever became the king at the center. The central government did not interfere with local administration but exercised only general control, being mainly concerned with the subject of the land, revenue and defence. The village community functioned as miniature state having even the power of administering civil and criminal justice.

The study of legal system prevalent in ancient India shows that the small towns and villages enjoyed a systematic and efficient judicial set up. An inscription of king Parantaka found at Uttaramerur discloses several categories of village communities like; i) annual committee, ii) garden committee, iii) tank committee, iv) gold committee, v) panchaware committee and vi) justice committee. The members of the justice committee were appointed by people's vote in accordance with the rules made for conducting their election. There were a number of popular courts which were recognized by the government and allowed to dispense justice in cases that arose within their jurisdiction. These popular courts were mainly held by the village assemblies, temples, trustees, guilds and the cast elders. A detailed survey of the Hindu judicial system and the historical evidence available concludes that there was highest court located at the capital city.

## **LOK-ADALAT IN THE EYES OF JUDICIARY**

Few cases appeared before the higher judiciary relating to Lok Adalat. In almost all cases judiciary discouraged appeal or revision against the compromise order passed by the Lok Adalat. However, a decade ago the Gujarat High Court set

aside the decree passed by the Civil Judge on the compromise entered before Lok Adalat. The contention of the appellant was that they did not agree on compromise as are being imposed on them. If so, the High Court was justified in setting aside the order. However, caution is essential so that litigant with bad intention could not take alike pleas. In Punjab National Bank V. Laxmi Chand Rai & others the Madhya Pradesh High Court dismissed the appeal filed against the decree passed by the Lok Adalat. In this case during the negotiation before Lok Adalat, the official of the appellant bank agreed on the award consisting of full dues amount as well as pendente lite interest and the period of instalment left on the Lok Adalat to decide. The argument of the appellant was that they never agreed on the installment and the rate of pendent lite interest is bad and unacceptable. The Court highlighted the aim and object of the Act and the provision of Sec. 21 of the Act, which debars appeal along with sec. 96(3) of C.P.C., which also debars any appeal from compromise decree. Court said that the Code of Civil Procedure intends that once a consent decree is passed by Court, finality is attached to it. Such finality cannot be permitted to be destroyed, particularly under Legal Services Authorities Act, as it would amount to defeat the very aim and object of the Act.

The Indian judiciary through its activist role when attempted to reform almost all sectors and to evolve new jurisprudence for their materialization, the sector of Legal Aid vis-a-vis Lok Adalat is no exception to it. From the inception of Lok Adalat movement, the judiciary played a significant role. It not only made its effect on the enactment of Legal Services Authority Act but also reflected on the proper implementation of the Act. When the Executive fails to implement the statute in most of the States, the judiciary appeared as a messiah and made it enforceable in such places. It also played a role of policy maker by directing the State to provide funds to different NGOs for such purposes.

Now when the Lok Adalat is functioning as an effective dispute resolution mechanism, the judiciary is working as a watch-dog on the process so that no one can abuse the process. It is also rectifying the fault through judicial pronouncements. The 2002 amendment of the Act is nothing but the materialization of the verdict of the judiciary. So now it is in the process of expanding the scope of Lok Adalat.

Thus the judiciary not only acted as the policy maker but also as executors. However, very few cases appear before higher judiciary, we have to see further for assessing its role in future. While directing for formation of organization, like permanent Lok-Adalat, which the Legislature makes parallel to all almost adversary processes, except few differentials in the procedure, judiciary is required to take caution.



However, the judiciary attempted to provide modern additional means for resolution of disputes but the legislature has moulded it in a different tune. Now we have to see further, for its effective functioning. Again the responsibility came on the shoulder of judiciary to safeguard the institution from losing its basic characteristics and evolving newly developed processes to make it more effective.

## ORGANIZATION OF LOK ADALAT IN INDIA

It is true that in spite of number of legislations the fate of weaker sections has not improved. The poor persons are the silent victims of injustice. It is no more a secret that crimes against women are increasing. Dowry death cases are being registered in number throughout the country. In order to protect the weaker sections it is thought that law should be utilized as an instrument of "Socio Economic" change. Further to protect weaker section from unnecessary litigation and to reduce the mounting arrears of cases in Law courts, Law Commission recommended for the establishment of Nyaya Panchayats. The basic idea behind the Scheme of Lok Adalat is to speed up clearance of pendency of huge arrears in Law Courts, and to reduce the Costs of litigations. One should not forget that speedy trial is fundamental right of a litigant and the accused. Nayaya Panchayat at the grass root level will secure social justice Section 19 of the legal services Authorities Act, 1987 provides.

- (1) Every State Authority or District Authority or the Supreme Court Legal Services Committee or every High Court Legal Services Committee or, as the case may be, Taluk Legal Services Committee may organize Lok Adalats at such intervals and places and for exercising such jurisdiction and for such areas as it thinks fit.
- (2) Every Lok Adalat organized for an area shall consist of such number of
  - a) Serving or retired judicial officers; and
  - b) Other persons, of the area as may be specified by the State Authority or the District Authority or the Supreme Court Legal Services Committee or the High Court Legal Services Committee or, as the case may be, the Taluk Legal Services Committee, organizing such Lok Adalat.
- (3) The experience and qualifications of other persons referred to in clause (b) of sub section (2) for Lok Adalats organized by the Supreme Court Legal Services Committee shall be such as may be prescribed by the Central Government in consultation with the Chief Justice of India.
- (4) The experience and qualification of other persons referred to in clause (b) of sub section (2) for Lok Adalats other than referred to in

sub section (3) shall be such as may be prescribed by the State Government in consultation with the Chief Justice of the High Court.

- (5) 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 organized:

Provided that the Lok Adalat shall have no jurisdiction in respect of any case or matter relating to an offence not compoundable under any Law.

The jurisdiction that the Lok Adalat derives under sub-clause (5) of Section 19 is hedged by the expression "to determine and arrive at a compromise or settlement". In legal terminology it connotes the jurisdiction that could be exercised by the Lok Adalat cannot extend to deciding a dispute where one of the parties is not amenable or agreeable to a compromise or settlement.

Lok Adalat System is not visualized as a supplement to Court system by supplementary machinery to get resolved pending cases in the Court of law. Resolution of cases through Lok Adalats is a composite endeavor. It implies resolution of peoples disputes by discussion, counseling, persuasion and conciliation so that it gives speedy and cheap justice with the mutual and free consent of the parties. In short, the concept of Lok Adalat implies speedy and cheap justice to common man at his doorstep. It is participatory justice in which people and Judges participate and resolve their disputes by discussion and mutual consent. The Lok Adalat system is basically meant for the resolution of people's disputes by conciliatory technique and voluntary actions. It also helps in creating awareness among the people of their rights and obligations, by providing legal literacy in the basic laws with which people come in close contact in day-to-day life, in involving them in judicial processes at the grass-root level and by educating social workers to function as paralegal -to- enable -them- to give first-aid in law to the people on the spot.

## IMPACT AND POWERS OF LOK ADALAT

Some are of the opinion that Lok Adalats needs to be contextualized within the larger framework of India's legal system. The Lok Adalat was created to restore access to remedies and protections and to alleviate the institutional burden of millions of petty cases clogging the regular courts. Recall that there are many obstacles within the regular courts - particularly the lower courts - preventing disputants from receiving speedy, accessible justice. The most important aspect

of the Lok Adalat is that it offers the aggrieved claimant whose case would otherwise sit in the regular courts for decades, at least some compensation now. We have to remember, these proponents argue, that in the big picture the cases that come before the Lok Adalats are rather petty. While to the individual claimant her case has enormous personal significance, in most cases the claims are usually for small amounts of money and involve relatively minor issues.

Even assuming that Lok Adalats throughout India operate as they do in the sites we observed - where cases are reviewed quickly and judges tend to act in a unilateral (if not harsh) manner - this is acceptable. The presiding judge of a Lok Adalat is an experienced adjudicator with a documented record of public service and has legal acumen. So even if the judge happens to address claimants gruffly or to treat the issues before him in a seemingly hurried manner, at the end of the day his decisions are usually on the mark - or at least they are close enough, so that the parties are better off than they were originally.

Regardless of how gruff and perfunctory the justice dispensed, Lok Adalats improve the overall legal system. To ignore their contributions is to misunderstand both how justice functions in India and the constraints on the path to greater access, to justice in the future.

It is noteworthy that many in India share a desperate desire to improve the condition of the legal system. But we question our critics' un-abashed acceptance that Lok Adalats even with their flaws - are better for the entire legal system than nothing at all. Lok Adalats consume scarce resources of money, personnel, attention, and energy. These resources might be better employed to address the fundamental problems facing the courts in India. To persist on the Lok Adalat track without critical examination of its costs and alternative's strikes us as manifesting all unwarranted pessimism about the possibilities for court reform that truly enhances access to justice.

## CONCLUSION

The institution of Lok-Adalat is functioning on the democratic basis. The disputants have control over the process of negotiation, which makes the process consumer friendly. In Lok-Adalats all the parties, their counsels, conciliators cum judges sit together with one single aim to bring the parties to amicable settlement so as to initially satisfy both the parties and bring the dispute to its logical end. The institution of Lok-Adalat has succeeded in setting thousands of cases in single day, which otherwise would have taken years to resolve. Until now the institution of Lok-Adalat could settle millions of cases. Study revealed that until 1999, more than 97 lacs cases were settled through Lok-

Adalats in which Rs 2306,07,32,170/- (Rs Two thousand three hundred six crores seven lacs thirty two thousand one hundred and seventy) only was awarded as compensation to the claimants in Motor Accident Compensation Claim cases alone. The reason for its success lies in its process, which is simple, less formal, cheap and expeditious. It is simple because the legal formality has little role to play and cheap because no court fees or other charges are required for resolution of disputes in Lok-Adalats. On the other hand incentives have been provided in the form of return of the court fees if paid at the time of filing of the case before court of law. It is expeditious because the matter settled within single or couple of hearings at Lok-Adalat that save the parties from unmanageable expenses which would otherwise have to be incurred during the long process of adjudication including professional charges.

The institution of Lok-Adalat had functioned effectively for more than a decade without any explicit legislation. However, Lok-Adalat too had legal instrumentalities during that time in the form of Constitutional directives and the guidelines prescribed by the judiciary. It is evident from the study that the institution of Lok-Adalat has been enshrined as an instrument to fulfil the Constitutional obligation of providing equal Justice to all and to make access to justice meaningful for the down trodden people. Thus, the institution of Lok-Adalat is nothing but a means to fulfil the Constitutional obligation as enshrined in the Preamble, Art. 14, Art., 39A, Art. 40 and other provisions of the Constitution.

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