

A Research on the Role and Attitude of Lok Adalats in the Justice System of India: A Review

Dr. Deepa Singh*

Professor, Department of Political Science, Shri Krishna University, Chhatarpur

Abstract – The Constitution of India has characterized and announced "to secure to every one of the subjects of India, Justice-social, monetary and political; freedom; equity and society" as the shared objective for its nationals. The unceasing estimation of constitutionalism lies in the Rule of Law, which has three aspects : Rule by Law, Rule under Law and Rule as indicated by Law. The literal translation of the Hindi moniker, Lok Adalat, is 'People's Court'- Lok, means people, and Adalat means court. Hence, simply it means a court for the people, by the people, and of the people themselves. Indian Judiciary is moving towards a time when it will be impossible for the courts to cope up with the dockets. If something is not done, the result will be a production of line of justice that none of us would want to see. The institution of Lok Adalat has evolved as one of the most important modes of alternative dispute resolution. The first instance of a Lok Adalat system was in 1982, in the village of Una, in the district of Junagarh, Gujarat. Though this was in its developing stage, a fairly modern version of the Lok Adalat system that exists till date began in Chennai, in 1986. The institution has developed, since, by leaps and bounds, by the people themselves, in order to provide for equitable justice speedily at minimal cost. The crux of this mode of justice dispensation is that it is contrived to enable the common man to ventilate his grievances against other citizens or even state agencies, and successfully arrive at an amicable settlement. Lok Adalats are a blend of all three forms of traditional ADR: arbitration, mediation, and conciliation. Therefore, the researcher had undertaken this subject for contributing to the concept and explaining the difficulties in implementation and suggesting appropriate solutions for effective implementation of Lok adalat system.

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INTRODUCTION

Any contention resembles tumor. The sooner it is settled, the better it is for the gatherings included and the general public when all is said in done. The contention develops at an exponential rate in the event that it isn't settled at the primary stage. One debate prompts another and it is therefore better to determine it the exact second it emerges. The technique to accomplish this objective must be settled upon by both the gatherings included. The condition of vulnerability and hesitation ought to be as brief as could reasonably be expected. The Constitution of India has characterized and announced "to secure to every one of the subjects of India , Justice-social, monetary and political; freedom; equity and society" as the shared objective for its nationals. The unceasing estimation of constitutionalism lies in the Rule of Law, which has three aspects : Rule by Law, Rule under Law and Rule as indicated by Law.

Lok-Adalat means, 'People's Court'. "Lok" stands for "people" and the term "Adalat" means court. Lok-Adalat is a system of alternative dispute resolution

developed in India. India has long history of resolving disputes through the mediation of village elders. The system of Lok-Adalat is based on the principles of the Panch Parmeshwar of Gram Panchayats. The idea of Lok-Adalat was mainly advocated by Justice P.N. Bhagwati, a former Chief Justice of India. Lok-Adalat is a non-adversarial system, whereby mock courts (called Lok-Adalat) are held by the State Authority, District Authority, Supreme Court Legal Services Committee, High Court Legal Services Committee, or Taluk Legal Services Committee. They are held periodically for exercising such jurisdiction as they determine. The clogged courthouses have become an unpleasant compulsive forum instead of temples of speedy justice. Instead of waiting in queues for years and passing on litigation by inheritance, people are inclined either to avoid litigation or to start resorting to extra judicial remedies.

In response to the stresses on the Indian legal system, the Indian Supreme Court has spearheaded legal reform that has among its principal aims the reduction of judicial backlog and delay. One of the primary mechanisms through which the Indian Parliament and courts have ought to deal with this problem is through

the creation of Lok Adalats ("LAs") (people's courts) designed to promote the rapid conciliation and binding resolution of disputes. These efforts have been somewhat successful in decreasing backlog.⁸ LAs, though, are not without their critics, including advocates, judges, and certain classes of consumers, each of which have competing vested interests at play in LAs. Now, with the creation of dedicated Permanent Lok Adalats ("PLAs") which are specialized to certain classes of cases, such as electricity disputes, power asymmetries have become more prevalent. This begs the question of whether justice is being compromised in the name of judicial efficiency.

Parliament enacted the Legal Services Authorities Act in 1987 and one of the aims of this Act was to organize Lok Adalat to secure that the operation of legal system promotes justice on the basis of Adalats. The concept has been gathered from system of Panchayats which has roots in the history and culture of our nation. The provisions of the Act based on indigenous concept are meant to supplement the court system. The Act is an attempt to decongest the Courts from heavy burden of cases.

Speedy justice is citizens' right. Cases in various courts are increasing day by day at an alarming rate. Huge backlogs are getting accumulated. Therefore, it is taking long time for parties to get justice. Sometimes the maxim "Justice delayed is justice denied" is found true. Then the litigants lose faith in the efficacy of law and effectiveness of the courts.

Therefore, to save the litigant from such frustration, the Government has established Lok Adalat System under the Legal Services Authorities Act, which is a speedy alternative dispute resolution forum in all States. It is expected to ensure speedy disposal of the cases in an inexpensive manner. Hence the heavy pressure on judicial time would be reduced and effective remedy could be given to the litigants. The institution of Lok Adalat in India, as the very name suggests, means People's Court. 'Lok' means 'people' and 'Adalat' means 'court'. Prior to coming into force of 'The Legal Services Authorities Act, 1987', Lok Adalats were being constituted at various places in the country for the disposal, in a summary way and through the process of arbitration and settlement between the parties of a large number of cases expeditiously and with lesser costs. The institution of Lok Adalats had been functioning as a voluntary and conciliatory agency without any statutory backing for its decisions and has become very popular in providing for a speedier system of administration of justice.

In view of the growing popularity of Lok Adalats, there had been a demand for providing a statutory backing to this institution and the Awards given by Lok Adalats. The Central Authority or, as the case may be, every State Authority shall, by notification, establish Permanent Lok Adalats at such places and for exercising such jurisdiction in respect of one or more public utility services and for such areas as may be specified in the notification.

Most Indians cannot easily obtain justice through India's formal court system. Lok Adalats ("LAs") are informal courts of first impression interspersed throughout India, which provide alternative dispute resolution ("ADR") services designed to address this problem by bringing justice to the public. Lok Adalat means "people's court" in Hindi, one of the official languages of India. LAs provide the only point of access to the justice system of India for many citizens that operate in rural and remote regions. Additionally, LAs are one of India's principal means of providing ADR mechanisms to its citizens. LAs allow parties to overcome economic, organizational, and procedural barriers that would otherwise prevent them from accessing justice. As a result, the LA system is currently established throughout India.

LOK ADALAT: HISTORICAL BACKGROUND

The concept of Lok Adalat 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. This concept is, now, again very popular and is historical momentum. 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.

Lok Adalats have worked very well and satisfactorily in our country. Camps of Lok Adalat were started initially in Gujarat in March 1982 and now it has been extended throughout the Country.

The evolution of this movement was a part of the strategy to relieve heavy burden on the Courts with pending cases. The reason to create such camps were only the 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. Lok Adalats have been very successful in settlement of motor accident claim cases, matrimonial/family disputes, labor disputes, disputes relating to public services such as telephone, electricity, bank recovery cases and so on.

In traditional LAs, one or both parties give their consent for the matter to be heard by conciliators in an LA. The conciliators are comprised of a sitting or retired judicial officer and other "persons of repute" who may be prescribed by the state government in consultation with the chief justice of the High Court. Where no compromise is arrived at through conciliation, the matter is returned to the concerned court for disposal according to the law. Critically, this system gave the Indian people for the first time in centuries a choice of forum for the resolution of their

disputes so that they may make well-informed, rational decisions.

There was initially great enthusiasm for LAs. To exemplify, in one early LA in north Gujarat, the judges asked an ordinary litigant, "What is your problem?" The man with fears in his eyes said, "For the first time in five years, somebody has asked me about my case."⁵² LAs were to take the place of the panchayats, which had long operated within the rigid caste system.

They were also meant to right the imbalances of the British-imposed judicial system which had introduced the concept of equality before the law, but had never meshed it with reality. The benefits of Lok Adalats include: no court fee;⁵³ direct consultation with a judge without procedural hurdles; an extremely abbreviated hearing schedule; and the final decision is binding.

Perhaps most importantly, disputants prefer LAs as they know that, unlike in traditional judicial proceedings where they may lose everything, in ADR a compromise position is often reached. The costs in sacrificing procedural protections, at first at least, seemed minor in comparison. After all, chronic judicial stagnation calls for simplifying procedures and increasing their flexibility.

LOK-ADALAT IN INDIA

With 42nd amendment act of constitution of 1976, Article 39-A, has been inserted which requires the State to secure that the operation of the legal system promotes justice, on a basis of equal opportunity, and shall, in particular, provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities. The entire mechanism of Lok Adalat designed and evolved is with the object of promoting justice. Justice has three connotations namely social, economic and political. 'Access to Justice' means an ability to participate in the judicial process. It is that human right which covers not only bare court entry but has many dimensions including time consuming factor. "Lok Adalat" is defined as a "forum where voluntary effort aimed at bringing about settlement of disputes between the parties is made through conciliatory and pervasive efforts". Though initially, Lok Adalat camps were started at Junagarh District in Gujrat by 1982, the first Lok Adalat was held in Chennai in 1986. Soon this programme was adopted by several other states, such as Bihar, Haryana, Karnataka, Maharashtra etc. and now gained popularity throughout the country. The Legal Services Authorities Act, 1987 implemented in its true spirit has created popularity for and utility of Lok Adalat for speedy resolution of disputes. It is believed that the "Lok Adalat" is an old form of arbitrating system which had been prevailing in early India and its validity has not been taken away even in

the modern days too. This system is based on Gandhian Principles. It is one of the components of ADR system. As the Indian Courts are overburdened with the backlog of cases and the regular Courts are to decide the cases involve a lengthy, expensive and tedious procedure. The Court takes years together to settle even petty cases. Lok Adalat therefore provides alternative resolution or devise for expeditious and inexpensive justice.

Both pre-litigation and post-litigation efforts are invited by Lok Adalat to enable the entire society to create peace and harmony. The Legal Services Authorities Act, 1987 makes provision for free legal aid which can be availed both before the Courts and Lok Adalat so constituted. The Court has to give guidance to parties (when parties are opting for any mode of ADR) by drawing their attention to the relevant factors which parties will have to take into account, before they exercise their opinion as to the particular mode of settlement.

INDIAN LEGAL SYSTEM

In a democracy like ours, the role of judiciary is crucial. Judiciary is a faithful keeper of the constitutional assurances. An independent and impartial judiciary can make the legal system vibrant. In the parliamentary democracy like ours, while there is participation of the legislature and the executive in formulation of laws, but once a law is passed it is for the judiciary to safeguard the interests of the citizens to operate within the adopted laws. It, therefore, acts as a check on the arbitrariness and unconstitutionality of the legislature and the executive. Judiciary is the final arbiter in interpreting constitutional arrangements. The nature of the democracy and development both depend greatly on how the legal system conducts itself to sustain the overall socio-economic and political environment.

The legal system derives its authority from the Constitution and is deeply embedded in the political system. Judiciary is the third pillar of Indian democracy, alongside the legislature and the executive branches. It is an independent body and its power is separated from those of the Executive and Legislative bodies of the Indian Government. Credibility of judicial process ultimately depends on the manner of doing administration of justice.

The judicial system of India is stratified into various levels. At the top is the Supreme Court, which is followed by High Courts at the state level, District Courts at the district level and Lok Adalats at the Village and Panchayat Level. The judicial structure takes care of maintenance of law and order by considering cases related to both civil and criminal offences.

EFFECT OF LOK ADALATS ON INDIA'S POWER STRUCTURE

NDP and other power companies in Delhi are using the PVB Permanent Lok Adalat and other similar bodies across the capital to quickly settle thousands of outstanding claims. The rapid pace of dispute resolution works to lower the cost to companies of fixing the fundamental problems with energy generation and distribution that lead to brown outs and poor service.

Given the high success ratio of consumers paying awards, as opposed to receiving nothing as a result of decade long litigation, operating costs are decreasing. Thus, it may be argued that the proliferation of electricity PLAs actually works as a disincentive to energy development in the capital. Firms are now more confident than ever in settling claims, through coercion if necessary, reducing the instances of stealing power, and as a result are finding it easier to go without making the difficult reforms required to reinvigorate the power industry. Consequently, in addition to PLAs that are in line with the LSSA model serving the needs of consumers, they will also better serve the cause of responsible power development that will in turn benefit all of Delhi's residents, and ultimately the utilities themselves.

India's power sector currently has 115,000 MW installed.¹⁵⁹ Despite rapid progress though, average per capita Indian consumption of electricity at 500 K2H annually flags behind the world average of 2,500 kWh.¹⁶⁰ Much of what has mired the Indian power sector can be traced to three factors: inefficiency, a bloated bureaucracy, and theft.

Ultimately, the role of the state has not diminished significantly as a result of these three reforms, but rather power has shifted from SEBs (especially in setting tariff rates) to the central government. This also means that the private sector is still limited in India's electricity system. No amount of theft reduction will overcome the fundamental need to raise tariffs up to a level that they intersect with the actual costs of power generation. Thus, PLAs that serve to lower the short-term costs of India's SEBs, namely by helping utilities recoup some portion of the 340 billion rupees owed, actually do it a disservice, putting off the hard choices that have to be made if India is to prepare its infrastructure to compete in the global marketplace of the twenty-first century.

LOK ADALAT: CRITICAL ANALYSIS

Presently, Lok Adalat is considered to be one of the best Alternative Disputes Resolution Systems. Just like every other system, Lok Adalat is also having several virtues and it suffers from few ill as well. As it is rightly said that, "Justice delayed is a Justice denied but Justice hurried is a Justice buried". Keeping this fact in mind, the higher judiciary in many of its judgments directed that, the speedy proceeding conducted by

way of Lok Adalat should not impair the right of any party.

The lawyers are sometimes reluctant to refer the matter for settlement in Lok Adalat. Sometimes parties may pressurize their lawyer to stick up to the strict process of court. The High Court observed, "In the name of the speedy resolution of disputes, the fair interests of the parties cannot be sacrificed, more importantly when the petitioners involved are minors, insane and disabled." While expressing its lamented remark about the present Lok-Adalat system, the Kerala High Court pointed out the drawback as – "However, the major drawback in the existing scheme of organization of the Lok Adalat under Chapter VI of the Legal Services Authorities Act is that the system of Lok Adalat is mainly based on compromise or settlement between the parties. If the parties do not arrive at any compromise or settlement, the case is either returned to the court of law or the parties are advised to seek remedy in a court of law. This causes unnecessary delay in the dispensation of justice. If Lok Adalat has given power to decide the cases on merits in case parties fail to arrive at any compromise or settlement, this problem can be tackled to a great extent". However this defect has been removed in permanent Lok-Adalat. It has also been observed that since the forum of Lok-Adalat are headed by the person from judiciary, they assume the role of Lok-Adalat as judicial forum and deviate from the basic objectives for which it has been formed. The Supreme Court has also lamented on this issue.

EFFECTIVE IMPLEMENTATION OF LOK ADALAT: SOME SUGGESTIONS

1. Legal literacy and legal aid programmes need to expand to take care of poor and ignorant by organizing awareness camps at grass-root level besides, the mass media like newspapers, television, radios can also be desirable for this purpose.
2. To increase its utility, the concerned Legal services Authority or Committee should disseminate information to the public about the holding of various Lok Adalat by it and success achieved thereby in providing speedy, equitable and inexpensive justice.
3. There is need for improvement in quality of legal aid provided by lawyers and advocates. The remunerations offered from legal services authorities to lawyers should be revised and thus encouraged to render effective legal assistance to needy persons.
3. It is observed that, there is need for enactment of more statutory provisions allowing justice through Lok Adalat.
4. The Lok Adalat Movement can be successful only if the people participate on voluntary

basis in the functioning of Lok Adalat. This can be achieved by restraining themselves from invoking the jurisdiction of traditional Courts in trifle disputes.

CONCLUSION

The requirement for LokAdalats is bothered by the tremendous populace of India that makes an unmanageable weight on the Judiciary framework. To expand the proficiency of the arrangement of LokAdalats, it is essential for people in general, the legal counselors, the official and the Judiciary to work in amicability and coordination. The general population ought to be made mindful of the upsides of the LokAdalats. The fundamental test that lies in the way of the accomplishment of Judiciary is the contribution of the majority. In the current circumstance, the fall back on LokAdalats has empowered neighborly question settlement. The achievement of LokAdalats ought to for sure be measured by the general air created in the nation, not by the number and nature of LokAdalat held, cases settled or remuneration.

Lok Adalats have to reinvent after almost six months to meet the challenges faced by the judiciary. The new branches of law will require newer tools to have decisions acceptable to the litigants. As new branches emerge aspirations are very high. Only time will tell how far Lok Adalat movement shall go in India and elsewhere in curbing conflicts and disputes and in spreading harmony.

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Corresponding Author

Dr. Deepa Singh*

Professor, Department of Political Science, Shri Krishna University, Chhatarpur