
THE POSITION OF LOK ADALAT

Harshit Sharma & Bharat Kumar, Geeta Institute of Law

ABSTRACT

India being the country with the largest constitution, provides its residents. plethora of rights and duties in order to secure their wellbeing, ensure justice, equality, and a platform to seek redressal for their grievances. The country consists of the apex court, whose judgments are the final word and have shaped India's legal system. It is followed by the high courts and district courts. The ratio of dispute resolution in the country is very low. Thus Lok Adalats come into the picture. They are a form of Alternative Dispute Resolution where the suits filed or the already pending cases in the court of law are resolved, or the matter is settled. People opt for Lok Adalats to escape the labyrinth of the court of law or are underprivileged. Lok Adalats intend to lessen the burden of the Indian courts and thus help to shape the legal system of the country.

Keywords: Lok Adalats, ADR

INTRODUCTION

The Legal Service Authorities Act, 1987, changed into enacted as a statute committed completely to offer criminal offerings to human beings in need. This Act additionally guarantees that monetary balance shall now no longer be a floor to searching for just ice or some other criminal assist, because it isn't simplest the wealthy who's entitled to acquire an top hand in terms of righteousness. Thus, the Act cited has provisions for the weaker sections of the society, which encompass the underprivileged, women, children, bonded laborers, specially-abled human beings, and others to empower their voices and assist them acquire what's rightfully theirs. The Act additionally gives the LSAs the whole authority to have the remaining phrase in any dispute.

The parties involved must abide by the decision and cannot file further appeals, and must agree with the decision made. This is done only to speed up the court process and resolve the dispute, but in the event the parties are not satisfied with the decision, they can always knock on the door of the court and pursue the case through other means. And due process because litigation provides the parties with their immunity to further appeals.

CONSTITUTIONAL MANDATE OF JUSTICE

Article 39A, Constitution of India Amended by the 42nd Amendment of 1976 requires the state to ensure that the functioning of the judicial system promotes justice, on a on an equal opportunity basis and in particular will provide free legal aid, through legislation or programs or in any other way, to ensure that capabilities are achieved justice is not denied to any citizen because of economic or other disability.

The whole mechanism of Lok Adalats is designed and developed for the purpose promote justice. Justice has three connotations: social, economic and political. The first two built-ins¹ are handled by said mechanism. They don't just give a opportunity for the parties to resolve the dispute, but such resolution is the least possible costs, is signed amicably with the agreement of the parties involved. "Access to justice" means opportunity to participate in the judicial process. For We the People, the vision of justice as embodied in the constitution entails delivering quality of justice (impartial and steadfast) which is speedy,

¹ Upendra Baxi, ACCESS, DEVELOPMENT AND DISTRIBUTIVE JUSTICE- ACCESS PROBLEMS OF THE RURAL POPULATION, JILI Vol.18, July-Sep 1976, No.3 at 376

accessible and distributive in nature.² Lok Adalats encourages pre- and post- litigation efforts to allow society to create peace and harmony. Legal Services Agencies Act of 1987 provide free legal aid that can be invoked both in court and in court Adalat thus created.

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 settlement³

JUDICIAL MANDATE ON ADR MODES

In Salem Advocate Bar Association, Tamil Nadu v. Union of India,⁴ The Supreme Court has suggested that in order to allow the Court to refer parties to conciliation/mediation, in the event the parties cannot reach an agreement on an agreed name, a panel of A well-trained mediator/mediator to be able to participate can be consulted by the Court.

MANDATE UNDER CPC

Article 89 of the 2002 Amended and Supplemented Civil Procedure Code introduced methods of conciliation, conciliation and pre-trial settlement to effectively resolve disputes. One of the modifications is given for quick removal. Likewise, filing deadlines have been set and a judge is not allowed to make more than three amendments in a civil action.

GENESIS OF LOK ADALAT IN INDIAN LEGAL SYSTEM

The people's court system that distributes justice is deeply rooted in the history of Indian law and closely adheres to the culture and perception of justice within Indian characteristics. Justice, in the opinion of the father of the nation, Mahatma Gandhi, requires the participation of the people. This concept comes from the panchayat system. The provisions of the Legal Services Authority Act 1987 were intended to supplement the formal legal system. Lok Adalats has upheld the right to Legal Aid, which is part of India's Human Rights Act, under the Constitution and it has been upheld in several cases before

² Jasdeep Randhawa, REALISING OUR JUSTICE NOMO, available at www.rfgindia.org/publications/Guest%20Column%20-%20Jasdeep

³ Alternative Dispute Resolution and Mediation Rules, 2003; Rule 4

⁴ (2005) SCC 6 (344)

the Supreme Court of India.

GOVERNING ENACTMENTS

The Legal Services Authorities Act, 1987 has been amended by The Legal Services Authorities (Amendment) Act, 1994 and The Legal Services Authorities (Amendment) Act, 2002.

ORGANISATION AND WORKING OF LOK ADALATS

In general

Lok Adalats may be organized at such intervals and places and for exercising such jurisdiction and for such areas as State Authority or District Authority or the Supreme Court Legal Services Committee or every High Court Legal Services Committee or, as the case may think fit.⁵

Composition

Every Lok Adalat organized for an area shall consist of such number of serving or retired judicial officers; and other persons.⁶

Jurisdiction

Lok Adalat shall have jurisdiction to determine and to arrive at a compromise or settlement between the parties to a dispute in respect of any case pending before; or any matter which is falling within the jurisdiction of, and is not brought before, any court for which the Lok Adalat is organized.⁷

- (a) Any case pending before any court
- (b) Any case not brought before any court

Permanent Lok Adalat

There are many reasons for the overcrowding of Indian courts. One reason is that the parties lack self- interest in resolving utility disputes, which are being brought to Indian

⁵ Legal Services Authorities Act, 1987; Section 19(1)

⁶ Ibid; Section 19(2)

⁷ Ibid; Section 19(5)

courts in large numbers. Government officials involved in utility disputes pay little attention to resolving disputes quickly. Therefore, it is necessary to establish a permanent alternative dispute resolution mechanism, especially to resolve disputes related to public services. This led to the create Permanent Lok Adalats may be established 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 on of the Permanent Lok Adalat.⁸

The primary goal of Permanent Lok Adalat is the prompt and definitive resolution of public utility disputes. Thus, it has more power to resolve disputes on merit if the parties fail to reach an agreement or compromise. Only in this way can the risk of delay in dispute resolution be avoided.

“Public Utility Service” means and includes:

- Transport service for the carriage of passengers or goods by air, road or water; or postal, telegraph or telephone service; or
- Supply of power, light or water to the public by any establishment; or
- System of public conservancy or sanitation; or service in hospital or dispensary; or Insurance service
- Includes any service which the Central Government or the State Government, as the case may be, may, in the public interest, by notification, declare to be a public utility service for the purposes of this chapter

Composition

- A person who is, or has been, a district judge or additional district judge or has held judicial office higher in rank than that of a district judge, shall be the Chairman of the Permanent Lok Adalat;
- Two other persons having adequate experience in public utility service.
- Any party to a dispute may, before the dispute is brought before any court, can make an application to the Permanent Lok Adalat for the settlement of dispute.
- It does not has jurisdiction in respect of any matter relating to an offence not compoundable under any law.
- It also has no jurisdiction in the matter where the value of the property in dispute

⁸ Ibid; Section 22B(1)

exceeds ten lakh rupees.

- The Central Government, may, by notification, increase the limit of ten lakh rupees specified in the second proviso in consultation with the Central Authority.

Any award to Lok Adalat in perpetuity under this Act, made on merit or in terms of a settlement agreement is final and binding. It will not be questioned in any of the original lawsuits, petitions or enforcement proceedings. It is considered a civil court decision. It has always been the majority of the people forming Lok Adalat permanently. Permanent Lok Adalat may refer any judgment rendered by it to a civil court of local jurisdiction and that civil court shall execute such order as if it were an order of that court.

PROCEDURE FOLLOWED BY LOK ADALAT

A. Envisaged under the Legal Services Authorities Act, 1987

Reference by Court or application by party

Where in any case referred to Section 19(5)(i), the parties thereof agree; or one of the parties thereof makes an application to the court for referring the case to the Lok Adalat for settlement and if such court is prima facie satisfied that there are chances of such settlement; or the court is satisfied that the matter is an appropriate one to be taken cognizance of by the Lok Adalat, the court shall refer the case to the Lok Adalat.⁹

No case shall be referred to the Lok Adalat except after giving a reasonable opportunity of being heard to the parties.¹⁰

B. Guidance by the principles of justice, equity and fair play

Every Lok Adalat shall, while determining any reference before it under this Act, act with utmost expedition to arrive at a compromise or settlement between the parties and shall be guided by the principles of justice, equity fair play and other legal principles.¹¹

C. Award of Lok Adalat

Every award of the Lok Adalat shall be deemed to be a decree of a civil court or, as the

⁹ Ibid; Section 20(1)

¹⁰ Ibid; Proviso to Section 20(1)

¹¹ Ibid; Section 20(4)

case may be, an order of any other court and where a compromise or settlement has been arrived at by a Lok Adalat in a case referred to it Section 20(1), the court-fee paid in such case shall be refunded in the manner provided under the Court-fees Act, 1870 (7 of 1870). Every award made by a 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.

TABLE-1 COMPARISON BETWEEN PROCEDURE OF CIVIL COURTS AND LOK ADALATS

	Feature	Civil Court	Lok Adalat
1	Institution of Case	At discretion of party	Case may be taken up : On application of party or By reference by Court in which case is pending
2	Nature of case	Litigation commences in Court	Pre-litigation and post-litigation
3	Procedure	Rules of Civil Procedure Code	Power to specify its own procedure for the determination of any dispute coming before it
4	Guidance by the principles of justice, equity and fair play	Has to follow	Has to follow

5	Decision/Award		Required to act with utmost expedition in arriving at a compromise or settlement
6	Mandate	To decide the matter	To determine and arrive at a compromise/settlement

LOK ADALAT IN COVID ERA

The Indian Legal System faced an abrupt pause when the pandemic hit the country, paralyzing the judicial system and refraining it from serving justice to its residents, but the authorities acted up and ensured that justice is still served by making a few changes and introducing technology in the picture.

The Rajasthan State Legal Services Authority (RSLSA), under the aegis of the National Legal Services Authority, organized the state's first online Lok Adalat and settled pre-litigation cases.

Hon'ble Mr. Justice N.V.Ramana stressed that during such occasions, the function of Legal Aid Institutions has become even more significant NALSA is incessantly endeavoring to guarantee justice is open in such phenomenal occasions. He further said that Legal Services Authorities, with the aid of the National Legal Aid Helpline and State Legal Aid Helpline, successfully gave legal guidance and helped with 6,26,369 cases. Online Lok Adalats are being composed by Legal Services Authorities. His lordship likewise included that innovation has played a basic part in this change and the Legal Services Authority have been attempting to stay aware of the changing occasions by utilizing innovation as its most grounded aide and expressed that various online courses have been directed by the Legal Services Authorities on various legal themes so as to upgrade the Knowledge of the majority, basic for improving admittance to justice.¹²

¹² <https://www.indialegallive.com/top-news-of-the-day/top-story/first-e-lok-adalat-a-huge-success/last-visited> on 23 09 2020

CONCLUSION AND SUGGESTION

The thought-provoking conditions appealing in the Indian culture require an extraordinarily honed lawful organization that is practical for needy individuals and the oppressed. The Lok Adalat system is not any more an examination in the country.¹³ The prerequisite for Lok Adalats is bothered by the gigantic populace of India that makes an unmanageable load on the Judiciary structure. To grow the capability of the course of action of Lok Adalats, it is basic for individuals, as a rule, the legal advisors, the authority, and the Judiciary to work in friendliness and coordination. Everybody should be made aware of the potential gains of the Lok Adalats. The key test that lies in the method of the achievement of the Judiciary is the contribution of the dominant part. In the current condition, the count on Lok Adalats has engaged neighbourly inquiry settlement. The accomplishment of Lok Adalats should, without a doubt, be estimated in the country, not by the number and nature of Lok Adalat held, cases settled, or remuneration.¹⁴

¹³ Lok Adalats - Academike. <https://www.lawtopus.com/academike/lok-adalats/>

¹⁴ M.P. Paridhi Selvan, Dhinesh, A Study on Lok Adalats in Indian Legal System