

LEGAL EYE PARTNERS

Article

Analyzing the role of Lok Adalat in speedy justice

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Abstract

This article analyzes the role of Lok Adalat in speedy justice delivery as per the Legal Service Authorities Act, 1987 that provides a statutory status of Lok Adalat. It was established to solve disputes with settlement and lessen the burden of Courts in pending cases. The sole aim is to lessen the burden of the Court of Law and help them for effective and précised decision making in cases that are in the public interest.

In this research paper, various advantages and disadvantages of the Lok Adalat have been mentioned to get a proper insight of the working of Lok Adalat, and how it can be more productive and précised for the dissolution of disputes.

Keywords

Decree, redressal, adjudicating, constitutionally valid, statutory status, aggrieved, prompt, lucid, prosecutions

Introduction

Lok Adalat has been established under the Legal Service Authorities Act, 1987, as a statutory status in India. It is one of the alternative dispute redressal forums, that settles the disputes among parties. Lok Adalat can be broken down by the term as “Lok” means people and “Adalat” means Court of law, in other word it can be termed as Court of the People, which is based on the Gandhian principles. As per the Supreme Court of India, it is an old way of adjudicating the system prevalent in ancient India and it is still constitutionally valid as mentioned in the historical books, documents. In the Ancient times, it used to be referred as ‘Panchayat’, which works in the similar way, the cases in the Panchayat were used to be solved with settlement and if it was not able to solve it, the case were referred to the Court of Law by filing a petition against the accused by the victim or petitioner. The Nyaya Panchayat aims to resolve minor

criminal and civil disputes by having both parties explain their sides to the Panchayat members. The members have the right to raise a small amount of fine but can't imprison people.

Origin

The concept of Lok Adalat was introduced before the British regime and after the Independence of India in 1947. The first Lok Adalat was held on the 14th of March, 1982 at Junagarh, Gujarat the land of Mahatma Gandhi. It became popular like wild fire in the country and it became constitutionally valid afterwards resulting in lessening the burden of the Court and inexpensive for the people to settle disputes. The concept of Nyaya Panchayat is similar to Lok Adalat where the Head of the Panchayat listens to the claims of both the aggrieved parties and tries to settle the disputes.

Scope and Objectives

The Legal Service Authorities Act, 1987 gave a statutory status to Lok Adalat for speedy justice and inexpensive litigation fees. The Constitution has given the right to seek justice to every person despite any economical background, it is stated that Justice should not be economically biased, as no person shall suffer due to lack of economic resources.

The main objectives of Lok Adalat is to deliver speedy justice and inexpensive litigation, flexibility in procedures and solving cases pending in the Court of law by various methods such as negotiation, mediation, settlement.

Case Suitable at Lok Adalat

The Lok Adalat deals with cases that are capable of solving the offense or disputes with a minimal fine or settlement among both the aggrieved parties. The cases that can be settled with negotiation or any settlement methods are as follows below -

- Compoundable, Civil, Revenue and Criminal cases
- Motor accident compensation
- Partition cases
- Damages cases
- Matrimonial and family disputes
- Mutation of land
- Land pattas
- Bonded Labour cases
- Land acquisition

- Bank's unpaid loan
- Retirement benefit cases
- Family court

Need of Lok Adalat

The need of Lok Adalat can be understandable more precisely through the statement of Justice Ramaswamy –

“Resolving disputes through Lok Adalat not only minimizes litigation expenditure, it saves valuable time of the parties and their witnesses and also facilitates inexpensive and prompt remedy appropriately to the satisfaction of both the parties.”

The basic reason for the establishment of the Lok Adalat is due to various issues in the Law Courts of India, out of which 4 are the most important issues, are listed down below –

1. The Judicial system of India is lacking adequate number of Courts and Judges. It is evident from the article published by The Hindu dated 10th May, 2022 that as per the reports India has a strength of 25,628 judges and 4.7 crore cases are pending in the Indian Courts.
2. There are approximately 5 crore cases pending in courts all over the country and over 69000 in Supreme Court, as evident from the article published by NDTV dated 09th Feb. 2023.
3. The cost of prosecution is less in district court, but when turned to High Courts and Supreme Court, the fees of government prosecutor is sky touching with a whopping charges that is way much hefty for middle class and poor people who are more prone to disputes or seeks justice, in High Courts, it may increase if the prosecutor has to travel to another High Court. The delay in the disposal of cases that results in huge pendency of cases in courts all over India, the delay can be caused by the government, court, Bar and litigants due to various reasons.

Jurisdiction

The Lok Adalat perform settlement between the parties to a dispute in respect of –

- Any case pending before the Court of Law at any level, be it the District, State or Central
- Any matter that falls under the jurisdiction of, and is not brought before any Court for which the Lok Adalat is organized.

Organization

Section 19(1) of the Legal Services Authorities Act of 1987 , that every State Authority or District Authority, Supreme Court Legal Services Committee, High Court Legal Service Committee and Taluk Legal Service Committee had to organize Lok Adalat at such interventions and permanent Lok Adalat.

Section 19(2) of the Legal Service Authorities Act of 1987, that Lok Adalat should organized for an area shall consist of such number of –

- Serving or retired judicial officers
- Other persons, as may be specified by the State Authority or District Authority, Supreme Court Legal Services Committee, High Court Legal Service Committee and Taluk Legal Service Committee, organizing Lok Adalat.

Qualifications

Rule 13 of the National Legal Service Authority Rules, 1995 states the qualification of a person who can be included in the Lok Adalat, who –

- Is a member of legal profession
- Is a person of repute who is specially interested in the implementation of the Legal Services Scheme and Programmes, or
- An eminent social worker who is engaged in the upliftment of the weaker sections of the people including Scheduled Castes, Scheduled Tribes, women, children, rural and urban labor.

Passing of Award

The passing of award of Lok Adalat is mentioned in the Section 21 of the Legal Service Authorities Act, 1987 which is as follows –

- Every award of the Lok Adalat shall be
 - deemed to be a decree of a civil court
 - signed by all parties and the panel constituting the Lok Adalat
 - shall form part of judicial records
 - categories and lucid
 - regional language or in English
 - free of cost

- award should be final and no appeal shall lie to the court of law
- court fees can be refunded as per Court Fees Act of 1870

Advantage	Disadvantage
<p>It deals with all the pending cases for a long period of time in the Court of law.</p> <p>The cost of prosecuting is way less expensive in comparison to the Court of law.</p> <p>It is an informal means of dispute settlement with methods of negotiation, mediation, compromise, fine.</p> <p>The procedure of the functioning of Lok Adalat is quite flexible.</p>	<p>It lacks the system of dissolving pending cases without the parties consent, i.e., the consent of the aggrieved parties is important.</p> <p>It lacks the power to make binding decisions without the parties consent.</p>

Conclusion

The concept of Lok Adalat has been established and is in action since years which have helped the people and the court to be less expensive for the prosecution process. The concept of Lok Adalat concludes that every person/individual has the absolute and equal right for justice, as the heart of the Constitution of India, which can be seen as reality in the real world not in the books. The Indian Constitution to the world of ADR jurisprudence needs to be taken full advantage of establishing maximum number of Lok Adalats needs to be organized to achieve the year old Gandhian Principle of Gram Swaraj and the access to justice for all the citizens/individuals throughout the Indian territories for more quick and inexpensive methods of disputes settlement.

Citation

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