



Emerging Trends of Lok- Adalat

Ratna Sisodiya (Advocate)

Guest Faculty at University College of Law, Mohan Lal Sukhadia University, Udaipur (Raj.)

Abstract: *The Constitution of India has defined and declared the common goal for its citizens as- "to secure to all the citizens of India, Justice-social, economic and political, liberty; equality and fraternity." The eternal value of constitutionalism is the rule of law which has three facets i.e., rule by law, rule under law and rule according to law. The concept of Lok-Adalat fulfills the desires of constitution drafters in all possible ways. Behind the concept of Lok- Adalat is the ancient concept of settlement of dispute through Mediation, Negotiation or through other arbitral process popularly known as decision of 'Nyay- Panch' or 'People's Court'.*

Keywords

Lok- Adalat (people's court), Arbitration, Conciliation, Dispute resolution, Legal aid.

1. Introduction

The institution of Lok Adalat in India, as the very name suggest, means, People's Court. The concept has been gathered from system of panchayat which has roots in the history and culture of this country. It has native flavor known to the people. Experiences has shown that it is one of the very efficient and important ADRs and infact most suited to Indian environment. The first Lok Adalat was held on March 14, 1982 at Junagarh in Gujarat the land of Mahatma Gandhi. Maharashtra commenced the Lok Nyayalaya in 1984. Lok Adalats have been very successful in settlement of motor accident claim cases, matrimonial/family disputes, labour disputes, disputes relating to public services such as telephone, electricity, bank recovery cases and soon. Some statistics may give us a feeling of tremendous satisfaction and encouragement. Up to the middle of year 2004, more than 200,000 Lok Adalats have been held and therein more than 16 million cases have been settled, half of which were motor accident claim cases. More

than one billion US dollars were distributed by way of compensation to those who had suffered accidents. 6.7 million persons have benefited through legal aid and advice.

2. History of Lok- Adalat

There is no debate so far that people's court, today's Lok-Adalat was in existence in our country from time immemorial. The system was effectively functioning and providing justice through village courts or people's court, with variation of name, throughout the history. The ancient period as well as medieval period were periods of Lok-Adalat. However the advent of British regime made all such people oriented and participatory forms of dispute resolution dysfunctional. Even in independent India, the system was not so changed and legal fraternities are still searching ways for providing speedier justice. Law Commission in its several reports have suggested for alternative system for providing justice and to revive the traditional form of dispute resolution mechanism.

3. Legislation pertaining to Lok-Adalat

Article 39A of the Constitution of India provides for equal justice and free legal aid. **Article 14 and 22(1)** also makes it obligatory for state to ensure equality before law and legal system which promote justice on the basis of equality of opportunity. The advent of **The Legal Services Authorities Act, 1987**, gave a statutory status to Lok-Adalats in pursuant to above constitutional mandates. This is done to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities.



4. The Legal Services Authorities Act,1987

There was a demand from all concerns for providing statutory backing to the institutions of Lok-Adalats. It was also felt that it would be desirable to constitute Legal Services Authority at National, State and District levels. Accordingly, the Legal Services Authorities Act was passed in 1987. However, it took 7 years for enforcement (although the act was passed in 1987, the provisions of act except chapter – III were enforced with effect from 09/11/1995 by central government notification no. S.O.893(E) Dated 09/11/1995) chapter-III of the act, which is concerning the establishment of State Legal Services Authority, was enforced under different notifications in different states during the period from 1995-98.

The statute creates institutions. Institutions functions on the participation of people. So far all round development of the institution is concerned, an active participation by all the people associated with lok adalat is required, otherwise the goal to provide access to justice to all cannot be achieved.

5. Composition of Lok-Adalat

Lok-Adalat consists of not just those few lawyers and judges who have volunteered to act as conciliators or mediators between the disputants who brought their problems . they are of course an important segment of what we conceive as Lok-Adalat. It also include a large number of social workers, legal-aiders, law students, village elders and public men who, concerned with social tension arising from denial of justice. Lok-Adalat may even include social organizations, media and influential section of local populace who either because of their charitable motives or personal interests give varied services.

6. Functioning of and procedure at Lok-Adalat

Until the enforcement of Legal Services Authorities Act the functioning of Lok-Adalats were based on guidelines given by committee for implementation of Legal Aid Scheme. The Lok-Adalats were generally organized in that period by State Legal Aid & Advice Boards or the District Legal Aid Committee and on such date and time, fixed about a month in advance by the legal board.

Now the Lok-Adalats are held as per the guidelines provided in Legal Services Authorities Act,1987 and rules made there under. The Lok-Adalats at district level and taluk level are organized by District Legal Service Authority and Taluk Legal Service Committee. Lok-Adalats at different High Courts and Supreme Court are organized by High Court Legal Service Committee and Supreme Court Legal Service Committee. Normally the Lok-Adalats are held during holidays, either on Saturday or Sunday. However, several District Authorities and Taluk Level Committees are organizing Permanent Lok-Adalats at respective places in different states. Information about holding of Lok-Adalat is given wide publicity through press, posters and where possible through, radio, television and cinema slides.

7. Benefits

Long back in 1958, the Minister for Law and Justice said- *“There’s no doubt the system of justice which obtains today is too expensive for the common man. The small disputes must necessarily left to be decided by a system of panchayat justice. Call it people’s court, call it popular court, call it anything- but it would certainly be subject to such safeguards as we may device- the common man can be assured of system of judicial administration which would not be too expensive for him and which would not be too dilatory for him...”* This proves, Lok-Adalat is a cure to most of the problems. Among the many benefits of Lok-Adalat most important are as follow-

Firstly, there is no court fee and even if the case is already in a regular court the fee deposited in regular court is refunded if dispute is settled in Lok-Adalat.

Secondly, as there is no strict legal procedure, it saves the time of litigants.

Thirdly, application for settlement of dispute can be filed directly in Lok-Adalat instead of approaching a regular court first then to Lok-Adalat.

8. NALSA

The National Legal Services Authority (NALSA) has been constituted under Legal Services Authorities Act,1987 to provide free legal services to weaker sections of society and to organize Lok-Adalats for amicable settlement of disputes. In every state, State Legal Services Authority has been constituted



to give effect to the policies and directions of NALSA and to give free legal aid and conduct Lok-Adalats in the state. Same provisions are made for district through District Legal Services Authority Authority. NALSA is laying great deal of emphasis on legal literacy and legal awareness campaign. NALSA is keen to develop and promote a culture of conciliation instead of litigation in the country so that citizens of this country prefer to resolve their disputes and differences across the table in spirit of goodwill and brotherhood. NALSA also wishes to ensure that even weakest amongst the weak in the country does not suffer injustice arising out of any abrasive action on the part of state or private person.

9. Role of judiciary and Amendment Act 2002

The Indian Judiciary through its activist role when attempted to reform almost all sectors and evolve new jurisprudence for their materialization, the sector of legal aid vis-à-vis Lok-Adalat is no exception to it. It not only made its effect on enactment of Legal Services Authorities Act but also reflected on the proper implementation of the act. In *Hussainara khatoon case*, Justice Bhagawati, spelt out the right to legal aid in criminal proceedings from the language of Article 21 and held it a constitutional right. It also played a role of policy maker by directing States to provide funds to different NGOs working for this purpose.

The 2002 amendment bring a new dimension in the formation, organization and functioning of Lok-Adalats. It created the institution of Permanent Lok-Adalat specifically to resolve disputes concerning Public Utility Services. The amendment not only empower the Lok-Adalat to pass order if parties failed to settle their dispute during conciliation proceeding but also to put seal of finality on such award. The 2002 amendment of act is nothing but the materialization of the verdicts of judiciary. So, now it is in the process of expanding the scope of Lok-Adalat.

10. Conclusion

When there was an urgent need felt for providing legal backing to the institution of Lok-Adalat, the enactment of Legal Services Authority was a welcome approach. Even though several short falls have been seen, it was adequate for functioning of Lok-Adalat.

However, in practice to be effective, there are still certain issues have to be settled by the act. The Gandhian Philosophy of Gram Swaraj is still a distant dream. We are still far behind the goal of providing justice to all.

Thus in reality, if we have to provide justice in true terms we should have to revive our traditional Panchayat System, may be certain variations, otherwise the word justice will become meaningless for a large number of people in country.

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