



# RESOLUTION IS JUSTICE!

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## LOK ADALAT: A WAY AHEAD

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### ABSTRACT

*The Lok Adalat is a viable substitute for the judicial framework. The Lok Adalats opened a new chapter in this nation's legal system and were successful in providing an additional forum for victims to successfully resolve their disputes. This research paper traces Lok Adalat's development from the ancient historical period to the current period. This article promotes the idea that Lok Adalats are merely one type of Alternative Conflict Settlement (ADR) tool. This article also examines the development of the Legal Services Authorities Act, 1987, as it was passed to ensure the rapid and early settlements of conflicts between individuals, as well as the obligation of Article 39-A under Indian Constitution regarding the Lok Adalat system. This study examines Lok Adalat, also known as the Public Court or People's Court in India, and its role as an alternate conflict settlement method. It is a platform where pre-litigation law suits are mediated. This research paper provides extensive information on the Lok Adalat system's history, components, need, and significance. Additionally, it goes into great length on the Lok Adalat's authority, case-handling process, and other relevant topics. The author of this paper has tried to cover and focus maximum aspects related to Lok Adalat and the significance it has brought to the Indian Legal System.*

**Key Words:** Lok Adalat, History, Components, Need, Legal Service Authority etc.

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## INTRODUCTION

Alternative Dispute resolution is an imperative part of the judicial system of the country and Lok Adalat is one of the best and most well-known ADR procedures, and is anticipated to perform a vital role in the dispute resolution process. The notion of Lok Adalat has been an integral assistance of India to the global jurisprudence. Lok Adalat is a People's Court. Lok Adalat has been a statutory status under the Legal Services Authority Act, 1987 and as per the Act the award given by the Lok Adalat is deemed as the decree and is binding upon the parties with no appeal granted to the parties.<sup>2</sup>

This movement's development was a part of a larger strategy to relieve the courts of their high caseloads and to provide respite to litigants who were lining up for justice. The objective is to bestow justice at the doorstep of everyone in the nation, specially the villagers. The Law Commission advocated attaining this goal by forming "Nyaya Panchayats" at the village level to effectively resolve conflicts amongst the people and decentralise the administrative structure.

### **HISTORY:**

Lok Adalat was introduced based on the Gandhian Principles. These courts are known as Panchayats and legally recognised as Arbitration. These are used in India for resolving commercial and non-commercial disputes. Lok Adalat has been a very effective way to resolve matters in replacement of litigation. The institution of Lok Adalat stems back to the British or pre-independence time. The environment, culture, and social interests of India were best served by this system. The concept was initially introduced in Gujarat in March 1982 and was further extended throughout the nation. The Legal Services Authorities Act, 1987 has given the Lok Adalats the judicial recognition under Article 39-A of the Indian Constitution. It is required under the legislation to deliver free legal services to the socially disadvantaged groups and to ensure that no person is denied justice.

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<sup>2</sup> Mamta Rao, Public Interest Litigation Legal Aid and Lok Adalats, 5th Edition, 2018.

## **CONSTITUTIONAL PROVISIONS AND OTHER LAWS DEALING WITH LOK ADALAT**

As per Article 39A of the Indian Constitution, the Legal Services Authority Act, 1987 offers a significant amount of power to the Lok Adalat, which now has a legislative foundation, to decide disputes. The Spirit of Article 38 is to provide all its inhabitants with a trilogy of justice- social economic and political<sup>3</sup>. The Lok Adalat is in charge of ensuring that the judicial system functions to advance equal opportunity justice. For lower-income segments of society, it is the duty of its constituent legal services agencies to offer affordable and capable legal representation so that no person is denied justice because of their financial situation or another obstacle.

The institution of a permanent Lok Adalat for the delivery of public utility services was stipulated by the 2002 revision of the Legal Services Authorities Act 1987 by the Parliament. According to the guidelines of the Act, any party to a dispute concerning a public utility service may ask for a permanent Lok Adalat. Under the permanent Lok Adalat, civil disputes are also settled. When a property involved is less than 1,00,000 and any compoundable offences in criminal matters can also be decided by the Lok Adalats.

One notable change brought about by this modification is that, upon submission of an application to the permanent Lok Adalat, no party may now invoke the jurisdiction of any court in the same matter. The permanent Lok Adalat will attempt to resolve any such disputes involving public utility services through conciliation before deciding the case on the merits if necessary through this, the permanent Lok Adalat would be free from the constraints of the Indian Evidence Act and the Code of Civil Procedure and will instead be governed by natural justice, objectivity, fair play, equity, and other principles of justice.

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<sup>3</sup> India Const. art. 38.

## NEED AND BENEFITS OF LOK ADALAT IN INDIA

- Lok Adalat provides efficient and inexpensive justice to the underprivileged group of the society by settling disputes.
- There is inadequacy of courts and judges situated and present in India and therefore Lok Adalat is the need of the day.
- There would be a sky rocket increase in the number of cases filed with courts if there was no establishment of Lok Adalats in India.
- It would be an extremely tedious process to resolve and provide justice to each case if Courts were the only legal system to provide justice.
- There would be a delay in disposing of cases as the courts would be overburdened with cases.
- There is no court fee and if the parties have paid to the regular court then the fees would be refunded to them and this is a major benefit for the weaker section of the society.
- There is no stringent procedural laws and Evidence pertaining while assessing the merits of the case present to the Lok Adalat.
- The Lok Adalat's ruling is final and enforceable through legal channels, and it binds upon the disputing parties.
- The Lok Adalat ruling cannot be appealed, but there is always a chance to do so in a regular law court and therefore the cases are not stretched for years
- Lok Adalat lays down the foundation of peace for the interest of the larger group of the society.

## **ISSUES FACED BY LOK ADALAT:**

- Lok Adalat is now recognized as to be one of the finest alternative dispute resolution methods. But like any other system, it has certain drawbacks as well. “A hurried justice is justice buried,” even if it is true that "Justice delayed is justice denied." Quick decisions must not be made at the expense of parties' rights.
- Sometimes, legal professionals are apprehensive about referring a case to Lok Adalat for resolution.
- Additionally, parties have been known to put pressure on their counsel to follow the rigid court rules.
- Few doubts are pertaining to the individuals chosen for the Permanent Lok Adalat would lack the required law knowledge. Presently, specialists or representatives from social organisations serve on specialised tribunals. Consumer dispute resolution methods often have members other than the chairman who lack legal backgrounds.
- Lok Adalat is mostly focused on agreement or resolution between parties, which is another significant flaw in this procedure. If the parties are unable to come to an agreement, the matter is sent back to court or the parties are instructed to seek redress in the regular court. This indeed slows the process and causes delays in the administration of justice.
- Under Article 226 of the Constitution,, the ruling or judgement of the Permanent Lok Adalats regarding the factors of resolution is also a matter that may be susceptible to judicial scrutiny.

## **PROCEDURE OF LOK ADALAT**

Section 20(5) of the Legal Authorities Act, 1987 mentions the procedure for Lok Adalats. The statute specifically calls for the swift resolution of cases brought to the LokAdalat. As a rule, financial conflict matters are successfully handled in the LokAdalat. It is crucial that the individuals involved in the case agree to the settlement in order to deal with the issue before going to court. The assent must be unconditional, and the litigants to the issue must agree to follow the LokAdalat's ruling. As there is no court fee, any case that has already been filed in a traditional

court will have the filing fee returned to the parties if the disagreement is resolved through the Lok Adalat's process.

When determining the merits of the cases presented to the LokAdalat, the procedural laws, such as the Code of Civil Procedure, 1908, the Criminal Procedural Code, 1973, the Indian Evidence Act, 1872, and the Limitation Act, 1963, are not properly observed. The LokAdalat's ruling is legally enforceable on all parties involved in the conflict, and the judge's decision can be carried out. Additionally, no appeal may be made of the Lok Adalat's judgement.

## **JURISDICTION**

The jurisdiction of this method of ADR is same as the courts operating under original jurisdiction on any issue or matter. The exemption to this authority relates to matters involving crimes that are not punishable by further punishment. If any of the parties to the suit agree to solve the conflict before the Lok Adalat, the court will take cognizance of the matter and refer it under the provisions of the act for the resolution.

Section 19(5) of the Legal Authorities Act, 1987 mentions the jurisdiction of the Lok Adalat. Under the statute:

LokAdalat enjoys the power to decide the matter and settle the case between the parties in any of the following ways:

(1) A certain issue that is pending; or

(2) A certain issue that falls within the purview of, but is not brought before, any court for which the LokAdalat is organised: Given, however, that the Lok Adalat wil not have jurisdiction regarding any specific instance or issue relating to a wrongdoing that is not punishable by any legislation.

The Lok Adalat has the power to deal with criminal cases also, which are dealt under the appropriate laws.

## POWERS

When hearing a case under Lok Adalat System, it should be same as a civil court following the statute of Code of Civil Procedure, 1908 in the following affairs:

- The Lok Adalat enjoys the authority to call any witness, requires their appearance, and put them under oath to testify.
- The Lok Adalat enjoys the authority to compel the production and disclosure of any material.
- The Lok Adalat enjoys the authority to question the public record or material from any court.
- The Lok Adalat enjoys the authority to take the evidence from the affidavits.
- And any such issues as may be mentioned.

Each Lok Adalat should retain the power to choose its own way in resolving a conflict brought before it.

All actions taken in front of a Lok Adalat must be regarded as legal actions under Sections 193, 219, and 228 of the IPC.

For the purposes of Section 195 and Chapter XXVI of the Civil Procedure Code, each Lok Adalat is considered as a civil court.

## WAY FORWARD

### **Awareness:**

Programs for legal education and assistance must be made available to the underprivileged and economically weaker sections. Grassroots educational campaigns should be held and the press may be used to accomplish this. It has to be done to entice individuals to freely engage in Lok Adalat sessions.



**Remuneration to Advocates:**

It is necessary to raise the standard of judicial help supplied by attorneys. In order to motivate attorneys to effectively serve those in difficulty, the legal service authorities must increase the pay to the advocates in such cases.

**Expansion of Jurisdiction:**

At present only few suits were taken to the Lok Adalats like matrimonial suits, suits in revenue matters, maintenance claims, motor vehicle cases, land acquisition cases, labour disputes etc. It is necessary to include business disputes and cases where people at large are involved.

**Structural Reforms:**

Our country has a diverse culture and to include social injustices in the system is the main task. The resources are also to be improved like staff, pay, funds etc to make it more effective and efficient. Persons who are specialists in the particular subject are also to be contacted for efficient service.

**SUGGESTIONS**

- Expanding judicial assistance and educational initiatives is necessary to cater for the underprivileged and uneducated. In addition, mass media can also be used for the purpose of awareness.
- The appropriate Legal Services Authority or Committee shall create awareness to the people of the country about the working of Lok Adalats and the results attained therein in giving quick, fair, and affordable justice in order to promote its usefulness.
- The standard of legal help supplied by attorneys and lawyers has to be improved. The legal service authorities must pay enough for the advocates who are working for the justice to the needy people.

- It has been noted that we need more statutes to enable the Lok Adalat's to deliver justice efficiently.
- The Lok Adalats would work efficiently and effectively only when the litigants voluntarily choose the processes. This happens only when there is awareness among the parties to not approach the court for trifle disputes

## CONCLUSION

Lok Adalats were the need of the moment after Independence as the regular courts were overburdened with numerous matters. Lok Adalats assisted and gave relief in providing quick resolution among the parties which gave an upper-hand to the Indian Legal System. After independence, there was a significant increase in international trade, and disputes were adjudicated more slowly than before, necessitating the establishment of an ADR system. Maintaining societal congruence and harmony requires the peaceful settlement of conflicts. Lok Adalat therefore becomes a useful component of Indian law to provide rapid and affordable justice. The Lok Adalat provides Indian society with a much sensitized legal service that works effectively for the vulnerable and the oppressed. The Lok Adalats play a crucial role in promoting and strengthening the Indian Constitution's principle of "equal access to justice."

Lok Adalats is a beacon of hope for the underprivileged and more marginalised individuals. In Indian conditions, LokAdalat is extremely significant. Only if positive aspects are well-informed, it will not only deliver instant justice but also deepen the roots of the rule of law in Indian judicial system. To achieve the constitutional goal of "equality, justice, integrity, and fraternity," Lok Adalat's status in India must be enhanced. It does, however, have some inadequacies that must be examined and, in turn, addressed.