



INTERNATIONAL JOURNAL OF CREATIVE RESEARCH THOUGHTS (IJCRT)

An International Open Access, Peer-reviewed, Refereed Journal

LOK ADALAT – SUPER FAST MECHANISM

NAGARATHNAM REDDY B

(Research scholar, Dept. of Pubic Administration, Dr.BRAOU, Hyderabad & Lecturer, Dept. of Political Science and Public Administration, Govt. Degree College Palamaner, Andhra Pradesh)

&

Dr.A.V.N .Reddy

(Research Supervisor, Dept. of Public Administration and Controller of Examinations and Registrar I/c, Dr.BRAOU, Hyderabad)

Abstract

Lok Adalat system added a new chapter to the justice dispensation system of this country. It is one of the Components of ADR systems. It is an Indian contribution to the world jurisprudence of ADR. The term Lok Adalat means **people's court** and is based on Gandhian Principles. Lok Adalat settles dispute by the principles of Justice, equity and fair play, which are the guiding factors for decisions based on compromises to be arrived at before such Adalats. It is a forum where disputes or cases pending in the court of Law or at pre litigation stage are settled or compromised amicably. Lok Aadalats have competence to deal with the cases like compoundable civil, revenue and criminal cases, motor accident compensation claims cases, partition claims, damage cases, matrimonial and family disputes, mutation of Land cases, Labour issues, Bank Loan issues etc. lok Adalats ensure justice in very fast manner as they can be conducted at suitable places, arranged very fast, in Local Languages too, even for the illiterates.

Recently National Lok Adalat was held on 11th Decembner across the country, the latest data pertaining to National Lok Adalat indicates that 72.45 Lakh cases were taken up out of which 18.23 lakhs were pre litigation cases and 10.76 lakhs were pending cases. According to NALASA, since the number of pending cases have surged due to the ongoing pandemic, it has shifted to dynamic preparation strategies for the National Lok Adalats. In view of extradinory delay in disposal of cases resulting in huge pendency in all the courts, the Lok Adalat was a historical necessity in a country like india where illiteracy dominated about all aspects of governance.

Introduction

Lok Adalat is one of the alternative dispute redressal mechanisms. It is a forum where disputes or cases pending in the court of law or at pre litigation stage are settled or compromised amicably. The term 'Lok Adalat' means **peoples court** and is based on Gandhian principles. As per the Supreme Court, it is an old form of adjudicating system prevailed in ancient India and its validity has not been taken away even in the modern days too. It is one of the components of the Alternative Dispute Resolution (ADR) system and delivers informal, cheap and expeditious justice to the common people.



Justice Ramaswamy says: “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”

Lok Adalat Benches consisting of Judicial Officers, Advocates and social workers deal with cases referred to them and help the parties in arriving at a settlement. The Lok Adalats shall have jurisdiction to determine and to arrive at a compromise or settlement between the parties to a dispute in respecting of any case pending before any court or any matter which is falling within the jurisdiction of any court and is not brought before such court that is pre litigation that means the Lok Adalats can deal with the cases pending before any court and referred to the Lok Adalat. Lok Adalat can also deal with the disputes at pre litigation stage. National Lok Adalats, organized under the aegis of NALSA settle huge number of cases across the country in a single day. For example, NALSA's conducted on February 8, 2020 disposed off 11,99,575 cases, During 2016-2020, NALSA have disposed off a total of 2,93,19,675 cases .

Evolution of Lok Adalat:

Article 39A of the Constitution of India provides for free legal aid to the poor and weaker sections of the society and ensures justice for all. Article 14 and 22(1) of the Constitution also make it obligatory for the state to ensure equality before law and a legal system which promotes justice on the basis of equal opportunity to all. In 1987, the Legal Services Authorities Act was enacted by the parliament which came into force on 9th November, 1995 to provide free and competent legal Services to weaker sections of the society. The Act makes the provisions relating to the organization and functioning of the Lok Adalats.

They have existed even before the concept received statutory recognition. In 1949, Harivallabh Parikh, a disciple of Mahatma Gandhi, popularized them in Rangapur, Gujarat. Even the first Lok Adalat camp was organized in Gujarat in 1982 as a voluntary and conciliatory agency without any statutory backing for its decisions.

Organisation

The National Legal Services Authority (NALSA) was thereafter constituted at the National Level. At the National Level, the chief Justice of India is the patron-in-chief of NALSA. The senior most judge of the supreme court is the executive chairman. The central Govt. in consultation with the chief justice of India has also appointed a person as the member secretary of NALSA.

Supreme Court Legal Services Committee has been constituted to administer and implement the Legal Services program insofar as it relates to the Supreme Court of India. Similarly The State/District Legal Services Authority or Taluk Legal Services Committee may organize Lok Adalats at such intervals and places and for exercising such jurisdiction and for such areas as it thinks fit. Every Lok Adalat organized for an area shall consist of such number of serving or retired judicial officers and other persons of the area as may be specified by the agency organizing. Generally, a Lok Adalat consists of a Judicial officer as the Chairman and a Lawyer (Advocate) and social worker as members. National Legal Services Authority (NALSA) along with other Legal Services institutions conducts Lok Adalats. The Legal Services Authorities Act, 1987 was amended in 2002 to provide for the establishment of the permanent Lok Adalats to deal with cases pertaining to the public utility services like transport, postal, telegraph etc.

Jurisdiction

A 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 any court or any matter which is falling within the jurisdiction of any court and is not brought before such court. The cases pending before the court can also be referred to the Lok Adalat for settlement if parties agree to settle the dispute in the Lok Adalat or one of the parties applies for referral of the case to the Lok Adalat or court is satisfied that the matter can be solved by a Lok Adalat. Any one of the party can also apply for settlement of the dispute at pre litigation stage.

Scope

The following types of matters may be taken up in the Lok Adalats;

- Matrimonial and Family disputes
- Criminal Compoundable Offence cases
- Land Acquisition Cases
- Labor Disputes
- Workmen' compensation cases
- Bank Recovery cases (Nationalized, Multinational and private Banks)
- Pension cases
- Housing Board and slum clearance cases & Housing Finance cases
- Consumer Grievance cases
- Electricity matters
- Telephone Bills disputes
- Municipal matters including House Tax cases etc.
- Other Civil matters such as partition, recovery of possession, Rent matters, contracts etc.

However, The Lok Adalat shall have no jurisdiction in respect of any case or matter relating to an offence not compoundable under any law. In other words, the offences which are non compoundable under any law fall outside the purview of the Lok Adalat.

Powers of Lok Adalats

- 1) The Lok Adalat shall have the same powers as are vested in a Civil Court under the code of civil procedure (1908).
- 2) Further, a Lok Adalat shall have the requisite powers to specify its own procedure for the determination of any dispute coming before it.
- 3) All proceedings before a Lok Adalat shall be deemed to be Judicial Proceedings within the meaning of the Indian Penal Code (1860). And Every Lok Adalat shall be deemed to be a civil court for the purpose of the code of Criminal Procedure (1973).
- 4) An award of a Lok Adalat shall be deemed to be a decree of a civil court or an order of any other court.
- 5) Every award made by a Lok Adalat shall be final and binding on all the parties to the dispute. No appeal shall lie to any court against the award of the Lok Adalat.

Functions of Legal Services Institutions

NALSA lays down policies, principles, guidelines and frames effective and economical schemes for the state Legal Services Authorities to implement throughout the country.

Primarily, the State Legal Services Authorities, District Legal Services Authorities, Taluka Legal Services Committees etc. are mandated to discharge the following main functions:

- 1) To provide free and Competent Legal Services to eligible persons
- 2) To organize Lok Adalats for amicable settlement of disputes
- 3) To create legal awareness about the rights of the weaker and marginalized sections of the society
- 4) To implement the Schemes and policy directions of NALSA through strategic and preventive Legal Services Programs

Benefits:

There is no court fee and if court fee is already paid, then the amount will be refunded if the dispute is settled at Lok Adalat. And there is procedural flexibility and speedy trial of the disputes and no strict application of procedural laws while assessing the claim by Lok Adalat.

The parties to the dispute can directly interact with the judge through their counsel which is not possible in regular courts of law and the award by the Lok Adalat is binding on the parties and it has the status of a decree of a civil court and it is non-appealable, which does not cause the delay in the settlement of disputes finally. Mobile Lok Adalats are also organized in various parts of the country which travel from one location to another to resolve disputes in order to facilitate the resolution of disputes through this mechanism.

Criticism on Lok Adalats

In majority of cases, litigants are pitted against entities with deep pockets, such as insurance companies, banks, electricity boards among others. In many cases, compromises are imposed on the poor, who often have no choice, but to accept them and even most cases, the litigants have to accept discounted future value of their claims, instead of their just entitlements. Sometimes, small compensations are given and poor people are accepting them to bring long pending legal process to an end. Even a disaster like the Bhopal Gas tragedy was coarsely settled for a paltry sum with real justice still eluding thousands of victims.

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 a remedy in a court of law. This causes unnecessary delay in the dispensation of justice.

Conclusion

As per National Judicial Data Grid, In High Courts, around 20% of the cases are 5-10 years old, and over 17% are 10-20 years old. There are 66,000 cases pending before the supreme court and 57 Lakh cases pending before various High Courts. And even around 3 to 4 crores of cases are pending before various district and sub-ordinate courts. The number of courts and judges in all grades are alarmingly inadequate and the high cost involved in prosecuting or defending a case in a court of Law, due to heavy court fee, Lawyer's fee and incidental charges. Delay in disposal of cases resulting in huge pendency in all the courts. In view of this extraordinary delay in reaching the justice to the people, The Lok Adalat was a historic necessity in a country like india where illiteracy dominated about all aspects of governance. The most desired function of lok adalats may seem to be clearing the backlog, with the latest report showing 3 crore pending cases in Indian courts but the other functions cannot be ignored. The concept of lok adalat has been a success in practice.

Lok Adalats play a very important role to advance and strengthen equal access to justice which is heart of the constitution of India, a reality. This Indian contribution to world ADR jurisprudence needs to be taken full advantage of Maximum number of Lok Adalats need to be organized to achieve the Gandhian Principle of Gram Swaraj and ACCESS TO JUSTICE FOR ALL.

References

- 1)aplsa.ap.nic.in
- 2)nalsa.gov.in
- 3)districts.ecourts.gov.in
- 4)legalservicesindia.com(kirtidashora's column)
- 5)livelaw.in.newsupdates and dristiias