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## Lok Adalat in India : A Socio-Legal Study

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### Abstract

Lok Adalats are the alternative justice dispensation system of this global society. It provides a satisfaction to the victims by settling the disputes. It is one of the essential part of the ADR systems<sup>1</sup>. There are the three factors which play an important role i.e. justice, equity and fair play for discussion of any conflicts on the civil matters in front of Lok Adalats. The basic and the foremost principle of Lok Adalats is compromising just to avoid the time and economic problems from our busy world. Article 39 –A of the constitution provides that the state shall secure the operation of the legal system promotes justice on a basis of equal opportunity, and shall in particular provide free legal aid, by suitable legislation or schemes or any other way to ensure that opportunities for securing justice are not denied to any citizen by economic or other disabilities. And this Article of the Indian constitution is not sufficient to cater the need of the people's especially in dispute resolution through Lok Adalats. This paper emphasized the role of Lok Adalat in India for giving speedy justice to the people in less time.

**Keywords:** alternative, justice, compromise, opportunity, society

### Introduction

It is the duty of the state to protect its citizens from external aggression and internal aggression and it is the utmost duty of the state to provide fair and speedy justice to its people. And it is the hallmark of good government in this democratic societies. The ancient Indian justice dispensation system was equipped with an institution which similar to today's Lok Adalat, which had continued even up to the onset of British rule in India. Britishers has introduced adversarial system which eclipsed the aboriginal justice dispensation system in India, which has proved to provide cumbersome and protracted justice so legal fraternity resorted upon some Alternative Dispute Resolution such as Arbitration and Conciliation. Failure of adversarial system the system where two advocates represent their parties case or position before an impartial person or group of people usually a judge or jury, who attempt to determine the truth and pass the judgement accordingly its failure in efficient justice dispensation and under used alternative justice delivery forums produce a serious threat to the respect and existence of Administration of justice in India even today.

<sup>1</sup>Slideshare.net

When we talk about the ancient time the disputes were resolved by the panchayats in the villages it has proved to be the effective method of litigation. There are several alternatives which came into operation after the British regime to find out the alternatives to adversarial form of dispute resolution these are Arbitration, conciliation, Mediation<sup>2</sup> and Negotiation. It helped to deal with the catastrophic problem of mounting pendency of cases and to ensure the success of justice to all.

The modern Lok Adalat traces its root in the people's court of the ancient Hindu jurisprudence and the cardinal principle of the village self-reliance Gram Swaraj, Participatory justice and societal comity. The Lok Adalat system emerged as alternative of adjudication as well as alternatives of Arbitration and Conciliation. The underlying idea of the Lok Adalat is to provide justice to the commoner or the people who are uneducated and wanted help of the government to solve their cases and to make them relief from such problems so for them this system is like God to them. It helps in solve the disputes of the society without any grudges both the parties will take charge to solve their dispute by taking the best solution it brings the peace in the society and every individual gets fair and speedy judgement. It is also very cheap so that the person will not think first of the money while making a mind to go to the court to get the justice it is the best way till today and becoming famous day by day with the help of NGOs and other organisations media plays an important role and now it becomes important in colleges too that either take children to the courts or establish the Lok Adalat hearing in the colleges so that children will get practical knowledge about the courts and its functioning. It brings justice at the door steps of the people and becomes meaningful to all the people of the court irrespective of their resources. In this system there is no discrimination on the basis of caste, colour, creed, sex etc. it is for the benefit of all the people. This is the reason which brings trust in the people on the justice system of India. Now people of the villages also prefer to go to the Lok Adalat without the second thought. It also proved to be benefitted for the other courts with pending cases and the purpose of the Lok Adalat is to deal with the cases pending in other courts or make their work easy and provide justice without any delay to the poor litigants at their door steps.

Lok Adalat is a system of alternative dispute resolution developed in India. It means people's court we can also say that it is by the people, for the people and of the people. The system of Lok Adalats is based on the principle of Panch Parmeshwar it means as we have already mentioned above panch means five and Parmeshwar means God or it is equal to God the decision made by them was the final one. The Panchas used to sit in the chaupal of the village and the villagers used to settle their disputes themselves by holding the discussions and the Panch was given the great regard. But there were many such disputes which were not able to solve by the panch and settled in the courts.

This system of Lok Adalat based on the principle of panchayat and were also proposed by Mahatma Gandhi. The idea of Lok Adalat was mainly advocated by Justice P.N. Bhagwati, a former chief Justice of India. The first Lok Adalat was held on March 14, 1982 in Gujarat.

Article 39 – A<sup>3</sup> of the constitution provides that the state shall secure the operation of the legal system promotes justice on a basis of equal opportunity, and shall in particular provide free legal aid, by suitable legislation or schemes or any other way to ensure that opportunities for securing justice are not denied to any citizen by economic or other disabilities.

For sometimes now, Lok Adalats are being constituted at various places in the country for the disposal, in a summary way and through the process of arbitration and settlement between the parties by mutual decision the court will not pressurised the parties for any sort of settlement they can use the mediator who can make them explain the things or can convince them for the settlement with less costs. The institution of Lok Adalats is at present functioning as a voluntary and conciliatory agency without any statutory backing for its decisions. It has proved to be very popular in providing for a speedier system of administration of justice. In view of its growing popularity, there has been a demand of providing a statutory backing to its institution and the awards given by the Lok Adalats. Need for Lok Adalat as Justice Ramaswamy said: "Resolving disputes through Lok Adalat not only minimizes litigation expenditure, it saves valuable time

<sup>2</sup>www.imimmediation.org

<sup>3</sup>doj.gov.in

for the parties and their witnesses and also facilitates inexpensive and prompt remedy appropriately to the satisfaction of both the parties". Lok Adalats have competency to deal with no of cases such as partition claims, damage cases, matrimonial cases or family disputes, land cases, bonded labour cases, land acquisition disputes, bank unpaid loan cases, family court cases etc.

The Lok Adalats are generally organised in the premises of courts. It can work good substitutes for settling cases which are pending in Supreme Courts. It can be said that Lok Adalats are like people's festivals of justice. It is conducting mainly in a month in advance on a Sundays or Saturdays only on holidays so that litigants can come easily without any problem or it can reduce the hindrances in the working of court or it can also helpful in the reduction of delay of cases. There are mainly five authorities which may organised Lok Adalats that is state authority, District authority, Supreme Court Legal Services Authority, High Court Legal Services Committee and Taluk Legal Services Committee.

There are various advantages of Lok Adalat like there is no fee or it is cheap not very expensive anybody can approach for the justice as it provides quick justice without any delay. There is no strict application of the procedural laws and the Evidence Act. Disputes can be brought before the Lok Adalat directly and the Award made by the Lok Adalat is final without any appeal. Both the parties can directly interact with the judge which is not possible I regular courts. It is also called faster and inexpensive remedy with legal status. With this concept of Lok Adalat people feel sense of relief and calm. The proceedings are very simple and easy. People have no grievance even if the decision of a Lok Adalat is not favourable to them since Lok Adalat is free from prejudice, bias and revenge. It is one of the such forum which has been playing an important role in settlement of disputes. The system of Lok Adalat has been given legal recognition by enacting Legal Services Authorities Act, 1987. The Legal Services Authorities Act, 1987 was amended in 2002 which brings section 22-B for the establishment of Permanent Lok Adalat. It is a permanent body and headed by the Chairman and two members for providing compulsory pre-litigative mechanism for conciliation and settlement of cases relating to Public Utility Services.

There are few differences between Lok Adalats and Permanent Lok Adalats like Permanent Lok Adalats is permanent in nature and Lok Adalats are temporary in nature. Any party to a dispute may make an application to the Permanent Lok Adalat for settlement of a dispute before the dispute is to be brought before any court. But in Lok Adalats there are no such conditions like in permanent Lok Adalats. Permanent Lok Adalats work all the days but Lok Adalats work on holidays Sundays and Saturdays. Permanent Lok Adalats have jurisdiction over pre-litigation matters only but Lok Adalat have jurisdiction over pending and pre-litigation matters.

The objective of Lok Adalat is to settle the disputes which are pending before the courts by the four ways that re negotiation, conciliation, mediation and arbitration and by adopting persuasive common sense and human approach to the problems of disputants. Through this mechanism or technique disputes can be settled in a simpler, quicker and cost-effective way to all the three stages i.e. pre-litigation, pending-litigation and post-litigation.