
LOK ADALAT -EFFECTIVE MEANS OF DISPUTE REDRESSAL MECHANISM IN INDIA

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ABSTRACT

Lok Adalat is a viable alternative to the court system. Lok Adalats introduced a new chapter to this country's judicial system and succeeded in offering a supplemental venue for victims to settle their issues satisfactorily. This article described Lok Adalat's journey from the archaic historical period to the contemporary time. This article argues that Lok Adalat is only one of the Alternative Conflict Settlement (ADR) tools and that the entire idea of Lok Adalats is based on the earlier notion of dispute resolution via discussion mediation and Arbitration employed by Nyaya Panch. This article also discusses the constitutional mandate of Article 39-A addressing the Lok Adalat system and the evolution of the Legal Services Authorities Act,1987, to provide for the prompt and early resolution of disputes between parties.

INTRODUCTION

For any society, equal and unbiased justice is an integral part of its judicial system. The main task of the state is to ensure fair and just justice for all by adapting the treatment of citizens among themselves, controlling the disorder and preference of one class of people over others, and defending all rights necessary for existence and life of fundamental importance are improvement of citizenship by establishing an effective administration of justice. The administration of justice entails adjudicating people's rights and obligations in accordance with the norms established by the State. It works to ensure that everyone has the right to access justice, since access to justice from an autonomous and unbiased agency in both public and private law is a recognised human right. A democratic society requires equal access to justice for all citizens via an efficient justice delivery apparatus.¹

The justification for establishing such camps of Lok Adalat was only the unresolved cases and aided the litigants waiting in line to get justice. The Gandhian ideals serve as the foundation of Lok Adalats. It is that human right, which includes time-consuming considerations, that covers bare court entrance. The idea of justice enshrined in the Constitution, according to We the People, involves providing justice (impartial and three unwavering), quickly, easily accessible, and distributive.

The concept of Lok Adalat arose because of the Indian judicial system's inability to offer speedy, effective, and low-cost justice. The evolution of this notion was part of the aim to alleviate the Courts' enormous burden. Cases that are pending are a source of frustration for the courts and individuals who seek justice from the Court.

CONSTITUTIONAL PROVISIONS

The Indian Constitution, as a social document, is a major representation of the people's ambitions and aspirations. The framers of the Constitution intended that the law belong to everybody, not just those who utilise the Constitution for unlawful purposes.

The idea of equality inscribed in Article 14 of the Constitution stipulates that the state may not refuse individual equality before the law or equal protection of laws within Indian territory, so

¹ Pawan Kr. Mishra, ADRS and Lok Adalat in India: Genesis and Functioning, 9 INDIAN J.L. & Just. 28 (2018).

the equality clause contains two concepts of justice: equality before the law. the law and equal protection from the law.²

The spirit of Article 38 is to provide all its inhabitants with a trilogy of justice—social, economic, and political.³ Article 39A was incorporated into the Indian Constitution to realise the aim of trilogy of justice, offer free legal assistance, and strengthen equal justice for the poorer sections of society.⁴ Article 40, involved with allocating and subsidiarity of powers at the village level, is one more crucial mandate of the Constitution. The State shall organise Panchayats at the village level by providing powers and authorisation to them as much as it is essential for enabling them to operate as a self-governing unit. The objective is to bestow justice at the doorsteps of everyone in the nation, specifically of villagers.⁵ The Law Commission recommended achieving this objective for constituting 'Nyaya Panchayats' at the village level to provide efficient resolution to the villagers for their disputes and decentralise the administration system.

JUDICIAL INTERPRETATION

In a series of recent judgments, the Supreme Court cautioned the country's judicial system and the legal profession to relinquish their role as upholders of the established order. The Court also stated that the time has come for the Indian judiciary to become more aware of the importance of giving justice to the vast majority of individuals denied justice by society.⁶ In another critical ruling, the Supreme Court stated: "The rule of law does not mean that legal protection is limited to the lucky few or that the right can be prostituted under the pretext of enforcing their civil rights and political rights. "The poor have civil and political rights; the rule of law is also intended for them, although this only exists on paper and not in practice."⁷ Until now, the courts have exclusively been utilised to uphold the rights of the rich. Huge arrears are indeed pending in Courts, but this cannot be used to deny society's poor and vulnerable sectors access to justice. Lok Adalats cannot replace modern courts, but if people choose to resolve their conflicts through Lok Adalats, it will not only increase the quality of the justice delivery system but will also raise awareness among the people about being just to others and expecting others to be just to them. The Lok Adalats seek to settle conflicts via mutual consent. Before the passage of the

² India Const. art. 14.

³ India Const. art. 38.

⁴ India Const. art. 39A.

⁵ India Const. art. 40.

⁶ Hussaiara Khatton V State of Bihar AIR 1979 SC 1360

⁷ People's Union for Democratic Rights V Union of India AIR 1982 SC 1473

Legal Services Authority Act in 1987, the integrity and legality of any decision made by the Lok Adalat were afterwards contested by the parties when it came to execution.

ALTERNATE DISPUTE RESOLUTION

The alternate dispute resolution system's primary goals are to deliver a cost-effective and immediate resolution to the parties, making the judicial providing organisation less burdensome and reachable effortlessly by the poorer and downtrodden of the community. The alternate dispute resolution system aims not to replace or supplant the Courts but wants to be an addition. The ADR system has few contributory and vital functions as it facilitates harmonious resolution of disputes via methods unavailable to courts and allows the disputants to settle the dispute among themselves.⁸

METHODS OF ALTERNATE DISPUTE RESOLUTION

The "alternative conflict resolution" procedure is critical for settling issues that embrace the standard way of doing things during its actions. It employs a variety of procedures, including arbitration, conciliation, mediation, negotiation, and Lok Adalat. When the Court notices the existence of a resolution on which the parties can agree, it will create the resolution conditions and distribute them to the parties in exchange for their statements. When a matter is referred to the Lok Adalat by the Court, the LSA takes effect.

The ADR procedures are as follows. First, arbitration refers to the resolution of a dispute by the decision of one or more individuals who are known as arbitrators rather than a regular and ordinary court of law. Second, Conciliation is another ADR system technique used in India, and it is governed by the Arbitration and Conciliation Act of 1996. However, the word "Conciliation" is not defined in the Act. According to Black's Law Dictionary, conciliation is a procedure in which a neutral individual meets with the parties to a disagreement and discusses how the issue should be addressed. Third, mediation refers to the act of a third person in resolving a disagreement between two disputing parties. Because mediation is an informal legal system, no legislation governs it. The fourth is negotiation, which is conducting business rather than managing a dispute by participating disputants or representatives while maintaining the connection. It entails the exchange of ideas and information in the pursuit of a mutually acceptable solution.

⁸ Nomita Aggarwal, "Alternative Dispute Resolution: Concept and Concerns," 7 *Nyaya Deep*, 68 (2006)

Last is Lok Adalat, which is an essential means of an alternative dispute resolution system. The establishment of the complete machinery of Lok Adalats was to encourage justice. Lok Adalat is an instrument of "ADR" alternate dispute resolution. The notion of Lok Adalat is a creative role towards the world jurisprudence and to offer expanded legal security to the poor. The basis of the entire philosophy of Lok Adalats is on the older theory of dispute resolution through negotiation, mediation, Arbitration used by Nyaya Panch. Lok Adalat mixes each of the three types of traditional ADR: Arbitration, Mediation, and Negotiation. They use conciliation, with arbitration components given that choice is ordinarily authoritative, and represent lawful decentralisation as clashes come back to groups from whence they began for a nearby settlement.

MEANING AND ORGANIZATION OF LOK ADALAT

According to section 19(5) of LSA, Lok Adalat usually implies People's Court. These courts differ from other formal courts but are special forums where the settlement of any case pending before the courts from many years or months within the jurisdiction of that Lok Adalat can occur.⁹

Legal Services Committee of State Authority or District Authority or the Supreme Court/High Court can organise Lok Adalat at any place and interval and having such jurisdiction as it thinks fit. It shall constitute the retired or serving judicial officers or any other person whom the organising authority thinks fit as stated in sections 19(1)¹⁰ and (2) of the LSA¹¹. According to section 19(3) of the LSA¹², the appointment of other members of Lok Adalat must be with the consultation of the Chief Justice of India by the Central Government. Lok Adalats, as prescribed in section 6 of LSA, can be comprised at distinct degrees such as State authority, High Court, District Court and Taluka level varying upon the authority organising it.¹³

SCOPE AND OBJECTIVE OF LOK ADALAT

The objective of reorganising the indigenous legal system is to allow people to participate in the administration of justice at the most basic level, which will eventually help give justice to the poor and backward in rural areas without delay and at a cheap cost. It would help them

⁹ Section 19(5) of Legal Services Authority Act, 1987

¹⁰ Section 19(1) of Legal Services Authority Act, 1987

¹¹ Section 19(2) of Legal Services Authority Act, 1987

¹² Section 19(3) of Legal Services Authority Act, 1987

¹³ Section 6 of Legal Services Authority Act, 1987

exercise their legal rights against those who would violate them. Lok Adalats also seek to eliminate many of the flaws in the British legal system.

However, the modern form of Lok Adalat emerged as a result of the current court system as a forum for settling civil, criminal, and tax issues, which resulted in huge time waste in determining cases. Litigation attorneys have often been pierced by this unholy trident of delay, cost, and complexity, with the result that the pent-up frustration of those wanting a quick decision responded to them with hope, enthusiasm, and experimentation in "the holding Lok Adalat for resolving the issues for pending litigation ". As a result, the concept of a Lok-Adalat as a specialised arena for fast conflict resolution is now sweeping the country.

Lok Adalat is a viable alternative to the court-based legal system. Lok Adalats are capable of handling a variety of civil and criminal disputes. The definition of Lok Adalat "forum where dispute settlement occurs between parties voluntarily through conciliatory and pervasive efforts ". The "Lok Adalat" is considered an old form of arbitrating system occurring in the initial days of India, and its authenticity is not averted even in contemporary times. The accumulation of cases have overloaded the Courts, and the regular courts determine the cases comprise an extensive, costly, and tiresome process. It takes many years for the Courts to resolve trivial lawsuits. Hence, Lok Adalat offers an alternate solution or formulate for efficient and economic justice.

LOK ADALAT CONCEPT AFTER INDEPENDENCE

After a prolonged battle, on August 15, 1947, India got independence. While restructuring the judicial system, there was a realisation by the Constitution makers that there is a need for reorganisation of the Anglo-Saxon judicial system to make legal assistance effortlessly available to the weak, oppressed and retrogrades in communities.

The Legal Aid Committee established by Gujarat Government suggested that the circumstances necessitated revitalisation and reconstruction of Nyaya Panchayats to have relaxed availability of the lower Courts to the rural residents to deliver inexpensive and swift justice to them in trivial lawsuits.¹⁴ However, in light of the escalating status of resolving the disputes through citizens' involvement at the grass-root stage, the proposals made by

¹⁴ Prabha Bhargava, LokAdalat: Justice at the Doorsteps, 5 (1998)

Balwantrai Mehta Committee (1957) were restated by Ashoka Committee (1978) consenting to suggestions for expanding Nyaya Panchayats provinces.

The contemporary form of Lok Adalat ascended because of the apprehension articulated by the several committees to take recourse of systematising legal assistance for the weaker section of the society and panic caused by the judicial circle on the escalating number of lawsuits waiting from a long time at various stages of the court system.¹⁵ Justice P. N. Bhagwati and Justice Krishna Iyer emphasised the renewal of the unofficial method of dispute resolutions. They mobilised public action groups, civic-spirited peoples, and a division of advocates to experiment resolving the cases outside of Courts.¹⁶ They believed that it must be casual, inexpensive, usually de-professionalised, swift, and impartial to have an efficient system.

INDIAN LEGAL SYSTEM AND LOK ADALAT

The basis of the judiciary system is on equal justice to everyone, as the Indian Constitution under Article 14-18 provides equality rights, which states that there will be parity before the law; there must be no bias based on the cast colour, sex, religion. Moreover, every citizen of India has a right to constitutional remedies under Article 32. The whole Lok Adalat system was established with the goal of advancing justice. Justice has three meanings: social, economic, and political. The capacity to engage in the judicial process is referred to as 'access to justice.' It is that human right, which includes time-consuming considerations, that covers bare court admission. The entire Lok Adalat system demonstrates India's democratic nature. Lok Adalats now have statutory legitimacy, and the idea of Lok Adalats has become a strong legal weapon with the passage of the Legal Service Authority Act in 1987.

As a result, the Lok Adalat approach addresses issues rather than declaring a winner or loser. Many times, justice is delayed due to an overburdening of cases on the judiciary. Regrettably, our judicial system has remained 'alien, having no live interaction with the public.' The entire technique of Lok Adalats conceived and evolved is to argue for justice. Justice has three implications: social, economic, and political. The aforementioned method handles the first two

¹⁵ BAXI, UPENDRA. "ACCESS, DEVELOPMENT AND DISTRIBUTIVE JUSTICE: ACCESS PROBLEMS OF THE 'RURAL' POPULATION." *Journal of the Indian Law Institute*, vol. 18, no. 3, Indian Law Institute, pp. 375-430, 1976, <http://www.jstor.org/stable/43950440>

meanings. They allow the parties to resolve conflicts, but only at the lowest feasible cost and with the parties' permission.

LEGAL SERVICES AUTHORITIES ACT, 1987

With the passage of the Legal Services Act 1987, Lok Adalat was legalized under Article 39A of the Constitution of India. This decree prescribes various measures for the settlement of disputes by Lok Adalat. This is free and entitles the poor to maintain the ability to go to civil courts for economic or other disabilities and organize Lok Adalats to ensure a trial. This is a law that sets up a legal services agency to provide various legal services. The judicial support system is based on equal opportunities. The Legal Services Authorities Act of 1987 has two particular goals: giving legal aid services and convening Lok Adalats to deliver justice to the people's doorsteps. Even before the Act was passed, Lok Adalat's concept gained popular acceptance as People's Courts, as the name suggests. Dispute resolution in the hands of Panchayat Leaders or tribal heads has been popular since ancient times. When the Legal Services Authority granted Lok Adalat statutory recognition, it expressly stated that the award authorised by Lok Adalat on the terms of compromise would have the force of a civil court judgement to implement, since a civil court order is final and binding on the parties.¹⁷ The parties must abide by the award. If the parties are unsatisfied with the Lok Adalat's decision, they have no recourse in any court. The matter will be remanded to the Court that referred it to the Lok Adalat. The proceedings will resume where they left off before the reference to the Lok Adalat.¹⁸

The emergence of the Lok Adalat movement was part of a plan to ease the enormous strain on the Courts with outstanding cases and to relieve litigants who were waiting in line for justice. It comprises a variety of provisions for the resolution of disputes via Lok Adalat.

TYPES OF LOK ADALAT

Here, the discussion of three types of Lok Adalat is present. The first type is National Lok Adalat. National Lok Adalat is held at frequent periods on a specified date all over the nation at all levels starting from the State authority level to the Taluka level. The second type is permanent Lok Adalat. These courts were established under Section 22-B as permanent entities with a chairman and two members to offer a pre-litigation procedure for settling disputes

¹⁷ Section 21(2) of Legal Services Authority Act, 1987

¹⁸ Section 20(5) of Legal Services Authority Act, 1987

pertaining to public utility services such as postal and transportation, electricity and light supply, and insurance services.¹⁹ If the parties do not follow the settlement procedure, the permanent Lok Adalat can rule on the matter. The permanent Lok Adalat's judgement or award is final and binding on all parties. According to India's legal services body, the permanent Lok Adalat has a jurisdiction of no more than 10 lakhs. Mobile Lok Adalat is the third kind. The Mobile Lok Adalat is structured in such a way that the Court travels from one location to another to assist the parties in dispute in reaching an acceptable resolution through this procedure.

LOK ADALAT'S POWER

Under the Civil Procedure Code of 1908, Lok Adalats have the same powers as Civil Courts.²⁰ Aside from that, Lok Adalats have the authority to establish their method for resolving a dispute that comes before them. As a result, no single process binds, and its mode of operation may vary from instance to case

ADVANTAGES OF LOK ADALAT

Lok Adalats have the authority to settle both types of pre-litigation disputes pending before courts. There is no court charge, and any court money funded at the time the matter was instituted would be reimbursed to the interested party if the Lok Adalat settles the issue. The procedure pursued by Lok Adalat is uncomplicated, adaptable, non-specialised and relaxed. Lawyers do not have to appear through the conciliation procedure of Lok Adalat. Lok Adalat offers justice swiftly to the parties, usually when resolving disputes in a day. Hence, it facilitates to lessen the substantial arrears in Courts. The award given by Lok Adalat is binding and decisive. One cannot use the appeals, revisions, or review applications to reverse the decision made by Lok Adalat.²¹ The Lok Adalat settles the case based on compromise and in the spirit of 'give and take'. Thus, there is neither a winner nor a defeated, and both the participants are victors.

CONCLUSION

Considering the above discussion, the conclusion that Lok Adalat provides quick resolution to disputes between the parties, which benefits the Indian legal system, is viable. The immense

¹⁹ Section 22-B of Legal Services Authority Act, 1987

²⁰ Section 21 of Legal Services Authority Act, 1987

²¹ Section 21(2) of Legal Services Authority Act, 1987

development of worldwide trade and postponement in conducting cases in regular courts after independence made it essential to set up an Alternative Dispute Resolution system. Harmonious resolution to disputes is vital for maintaining societal harmony and congruence. Therefore, Lok Adalat becomes a practical part of Indian legal to give speedy chief and accessible justice. Through the Lok Adalat, Indian society gets an extremely sensitised legal service that is effective for the weaker and the downtrodden. Lok Adalats performs a critical part to improve and boost the goal of the Indian Constitution of "equal access to justice".

Hence, Lok Adalats is a ray of hope for the weaker and marginalised section of society. However, it also suffers from certain drawbacks that need to be looked upon and thereby resolved.