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## **FUNCTIONING AND ORGANISATION OF LOK ADALAT: HOW SUCCESSFUL ARE THEY IN INDIA?**

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### **ABSTRACT**

The prime study of this article is to investigate the function and organization of the Lok Adalat and the way successful are they in India. The Lok Adalat has its origin in India and an important alternative dispute resolution mechanism. Hindi literal meaning of the Lok Adalat is Lok – people, Adalat – court, Lok Adalat means people’s court. The object of the Lok Adalat is ‘access justice to all’. This article took a subjective look into the organization of Lok Adalat and challenges in functioning of Lok Adalat and an objective look into emerging virtual Lok Adalat, its effectuality in accessing quick and fair justice to poor and needy people. It addresses some welcome changes within the implementing mechanism to extend its productivity and efficiency.

## 1. INTRODUCTION

The sole purpose of the court is to resolve the dispute fairly and impartially. During this contemporary era, the courts are burdened with pending cases and shortages of judges in the fewest levels of court from lower to higher. The ratio is appallingly low as 12 -13 judges per one million people,<sup>1</sup>so justice is delayed and denied violating the elemental rights.

B.S Patil once noted, 'It is the fundamental right of the citizen to acquire speedy justice, but in India, there are cases for 10 years within the lower court'. In India, 1.3 billion people are below the poverty level,<sup>2</sup>and they're ineffective to afford the court charges, so further cases continue for years to no end in sight. To cut back the burden of court and to access justice for the weaker section at no cost, Lok Adalat emerged as an efficient ADR mechanism.

Lok Adalat - The people's court was evolved for people to access quick and fair justice. Lok Adalat is for the people, of the people, by the people.<sup>3</sup>In this article, we are going to analyse the Lok Adalat's success in India in maintaining peace and harmony.

## 2. EVOLUTION OF LOK ADALAT

*'The future of India lies in its village'*. This famous statement by our father of the nation stands true within the verdict of Lok Adalat. Our forefathers had bestowed us with heritage culture and system, which makes us proud even in this Western era. Many foreigners are inquiring about India for our historical culture. Our nation's villagers followed various well-organized systems to settle the dispute, it was absolutely efficient and that they succeeded in curtailing crimes, making their village a secure, tranquil place to enjoy life with bliss. One of the most efficient systems followed by our ancestors is 'Panchayat', which settles disputes on the principle of natural justice, honesty, and moral character.

The main drawback observed within the Indian legal system is to produce efficient, effective, low-cost quick justice, to settle pending cases. In 1959, Union law minister in parliament quoted

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<sup>1</sup> Government of India, "Report of the committee on reforms of the criminal justice system", (malimath committee) (Ministry of home affairs, March 2003).

<sup>2</sup> Evangelina chapkanovska, "Poorest countries in the world: the extensive 2020 guide", available at <http://Spendmento.com> (last visited on April 12,2021).

<sup>3</sup> Arushi bahkhi," Role of Lok Adalat in dispute settlement", available at <http://.livelaw.in> (last visited on April 12,2021).

“There is not any doubt that the system of justice which is obtained today is just too expensive for the individual. The small disputes must necessarily be decided by a panchayat system called the people’s court. The commoner is assured of a system of judicial administration which might not be too expensive and which might not be too dictatory for him.

Lok Adalat was first advocated and implemented by justice P.N.Bhagwati<sup>4</sup>, former CJI. It’s the system followed within the Ancient Mughal and British periods in different names. Now this idea is rejuvenating and becomes efficient among litigants.

The First Lok Adalat system was held in 1982 within the village of Una, Junargh district, Gujarat. In 1986, Lok Adalat held in Chennai, is followed till this date. Lok Adalat is footed as one of the effective ADR tools in India followed by variant people of India.

### **3. LEGISLATION ON LOK ADALAT**

#### **3.1 LEGAL SERVICE AUTHORITY ACT**

In 1987, the Parliament has enacted the legal service authority act by Article 39 -A of the constitution of India. <sup>5</sup>The main aim of this act is to produce free legal service to the weaker section of society, and it is the right of the citizen to attain justice without being denied, to ensure this right this act had been framed. Justice should not be denied due to economic disability to any citizen, under this act Lok Adalat has been recognised with statutory status and power to dissolve disputes.

To settle a dispute for public utility service<sup>6</sup>, the legal service authority act was amended in 2002 to establish a Permanent Lok Adalat. Under this Act, the Lok Adalat decision is considered as award of a civil court and all parties have to agree on it. Further appeal cannot be addressed for the decision passed by the Lok Adalat and it is final. If a litigant is not happy with the award, if he/she wants to appeal further, they can file a writ and start litigation in advance by filing a case in the appropriate jurisdiction under the lawsuit.

**3.2 NALSA** – The policies and principles of legal service are created by the national legal service authority, a statutory body constituted under the NALSA act 1987. It aims at providing

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<sup>4</sup> Legal service India, “A Brief History of legal aid”, available at <http://www.legalserviceindia.com> (last visited on April 13, 2021).

<sup>5</sup> Legal service authority act, 1987 (ACT 39 of 1987).

<sup>6</sup> M.P. Paridhi Selvan and Dhinesh, “ A study of Lok Adalats in Indian Legal system” 119 International Journal of pure and applied mathematics 305(2018).

legal service, legal aid, and quick justice through Lok Adalat.

#### **4. THE NATURE OF THE CASES REFERRED**

- Any cases pending before the court shall be referred to Lok Adalat if both parties accept it.
- Any cases shall be directly referred to the Lok Adalat, which are not filed in the court.
- Any criminal cases which are compoundable under the law are settled in Lok Adalat.

#### **5. LEVELS OF LOK ADALAT**

##### **5.1 National level**

The National Lok Adalat is organized at regular intervals on one day throughout the country. Altogether, at all levels of courts, from the supreme court to the taluk level court, cases are resolved in enormous numbers. After Feb 2015, the National Lok Adalat is held every month on a particular subject<sup>7</sup>.

##### **5.2 STATE LEVEL**

A member secretary of the state legal service authority organizes Lok Adalat, a bench comprising of a sitting or retired high court judge or sitting or retired judicial officer, any one or both members from a legal professional, a welfare worker working for the betterment of the poor section and inquisitive about the implication of legal service programs.

##### **5.3 HIGH COURT LEVEL**

The High court legal service authority would constitute the bench of Lok Adalat and organise the Lok Adalat.

##### **5.4 DISTRICT LEVEL**

The District legal service authority would constitute the bench of Lok Adalat and organise the Lok Adalat at the district level.

##### **5.5 TALUK LEVEL**

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<sup>7</sup>Moksh Ranawat, “Lok Adalat in India: Apertures to Speedy Justice “ available at <https://blog.ipleaders.in/lokadalat-adr/> ( last visited on April 16,2021.).

The taluk legal service authority would constitute the bench of Lok Adalat and organise the Lok Adalat at the taluk level.

## **6. COMPOSITION OF LOK ADALAT**

### **6.1 PERMANENT LOK ADALAT**

By sec 22-B legal service authority act 1987, the permanent Lok Adalat has been enunciated. The permanent Lok Adalat has been set up permanently, comprising a chairman and a secretary, and 2 members. It deals with the disputes related to the public utility services like telegraph, postal, transport, etc.

#### Abul Hassan and national legal service authority v. Delhi Vidyut Board & Others<sup>8</sup>

The Delhi high court enunciated the concept of framing a permanent Lok Adalat, further added that there are millions of people seeking justice, and it is tough for the court to cope up with overburdened cases with this current infrastructure and manpower. A permanent continuous Lok Adalat should be re-established to scale back the court pendency and also to achieve the objective of the legal service authority act

### **6.2 MOBILE LOK ADALAT**

The mobile Lok Adalat is additionally organized throughout the country which travels from one part to different parts to resolve the dispute in an exceedingly quick note.

## **7. JURISDICTION OF LOK ADALAT**

- Motor Accident case: Because the population is tremendously increasing, the ratio of accidents also peaks at the identical rate, a sizable number of cases settled by Lok Adalat are motor accident cases<sup>9</sup>.
- Matrimonial case: The bench of the Lok Adalat acts as a mediator between the couple, tries to resolve with a fair compromise, but it cannot award divorce, if the parties are willing, then the case will be redirected to court. Lok Adalat helps in taking an early decision in order that they will get divorce easily. In a proper court procedure, it'll be difficult to attain in a very short span.

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<sup>8</sup> AIR 1999 DEL 88.

<sup>9</sup> "Lok Adalat", available at <http://www.drishitias.com>. (last visited on April 17,2021).

- Bank cases: cheque bounce case, education loan case, repayment of the loan is settled quickly.
- Land Acquisition case: land acquired by the company, issuing patta, etc are resolved by Lok Adalat.
- Industrial dispute cases and petty cases.
- compoundable criminal offenses.

## **8. LOK ADALAT SCHEME 2003:**

### **8.1 PROCESS OF ORGANISING LOK ADALAT**

#### **8.1. A SEC 20 of the act**

As soon as a sufficient number of cases are addressed, the Lok Adalat had been persuaded and arranged by the High Court Legal Services Committee Secretary or District Authority chairman or the Taluk Legal services Committee Chairman.<sup>10</sup>

#### **8.1.B Intimation to state authority**

The High Court Legal Services Committee Secretary or District Authority chairman or the Taluk Legal services Committee Chairman need to send a proposal to arrange Lok Adalat to the state authority before the date on which it is going to be organized and attach the subsequent information to the state authority:

- The date and place of the Lok Adalat was going to be held.
- Types, number and nature of cases, viz. Pending or pre-litigation cases or both.
- Other information regarding organising the Lok Adalat

#### **8.1.C NOTICE TO PARTIES**

The High Court Legal Services Committee Secretary or District Authority chairman or the Taluk Legal services Committee Chairman should inform the litigant about the place where Lok Adalat is going to be organised.

### **8.2 SUBMISSION AND MAINTAINING RECORDS**

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<sup>10</sup> C.G Rajputra pt, “Lok Adalat scheme 2003” (S.L.S.A 2003).

(1) Under Section 20 of the Act, The High Court Legal Services Committee Secretary or District Authority chairman or the Taluk Legal services Committee Chairman may ask for the judicial records of these pending cases from the concerned Courts which are referred to the Lok Adalat.

(2) At the pre-litigation state, if the case is addressed to the Lok Adalat, the report of parties shall be obtained by the organising Committee.

(3) The organising Committee is responsible for the secure custody of the records from the time they received them till they return them to the court.

(4) The judicial records should be returned with no lapse of time after the session of Lok Adalat with enclosure of the results of the proceedings.

### **8.3 DUTIES TO THE LOK ADALAT COMMITTEE**

The High Court Legal Services Committee Secretary or District Authority chairman or the Taluk Legal services Committee Chairman must assign the case and make a cause list to the Lok Adalat bench.<sup>11</sup>

The bench should attain the settlement in cases without any misrepresentation, duress, and influence.

### **8.4 SETTLEMENT AT LOK ADALAT**

- The bench comprising the Lok Adalat duly sign the end settlement/order. The original order is kept in the judicial record and a replica was given to every party certified to be true by the Lok Adalat bench.
- Local court language employed in every order of the Lok Adalat.
- Signatures or thumb impressions of the parties to be placed on the order copy of the Lok Adalat.
- At the end of the session the High Court Legal Services Committee, the Secretary or District Authority chairman, or the Taluk Legal Services Committee Chairman will consolidate the result in proforma and submit it to the State Authority.

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<sup>11</sup> The bench comprises of a Presiding officer/chairman - Retired or sitting judge of the high court or judicial officer, a member – the legal professional, a social worker.

The conveyance allowance fixed by Parton in chief is given as remuneration for the officers in the bench of Lok Adalat.

### **8.5 BUDGET, FUNDING, AND MAINTENANCE OF ACCOUNT**

For conducting Lok Adalat, the High Court and the District Court Legal Services Committee shall submit the budget proposal to the State Authority and the Taluk Legal Services Committee shall also submit proposals to the District Authority of the financial year on basis of the Lok Adalat Scheme. Expenditure and Accounts to be maintained by the concerned taluk and district authority and submit records to the state.

On request, the grant will be released from the state legal service committee authority.

### **8.6 PROFORMA**

#### **For Disposal of cases in Lok Adalat**

SL.NO	NAME OF PLACE	DATE OF HOLDING ADALAT	No. OF CASES DISPOSED		
			CIVIL	CLAIMS	CRIMINAL
1	2	3	4	5	6
TOTAL					

### **9. POWERS OF LOK ADALAT:**

- Under CPC 1908, civil court<sup>12</sup> power has been awarded to Lok Adalat.

<sup>12</sup> Akshaya k, "origin and powers of Lok Adalat" available at <https://viamediationcentre.org>. (last visited on April 20 2021)

- Power to summon witness's attendance.
- Power to impose document production.
- Power to receive evidence and affidavit.
- Power to request any public records or document copy from the referred court.
- Lok Adalat has the power to have its procedure for the determination of the dispute, it is not bound to any code, it shall be deemed to work on the law of natural justice to settle the dispute.

## 10. LIMITATION TO LOK ADALAT

Lok Adalat cannot overpower themselves, in the State of Punjab and another v. Jalour Singh and others,<sup>13</sup> apex court clearly stated that the Lok Adalat has the power to act as the role of conciliators. It should not hear the parties as the court does.

## 11. EFFICIENCY IN INDIA

Lok Adalat is undoubtedly progressed as one of the efficient ADR in India, many numbers of cases are resolved, amounts are settled efficiently, instead of concentrating the speedy justice it should target on fair justice.

In Bihar, apart from the common Lok Adalat, mobile Lok Adalat is employed effectively. This mechanism is well appreciated and successful in settling a dispute.

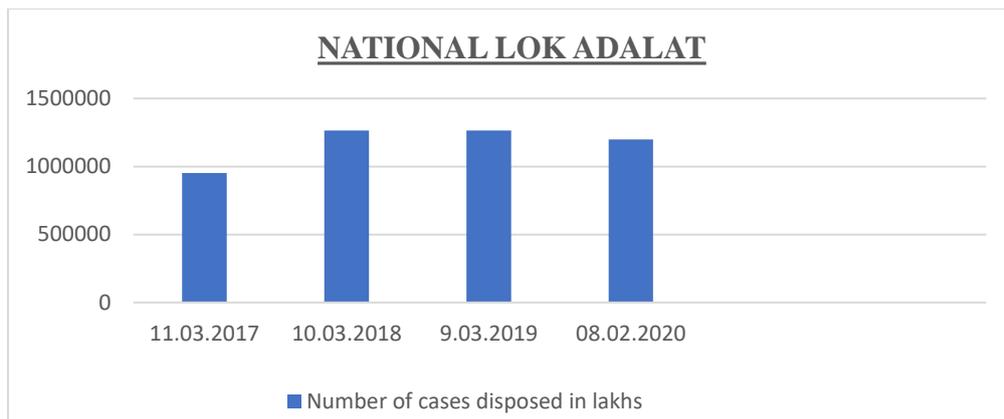
In Odisha, an alternate Lok Adalat was conducted to the nook and corner of the state where no court is in function. This procedure helped the poor parties to access justice in their village. This system of methods has got to be followed by the other states to attain betterment within the society satisfying the true moto of Lok Adalat.

In Jharkhand, regular Lok Adalat is conducted on the 4th Saturday of each month irrespective of the national Lok Adalat. The schedule of Lok Adalat must be planned before the session to increase its efficiency. NALSA report says until 2015, 8.25 crore <sup>14</sup>cases had been settled by Lok Adalat. Here the graph shows the number of resolved cases in the National Lok Adalat for the last 4 years.

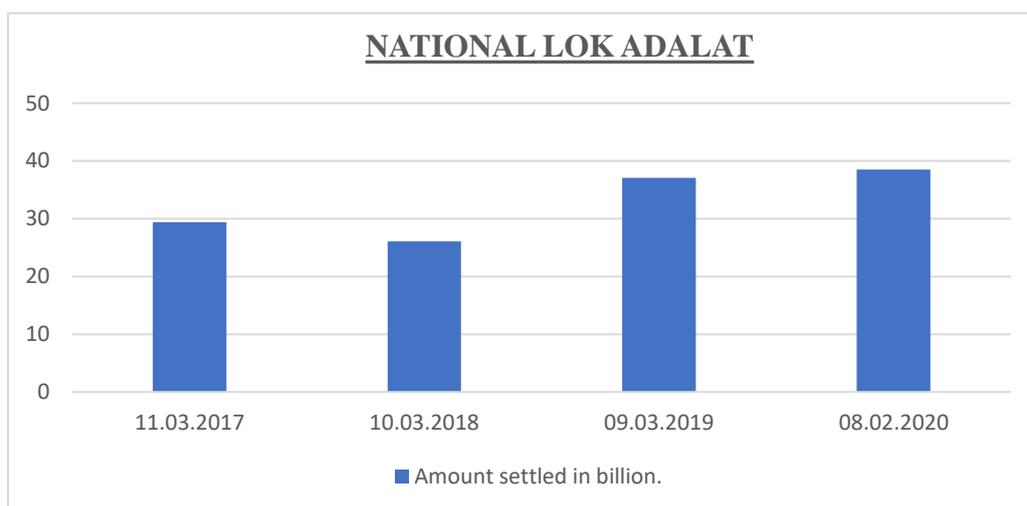
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<sup>13</sup> AIR 2008 SC 1209

<sup>14</sup> Government of India "National Lok Adalat" (NATIONAL LEGAL SERVICE AUTHORITY ) available at <https://nalsa.gov.in>. (last visited on April 20,2021).



- NUMBER OF CASES DISPOSED OF IN THE NATIONAL LOK ADALAT.



- AMOUNT SETTLED IN NATIONAL LOK ADALAT.

### 11.1 SAMA ONLINE LOK ADALAT

Sama, recognized as online dispute resolution provides technical support to online Lok Adalat, under state legal service authority by NLSA regulation,2009<sup>15</sup>. Since 2015 SAMA is employed for

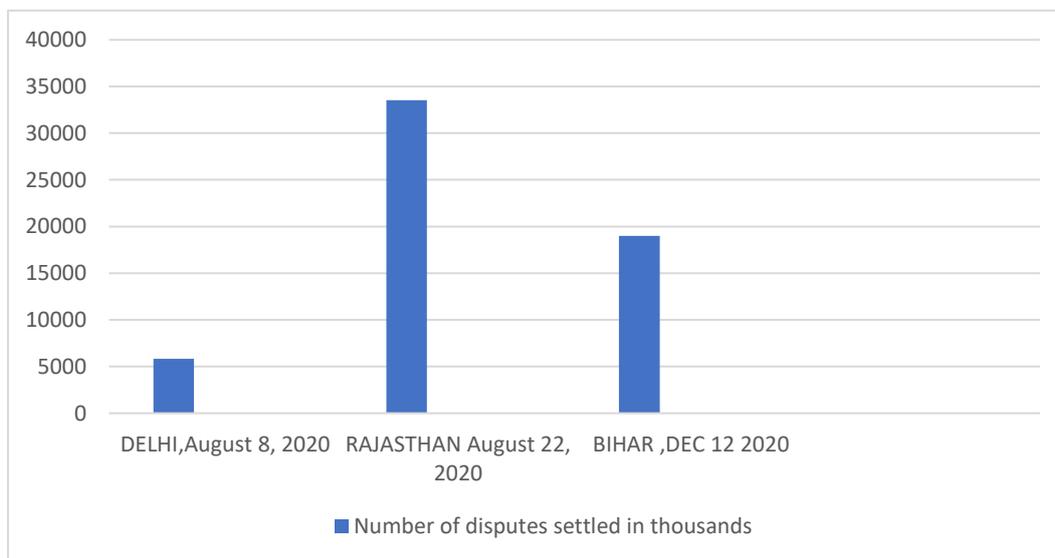
- Send notice to the litigant through WhatsApp/ SMS/ email.
- Support video conferencing for pre counseling online Lok Adalat session
- Support E-signature.

<sup>15</sup> ODRWAYS SOLUTION PRIVATE LIMITED, “online Lok Adalat” available at <https://www.sama.live>. (last visited on April 21,2021).

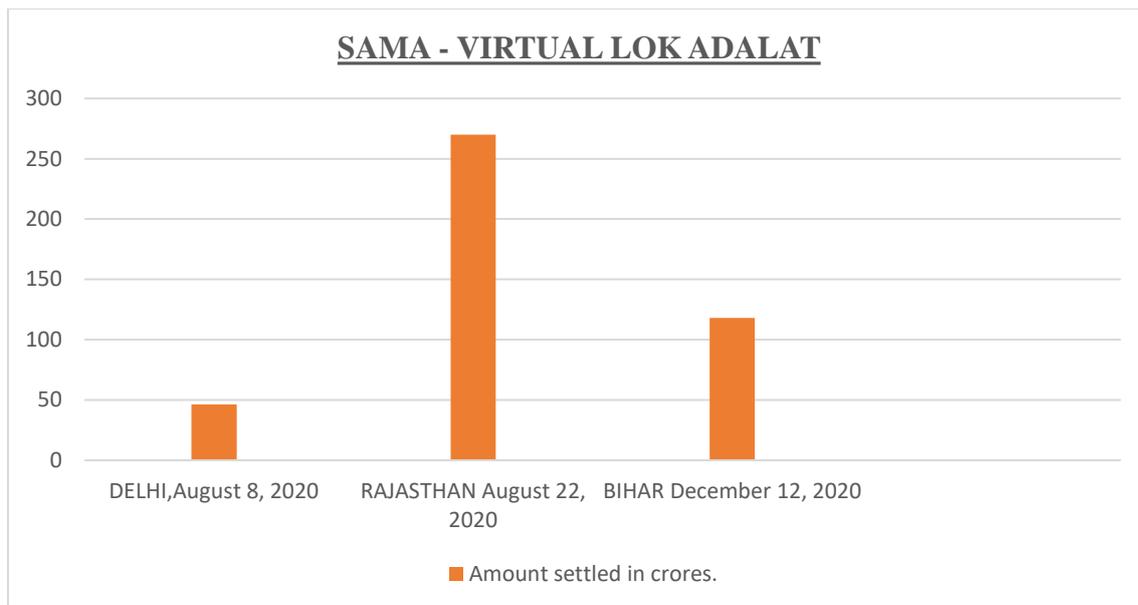
- Provide assistance to counselors by the sama case manager appointed by the state legal service authority.
- It compiles a report of disputes solved, and total no. of cases, the amount settled.

In 2017, the Ministry of Law and Justice, Government of India, issued an Online Dispute Resolution (ODR) notification to government departments to make use of the online platform (ODR) effectively for solving pending cases across the nation.

Due to the covid 19 pandemic, virtual Lok Adalat is conducted in courts through video conferencing and e signature, it is more efficient than expected, the graph shows the growth of SAMA.



- SAMA VIRTUAL LOK ADALAT- NUMBER OF CASES DISPOSED OF.



- AMOUNT SETTLED.

## 11.2 MERITS

### 11.2.a No court fee

The main objective of Lok Adalat is ‘access justice to all’, justice mustn’t be denied because of their economic instability, to nurture it no fees are collected for the cases settled in Lok Adalat, and also the court fee will be refunded if the case is filed in regular court.

### 11.2.b NO PROCEDURAL LAW

No firm application of procedural law is followed by Lok Adalat, it has its sole power to choose its procedure of dispersal to accumulate fair justice.

### 11.2.c REDUCE COURT’S BURDEN

As the number of crimes is increasing cases also rise upstream, Lok Adalat reduces the courts' burden<sup>16</sup>, resolving the pending cases, and also no further appeal is binding on both the litigants.

Cases can be directly referred to a Lok Adalat and Litigants can interact directly with Judges,

<sup>16</sup> Oyshee Gupta and Suhass Arora, “Lok Adalats” available at <https://www.lawoctopus.com>. (last visited on April 21, 2021).

it's unfeasible within the regular mode of court.<sup>17</sup>

Disposal is effective, fast less cumbersome, efficient.

It helps in maintaining peace and harmony.

## **12. CHALLENGES IN LOK ADALAT FOR EFFECTIVE FUNCTIONING**

About 90 % of cases placed in Lok Adalat are between non-living and living people mainly motor vehicle cases, bank, telephone bill, etc. and these cases were settled prior and kept in Lok Adalat for statistical settlement of disposal of cases.

Retired or sitting judge act as a presiding officer in Lok Adalat, playing a passive role as he was in court, but here must act as a conciliator.

Non-cooperation of advocates in case disposal, Nonservice of notice of Lok Adalat in time. Dissatisfaction prevails among people on the conduct of judges and lawyers in Lok Adalat.

Steps have to be taken for fair procedure and conduct of authorities towards the public.

## **13. REFORMS NEEDED**

### **13.1 AWARENESS**

Awareness should be created about Lok Adalat's functions. Laymen are don't seem to be even conscious of Lok Adalat's existence. Government needs to take necessary steps to succeed in this effective ADR mechanism to all or any.

### **13.2 USING DIGITAL PLATFORM EFFICIENTLY**

As the future is with digitalization, the Lok Adalat session has got to be published through social media, digital platforms, and posters. As virtual Lok Adalat is emerging, it lays footing for several people to easily access fair and quick justice.

### **13.3 LIMITATION TO CRIMINAL OFFENCE**

Lok Adalat has to be converted to a jurisdiction, regular dispute settling method instead of

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<sup>17</sup> Delhi legal service authority, "what are the special features of Lok Adalat? available at <https://dsla.org>. (last visited on April 22,2021).

alternate dispute resolution. Its limited power regarding criminal offenses has to be reviewed to spread its power widely.

### **13.4 EMPLOYMENT**

As unemployment is that the biggest problem in India, separate employment should be created for Lok Adalat on a temporary or permanent basis to increase its efficiency. As far now separate entity/officers for Lok Adalat at every level (district, taluk, village) has not been created, already appointed government officials are engaged in organising the people's court. Framing an independent entity at all levels will create employment opportunities and also increase its productivity.

Lok Adalat has got to be held in every village administrative accommodates of 4 to 5 villages, in order that it reaches nook and corner of country satisfying Art 14 equality before the law. For instance, the VAO office will be administrated to conduct Lok Adalat.

### **13.5 ENSURING PARTICIPATION OF YOUNG GENERATION:**

Government has got to make sure the participation of Youth in Lok Adalat, as India has an abundant number of youths, it lays the foundation for the socio-political involvement of evolving generation.

### **13.6 LOK ADALAT FOR WOMEN'S**

The crime against women has been prodigiously burgeoning, Lok Adalat has got to be adopted separately for women grievance disbursement to ensure the protection and safety of women in India, it will help India to wither from the list of the dangerous countries for women in the world.

## **14. CONCLUSION**

Lok Adalat has played an important part in the Indian legal system for the past 38 years. It had been performed efficiently to bring justice to the poor. Unequivocally, Lok Adalat has won in gaining trust from people over the Indian legal system diminishing the dissatisfaction. 'Justice delayed is justice denied' if Lok Adalat is reviewed for true access to justice and reforms are implemented, Lok Adalat will become a robust Indian contribution to the world jurisprudence.