
CHALLENGES IN THE IMPLEMENTATION OF LOK ADALAT AWARD

Priyanka Gupta, Gautam Buddha University, Greater Noida

Anshumankar Dubey, Gautam Buddha University, Greater Noida

Introduction

Excessive pending litigation, complex litigation procedures, cost of litigation, and delays in administration of justice have long plagued the Indian judiciary. While the traditional Model of “Adversarial Legal Process” is an integral part of the dispute adjudication process it is not readily available for individuals on the economic margins because of financial and procedural obstacles. But in order to face these challenges the idea of Alternative Dispute Resolution (ADR) became a significant tool to secure prompt, cheap and efficient delivery of justice. Lok Adalat occupies a special place amongst the various ADR in India by rendering a unique recognition, informal recognition, and by focusing on a consensual settlement.

Article 39A was incorporated in Part IV of Indian Constitution by 42nd Amendment Act 1976 which provides that the State shall secure that the operation of the legal system promotes justice, on a basis of equal opportunity, and shall provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities.¹The Lok Adalats were envisioned as an avenue for resolving conflicts through conciliation and compromise, thereby avoiding the lengthy and disruptive nature of litigation. It operates according to the Gandhian principles of amicable resolution of conflicts between parties. Lok Adalats are legally established in the statute, the Legal Services Authorities Act, 1987, which puts Lok Adalats in the permanent framework of legal dispute settlement.²

Lok Adalat Award is conclusive for all the parties to the dispute and is enforceable under the very same procedure as a decree of a civil court and no appeal against the same is possible before any court of law. The intent of conferring finality upon the award of Lok Adalats is to facilitate quick disposal of disputes and minimize unnecessary litigation. This legal status

¹ INDIA CONST. art. 39A.

² Legal Services Authorities Act, 1987, No. 39 of 1987, § 19 (India).

makes Lok Adalats different from that of the normal conciliatory and makes Lok Adalats more credible in the justice delivery system.³

Lok Adalats are indeed playing an important role in motor accident cases, matrimonial cases, dishonor of cheque, labour cases, bank recovery cases, supply of public utility services and pending civil litigations over the years. The scale of the Lok Adalats launched nationwide has yielded satisfaction by settling millions of cases and thereby abated judicial backlog and access to justice.⁴ The success, popularity and widespread adoption of the Lok Adalats shows faith in informal, inexpensive justice resolution. Moreover, Permanent Lok Adalats, in pursuance of Chapter VI-A of Legal Services Authorities' Act, have enlarged the ambit of ADR to cover matters concerning public utility services.⁵

Statement of Research Problem

Although Lok Adalats have received statutory recognition and have achieved some success in practice, serious doubts still remain as to the implementation of the awards and enforcing them. Such awards have the effect of court orders issued by the civil courts, but may not be enforced if party compliance is not forthcoming. Parties in many cases default or simply don't abide by provisions of the settlement after the award is issued which pose hurdles for implementation. For insurance companies, governmental departments, financial institutions, and matrimonial settlements, to name a few examples, the problem becomes particularly significant as delays in achieving compliance are often reported.⁶

A second big problem has to do with uncertain procedures in execution proceedings. As per the Legal Services Authorities Act, all Lok Adalat awards are presumed to be executable like civil court awards but it gives no elaborate procedure to execute or enforce an award. Often parties, therefore, have no choice but to engage civil courts to initiate execution proceedings thereby undermining the goal of swift delivery of justice. Questions also come up of jurisdiction for executing courts, limitation periods, and remedies available in cases of settlements secured through fraud, threats, coercion or misrepresentation.

³ N.R. Madhava Menon, *Legal Aid and Lok Adalats in India* 78 (Deep & Deep Publications, New Delhi, 2003).

⁴ National Legal Services Authority, Annual Report 2023–24, available at NALSA Official Website

⁵ Legal Services Authorities Act, 1987, No. 39 of 1987, §§ 22A–22E (India).

⁶ P.M. Bakshi, *Alternative Dispute Resolution: The Indian Perspective* 112 (Universal Law Publishing, New Delhi, 2018).

Having no appeal against Lok Adalat awards is another controversial point to the implementation. However, Lok Adalat awards being compromising in nature, negates any appeal to take place in order to ensure the finality of the award and rule out any further litigation. But in some situations, High Courts are gets high number of petitions against these awards on the ground of absence of consent, procedural irregularity or contravention of the principles of natural justice, leading to a tension between the concepts of finality and fairness.⁷ Judge has thus been asked to assess the requirement of speedy implementation and protection from arbitrary and unfair settlements.

The implementation of Lok Adalat awards also remains weak due to practical and administrative difficulties. Limited awareness on the binding force of awards, flawed monitoring systems, trained conciliators lacking and slow compliance with awards process create a problem on effective enforcement. Parties might lack legal awareness to launch execution proceedings if compliance is not observed in rural areas or in areas where parties are not financially strong. Also, the follow-up process by the law service authorities is not well established, and therefore, often time's settlements never get realized in time.⁸

Accordingly, the research problem focuses on the study of the legal and institutional framework in force to govern the Lok Adalat Awards and whether the prevailing framework is sufficient to guarantee the effective implementation and enforcement of the awards. The study aims to examine the practical problems arising with regard to the execution of Lok Adalat awards, judicial interpretation discussing enforceability of Lok Adalat awards and reform measures to ensure that the mechanism of execution is made more powerful and effective, without destroying the conciliatory and informal nature of Lok Adalats. The importance of the issue comes in the role that Lok Adalats play as an ADR mechanism as the success of the Lok Adalats can be considered to start with the effective implementation of the awards passed by Lok Adalats themselves and not just with the certainty of settlement.

Literature Review

Some scholars, jurists and researchers have considered the effectiveness and function of Lok Adalats in the justice system of India. Participatory justice which is based on Gandhian principles of conciliation and compromise is explained by M.P. Jain. He stresses the need for

⁷ State of Punjab v. Jalour Singh, (2008) 2 S.C.C. 660 (India).

⁸ M.P. Jain, *The Code of Civil Procedure* 521 (LexisNexis, Gurugram, 7th ed. 2022).

enforceability of awards as a precondition for giving credibility to the institution.⁹

Justice P.N. Bhagwati was a great votary of Lok Adalats as a device of social justice and legal aid. He emphasizes the significance of informal dispute resolution in minimizing the procedural obstacles faced by weaker sections of society in his articles.¹⁰

A research conducted by the National Legal Services Authority (NALSA) reveals that millions of cases, including those involving motor accidents matters, dishonor of cheque, marital disputes, and bank recovery, have been resolved by Lok Adalats.¹¹

However, the same studies highlight practical problems such as delay in compliance by the parties and public authorities.

Further, Lok Adalat Awards are treated as the award of the civil court and hence, the execution proceeding are also governed by the rules of civil court. In some cases where the consent is genuine and voluntary, the questions of appeal have been raised by the scholars.¹²

A comparative analysis of the working of ADR mechanisms indicates that the Lok Adalat system of India is unique as it has been statutorily established and has a network of Institutions across the Nation. Still the success of Lok Adalat awards is subject to many skeptics who resort to voluntary acceptance, speedy administration and effective implementation process. Therefore, the existing literature acknowledges the strengths of Lok Adalats and a field that has been left unaddressed is the uniformity of implementation and the post-award enforcement procedures.¹³

Objectives of the Study

1. To investigate the legal framework with regard to implementation of Lok Adalat awards.
2. To do a study on enforcement and execution procedure of Lok Adalat awards.

⁹ M.P. Jain, *Indian Constitutional Law* 98 (LexisNexis, Gurugram, 8th ed. 2018).

¹⁰ P.N. Bhagwati, *Legal Aid as a Human Right* 15 (Indian Law Institute, New Delhi, 1985)

¹¹ National Legal Services Authority, *Annual Report 2023–24*, available at NALSA Official Website

¹² Legal Services Authorities Act, 1987, No. 39 of 1987, § 21 (India).

¹³ *State of Punjab v. Jalour Singh*, (2008) 2 S.C.C. 660 (India).

3. To study judicial interpretations relating to implementation of awards.
4. To find out practical difficulties in the implementation of Lok Adalat settlements.
5. To make recommendations regarding improvement of implementation and compliance mechanisms.

Research Questions

1. Under the law of India, what is the fate of awards given by Lok Adalats?
2. What is being done to implement Lok Adalat awards in practice?
3. What are some of the problems in the implementation of Lok Adalat judgements?
4. Whether the lack of an appellate procedure impacts fairly upon implementation?
5. What are the correct changes needed to enhance the implementation of Lok Adalat awards?

RESEARCH METHODOLOGY

The study is doctrinal and analytical. This is an attempt to look at Lok Adalat awards in India and its implementation and enforcement using the primary tool of qualitative research. Firstly, the study uses secondary data to analyze the legal framework, the judicial interpretation and practical difficulties of Lok Adalats.

Statutory provisions like Legal Services Authorities Act, 1987, Relevant Constitutional provisions, Judgeships of the Supreme Court and various High Courts, Reports issued by National Legal Services Authority (NALSA) represent the primary resources. These sources enable us to get the understanding of the legal status, enforceability of Lok Adalat awards and its execution process.

Books, legal commentaries, journal articles and research papers, reports and online legal databases on the topic of alternative dispute resolution (ADR), legal aid and Lok Adalats are secondary sources. Moreover, the research follows an analytical path to analyze on the one

hand existing procedural mechanisms and on the other hand to discover the practical difficulties in the implementation of awards.

Finally, a case law analytical method is deployed to focus on key judicial pronouncements on the validity, execution and judicial review of Lok Adalat awards. Otherwise where this is relevant to the understanding of best practices in the field of enforcement and compliance, comparative information on other jurisdictions' ADR systems has also been taken into account.

The aim of the methodology is to gather a complete picture of the system and come up with recommendations on its enhancement for effective implementation and optimum enforcement of Lok Adalat awards.

Legal Framework Governing Lok Adalat Awards

The Lok Adalats in India have been dealt with mostly in the Legal Services Authority Act, 1987. The Act, which came into force from sections 19 to 22, was enacted with the aim of providing access to justice and easing the burden on conventional courts through settlement based dispute resolution mechanisms. Lok Adalats are meant to deliver speedy, cheap and amicable resolution of conflicts and have been constituted as a salient feature of the Alternative Dispute Resolution (ADR) system.¹⁴

The Lok Adalats established under Section 19 hold periodically and have the power to hear class of pending cases before the court or pre-litigation dispute where conciliation/compromises are possible. This Lok Adalats' jurisdiction covers civil matters, marriage cases, petty criminal cases that can be compounded, motor accidents pending before trial courts, labor issues, bank recovery cases, and public utility issues.¹⁵

There is an important implementation and enforceability section in the Act, namely Section 21. It further makes it clear that an award passed by a Lok Adalat shall be considered as a civil court decree, and shall be final and binding on all parties to the dispute. This award shall not be questioned in any court of law. This legal Jurisdiction makes a conciliation settlement enforceable and provides its legitimacy as not a common private settlement.¹⁶

¹⁴ Avtar Singh, Introduction to Alternative Dispute Resolution 52 (Eastern Book Company, Lucknow, 3d ed. 2021).

¹⁵ N.R. Madhava Menon, Legal Aid and Justice for the Poor 74 (Deep & Deep Publications, New Delhi, 1992).

¹⁶ S.N. Jain, Lok Adalat and Judicial Reforms in India 118 (Regal Publications, New Delhi, 2017).

The need for providing finality to the Lok Adalat awards was to expedite settling the disputes without protracted litigation. An award of Lok Adalat has the same effect as a decree of a civil court; hence, execution proceedings can be taken before competent courts against non-compliance of the settlement obligations.¹⁷ This helps to prevent parties from taking a lax approach to the obligations recorded in the Lok Adalat by arguing that it is a conciliatory forum and not a civil court.

Lok Adalats thus serve as mechanisms for social justice, which minimizes procedural complexities, costs of litigation and delays in ordinary judicial process for the economically weaker people. These also embody Gandhian values of compromise, cooperation and peaceful resolution of conflict.¹⁸

The judiciary's continuous efforts have underscored the significance of Lok Adalats in fortifying access to justice. In *State of Punjab v. Jalour Singh*¹⁹, the Supreme Court stated that Lok Adalats do not decide issues on merits but only enable the parties to reach a compromise and conciliation. The Court also emphasized that the awards made by Lok Adalats are only binding on consent of the parties. The statutory framework therefore aims at a combination of swiftness in the settlement of the dispute and fairness to the parties involved as well as voluntary co-operation.

Lok Adalat awards and their enforceability

Lok Adalats are unique institutions in the Indian law system as they have a combination of the elements of conciliation and statutory enforceability. The main idea behind Lok Adalats is to enable the amicable resolution of disputes in an informal, quick and cheap way through the mutual consent of the parties involved in conflict with the aim of relieving the burden of regular courts.

As per Section 21 of the Legal Services Authorities Act, 1987 the awards given by Lok Adalat are final and binding on all the parties involved in the dispute and no appeal is filed against the awards before any court of law. With this statutory recognition it gives legal sanctity and enforceability to Lok Adalats' settlements. This provision is in keeping with the legislative

¹⁷ M.P. Jain, *The Code of Civil Procedure 521* (LexisNexis, Gurugram, 7th ed. 2022).

¹⁸ P.N. Bhagwati, *Legal Aid as a Human Right 18* (Indian Law Institute, New Delhi, 1985).

¹⁹ *State of Punjab v. Jalour Singh* AIR 2008 SUPREME COURT 1209,

desire to foster certainty of agreements and avoid unnecessary, protracted litigation following compromise.²⁰

Lok Adalat awards are unique for introducing Consent of Parties as the source to obtain the validation of awards. However, one has to find out the presence of the free and genuine consent as a prerequisite for validity of the award since the job of Lok Adalat is not to decide the dispute on its merits but through conciliation and persuasion. Validity of the award can be challenged in the Constitutional Courts under Article 226 and 227 of the Constitution of India, if the settlement was secured through fraud, coercion, misrepresentation or undue influence.²¹

One important aspect that has contributed to the increasing significance of Lok Adalats in the Indian state machinery is that the awards made by Lok Adalats are prone to be enforced. The award considered to be decree of the civil court, can be executed even in the event of failure on the part of the parties to perform the obligations, freely accepted before the Lok Adalat.²² This means that even if a dispute has been resolved outside the normal adjudicatory process the obligations freely accepted before the Lok Adalat can be made the subject of execution proceedings before competent civil courts.

It is said that Lok Adalat awards are most effective where there is a need for quick settlement like motor accidents compensation, matrimonial disputes, cheque dishonor cases, labor disputes and bank recovery cases, in the interests of parties, due to consensus and understanding.⁷ Yet obstacles remain as parties continue to resist execution of the award, requiring execution to be taken through the regular courts.

The judiciary has given clear pronouncements that the awards made by Lok Adalats are legally binding and obeyable. Such rulings ongoing the principle, that enforceability requires lawful and voluntary consent, as in *P.T. Thomas v. Thomas Job*, the Supreme Court had clarified that the award of Lok Adalat is considered to be equivalent to the decree issued by a civil court, and hence could be executed in a similar manner.²³ As in the case of *State of Punjab v. Jalour Singh*, the Supreme Court had clarified that Lok Adalats had no adjudicatory role, and could

²⁰ S.N. Jain, *Lok Adalat and Judicial Reforms in India* 122 (Regal Publications, New Delhi, 2017).

²¹ N.R. Madhava Menon, *Legal Aid and Justice for the Poor* 79 (Deep & Deep Publications, New Delhi, 1992).

²² M.P. Jain, *The Code of Civil Procedure* 528 (LexisNexis, Gurugram, 7th ed. 2022).

²³ *P.T. Thomas v. Thomas Job*, (2005) 6 S.C.C. 478 (India).

only pass awards through the medium of an agreement/compromise between the parties.²⁴

Even though Lok Adalat awards are enforceable by statute, a few issues militate against their enforcement. However, the award made by Lok Adalat is legally valid under the Legal Services Authorities Act, which serves as a precedent for promoting accessible and participatory justice in India. Some litigants experience procedural challenges regarding how to execute the award, compliance delays by public authorities and lack of an elaborate mechanism of execution.

Challenges in Implementation of Lok Adalat Awards

Even though the Lok Adalats have been statutorily recognized and are gaining in popularity, there are also some practical and legal issues that are hampering the effective implementation of Lok Adalat Awards in India. While such awards are referred to as decrees of civil courts under the Legal Services Authorities Act, 1987, the difficulties in enforcing these decrees often make the system less efficient; the success of Lok Adalats does not really lie with the settlement of cases but with compliance time-bound by the parties concerned with the terms of the settlement.²⁵

(a) Not carrying out voluntary compliance: One of the most important issues in the implementation issue is that after settlements, the parties did not adhere to the decisions on a voluntary basis. Many times parties compromise before Lok Adalats so as to sidestep long litigation, court costs, procedures etc. and then violate the pledges of the settlement given before the Lok Adalats, especially in monetary cases such as compensation, loan recovery and matrimonial settlement cases.² If the parties still do not comply after the making of the award, the Award is to be enforced by starting court proceedings in civil courts - the result is the throw away of the concept of speedy and inexpensive justice.²⁶

(b) Procedural Ambiguity: Another major problem has to do with the procedural uncertainties with respect to the execution and enforcement of Lok Adalat awards. Under the Legal Services Authorities Act, such awards are stated to be executable as decrees of civil courts, but a complex mechanism is not priced out in the Act. The enforcement of such awards often raises issues of competent executing forum, limitation periods, territorial jurisdiction and procedure

²⁴ State of Punjab v. Jalour Singh, (2008) 2 S.C.C. 660 (India).

²⁵ Legal Services Authorities Act, 1987, No. 39 of 1987, § 21 (India).

²⁶ M.P. Jain, The Code of Civil Procedure 533 (LexisNexis, Gurugram, 7th ed. 2022).

for execution. Such vagueness frequently leads to uncertainties and delays and thus makes it hard for litigants to obtain effective implementation.

(c) No appeal is allowed: This is intended to prevent delays in settling a case and to make the proceedings final, which is good for speedy resolution of the cases but sometimes if the settlement were coerced, unfair, fraudulent or unduly influenced, then the obiter dictum may cause difficulties.²⁷ As Lok Adalats machinery works on the principle of compromise, lack of real consent can impact upon the validity of award itself. Therefore the lack of a more developed appeal procedure is an issue in implementation which has received criticism.

(d) Governmental Delays: Implementation issues are clearly seen where there are government departments, public authorities, insurance companies, and financial institutions. Compensation is sometimes not paid or the compensation settlement is not followed up after the Lok Adalat passes the settlement order, for example release of compensation amounts in the cases of Motor Accident Compensation is sometime delayed even after the Lok Adalat passes the settlement order. Delaying the Lok Adalats' effectiveness erodes public trust in their ability to deliver speedy justice.²⁸

(e) Limited Awareness: Another significant hurdle is lack of fear of law among litigants and consequently unsuccessful implementation of Lok Adalat awards. There is lack of awareness about the binding nature and enforceability of the Lok Adalat awards similar to the legal consequences of the decrees passed by the civil court especially regarding compliance and execution by many parties and particularly by rural and economically weaker sections of the society. Parties also do not encourage parties to seek enforcement when facing non-compliance due to lack of awareness of the remedies in existence.

Thus, despite the positive stride towards decongesting the judiciary, and settlement of cases through Lok Adalats with friendly and consensual approaches, the Lok Adalat institution still requires better enforcement mechanism, clarity of procedure, efficient administration and better awareness of the binding nature of Lok Adalat awards among the general public.

Role of Permanent Lok Adalats

The Permanent Lok Adalats are a part of the Alternative Dispute Resolution (ADR) regime of

²⁷ Legal Services Authorities Act, 1987, No. 39 of 1987, § 21(2) (India).

²⁸ National Legal Services Authority, Annual Report 2023–24, available at NALSA Official Website

India. They were introduced under Chapter VI-A of the Legal Services Authorities Act, 1987, with the intention to have a special forum to settle disputes arising in the context of public utility services.²⁹ The nature of the Permanent Lok Adalats is not of ordinary Lok Adalats wherein disputes are settled based on compromise- conciliation, but have limited adjudicatory powers and can decide on merits if the participants fail to reach a compromise- conciliation.

To ensure quick disposal and cheap recovery of disputes related to essential services like transport, postal and telegraph service, electricity supply, water supply, sanitation, insurance and other services notified by the Government in public interest, the Permanent Lok Adalats have been established under Section 22A of the Act. They are a product of the legislature's desire to improve access to justice on issues of public welfare and essential services.

The procedure of the Permanent Lok Adalats is different from the ordinary courts as well as from the traditional Lok Adalats. Unlike ordinary Lok Adalats which are incapable of resolving matters if there is no compromise or conciliation between the parties, Permanent Lok Adalats have an adjudicatory power to settle a dispute if conciliation fails provided the matter does not pertain to a non-compoundable offence.

Awards given by the Permanent Lok Adalats has comparatively higher acceptability and enforceability since the awards are not reliant on voluntary settlement. This helps to limit the likelihood of non-compliance and increases the power of settlement in public utility matters, as these institutions have adjudicatory power: parties are thus legally bound to abide by a decision even if a settlement is not reached.

They are not only certain to ensure speedy conflict resolution, which affects common people, but have also acted as snowball to reduce the burden on the civil courts in handling the claims arising from insurance, electricity bill disputes among others.³⁰ Finally, the simplified process followed by Permanent Lok Adalats removes technical and procedural hurdles in regular courts, which are one of the reasons for delays in regular courts.

Supreme Court has issued observation on the significance of Permanent Lok Adalats for enhancing the ADR system in India. The Court found in *Bar Council of India v. Union of India* that the constitutionality of Permanent Lok Adalats is sustainable and such adjudicatory powers

²⁹ Legal Services Authorities Act, 1987, No. 39 of 1987, § 22A (India).

³⁰ National Legal Services Authority, Annual Report 2023–24

are in line with the basic objective of speedy and cheap justice.³¹ The Court noted the significant role of Lok Adalats in alleviating judicial backlog and access to justice.

In short, Permanent Lok Adalats are a mixed ADR model that is a combination of conciliation and limited adjudication. They also have greater powers and are a more effective and legally binding mechanism for enforcing awards, which also boosts public trust for alternative means of dispute resolution. Hence they are good tools to ensure social justice and prompt resolution of disputes on the use of public utility services.

Important case laws

State of Punjab v. Jalour Singh, (2008) 2 S.C.C. 660 (India).

In this significant decision, the Supreme Court clarified that Lok Adalats are not adjudicatory bodies and can only facilitate compromise or settlement between the parties as per the Legal Services Authorities Act, 1987. The award given by a Lok Adalat is not a judgment rendered on the merits of the case, but is valid only to the extent of the parties consenting thereto.³²

The Court also noted that the Lok Adalat cannot settle the matter between the parties if both sides do not reach a compromise and it would have to be remanded to the regular court. The importance of this judgement lies in the highlighting that the Lok Adalat awards could only be enforceable if they are freely and voluntarily given. The case also defined that an award could be challenged before constitutional courts using the writ jurisdiction even where it was secured without real settlements.³

P.T. Thomas vs. Thomas Job

In this case, the Supreme Court looked into within the enforceability of the Lok Adalat awards and whether they are binding in nature. The Court also ruled that an order passed by a Lok Adalat is akin to an order of any civil court and it is enforceable in the same way and that no appeal can be filed against the pass order as the settlement order is an order of mutual consent.³³

The judgment reaffirmed the spirit behind Lok Adalats, which was that speed and economy of

³¹ Bar Council of India v. Union of India, (2012) 8 S.C.C. 243 (India).

³² State of Punjab v. Jalour Singh, (2008) 2 S.C.C. 660 (India).

³³ P.T. Thomas v. Thomas Job, (2005) 6 S.C.C. 478 (India).

justice is the main agenda of a Lok Adalat and the approach should be one of compromise and conciliation. This case illustrated in a great manner the enforceability and credibility of Lok Adalat awards in the Indian Legal system.

InterGlobe Aviation Ltd. v. N. Satchidanand

The case also shed light on the rise of other ADR platforms such as Lok Adalats as effective tools for alleviating burden on the judiciary, as the Supreme Court noted that they bring about speedy justice, save the cost of litigation and foster amicable settlement of matters.

The Court acknowledged that with a process that reached this average, people would not have confidence in ADR settlement unless settlement was implemented effectively. The judgment indirectly highlighted the concept of enforceability and compliance as vital for the success of Lok Adalats, in addition to other ADR mechanisms.³⁴

Bar Council of India v. Union of India

In this instance, the Supreme Court has approved the constitutional validity of Permanent Lok Adalats which are established under Chapter VI-A of the Legal Services Authorities Act, 1987.³⁵ The Court noted that Permanent Lok Adalats are important public institutions and that they dispense of justice without going to the regular court slowly and expensively, in matters relating to public utility services.

Given the twin nature of Permanent Lok Adalats as conciliatory and adjudicatory, this judgment has improved the viability of the Lok Adalats to effectively implement supreme compliance of awards and reaffirmed their position in law.⁹

Findings

The study has unveiled that Lok Adalat awards are enforceable ab ovo statutory orders as compared to orders of civil courts under Legal Services Authorities Act, 1987. Legalities to such settlements brings out the binding force and the legitimacy of Lok Adalats and its importance in the justice delivery system of India. But, whether or not it is effective at the implementation stage largely relies on the willing acceptance of the parties and the absence of

³⁴ InterGlobe Aviation Ltd. v. N. Satchidanand, (2011) 7 S.C.C. 463 (India).

³⁵ Bar Council of India v. Union of India, (2012) 8 S.C.C. 243 (India).

compulsory implementation arrangements.

The research also shows that the ambiguities over procedural controls in the execution procedure still present practical problems for the litigants. While Lok Adalat awards are to be executed as civil court decrees, there are no clear guidelines regarding the forum for executing the award, limitation, and machinery for execution which leads to delay and uncertainty.

Also one of the important findings is that the Lok Adalat settlements are not being honored by Government Departments, insurance companies and financial institutions. ADR is intended to expedite and cheapen justice and such delays go against the purpose. The study further reveals that the crucial aspect of implementation is lack of legal awareness amongst litigants as many of them are unaware that Lok Adalat awards are binding and enforceable.

The study also shows that Permanent Lok Adalats have relatively greater enforcement rates as they are not vested with full adjudicatory powers in connected with public utility services. They have a conciliatory – adjudicatory mechanism that would increase their enforceability and thus decrease their reliance on voluntary compromises.

Finally, it is observed that, the scope for judicial interference in Lok Adalat awards is still limited as there is no appeal against Lok Adalat awards. It is usually the case that the constitutional courts intervene only in very special cases of fraud, coercion, lack of consent, or violation of basic principles of natural justice.

Suggestions

The study recommends that procedural clarities should be drafted concerning execution and enforcement of Lok Adalat awards so as to clear the haze of uncertainty and implement the awardees in a uniform way. A statutory regime and/or execution procedure rules may help make more effective awards and curtail unnecessary litigation.

Additionally, there should be effective monitoring mechanism by National Legal Services Authority or State Legal Services Authorities to have timely compliance with settlements concluded by Lok Adalats. Follow-up actions and compliance audits will result in better accountability and efficiency of implementation.

The study also suggests carrying out awareness drives and legal literacy programs with a goal

of educating litigants to make Lok Adalat awards binding and enforceable. This is especially important in the rural and weaker sections of the society where there is still less awareness about the law.

Family social security departments, insurance companies and financial institutions should establish special cells to ensure compliance of the Lok Adalat settlements. This can work to avoid possible delays in administration and compliance with settlement awards.

The study also calls for the limited implementation of judicial review in extraordinary cases where consent has been given through fraud, coercion, misrepresentation or lack of consent. These measures can contribute in counterbalancing the finality and fairness of concepts in the Lok Adalat system.

Instead of giving the parties, the scope of raising the issues of free consent by the use of writ jurisdiction of High Court under Section 227, we must have a mechanism to check and ensure the consent or conscionability of the settlement agreement during the process of settlement through Lok Adalat by the presence of presiding officer of the Lok Adalat.

Moreover, digital monitoring and tracking systems should be implemented to record information pertaining to a settlement, execution and compliance with awards. Use of technology can enhance transparency of process, efficiency, and accountability of implementation.

Finally, regular training and capacity building programs should be organized for the conciliators, legal aid lawyers and legal services authorities aimed at enhancing the quality of the settlement process and at enhancing the mechanisms for the implementation after the award of the settlement.

Conclusion

Lok Adalats have come as one of the most potent and effective Alternative Dispute Settlement (ADR) measures in India, which propel the need of speedy, inexpensive and accessible justice. Lok Adalats have significantly helped in eliminating the backlog of cases in a peaceful manner and bringing about amicable settlement by compromise and conciliation process. The adding of legitimacy to Lok Adalat 's awards by making the same legally binding and enforceable under the Legal Services Authorities Act, 1987 has added to the enforceability of awards.

It has concluded that the legislative framework which governs Lok Adalats in principle is effective but some practical constraints on both implementation and operations are yet to be resolved on overall efficiency of Lok Adalats. However, the delays in compliance, procedural uncertainty in execution, lack of knowledge of litigants, etc., continue to be a huge hurdle in effective execution of awards. While finality and speedy justice are reasons for excluding the possibility of an appeal, a decision that cannot be appealed could raise concerns in the event of an unfair settlement or when consent is not genuine.

Judicial rulings have consistently affirmed the finality and enforceability of Lok Adalat decisions and reiterated the importance of voluntary settlement as a prerequisite to arrive at a valid settlement. Permanent Lok Adalats combine the qualities of a conciliatory and adjudicatory body and their enforcement skills have been found to be comparatively strong in matters pertaining to public utility services.

Hence, implementation mechanisms need to be rationalized with clarity of procedures, monitoring systems, awareness building, use of digital tools and institutional changes to make the Lok Adalats more effective. It is imperative for the Lok Adalats to perform their intended functions as effective tools of social justice, participatory dispute resolution and accessible justice in India, that a balanced approach should be adopted, which upholds the finality and fairness.

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