

LOK ADALAT IN INDIA: AN ANALYSIS

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INTRODUCTION

LOK ADALAT is a judicial body set up for the purpose of facilitating peaceful resolution of dispute between the litigating parties. They have the power of the ordinary civil court, like summoning, examining evidence etc.

The order made by LOK ADALAT is similar to that of an order passed by any court, but the parties have no right to appeal against LOK ADALAT's order. LOK ADALATs may resolve all matters except criminal cases that are non-compoundable.

Either of the litigating parties or both of them can make an application to the court for transferring their cases to a LOK Adulator settlement.²

LOK ADALAT is a process of administering justice without resorting to litigation. Its process is voluntary and works on the principle that both parties to the dispute are willing to sort out their dispute amicably. Through this mechanism, disputes can be settled in a simpler, quicker and cost-effective manner.

Under the LEGAL SERVICE AUTHORITY ACT 1987, national committee and state committee have been constituted to supervise the effective Legal

Aid Schemes. Under this Act, LOK ADALAT is being constituted at various places in the country for disposing a dispute in a summary way and through the process of conciliation and settlement. Functioning of LOK ADALAT is entirely voluntary and conciliatory. This is the speedier system of Administrative Of Justice. LOK ADALAT would take justice to the door-step of the poor and needy and make justice quicker and less expensive. There are no expenses involved in the process of LOK ADALAT.³

LOK ADALAT

The legal service authority act, 1987 make provision for the establishment of LOK ADALAT to provide for free and competent legal service to the poor and weaker section of the society to ensure justice on the basis of equal opportunity. The main object of the creation of LOK ADALAT is to provide speedy justice to the poor and needy at fewer expenses. The provisions relating to LOK ADALAT are stated below

ORGANISATION OF LOK ADALAT :-

Chapter IV containing section 19 to 22 of the legal service authority act, 1987 lays down the provision to the LOK ADALAT. Section 19 of the act empowers every state authority or district authority or the Supreme Court legal service committee or every High Court legal service committee or as the case may be, Taluka legal service committee to organize LOK ADALAT at such interval and places and for exercising such jurisdiction and for such areas as it thinks fit.

Every LOK ADALAT organized for an area shall consist of such member of:-

- (a) Serving or retired judicial officers; and
- (b) Other persons.

Of the area as may be specified by the authority concerned, the state authority or the district

authority or the supreme court legal service committee or the high court legal service committee or as the case may be, the Taluka legal service committee.

According to Rule 13 of the national legal service authority Rules, a person shall not be qualified to be included in the LOK ADALAT unless he is:-

(a) A member of legal profession; or

(b) A person of reputed who is especially interested in the implementation of the legal service scheme and programs; or

(c) An eminent social worker who is engaged in the upliftment of the weaker section of the people, including the scheduled castes, the scheduled tribes, women, children, rural, and urban labor.⁴⁵

A LOK ADALAT shall have jurisdiction to determine and to arrive at the compromise or settlement between the parties to a dispute in respect of:

(i) Any case pending before; or

(ii) Any matter which is falling within the jurisdiction of, and is not brought before,

Any court for which the LOK ADALAT is organized.

Provided that the LOK ADALAT shall have no jurisdiction in respect of any case or matter relating to an offence not compoundable under any law⁶

ESSESSIAL FEATURES OF LOK ADALAT

Essential features of LOK ADALAT which were earlier functioning as non-statutory institution and which are now statutory institutions have remained the same. If these LOK ADALAT have to be effective and successful, then in my view, these LOK ADALAT should get co-operation to be fullest from all the agencies concerned with the working such LOK ADALAT. Panchsheel or Panchratna of LOK ADALAT, namely,-

(1) Co-operation of lawyers;

(2) Co-operation of judicial authorities who monitor these LOK ADALAT;

(3) Co-operation of conciliators who are appointed as per section 19(2) (a) and (b) of the Act. These conciliators are drawn from different section of the society who are having good social standing and zeal to do social work by sparing their valuable time for solving the problems of suffering litigants and prospective litigant;

(4) Co-operation of executive authorities and other staff members who are associated with LOK ADALAT at various levels; and

(5) Co-operation of litigant themselves.

If all these five functionaries fully co-operate then the LOK ADALAT would become vibrant, viable and would deliver the goods for which they are constituted by the parliament under the aforesaid statutory scheme.⁷

POWERS OF LOK ADALATS:-

Section 22 of the Legal Service Authority Act, 1987 deals with the power of LOK ADALATS. It says that the LOK ADALAT vested with the same powers, which the Civil Court are vested with under the Code of Civil Procedure, 1908, while trying a suit in respect of the following matters:

(a) The summoning and enforcing the attendance of any witness and examining him on oath;

- (b) The discovery and production of any document;
- (c) The receptions of evidence on affidavits;
- (d) The requisitioning of any public record or document or copy of such record or document from any court of office; and
- (e) Such other matters as may be prescribed.

Without prejudice to the generality of the power mentioned above every LOK ADALAT shall have the requisite power to specify its own procedure for the determination of any dispute coming before it.

All proceedings before the LOK ADALAT shall be deemed to be judicial proceedings within the meaning of Section 193, 219, and 228 of the Indian Penal Code (45 of 1860) and every LOK ADALAT shall be deemed to be a civil court for the purpose if section 195 and Chapter XXVI of the Code Of Criminal Procedure, 1973 (2 of 1974).

Different States have made different provisions in relation to the organization, functioning and various other aspects of the LOK ADALAT.⁸

AWARDS OF THE LOK ADALATS:-

Section 21 of the Legal Service Authority Act, 1987 deals with the award of the LOK ADALATS. It says that every award of LOK ADALAT shall be deemed to be a decree of a Civil Court or, as the case may be, an order of any other court and where a compromise or settlement has been arrived at, by a LOK ADALAT in case referred to it under sub-section (1) of section 20, the court fee paid in such case shall be refunded in the manner provided under the Court Fees Act, 1870.

Every award made by LOK ADALAT shall be final and binding on all the parties to the dispute, and no appeal shall lie to any court against the award⁹¹⁰

PROCEDURE OF LOK ADALAT:-

The procedure followed at a LOK ADALAT is very simple and shorn of almost all legal formalism and rituals. The LOK ADALAT is prescribed over by the sitting or retired judicial officer as the chairman, with two other members, usually a lawyer and a social worker. It is revealed by experience that in LOK ADALAT it is easier to settle money claims since in most such cases the quantum alone may be in dispute. Thus the motor accident compensation claim cases are brought before the LOK ADALAT and a number of cases were disposed of in each LOK ADALAT. Once important conditions that both parties in dispute should agree for settlement through LOK ADALAT and abide by its decision.

A LOK ADALAT has the jurisdiction to settle ,by way of effecting compromise between the parties, any matter which may be pending before any court, as well as matter at pre-litigates stage i.e., dispute which have not yet been formally instituted in any court of law. Such matter may be civil or criminal in nature, but any matter relating to an offence not compoundable under any law cannot be decided by the LOK ADALAT even if the parties involved therein agree to settle the same. LOK ADALAT can take cognizance of matter involving not only those persons who are entitled to avail free legal services but of all other persons also, be they women, men, or children and even institutions.¹¹

RECENTLY SOME STATE CONDUCT LOK ADALATFOR ONE DAY:-

NAGPUR := As many as 27,779 cases were settled during the day-long National LOK ADALAT in Nagpur.

About 13 per cent of the pending cases in the district courts were disposed of in the first-ever National LOK ADALAT which was held yesterday.

It was organized by the District Legal Services Authority. One of the cases that was settled had been pending for 35 years.

A total of Rs. 26, 32, 340 were collected towards penalty from various litigants in different cases.

HYDERABAD : The Andhra Pradesh State Legal Services Authority on Monday constituted a LOK ADALAT Bench exclusively for settlement of cases pertaining to senior citizens. District and Sessions Judge and Member Secretary of the Authority S Ravi Kumar said the LOK ADALAT Bench formed under Section 19 of Legal Services Authorities Act would consist of Justice B Subhashan Reddy, Chief Justice (retired) as Presiding Judge and retired High Court Judges including Justice SV Maruthi and Justice Motilal B Naik as members. The Member Secretary further said that the LOK ADALAT Bench will sit in the premises of Andhra Pradesh State Legal Services Authority at Nyaya Seva Sadan in City Civil Court Complex in Purani Haveli, twice in a month.¹²

Pune LOK ADALAT solves 2,827 cases The cases included claims of check bounce, accident, domestic violence, pre-litigation disputes, among others.

A total of 2,827 cases, including pre-litigation matters, from across Pune district were settled at the National LOK ADALAT organized by the Pune District Legal Services Authority (PDLA) at District and Sessions Court here.

Compensation claims amounting to Rs 78.7 lakhs were also settled.¹³

A total of 7,542 cases were put for amicable settlement of which 2,827 were resolved, both civil and criminal.¹⁴

CASES SOLVED BY LOK ADALAT :-

In **HUSSAINARA KHATOON v. HOME SECRETARY, STATE OF BIHAR**, (AIR 1979 SC 1360), the Supreme Court held that “right to speedy trial” is a fundamental right guaranteed under Art: 21 of the Constitution. Justice delayed is justice denied. Speedy trial was held to be the essence of criminal justice¹⁵.

In **SUK DAS v. UNION TERRITORY OF ARUNACHAL PRADESH** (1986 5 SCC 401), the Supreme Court held that failure to provide free legal aid to an accused at the cost of the State unless refused by the accused would vitiate the trial. He need not apply for the same. Free legal aid is at the State cost is a fundamental right of an accused person under Art.21 of the Constitution.¹⁶

PUBLIC PROSECUTOR, HIGH COURT OF A.P. v. BASIREDDY VERMA REDDY, that is the power of adjudication vested with the court which drawn the line of distinction between ‘COURT’ and ‘LOK ADALAT’ obviously, in a LOK ADALAT, adjudication will not be there for the simple reason that LOK ADALAT meant for resolving dispute by way of invoking any one of the suitable modes under Alternative Dispute Resolution mechanism.¹⁷

CONCLUSION

The LEGAL SERVICES AUTHORITY ACT, 1987 makes provision for the establishment of Lok Adalat to provide for free and competent legal services to the poor and weaker section of the society to ensure justice, on the basis of equal opportunities. The main object of the creation of Lok Adalat is to provide speedy justice to the poor and needy at fewer expenses. Lok Adalat is judicial body set


up for the purpose of facilitating peaceful resolution of dispute between the litigating parties. They have the powers of an ordinary civil court like summoning, examining evidence etc. Lok Adalat has proved a boon to the litigating public as they get their disputes settled amicably faster and free of cost.

Award of the Lok Adalats are like decree of civil court but the parties cannot appeal against such award. Lok Adalat can resolve all matters, except criminal cases which are non-compoundable.

SUGGESTION

When a Lok Adalat is to be conducted in the rural area, the people of the nearby-village must be duly informed about the date, place and time of such Lok Adalat in advance, because lack of their awareness they did not participate in Lok Adalats for speedy justice.

(Endnotes)

- 1 * LLM 1ST Year Student  emic Year 2017-2018
- 2 Dr. N. V. Paranjape, Public Interest Litigation, Legal Aid & Services, Lok Adalats & Para-Legal Services, Central Law Agency, Page No -380
- 3 P. M. Bakshi, 3rd Edition, Page No-680
- 4 Dr. Rega Surya Rao, Public Interest Lawyering, Legal Aid And Para Legal Services, Asia Law House, 2nd Edition, Page No- 151
- 5 Dr. Rega Surya Rao, Arbitration, Conciliation And Alternative Dispute Resolution System, Asia Law House, Page No-86
- 6 Ibid 4
- 7 P. M. Bakshi, 3RD Edition, Page No-683
- 8 Ibid 4, Page No- 154-155
- 9 Ibid 4, Page No- 154
- 10 Ibid
- 11 Edgar Thorpe, Showick Thorpe , *The Pearson Csat Manual 2012*, Indian Polity: Indian Government And Administration, Pearson Education India
- 12 Available at, <http://indianexpress.com/about/lok-adalat/>, Accessed on 12 /07/2017
- 13 Ibid
- 14 Ibid
- 15 Available at, <http://monthlyarticle.blogspot.in/2009/12/lok-adalat.html>, Accessed on 12/07/2017
- 16 Ibid
- 17 Ibid 2, Page No -384