JUSTICE DELIVERY THROUGH LOK ADALATS: A STUDY

Dr. Mohinder Singh*; Mr. Suresh Kumar**

*The Former Professor,  
Department of Public Administration,  
Kurukshetra University,  
Kurukshetra, India.  
**Research Scholar,  
Department of Public Administration,  
Kurukshetra University,  
Kurukshetra, India.

INTRODUCTION

Justice is the foundation of a civilized society. Preamble of the Constitution of India provides for Justice - Social, Economic and Political. Lok Adalat in the recent times has gained popularity, because it is demand of time and need of the society for securing social justice. Now a days, the poor are suffering everyday due to injustice and disparities. Justice is huge far from their hands. The poor find it difficult to prosecute or defend a case due to high costs involved. Eminent Judges of the Supreme Court and the High Courts had a many times emphasized the need for free legal services or aid to the poor. Consequently, the Union Government introduced Article 39A in the Constitution in February 1977 which provides that the Union and the States Governments should ensure the operation of legal system for promoting social justice on the basis of equal opportunities.

Today, Indian judiciary has become handicap due to over burden of pending cases (there are 54,864 cases pending in the Supreme Court, 4,060,709 cases pending in the High Courts and 27,275,953 cases pending in the lower courts) and lack of staff of Judges as well as the inadequacy number of courts and increase in flow of cases in recent years due to multifarious Acts enacted by Central and the States Governments. As a result, there is enormous delay in disposal of cases in regular law courts. For tackling this crucial problem, there is a need for Alternative Disputes Resolution (ADR) mechanism like Lok Adalats.
CONCEPT OF LOK ADALAT

Lok Adalat means people's own court developed by them and established by the Government for providing cheap and quick justice to the poor and needy people at their doorsteps. Infact, Lok Adalats are disputes settlement agencies and are para-judicial institutions for settlement of money claims, matrimonial cases, cheque bouncing cases, Motor Accident Claim Tribunals (MACT) cases, dames, partitions suits, family disputes, bank loan and insurance claim cases.

LOK ADALATS IN INDIA

The evolution of Lok Adalats in India finds evidences from panchayat system in the history. But the founder of the present system of Lok Adalats was Sh. Hari Ballabh Parekh in post independence. As a social worker, it was he, who held first Lok Adalat in his Anand Niketan Ashram in 1960 and started settlement of disputes of local uneducated adivasis and poor villagers of Rangpura of Baroda district (Gujarat). Therefore, Gujarat was the first State, where first Lok Adalat was started initially on March 14, 1982. In Bihar, it was firstly organised in 1983. In Rajasthan it was organised on November 30, 1985 at Banswara. Similarly, in Haryana, the first Lok Adalat was organised in Karnal district at village Kunipura in 1985. Gradually, Lok Adalats were held throughout the country under the provisions of the Legal Services Authorities Act 1987, amended in 2002 for providing statutory recognition to Lok Adalats under Sub-Section 1 of 22 (b) of the Act as Permanent and Continuous Lok Adalats at all levels.

WHY LOK ADALATS?

Judiciary is one of the organs of the Government. It plays a vital role in protecting the Constitution as well as legal rights and property of the citizens. A close examination of the working of Indian Judiciary stands for evidence that it has become inefficient due to over burden of pending cases. There are large number cases pending in the courts across the country. The sorry state of affairs is due to inadequate funds, shortage of resources, lack of adequate infrastructure, complex procedure, delay in justice delivery system, more expensive and shortage of staff. The ratio of the Judges to the population in India is very low indeed, not only in comparison to developed countries but also in comparison to some third world nations. It is 12-13 Judges per million of the population as compared to 40-100 in developed countries. The courts are flooded with new cases and pending cases awaiting adjudication. In this context, concerted efforts have been made and steps constantly taken to simplify procedures and to make judiciary transparent and more effective by judicial reforms for enhancing judicial activism.

There is no denying the fact that the people of the country have tremendous faith in judicial system. Hence, to preserve this faith, there is a need to find-out effective Alternate Disputes Resolution (ADR) mechanism like Lok Adalat institution for solving disputes on the basis of compromise in amicable manner and to maintain efficacy and credibility of judicial system.

GOALS AND OBJECTIVES

The goals and objectives of Lok Adalats are as follow:

- To provide social justice on the basis of equal opportunities at all levels.
• The main objective of Lok Adalats is to reduce the over burden of pending cases in the regular courts for promoting judicial activism.

• To deliver cheap and expeditious justice to the common man at their door-steps.

• To save the precious time and energy of courts by resolving a large number of disputes.

• To provide protection of the Human Rights of disadvantaged section of society.

• To make the judicial system more people centric or people oriented and resolving the disputes in an amicable manner.

• To enhance people's participation in process of justice delivery system at grassroots level under decentralisation of justice administration.

• To make flexible legal procedures for increasing Public Interest Litigation (PIL) to provide better quality of justice services especially to the Below Poverty Line (BPL) families at ground level and

• To settle the disputes, which are pending before the courts, by negotiations, conciliation and by adopting human approach of give and take.

ORGANISATION

The origin of Lok Adalats is traced in the Panchayat system. It is as old as village which is utmost segment of the society in the history. The Lok Adalat is presided over by a sitting or retired judicial officer as a Chairman with two other members, usually, a lawyer and a social worker. Furthermore, Lok Adalats are set-up with the support of local reputed persons, civil servants, public representative, etc. In the presence of these people, public disputes are resolving on the basis of compromise in an amicable manner. Lok Adalats are organised under the provisions of the National Legal Services Authorities Act, 1987 at the following levels:

• Legal Services Authorities at the Supreme Court Level;

• Legal Services Authorities at the High Courts Level;

• Legal Services Authorities at District Level; and

• Legal Services Authorities at Sub-Divisional Level.

POWERS AND FUNCTIONS

Lok Adalats have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908, while trying a suit in respect of the following matters, namely:

• The summoning and enforcing the attendance of any witness and examining him on oath.
• The discovery and production of any case.
• The reception of evidence on affidavits.
• The power of any records or copy or document from any court or office.
• Lok Adalats have power of adopting of its own procedure for resolving of disputes.
• All proceedings of the Lok Adalat shall be deemed to be judicial proceedings with in Sections 93, 219, 228 of IPC and Section 195 and Chapter XXVI of Code of Criminal Procedure, 1973.

JURISDICTION

The jurisdictions of Lok Adalats are as follows:

• The cases where the value of dispute is more than ten Lakh rupees are not decided by Permanent Lok Adalats.
• Only compoundable cases are accepted by Permanent Lok Adalats, in which a possibility of settlement of the dispute on the basis of amicable manner.
• The Judgment of a Permanent Lok Adalat is not appeasable nor can it be called question in any suit.
• Every award of Permanent Lok Adalat under Act- 2002 shall be deemed to be decree of civil court and
• The Permanent Lok Adalat may transmit any award made by it to a civil court having local jurisdiction.

WEAKNESSES

In the present study an attempt has been made to find- out weaknesses or hurdles being faced by the Lok Adalats. The main weaknesses are discussed herewith.

It has been observed that due to dual responsibility the Judges are overburdened. On one hand they impart regular justice through the courts and on the other front they attend to the functioning of the Lok Adalats. Thus, they perform dual duties which upset their smooth working.

There is another hurdle faced by the Lok Adalats that in most of the cases the second party does not participate in the meeting of Lok Adalat at grassroots level. It causes wastage of time and energy. In such a situation, Lok Adalats are not able to reach at appropriate decision.

It is also one of the big hurdles faced by the Lok Adalats that proper advertisement about the date for organising Lok Adalat is not given. Generally, it is noticed that date is advertised only in local page of the newspaper. The advertisement does not appear on the front page of the
newspapers. As a result most of the people deprived of the benefits of the justice delivery through Lok Adalats.

The procedure of Lok Adalat especially Rural Lok Adalat is purely unsystematic. The method of disposal of cases is not fully systematized. Generally, at the time of disposal of cases, Hon’ble Judge is surrounded by the people. There is lack of freedom to express the views. Both the parties are called only for putting signatures or thumb impressions on the papers. They hardly get opportunities to express the views regarding their cases.

Fifteen Thousand posts of Judges are lying vacant in the High Courts and Many more at district level. Due to lack of staff, Judges are forced to exercise dual responsibility as a Judge in the law court and as an Executive Chairman in Lok Adalats.

Only compoundable cases are accepted by the Lok Adalats, in which a possibility of settlement on the basis of compromise. Besides this, the cases where the value of disputes is more than ten Lakh rupees are not decided by Lok Adalats.

The members of Lok Adalats are not motivated through training for enhancing their interest in smooth functioning of Lok Adalat. There is no course work in which they will be face-to-face with the poor and needy people for settlement of their disputes. Even advocates are also not motivated to make efficient administration of Lok Adalats.

The members of Lok Adalats are not interested to join every meeting because there no incentive is provided to them. Even Executive Chairman of district level authority is given an honorarium of Rs. 5000 per month and other members get Rs.2500 per month.

There is no Constitutional provision regarding Lok Adalats in Indian Constitution except Article - 39A in which central and the State Governments are responsible for operation of legal system for promoting social justice on the basis of equal opportunities. The Government of India enacted the Legal Services Authorities Act, 1987 for giving statutory status to Lok Adalats for providing speedy, inexpensive, friendly solution of their disputes and better quality of free legal services to the poor especially for BPL families at their door-steps. It would be better to provide them the Constitutional status.

Lok Adalat is a para-judicial institution for reducing the burden of pending cases of regular courts. It is concerned with our daily routine life and governs social justice on the basis of equality. It is considered as a symbol of decentralisation of justice administration at grassroots level for ensuring people’s participation in justice delivery system. But researchers are not interested in to go in for their research in this area. Only a few studies have conducted on the working of Lok Adalats. Even law research scholars are avoiding this area. In the absence of periodic research, their functioning cannot be improved.

A Lok Adalat was organised at Tigaon of Himachal Pradesh on November 11, 1993. In which only 36 cases out of 160 cases were settled. The success obtained by this Lok Adalat comes 25% of the total cases. A Rural Lok Adalat was organised on November 8, 2009 at Nanakpura of Guhala-Chika, Kaithal district of Haryana in which 35 cases were taken- up but only 17 cases of police challan were settled. It shows that the progress is slow.
### TABLE

<table>
<thead>
<tr>
<th>Sr. No.</th>
<th>Nature of Cases</th>
<th>Total No. of Cases Taken up</th>
<th>Disposal</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Civil Appeals</td>
<td>5</td>
<td>3</td>
</tr>
<tr>
<td>2.</td>
<td>Civil Miss. Appeals</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>3.</td>
<td>Hindu Marriage Act Cases</td>
<td>5</td>
<td>2</td>
</tr>
<tr>
<td>4.</td>
<td>Criminal Revisions</td>
<td>4</td>
<td>3</td>
</tr>
<tr>
<td>5.</td>
<td>Workman Compensation Act Cases</td>
<td>3</td>
<td>-</td>
</tr>
<tr>
<td>6.</td>
<td>Civil Suits</td>
<td>30</td>
<td>6</td>
</tr>
<tr>
<td>7.</td>
<td>Rent Cases</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>8.</td>
<td>Civil Miss. Application</td>
<td>17</td>
<td>8</td>
</tr>
<tr>
<td>9.</td>
<td>Guardianship Word Act Cases</td>
<td>1</td>
<td>-</td>
</tr>
<tr>
<td>10.</td>
<td>Cases Under PC.</td>
<td>4</td>
<td>1</td>
</tr>
<tr>
<td>11.</td>
<td>Executions</td>
<td>3</td>
<td>-</td>
</tr>
<tr>
<td>12.</td>
<td>Police Challans</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>13.</td>
<td>M.C. Act Cases</td>
<td>109</td>
<td>63</td>
</tr>
<tr>
<td>14.</td>
<td>Mines Act Cases</td>
<td>7</td>
<td>2</td>
</tr>
<tr>
<td>15.</td>
<td>Motor Vehicle Act Cases</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>16.</td>
<td>Shop Act</td>
<td>14</td>
<td>8</td>
</tr>
<tr>
<td>17.</td>
<td>M.A.C. Petitions</td>
<td>56</td>
<td>14</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>270</td>
<td>120</td>
</tr>
</tbody>
</table>

Source: The Haryana Legal Services Authority

It is revealed from the table that only 120 cases were settled out of 270 taken up. It shows that more than 40% cases were disposed of.
SUGGESTIONS

In order to promote the smooth functioning of Lok Adalats and carry out the objective of social justice through providing better quality of free legal services to the poor at all levels, the following suggestions are made in this regard.

- Government should appoint separate Judges to work only for Lok Adalats. It would expedite their working.

- It should be made mandatory for both the parties to be present on the date and time decided.

- Announcement of the date for organising Lok Adalat should be advertised in leading newspapers and also on local TV channel.

- The vacant posts of Judges at all levels should be filled up by the eligible and more experienced law expert so that they could exercise their duties and responsibilities with true commitment and dedication.

- Government should be provided financial and operation autonomy to Lok Adalats for enhancing their jurisdiction.

- Executive Chairman and other members should be given handsome honorarium so that they may provide their sincere and dedicated services in imparting justice.

- There is also need to establish judicial academies to train Judges and reorient the judicial manpower with the latest techniques prevalent in the other parts of the world.

- The procedure to follow in the Lok Adalat should be informal, far from rigidity, non-controversial and uniform in approach and methods.

- The higher educational institution like University should encourage the research scholars for doing research in the area of Lok Adalats.

- There is also a need to organise awareness camp at grassroots level so that the ignorant people living in the far-flung areas should be made aware about the significance of Lok Adalats.

- Government should provide Constitutional status to Lok Adalats so that their status is required.

SUMMING-UP

Lok Adalat is a move towards evolving and strengthening a people centric judicial system in our country. The gap will be reduced between justice and injustice especially for those, who are not able to protect themselves from exploitation. Hence, it is hoped that Alternative Disputes Resolution (ADR) mechanism will soon become an integral part of regular judicial system.
REFERENCES


14.) Compendium of the Legal Services Authorities Act, Rules, Regulations and Notifications, Published by Haryana Legal Services Authority, Chandigarh. pp.25-26.

15.) Daink Bhaskar, November 8, 2009, p.3.