

An Analysis of The Issues and Challenges in Successful Implementation of Lok Adalat

Pradeep.N¹

Introduction

Man is a social animal and cannot survive alone. His basic needs should be satisfied in order to survive. Society is the centre of all his activity, which makes it possible for a man to live an orderly and secure life. There are various rules and regulations made up to regulate the behaviour of human beings within a unique code. Without it, there could be neither orderly life nor civilized existence. For this purpose, society in all places and times has evolved the methods and means to enforce upon individuals along with the pattern of behaviour considered just and necessary in the interest of good governance and administration of justice. The man cannot break up the shackles of mutual dependence. “Discords are bound to arise

¹*Student of II Semester, LL.M. (Constitutional Law), School of Legal Studies, CMR University*

in a society, and ingenious human minds have always devised ways and means for resolving disputes.” Various types of differences may arise in society, i.e., cultural differences, personality differences, differences of opinion or situation etc. Disagreement leads to the problem, and unresolved disagreements become the dispute. In order to maintain a stable and cordial society, dispute resolution is much needed.

"Thus, the State functions through its different organs and the judiciary is directly responsible for the administration of justice. Judiciary is a real point for the delivery of justice.” Courts appeared since the early stages of primitive communities, of course, without the system of trials². Much emphasis was laid on the rehabilitation and reformation of the wrongdoer. The standard methods of punishment were banishment or reformation. It is pertinent to mention that there was no distinction between civil or criminal wrongs during the Ancient Period. In modern times, the administration of justice implies a civil and criminal branch which is intimately connected with the power and authority of the State, which

² Ram Avatar Sharma, Justice and Social order In India (New Delhi: Intellectual Publishing House, 1988) 23.

acts on behalf of a politically organized community for the maintenance of law, order, justice and good Government.

Salmond³ stated, "Administration of justice involves the preservation of accepted norms and values of contemporary society forming a community using sanction of State". Depending upon the civil or criminal wrong, a person may be charged with either civil or criminal liability. The Functionary of State, i.e., judge, is called upon to decide the liability or responsibility of the wrongdoer based on the 'Rule of Law'.

History of the Indian Legal System

The country's legal system results from many people and jurists putting in time and effort to think about, experience, and prepare for it. To refer to a body of legislation as "Indian law" signifies that it applies everywhere in India. Within the legal framework inherited from the colonial period and different legislations initially adopted by the British, a unique hybrid form of law has developed. Various Indian kingdoms and empires were always at battle with one another. There are four major themes in legal history: Periods of Hindu rule,

³ S.N Dhayni, Jurisprudence in Indian Legal Theory (New Delhi: Central Law Agency, 2008) 85

Muslim rule, British rule, and independent India. Our judicial system can be related to the pre-historic Vedic period which is 3000 years old, if not older. Rig Veda was the oldest, with sub-divisions such as Sama, Athara and Yajur. It depicts the extensive detail of life during those times when they were composed as of 1500 BCE (before the Christian era). However, there is no particular narration or record⁴. In the earlier times, during the Hindu period, the affairs and matters that took place in society were managed by Dharma⁵.

People were bound by Dharma and protected by it as well. It attained a leading position which helps maintain people's welfare and progress through the upliftment of society. The caste system emerged in this period and evolved as a rigid social system. Brahmins were considered superior, Kshatriyas or Vaisyas were considered elite, and Sudras were the lower caste. The joint family system, which holds that the family is the fundamental social unit in Hinduism, was also widely practised. All family members answered him, and he spoke for his family. Family values led to individual ownership, which sparked contention and discord. Mitakshara and Dayabhaga, two

⁴ Retrieved from <https://www.zeelearn.com/index.htm> visited on 15.6.2015 at 04:05p.m.

⁵ Dr B. S Hansai, A Critical Study of Alternative Dispute Resolution System (Bangalore: Karnataka law Institute, 2008) 3

family law systems, addressed the ownership of land and other assets in Hindu joint households.

In Ancient India, the political structure and institutions were intricate. India was partitioned into several sovereign states. Monarchy was prevalent in the Ancient Hindu period. The administration of justice did not form part of the State duties⁶. Dharma was considered the basis of all involvements and matters in the world. It is justice (Nyaya), royal edict (rajashasana), legal system (vyavhara dharmasastra), constitutional law (Raja dharma) and rule of law (dharmakaya)⁷. Works were performed based on Dharma and proper conduct, observance of which was considered inescapable to ensure the peace and betterment of society. Thus, society was regulated orderly based on morality and bonafide faith. There was no fear of punishment or legal proceedings, and people were truthful in a very genuine manner. Whenever a person felt aggrieved due to the act of another person, they tried to solve the matter mutually. It could be said that might was right during those times, and the condition of society without any ruler or king could be adjudged after reading

⁶ A.S Alterakar, State and Government in Ancient India (Delhi: Motilal Banarsidass, 1958) 245

⁷ K. L Bhatia, Judicial Review and Judicial Activism: A Comparative Study of India and Germany from Indian perspective (New Delhi: Deep and Deep Publication, 1977) 3-4

Hindu literature⁸. Aitareya Brahmana and Mahabhartata depict that the situations were not favourable, and men felt disappointed due to the system of anarchy during that time⁹. For instance, if a wrong was committed by one, then a few men assembled to disown and outcaste the babblers.

Such a system of solving matters or disputes gave rise to anarchy or chaos and disorder in society. When the situations were not workable, they prayed to Brahma to grant them a king. Brahma induced Manu to do the task as mentioned earlier as a king. Now, the king was the head or ruler of the people who had to protect them. An agreement occurred between the people and the king that people had to pay taxes, and the king was duty-bound to protect them. During the Vedic period, the king was the real administrator or ruler and Dharma's upholder. In the initial times, the king performed his duties alone. However, gradually he started delegating his duties to his ministers and legal experts. King not only started delegating his duties or judicial authority but also allocated the supervision of punishment to the royal officer or Rajanya, who could act as Adhyaksha

⁸ P.B Mukherji, *The Hindu Judicial System* (Delhi: Central Law Agency, 1969) 434

⁹ Ibid

(overseers)¹⁰. The reference could be found in Manusmriti, where the king's court was designed as Sabha to look after the judicial matters¹⁴. In the later Vedic period, Sabha developed into the king's court and his council, applying law based on ancient religious texts and comments. The king appointed judges to perform their duties and administer the law.

As Mahatma Gandhi said on October¹¹, "A lawyer has an ethical obligation to try to resolve client conflicts, and if successful, the attorneys involved will not come out on the losing end." He was an outspoken opponent of the court system and a supporter of non-adversarial conflict settlement (ADR). He underlined the need for alternative dispute resolution as the key to successfully resolving legal disputes. The focus is on reducing the risk of disagreements and conflicts while encouraging individuals to explore truth and unity independently. Negotiation, mediation, conciliation, and arbitration are all forms of alternative dispute resolution. To resolve conflicts without resorting to violence, Lok Adalat is another option. It lacks a statutory definition. Known as the "People's Court," it issues rulings

¹⁰ R.C Majumdar. History And Culture of Indian people British And Paramourtry And Indian Renaissance (Bombay: Bhartiya Vidya Bhavan, 1970) 494

¹¹ Mahatma Gandhi, My Experiments with Truth (Ahmadabad: Navjivan Publishing House, 1948) 69

based on an agreement between the parties involved. As a result of the parties' compromise, it bears a seal or signature.

The establishment, organization and cognizance of Permanent Lok Adalat are well explained. This book helps the reader understand every aspect of provisions relating to Lok Adalat as the whole Act is very well defined in segments. This book is a very comprehensive work of Lok Adalat.

The concept has been present in our adjudication system since ancient times in one or the other form. The book's author has explained various periods, i.e., Ancient, Medieval, British and Post-Independence periods. An analysis of the Indian judicial system is given by explaining the hierarchy of Indian Courts. The organization, working and composition of lower courts, District courts, High court and Supreme Court are well-explained. It is beneficial for the reader to understand the pros and cons of the adversarial system and Lok Adalat. It is a significant feature of the book that gives a critical analysis of Alternative dispute resolution mechanisms. A particular emphasis on Lok Adalat is made out in this book. Readers could understand various aspects of Lok Adalat.

Need To Revitalize ADR Mechanism¹² The concept of alternate dispute resolution has been prevalent in our country. Litigation has been increased at a more excellent pace due to modernization and frivolous litigation. Fortunately, the judiciary is working hard to perform its duty, but the rate of disposal of cases is much higher than the inflow of cases. Out of all the ADR mechanisms, Lok Adalat has been proven as a boon to resolve litigants quickly and effectively. However, it does not solve the matters relating to commercial matters, property & partnership matters. Various provisions, namely Order 32-A CPC and Section 89 CPC, make it obligatory for courts to elicit the terms of the settlement, work upon it and reformulate it after the parties' observation. If a settlement occurs between parties in the pursuance of the ADR process, there is a provision for court fees to be refunded to the concerned litigant.

Various other developed countries, such as America, have also started following the process of ADR and have gained fruits of their steps towards speedy disposal.

It is well said that Justice delayed is Justice denied. To curb the menace of unnecessary and heavy litigation, there needs to be a joint

¹² Justice A.M Khanwilkar, Need to Revitalize ADR Mechanism, Nyayadeep, Vol VI Issue3 (July 2005)60-65

approach of people, lawyers and courts towards an amicable settlement.

Lok Adalat-An Instrument of Mediation and Conciliation¹³ This article presents the concept, nature and features of Lok Adalat. It has been prevalent in our country since primitive times, whereby the matters of people have been settled amicably without adhering to technical rules or law procedures. Lok Adalat's decision stands on the same footing as the civil court's as it is final, binding and conclusive. Decisions are made by adhering to humane principles rather than resorting to lethargic provisions. The primary aim of the Forum is to dispense Justice embodied in the preamble of the Constitution. It aims to end quarrels or disputes between people, maintain peace and support the weaker segment of society.

Some remarkable features of Lok Adalat are that no court fees are required, ensuring efficient and quick decisions. Moreover, parties feel free to express their tension or grievances before a judge without obstacles or impediments.

Lok Adalat and Legal Education in India

¹³ Manjit Singh, Lok Adalat-An Instrument of Mediation and Conciliation, Shree Ram the Law, Vol 2 Issue 6(June2014)87-88

Scope and Limitations¹⁴ Law that needs to be grounded in the ethos and goals of modern society would have difficulty gaining widespread support. The State's responsibility to provide equal and lawful protection of people's rights is emphasized in Article 39-A. The legal system was unable to offer the plaintiff with timely remedy. The political and legal ideas of the West have been used to create the modern system. The evolution of the legal system from antiquity to the present day is the subject of this essay. Mutual settlement is a critical component of Lok Adalats, contributing to their rising popularity. This page provides an overview of what Lok Adalats are, how they work, and their scope. The statute explains the National Legal Service Authority (NALSA) at the national level, the State Legal Services Authority (SALSA) at the state level, and the District Legal Services Authority (DLSA) at the local level. This clause stresses that any award reached by the parties' consensual settlement is final and binding. Today, Lok Adalat is more well-known than ever. Its judgment is final, binding, and based on an agreement between the parties. People appreciate the system because of its low cost and reliable decision-making.

¹⁴ Bharat Bhushan, "Domain and Sweep of Legal Literacy and Lok Adalat", Nyayadeep, Vol. XV Issue 1(January 2015)12

Man is the conceptual embodiment of nature and nurture, and the right to equal Justice under the Constitution was ratified in 1969¹⁵. There are two sources of influence on him: biological and environmental. They never seem to be able to resolve their conflicts, whether business-related, marital or otherwise. Then, disagreements should be resolved amicably and quickly, without legal intervention. Equal Justice is a central theme of this essay. The judicial system must be available to all citizens. For further information on who qualifies for free legal representation, see Section 12 of the National Legal Services Authority. The goal of Lok Adalat is for the parties involved to put aside their disagreements and make peace. In 2002, the term "Permanent Lok Adalat" was included in Chapter VI A of NALSA, Act 1987. Pre-litigation resolution, low-cost or free legal representation and Lok Adalat are why Sections 22a through 22e were enacted. Getting Justice and being treated equitably under the law is essential to a poor man's sense of security. While many rules, regulations, and acts are created for the benefit of society, there should be a practical framework for their implementation.

¹⁵ Justice D.P. Choudhary, "Equal Justice Under Constitution", Nyayadeep, Vol. XVI Issue 3(July 2015)3

Future Proofing Justice Through ADR: Providing Universal Access to the Legal System¹⁶ - The adversarial style of adjudication used in India causes lengthy delays in case resolution. The standard legal process could be more complex, legalistic, and time-consuming. As a result, waiting for a court's ruling might be frustrating. For this reason, individuals are denied justice due to the drawn-out nature of the judicial system. There are also around 15.5% as many judges as there are people, based on the population. The Supreme Court has ordered an increase of 50 judges per million, although this plan remains on paper due to budgetary restrictions. The adversarial adjudication method¹⁶ has had many issues since it was adopted from the British colonial system. The average person has many issues and feels that there is no justice in the world. A different method of resolving disagreements may get things done faster and cheaper. The article stresses the need for a venue where disputes may be settled. This article provides several recommendations on how the current state of law and order might be improved. For instance, it is necessary to set up supplementary judicial systems. All courts, even lower ones, should dedicate one working day to ADR weekly.

¹⁶ Pradeep Singh, "Access To Justice For All Through Alternative Dispute Resolution: A Futuristic Perspective", Shree Ram Law House, Vol.14 (2004)8-15

Challenges in India's Legal System The judicial administration is emphasized for its effectiveness in Article¹⁷. Judicial administration rests on the foundation of good governance. When the law is not administered or enforced fairly, it may be used as a tool of tyranny and oppression. In all communities, the judiciary assumes the role of upholder of the law. Everyone should be taught the value of justice since it is so essential. Economic, social, and political fairness are all essential for a flourishing society. This means that everyone should have easy access to the judicial system. From fairness comes the authority of the law.

According to Article 21 of the Constitution, a swift and efficient judicial system is essential for providing citizens with the opportunity to live productive and law-abiding lives. Declining standards of judicial competence are weighing down the judicial system. The prolonged time it takes to resolve cases is the primary issue facing India's judicial system. Because the legal system is based on written procedures, delays are inevitable. When matters are not resolved promptly, the legal system is effectively broken since swift and just decision-making is crucial to the concept of justice.

¹⁷ Vinod Rajdan and Versha Rajdan, "Indian Judicial Process: Some Road Blocks", Law Teller (March,2010)34-38

When a person's constitutional rights have been invaded, the next logical step is to submit a writ petition. The delay caused by pending writ petitions puts additional strain on the judicial system. State agencies should thus behave equitably so that the majority of cases may be avoided and the judicial system can function more efficiently. The integrity of the law system suffers when corruption exists. The decline in morality extends to today's courts and the general public. There are several reasons why the court system is so horrible and dismal. Therefore, significant reforms to the legal system are urgently required. The author has identified many causes of the court administration's decline. There is a need for significant reforms to be implemented so that the judicial system can better serve the public. Making ADR Techniques Mandatory In India: Proposed CPC Amendment¹⁸- The researcher has worked on this article's ADR techniques and methods. It is an effective method used to settle matters peacefully and amicably. The method of solving disputes through ADR has been prevalent in Indian society since times immemorial. During ancient times, a panchayat was prevalent in Indian society through which elderly and reliable persons settled

¹⁸ V.K Ahuja, "Making ADR Techniques Mandatory In India: Proposed CPC Amendment", National Capital Law Journal, Vol.2 (1997)28-40

disputes. After that, arbitration was given a good and substantive law as India Arbitration Act 1899. Various techniques under ADR are mediation, Negotiation, conciliation, mini-trial and Lok Adalat. Lok Adalat is an effective mechanism to reach a mutual settlement of cases.

Institution of Lok Adalat and Permanent Lok Adalat¹⁹ - The researcher has discussed the concept of Lok Adalat, its evolution and its origin. The Constitution of India has also granted equal protection of the law and fundamental rights. It has ensured the protection of the life and liberty of individuals under Article 21 of the Constitution of India. Article 39A of the Constitution of India is the mother of the Legal Services Authority Act 1987. Access to justice is the sole purpose of the act above. Settlement of disputes through mediation, conciliation, Negotiation or arbitral process is the essential ingredient of Lok Adalat. Salient features of this form of dispute resolution are participation, accommodation, fairness and voluntariness.

The researcher has made a doctrinal study and explained the working of Lok Adalat. It has the power to settle people's matters through mutual adjustment. After the success of Lok Adalat, parliament

¹⁹ Aditya Kumar Trivedi, "Institution of Lok Adalat And Permanent Lok Adalat", Nyayadeep, Vol. XV, Issue 3 & 4,(July2014)10-13

brought up chapter vi and introduced Section 22A (b)(i). Permanent Lok Adalat shall decide the disputes related to public utility matters. The limitation imposed upon such a forum is that it cannot decide the case of non- compoundable nature as well those where jurisdiction exceeds Rs. 25 lac(now up to 1 crore). In this paper, the researcher has detailedly studied Lok Adalat and Permanent Lok Adalat.

General Attitude Towards Lok -Adalat

In India, one of the methods for settling legal disagreements is via a process called Lok Adalat. Cases filed with Panchayat or in the pre-litigation stage of the legal system may be resolved in this setting. Their official position was established by the Legal Services Authority Act of 1987. The term "people court" (Lok Adalat) comes from Malay. Adalat is the Arabic word for "court," and the Lok identifies the populace. It is based on Mahatma Gandhi's suggestions for the Gram Panchayat, the panch-parmesan.

The Supreme Court Legal Services Committee, State Legal Services Committee, and District Legal Services Committee all host mock courts and are known as Lok Adalats. The idea of Lok Adalat has been championed primarily by Justice P.N. Bhagwati, a former Chief

Justice of India.²⁰ This institution dates back to the earliest days of human history. In primitive society, the concept of panch Rameshwar was prevalent, which is reconstructed in the form of Lok Adalat. It is a very innovative method, like the concept of " zero"²¹. Lok means People, and Adalat means court. During ancient times, Panchayat was prevalent, which was having the ability and authority to deal with and settle people's differences. India has a long history and trad, revealing deals that panchayats were practised in society at grass root level²². The legal terminology of Panchayat is 'Arbitration'. It was a much-used method in India to solve the disputes of people, whether it be a commercial or non-commercial matter. Lok Adalat was the other alternative where justice was delivered in summary form by following simple and less-technical procedures²³.

²⁰ Hemant Kumar Chand, Lok Adalat In India: Genesis, Law Practice And Prospects (Delhi: Satyam Law International Delhi, 2016) 65

²¹ Rigina Anand, What Is A Lok Adalat, Retrieved from <<https://www.quora.com> > visited on 25.11. 2018 at 05:10 p.m

²² Dr. Hemant Kumar Chand, Lok Adalat In India Genesis Law Practice And Prospects (Delhi: Satyam Law International Delhi, 2016) 3

²³ Upendra Bakshi and Marc Galanter, "Panchayat Justice: An Indian Experience In Legal Aid "in M. Cappelliti Access To Justice And Welfare State (New York: Springer Publishing Company) Vol. III (1979) 344

Lok Adalats are judicial bodies conducted with the prime aim of resolving cases in an amicable way and have been infused with the notion of mediation, conciliation, or arbitral process people sometimes understand people as negotiation or conciliation or mediation and arbitration. Since the beginning, people were much satisfied with the working of Lok Adalat as it promoted peace and betterment of the society. They were satisfied and happy and had blind faith in the system. There was an environment of peace and tranquillity in the villages because whenever disputes arose among people, it was settled with the due intervention of respectable older adults, and their decisions were binding and acceptable to people. The salient feature of this form of dispute resolution was participation, fairness, voluntariness, neighbourliness, transparency, efficiency and lack of animosity²⁴.

People used to refer their disputes to Lok Adalat and get their decision. It imparted jus to the millions without no access to a formal court. During Ancient Times, People worked under the name and label of Kula, Sreni and Gana courts. Whatever the system's nomenclature, the concept had been and continued to be substantially

²⁴ Dr B.S Hansai, A Critical Study Of Alternative Dispute Resolution System (Bangalore: Karnataka Institute Of Law Reform, 2008) 33.

one and the same³⁷. The concept of Lok Adalat functioned through ancient times in Indian jurisprudence and continued to exist even during Mughal times. With the introduction of the British system, there was a significant change, and its working and institutions, similar to Lok Adalat, were eclipsed. They introduced and developed their laws, regulation and system of working.²⁵

A hierarchy of courts was developed, i.e. Adversarial system of adjudication replaced Lok Adalat, and informal adjudication lost its place and relevance during that time. However, the institutions of Lok Adalat were functioning effectively in some form or another in almost all countryside villages in India²⁶. The system of adjudication innovated by the British needed to be more bulky, lengthy, technical and time-consuming. Cases or matters started getting pending in courts for a long time, leading to an extension of the disputes, which resulted in delayed decisions. It was costly and time-consuming. Some could not bear the burden of long pendency of cases and delayed justice. Delay gives rise to corruption and other evils. The ill effects of the British system of administration were the large number of pending cases alienation of a large number of masses of the

²⁵ P.S Narayana, Law Relating To Lok Adalat: Legal Services Authorities Act 1987 (Hyderabad: Asia Law House, 2002) 1

²⁶ Ibid

country from the administration of justice³⁹. The rules of procedure were highly technical and lethargic. Access to speedy, quick and inexpensive justice is a fundamental human right. All the persons of society should be able to redress their grievances and have the right to ingress and egress courts. Access to justice will be meaningful if the judicial system gives effective and speedy results through a fair process and within a prescribed time. It needs to be remodelled in light of the changed situation of society. Radical changes in the method of administration of justice and its procedure will meet the needs of people and courts to which people can go with clean hands and at a lesser cost as far as possible. The failure of the justice system has several disastrous implications in society²⁷. Justice should not only be done but should manifestly and undoubtedly be done²⁸.

Lok Adalat is a much popular forum set up for settlement of disputes. It helps to reduce the burden of the present justice delivery mechanism. It helps provide a statutory forum for the litigants to resolve their matters in an amicable manner. Because of the success of Lok Adalats in mediating disagreements out of court, judges can

²⁷ B Kumar and Swati Kumari, "Judicial Reforms: A Necessity", Indian Bar Review, Vol. 44 Issue 2(2017) 3

²⁸ S.N Dhayni, Jurisprudence Indian Legal Theory (New Delhi: Central Law Agency, 2008) 85

focus on other cases²⁹. There is often less escalation and animosity generated through Lok Adalat. This is a massive plus in cases where the parties need to keep in touch after the settlement has been reached³⁰.

After the independence of the country, the Constitution was framed, and it was drafted in order to promote the welfare of the country. Fundamental rights and directive principles were framed. Article 14 ensures the right to equality, and protected within should be ensured the protection of rights irrespective of race, creed, religion and colour. Thus, the State must do a challenging job to bring people out of their misery. The state should act as a guarantor of rights. The preamble speaks of social, economic and political justice and equality of status and opportunity⁴⁴. Article 21 ensures the right to life and includes the right to live a life full of dignity. Thus, a person can live a dignified life only if he can have access to justice and is capable of ingress and egressing to courts. A person must be capable enough to avail of legal services.

²⁹ Lecture Delivered By Justice, Y. K Sabharwal, Then CJI India on 24th November 2004 In A Seminar Organized By Bombay High Court Nyaya Deep, Vol vi Issue 4 (Jan 2005) 53

³⁰ K. Gupteshwar, "Statutory Lok Adalat: Its Structure and Role", Journal of Indian Law Institute, Vol. 30 (1988) 174-83.

Articles 14, 21, 22, 38, and 39A of the Constitution, as protecting, are discussed as being integral to protecting the interests of the poor via the provision of legal services. The State must promote justice and offer free legal -aid via relevant legislation (Legal Services Authority Act, 1987) or plans to guarantee that no citizen's access to justice is impeded because of economic or other disabilities³¹.

The Law Commission of India has advocated for the development of mechanisms to make justice accessible, accessible, accessible, affordable, and effective. According to the 77th report from the Law Commission of India, most Indians come from rural backgrounds. They lack the education to grasp the complex legal processes used in the country's courts. When things became bad enough, the Law Commission and other legal authorities noted that the administration of justice was on the brink of collapse, and heart individuals were turning to the "underworld" to have their due there was anarchy in the community as a consequence of the lengthy delays in justice and the mounting backlog of cases caused by the adversarial form of adjudication. I was overwhelmed and unable to recover. Neither the backlog of cases nor the expensive expense of procedures under the

³¹ Dr Hemant Chand, Lok Adalat In India Genesis Law Practice And Prospects (Delhi: Satyam Law International, 2016) 7

country's adversarial system allowed it to achieve the constitutional ideals of access to justice and equity to reinvigorate results; there was a pressing need for reinvigorating the traditional method of delivering justice.

Role of Legislature and Legal Service Authorities towards Lok Adalat

The establishment of Lok Adalats brought a new chapter to the justice dispensation system of this nation and succeeded in offering a supplemental platform to the litigants for the amicable resolution of their issues, and access to justice was made less formal and more accessible.³² Providing free legal aid services and holding Lok Adalat to settle disputes were the primary goals of the free Legal Help Scheme. Due to the lack of a formal mandate for the Scheme, the Parliament passed the Legal Services Authorities Act in 1987. Subsequently, in 1994, changes were made to that Act. Chapter VI of the Legal Services Authorities Act, 1987 enshrines the mode of convening Lok Adalats.³³ To further facilitate pre-litigation,

³² Law Commission of India, 222nd Report on Need for Justice-dispensation through ADR etc. (April, 2009)

³³ Sunil Deshta, Lok Adalats in India: Genesis and Functioning 126 (Deep & Deep Publications, New Delhi, 1995)

mediation, and settlement in cases involving public utility services, the Act 1987 was amended in 2002 to include Permanent Lok Adalats under Chapter VIA. The Lok Adalat's purpose is neither arbitration nor as a Bench Court. Its primary function is to promote harmony in the first stages. It is a one-of-a-kind organization set up to handle conflicts between people from all walks of life as they emerge³⁴. This means that Lok Adalats serve as community courts established to address the needs of a specific population.³⁵ Lok Adalats have gained popularity and helped resolve conflicts quickly thanks to the Legal Services Authorities Act, 1987 being carried out in its genuine meaning. The State Legal Services Authority, the District Legal Services Authority, the Supreme Court Legal Services Committee, the High Court Legal Services Committee, and the Taluk Legal Services Committee regularly host six such events.³⁶

Justice P.N. Bhagwati has provided a concise definition and purpose for legal assistance. In his view, giving legal assistance entails organizing society so that individuals who need to use the

³⁴ Simran, "Lok Adalat in India" available at: <http://somethingaboutlaws.blogspot.in/2013/02/lok-adalats-india.html> (visited on May 21, 2013).

³⁵ Ibid.

³⁶ S.K. Chawla, Law of Arbitration and Conciliation including other ADRs 835 (Eastern Law House Pvt. Ltd., Calcutta 3rdedn., 2012).

judicial system to protect their rights are not financially unable to do so. While Justice P.N. Bhagwati calls it "equal justice in action," Justice Krishna Iyer sees it as a spark that will allow the disenfranchised people to reassert state responsibilities.³⁷

The Act is a positive development that will help the judicial system handle more cases quickly. Concern for fairness has increased over time, necessitating the passage of this Act. As of October 11, 1987, the Act has the President's approval.³⁸ It is a conglomerate law that encompasses Judicial Aid and Lok Adalat, the twin institutions set up to guarantee that the functioning of the legal system advances equal justice. The Act's overarching goal is to create Lok Adalats to guarantee that the workings of the legal system promote justice based on equal opportunity and to offer free and competent legal services to the economically and socially disadvantaged members of society.³⁹ The Act aims to accomplish three primary things—

Three goals guide the work of Lok Adalats:

³⁷ Government of Gujarat, Legal Aid Committee Report 5 (Legal Department, 1971).

³⁸ Introduction of the Legal Services Authority Act, 1987 (Act 39 of 1987)

³⁹ The Act, 1987, Preamble.

- (1) to provide free and competent legal services to the weaker section of society;
- (2) to ensure the security of justice for all despite economic or other disabilities, and
- (3) to organize Lok Adalats to promote justice based on equal opportunity.⁴⁰

The unique aspect of this Act is that it expands the reach of Legal Aid while also legitimizing Lok Adalat and all the good that follows. The Act's value lies in the fact that it has granted Lok Adalats the authority to hear and decide pending cases before any court or tribunal, regardless of the nature or level of law involved.⁴¹ The purpose of this Act is to improve the availability of justice for the general public by enacting necessary changes in the judicial system. The purpose of this law is to implement the social goals of the State Policy Directives set out in Article 39-A of our Constitution⁴². As a result, the Legal Services Authorities Act, 1987 ensures that everyone has the chance to seek justice in their local Lok Adalat. It has served as an alternative platform to satiate the need for justice and is credited with practically giving birth to participatory justice.

⁴⁰ Supra note 3 at 145.

⁴¹ The Legal Services Authority Act, 1987, Section- 20.

⁴² See, Constitution of India, Article 39- A

Thus, the Act's overarching goal is to provide a framework to speedily deal with backlogged cases using the method of Lok Adalats.⁴³

Conclusion

Man is a social animal who is regulated by the rules and regulations. While a human being lives in the society, it is very obvious that some differences may arise between them either due to the moral, religious or social cause. Thus, there arises a need for a mechanism for resolving the disputes. The State is the protector of its citizens and takes care of their person and property. An individual surrenders their rights before the State against reciprocal promise by the State to protect & provide security to the individuals from external and internal aggressions as per social contract theory. Whenever the rights of a person are infringed by another being, it needs to be protected by the state as its prime duty otherwise, it will be called as the non-performance of duty by the State. Herein, it is pertinent to

⁴³ Sarfaraz Ahmed Khan, Lok Adalat: An Effective Alternative Dispute Resolution Mechanism 146 (APH Publishing Corporation, New Delhi, 2006); See also, Chapter- VIA "Pre-Litigation Conciliation and Settlement" of the Legal Services Authorities Act, 1987 (containing sections 22A to 22E) instituted by Amendment Act 37 of 2002, Sec.4 (w.e.f 11-6-2002).

mention over here, that the Court is considered as the best and effective mechanism to resolve the disputes.

It is pertinent to mention here that when people do interact in society they make an exchange of thoughts, views, gestures and expressions. They sometimes show resemblance over the same point whereas may disagree with each other on some matters. Disagreements lead to the differences which if not cleared on time results in the disputes. Disputes when occur between the individuals creates an environment of ill-will or hatred in the society. So, it is must to get the disputes resolved within a reasonable time and that too upon the legal parlance. Whenever the rights of a person are violated or infringed, aggrieved persons move to court for the redressal of their own grievances. It is the duty of the State to provide fair and speedy justice. People do follow an institutionalized mode of dispute resolution.

Fair and speedy justice is the hallmark of good governance in today's democratic societies. In recent years litigation has increased at a rapid pace because people have become literate and much aware of their rights. Also, there is a huge rise in the population which is much higher than the required number of judges. The process of

adjudication is based upon the British system and involves much lengthy time, exertion and expenditure. Poor people find it awkward to cope up with the cumbersome procedures and lengthy time span mixed with the huge expenditure. There are almost 1.1 billion people living in India. In comparison, the United States has around 107 judges for every million inhabitants, whereas Great Britain has 150 judges for every million people. The Law Commission of India said in its 120th Report in 1988 that "State should quickly enhance the ratio from 10.5 judges per million of the Indian population to at least 50 judges per million during the duration of next five years." Also, the courts, legislature, and administration all need to take prompt action to prevent the collapse of our justice delivery system. If our commercial practices were as outdated as our legal system, we would have gone bankrupt long ago, as stated by Lord Delvin.

Lawyers, academics, and researchers looked into the issue of a backlog of cases and came up with alternative dispute resolution (ADR). Common forms of alternative dispute resolution include these conversations as well as mediation, conciliation, arbitration, and the Indian system of law known as Lok Adalat. Although these procedures may be employed in certain situations, they are not legally binding and may be abandoned at any moment by any of the

involved parties. When it comes to delivering economical, efficient, and quick justice, Lok Adalat is by far the most popular and feasible option. As early as the Panch Parmeshwar era, the idea of Lok Adalat was already widely accepted.

Justice S.M Dharamadhikari called Lok Adalat as Indianization, humanization and spiritualization of dispensing the justice on the following basis:

Indianization of justice: Dispensation is done upon the basis of custom and traditions followed in Indian villages and society.

Humanization of justice dispensation: More and more participation of human beings involved with the large consideration to human aspect in the course.

Spiritualization of justice dispensation: Upliftment of the society by tutoring its members to do justice towards each other.