

LOK ADALAT AND LEGAL AID

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WHAT IS A LOK ADALAT

Lok Adalat as its name suggests “the court of people”, literally works for the legal benefit of common people and becomes an easy source to provide Alternate Dispute Resolution and is an efficacious tool to deliver inquisitorial justice delivery system in India as it put people as an eminent person for the resolution of a dispute rather than the fate of case revolving around judges and advocates in traditional and common adversarial justice delivery mechanism. The Lok Adalat was given statutory status due to its growing popularity after it was first held in Gujarat in 1982. It derives its legality from The National Legal Services Authorities Act which was passed in 1987 after deliberate discussion and the need felt for legal aid in India.

LEGAL AID

As mentioned in the National Legal Services Authority Act of 1987, an act to constitute legal services authorities to provide free and competent legal services to the weaker sections of society to ensure that opportunities for securing justice are not denied to any citizen because of economic or other disabilities, and to organize Lok Adalat to secure that the operation of the legal system promotes justice based on equal opportunity. Under article 39 A of the Directive Principle of State Policy, it is mentioned that legal aid is to be provided by the state. Even though it is not specifically mentioned under fundamental rights, legal aid is implied under articles 14 and 21 of the constitution.

JURISDICTION

Under section 18(1) of the National Legal Services Authorities Act, 1987 jurisdictions of Lok Adalat are given. According to it, Lok Adalat will arrive at a settlement between parties if:

- Any case is pending before; or
- Any matter is falling within the jurisdiction of and is not bought before, any court for which the Lok Adalat is organized.

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Those cases which are referred to Lok Adalat will not relate to compoundable offenses and will not be related to divorce cases.

Cases that get referred to the Lok Adalat are:

- A. Case pending before the court;
- B. Any case at the pre-litigation stage.

If the case is at the pre-litigative stage, then the state legal services authority and the district legal services authority will refer such matter to the Lok Adalat for the common solution and amicable resolution of the case on the basis of application of receipt filed by any one of the parties at pre-litigation stage.

About legal aid we have very landmark case which I would like to discuss in brief:

KHATRI V. STATE OF BIHAR, 1981

FACTS OF THE CASE:

Famously known as Bhagalpur blinding case, happened in Bhagalpur Bihar between 1979 and 1980, police blinded around 33 under-trial prisoners by pouring acid in their eyes. It was the worst slap on the face of humanity. There was a blatant violation of human rights. It was seen as the fault on the side of the judicial officer. Some of the prisoners were released and others were confined without remand. They took blinded prisoners to Rajendra Prasad Ophthalmic Institute, New Delhi. There was fault on the side of the district and session judge of Bhagalpur as they had a duty to inspect the jail but they refrained. Also, blinded prisoners were declared permanently impaired by the institute. After this incident, there were numerous petitions filed.

Supreme Court then decided to hear all the petitions collectively in a single bench in **Khatri & Ors. V the State of Bihar**.

ISSUES:

1. Is the state obligated to provide free legal aid to every needy person?
2. Whether the victim's right to life and personal property got deprived by the state beyond the procedure established by law?
3. Whether the victim should get compensation?
4. Whether there was any duty on behalf of the judicial officers regarding the right to life?

JUDGMENT:

In this case, it was held that the state is obligated to provide free legal aid to every person in need of it. Here the court held that it is the obligation of the magistrate or session judge to inform the accused that if he is unable to find a lawyer due to poverty and indigence, he is entitled to obtain free legal services and the state will bear the cost of the lawyer of accused person's choice. Here it was held that the victim's right to life and personal property got deprived as police officers being government servants, blinded 33 persons, and under article 21 their right to life was infringed. The court held that the victims should get monetary compensation as their right to life was infringed under the constitution. It was held that it was the duty behalf of the judicial officers to check the condition of prisoners while they were in prison and here they violated their duty

ANALYSIS:

From this case, we can understand how the state can help in providing legal aid to poor people as our system ignores poor people the most. Due to their helplessness regarding money, they are out of this justice delivery system. Ignorance by the justice system and brutal behavior by police affect them the most and they are kept deliberately out of the justice delivery system. With the entry of Lok Adalat into the justice delivery system case are being solved speedily and amicably without incurring huge costs. Poor and illiterates can get benefit from the Lok Adalat as they can avoid the huge cost and cumbersome process of the Court's system. We can see justice being delivered with the help of Lok Adalat.

POWER

Lok Adalat bears the same power as that of a civil court under the Code of Civil Procedure, 1908. Lok Adalat shall have the power to create its own procedure for the amicable resolution of the cases brought before it. Within the meaning of sections 193, 219, and 228 of the Indian Penal Code 1860, all proceedings before a Lok Adalat or a permanent Lok Adalat shall be deemed to have judicial proceedings and every Lok Adalat shall have civil court for the purpose of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973.

NATIONAL LEGAL SERVICES AUTHORITY

At the national level, we have National Legal Services Authority constituted under the Legal Services Authorities Act of 1987. It deals with legal aid to the weaker section of society and organizes Lok Adalat for amicable solutions to issues.

STATUS OF THE OFFICE BEARERS OF NALSA:

The Chief Justice of India is the patron-in-chief and the second seniormost judge of the supreme court is the Executive Chairman of NALSA. NALSA is housed at the Supreme Court of India, New Delhi. Other than NALSA we have **State Legal Services Authority (SLSA)** at the state level and **District Legal Services Authority (DLSA)** at the district level. SLSA works to fulfill the duties on behalf of NLSA at the state level. It gives effect to the policies made by NLSA and conducts Lok Adalat. The Chief Justice of the High Court is the patron-in-chief of the SLSA and the seniormost judge of that High Court is the Executive Chairman of the SLSA. DLSA's function is to give legal services at the district level. It is the basic and easily reachable authority. It is located at the complex of every District Court and the District Judge of that district is the chairman of DLSA.

BENEFITS

As a citizen, in our daily life, we easily get derived toward criticizing everything to which we are not exposed and we know less or almost nothing about it. When there are talks and debates around the importance of Lok Adalat, we generally don't know about it if we are not a part of the legal system. Today's legal system is not easily understandable by a common person so people refrain from getting involved in the legal system after their rights are violated. Lok Adalat is the way by which we can make our justice delivery system smooth for the common person:

- It is an easily reachable method to provide **speedy and victim-centric** justice without getting unnecessarily stuck in intricate legal steps.
- **Disputes are settled amicably** as both parties arrive at a common decision through a compromise between both parties.
- Decisions made by Lok Adalat are binding on both parties and no appeal lies against it in any court of law.
- We can **reduce the burden of cases** on our courts by referring most of the cases to the Lok Adalat.

- When the case is filed before the court, the fees are very high and for the poor, it is not payable. As people hesitate to visit the courts because of the costly and tedious process of our judicial system, Lok Adalat can help in solving this problem as it does not incur a huge cost and the process of solving cases is easy as well as victim-centric.

WHERE THE PROBLEM LIES?

The very first problem is people do not know about the Lok Adalat. According to the report published by the National Survey of India, the literacy rate of India is 77.7%. When we talk about the legal literacy of India, most people fear the judicial system. People generally refrain from court cases. The problem lies with **the cost and cumbersome process** of the justice delivery system. The second and most important problem is **grants given to the judiciary**. In the Union Budget 2022-23, the budget assigned to law and justice is 0.1% of GDP which is very low. From this, the budget given to the Lok Adalat is really very low which is a huge problem. Another problem is the **functioning of the Lok Adalat**. DLSA is the very first ground-level authority to provide legal aid to people. Generally, people do not know about it and ignore it. There is no awareness at the ground level regarding legal aid. As the system of Lok Adalat is dealing with compromise and settlements, sometimes there is no solution between parties. The case is then referred to the court of law which leads to a delay in judgment.

WHERE THE SOLUTION LIES?

INCREMENT IN GRANTS

In order to provide speedy justice, Lok Adalat should be held frequently. But without enough grants it is impossible. So the government should increase the budget given to the judiciary.

AWARENESS

People hesitate to become part of the legal system because of a lack of legal awareness. They don't know which authority to ask for when there is some serious legal issue. Not only illiterates but literate people don't know about legal aid and Lok Adalat. Legal awareness programs are the real solution to this serious problem. People should get to know what are they and which authority's door should get knocked on. With the help of local NGOs working at the ground level, we can aware people of Lok Adalat directly by helping people who have their

cases pending in the Courts. With the help of students and local colleges, we can start legal awareness sessions in localities.

ADDING TECHNOLOGY

Government can increase the pace of solving cases in a timely manner by adding artificial intelligence in it. Lok Adalat can be made more efficient and effective. In solving the cases, judges can get a wholesome, quick, and deeper understanding of them. Cases can get data-driven solutions and their reading and understanding can be made easy. For people to file their cases in Lok Adalat new AI tools can come as a great help and cases can be solved according to their nature and types on a priority basis with the help of technology. Awareness programs can run through various social media channels easily as a common person is approachable through these channels.

CONCLUSION

When it comes to Lok Adalat and solutions related to their functioning, there is a long way to go. The first step should be to make our District Legal Services Authorities very strong by giving them timely and proper grants as they relate directly to people. There should be monthly awareness programs in various localities. Lok Adalat should be held in a properly time bounded manner and more cases should get referred to them. Although it is not easy to improve this particular system with the help of these small steps we can improve our legal system and by adding the element of technology we can make this justice delivery system fast.