

## ROLE OF LOK ADALAT IN EARLY RESOLUTION OF CASES

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### ABSTRACT

*As we live in a society, disputes and conflicts may arise among people. And the only remedy available to the citizens is to approach the court. In the majority of countries, the judicial system is overburdened with a backlog of cases. The courts take unreasonably excessive time to resolve the cases, leading to injustice for many people.<sup>1</sup>The classical phrase 'Justice deferred is justice undone' applies in this situation. Since the duration of resolution of cases is very long, many circumstances get affected like commerce, development, and business. In order to deliver justice without getting involved in litigation, the general court and lawyers majority of countries rely on alternative forms of dispute resolution. In India, the method of alternative dispute resolution finds a place in the historical period and tradition. This practice of alternative dispute resolution was followed in the name of panchayats, and in legal nomenclature, these are called arbitrations. Earlier, people believed it is better to resolve disputes among themselves without the court's involvement. Panchayats used to settle the disputes of a particular community and the head of the panchayat used mediation and discussion to reach the middle ground for both the parties.<sup>2</sup> Hence, it may be claimed that at the most basic level, the ADR is being used in India for centuries. Under section 89 of the Code of civil procedure (CPC)<sup>3</sup>, the methods of dispute resolution that fall outside the court system are recognized. Lok Adalat is another method of dispute resolution practice in India without involvement in litigation.*

**Keywords:** Society, Conflicts, Judicial System, Overburdened, Alternative, Panchayat, Lok Adalat.

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<sup>1</sup>All you need to know about the judicial recognition of Lok Adalat <<https://blog.iplayers.in/all-you-need-to-know-about-the-judicial-recognition-of-lok-adalat/>> accessed on 12 July 2023

<sup>2</sup> Role of Lok Adalat in dispute resolution<<https://www.legalserviceindia.com/legal/article-8107-role-of-lok-adalat-in-dispute-resolution.htm>> on 12 July 2023

<sup>3</sup> Section 89 CPC <<https://www.legalserviceindia.com/legal/article-385-section-89-of-cpc-a-critical-analysis.html>> accessed on 12 July 2023

## INTRODUCTION

The actual meaning of Lok Adalat is people's court".<sup>4</sup> It came into existence to provide cheap and speedy justice to the aggrieved party. The concept of Lok Adalat can be dated back to the pre-independence era and particularly during British rule. In Indian history, Lok Adalat has a unique contribution to the judicial system. It is an informal system of dispute resolution and dispensation of justice which has succeeded in providing a supplementary platform to the aggrieved party for the amicable resolution of disputes.

The concept of Lok Adalat is a product of the Gandhian idea of gram swaraj i.e., self-rule. It was conceptualized to promote Article 39-A<sup>5</sup> of the constitution of India which states that "The State shall secure that the operation of the legal system promotes justice, on a basis of equal opportunity, and shall, in particular, 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 and other disabilities."<sup>6</sup> The Legal Services Authority Act, of 1987<sup>7</sup> was passed to fulfil the very purpose of Article 39 A of the constitution of India and gave statutory status to Lok Adalat. In 2002, the Parliament made Lok Adalat, a permanent body under section 22 B by making amendments to the Legal Service Authorities Act, 1987 to resolve disputes related to public utility services. The said act contains various provisions related to dispute resolution by Lok Adalat in chapter VI.<sup>8</sup>

It is an alternative mechanism of dispute resolution and a platform where cases pending in the court or at the pre-trial stage are resolved amicably. Lok Adalat settles the dispute through conciliation and compromise. It guarantees that everyone has the legal right to justice and provides free and fair legal services to the weaker and marginalized sections of society to ensure that equal opportunity for securing justice is provided regardless of someone's socio-economic standing. Lok Adalat camp was held in Gujarat in 1982 for the first time.<sup>9</sup>

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<sup>4</sup> Role of Lok Adalat in dispute resolution <<https://www.legalserviceindia.com/legal/article-8107-role-of-lok-adalat-in-dispute-resolution.html>> accessed on 13 July 2023

<sup>5</sup> Article 39A of the Constitution of India accessed on 14 July 2023

<sup>6</sup> Article 39A of the Constitution of India <<https://www.constitutionofindia.net/articles/article-39a-equal-justice-and-free-legal-aid/>> accessed on 14 July 2023

<sup>7</sup> Lok Adalats

<<https://nalsa.gov.in/lokadalat#:~:text=Lok%20Adalat%20is%20one%20of,Legal%20Services%20Authorities%20Act%2C%201987.>> accessed on 14 July 2023

<sup>8</sup> Lok Adalats <<https://www.drishtias.com/daily-updates/daily-news-analysis/lok-adalats>> accessed on 15 July 2023

<sup>9</sup> Lok Adalat <<https://www.drishtias.com/daily-updates/daily-news-analysis/lok-adalats>> accessed on 15 July 2023

Under the Legal Services Authority Act, of 1987, the award(decision) given by Lok Adalat is considered to be a decree of the civil court and is final and binding on all parties, and there is no provision for the appeal against such decree. If the parties are not satisfied with the decision of Lok Adalat, they can file a case in a court of appropriate jurisdiction by following the required procedure.<sup>10</sup>

No court fee is required in Lok Adalat. If any case is pending in a court and is referred to the Lok Adalat for resolution, then the court fee that was paid in the court will be refunded back to the parties if the case is resolved in Lok Adalat.<sup>11</sup>

### **ORGANIZATION AND COMPOSITION OF LOK ADALAT**

Lok Adalat may be organized at whatever intervals and locations decided by the State/District Legal Services Authority, the Supreme Court/High Court/Taluk Legal Services Committee, or both. Each Lok Adalat held for a particular area shall have the amount of active or retired judges and other residents that the organization hosting the Lok Adalat may specify. In general, a Lok Adalat includes a judicial officer as the chairman and a lawyer(advocate), and a social worker as members.<sup>12</sup>

Lok Adalat functions at various levels<sup>13</sup>-

- a) The State Legal Service Authority comprises a sitting or retired judge of the High Court or a retired judicial officer. It also consists of either one or both members from legal professionals and social workers for the execution of legal service schemes and for lifting the marginalized sections.

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<sup>10</sup> Lok Adalat<<https://nalsa.gov.in/lok-adalat#:~:text=Lok%20Adalat%20is%20one%20of,Legal%20Services%20Authorities%20Act%2C%201987>> accessed on 15 July 2023

<sup>11</sup> Lok adalats<<https://nalsa.gov.in/lok-adalat#:~:text=Lok%20Adalat%20is%20one%20of,Legal%20Services%20Authorities%20Act%2C%201987>>.> accessed on 16 July 2023

<sup>12</sup> Lok Adalat: alternative dispute resolution mechanism in India <<https://www.legalserviceindia.com/legal/article-1823-lok-adalat-alternative-dispute-resolution-mechanism-in-india.html>>accessed on 16 July 2023

<sup>13</sup> Lok adalats <<https://nalsa.gov.in/lok-adalat#:~:text=Lok%20Adalat%20is%20one%20of,Legal%20Services%20Authorities%20Act%2C%201987>>.> accessed on 17 July 2023

Role of Lok Adalat in dispute resolution <<https://www.legalserviceindia.com/legal/article-8107-role-of-lok-adalat-in-dispute-resolution.html>>accessed on 17 July 2023

Lok Adalat <<https://www.drishtiias.com/daily-updates/daily-news-analysis/lok-adalats>>accessed on 17 July 2023

- b) Lok Adalat benches at the high court level are constituted by the secretary of the High Court Legal Services Committee which comprises sitting or retired judges of the High Court and either one or both members from legal professionals and social workers for the execution of legal services schemes and working for the lifting of weaker and marginalized sections of society.
- c) The secretary of the District Legal Services Authority is responsible for the constitution of the benches of Lok Adalat. Each bench comprises sitting or retired judicial officers and any one or both members from legal professionals and social workers or the execution of legal services schemes/programs and working for the lifting of weaker and marginalized sections of a society or a person involved in the para-legal activities of the area which is ideally a woman.
- d) The Taluk Legal Services Committee constitutes the benches of Lok Adalat which comprises sitting or retired judicial officers and either one or both members from legal professionals and social workers for the execution of legal services schemes/programs and working for the upliftment of weaker and marginalized sections of society, or a person involved in the para-legal activities of the area that is preferably a woman.
- e) National-level Lok Adalats are held at regular intervals four times a year for dispute resolution, Lok Adalats are held throughout the country, in the Supreme Court, High Courts, District courts, and courts at a Taluk level on the same day for the disposing of a large number of cases.

## **JURISDICTION OF LOK ADALAT**

Lok Adalat has jurisdiction to deal with all the cases that are currently proceeding before any court or the cases that are directly referred to Lok Adalat without filing before any court.<sup>14</sup>

The cases which are at the stage of pre-litigation can be referred to the Lok Adalat when the parties or any of the parties to the case have requested the court or Lok Adalat for the referral of the case or the court is convinced that the matter can be resolved by the Lok Adalat.

The matter can also be referred to Lok Adalat when both parties agree to resolve their issues in Lok Adalat and one of the parties to the dispute applies to a pre-litigation dispute.

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<sup>14</sup>All you need to know about the judicial recognition of Lok Adalat <<https://blog.iplayers.in/all-you-need-to-know-about-the-judicial-recognition-of-lok-adalat/>>accessed on 19 July 2023

The cases involving matrimonial disputes, Labour disputes, land acquisition disputes, criminal cases(compoundable offenses), workmen's compensation cases, family disputes, and bankruptcy cases, etc can be resolved in Lok Adalat.<sup>15</sup>

However, the Lok Adalat does not have any jurisdiction over the cases or matters that are involving any offense that is not compoundable under any law. It means the cases which are not covered under any legislation are outside the ambit of Lok Adalat.

### POWERS OF LOK ADALAT

- a) Section 22 of The Legal Services Authorities Act of 1987<sup>16</sup>states the powers that are provided to the Lok Adalat. The Lok Adalat has the power same as the civil court under the Code of Civil Procedure (1908).
- b) Under section 22(2) of the Legal Services Authorities Act of 1987<sup>17</sup>, Lok Adalat has the power to determine its policies and procedure related to the resolution of disputes that are registered before them.
- c) Every proceeding before a Lok Adalat shall be deemed to be judicial proceedings within the meaning of sections 193, 219, and 228 Indian Penal Code (1860)<sup>18</sup> and every Lok Adalat shall be considered to be working for fulfilling the purpose of a Civil Court under the Code of Criminal Procedure (1973).
- d) Any award/decision which is given by the Lok Adalat shall be deemed as the award/ decision by any other court or civil court.
- e) The award/ decision passed by Lok Adalat is considered a judgment of a civil court that is final and enforceable on both parties. Also, there is no provision for appeal against the award if the parties are unsatisfied.<sup>19</sup>

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<sup>15</sup> Lok adalats <<https://www.drishtias.com/daily-updates/daily-news-analysis/lok-adalats>>accessed on 21 July 2023

All you need to know about judicial recognition of Lok Adalat <<https://blog.ipleaders.in/all-you-need-to-know-about-the-judicial-recognition-of-lok-adalat/>>accessed on 21 July 2023

<sup>16</sup> Section 22 of the legal services authorities act, 1987<[https://ibclaw.in/section-22-powers-of-lok-adalat-or-permanent-lok-adalat/#:~:text=\(2\)%20Without%20prejudice%20to%20the.any%20dispute%20coming%20before%20it.](https://ibclaw.in/section-22-powers-of-lok-adalat-or-permanent-lok-adalat/#:~:text=(2)%20Without%20prejudice%20to%20the.any%20dispute%20coming%20before%20it.)>accessed on 22 July 2023

<sup>17</sup> Section 22(2)of the legal services authorities act, 1987 <<https://indiankanoon.org/doc/13276474/>>accessed on 22 July 2023

<sup>18</sup> Section 22(3) of the legal services authoritiesact, 1987 <<https://indiankanoon.org/doc/13276474/>>accessed on 23 July 2023

<sup>19</sup> <<https://nalsa.gov.in/lok-adalat/#:~:text=Lok%20Adalat%20is%20one%20of,Legal%20Services%20Authorities%20Act%2C%201987.>>a ccessed on 23 July 2023

## FUNCTIONING OF LOK ADALAT

Lok Adalat is a mechanism of alternative dispute resolution where the matters that are currently pending in the court and the disputes at the pre-trial stage are settled easily and cordially. The decision given by Lok Adalat is final and binding on both parties but the parties are free for filing a case in the appropriate court against the decision of Lok Adalat.

The cases are resolved by conciliating and comprising the parties to find a middle ground for both parties. Lok Adalat helps in cases where the dispute is very simple and there is no controversy but the parties are unable to reach a middle ground and the prolonged trial period increases the complications of the case. The people involved in the resolution of cases and deciding the matter have a statutory role only and do not have any judicial role. They can only convince the parties to an amicable resolution and help them find a middle ground for the resolution of the matter. The members of Lok Adalat cannot pressurize or force any of the parties to compromise and settle the dispute either directly or indirectly. The settlement should only be done by the mutual agreement of the parties and not by the decision of members. The members shall aid the parties in an impartial and sovereign manner to reach an amicable and beneficial settlement of the dispute.<sup>20</sup>

It endeavours to provide cheap and speedy justice to the citizens. It resolves the dispute by the method of discussion, counselling, and conciliation and provides justice without any unnecessary delay as it can be organized at any place and arranged fastly. There is no court fee, so people do not have to bear heavy expenses. Lok Adalat has the power to dispose of cases in a single day.

If the case is not resolved and any middle ground is not achieved by the parties, the case goes back to the court.

## BENEFITS OF LOK ADALAT OVER LITIGATION

**SPEEDY JUSTICE:** Our judicial system is overburdened with many cases due to the prolonged trial period. Lok Adalat provides for a speedy trial of the disputes which saves both the resources and time of the litigants by resolving the disputes in one or two sessions.

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<sup>20</sup> Lok Adalat: alternative dispute resolution mechanism in India  
<<https://www.legalserviceindia.com/legal/article-1823-lok-adalat-alternative-dispute-resolution-mechanism-in-india.html>>accessed on 25 July 2023

**ECONOMICAL:** Due to the heavy expenses in the judicial system of India, many people are not able to achieve justice. Lok Adalat was conceptualized to provide fair and equitable justice to poor and weak sections of the society and it does not obligate the parties to pay court fees. Thus, making itself a better choice for dispute resolution.

**INFORMAL AND FRIENDLY:** Lok Adalat provides a platform where the litigants have the opportunity of interacting with the judges directly through their counsel. The procedure is informal and friendly as it is conducted in the local dialect and amicable manner.

**FINAL AND BINDING AWARD:** The award/ decree passed by Lok Adalat is final and binding on both parties and no provision for appeal does not cause a delay in delivering justice. Thus, providing speedy justice.

**BROAD AMBIT:** Lok Adalat has the jurisdiction to settle civil as well as compoundable criminal offenses.

**CORDIAL RELATIONSHIPS:** In Lok Adalat, the role of the judge is of conciliator and does not have any judicial role. The judge has to convince and bring the parties to a settlement of mutual benefit. Here, suggestions and advice can be given to the judges as the decision is based on the compromise of the parties to the case. But the same is not possible in the method of litigation.<sup>21</sup>

## CONCLUSION

The mechanism of Lok Adalat has an essential role in the judicial system of India. Our country has a significant number of people belonging to poor and marginalized sections who are unable to afford justice through litigation due to the heavy expense of the judicial system. Lok Adalat has offered new strategies to enhance the accessibility of justice for

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<sup>21</sup> Lok Adalat <<https://www.drishtiiias.com/daily-updates/daily-news-analysis/lok-adalats>>accessed on 26 July 2023

Lok Adalat <<https://legalvidhiya.com/lok-adalat/#:~:text=Lok%20Adalats%20serve%20as%20an,central%20government%2C%20or%20local%20government.>>>accessed on 26 July 2023

Lok adalats in India: apertures to speedy justice <<https://blog.ipleaders.in/lok-adalats-india-speedy-justice/>>accessed on 26 July 2023

Role of Lok Adalat in promoting access to justice <<https://www.livelaw.in/lawschool/articles/role-of-lok-adalats-in-promoting-access-to-justice-230348#:~:text=Quick%20Settlement%20of%20Conflicts%3A%20Lok,in%20the%20traditional%20court%20setup.>>>accessed on 27 July 2023

the poor and marginalized sections of society. This process has helped in surpassing the gap of legal aid and it has largely succeeded in delivering justice to poor people without unnecessary delay. but it still has the scope for improvement for increasing its efficiency. If people are aware of the benefits of Lok Adalat, it can be functional at a larger level and provide a supplementary platform for dispute resolution which can reduce the burden on the judicial system.

The method of Lok Adalat is in use since independence and is still relevant in modern India. Due to the backlog of cases and prolonged trial duration in the courts, the judicial system is overburdened and is failing to provide speedy justice. At that time, Lok Adalat has always proved to be the best alternative dispute resolution mechanism. There is a dire requirement of strengthening permanent LokAdalatso that the people who cannot afford justice through litigation can settle their disputes amicably.

