CHAPTER-III

OUTLINES OF LOKADALATS
"Justice delayed is justice denied" is an oft quoted proverb. Today more than ever before the formal justice system stands condemned on the grounds of intolerable delay, unjustifiable discrimination against the poor and insufficient support to constitutionally declared goods of social justice.

The last few years have witnessed venomous debates and serious concern over the rise in the arrears of court cases and the resultant delay in disposal. The burden on the judiciary is extremely heavy; the agony of the litigants of beyond description. Quite often, the relief sought for comes when the claimant is no more.

Legislators, academicians, politicians, lawyers and judges have from time to time put their heads together to find a solution to this vexed problem. Procedures have been simplified. The number of courts
and judges has been raised and tribunals have been set up. But the results have not been substantial. The justice which our constitution gives us is justice for all, for the poor and downtrodden as well as for those who are quite well-off. ¹

The concern and anxiety to reduce the plight of such people had given the idea of Lok-Adalat (People's Court), where the petty disputes of all kinds are settled quickly, amicably and finally. It is a significant innovation in Public interest litigation, and is expected to revolutionise the entire Judicial system in our country.

Concept of Lok Adalats:—

The concept of Lok-Adalat is new altogether in India. The concepts of 'Punch Parmeshwar' and 'Nyaya Panchayata' are quite old. The idea of 'Lok Adalat' is an extension of these concepts.

1. Sinha Ashutosh: Lok Adalat (Article), National Herald 

New Delhi, Jan. 26, 1986.
The essence of 'Lok Adalat' lies in its voluntary character and in the Negotiated settlement it arrives at. It is an alternative forum which litigants can use if they choose to do so. There is no coercion to participate nor sanction for non-participation. If the parties to the dispute do decide to participate, it is their responsibility to strike an agreed settlement which they consider fair and just. If they do not succeed in so doing, of course, they go back to the regular courts for adjudication. The members of public including the law men who associate themselves in facilitating the settlement only and the parties by educating them on their rights and responsibilities under the relevant law and the possible attitudes that a regular court might adopt under the circumstances. The legal aid committee or other social action groups provide the forum called 'Lok Adalat' only persuade people to attempt a settlement and provide
the know-how on the law bearing on the subject.¹

The concept of Lok Adalat implies resolution of peoples' disputes by discussion, counselling, persuasion and conciliation so that it gives speedy and cheap justice with the mutual and free consent of the parties. In short the concept of Lok Adalat implies speedy and cheap justice in which people and judges participate and resolve their disputes by discussion and mutual consent.²

Inaugurating the 8th Lok Adalat in New Delhi on Aug. 9, 1988, the Lt. Governor of Delhi Romesh Bhardari said that the traditional system of dispensing justice has been adapted to the present day legal requirements through the concept of Lok Adalat. He commended such an innovation through which Justice became quick, cheap and accessible. Lok Adalats simply rationalise and modernise the traditional system of

---

¹Madhava Menon: Lok Adalat in Delhi (Article) The Hindustan Times, New Delhi.

Justice (Lok Panchayats) where peoples views were taken into consideration while settling disputes.  

The former Chief Justice of the Supreme Court of India Justice E.S. Venkataraman explained the meaning of described the 'Lok Adalat' as the 'Krishna Sandhi' (Lord Krishna's famous offer of truce to the Kauravas in the epic 'Mahabharat'). He said that if the concerned parties did not respond favourably to this reputation concept, they will have to fight virtually a legal Mahabharat.

Lok Adalat system is visualised not as a substitute for the present judicial system, but as supplementary to it so that the mounting arrears are reduced and fewer of new cases are instituted. Prof. Paras Diwan described 'Lok Adalat System' as a practical shape to the twin concept of 'Swaraj' and Sarvodaya' propounded by the father of Nation Mahatma Gandhi.


2. Indian Express, New Delhi, 29.8.89 p. 2
dhi. The concept of swaraj implies not merely liberation from the foreign yoke but also emancipation from backwardness, poverty and illiteracy. The concept of Sarvodaya means well being of all, obliteration of distinction between haves and have-nots. It enjoins us to work constructively and actively for the upliftment of the down-trodden from the deep mire of poverty and ignorance in which centuries of Subjugation has immersed them. The Indian constitution incorporates the basic concept of justice to all-justice, social, economic and political—and equality before law and equal protection of Law.

So the concept of Lok Adalat had nothing new about it. It is the translation into practice of the idea of an effective legal machinery for mediation and conciliation. It is a proper means for bringing about

---

1. Diwan Paras: The Justice at the Door-step of people
The Lok Adalat System
(Legal aid News letter April-June 1991)
P. 10
out of Court settlement of disputes between the parties concerned through the intervention of persons of stature, status and experience who act as conciliators. It is the replication of the panchayat system, which has worked in our villages down the ages. ¹

There is a growing feeling that Indians are much too disposed to litigate then try to resolve their disputes through negotiation, mediation or arbitration not withstanding the high cost of litigation. This is perhaps on account of want of an alternative human ingenuity being limited, the fact must be faced that it has not been possible to devise an inexpensive and efficient system where disputes could be satisfactorily resolved without courts' investigation. A vast majority of the disputes at the grass root levels do not perhaps involve any complicated or serious question of law requiring adjudication through courts. If the members of the Profession play a positive role at the

¹Shourie H.D: Close Look at Lok Adalats (Article) Tribune(Chandigarh), March 5, 1986.
very inception of the disputes they would be able to pursue their parties to negotiate a Settlement. If negotiations fail, they can be advised to try mediation failing that arbitration, and as a last resort court trial Since the Indian Legal System is highly professionalised it is for the members of the profession to take the initiative at the earliest point of time to resolve the conflict without the intervention of the court as is being done in many other countries so that the courts time can be better utilised for cases involving substantial questions of law and court dockets can be kept within manageable limits. Once the is in Court, it takes it place in the queue and prolonged pendency only adds to the bitterness and widens the gap between the litigating parties making or settlement difficult. Justice A.H. Ahmadi says "The opportunity to negotiate which was missed at the pre-litigation stage is being sought to be supplied through the
medium of an innovative instrumentality called the 'Lok Adalat' (People's court). These Lok Adalats offer an alternative forum to parties to negotiate a settlement.¹

Objectives of Lok Adalats:

The Principal objective of Lok Adalat is the resolution of disputes through conciliatory techniques and voluntary actions, they also help to create an awareness among the people of their rights and obligations by providing some education in the basic laws of governing in day to day life, involving them in judicial at the grassroot level and preparing social workers to function as a para-legal force to give 'first aid' in law.²

Describing the objectives and aims of Lok-Adalats the former Cheif Justice of supreme Court of India Justice R.N. Misra on April 29 at New Delhi, said,

¹ Justice A.H. Ahmadi, then Judge Supreme Court of India WJA—Biennial conference held in at Barcelona on 6.11.91 (Legal aid news letter June 1992-March 1992) P. 19

"The Lok Adalats are meant not only to settle disputes between parties in an expeditious and inexpensive manner but also to advocate the common man about their rights." He said that its objective was to make people conscious and aware of their basic right guaranteed to them by the constitution and provide justice for the weaker and under privileged sections of the society, who could not afford to go to the law courts for redressal.¹

The former Minister of State for law and justice Mr. H.R. Bhardwaj said that over the years the justice dispensation system had become increasingly costlier and the common man has to run from place to place for getting a legal remedy even in the matter of petty disputes. The Lok Adalat System and the legal aid schemes were devised to enable the weaker sections of society to obtain justice within the shortest possible time and in the cheapest possible manner.²

¹ National Herald, New Delhi, April 30, 88, p.3
² National Herald, New Delhi, April-30, 88, p.3
It is obvious that neither pompous legislative declaration nor pedantic judicial pronouncement are of the slightest use to the masses of the people who know nothing about the laws enacted for their benefit or the cases decided to advance their cause. The objective of Lok Adalats is to launch a massive National programme of Legal literacy for the poor and backward people of country to their right.

Lok Adalats and Legal aid camps are often used as interchangeable expressions. Both have the major objective of settling disputes which have not yet reached the Courts and those which are pending in the files of courts. Further they aim at providing minimum Legal literacy to the people, involving them in judicial process at the grassroot level, educating social workers to function as para-legals giving first aid delivery and finally to deliver social justice through conciliatory techniques and Voluntary action. All of
them are noble objectives which support rule of law and democratic government besides taking justice to the door steps of large masses of rural population.¹

The Lok Adalat is an experience which is not merely for the free legal aid to poor but for the involvement of the legal profession in war against poverty and exploitation and for making the legal system more relevant to society. The Lok Adalat movement involves novel radical more dynamic and multidimensional use of skill of a lawyer and expects the lawyer to perform the role of providing representation to group of social and economic protest. It does not regard litigation as playing an important or even significant role in life of the poor and hence refuses to consider the court as the centre of all activity and is concerned with the problems of poor as a class rather than with problems of the poor as a class rather with individual problems of the poor which may be projectect in litigation in Epurt.

¹Madhav Memon N.R.: The Lok Adalat Experiment, Hindustan Times (New Delhi, Oct 5, 1985 p.9.)
One of the foremost problems coming up before the administration of Justice these days is the accumulation of huge arrears of cases in the various courts at all levels. Various Seminars on the subject have already been held by the Government and jurists. The concept of Lok Adalat appears to have emerged as a solution of this problem. In an interview with U N I, former Chief Justice India Justice Venkataramiah told that Lok Adalats can play an important role in promoting social and industrial harmony and effectively deal with the problem of arrears in country Courts.¹

Growth and Development of Lok Adalats:-

In search of alternatives to the inherited model of adjudication through courts, litigants have came to adopt a bewildering variety of dispute settlement mechanisms, informal in approach, simple in tech-

¹ C.J. Stresses role of Lok Adalats' Indian Express, Aug. 29, 1989, p.2
niques, speedy in process and cheap in administration. Judicial reform has now become a priority item in the national agenda as evident from the utterances of leaders at the recently concluded conference of chief Justices, Chief Ministers and Law Ministers. The pioneer of the Lok-Adalats is Justice P.N. Bhagwati, former Chief Justice of the Supreme Court of India who has given a great and timely push to the effective method of expending Justice through the machinery of Lok Adalats in India.¹

Mr. Justice P.N. Bhagwati initiated this experiment when he was the Chief Justice of Gujrat High Court. In 1971, the Govt. of Gujrat appointed a committee to consider the question of grant of Legal Aid to poor persons and backward classes. The Committee was headed by the Mr. P.N. Bhagwati, then the Chief Justice of Gujrat High Court. This Committee submitted its Report on 15th Aug. 1971, making positive and det-

¹SHORIE: Close Look at Lok Adalats, TRIBUNE, 5 March 1986.
ailed recommendations for the grant of legal aid. The Report was accepted by the Govt. of Gujrat, and Legal aid scheme was launched in Gujrat by Government Orders issued in 1972.

The constitution of India was amended in 1977 by inserting article 39A in part IV of the constitution of India containing 'Directive Principles of State Policy' Art 39 A Reads as follows:

"The State shall secure that the operation of legal system promotes justice, on a basis of equal opportunity and shall, in particular, provide free legal and, 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 or other disabilities." ¹

For the implementation of the constitutional obligation and for establishing an adequate and vigorous legal aid programme in the country on a Uniform bas-

¹SHORE: Close Look at Lok Adalats, TRIBUNE 5 March 1986.
basis, the Indian Govt. appointed a committee in 1976. Mr. Justice P.N. Bhagwati and Mr. Justice Krishna Iyer, the then judges of Supreme Court of India were the members of the Committee. This Committee submitted its report in 1977 entitled "Report on National Juridicare: Equal Justice Social Justice." This report is comprehensive document and its recommendations led to the establishment by the Govt. of India, of a High Powered committee called the 'Committees for Implementation Legal Aid Schemes (CILAS) under the Chairmanship of Justice P.N. Bhagwati, then the Judge of supreme court of India, in Sep. 1980. The aim to establish CILAS was to monitor and implement legal aid programmes on uniform basis in all states and union Territories. CILAS evolved a model scheme for a legal aid programme applicable throughout the country. CILAS is funded wholly by grants

from central Government. The Government is accord-

ing with the programme of legal aid as it is for the
implementation of a constitutional mandate.

In 1981 Justice P.N. Bhagwati introduced
a new scheme of Legal aid and Advice which was adopt-
ed by the most of States including Gujrat. The scope
of this scheme was wider. It was introduced by the Go-
The Gujrat State Legal aid AND ADVICE board constitut-
ed with Chief Minister as Chairman and Chief Justice of
High Court as Co-chairman, The Gajrat High Court Legal
aid committee was also formed with a senior Judge of
the Gujrat High Court, Hon'ble Justice Majumdar as Ch-
airman.

The Lok Adalat activity was introduced in
the Gujrat State for the first time by the Hon'ble Ch-
ief Justice of Gujrat High Court Mr. Justice M.P. Thakk-
ar, in March 1982. The first Lok Adalat of the Country
was held at the town of Una in Junagarh District of Gu-
jrat and it was inaugurated by the Honble Mr. D.A. Desai, the then judge of the supreme court. The success of the measure was demonstrated in Gujarat when ever 10,000 cases were settled through these Adalats. Some useful work was also done in Tamil Nadu and Maharashtra, New Delhi, Uttar Pradesh, Orissa, Himachal Pradesh, Rajasthan have witnessed the utility of system.

In the tenure of Mr. Justice P.N. Bhagwati as Chief Justice of India, The Lok Adalat system had converted into a movement. Almost every week one heard the news of such Courts being organised at some place or other. The High Courts also initiated the programme of holding Lok Adalats sessions in the areas of their Jurisdiction. The first Lok Adalat in High Court was held at Jaipur in Rajasthan in 1987.¹ The first

¹ Times of India, Nov. 8 1987.
efforts to strengthen Lok Adalat movement. The former Chief Justice of India Mr. Justice R.N. Misra said that Lok-Adalats have proved their efficiency at high level they would be organised even the Supreme Court.\footnote{\textit{Ibid}}

**Efforts for the Legal Status of Lok Adalats:**

Initially Lok Adalats were constituted at various places for the disposal, in a summary way and through the process of arbitration and settlement between the parties, of a large number of cases expeditiously and with lesser costs. The institution of 'Lok Adalats' is at present functioning as a voluntary and conciliatory agency. It has proved to be a pioneer for a speedier system of administration of justice.

It is, therefore, felt that it will be desirable to constitute statutory legal service authorities at the national, state and district level so as to...
provide for the effective monitoring of legal aid programmes. It was also felt that such a statutory support would only reduce the burden of arrears of work in regular courts, but would also take justice to the door-steps of the poor and needy and make justice quicker and less expensive.

The Legal Services Authorities Act. 1987

A bill providing for statutory sanction to the Awards of Lok Adalats was introduced in Lok Sabha on 29 August 1981. The 30 clause Bill on Lok Adalats was the most important in view of its socio-economic relevance. The Parliament passed the "Legal Service Authorities Act 1987." It received the assent of the President on 11th October, 1987.  

The Act provides for the setting up of Lok - Adalats which will have jurisdiction to determine and arrive at a compromise or settlement between the part-

ies be a dispute in respect of any matter falling
within the jurisdiction of any civil, criminal or
revenue court or any tribunal constituted under any
law, cognizance can be taken of cases pending
before any court of tribunal "If the parties thereof
make of a joint application to the court or tribunal
indicating their intention to compromise the matter
or to arrive at a settlement." The presiding officer
of the court may then pass an order transferring the
case to Lok Adalat.

Chapter VI of the Act describes about Lok
Adalats. The most significant feature of this Act is
that every award of the Lok Adalat shall be deemed to
be decree of a civil Court—Further, no appeal shall lie
to any court against the award.¹ Thus a seal of authen-
riticity or finality is sought to be given to Lok Ada-
alat orders. Though emphasis is on simplicity and expen-
dition, this is not to be done at the cost of fair play

¹Article 21 (b) of the Legal Services Authorities Act 1987.
and the Lok Adalats are to be guided by Legal principles and the principles of Justice, equity and fair play.

In order to enable the Lok Adalats to effectively perform the role assigned to them, the Act vests in them the same powers as are vested in a civil Court under the code of civil procedure, 1908, while trying a suit. ¹

A persual of the provisions of the Act however, reveals that though emphasis is on speedy and informal adjudication yet, in view of some elaborate and cumbersome procedure as of an ordinary civil Court.

One doubts whether the desired purpose would be achieved. Also, in the absence of lawyers as provided by the Act, the parties may...

¹Kusum: Success of Lok Adalats, Hindustan Times (New Delhi) 12 May 1989
find themselves in a difficult position because of the procedural technicalities involved. The Adalat will, in that case, have an extra responsibility to see that the interests of neither the parties are jeopardised because of lack of understanding or procedures or assistance of lawyers.

The most important lacuna in the Act is the provision under which only such cases can be taken up by the Lok-Adalat wherein the parties make a joint application that they want a compromise or settlement. Upon such application the presiding officer (or district authority to which an application is made) shall pass on order transferring the case to the Lok Adalat. It is submitted that when parties have amongst themselves agreed to compromise or settle their differences or claims then, they may as well do it before the presiding officer of the court before which their case is pending. There is no point in going through the circuitous route there-
by involving duplication, waste of time and resources.\footnote{Kusum: Success of Lok Adalats The Hindustan Times (New Delhi) 13 May 1989.}

The Legal Services Authorities Act 1987 makes detailed provisions about the Set-up of Lok Adalats and their functioning etc. However, certain difficulties arise in implementation of this Act and so the Government amended the Act after the difficulties were pointed out by Mr. Justice S.B. Majumdar and others. The mending bill was passed by the Rajya Sabha on 11th January 1991 and was pending the Lok Sabha, which dissolved in March 1991. Under the provisions of clause (e) of Article 107 read with Act 108(1) of the constitution, the bill still remains dormant in the form of a bill and has not been passed by the both the houses of Parliament as yet.

The Amendment Bill contemplates important amendments in the provisions of the Act including Section 20. One of the amendment proposed is that if the parties before the Lok Adalats do not agree and the case cannot...
not be disposed of, it will have to go back to the court by which it was referred. The changes proposed are salutary. Besides, the possible constitution of a judicial system parallel to the existing courts which would come into existence by setting up LoK-Adalats under the Act. as it now stands, will also be avoided.

In the absence of a suitable parliamentary legislation, various states have promulgated their own programmes to achieve the desired objective of providing legal aid to the poor. Some states like Bihar, Karnataka and other have passed acts in their respective State Legislatures providing for legal aid to the poor. Majority of the States in India have not enacted any State legislation, but have promulgated certain schemes or Rules, under which legal aid is being to the underprivileged sections of the Society.¹

Lok Adalat at Supreme Court:

The first Lok Adalat was held in supreme court on Nov. 19 1989 for the first time. It marks an importa-

nt milestone in the evolution of the concept of "co-
urts of people."¹ The Chief justice of India Mr. D.E.
Venkataramaiah inaugurated the Lok Adalat. The 396 cases
take up by this Lok Adalat included 12, motor acciden-
tts claims cases, 87 labour matters, 13 service matters,
9 tendency disputes and one matrimonial case.

Five courts, with two judges each, had been
set up on the lawns of the Supreme Court to deal with
each of the category. Retired and Sitting judges from
various High Courts formed the conciliation panels.²

Earlier, the Chief Justice of India Mr. E. Ven-
kataramaiah, inaugurating the Lok Adalat, said ³ that
a large number of pending land acquisition cases, matt-
ers relating to casual labourers, temporary teachers,
contract labourers and land reforms could also settled th-
rough the Lok Adalat.

The President of the Supreme Court Bar Assoc-

2. The Times of India Nov. 21 1989 p. 1
ation Dr. Y.S. Chitate, described Lok Adalats as a step towards fully Indianising the judicial system. It was not only a landmark but only a landmark but a trendsetter.¹

In a civilized society, there is a need for mechanism for the settlement of disputes. There cannot be the rule of jungle or the rule of the might like a big fish swallowing the small one. Therefore every civilized society has to bring about a dispute society resolving mechanism.¹ In search of alternatives to the inherited model of adjudication through courts, litigants have come to adopt a bewildering variety of disputes settlement mechanism, information approach, simple in techniques, speedy in process and cheap in administration. The formal Judicial system and the legal profession have by and large ignored them and pursued the adversary style of litigation as end in itself.º

1. The Times of India: New Delhi, Nov. 21, 1989 P. 5
2. Mr. Justice A.M. Ahmadi in his Inaugral speech which was delivered at campus law centre, University of Delhi on 7th March 1992, at the workshop on "Lok Adalat - An appraisal" published in Legal Aid News Letter, April-June 1992.
people has increasingly started questioning its delay, cost, uncertainty and inquiries in administration.¹

Within the coming into existence of Lok Adalats in most of the States in the country, The nations attention has been drawn to this new experiment which was started in the Sexties in Gujrat. The new system of cheap and speedy dispensation of Justice offers the people already of hope. The existing judicial system with its emphasis on a adversial litigation, the mounting arrears and everincreasing cost, is almost on the verge of collapse, However, the Lok Adalat is not a substitute for the present pattern, but a supplementary factor.² We can study the organisation procedure and Powers of Lok Adalats through the following steps.

Organising Agency-

The Lok Adalats are generally organised by the

State Legal Aid and advice boards or the District Legal Aid Committees. The date and place of holding a Lok Adalats are fixed about a month in advance. Generally Lok Adalats are organised on non-working days only avoiding conflict with judicial working hours and days. As such, the Board acts as a supplement to and is not intended to have any conflict or competition with judicial set up or the Judicial work. All cases are dealt with by the concerned judge of appropriate level who also happens to be the chairman of the relevant Legal Aid Committee and hence, it obviates the necessity of transferring the records or shifting the responsibility from one body or authority to another, when a matter is settled in Lok Adalat the judge, like any other matter, records the compromise and further action there on, may be required to be taken in case of any other judicial matter settled through court on a working day, follows and thus it makes no difference for the litigant in following subse-
quent procedure, whether the matter is settled in 
Lok Adalat on non-working day or in the court on a 
working day. It may also be made clear the matters 
which are settled in courts on a working day are 
not included is statistics supplied by the Board for 
the work done through Lok Adalats. Thus matters whi-
ich are settled only on a non-working day and that 
also through Lok Adalats alone are included in Boards 
statistical data.¹

Now the Lok Adalats have been organised in 
different parts of the Country since March 1983. Some 
states have started a little late but by and large, all 
the major States are involved in this scheme. The St-
ate level organisations which have been set up are not 
identical. There are differences in approach in holding 
the Lok Adalats. Some State Legal Aid Boards are head-
ed by the political wing of that State, some are chair-
ed by the Chief Justices of the State and so on and so

¹ The General outlines of Legal aid work in Gujrat State, 
Legal Aid News Letter May, August 1990. p.7
so fourth, the structure of Legal Aid committed is concerned. The approach in holding the Lok Adalats is not uniform all over the country.

Preparation:

The Lok Adalats take up two types of cases: those which are pending in the courts and those which have not reached the courts but are expected to be sent there. So for as the pending cases are concerned, the district and session judge and the Deputy Commissioner ask the subordinate Judges of area to prepare a list of pending cases in their respective courts which they consider to be suitable for a compromise or negotiated settlement. Such cases may pertain to civil, revenue, and minor criminal disputes. Ordinarily, for labour and industrial disputes and motor vehicles accidents claim cases separate Lok Adalats or camps are organised because such disputes are of a different nature. For the sale-

---

Mr. Justice A.M. Ahmed, Executive chair of CILAS, in the closing speech delivered at Campus Law Centre, University of Delhi on 7th March, 1992, at the workshop on Lok Adalat—An Appraisal.
ction of cases no hard and fast criteria or rules are laid down. The subordinate Judges are competent and well-equipped to identify the cases in which a smooth compromise is possible.¹

Upon the preparation of list of such cases, they are analysed and consolidated under various heads to which the Group of cases pertain and substance of each case is recorded in a proforma, which can be used for reference, verification and correspondence later on.

Once selection is made and lists prepared, they are consolidated and the substance of each dispute recorded in a proforma which can be used for reference, verification and correspondence. Notices are then issued to the parties as well as their lawyers in respect of the selected cases asking them whether they are interested in settlement of their claims in a Lok Adalat

¹ Madhava Menon N.R.: The Lok Adalat Experiment Hindustan Times, New Delhi, Oct 5, 1985 p. 9
through negotiation and conciliation. The cases of those who reply in the affirmative are collected from various courts for processing in Lok Adalat. The parties are then requested to present themselves on the day of Lok Adalat. The Chief Justice and other Justice of High Court and Supreme Court are usually informed of this preparatory work so that they can plan a visitation the day of Lok-Adalat. It is seen that the chief justice or other judges of the High court and Supreme court participate in most of the Adalats giving them great legitimacy and respectability.

Publicity campaign

An another step in holding a Lok Adalat is usually a legal aid publicity campaign by the local legal aid committee of a voluntary group familiar with the area, the people and their problems. One or two legal literacy projects, socio-legal surveys and possibly a para-legal training programme on legal aid for workers in the area can generate the motivation and the exper-
tise, required for organizational and social mobilization purposes. Of course, this step depends upon the rural or urban character of the area and the nature of problems proposed to be handled by the Lok Adalat in question. Often the teachers of the local schools, the village level workers and the students of the local law college are found to be suitable workers for legal aid camps and Lok Adalats. An orientation programme for such persons if they are not already involved in legal aid is essential for the optimum utilisation of their services in legal aid camps. This orientation meeting and the para-legal training courses can be organized by the legal aid committee or the nearest law college legal aid cell. All these programmes are preparatory steps in social mobilisation for legal action. 1

Involvement of Administration and Society

While the local courts prepare themselves with

1. Modhawa Menon NR.: The Lok Adalat experiment Hindustan Times, New Delhi, Oct 5, 1985 p.9
the selection the appropriate cases for settlement, activity starts at the administrative level as well. The District Magistrate, the revenue administration, the police, the welfare department, the Sarpanchas of nearly Villages are contacted by the District Judge or the legal aid committee to extend their help in settling small matters affecting their departments vis-à-vis the local people. Appeal, persuasion, pressure and sometimes threat of legal action are cleverly employed to move the bureaucracy to action. Politicians and political parties are usually kept away from legal aid operations through sometimes they get involved and improve their own image among the people. Each of these departments, the village elders and the social workers announce the holding of a legal aid camp Lok Adalat in the village concerned at least a month in advance and ask people having problems to convey them to the committee and to assemble on a given date at a specified place, usually the village school building. Thus, The Lok Adalat
Adalat mobilises disputes which have not yet gone to courts while the local Judiciary feeds it with pending cases for settlement.

In respect of pre-litigation complaints and grievances against the local administration, the organising committees of the Lok Adalat reduces them into writing, examines the remedies available and writes letters requesting the opposite party or administrative authority to remain present in the Lok Adalat to help resolve the disputes. The good office of the revenue and police officers and the sarpanchs are sought to persuade the opposite parties to present themselves and help find solutions to peoples' complaints on the spot wherever possible. The experience in the different states of the country shows that more than sixty percent of respondents respond to these friendly notices and co-operate in reaching just solutions at the Lok Adalat without resorting to technical arguments and official red-tape.¹

¹. IBID
The Courts

The judges of Lok Adalat are usually a retired or existing judicial officers, senior civil servants and magistrates. Each court is assisted by a group of conciliators. The number of conciliators is usually three.¹ The conciliators of Lok Adalat are usually public men, social worker, intellectuals including members of legal, Teaching and medical profession. Chapter VI of Legal Services Authorities Act 1987 says:

"Every Lok Adalat organised for an area shall consist of such judicial officers of the area as may be specified by the state or District Authorities the Lok Adalat and such other members possessing such qualifications and experience as may be prescribed by the state Government."²

Each Lok Adalat is assisted by a clerk made

---

available to them by the presiding officer of the Court. The clerk prepares an agreement of settlement under the supervision and guidance of Lok Adalat and the signatures of the parties are obtained thereon. In case it relates to a matter pending in the Court, the agreement is presented to presiding officer who satisfies himself that the compromise has been willingly arrived at and is legal and passes an order for recording the compromise.

In case some formalities are necessary to be completed, the agreement is produced before the court on the next working day and an order in accordance with law is passed dispensing of the matter. In criminal matters also parties are persuaded to sink their differences, forget past enmity and create a situation where they so out of Lok Adalat without bitterness in their hearts. When such a matter is settled they are made to embrace each other or shake their hands in a cordial atmosphere.

sphere before presenting the compromise seeking 
permission to compound criminal cases in relation to 
compoundable cases.

In other cases where parties come only for 
legal advice and guidance appropriate legal advice 
is given to the persons seeking advice from Lok Adalat 
approach.

Sessional

A Lok Adalats is a day-long exercise at 
pre-determined place. On the specified day, place and 
time session of the Lok Adalat is held, and apart from 
parties to the dispute, people of the locality also 
assemble.¹

The Lok Adalats has not uniform pattern in 
all over the country. At some place Lok Adalats are in-
augurated, at some place we donot see inagural function.

So the methods that are employed are also not identica-

¹. Each High Court or State evolves its own methods.

T. Diwan Paras: Justice at the doorstep of the people:  
The Lok Adalat System; Legal aid news 
letter April 1991-June 1991 P. 10
Mr. Justice Ahmadi said in a workshop on Lok Adalat, as far as possible in this we have not tried to interfere as we have been keenly watching which is the best method that ultimately emerges. We have given them a free hand a long rope to experiment with different methods. We have also been watching which is the one which is most successful for bringing about dispensation of cases through Lok Adalats.¹

Multiple panels of Lok Adalats (10 or 15 panels or even more, as the need may be) are sit up. These panels consist of two to three persons. In these panels one member should be a retired judge or senior retired Civil servant or existing law or administrative officer, and others are social workers and eminent persons of locality. The Selection of the members of Lok Adalat is very vital for the success of the conciliation and adjudication. They are carefully chosen.

¹From the speech delivered by Mr. Justice AM. Ahmadi at campus law contry, University of Delhi on 7th march 1992, at the workshop (Lok Adalat- Anaappraiseal.
and invited by the organizing committee based on their record of public service, honesty, respectability among the local populace and learning. ¹

The Lok Adalat Commences its sittings at about or 9-30 in the morning and continue to work up to about 5.30 or 6 p.m. with a lunch break of an hour. The sittings are held in rooms of a Court house or other premises made available by the Presiding officer of the Court.

The Lok Adalat is open to the members of public Generally a large crowd collects at the Venue of the Lok Adalat. In the presence of the members of the public, the cases are called out one by one and each matter is discussed with the concerned parties and the judges of the Lok Adalat get at the heart of the problems and persuade the parties to resolve the dispute amicably.

---

¹ Madhaevanenon N.R: Lok Adalat Experiment Windstam, Times New Delhi, Oct 5, 1985, p.13
Conciliators

Each Lok Adalat is assisted by a group of Conciliators. They are usually a retired or existing judicial officers, senior civil servants, magistrates and social workers. It is not necessary that the members of Lok Adalat should be persons with a judicial background. Although, of course, it is good to have at least one person with adequate legal knowledge and judicial experience.¹

The conciliators play the role of a mediator. This offers the contesting litigants an opportunity to negotiate and timely intervention by panel members of Lok Adalat to help in bringing the gap between the parties. Before the Lok-Adalat a dispute is not dealt with on the basis of the usual court procedure nor is any evidence of the witness recorded, although the member comprising the Adalat may hear the witnesses if they are brought by either party to substantiate their claims.

¹Shourie H.D: Close look at Lok-Adalat, TRIBUNE, March 5, 1986
If there are any documents which support the claims or are deemed relevant to the settlement of dispute, the Adalat members examine them or- iginal documents are not placed on the files of lok Adalat, only their copies are part on record, the purpose of the proceedings is not to adjudicate but to bring about a compromise through mediation and conciliation after hearing both parties and explori-ng the possibilities of bringing about a durable sett-lement.

Approach

Through Lok Adalats settlements are arrived at between such parties as may not have yet gone to Court and also between those who have taken their disputes to court but are willing to get a proper settle-ment effected through Conciliation.

Where the matter has not one to court, One
party submits an application to the Lok Adalat stating the nature of the dispute and giving the address of the other party. The Adalat calls the two parties before it and attempts to bring about a settlement which is then recorded (it takes the shape of an agreement to resolve the dispute).

Where the matter has already gone to Court, the parties are called before the Adalat at the initiative of one party, or both of them, or an reference to the Adalat by Court concerned. The conciliation effected between the parties is recorded and remitted to the court which issues the 'consent decree' making it legally binding on the litigants.¹

The essence of the Lok Adalat lies in its voluntary Character and in the negotiated settlement it arrives at. It is an alternate forum which litigants can use if they choose to do so. There is no coercion to participate nor sanction to non-participation. If

¹Shourie H.D: Choose Lok At Lok Adalats, TRIBUNE, 15 March 1986
the parties to the dispute do decide to participate, it is their responsibility to strike on agreed settlement which they consider fair and just. If they do not succeed in so doing, of course, they go back to the regular court for adjudication. The members of the public including the law men who associate themselves in facilitating the settlement only aid the parties by educating them on their rights and responsibilities under the relevant law and possible attitudes that a regular court might adopt under the circumstances. The 'Lok Adalat' only persuade people to attempt a settlement and provide the know how on the law hearing on the subject. ¹

Face to face the parties rarely controvert facts and the strength and weaknesses of each other's case are quickly realised and intelligently absorbed without need for third party intervention. The Adalat

judges who in the functional sense may appropriately be called the conciliators, only help circumvent procedural bottlenecks and articulate the alternative lines of settlement pursued by either party. They also clarify the law relevant to the situation. The patronage from the judiciary consists of their willingness to lend files pending in their courts for conciliated settlements between the parties and in giving their authority to the settlements as and when they are arrived at with the intervention of Lok Adalats.

The informality and cordially prevalent in the Lok Adalat help parties, their well-wishers including advocates and public-spirited citizens to participate in freely talking over the real and alleged differences between the disputants and reach a conclusion which leaves no bitterness. This makes the institution of Lok Adalat of enduring value not only to the fair settlement of disputes but also to the prog-
tion of social harmony and good neighbourliness. It is also cheaper and quicker than the formal court procedures. 1

The approach followed by Lok Adalat is based on commonsense and fairness. The solution should be practicable and in conformity with legal rights and duties of the parties. Each cell is assisted by a group of conciliators who study the case and interview the parties and assess the scope of settlement acceptable to them. They assist the lok Adalat judges and help to educate the parties on the issues involved and implications of the settlement proposed by one either side.

Once the settlement is reached out, it is immediately reduced into writing by the court clerk and the signature of parties and or their lawyers obtained there in. The judges of the local Courts will be sitting in an adjoining room through the duration of

Adalat. The settlement reached in different cells are presented in the judges of courts in which they are pending by the parties to the dispute. The judges then examine the fairness and legality of the agreement, satisfies himself that the Compromise has been willingly arrived at, passes on order for judicially recording the compromise.¹

Parties who settle longstanding disputes show a sign of relief and give expression to their feelings by mutual embrace and pleasant exchanges right inside the people's Court.

The people by and large who are not aware of the Law on the subject has his own notion of justice. This is where very often a difficulty arises. It becomes necessary to bring him out of that concept of his own to acquaint him or tell him that this is law and if you go to a court of law this is how your problem will be looked at and case will be decided on the

basis of this law. Lok Adalats have a slight advantage so far as that is concerned. Judges when they are required to adjudicate on the problem in a court of law are bound by the on the subject and their area of discretion is stated on the subject and their area of discretion is also limited. But when it comes to the settlement of cases through Lok Adalats, a great deal of flexibility is available because when the parties come to their own terms with little assistance here and there and they are able to reach a particular decision they consider it to be just and acceptable, that can be given effect to without there being the difficulty which the court experiences due restricted parameters of the law. Therefore, Lok Adalat offers more satisfaction in the sense that the concept of justice is not accordance with the law but can be more liberal in its approach and problems can be settled in a little different manner than what can happen in a court of law.
It is therefore, on account of this advantage and informality attached to the Lok Adalats that more and more people may like to have their disputes settled through Lok Adalats!

Jurisdiction:

The cases which are generally brought before a Lok Adalat relate to, among others, the following matters: Criminal offences which are compoundable, mutation of land, encroachment on forest lands, family disputes, land acquisition disputes, and motor accident claims. Further Lok Adalats also take up disputes which have not yet gone to Courts.¹ Art 19(3) of the Legal services Authorities Act, 1987, tells.

"A Lok Adalat shall have jurisdiction to determine and arrive at a compromise or settlement between the parties to a dispute in respect of any matter falling within the jurisdiction of any civil, criminal

¹. Alternative Dispute Resolution: A paper by the Govt of India for Meeting of common wealth Law Ministers at Christ church, Newzealand from 23-27 th April 1990
or revenue court or any tribunal constituted under any law for the time being in force in the area for which the Lok Adalat is organised.\(^1\)

A detailed study of the cases taken by Lok Adalats shows that not all categories of cases can be taken to Lok Adalats. It is, therefore, essential to identify those categories of cases which really belong and which can be taken to Lok Adalats where they could be negotiated and settled. Motor accident cases is a category which has identified as one which can be settled because the law in regard to the payment of compensation in Motor Accident Cases, the working out of the compensation or mechanics of the compensation to be passed ultimately has also been settled by a large number of decision of various courts including supreme Court. Therefore, now it has been virtually reduced to mathematical formula with figure worked out and multiplier taken bearing the age factor in mind. There

\(^1\) Chapter VI, Art 19(3) of Legal services Authorities Act-1987
are certain cases, for example matrimonial cases which can also be disposed of through Lok Adalats. Therefore, it is necessary to realise that the cases can be broadly divided into two categories, those which involve question of law and which really belong to the courts for disposal because questions of law have to be settled, the provisions have to be interpreted and the law has to be stated by the courts. It cannot be done by Lok Adalats and it is not proper to bring these cases to Lok Adalats because it takes away the opportunity from the court to settle the law on that particular question. Then there are cases which have a reason not because any substantial question of law is involved but because the disputes have arisen on account of some misunderstanding, some misgivings and lack of communication etc. Now these are the cases which can be identified and settled. Mr. Justice A.M. Ahmadi expressed his views this matter in the following way;
"We have been trying to identify the Catego-
ries of cases and in the second category again, One
has to sub-head and identify the cases which can be
taken to Lok Adalat. At the same time it is necessary
to bear in mind that you should not take cases which re-
ally can not be negotiated and settled through the Lok
Adalats. ¹

Cognizance of cases by Lok Adalats:

The Legal Service Authorities Act 1987 tells
in this regard as follows:

(1) Where in any suit or other proceeding which is cap-
able of being taken cognizance of by a Lok Adalat under
the provisions of this Act and pending before any court
or tribunal indicating their intention to compromise the
matter or to arrive at a settlement, the presiding offi-
cer of the Court or tribunal, as the case may be, inste-

¹ Mr. Justice A.M. Ahmadi the then Judge, Supreme Court of
India and Executive Chairmen CILAS in speech delivered
at Campus Law Centre, University of Delhi on 7th March
1992, at workshop on "Lok Adalat-An Appraisal." Legal
Aid News Letter April-June 1992 p.7
tions or to arrive at a settlement himself, and notwithstanding anything contained in any other law for the time being in force, pass an order that the suit or proceeding shall stand transferred to Lok Adalat for arriving at a compromise or settlement:

(2) Notwithstanding anything contained in any other law for the time being in force, the district authority, on receipt of an application from any person that any disputes or matter pending for a compromise or settlement needs to be determined by a Lok Adalat, refer such disputes or matter to the Lok Adalat for determination.

(3) Where any suit or proceeding is transferred to a Lok Adalat under sub-section (1) or where a reference has been made to it under sub-section (2) the Lok Adalat shall proceed to dispose of the suit, proceeding, dispute or matter and arrive at a compromise or settlement between the parties.

(4) Every Lok Adalat shall, while determining any proceeding before it under this Act, act with utmost expedi-
tion to arrive at a compromise or settlement between the parties and shall be guided by legal principles of justice, equity and fair play.

(5) Where no award is made by Lok Adalat on the ground that no compromise or settlement could be arrived at between the parties, it shall be open to parties to a suit or proceeding transferred from a Court or tribunal under subsection (1) to continue such suit or proceeding before such court by tribunal, or if it is a dispute or matter referred to a Lok Adalat under subsection (1), any of the persons may institute proceeding in an appropriate court.

(6) Where, under subsection (5), the parties to a suit or proceeding intend to continue the proceeding in such suit or proceeding before the court or tribunal from which it was transferred such court or tribunal shall proceed to deal with such suit or proceeding from the stage at which it was before the suit or proceeding from
the stage at which it was before the suit or proceeding was transferred to the Lok Adalat. ¹

Award of Lok Adalat:

Art 22 of Legal service Authorities Act 1987 says: (1) Every award of Lok Adalat shall be deemed to be a decree of a civil Court of order of any other court or tribunal and where a compromise or settlement has been arrived at, by a Lok Adalat in a suit or proceeding transferred to it under sub-section(1) of section 20, the Court fee paid in such suit or proceeding shall be refunded in the manner provided under the court fees Act 1870 (7 of 1980).

(2) Every Award made by a Lok Adalat shall be final and binding on all the parties to the dispute, and no appeal shall lie to any Court against award.

Powers of Lok Adalats

According to the Legal services Authorities Act 1987, the powers of Lok Adalats are as follows:

¹ Chapter VI, Art 20 of Legal Services Authorities Act 1987.
(1) The Lok Adalat shall, for the purposes of holding any determination under this Act, have the same powers as are vested in a civil court under the Code of Civil procedure, 1908 (5 of 1908) while trying a suit in respect of the following matters, namely:

(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 reception of evidence on affidavits;

(d) The requisitioning of any public record or document or copy of such record or document from any Court or office; and

(e) Such other matters as may be prescribed.

(2) Without prejudice to generality of the powers contained in subsection (1) every Lok Adalat shall have the requisite powers to specify its own procedure for the determination of any dispute coming before it.

(3) All proceedings before a Lok Adalat shall be deemed to be judicial proceedings within the meaning of section
193, 219 and 228 of Indian Penal Code (45 of 1860)

and every Lok Adalat shall be deemed to be a civil

court for the purpose of section 195 and Chapter XXVI

of the code of Criminal Procedure, 1973 (2 of 1974.)