10.1 In view of the growing accumulation of pending litigations at all levels of the Judiciary in India, the Govt. of India initially considered actively the decentralisation of the Judicial System in India and in that view it has placed proposals before all the States for constituting Nyaya Panchayats at the Village levels and to appoint Panchayat Raj Judge from among Munsiffs having 3 years experience and in order to help the process of such judicial system, it was further proposed that a panel of twenty heads be constituted for selection of 'Lay-Judges' at the Sub-divisional level and that each Panchayat Raj Judge should bring with them two 'Lay-Judges' from the said panel and go to the 'Gram Panchayats' of the Sub-Division and sit with them to administer justice and these places be called 'Gram-Nyaya-Laya'. To the above contention of the Centre, the States and West Bengal in particular have appreciated the proposals with the views that in order to implement the proposals the same should undergo certain changes with introduction of certain additional arrangements on the part of each State. It has been so viewed that as
each Sub-Division of the State used to contain about
150 (one hundred and fifty) Village Panchayats and to
hold Justice for each of the said Village Panchayats,
more judges might be required and they should be
appointed by election and not by selection and moreover
proper arrangements are required to be made for security
and transport to render justice at the village level.

a) Already, in many Districts, Lok Adalats are
being held to settle disputes at the lower levels in the
form of arbitration and it has further been observed that
if the decisions of Lok-Adalats are made binding on both
the parties and that the jurisdiction in that respect is
extended, the system may be more popular and helpful in
the public interest.

b) In India with the growing population the public
interest and urbanisation, litigations have now varied
facets to bring within their fold all such problems arising
from the complexities.

10.2. Lok Adalat has been given status by the enactment

a) As for Lok Adalat Section 19(3) states "Lok Adalat
shall have jurisdiction to determine and arrive at compromise
or settlement between the parties to 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 for the time being in force in the area for which the Lok Adalat is organised.

b) Section 20(1) provides that any Court or Tribunal may transfer any matter to Lok Adalat on intention of the parties to compromise or settle by joint application.

c) Section 20(2) provides for reference to Lok Adalat by the District Legal Services Authority on application from any person for any matter or dispute pending for compromise or settlement.

d) The Lok Adalat shall be guided by legal principles and the principle of justice, equity and fair play. Refund of court fee is allowed where compromise is effected in Lok Adalat. All powers of a civil Court in respect summoning and enforcing attendance of any witness and examining him on oath, discovery and production of any document, reception of evidence on affidavits, requisitioning of any public record, document from any court or of office, and other matters were to be prescribed by rules under the Act, Proceedings before it are deemed to be judicial proceedings.
10.3. Lok Adalat is an institution meant to promote voluntary settlement between parties. It truly reflects the spirit of certain statutory reforms made in India in recent years. The Civil Procedure Code, 1908 under Order 27, rule 5B, Order 32A as well as Family Courts Act, 1984 provided certain similar spirit for effecting settlement between the parties to a dispute.

10.4. a) There will be no appeal from the decision of the Lok Adalat. According to its functioning, it takes up disputes at pre-litigative and post-litigative stages and the same may be referred to by the joint application of the parties to the dispute or upon application by anyone of them at the post-litigation stage before the Court of Law. When the reference is made, the Court shall cease to have its jurisdiction.

b) The institutions for legal aid services and Lok Adalats have their purposes to serve common man ensuring speedier justice with less complexity and expenses. In this connection, it may be referred that in Calcutta on the inaugural day of the first Lok Adalat held at the centenary Buildings of Calcutta High Court on December 14, 1991 organised by the Legal Aid Services West Bengal (LASWB), the two-day-long Adalat was opened by Mr. Justice
A.M. Ahmadi, Mr. N. P. Singh, Chief Justice, Calcutta High Court where cases of motor accident claim, matrimonial disputes, and those pertaining to UCO Bank and the Calcutta Electric Supply Company Ltd. were tried in eight courts set up for the purpose. The final judgement in the cases settled here would be given by a Division Bench of Calcutta High Court.*

* Appendix 'C'

News paper cuttings - Dec 15, 1991
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