SUMMARY

Discourage litigation; persuade your neighbors to compromise wherever you can. Point out to them that a nominal winner is often a real loser 'in fee, expenses and waste to time. As a peacemaker, the lawyer has a superior opportunity of being a good man. There will still be business enough ".

-Abraham Lincoln

The ancient concept of settlement of disputes through mediation, negotiation or through arbitral process known as “Peoples Court verdict” or decision of “Nyaya Panch” is conceptualized and institutionalized in the philosophy of Lok Adalat. Some people equate Lok Adalat to conciliation or mediation; some treat it with negotiations and arbitration. Those who find it different from all these, call it People's Court. It involves people who are directly or indirectly affected by dispute resolution. The salient features of this form of dispute resolution are participation, accommodation, fairness, expectation, voluntariness, neighborliness, transparency, efficiency and lack of animosity.

The concept of Lok Adalats was pushed back into oblivion in last few centuries, before independence and particularly during the British regime. Now, this concept has, once again, been rejuvenated. It has, once again, become very popular and familiar amongst litigants. This is the system which has deep roots in Indian legal history and it shares close allegiance to the culture and perception of justice in Indian ethos. Experience has shown that it is one of the most efficient and important ADRs and most suited to the Indian environment, culture & societal interests. The evolution of this movement was a part of the strategy to relieve heavy burden on the Courts with pending cases and to give relief to the litigants who were in a queue to get justice. Lok Adalat has been very successful in settlement of motor accident claim cases, matrimonial/family disputes, labor disputes, and disputes relating to public services such as telephone, electricity, and bank recovery cases as so on.
The advent of Legal Services Authorities Act, 1987 gave a statutory status to Lok Adalatas. It is an Act to constitute Legal Services Authorities to provide free and competent legal services to the weaker sections of the society to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities, and to organize Lok Adalatas to secure that the operation of the legal system promotes justice on a basis of equal opportunity. Even before the enforcement of the Act, the concept of Lok Adalat had been getting wide acceptance as People's Courts as the very name signifies. Settlement of disputes at the hands of Panchayat Heads or tribal heads was in vogue since ancient times. When statutory recognition had been given to Lok Adalat, it was specifically provided that the award passed by the Lok Adalat formulating the terms of compromise will have the force of decree of a court which can be executed as a civil court decree.

Just as pollution poisons the physical atmosphere, the poor justice system poisons the social atmosphere. Equal and fair justice is the hallmark of any civilized society. It is the primary duty of State to ensure equal and even handed justice for all by regulating the dealings of citizens with one another, by checking disorder and high handedness of one class of people over others and by maintaining all those rights which are fundamental to the existence and upliftment of common man through establishing the effective administration of justice. Administration of justice means to adjudicate the rights and duties of the individuals on the basis of rules laid down by the State. It makes efforts to provide the right to access to justice to all because access to justice from an independent and impartial agency in public law as well as private law is a recognized human right. Access to justice is a prime necessity of a civilized society. It is a cherished duty of every system of government to ensure equal and even-handed justice to all.

Access to justice from an independent and impartial agency is a recognized human right which is an essential requisite for the existence of the State. It is an established fact that a government founded upon anything except liberty and justice cannot survive. The right to access to justice is more important in a democratic set-up based on rule of law where safeguarding human rights and assuring dignity of individual is the responsibility of the State. The settlement of the disputes of the poor,
needy and down-trodden who live in the lower socio-economic bracket of the society is an imperative need in a democratic State which aims at an egalitarian social order. It is gratifying to note that the architects of our Constitution emphasized to ensure justice to all even to the poorest of the poor through efficacious justice delivery mechanism.

The framers of the Constitution prescribed the mandate for justice - social, economic and political, in the Preamble. The various provisions of the Constitution such as Articles 14, 21, 38 and 40 also lay down stress upon the right to equal and effective justice. In order to achieve the goal of justice, Article 39A has been enshrined in the Constitution with the purpose to provide free legal aid and to strengthen the justice delivery system. Keeping in view, the philosophy of equality and justice embodied in Part III and Part IV of the Constitution, the Supreme Court has also played a vital role through its various judgments and declared the right of free legal services and speedy trial as the fundamental rights which are included within the broad matrix of the principle of right to life and personal liberty in Article 21 and right to equality under Article 14.

Inspite of Constitutional mandates and the directions of the Supreme Court, the desired goal of effective justice dispensing system have not been achieved. Because the Indian Judicial system has been affected by the problems of legal formalities, rigid procedural rules, delay in justice, corruption, expensive litigation, arrears of cases in all courts, inadequate number of courts etc. In the light of these drawbacks in the justice delivery mechanism, the Alternative Dispute Resolution (ADR) system has been introduced in order to provide speedy and less expensive justice to all. The ADR system is not established to replace the courts of the country but it is in addition to the traditional judicial system and supplement to it for dispensation of justice. The main focus of the ADR mechanism is to dispense economical and speedy justice to the disputing parties.

The system settles the disputes amicably outside the scope of formal courts system that is why it is called as an alternative means of settlement of disputes. Civil Courts has power under Section 89 of Civil Procedure Code to refer cases for settlement of disputes, outside the court, by way of either (i) arbitration, or (ii)
conciliation, or (iii) judicial settlement including settlement through Lok Adalat, or (iv) mediation. Thus, ADR mechanism has various major methods such as arbitration, conciliation, mediation and Lok Adalat. The disputants have liberty to use any method of ADR in order to achieve qualitative justice. The institution of Lok Adalat is a significant method of Alternative Dispute Resolution system which promotes justice on the basis of equal opportunity. The vernacular meaning of Lok Adalat is "people's court" which is 'innovated in order, to provide speedy and inexpensive justice at the door steps of poor and neglected section of the society.

The system not only renders qualitative and efficient justice to people but also helps to overcome the hazard of the docket explosion. It is an expeditious mode of redressed of grievances of parties which avoid frequent adjournments, lengthy arguments and hierarchy of appeals. It is not a court in its accepted connotation but it is a new system of dispensation of justice which has come into existence to grapple with the problem of giving quick and cheap justice to all. The procedure of Lok Adalat is simple, informal, flexible, non-controversial and without legal technicalities. It is a forum which aims at bringing about settlement through voluntary and persuasive efforts. The mechanism has been introduced for dispensation of justice in a manner compatible with the social, cultural, economic and administrative inheritance of India.

The forum of Lok Adalat is an integral part of the Indian Constitutional scheme enshrined in Preamble, Part III and Part IV of the Constitution. The system fulfills the requirement of justice to socially and economically backward people by resolving their disputes free of cost. Lok Adalats save the expensive civil proceeding, it saves the time which is often taken in obtaining justice or bare relief; and parties go out with faces beaming with smile and hand in hand.

New chapter VI-A in the Legal Services Authorities Act, 1987 provides for Permanent Lok Adalats in addition to Lok Adalats. The Central or State Authority can establish such Permanent Lok Adalat at any place so notified. The Permanent Lok Adalat undertakes “pre-trial” settlement on the application of any party in a dispute. Every award made by Permanent Lok Adalat shall be final and shall not be called in question in any original suit, application or execution proceeding.
Amendment of Legal Services Authorities act, 1987 is not the solitary revolutionary step in the field of justice delivery system. Almost at the same time the century old Code of Civil Procedure, 1908 has also been amended by Amendment Act of 1999 and 2002. The new amendments are striking at the root of delay in disposal of civil suits. Judicial courts have been permitted to use electronic media for service of process, time limit has been fixed for submitting reply, receiving evidence through affidavit and tightening the procedure for amendment of the proceedings are few noticeable changes in the law.

OBJECTIVES OF THE STUDY

1. To find out whether the concern of litigants is of highest priority for the judicial system.
2. To determine Constitutional and Judicial Mandate of Justice.
3. To ascertain Mandate regarding ADR modes and speedy disposal of cases in CPC.
4. To find out the deficiencies of Indian system of judicial as administration.
5. To ascertain the nature of Lok Adalats as mode of justice delivery and compare its working with Courts’ procedure.
6. To find out to what an extent modes of ADR-mainly Lok Adalats are resorted by common man for dispute Resolution
7. To find out the procedure adopted by Lok Adalats in India
8. To find out the genesis of Lok Adalat existed in India during an ant, Medieval and Modern era.
9. To find out the revival the reasons of revival of the Lok Adalat Scheme in post independent period.
10. To analysis the powers, functions, jurisdiction and area of operations of Lok Adalat.
11. To find out the level of legal awareness of the people about this scheme and to know the interest of the people in the functioning of Lok Adalat.
12. To gather the knowledge a Govt. the monitoring aspect of the Lok Adalat and find out the source from which the Lok Adalats.
13. Whether the organization of Lok Adalat in India effective.
14. Whether the existing power of Lok Adalat are sufficient.
15. To know whether the people have a popular facts to Lok Adalat.
16. To find ways and means for making the Lok Adalat Scheme Successful venture.
17. Lastly, what suggestions/recommendations can be made to effectively tackle the menace of corruption in India?

RESEARCH METHODOLOGY

Methodologically, the recent study is essentially doctrinal, based on critical analysis of primary as well as secondary sources. The researcher has used multi-pronged approach to collect as much relevant information as possible through the above said sources. The study is purely exploratory and evaluative in nature. The primary material includes the relevant national and international legal instruments, such as, Constitution of India, Legal Service Authorities Act, 1987, Legal Services Authority (Amendment) Bill, 2002, Arbitration and Conciliation Act, 1996, Grain Nyayalaya Act, 2008 etc. and their official and judicial interpretations as contained in the case laws decided by the Supreme Court of India. As the scope of the subject is expanding with the regular output of the decisional material from the Information Commission, a representative selection of landmark decisions has been analyzed to cover all important aspects of the study. The secondary material includes, books, research articles and comments published in various journals and brought out by various organizations. The existing legal and other relevant literature has been surveyed and scanned for the present study. Legal literature on the topic has been collected from the Indian Law Institute (I.L.I) Library, New Delhi; Access to internet (Website) has also been made to scan the latest data/material on the subject.

FRAMEWORK/ SCOPE OF THE STUDY

In the present study, attempts have been made to analyse and evaluate the provisions relating to Lok Adalat in the Constitution of India and Legal Services Authority Act, 1987. The present study is divided into nine chapters. Chapter I is devoted to the General Introduction of the subject. It explains generally the scope of the study and provides conceptual basis by discussing the significance of the topic. In addition, it describes its objectives, methodology, organization and other aspects in
general. Chapter II is an endeavour to have a glance on the history and trace out the genesis. Constitutional Directives for Lok Adalat have been discussed in Chapter III. Chapter IV deals with role of judiciary in strengthening Lok Adalat. Chapter V deals with the organization of Lok Adalat in India. Impact and Powers of Lok Adalat in India have been discussed in Chapter VI of the thesis. Chapter VII deals with the Lok Adalat in India and its legal regime. Problems and Prospective of Lok Adalat have been discussed in Chapter VIII. Chapter IX of the thesis has been devoted to conclusion and suggestions drawn from the present study.