

# UPSC Preparation

## Lok Adalats : Notes for UPSC Polity

### Background:

The Lok Adalats are formed to fulfil the promise given by the preamble of the Indian Constitution—securing Justice – social, economic and political of every citizen of India. Article 39A of the Constitution provides for free legal aid to the deprived and weaker sections of the society and to promote justice on the base of equal opportunity. Articles 14 and 22(1) of the Constitution also make it compulsory for the State to guarantee equality before the law.

In 1987, the Legal Services Authorities Act was enacted by the Parliament, which came into force on 9th November 1995 to establish a nationwide uniform network for providing free and competent legal services to the weaker sections of the society.

### Definition of Lok Adalats:

- A Lok Adalat is one of the substitute dispute redressal mechanisms.
- National Legal Services Authority alongside other Legal Services Institutions conducts Lok Adalats.
- It is a forum where cases or disputes incomplete in the court of law are compromised cordially.

### Jurisdiction:

- Any case pending before or any matter which is falling within the jurisdiction of, and is not brought before, any court for which the Lok Adalat is organized.
- The Lok Adalat can compromise and settle even criminal cases, which are compoundable under the relevant laws.

### What is its composition?

- The Lok Adalat is chairman, two members, and one social worker.
- The chairman must be a sitting or retired judicial officer.
- The other two members should be a lawyer

### Members

- The individuals determining the cases in the Lok Adalats are called the Members of the Lok Adalats
- They have the role of statutory intermediaries only
- They do not have any judicial role

### Statutory

- Under the Legal Services Authorities Act, 1987 Lok Adalats have been given statutory status.

### Final award

- Under the Legal Services Authorities Act, 1987 the decision made by the Lok Adalats is considered to be a verdict of a civil court and is ultimate and binding on all parties.

#### No appeal

- There is no provision for an appeal against the verdict made by Lok Adalat
- If the parties are not satisfied with the award of the Lok Adalat though there is no provision for an appeal, they are free to initiate litigation.

#### No fee

- There is no court fee payable when a dispute is filed in a Lok Adalat.
- If a dispute pending in the court of law is referred to the Lok Adalat and is settled later, the court fee originally paid in the court on the petition is also reimbursed back to the parties.

#### Amicable Resolutions

- The Lok Adalat shall not decide the dispute so mentioned at its own instance, instead the same would be decided on the basis of the compromise between the parties.
- The members shall assist the parties in a sovereign and impartial manner in their attempt to reach a cordial settlement of their dispute.

### Importance of Lok Adalats:

- 16.9% of all cases in taluka and district courts are three to five years old.(source: National Judicial Data Grid)
- 17% are 10-20 years old and over 20.4% of all cases are 5-10years old in High courts.
- 66,000 cases are pending before the SC, over 57 lakh cases before various Highcourts, and over 3cr cases are pending before various subordinate and district courts.
- Litigants are forced to approach Lok Adalats because it is a party-driven process which allows them to reach an amicable settlement.

### Benefits of Lok Adalats:

- Lok Adalats offer the parties speed of settlement and most cases are disposed of in a single day.
- There is no strict application of procedural laws such as the Code of Civil Procedure, 1908, and the Indian Evidence Act, 1872. So, the Lok Adalats are fast due to flexibility.
- The award issued by a Lok Adalat, after the filing of a joint compromise petition, has the status of a civil court decree. The award is binding.
- There is no court fee and if the court fee is already paid, the amount will be refunded if the dispute is settled at Lok Adalat.

### Concerns:

- In a majority of cases, litigants are pitted against entities with deep pockets, such as electricity boards, insurance companies, banks, etc.

- In most cases, compromises are imposed on the poor who often have no choice but to accept them.
- As compromise is its central idea, there is a concern that in the endeavour for speedy disposal of cases, it undermines the idea of justice.
- State of Punjab vs Jalour Singh (2008) case, Supreme court held that a Lok Adalat is purely conciliatory and it has no adjudicatory or judicial function.

