

A CRITICAL ANALYSIS ON THE CHALLENGES OF THE LOK ADALAT SYSTEM IN INDIA

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ABSTRACT

The research paper predominantly focuses on the challenges of the LokAdalat system in India. It is always said that, 'Justice hurried is Justice buried', whenever the context of LokAdalat comes into picture. The LokAdalat is known as the People's Court in India and it is the India's take on Alternative Dispute Resolution. It has got a special mention under Article 39A of the Constitution of India and has received statutory recognition under The Legal Services Authorities Act, 1987. It is opted by the people for the speedy disposal of cases and quick dispensation of justice. But the biggest disadvantage of this system is that it is based on the notion of compromise and if the notion is not arrived then the case is returned back to the courts. Thus, causing unnecessary delay in the justice and also increasing burden on the courts.

This research paper will analyze such challenges of the LokAdalat system in India while giving an overview of the system. Further this paper also consists of a survey conducted within the law students and legal professionals on their take on the LokAdalat System in India.

Key Words: LokAdalat, Compromise, Challenge, Justice, Alternative Dispute Resolution.

INTRODUCTION

Background of the Study

"Justice delayed is Justice denied but if Justice is hurried it gets buried."

LokAdalat system in India is considered to be India's take on Alternative Dispute Resolution (ADR). It is popularly called as the People's Court in India. This system is considered to be an effective and proficient in order to dispose of the cases in a speedy manner and reduce the burden on courts. Many people have opted to get their dispute resolved through the LokAdalat System in India because of its speedy nature and cost efficiency because when the disputes reach courts it becomes a cumbersome process as well as costly to resolve those disputes. The

LokAdalat system in India has derived its statutory recognition in The Legal Services Authority Act, 1987. The concept has mainly originated from the Article 39A of the Constitution of India. It 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 or other disabilities.”¹

The LokAdalat as a system originated for imparting justice to needy people in the pre independence period of India. This was considered to be the most suitable method for the Indian environment. The Britishers knew the conditions of the people in India and hence to impart justice them in the most efficient manner and make them legally aware of their rights they incorporated the mechanism of LokAdalat in the normal court proceedings. As mentioned above, the foundation of LokAdalat has been already laid down under Article 39A of the Indian Constitution. The first state in India to have LokAdalat system in India was the state of Gujarat in the year 1982.²

But at the same time, the efficiency and proficiency of the LokAdalat System in India is questioned because the quality of justice imparted by it.³ The biggest challenge of the LokAdalat system in India is that it is based on the notion of compromise.⁴ So, if the parties to the dispute do not arrive at compromise, then the dispute is referred back to the courts. Thus, causing unnecessary delay in the dispensation of justice and also increasing the burden on the courts. Moreover, in the quest of speedy disposal of cases the quality of justice rendered by the LokAdalat system in India is depreciating with the effect of time. Eventually, the number of pending cases is rising High Courts and Apex Court of the country. The LokAdalat system does

¹Article 39A of the Constitution of India. It was inserted by the 42nd Amendment in the year 1976.

²K Guptaswar, 'The Statutory LokAdalat: Its Structure and Role' [1988] 30(2) Journal of the Indian Law Institute <<https://www.jstor.org/stable/43951163?searchText=Lok+Adalat+System+in+India&searchUr>> accessed 25 August 2022

³Parag Agarwal, 'LokAdalat: A Critical Analysis' [2020] 1(2) Jus Dicere <<https://www.jusdicere.in/lok-adalat-a-critical-analysis>> accessed 25 August 2022

⁴Ibid

not cover all the offences and is limited to certain offences.⁵ Thus, there is a dire need to increase the ambit of LokAdalat system in India so that the goal with its foundation was establishment in India is achieved.

This paper will be discussing about the overview of the LokAdalat System in India, it will be followed by the analysis on the challenges of the LokAdalat system in India and lastly by the analysis of the online survey undertaken by the law students and legal professionals on their take on the LokAdalat System in India.

- **Literature Review**

1) Nitya Mehrotra, 'LokAdalat: A Catalyst for change in the Indian Judiciary Structure' [2021] 2(1) Manupatra <<https://articles.manupatra.com/article-details/Lok-Adalat-A-Catalyst-for-change-in-the-Indian-Judicial-Structure>> accessed 25 August 2022 – In this article, the author is discussing about how LokAdalat have resulted in a positive response as many people have opt to take their grievances to LokAdalat due to its cost efficiency. But on the other hand, how this speedy disposal of case makes the justice buried due to which the quality of justice is compromised.

2) Parag Agarwal, 'LokAdalat: A Critical Analysis' [2020] 1(2) JusDicere <<https://www.jusdicere.in/lok-adalat-a-critical-analysis>> accessed 25 August 2022- In this article, the author analyzes the role of Lok Adalat in India and its take on Alternative Dispute Resolution mechanism in India. The article further discusses about the challenges of the LokAdalat system in India and how more welfare measures can be opted to make this system people friendly and effective in nature.

3) Megha Kukreja, ' An Analysis on LokAdalat in India' [2019] 6(3) Journal of Emerging Technologies and Innovative Research <<https://www.jetir.org/papers/JETIREW06077.pdf>> accessed 25 August 2022- In this article, the author talks about how the LokAdalat scheme is

⁵Parag Agarwal, 'LokAdalat: A Critical Analysis' [2020] 1(2) JusDicere <<https://www.jusdicere.in/lok-adalat-a-critical-analysis>> accessed 25 August 2022-

proved to be beneficial for the society and how it works effectively in the justice dispensation system in India. Further, it elucidates about how this system has changed with time and losing its core purpose of establishment as people have started to have speculations with regards to the quality of justice delivered by the LokAdalat system in India.

4) **TameemZainulbhai, ' Justice for All: Improving the LokAdalat System in India' [2016] 35(1) FordhamInternationalLawJournal** <<https://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=2422&context=ilj>> accessed 25 August 2022- In this article, the author talks about the history of LokAdalat system in India, how it got legitimization over time. It further discusses about the challenges of LokAdalat system in India and more precisely how the Alternative Dispute Mechanism works in the common law countries.

5) **K Guptaswar, 'The Statutory LokAdalat: Its Structure and Role' [1988] 30(2) Journal of theIndianLawInstitute** <<https://www.jstor.org/stable/43951163?searchText=Lok+Adalat+System+in+India&searchUr>> accessed 25 August 2022- In this article, the author evaluates the composition and structure of the LokAdalat system in India, the purpose behind establishing this system in India, the challenges of LokAdalat system. Lastly, the author makes a remark about the quality of justice rendered by LokAdalat system in India.

- **Research Problem**

The biggest advantage of the LokAdalat system in India is that in the quest of speedy trial and quick disposal of cases sometimes justice is not denied rather it is buried. This is because the entire system of LokAdalat in India is based on the notion of compromise. But if the notion of compromise is not arrived by the parties than the case is referred back to the court. Thus, causing unnecessary delay in the dispensation of justice and putting burden on the courts.

- **Objectives of the Study**

The objectives of the study are as follows;

- 1) To understand the LokAdalat system in India.
- 2) To analyze the challenges of LokAdalat system in India.

- **Research Question**

Q1. Whether the institution of LokAdalat is effective in its justice delivery mechanism in India.

- **Hypothesis**

The LokAdalat system in India is based on the notion of compromise due to which when the parties to the dispute are unable to resolve the problem the case is referred back to the court. Thus, increasing the burden on courts as well as causing unnecessary delay in the dispensation of justice.

1.7 Scope of the Study

The scope of the study is limited to understanding and analyzing the challenges of the LokAdalat system in India.

1.8 Methodology

Design

The author has used doctrinal research method. The paper has followed the secondary data collection. The researcher has utilized various books, articles, notes and commentaries and other writings so as to incorporate the views of many juristic scholars with an intention to present a holistic view. It has also followed the primary data collection like the surveys, statutes and case laws.

Sample

The analysis is based on data obtained by using the form of questionnaires through online survey. The questionnaires were taken from the law students and legal professionals. The sample size of the survey is 51.

Instrument

The questionnaire method is used by the author for this paper. This has helped the author to understand the viewpoint of a section of society on the usefulness of LokAdalat.

Data Collection

To analyze the viewpoint of people on the LokAdalat in India. To understand the same, the author had adopted questionnaire method via online survey. The analysis of the survey has been done in chapter 3 of the paper.

OVERVIEW OF THE LOK ADALAT SYSTEM IN INDIA

This section comprises of an overview of the LokAdalat System in India. It consists of consideration of LokAdalat as the form of Alternative Dispute Resolution in India while also discussing the structure, powers, procedure and jurisdiction of the LokAdalat System in India.

- **LokAdalat as the form of Alternative Dispute Resolution in India**

The LokAdalat system is considered to be India's take on Alternative Dispute Resolution. This system is popularly known as the People's Court in India. Since the time immemorial, there has been approach of the people in India to settle down the dispute among themselves without approaching the courts. This mechanism can be seen in the Panchayati Raj system as well.⁶ It is where the people who are the parties to the dispute approach the village panchayat for the settlement of the dispute and the panchayatopts the principle of negotiation and mediation to resolve the issues within the parties.⁷ But by the establishment of the LokAdalat system in India, the mechanisms used by it have got a more formal and standard approach.

One of the biggest glomming clouds over the Indian judiciary is the pendency of the cases which is causing deliberate delay in the delivery of justice. But by the birth of the LokAdalat system in India this problem was not solved entirely but it came to a certain halt. In the case of Ajay Kumar Pandey .V. State of J&K⁸, the Supreme Court stated that access and right to justice is a fundamental right derived from article 14 and 21 of the constitution of India. Thus, the right to free legal aid concept can be seen within the ambit of directive principles of state policy under chapter IV of the constitution of India. These principles act as the guidelines for the state to make laws for the society. To lessen the burden on the judiciary the concept of ADR was introduced in the Civil Procedure Code, 1908, under section 89.⁹

The concept of LokAdalat has derived its origin and purpose from Article 39A¹⁰ of the constitution of India. But it has got its statutory recognition under The Legal Services Authority

⁶NityaMehrotra, 'LokAdalat: A Catalyst for change in the Indian Judiciary Structure' [2021] 2(1) Manupatra <<https://articles.manupatra.com/article-details/Lok-Adalat-A-Catalyst-for-change-in-the-Indian-Judicial-Structure>> accessed 25 August 2022

⁷Ibid

⁸SC 2021

⁹Settlement of Disputes outside the Court

¹⁰Equal Justice and Free Legal Aid.

Act, 1987. The chapter VI of the mentioned act states certain provision with regards to the LokAdalat system in India.¹¹Section 19 of the act talks about the organization of LokAdalat system in India. This section in brief talks about the composition¹² and jurisdiction¹³ of LokAdalat system in India. The jurisdiction of the LokAdalat system is only limited to certain compoundable offences. Other matters on which the LokAdalat system exercises its jurisdiction are the matrimonial disputes, partition cases and those cases which are not sub judice in nature. Further, the cognizable approach of the LokAdalat is mentioned section 20¹⁴ of the mentioned act. So, by its cognizable approach it means that LokAdalat mechanism is not established to determine someone guilty rather its is formed to mediate between the parties to the dispute through the notion of compromise. But if the compromise is not arrived then the case is referred back to the court. Furthermore, under section 21¹⁵ of the act, it has been mentioned that the LokAdalat can be seemed as the court of civil nature.

- **The Structure, Jurisdiction, Powers and Procedure of the LokAdalat System in India**

The structure of the LokAdalat system in India is divided among there tiers. They are as follows:

1. TalukaLevel andDistrict Level- This is the lowest tier of the LokAdalat system. It comprises of the sitting or retired judicial officer, legal professional and a social worker, preferably a woman,
2. At the State Level- This is the second tire of the LokAdalat system. It comprises of a bench of sitting or retired judge officer, legal professional and a social worker.
3. At the National Level- This is the top tier. It is setup for a single day and all the cases are adjudicated on this day itself.

¹¹LokAdalats

¹²Section 19(1) of The Legal Services Authorities Act, 1987

¹³Section 19(5) of The Legal Services Authorities Act, 1987

¹⁴Cognizance of cases by LokAdalats

¹⁵Award of LokAdalat

Whereas, when it comes to the jurisdiction of the LokAdalat system in India it is mentioned under section 19 (5) of The Legal Services Authorities Act, 1987.¹⁶ It talks about the notion of compromise and settlement between the parties who are in dispute in the case of;

1. If any case is pending before it and the LokAdalat has the power to take cognizance of it.
2. Any such matters which fall within the jurisdiction of the LokAdalat and has not been brought before any court. But then LokAdalat system in India has power only to dispute some limited number of compoundable offences and not all of them.

Further, the powers of the LokAdalat system in India are mentioned under section 22 of The Legal services Authorities Act, 1987.¹⁷ It states that LokAdalat has the same power as any Civil Court and as long as the proceedings are concerned, they are the same as the judicial proceedings as mentioned under sections 219¹⁸ and 228¹⁹ of the Indian Penal Code, 1860.

Finally, when it comes to the procedure under the LokAdalat system in India it is mentioned under section 20(5) of The Legal Services Authority Act, 1987.²⁰ The cases in LokAdalat usually revolve around the monetary dispute and are effectively solved by the same. But in order to clear the dispute at the pre litigation phase, it becomes important for the parties to arrive at the settlement or accept the notion of compromise. The procedural laws are not followed while judging the merits of the cases referred to the LokAdalat in India. The decision awarded by the LokAdalat is binding on the parties and is not appealable in nature.²¹

But then there are certain challenges of the LokAdalat system in India which is discussed in the upcoming section of the paper under chapter 3.

¹⁶A LokAdalat shall have jurisdiction to determine and to arrive at a compromise or settlement between the parties to a dispute in respect of— (i) any case pending before; or (ii) any matter which is falling within the jurisdiction of, and is not brought before

¹⁷Powers of LokAdalat

¹⁸Public servant in judicial proceeding corruptly making report, etc., contrary to law

¹⁹Intentional insult or interruption to public servant sitting in judicial proceeding.

²⁰Where no award is made by the LokAdalat on the ground that no compromise or settlement could be arrived at between the parties, the record of the case shall be returned by it to the court, from which the reference has been received under sub-section (1) for disposal in accordance with law.

²¹Parag Agarwal, 'LokAdalat: A Critical Analysis' [2020] 1(2) JusDicere <<https://www.jusdicere.in/lok-adalat-a-critical-analysis>> accessed 25 August 2022

ANALYSIS OF THE CHALLENGES OF LOK ADALAT SYSTEM IN INDIA

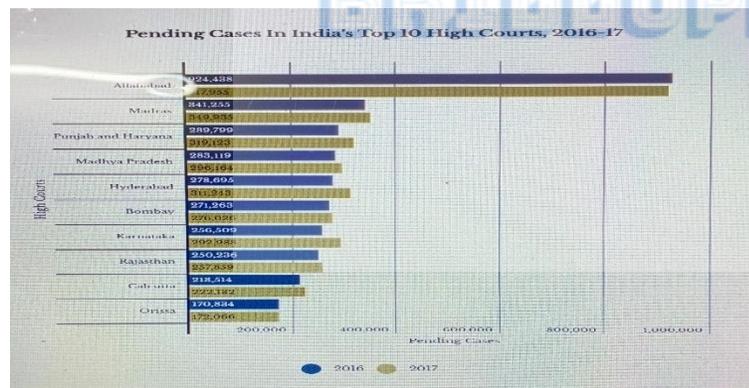
This section discusses about the challenges of the LokAdalat system in India followed by the survey on the LokAdalat system in India.

- **The challenges of the LokAdalat system in India**

The challenges of the LokAdalat system in India are as follows:

1. The first and foremost challenge of the LokAdalat system in India is that it is based on the notion of compromise. If the parties to the dispute are unable to arrive at the compromise the case is referred to the courts. Thus, causing unnecessary delay in the justice delivery mechanism and also causing burden on the courts. In the case of, *MoniMathai .V. Federal*²², the Kerala High Court stated that if the parties do not arrive at the notion of compromise then they can move to the courts to decide the case on legal nodes.

Now, if we do a comparative study on the number of pending cases in the High Courts of the country. The number is quite disturbing because day by day the burden on the judiciary is increasing even though there is establishment of LokAdalat system in India. Now if we take the data of the year 2018, there were total 40 lakhs cases pending in the High Courts of India but by the year 2022, the number of pending cases in High Courts have raised to 59 lakhs.²³



(This is the data of the year 2016-2017 of the pending cases in the top 10 High Courts of India.

This was published in the year 2018 by the National Judicial Data Grid)

²²AIR 2003 Ker 164, IV (2004) BC 489

²³<https://www.thequint.com/news/india/india-high-court-judges-appointment-delay-extends-to-delay-in-cases#read-more>

In this image it can be seen that there is a significant rise in the number of pending cases in the year 2017 in the top 10 High Courts of the country. The highest number of pending cases is in the Allahabad High Court with 9,17,955 pending cases whereas the lowest number is in the Odisha High Court with 1,72,066 pending cases.

CASES PENDING IN HIGH COURTS		ALL INDIA: 59,57,454	
High Court	Pending cases*	High Court	Pending cases*
Allahabad	10,26,417	Telangana	2,58,932
Rajasthan	6,05,215	Patna	2,20,403
Bombay	5,92,583	Andhra Pradesh	2,35,482
Madras	5,63,595	Calcutta	2,15,859
Punjab & Haryana	4,50,527	Odisha	1,85,567
Madhya Pradesh	4,17,003	Gujarat	1,58,512
Karnataka	2,96,965	Delhi	1,05,814

*As of July 22, 2022

(This the data of the year 2022 published by Ministry of Law and Justice as a reply to RajyaSabha)

On the other hand, in the year 2022 the report was submitted in the RajyaSabha by the Law Minister, KirenRijju stating that there are 59 lakh cases pending in the High Courts of India. This is significantly increasing the burden on the judiciary. It was further conveyed that the central government is opting for several initiatives to faster the cases disposal in the country in an effective manner.²⁴ From the above mentioned data, it can be noted that the number of pending cases in Allahabad High Court is the highest with 10,26,417 cases whereas the Delhi High Court is having the lowest amount of pending cases around 1,05, 814 cases in totality. From this comparison, it is evident that the number of pending cases in the Indian judiciary is increasing day by day. The motive behind which the LokAdalat system was formed in India has lost the track because of its notion of compromise in many cases.

²⁴<https://indianexpress.com/article/explained/over-59-lakh-cases-pending-high-courts-women-judges-serving-8064617/>

This issue can be solved if the LokAdalats are given the powers to solve the case on the merits if the parties do not arrive at the notion of compromise.²⁵

2. There are 3 types of LokAdalat. They are national, permanent and mobile adalats. But when it comes to the permanent LokAdalat system in India it is mentioned under section 22B of The Legal Services Authorities Act, 1987²⁶. It also handles the cases at the prelitigation stage but it a permanent body, with a chairman and 2 subsequent presidents for the process of conciliation and mediation. But on the other hand, the other set of LokAdalat system in India just provides for the process of the mediation. Thus, the role of mediation and conciliation is getting blurred out here.

Here it needs to be understood that there is a thin line difference between mediation and conciliation. In the former one, the process is settled down by a mediator and his role is passive in nature, the provision of the mediation has been introduced in section 89 of the Civil Procedure Code, 1908, also the mediation bill, 2021 is still pending in the RajyaSabha, the mediator in the mediation process acts as a peacekeeper and as a facilitator and has the task of providing dates for the conduct of process smoothly. Whereas, in the latter one the process is settled down by a conciliator and his role is active in nature, the norms of the conciliation process are mentioned under the Arbitration and Conciliation Act, 1996, the conciliator in the conciliation process has the duty to give suggestions to dispose of the cases and also to provide different options to dispose off the disputes.

In the case of, State of Punjab .V. Jalour Singh²⁷ the Supreme Court ruled that the permanent LokAdalats have a conciliatory role to play and hence the award given by it does not mean and Simply any independent verdict.

When the roles of the mediation and conciliation are mixed up, the normal LokAdalat and the permanent lokadalat can be stated to work towards the case disposal mechanism due to the kind of designated roles played by it. This is because the LokAdalat system in India is covered by the legal services authorities act, 1987 so even though the PermanentLokAdalat system is defined

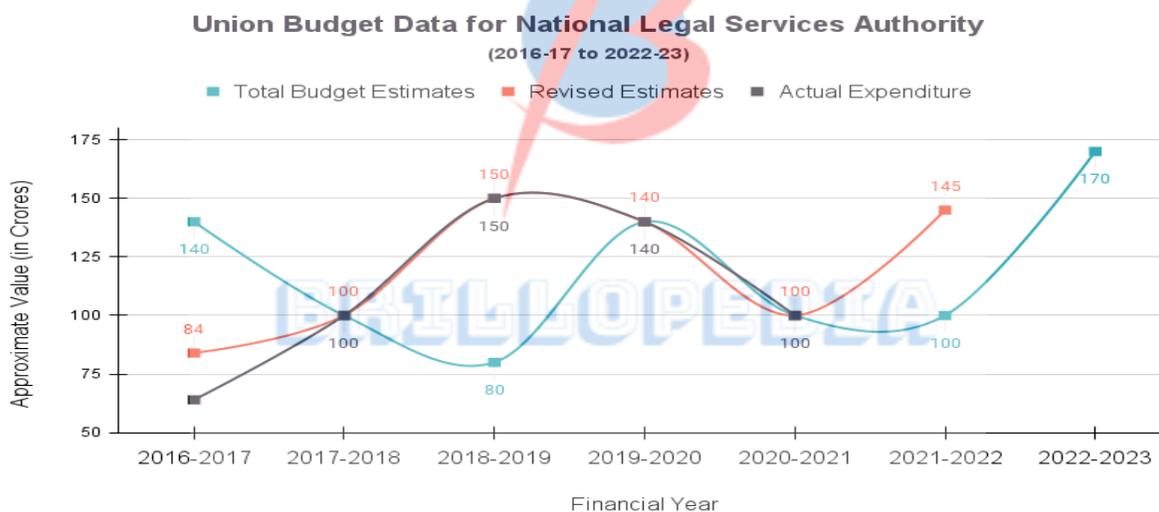
²⁵MeghaKukreja, ' An Analysis on LokAdalat in India' [2019] 6(3) Journal of Emerging TechnologiesandInnovativeResearch <<https://www.jetir.org/papers/JETIREW06077.pdf>> accessed 25 August 2022

²⁶Establishment of Permanent LokAdalats

²⁷SC 2008

under the act under section 22B, its role as a conciliator defined under the Arbitration and Conciliation Act, 1996 cannot be denied. This has been clearly mentioned under section 22C of The Legal Services Authorities Act, 1987.²⁸

3. It has been seen that the lawyers are very reluctant to opt for the option of LokAdalat system in India. This is because the essence of the LokAdalat is to settle the disputes in a speedy manner. So, if a dispute goes in the LokAdalat and it gets resolved there are high chances that the lawyer will lose upon his client. But when the same dispute goes in the traditional way of litigation in the courts, it takes a considerable amount of time to get resolved. Thus, the lawyers get a chance to circumscribe their clients. Such situation can be improved by looking over the remunerations provided to the advocates by the National Legal Services Authorities so that a proper guidance is been given to a needy person.



(The above mentioned data is the union budget data on NALSA)

It can be seen that the budget which is allocated to the NALSA, the expenditure is half of it contributed towards the LokAdalats and a minimal amount is provided to the lawyers per say. For ex. In the year 2019, Madhya Pradesh spent mere 6% on lawyers and almost 48% on the lokadalats.²⁹ Hence, this is very clear as in why the lawyers reluctant to approach the LokAdalats system in India.

²⁸Cognizance of cases by Permanent LokAdalat.

²⁹ <https://dataforjustice.substack.com/p/understanding-legal-aid-budgets-in>

4. The LokAdalat system in India covers the aspects of many cases such as the matrimonial disputes, labour law cases, partition cases, motor vehicles accidents cases and so on. It also covers the cases which are of compoundable civil nature. But when it comes to the compoundable criminal cases, it does not have an ambit to resolve such cases. Thus, increasing the burden on the courts with such petty offences. The criminal cases which are compoundable in nature are those cases in which the parties are ready to arrive at the notion of compromise and certainly drop the charges against the accused. The compounding of offences is looked under section 320 of IPC, 1860. The compoundable offences are which do not require the permission of the court to get compound are adultery³⁰,defamation³¹, criminal trespass³² etc. But there are certain other criminal cases of compoundable nature which requires the permission of the court to get compound. Thetare, theft³³, criminal breach of trust³⁴, voluntarily causing grievous hurt³⁵ etc.

If the criminal cases which are compoundable in nature and do not require the permission of the court to get compounded within the ambit of the LokAdalat system in India then the burden on the courts can be reduced to a significant number.

5. There is a lack of judges in the Indian judiciary which in turn also affects the functioning of the LokAdalat system in India.

Workload Per High Court Judge & Corresponding Allocation Of Judges			
Court	Workload Per Judge in 2016	Workload Per Judge in 2017	Change In Working Strength Of Judges, 2016-17
Calcutta	5,208	6,533	-7
HP	2,344	3,212	-3
Karnataka	9,500	10,103	2
Orissa	8,991	9,559	-1
Gujarat	2,800	3,305	-2
Tripura	747	1,247	-2
Hyderabad	11,148	11,528	2
Jharkhand	4,928	5,287	0
Punjab and Haryana	6,300	6,648	2
Manipur	790	1,126	-1

Note: Click [here](#) for data on all high courts.

Source: Supreme Court Annual Reports 2015-16 and 2016-17

(The above mentioned data is from the Supreme Court Annual Reports 2015-16 and 2016-17)

³⁰Section 498 of IPC, 1860

³¹Section 499 of IPC, 1860

³²Section 441 of IPC, 1860

³³Section 378 of IPC, 1860

³⁴Section 405 of IPC, 1860

³⁵Section 320 of IPC, 1860

In the above mentioned data, it is talking about the number of judges in few of the High Courts of the country in which it can be seen that the number of workload of the available judges is increasing is year by year due to 2 factors. Firstly, due to the lack of judges and secondly due to increase in the number of cases due to the failure of LokAdalat system in some or the other way.³⁶

If the number of the recruitments for the judges is increased and this recruitment is diverged towards the LokAdalat system there are higher chances that the number of cases disposed by the LokAdalat system will increase gradually.

6. Lastly, there is a lack of judicial literacy among the people with regards to the LokAdalat system in India. This is because of the lack of awareness among the people with regards to LokAdalat mechanism in India. The media can play a huge role in creating the awareness among the people with regards to LokSabha in India. Due the lack of judicial literacy, people still follow the age old traditional concept of resolving their disputes by approaching the courts. Thus, this takes a decent amount of time to solve the cases.

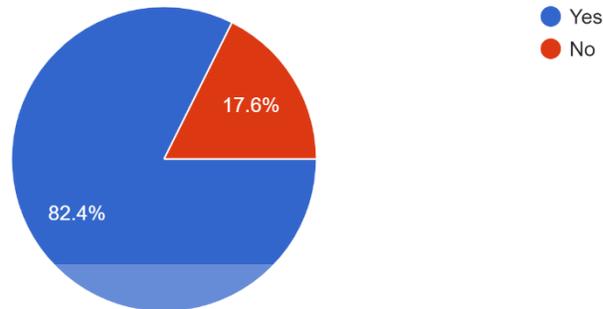
- **Survey on LokAdalat system in India**

This survey is taken by the law students and legal professional via on online survey form, The sample space for the survey is 51.

³⁶TameemZainulbhai, ' Justice for All: Improving the LokAdalat System in India' [2016] 35(1) FordhamInternationalLawJournal <<https://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=2422&context=ilj>> accessed 25 August 2022

'Justice delayed is justice denied'. But when it comes to the Lok Adalat system it is always said that, 'Justice hurried is justice burried'. This is b...nsation of justice. Do you agree with the statement?

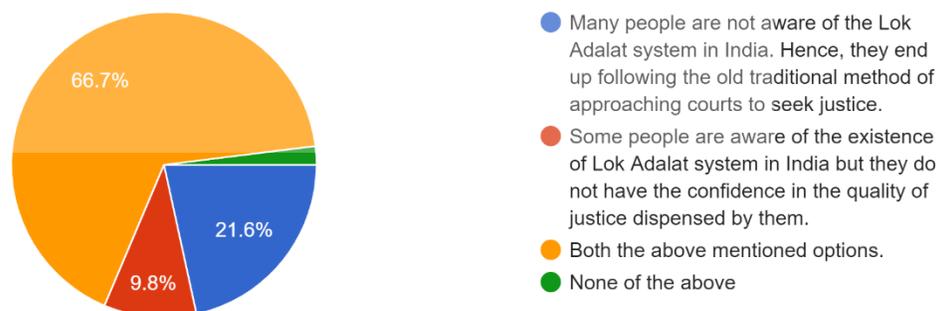
51 responses



In this question, the author is seeking to know whether the notion of compromise causes unnecessary delay in the dispensation of justice in the LokAdalat system in India. The responses towards this question inclined more on the 'Yes' side rather than the 'No' side. Almost 82.4 % of the participants believe that the notion of compromise in LokAdalat system causes unnecessary delay and thus acts as the biggest disadvantage for the LokAdalat system in India.

There is lack of judicial literacy when it comes to the Lok Adalat System in India. What can be the possible reasons behind it?

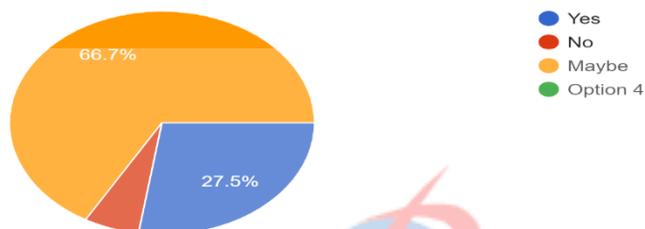
51 responses



In this question, the author is seeking to know the reasons behind the lack of judicial literacy in Indian when it comes to the LokAdalat system. The responses towards this question inclined more towards that; many people are not aware of such system and hence end following the

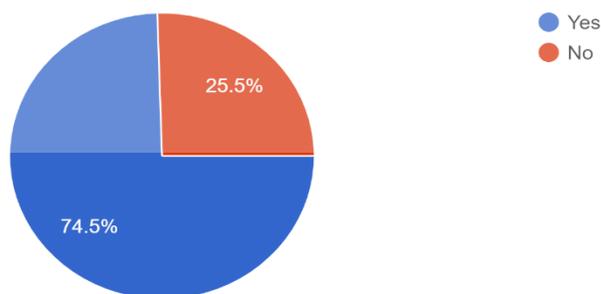
traditional method of approaching courts to seek justice, lately people don't have the confidence in the quality of justice dispensed by the LokAdalat system. These both options were selected by the participants. Almost 66.7 % of the participants believe the above mentioned stated reasons for the lack of judicial literacy among the people with regards to LokAdalat system in India.

On 28 July, 2022 it was mentioned by the Law Minister of India Kiren Rijju that over 59 Lakh cases are pending in the High Courts of India. This is a ...o be increased to reduce the burden on the courts?
51 responses



In this question, the author is seeking to know whether the ambit of LokAdalats would be increased to lessen the burden on the courts. The responses towards this question inclined more towards both the 'Yes' side and the 'No' side. Almost 66.7 % of the participants believe that the ambit may be increased looking at the developing situations around the Indian judiciary.

Lok Adalat system in India primarily covers the civil offences. But when it comes to criminal offences, especially the petty crimes they can com... on the courts. Do you agree with this statement?
51 responses

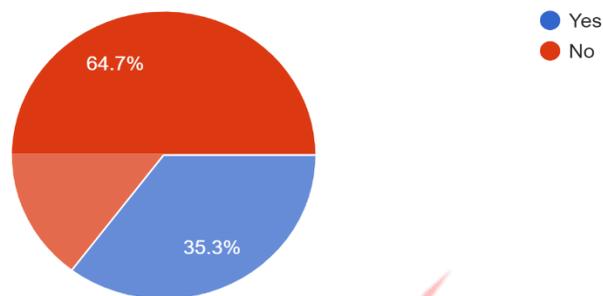


In this question, the author is seeking to know whether the petty crimes can come within the ambit of the LokAdalat. The responses towards this question inclined more on the 'Yes' side rather than the 'No' side. Almost 74.5 % of the participants believe that the petty crimes under the criminal offences which are compoundable under section 320 of IPC, 1860 (which can be

compounded with the permission of the court) can be covered within the preview of the LokAdalat system in India.

Whether the objective of establishing Lok Adalat system in India has been successful?

51 responses



In this question, the author is seeking to know whether the establishment LokAdalat system in India has been successful. The responses towards this question inclined more on the 'No' side rather than the 'Yes' side. Almost 64.7% of the participants believe that the establishment of LokAdalat system is not successful and has lost the intention with which it was initiated in India.

Currently, due to the challenges of the LokAdalat system in India the effectiveness and proficiency of such mechanism is always questioned. If the challenges are removed then the LokAdalat system in India will start functioning at a very effective pace and the intention with which the LokAdalat system was establishment in India gets satisfied.

SUGGESTIONS AND CONCLUSION

The suggestions which can be provided are as follows:

- 1) **The Legal Awareness**-The legal aid and the literacy programs with regards to the LokAdalat system in India needs to be expanded. These programs must aim the poor and the needy people and must function at the grass root level. While imparting justice, the principle of natural justice needs to be followed.

- 2) **Increasing the ambit of LokAdalat system in India**-The petty offences under the criminal law which are compoundable in nature can be covered within the aspect of LokAdalat system in India. This will significantly reduce the burden on courts and will also dispense justice at a quicker rate.
- 3) **The cases in LokAdalat can be solved according to the merits of the case looking at gravity of offence**-If the cases which are in dispute in LokAdalat do not get resolved than the notion of compromise is obtained and if the case is not resolved the case returns back to the court. So, if the LokAdalat gets the power to resolve the case on the merits after the compromise is not arrived then it will reduce the burden on the courts.
- 4) **Increasing the remuneration of the lawyers and advocates under the NALSA and SALSALSA**-Reluctance of the lawyers can be reduced to approach the LokAdalat if the remuneration of the lawyers is increased by NALSA. Therefore, the lawyers will not try to circumscribe the clients and the litigation will not prolong.

The LokAdalat system in India has got the statutory recognition under The Legal Services Authorities Act, 1987, for the speedy disposal of disputes. But the foundation of it has already been laid down under Article 39A of the Constitution of India. But as majority of India population is judicial illiterate, they approach the courts to seek justice rather than approaching the LokAdalat for speedy disposal of cases. But by the amendment of 2002 to the Legal Services Authorities Act, 1987 it gave birth to the Permanent LokAdalat system in India under section 22B. This system only deals with utility services and laws. The importance of LokAdalat in Indian conditions is immensely important. It can be seen that through the survey that the purpose with which the LokAdalat system was formed in India has lost its essence. The goal of its establishment has been negated. Therefore, the position of LokAdalat system in India needs to be strengthened from the root level in order to fulfil the aims of the constitution of India which talks about the principle of justice, equity and good conscience.

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