FUNCTIONING OF LOK ADALATS IN INDIA WITH SPECIAL REFERENCE TO UTTAR PRADESH: A STUDY

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ABSTRACT

The institution of Lok Adalat in India, as the very name suggests, means People's Court. 'Lok' stands for people and the term 'Adalat means court. The Lok Adalat has not been an unknown institution of Indian justice delivery system; and it is no longer an experiment in India. However, it is seen as an effective and efficient, pioneering and palliative alternative mode of dispute settlement, which understood, as a viable, economical, efficient, informal, expeditious form of resolution of disputes. Lok Adalats are a blend of all three forms of traditional ADRs: arbitration, mediation, and conciliation.

The ancient India justice dispensation system was equipped with an institution that was similar to today's Lok Adalat, which had continues even up to the onset of British rule in India. Britishers introduced adversarial justice delivery system in India, After the British regime, the legal fraternity endeavored to find out alternative to adversarial form of dispute resolution. Therefore, several alternative dispute resolutions come into existence, such as arbitration, conciliation mediation, and negotiation. The modern statuary Lok Adalat traces its root in the people's court of the ancient Hindu jurisprudence and the cardinal principle of the village self-reliance, gram swarajya, participatory justice, and societal comity.

Delay in justice is detrimental to the interests of the litigants and it also lowers the faith of the common people in the efficacy of the judicial system.

Courts in India are overburdened and there is more than one reason for the congestion in the courts. These reasons are: increased institution of cases, granting unnecessary adjournments, vacancies in courts, lengthy, rigid and formal procedure and government being prime litigant, etcetera. Over 3 crore cases are pending in lower courts across the country and more than 74 lakhs cases are pending in courts of Uttar Pradesh. The figures appear to be quite alarming and growing day by day. Law Commission of India, in its various reports, has also considered this problem in all its facets and has suggested some remedial measures to tackle the problem. There is no standardized or statuary definition of the term Lok Adalat; it is now widely accepted as an informal, voluntary, dispute settlement agency involving the people and public-spirited lawyers and citizens.

The entire mechanism of Lok Adalats designed and evolved is with the object of promoting justice. The preamble of our constitution devised 'justice' as one of the tools for achieving the ultimate goal of constitution i.e. fraternity, and further the constitution mandate of Article 21 as interpreted by judiciary, read with Article 39A which provides for equal justice and free legal aid to economically backward classes, setting an objective which needs to be achieved by a welfare state. The contemporary world built a space, which needs to bridge to achieve the vision of access to justice as a ground reality. The Alternate Dispute Mechanism, of which Lok Adalat is a part, is a contemporary adjudicatory attempt in the Indian context.

The Lok Adalat system in India has been given a legal framework by the enactment of the Legal Services Authorities Act, 1987. This Act comprises several provisions for the settlement of disputes through Lok Adalat and permanent Lok Adalat, both at pre-litigation and post-litigation stage at several levels. The Lok Adalat is empowered to dispose of cases or matters referred to it, only on basis of compromise or settlement between parties alone. Accordingly, Lok Adalat exercises its jurisdiction to arrive at a compromise or settlement between the parties to any disputes falling within the jurisdiction of any civil, criminal, revenue court or any tribunal constituted under any law for time being in force. It may be any case pending before the court or any matter, which is falling within the jurisdiction of the court but not yet brought before it. However, the offences, which are non-compoundable under any law, fall outside the purview of jurisdiction of Lok Adalat.

STATEMENT OF PROBLEM

Delay in justice not only affects the interest of the litigants but also undermines the capability of the judicial system in imparting justice efficiently and effectively. The problem of delays and expensive litigation has engaged the attention and consideration of several legal luminaries, those connected with the management of the judicial system of the country. Courts in India are overburdened, and the figures appear to be quite alarming, and surprisingly they are growing day by day.

Lok Adalat system conceptualized in India for delivering speedy, efficient and cost-effective justice, but unfortunately, justice has fallen victim to the desire for the speedy resolution. Instead of trying a genuine compromise, in some cases, Lok Adalats try to force an adjudicatory decision upon unwilling litigants. The right to a fair hearing, which is one of the basic principles of natural justice, is not fully available to the people. Many sitting and retired judges while participating in Lok Adalats as members, tend to conduct the Lok Adalats like courts, by hearing parties and by imposing their views as to what is just and equitable on the parties. Sometimes they get carried away and proceed to pass an order on merits even though there is no consensus or settlement. Such acts instead of fostering alternative dispute resolution through Lok Adalats will drive the litigants away from the Lok Adalats.

The justice delivery mechanism, as adopted by Lok Adalat, is alleged to be inferior in quality in comparison to the conventional adjudicatory process. Most of the times the parties are not willing to go to the Lok Adalats, there may not be any dispute for compromise or settlement between the parties, but even then courts can refer matters to the Lok Adalat by coercing and pressurizing the parties, which is arbitrary and unreasonable. Another reason for selecting the topic is that the researcher is concerned about the functioning of Lok Adalats provided by the legal services authorities in the State of Uttar Pradesh.

OBJECTIVES OF THE STUDY

The objectives of the proposed study are as follows:

1. To find out the deficiencies prevailing in the areas of litigation & dispute reducing mechanism.
2. To find out the effectiveness of the process adopted by Lok Adalats in India and the impact of Permanent and Continuous Lok Adalats on justice delivery process.
3. To find the efficacy of the Lok Adalats in reducing litigation and to evaluate its overall functional success.
4. To review the Legal Services Authority Act and Constitutional and legislative provisions related to Lok Adalats
5. To spell out challenges, obstacles and solutions in the implementation of Lok Adalats in India.
6. To evaluate the functioning of Lok Adalats in Uttar Pradesh.

HYPOTHESIS

For the purpose of the research, the following hypothesis has been formulated:

1. Litigation in courts of law is complicated, costly and often delayed.
2. Possibilities of compromise between the parties will be increased with the help of Alternative Dispute Resolution Mechanism.
3. Lok Adalat system is not working efficiently for disposing of the cases
4. The Lok Adalat system is not substitute for the adversarial system of courts of law.
5. Creation of permanent and continuous Lok Adalat is a positive step to help the litigants at the pre-litigative stage.

The research work divided into 7 chapters:

CHAPTER -1	INTRODUCTION
CHAPTER- 2	LITIGATION: PROBLEMS AND PERSPECTIVES
CHAPTER -3	NEED FOR ALTERNATIVE DISPUTE RESOLUTION MECHANISM
CHAPTER- 4	LOK ADALATS IN INDIA: EVOLUTION AND STRUCTURE
CHAPTER -5	LOK ADALATS AND APPROACH OF JUDICIARY
CHAPTER-6	STUDY OF FUNCTIONING OF LOK ADALAT IN UTTAR PRADESH
CHAPTER -7	CONCLUSIONS AND SUGGESTIONS

Chapter I is introductory, consisting of general introduction, significance, nature and scope of the problem. Apart from the review of literature, the chapter also contains the hypothesis on which present study proceeds, the objectives with which the study is undertaken and methodology adopted for the study.

Chapter II is devoted to the problems, and historical perspectives related to litigation, the researcher gives a brief introduction about the judicial system in India. The Indian judicial system is one of the oldest legal systems in the world today. It is part of the inheritance India received from the British after more than 200 years of their colonial rule. The present judicial system of India was not a sudden creation; it has been evolved as the result of a slow and gradual process and bears the imprint of the different periods of Indian history. Indian Courts are

held in high esteem not only by developing but by developed countries as well. There is widespread praise for the quality of the judgments delivered and the hard work being done by the Indian judiciary. However, there is growing criticism, sometimes from uninformed or ill-informed quarters, about the inability of our courts to effectively deal with and wipe out the massive backlog of cases. Many countries world over are facing the problem of delay in dispensation of justice. It is a major problem being faced by the Indian judicial system. After the introduction of the judiciary, the researcher discussed the history of the adversarial Indian judicial system, which can be classified into three stages, (i) Judicial system in ancient India (ii) Judicial system in British India (iii) Judicial system in the Republic of India.

(i) Judicial System in ancient India: India has documented legal history commencing from the Vedic era, and some civil law practice might have been in place during the Bronze age in India, that is around 3000 BC and the Indus Valley civilization, which may be the period between 2600 BC and 1900 BC. Law as a subject of religious prescripts and philosophical discourse has a glorious past in India. Originating from the Vedas, the Upanishads, and other religious holy texts, it was a productive territory decorated by practitioners and experts from various Hindu philosophical schools and afterwards by Jains and Buddhists.

The beginning of a regular system of state judicial administration may be traced to the pre-Mauryan age. The Mauryan period (326-185 BC) fills a gap

between two great spells of administration of criminal justice in ancient India, namely, that as mentioned in the Dharma sutra on the one hand and that of Manu's code on the other. The old division of urban and rural judiciary was continued in Ashoka's reign. The Guptas (AD 320-550) created afresh a system of administration on imperial lines after the downfall of the Mauryan Empire. After the Guptas, in Northern India, King Harshvardhana (AD 606-47) created a sound and efficient administration. After the disintegration of the Harsha Empire, a veil of obscurity descends on the history of India, which does not lift till the Muslim invasion. Under the Mughal Empire, the country had an efficient system of government with the result that the system of justice took shape. The Mughal period saw the compilation of the code of civil procedure; it was called Fiqha-e-Feroze Shahi then.

(ii) Judicial System in British India: The history of the present judicial system may be traced back to the year 1726 when King George-I issued a Charter for bringing about essential changes in the judicial administration of the Presidency Towns of Bombay, Calcutta, and Madras. The first pre-independence law commission of India formed by the Governor-general. The commissions' most noteworthy contribution was the Penal Code prepared under the guidance of Lord Macaulay. The third Law Commission proved to be the most successful of all the Commissions. The proposals of the first two Commissions resulted in the codification of the Code for civil and criminal cases in the year 1857 and 1861, respectively, and the enactment of the Penal Code in 1860. It drafted several codes in its seven reports, the important ones being the Indian Succession Act,

Contract Act (1872), Evidence Act, the new Limitation Act, and the Divorce Act 1869. During British rule, it can be said that India went through a great deal of experimentation and experiential learning.

(iii) Judicial System in the Republic of India: The jurisprudence followed in India is almost the same as the one prevalent in England, though it has been cross-fertilized by typical Indian values. After the independence, the Constitution of India, has a similar hierarchy, with the Supreme Court the apex court (replacing the Federal Court of India) and the various State High Courts (replacing the Provincial High Courts), with various other courts under the High Courts. The adversarial system, which is particularly one of the |finest legacies of the British rule in India, has performed reasonably well for hundreds of years. Although, in view, the docket explosion, the trust, and faith in the judiciary have experienced abundant corrosion. In India, the justice delivery system is exploding, and seams it may fall unless immediate corrective steps will not be taken

The researcher also discussed in this chapter what are the prime causes of delay in disposal of cases; the huge backlog of cases in various Indian courts is the biggest cause of worry. It has been the subject of a number of reports, debates in parliament and state legislatures, in judicial conferences, and the media nowadays. The Arrears Committee chaired by Justice V.S.Malimath in its report, identified various causes of accumulation of arrears of cases in the courts. Some of the principal causes are:

(i) Litigation explosion;

(ii) Accumulation of the first appeal;

(iii) Inadequacy of staff attached to the High Court;

(iv) The inordinate concentration of work in the hands of some members of the Bar'

(v) Lack of punctuality among judges;

(vi) Granting of unnecessary adjournments;

(vii) Indiscriminate closure of Courts;

(viii) Indiscriminate resort to writ jurisdiction;

(ix) Inadequacy of classification and granting of cases;

(x) Inordinate delay in the supply of certified copies of judgments and orders.

In *Salem Advocate Bar Association, Tamil Nadu v. Union of India*[1], the Hon'ble Supreme Court has observed, in a substantial number of cases, either the notice is not responded to or in the few cases where a reply is sent, it is commonly ambiguous and misleading. The outcome is that the object underlying Section 80 of the Code of civil procedure and related provisions get defeated. It not only gives rise to avoidable litigation but also occurs in massive costs and expenses to the exchequer as well. A proper response can result in the reduction of litigation amid the state and the citizens.

[1] (2005) 6 SCC 344

Further in this chapter, researcher under the head review of the justice delivery system discussed the experience of the Indian judiciary for the last more than a half-century, shows how it has been inseparable the struggle for judicial responsibility, accountability, and independence. Yet, there are serious concerns about the efficacy and ability of the justice delivery system to dispense speedy and affordable justice. Questions on the credibility of the judiciary are being raised due to mounting arrears of cases, delays in disposal, and high cost of obtaining justice. The growing population, increasing awareness of rights, and abiding confidence of the people in the judiciary saw a litigation boom, which our judicial set-up was not sufficiently equipped to handle. We can rightly take pride in the quality and effectiveness of our judicial system. However, we cannot deny that it suffers from serious deficiencies, requiring immediate steps to improve its performance, to render prompt and inexpensive service to its consumers.

Further researcher discusses the efforts government took to speed up the justice delivery system under the head Government's efforts to speed up the justice delivery system, how government took initiatives on the recommendations of various reports of various committees and lastly in this very chapter researcher explained to search for a solution for delay in justice delivery system else, the system will collapse. We have no other choices but to vigorously and quickly devise effective alternative options to litigation to ease the present weight of judicial business. Alternative Dispute Resolution as known as ADR

that encouraged the disputant to arrive at a negotiated understanding with a minimum of outside help.

Chapter III deals with the need for an alternative dispute resolution mechanism, in this chapter researcher, attempted to discuss the need for the different modes of alternative dispute resolution mechanism and its background briefly. The term 'Alternative Dispute Resolution' is often used to describe a wide variety of dispute resolution mechanisms. The term can refer to everything from facilitated settlement negotiations in which disputants are encouraged to negotiate directly with each other before some other legal process, to arbitration systems or mini-trials that look and feel very much like a courtroom process. To overcome delay, and provide effective justice to the consumer of justice, it becomes necessary that the Alternative Dispute Resolution method should be resorted to determine dispute among the parties at an earlier date. The Supreme Court in *Salem Advocate Bar Association, Tamil Nadu v Union of India*[2] observed that, in some countries of the world where alternative dispute resolution has been well-turned to the amount that more than 90 per cent of the cases are resolved out of the court, it is necessary that the parties must indicate the method of ADR that they want to betake during the pendency of litigation.

In this very chapter, the researcher highlighted the evolution of the ADR mechanism how it came into existence in reference to the Indian society**.** Since the ancient India laws of arbitration were very popular and were highly

[2] *Ibid*

accessible. The researcher also discussed the inception of the Arbitration Act, which amended, and replaced time-to-time, and about various laws, which was existed and existing in India, having guidelines, rules, and regulations related to ADR mechanism.

After that researcher discussed the method of dispute resolution, these dispute redressal methods are the methods, which are being progressively acknowledged in the field of law and commercial sectors at international and national levels both**.** The most common types of ADR for civil cases are Arbitration, Mediation, Conciliation, Negotiation, and Lok Adalat. Let us have a bird's eye view of these aspects of ADRs.

Arbitration: Arbitration is one of the most widely known forms of ADR. Arbitration is a quasi-judicial procedure; it means a process of dispute resolution in which a neutral third party called arbitrator renders a decision after a hearing at which both parties have an opportunity to be heard.

The Arbitration and Conciliation Act, 1996, governs the 'arbitration procedures' in India. Part-I of the Arbitration and Conciliation Act, 1996, comprises of 43 sections spread over ten chapters, making detailed provisions relating to domestic arbitration and international commercial arbitration held in India under this Act. However, the Act does not define the term 'arbitration.' The definition of arbitration has been based on the definition mentioned in Article 2(a) of UNCITRAL Model Law; according to that provision, the term arbitration is a medium through which the parties resolve the matter with the interposition of

a neutral third person. In the case of *Jivaji Raja Vs Khimiji Poonja & Company*, Bombay High Court defined that arbitration is the reference of dispute or difference between two or more parties to a person chosen by the parties or appointed under statutory authority, for determination of the same. In a broad sense, it is substitution of ordinary judicial machinery by a mutually chosen tribunal, i.e., an arbitrator or an arbitral institution.

Negotiation: Negotiation is the simplest and non-binding procedure involving direct interaction of the disputing parties, which is required to be devised at the very beginning of the dispute. The only thing which needs to be conquered is 'egotism' by the parties to the dispute so that they can go for self-counseling to resolve their dispute.

Mediation: In simple terms, mediation nothing but facilitated negotiation. Mediation is an old concept to India, centuries before India had utilized a system called panchayat system where all the villagers respect the decisions of the panchas, who resolve the disputes of community. The same type of traditional mediation continues to be utilized even today. The court should refer to all such matters to mediation in which disputes relating to properties, partition, marriage, and custody of children, commercial, and business are involved.

Conciliation: The term conciliation is often used interchangeably with mediation. The main difference between conciliation and mediation proceedings is that the 'conciliator' can make proposals for non-binding settlement, while a 'mediator' refrains from making such a proposal.

Lok Adalat: It is a forum in which the matters pending before the court of law or at the pre-litigation stage are resolved amicably. It has been granted legal status under the Legal Services Authorities Act, 1987. According to the Act, the award delivered by the Lok Adalats is considered to be a decree of a civil court and is conclusive and obligatory on each party to the dispute, and no appeal shall be made against any such award before any court of law. If the parties to the dispute are not convinced with the award of the Lok Adalat however, there is no provision of appeal against such award, but they are free to initiate litigation by following the necessary procedure, filing a case and approaching the court of appropriate jurisdiction, in the application of their right to litigation.

Afterword researcher explained the paradigm of Section 89 of the Code Of Civil Procedure, 1908. Section 89 was incorporated by Parliament in the year 1999 in Code, on the recommendations of the 129th report of Law Commission of India, and the report of Malimath Committee. Section 89 of the Code Civil Procedure renders provisions related to the settlement of disputes out of the court, the object behind this provision is to avoid multiplicity of litigation, save valuable time, money and expenses and permit parties to come at settlement amicably and to reduce the burden of the court. The committee suggested that it be made mandatory for the court to mention the dispute after the issues are framed for settlement, which may be acceptable by parties either by way of mediation, conciliation, arbitration, judicial settlement or via Lok Adalat and if parties to the dispute do not satisfy, the court will refer them to one or the other of the said methods or the suit shall proceed further. On perusal of the

aforementioned provisions of Section 89, it mentions the five forms of ADR methods, arbitration conciliation, mediation, judicial settlement, and Lok Adalat. The intention behind Section 89 is to provide a quick and efficient remedy to the litigants and decrease the burden of pendency from the courts. The same Amendment Act incorporated the other three provisions, 1999 are contained in Rules 1A, 1B, and 1C of Order 10, of the Code of Civil Procedure. Section 89 should be read with Rule 1A of Order 10, which requires that the court to instruct the parties to opt whichever of the five methods of alternative dispute resolution and refers the matter at their option. Rule 1B of Order 10 talks about the provision when the matter is mentioned under Rule 1A, the parties to the dispute shall show up before such forums for the settlement of the suit. Rule 1C of Order 10 renders that where a matter referred under Rule 1A and presiding officer of forum satisfied that it might not be appropriate in the interest of justice to continue with the matter furthermore, then he will then revert the matter to the court of law again and direct the parties to the dispute to appear before the court on the date fixed by him. In a landmark judgment, the Supreme Court of India in *Afcons Infrastructure Ltd. v Cherian Varkey Construction Co. (P) Ltd* has observed, that the provisions of Section 89 of the Code of Civil Procedure, 1908 which determines a responsibility on the court of law to motivate the parties to the dispute for settlement of their disputes by adopting any one of the alternative dispute resolutions methods.

The researcher also explained in this how could we identify cases, which are suitable for ADR. The Hon'ble Supreme Court categorized the cases

considered suitable or not suitable for the ADR process. Lastly, in researcher elaborated the need for strengthening alternative dispute resolution in India that the existence of a properly functioning justice system increases citizens' confidence and their willingness to bring disputes to court. Unfortunately, the picture of the Indian legal system at present appears gloomy. There is a strong need to have an extremely effective, comprehensive plan required to be formulated for the successful implementation of the ADR program. For the strengthening alternative dispute resolution in the India government as well as judiciary will have to undergo the process of judicial review on a structural and operational level both.

Chapter IV highlighted the evolution and structure of Lok Adalats in India. In this very chapter researcher centred upon the Lok Adalat as a mode of dispute resolution mechanism its advancement and brief layout of its structure. Lok Adalat has been playing an essential role in the dispute resolution since ages. The institution of Lok-Adalat has profound roots in Indian legal history and played a critical part in providing justice to Indian society. Lok-Adalat gained its statutory status from The Legal Services Authority Act, 1987, and constitutional mandate, as provided in Article 39A of the Constitution. The comprehensive object of Lok-Adalat is to provide free legal services to the downtrodden and weaker sections of the society to ensure that justice is not denied.

Under the head growth & development of the institution of Lok Adalat in India researcher discussed the brief history of Lok Adalat, The introduction of

Lok Adalats in India presented the first chapter of the judicial system of the country. It provided a new forum for satisfying settlement of disputes for the disputants. Shri Harivallabh Pareek in the year 1949 to provide relief to these adivasis, in Rangpur, he started the alternative mode of Lok Adalat for dispensing justice and remained the same for many years. The current version of Lok Adalat has evolved from the concern expressed by the several committees set up to betake to organizing legal aid to the poor and disadvantaged people and warning alarm made by the judicial circle on increasing numbers of arrears pending for an extended period at various levels in the court system. The Committee for Implementing Legal Aid Schemes (CILAS), established by the Ministry of Law and Justice in 1980, recommended creating the Lok Adalats.

In the year 1982, the first Lok Adalat was organized in the Junagarh district at village Una. Andhra Pradesh, Bihar, Haryana, Karnataka, Madhya Pradesh, Maharashtra, Orissa, Rajasthan, Uttar Pradesh, and the Union Territories of Delhi, Pondicherry and other states also adopted the Lok Adalat system in there provinces after observing its successful working. The Legal Services Authorities Act, 1987, had given statutory recognition to the Lok Adalats, which were earlier performing its functions on an informal basis. The Act came into force on 9th November 1995 with various amendments.

Then, after the researcher discussed the objective of Lok Adalat as per the Legal Services Authority Act, 1987, the prime objective of the Lok Adalat as per Legal Services Authority Act, 1987, is to render an option to the mainstream

conventional legal system. The Act establishes legal services authorities to offer free, and proficient legal services to the downtrodden and weaker sections of the society, to ensure that opportunities for securing justice are not denied for monetary or other social disadvantages, and to organize Lok Adalats to secure that the functioning of the legal system upholds justice on the grounds of equal opportunity.

Further, the researcher discussed the Constitutional directives for Lok Adalat under the head Preambular aspirations of the spirit of justice and Lok Adalat. The Preamble of the Constitution of India adequately determines to establish India as a sovereign, socialist, secular, democratic, republic. It directed for obtaining justice, not only social justice but economic and political justice, too, for the citizens of the country. Lok Adalat is one such instrument if used in the correct direction. Even though Lok-Adalat has not been said unequivocally under the provisions specified in the Constitution, it is understood in it on account of its rationality of giving justice similarly to all regardless of their status, which must be accomplished by the participatory type of dispute resolution mechanism.

Under the head equal justice, Lok Adalat and legal aid directives under part III & part IV of the Constitution, Article 14 of the Constitution of India not only promulgate but also guarantees equal justice to all, which includes the concept of legal aid and equal justice. Art.14 deals with equality before the law and equal protection of laws. The nature of the Article has made it clear that the

legal aid has been received directly from this Article and has made it positive about implementing the legal aid plan, which is very much within the territory of India.

Article 39(A) directs the state to establish such legal machinery by which justice can be provided based on equal opportunity. It also mandates that free legal aid shall be provided so that the opportunity of ensuring justice which is not denied to any citizen due to their financial and other inabilities. Though Article 39A is a directive on the state which is unjustifiable but once it is read with Article 21 and Article 14 which guarantees a fundamental right of equality before law and equal protection of laws within the territories of India to all its citizens, it can easily be visualized that provision for free legal aid to needy litigants cannot remain an idle direction. The Constitutional directives for forming Lok-Adalat, for the people and by the people, are implicit in the Preamble, Articles 14, 39A, 40, and other provisions of the Constitution. It is apparent that the organization of the Lok-Adalat is a mandate provided by the Constitution. The march towards making Lok-Adalat a great success is a Constitutional goal, for which everyone should fulfill.

Further in next head reports of various committees for implementation of legal aid in India researcher attempted to discuss briefly reports of multiple committees, which helps to implement legal aid in India (1) First Report Of Law Commission of India, (2) Committee of Justice Bhagwati on Free Legal Aid (3) Expert Committee on Legal Aid (4) Swaran Singh Committee and its

Recommendation (5) Juridicare Committee Report (6) Committee for Implementing Legal Aid Schemes.

In this chapter researcher also discussed statutory recognition of Lok Adalat under the Legal Services Authority Act, 1987. The Legal Services Authorities Act, 1987, was enacted to provide a statutory foundation for legal aid programs in a similar format all across the country. On 9th November 1995, the Act was eventually implemented following by several amendments included therein by Amendment Act of 1994. Provisions related to Lok Adalats and Permanent Lok Adalats have been given under section 19 to 22 (E) Chapter VI & VI A of the Act. As per Section 19 of the Act, Lok Adalats are customarily presided over by retired or sitting judicial officers and other persons such as social workers, etcetera. Cases referred to Lok Adalats either from the traditional courts by agreement of parties or directly under the order of presiding officer where he deems it proper. The cases, which have so far been dealt with by these Lok Adalats are the case involving matrimonial dispute, rent matters, motor accident claim cases, land acquisition matters, bank recovery cases, criminal compoundable cases, etcetera. The award of Lok Adalat has the force of decree of a court as per Section 21 of the Act because it brings the litigation to an end and no appeal against the award of Lok Adalat lies. The party, which has succeeded, can also even get back the court fee amount it had paid initially while going to traditional while going to the traditional court. No court fee is to be paid for getting the matter decided from Lok Adalat, and also strict rules of evidence do not apply.

In the year 2002, the legislature amended the Legal Services Authorities Act, 1987, by interpolating a new Chapter VI A, for setting up Permanent Lok Adalat to offer the procedure for settlement of the matters related to 'public utility services' at the pre-litigative stage. Act also provides under chapter II and III of Legal Services Authorities Act, 1987, for the constitution of the National Legal Service Authority, State Legal Services Authority, District Legal Services Authority, Legal Services Committee of Supreme Court, Legal Services Committee of High Courts, and Taluk Legal Services Committee, can organizes Lok-Adalats according to such places and interludes as it may be deemed fit.

Some of the benefits that litigants derive by taking their disputes to such Lok Adalats are:

a) Generally, there is no court expense, and if the court expense is there already, it will be returned if the dispute decided by the Lok Adalats.

b) The essential characteristic of Lok Adalats is the procedural adaptability and expeditious trials of dispute, and there is no rigorous application of the procedural laws such as the Code of Civil Procedure, 1860 and the Evidence Act, 1872 while evaluating the claims by Lok Adalat;

c) The litigant will be getting speedy disposal in the process of Lok Adalat.

d) Disputes can be referenced to the Lok Adalat straight rather than approaching a formal court initially;

e) Parties are free to voluntarily compromise or settle through the process of "give and take".

f) The award passed by the Lok Adalat is obliging on the parties to the dispute.

g) No appeal can be entertained against the Lok Adalats order. The reason for this is that unlike a regular court whose final decision is based on the appreciation of evidence, in a Lok Adalat, the decision is mutual arrived at by both parties to the dispute. As the decision in the Lok Adalat is not imposed upon by a third agency, a case for appeal will not arise and is thus not allowed.

In view of the above facilities provided by the Act, Lok Adalats are blessings to the litigants, and litigants can get their dispute settled quickly, amicably, and free of cost.

Lok Adalat originated from the particular failure of the legal and judicial program to give powerful, quick, and cheap justice along with the litigant at the center, particularly the immense arrears of cases, which usually took an extremely long period for disposal. In their conciliatory function, Lok Adalats are inspired by the principles of natural justice. Talking about the functioning of Lok Adalat in comparison to the conventional judicial system, fundamentally, Lok Adalats are less formalized and less expensive than the courts, and Lok Adalats has many advantages over the courts. The litigants have an additional significant range for participation amid the exceptional satisfactory resolution of their

disputes. If it requires Lok Adalats can execute practice concurrently as conciliators, mediators, arbitrators, or adjudicators. As such, Lok Adalats performs many distinct roles, such as preventing conflicts keeping clashes from rotting, negotiating, bargaining, compromising, and resolving disputes effectively and proficiently based on the circumstantial condition of the individual cases.

Initially, Lok Adalats were held just a few times each year on Sundays in towns all through the districts of India, and the subject matter jurisdiction was understandably boundless, this tradition still has been continued. Nowadays, the disputes related to civil and criminal in nature decided by the Lok Adalats frequently. The prisons also have been hosting Lok Adalats, from time to time resulting in the freeing of lots of prisoners or under-trials. It is entirely up to the conciliators at the Lok Adalats whether to acknowledge a petition or dismiss it. Since 2002, Lok Adalats are considered to be a beneficial mechanism in alternative dispute resolution in India. It is efficient and effective due to its progressive nature and cost-effective style. These types of panels have been referred to as a "revolutionary evolution of the resolution of disputes". As a result, Lok Adalats have now been extensively accepted and referred to as an extremely effective method of ADR mechanism for conciliating, negotiating and settling the disputes.

Talking about organizations and working of Lok Adalat The Legal Service Authority Act 1987 is the outcome, and the rule about Lok Adalat includes as a part of it. The rule of Lok Adalats is elaborately described in chapter six from Section 19 to 22. Section-19 laid down provisions related to the organization of

Lok Adalats. Lok Adalats are organized by the concerned legal services authorities or committees, at such interims intervals and places, as it considers fit. These courts are generally presided by retired or sitting judges and other persons as specified by that legal services committee or authority. The advantage of Lok Adalat is that lawyers need not be engaged, and the cases are mostly decided on a mutual agreement.

Provisions related to the cognizance of cases are under Section 20 of the Act. The court, before which the case is instituted, will refer the matter to the Lok Adalat for settlement if the parties agree to settle the dispute before the forum of Lok Adalat. However, when one of the parties to the dispute initiates a request to the court for reference of the case to the Lok Adalat for settlement of the dispute, even in such a situation, the court will undoubtedly refer to the matter to the forum of Lok Adalat to resolve the dispute. On the other hand, in this case, the additional necessity is that the court should be convinced first of all that there are possibilities of such a settlement. This Section also empowers the court to refer the matter to the forum of Lok Adalat by itself if it is convinced that the matter is suitable for taking cognizance of the matter by the Lok Adalat.

Section 21, of the Act, talks about the award of Lok Adalat proceeds and settles the matter by arriving at a compromise or settlement and adhering to legal principles of equity and natural justice. Finally, when the award declared by the Lok Adalat and all these kinds of the award shall be deemed to be a decree of the civil court. The parties to the dispute shall sign the award of Lok Adalat, and the panel forming the Lok Adalat is mandatory, as per regulation 33(1) of Legal

Service Authority Regulations, 1988. Sections 21 prohibit the appeal against the award of the Lok Adalat. The purpose of the legislature in restraining an appeal against the award of Lok Adalat is to finalize the award so that unnecessary further litigation could be saved. However, when the award is void from the initial stage, the parties to the dispute, who entered into a compromise had no authority to enter into compromise or settlement, or the compromise has been begun by playing fraud, then an appeal could be maintainable under Section 96 of the Code of Civil Procedure. Further, in this very chapter researcher also discusses the award passed by the Permanent Lok Adalat. Permanent Lok Adalats Under Section 22-E of the Act, the award passed by the Permanent Lok Adalat is irrevocable and obligatory on all parties, and it is also considered as a decree of the civil court like Lok Adalats.

Powers of Lok Adalats, It is given under Section 22, Lok Adalat and permanent have similar powers as vested in Civil Court under the Code of Civil Procedure. These both Adalats equally can summon the appearance of any witness and question him on oath; can order for the discovery and production of any document; can order for the reception of evidence on affidavits and such other matters as may be prescribed.

The researcher also discussed the award of Lok Adalat and judicial review under Article 227 of the Constitution of India. The High Courts have extensive power of administration over decisions over all courts or tribunals in India, with respect to which it exercises its jurisdiction. Lok Adalat is a tribunal of a Special category; therefore, awards made by Lok Adalats established under the Act

within the territorial limitations of the respective High Courts are subjected to judicial review on the ground obtainable under Article 226, 227 of the Constitution of India; otherwise, the afflicted person would remediless. In *Shashi Prateek v Charan Singh Verma, Mahila Bhanwari Bai v. Kashmir Singh, Shashi Prateek v. Charan Singh Verma, Jai Devi Hans v. Beena Singh* and many other cases Hon'ble High Courts laid down some grounds on which award of the Lok-Adalat is open to challenge and subject to judicial review:

(i) Fraud and misrepresentation.

(ii) Absence of free consent, absence of parities or any parties or consent not proper.

(iii) By coercion, or pressuring the parties to refer the matter to Lok-Adalat by court.

(iv) No dispute existed between the parties for resolving or settling.

(v) Impair the interest of the minor.

(vi) Totally arbitrary and unreasonable.

(vii) If the award is observed to be without the parties having deliberately, beyond their individual understanding, without any free will, have reached into a settlement.

(viii) Ex-partie or ex-facie judgment without compromise and settlement.

(ix) Production of succession certificate cannot be considered as consent.

(x) If the parties are not heard in the matter.

(xi) Procedural lapses.

(xii) Related to non-compoundable offence.

Under head Permanent Lok Adalats, whether it is an ADR mechanism or not? The researcher discussed that Permanent Lok Adalats are an ADR procedure as well, but it is the combination of Lok Adalats and conventional courts, possessing both adjudicatory and non-adjudicatory method and an alternative sense that it provides an alternative to traditional litigation; it clarifies the rigour and complexness of the traditional litigative procedure. A Permanent Lok Adalat is not a court, but a special tribunal and its judgment and awards are not subjected to consecutive appeals. The procedures Permanent Lok Adalats are slightly similar to Med-Arb. The Hon'ble Supreme Court has observed that the Con-Arb is the procedure followed by the Permanent Lok Adalats, which is popularly known in the United States of America; in 'Con-Arb' the parties to the dispute have access to a neutral third party or authority for conciliation or settlement. If it does not work out, such a neutral third party or authority authorizes to decide the dispute; such a decision is final and binding. The dispute resolution via Permanent Lok Adalat is unquestionably an ADR mechanism.

In the case of the machinery of permanent Lok Adalat, advocates can communicate very well to the culprits, if any. Despite this, if the party requires to betake to less costly resolutions, then is to be said that the law is anti-litigant since there is no such requirement that a person shall reach first Permanent Lok Adalat before approaching a court of law. Typically, Permanent Lok Adalats suffer from similar advantages and disadvantages as normal Lok Adalats do. Though, Permanent Lok Adalats operate continuously and require additional

distinct expense. They render a new state-sponsored ADR mechanism, including the scope and time to deal with a much more tremendous amount of cases and more complex cases than regular Lok Adalats.

After that researcher discussed some of the advantages and disadvantages of Lok Adalat system, the working of Lok Adalat seems to be both fruitful and successful however it has some drawbacks too, but it is trying to achieve those objectives for which it has been meant. Lastly, in this chapter, the researcher discussed under the head Lok Adalat: challenges ahead about the challenges, which are still faced by the Lok Adalat, like, speedy justice is one of the essential characteristics of Lok Adalat, but such speed must be reasonable etcetera.

Chapter V of the study is Lok Adalat and approach of judiciary, has been devoted to discussion on the provisions of the Act, which are designed to organize and constitute the Lok Adalats in the country in a uniform manner. It covers the organization and composition of Lok Adalats by various authorities and committees, the jurisdiction, cognizance, powers Lok Adalats, award Lok Adalats and Permanent Lok Adalats execution of awards of Lok Adalats and weaknesses of Lok Adalat. All these aspects of the Lok Adalat system have been examined in the light of judicial pronouncement made by the Apex Court and various High Courts while interpreting the provisions of the Act.

Chapter VI is the core of the thesis deals with the actual implementation of the Lok Adalat system in India and Uttar Pradesh. The chapter covers the result of the analysis based on relevant data collected from different sources. In the state of Uttar Pradesh, the Lok Adalat system is functioning for settlement of

disputes since 1981. After enforcement of the Legal Services Authorities Act in the state in 1997, various legal services authorities and committees are organizing Lok Adalats from time to time. From 1997 To July 2019, the state of Uttar Pradesh was leading in both organizing Lok Adalat and settling the dispute in such Lok Adalats. However, from the year 1997 to 2019 Uttar Pradesh still leads in settlement of the dispute in National Lok Adalats by settling a skyscraping figure of the case in number at 25,489,101 till 13th July 2019, which is the 40% of the total cases settled through the instrument of Lok Adalat throughout the country. These Lok Adalats are determining different kinds of cases such as MACT cases, insurance cases, family disputes, electricity cases, pension cases, civil and revenue cases, petty criminal cases, bank loan cases, labour disputes, pre-litigative cases, etcetera.

Finally, the chapter VII of the work deals with the conclusion of the study and some valuable suggestions on different aspects of Lok Adalat mechanism with a hope to improve and to meet the challenges of the time.

On the basis of the research work, researcher offers some suggestions:

- There should be need to have a separate "Lok Adalat Service" for the smooth functioning of Lok Adalats, this could help in reducing the additional work load from judicial officers and from courts as well.
- Lok Adalats should be manned by the experienced, dedicated experts, so that they may understand the basic reasons of the disputes.

- The Lok Adalat should be empowered to decide the cases on the basis of merit if the conciliation process is failed.
- Under section 320 (1) (2) (3) Code of Criminal Procedure, 1973 a specific provision shall be made for reference of cases to Lok Adalat in case of compoundable offences.
- A new provision empowering the Lok Adalat to pass interim and inter-governmental orders should be included to the Legal Service Authority Act so that it is beyond the capability of a party to dispute to thwart the proceedings of Lok Adalats.
- Mass media is the most significant modern method of social action. It should be used to create awareness among people about the merits of Lok Adalat forum as an alternative dispute resolution method.