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Lok Adalats in India: Reconciling Access to Justice with the Imperatives of Procedural Fairness

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ABSTRACT

Lok Adalats play a significant role in promoting access to justice in India by providing a speedy, cost-effective and accessible mechanism for amicable dispute resolution. They are particularly important for individuals who face financial, procedural and practical barriers in accessing conventional courts. This study examines the constitutional and statutory framework governing Lok Adalats, with particular reference to Article 39A of the Constitution of India and the Legal Services Authorities Act, 1987. It explores their concept, historical evolution, institutional framework and functioning within the Indian legal system. Adopting a doctrinal research methodology, the study draws upon statutory provisions, judicial decisions, books and scholarly literature. The study analyses the contribution of Lok Adalats in reducing litigation costs, expediting dispute resolution, simplifying procedures and alleviating the burden on conventional courts. Simultaneously, it critically examines challenges affecting their effectiveness, including inadequate infrastructure, limited public awareness, pressure to compromise, restricted adjudicatory powers and concerns regarding the protection of vulnerable parties. Particular attention is given to the finality of Lok Adalat awards, the significance of voluntary participation and informed consent, and the scope of judicial intervention in safeguarding procedural fairness. The study argues that the effectiveness of Lok Adalats must be assessed not merely through the number of disputes settled but also through the fairness and legitimacy of the settlement process. It proposes appropriate remedial measures to strengthen institutional accountability, protect the rights of disputing parties and ensure that the pursuit of speedy justice does not compromise substantive legal rights. Ultimately, it emphasises the need to reconcile accessible dispute resolution with procedural fairness to advance the constitutional vision of equal justice.

Keywords: *Lok Adalat, Access to Justice, Alternative Dispute Resolution, Legal Services Authorities Act 1987, Article 39A, Amicable Settlement*

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I. Introduction

In all political systems, an efficient legal system is an essential and ongoing requirement for maintaining national security, law and order, civility and governance. In the same way that pollution taints the environment, an inadequate legal system taints society. The existence of a democratic system requires that all citizens have equal access to justice through effective justice delivery mechanisms.[1] Justice in a community ought to be extended to all, and this ought to be a society's main objective and responsibility. Justice is served only when cases are resolved fairly and within a reasonable time; delays in case resolution frequently result in the denial of justice. Justice is giving each person what is rightfully theirs.[2] Owing to the intricacies of contemporary living, parties in dispute seek prompt resolution. The result has been a "litigation explosion" in the nation's courts, and litigants must wait a very long time for the courts to grant them justice. India's conventional courts are consequently notorious for their lengthy proceedings, strict procedural rules and high cost of litigation.[3] As one of the most important branches of government, the judiciary has the administration of justice as its main responsibility. India has a single, unified judicial system with a pyramidal hierarchy of courts: the Supreme Court at the top, acting as a sentinel on the *qui vive*, followed by the High Courts and a wide network of subordinate courts at lower levels.[4] Because India is a developing nation, most Indians find it difficult to access the formal court system. Rather than being centres of swift justice, the congested courtrooms have become an unpleasant, compulsive arena. People are more likely to avoid litigation or turn to extrajudicial remedies than to stand in long queues and carry on lawsuits through inheritance.[5]

Lok Adalats are informal forums that offer alternative dispute resolution (ADR) with the goal of delivering justice to the general population. Many people who live in rural and remote areas of India can reach the Indian legal system because of Lok Adalats, which enable them to overcome the institutional, legal and financial obstacles that would otherwise keep them from receiving justice.[6] This paper examines the legal and constitutional framework governing Lok Adalats in India and their contribution to the advancement of justice; their operation, advantages

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[1] Pawan Kr. Mishra, *ADRs and Lok Adalat in India: Genesis and Functioning*, 9 Indian J.L. & Just. 28, 28 (2018), https://ir.nbu.ac.in/handle/123456789/3005.
[2] M. Garg & N. Singla, *Concept of Lok Adalats in India: A Study of Haryana*, 3 Int'l J. Physical & Soc. Sci. 259 (2013).
[3] Vijaykumar Shrikrushna Chowbe & Priya S. Dhanokar, *Lok Adalat: A Strategic Forum for Speedy and Equitable Justice* 2 (2011) (SSRN), *also published in* IUP J.L. Rev., July 2011.
[4] *Id.*
[5] Deepa P. Patil, *A Critical Analysis on Lok Adalat in India*, 3 Research Front 45 (2015).
[6] Tameem Zainulbhai, *Justice for All: Improving the Lok Adalat System in India*, 35 Fordham Int'l L.J. 248 (2016), https://ir.lawnet.fordham.edu/ilj/vol35/iss1/3.

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and constraints, especially concerning speedy dispute resolution and voluntary settlement; and the ways in which their fairness, efficiency and accessibility may be improved. The study uses a doctrinal approach, based on the Constitution of India, relevant statutes, court rulings, books, research articles and other legal literature on Lok Adalats and alternative dispute resolution.

II. LITERATURE REVIEW

The existing literature on Lok Adalats in India highlights their importance as an alternative dispute resolution mechanism for promoting access to justice and reducing the burden on conventional courts. Deepa P. Patil, in "A Critical Analysis on Lok Adalat in India" (2015), examines the functioning of Lok Adalats and the challenges affecting their effectiveness.[7] M. Garg and N. Singla, in "Concept of Lok Adalats in India: A Study of Haryana" (2013), analyse their institutional role and contribution to dispute resolution.[8] Similarly, Nareshlata Singla, in "Experience of India in Decongesting Courts Through Lok Adalats" (2012), highlights their potential to reduce judicial pendency.[9]

P.K. Mishra, in "ADRs and Lok Adalat in India: Genesis and Functioning" (2018), examines their origin and functioning within the Indian legal system.[10] Tameem Zainulbhai, in "Justice for All: Improving the Lok Adalat System in India" (2016), discusses their contribution to access to justice, particularly for disadvantaged sections of society, while identifying the need for institutional improvements.[11]

The literature discussed above primarily addresses the historical development, statutory framework, institutional functioning and efficiency of Lok Adalats. However, the relationship between speedy dispute resolution and procedural fairness, particularly in relation to voluntary consent, pressure to compromise, the protection of vulnerable parties and the finality of awards, calls for closer examination. The present study seeks to address this concern by evaluating Lok Adalats not merely in terms of the number of disputes settled, but also in terms of the fairness and legitimacy of the settlement process and the protection of the legal rights of disputing parties.

[7] Patil, *supra* note 5.
[8] Garg & Singla, *supra* note 2.
[9] Nareshlata Singla, *Experience of India in Decongesting Courts Through Lok Adalats*, 2 INT'L J. PHYSICAL & SOC. SCI. 276 (2012).
[10] Mishra, *supra* note 1.
[11] Zainulbhai, *supra* note 6.

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III. Concept of Lok Adalat

The term "Lok Adalat" means the People's Court, although, strictly speaking, it is not a court in the traditional sense, because it does not make decisions by applying the law. It is a forum where disagreements between the parties are settled amicably and peacefully through participation, persuasion and conciliation. The outcome of this process takes the form of the Lok Adalat's award. Lok Adalat is one of the key elements of the ADR system in use in India, and it is founded on Gandhian principles.[12] Conciliatory and extensive efforts are made in this forum by volunteers with the goal of resolving disputes between the parties.[13] It appears to be an exceptional institution designed to handle conflicts as they emerge between individuals from any section of the community, as well as conflicts that are brought before the courts, at both the pre-litigative and post-litigative stages. It aims to facilitate amicable resolution between parties under the guidance of a group of people who have demonstrated the accomplishments required for significant roles in the process.[14] There are no formalities involved, unlike a typical trial, and the questioning is informal.[15]

To put it simply, this is a forum for the use of ADR methods such as mediation, conciliation and negotiation. It permits the prompt resolution of issues through agreement between the parties, overseen by a group of individuals with relevant legal experience.[16] Lok Adalats are legal institutions that support amicable dispute resolution.[17] The Lok Adalat system is now legally recognised and has the ability to reduce the workload of overburdened courts.[18] Conciliation, as opposed to adjudication, is the main focus of Lok Adalat proceedings, and it facilitates productive engagement and negotiation between the parties.[19]

IV. Historical aspect of Lok Adalat

The Lok Adalat is an old adjudicating system that was common in ancient India. With a rich history and tradition, it has been used to resolve conflicts on the basis of the moral values that underpin Indian culture and civilisation, such as honesty, justice and fair play. The grassroots institution of Indian society was the Panchayat, also known as the People's Court or Popular

[12] *State of Punjab v. Jalour Singh*, (2008) 2 SCC 660, ¶ 8; *P.T. Thomas v. Thomas Job*, AIR 2005 SC 3575; Mishra, *supra* note 1, at 30, 33.
[13] Avtar Singh, Law of Arbitration and Conciliation (Including Alternative Dispute Resolution Systems) 515 (9th ed. 2009).
[14] K. Gupteswar, *The Statutory Lok Adalat: Its Structure and Role*, 30 J. Indian L. Inst. 174, 178 (1988).
[15] *Id.*
[16] Singla, *supra* note 9.
[17] N.V. Paranjape, Law Relating to Arbitration and Conciliation in India 334 (2011).
[18] Zainulbhai, *supra* note 6.
[19] Ashwinie Kumar Bansal, Arbitration and ADR 32 (2005).

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Court. In both ancient and medieval India, the People's Court, or village Panchayat, was a crucial component of the justice system. The theory of Lok Adalat conceptualises and institutionalises the age-old idea of resolving disputes by negotiation, mediation or an arbitral process known as the "People's Court Verdict" or the decision of the "Nyaya-Panch". India has had People's Courts, or what are now known as Lok Adalats, from very early times. With the arrival of British rule, however, all such people-oriented and participatory methods of dispute resolution became unworkable, and the British set up their own formal court system to administer justice in both civil and criminal cases.[20]

In the words of one study, the British "moulded the ancient Indian legal system according to their vested interest with the result that the functioning of people's court withered away and became empty and suffocating with engulfing nothingness".[21] By doing this, they dealt the people's courts a fatal blow.

Legal aid was declared a "governmental responsibility" in 1949 by the Committee on Legal Aid and Legal Advice appointed by the Government of Bombay under the chairmanship of Justice N.H. Bhagwati.[22] Lok Adalats later emerged as a means of relieving the courts of a significant number of pending cases and of assisting those waiting for justice. In the 1980s, the widespread view was that Lok Adalats were not a practical replacement for courts, but rather a type of legal aid programme designed specifically to assist the underprivileged and marginalised members of society.[23]

V. Constitutional Mandate for Access to Justice

Justice P.N. Bhagwati, former Chief Justice of India, is widely credited with developing the system that provides quick justice to the ordinary person. Lok Adalats then gained statutory authority with the passage of the Legal Services Authorities Act, 1987, and the idea of Lok Adalats has since developed into a potent legal tool.[24] In *Hussainara Khatoon v. State of Bihar*,[25] the Supreme Court of India recognised the "right to speedy trial" as inalienably linked to the rights to life and personal liberty.

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[20] Sarfaraz Ahmed Khan, Lok Adalat: An Effective Alternative Dispute Resolution Mechanism 10 (2006); *see also* Sajisivan S., *People's Court: Historical Antecedence of Lok-Adalat*, Int'l J. Legal Dev. & Allied Issues 81, 81, 83 (n.d.), https://thelawbrigade.com/wp-content/uploads/2019/05/sajisivan.pdf.

[21] Sajisivan, *supra* note 20, at 83 (citing P. Parameswaran, *Dispensation of Justice: Problem of Cost, Quality and Delay*, AIR 1991 Jour. 31).

[22] Zainulbhai, *supra* note 6, at 251; Jharkhand State Legal Servs. Auth., *About JHALSA*, https://jhalsa.org/aboutjhalsa (last visited Nov. 8, 2026).

[23] Garg & Singla, *supra* note 2, at 273; *see also* Sajisivan, *supra* note 20, at 117.

[24] Sajisivan, *supra* note 20, at 117–18; Legal Services Authorities Act, No. 39 of 1987, §§ 19–21 (India).

[25] *Hussainara Khatoon v. State of Bihar*, AIR 1979 SC 1360.

In accordance with Article 39A of the Constitution of India, Lok Adalats were granted statutory standing with the passage of the Legal Services Authorities Act, 1987. To ensure that no citizen is denied the opportunity to secure justice by reason of economic or other disabilities, the Act constitutes legal services authorities. These authorities are tasked with organising Lok Adalats to secure that the operation of the legal system promotes justice on the basis of equal opportunity.[26] Section 89 was inserted into the Code of Civil Procedure, 1908 in 1999.[27] Under Section 89, where it appears that there exist elements of a settlement acceptable to the parties, a court may formulate the terms of a possible settlement and give them to the parties for their observations. Most significantly, the court may, after hearing the parties, refer the matter to alternative dispute resolution, including Lok Adalats. The Act of 1987 was amended in 2002 to add Permanent Lok Adalats, which exercise jurisdiction in respect of one or more public utility services for the areas specified.[28] A Permanent Lok Adalat must first attempt conciliation and, where the parties fail to reach an agreement, may decide the dispute on its merits.[29] The Gram Nyayalayas Act, passed in 2008, provides for the establishment of Gram Nyayalayas at the grassroots level with the goal of giving people access to justice at their doorstep. A Gram Nyayalaya may function as a mobile court, and where it decides to hold a mobile court outside its headquarters, it must give wide publicity to the date and place where it proposes to sit. It exercises both civil and criminal jurisdiction. It must try, as far as possible, to settle civil disputes by assisting, persuading and conciliating the parties, and for this purpose it may refer a matter to Conciliators drawn from a panel of social workers at the village level.[30]

VI. Working mechanism of Lok Adalat

Every State Authority, District Authority, Supreme Court Legal Services Committee, High Court Legal Services Committee or Taluk Legal Services Committee may organise Lok Adalats at such intervals and places, for exercising such jurisdiction and for such areas, as it thinks fit. A Lok Adalat has jurisdiction to determine and arrive at a compromise or settlement between the parties to a dispute in respect of (i) any case pending before, or (ii) any matter falling within the jurisdiction of, and not brought before, any court for which the Lok Adalat is organised. However, a Lok Adalat has no jurisdiction in respect of any case or matter relating to an offence

[26] Legal Services Authorities Act, No. 39 of 1987, long title (India); Patil, *supra* note 5.
[27] Code of Civil Procedure (Amendment) Act, No. 46 of 1999, § 7 (India); Mishra, *supra* note 1, at 30.
[28] Legal Services Authorities Act, No. 39 of 1987, § 22B (India).
[29] *Id.* § 22C(8); Zainulbhai, *supra* note 6, at 261.
[30] Gram Nyayalayas Act, No. 4 of 2009, §§ 9, 11–13, 26–27 (India).

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that is not compoundable under any law.[31] The fundamental advantage of the Lok Adalat is that it is not a traditional court and is therefore free from the rigid rules that apply in courtrooms.

The Lok Adalat process is simple, expeditious, flexible, informal and non-adversarial. It is free of complexities and perplexing formalities, and is nevertheless tailored to the needs of each case. It also guarantees minimum standards of justice: the principles of justice, equity and fair play take priority over the strictures of procedural law.[32] It also follows the procedure laid down in the Act and in the corresponding Rules and Regulations.[33]

When determining any reference before it under the Act, every Lok Adalat must act with utmost expedition to arrive at a compromise or settlement between the parties, guided by the principles of justice, equity, fair play and other legal principles. Where it is unable to bring about a compromise or settlement and makes no award, the Lok Adalat returns the record of the case to the court from which the reference was received under Section 20(1), for disposal in accordance with law. In a pre-litigation matter referred to it under Section 20(2), the Lok Adalat advises the parties to seek a remedy in court if no compromise or settlement is reached.[34] Every award of a Lok Adalat is final and binding on all the parties to the dispute, and no appeal lies to any court against it.[35]

VII. Award of Lok Adalat and Judicial Review

Even where a statute makes an award final, the power of judicial review under the Constitution of India remains. In the event of any serious illegality, it is argued here, a writ petition is always available to contest the award. The general grounds of judicial review were restated by the Supreme Court in *Mansukhlal Vithaldas Chauhan v. State of Gujarat*: the court asks whether the decision-making authority exceeded its powers, committed an error of law, breached the rules of natural justice, reached a decision that no reasonable tribunal would have reached, or abused its powers.[36] A Lok Adalat award open to any of these objections cannot be upheld, and the Supreme Court has held that such an award may be challenged only by a writ petition under Article 226 or Article 227 of the Constitution, and only on very limited grounds.[37] The position of a Permanent Lok Adalat is different: Section 22E of the Act makes its award final and binding

[31] Legal Services Authorities Act, No. 39 of 1987, § 19 (India).
[32] *Id.* § 20(4).
[33] *Moni Mathai v. Federal Bank Ltd.*, AIR 2003 Ker 164, IV (2004) BC 489.
[34] Legal Services Authorities Act, No. 39 of 1987, § 20(4)–(6) (India).
[35] *Id.* § 21.
[36] *Mansukhlal Vithaldas Chauhan v. State of Gujarat*, (1997) 7 SCC 622, ¶ 25.
[37] *Bhargavi Constructions v. Kothakapu Muthyam Reddy*, (2018) 13 SCC 480, ¶¶ 26–28 (following *Jalour Singh*, *supra* note 12).

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but, unlike Section 21(2), does not expressly forbid appeals, although no provision for an appeal exists either, and the Supreme Court has observed that no appeal lies against it.[38]

As a result, parties may always approach the courts by filing writ petitions for judicial review. The fundamental goal of easy and quick justice would be defeated if appeals from Lok Adalat awards were permitted. However, by retaining the power of judicial review, the courts can check any arbitrariness in the functioning of Lok Adalats.[39] In *P.T. Thomas v. Thomas Job*, the Supreme Court stressed that there is little room for a Lok Adalat award to be reopened. In a passage relying on a decision of the Madhya Pradesh High Court, it noted that no appeal lies against such an award under Section 96 of the Code of Civil Procedure, 1908: Section 96(3) bars appeals from consent decrees, and, as the Legal Services Authorities Act, 1987 is special legislation that bars appeals in Section 21(2), the matter is governed by that Act rather than by procedural law.[40] Such an award is open only to limited challenge by way of judicial review.

VIII. Benefits of Lok Adalat

There are numerous advantages to Lok Adalats, some of which are mentioned here:

1. Lok Adalats are a significant and widely used ADR technique that helps the parties settle their differences amicably and permanently. In a Lok Adalat, there are no winners or losers and, thus, no animosity, because the final decision rests on a solution that all parties can accept.[41] Additionally, the Lok Adalat dispute resolution process is entirely voluntary.[42]
2. The quick and easy form of Lok Adalats makes them popular and effective. There is no court fee, and if a case already filed in a regular court is settled at the Lok Adalat, the court fee paid is refunded.[43]
3. When evaluating the validity of a claim, the Lok Adalat does not strictly adhere to the Evidence Act (now the Bharatiya Sakshya Adhiniyam, 2023) or procedural laws. Unlike in a traditional court of law, the parties to the dispute can speak with the Lok Adalat judge directly and explain their positions and the reasons for them.[44]

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[38] *United India Ins. Co. v. Ajay Sinha*, (2008) 7 SCC 454, ¶ 23; Legal Services Authorities Act, No. 39 of 1987, § 22E (India).
[39] Chowbe & Dhanokar, *supra* note 3, at 15.
[40] *P.T. Thomas*, *supra* note 12 (quoting *Punjab Nat'l Bank v. Lakshmichand Rah*, AIR 2000 MP 301, 304).
[41] *P.T. Thomas*, *supra* note 12.
[42] *B.P. Moideen Sevamandir v. A.M. Kutty Hassan*, (2009) 2 SCC 198, ¶ 13.
[43] Legal Services Authorities Act, No. 39 of 1987, § 21(1) (India); *P.T. Thomas*, *supra* note 12; K.A. Abdul Gafoor, *The Concept of Permanent Lok Adalat and the Legal Services Authorities (Amendment) Act, 2002*, (2003) 5 SCC (Jour) 33.
[44] *P.T. Thomas*, *supra* note 12.

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4. Instead of first going to an ordinary court and then to the Lok Adalat, disputes can be taken before the Lok Adalat directly.[45]
5. The final resolution of disputes is not delayed by the Lok Adalat's award, which is final and binding on the parties. It has the same standing as a civil court decree and is not subject to appeal.[46]

IX. Challenges of Lok Adalats

Lok Adalats play a crucial role in delivering prompt and affordable justice, but they confront a number of obstacles that could limit their efficacy.

1. Risk of compromising justice: The fairness of settlements may be impaired by an overemphasis on quick disposal. The Allahabad High Court emphasised in *Manju Gupta v. National Insurance Co. Ltd.*[47] that the pursuit of speedy justice in Lok Adalats must not come at the expense of the parties' interests, especially those of minors and persons of unsound mind.
2. Pressure to compromise: To avoid lengthy legal proceedings and extra costs, parties, especially those from economically disadvantaged groups, may feel pressured to accept unfavourable settlements.[48]
3. Limited adjudicatory powers: When parties are unable to come to an agreement, ordinary Lok Adalats cannot decide the dispute. Permanent Lok Adalats dealing with public utility services, however, may decide disputes on their merits in accordance with law if conciliation fails.
4. Lack of public awareness: People may not be able to use this mechanism if they are unaware of the process, advantages and legal implications of Lok Adalat awards.
5. Inadequate infrastructure: The effective processing of cases may be impaired by a lack of benches, qualified staff and administrative facilities.
6. Unsuitability for some disputes: Ordinary Lok Adalats may not be appropriate for resolving disputes involving complicated legal issues, substantial evidence or non-compoundable offences.

[45] Legal Services Authorities Act, No. 39 of 1987, §§ 19(5)(ii), 20(2) (India).
[46] Chowbe & Dhanokar, *supra* note 3, at 16.
[47] *Manju Gupta v. Nat'l Ins. Co.*, I (1994) ACC 242, 1994 ACJ 1036 (All), ¶ 9.
[48] *Manju Gupta*, *supra* note 47, ¶ 9; *B.P. Moideen*, *supra* note 42, ¶ 9.

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7. Protection of vulnerable parties: Further caution is required to ensure adherence to the relevant legal requirements and to protect the interests of minors and other vulnerable individuals.
8. Finality of awards: Under Section 21 of the Legal Services Authorities Act, 1987, Lok Adalat awards are final and binding, and no appeal lies against them. It is therefore crucial to ensure that settlements are just, voluntary and compliant with the law.
9. Enforcement of settlements: Even after a case has been settled, parties may still face difficulties owing to delays or non-compliance with the terms of the settlement.

The courts have treated the genuine consent of the parties as the foundation of a valid award. A Lok Adalat has no adjudicatory function: it can only record, in the form of an award, a compromise or settlement that the parties themselves have reached, and an order made without such a settlement is not an award and is void.[49] Members of a Lok Adalat must not pressurise or coerce parties into settling, for instance by implying that a party who refuses will be prejudiced when the case is heard in court.[50] A party who contends that an award based on a signed settlement was obtained by fraud or without genuine consent can challenge it only by a writ petition under Article 226 or Article 227 of the Constitution, and not by a civil suit.[51]

X. Conclusion and Suggestions

Lok Adalats offer a crucial means of settling conflicts amicably, increasing access to justice and lessening the load on traditional courts. Adequate infrastructure, skilled personnel and greater public knowledge of their process and advantages can all increase their efficacy. Wherever necessary, the number of Lok Adalat benches should be expanded, backed by suitable technology and physical infrastructure. Staff members involved in the process should receive regular training to improve their communication, negotiation and case-management abilities. Legal Services Authorities should also regularly conduct community outreach programmes and legal literacy camps to educate the public on the nature and process of Lok Adalats. Ensuring that settlements are voluntary and founded on the parties' informed consent needs special attention. Adequate precautions must be taken to safeguard the parties' legal rights, particularly those of vulnerable individuals, since awards are final and binding under Section 21 of the Legal Services Authorities Act, 1987. The operation of Lok Adalats can be further enhanced by efficient systems for carrying out settlements and regular evaluation of administrative

[49] *Jalour Singh*, *supra* note 12, ¶¶ 8, 10.
[50] *B.P. Moideen*, *supra* note 42, ¶ 9.
[51] *Bhargavi Constructions*, *supra* note 37, ¶¶ 26–29.

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processes. In addition to lowering the number of pending cases, Lok Adalats are important for promoting social justice, especially for the underprivileged and economically disadvantaged sections of society. Their function serves the goal of equal access to justice set by Article 39A of the Constitution of India. Lok Adalats can therefore be strengthened as an accessible and efficient vehicle for consensual dispute resolution through concerted efforts by the judiciary, Legal Services Authorities, advocates, government officials and the general public.

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