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A Study on the Problems and Challenges of Lok Adalat System in India

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ABSTRACT

This paper aims to explore the study on the issues and challenges involved in the functioning of the Lok Adalat system in India. Lok Adalat is considered to be the people's court and it is an alternative dispute resolution mechanism used in India. Lok Adalat functions and runs on the basis of Gandhian principles. It is a forum where pending cases from the court or at a pre-litigation stage in a court of law, are settled being settled amicably. It is statutory authority governed under the Legal Services Authorities Act, 1987. The system is now filled and lacunae are in the functions, administration and justice delivery system in Lok Adalat. This lacunae is not not found and ruled out in the limelight. It's prevailing and has become a threat to society. The present system is going against and ruining the functions of Gandhian Principle. It's absolutely true that "Justice delayed is justice denied", it is also true that a hurried justice is justice buried. This paper mainly deals and elucidates the challenges and issues involved in Lok Adalat system and suggests ways to improve the lacunae and flaws of the system.

Keywords: Lok Adalat, Justice, Gandhian Principle, Challenges, People's court.

I. INTRODUCTION

The Lok Adalat frame is considered to be advanced to include the rates of both the casual and formal equity fabrics. Lok Adalat is considered to be the people's court and it's an indispensable disagreement resolution medium used in India. Lok Adalat functions on the base of Gandhian Principles. The Supreme Court of India has stated, it's the oldest form of adjudging system prevailed long back from ancient India and its validity has been taken down indeed in the ultramodern days too and it's still in place. It's a forum where pending cases from the court or at a pre-litigation stage in a court of law, are settled being settled amicably. It's statutory authority governed under the Legal Services Authorities Act, 1987. The main intention of Lok Adalat is to settle the controversies amicably which are pending before the courts, by the means of accommodations, concession and by espousing conclusive common sense and mortal

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approach to the problems of the disputants. The Lok Adalat shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure (1908). endless Lok Adalats were being established by the Legal Services Authorities Act, 1987 was amended in 2002 in order to deal with cases pertaining to the public mileage services like transport, postal, telegraph etc. In malignancy of all the benefits of Lok Adalat there are some gaps which have to be filled and crunches are being in the functions, administration and justice delivery system in Lok Adalat. This crunches is set up but not ruled out in the spotlight. It's prevailing and has come a trouble to society. The present system is ruining the functions of Gandhian Principle. Flexibility and informal system in Lok Adalat has started ruining the entire system. It's putatively true that "Justice delayed is justice denied", it's also true that a rushed justice is justice buried. This redressal medium is substantially grounded and runs on the concession or agreement between parties. However, the case may be moreover returned to the court of law again or the parties are advised to seek a remedy in the court of law, If the parties don't reach a agreement. It leads to gratuitous farther detainments in the division of justice. endless Lok Adalat isn't unrestrained in its governance and power because, according to the correction, it can only decide controversies where a "possibility of agreement" formerly exists but parties are hindering the process by being uncooperative. This paper substantially deals and elucidates the challenges and issues involved in Lok Adalat system and suggests ways to ameliorate the crunches and excrescences of the system.

II. CHALLENGES AND ISSUES OF LOK ADALAT

(A) The Cases which are being placed before Lok Adalat:

The motive to establish Lok Adalat is mainly because in order to enforce the speedy settlement of the cases in an effective and efficient way but in the reality the cases which are being placed before the Lok Adalat are being prolonged and delayed beyond imagination and parties might have spent huge sums in the form of court fee, advocates fee and other miscellaneous expenses.

(B) Litigant is Not Living Person:

The Majority of the cases which are put forth in front of Lok Adalat i.e., to the extent of about 90 % are not between living persons, but against non living persons. They are mostly Motor Vehicles Accidents Claims Cases, Bank Suits, Telephone bills cases, Electricity Board cases, Municipal cases Panchayat cases and in these cases Bank, Electricity Board, Municipal Corporation are only legal persons. In Lok adalat the aggrieved party are facing bureaucratic torture. Usually these cases meetings are being held with the officers prior to sitting of Lok Adalat and Lok Adalats are held with best minimum norms as discussed and finalised in the

prior sittings. After fixation of the norms, the parties aren't required to be a part of persuasion for amicable settlement at Lok Adalats. But these cases are kept in Lok Adalats in order to show a statistically optimistic view of disposal of cases. In cases such as insurance, meetings with the officers of the companies are held in advance, the matters discussed on several other considerations without participation were brought and put forth on the other side (which is being opposed to principles of natural justice). There are only a few cases, which are being brought and being decided justly. Most of the cases are concerned and related to compensations are settled not to the favour of the claimants.

(C) The Presiding Officers Not to Act as Facilitator But Act as Judges:

The presiding officers in Lok Adalat are retired judicial officers and others from that area with the required qualifications and expertise. However, in some circumstances, the officers are unable to persuade the parties to settle the disputes amicably, despite the fact that the members are not trained. Specifically, the presiding officer of the court's thinking is similar to that of an adversarial procedure, and he attempts to behave as if he is sitting in court, rather than leading an active rule. He frequently fails to recognise that he is merely a facilitator and not a decision-making authority in the capacity of a judge. Other members who are present in Lok Adalat by nature do not agree with their brother members in Lok Adalat and invite criticism from their superiors.

(D) Technical Matters and Other Matters:

The Lok Adalat makes no effort to settle technical issues, and other matters such as partition, partnership, trust, contracts, and easements, as well as other family problems, are often ignored by Lok Adalats.

(E) Lok Adalat Settlement of old Cases not Afresh cases:

The members of the National Legal Service Authority, the Supreme Court Legal Services Committee, the State Legal Services Authority, the High Court Legal Service Committee, the District Legal Services Authority, and the Taluka Legal Services Committee are to establish Lok Adalat with the intention of resolving cases referred to Lok Adalat for the first time, but many of these cases are being settled in advance by pre-arranged meetings held among the three parties and are being shown as a karma. The judges are unwilling to accept the agreement reached by the parties and persuade the parties or their advocates to keep the subject on the table till this Lok Adalat is held in order to highlight larger figures of disposal.

(F) Problems in Lok Adalat:

State Legal Aid Boards in some Indian states have been unsatisfactory in their Lok Adalat performance, which has been somewhat compensated for by a voluntary organisation (People's Council for Social Justice), led by a resigned judge. The motivation of Lok Adalats is to raise local awareness in order to prevent disruption of neighbouring solidarity and to gain significant value, as well as social equity, in a human fortitude temperament. Lok Adalats have been renamed People's Festivals of Justice in various places. As stated in Section 19 (2), the members are not only legal officers or legal consultants. Alternatively, equity, value, and fair play (Sec 19 (4), which implies, once again, customary law) and the settlements are not in accordance with legal requirements. However, with a view to friendly purposes such as settling disagreements, restoring family unity, and accommodating the desperate. Apart from lawyers, these melds must include social workers, welfare advocates, village elders, and recognised intellectuals. Revenue authorities, police officers, Block Development officers, and others must work together to identify answers. Even the conditions and grievances of convicts can be settled here. The issues that precede these equity melas include not only prosecutions or probable cases (as stated in Section 20), but also family connections, neighbourly clashes, adjacent complaints against antisocial elements, and other public grievances. Administrative perks include pensions for the elderly and window pensioners. File methodology and paper logged operations, which are frequently delayed, should be addressed here, cutting through red-type and other situations. When concerned authorities react carefully, assistance as rushed up and forth is permitted. Section 20, it is obvious, lacks this community orientation and is primarily preoccupied with litigation, as the notes on the clauses indicate Lok Adalats are not only for diminishing agenda accumulations, but also for local community fellowship, fair reliefs, and profound established, not conventional equity. Conciliation of present or potential litigation has frequently shown to be a statutory failure. In the late 1930s, many Indian states had conciliation boards established under particular legislation. Matters pending before the Conciliation Boards were subject to a statutory delay. Only a few cases were resolved. Many cases were postponed, and the Act was abused by savvy litigators. Section 20 is not only constrained in its viewpoint, but it may also confront the fate of the old mollification Board's futile operations delaying arguments. Another possibility is that cases would be barred while Lok Adalats deliberate on questions. The limit Act does not apply to Lok Adalats. Furthermore, there is no time limit, and because the settlement agency are judicial, the formalisms of the courts may be dramatised anew. What is more heinous or callous is that judges are being asked to intervene. Will there be an allegation of bias if they fail and the case goes to court? Conciliation by sitting appointed officials carries

its own risks.

As a result, in many Lok Adalats, resigned lawyers, senior lawyers, and social activists serve as the primary mediatory asset people. The quality of the currently selected authority lends pride and credibility to the praxis. The normal Lok Adalats have been all around beneficial, and they should continue to be held on a regular basis. However, Lok Adalats have been effective primarily in land securing and engine disasters, claims matters, and so on. They have been ineffective in the sphere of ordinary common prosecution. The reluctance of many members of the Bar to persuade their clients to appear before the Lok Adalats is clearly a contributing factor. These members of the Bar would prefer that the issue be resolved and their fees be paid. Simultaneously, we should recognise that members of the Bar have a strong reason to give for not encouraging clients to attend Lok Adalats. Since quite a while ago, it has been widely assumed that the primary objective of a Lok Adalat isn't to settle disagreements, but rather to glorify the invitees and hosts.

III. RECOMMENDATION

Definitions that are clear and distinct for various ADR processes-As there is confusion over the many cycles, the public authority should try to conceive of quick, clear, and instinctive definitions and clarification for the various ADR measures. It should also make an effort to clear up the confusion about what ADR entails.

Permanent Lok Adalats' jurisdiction can be enlarged to cover areas such as business disputes or conflicts involving the general public, as well as situations involving the government either directly or indirectly.

Particular Legal Framework for Arbitration, Mediation, and Conciliation Laws-The public authority should devise explicit, unequivocal resolutions that provide a mechanism that can also be linked to specific ADR measures. This would much assist the specialists in organising the intercession engagement on a more solid fundamental legitimate regulation.

Increase the Success Rate of Court-Ordered Mediation-The government should encourage groups to seek intercession to resolve issues by being more accommodating to the concerns. The public authority should make efforts to bring the concerned partners into clarity and devise a guide that would guarantee unambiguous resolutions to intercession in a fair manner.

Punish Litigation Culture-The government should try to weaken the groups that would settle on case interaction by making the prosecution cycle more expensive than ADR. This would encourage meetings to use ADR as their primary technique or stage of compromise. This would

also lighten the burden on the courts.

Making ADR concepts more widely available in school curricula The government should recognise that the most of legal practitioners get their start at graduate institutions, where the instructional plan is normally centred on preparing understudies for suit situated practise. Understudies aren't trained to recognise which situations are appropriate for sure fire resolution using ADR tactics, for example, intervention, and which ones are appropriate for prosecution. So the gap that exists between parents in law schools in terms of understudy training should be bridged.

IV. CONCLUSION

The Lok Adalat system has the potential to live up to its initial purpose of providing the people with an effective and informal dispute resolution process. The overall operation of the Lok Adalat appears to be insignificant and unremarkable. As a result, this system must be enhanced even further in order to realise the constitutional purpose of "equal and social justice" to a greater extent. As a result, public trust in the courts should be restored. It can both reduce the responsibilities of the formal legal system and provide informal legal remedies to individuals who do not have a strong faith in the judicial system. Lok Adalat should adapt learning from ADR experiments conducted elsewhere, as well as lessons from Indian experiments, to the culture and customs of the rural Indian community.
