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EMPOWERING LOK ADALAT: CHALLENGES AND STRATEGIES FOR ENHANCED FUNCTIONING

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ABSTRACT

Lok Adalats literally mean ‘people’s court’. The objective of these courts is to provide amicable and speedy resolution of the dispute without going to the regular courts, in order to make justice accessible to all, reduce the formal procedures of the courts in order to reduce the time for settling a dispute and reduce the burden of the judicial courts. This report will be looking into the functioning of these informal courts and will evaluate their functioning, thereby figuring out the challenges faced by the people i.e, the parties to the dispute and the challenges faced by the courts in delivering the justice timely in the Lok Adalats. The challenges are analyzed thoroughly and certain strategies are formulated to overcome these challenges.

INTRODUCTION

1.1 BACKGROUND

Lok Adalats or ‘People’s Court’ are a very important part of the Indian ‘Justice Delivery System’. They aim at making justice accessible to each and every individual irrespective of various hinderances like the financial, illiteracy etc. It also aims at reducing the burden of the courts, in respect of those cases which have the potential of being solved at a party-to-party communication level. It also saves the parties from long court procedures and tries to give a speedy resolution to the dispute. Despite of a noble aim, the functioning of these courts has certain loopholes due to which there are certain hinderances in ensuring that the justice is actually delivered.

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1.2 SCOPE OF THE STUDY

The study is based on the Lok Adalat System in India. The major themes which it will be covering are –

1. Evolution of Lok Adalats in India.
2. The functioning of the Lok Adalats in India.
3. Effectiveness of the Lok Adalats in delivering justice would be studied.
4. Challenges to the present system of Lok Adalats will be identified.
5. Strategies to overcome the challenges would be suggested.

1.3 LIMITATION OF THE STUDY

The limitation of this study is that it will not be researching similar systems in other countries. The scope is limited to India only.

1.4 STUDY OBJECTIVES

The study is having following objectives –

1. To study the evolution of the Lok Adalats in India.
2. To study the functioning of the Lok Adalats in India.
3. To evaluate the effectiveness of the Lok Adalats.
4. To understand the problems faced by the people in getting justice in the Lok Adalats.
5. To understand the problems faced by the judiciary in giving justice to people in the Lok Adalats.
6. To enumerate the challenges faced by the Lok Adalats in delivery of justice.
7. To formulate the strategies to overcome the challenges faced by the Lok Adalats, in order to enhance their functioning.

1.5 STUDY DESIGN

The report is made by using the Qualitative and Quantitative research methods in the following manner –

1. Qualitative Research Method

While using this method the author has referred to the following sources –

1. Bare-acts
2. Case analysis
3. Research Papers
4. Reports of some of the standardized organizations.

2. Quantitative Research Methods

While using this method the author has referred to the following sources –

1. Statistics presented by some of the standardized organizations.
2. Reports of some of the standardized organizations.

HISTORICAL EVOLUTION OF LOK ADALATS IN INDIA

Lok Adalats are not a new feature to the Indian legal system. They have their roots in the Vedic period. The disputes among the people in those days were resolved through the means of Nyaya Panchayat. Later in the British period, these Nyaya Panchayats lost their significance. They were added in the Constitution of independent India, but had very limited powers. Thereafter, certain committees recommended establishment of Lok Adalats, which were similar to the Nyaya Panchayats. Working on those recommendations, The Legal Service Authorities Act, 1987 was enacted and enforced, which recognized the Lok Adalats and provided them with certain powers and functions to be performed.

2.1 NYAYA PANCHAYATS

Nyaya Panchayats were basically informal tribunals which were headed by the elderly people of a village. Each village had their own Panchayat and people who had grievances would approach these. The ruling elder person had a lot of respect in the village. Their decisions were accepted by the villagers.

In the Ancient Period there was no centralized judicial system in the country. There were a number of small courts which worked on the basic notions of natural justice and were generally presided over by an elder

person. Then in the Medieval period the Mughals established a judicial system, but still the Panchayats were prevalent in the villages. Again, in the British Period the Britishers established a systematic judicial system in the country, but they could not completely remove the age-old Nyaya Panchayats, but their usage declined tremendously during this period.

2.1.1 ADVANTAGES OF NYAYA PANCHAYATS

- The ruling elders of the Nyaya Panchayats were the residents of the village itself, therefore they were already aware of the disputing parties, their issues and the traditions of the village.
- Due to this prior knowledge, the decision of the Nyaya Panchayat used to be in accordance with the traditions of the people.
- It helped in giving speedy justice, as there were no formal procedures to be followed.
- Since people respected these elders, therefore the decision of the Nyaya Panchayat was acceptable by the parties, which led to amicable resolution of the dispute.
- This also helped in maintaining peace in society.
- There were a very few cases which used to reach the formal courts.

2.2 EVOLUTION OF LOK ADALATS IN MODERN INDIA

The drafting committee was opposing the institutionalization of informal justice systems, but still Nyaya Panchayats were added in the constitution but were not given any significant powers, due to which they were not very effective. These Nyaya Panchayats were not accommodated in their original form in the constitution, instead a touch of formal court system was given to these courts. Thereby, the popularity of the formal courts kept on rising.

Since these Nyaya Panchayats were recognized by the constitution people were perceiving it as a formal system of dispute resolution. Thereafter, there was fight to bring in the concept of Legal Aid as the responsibility of the government, to provide financial aid and other aids to people in order to make justice accessible to all irrespective of their educational status, financial status or general awareness status.

Below are the landmark situations in the fight to bring the concept of Legal Aid, which led to the introduction of the Lok Adalat system in India.

2.2.1 NATIONAL JURIDICARE: EQUAL JUSTICE - SOCIAL JUSTICE COMMITTEE

The Government of India, on 19 May 1976 appointed a two-member judicare committee, which turned out to be the first step for formalization of Lok Adalats. The committee was chaired by Justice PN Bhagwati and Justice Krishna Iyer. The committee gave its report in 1977, which was titled as National Juridicare: Equal Justice - Social Justice. One of the important recommendations made by the committee was the establishment of an independent legal services organization which should be headed by retired or sitting judges of the Supreme Court and this organization should be free from governmental control. It also recommended establishment of legal aid organizations at the block, taluka, tehsil, district and state levels and even at High court and separately for the Supreme Court.

Thereafter, in 1976, Article 39A was added to the constitution which imposed a duty on the state to ensure that free legal assistance is given to the citizens, so that financial, illiteracy or other hindrances do not obstruct the path of justice for any of the citizens.

2.2.2 COMMITTEE FOR IMPLEMENTING LEGAL AID SCHEME

In 1980 a Committee for Implementing Legal Aid Scheme was set up by the Government of India, which was headed by Justice PN Bhagwati. Later in 1987, the Legal Services Authority Act was enacted, to have a uniform system all over the country, for legal aid programs. The Act was enforced on 9 November 1995, incorporating certain amendments.

Chapter VI, from Section 19 to 22 of The Legal Service Authorities Act, 1987 recognizes Lok Adalats and enlists its functioning, powers etc.

FUNCTIONING OF THE LOK ADALATS

Lok Adalat is one of the types of alternative dispute resolution mechanism. The Legal Service Authorities Act, 1987 recognizes Lok Adalats and mentions the types, working, functions and power of the Lok Adalats.

3.1 LEVELS OF LOK ADALAT

Legal service authorities are formed at three levels – Central, State and District – known as National Legal Services Authority, State Legal Services Authority and District Legal Services Authority, respectively. The State Legal Services Authority has been given the responsibility of organizing Lok Adalats, including the Lok Adalats for the High Court, whereas the District Legal Services Authority has the responsibility of organizing Lok Adalat within the district.

Lok Adalats are organized at the following levels –

1. **State Authority level** – The member secretary of the State Legal Service Authority organizes and constitutes the benches for the Lok Adalat.
2. **High Court Level** – The secretary of the High Court Legal Service Committee organizes and constitutes the benches for the Lok Adalat.
3. **District Level** - The secretary of the District Legal Service Authority organizes and constitutes the benches for the Lok Adalat.
4. **Taluk Level** - The secretary of the Taluk Legal Service Authority organizes and constitutes the benches for the Lok Adalat.

3.2 COMPOSITION OF THE LOK ADALATS

Lok Adalats are to consist of the following members –

1. Serving or retired judicial officers, and
2. other people.

In case of the Lok Adalats organized by the Supreme Court Legal Services Committee, the qualification for the other persons is to be prescribed by the Central government in consultation with the Chief Justice of India. Whereas, in case of the Lok Adalats organized by the other authorities or committees, the qualification for the other persons is to be prescribed by the State government in consultation with the Chief Justice of the High Court.

3.3 TYPES OF CASES ENTERTAINED BY THE LOK ADALATS

Lok Adalats have jurisdiction in respect of the following cases –

1. Any case pending before the court where the Lok Adalat is being organized, and
2. Any matter which is not brought before the court, in the jurisdiction of the court where the Lok Adalat is being organized.

It does not have the power to entertain cases which are not compoundable.

3.4 COGNIZANCE OF THE CASES BY THE LOK ADALATS

Court has the power to refer the case to the Lok Adalat if –

1. The parties to the dispute agree to go to the Lok Adalat.
2. If an application is made by one of the parties to the court in this regard.
3. If the court is satisfied that the case is appropriate to be referred to the Lok Adalat.

Once a case is referred to the Lok Adalat, it should dispose of the case or arrive at a compromise or a settlement between the parties. The Lok Adalat should be guided by the legal principle namely

- principle of justice, equity and fair play.

If no settlement or compromise is reached between the parties, the Lok Adalat should advise the parties to seek a remedy from the court and in this case the dispute is to be dealt from the stage, where it had reached previously.

3.5 AWARD OF THE LOK ADALAT

Award of the Lok Adalat is considered to be a decree of the Civil Court. If any court fees is paid earlier, it is refunded after the award is given.

The award is binding on the parties and no appeal lies against the award of Lok Adalat.

3.6 TYPES OF LOK ADALATS

3.6.1 NATIONAL LOK ADALAT

National Lok Adalat is where Lok Adalats are conducted on the same day all over the country, at all the levels. These are held at regular intervals. Since 2015 it has been held every month, for a particular subject matter.

3.6.2 PERMANENT LOK ADALAT

Permanent Lok Adalats are established under the Section 22B of The Legal Services Authorities Act, 1987. As per this provision every central authority or the State Authority, should establish a Permanent Lok Adalat for the places where it is required. It should be established for one or more utility services in that area.

Such Permanent Lok Adalat consists of the following members –

1. **Chairman of the Lok Adalat** - A person who is sitting or retired district judge or the additional district judge or has held a judicial office higher than that of the District Judge.
2. **Two other persons** – They are to be appointed by the Central or State Government as per the situation, in consultation with the Central or State Authority as per the situation.

Jurisdiction of the Permanent Lok Adalats is elaborated in the Section 22C of The Legal Services Authorities Act, 1987 as follows –

1. Any party to the dispute can make an application to the Permanent Lok Adalat, for settlement of their dispute.
2. It does not have the jurisdiction in cases of non-compoundable offenses.
3. It does not have the jurisdiction in the cases of property value more than ten lakhs. This limit can be increased by the central government by consulting the central authority.

Once a case is referred to the Permanent Lok Adalat, it cannot be referred to any other court.

On receiving the application, the Permanent Lok Adalat has to do the following -

1. Direct both the parties to file a written statement, indicating everything relating to the dispute and the relief required and such copy to be sent to each of the parties to the dispute.
2. It can ask any of the parties to file an additional statement at any stage of the proceeding but before the conciliation proceedings begin.
3. It has the liberty to decide the manner in which the proceedings will go on.

Once the Permanent Lok Adalat has passed a settlement agreement, both the parties are required to sign it. The award passed by the Permanent Lok Adalat is final and binding on both the parties and such award is deemed to be a decree of the civil court.

3.6.3 MOBILE LOK ADALATS

The Mobile Lok Adalats are organized at a number of places in the country, and these travel from place to place to resolve the disputes through this method of alternate dispute resolution.

EVALUATION OF THE LOK ADALATS

In this chapter we will be discussing the advantages, disadvantages and challenges faced by the people, in approaching the Lok Adalats and getting a satisfactory solution for their dispute.

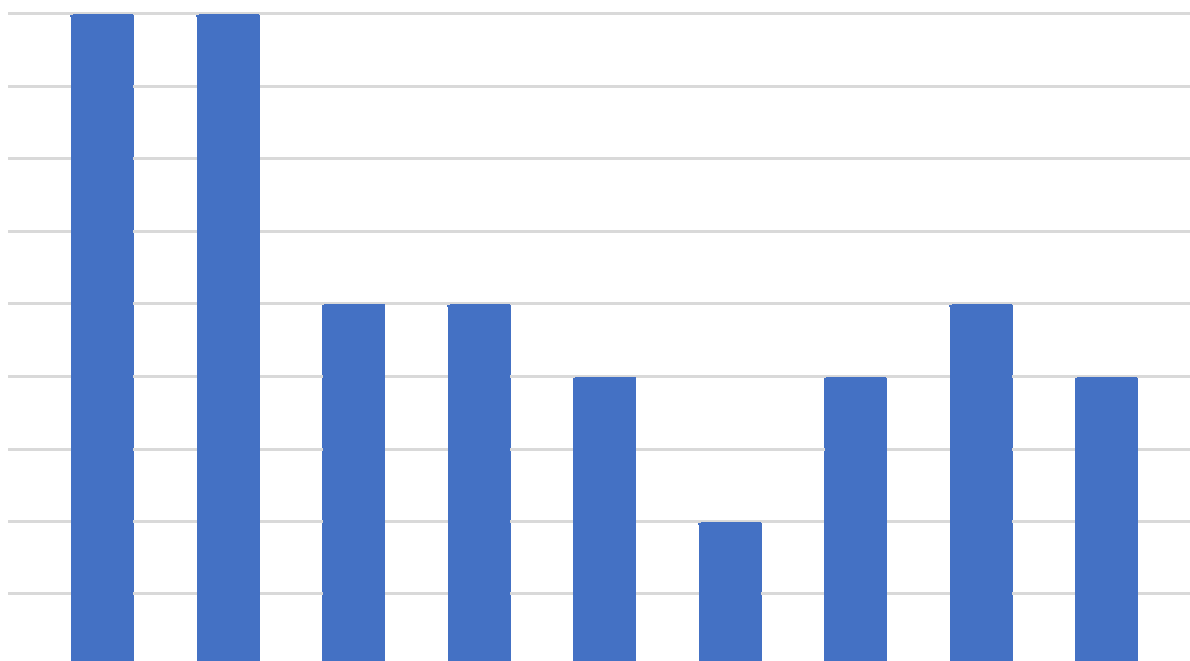
4.1 ADVANTAGES OF LOK ADALATS

1. **Free of cost** – No fees are charged in Lok Adalats. If any court fees are paid previously, it is refunded if the case gets settled in the Lok Adalat.
2. **Speedy resolution** – Lok Adalat do not involve any traditional procedures or formalities, thereby reducing the time limit in which the case can be disposed of.
3. **Amicable settlement** – A solution which is acceptable to both the parties is tried to reach, whereby both the parties are satisfied.
4. **Award is binding on the parties** – No appeal lies against the award passed by the Lok Adalat, and hence it puts an end to the dispute completely.

4.2 DISADVANTAGES OF LOK ADALATS

1. **In the event of no compromise case be sent back to the court** - The fate of the case in a Lok Adalat depends on the fact whether the parties reach a compromise or a settlement or not. If nothing is reached upon by the parties then the case is sent back to the court.
2. **Award is binding on the parties** – No appeal lies against the award passed by the Lok Adalat, and hence if a party is aggrieved it cannot challenge the award.
3. **Speedy Resolution** – In the haste of resolving the dispute quickly, many times it leads to compromise at less compensation from the actual compensation to which the party is entitled to.

4.3 FREQUENCY OF THE ORGANIZATION OF THE LOK ADALATS



As per this chart we can see that, earlier in the year 2015 and 2016 Lok Adalats were held 9 times in a year, which is the highest in the past 9 years. Thereafter, the frequency kept on reducing from 5 to 4 and the lowest in the year 2020 which is 2 times a year. It was least in the year 2020 because of the COVID-19 Pandemic. Later on, it increased in the year 2021 to 4 times and then to 5 times. Thereafter, it decreased to 4 times in the year 2023.

Therefore, the average frequency of occurrence of Lok Adalat in the last 9 years is 5 times per year.

CHALLENGES BEFORE THE LOK ADALATS

In this part, the author has analyzed the functioning of the Lok Adalats and has come up with certain challenges that the system faces in effective disposal of justice.

5.1 CHALLENGES FACED BY THE LOK ADALATS

By analyzing the functioning of the Lok Adalats and researching about the problems faced by the parties, the author has come up with the following challenges which are faced by the present system of the Lok Adalat.

5.1.1 ADVOCATES ARE TRAINED IN THE TRADITIONAL LITIGATION SYSTEM

The Advocates that represent their client before the Lok Adalat, are constantly suggesting their clients to not settle for something less, thereby are putting a hindrance in reaching an effective resolution. Also, in certain instances if the advocate is not present or is not prepared, they ask for postponement of the case. This happens because of the fact that the advocates are trained in the traditional litigation system and hence are trying to bring in the intricacies of the litigation system into the Lok Adalats.

5.1.2 STRAINED RELATIONS BETWEEN THE ADVOCATE AND THE JUDGE

In some instances, the judges are having bitter behavior towards the Advocates, thereby leading to a situation where advocates and judges are not able to work together. The relation between the judge and the advocate is affecting the justice delivery in the Lok Adalats, due to this the system is not able to provide prompt and fair justice. The strained relations between the judges and advocates is putting the parties at a loss, whereby they are not able to reach an effective settlement in the Lok Adalats, and sometimes cause the proceedings of the Lok Adalats fail, after which the parties have to resort for litigation.

5.1.3 PRESSURE OF DISPOSING LARGE NUMBER OF CASES

The judges are having the pressure to dispose of a good number of cases, due to which they are giving less time to the case in hand and are viewing the evidence in a hurry. In certain cases, they, without giving a ruling, just tell the parties to reach a conclusion themselves.

5.1.4 ADVERSARIAL NATURE OF LOK ADALATS

Generally, people want to resolve their disputes informally, especially the people who live in rural areas because they are concerned about the reputation of their family and village and believe that internal matters should not go out in public. But, the seemingly formal nature of the Lok Adalats is deterring people from opting for it and is becoming the last resort for the parties.

5.1.5 DEDICATION OF THE JUDICIARY IS REQUIRED TO REACH A SETTLEMENT

The informal structure of the Lok Adalats is not suitable for making the parties reach a successful settlement. It is only the dedication of the Judiciary that is making certain settlements successful. So, if a judge is not having the incentive to give a proper judgment, there is nothing that can compel the judge to do so. Therefore, the present system has nothing to offer to the parties, but it is only and only the dedication of the presiding judge that can offer relief to the parties.

5.1.6 LOK ADALAT IS TURNING OUT TO BE AN INVOLUNTARY PROCESS

If the parties have opted for Mediation or conciliation or any other method to resolve the dispute outside the court and if they turn out to be not satisfied with the outcome of that process, then they have the option of opting for litigation. But litigation will take a minimum of 10 years to resolve the dispute, thereby parties try opting for Lok Adalat. Therefore, it is not a voluntary action to opt for it, but it is chosen for avoiding litigation.

5.1.7 LACK OF FUNDS

Lack of funds is a very crucial problem, as funds are the only thing which help in organization of the Lok Adalats in an effective manner. This hampers the appointment of adequate staff, infrastructure, training of the personnel and Lok Adalats are not able to be organized at frequent intervals. Also, duration of a Lok Adalat can be increased only if there are sufficient funds to do so.

5.1.8 LIMITED JURISDICTION

Lok Adalats generally deal with the cases pertaining to civil disputes, especially family disputes. This limits the Lok Adalats to particular types of cases and hence is not able to prove its efficiency in other areas.

5.1.9 POOR QUALITY OF DECISIONS

The quality of the decision does not match that of the regular judicial courts. Most of the judges do not have the incentive to give a quality decision because of the pressure that they have, to dispose of a large number of cases. In certain cases, judges simply asked the parties to reach a settlement by themselves, but if the parties were themselves capable of reaching a solution why they would have come to the Lok Adalat. This poor quality of decision lead to non-acceptance of the decision by the parties and since this decision cannot be challenged anywhere, thereby the dispute even though ends on paper but does not end in reality.

STRATEGIES FOR EFFECTIVE FUNCTIONING OF THE LOK ADALATS

The author has come up with certain strategies to enhance the functioning of the Lok Adalats in order to effectively provide justice to the parties seeking relief.

6.1 STRATEGIES TO OVERCOME THE CHALLENGES FACED BY THE LOK ADALATS

By analyzing the functioning of the Lok Adalats and the challenges faced by them in effective delivery of justice, the author has come up with the following solution for enhancing the functioning and the effectiveness of the Lok Adalats.

6.1.1 THE LOK ADALATS TO BE MADE MORE INFORMAL

Generally, people want to resolve their disputes informally, especially the people who live in rural areas because they are concerned about the reputation of their family and village and believe that internal matters should not go out in public. In Lok Adalats there is an involvement of advocates and it has an adversarial nature. This makes it appear like a very formal set up and therefore makes it the last resort for the parties.

An attempt should be made to reduce the involvement of the advocates in the proceedings of Lok Adalat. A provision should be added in the Legal Services Authorities Act, 1908, whereby the proceedings should take place only between the judge and the parties. Advocates should not carry out the proceedings, until and unless the parties are incompetent to present themselves before the judge or the party voluntarily wants to hire an advocate.

Also, judges presiding the Lok Adalat should be made more approachable to the parties, so that they do not feel it as a formal setup. Following can be done for the same –

1. Use of the terms your honor, your ladyship/lordship etc. should not be done. Instead, mam/sir can be used or any word in the local language that is used for representing an elder person, can be used.
2. Attire of the judges should not be as that of a regular court, instead they can be asked to wear something casual but decent.
3. Use of legal language and legal jargons should be minimized to a large extent as possible.
4. The infrastructure and the environment of the Lok Adalat should be made as informal as possible.

6.1.2 ADVOCATES TO BE TRAINED

As discussed above, the involvement of the advocates should be minimized, but if under certain unavoidable circumstances if the parties need to appoint an advocate, then the below mentioned should be followed.

Advocates are trained in the traditional litigation method, thereby they have the tendency to delay the hearings and advise their clients for not settling at something less. To avoid this hindrance by the advocates, they should be trained to encourage settlements while appearing before the Lok Adalats.

There should be a provision added in the Legal Services Authorities Act whereby, any of the advocates should be allowed to appear before the Lok Adalat only if they have received the training for appearing before the Lok Adalats. On completion of such training the Advocate should be provided with a certificate, certifying the same.

If the judge still finds that the conduct of the advocate is not as per the training provided to him, then the judge should reserve the right to dismiss the Advocate from practicing before the Lok Adalats, and then such an Advocate would have to undergo the training once again. If the Advocate again fails, then he would not be allowed to practice before the Lok Adalats for two years.

6.1.3 JUDGES TO BE GIVEN GUIDELINES

All the judges who are supposed to be presiding over the Lok Adalats should be provided with a certain set of guidelines to be followed.

Judges who will be presiding over the Lok Adalat should be guided to behave in a manner which is favorable for the parties, and they should work in collaboration with the advocates, instead should not turn hostile towards them, unless the conduct of the advocate is not as per the training provided to him. The relation between the judge and the advocate should not put the parties in a trouble, and the judge should have the responsibility of ensuring this.

Judges should also have the responsibility of ensuring that the environment of the Lok Adalat is informal. Judges should be guided to not behave in the manner as they do in the regular courts. This is due to the fact that the environment of the place or a situation, depends on the conduct presented by the person who is leading that place or situation. If the leader is strict, the environment tends to be strict and the people around turn out to be a bit frightened. Whereas, in case of Lok Adalat we need a friendly environment, so that the parties are not hesitant to open up about their situation. Therefore, it depends on the conduct of the judge to make the parties feel comfortable and make them open up about their situation.

6.1.4 ALL-ROUNDED PANEL OF JUDGES

The panel of judges presiding the Lok Adalat should comprise of people from different fields like social workers, community leaders, elders from the family of the parties to the dispute and other people in the related fields. This will help in having experts from different fields, who can understand various types of situations and hence can have a collective decision, in order to resolve the conflict completely.

6.1.5 LOK ADALATS SHOULD HAVE A DIVERSE APPROACH IN DIVERSE REGIONS AND SHOULD INVOLVE THE ELDERS FROM THE FAMILIES OF THE PARTIES TO DISPUTE IN REACHING A SETTLEMENT

India is a country of diversity at each and every stage of life i.e. culturally and regionally. Each area has its own cultures and traditions, in fact certain cultures vary from family to family. If a judgment is passed without paying any heed to the peculiarities of each and every region and family, the decision will turn out to be ineffective and unacceptable by the parties.

In the ancient period the Nyaya Panchayats were successful because they accommodated the cultural and traditional values followed by the people. Also, the people were themselves involved in the decision making of the dispute. The elders of the village were respected by the people and hence a decision passed by the Panchayat was acceptable to the parties.

The modern Lok Adalats can take lessons from the Nyaya Panchayats of the ancient time and can therefore make an attempt to understand the culture of each and every region and thereafter, the approach should be made in certain manner, accommodating the cultural and traditional values of the parties, so that the decision turns out to be acceptable by the parties. The elders of the families of the parties to the dispute can be involved in the resolution of the dispute, in order to make the settlement more acceptable.

6.1.6 PENALTIES FOR BAD FAITH

For the success of the Lok Adalats, it is necessary that both the parties are present during the proceedings and both the parties cooperate to reach a resolution. If anyone of the parties is not cooperating then it will become difficult for the panel of judges to find a suitable solution for the dispute.

Many times it happens that one of the parties or both the parties want the matter to get postponed, due to their ulterior motives so that they can cause problems to the opposite party. If that happens then the whole idea of dispute resolution outside the court would get disrupted. Such type of things not only cause problems to the party but also, it wastes a lot of time, energy, money and resources of the authorities who are involved in the organization of the Lok Adalats. Above all, the taxpayer's money gets wasted.

Therefore, it is necessary that the parties do not have any ulterior motives and cooperate in proceedings, by being present at the time of proceeding. If the presiding judges find that the parties are being absent for no valid reason and their conduct during the proceedings is found to be improper, which is causing hindrance to the judges in reaching the solution, then the judges should be given with power of putting penalty on the person or the party, on the ground of bad faith.

6.1.7 AWARENESS ABOUT THE LOK ADALATS TO BE RAISED

To make something popular, it is necessary that the people have the basic idea about that thing. If Lok Adalats become a popular tool for resolving disputes, then it will reduce a lot of burden on the judiciary and also, it will leave the parties to dispute at a win-win situation and ending the dispute permanently. Therefore, if the aim is to make more people opt for the Lok Adalats it is necessary that the people are made aware about the functioning, advantages etc. of the Lok Adalats.

If the people are made aware about it, they themselves will voluntarily opt for it, and this will make the Lok Adalats succeed in their motive. Voluntary participation will enhance the cooperation among the parties at the time of proceedings. Enhanced cooperation leads to quick disposal of the case, thereby leaving the parties satisfied. This will thereby decrease the burden of the courts and also the people will be more satisfied.

6.1.8 EMPHASIS BE LAID ON QUALITY OF JUDGEMENTS RATHER THAN QUANTITY

As per the records more than 50 lakh cases get disposed of by the National Lok Adalats alone every year on an average in the last three years. Also, as per the records Lok Adalats are successful in disposing a large number of cases and are significantly contributing in reducing the number of cases. A lot of importance is being given to the number of cases being disposed of, but the quality of judgments is getting ignored.

Judges of the Lok Adalats are under immense pressure of disposing of a large number of cases, due to which they tend to neglect the quality of their judgments. There have been certain instances where the judge just asked the parties to reach a settlement on their own. Such incidents showcase that judges are more concerned about reducing the number of cases in the country, but are not concerned about the permanent resolution of the dispute. Also, such cases tend to reduce the burden of the judiciary, but increase the burden of the parties. The cases tend to get disposed of only on paper, but not in reality.

Therefore, judges should not be put under the pressure of disposing off the cases in large numbers, instead emphasis should be laid on the quality of the judgment delivered and to ensure that the dispute is getting resolved permanently. Efforts should be made to equate the quality of the decision given by the Lok Adalat to that of the regular courts.

6.1.9 FUNDS TO BE INCREASED

Funds play a very significant role in the organization of the Lok Adalats, in arranging for the staff required for the Lok Adalat, maintaining the infrastructure etc. If funds are not sufficient it will not be possible for arranging the Lok Adalats at frequent intervals.

Currently, this is the crucial issue that the Lok Adalats are facing, which is limited funds. Due to this the frequency of the organization of the Lok Adalats is very limited. The National Lok Adalat, has disposed of more than 50 lakh cases on an average every year in the past 3 years, as per the records, but it is held only twice a year. If the frequency of the National Lok Adalats were increased from 2 to 4 times a year, then imagine the number of cases that would be disposed of every year would be around 1 crore. Also, if the frequency of the Lok Adalats at the lower level could be increased it would be a tremendous achievement.

Increasing the frequency of the Lok Adalats would also lead to increase in the time available with the judges to dispose of the cases. This will reduce the pressure on the judges of disposing of a large number of cases within a short span of time and they would be able to concentrate on the quality of the decision passed.

Therefore, increasing the funds will lead to increase in the frequency of the occurrence of the Lok Adalats, which will thereby reduce the pressure on the judges of disposing a large number of cases within a short span of time, and hence the quality of the judgment passed will be good which will leave the parties satisfied and the dispute will get resolved permanently. Such a situation will help in achieving the goal of the Lok Adalats.

6.1.10 INCREASING THE JURISDICTION OF THE LOK ADALATS

As per the Legal Services Authorities Act, 1987 Lok Adalats have jurisdiction in respect of the following cases –

1. Any case pending before the court where the Lok Adalat is being organized, and
2. Any matter which is not brought before the court, in the jurisdiction of the court where the Lok Adalat is being organized.

Therefore, there is no restriction imposed in terms of the category of the cases that can be referred to the Lok Adalats. But there is a general practice that civil cases especially the family disputes are mostly referred to the Lok Adalat.

There should be an attempt made to refer the cases other than family disputes to the Lok Adalats. If this happens then Lok Adalat could be used as a great tool for resolving the disputes in areas other than family disputes and will prove to be beneficiary to the parties to a dispute.

INTERNSHIP WORK RELATING TO LOK ADALATS

The Unnam Law Firm, where I interned, is a boutique law firm in Hyderabad. It handles litigation in the fields of Corporate Advisory, Contracts, Commercial Arbitrations, Financial Agreements, Large Scale Property Due Diligence for Real Estate Projects and Energy Companies, Banking Law, Trademarks, etc.

There was a property dispute which was to be sent to the Lok Adalat for adjudication. The case was between the landowner and the real estate developer. In 2006 parties entered into a General Power of Attorney, but no terms were decided then. So, the terms were decided in 2007, which stated that after getting the permission they will start the development on the land. After this there was no communication for the next 7 years. In 2014 the parties communicated, but again from 2014 to 2020, there was no communication. Then in 2020 the real estate developers again sent a mail to get the project done, as if the sale was not canceled. The land owner refused for this, as after 23 years the sale was deemed to be canceled. Thereafter the real estate developers filed a suit seeking injunction against the land owner.

All the interns at the firm had certain sessions with the partners of the firm, where the partners shared their experiences on the working of the Lok Adalats and the loopholes which they felt were present in its working system.

On the lines of the above case and the discussion that happened, I decided to do research on the Lok Adalat system in India.

CONCLUSION

Lok Adalats in the form of Nyaya Panchayats were in practice in India since ancient times. But later on, they got diminished and the modern-day Formal Justice Delivery System was adopted. Now, lately the Nyaya

Panchayats got recognized by the authorities and are made a part of the justice delivery system. Lok Adalats are really working great in the direction of providing speedy justice and making justice accessible to all, irrespective of the financial, societal and other hindrances to the people. But they are having certain inefficient functioning methods due to which the objective for establishing Lok Adalats is not being completely met. The system is suffering from certain challenges which need to be addressed as early as possible in order to make justice accessible to all and to ensure that justice is actually being delivered. The strategies as suggested in the above article can help a lot in meeting the challenges faced by the Lok Adalats.