

Lok Adalat : An Instrument of Participatory and Speedy Justice

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"To no man will we deny

to no man will we sell, or delay, justice or right."

These golden words embodied in Magna Carta are as true as ever in this era as they were in the 13th century, Justice loses its meaning when not administered at the proper time, that's why the famous adage "Justice delayed is justice denied" holds true since immemorial. Unfortunately the administration of Justice tells a different story not only in India but also in other countries of the world. According to the Supreme Court there are over 1.70 crore criminal cases pending in 21 high courts, 6,58,982 criminal cases pending in different stages of trial in hundred of district courts across India and in S C alone there are 37,323 cases pending trial (Hindustan Times, 2006). It remains to be seen whether Lok Adalat as an arm of speedy justice is able to provide qualitative, participatory and speedy justice. The success of Lok Adalats require maximum participation of all persons such as Bar, Bench, general public, voluntary organizations and public spirited persons. Lok Adalats desire that all persons put in vigorous effort in this mass movement. The participatory disputes are solved by discussion and mutual consent.

'Lok Adalat' means "People's Court". These Courts are based on morality and honesty, the real pillars of our traditional society. The concept of Lok Adalat is not new. This system existed in vedic times. In the ancient period this system was popular but the nomenclature was different, i.e., Gram Panchayat, Gram Sabha and Pryaya Panchayat in villages. In the Muslim regime the traditional system of Lok Adalat were slightly disturbed. The British period totally replaced this system with the present legal system. After this period Mahatma Gandhi suggested the idea of revival of Nyaya Panchayats in 1920 in non-cooperation movement. The Gram Panchayat committees were set up by the Congress Working Committee on 23rd October 1954 (Report of Congress Village Panchayat, 1954). The Committee examined how Nyaya Panchyats were functioning in Pre-British era and rendering cheap and expeditious justice to the villagers in rural areas. Then the Government of India also appointed a team. The Nyaya Panchayat system provides Administration of Justice at the lowest level. They found that it is more effective in the society in comparison to conventional court in rural areas which is set by the elder person of the village. These persons were well versed about the custom and the habits of the people so this solved the problem easily and provided quick and cheap justice. The success of Nyaya panchayat constituted in villages has played a greater role in disposing thousand of cases. Thus the success of Nyaya

Panchayat system in rural areas encouraged for developing in urban areas. The temporary Lok Adalats run frequently and disposes the case for some time by the way of arbitration and settlement between the parties. These courts functioned through the voluntary and conciliatory agencies without having statutory power. For the success of these courts there were needs for statutory backing these. It was felt that such statutory support would reduce the burden of arrears of work in regular courts and also take justice to the door setp of the poor and make justice and less expensive. With this aim Union Government passed a landmark Legislation in 1987- Legal Services authority Act, 1987.

Legal Service authority Act (1987) was passed by the legislation for the implementation of legal aid programme and provides free and compulsory legal services to the weaker sections of the society. No citizen will be deprived of justice due to economic and other disabilities. The object of this act was to maintain equality in the society, uplift the weaker and poor persons, and provide free, less costly and speedy justice to the persons.

It is true that parliament and legislature are passing day in and day out social legislation for the benefit of the poor and weaker section of the society. But the real question is whether the poor and weaker section is really being benefited. Then the image of Judiciary has deteriorated, people are loosing faith in it. Once a person loses faith then they are forced to adopt improper methods to vindicate their rights. They use muscle power and money instead of approaching the courts. The net result is that the masses have no faith in Justice delivery system. To secure the faith of people in judiciary providing quick disposal of matter and cheap justice to all types of persons, the Lok Adalat system has been established.

Lok Adalat is a para judicial institution for resolving disputes through conciliation. It is being developed through the judicial and people's activism. Lok Adalat comprises a team of councillors retired judicial, revenue and administrative officials, advocates, academician, social workers, etc., Therefore, the lok Adalat's function is participatory (Saxena, 1987). In the team of conciliator Lok Adalat comprises not less than three and not more than five members. The procedure of Lok Adalat is different from the procedure followed in traditional courts. In it, there is only a single and uniform procedure to all civil and criminal cases. This procedure is very simple, quick, flexible, informal and devoid of all technicalities and baffling formalities but moulded in consonance with the exigencies of the situation. Lok Adalats are voluntary effort of judiciary (Madhav) and the litigant. There is no compulsion to settle the dispute. If parties agree to decide their disputes only then Lok Adalats come into picture to render. Lok Adalats has received statutory status in the legal services authorities act 1987 to provide statutory backing to Lok Adalat it is not only to reduce the burden of arrears of work in regular courts but would also take justice quicker and less expensive. Lok Adalat have the widest possible jurisdiction as it can deal and bring compromise between the disputants in respect of any matter pending in any civil, criminal or revenue court or

tribunals. Any dispute can be brought to Lok Adalat's Jurisdiction by a simple application of both or any one party to dispute.

The Act gives to Lok Adalats the powers of civil court in respect of summoning and enforcing attendance of any witness and examine him on oath, discovery and production of any documents, reception of evidence on affidavits, requisitioning of any public record, document from any court or office, and other matters to be prescribed by rules framed the act. In addition, it can specify its own procedure for the determination of any dispute before it. Proceeding before it are deemed to be judicial proceedings and its members are public servants under Section 21 of Indian Penal Code. After being granted the power of Civil Court, Lok Adalats are being organized throughout the country on voluntary basis through the active support and involvement of higher judiciary. It plays the role in the country by disposal of case in a summary way. The whole process is based on arbitration and settlement between the parties. The Lok Adalats perform functions without any statutory backing but after they run successfully statutory backup provided by passing the Act. It is felt that such a statutory support would not only reduce the burden or arrears of work in regular courts, but would also take justice to the door steps of the poor and needy and make justice quicker and less expensive.

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