Ensuring Quality Justice Delivery - Lok Adalats

What is the issue?

The Lok Adalats system must look beyond swift disposal of cases and focus on just and fair outcomes.

What are Lok Adalats?

- Access to justice for the poor is a constitutional mandate to ensure fair treatment under the legal system.
- Hence, Lok Adalats (literally, 'People's Court') were established to make justice accessible and affordable to all.
- Lok Adalat is one of the alternative dispute redressal mechanisms.
- It is a forum where disputes/cases pending in the court of law or at pre-litigation stage are settled/ compromised amicably.
- Lok Adalats have been given statutory status under the Legal Services Authorities Act, 1987.
- Motor-accident claims, disputes related to public-utility services, cases related to dishonour of cheques, and land, labour and matrimonial disputes (except divorce) are usually taken up by Lok Adalats.

How did Lok Adalats evolve?

- Lok Adalats had existed even before the concept received statutory recognition.
- In 1949, Harivallabh Parikh, a disciple of Mahatma Gandhi, popularised them in Rangpur, Gujarat.
- The Constitution (42nd Amendment) Act, 1976, inserted Article 39A to ensure "equal justice and free legal aid".
- To this end, the Legal Services Authorities Act, 1987, was enacted by the Parliament.
- It came into force in 1995 -
    i. to provide free and competent legal services to weaker sections of the society
    ii. to organise Lok Adalats to secure that the operation of the legal system promotes justice on a basis of equal opportunity

Why are Lok Adalats significant?

- The Indian judicial system is often criticised, perhaps justifiably, for its endemic delays and excessive backlogs.
- Over 66,000 cases are pending before the Supreme Court, over 57 lakh cases before various HCs.
- Over 3 crore cases are pending before various district and subordinate courts.
- As a result, litigants are forced to approach Lok Adalats mainly because it is a party-driven process, allowing them to reach an amicable settlement.

What are the advantages?

- Lok Adalats offer parties speed of settlement, as cases are disposed of in a single day.
- In this aspect, it is better when compared to litigation, and even other dispute resolution devices, such as arbitration and mediation.
- It also offers procedural flexibility, as there is no strict application of procedural laws such as the Code of Civil Procedure, 1908, and the Indian Evidence Act, 1872.
- There is also economic affordability, as there are no court fees for placing matters before the Lok Adalat.
- Another advantage is the finality of awards, as no further appeal is allowed.
- This prevents delays in settlement of disputes.
- More importantly, the award issued by a Lok Adalat, after the filing of a joint compromise petition, has the status of a civil court decree.

What are the concerns to be addressed?

- The Supreme Court, in State of Punjab vs Jalour Singh (2008), held that a Lok Adalat is purely conciliatory.
- It has no adjudicatory or judicial function.
- As compromise is its central idea, there is a valid concern that in the endeavour for speedy disposal of cases, it undermines the idea of justice.
- In a majority of cases, litigants are pitted against powerful entities such as insurance companies, banks, electricity boards, among others.
- In many cases, compromises are imposed on the poor who often have no choice but to accept them.
- In most cases, such litigants have to accept discounted future values of their claims instead of their just entitlements, or small compensations.
- It is being done just to bring a long-pending legal process to an end.
- Similarly, poor women under the so-called ‘harmony ideology’ of the state are virtually dictated by family courts to compromise matrimonial disputes.
- Even a disaster like the Bhopal gas tragedy was coercively settled for a paltry sum, with real justice still eluding thousands of victims.

What is the way forward?

- A just outcome of a legal process is far more important than expeditious disposal.
- So, besides efficiency and speed, Lok Adalats both online and offline should focus on the quality of justice delivered.

Source: The Hindu

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