



- Lok Adalat is a judicial body created by legislation to settle cases as speedily as possible.
- This administrative body is empowered to reach a compromise or peaceful settlement between the parties to a dispute, which are compoundable (compromisable) in nature.
- A court before which a case is pending may refer that case to the Lok Adalat when it is satisfied that the case is a fit one to be decided by it.
- Lok Adalat can follow its own procedures but in taking decisions it must be guided by the principles of justice, equity, fair play and other legal principles.
- NALSA along with other Legal Services Institutions conducts Lok Adalats
- It is alternative dispute redressal mechanisms, it is a forum where disputes/cases pending in the court or at pre-litigation stage are settled/ compromised amicably.
- Lok Adalats have been given statutory status under the Legal Services Authorities Act, 1987.
- The award (decision) made by the Lok Adalats is deemed to be a decree of a civil court and is final and binding on all parties and no appeal against such an award lies before any court of law.
- If the parties are not satisfied with the award then they are free to initiate litigation by approaching the court of appropriate jurisdiction by filing a case by following the required procedure.
- There is no court fee payable when a matter is filed in a Lok Adalat.
- If a matter pending in the court is referred to the Lok Adalat & is settled subsequently, the court fee originally paid in the court on the complaints/petition is also refunded back to the parties.
- The search for alternative mechanisms for dispute resolution led to the establishment of lok adalats as a mechanism for promoting conciliation and binding resolution of disputes.
- Though they were in existence before the enactment of LSAA, they now acquired a statutory status.
- Lok adalats remain the major area of activity of the LSAA. Section 2(1) (d) of the LSAA defines 'lok adalat' to mean a lok adalat organised under Chapter VI of the Act.
- Lok adalats are organised by legal services authorities at the state, district & taluka levels in each state.
- Members of the Lok Adalats, takes decisions of the cases, they have the role of statutory conciliators only & do not have any judicial role.

- They can only persuade the parties to come to a conclusion for settling the dispute outside the court.
- The members shall assist the parties in an independent and impartial manner in their attempt to reach amicable settlement.
- WHICH MATTERS ARE REFERRED TO THE LOK ADALAT
 1. Any case pending before any court.
 2. Any dispute which has not been brought before any court and is likely to be filed before the court.
 3. Provided that any matter relating to an offence not compoundable under the law shall not be settled in Lok Adalat.

WHICH LOK ADALAT TO BE APPROACHED ?

- As per section 18(1) of the Act, a Lok Adalat shall have jurisdiction to determine and to arrive at a compromise or settlement between the parties to a dispute in respect of -
 - (1) Any case pending before; or
 - (2) Any matter which is falling within the jurisdiction of, and is not brought before, any court for which the Lok Adalat is organised.Provided that the Lok Adalat shall have no jurisdiction in respect of matters relating to divorce or matters relating to an offence not compoundable under any law.
- The State Legal Services Authority or District Legal Services Authority as the case may be on receipt of an application from any one of the parties at a pre-litigation stage may refer such matter to the LA.

AT STATE AUTHORITY LEVEL

- The Member Secretary of the State Legal Services Authority organizing the Lok Adalat would constitute benches of the Lok Adalat.
- Each bench comprising of a sitting or retired judge of the High Court or a sitting or retired judicial officer and any one or both of- a member from the legal profession; a social worker engaged in the upliftment of the weaker sections and interested in the implementation of legal services schemes or programmes.

AT HIGH COURT LEVEL

- The Secretary of the High Court Legal Services Committee constitutes benches of the LA
- The bench comprising of a sitting or retired judge of the HC and any one or both of a member from the legal profession;
- A social worker engaged in the upliftment of the weaker sections and interested in the implementation of legal services schemes or programmes.

AT DISTRICT LEVEL



- The Secretary of the District Legal Services Authority organizing the LA constitutes bench
- Each bench comprising of a sitting or retired judicial officer and any one or both of either a member from the legal profession;
- A social worker engaged in the upliftment of the weaker sections and interested in the implementation of legal services schemes or a person engaged in paralegal activities of the area, preferably a woman.

AT TALUK LEVEL

- The Secretary of the Taluk Legal Services Committee constitutes benches
- Each bench comprising of a sitting or retired judicial officer and any one or both of either a member from the legal profession;
- A social worker engaged in the upliftment of the weaker sections and interested in the implementation of legal services schemes or a person engaged in paralegal activities of the area, preferably a woman.

NATIONAL LOK ADALAT

- National Level Lok Adalats are held for at regular intervals where on a single day Lok Adalats are held throughout the country, in all the courts wherein cases are disposed off in huge numbers.
- From February 2015, National Lok Adalats are being held on a specific subject matter every month.
- The other type of Lok Adalat is the Permanent Lok Adalat, organized under Section 22-B of The Legal Services Authorities Act, 1987.
- Permanent Lok Adalats are permanent bodies with a Chairman and two members for providing compulsory pre-litigative mechanism for conciliation and settlement of cases relating to Public Utility Services like transport, postal, telegraph etc.
- The Award of the Permanent Lok Adalat is final and binding on all the parties.
- The jurisdiction of the Permanent Lok Adalats is upto Rs. Ten Lakhs
- If the parties fail to reach to a settlement, the Permanent Lok Adalat has the jurisdiction to decide the case.
- The Lok Adalat may conduct the proceedings in such a manner as it considers appropriate
- Mobile Lok Adalats are also organized in various parts of the country which travel from one location to another to resolve disputes
- The Lok Adalat seems to be losing its importance and is unlikely to deliver the desired results
- According to the Legal experts the lack of 'compromising spirit' among the dissenting parties, rigid attitude of banks and financial institutions and the habit of fighting sigh by the burrowers are the main reasons for the lacklustre outcome of Lok Adalats.

- Lok Adalats are not held at a dais. The judges sit next to the people. This is an effort to reach out to the public and make them feel familiar to the system
- The Lok Adalats do not decide the matter referred to it, instead cases are decided on the basis of the compromise or settlement between the parties
- A case that is pending in a court can be referred to a lok adalat by any one of the parties to the litigation.
- There is no court fee and any fee paid in the court is refunded provided the dispute is settled in the lok adalat.
- Cases in a lok adalat are settled through conciliation & compromise. In case of failure of the parties to arrive at a settlement, the case reverts back to the court from where it is referred.
- Lok adalats are generally held within the court premises.
- The decision of a lok adalat is binding on the parties and the order can be executed like any decree passed by a court. There is no right of appeal against the decision of a lok adalat
- A lok adalat has jurisdiction to try all matters except those relating to non-compoundable offences.
- The Act provides for establishment of permanent lok adalats in bodies providing public utility services like telephone, insurance, transport, electricity and water.
- Apart from conducting conciliation proceedings, permanent lok adalats can also decide a dispute on merits.
- In doing so, they are not bound by the Code of Civil Procedure, 1908 or the Indian Evidence Act, 1872; instead, they are to be guided by "the principles of natural justice, objectivity, equity and other principles of justice".

CRITICISM

- The term 'lok adalat' is misleading as there is no peoples' involvement in the process of decision making, unlike the traditional/informal modes of disputes resolution.
- The functioning of lok adalats do not necessarily result in 'justice' for the parties concerned as the emphasis is more on reduction in the number of cases before a court
- Hence, the approach taken by lok adalats often involves pressuring the parties to compromise.
- The litigants too succumb as the alternative will entail many years of waiting for justice to be delivered by a court. For example, from the litigant's perspective, getting a compensation of Rs. 20,000/- is preferable to waiting for a further 6 years
- The finality of awards made by permanent lok adalats is criticised on the ground that these forums set up ostensibly for pre-litigation conciliation and

settlement can also decide matters on merit if the parties fail to arrive at a settlement.

GRAM NYAYALAYA

- Art 39A sets before the State the objective of ensuring that the operation of the legal system promotes justice, on the basis of equal opportunity.
- Procedures under the Arbitration and Conciliation Act, 1996 are useful to avoid the complex procedures of courts, but are still expensive and out of the reach of village communities.
- The Gram Nyayalayas Act, 2008 has been enacted to provide for the establishment of Gram Nyayalayas at the block level in the country, as the lowest tier of the judiciary for rural areas.
- Nyaya Panchayats (NPs) or village courts, where disputes are settled between villagers have been in existence in one form or the other since before independence.
- The 73rd Amendment Act, 1993 did not include discharge of justice as a function of Panchayati Raj Institutions in the Eleventh Schedule.
- It is argued that the 'social justice' mentioned in Article 243G (a) reflect that justice dispensation is not entirely ruled out in Part IX of the Constitution as an appropriate role of PRIs
- The Supreme Court has observed in State of U.P. v Pradhan Sangh Kshetra Samiti that "Admittedly the basis of the organisation of the Nyaya Panchayats under the Act is different from the basis of the organisation of the Gram Panchayats & the functions of the two also differ.
- The Nyaya Panchayats are in addition to the Gram Panchayats.
- After the 73rd Amendment Act, few states in India provided for Nyaya Panchayats in their new Panchayati Raj Acts or in confirmatory amendments to old Acts, including Bihar, Himachal Pradesh, Punjab, U.P. and West Bengal.
- In tribal areas to which Panchayat (Extension to Scheduled Areas) Act, 1996 (PESA) is applicable, the Panchayats are empowered to resolve disputes arising in their jurisdiction

GRAM NYAYALAYA ACT 2008

- The Nyaya Panchayats were seen to serve as ideal instruments of justice delivery at the grassroots.
- The Law Commission of India in its 114th Report (1986) recommended the establishment of Gram Nyayalayas
- The objects of the Act are:
 - to provide for access to justice to the citizens at their doorsteps;
 - to ensure that opportunities for securing justice are not denied to any citizen by reason of social, economic or other disabilities;
 - to provide speedy justice at the grass roots level for the vast population that inhabits rural India;

- to set up courts that would travel to the people instead of people travelling far to courts set up in far off places, mostly in the District Headquarters, thereby bringing to the people of rural areas speedy, affordable and substantial justice.

- The Act provides that State Governments will establish (in consultation with the concerned High Courts) one or more Gram Nyayalayas for every Panchayat at the intermediate level or a group of contiguous Panchayats at the intermediate level in a district.
- Every Gram Nyayalaya will be presided over by a judicial officer called the 'Nyayadhikari', who will be appointed by the State Government, in consultation with the High Court.
- A person, to be eligible for appointment as a Nyayadhikari, must be less than 45 years of age and must be eligible to be appointed as a Judicial Magistrate of the First Class, that is, he must have been practicing for at least 7 years.
- The Act provides that there must be due representation of women and members of the Scheduled Castes and the Scheduled Tribes communities, when appointing Nyayadhikaris.
- A Nyayadhikari shall not hear cases or preside over the proceedings of a case in which he has any interest, either in terms of the outcome of the dispute, or through being related in any manner to any of the parties to the dispute.
- In such cases, the Nyayadhikari can refer the case to either the District Court (in civil cases) or the Sessions Court (in criminal matters), for transfer of the case to any other Gram Nyayalaya.
- As it is a mobile court, the Nyayadhikari is required to periodically visit the various villages within her/his jurisdiction and conduct the cases at places that are close to the residences of the parties to the dispute or near a place where the incident giving rise to the cause of action arose.
- The territorial jurisdiction of a Gram Nyayalaya shall extend to the entire area of the intermediate Panchayat where it is established.
- A Gram Nyayalaya shall try criminal cases, civil suits, claims or disputes which are specified in the First Schedule and the Second Schedule of the Act.
- The Act will have an overriding effect in matters of procedure, which means that the Code of Civil Procedure and the Code of Criminal Procedure.
- They will apply only in such matters that are not specified in the Act. The Indian Evidence Act, 1872 will not apply to proceedings before a Gram Nyayalaya.
- Sections 33 & 34 specify the judgements/orders against which an appeal can be preferred in criminal & civil cases respectively.
- An appeal from a judgment of a Gram Nyayalaya in criminal cases will lie to the Court of Sessions & an

appeal from a judgement in specified civil cases will lie to the District Court.

- Schedule I lists the cases on the criminal side that come within the jurisdiction of the Gram Nyayalaya, while Schedule II lists cases on the civil side that fall within its jurisdiction.
- The Union & State Govts have the power to amend both the schedule only after getting approval for such amendments from the Parliament or concerned State Legislature.
- Civil Disputes: a) right to purchase of property; b) use of common pasture; c) regulation and timing of taking water from irrigation channel.
- Property Disputes: a) village and farm houses (possession); b) water channels; c) right to draw water from a well or tube well.
- Other Disputes: a) claims under the Payment of Wages Act, 1936; b) claims under the Minimum Wages Act, 1948; c) money suits either arising from trade transaction or money lending; d) disputes arising out of the partnership in cultivation of land; e) disputes as to the use of forest produce by inhabitants of Gram Panchayats.

PROCEDURE OF FILING CASES

- A person can institute a suit, claim or dispute in a Gram Nyayalaya by submitting a written application to the Nyayalaya.
- The plaintiff may annex any documentary evidence to the application in support of her/his claims.
- Then the Gram Nyayalaya shall issue summons accompanied by a copy of the application to the opposite party to appear & answer the claim by such date as mentioned in the summons.
- In cases where there is no need to record any evidence, the Gram Nyayalaya may after hearing all parties, close the case for orders and pronounce the judgment, either immediately or within 15 days.
- The judgment must be pronounced in an open court and must contain a brief record of the facts, the evidence on record, the contentions of all the parties, the decision therein
- A Gram Nyayalaya is required to conduct the proceedings in a case, as far as practical, on a day-to-day basis until conclusion and no adjournments are to be allowed.
- However, in the interests of justice, the Gram Nyayalaya has the power to adjourn matters beyond the following day after recording the reasons for doing so.
- An adjournment for arriving at a mutually agreeable settlement may be granted.
- The Gram Nyayalayas are required to dispose off the cases filed before them, within a maximum of six months from the date of filing.
- The judgment & order passed by a Gram Nyayalaya shall be deemed to be a decree & a summary procedure shall be followed for its execution in order to avoid delay.

- In order to simplify execution procedures and to reduce the time, a Gram Nyayalaya will not be bound by the elaborate provisions of the CPC and will be guided by the principles of natural justice.
- The Act lays emphasises on the possibility of conciliation or settlement of cases and confers a duty on Gram Nyayalayas to make efforts in this regard.
- Where any proceeding is adjourned for purposes of arriving at a settlement, the Gram Nyayalaya has the power to refer the matter to one or more Conciliators for effecting a settlement between the parties.
- The Conciliators referred to shall be drawn from a panel consisting of names of village level social workers having integrity and possessing such qualifications and experience prescribed by the High Court.

THE COVERAGE TO CRIMINAL CASES

- Cases of a criminal nature that fall within the jurisdiction of Gram Nyayalayas can be under the Indian Penal Code (Part I, First Schedule), or other legislations specified in the Act (Part II, First Schedule), or any offences specified under State Acts as notified by a State Government [Section 14 (3)].
- Gram Nyayalaya can take cognizance of an offence on a complaint or on a police report.

WHICH CRIMINAL CASES ?

- Offences under the Indian Penal Code, 1860
 - i) offences not punishable with death, imprisonment for life or imprisonment for a term exceeding two years;
 - ii) theft (Sections 379, 380 or 381) where the value of the property stolen does not exceed rupees twenty thousand;
 - iii) receiving or retaining stolen property (Section 411) where the value of the property does not exceed rupees twenty thousand;
 - iv) assisting in the concealment or disposal of stolen property (Section 414) where the value of such property does not exceed rupees twenty thousand;
- Any offence under any of the following Acts in respect of which a complaint may be made:
 - i) Cattle-trespass Act, 1871 (under Section 20);
 - ii) Payment of Wages Act, 1936;
 - iii) Minimum Wages Act, 1948,
 - iv) Protection of Civil Rights Act, 1955,
 - v) Chapter IX of the Code of Criminal Procedure, 1973 for an order for maintenance of wives, children and parents;
 - vi) Bonded Labour System (Abolition) Act, 1976;
 - vii) Equal Remuneration Act, 1976;
 - viii) Protection of Women from Domestic Violence Act, 2005
- A Gram Nyayalaya, shall be deemed to be a Court of Judicial Magistrate of the first class and shall follow a summary procedure in criminal trials.

- The procedure for summary trials is provided in Chapter XXI of the CrPC (Sections 262 to 265).
- However, under the CrPC, a sentence of more than three months' imprisonment can not be passed if a conviction is based on a summary trial [Section 262 (2)]. This limitation does not apply to a Gram Nyayalaya.
- Speedy disposal of justice at minimum cost to the public is the objective of the institution.
- The Gram Nyayalaya will function from the block panchayat hall and make legal help available to people at the block panchayat level.
- The rural court would intervene in public issues, and that it was a forum to make justice available at the local level
- These institutions are the logical next step in the decentralisation effort, which will provide access to justice to citizens at the grassroots level
- The Act makes the judicial process participatory and decentralised because it allows appointment of local social activists and lawyers as mediators/conciliators
- To make the judiciary responsive to local socio-economic situation, it prescribes representation from scheduled castes and scheduled tribes.
- Appeals in civil cases will have to be disposed of in six months.
- As per the Standing Parliamentary Committee, setting up court infrastructure requires Rs 1 crore and the recurring cost is not less than Rs 10 lakh per court a year.
- The committee report also states that there is a need for a separate cadre for this level of judiciary.
- Apart from finance and political will, lack of coordination between high courts and state governments has also delayed setting up of gram nyayalaya.
- Sometimes a state government wants to implement the Act, but the concerned high court is reluctant due to lack of manpower.
- The high courts have put a precondition. The state government should first ensure basic infrastructure
- High courts are against the idea of mobile courts, the key feature of this Act.
- They believe the idea of mobility can erode the sanctity of formal justice system, and sitting at one place is the only authoritative way of imparting justice
- The cost of accessing these formal systems is also considerable, as these systems are complex and require the service of a lawyer even for cases involving smaller stakes or lesser punishment.
- Gram Nyayalayas are not populist bodies (as they are presided over by state appointed judges and not Panchayat elected members), and this reduces the risk of a Gram Nyayalaya being manipulated by pressures of a Panchayat.
- The appointment of a Nyayadhikari by the State Government runs the risk of being affected by nepotism and corruption as no objective criteria is provided for the appointment.
- Problem of filling up vacancies: The Government seeks to introduce new 5067 odd courts at the grass root level. This is an important step in decentralising the justice delivery system and in promoting expeditious adjudication and resolution of disputes.
- Overlapping jurisdiction: The Act states that a Gram Nyayalaya shall be the lowest court of subordinate judiciary in a state.
- According to the CrPC, the Court of a Magistrate of the Second Class is the lowest court.
- Both courts have jurisdiction over cases where punishment does not exceed imprisonment for a year.

LIMITATIONS

- The courts are held only once or twice a month. In some areas, the frequency is even worse.
- Implementation of the Act, which has been left to the states, has been dismal across the country.
- Establishing courts at each one of the 260,000 gram panchayats would involve huge expenditure by state governments.
- It was decided that gram nyayalayas would have jurisdiction over more than one panchayat.
- There could be three gram nyayalayas in one block, with different numbers of panchayats under each nyayalaya.
- The funds are not adequate to constitute a gram nyayalaya but subordinate judiciary is a state subject
- The Centre has been assisting states by bearing the non-recurring cost.
- The Centre had decided to provide Rs 18 lakh per court to meet non-recurring infrastructural expenditure.
- It had also estimated that the states would have to bear a recurring cost of Rs 6.4 lakh per court every year.