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Lok Adalat as an Instrument of Providing Speedy Justice: An Analysis

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ABSTRACT

“Justice delayed is justice denied” was said by William Edward Gladstone. This legal maxim is the fundamental principle of any legal system anywhere in the world. It implies the importance of prompt legal justice which is barely necessary in any society or state. In a country like India, which is so overpopulated, providing legal justice at the right time is really challenging for its current available legal structure. So the need for providing free and speedy justice has always been there. Therefore, to provide speedy justice smoothly, the mechanism of “Lok Adalat” has been established under the “Legal Services Authority Act 1987.” As per the Constitution article 39(a) in the Directive Principle of State Policy, the constitution directs the state to provide “Equal Justice and Free Legal Aid,” and also according to article 21, “The right to a free legal trial” and “the right to a speedy trial” are the fundamental rights of the citizens of this country. So the main goal of this organisation is to provide equitable, speedy, and cost-effective justice. It is an innovative alternative dispute resolution mechanism with the potential to provide “Equal Social Justice,” as mentioned in the Constitution. However, due to a lack of resources and well-trained personnel, this mechanism has recently encountered some difficulties. As previously stated, “justice delayed is justice denied,” but there is also a maxim that

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“justice hurried is justice buried,” so we must exercise caution here as well. According to records, the National Lok Adalat on August 13, 2022, resolved 10851553 cases. During COVID 19, the Legal Service Authorities innovatively leveraged technology and introduced E-Lok Adalat, wherein affected parties could get their matter resolved without physically visiting the venue of the Adalat. In this paper, I shall try to explore how Lok Adalat is really providing speedy justice to the resolve the societal disputes and giving the opportunity to the common people to stay in safest state.

Keywords: Lok Adalat, Justice, Constitution of India, Directive Principles of State Policy, Legal Services Authority etc.

Introduction

The institution of Lok Adalat represents a significant Indian innovation within the realm of jurisprudence, aimed at safeguarding the populace’s right to free and expeditious legal justice, in accordance with constitutional directives. The term ‘LOK’ translates to ‘the people,’ while ‘ADALAT’ refers to ‘court of law.’ The fundamental principles underlying this mechanism are not novel to India; they can be traced back to the Vedic era. Historically, a similar system of private dispute resolution has been employed in India, engaging community members in addressing grievances. The people’s courts of that period were referred to by various designations, including ‘KULA COURT,’ ‘SRENI COURT,’ and ‘GANA COURT.’ The ancient practice of resolving disputes through mediation and negotiation has been institutionalized within the philosophy of Lok Adalat. However, in contemporary times, these processes have been modernized under the Legal Services Authorities Act of 1987.

Theoretical Framework

The theoretical framework delineates a systematic approach to examining the function of Lok Adalat in the provision of expedited justice within West Bengal. This framework encompasses pertinent theories and concepts that inform the research methodology and analytical processes. The Indian judiciary has been contending with significant challenges related to case backlog and delays in the administration of justice. In response to these issues, the establishment of Lok Adalats has been introduced as a potential solution. This theoretical framework investigates the contribution of Lok Adalats to the acceleration of justice

delivery, specifically within the context of West Bengal. The framework synthesizes various theoretical perspectives to facilitate a thorough understanding of the topic at hand.

Legal Pluralism Theory:

The primary proponent of this theory is Brian Z. Tamanaha, who posits that legal systems are not uniform but consist of various, intersecting legal orders. In the Indian context, this theory recognizes the simultaneous existence of formal legal institutions, such as courts and tribunals, alongside informal mechanisms like Lok Adalats. Analyzing legal pluralism is crucial for evaluating the efficacy of Lok Adalats in delivering prompt justice in West Bengal.

Access to Justice Theory:

The Access to Justice Theory, as articulated by Mauro Cappelletti and Bryant Garth, underscores the necessity of providing equitable access to legal remedies for all individuals, irrespective of their socio-economic background. This theoretical framework is particularly pertinent for analyzing the function of Lok Adalats in meeting the justice requirements of marginalized communities in West Bengal. By investigating the degree to which Lok Adalats facilitate access to justice, this framework can evaluate their effectiveness in delivering prompt justice.

Review of Literature

1. Khan (2006) explores the evolution and effectiveness of Lok Adalats as an alternative dispute resolution mechanism, highlighting their role in reducing case pendency. 2. Chand (2016) provides a comprehensive analysis of their legal framework and operational challenges. 3. The *Constitution of India* (1950) emphasizes access to justice through Article 39A. 4. Singh (2019) critically examines alternative dispute resolution (ADR) methods, comparing Lok Adalats with arbitration and mediation. 5. The Law Commission of India (2017) discusses judicial reforms and the need to strengthen ADR systems. 6. Sharma (2021) assesses the impact of Lok Adalats on legal aid and access to justice. 7. The *Legal Services Authorities Act* (1987) serves as the foundational statute for the establishment and functioning of Lok Adalats. 8. The *NALSA Annual Report* (2023) provides recent data on case disposal and implementation effectiveness, offering insights into their performance.

Indian Judicial System and Delivery of Justice

Constitution of India is the principle source and guiding force of Indian judiciary. The Indian constitution is designed to uphold justice, rule of law and democracy and also protecting the fundamental rights of its citizens. Indian judiciary is empowered by the constitution of India .Its framework its proceeding is guided by the spirit of the constitution. Right from the beginning the supreme court and the high courts has influenced the several national governments to implementscountry's national policies. (Chand, 20216).

It is a challenging job for the judiciary to deliver justice to its 1.5 billion people of the country. But still our judicial mechanism is on a hunt to reach the goal of the constitution to provide free legal aid and speedy trial as mentioned in the constitution. Former Chief justice of India Dr. A.S. Anand famously said “While the judiciary was striving a balance between dignity of the individual and the unity of the nation, it was noticed that the weaker section of the Indian humanity had been deprived of justice for long years: they had no access to justice on account of their poverty, ignorance and illiteracy. They were not aware of the rights and benefits conferred upon them by the constitution and other beneficial legislations. On account their socially and economically disadvantaged position they lacked the capacity to assert their rights. Access to justice to protect their fundamental rights was almost illusory for such sections of Indian Humanity. The judiciary rose to meet the challenge and regarded it as its duty to come to rescue of the underprivileged to help them to reap the benefits of economic and social entitlement”. (Anand, 2000).

Indian judiciary played an important role in providing legal aid as mentioned in the DPSP in the Indian constitution but also institutionalize the modern statutory Lok Adalat. Indian Judiciary not only established Lok Adalat but also spreading it in every parts of the country. To ensure speedy justice to its citizens.

Role of Judiciary in the Delivery of Justice

The Indian judiciary has a fundamental role in ensuring justice is delivered fairly and impartially. **Judicial independence** is a cornerstone of the Indian judicial system, with judges having protection against arbitrary removal. This independence ensures that justice is not influenced by political or governmental pressures. Additionally, the judiciary's role has expanded beyond merely resolving disputes. Landmark judgments, such as **Vishaka v. State of Rajasthan** (1997),

have established crucial rights and frameworks for social justice, such as guidelines to prevent sexual harassment at workplaces (**Vishaka v. State of Rajasthan**, 1997).

The Indian judiciary is recognized for its proactive engagement in public interest litigation (PIL), enabling citizens to seek judicial intervention for matters impacting the public, regardless of their direct involvement in the case. PIL has been instrumental in expanding the reach of justice, addressing environmental concerns, human rights violations, and the protection of marginalized communities.

Structure of Indian Judiciary

The judicial system of India has undergone significant evolution over the course of several centuries, shaped by a multitude of legal traditions, including those derived from Hindu, Muslim, and British legal systems. The contemporary judicial framework was largely established during the period of British colonial governance, marked by the implementation of the Indian Penal Code in 1860 and the Code of Criminal Procedure in 1861. Following India's independence, the Constitution of India, which was enacted in 1950, emerged as the paramount legal authority, serving as the foundation for the operation of the judiciary.

Structure and Functions

Supreme Court:

The Supreme Court, located in New Delhi, serves as the highest judicial authority in India. It is composed of the Chief Justice of India and a maximum of 34 additional judges. The Supreme Court is responsible for adjudicating appeals from lower courts and possesses the authority of judicial review to ensure that legislation aligns with constitutional provisions.

High Courts:

Each state and union territory is served by its own High Court, which holds jurisdiction over civil, criminal, and constitutional matters. High Courts also oversee the functioning of lower courts within their respective jurisdictions. District and Subordinate Courts: These courts serve as the initial forum for the majority of legal cases. They encompass District Courts, which are presided over by District Judges, as well as various subordinate courts, including Magistrate Courts and Sessions Courts.

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Noteworthy Judgments

The Indian judiciary has delivered landmark judgments that have shaped the nation's legal landscape. Some notable cases include:

- **Kesavananda Bharati v. State of Kerala (1973):** This case established the “basic structure” doctrine, ensuring certain constitutional principles cannot be amended by the legislature.
- **Vishaka v. State of Rajasthan (1997):** This judgment laid down guidelines to address sexual harassment at the workplace.
- **Navtej Singh Johar v. Union of India (2018):** The Supreme Court decriminalized consensual same-sex relations, affirming the right to equality and non-discrimination.

Why Lok Adalat is considered as an Alternative for Speedy Justice

In a huge populated country like India where formal judicial courts are overloaded with so much backlog cases with a total number of 4,62,99,413 cases out of this 1,09,63,861 cases are civil cases and 3,53,35,552 cases are criminal cases as of 1st March, 2025 (https://njdg.ecourts.gov.in/njdg_v3/). we can say that the access to justice for all its citizens its became a very tough today. Formal judicial system had failed to provide the access to justice to its people especially the marginalized sections. On the other hand the systems like arbitration and conciliation also failed to achieve the goal. Law commission observed “if professionalized model of justice delivery thus can't be extended to meet the legal needs of the Indian Masses, it becomes incumbent to consider alternative”. So here comes the system of Lok Adalat- the Indigenous juristic model of the country. This has been formed to sought to be done through people's participation in administration of justice.

What is Lok Adalat

Lok Adalat serves as a forum that facilitates the voluntary resolution of disputes, despite the absence of a standardized or statutory definition

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of the term. It is increasingly recognized as an informal, voluntary agency for social dispute resolution, engaging both the public and altruistic legal professionals. The informal nature of Lok Adalat distinguishes it from traditional judicial processes, as it operates outside the formal court system and employs conciliatory mechanisms devoid of the rigid formalities characteristic of conventional justice systems. Participants retain control over the proceedings, possessing the autonomy to agree or disagree on various issues, thereby exercising their right to resolve disputes independently. While Lok Adalat may exhibit certain attributes reminiscent of a court, it is not codified within any formal legal framework. Rather, it is a platform established by the community, involving interested parties such as social activists, legal experts, and conscientious individuals from diverse backgrounds, who collaboratively engage in voluntary efforts to achieve amicable resolutions through conciliatory and persuasive means.

Lok Adalat can be characterized as a para-judicial institution that has emerged from the community itself. Unlike formally established courts, Lok Adalats serve to complement rather than replace the existing judicial system. A significant feature of Lok Adalat is its ability to deliver swift and cost-effective justice directly to the people. This institution arose from the understanding that even if state-sponsored legal aid programs were capable of providing assistance to every indigent individual, they would not adequately address the broader issues faced by the economically disadvantaged in accessing justice. Individuals from lower socio-economic backgrounds often lack the endurance required for protracted litigation and cannot anticipate equitable treatment throughout the intricate and technical legal processes. Furthermore, even those who are not in the financial straits may find it more advantageous to utilize informal mechanisms for dispute resolution when available. In essence, the phenomenon of Lok Adalat reflects a sense of frustration and disillusionment among both the impoverished and the middle class regarding the current functioning of the court system(Khan,2006).

Functioning of Lok Adalat

Lok Adalat serves as a crucial component of India's alternative dispute resolution framework, aimed at facilitating the swift resolution of disputes in a manner that is both cost-effective and informal. Established under the Legal Services Authorities Act of 1987, Lok Adalats have played a significant role in alleviating the caseload of

formal courts while enhancing access to justice, particularly for economically disadvantaged individuals. This system promotes the resolution of conflicts through conciliation and compromise, as opposed to traditional litigation.

Composition of Lok Adalat

The composition of Lok Adalats is contingent upon the specific nature and magnitude of the dispute; however, it typically encompasses the following members:

Presiding Officer: The presiding officer is generally a retired judge, a senior advocate, or a qualified legal professional. This individual is responsible for ensuring that the proceedings are conducted with impartiality, affording both parties an equitable opportunity to present their respective cases. The presiding officer's role is to facilitate the process towards a fair and amicable resolution, actively encouraging both parties to resolve their dispute through mutual agreement.

Additional Members: Lok Adalats also include other members, which may consist of legal aid attorneys, social workers, or subject matter experts. These individuals serve a supportive function in facilitating discussions between the disputing parties and providing guidance on legal or technical issues. They assist in elucidating the law for the parties involved, thereby enabling them to make informed decisions.

Secretary of the District Legal Services Authority (DLSA): In certain instances, the Secretary of the District Legal Services Authority is engaged to assist with administrative duties and to provide logistical support, thereby ensuring the efficient operation of the proceedings.

The composition of Lok Adalats is deliberately designed to be straightforward and informal, fostering a non-confrontational atmosphere. The focus is on dialogue and mutual consent, which allows the parties to arrive at a voluntary agreement without the pressures and formalities typically associated with conventional court settings (**Legal Services Authorities Act, 1987**, Government of India).

Study of Lok Adalat in West Bengal

The establishment of Lok Adalat in West Bengal occurred significantly later than in other Indian states. Until 1996, West Bengal

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was regarded as a nascent participant in the Lok Adalat movement. During this period, the state hosted a limited number of Lok Adalat sessions. Specifically, by March 1996, while numerous Lok Adalat events were being conducted in other states, benefiting millions of individuals, West Bengal had only organized 39 Lok Adalat sessions under the auspices of the state legal aid and advisory board, resulting in approximately 2,400 individuals receiving resolutions through this conciliatory mechanism. The inception of Lok Adalat in the state was primarily focused on motor accident compensation claims. By March 1996, a total compensation amounting to Rs. 59,147,700 had been awarded in relation to motor accident claims. Additionally, a variety of cases from other categories were also resolved. The inaugural Lok Adalat was conducted by the West Bengal Legal Services Authority on December 14 and 15, 1991, during which 58 cases were settled, resulting in a total award of Rs. 1 crore and 9 lakh. Among these cases, 15 pertained to commercial disputes, 33 were related to insurance claims, four involved matrimonial issues, and six concerned electricity matters. (Khan, 2006).

Present Scenario

In West Bengal, Lok Adalats are convened by the State Legal Services Authority (SLSA) in partnership with district legal services authorities (DLSAs), the judiciary, and legal aid volunteers. These alternative dispute resolution forums address a range of case types, including civil matters, family disputes, motor vehicle accident claims, consumer grievances, and compoundable criminal offenses. Lok Adalats facilitate an informal environment in which parties can amicably resolve their disputes through mutual agreement, thereby circumventing the lengthy and costly litigation procedures typically associated with conventional court systems.

Performance Impact

The Annual Report of the National Legal Services Authority (NALSA) for the year 2023 indicates a notable increase in the resolution of cases through Lok Adalats in West Bengal over recent years. Between 2017 and 2023, the state has experienced a marked enhancement in the resolution of both pre-litigation and pending cases.

In 2022, Lok Adalats in West Bengal collectively resolved over 200,000 cases, with more than 90% of these cases pertaining to monetary disputes, particularly those related to loan recovery and consumer grievances. These statistics underscore the state's

commitment to optimizing judicial processes and enhancing access to justice for the general populace. NALSA's data reveals that West Bengal consistently ranks among the leading states in the nation regarding the volume of cases resolved through Lok Adalats.

The issue of case backlog in traditional courts remains a pressing concern in West Bengal. The West Bengal Judicial Academy reports that approximately 50-60% of civil and family disputes are effectively redirected to Lok Adalats, thereby alleviating the burden on conventional courts. By facilitating the resolution of cases that can be settled outside the formal judicial framework, Lok Adalats have significantly contributed to reducing court congestion.

Financially, Lok Adalats offer substantial benefits to litigants, as there are no court fees involved, thus relieving parties from the financial strain associated with protracted court proceedings. Furthermore, cases are typically resolved within a single day, enhancing the efficiency of the process. The cost-effectiveness of this alternative dispute resolution mechanism has attracted many individuals who may otherwise lack the means to pursue legal action.

NALSA has prioritized the enhancement of public awareness regarding Lok Adalats, and West Bengal has actively engaged in campaigns aimed at educating citizens about the benefits of resolving disputes through this forum. The successful provision of justice without significant delays in both urban and rural settings has bolstered public confidence in the efficacy of Lok Adalats [National Legal Services Authority (NALSA), **Annual Report 2023**].

Concluding Remarks

Lok Adalats have made a substantial impact on the Indian legal system by offering an alternative mechanism for dispute resolution. They facilitate the prompt administration of justice, alleviate case backlog, and provide a more accessible and cost-effective option for litigants, particularly those from marginalized communities. Nevertheless, certain limitations persist within this framework. A primary concern is that Lok Adalats predominantly rely on compromise-based settlements, which may inadvertently coerce weaker parties into accepting inequitable terms (Singh, 2019). Furthermore, since the decisions rendered by Lok Adalats are binding only when both parties reach an agreement, there exists the potential for unresolved cases to revert to conventional courts, thereby failing to alleviate the judicial burden (Law Commission of India, 2017). Another significant challenge

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is the restricted jurisdiction of Lok Adalats, as they are not equipped to address serious criminal cases or disputes necessitating comprehensive evidence examination. Additionally, while the informal nature of proceedings can be advantageous in certain contexts, it may also lead to procedural inconsistencies and a lack of adequate legal representation (Sharma, 2021). Despite these challenges, Lok Adalats continue to play a vital role in India's alternative dispute resolution framework. Enhancing legal aid awareness and broadening the scope of these institutions could further improve their efficacy in delivering justice.

REFERENCES

1. Chand, H. K. (2016). *Lok Adalat in India: Genesis, law, practice, and prospects*. Satyam Law International.
2. Government of India. (1950). Constitution of India.
3. Government of India. (1987). *The Legal Services Authorities Act, 1987*.
4. Khan, S. A. (2006). *Lok Adalat: An effective alternative dispute resolution mechanism*. APH Publishing Corporation.
5. Law Commission of India. (2017). *Report on Judicial Reforms and Alternative Dispute Resolution Mechanisms*.
6. National Legal Services Authority. (2023). *NALSA annual report, 2023*. Government of India.
7. Sharma, P. (2021). *Legal Aid and Access to Justice: Evaluating Lok Adalat's Role*. Cambridge University Press.
8. Singh, R. (2019). *Alternative Dispute Resolution in India: A Critical Analysis*. Oxford University Press.
9. https://njdg.ecourts.gov.in/njdg_v3/ Retrieved on March 01, 2025.
10. <https://wbslsa.bangla.gov.in/> Retrieved on March 01, 2025.
11. <https://doj.gov.in/access-to-justice-for-the-marginalized/> Retrieved on February 28, 2025.