



Speed overrides quality for Lok Adalats

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(Mains GS 2 : Statutory, regulatory and various quasi-judicial bodies.)

Context:

- Recently, the first National Lok Adalat (NLA) of 2021 will be held on April 10.
- As of now, Lok Adalats have been functioning for 38 years, but their performance is not efficient.
- Justice delayed is justice denied. Access to justice for the poor is a constitutional mandate to ensure fair treatment under our legal system.
- Hence, Lok Adalats (literally, 'People's Court') were established to make justice accessible and affordable to all.

Brief history of lok adalat:

- 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.
- Towards fulfilling the Preamble promise of securing to all the citizens, Justice – social, economic and political, The Constitution (42nd Amendment) Act, 1976, inserted Article 39A to ensure “equal justice and free legal aid”.
- Articles 14 and 22(1) of the Constitution also make it obligatory for the State to ensure equality before law.
- To this end, the Legal Services Authorities Act, 1987, was enacted by Parliament
- It came into force in 1995 “to provide free and competent legal services to weaker sections of the society”
- And to “organise Lok Adalats to secure that the operation of the legal system promotes justice on a basis of equal opportunity”.

About lok Adalat:

- NALSA along with other Legal Services Institutions conducts Lok Adalats.
- 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.
- Under the said Act, 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 of the Lok Adalat though there is no provision for an appeal against such an award, but they are free to initiate litigation by approaching the court of appropriate jurisdiction by filing a case by following the required procedure, in exercise of their right to litigate.
- There is no court fee payable when a matter is filed in a Lok Adalat.
- If a matter pending in the court of law is referred to the Lok Adalat and is settled subsequently, the court fee originally paid in the court on the complaints/petition is also refunded back to the parties.

A dispute resolution avenue:

- As an alternative dispute resolution tool, Lok Adalats are regularly organised to help parties reach a compromise.
- 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
- The State Legal Services Authorities (SLSAs) have been organising Lok Adalats on a daily, fortnightly and monthly basis.
- Data from the National Legal Services Authority (NALSA) show that Lok Adalats organised across the country from 2016 to 2020 disposed of 52,46,415 cases.
- Similarly, National Lok Adalats (NLAs) organised under the aegis of NALSA settle a huge number of cases across the country in a single day.
- For instance, NLAs conducted on February 8, 2020, disposed of 11,99,575 cases.
- From 2016 to 2020, NLAs have disposed of a total of 2,93,19,675 cases.

Huge backlog of cases:

- The Indian judicial system is often lambasted, perhaps justifiably, for its endemic delays and excessive backlogs.
- As per the National Judicial Data Grid, 16.9% of all cases in district and taluka courts are three to five years old; for High Courts, 20.4% of all cases are five to 10 years old, and over 17% are 10-20 years old.
- Furthermore, over 66,000 cases are pending before the Supreme Court, over 57 lakh cases before various HCs, and over 3 crore cases are pending before various district and subordinate courts.
- Justice V.V.S. Rao, former judge of the Andhra Pradesh High Court, calculated a few years ago that it will take around 320 years to clear the existing backlog of cases.

Lok Adalats ensures quick disposal of cases:

- Due to huge pendency of cases in courts, litigants are forced to approach Lok Adalats mainly because it is a party-driven process, allowing them to reach an amicable settlement.
- When compared to litigation, and even other dispute resolution devices, such as arbitration and mediation, Lok Adalats offer parties speed of settlement.
- Lok Adalats also disposed of the cases in a single day with 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.
- Lok Adalats are economically affordable, as there are no court fees for placing matters before the Lok Adalat.
- Awards given by Lok Adalats are final, 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.

Lok Adalat system shows mixed results:

- As per data from NALSA, subject matter-specific NLAs were organised in 2015 and 2016 on a monthly basis.
- Therefore, each NLA dealt with a specific type of dispute on a single day, each month.
- However, from 2017, this practice was discontinued. Thereafter, each NLA has been handling all types of cases on a single day.
- This was done to reduce the costs of organising the NLAs, and more importantly, to allow parties more negotiation time.
- But this, in turn, led to a significant drop in the number of cases settled.
- In 2015 and 2016, ten NLAs were held each year that disposed of 1,83,09,401 and 1,04,98,453 cases respectively.
- In 2017 and 2018, the number of NLAs dropped to five, with 54,05,867 and 58,79,691 cases settled respectively.
- In 2019, four NLAs were organised, and they disposed of 52,93,273 cases.
- In 2015, the average number of cases settled per NLA was 18,30,940, which came down to 10,81,174 in 2017, but rose to 11,75,939 in 2018, and 13,23,319 cases in 2019.
- This throws up questions about the efficiency of NLAs.
- The data show that the average number of cases disposed of per NLA since 2017 has gone up even when the number of NLAs organised each year has reduced.
- This proves that on average, the system is certainly efficient.

Challenges posed by the COVID-19 pandemic:

- To overcome the challenges posed by the COVID-19 pandemic, e-Lok Adalats were organised at both national and State level.
- However, the first national e-Lok Adalat was conducted both physically and virtually using videoconferencing tools, and it disposed of 10,42,816 cases.
- But this was less than the average of settled cases in 2017, 2018, and 2019.

- This suggests that the performance of the NeLA was less efficient than physical National Lok Adalats organised in 2017, 2018, and 2019.
- Justice D.Y. Chandrachud, who chairs the SC's e-Committee, recently published the draft of phase three of the e-Courts project.
- Once implemented, it may prove to be a game-changer in improving the efficiency of the adjudicatory process.

Conciliatory role of Lok Adalats:

- Besides efficiency and speed, Lok Adalats both online and offline should focus on the quality of justice delivered.
- The Supreme Court, in *State of Punjab vs Jalour Singh (2008)*, held that a Lok Adalat is purely conciliatory and it has no adjudicatory or judicial function.
- As compromise is its central idea, there is a concern, and perhaps a valid one, that in the endeavour for speedy disposal of cases, it undermines the idea of justice.
- In a majority of cases, litigants are pitted against entities with deep pockets, 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, 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 under a romanticised view of marriage.
- Even a disaster like the Bhopal gas tragedy was coercively settled for a paltry sum, with real justice still eluding thousands of victims.

Conclusion:

- A just outcome of a legal process is far more important than expeditious disposal.
- Thus, some concrete and innovative steps like e-court projects are needed to improve the quality of justice rendered by National Lok Adalats.