

## FOR LOK ADALATS, SPEED OVERRIDES QUALITY

Relevant for: Indian Polity | Topic: Judiciary in India: its Structure, Organization & Functioning, Judges of SC & High Courts, Judgments and related Issues

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. It was a forum to address the problems of crowded case dockets outside the formal adjudicatory system.

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 have they performed efficiently? Do they empower the poor or coerce them to accept unjust compromises? Do they trade justice off for high settlement numbers and speed, ignoring the old dictum that justice hurried is justice buried? Have we tailored a dual system of justice dispensation, where the formal legal system, i.e., the court, is meant only for the rich and powerful, as was recently stated by former Chief Justice of India Ranjan Gogoi? These questions are worth consideration.

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 Parliament and 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".

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.

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.

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. When compared to litigation, and even other dispute resolution devices, such as arbitration and mediation, Lok Adalats offer parties speed of settlement, as cases are disposed of in a single day; 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; economic affordability, as there are no court fees for placing matters before the Lok Adalat; 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.

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.

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.

However, 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.

A just outcome of a legal process is far more important than expeditious disposal. With Justice N.V. Ramana's elevation as the new Chief Justice of India, it is hoped that he would take some concrete and innovative steps in improving the quality of justice rendered by National Lok Adalats.

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To reassure Indian Muslims, the PM needs to state that the govt. will not conduct an exercise like NRC

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