LEGAL SERVICES AUTHORITY ACT 1987
&
LOK ADALAT



INDEX

Chapter 1……. Introduction

Chapter 2 …… Legal Services Authority Act, 1987

Chapter 3 …… Practical Aspects of Legal Services Authority

Chapter 4 ……Lok Adalat: Legal and Procedural Framework

Chapter 5 …… Safeguards to be Taken While Disposing Cases Through Lok Adalat

Chapter 6 …… Judicial Approach and Precautions to be taken while preparing Lok Adalat Awards

Chapter 7 …… Challenges and Suggestions

CHAPTERISATION

Chapter 1 – Introduction

- Meaning of Legal Aid
- Evolution of Legal Aid in India
- Constitutional mandate under Article 39A
- Access to Justice as a Fundamental Right

Constitutional Provisions

- Article 14
- Article 21
- Article 39A

Relevant case:

- Hussainara Khatoon v. State of Bihar

Chapter 2 – Legal Services Authority Act, 1987

Discussion:

- Object and purpose of the Act
- Definitions
- Organizational structure

Hierarchy:

NALSA

↓

State Legal Services Authority

↓

District Legal Services Authority

↓

Taluk Legal Services Committee

Important Sections:

- Section 3 – NALSA
- Section 6 – State Authority
- Section 9 – District Authority
- Section 12 – Persons entitled to free legal aid
- Section 19–22 – Lok Adalats
- Section 22B onwards – Permanent Lok Adalats

Chapter 3 – Practical Aspects of Legal Services Authority

Discussion

- Legal awareness camps
- Free legal aid clinics
- Prison legal aid clinics
- Victim compensation schemes
- Women and child assistance
- Role of Para Legal Volunteers / Panel advocates
- Legal Aid Defence System
- Digital legal aid initiatives
- E-Lok Adalat

Chapter 4 – Lok Adalat: Legal and Procedural Framework

Explain:

- Meaning and nature
- **Types of Lok Adalat:**
    - National Lok Adalat
    - Permanent Lok Adalat
    - Mobile Lok Adalat
    - Mega Lok Adalat
    - Special Lok Adalats (subject-wise)

Jurisdiction:

- Civil disputes
- Compoundable criminal cases
- Pre-litigation matters

No jurisdiction:

- Non-compoundable offences
- Divorce cases

Under Section 20, compromise and settlement are essential conditions for disposal through Lok Adalat.

MOST IMPORTANT CHAPTER

Chapter 5 – Safeguards to be Taken While Disposing Cases Through Lok Adalat

There should be a critical study on safeguards such as:

1. Voluntary Consent

2. Proper Hearing Opportunity

3. Protection Against Fraud or Misrepresentation

4. Legal Representation

5. Judicial Scrutiny

6. Protection of Weaker Parties

Extra caution in:

- matrimonial disputes,
- labour disputes,
- accident compensation,
- illiterate litigants,
- economically weaker persons.

---

7. Transparency in Proceedings

8. Avoidance of Mechanical Disposal

Lok Adalat should not become a “target-based disposal system.”

Quality of justice must prevail over quantity of settlements.

Chapter 6 – Judicial Approach and Case Laws

Functions of District Legal services Authority

District Legal Services Authority perform the following functions:

1. Provide legal aid at District level.
2. Organize Lok Adalats.
3. Conduct legal awareness programs.
4. Coordinate legal aid clinics.
5. Assist weaker sections in obtaining legal remedies.
6. Supervise Taluk Legal Services Committees.

District Authority play a direct role in implementing legal aid at grassroots level.

Chapter 7 – Challenges and Suggestions

Challenges

Suggestions

Conclusion

Conclude that:

- Lok Adalat is an effective ADR mechanism,
- it promotes speedy and affordable justice,
- but safeguards are essential to maintain fairness and public confidence.

“Speedy justice should never become hurried justice; fairness and voluntariness must remain the soul of Lok Adalat proceedings.”

@@@@@@

CHAPTER – I

CONCEPT OF LEGAL AID AND ACCESS TO JUSTICE IN INDIA

1.1 Introduction

The administration of justice is one of the primary functions of a democratic welfare State. Justice, however, cannot be meaningful unless it is accessible to all sections of society irrespective of their economic, social, or educational status. In a country like India, where a considerable portion of the population belongs to economically weaker and socially disadvantaged groups, equal access to justice becomes an essential prerequisite for the realization of constitutional ideals. The concept of legal aid emerged as a response to this necessity, ensuring that poverty, illiteracy, or social backwardness do not become barriers in obtaining justice.

Legal aid is not merely a matter of charity or social welfare; rather, it is a constitutional and human rights obligation. It seeks to provide free and competent legal services to those who are unable to afford legal representation and to promote equal opportunities before the law. The idea of legal aid is closely associated with the principles of fairness, equality, and rule of law, which form the foundation of the Indian constitutional system.

The Indian legal system recognizes that justice should not remain confined to the privileged classes. The incorporation of Article 39A into the Constitution through the 42nd Constitutional Amendment reflects the State's commitment toward ensuring equal justice and free legal aid. In furtherance of this constitutional mandate, the Legal Services Authority Act, 1987 was enacted to institutionalize legal aid programs and establish institutions for implementing legal services across the country.

1.2 Meaning and Concept of Legal Aid

The term "**legal aid**" refers to the provision of legal assistance to persons who are unable to afford legal representation due to financial or social constraints. Legal aid aims to ensure that the legal system functions fairly and equally for all citizens. It seeks to remove economic and social barriers that prevent individuals from approaching courts or defending their legal rights. Legal aid is therefore an important component of the concept of "access to justice."

According to **Justice P.N. Bhagwati**, legal aid means:

"**Providing legal assistance to the poor and weaker sections of society to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities."**

Legal aid includes:

- Free legal representation by advocates,
- Legal counselling and advice,
- Payment of court and process fees,
- Assistance in obtaining certified copies and legal documents,
- Legal awareness programs,
- Alternative dispute resolution services such as Lok Adalat.

The concept of legal aid is based upon the following principles:

1. Equality before law,
2. Rule of law,
3. Fair trial,
4. Social justice,
5. Protection of fundamental rights.

Thus, legal aid acts as a bridge between law and society by enabling vulnerable individuals to effectively access the judicial remedies.

1.3 Evolution of Legal Aid in India

The idea of legal aid developed gradually in India through judicial activism, constitutional developments, and governmental initiatives.

(A) Pre-Independence Period

During the British period, the legal system largely benefited economically privileged classes. Poor litigants had very limited access to legal remedies because of expensive court procedures and lack of legal representation. Though certain provincial efforts existed, there was no organized legal aid system.

(B) Post-Independence Developments

After independence, India adopted the Constitution based on the ideals of justice, liberty, equality, and dignity. The need for legal aid gained importance because a large segment of society remained poor, illiterate, and socially disadvantaged.

Several committees emphasized the necessity of legal aid:

- Justice Bhagwati Committee,
- Krishna Iyer Committee,
- Law Commission Reports.

These committees recommended:

- State-sponsored legal aid,
- Legal literacy programs,
- Simplification of court procedures,
- Promotion of alternative dispute resolution.

(C) Constitutional Recognition

The most significant development came with the insertion of Article **39A** by the 42nd Constitutional Amendment Act, 1976. Article 39A directs the State to ensure equal justice and free legal aid to weaker sections.

This constitutional recognition transformed legal aid from a welfare measure into a constitutional obligation.

(D) Enactment of the Legal Services Authority Act, 1987

To implement Article 39A effectively, Parliament enacted the Legal Services Authority Act, 1987. The Act established a nationwide institutional mechanism for providing free legal services and promoting alternative dispute resolution through Lok Adalat.

The Act came into force in 1995 and led to the establishment of:

- National Legal Services Authority (NALSA),
- State Legal Services Authority,
- District Legal Services Authority,
- Taluk Legal Services Committees.

1.4 Constitutional Basis of Legal Aid

The Indian Constitution strongly supports the principle of equal justice and legal assistance.

(A) Article 14 – Equality Before Law

Article 14 guarantees equality before law and equal protection of laws. This provision ensures that justice should be equally accessible to rich and poor alike. "**ధనికులయిన , పేదలయిన, న్యాయం పొందే హక్కు అందరికీ సమానంగా ఉంటుంది.**"

(B) Article 21 – Right to Life and Personal Liberty

Article 21 guarantees the right to life and personal liberty except according to procedure established by law. Judicial interpretation has expanded Article 21 to include:

- Right to fair trial,
- Right to speedy trial,
- Right to legal representation,
- Access to justice.

The Supreme Court has repeatedly held that free legal aid is an essential component of fair procedure under Article 21.

(C) Article 39A – Equal Justice and Free Legal Aid

Article 39A provides:

"The State shall secure that the operation of the legal system promotes justice on a basis of equal opportunity and shall, in particular, provide free legal aid…". This Article forms the constitutional foundation of the legal aid system in India.

The objectives of Article 39A include:

- Equal access to justice,
- Elimination of economic barriers,
- Protection of weaker sections,
- Promotion of social justice.

Though it is a part of the Directive Principles of State Policy, yet, Article 39A has acquired immense importance through judicial interpretation.

1.5 Access to Justice as a Fundamental Right

Access to justice means, the ability of individuals to seek and obtain remedies through formal or informal institutions of justice. It includes:

- Access to courts,
- Legal representation,
- Fair procedure,
- Speedy justice,
- Affordable justice.

The Supreme Court has recognized access to justice as an essential part of fundamental rights.

Important components of access to justice are:

1. Awareness of rights,
2. Availability of legal institutions,
3. Affordability of legal remedies,
4. Fair and speedy adjudication,
5. Effective enforcement of rights.

Therefore, legal aid and Lok Adalat systems play a vital role in democratizing justice.

1.6 Judicial Approach Towards Legal Aid

The Indian judiciary has played a proactive role in strengthening legal aid jurisprudence.

(A) Hussainara Khatoon v. Home Secretary State of Bihar (1979) is a landmark Judgment of the Honourable Supreme Court of India ruling that established the **right to a speedy trial** and the **right to free legal aid** as fundamental human rights under Article 21 of the Constitution. The case is a cornerstone of the Indian legal system for several reason. The Court emphasized that poor accused persons cannot be denied justice due to inability to afford legal representation.

FACTS OF CASE:

This case is originated from an investigative news article published in the Indian Express. The reporter exposed the reality of thousands of under trial prisoners including men,

women and children where remaining in Bihar Jails for years. Many prisoners spent more time in prison as under trails than maximum sentence they have received.

Most of the detainees were from impoverished backgrounds and they remained imprisoned because they could not afford a lawyer or pay for bail bonds. By this revelation ADVOCATE KAPIL HINGORANI filed a writ petition of habeas corpus in Supreme Court on behalf of the above said prisoners.

SC JUDGMENT:

The Court held that a speedy trial is an integral part of the right to personal liberty. The Court also held that providing free legal representation to poor accused is not state's charity, but a mandatory under Article 21 and directive principles of Article39A.

JUSTICE BHAGWATI , pointed out that a bail system based on wealth or property creates deep inequality , punishing individuals for their poverty .

The Court ordered that poor under trial accused of minor offenses should be released on their personal bonds.

IMPACTS and OUTCOMES:

Several under trial prisoners across India were released. It allows the public spirited citizens and lawyers to file cases on behalf of marginalized individuals who cannot reach the court for themselves.

(B) Khatri v. State of Bihar(1981) 1 SCC 627

The Honourable Supreme Court ruled that the State is constitutionally bound to provide free legal aid to indigent accused persons. The Court further stated that the obligation arises not only during trial but also from the stage when the accused is first produced before the magistrate.

FACTS OF CASE: The incident came to light through newspaper reports and public outrage. Petitions were filed before the Supreme Court under Article 32 of the Constitution alleging violation of fundamental rights under Articles 21 and 22.

The case, popularly known as the **Bhagalpur Blinding Case**, arose from a shocking incident of police brutality in Bhagalpur, Bihar, during 1979–1980.

Several under trial prisoners lodged in Bhagalpur Central Jail were brutally blinded by police officials. It was alleged that the police poured acid and other corrosive substances into the eyes of the prisoners, causing permanent loss of eyesight. Most of the victims were poor and illiterate persons who were facing criminal charges but had not yet been convicted by any court.

ISSUES RAISED: It was further alleged that:

1. The prisoners were not provided proper legal representation.
2. They were not informed about their right to free legal aid.
3. Magistrates failed to provide legal assistance when the accused were produced before them.
4. The prisoners suffered inhuman and custodial torture while in police custody.

JUDGMENT:

The Supreme Court reaffirmed and expanded on *Hussainara Khatoon*, ruling that the State has a constitutional obligation under **Article 21 of the Indian Constitution** to provide free legal services to an indigent accused.

The Court held that:

1. **Free Legal Aid is a Fundamental Right**

2**. Duty of the State to Provide Legal Aid**

The State cannot avoid this obligation on the ground of:

- financial difficulties,
- administrative inconvenience,
- or lack of resources.

3**. Legal Aid Must Be Provided at the Earliest Stage**

It must be provided:

- when the accused is first produced before the Magistrate,
- during remand proceedings,
- and throughout criminal proceedings.

4**. Duty of Magistrates**

The Court held that Magistrates and Sessions Judges must inform the accused persons about their right to free legal aid. The Court stated that poor and illiterate persons may not know their legal rights; therefore, judges have a duty to explain these rights.

5**. Fair Procedure Under Article 21**

The Court emphasized that procedure established by law under Article 21 must be:

- fair, just, and reasonable.

Any procedure denying legal assistance to indigent accused persons would violate Article 21 of the Constitution.

6**. Strengthening Prisoners' Rights**

The case highlighted the need to protect:

- undertrial prisoners,
- human dignity,
- and constitutional rights against custodial abuse.

It became an important precedent in prisoners' rights jurisprudence.

7**. Foundation for Legal Aid System in India**

The judgment significantly influenced the development of organized legal aid mechanisms in India and later supported the implementation of the Legal Services Authority Act, 1987.

(C) Suk Das v. Union Territory of Arunachal Pradesh (1986) 2 SCC 401

The Court held that failure to provide free legal aid to an accused person vitiates the trial because it violates Article 21. The judgment highlighted that legal aid is a constitutional right and not merely a governmental privilege.

FACTS OF CASE: The appellant, Suk Das, along with other accused persons, was charged under Sections 506 and 34 of the Indian Penal Code for allegedly threatening a government official to cancel transfer orders. The trial was conducted before the Additional Deputy Commissioner in Arunachal Pradesh. Suk Das was extremely poor

and unable to afford legal representation. He was not represented by any advocate during the trial. Because of the absence of legal assistance:

- he could not properly cross-examine prosecution witnesses,
- he was unable to effectively defend himself,
- and he was not informed about his right to free legal aid.

The trial court convicted him and sentenced him to imprisonment. The High Court upheld the conviction on the ground that Suk Das had not applied for free legal aid.

The matter was then appealed before the Supreme Court.

Judgment

The Supreme Court held that:

- free legal aid is a fundamental right implicit under Article 21,
- fair trial cannot exist without legal representation,
- and the State has a constitutional duty to provide free legal assistance to indigent accused persons.
- legal aid cannot depend upon an application by the accused,
- poor and illiterate persons may not know their rights,
- therefore, judges and magistrates must inform accused persons about their right to free legal aid.

The Supreme Court set aside the conviction because the accused was not provided legal assistance and was not informed of his constitutional rights. The Supreme Court firmly held that **free legal aid is a fundamental right** implicit under Article 21 of the Constitution of India.

The judgment expanded the scope of Article 21 by interpreting "p**rocedure established by law**" as: **fair, just, and reasonable.** A criminal trial conducted without providing legal assistance to an indigent accused was held to violate constitutional protections.

This outcome reinforced the importance of procedural fairness in criminal trials.

The Court further held that: free legal aid should not depend upon a formal request by the accused. If the accused is poor or unable to engage an advocate, the court must proactively provide legal assistance.

Influence on Legal Aid Jurisprudence

The decision became an important precedent for:

- legal aid jurisprudence,
- prisoners' rights,
- and implementation of welfare-oriented legal systems.

It later supported the objectives of the Legal Services Authority Act, 1987.

1.7 Importance of Legal Aid in a Welfare State

Legal aid performs several important functions in society:

(A) Protection of Fundamental Rights
(B) Promotion of Social Justice
(C) Reduction of Exploitation
(D) Strengthening Rule of Law
(E) Speedy Resolution of Disputes

Through Lok Adalats and ADR mechanisms, disputes are resolved efficiently.

1.8 Conclusion Legal aid has become an indispensable element of the Indian justice delivery system. The constitutional vision embodied in Articles 14, 21, and 39A emphasizes that access to justice is not merely a legal ideal but a fundamental necessity for preserving human dignity and equality.

The enactment of the Legal Services Authority Act, 1987 marked a significant step toward institutionalizing free legal aid and promoting alternative dispute resolution mechanisms such as Lok Adalat. Judicial decisions have further strengthened the concept by recognizing legal aid and fair trial as an essential components of fundamental rights.

CHAPTER II

LEGAL SERVICES AUTHORITy ACT, 1987

2.1 Introduction

The administration of justice forms one of the most important functions of a democratic welfare State. However, justice can become meaningful only when it is accessible to all individuals irrespective of their economic or social condition. In India, a large section of society faces financial and social barriers in accessing courts and legal remedies. To remove these barriers and to ensure equal justice, Parliament enacted the Legal Services Authority Act, 1987.

"The Legal Services Authority Act, 1987" [received the assent of the President on 11-10-1987 and came into force with effect from 9.11.1995].

The Act was enacted to implement the constitutional mandate contained in Article 39A of the Constitution of India, which directs the State to provide free legal aid and ensure equal justice to all citizens. The Act provides a statutory framework for organizing legal aid programs and establishing Institutions at national, state, district, and taluk levels to provide free and competent legal services to weaker sections of society.

The Act also institutionalized the system of Lok Adalat as an alternative dispute resolution mechanism for promoting speedy, inexpensive, and amicable settlement of disputes. Through the establishment of Lok Adalats, the Act aims to reduce judicial backlog and encourage settlement through conciliation and compromise.

The Legal Services Authoritys Act, 1987 is therefore a landmark legislation that promotes social justice, equal access to justice, and democratic participation in the legal system.

2.2 Objectives of the Legal Services Authority Act, 1987

The primary objectives of the Act are as follows:

(A) To Provide Free Legal Aid

The Act aims to provide free and competent legal services to economically weaker and socially disadvantaged sections of society so that justice is not denied due to poverty or disability.

(B) To Ensure Equal Access to Justice

The Act seeks to implement the constitutional principle of equality before law by ensuring equal opportunities for all persons to approach courts and legal institutions.

(C) To Organize Lok Adalats

One of the major objectives of the Act is to promote settlement of disputes through Lok Adalats and alternative dispute resolution mechanisms.

(D) To Reduce Judicial Pendency

By encouraging compromise and amicable settlement, the Act helps in reducing the burden on courts and ensuring speedy disposal of disputes.

(E) To Promote Legal Awareness

The Act also aims to spread legal literacy and awareness among citizens regarding their rights and remedies.

2.3 Salient Features of the Act

The important features of the Legal Services Authority Act, 1987 are:

1. Establishment of legal services authorities at different levels.
2. Provision of free legal services to eligible persons.
3. Organization of Lok Adalats.
4. Recognition of Lok Adalat awards as civil court decrees.
5. Promotion of alternative dispute resolution.
6. Establishment of Permanent Lok Adalats for public utility services.
7. Legal awareness and legal literacy programs.
8. Simplified and inexpensive dispute resolution mechanism.

2.4 Organizational Structure Under the Act

The Act establishes a hierarchical structure of legal services institutions for effective implementation of legal aid programs.

Hierarchy of Legal Services Authority

National Legal Services Authority (NALSA)
(Supreme Court Legal Services Committee)
↓
State Legal Services Authority (SLSA)
↓

(High Court Legal Services Committee)

District Legal Services Authority (DLSA)

↓

Taluk Legal Services Committee (TLSC)

2.5 National Legal Services Authority (NALSA)

Establishment

- The National Legal Services Authority is established under **Section 3** of the Act.
- The Patron-in-Chief of NALSA is the Chief Justice of India.

Functions of NALSA

1. Formulates policies and principles for legal aid.
2. Frames effective legal aid schemes.
3. Coordinates and monitors State Legal Services Authorities.
4. Organizes legal awareness and legal literacy programs.
5. Promotes alternative dispute resolution mechanisms.
6. Conducts Lok Adalats at national level.
7. Undertakes social justice and welfare activities.

NALSA plays a crucial role in strengthening access to justice and implementing welfare-oriented legal programs.

2.6 State Legal Services Authority

Establishment

State Legal Services Authorities are established under **Section 6** of the Act in every State.

The Patron-in-Chief of the State Authority is the Chief Justice of the High Court.

Functions

1. Implementing policies and directions of NALSA.
2. Providing free legal services within the State.
3. Organizing Lok Adalats.
4. Conducting legal literacy camps.
5. Promoting legal awareness among weaker sections.

6. Coordinating district-level legal services activities.

State Authority act as an important link between NALSA and district authorities.

2.7 District Legal Services Authority

Establishment

District Legal Services Authorities are constituted under **Section 9** of the Act for every district. The District Judge acts as the Chairman of the District Authority.

Functions

The District Legal Services Authority's perform the following functions:

1. Provide legal aid at district level.
2. Organize Lok Adalats.
3. Conduct legal awareness programs.
4. Coordinate legal aid clinics.
5. Assist weaker sections in obtaining legal remedies.
6. Supervise Taluk Legal Services Committees.

District Authority plays a direct role in implementing legal aid at grassroots level.

2.8 Taluk Legal Services Committees

Taluk Legal Services Committees are established under **Section 11A** of the Act at taluk or mandal level. They function under the supervision of District Legal Services Authority's.

Functions

1. Organizing Lok Adalats at taluk level.
2. Conducting legal literacy camps.
3. Assisting rural and weaker sections.
4. Providing legal counselling.
5. Promoting legal awareness in villages and local communities.

These committees help in decentralizing legal aid and increasing accessibility in rural areas.

2.9 Persons Entitled to Free Legal Services

Section 12 of the Act specifies certain categories of persons eligible for free legal services.

The following persons are entitled to legal aid:

1. Members of Scheduled Castes and Scheduled Tribes.
2. Women and children.

3. Victims of trafficking or begar.
4. Persons with disability.
5. Industrial workmen.
6. Persons in custody.
7. Victims of mass disaster, violence, flood, drought, or industrial disaster.
8. Persons whose annual income is below the prescribed limit.

The objective is to ensure that economically and socially vulnerable persons are not deprived of justice.

2.10 Lok Adalat Under the Act

The Act provides statutory recognition to Lok Adalat under **Sections 19 to 22.**

Lok Adalat functions as a conciliatory forum where disputes are settled through compromise and mutual agreement.

Jurisdiction of Lok Adalat

Lok Adalat can deal with:

- Civil cases,
- Compoundable criminal cases,
- Pre-litigation disputes.

However, non-compoundable criminal offences cannot be decided by Lok Adalat.

Nature of Lok Adalat Award

The award passed by Lok Adalat:

1. Is deemed to be a decree of civil court.
2. Is final and binding on parties.
3. Cannot ordinarily be appealed against.
4. Is enforceable like a court decree.

The finality of the award encourages speedy settlement and avoids prolonged litigation.

2.11 Permanent Lok Adalat

Sections 22A to 22E provide for establishment of Permanent Lok Adalats for disputes relating to public utility services such as:

- transport services,
- postal services,
- telegraph,
- electricity,
- water supply,
- sanitation,
- insurance services.

Permanent Lok Adalats first attempt conciliation. If conciliation fails, they may decide the dispute on merits subject to statutory limitations. This system strengthens public access to essential services and reduces litigation burden.

2.12 Importance of the Legal Services Authority Act, 1987

The Act has great significance in the Indian legal system for several reasons:

(A) Promotion of Social Justice

(B) Access to Justice

(C) Speedy Disposal of Cases

(D) Reduction of Court Burden

E) Legal Awareness

- **Current Lok Adalat Structure and Types**
- **Composition (As per Legal Services Authority Act, 1987):**

Level	**Composition**
State Authority	Chair: Sitting judge; Members: Advocate + social worker
High Court Committee	Chair: Sitting High Court Judge; Members: Advocate + social worker
District Authority	Chair: Sessions Judge; Members: Advocate + social worker

Level	Composition
Taluk Committee	Chair: Taluk Judge; Members: Advocate + social worker

2.14 Conclusion

The Legal Services Authority Act, 1987 represents a significant milestone in the development of legal aid and access to justice in India. By establishing institutional mechanisms for providing free legal services and organizing Lok Adalat, the Act has contributed substantially toward realization of constitutional goals of equality, social justice, and fair legal representation. At the same time, effective implementation, proper infrastructure, awareness programs, and procedural safeguards are essential for ensuring that the objectives of the Act are fully achieved in practice.

Thus, the Legal Services AuthoritY Act, 1987 continues to play a vital role in strengthening democratic governance, promoting social welfare, and ensuring equal justice under the law.

CHAPTER III

PRACTICAL ASPECTS OF LEGAL SERVICES INSTITUTIONS

3.1 Introduction

The establishment of legal services institutions under the Legal Services Authority Act, 1987 marked a significant step toward ensuring equal access to justice in India. While the legal framework provides the statutory foundation for free legal aid and alternative dispute resolution, the true effectiveness of the system depends upon its practical implementation.

In practical terms, the activities of legal service institutions extend beyond courtrooms and include legal literacy camps, prison legal aid, victim compensation assistance, legal counselling, mediation, and digital legal services. These practical initiatives are aimed at making justice affordable, accessible, and efficient for the common people.

3.2 Role of Legal Services Institutions in Society

Legal Services Institutions perform a multidimensional role in society. Their practical importance lies in ensuring that legal rights become meaningful realities rather than merely constitutional promises.

The practical functions include:

1. Providing free legal aid,
2. Organizing legal awareness programs,
3. Conducting Lok Adalats,
4. Assisting weaker sections,
5. Providing victim compensation support,
6. Promoting alternative dispute resolution,
7. Ensuring access to justice in rural areas.

Through these activities, Legal Services Institutions contribute toward social justice and welfare administration.

3.3 Legal Awareness and Legal Literacy Programs

One of the most important practical functions of Legal Services Institutions is the promotion of legal literacy and awareness.

Many citizens, particularly in rural and economically weaker sections, are unaware of:

- their constitutional rights,
- legal remedies,
- government welfare schemes,
- and available legal aid services.

To address this issue, Legal Services Institutions regularly organize:

- legal awareness camps,
- seminars,
- workshops,
- street plays,
- village-level meetings,
- school and college awareness programs.

Special awareness campaigns are often conducted regarding:

- women's rights,
- child rights,
- domestic violence laws,
- labour rights,
- consumer protection,
- cyber crime awareness,
- and environmental protection.

Legal literacy strengthens democratic participation and empowers vulnerable groups.

3.4 Legal Aid Clinics

Legal aid clinics are practical mechanisms established for providing legal assistance at the grassroots level.

These clinics are commonly established in:!

- villages,
- educational institutions,

- law colleges,
- panchayat offices,
- prisons,
- and community centers.

The objectives of legal aid clinics include:

1. Providing free legal advice,
2. Assisting in drafting legal applications,
3. Guiding citizens regarding legal remedies,
4. Referring disputes for mediation or Lok Adalat,
5. Creating legal awareness in local communities.

Law students, advocates, para legal volunteers, and social workers often participate in legal aid clinics. Legal aid clinics are especially important in rural areas where access to advocates and courts may be limited.

3.5 Prison Legal Aid

Many prisoners and under trial accused persons belong to economically weaker sections and are unable to engage advocates. Legal Services Authority provides:

- free legal representation,
- legal counselling,
- bail assistance,
- and legal awareness inside prisons.

Legal aid lawyers regularly visit prisons to interact with inmates and identify deserving cases. The Supreme Court in various cases has emphasized that denial of legal aid to prisoners violates Article 21 of the Constitution.

3.6 Role of Para Legal Volunteers

Para Legal Volunteers (PLVs) play a vital practical role in connecting Legal Services Institutions with local communities. PLVs are trained volunteers who assist citizens in understanding and accessing legal services.

Their functions include:

1. Spreading legal awareness,
2. Assisting weaker sections,
3. Helping victims approach legal institutions,
4. Facilitating settlement of minor disputes,
5. Assisting in legal aid camps and Lok Adalats,
6. Providing guidance regarding government schemes.

They act as an important link between society and legal institutions.

3.7 Victim Compensation and Welfare Assistance

Legal Services Institutions also assist victims of crime and disasters in obtaining compensation and rehabilitation support. Victim compensation schemes are designed to provide financial assistance to:

- victims of crime,
- victims of acid attacks,
- rape survivors,
- dependents of deceased victims,
- and victims of disasters.
- Women and child victims

Legal Services Institutions assist victims in:

1. Filing applications,
2. Collecting documents,
3. Approaching appropriate authorities,
4. Obtaining compensation and rehabilitation benefits.

This practical role promotes restorative justice and social welfare.

3.8 Lok Adalat and Alternative Dispute Resolution

The organization of Lok Adalat is one of the most significant practical functions of Legal Services Institutions. Lok Adalats provide an informal and conciliatory forum for settlement of disputes.

Types of disputes commonly settled include:

- motor accident claims,
- matrimonial disputes,
- cheque bounce cases,
- labour disputes,
- bank recovery cases,
- electricity and water disputes
- civil disputes .

Advantages of Lok Adalats

1. **Speedy justice**: Resolves disputes faster than traditional courts.
2. **Cost-effective**: No court or lawyer fees; previously paid court fees are refunded if case is settled.
3. **Reduces backlog**: Lightens the burden on the judiciary.
4. **Flexible procedures**: Not strictly bound by CPC or Indian Evidence Act rules, allowing customized dispute resolution.
5. **Accessible justice**: Especially beneficial to economically weaker sections who cannot afford protracted litigation.
6. **Social benefits**: Encourages mutual settlement, preserving relationships and promoting social harmony.
7. Judges and retired judicial officers preside, ensuring experienced oversight.

National Lok Adalats and Mega Lok Adalats dispose of lakhs of cases across the country periodically.

3.9 Digital Legal Services and E-Lok Adalat

Technological advancement has transformed the functioning of Legal Services Institutions.

Digital legal aid initiatives include:

- online legal aid applications,
- virtual counselling,

- online dispute resolution,
- digital awareness programs,
- e-Lok Adalat proceedings.

E-Lok Adalat became especially significant during the COVID-19 pandemic when physical court functioning was restricted.

Advantages of digital legal services include:

1. Greater accessibility,
2. Reduced travel and litigation cost,
3. Faster communication,
4. Improved efficiency,
5. Better access for rural and remote areas.

Digitalization has improved the practical effectiveness of legal aid institutions.

3.10 Conclusion

The practical role of Legal Service Institutions extends beyond legal representation and includes empowerment, awareness, social welfare, and protection of human rights. Their activities strengthen constitutional values of equality, dignity, and social justice.

CHAPTER IV

LOK ADALAT: LEGAL AND PROCEDURAL FRAMEWORK

4.1 Introduction

The increasing pendency of cases, delay in judicial proceedings, and high cost of litigation have created serious challenges for the Indian justice delivery system. In order to provide speedy, inexpensive, and accessible justice, alternative dispute resolution mechanisms have gained significant importance in India. Among these mechanisms, Lok Adalat has emerged as one of the most successful and effective methods for amicable settlement of disputes.

"Lok Adalat" means **'people Court'** and is a unique Indian mechanism for amicable dispute resolution through compromise. It is one of the components of Alternative Dispute Resolution System - This system is based on Gandhian Principle. Object behind Lok Adalat is to provide quick and conciliatory justice to people through alternative dispute resolution as a devise for expeditious and inexpensive justice.

- **. Ancient Roots: Nyaya Panchayats**

India's Lok Adalat system traces its **philosophical and structural origins** to the ancient **Nyaya Panchayats (NPs)**—informal village tribunals headed by elders.

These traditional bodies:

a) Operated based on **community customs and equity**, not codified law.

b) Emphasized **conciliation over confrontation**, often resolving disputes through dialogue and compromise.

c) Leveraged the **social standing and wisdom** of elders who understood the parties and the local context.

d) Enjoyed **voluntary compromise** and respect due to communal legitimacy.

- **. Modern Legal Aid Movement and the Role of Justice P.N. Bhagwati**

The **modern Lok Adalat movement** is rooted in the **post-independence legal aid discourse**.

Key milestones:

- **1949**: Justice Bhagwati's **Committee on Legal Aid and Legal Advice** declared that legal aid is a S**tate's responsibility** under **Article 14 & 22(1)** of the Constitution of India (right to equality & equal Protection of law).
- **1976**: The **Bhagwati Report** (Report on National Juridicare), authored by **Justice P.N. Bhagwati** and others, revolutionized legal access by:
    - Arguing that **poverty blocks legal access**.
    - Promoting **Public Interest Litigation (PIL)** as a tool for **social justice**.
    - Suggesting **non-adversarial dispute resolution**, including Lok Adalats, as part of **state-supported legal services**.
- Justice P.N. Bhagwati is widely regarded as the **Father of Lok Adalat** in India.

🔹 **. Influence of Field Experiments: The Rangpur Ashram Model**

Indian legal scholar Sri **Upendra Baxi** documented the informal dispute resolution experiments by **Harivallabh Parikh**, a Gandhian social worker in **Rangpur, Gujarat**:

He used **non-violent negotiation** and **community participation** to resolve intra-village disputes.

Cases were resolved by **dialogue between parties and elders**, with **final approval from the village assembly**.

This model **inspired Gujarat** to adopt state-supported Lok Adalats during legal aid conferences.

🔹 **Institutionalization and National Expansion**

- **1976 -** Constitutional Mandate: Article 39 A was added to the Indian Constitution by the 42nd Amendment directing the State to promote equal justice and free legal aid.
- **Early 1980s –** The first Lok Adalat was held in 1982 in Gujarat and its success led to similar ad-hoc lok Adalat "camps" in other States.

- **1986–1988**: Lok Adalats gained momentum nationally due to **judicial and political support** and the enactment of **Legal Services Authority Act 1987** providing statutory basis for Lok Adalats.

- **1995** - **Nationwide Institutionalization:-** On November 9, `1995, the 1987 Act was finally enacted, leading to the establishment of NALSA (with the Chief Justice of India as Pattern-in-chief).

- **2002 Amendment to the Legal Services Authority Act, 1987**:
    - Recognized **Permanent Lok Adalats (PLAs)** under **Section 22B of the Act**.
    - Allowed for **pre-litigation conciliation**, particularly in **public utility disputes**.
    - Gave PLAPUs the authority to **decide the disputes on merits** if conciliation failed—**a major shift** from earlier voluntary-only decisions.

- This amendment was aimed at addressing **delays** and **reducing the burden** on formal courts.

From, 2013 to 2015 National Lok Adalats became a regular quarterly event. This period also saw Mega Lok Adalats and specialized Lok Adalats.

- **2020 – Adoption of E-Lok Adalats:** The Covid-19 pandamic forced courts and ADR mechanisms to innovate.
- **2022** - Record Settlements: The Lok Adalat system achieved unprecedented numbers. (In 2022 more than one crore cases including **16.45 lakh pending cases settled in a single day.**

2024 - Continuation and New Heights : The trend of large – scale Lok Adalats continued for settlement of lakhs of pending cases on a single day. This effort held under the moto "**Resolving disputes, restoring Harmony"** to reduce the burden on the Courts in India. The term "Lok Adalat" means "People's Court." It is based upon the principles of conciliation, compromise, and mutual settlement. Lok Adalat provides an informal forum where disputes are resolved peacefully without lengthy procedural complexities. The system aims to reduce the burden on courts while ensuring quick and cost-effective justice to litigants.

4.2 Concept of Lok Adalat

Lok Adalat is a forum where disputes are settled through compromise and conciliation with the assistance of judicial officers, advocates, and social workers. The philosophy behind Lok Adalat is based on:

1 Speedy justice,
2 Voluntary settlement,
3 Informal procedure,
4 Mutual compromise,
5 Social harmony.

Unlike regular courts, Lok Adalat does not follow strict procedural laws or technical rules of evidence. The primary objective is to encourage amicable settlement between parties.

4.3 Objectives of Lok Adalat

The main objectives of Lok Adalat are:

(A) Speedy Disposal of Cases

(B) Reduction of Court Pendency

(C) Affordable Justice

D) Amicable Settlement

(E) Access to Justice

4.4 Legal Framework of Lok Adalat

The statutory provisions relating to Lok Adalat are contained in the Legal Services Authority Act, 1987. Important provisions include:

Section	Subject
Section 19	Organization of Lok Adalat
Section 20	Cognizance of cases by Lok Adalat
Section 21	Award of Lok Adalat
Section 22	Powers of Lok Adalat
Sections 22A–22E	Permanent Lok Adalat

4.5 Organization of Lok Adalat

Under Section 19, Lok Adalats may be organized by:

- National Legal Services Authority,
- State Legal Services Authority,
- District Legal Services Authority,
- Taluk Legal Services Committee.

Lok Adalats are organized periodically at different levels for settlement of pending and pre-litigation disputes

4.6 Jurisdiction of Lok Adalat

Lok Adalat has jurisdiction over:

(A) **Pending Cases**

Cases pending before courts may be referred to Lok Adalat if:

- parties agree for settlement,
- or the court considers settlement appropriate.

(B) Pre-Litigation Matters

Disputes may be settled before institution of formal court proceedings. This helps in preventing unnecessary litigation.

(C) Nature of Cases

Lok Adalat can deal with:

a) Civil disputes, b) Matrimonial matters, c) Labour disputes, d) Motor accident claims, e) Cheque bounce cases, f) Compoundable criminal offences and g) Bank recovery cases h) Traffic challan cases.,

4.7 Types of Lok Adalat

Type	Description
1. National Lok Adalat	National Lok Adalat is conducted across the country on a single day for settlement of large numbers of cases.
2. Permanent Lok Adalat (PLA)	Created under **Section 22B**. Deals with **public utility services** like telecom, transport, postal services etc. Can **pass enforceable awards** even without party agreement (non-criminal matters)
3. Mobile Lok Adalat	Travels to **rural and remote regions** to promote access to justice
4. Special Lok Adalat	For disposal of special subject wise according to the convenience of the SLSA like NI Act cases, MACT cases etc.
5. Jail Lok Adalat	Recently introduced to provide **speedy justice to undertrials**; focuses on **plea bargaining and minor offenses**
6. **Mega Lok Adalat**	Mega Lok Adalats are organized at large scale for mass disposal of pending disputes.

- **Why Lok Adalat is Matter**

Feature	**Benefit**
Speedy justice	Cases are settled in one day or a few hours
Cost-effective	No court fees, no lengthy procedures
Accessible	Reaches marginalized populations including rural communities and prisoners
Finality	Awards are **binding and enforceable as civil decrees**
Conciliatory	Encourages **mutual understanding** and **social harmony** over punishment

4.8 Procedure Followed in Lok Adalat: The procedure in Lok Adalat is simple, informal, and flexible.

Step 1 – Reference of Case
A case may be referred:

- by consent of parties,
- by court recommendation,
- or through pre-litigation application.

Step 2 – Notice to Parties
Parties are informed regarding date and venue of Lok Adalat proceedings.

Step 3 – Conciliation Process
Members of Lok Adalat encourage parties to settle disputes amicably through discussion and negotiation.

Step 4 – Settlement

If parties reach settlement, terms are recorded in writing.

Step 5 – Passing of Award

Lok Adalat passes an award based on settlement terms. The award becomes final and binding.

4.9 Powers of Lok Adalat

Under Section 22, Lok Adalat has powers similar to civil courts regarding:

- summoning witnesses,
- receiving evidence,
- discovery of documents,
- requisitioning public records.

However, Lok Adalat mainly acts as a conciliatory body rather than an adjudicatory authority.

4.10 Nature and Effect of Lok Adalat Award

The award passed by Lok Adalat has special legal significance.

Characteristics of Award

1. It is deemed to be a decree of civil court.
2. It is final and binding upon parties.
3. No appeal ordinarily lies against the award.
4. Court fee paid is refundable in certain cases.

The finality of awards ensures speedy dispute resolution and prevents prolonged litigation.

4.11 Limitations of Lok Adalat

Despite its advantages, Lok Adalat has certain limitations.

(A) No Adjudicatory Power in Regular Lok Adalat
(B) Possibility of Forced Settlement
(C) Limited Jurisdiction
(D) Lack of Detailed Procedure

4.12 Importance of Procedural Fairness

The success of Lok Adalat depends upon:

- voluntariness,
- fairness,
- transparency,
- and equal bargaining power.

Without safeguards, speedy settlement may compromise substantive justice.

4.14 Judicial Approach Toward Lok Adalat

The judiciary has strongly supported the institution of Lok Adalat while emphasizing fairness and voluntariness.

In **State of Punjab v. Jalour Singh**, the Supreme Court held that Lok Adalat has no adjudicatory function and can only facilitate compromise or settlement between parties.

4.15 Conclusion

Lok Adalat has emerged as an effective and people-oriented mechanism for alternative dispute resolution in India. Through its simple, inexpensive, and conciliatory procedure, Lok Adalat promotes speedy settlement of disputes and reduces the burden on regular courts.

Therefore, Lok Adalat continues to serve as an important instrument for achieving social justice, legal empowerment, and peaceful resolution of disputes in the Indian legal system.

CHAPTER V

SAFEGUARDS TO BE TAKEN WHILE DISPOSING CASES THROUGH LOK ADALAT

5.1 Introduction

Lok Adalat has emerged as one of the most effective alternative dispute resolution mechanisms in India. It promotes speedy, inexpensive, and amicable settlement of disputes through conciliation and compromise.

However, despite its numerous advantages, certain concerns have arisen regarding the fairness and quality of settlements in some Lok Adalat proceedings. In many instances, excessive emphasis on disposal statistics and speedy settlement may result in hurried compromises, unequal bargaining power, inadequate legal counselling, or settlements obtained without genuine consent. Since Lok Adalat awards are final and binding with very limited scope for appeal, it becomes essential to ensure that settlements are fair, voluntary, transparent, and legally valid.

"**AWARD**":-

- Section 21 of Legal Services Authority Act 1987 (hereinafter referred to 'the Act') provides for the Award of Lok Adalat.

As per **Regulation 17 (1) of NALSA (LA**) Regulations 2009, **Award –** Drawing up of an Award is an administrative act by incorporating the terms of settlement or compromise agreed by the parties….

"**COMPROMISE":-**

Compromise means settlement of differences by mutual concessions. It is an agreement reached by adjustment of conflicting or opposing claims by reciprocal modification of demands. A compromise is always bilateral and means mutual adjustments.

SETTLEMENT is termination of legal proceedings by mutual consent.

(State of Punjab vs., Ganpat Raj , AIR 2006 SC 3089)

Scope and Meaning of Jurisdiction under Section 19(5)(ii)

Section 19(5)(ii) of the Act speaks of jurisdiction, generally, it cannot, therefore, be construed in a narrow sense to mean '**territorial jurisdiction**' only. The emphasis in Statute is upon jurisdiction of Lok Adakat with reference to Court for which it was organised and which in turn had jurisdiction to hear the matter and therefore the jurisdiction of such Lok Adalat for determining the case would with reference to the **subject matter jurisdiction of that Court** for which the Lok Adalat is conducted.

The above said **interpretation** was made in

6. ***Karuturi Satyanarayana v. K. Krishnaveni Durga Kumari***, 2011 (1) ALD 174 (DB), the Andhra Pradesh High Court
7. **Illustration from Case Law**: In the above case, the issue of guardianship was involved—a matter that, under Section 9 of the Guardians and Wards Act, lies within the jurisdiction of the **District Court**. Therefore, a **pre-litigation case involving guardianship** could not be validly referred to a **Lok Adalat organized for a Junior Civil Judge**. Such an award is without jurisdiction.
8. **Legal Consequence**: An **award passed by a Lok Adalat** that lacks the **requisite jurisdiction** (either territorial or subject-based) is liable to be **set aside**. Any **execution petition** based on such an award is **not maintainable**.

Lok Adalat Award

- **Legal Status:** The decision or "award" passed by a Lok Adalat holds the same authority as a decree issued by a civil court. This means the award is legally binding and enforceable just like any regular court judgment.
- **Enforceability:** Since the award is treated as a civil court decree, it can be executed through legal procedures. If any party fails to honour the settlement terms, the other party may file an execution petition in the civil court to enforce the award.
- **Limited Scope for Challenge:** Although Lok Adalat awards are final and not subject to appeal, they can be challenged in an exceptional situation through writ petitions under Articles 226 or 227 of the Constitution of India. Grounds for challenge include:
    -

- Fraud or misrepresentation in obtaining the award
- Absence of a genuine compromise between parties
- Failure to follow the prescribed procedure under Section 20 of the Legal Services AuthoritY Act.

It is essential to recognize that Lok Adalats aim to facilitate settlement between parties and **do not adjudicate on the merits** if no agreement is reached.

5.2 Need for Safeguards in Lok Adalat Proceedings

The need for safeguards arises because Lok Adalat proceedings are based upon compromise and mutual settlement rather than formal adjudication. While flexibility and informality are advantages of the system, lack of adequate procedural safeguards may occasionally lead to injustice.

I**mportant reasons for safeguards include**:

1. Protection against forced compromise,
2. Ensuring voluntary consent,
3. Prevention of exploitation of weaker parties,
4. Maintenance of transparency,
5. Protection of principles of natural justice,
6. Ensuring legality and fairness of settlements,
7. Preservation of public confidence in the justice delivery system.

Without safeguards, speedy justice may become hurried or unfair justice.

5.3 Voluntary Consent of Parties

The most important safeguard in Lok Adalat proceedings is the requirement of free and voluntary consent of parties.

Settlement must be based on:

- free will,
- mutual understanding,
- and genuine compromise.

No party should be:

- coerced,
- pressured,
- threatened,
- or misled into accepting settlement terms.

Therefore, conciliators and judicial officers must ensure that:

1. consent is voluntary,
2. parties fully understand settlement terms,
3. parties are mentally and legally capable of consenting.

5.4 Fair Opportunity of Hearing

Another important safeguard is providing both parties with a fair opportunity of hearing.

Before settlement:

- proper notice should be issued,
- parties should be allowed to explain their position,
- and sufficient opportunity should be provided for discussion.

No party should be denied the opportunity to:

- present facts,
- produce documents,
- seek clarification,
- or consult legal counsel.

5.5 Protection Against Fraud, Misrepresentation, and Undue Influence

Settlements should not be obtained through:

- fraud,
- false representation,

- manipulation,
- concealment of material facts,
- or undue influence.

Conciliators should carefully examine whether:

1. parties are acting voluntarily,
2. settlement terms are genuine,
3. there is any misuse of bargaining power.

Any settlement based upon fraud or misrepresentation defeats the purpose of justice.

5.6 Judicial Scrutiny of Terms of Settlement

Although Lok Adalat promotes informal settlement, judicial scrutiny remains necessary to ensure fairness and legality.

Settlement terms must be:

1. lawful,
2. reasonable,
3. fair,
4. not against public policy.

Conciliators and judicial officers should ensure that:

- settlements do not violate statutory provisions,
- rights of vulnerable parties are protected,
- compensation amounts are reasonable,
- and settlement terms are practically enforceable.

Mechanical approval of compromise without scrutiny may result in injustice.

5.7 Transparency in Lok Adalat Proceedings

Transparency is necessary for maintaining accountability and public confidence.

Important measures include:

1. Maintaining proper records,
2. Recording settlement terms clearly,
3. Ensuring signatures of parties,
4. Maintaining official documentation,

5. Preventing unauthorized interference.

Transparent proceedings reduce chances of:

- corruption,
- manipulation,
- and unfair settlements.

Transparency also ensures future enforceability of awards.

5.9 Avoidance of Mechanical and Target-Oriented Disposal

In recent years, concerns have been raised regarding excessive emphasis on disposal statistics in Lok Adalat proceedings.

Large-scale disposal drives sometimes create pressure for quick settlements.

This may lead to:

- hurried compromise,
- inadequate counselling,
- superficial settlements,
- and compromise without genuine consent.

Lok Adalat should never become merely a “case disposal mechanism.” Quality of justice must always prevail over quantity of settlements. This safeguard is crucial for preserving the credibility of Lok Adalat.

CASE LAW:

Dilip Mehta v. Rakesh Gupta & Ors. — [dated; 18.11.2025]

Facts of the Case

- A civil dispute between Dilip Mehta and Rakesh Gupta was settled before the Lok Adalat at Jabalpur, Madhya Pradesh.
- On **14 May 2022**, the Lok Adalat passed a **compromise award/decree** in R.C.S. No. 229-A of 2022 based on the settlement between the parties.
- Later, Dilip Mehta alleged that the compromise recorded before the Lok Adalat was not valid and challenged the award.
- Instead of directly getting relief from the High Court, objections were raised before the Executing Court during execution proceedings.

- The Madhya Pradesh High Court dismissed the writ petition, stating that since execution objections had already been filed, the petitioner should pursue that remedy.
- Aggrieved by this, Dilip Mehta approached the Honourable Supreme Court.

Main Legal Issue

Whether a Lok Adalat award can be challenged before:

1. an Executing Court/civil court, or
2. only through writ jurisdiction under Articles 226/227 of the Constitution.

Supreme Court Observation

The Hon'ble Supreme Court held that:

- Lok Adalat awards are final and binding under Section 21 of the Legal Services AuthoritY Act.
- Executing courts cannot reopen or invalidate such awards.
- The proper safeguard against illegal or unfair Lok Adalat awards is judicial review before the High Court under Articles 226/227.

2 Parminder Singh v. Honey Goyal (dated; 18.3.2025)— Facts of the Case

In this case, the appellant, Parminder Singh, met with a serious motor vehicle accident on **3 June 2014**. He was riding his motorcycle when a car coming from the opposite direction hit him. A criminal case was registered against the driver of the car.

At the time of the accident:

- Parminder Singh was **21 years old**.
- He was pursuing studies to become a veterinary doctor.
- He was also a volleyball player and had technical training in pig farming.

Due to the accident:

- He suffered grievous injuries resulting in **quadriplegia** (paralysis of all four limbs).
- Doctors declared him **100% permanently disabled**.

- He incurred substantial medical expenses for treatment.

The Motor Accident Claims Tribunal awarded compensation of about ₹5,16,000, which the appellant considered inadequate. He filed an appeal before the Punjab and Haryana High Court seeking enhancement of compensation. The High Court increased the compensation to ₹15,25,600, but the appellant still felt the amount was insufficient considering his permanent disability and future hardships.

Therefore, Parminder Singh approached the Supreme Court seeking further enhancement of compensation.

Issues Raised

1. Whether the compensation awarded to the appellant was just and reasonable?

The appellant argued that the compensation granted by the Tribunal and High Court was inadequate considering:

- 100% permanent disability,
- loss of future earning capacity,
- lifelong medical expenses,
- pain and suffering,
- and loss of normal life.

2. whether compensation should ensure dignified survival and future care of the victim.

3. Whether adequate compensation should be granted for future medical treatment, attendant charges, and loss of amenities of life?

Supreme Court Judgment The Honourable Supreme Court held that:

- compensation awarded by the lower courts was insufficient and not “just compensation” under the Motor Vehicles Act;
- courts must take a compassionate and realistic approach in cases of severe permanent disability;
- compensation should aim to restore dignity and provide financial security to the victim as far as possible.

The Court having observed that the appellant had become completely dependent on others for day-to-day activities and would require lifelong care and treatment, substantially enhanced the compensation under various heads including:

- future medical expenses,
- pain and suffering,
- attendant charges,
- loss of future prospects,
- and loss of amenities of life.

3. **State of Punjab v. Jalour Singh (AIR 2008 SUPREME COURT 1209)**

FACTS OF CASE:

The case arose from a **motor accident compensation dispute**.

- Amarjit Kaur died in a road accident involving a Punjab Roadways bus.
- Her husband and son filed a claim petition before the Motor Accident Claims Tribunal (MACT), Faridkot, seeking compensation of about ₹5 lakhs.
- The Tribunal awarded compensation of only ₹1,44,000.
- Dissatisfied with the amount, the claimants filed an appeal before the Punjab and Haryana High Court seeking enhancement of compensation.

During the pendency of the appeal:

- the matter was referred to a Lok Adalat organized by the High Court for settlement.
- On the date of hearing before the Lok Adalat, the actual parties were absent, though their lawyers were present.

The Lok Adalat:

- increased the compensation amount on its own,
- and passed an order directing payment of enhanced compensation.

The State of Punjab challenged this order before the Supreme Court, arguing that:

- the Lok Adalat exceeded its jurisdiction by deciding the matter on merits instead of facilitating a voluntary settlement.

Important Legal Issue

Whether a Lok Adalat has the power to decide a dispute on merits in the absence of a voluntary compromise between parties.

Supreme Court's Observation

- Lok Adalats are only conciliatory bodies,
- they cannot act like regular courts,
- and they cannot impose a decision without consent of parties.

This case became a landmark judgment on:

- voluntary consent,
- limits of Lok Adalat powers,
- and safeguards against improper disposal of cases through Lok Adalats.

4 Bhargavi Constructions v. Kothakapu Muthyam Reddy (dt. 7.9.2007);

The dispute arose from a **civil suit for specific performance of an agreement of sale relating to agricultural land** in Ranga Reddy District, Andhra Pradesh (now Telangana).

Facts

- In 2007, T. Jagat Singh filed a civil suit seeking specific performance of a sale agreement concerning about 51 acres of agricultural land. Initially, the suit was filed against a few defendants, but later several other persons claiming interest in the property were added as parties.
- During the pendency of the suit, the parties entered into a written compromise settlement. A joint compromise petition signed by the parties was placed before the Lok Adalat on 22 August 2007.
- The Lok Adalat accepted the compromise and passed an award under Section 21 of the Legal Services AuthoritY Act, 1987, thereby disposing of the suit.
- After about two years, some of the defendants filed a fresh civil suit challenging the Lok Adalat award. They alleged that:
    - the compromise was obtained by fraud and misrepresentation,

- they were misled regarding the settlement terms,

- the award unfairly affected their land rights.
- The defendants in the new suit argued that such a civil suit was not maintainable because a Lok Adalat award is final and binding, and any challenge could only be made through a writ petition under Articles 226 or 227 of the Constitution.
- The Trial Court rejected the plaint, but the High Court allowed the matter to proceed. Finally, the issue reached the Supreme Court.

Main Legal Issue

Whether a civil suit can be filed to challenge a Lok Adalat award on grounds of fraud, or whether the only remedy is a writ petition before the High Court.

Judgment of the Honourable Supreme Court

1. Lok Adalat Award is Final and Binding

2. Civil Suit is Not Maintainable

The Honourable Supreme Court ruled that:

- a separate civil suit challenging a Lok Adalat award is not maintainable,
- even if allegations of fraud or misrepresentation are raised.

The Court restored the Trial Court's order rejecting the plaint under Order VII Rule 11(d) CPC.

3. Only Remedy is Writ Petition The Court clarified that:

- if any party wants to challenge a Lok Adalat award, the proper remedy is to file a writ petition under Articles 226 or 227 of the Constitution before the High Court,
- and such challenge can be made only on limited grounds like fraud, coercion, or illegality.

5.11 Role of Legal Aid Lawyers and Conciliators

Legal aid lawyers and conciliators have an important responsibility in protecting fairness during Lok Adalat proceedings.

Their duties include:

1. Explaining legal consequences,
2. Ensuring voluntary consent,
3. Preventing unfair compromise,
4. Assisting weaker parties,
5. Promoting balanced settlement.

5.12 Judicial Approach Toward Safeguards

Indian courts have repeatedly emphasized that Lok Adalat functions as a conciliatory body and not as a coercive adjudicatory authority.

In State of Punjab v. Jalour Singh, the Supreme Court held that Lok Adalat can only facilitate compromise and has no adjudicatory function, while emphasizing **a) voluntary settlement, b) mutual agreement, and c) fairness in compromise**.

Judicial pronouncements highlight that:

- justice should not be sacrificed for speedy disposal,
- and procedural fairness remains essential.

5.13 Suggestions for Strengthening Safeguards

The following measures may strengthen fairness in Lok Adalat proceedings:

1. Better training of conciliators and legal aid lawyers.
2. Stronger monitoring mechanisms.
3. Greater legal awareness among litigants.
4. Digital recording and transparency of proceedings.
5. Special protection mechanisms for weaker sections.
6. Periodic review of settlement quality.
7. Strict prohibition against forced compromise.
8. Professional counselling before settlement.

These reforms would improve both efficiency and fairness.

5.16 Conclusion

Lok Adalat has become an important institution for promoting speedy, affordable, and amicable dispute resolution in India. Its contribution toward reducing judicial pendency and increasing access to justice is highly significant. Appropriate safeguards

are therefore essential to prevent coercion, unfair compromise, and mechanical disposal of disputes. Voluntary consent, legal counselling, judicial scrutiny, transparency, protection of weaker parties, and adherence to principles of natural justice must remain central to Lok Adalat proceedings.

CHAPTER VI

JUDICIAL APPROACH AND PRECAUTIONS TO BE TAKEN WHILE PREPARING LOK ADALAT AWARDS

6.1 Introduction

The Indian judiciary has played a vital role in strengthening the concept of legal aid, access to justice, and the functioning of Lok Adalat. Through various landmark judgments, the Supreme Court and High Courts have expanded the scope of constitutional rights relating to free legal aid, fair trial, speedy justice, and equal access to judicial remedies. Judicial interpretation has transformed legal aid from a welfare measure into a constitutional obligation flowing from Articles 14, 21, and 39A of the Constitution of India.

The judiciary has also clarified the legal status, powers, jurisdiction, and limitations of Lok Adalat under the Legal Services AuthoritY Act, 1987. Courts have consistently emphasized that Lok Adalat functions as a conciliatory body intended to facilitate voluntary settlement and not as a regular adjudicatory court. At the same time, the judiciary has highlighted the importance of fairness, voluntariness, and procedural safeguards in Lok Adalat proceedings.

6.2 Judicial Recognition of Legal Aid and Access to Justice

The Supreme Court has consistently held that legal aid and access to justice are integral components of fundamental rights guaranteed under the Constitution.

The judiciary has interpreted:

- Article 14 (Equality before Law),
- Article 21 (Right to Life and Personal Liberty),
- and Article 39A (Equal Justice and Free Legal Aid)

in a progressive and welfare-oriented manner.

6.3 Hussainara Khatoon v. State of Bihar AIR 1979 SC 1369;

6.4 Khatri v. State of Bihar (1981) 1 SCC 627; AIR 1981 SC 928

6.5 Suk Das v. Union Territory of Arunachal Pradesh (1986) 2 SCC 401;

6.6 State of Punjab v. Jalour Singh (2008) 2 SCC 660; AIR 2008 SC 1209.

6.7 Anita Kushwaha v. Pushap Sudan (2016) 8 SCC 509; AIR 2016 SC 3506

The Honouable Supreme Court recognized access to justice as a fundamental right under Articles 14 and 21.

6.8 Bar Council of India v. Union of India Citation: (2012) 8 SCC 243;

The Honourable Supreme Court highlighted the importance of legal aid and the responsibility of advocates toward society.

The Court observed that:

- legal aid is essential for preserving rule of law,
- access to justice is fundamental in a democratic system,
- and advocates have a social obligation toward weaker sections.

6.9 PRECAUTIONS TO BE TAKEN:

- **Circular Instructions of APSLSA Amaravathi IN Roc No. 02/APSLSA/LSW/2022, dt. 19.1.2022, (in pursuance of the directions in W.P.No. 41481/2018 dt 6.1.2022** between **Yalamarthi Narasimha Rao vs., The DLSA** (Lok Adalat) at Vijayawada, rep. by Secretary & two others);

- **Every award of the Lok Adalat shall be signed by the panel constituting the Lok Adalat;**
- **The original award shall form part of the judicial records and a copy of the Award shall be given to each of the parties (duly certifying them to be true by the DLSA/MLSC , as the case may be);**
- **Photographs of the parties may also be taken at the time of passing of the award, with signature of the parties on the photographs, so as to avoid impersonation.**
- **The LSA to maintain the record of disposed off cases, namely, the applications filed, photographs along with the application, documents if any, filed and the award passed, at least for a period of three years from the date of award;**
- **The members of Lok Adalat shall also find out from the parties as to pendency of any other proceedings in respect of subject property between the parties;**
- **The members of L.A shall verify if the compromise/settlement is between all the parties or between some of the parties.**

- **The members of Lok Adalat, dealing the cases has to verify the documents of the suit or at least the plaint c opy to find out as to whether all the parties before the civil court are made parties before the Lok Adalat.**

- **A Lok Adalat award cannot be an ex-parte decree**

- **Held that all members of Lok Adalat and parties must sign the award.** {***Kameswara Rao v. DLSA, Vijayawada*** **– 2015 (4) ALT 745}**

- **Once signed by the parties, the compromise is irrevocable unless serious fraud is proven**. (***Atluru Chandra Sekhara Rao v. Atluru Mahesh Babu*** **– 2019 (3) ALT 119)**

compromises can be recorded even in the absence of the accused if the victim reports a settlement. (**Y.P. Baijus vs. State of Kerala (2008 Crl.L.J. 928)**

- No distinction can be made when the award was passed as to whether it was referred by civil court or criminal court; (**Dr. Talluri Satish Chandra vs. Thoram Venkateswara Rao dt 5-1-2017) (2017 (2) ALT 545))**

6.10 Conclusion

The Indian judiciary has played a transformative role in the development of legal aid and Lok Adalat jurisprudence. Landmark decisions such as Hussainara Khatoon v. State of Bihar, Khatri v. State of Bihar, Suk Das v. Union Territory of Arunachal Pradesh, and State of Punjab v. Jalour Singh as referred above have strengthened constitutional protections relating to legal aid, fair trial, access to justice, and voluntary settlement.

CHAPTER VII

CHALLENGES AND SUGGESTIONS

7.1 Introduction

The establishment of Legal Services Authorities and the institutionalization of Lok Adalats under the Legal Services Authority Act, 1987 represents major developments in the Indian justice delivery system. These institutions have significantly contributed toward promoting equal access to justice, legal aid, and speedy settlement of disputes. Lok Adalats have reduced judicial backlog and provided inexpensive and accessible justice to millions of litigants across the country.

Despite these achievements, several practical and procedural challenges continue to affect the effective functioning of Legal Services Institutions and Lok Adalats. Issues such as lack of awareness, inadequate infrastructure, shortage of trained legal aid lawyers, forced settlements, and excessive emphasis on disposal statistics have raised concerns regarding the quality and fairness of justice delivered through these mechanisms. For the successful realization of constitutional goals under Article 39A, it is essential to identify these practical difficulties and suggest effective reforms.

7.2 Challenges Faced by Legal Services Institutions and Lok Adalats

(A) Lack of Legal Awareness Among Citizens

(B) Inadequate Infrastructure and Resources

(C) Shortage of Skilled and Dedicated Legal Aid Lawyers

(D) Forced or Pressurized Settlements in Lok Adalat

(E) Disposal-Oriented Approach

(F) Lack of Monitoring and Accountability

(G) Limited Accessibility in Rural and Remote Areas

(H) Delay in Victim Compensation and Assistance

(J) Technological and Digital Challenges

7.3 Suggestions for Improvement

To strengthen the functioning of Legal Services Institutions and Lok Adalats, several reforms and safeguards are necessary.

a) Strengthening Legal Awareness Programs
b) Improvement of Infrastructure and Funding
c) Professional Training to Legal Aid Lawyers and Conciliators
d) Strengthening Monitoring and Accountability
e) Expansion of Rural Legal Aid Services
f) Strengthening Digital Legal Services
g) Protection of Vulnerable Sections
h) Promotion of Alternative Dispute Resolution Culture

Conclusion

The Legal Services Authority Act, 1987 and Lok Adalat system have significantly contributed toward promoting social justice, free legal aid, and accessible dispute resolution in India. However, practical challenges such as lack of awareness, inadequate infrastructure, shortage of trained personnel, unequal bargaining power, and disposal-oriented approaches continue to affect their effectiveness.

Addressing these challenges requires comprehensive reforms, stronger safeguards, professional training, public awareness, transparency, and accountability. Legal Services Institutions must function not merely as administrative institutions but as instruments of constitutional justice and social welfare.

"SATYAMEVA JAUATHE"

&&&&&