

JUSTICE AT LITIGANT'S DOOR STEPS

***SHUBHAM SRIVASTAV¹**

Lok Adalat's under Legal Services Authorities Act ,1987 which not only in today's time are helping in providing speedy justice through various modes but providing free legal aid as well so that petty issues or issues of minor nature can be settled out easily and in a quick manner.² Lok Adalat since its inception provided speedy justice in quick , easy and accessible form to people, people found it as an effective instrument in providing them justice in a fast and simple manner where both the parties can mutually come to a compromise or settlement ,and sometimes when both the parties found it difficult to settle their issues then in such a situation Permanent Lok Adalat were empowered to settle these cases through judicial adjudication ,this was possible due to a Legal Services Authorities (Amendment) Act , 2002 which widened the scope of Lok Adalat's to dispense the cases through judicial adjudication. Lok Adalat took cognizance of those matters which are of compoundable in nature beside being compoundable in nature there are several other conditions as well which are required to be fulfilled before adjudicating a matter through Lok Adalat ,a court must satisfy itself that a nature of case is of compoundable in nature ,both the parties are agreed to settle their disputes through Lok Adalat , case is of such a nature that can be referred to the Lok Adalat and several other surrounding circumstances needs to be considered before settling a matter or dispute through Lok Adalat. Inception of Lok Adalat added a new page in our country's judicial system which not only reduced a burden of our country's judicial system but had produced a major effects on reducing burden of cases on courts, through proper adjudication where justice is achieved for the aggrieved party without in a hesitant manner by experienced judges and experienced learned counsel³ .Presently when our country is celebrating Azadi ka Amrit Mohotsav because we have completed 75 years of independence, if we look or analyse a situation of our country judicial system by observing since the year of independence we will observe that we had made a strong, responsive and active judicial system in our country, since then many new amendments in different laws and Acts were made and many new Acts had been enacted also by our country's parliament either by self or

¹ Law Graduate – B.B.ALL.B(Hons.) Uttaranchal University, Dehradun

²Shubham Srivastav ,Graduated in Law B.B.A.LL.B.(Hons),Uttaranchal University,Dehradun.

³ Dr.N.V.Paranjape,Public Interest Litigation,Legal Aid and Services,Lok Adalats&Para Legal Services p.no.270(Central Law Agency30-D/1,Motilal Nehru Road Allahabad,1st edn,2006).

on the recommendation by our country's judiciary. Judicial system of our country was amended from time to time through amendments where ever it is required , because as we all know that laws have to be very dynamic according to the needs of the society. I must appraise my country's judicial system which had developed in such a way that each and every branch of our judicial system whether it be a civil,criminal or any other respective branch it keeps on amending itself according to the need of the hour, if I discuss about a latest branch which was added or introduced was a concept of Lok Adalat's which comes under an Act called Legal Services Authority Act ,1987.It was an idea adopted from the village courts which are functioning since time immemorial in different villages of our country, because before the enactment of this Act nyaya panchayats settle cases of petty or very minor in nature , but as I mentioned earlier that need of an hour made it necessity for our country to have a mechanism or an Act to settle the cases in an organised manner and according to law, since the inception of Lok Adalat many cases of petty or compoundable in nature were settled every year in an efficient and effective manner this year only around 97.64 lakh cases were settled in February 2023 by the National Lok Adalat organised under the National Legal Services Authority Act 1987 in all thirty six states and union territories, settlement of cases was took over under the guidance of Hon'ble Justice Sanjay Kishan Kaul⁴. This will not only ease the burden of cases on courts but will also in future will yields a better result because approximate value or an amount in these cases were of 7077.84 crore this resulted in settling the cases in very cost effective and efficient manner but will also help in significantly reducing the burden of cases very swiftly⁵. Increasing vitality of Lok Adalat's made justice more easily accessible in a cost efficient and effective manner ,our country's legal system got supplemented and complemented by Lok Adalat's court.

Lok Adalat's were trying to deliver a justice in every state of our country efficiently, effectively and in a timely manner since its inception and it had been very successful in fulfilling its goals and objective as stated in Legal Services Authority Act 1987, but as I mentioned earlier that each and every law or an Act needs to be updated not in the form of Act but also in its working mechanism according to the needs of our society because law is a subject of social science and recently in this year a new era or a new chapter had been added to the concept of Lok Adalat in the form of Mohalla Adalat which was organised under the State Legal Services Authority of Chhattisgarh. Mohalla Lok Adalatis a unique concept

⁴<https://economictimes.indiatimes.com>(Last Modified Feb 12, 2023).

⁵*Ibid.*

which was initiated by Chhattisgarh State Legal Services Authority recently in the country for first time organised in five divisional headquarters of Lok Adalat which are Raipur, Bilaspur, Ambikapur, Bastar, Durg to provide justice to people free of cost and at their door steps. Mohalla Lok Adalat aim is to provide justice to litigant so that their complaints pertaining to attain basic facilities can be disposed of on the spot without requiring people to run from pillar to post which will also help in reducing rush in courts and government offices in future if implemented in each district of our country it will surely yields a better result, basically Mohalla Lok Adalat is organised in a mobile van which is comprised of a judge and two members, this van covers different areas to settle disputes or a complaints of minor in nature which are related to basic facilities which each and every citizen have a right to avail. In this particular process dates are decided by the competent authorities that in which or in how many wards they have to visit so that cases can be disposed of by first collecting applications from the litigants and the matter is then adjudicated and decided on the spot⁶. It was launched by keeping in mind to dispose of issues of people which are pending for disposal since long time out of them some are like lack of water, electricity, cleanliness, health, road, drinking water, education and many more which are related to none other but to avail basic facilities.⁷

In our constitution of India as well Article 21 of Indian Constitution states that “Protection of Life and personal Liberty “from this article of constitution many rights flows from this like Right to Life is comprised of many other different types of rights which are mentioned above and are mandated by hon’ble Supreme Court of India in one or the other cases from time to time, in Occupational Health & Safety Association v . Union of India⁸ In this case Hon’ble Supreme Court stated that Right to health includes clean, hygienic and safe environment is a right which is flowing from article 21 of Indian constitution.⁹ In the case of Subhas Kumar v. State of Bihar¹⁰ Hon’ble Supreme Court held that enjoyment of pollution free water and air is included in right to live under article 21 of constitution of India. In today’s era we must have to find different ways which are different from a traditional form of litigation specially in cases which involve petty or minor issues in nature Hon’ble Supreme Court held in a case of Centre of Legal Research v. State of Kerala¹¹ that legal aid programme should be meant to

⁶<https://timesofindia.indiatimes.com> (Last Modified February 11,2023).

⁷*Ibid.*

⁸ AIR 2014 SC 1469.

⁹ P.M.Bakshi, The Constitution of India 73 (Universal Law Publishers ,New Delhi, 13th Edition, 2016).

¹⁰ AIR 1991 SC 420.

¹¹ AIR 1986 SC 1322.

bring social justice to the people by going beyond the process of traditional or litigation oriented programme then only the socio-economic conditions in the country can be improved and more dynamic approach will develop. Above mentioned guidelines of hon'ble supreme court will only happen when in each district disposal of cases related to attain basic facilities will be done through a courts like Mohalla Lok Adalat which needs to be organised from time to time so that queries related to receive basic amenities by the people can be solved immediately or in a less time span and without rushing towards courts.¹² We had completed 75 years of independence and it is a need of an hour that we need to have more courts like this so that at least people need not have to run from government offices to courts in search of a authority who will issue directions in the case of a person not getting basic public facilities because if we do not able to dispose of cases in a speedy way in cases of petty issues then it will violates right to life , speedy justice and many other rights which are flowing from this particular article 21 of constitution.¹³

Mohalla Lok Adalat will also help in generating legal awareness among those people who are unaware of such different types of facilities provided by National Legal Services Authorities, on the other hand Permanent Lok Adalat are working to dispose of cases which are having a nature to settle in a less span of time and does not require a case to be settled in a courts, but still if we have this type of facility or service to dispose of cases at a litigants door step in each level of districts then it will surely be very effective and efficient and a win win situation for both a litigants who will not have to run at different government offices to file its application to avail basic facilities and for government offices and courts it will help in a way by reducing their burden of cases and rush as well saving of time, money and energy of both. Directive Principles of State Policy is a form of social security charter which imposes duty on the state to raise standard of living and improvement of health of people, promoting educational and economic interests of weaker sections of society and equal justice and free legal aid to people who are economically backward to fulfil these obligations state should have to do it by making different policies, schemes and legislations so that an objectives of our constitution can be fulfilled from time to time and a person of last resort can also be provided basic facilities for which they are entitled in a timely manner, so here also this concept of Mohalla Lok Adalat if implemented at each district level of our country will surely help in disposing of the complaints and cases relating to not getting basic facilities in

¹² Dr.J.N.Pandey, Constitutional Law of India 460(Central Law Agency,30-D/1,Moti Lal Nehru Road Allahabad - 2 , 54th edition,2017).

¹³*Ibid.*

time at litigants door step and an Hon'ble members of this court will issues directions to the concerned authorities to do the needful work in order to fulfil State's obligations of providing basic facilities to people if people are not able to avail it due to any reason which will at last help in reducing rush at government offices and districts courts as well. Similarly Mohalla Lok Adalat also helps in fulfilling the objectives as enshrined in Article 39A of Constitution of India because this article had a very wide aspect in two ways first it states that a state must strive to promote justice by providing free legal aid ,making suitable legislations ,schemes ,or in any other way to secure justice and second is to provide legal aid in criminal matters as well whereas if we analyse it we will find that Mohalla Lok Adalat is based on this concept of providing justice and free legal aid at litigants door step and it is a type of out of the box idea in the form of a policy or a scheme started by Chhattisgarh State Legal Services Authority will surely make a difference in a minimum span of time because in each and every day there are many problems which people face in their day to day life for register of complaints in case of not availing basic facilities at a time so this mechanism for the adjudication of different complaints at litigants door step will help in reducing burden and fulfilling the obligations of rights provided to citizens in constitution.¹⁴

In the month of April this year in New Delhi at the inaugural session of National Conference on “ Mediation at the Dawn of Golden Age” organised by the Samadhan at the Delhi High Court held successfully in which Hon'ble Chief Justice of India said that mediation is also one of the tool which can be used efficiently and effectively to adjudicate the cases of minor or petty issues which can be solved through mediation in offline as well as in an online mediation which will reduce the burden of court and at the same time reduces cost of litigation for the litigants,¹⁵ so not only through Lok Adalat but through other means as well we have to provide justice to the litigants in a cost effective and at the same time justice must be provided in a fair manner. In Dehradun also District Legal Services Authority had took initiative in year 2022 to provide justice at litigants door step for which they had organised different camps at different times near litigants residences and the cases of compoundable, minor or which can be disposed through the process of settlements which involves process like mediation and conciliation by calling both the parties to come at an agreement of settlement and cases were then settled by the Lok Adalat near the litigant's residence. Around 1045 cases were settled by the District Legal Services Authority in Dehradun , at different

¹⁴ Supra note 8 at p. 114.

¹⁵ www.timesofindia.com (Last Modified March 14, 2023).

times in 2022, through organising 12 Lok Adalat camps 13,489 cases were settled by the Lok Adalat court in Dehradun¹⁶. If this process will continue then in a long span of time it will surely yields a result, like Chhattisgarh there are two other states which are continuously striving to find an out of the box idea by providing justice at litigants door step other than a traditional way, In a Tehsil of Dubiana , Bara Sirohi Kanpur there was a Land Dispute between two brothers pending since 2016 in a district court of Kanpur, and in February 2021 Lekhpal of the assigned area after adjudicating and analysing the matter and documents of the disputed land allotted the land to both the parties but the litigants were not satisfied with the land allotted to them by the Lekhpal, as a result a situation of deadlock arised between both the parties , so to resolve this dead lock Sub Divisional Magistrate Abhinav Gopal took cognizance of the matter and resolve the case at the sight only after reviewing both the parties and their issues as a result both parties got agreed with the proposal and agreement of Sub Divisional Magistrate a case which was pending since seven years was adjudicated by the initiative of Sub Divisional Magistrate Abhinav Gopal and his staff members on 17th march 2023, this spirit of work was started in a less span of time but will surely yields a good result in future because now not only the judiciary but at each level of our country whether it be a legislature, judiciary or executive , concerned authorities have started taking cognizance of the matter which can be settled through different means of settlement by disposing it off at litigant's door step.¹⁷

Similarly in west Champaran at patilaar panchayat ,Bihar , through an initiative of Sarpanch Lal Mati Devi cases which were related to land disputes, Domestic Violence and several other of minor or compoundable in nature were adjudicated and settled in the Panchayat only under the team of 11 members of panchayats it consists with persons experienced in law field which help in providing justice in a speedy manner and in an effective and efficient manner, it even strengthen more the proceedings and justice, a one and a half year had elapsed since this initiative was started and 309 cases were settled through organising 66 sitting by panchayat members , this process of speedy justice saves time and hard earned money of villagers who have to run from pillar to post and courts for seeking the redressal of grievances of minor issues. In this whole process the members of panchayat first understand the matter by listening both the parties and then finds a way according to law which is just in nature, one of the matter which panchayat took cognizance was on a complaint of a farmer

¹⁶Soban Singh Gusai, "Sometimes the Court was held in jail and sometimes the solution was done at home", Dainik Jagran Jhankaar, 23/04/2023.

¹⁷Alok Sharma, " Officers reaching the village to settle the matter", Dainik Jagran Jhankaar, 23/04/2023.

,whose complaint was that in night his crops were being destroyed by the gang of some miscreants people at night which was causing very heavy financial loss to them so as a result panchayat took the cognizance of the matter on the complaint and constituted a team of some persons who would guard the field at night and the members of the team were rotational so that it do not cause a burden on only a few selected persons only, and a matter was disposed off without going to the court because again it would solely depend on the nature of case which can be or cannot be settled.¹⁸

India since its Independence and were growing and creating new record day by day in each and every aspect of fields from importer of goods we are becoming exporter in variety of goods and services and recently our country received the presidency of G20 meeting which is a marvellous achievement for our whole nation that from becoming a member of G20 meeting we are now presiding its presidency this year, it is a very proud ful moment for all of us and regularly several meetings are being held in different parts of our country in each day and on important topics, not only in this but each and every part of our country is trying to do something new and different to find new ways for every problems which exists like legislation is trying to make new policies every year and judiciary is also trying its best to suggest new policies through its judgements from time to time and are trying to implement them at its best every day whereas on the other hand executives and administrative part is also trying to find out different ways other than traditional ways to provide justice to the litigants at their door steps so that time and cost is saved and courts are also get reduced from the burden of cases. A time has arrived that we have to focus on this particular issue of disposal of issues regularly which is possible when in each wards of districts when at regular intervals Mohalla Lok Adalat have to be organised in each wards of district because litigants who have petty issues or who faces problems in their day to day life related to electricity, water ,sanitation, health, drinking water , wastage mechanism and several others matter of basic facilities which every citizen have a fundamental rights and not have a proper mechanism for there redressal of grievances creates rush in courts or in government offices running from pillar to post and to courts which creates rush in courts. Chhattisgarh is one such state which had started Mohalla Lok Adalat, Kanpur city Sub Divisional Magistrate Abhinav Gopal settling the matters which are having a nature of settlement by visiting at litigants door step, and like these initiatives a panchayat from West Champaran, Bihar at

¹⁸Upendra Shukul,"Due to the initiative of Sarpanch no dates are given to the matter in the court",Dainik Jagran Jhankaar,23/04/2023.

patilaar district which are settling matters of petty issues and of minor in nature at the panchayats only, without making villagers to run in courts for petty issues, Tele Law services reaching to the poor and marginalised sections of society through the help of video conferencing and is having a dedicated pool of panel lawyers who provide pre litigation advice to the people about their legal rights through common service centers , Nyaya Bandhu which is providing legal aid to those who are entitled to avail free legal aid services under section 12 of Legal Services Authority Act 1987,so these initiatives are also taking place in our country irrespective of administrative, judicial and executive system and not only in offline mode but in both modes online as well as offline, because according to the need of a situation in an online mode it will cost less financial burden on our states and through online also we can provide justice to litigants at their door steps like at the time of pandemic E Lok Adalat was organised in our country which also prove to be very successful in those hard times to provide justice to litigants because now it is the only time when we have to think out of the box idea to make our courts burden of cases less especially in those cases which are of compoundable, petty or minor in nature and at the same time provide effective and efficient justice in a timely and cost efficient manner to the litigants and this will only happens when not only the National Legal Services Authority provide a mechanism of speedy justice but this have to be done at each level of our country by organising Mohalla Lok Adalat and legal aid camps near residence of people on a monthly basis, so that justice at one time in future will reach at each and every litigants door steps.