Unit II - ADR in Indian Law

→ ADR within the Indian legislative and constitutional framework.

→ Nyaya Panchayats: history, advantages, composition and jurisdiction.

→ Lok Adalats: meaning, development, organisation and powers.

→ Legal Services Authorities Act, 1987: Sections 19 to 22.

→ Gram Nyayalayas Act, 2008: civil procedure, execution and conciliation.

REMEMBER - EXAM = LAW + SECTION + EXAMPLE + CONCLUSION

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ADR and the Indian Legal System

→ Alternative dispute resolution reduces reliance on a full adversarial court trial for suitable disputes.

→ India uses a mix of community institutions, statutory Lok Adalats and court-linked conciliation.

→ An ADR body may promote agreement; a legally established court may adjudicate disputed rights.

→ The two functions must be distinguished when discussing Nyaya Panchayats and Gram Nyayalayas.

→ Fair procedure and voluntary compromise are essential to meaningful access to justice.

REMEMBER - NOT EVERY LOCAL COURT IS A PRIVATE ADR FORUM

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Constitutional Basis of Legal Aid

→ Article 39A directs the State to secure equal justice and free legal aid.

→ Article 14 supports equal treatment before the law and protection against discrimination.

→ Article 21 requires fair legal procedures when life or personal liberty is affected.

→ Legal aid and accessible local fora help people who cannot afford costly litigation.

→ ADR institutions should make justice accessible without sacrificing legality and consent.

REMEMBER - ARTICLE 39A IS THE CENTRAL PRINCIPLE

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Legislative Framework: Overview

→ The Legal Services Authorities Act, 1987 creates authorities and provides for Lok Adalats.

→ The Gram Nyayalayas Act, 2008 establishes certain grassroots courts with civil and criminal jurisdiction.

→ Section 89 CPC provides for reference of suitable court disputes to settlement methods.

→ Nyaya Panchayats often operate through varying State Panchayati Raj laws and local arrangements.

→ Each forum has separate powers: compromise by Lok Adalat is not the same as a judicial trial.

REMEMBER - 1987 ACT + 2008 ACT + SECTION 89 CPC

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Nyaya Panchayats: Meaning

→ A Nyaya Panchayat is a village-level institution associated with resolution of smaller local disputes.

→ Its forms, powers and membership depend on the relevant State legislation.

→ The purpose is inexpensive and geographically accessible justice within rural communities.

→ Members may possess practical knowledge of local life and relationships.

→ A Nyaya Panchayat must not be confused with a Gram Nyayalaya created under the 2008 central Act.

REMEMBER - NYAYA PANCHAYAT = STATE-BASED LOCAL JUSTICE BODY

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Historical Roots of Panchayat Justice

→ Ancient village communities frequently used elders and councils for local settlement.

→ Customary institutions discussed boundaries, property use, family and minor community disputes.

→ Traditional Panchayats relied on social legitimacy rather than formal legal pleadings.

→ Some local systems helped prevent prolonged hostility and restored cooperative relationships.

→ However, traditional practices could also reflect caste, gender and social power inequalities.

REMEMBER – HISTORY EXPLAINS ACCESS, NOT AUTOMATIC FAIRNESS

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Panchayats in Modern India

→ Colonial court structures made litigation more formal and centralised.

→ Post-independence programmes explored local dispute settlement and decentralised justice.

→ The Panchayati Raj movement encouraged local self-government in rural India.

→ Judicial or dispute-settlement Panchayats are not uniform across all Indian States.

→ Their current existence, territorial reach and competence depend on State law.

REMEMBER - STATE LAWS DETERMINE THE ACTUAL POWERS

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Composition of Nyaya Panchayats

→ A typical State scheme may specify local members selected or elected under its rules.

→ Some systems use a chairperson and a group of village representatives.

→ Eligibility, selection, disqualification and term of office vary across State laws.

→ Local familiarity can assist fact-finding and communication with disputants.

→ Independence and impartiality matter because family, caste or political relationships may cause bias.

REMEMBER - COMPOSITION VARIES - CHECK THE STATE STATUTE

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Civil Jurisdiction of Nyaya Panchayats

→ State laws may entrust low-value money claims and minor civil disagreements to these bodies.

→ Examples can include small property-use issues or local payment disagreements where law permits.

→ Their monetary and territorial limits are fixed under the applicable State enactment.

→ Complex questions of title or matters reserved for regular courts are outside many local schemes.

→ Do not assume the same civil jurisdiction exists in every State.

REMEMBER - JURISDICTION = SUBJECT + TERRITORY + VALUE

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Minor Criminal Matters and Limits

→ Some State frameworks historically permitted local bodies to address specified petty offences.

→ Only offences expressly assigned by the relevant law can be handled locally.

→ Serious crimes and non-delegated offences remain for competent criminal courts.

→ A local body cannot create punishments or legal powers merely through custom.

→ Procedural fairness and the right to seek appropriate higher judicial remedies remain important.

REMEMBER - NO GENERAL POWER OVER SERIOUS CRIMES

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Procedure and Local Conciliation

→ Local disputes may begin with a simple complaint or statement rather than elaborate pleadings.

→ The body hears both sides and seeks clarity regarding the disagreement.

→ Parties may be encouraged to reach settlement before further contest.

→ Any decision or order must follow the authority granted by State law.

→ Fair hearing and freedom from intimidation are essential in a village setting.

REMEMBER - ACCESSIBLE PROCEDURE MUST STILL BE FAIR

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Advantages of Nyaya Panchayats

→ They may reduce travel time for rural residents living far from district courts.

→ Simpler forms and local language can make the process easier to understand.

→ Knowledge of community practices helps clarify facts and the history of a dispute.

→ Early resolution can preserve neighbourhood relations and prevent escalation.

→ Their effectiveness depends on training, record-keeping and proper legal safeguards.

REMEMBER - LOCAL ACCESS + LOW COST + EARLY SETTLEMENT

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Weaknesses of Nyaya Panchayats

→ Social hierarchy or political influence may threaten neutrality of local decision-makers.

→ Legal complexity may exceed the training and resources of members.

→ Inadequate records create difficulty in checking procedural correctness.

→ Women, minorities and poorer litigants may be especially vulnerable to pressure.

→ State supervision and access to competent courts help reduce these weaknesses.

REMEMBER - INFORMAL JUSTICE NEEDS EQUALITY AND OVERSIGHT

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Nyaya Panchayat and Gram Nyayalaya

→ Nyaya Panchayats are usually rooted in specific State frameworks for village dispute resolution.

→ Gram Nyayalayas are statutory grassroots courts under the Gram Nyayalayas Act, 2008.

→ A Gram Nyayalaya is presided over by a legally qualified Nyayadhikari.

→ Nyaya Panchayat composition and powers vary across States; Gram Nyayalaya has a central statutory structure.

→ Both aim at local access, but their legal origin and authority are different.

REMEMBER - DO NOT USE THESE TWO TERMS AS SYNONYMS

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Lok Adalat: Meaning and Concept

→ Lok Adalat means a people's court and is a statutory settlement forum under the 1987 Act.

→ It helps parties end suitable disputes through voluntary compromise or settlement.

→ Its purpose is inexpensive, speedy and accessible dispute resolution.

→ Members work as conciliators and cannot simply impose a contested judgment like regular judges.

→ A valid settlement becomes an award with legal effect under Section 21.

REMEMBER - ORDINARY LOK ADALAT RESTS ON COMPROMISE

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Growth of Lok Adalats in India

→ The modern movement grew out of legal aid and access-to-justice initiatives.

→ Early Lok Adalat camps illustrated the possibility of group-based conciliation of pending disputes.

→ The Legal Services Authorities Act, 1987 later gave statutory recognition to Lok Adalats.

→ State, District, Taluk and higher-level legal services institutions organise sessions.

→ Special and National Lok Adalats broadened the reach of organised settlement efforts.

REMEMBER – FROM LEGAL AID CAMPS TO STATUTORY FORA

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Essential Features of Lok Adalat

→ The approach emphasises friendly settlement rather than rigid adversarial argument.

→ Cases can come from pending litigation or eligible pre-litigation disputes.

→ An agreed award has final and binding effect under the statutory scheme.

→ There is ordinarily no appeal against an award under Section 21.

→ Where compromise fails, an ordinary Lok Adalat does not decide merits; the matter returns to court or appropriate remedy.

REMEMBER - NO SETTLEMENT = NO ORDINARY LOK ADALAT AWARD

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Forms of Lok Adalat Sessions

→ Regular Lok Adalats deal with eligible matters identified for settlement.

→ National Lok Adalats are coordinated sessions held across multiple jurisdictions.

→ Special Lok Adalats may focus on categories such as bank recovery or motor accident claims.

→ Pre-litigation Lok Adalat services encourage settlement before a civil case is filed.

→ Permanent Lok Adalats under Chapter VI-A are a distinct system for public utility services.

REMEMBER - PERMANENT LOK ADALAT IS LEGALLY DISTINCT

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Legal Services Authorities Act, 1987

→ The Act aims to supply free and competent legal services to eligible weaker sections.

→ It seeks equal opportunities for securing justice despite economic or other disabilities.

→ It provides the institutional structure for national, State, district and taluk legal services.

→ It also organises Lok Adalats for compromise and settlement of eligible disputes.

→ Article 39A is an important constitutional rationale behind this legislation.

REMEMBER - 1987 ACT: LEGAL AID + LOK ADALATS

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National Legal Services Authority

→ Section 3 provides for the Central Authority commonly known as NALSA.

→ Its framework includes high-level judicial participation under the Act.

→ The authority develops legal aid policies and coordinates legal services programmes.

→ It promotes schemes for vulnerable groups and access to legal advice.

→ NALSA is part of the legal services framework, not a substitute court of general jurisdiction.

REMEMBER - SECTION 3 = CENTRAL AUTHORITY / NALSA

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State Legal Services Authorities

→ Section 6 provides for State Legal Services Authorities.

→ They implement Legal aid programmes within the State and coordinate local bodies.

→ The High Court's Chief Justice serves an important leadership role under the statutory structure.

→ State Authorities support legal literacy, settlement activities and Lok Adalat sessions.

→ Their activities are carried out within statutory duties and applicable regulations.

REMEMBER - SECTION 6 = STATE AUTHORITY

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District Legal Services Authorities

→ Section 9 provides for District Legal Services Authorities.

→ The District and Sessions Judge is central to the leadership of the District Authority.

→ The authority coordinates legal aid and Lok Adalat work at district level.

→ It helps eligible persons gain access to lawyers and legal services.

→ District institutions link national and State legal aid policy with local court users.

REMEMBER - SECTION 9 = DISTRICT AUTHORITY

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Taluk Legal Services Committees

→ Section 11A provides for Taluk Legal Services Committees.

→ They extend legal aid and Lok Adalat activities to sub-district areas.

→ The committee structure seeks to make assistance reachable closer to villages.

→ A local applicant may receive guidance about appropriate legal services.

→ Taluk committees operate in coordination with the legal services authority system.

REMEMBER – SECTION 11A = TALUK COMMITTEE

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Section 19: Organisation

→ Section 19 authorises designated legal services authorities and committees to organise Lok Adalats.

→ These include State and District Authorities and Supreme Court, High Court and Taluk committees.

→ A Lok Adalat is organised at such intervals and places as the competent body decides.

→ It includes serving or retired judicial officers and other eligible persons.

→ Its role is to seek compromise in matters within the statutory subject-matter limits.

REMEMBER - SECTION 19 = WHO ORGANISES LOK ADALATS

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Section 19: Jurisdiction

→ A Lok Adalat can consider cases pending before a court for which it is organised.

→ It may also consider eligible matters not yet brought before that court.

→ Its function is to assist settlement, not decide disputed rights without agreement.

→ The Act excludes matters relating to offences that are not compoundable.

→ Both the nature of the dispute and the parties' consent matter in practice.

REMEMBER - PENDING + PRE-LITIGATION; EXCLUDE NON-COMPOUNDABLE

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Section 20: Cognizance of Cases

→ Section 20 explains how pending cases may be referred to a Lok Adalat.

→ Referral can follow parties' agreement or an application and the court's view of settlement prospects.

→ A court can also identify an appropriate matter, subject to required opportunity of hearing.

→ Eligible pre-litigation matters may be taken up through the organising authority or committee.

→ The Lok Adalat then works toward a voluntary compromise or settlement.

REMEMBER - SECTION 20 = HOW CASES REACH LOK ADALAT

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If Lok Adalat Settlement Fails

→ The ordinary Lok Adalat must try to secure a lawful settlement guided by justice and fair play.

→ It cannot decide a contested case on evidence as though it were a trial court.

→ If a pending court case is not settled, its record returns to the referring court.

→ The court then proceeds from the stage reached before referral.

→ For unsuccessful pre-litigation matters, parties are directed toward an appropriate court remedy.

REMEMBER – FAILED COMPROMISE = RETURN TO LEGAL PROCESS

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Section 21: Lok Adalat Award

→ An award of Lok Adalat is deemed to be a decree of a civil court or an order of another court.

→ The award records the settlement reached between parties under the applicable procedure.

→ Section 21 makes the award final and binding on the parties.

→ No appeal lies against the Lok Adalat award under the Act.

→ Court fees may be refunded in referred cases on settlement as the statute provides.

REMEMBER – SECTION 21 = DECREE EFFECT + FINALITY

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Section 22: Lok Adalat Powers

→ Section 22 grants specified civil-court-like procedural powers for matters before a Lok Adalat.

→ These include summoning witnesses and requiring attendance where legally relevant.

→ It also includes discovery or production of documents and receiving affidavit evidence.

→ Public records may be requisitioned within the statutory framework.

→ These procedural powers do not turn ordinary Lok Adalat into a merits-adjudicating court.

REMEMBER - SECTION 22 = PROCEDURAL POWERS, NOT TRIAL

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Permanent Lok Adalats

→ Chapter VI-A of the 1987 Act provides Permanent Lok Adalats for public utility services.

→ Examples include transport, postal services, power, water and other notified utilities.

→ A party applies before the dispute is brought before a court, subject to statutory limits.

→ The Permanent Lok Adalat first attempts conciliation between the parties.

→ Unlike ordinary Lok Adalat, it may decide eligible disputes on merits if conciliation fails under Section 22C.

REMEMBER - PLA: FIRST CONCILIATE, THEN LIMITED ADJUDICATION

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Ordinary and Permanent Lok Adalat

→ Ordinary Lok Adalat under Sections 19-22 depends on settlement to make an award.

→ Permanent Lok Adalat under Chapter VI-A addresses pre-litigation public utility disputes.

→ If conciliation fails, Permanent Lok Adalat has limited statutory power to decide eligible merits.

→ Ordinary Lok Adalat cannot simply impose a judgment after settlement talks fail.

→ Both remain bound by legal limits, fair treatment and the specific statute.

REMEMBER - THEIR POWER AFTER FAILED SETTLEMENT DIFFERS

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Leading Lok Adalat Judgments

→ State of Punjab v Jalour Singh (2008) 2 SCC 660 explained the conciliatory role of ordinary Lok Adalats.

→ The Supreme Court held that ordinary Lok Adalats do not determine contested merits.

→ K.N. Govindan Kutty Menon v C.D. Shaji (2012) 2 SCC 51 addressed execution of a settlement award.

→ The Court recognised the legal enforceability of a Lok Adalat award under Section 21.

→ Learn the facts, legal question and outcome rather than only memorising case names.

REMEMBER - JALOUR SINGH = SETTLEMENT; GOVINDAN = EXECUTION

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Gram Nyayalayas Act, 2008

→ The Act aims to bring justice closer to rural citizens at the grassroots level.

→ It establishes Gram Nyayalayas as courts within the statutory scheme.

→ The law seeks less costly, accessible and timely resolution of selected disputes.

→ Gram Nyayalayas have prescribed civil and criminal jurisdiction, unlike a purely private ADR forum.

→ The Act builds conciliation into civil procedure, making settlement part of local justice.

REMEMBER - GRAM NYAYALAYA = STATUTORY GRASSROOTS COURT

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Establishment and Nyayadhikari

→ Section 3 concerns establishment of Gram Nyayalayas by State Governments in consultation with High Courts.

→ Section 5 concerns appointment of the presiding officer known as the Nyayadhikari.

→ The statutory scheme requires legal qualifications for the presiding judicial officer.

→ Gram Nyayalayas serve areas notified under the Act rather than every village automatically.

→ Court authority and formal judicial duties distinguish them from Nyaya Panchayats.

REMEMBER - SECTIONS 3 AND 5: ESTABLISHMENT AND JUDGE

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Civil and Criminal Jurisdiction

→ The Gram Nyayalaya may exercise both civil and criminal jurisdiction as provided by the Act.

→ Specified subject matters are identified through the statutory Schedules and relevant provisions.

→ Civil claims can cover designated local disputes where the law confers authority.

→ Criminal jurisdiction is confined to offences and matters legally assigned to these courts.

→ The Nyayadhikari must follow applicable procedure and fundamental fairness.

REMEMBER - GRAM NYAYALAYA HAS LIMITED STATUTORY JURISDICTION

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Section 24: Civil Procedure

→ Section 24 provides a special procedure for instituting civil suits, claims or disputes.

→ A case begins through an application in the form and manner prescribed by the High Court.

→ The statutory filing fee is capped at one hundred rupees, subject to prescribed rules.

→ Service, hearing and other procedural steps seek accessibility and simplicity.

→ The Gram Nyayalaya must nevertheless protect parties' opportunity to be heard.

REMEMBER - SECTION 24 = SIMPLE APPLICATION FOR CIVIL CLAIM

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Section 25: Execution of Orders

→ Section 25 deals with execution of decrees and orders of a Gram Nyayalaya.

→ A decree may be executed by the Gram Nyayalaya itself or sent to another competent court.

→ The Act provides a simpler special approach to execution proceedings.

→ The Gram Nyayalaya is not bound by CPC execution procedure in the same way and follows natural justice.

→ A court order remains enforceable; simplified procedure does not remove legal safeguards.

REMEMBER - SECTION 25 = EXECUTION WITH NATURAL JUSTICE

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Section 26: Duty to Conciliate

→ Section 26 directs the Gram Nyayalaya to first try to assist settlement in civil cases where possible.

→ It may assist, persuade and conciliate parties considering the nature and circumstances of the dispute.

→ The procedure follows applicable rules prescribed by the High Court.

→ A voluntary settlement can reduce confrontation and future litigation.

→ Where settlement is inappropriate or fails, the court may proceed according to law.

REMEMBER - SECTION 26 = FIRST MAKE EFFORTS TO SETTLE

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Section 27: Appointment of Conciliators

→ For Section 26, the District Court prepares a panel of suitable conciliators.

→ It consults the District Magistrate and may select village-level social workers of integrity.

→ Required qualifications and experience are prescribed by the High Court.

→ The Gram Nyayalaya may draw from the panel to assist settlement in eligible civil disputes.

→ Conciliators facilitate compromise; the Nyayadhikari retains judicial responsibilities.

REMEMBER - SECTION 27 = PANEL OF LOCAL CONCILIATORS

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Unit II : Exam Revision Questions

→ Q1. Trace the evolution, composition and jurisdiction of Nyaya Panchayats.

→ Q2. Explain Lok Adalats: concept, growth and practical advantages.

→ Q3. Discuss Sections 19, 20, 21 and 22 of the 1987 Act.

→ Q4. Distinguish an ordinary Lok Adalat from a Permanent Lok Adalat.

→ Q5. Explain Sections 24-27 of the Gram Nyayalayas Act, 2008.

→ Case law: Jalour Singh (2008); K.N. Govindan Kutty Menon (2012).

REMEMBER - FOR 14 MARKS: DEFINITION + SECTION + CASE + CONCLUSION

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