

Key Note Address on “Organising Lok Adalats”
by
Hon’ble Mr. Justice Dipak Misra, Judge, Supreme Court of India
on 15.06.2013 at Tamil Nadu State Judicial Academy during the
Special Training Programme for all District Judges and Chief Judicial Magistrates

I do not intend to speak about the philosophy, spirit and the purpose behind the Legal Services Authority Act, 1987 and the concept engrafted under Section 89 of the Code of Civil Procedure. Nor do I desire to dwell upon the concepts like win-win situation, prevalence of amiability, amicability and mutual compatibility. My focus would be on certain pragmatic aspects pertaining to holding of Lok Adalats.

Any judicial officer who has been given the responsibility to organize Lok Adalat must ask himself few relevant questions:

- (i) Do I believe in Lok Adalat system or am I being compelled to do it because of the statutory duty or command of the High Court?
- (ii) If I believe, do I have faith in my belief?
- (iii) If I have faith, am I committed to it?
- (iv) If I am committed, have I equipped myself to actualize my commitment? Do I lack efficiency or the requisite art in this regard?
- (v) What I am expected to do, to make my self proficient? How do I instruct myself?

Answer to these questions may prima facie appear to be individualistic in nature but in actuality they have the institutional colour and impact. The orientation and mindset of every judicial officer in-charge of Lok Adalat are to be different. He has to keep in mind that it is the institutional collegiality which makes the Lok Adalat successful. Many officers express doubt and have inhibitions as they feel that they are to unnecessarily come in proximity with the litigants. This is an irroneous motion. One has to do the duty in a total dispassionate and detached manner. While one functions as a Member of the Lok Adalat his language, expression and basic attitude would follow different norms. There has to be perceptual shift. He has to constantly remember that he is a lotus leaf and even if there is water on it for some time, it does not affect it. When the legislature has given the responsibility it is expected that the said duty has to be carried out with patience and perseverance and indubitably with commitment. Every officer in charge of Lok Adalat must bear in mind – No faith, no fructified action. Please remember, it is an obligation cast on the judiciary to achieve the desired purpose. It is the faith of the public in you, and that is why the responsibility has been conferred.

To make a Lok Adalat success certain imperative paradigms are to be kept in view:

- (a) Identification of case, which are settleable. I would like to call it perception of possibility of settlement.
- (b) To remain upto date in that field of law in which one is thinking of a settlement in Lok Adalat.
- (c) Necessary patience to discuss with the counsel of both sides to solve the problem and not to loose ones calmness.
- (d) To give viable suggestions which are likely to be accepted by the parties. The acceptable suggestions should ordinarily be not final one, so room for further suggestions are available.

- (e) A judicial officer who functions as a member of Lok Adalat should not bring any judicial flavour to the discussion as that is likely to be misunderstood. Nothing should be stated, even remotely, which will give an indication of a threat or coercion, or for that matter, an adjudicatory mind set.
- (f) The psychology of the parties is to be studied with clinical observations. Apart from the psychological study, there should be psychographic analysis. I have deliberately used the word 'psychographic' as every member should understand and appreciate the local conditions and expectations, and simultaneously the mental orientation of the parties.
- (g) Cases of such persons who are totally adverse to the culture of settlement should be kept aside till they solicit the indulgence of the Lok Adalat. However, a keen effort has to be made to cultivate the culture in them.
- (h) The assistance of local members of the Bar are to be taken in a dignified way. Needless to say, such members should enjoy good reputation at the Bar.
- (i) No target should be fixed as fixing of such targets can make one desperate which is not a good sign.
- (j) Every member must remember that "every case has a human face". One is required to solve it with humanness.
- (k) Emphasis should also be laid on pre-litigation as that would arrest the litigations and allow the load on the system to remain at bay.
- (l) The cases which are not settled as per the postulates of the Legal Services Authority Act, are not to be included even they are dealt with on the date of Lok Adalat.
- (m) The truthful statement of the High Court is more acceptable than to play with the game of members.
- (n) At the end of the day of Lok Adalat a proper feed back is to be taken and analysis is to be made why some cases have not been settled. What could be the possible reason for the same? Is it absence of both the parties? Or absence of one of the parties? Or obstinate attitude of the parties, etc.? Thereafter, one should think of remedial measures, if possible.
- (o) The attitudinal change can bring more success and, therefore, it is essential to hold Lok Adalats with such frequency so that there is positive impact and spread of the settlement culture.

The aforesaid guidelines are illustrative in nature because there cannot be any exhaustive guidelines in this regard. I have said so with the fond hope that in times to come there would be emergence of more rational approach by the litigants as well as by the authorities who organize the Lok Adalats. I may hasten to clarify that only the hope would not do. It has been said long back "Hope is good for the breakfast, but not good for dinner". Hence, my suggestion is to translate the hope into concrete empirical experience and actualize the motto of Lok Adalat.
