

MODULE - 4

Indian Court System and
Methods of Resolution
Disputes



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LEGAL SERVICES AND LOK ADALAT

You might be aware of the fact that about 70 percentage of the people living in rural areas are illiterate and many of them are very poor. It is very difficult to reach the benefits of the legal process to the poor and to protect them against injustice. Therefore, it is urgently required to introduce dynamic and comprehensive legal service programme with a view to deliver justice to the poor and needy person. Legal aid is the provision of assistance to people otherwise unable to afford legal representation and access to the court system. Thus, legal aid is very significant in providing access to legal system. You might also understand that the normal court process is very costly and time consuming. It takes lot of money and resources which a poor person cannot afford. So, a different system of courts is created by a new law, which is called 'Lok Adalat'. These courts function in a different way than the formal system of courts. In criminal trials and prosecution, lengthy process is involved and the whole purpose of the prosecution is lost. So the concept of 'Plea Bargaining' has become very important in today's time. After the necessary changes in India's law, 'Plea Bargaining' has now got an important place in our criminal Judicial system.



OBJECTIVES

After studying this lesson, you will be able to:

- explain the meaning of the concept of 'Legal Aid';
- know the historical background of Legal Aid Movement;
- discuss the main provisions of the Legal Services Authorities Act, 1987;
- appreciate the need of having 'Lok Adalat';
- explain the organisation and Jurisdiction of Lok Adalats;
- understand the concept of 'Plea Bargaining';

- identify the types of 'Plea Bargaining'; and
- appreciate the advantages of 'Plea Bargaining'.

16.1 HISTORY OF LEGAL AID SERVICES

The earliest Legal Aid movement appeared in the year 1851 when some enactment was introduced in France for providing legal assistance to the poor. In Britain, the history of the organised efforts on the part of the State to provide legal services to the poor and needy dates back to 1944, when Lord Chancellor, Viscount Simon appointed Rushcliffe Committee to enquire about the facilities existing in England and Wales for giving legal advice to the poor and to make recommendations as appear to be desirable for ensuring that persons in need of legal advice are provided the same by the State. Since 1952, the government of India also started addressing to the question of legal aid for the poor in various conferences of Law Ministers and Law Commissions. In 1960, some guidelines were drawn by the government for legal aid schemes. In different States legal aid schemes were floated through Legal Aid Boards, Societies and Law Departments. In 1980, a Committee at the national level was constituted to oversee and supervise legal aid programmes throughout the country under the chairmanship of Hon. Mr. Justice P.N. Bhagwati, then the Judge of the Supreme Court of India. This Committee came to be known as CILAS (Committee for Implementing Legal Aid Schemes) and started monitoring legal aid activities throughout the country.

Article 39-A of the Constitution of India provides that State shall ensure that the operation of the legal system promotes justice on a basis of equal opportunity, and shall in particular, provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disability. Articles 14 and 22(1) also make it obligatory for the State to ensure equality before law and a legal system which promotes justice on a basis of equal opportunity to all. Legal aid strives to ensure that constitutional pledge is fulfilled in its letter and spirit and equal justice is made available to the poor, downtrodden and weaker sections of the society.

Article 39-A of Constitution of India emphasises that free legal service is an inalienable element of 'reasonable, fair and just' procedure for without it a person suffering from economic or other disabilities would be deprived of the opportunity for securing justice. The right to free legal services is, therefore, clearly an essential ingredient of 'reasonable, fair and just, procedure for a person accused of an offence and it must be held implicit in the guarantee of Article-21 of the Constitution. This is a constitutional right of every accused person who is unable to engage a lawyer and secure legal services on account of reasons such as poverty, indignant situation and the State is under a mandate to provide



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a lawyer to an accused person if the circumstances of the case and the needs of justice so requires, provided, of course, the accused person does not object to the provision of such lawyer.

**ACTIVITY 16.1**

Write down the names of Courts functioning in your area.

Try to locate some poor persons who are fed up with the formal courts.

Find out some such persons who cannot afford to go to the Court.

16.2 LEGAL SERVICES AUTHORITIES ACT, 1987**16.2.1. Main Provisions of Law on Legal Aid**

In 1987 Legal Services Authorities Act was enacted to give a statutory base to legal aid programmes throughout the country on a uniform pattern. The Legal Services Authorities Act, 1987 made drastic changes in the field of legal services. It is an Act to constitute legal services authorities to provide free and competent legal services to the weaker sections of the society to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities.

Every person who has to file or defend a case shall be entitled to legal services under this Act if that person is –

- (a) a member of a Scheduled Caste or Scheduled Tribe;
- (b) a victim of trafficking in human beings or begar;
- (c) a woman or a child;
- (d) a mentally ill or otherwise disabled person;
- (e) a person under circumstances of undeserved want such as being a victim of a mass disaster, ethnic violence, caste atrocity, flood, drought, earthquake or industrial disaster; or
- (f) an industrial worker; or
- (g) in receipt of annual income less than rupees nine thousand or such other higher amount as may be prescribed by the State government, if the case is before a court other than the Supreme Court, and less than rupees twelve thousands or such other higher amount as may be prescribed by the Central government, if the case is before the Supreme Court.

(Rules have already been amended to enhance this income ceiling).

Legal Services Authorities after examining the eligibility criteria of an applicant and the existence of a prima facie case in his/her favour provide him/her counsel at State expense, pay the required Court Fee in the matter and bear all incidental expenses in connection with the case. The person to whom legal aid is provided is not called upon to spend anything on the litigation once it is supported by a Legal Services Authority.

**ACTIVITY 16.2.1**

Identify such persons from your locality who are eligible for legal aid according to the Legal Services Authorities Act. Classify them in different categories, such as women, children, less income group, and victims of any natural disaster etc.

16.2.2 Authorities Under the Legal Services Authorities Act, 1987

The Legal Services Authorities Act, 1987 provides that the Central Government shall constitute a body to be called the National Legal Services Authority to exercise the powers and perform the functions conferred on, or assigned to, the Central Authority under this Act. A nationwide network has been envisaged under the Act for providing legal aid and assistance. National Legal Services Authority is the apex body constituted to lay down policies and principles for making legal services available under the provisions of the Act and to frame most effective and economical schemes for legal services. It also disburses funds and grants to State Legal Services Authorities and NGOs for implementing legal aid schemes and programmes. The Legal Services Authorities Act, 1987 provides for the constitution of 'State Legal Services Authority'. In every State a State Legal Services Authority is constituted to give effect to the policies and directions of the Central Authority (NALSA) and to give legal services to the people and conduct 'Lok Adalats' in the State. State Legal Services Authority is headed by the Chief Justice of the State High Court who is its Patron-in-Chief. A serving or retired Judge of the High Court is nominated as its Executive Chairman.

'District Legal Services Authority' is constituted in every District to implement Legal Aid Programmes and Schemes in the District. The District Judge of the District is its ex-officio Chairman.

'Taluk Legal Services Committees' are also constituted for each of the Taluk or Mandal or for group of Taluk or Mandals to coordinate the activities of legal services in the Taluk and to organise Lok Adalats. Every Taluk Legal Services Committee is headed by a senior Civil Judge operating within the jurisdiction of the Committee who is its ex-officio Chairman.

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**Notes****Authorities under the Services Authorities Act, 1987**

After the constitution of the Central Authority and the establishment of NALSA office towards the beginning of 1998, following schemes and measures have been envisaged and implemented by the Central Authority:-

- (a) Laying down policies and principles for making legal services available under the provision of this Act;
- (b) Framing the most effective and economical schemes for the purpose of making legal services available under the provisions of this Act;
- (c) Utilising the funds at its disposal and make appropriate allocations of funds to the State Authorities and District Authorities;
- (d) Taking necessary steps by way of social justice litigation with regard to consumer protection, environment protection or any other matter of special concern to the weaker sections, of the society and for this purpose, give training to social workers in legal skills;
- (e) Organising legal aid camps, especially in rural areas, slums or labour colonies with the dual purpose of educating the weaker sections of the society as to their rights as well as encouraging the settlement of disputes through Lok Adalats;
- (f) Encouraging the settlement of disputes by way of negotiations, arbitration and conciliation;
- (g) Undertaking and promote research in the field of legal services with special reference to the need for such services among the poor;
- (h) Monitoring and evaluate implementation of the legal aid programmes at periodic intervals and provide for independent evaluation of programmes and schemes implemented in whole or in part by funds provided under this Act;
- (i) Providing grants-in-aid for specific schemes to various voluntary social service institutions and the State and District Authorities, from out of the amounts placed at its disposal for the implementation of legal services schemes under the provisions of this Act;

- (j) Developing consultation with the Bar Council of India, programmes for clinical legal education and , promote guidance and supervise the establishment and working of legal services clinics in universities, law colleges and other institutions;
- (k) Taking appropriate measures for spreading legal literacy and legal awareness amongst the people and , in particular, to educate weaker sections of the society about the rights, benefits and privileges guaranteed by social welfare legislations and other enactments as well as administrative programmes and measures;
- (l) Making special efforts to enlist the support of voluntary social welfare institutions, working at the grass-root level , particularly among the Schedule Castes and Schedule Tribes, women and rural and urban labour; and
- (m) Co-ordinating and monitoring the functioning of State Authorities, District Authorities, Supreme Court Legal Services Committee, High Court Legal Services Committees, Taluk Legal Services Committees and voluntary social service institutions and other legal services organisations and give general directions for the proper implementation of the legal services programmes.

Legal Aid Counsel have been provided in most of the courts of the Magistrates in the country to provide immediate legal assistance to those prisoners who are not in a position to engage their own counsel.

The legal aid is being given by legal aid advocates to the millions of this country who live below poverty line in tribal, backward and far flung areas and who look to Legal Services Authorities for help and support in resolving their legal problems. When involved in litigation they very often feel that they are fighting an unequal battle in which the party that has better financial resources can secure more able legal assistance. These poor and weaker sections must not remain under the impression that they are getting comparatively inferior legal assistance. Legal services authorities must revise the payment schedule for legal aid panel advocates and also compress the panels so that panel advocates get more work and better remuneration from legal services authorities and thus get encouraged to render effective legal assistance to aided persons.

NALSA has also called upon State Legal Services Authorities to set up legal aid cells in jails so that the prisoners lodged therein are provided prompt and efficient legal aid to which they are entitled by virtue of Legal Services Authorities Act, 1987.



ACTIVITY 16.2.2

Find out and list the legal services authorities in your locality. If you reside in Delhi, you can find all level of legal services authorities, and if you reside in a State capital, you can find State and District level legal services authorities, and if you reside in a district, you may find at least or maximum two legal services authorities.



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16.3. LOK ADALAT

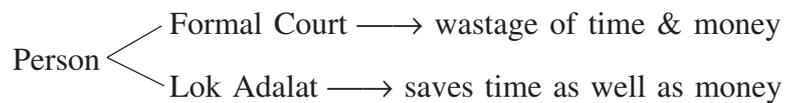
‘Lok Adalat’ is a system of conciliation or negotiation. It is also known as ‘people’s court’. It can be understood as a court involving the people who are directly or indirectly affected by the dispute or grievance. ‘Lok Adalat’, established by the government settles dispute through conciliation and compromise. The First ‘Lok Adalat’ was held in Chennai in 1986. ‘Lok Adalat’ accepts the cases which could be settled by conciliation and compromise and pending in the regular courts within their jurisdiction.



Figure 16.1: Lok Adalat

16.3.1 Need of Lok Adalats

As we know that justice delayed is justice denied. This statement becomes true if we see the backlog of pending cases before courts of different hierarchy. It resulted into delay justicing in India. Mounting arrears of cases has brought the judiciary and the judicial process at the verge of collapse. In this given state of affairs the mechanism of Lok Adalats is the only option left with the people to resort to for availing cheap and speedy justice. Lok Adalats effectively deal with the magnitude of arrears of cases. ‘Lok Adalat’ has in view the social goals of ending bitterness rather than pending disputes restoring peace in the family, community and locality.



So ‘Lok Adalat’ is favourable to poor sections of the society.

16.3.2 Statutory foundation of Lok Adalats

Under Article-39 A of the Constitution of India, the Parliament has enacted the Legal Services Authorities Act, 1987 with the legislative intent to constitute various legal services authorities to provide free and competent legal services to the weaker sections of the society to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities

and to organise 'Lok Adalats' to ensure the operation of the legal system which promotes justice on the basis of equal opportunity. The Act was passed to advance the Constitutional mission of social justice by creating legal services authorities and to organise 'Lok Adalats' to provide cheap and quick justice to the deprived and the destitute. The Act has conferred statutory status to 'Lok Adalats' for the first time through the parliamentary legislation, although the institution had the glorious socio-cultural heritage in India.



Do you know

There are large numbers of pending cases before different courts. The position of arrears is quite alarming in the High Courts. It is estimated that around 20,00,000 cases pending in various High Courts in India. All these shows that our judicial efficiency has been deteriorating and it has become almost impossible to render justice to the people at large.

16.3.3 Organisation of Lok Adalats

Every State Authority or District Authority or Supreme Court Legal Services Committee or every High Court Legal Services Committee or Taluk Legal Services Committee may organize Lok Adalats. Lok Adalats are to consist of three members – a sitting or retired judicial officer, a member of the legal profession (advocate, law officer, and law teacher) and a social worker, preferably women. The Act and regulations require the secretary of the legal services authority or committee to associate students, social activists and voluntary organisations in the community for facilitating the successful conduct of 'Lok Adalats'.

16.3.4 Jurisdiction and Award of Lok Adalats

Lok Adalats are intended to arrive at compromises and settlements. In doing so, it has the power of a civil court in summoning and examining witnesses, discovery of documents, recording of evidence on affidavits and requisitioning of public records. Further, it is open to Lok Adalats to specify its own procedure and it is considered judicial proceedings.

Whenever a settlement is reached, an 'Award' is made which is deemed to be a 'Decree' of a civil court. It is to be written down in simple and clear terms. No appeal is permissible against such awards which are deemed final. If no compromise is reached, the same goes back the court.

Many people saw the Lok Adalats as a measure to divert litigation from formal courts and tribunals and a convenient strategy to reduce the mounting arrears of cases in the formal court system. The insurance companies that found the



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compensation amounts settled through Lok Adalats in motor accident cases economically and administratively convenient started opting for the Lok Adalat in preference to the Tribunals.

**INTEXT QUESTIONS 16.1**

1. Why do we need 'Lok Adalats'? Discuss briefly the statutory foundation of Lok Adalats.
2. Have you ever attended any 'Lok Adalat' which was conducted in your district? If yes, then tell your experience.
3. Fill in the blanks—
 - (a) Lok Adalats are to consist of three members – a sitting or retired, a member of the and a social worker, preferably women.
 - (b) There isappeal against the award delivered by 'Lok Adalat'.

16.4. CONCEPT OF PLEA BARGAINING

In a Democratic Country like India, judiciary plays a vital role in establishing a state of justice. Justice is desired by each and every person on this earth. But as we all know that justice delayed is justice denied, so it is a matter of concern that how many people actually get justice in due time. There are large numbers of cases which are pending before different courts. The problem of backlog of cases has been haunting the Indian courts for a long time.

Thus, it is very necessary that some sort of system is adhered to so as to speed up the trial process and relieve the courts from heavy backlog of cases. With such a large population it is quite obvious that at least thousands of crimes are committed almost every day throughout the country. Thus, it is all the more obvious that with such a rate of criminal cases piling into the courts, the available workforce falls very short of the expectations. Apart from that there are several appeals which are preferred from the trials which furthermore increase the case numbers in the courts. In such a scenario it becomes a matter of concern as to how to control this problem.

16.4.1 Plea Bargaining- Meaning

“Plead Guilty and ensure Lesser Sentence” is the shortest possible meaning of Plea Bargaining. Plea Bargaining fostered by the Indian Legislature is actually the child of the West. The concept has been very much alive in the American System in the 19th century itself. Plea Bargaining is so common in the American System that every minute a case is disposed in the American Criminal Court

by way of guilty plea. England, Wales, Australia and Victoria also recognises 'Plea Bargaining'.

'Plea Bargaining' can be defined as "Pre-Trial negotiations between the accused and the prosecution during which the accused agrees to plead guilty in exchange for certain concessions by the prosecution". It gives criminal defendants the opportunity to avoid sitting through a trial risking and conviction on the original more serious charge. For example, a criminal defendant charged with a theft charge, the conviction of which would require imprisonment in state prison, may be offered the opportunity to plead guilty to a theft charge, which may not carry jail term.

Types of 'Plea Bargaining'

'Plea Bargaining' may be divided into three broad types: (a) 'Charge Bargaining', (b) 'Sentence Bargaining', and (c) 'Fact Bargaining'.

- (a) 'Charge Bargaining' is a common and widely known form of plea. It involves a negotiation of the specific charges or crimes that the defendant will face at trial. Usually, in return for a plea of guilty to a lesser charge, a prosecutor will dismiss the higher or other charge(s). For example, in return for dismissing charges for first-degree murder, a prosecutor may accept a guilty plea for manslaughter (subject to court approval).
- (b) 'Sentence Bargaining' involves the agreement to a plea of guilty in return for a lighter sentence. It saves the *prosecution* the necessity of going through trial and proving its case. It provides the defendant with an opportunity for a lighter sentence.
- (c) 'Fact Bargaining' is the least used in a *prosecution* in which the Prosecutor agrees not to reveal any aggravating factual circumstances to the court because that would lead to a mandatory minimum sentence or to a more severe sentence under sentencing guidelines.



Do you know

'Plea Bargaining' in the United States is very common; the vast majority of criminal cases in the United States are settled by Plea Bargaining rather than by a jury trial. In the United States 95% convictions for killing of human beings are settled on the basis of plea bargaining.



INTEXT QUESTIONS 16.2

1. Define 'Plea Bargaining'.
2. List various types of 'Plea Bargaining'.



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16.5 PLEA BARGAINING IN CRIMINAL MATTERS**16.5.1. Recent Incorporation of Plea Bargaining in Criminal Judicial System**

Plea Bargaining, basically meant to reduce the time frame of criminal trials. The Supreme Court was very much against the concept of Plea Bargaining before its introduction. According to the Supreme Court, the court has to decide cases on its merit. If the accused confesses his/her guilt, even then appropriate sentence is required to be implemented. The court viewed that mere acceptance or admission of the guilt should not be a ground for reduction of sentence, nor can the accused bargain with the court that as he/she is pleading guilty his sentence should be reduced. Despite strict opposition by the Supreme Court, the government found it comfortable to introduce this concept. Long list of pending cases before the criminal courts was cited as the reason for the enactment of this provision. If a person accepts his guilt, then the time of the prosecution is saved, which can be then properly utilised for proving more serious offences.

Plea Bargaining is applicable only in respect of those offences for which punishment of imprisonment is upto period of seven years. It does not apply where such offence affects the socio-economic condition of the country or has been committed against women or committed against a child below the age of 14 years.

The application for Plea Bargaining should be filed by the accused voluntarily before the court which is trying the offence. The complainant and the accused are then given time by the court to work out satisfactory disposition of the case. The court may reduce the sentence to 1/4th if the accused pleads guilty. There shall be no appeal in the case where judgment has been pronounced by the court on the basis of plea bargaining.

Plea Bargaining has emerged and gained acceptance in the legal community only in recent decades. The Criminal Law (Amendment) Bill, 2003 which was introduced in the parliament attracted enormous public debate. Despite this huge hue and cry, the government found it acceptable and finally section 265-A to 265-L have been added in the Code of Criminal Procedure so as to apply the plea bargaining.

16.5.2 Advantages of Plea Bargaining

A significant feature of method of Plea Bargaining is that it helps the Court and State to manage the case loads. It reduces the work load of the prosecutors enabling them to prepare for gravest cases by leaving the effortless and petty offences to settle through plea bargaining. It is also a factor in reforming the offenders by accepting the responsibility for their actions and by submitting them voluntarily before law without having an expensive and time consuming trial. In case wherein the prosecution is weak, if trial is concluded, for want of proper witnesses or evidences and the ultimate result may be an acquittal, the

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prosecution will have a chance to prove the accused as guilty by co-operating with the accused for a plea bargaining. An intelligent prosecutor may agree for a plea bargaining of an insignificant accused to collect evidence against other graver accused. Normally, in cases wherein aged or women witnesses have the vital role to prove a charge against the accused, their death or non cooperation, may be a real cause for adverse conclusion of the case. Here the prosecution avoids a chance of acquittal and the accused avoids a chance of conviction for more serious charges with higher punishments. From the angle of victim also, plea bargaining is a better substitute for his/her ultimate relief, as he/she can avoid a lengthy court process to see the accused, be convicted. The system gives a greater relief to a large number of undertrials lodged in various jails of the country and helps reduce the long pendency in the court.

There are some other supporting factors of 'Plea Bargaining' which fall into three main categories. First, some jurists maintain that it is appropriate as a matter of sentencing policy to reward defendants who acknowledge their guilt. They advance several arguments in support of this position, notably, that a bargained guilty plea may manifest an acceptance of responsibility or a willingness to enter the correctional system in a frame of mind that may afford hope for rehabilitation over a short period of time than otherwise would be necessary. A second view treats 'Plea Bargaining', not primarily as a sentencing device, but as a form of dispute resolution. Some plea bargaining advocates maintain that it is desirable to afford the accused and the state of opinion of compromising factual and legal disputes. They observe that if a plea agreement does not improve the positions of both the accused and the State, one party or other would insist upon a trial.

Finally, some observers supports 'Plea Bargaining' on grounds of economy or necessity. Viewing plea negotiation less as a sentencing device or a form of dispute resolution than as an administrative practice, they argue that society cannot afford to provide trials to all the accused who would demand them if guilty pleas were unrewarded. At least, there are more appropriate uses for the additional resources that an effective 'Plea Bargaining' could save.



INTEXT QUESTIONS 16.1

1. What are the advantages of 'Plea Bargaining'?



ACTIVITY 16.5

1. Make two groups of students of your study center and organise a debate. One group will favour the 'Plea Bargaining' and other against it. Note down the main points of discussion.



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**WHAT YOU HAVE LEARNT****Notes**

- Legal Aid and Services are the provisions which a poor can avail of. Even if a person is poor and illiterate, justice is secured for him/her. Now money is no more obstacle to get justice for poor.
- First of all, legal aid services were provided by France Government in 1851. Further, in 1944, England Government made effort to provide legal assistance to poor and needy persons. Our Constitution also secures legal aid and services for the poor section of the society. This benefit is provided under Art. 39A of our Constitution. The Legal Services and Authority Act was enacted in 1987. This Act has been enacted in furtherance to secure the benefit provided in Art. 39 of Our Constitution of India.

This Act defines – who are entitled for legal aid, and under which circumstances they are entitled.

This Act provides for the constitution of four Level Legal Authorities–

- (1) National Legal services Authority
 - (2) State Legal Services Authority
 - (3) Distric Legal Services Authority
 - (4) Taluk Legal Services Authority
- ‘Lok-Adalat’ means people’s court. This is a system where people can solve their disputes or problems on the basis of conciliation or negotiation. If an aggrieved person will go court to get justice, he/she has to spend lot of time and money. ‘Lok Adalat System’ will save the time as well as money of the aggrieved.
 - ‘Plea Bargaining’ concept is taken from the American system. The adoption of this concept in American system has speeded up the disposal of cases. Plea bargaining means the accuse is ready to plead guilty but in exchange for certain concessions by the prosecution.

Plea bargaining can be made at three level

- (1) ‘Charge Bargaining’ – Plea Bargaining at the time of framing of charges.
- (2) ‘Sentence Bargaining’ – Bargaining involves the agreement to plea of guilty in return for a lighter sentence.
- (3) ‘Fact Bargaining’ – Bargaining in which the Prosecutor agrees not to reveal any aggravating factual circumstances to the court because that would lead to a mandatory minimum sentence.

In different States of India, Legal Aid Schemes have been floating through Legal Aid Boards, Societies and Law Departments. In 1987, Legal Services Authorities Act was enacted to give a Statutory base to Legal Aid progammes throughout

the country on a uniform pattern. 'Lok Adalat' which is system of conciliation or negotiation and which is also known as 'People's Court', settles disputes through conciliation and compromise. 'Plea Bargaining' has become very important in today's time and has, therefore, got an important place in our Criminal Judicial System.



TERMINAL QUESTIONS

1. Explain the main provisions of Legal Services Authority Act, 1987.
2. Name the Authorities which are constituted under the Legal Services Authority Act, 1987. What are their functions?
3. "The Lok Adalat System is beneficial for the poor sections of the society." Explain.
4. Explain briefly the jurisdiction and award of 'Lok Adalat'.
5. What is the meaning of 'Plea Bargaining'? Write down the advantages of Plea Bargaining.
6. Match the right in column 'A' with their corresponding duties in column 'B'.

A

B

(a) The Legal Services Authority Act, 1987, provides for the constitution of

(a) reduce the case loads

(b) Lok Adalat is known as

(b) can organise Lok Adalat

(c) State Authority

(c) from American system

(d) 'Plea Bargaining' concept is taken

(d) people's court

(e) 'Plea Bargaining' helps the Court to

(e) National Legal services Authorities.



ANSWER TO INTEXT QUESTIONS

16.1

1. Why Lok Adalat

As we know that justice delayed is justice denied. This statement is true if we see the backlog of pending cases before courts of different level. It resulted into delay justicing in India. Mounting arrears of cases has brought the judiciary and the judician process at the veige of collapse. In this given state the Lok adalat in the best option with the people to resort for availing cheap and speedy justice. Lok adalat accepts the case which is settled by



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conciliation and compromise. The Lok adalat will save time as well as money of the poor persons.

Statutory Foundation–

Art. 39-A of the Constitution of India the Parliament has enacted the Legal Services Authorities Act, 1987 with the legislative intent to constitute various legal services authorities to provide free and competent legal service to the weaker sections of the society to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities and to organise Lok Adalat to ensure that the operation of the Legal system promotes justice on the basis of equal opportunity.

The Act was passed to advance the constitutional mission of social justice by creating legal services authorities and to organise Lok Aadalats to provide cheap and quick justice to the deprived and the destitute.

2. Yes, My experience of attending the ‘Lok Adalat’ was very exciting.
3. (a) (i) Judicial Officer
(ii) Legal Profession
(b) no

16.2

1. ‘Plea Bargaining’ can be defined as “Pre-Trial negotiations between the accused and the prosecution during the accused agrees to plead guilty in exchange of certain concessions by the prosecution.
2. Plea Bargaining may be divided into three broad types. These are (a) Charge Bargaining (b) Sentence Bargaining (c) Fact Bargaining.

16.3

1. ‘Plea Bargaining’ helps the Court and State to manage the case loads. It reduces the work load of prosecutors enabling them to prepare for the gravest cases by leaving the petty offences to settle through ‘Plea Bargaining’. It is also a factor in reforming the offenders by accepting the responsibility for before the law without having an expensive and time consuming trial.