

EVALUATION AND SUCCESS RATE OF LOK ADALATS

IN THE STATE OF TAMIL NADU

INTRODUCTION

‘We are moving towards a time when it will be impossible for the courts to cope up with the dockets. If something is not done, the result will be a production of line of justice that none of us would want to see’

The seven hundred years old clarion call of the Magna Carta- *To no one will we sell, to no one will we refuse or delay the right to justice* very pertinently embodies the principle of legal aid. The institution of Lok Adalats have evolved as one of the most important modes of alternative dispute resolution. The first instance of a Lok Adalat system was in 1982, in the village of Una, in the district of Junagarh, Gujarat. Though this was in its rudiments, a fairly modern version of the Lok Adalat system that exists till date began in Chennai, in 1986. The institution has developed, since, by leaps and bounds, by the people themselves, in order to provide for equitable justice speedily at minimal cost. The crux of this mode of justice dispensation is that it is contrived to enable the common man to ventilate his grievances against other citizens or even state agencies, and successfully arrive at an amicable settlement of sorts. Morality, honesty, justice, equity and good conscience are the high and lofty ideals upon which this institution is founded.

The literal translation of the Hindi moniker, Lok Adalat, is ‘People’s Court’- Lok, meaning people, and adalat meaning court. Thus, it simply means a court for the people, by the people, and of the people themselves. Apart from the fact that it is a mode of redressing grievances and delivering justice, Lok Adalats have less in common with the conventional adjudicative machinery. Essentially, the procedural and perfunctory requirements of proper courts are done away with, and the cadaverous remains are fleshed

out with flexibility and amity in settlement, and this lends the Lok Adalat the characteristic of people-friendliness.

The Lok Adalat originated from the failure of the Indian legal system to provide fast, effective, and affordable justice. The evolution of this movement was a part of the strategy to relieve the heavy burden on the Courts with cases pending disposal. The pendency of cases poses great difficulties to the judiciary, and to the people who queue up in the hope of getting justice. It is a well known fact that Justice Delayed, in effect, is Justice Denied. This phrase is legitimate, what with over 2,000,000 cases flooding in various courts and tribunals in the country, the primary concern of jurists and legal luminaries today is to speed up the judicial process. The reason that backed the creation of such courts were only the pending cases and to give relief to the litigants who were in a queue to get justice. There are myriads of Justice Seekers, and with the ever increasing numbers, courts face an unwarranted challenge to their man-power and infrastructure. There is serious problem of overcrowding of dockets. To ease the heavy burden on the courts, it would be in the fitness of things if the cases can be resolved by resorting to 'Alternative Dispute Resolution' Methods before they enter the portals of Court.

Lok Adalats are a blend of all three forms of traditional ADR: arbitration, mediation, and conciliation. They use conciliation, with elements of arbitration given that decisions are typically binding, and are an illustration of legal decentralization as conflicts are returned to communities from whence they originated for local settlement.

Chennai, Tamil Nadu, stands tall among the nation's cities for being the first city to effectively hold a Lok Adalat in its modern form. In 1986, the first Lok Adalat akin to the prevalent modern form, was organized in Chennai. This paper endeavours to look into the Lok Adalat system in Tamil Nadu, in the course of which there shall be information as regards a brief history of the system in Tamil Nadu, supported by a detailed set of statistics, procedural mechanisms, settlements and an insider's viewpoint on the intricacies of the system.

History of Lok Adalats in Tamil Nadu

Lok Adalat is not a new concept in India. The evolution of the system can be traced back to the Vedic times. Since time immemorial, with minor variations, there have been instances of people's courts in several Indian villages, imparting justice to myriads of people with little or no access to formal courts. References of the Lok Adalat system were found in the classics of Kautilya, Gautama, Brihaspati and Yagnavalkya. Known by names such as the *kula*, *sreni* and *gana*, the Lok Adalat concept was substantially the same, albeit with minor variations in the administrations. With the advent of the British, the adjudicative machinery personifying an adversary form of dispute resolution replaced the erstwhile system of Lok Adalats. Unmanageable dockets of cases, deprivation of justice and rigid procedures and rules soon became the order of the day. As the system remained after independence, with minor improvements and additions, a large number of cases began to pile up, cutting a sorry figure for the judiciary in the process.

There was a need for the revival of indigenous judicial administration systems. Three different committees were constituted, in order to fulfill the new Constitutional goal of free access to justice for all and sundry. In addition to the report of the three committees, the Report on the Processual Justice to the People, 1973, the Report of the Gujarat Legal Aid Committee, 1977 and the Judicare: Equal Justice Social Justice Report, 1977 stood as the foundation stone for the establishment of the institution of the Lok Adalat. For implementation requirements, the Committee for the Implementation of the Legal Aid Scheme was constituted under the chairmanship of Justice Bhagwati to evolve an appropriate structure and procedure with a view to achieve access to justice.

At the first instance, the goal of providing cheap and speedy justice was achieved under the aforementioned committee, with the first Lok Adalat being held in Una, in 1982. Following this, the first modern form of the Lok Adalat was introduced in Chennai, in 1986. The Legal Services Authorities Act, 1987 followed suit, with its enforcement being conducted effectively in 1995. This opened up avenues for the grant of more impetus to the institution. The Legal services Authority Amendment Act of 2006 was an implementation of the judiciary's verdict, in its capacity of the watch-dog for the Lok

Adalat system.

With regard to Tamil Nadu, in December, 1976, the Tamil Nadu State Legal Aid and Advice Board Rules were published in the Government Gazette. The first chairman and vice chairman for the Board were nominated in 1977. After the formation of this board, the Chennai District Committee and other District Committees devoted to the cause of Legal Aid and Advice were constituted in 1977. The District Judges officiated as Presidents of the committees constituted in their respective districts. The High Court Legal Aid Centre, dealing with cases exclusively for High Court matters came into existence in November, 1983. Following this, four Taluk Committees were formed at the first phase, after which the Legal Aid Board expanded its infrastructure all over Tamil Nadu and Taluk Committees were formed where the Chief Judicial Magistrates, Sub Judges, District Munsif or the Judicial Magistrates as the case may be, function as Presidents of the respective Taluk Committees.

In 1997, by way of a government order, the Tamil Nadu State Legal Aid and Advice Board was dissolved by a resolution passed in the General Body of the Tamil Nadu State Legal Aid and Advice Board. The Lok Adalats were now conducted under the supervision of the Tamil Nadu Legal Services Authority, a statutory body constituted under the Legal Services Authorities Act, 1987 as per the mandate of the Constitution of India under Article 39-A. It was following this, that the first Executive Chairman of the Tamil Nadu Legal Services Authority, Justice M.S.Janarthanam, was appointed, in May, 1997. Consequent to this, the High Court Legal Services Committee was established in January, 1998.

The performance of the Lok-Adalat institution has not been uniform in all states. While in some states there has been an immense impact by way of this scheme of things, in several other states it is unfortunate to note that the system has faded into oblivion. In so far as Tamil Nadu State Legal Services Authority is concerned throughout Tamil Nadu by itself and through its constituent District Legal Services Authorities, Taluk Legal Services Committees and High Court Legal Services Committee has conducted 37,991 Lok Adalats from 1.11.1997 (the date of absorption as State Legal Services Authority from the

erstwhile Legal Aid and Advise Board) till 30.4.2009, of which 3,38,189 cases were disposed of through which Rs.1480,48,92,042 – 71 was arrived at. Two permanent Lok Adalats were opened in September, 2007.

Specialized Lok Adalats have been continually constituted for Motor Accident cases, Debts Recovery Tribunal cases, Labour Court cases, Family Court cases, Family Court Appeals in the High Court, Nationalised and Scheduled Bank cases, Taxation Appellate Tribunal cases, Pension cases, High Court Land Acquisition Appeals, Electricity Board cases, Electricity Appeals (High Court), Metro Water cases, Port Trust cases, Workmen Compensation cases and Slum Clearance Board cases. From 1986, so far 32,922 Adalats have been conducted in District and Taluk levels and 3,30,403 cases were settled with amounts totalling to Rs.1,341 crores awarded.

The Organization, working and Procedure of Lok Adalats in general and particularly in Tamil Nadu

a) General:

A separate Chapter is inserted in the Legal Services Authorities Act, 1987 to deal with the organization, cognizance, power and procedures relating to the Lok Adalats, and the effect of settlements arising before the same. The act empowers each state authority, the Supreme Court Legal Services Committee, the High Court Legal Services Committees, District Legal Services Authorities and the Taluk Legal Services Committees to organize Lok Adalats at such places and intervals as they think fit. The concerned Authority or Committees are empowered to organize Lok Adalats, and to select the members for the Lok Adalat, consisting of retired or serving judges. The power to prescribe qualifications remains with the Central Authority for Lok Adalats organized by the Supreme Court Legal Services Committee and with State Governments for other Lok Adalats at the State Level. A Lok Adalat shall have jurisdiction to determine and to arrive at a compromise or settlement between the parties to a dispute in respect of any case pending before; or any matter which is falling within the jurisdiction of, and is not brought before, any court for which the Lok Adalat is organized, provided, that the Lok Adalat shall have no jurisdiction in respect of any case or matter relating to an offence not compoundable under any law.

The State Legal Aid and Advisory Boards or District Legal Aid Committees organize Lok Adalats. The members of the Lok Adalat are called as 'Conciliators'. The members may be drawn from serving or retired judicial officers or from other fields of life. The number of members is to be determined by the organizing authority. Likewise the qualification and experience required for the members have to be prescribed where the Lok Adalat is organized by the Supreme Court Legal Services Committee, by the Central Government in consultation with the Chief Justice of India. In other cases, it has to be done by the State Governments in consultation with the Chief Justices of the High Courts.

The legal aid committee concerned announces a date for organizing a Lok Adalat at least one month in advance. It also determines the cases to be taken up in the Lok Adalat. The district and sessions Judge who, in most of the states, is the Chairman of the district legal aid boards, directs the subordinate judges of the area to be covered by the Lok Adalat to prepare a list of pending cases which they consider suitable for negotiation. Similarly, the District Magistrate or Deputy Commissioner or Collector, as he is known in some places instructs his subordinate officers to prepare a list of revenue and executive cases to be settled in the Lok Adalat. The cases may pertain to civil, revenue and compoundable criminal disputes. For the labour and industrial disputes, sometimes, different courts are organized since such disputes are of different nature and a camp has to be held in the town or the city where industries are located. But sometimes, such cases are also taken up along with other cases. For the selection of cases *fit for compromise*, there has been no hard and fast rule. It is the responsibility of the subordinate judges to select the cases in which a compromise is possible. After the list of cases is prepared, the cases are analyzed and consolidated under various heads to which the group of cases pertain and substance of each case is recorded in a proforma, that can be used for reference, verification and correspondence later on. Notices are then issued with the assistance of legal aid boards, social action groups and social organizations. Discussions take place and efforts are made for a negotiated settlement. The process of settlement, thus, goes on for about a month.

On the specified day of organizing the Lok Adalat, the parties to the dispute assemble at the predetermined place. The place may be in some village, or other area, a school or college or even Court Premises, where the legal aid teams are accessible to resolve the disputes of the people by reconciliation and compromise. The teams usually consist of retired judges, spirited public men and voluntary social organizations and elders of the locality, who are informed with the spirit of service and are adept in bringing about rapprochement between parties by way of appropriate guidance and persuasion.

During the sessions of the Lok Adalats, multiple panels are set up. The number of panels may go upto 10 or 15 or even more, as the need may be. Each panel usually consists of two or three conciliators. One of them may be a retired judge or a senior

retired civil servant or an advocate or an academician. The members of the panel are generally chosen by the Legal Aid and Advice boards on the basis of their record of public service, honesty and respectability among the local populace and are expected to be good conciliators and sympathetic to people's problems.

Before the actual holding of the Lok Adalat Session, the local legal aid committee along with the local people and social workers interview the parties, talk to them in detail explaining the pros and cons of their cases. After assessing the scope of settlement acceptable to them, they try to convince them about the feasibility and desirability of resolving the disputes by conciliation and compromise. This process sometimes continues even at the compromise site. Once this settlement is arrived at between the parties, it is given a written form by the members of the panel of the Lok Adalat and the signatures of the parties are obtained. The members of the panel of the Lok Adalat also countersign it. Thereafter, either the same day or the following day, the decree or orders are passed in terms of compromise, after the judge examines the fairness and the legality of the settlement that it has been arrived at by the free and mutual consent of the parties and not by force.

b) In Tamil Nadu:

The focus of the present paper is entirely on the Lok Adalat system in Tamil Nadu. The Tamil Nadu State Legal Aid and Advice Board follows a very simple and flexible procedure while organizing and working the Lok Adalats in different parts of the state. The procedure followed is generally as enumerated above. Since its inception, the Tamil Nadu network of Lok Adalat systems have been working very hard with dispensing justice. This standard of work has won the system in Tamil Nadu the accolade of a role model for the rest of the country.

Specialized Lok Adalats have been continually constituted for Motor Accident cases, Debts Recovery Tribunal cases, Labour Court cases, Family Court cases, Family Court Appeals in the High Court, Nationalized and Scheduled Bank cases, Taxation Appellate Tribunal cases, Pension cases, High Court Land Acquisition Appeals, Electricity Board cases, Electricity Appeals (High Court), Metro Water cases, Port Trust cases,

Workmen Compensation cases and Slum Clearance Board cases. From 1986, so far 32,922 Adalats have been conducted in District and Taluk levels and 3,30,403 cases were settled with amounts totalling to Rs.1,341 crores awarded. The reports and statistics from various districts show that Lok Adalats are very popular and settlements are arrived at both post litigation and pre-litigation stages. The High Court Legal Services Committee has been organising Lok Adalats twice a week. Apart from Motor Accident Appeals, other categories of cases like Writs, Matrimonial Appeals, Land Acquisition cases etc. are also taken up and settled in Lok Adalat. In the Madurai Bench of Madras High Court a Maha Lok Adalat was conducted in 2006, in which thousands of people participated and enormous number of cases were settled and the Hon'ble sitting Judges of the High Court have also participated in the settlement process. A continuous Lok Adalat has been established in the Principal seat of the High Court, Madras. Four retired Judges of the High Court of Madras, Justice Thiru K.Govindarajan, Justice Thiru Malai Subramanian, Justice Thiru A.Ramamurthi and Justice Thiru R.Balasubramaniam have been appointed to preside over the continuous Lok Adalat and cases are posted before them. A separate daily cause list for the Lok Adalat is printed and circulated. The Lok Adalat sittings, which are very informal and which are not bogged down by extensive procedural wrangles, are being held in Court Hall Nos. 13 and 14. Lok Adalats are also organised periodically in districts, presided over by the sitting Judges of the High Court. Since a large number of cases are getting disposed and the results are encouraging, a Lok Adalat Committee has been constituted which has decided to organise Lok Adalats in district headquarters, presided over by the respective portfolio judges. The Tamil Nadu State Legal Services Authority has been regularly organising Lok Adalat for Motor Accident Claims cases in the Court of Small Causes, Chennai. At present, the Lok Adalat is conducted twice a month.

The State Legal Services Authority is also conducting pension counselling by a retired Director of Pension and after a preliminary scrutiny, the matter is placed before the Pension Adalat, which settles the disputes relating to the retired persons. Such Pension Adalats are conducted once in a fortnight by the State Authority presided over by retired Judges of the High Court, apart from a retired I.A.S., officer and a lawyer as its members.

So far 134 Pension Adalats have been conducted and 305 retired pensioners were benefited.

The Prison Adalat is predominantly meant for settlement of cases of under-trials. It was started on 15.08.2000 in Chennai Central Prison. It was followed by Prison Adalats at Madurai, Trichy, Vellore, Cuddalore and Salem. In Vellore, separate Prison Adalats were conducted for male and female prisoners. These Adalats are held by the Chief Metropolitan Magistrate or the Chief Judicial Magistrate in Central Jails on regular basis. The cases of under-trial prisoners who are involved in petty offences, punishable upto three years, are being disposed of by the Prison Adalats. So far, 1919 Prison Adalats have been conducted and 11029 cases were disposed of. Lok Adalats have become true repositories of public confidence and trust as the results have shown.

STATISTICAL DATA RELATING TO LOK ADALATS IN TAMIL NADU

CASES SETTLED AND AMOUNT AWARDED INCLUDING,
SPECIALISED LOK ADALATS, FOR THE PERIOD
FROM 1986 TO 31.07.2009
ABSTRACT

YEAR	ADALATS HELD	CASES SETTLED	AMOUNT AWARDED RS. P.
1986 to 31.10.1997 (Legal Aid Board)	2,690	62,552	207,44,45,683-22
01.11.97 to 31.12.1997 (Legal Services Authority)	78	1,787	9,47,49,412-00
1998	687	14,897	85,97,63,386-54
1999	476	13,259	74,80,29,244-00
2000	940	9,664	62,37,52,965-00
2001	1,153	10,547	89,21,15,108-00
2002	4,231	12,992	105,77,08,923-98
2003	5,781	45,194	188,00,96,412.62
2004	6,851	49,231	183,65,46,210-29
2005	4,483	41,933	141,93,63,988-83
2006	3,510	52,166	120,56,17,790-07
2007	3,290	28,148	134,87,10,202-85
2008	4,849	46,547	227,36,73,817-53
01.01.2009 TO 31.07.2009	2,598	24,897	108,62,48,529-00
TOTAL	41,977	4,13,814	1740,08,21,673.93

The above table depicts the number of cases heard and disposed off by the Lok Adalats in Tamil Nadu. The trend depicts a rise in the number of Adalats held, as awareness of such facilities have been increased by way of legal aid camps. The disposal of cases has increased by and large, indicating that more and more confidence is being vested in the system by the inmates of Tamil Nadu.

**LOK ADALAT ORGANISED BY THE STATE AUTHORITY,
HIGH COURT LEGAL SERVICES COMMITTEE,
DISTRICT AUTHORITIES AND TALUK COMMITTEES**

Particulars	Figures relating to Legal Aid Board for the period from 1986 to 31.10.1997	Figures relating to Legal Services Authority for the period from 01.11.97 to 31.07.2009	Total
Number of Lok Adalats	2,690	39,287	41,977
Motor Accident Award Secured	60,389	71,770	1,32,159
Civil	Rs.207, 44,45,683-22	Rs.558,75,10,454-04	Rs.766,19,56,137-26
Matrimonial	889	14,341	15,230
Criminal/ Compoundable IPC	462	7,385	7,847
Land acquisition Award Secured	812	34,144	34,956
Labour Court Award Secured		13,709 Rs.157,10,06,548-77	
Family Court		818 Rs.1,60,64,879-75	
Family Court Appeals		634	
Electricity Board Award Secured		3	
High Court Appeal (Electricity Board) Award Secured		221 Rs.1, 70,41,681-00	
High Court Appeal (LAOP) Award Secured		170 Rs.3, 78,13,508-77	
High Court Appeal (CMA) Award Secured		54 Rs, 21,52,526-16	
		6,966 Rs.171,75,87,809-50	

Workmen Compensation With Employees Award Secured		64 Rs.98,77,791-00	
Municipal Taxation Appeals Award Secured		1,223 Rs.4,36,61,355-00	
Taxation Appellate Tribunal (Chennai) Award Secured		424 Rs.11,27,82,995-00	
NLC, Gratuity Cases Award Secured		2,164 Rs.13, 26,45,282-29	
Cheque bounces Award Secured		15,893 Rs.46,82,50,664-44	
Cheque Bounces Appeals Award Secured		213 Rs.3,04,98,536-00	
Debt Recovery Tribunal Award Secured		683 Rs.246,85,34,258-61	
Bank Suits Award Secured		544 Rs.3,09,62,519-77	
Contempt of Court		2	
Consumer Forum Award Secured		16 Rs.10, 60,065.00	
Metro Water Award Secured		1 Rs. 98,280.00	
Pension		455	
Housing Board		10	
Slum Clearance Board		13	
Central Bank of India Award Secured		2,893 Rs.5,76,31,523-00	
State Bank of Travancore Award Secured		1,278 Rs.2,36,79,599-00	
Indian Bank Award Secured		28,161 Rs.42,12,51,265-25	
Canara Bank Award Secured		5,200 Rs.16,02,31,248-41 -	
Corporation Bank Award Secured		611 Rs.1, 57,63,723-00	
Bank of India Award Secured		4,970 Rs.14,47,50,659-10	
Vijay a Bank Award Secured		1,459 Rs.9, 73,65,582-00	

Syndicate Bank Award Secured		1,345 Rs.6,05,72,068-00	
Bank of Baroda Award Secured		476 Rs.97,59,288-00	
Karur Vysya Bank Award Secured		1,392 Rs.3,84,15,000-00	
TN Mercantile Bank Ltd., Award Secured		59 Rs.16, 69,138-00	
Dena Bank Award Secured		5 Rs. 1,43,500.00	
Union Bank of India Award Secured		5,629 Rs.19,39,66,217-56	
State Bank of India Award Secured		12,688 Rs.54,46,21,520-08	
SBI Credit Cards Award Secured		948 Rs.1,76,37,739-00	
Lakshmi Vilas Bank Award Secured		721 Rs.2,68,17,515-00	
Pandian Grama Bank Award Secured		6,576 Rs.4,18,33,561-00	
Indian Overseas Bank Award Secured		36,658 Rs.63,63,09,236-03	
Federal Bank Award Secured		2 Rs.8, 16,725.00	
Punjab National Bank Award Secured		1,920 Rs.4,16,23,721-00	
Adiyaman Gramma Bank Award Secured		183 Rs.20, 08,650-00	
Dhanalakshmi Bank Award Secured		52 Rs. 15,51,560-00	
Andhra Bank Award Secured		187 Rs.2,42,17,534-00	
Vysya Bank Award Secured		1 Rs.2, 14,010-00	
UCO Bank Award Secured		290 Rs.1,32,56,982-00	
City Union Bank Award Secured		86 Rs.21,09,585-00	
ABN Ambro Bank Award Secured		95 Rs.30,96,473-72	
StandardCharteredBank Award Secured		1,367 Rs.3,62,26,489-50	
Bharath Overseas Bank Award Secured		35 Rs.2, 80,000-00	

IDBI Bank Award Secured		24 Rs.11, 71,763-00	
HDFC Bank Award Secured		475 Rs.2,00,65,248-15	
Oriental Bank of Commerce Award Secured		30 Rs.18, 55,614-00	
Vallalar Gramma Bank Award Secured		260 Rs.10, 42,790-00 -	
Nazareth Urban Co Operative Bank Ltd Award Secured		79 Rs.9, 16,274-00	
Hong Kong Shanghai Bank Award Secured		55 Rs.18,86,900-00	
American Express Bank Award Secured		242 Rs.1,19,77,264-00	
South Indian Bank Ltd Award Secured		10 Rs.1, 86,000-00	
Ilayankudi Bank Award Secured		18 Rs.72,95,000-00	
Citi Bank Award Secured		1,143 Rs.3,58,37,564-73	
AXIS Bank Award Secured		59 Rs.22,74,739-00	
Pallavan Gramma Bank Award Secured		122 Rs.7,65,935-00	
ING Vysya Bank Award Secured		108 Rs.84,44,073-00	
Centurion Bank of Punjab Award Secured		29 Rs.5,46,927-00	
Tuticorin Permanent Fund Limited Award Secured		7 Rs.4, 68,000-00	
Mutual Benefit Fund Award Secured		106 Rs.30,17,780-00	
Unit Trust of India Award Secured		17 Rs.8,51,604-00	
ICICI Home Finance Award Secured		6,613 Rs.21,93,60,811-00	
LIC Housing Finance Award Secured		49 Rs.44, 69,432-00	

GE Countrywide Consumer Finance Award Secured		324 Rs.62, 19,389-00	
G.E.Countrywide Cash Card Award Secured		628 Rs.90,20,904-00	
City Financial Consumer Finance Award Secured		626 Rs.1,24,06,004-72	
Shriram City Union Finance Award Secured		882 Rs.1,45,95,248-00	
TVS Finance Service Award Secured		148 Rs.26,12,013-00	
Kumbakonam Benefit Fund Award Secured		1 Rs.90,000-00	
Royal Sundaram Allianz Insurance Award Secured		85 Rs.54, 58,000-00	
Bajaj Allianz General Insurance Award Secured		44 Rs.26,47,679-00	
Cholamandalam General Insurance Award Secured		257 Rs.74,75,870-00	
Kotak Mahindra Award Secured		23 Rs.10,18,918-00	
Tata AIG Insurance Award Secured		4 Rs.1, 32,000-00	
Tata Teleservices Award Secured		5,437 Rs.74,93,382-00	
Reliance India Mobile Award Secured		4,858 Rs.1, 23,89,624-14	
Airtel Infotel Award Secured		6,827 Rs.1, 38,60,782-36	
Air Cell (RPG) Award Secured		199 Rs.6,07,427-41	
Hutchison Essar Award Secured		948 Rs.12,58,771-00	
BPL InfoTech Award Secured		1,214 Rs.16,11,267-45	
“BSNL” Award Secured		9,185 Rs.2,58,94,075-00	
Tsunami Relief Award Secured		20,310	

Flood Relief Cases Award Secured		1,975	
Weavers Cases Award Secured		1	
Evaluation certificate Award Secured		423	
Fluturn Finance Award Secured		94 Rs.31,42,802.00	
Barclay Award Secured		64 Rs.86,26,900-00	
India Bulls Award Secured		11 Rs.2,56,090-00	
Bank of Maharashtra Award Secured		8 Rs.2,34,229-00	
Tata Motors Award Secured		5 Rs.2,64,355-00	
Future Money Award Secured		1 Rs.15,000-00	
Bajaj Auto Award Secured		12 Rs.2,84,035-00	
Dutche Bank Award Secured		4 Rs.6,28,000-00	
Family Credit Card Amount awarded		11 Rs.3,30,238-00	

While at the outset, when the system of the Lok Adalat was first introduced, there were only a few genres of cases that were entertained. However, with time, it stands clear that more matters have come before the Lok Adalats for suitable adjudication.

DISTRICT WISE BREAK UP OF LOK ADALATS IN TAMIL NADU

<u>District</u>	<u>Number of Lok Adalats</u>	<u>Number of cases settled</u>
Chennai	5073	1,10,843
Coimbatore	2965	40,153
Cuddalore	758	10,120
Dharmapuri	1408	32,144
Dindigul	559	6,122
Erode	763	9,540

Kanchipuram	1403	11,203
Kanyakumari	258	4,001
Karur	818	6,743
Krishnagiri	953	12,384
Madurai	3102	55,633
Nagapattinam	2774	14,901
Namakkal	490	804
Nilgiris	1551	7,833
Perambalur	432	652
Ramanathapuram	1385	2,181
Salem	788	12,391
Pudukottai	452	5,412
Sivaganga	129	628
Thanjavur	783	1,014
Theni	311	893
Thoothukudi	378	988
Thiruchirapali	2149	8,754
Thirunelveli	1785	2,140
Thiruvallur	251	370
Thiruvannamalai	1143	3,130
Thiruvarur	176	541
Vellore	3120	40,127
Vizhuppuram	1924	2,438
Virudhunagar	876	1,088
Ariyalur	1474	5,042
Tirupur	1136	3,601
TOTAL	41977	4,13,814

The table depicts a high number of Lok Adalats in Chennai, Vellore, Coimbatore and Trichy, with a fairly large number having been held at Nagapattinam, as well. The

numbers were high at Nagapattinam on account of the Tsunami related Lok Adalat sessions that were held. Hundreds of tsunami survivors from various parts of Nagapattinam district submitted petitions, most of them on non-disbursement of relief, at the first Tsunami Lok Adalat conducted by the Nagapattinam District Legal Services Authority in association with the Madurai advocates, in March, 2005. The TNSLSA deputed teams of advocates to various districts to address the apprehensions. Though there was no loss of life, houses and boats of many of the inmates were swept away and that they needed to return to the villages.

NATURE OF CASES TAKEN UP BY LOK ADALATS

Since inception, the Lok Adalats have been instrumental in settling disputes relating to several matters. The innumerable number of cases dealt with by Lok Adalats seems to bewilder an outsider studying the same. It is a misconception amongst many that the nature of cases dealt with by the Lok Adalats are essentially petty cases, while in reality, they are not so. Study reveals that a large number of cases dealt with by Lok Adalats involve matters that are hotly contested and are indeed fit for settlement through amicable means such as negotiation. The ideal of the Lok Adalat is to attain two basic objectives:

- To resolve disputes that have not come to mainstream courts yet,
- To resolve the disputes which have already come to the courts, by negotiating with the assistance of an experienced member of the team who functions as a conciliator.

At the outset, civil, revenue and criminal cases of compoundable nature, were dealt with for settlement by the Lok Adalats. Success in settlements encouraged settlements in other related fields, such as Motor Accident Claims, mutation of lands, bonded labour, matrimonial disputes and family disputes. In addition, a couple of petty cases are also being taken up, which would have otherwise taken several years to reach

settlement. A few of these new disputes are herein enunciated:

a) Motor Accident Claims:

While perusing the list of cases that come up before the Lok Adalats, it stands clear that a large quantum of these cases are Motor Accident Claims. Lok Adalats have a track record that speaks volumes of successful settlement of cases, and of providing adequate compensation to the victims of the road accidents within a reasonable time-frame. Motor accident claims are presently on the rise, particularly due to factors such as the growth of population and industrial development. The use of more motor vehicles only creates room for more accidents, which in turn, create more and more legal disputes. According to the statistics of the Indian Road Congress, India seems to stand at the fore with the largest number of road accidents in the world. In the words of Justice Krishnaier, *Indian Roads have become death traps in recent times*. The victims of the accidents suffer not only physical and mental agony from the event, but also from the legal consequences that ensue from the same. Claims of such cadre consume about three or four years in the courts and sometimes, the period is even more. With such large time gaps the very purpose of legislation is certainly defeated because justice delayed amounts to justice denied. Since the number of claims cases is proportionately high and the technicalities and the procedure of law is quite protracted, it certainly puts the claimants into frustration.

In such a situation, it is the Lok Adalats that have come forward to take up these cases for an early settlement that would be mutually beneficial to the claimants and the courts. Lok Adalats, all over India have settled a record number of Motor Accident Claims. Since the area of conflict in such cases involve only the quantum of compensation, the Lok Adalats seem to be amicable forums for the settlement of such issues. The expedience in these proceedings ensure that the compensation is received by the victim within two or three weeks of the determination.

b) Matrimonial Cases:

Another area where Lok Adalats have achieved a fair deal is the settlement of

matrimonial disputes. In solving matrimonial disputes, it is found that the judges of the Lok Adalats persuade the parties to re-unite and in case there is no chance of a reunion, and it is found that a divorce by mutual consent is the only alternative, the judges determine the amount that should be given to the wife as maintenance allowance. Lok Adalats, in fact, help in bringing out an early decision, where couples want to get a divorce easily, which would otherwise be difficult and cumbersome in a proper court of law.

c) Industrial Disputes:

The Lok Adalats have lately taken up industrial disputes and have settled these cases with a fair amount of success. The industrial disputes are settled either by organizing special sessions of Lok Adalats or along with other cases in one session. Records reveal a speedier disposal of industrial cases as opposed to the prevalent track record for matters that come up before the Industrial Courts.

d) Land Acquisition Case:

Land acquisition claims have been a late entrant in the arena of the Lok Adalats. A large number of land acquisition disputes relate to the issues of patta, title and possession, as also compensation to be provided in circumstances involving acquisition of land by companies. Many disputes involve matters relating to the ascertainment of compensation to be given in exchange for land acquired, and involve an insight into who is to get the requisite compensation.

e) Bank Cases

Recently, bank cases involving the repayment of loans taken by people within a specified time period are being included within the specified time period are being included under the jurisdiction of Lok Adalats. Instead of filing suits in the courts of law, where the process takes a long time to solve the case, banks prefer to take the cases to Lok Adalats, where the representatives of the banks and the borrowers come to the venue of Lok Adalats on the particular day. A sum is affixed, that is neither high

for the borrower, nor low for the lender, but mutually acceptable.

f) Petty Offences:

Petty offences mean any offences punishable only with fines not exceeding one thousand rupees, but do not include any offences so punishable under the Motor Vehicle Act, 1939, or any other law which provides for convicting the accused person in his absence or a plea of quantity. For instance, not wearing helmets while driving two wheelers, dumping garbage at public places and on roads, non-submission of annual records of factories under labour act and any fault in weighing machines according to the weight and measures department are punishable under law. In cases of petty offences, the accused does not often turn up on the specific date before the court despite notices. This causes a delay in cases.

In Lok Adalats, cases are solved in an amicable manner. The accused pays the fine and the case gets solved, thereby reducing the burden of arrears of cases on the court.

Lok Adalats settle all kinds of matters. However, as a matter of policy, it is found that socio-economic offences have been kept out of the purview of Lok Adalats.

FUNDING FOR LOK ADALATS:

Finance is the life blood of any organization, irrespective of the nature of the endeavour embarked upon by them. This is the same in the context of Lok Adalats. As entities involved in doling out free legal aid and free legal services, the quantum of funds required by the Lok Adalats are indeed rather high. Before looking at the funding for Lok Adalats, it would be prudent to understand the hierarchy of authorities in the scheme of Legal Aid followed in India. The diagram below summarizes the same:



The authorities are entirely statutory in nature, being established under the Legal Services Authorities Act, 1987. The act provides for a generic outline of the sources of finance for each entity, which are laid down here as follows:

- S.3(7) of the Act, 1987 mentions that the administrative expenses of the Central Authorities shall be sourced from the Consolidated fund of India.
- The act also mandates the National Authority to form a National Legal Aid

Fund, which shall be the source for all expenditures incurred on legal aid as provided by the National Authority and the Supreme Court Legal Services Committee, as under s.15 of the act.

- All the administrative expenditure of the State Legal services Authority should be defrayed out of the Consolidated Fund of the state, as mentioned under s.6(7).
- Guidelines are also provided for the State Authority to form State Legal Aid Funds, and the money from these funds shall be used for providing legal aid and grant to different District Authorities for the purpose, as under s.16 of the Act, 1987.
- Administrative expenses of the District Authorities are defrayed out of the Consolidated Fund of the State, as under s.9(7) of the Act, 1987.
- The District Authorities are under an obligation to establish a District Legal Aid fund, at the district level and the legal aid shall be provided out of this fund, as mentioned under s.17 of the Act.
- The administrative expenses of the Taluk Committee shall be defrayed out of the District Legal Aid fund.

A large segment of the funds for Lok Adalats come from Central Government grants, State Government grants and from sponsorship from the governments. The state established legal service authorities are allowed to dip into the reserves of the Central Authority when the need arises.

PEOPLE'S RESPONSE TO LOK ADALATS:

The study of the generic perception of the Lok Adalat movement in Tamil Nadu reveals that it is construed a tremendous success. According to the propagators of the scheme, in spite of the lack of adequate finance and institutional facilities, the movement has gained steady momentum and is viewed with much respect. More and more people are being attracted to its working. The system has been particularly user friendly, given that it creates legal awareness among masses, the poor and the down-trodden through a series of legal literacy camps.

The most important criterion to determine the success or failure of the Lok Adalat scheme, however, remains the opinions of the common masses of Tamil Nadu, and the persons who pioneer the movement, namely the members of the bench and the bar. This makes it imperative to peruse the views of every section of the society, such as the judges, lawyers, the public spirited people, volunteers and the beneficiaries of the scheme.

With a view to progress on the same, the responses of judges, lawyers, social workers and beneficiaries of the scheme have been collected. Three different questionnaires were relied upon, along with a personal interview of certain individuals. The first questionnaire meant for students of law, the second questionnaire was meant for judges involved four questions and the third questionnaire was reserved for commoners and beneficiaries.

The present segment is divided into three parts, the first dealing exclusively with the responses of lawyers and students, the second with judges, and the third with commoners and beneficiaries. Each question will be provided herein, along with the answers.

I. Lawyers and Students of Law.

A group of 25 lawyers and 25 students of Law from Tamil Nadu were subject to the survey herein. For the purpose of providing statistics and calculations, the base number

shall be kept as 50, the summation of the number in each group. The mode of collection of data was by way of questionnaires and interviews.

1. Is the Lok Adalat system as effective as it is required to be?

ANSWERS PROVIDED	Number of responses	Percentage
Yes	27	54%
No	13	26%
To a limited extent	4	8%
Cannot say	16	12%

The above table depicts a fairly high degree of faith in the prevalent system among the fraternity of lawyers and law students. Those that responded with options two and three as their choice also put forth the fact that the system was not very successful due to a lack of education about the system, and also went on to state that most people believed that this system seems to be only for petty cases or small cases. To quote a specific suggestion by Miss Renuka Dhinakaran, presently a student at Utrecht Law University for her Masters in Law, Lok Adalats, with time, have taken the slow process that has been ruining the judicial system. Lok Adalat members have to be chosen with care and their qualifications should be raised to a higher standard. Means of proof have to be lessened and more importantly, Courts should be proactive in referring cases to Lok Adalat.

2. Would it be better if the decisions of the Lok Adalat be mandatory on the parties?

Answers Provided	No. of Responses	Percentage
Yes	42	84%
No	5	10%
Cannot Say	3	6%

The table reveals a high percentile of respondents who agree that if there is a statutory provision making the decisions mandatory upon the litigants, it would prove to make the

Lok Adalats more effective.

3. In matrimonial disputes, would it be better to have at least one woman judge or lawyer for the resolution of the same?

Answers Provided	No. of Responses	Percentage
Yes	40	80%
No	1	2%
Will not make a difference	9	18%

While several people responded positively indicating that the presence of a female judge alongside other panelists would aid in coming to a good solution in matrimonial disputes, a couple of individuals mentioned the other option stating that it was beyond human conception that a man cannot give justice to a woman and vice versa, given that a Matrimonial dispute involves a woman and a man.

4. Should women litigants and problems of women be given more importance at Lok Adalats?

Answers Provided	No. of Responses	Percentage
Yes	35	70%
No	12	24%
There can be women's issues, but they need not be given a special preference	3	6%

It is well known that women are victims of several forms of atrocities. However, few instances of women going to court for redressal are seen. This question was posed in order to elicit responses from the fraternity to see whether it is a feasible idea to allow more women to redress their grievances through the Lok Adalat system. There have been provisions made for the establishment of Lok Adalats specifically for problems for women, and out of these movements, the movement by the Banyan, an organization devoted to the

cause of mental illness amongst women, is noteworthy. They succeed in establishing a Lok Adalat within their premises for the cause of destitute women.

5. The general trend is that a vast cross section of lawyers are apathetic to the Lok Adalats. What are the reasons for this problem?

Answers Provided	No. of Responses	Percentage
Insufficient Remuneration	33	66%
General indifference	12	24%
Cases are inadequately classified	2	4%
Other reasons	3	6%

The main cause for such an occurrence seems to be the lack of a remunerative incentive for most lawyers. Several lawyers stand out as breadwinners for their families, and as a consequence are under pressure to earn sufficiently. Some of these lawyers rank the proposition to function in the Lok Adalat among their priorities, but only second to the ideals of their own earning requirements. Apathy and indifference amongst a segment of lawyers depicts that they have no intention of contributing to the Lok Adalat system in anyway. Among the other reasons that were discussed, it was found that the pendency of cases and the liberality in disposing off the matters did not appeal to several lawyers.

6. 1. Why are people unaware of the Lok Adalat system and its functioning?

<u>Answers Provided</u>	<u>No. of Responses</u>	<u>Percentage</u>
Lack of Education about Legal matters	30	60%
Insufficient information from lawyers	0	0
Personal disinterest	18	36%
Uncertainty of outcome and quality	2	4%

The table above depicts a fairly high sense of self respect among the legal fraternity. The majority of the respondents were of the view that a great part of the problem occurred due to insufficient legal education, but none accepted that a lawyer himself was wedging this rift further by not informing the client of each of his options. Many mentioned that several clients have turned down the need to approach the Lok Adalat, purely out of their own interest and volition.

7. The Statute demands that a woman and a social worker be privy to the panel appointed towards the end of establishing the Lok Adalat. However, this is not seen in practice. What is the reason for this?

<u>Answers Provided</u>	<u>No. of Responses</u>	<u>Percentage</u>
Unavailability of women and social workers	14	28%
Social Workers and Women are Unwilling to Participate	16	32%
No stronghold in implementation by the State Legal Services Authority	20	40%

The statistics enlisted above reveal a high number of respondents in favour of the fact that implementation seems to be weak. Though lawyers concede that there are a few cases of unavailability of personnel, they also find that some of the segments of society whose cooperation is indeed needed, do not seem to want to participate. Unavailability of sufficient social workers and women to sit on the panel, according to a majority of the respondents, is that while these people do exist, in reality, they are not possessive of the requisite level of competence and skill to officiate as judges. If incompetent people are placed, it could lead to a compromise on the quality of judges, which in effect, serves no purpose.

II. Judges and Academicians

In the course of this study, ten judges from various wings of the judiciary and fifteen academicians involved in various law schools across the state were surveyed. The core content of this segment depicts the ideals of legal luminaries and scholars. Judges were interviewed by way of a telephonic conversation, while academia was accessed by way of questionnaires by email.

1. Is the Lok Adalat movement a means to enable the creation of a new Legal Culture sufficiently conducive to the ideals of the rule of law, equality and social justice?

Answers Provided	No. of Responses	Percentage
Yes	15	60%
No	8	32%
To a certain extent	2	8%

This question evoked a stunning repartee as regards the impression of the Lok Adalat system in the prevalent legal culture. While a little over half the surveyed respondents were in favour of the Lok Adalat's achievements, several respondents begged to differ, stating that there was nothing different in the modalities of the Lok Adalats. The respondents who chose to negate the question went on to state that there was a degree of nobility to the cause, but unfortunately, it seemed confined to paper as opposed to practicality. Several litigants have had to go away with so-called compromises and settlements, least advantageous to their interests.

2. Is Legal aid the method of correcting distortions in the judiciary, by creating the right attitudes in the legal workforce and by benefitting the weaker sections of society?

Answers Provided	No. of Responses	Percentage
Yes	10	40%
No	3	12%

Only to a limited Extent	12	48%
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This question revealed that a large number of the respondents were of the opinion that it is not only legal aid that can help revamp the downward trend in the present judicial system. Most respondents suggested that it is a composite approach that would aid in bringing the system up to the mark. In the words of Justice Kannan Krishnamoorthy, Lok Adalats have a reason to be approached on their own merit and not as mere benign appendages to reduce the workload of the court machinery.

3. Is the rising popularity of the Lok Adalat system predictive of a substitution of the regular court system?

Answers Provided	No. of Responses	Percentage
Yes	7	28%
No	18	72%

The table depicts a very idealistic view on part of the minority respondents, who believe that a substitution is indeed in order. The majority view, however, is in dissonance. They believe that the Lok Adalat system is merely an off-shoot, a branch, or an ancillary means to the existing systems of regular courts of law.

4. How best can an improvisation of the existing mechanism be sought?

Most respondents settled with the enunciation of the following points:

- Statutory recognition exclusively of the Lok Adalats would prove to be beneficiary
- Remuneration of lawyers needs to be enhanced
- Abstaining parties should be penalized
- Honoraria should be afforded to those who officiate as conciliators

- Companies should be persuaded to participate in the Lok Adalats
- Politicization of matters should be avoided as far as possible.
- Each case should be weighed on its merit and wherever needed, procedure based adjudication should be encouraged
- Volunteer associations, NGOs and social action groups must be encouraged to devote time and service to the Lok Adalats.
- More infrastructure should be provided

While these were the general inferences from the Judges and the Academia, a few specific points raised by some of the respondents are herein enunciated:

- Justice Kannan Krishnamoorthy, High Court, Punjab (Formerly in the Madras High Court): *Remove the notion that Lok Adalats are institutions to solve the problem of arrears of cases; involve non-legal men as arbiters in lok adalats; the member secretary shall not be deputationist from subordinate judiciary; put all MACT cases through the system of lok adalats, with appeal to high courts only on questions of law; involve retired judges of the higher judiciary to actively participate in lok Adalats*
- Mr. Inbavijayan, Arbitrator and Lecturer: *Lawyers/Advocates have to play a major role in making this system more effective. Lok Adalats are still a distant dream for the rural mass and to educate, it is most essential that the propaganda platform has to be laid locally. Voluntary involvement has to prevail over mandatory references to Lok Adalats.*
- Mr. Hari Radhakrishnan, Advocate and Member of the Good Governance Group: *The law can be amended to provide that in every suit or consumer complaint that is filed, the case should be compulsorily first be referred to a Lok Adalat which should be housed in the same premises as that of the court and only when Lok Adalat fails, the matter should be sent for trial to*

the courts.

5. 1. Why are people unaware of the Lok Adalat system and its functioning?

<u>Answers Provided</u>	<u>No. of Responses</u>	<u>Percentage</u>
Lack of Education about Legal matters	12	48%
Insufficient information from lawyers	5	20%
Personal disinterest	8	32%
Uncertainty of outcome and quality	-	-

The above table depicts a generic perception about the lack of education with regard to Legal Aid and Lok Adalats. Some respondents were of the opinion that the advertisements mentioning the conduct of a Lok Adalat were so obscure in daily newspapers, that it would by far be very easy to overlook the same. While most respondents chose not to lay the onus of the blame on the lawyers for misinforming or insufficiently informing their clients, a large number chose to observe that by education of the lay people, this problem could be curtailed. None of the respondents believed that the quality or outcome is ever compromised upon from the part of the judiciary, while several mentioned that the clients sometimes are disinterested in the idea of attending a Lok Adalat for their needs.

6. The Statute demands that a woman and a social worker be privy to the panel appointed towards the end of establishing the Lok Adalat. However, this is not seen in practice. What is the reason for this?

<u>Answers Provided</u>	<u>No. of Responses</u>	<u>Percentage</u>
Unavailability of women and social workers	6	24%
Social Workers and Women are Unwilling to Participate	6	24%

No stronghold in implementation by the State Legal Services Authority	13	52%
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The table reveals that the generic opinion among the legal luminaries that there needs to be strength in the implementation of these schemes by the State Legal Services Authority. The respondents wished to mention that it was indeed imperative for them, in their capacity as the incumbents, to officiate to the best of their abilities, in order to see to it that the Lok Adalats succeed, but beyond their working capacities lies the responsibility of overseeing the activities of the same by the State Legal Services Authorities.

III. Common people and Beneficiaries:

The respondents surveyed for this segment of research included a hundred people who had either benefitted from the Lok Adalats, or had experience with the concept in one way or the other, aside of education. The mode of collection of data was by the interview method by way of telephonic conversations.

1. Are you aware of an establishment called the Lok Adalat? (Yes/No)

This question was included with the intention of determining exactly how far the people themselves are aware of this mode of dispute settlement.

Answers Provided	No. of Responses	Percentage
Yes	100	100%
No	0	0

The wide reach of the Lok Adalat system by way of media propagated awareness has resulted in the high number of affirmative answers. Out of the aforementioned majority, 40 people had matters pending in the Lok Adalat, 39 people had matters solved successfully by the Lok Adalats, while the remainder had merely heard about the functioning of the

Lok Adalat system.

2. Is this mode of settling disputes more convenient than the mode of dispute settlement in mainstream courts?

Answers Provided	No. of Responses	Percentage
Yes	77	77%
No	23	23%

This question revealed that though there is a majority of people who believe that the Lok Adalat is indeed a success in that it affords more convenience, the minority opinion reflects otherwise. The minority was of the view that there happens to be a very meager difference between mainstream courts and Lok Adalats, on account of the procedures and the aptitude of the legal personnel. However, they conceded to the fact that the Lok Adalat is certainly far more speedier and expedient than the mainstream courts.

3. If you prefer the Lok Adalats to Courts, why do you do so?

Answers Provided	No. of Responses	Percentage
More economical	35	35%
Speedier Justice is meted out	18	18%
Inspired by other people's success rates	24	24%
Don't prefer Lok Adalats to Mainstream Courts	23	23%

A large number of beneficiaries felt that the economy in the process stood out as the main reason for their preference. Speed in determining justice came in third, while Inspiration from another's success closed in as a second major reason for the generic preference. The reflection of the fourth opinion includes only those who were of the opinion that mainstream courts were better, as reflected in their answers in question 2.

4. In Lok Adalats, several cases are disposed off in the course of one sitting. Does this in any way, in your opinion, hamper the quality of justice?

Answers Provided	No. of Responses	Percentage
Proper Attention is given	67	67%
No proper Attention is given	23	23%
Justice is delivered, but there is a compromise on quality	10	10%

The majority view is that proper care and attention is given to the cases that come up for hearing before the Lok Adalats. These respondents came up with cases relating to petty offenses, petty tort matters and in Matrimonial Matters. The respondents who answered in favour of the second and third options were those who had availed justice in Motor Accident Claims, where they felt that there was a compromise on the quality of justice in part, or in total.

5. Is the Lok Adalat suited to handle Matrimonial Disputes?

Answers Provided	No. of Responses	Percentage
Yes	68	68%
No	4	4%
Don't Know	28	28%

Most people who availed of matrimonial grievance redressal from the Lok Adalat were of the view that the same was an apt forum for the decision of these matters. The reason for the same being, that if they were to go into a mainstream court, there would be too much delay and too much of emotional trauma in the process. A larger segment of people seemed to profess ignorance regarding the aptness of the Lok Adalat in handling Matrimonial Disputes, on account of the fact that they believed that those who approached the court with such disputes would be better equipped to answer the matter.

6. For Motor Accident Cases, is the quantum of compensation awarded sufficient?

Answers Provided	No. of Responses	Percentage
Yes	77	77%
No	23	23%

The reason for dissatisfaction with the quality of justice in Motor Accident Claims seems to come to fore in the present question. A lot of the respondents were of the view that they found frugal justice being done, since the compensation awarded in most cases were insufficient. While most compensation amounts were found to cover medical expenses and rehabilitative expenses, nothing seems to be done to ensure a future for those who remain permanently disabled on account of the accidents. Further, it was also felt that a lot of work needs to be done with regard to the evaluation of evidence with regard to such claims. A lot of persons felt that the expediency factor came in the way of a thorough analysis of evidence of the claims.

7. Is the system of Lok Adalats plagued by corruption?

Answers Provided	No. of Responses	Percentage
Yes	-	-
No	-	-
Negligible Corruption	92	92%
Not Aware	8	8%

The results reveal that corruption is almost non-existent in Lok Adalats, which proves the hypothesis that the attraction of the Lok Adalat system is the clear lack of corruption.

8. A person accessing the Lok Adalat is not given a choice as regards a lawyer. Do you see this as a set back?

Answers Provided	No. of Responses	Percentage
Yes	37	37%

No	63	63%
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The table clearly shows that there is no deterrence in the faith in the Lok Adalat system, given that lawyers are not chosen by the parties. The majority opines that competent persons are ultimately given charge of the case, which doesn't appear as a set-back to their needs.

9. Why are people unaware of the Lok Adalat system and its functioning?

<u>Answers Provided</u>	<u>No. of Responses</u>	<u>Percentage</u>
Lack of Education about Legal matters	54	54%
Insufficient information from lawyers	33	33%
Personal disinterest	8	8%
Uncertainty of outcome and quality	5	5%

The table depicts that a large segment of beneficiaries feel that a number of people seem to spurn away from approaching a Lok Adalat on account of there being less knowledge about the same. Some of the respondents believed that lawyers used distraction tactics, to allow people to go into conventional courts instead of relying upon Lok Adalats, per se. Personal disinterest and uncertainty of the quality of the outcome and the outcome itself was not much of a concern for many, specifically for Lok Adalats, as the viewpoint of most of the respondents was that these two aspects are a generally existent facet in the perception of the judiciary as a whole.

LOK ADALATS NATION WIDE- A COMPARATIVE STUDY:

<u>STATE</u>	<u>Number of Lok Adalats Held</u>	<u>Motor Accident Claims</u>	<u>Civil Claims</u>	<u>Matrimonial Claims</u>	<u>Criminal Cases</u>
Andhra Pradesh	68401	63548	176144	Data Not Available	315732
Arunachal Pradesh	32	256	1153	Data Not Available	Data Not Available
Assam	1176	51586	25669	45683	16874
Bihar- Jharkhand	1,462	65547	26479	22546	10364
Goa	1854	55487	21554	1279	22351
Gujarat	19244	90,765	9,01,602	5433	6,01,000

Haryana	1429	333858	12247	2122	45786
Himachal Pradesh	1659	54362	144691	6216	Data Not Available
Jammu and Kashmir	2425	5975	77883	-	45972
Karnataka	23653	70372	105684	51773	210520
Kerala	39496	90083	Data Not Available	Data Not Available	Data Not Available
Chattisgarh	80	1126	1459	21	1655
Madhya Pradesh	6104	34577	51664	815	21473
Maharashtra	40127	212119	122469	75488	122344
Manipur	76	3514	1224	136	7886
Meghalaya	152	3292	2445	1998	44456
Mizoram	132	279	2125	1411	1667
Nagaland	12	38	112	26	1214
Orissa	34344	2093875	122466	21116	75446
Punjab	11368	103393	12362	22469	146697
Rajasthan	30956	1328980	122344	1002	165447
Sikkim	500	1457	1180	116	1334
Tamil Nadu	41,977	1,32,159	15,230	7,847	34,956
Tripura	124	15448	24668	1896	13364

Uttar Pradesh	32062	72267	379389	62767	5624137
West Bengal	5712	17022	16645	1713	19456
Andaman and Nicobar Islands	40	1430	1255	164	8224
Chandigarh	704	34656	15546	2116	18879
Dadra and Nagar Haveli	20	410	122	68	1677
Daman and Diu	16	135	191	25	2209
Delhi	5784	193929	1556	2467	4469
Lakshadweep	4	65	127	-	1139
Pondicherry	488	6702	5799	2116	18735

The above depicts an instance of varying levels of implementation of the Lok Adalats on a nationwide basis. Andhra Pradesh stands tall among the states for the largest number of Lok Adalats being held, with Tamil Nadu following closely. It stands clear that a couple of states overtake Andhra Pradesh in the quantity of matters adjudicated upon, despite having fewer numbers of Lok Adalats in their states. Matrimonial disputes are fewer before a Lok Adalat, however, the number of Motor Vehicle Cases solved by the Lok Adalats are by no means an inferior number.

The Union Territories also have a sizeable number of Lok Adalats to their credit. Jharkhand, a new state in the Union, has also amassed a respectable sum of Lok adalats, while Chattisgarh depicts some teething trouble.

REFERENCE TO LOK ADALATS: The 'Mandatory' issue

Referral of disputes to Lok Adalats is a matter of discretion for the Courts. S.89 of the Civil Procedure Code, 1908 spells out in no uncertain terms that where it appears to a court that there exist elements of a settlement which may be acceptable to the parties, the Court shall formulate the terms of settlement and give them to the parties for their observation and after receiving observations, the Court may reformulate the terms of a possible settlement and refer the same for arbitration, conciliation, judicial settlement including settlement through Lok Adalats or mediation.

Section 89 of CPC is a new provision and even though arbitration or conciliation has been in place as a mode for settling the disputes, this has not really reduced the burden on the courts. The Supreme Court of India had observed that modalities have to be formulated for the manner in which section 89 of CPC and, for that matter, the other provisions which have been introduced by way of amendments, may have to be in

operation. A Committee was constituted by Supreme Court so as to ensure that the amendments made become effective and result in quicker dispensation of justice.

Section 89 of CPC has been inserted to try and see that all the cases which are filed in court need not necessarily be decided by the court itself. Keeping in mind the law's delays and the limited number of judges which are available, it has now become imperative that resort should be had to ADR mechanism with a view to bring to an end litigation between the parties at any early date. The ADR mechanism as contemplated by section 89 of CPC is arbitration or conciliation or judicial settlement including settlement through Lok Adalat or mediation. Sub-section (2) of Section 89 of CPC refers to different Acts in relation to arbitration, conciliation or settlement through Lok Adalat, but with regard to mediation Section 89(2) (d) of CPC provides that the parties shall follow the procedure as may be prescribed. Section 89 (2) (d) of CPC, therefore, contemplates appropriate rules being framed with regard to mediation.

As can be seen from Section 89 of CPC, its first part uses the word "shall" when it stipulates that the "court shall formulate terms of settlement". The use of the word "may" in later part of Section 89 of CPC is that where it appears to the court that there exists an element of a settlement which may be acceptable to the parties, they, at the instance of the court, shall be made to apply their mind so as to opt for one or the other of the four ADR methods mentioned in the Section and if the parties do not agree, the court shall refer them to one or the other of the said modes.

Section 89 of CPC uses both the words "shall" and "may" whereas Order 10 Rule 1-A uses the word "shall" but on harmonious reading of these provisions it becomes clear that the use of the word "may" in Section 89 of CPC only governs the aspect of reformulation of the terms of a possible settlement and its reference to one of ADR methods. There is no conflict. It is evident that what is referred to one of the ADR modes is the dispute which is summarised in the terms of settlement formulated or reformulated in terms of Section 89 of CPC. Section 89 of CPC is provisions in law to facilitate introduction of court annexed ADR. The CPC has clear provisions regarding ADR and the people have started to reap the benefits of the system. Civil court can introduce ADR

under the provisions of the Civil Code for settling the disputes.

When the Court refers the matter to the Lok Adalats, the Legal Services Authority Act, 1987 will apply. Though s.89 prescribes different modes of alternative dispute redressal, the best alternative is the Lok Adalat, as far as time and cost are concerned. The institution itself strengthens itself from this provision, as earlier, the institution had no power to mandate any consumer to appear before the forum. Now these difficulties being remedied by the provisions, make it mandatory for the parties to appear before the forum to settle the disputes. Consent needs to be done away with, if the matter is found fit for ADR by courts.

The Lok Adalats pass awards purely with the consent of parties in mind, and hence, it would be imprudent to permit reconsideration or review of the matter. This thereby, goes to prove that the award of the Lok Adalat is indeed, final. It would be relevant to look at s.96(3) of the Civil Procedure Code, 1908, which holds that there shall be no appeal from a decree passed by the court, with the consent of the parties. In the case of *Punjab National Bank v. Lakshmi Chand Rai*, it was declared that the Lok Adalats are conducted under an independent enactment, and once the award is made, the issues shrouding the award shall be dealt with only by the concerned act, namely, the Legal Services Authorities Act, 1987. The act specifically bars the possibility of an appeal under s.21(2), and thus, there can be no appeal against the award, therein.

The High Court of Andhra Pradesh followed suit, in the case of *Board of Trustees of the Port of Vishakhapatnam v. Presiding Officer, Permanent, Lok Adalat-cum-secretary, District Legal Services Authority, Vishakhapatnam and Another*, holding that the award of the Lok Adalat is enforceable as a decree, and thus remains final and binding. Though the award is not a result of a contest on merits as it is in the case of a proper suit, the result ensuing from such award is indeed possessive of finality.

It is worthy to note that all proceedings before the Lok Adalat shall be deemed to be judicial proceedings within the ambit of sections 193, 219 and 228 of the Indian Penal Code, 1860, and every Lok Adalat shall be deemed to be a civil court for the purpose of Section 195 and Chapter XXVI of the Code of Criminal Procedure. According to s. 21,

award of lok adalat is fictionally deemed as decree of court. As the award passed by the lok adalat is deemed to a decree of a civil court, execution may be carried out, and any contrary view might defeat the purpose of lok adalats and the award such passed by it is taken to be final and so appeal will lie from such award. Consent should be done away with, thus, if the matter is found fitting for redressal by way of ADR.

Decisions not accepted as Binding:

While finality seems to ensure cut back on the quantum of proceedings, it does by no means, assure a mandatory and a binding decision on parties. A major drawback of lok adalats is that its emphasis is on a compromise or settlement between the parties. If the parties do not arrive at any compromise, either the case is returned to the court of law or the parties are advised to seek remedy in a court of law. Adjudication before a lok adalat is by consent, if one party does not agree, the case goes back to the court. If there is no consent, there is no decision. While the goal of the lok adalat is to affect a compromise, in mass scale disposal of cases in lok adalats, it is difficult to expect that compromise settlements of mutual benefits would be searched for. Thus, a pair of parties approaching a Lok Adalat may just revert back to a conventional court proceeding to sort their differences.

The key to dispensing away with this lacuna is the affordance of a mandatory requirement, by imposing a rule that a party that approaches the Lok Adalat shall accept the decision as binding. It must be remembered, that while s.21 merely indicates finality, nothing in the aforementioned provision depicts a binding nature of the decisions. While Arbitration awards are deemed to operate as *Res Judicata*, i.e.- the matter cannot be opened again, by litigation or otherwise, there is no such effect provided for in respect of Lok Adalats. Filling this gap would prove to be a better deal in strengthening the efficacy of Lok Adalats.

THE ROLE OF WOMEN AND SOCIAL WORKERS: SIDELINED

The expression Lok Adalat comprises two words, namely, 'Lok' and 'Adalat' the former expressing the concept of public opinion while the latter denoting the accurate and through deliberation aspect of decision making. It is a non-formal forum organised by public spirited social workers like retired judges, public spirited lawyers, and law teachers for bringing about settlement of disputes between people. The Legal Services Authority Act, 1987 also mandates that judicial panels of Lok Adalats ought to include one social worker and one lawyer or other legal expert and that one of the three members must be a woman. As with most other Lok Adalats, at least one member of the panel must be a woman, but the statutory requirement that the panel include a woman or a social worker is not strictly enforced.

The Lok Adalat is required to be presided over by a sitting or retired judicial

officer as the chairman, with two other members, usually a lawyer and a social worker. For example, in some matrimonial cases, social worker participation is mandatory. Moreover, even though the LSSA requires three people (a judge, lawyer, and a social worker) to sit on a LA panel, this is rarely done. Most often, though, there is just one retired High Court judge deciding the cases. This is a tremendous amount of power to put in the hands of one person, however well meaning they may be. No one has yet challenged this status quo. Matrimonial disputes would be better perceived were it for the panel to contain a lady judge. The reason behind this is that in a matrimonial dispute, a man and a woman are involved, and prudence depicts that the mindset of either party would best be construed by a panel bearing a man and a woman. However, experience depicts frugal involvement of womenfolk in such proceedings. It is disheartening to note that the reasons for this are not incapable of solution, but are just not receiving the attention and solution they need. Women judges are either deemed unavailable, or are simply not involved at all.

Coming to the issue of social workers, there has been a considerable degree of involvement of social action groups in Lok Adalats in Tamil Nadu. Worthy of mention is the Banyan, an organization devoted to the cause of destitute women and their mental well being. They had persistently lobbied for the institution of a separate Lok Adalat to deal with issues of mental health and destitute women, resulting in the settlement of several cases relating to their rights. The Banyan faced problems in producing its patients in a magistrate's court on a regular basis for reception orders under the Mental Health Act, as required by the authorities since September 2001. Some of the patients found the atmosphere in the court intimidating and disturbing. The Madras High Court solved the predicament in a unique and imaginative way. For the first time, a 'Lok Adalat' or 'people's court' was set up at the institution's premises itself for the patients' convenience. Under instructions from the Chief Justice, the Chief Metropolitan Magistrate deputed a magistrate to hold hearings once a week at The Banyan. Since then, a visiting magistrate has been passing reception orders of varying periods for the women after scrutinising the medical certificates issued by the psychiatrist. The Lok Adalats of Tamil Nadu, subsequently followed by the Lok Adalats of Kerala, have also made awards touching upon the rights of a minor. In almost all of these cases, the Lok Adalats have enlisted the

help of organizations such as CRY, ChildLine, Tulir-CPHCSA, to name a few.

Justice Bhagwati, in *Centre for Legal Research v. Union of India*, opined thus:

‘It is necessary to lay down norms, which should guide the state in lending its encouragement and support to voluntary organizations and social action groups in operating Legal Aid programmes and organizing Legal Aid camps and Lok Adalats. These norms should provide sufficient guidance to the state in this brief and the state government should, in compliance with its obligations under 39-A of the Constitution of India extend its cooperation.’

Using this as a background, Justice Bhagwati pointed out certain social action groups in whose favour the government needs to extend its cooperation and support.

- Voluntary organizations and social action groups which are recognized by the Committee for Implementing Legal Aid Schemes (CILAS) set up by the government of India or whose programs supported by way of grant or otherwise by the government of India or the State Government or the CILAS or the State Legal Aid and Advice Board.
- Voluntary organizations and social action groups which organize Legal Aid camps or Lok Adalats in conjunction with or without the support of the CILAS
- Voluntary organizations and social action groups which are recognized by the State Government or the State Legal Aid and Advice Board on an application being made in that behalf.

It has also been provided that the state government has the right to furnish whatever factual information it requires from these voluntary organizations, but at the same time it has been made clear that these organizations shall not be under the control or direct supervision of the state government or the State Legal Aid and Advice Board and should be free from any government control.

While on the one hand, voluntary, social action groups can make the path smooth for the government policies and schemes to be carried out, on the other hand, these can also act as watchdogs of people's interests. The abuse of legal processes of official and non-official power groups in the localities can be checked to a large extent if a continuing interest in local self government can be maintained with the social action group and public spirited citizens. Some of the common Social Action Groups that assist in Legal Aid and in Lok Adalats, on a nation wide basis include the following:

- Rural and Urban Entitlement Centres: These centres are supported by Legal Aid Boards and are involved in the activities of identifying bottlenecks in the delivery of government sponsored services for fulfilment of minimum needs of people in rural and urban areas.
- Rural Entitlement and Legal Support Centres: These centres are being established with a view to giving legal aid and financial assistance to the poor in a way so as to facilitate social justice and development.
- Legal Entitlement Centres: These centres are also established as a part of the move to provide legal aid to the poor from an entirely legal point of view.

LOK ADALATS- A CRITIQUE ON THE SYSTEM

The system of lok adalat is not without limitations. Conflicting views have been expressed on the advisability of the new institution of lok adalats. They are meant to supplement the judicial process and not to supplant it. Also it is being said that when conciliation becomes the norm, people's attitude to resort to court will change. On the other hand, it is being suggested that with the giving of statutory basis, the informality of lok adalat will disappear and every technicality that bogs down regular courts will creep into the lok adalats and a parallel court system under a different label may emerge. The permanent lok

adalats are conciliation-cum-arbitration tribunals to settle disputes between selected public utility service and individuals. It appears that recourse to these tribunals in preference to civil court is unlikely. Public utility services would rather compel the private parties to have recourse to legal redress instead of, they themselves seeking it and private parties likely to prefer civil courts, to these new institutions. In consequences, these new institutions might be of very little use in reducing the burden of courts. There are many other loopholes which are discussed below:

- (1) adjudication before a lok adalat is by consent, if one party does not agree, the case goes back to the court. If there is no consent, there is no decision;
- (2) the procedure of lok adalat - organising, conducting and awarding of lok adalat is becoming rigid especially after the enforcement of the Legal Services Authorities Act, 1987;
- (3) the anxiety of the litigants to settle their disputes without the vexation of court litigations exploited by the opposite parties and even by some lawyers. The person who claims the compensation would have been exhausted by the years of litigation. It might be easy to make him agree to the payment of 'contingency fee' to his lawyer and to accept an amount which is much lower than his due. After the settlement, the lawyers may take a major chunk of the amount as 'contingency fee'. Although taking contingency fee is prohibited in our country, it is being practiced by some lawyers. They must realise that what they do is for the cause of social justice and avoid exploiting the poor people;
- (4) the goal of the lok adalat is to affect a compromise but in mass scale disposal of cases in lok adalats, it is difficult to expect that compromise settlements of mutual benefits would be searched for;
- (5) the legislation has given the judiciary an almost exclusive role in the responsibility of organising lok adalats and directed the observance of norms the judiciary adhere to in adjudication. There is little role for people especially trained in negotiation, mediation and conciliation;
- (6) in the name of the speedy resolution of the disputes the fair interests of the parties are sacrificed. The case of *Manju Gupta vs. National Insurance Company* ,

demonstrates the sad state of compromises and settlements in lok adalats denying the fair minimum claims of the petitioners. The Motor Vehicle Act, 1988 emphasis on speedy resolution of the claim but due to inordinate delay the claimants settle at the lowest compensation with the insurance companies; and

(7) a major drawback of lok adalats is that its emphasis is on a compromise or settlement between the parties. If the parties do not arrive at any compromise, either the case is returned to the court of law or the parties are advised to seek remedy in a court of law.

(8) Politicization of the Lok Adalats have proven to be one of the greatest detriments to the system, as the lofty ideals stand eroded with inept handling of matters due to political interference.

SOLUTIONS TO THE PROBLEMS:

The Lok Adalat system has been introduced with a very lofty ideal in mind, indicating a proposed stronghold over the masses in need of legal aid. Despite the quality the system personifies on paper, one cannot help noticing the denudation in the system, on account of

both, internal issues, and external influences. No system can be free from friction, but negligible friction is by far better, than glaring lacunae. A few recommendatory solutions are herein presented:

- Statutory recognition exclusively of the Lok Adalats would prove to be beneficiary- If Lok Adalats and their decisions are given statutory recognition in that they are made mandatory on the parties to the dispute, there would be changes in the system by leaps and bounds. Parties would accept the decision as final, and would not venture into re-litigating the matter. This would effectively enable a significant reduction in the backlog of cases, and would cease to add fuel to the notion that the Lok Adalats create more backlogs as opposed to clearing them.
- Remuneration of lawyers needs to be enhanced – The present trend depicts a very paltry sum being paid to lawyers who officiate at Lok Adalats. Meagre sums of money, such as a few thousands, or sometimes not even that, indicate that while there may be economy, a lawyer’s service is not being valued. The low remunerative levels act as disincentives to the interests of a lawyer. While choosing between a Lok Adalat matter and perhaps, a full-fledged matter involving a large sum of money between the parties in question, Lawyers generally tend to opt for the latter, being that they are breadwinners, or simply want a tangible value return for their work. The same needs to be done for conciliators. Merely because conciliation is not as popular as arbitration, a conciliator’s job need not be looked down upon. All those who officiate as conciliators in Lok Adalats need to be bestowed with a minimal quantum of money in the name of an Honorarium.
- Abstaining parties should be penalized – While it is generally perceived that Lok Adalats are more people friendly as opposed to the conventional courts, certain perfunctory requirements should not be compromised upon. If a party has agreed to appear before the Lok Adalat, but abstains from attendance, the party should be penalized. This principle should be viewed in the light of Justice. Justice being an important facet, and the Judiciary being such a high organ in the rungs of the state’s authorities, there should be no room for people to play around. Merely

because a Lok Adalat is a people friendly court does not warrant that the level of importance attached to it ought to be demeaned. Doing this would in effect, improvise on the importance attached to the Lok Adalats, invoke respect for the forum from several quarters, and foster a sense of security that justice is indeed being delivered.

- Companies should be persuaded to participate in the Lok Adalats- Companies should be persuaded to access Lok Adalats to redress matters relating to smaller and petty issues, and not necessarily for matters fit for the National Company Law Tribunal. Ideally, the reason for this is that Banks and Consumer Goods and Services rendering companies can be made accountable to the people who stand at the receiving end of the chain. This issue would also require one to revert back to the matter of making the Lok Adalat decisions mandatory, since a company may just prefer approaching the NCLT or the High Court if the remedy prescribed by the Lok Adalat seems unsatisfactory to their interests.
- Politicization of matters should be avoided as far as possible: Politicization of the judiciary seems to be a pressing concern, on account of the fact that there are several instances depicting cases being decided under pressure from political parties, or from entities bearing political clout. Being a subsidiary of the Judiciary, the Lok Adalat is an integral part of the third wing of the state, along with the Legislature and the Executive. Separation of powers and the independence of judiciary must be seen in action, instead of in intention or on paper. This would be the only way one could ensure the rule of law. The appointment of non-partisan judges, and non-party supported appointments would prove to be useful to this end. It would also be worthwhile to require judges to disclose their assets and past credentials, on account of the fact that this information could prove to be valuable in indicating the political lineages, if any, of the proposed judges. The ideal way of going about this mechanism is to open up possibilities for independence of the judiciary in every way possible.
- Each case should be weighed on its merit and wherever needed, procedure based

adjudication should be encouraged: The cases that go to a Lok Adalat are genuine disputes between parties. The outcome ought to be one that works to the advantage of the parties, and to the judiciary. Mere speed in adjudication would defeat the purposes underlying the judiciary and its functioning, while overt attention to individual matters would hardly be conducive to the need for expediency in adjudication. Complaints are rife with the contention that many a Lok Adalats are conducted with the aim of increasing the number of cases to show a heavy record to the credit of the state. It would be prudent to evaluate each case on its merits, allowing procedure to step in every time there is a need for it.

- Volunteer associations, NGOs and social action groups must be encouraged to devote time and service to the Lok Adalats: While several groups are active contributors to the causes of Legal Aid and to the conduct and functioning of Lok Adalats, it is found that it is only a pocket of volunteer organizations that seem to actively participate. Participation on a larger scale ought to be ensured, so as to inculcate a sense of trust in the judiciary, along with the inclination for participation.
- More infrastructure should be provided: Since the onus of establishing Lok Adalats come within the gamut of the concerned State's responsibility, it would be pragmatic to allot a considerable quantum of money as part of the annual budget of the State. Infrastructure is essential for Lok Adalats, given that there is a need for speedy adjudication and for the sufficient perusal of the merits of a case. Evidence law has advanced by leaps and bounds, to the extent of involving mechanisms such as video recordings and video conferencing evidence. This is of course, largely on paper, and would involve high sums of money in order to successfully implement the same. The Legal services Authorities Act, 1987 enunciates that the sources for funds are largely grants from the centre and state. There can be other options for funds, such as a segregation of more than the frugal 0.2% in the Annual National Budget, and also a segregation of a considerable portion of the State's exclusive budgets, so as to permit a better equipped Lok Adalat system.

CONCLUSION:

India has to be a venue for international arbitrations. New trends in litigation, such as those related to intellectual property rights, cyber crimes, environment, money laundering, competition, telecom, taxation, international arbitration and so on need expertise. This could be possible only by providing proper training to the judges of lok adalat. Establishing separate permanent and continuous lok adalats for government departments, statutory authorities and public sector undertakings for disposal of pending cases as well as disputes at pre-litigation stage, which is not yet done. Though this measure is thought to be taken up by the NALSA in the year 1998 but yet not implemented. So the same must be brought into picture as soon as possible. More over, there has to be more creation of awareness to Legal Aid Schemes and programmes under it.

Lok Adalats are certainly a big boon to the present judicial system. However lots of work needs to be done in this sphere. More discipline must be brought into the present system. For instance, since December 2005, over 2000 applications have been filed with the lok adalat of the Andaman and Nicobar Islands. Less than 100 cases have been disposed off till date. The claims filed with the lok adalats pertain to inadequate compensation for loss of crop, land, livestock, boats and ancillary equipments, life, disability and small-scale businesses. Also the relief packages are being interpreted contrary to the spirit of the law, depriving most poor people of basic means of sustenance to restore their livelihood. Also the ambit of the lok adalat must be widened for speedier disposal of more cases. The provision of consent must be done away with if the matter is a perfect case to be referred to the lok adalat. Such a step will bring in more disputes to the lok adalat for the speedy disposal of the matter. Finally, the awards of the lok adalats must be given precedent value for similar disputes brought forward in the lok adalats. It is

because the awards given by the lok Adalats are final and in nature as no appeal may be preferred against such an award. Therefore, it is humbly submitted that if such steps are taken by the eminent lawmakers of our country then we sincerely feel that it would drastically bring down the number of pending cases in our country and would provide speedy justice to everyone as 'justice delayed is justice denied'.