SUMMARY

Justice is the foundation of civilized society. Preamble of the Constitution of India provides for ‘Justice’- Social, Economic and Political. Article 39-A of the Constitution makes provision that “The State shall secure the operation of the legal system promotes justice on the 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 others disabilities.” Administration of justice involves protection of legal rights of the citizens, punishment of guilty, satisfactory resolution of disputes and providing of free legal services to the poor and needy people under the constitutional provisions.

Indian Judiciary has become inefficient due to over burden of pending cases as there are 60,260 cases pending in the Supreme Court, 38.5 Lakh cases pending in the High Courts and over 3 crore cases pending in the lower courts across the country, inadequate funds, shortage of resources and staff as well as inadequate infrastructure. Consequentially, there is a need for Alternative Disputes Resolution (ADR) mechanism like Lok Adalat for imparting speedy social justice.

Sh. Hari Ballabh Parekh a social worker was the founder of the present system of Lok Adalats in India. It was he, who was in 1947-48, founded Anand Niketan Ashram in village Rangpuri of district Baroda for providing helps to uneducated Adivasis and poor villagers. In 1960, he held the first Lok Adalat in his Ashram and
started the settlement of disputes of the local Adivasis. Even now, most of the disputes among Adivasis are being settled by said institution. It gave birth to the Lok Adalat movement in Gujarat.

The All India Law Conference held in 1962 and the National Conference on legal Aid held in the year 1970 also discussed about the need for free legal services to the poor. Hence, Sh. Madhu Limaye (MP) introduced a private bill known as ‘The Free Legal Aid Bill 1970 in the Parliament, but bill couldn’t become an Act due to the absence of Government support. On October 27, 1972 the Central Government appointed an expert Committee on legal services for making suitable recommendations in the matter. The Committee submitted its report in May, 1973 and Article 39-A was incorporated in the Constitution of India by 42th Amendment Act 1976. The first initiative has been taken from Gujarat State, where the first Lok Adalat was started initially in March 14, 1982 and now it has been extended throughout the country. Furthermore, in Bihar the first Lok Adalat was set-up in 1983 and after that in the end of the same year (1983), the Government of Karnataka has also set-up the first Lok Adalat in the state. Besides this, Lok Adalats in the state of Andhra Pradesh caught the attention regarding organisation of Lok Adalat on December 15, 1985 and in Kerala it was constituted on January 5, 1985 at Parur. In Rajasthan this institution was set-up on November 30, 1985 at Banswara. In Haryana, the first Lok Adalat was held in Karnal district at village Kunjpura in 1985.

Lok Adalat means people’s court, in contrast of the regular law courts established by the Government and developed by the people themselves. Infact, Lok Adalats are disputes settlement
agencies on the basis of compromise for resolving of money claims, matrimonial, cheque bouncing cases, Motor Accident Claim Tribunals (MACTs) cases, neighbors and family disputes, bank loan and insurance claim cases, damages, partitions suits, etc. The Lok Adalat is presided over by a sitting or retired judicial officer as the Chairman, with two other members, usually a lawyer and a social worker. Lok Adalats are organised under the provisions of Legal Services Authorities Act, 1987 at the National, State, district and sub-divisional level.

Objectives of the Study

The specific objectives of the study are:

- to study the emergence of Lok Adalats in the State of Haryana;
- to examine the organisation and working of Lok Adalats in Haryana;
- to know the perceptions of selected Judges, lawyers, civil servants, social workers and general public regarding the existing practices of the Lok Adalats in the State;
- to evaluate the performance of Lok Adalats in resolution of public disputes at their door-steps; and
- to suggest suitable measures for improving the organisation and working of Lok Adalats.

Hypotheses

An attempt has been made in the present study to test the following hypotheses:

i) It seems that the level of public awareness about the existence of Lok Adalats is low and they may not be satisfied with the
legal services provided by Haryana Lok Adalats.

ii) It appears that ineffective organisational set-up is responsible for improper working of Lok Adalats.

iii) The posts laying vacant at different levels might have affected the working of Lok Adalats in general in India and particular in Haryana.

iv) It seems that the poor people are still far from the advantages of Lok Adalats operating in the state.

v) The working of the Haryana Lok Adalats might have been adversely affected because of inadequacy of monitoring system.

Research Methodology

Haryana State was selected for the study because no comprehensive study was conducted on organisation and working of Lok Adalats in Haryana. It has four divisions, viz. Ambala, Hissar, Rohtak and Gurugram. One district from each division was selected randomly. Further from each selected district one Legal Services Committee was also selected randomly. All the members of each selected Committee were interviewed to know their views about the organisation and working of Lok Adalats. In all, four Judges, 16 lawyers, and 8 social workers were interviewed. Apart from this, 50 beneficiaries covered by each Legal Services Committee and 50 non-beneficiaries were also selected randomly. Thus, their sample consists of 400 respondents.

Four sets of interview schedules were prepared and administered to the selected respondents. Discussions and observations have also been applied to get first-hand information.
The secondary data have been collected from the books, journals, newspapers, statistical abstract, reports and court newsletters.

**Chapterisation**

The chapterisation is as follows:

**Chapter-1** discusses the importance of Lok Adalat and its background, organisation, objectives, powers, functions, jurisdiction, need and significance of the study, review of literature, objectives of the study, hypotheses, research methodology, tools of data collection and chapterisation.

**Chapter-II** deals with organisation, functions and working of Lok Adalats in Haryana. This Chapter founds growth on the performance of Lok Adalats to assess the working of these institutions.

**Chapter-III** examines the role of Lok Adalats in Protection of the Human Rights and Duties Education as well as the several schemes, Constitutional provisions, Acts and working of Lok Adalats.

**Chapter-IV** analyses the perceptions of the selected respondents about the existing practices of Lok Adalats in the State of Haryana.

**Chapter-V** presents summary of the study, conclusions and suggestions for improving efficiency and working of Lok Adalats in Haryana.

The last chapter dwells upon the main conclusions and suggestions. The broad conclusions and suggestions emerged from the data analysed:

- A brief review of literature clearly shows that the study conducted prior to the present study have by and large not
covered and important aspects relating to Lok Adalat in Haryana and the role of Haryana Lok Adalats in justice delivery system in the State. It is in this context that present study is a modest attempt to fill the gap by exploring the less explored area of research.

- The mounting arrears of cases stand as a test many that the present system of administration of justice has become inadequate to meet the need of people. Therefore, the necessary of holding Lok Adalat was felt for quick disposal of disputes of the people.

- There is a High Court level Legal Services Committee to promote legal aid and legal services, organise and conduct Lok Adalat, encourage settlement of cases and performed functions dedicated to it followed by SLSA, DLSA and SDLSC.

- HALSA organizes rural Lok Adalats in villages to provide speedy and inexpensive justice to the poor at their door-steps. Permanent and Continuous Lok Adalats are available 10 districts of Haryana. These institutions are playing an important role in settlement of cases and payment of compensation.

- Lok Adalats protect Human Rights through provisions of free legal aid to the poor. Cases relating to domestic violence against women, child- labour, family disputes, MACT cases, bank loan, etc. are taken-up for disposal.

- As many as 27 and 23 legal care and support centres were established till 2nd January, 2017 in the selected districts of
Hissar and Rohtak respectively and there were 17 each such centres in the districts of Ambala and Gurugram.

- It has been observed that organizational set-up of the Lok Adalats in the State of Haryana is not effective. An overwhelming majority (89.9%) agreed and (2%) disagreed with the statement.
- The study showed that the majority of the respondents (65%) were dissatisfied with the working of Lok Adalats and only (11%) were satisfied.
- The study indicated that the majority (69.7%) respondents were not aware of the emergence of the Lok Adalats in the State of Haryana.
- It has been observed that majority (73.8%) subjects were dissatisfied with the existing practices of the Lok Adalats. However only (11.5%) were satisfied.
- An overwhelming majority (81.8%) respondents consider that better legal services are not provided by the Permanent Lok Adalats.
- As many as (57.7%) respondents believed that Lok Adalats were able to protect the Human Rights while (14.4%) did not agree with the statement that the Lok Adalats were able to protect the Human Rights.
- It has been found that majority of the respondent (57%) respondents agreed that the involvement of women in Lok Adalat was beneficial. Disagreement to it was expressed by (16%) respondents.
- In the opinion of an overwhelming majority (76.5%) respondents, proper advertisement is not given especially at
grassroots level for the conduct of Lok Adalats. In other words, wide publicity is not given before the conduct of the Lok Adalats.

- The majority of the respondents (75.4%) believed that Lok Adalat helped in reducing family and social tensions. Consequently, peace as well as security is maintained for ensuring betterment of the poor and needy people.

- The respondents in majority (70.5%) believed that parties did not have any fear during the proceedings of the Lok Adalats. The apprehension of fear was expressed only (7.5%) respondents.

- An overwhelming majority (77%) respondents opined that mobile Lok Adalats were useful in early resolution of disputes.

- The Study showed that an overwhelming majority (73.2%) respondents were of opinion that judicial officers were impartial during proceedings of the Lok Adalats. Thus, impartiality was observed by the concerned officers.

- It has been observed that (56.5%) respondents of the views that the Lok Adalat institution is helpful and saves money of the litigants. On the other side (14%) respondents did not agree with the statement.

- A considerable percentage i.e. 46.7 of the respondents opined that there were more opportunities of free justice through and by the Lok Adalats.
Suggestions

Through this study, a number of problems and challenges faced by the Haryana Lok Adalats have been noticed. Feasible and suitable efforts have been made to suggest appropriate measures to achieve the goal of timely justice for all as well as for improving the effectiveness in organisation and working of the Haryana Lok Adalats.

- Public awareness is the first and foremost important step required to be taken by the Government of Haryana for spreading awareness about the process of Lok Adalat amongst the poor and needy people especially, BPL families at grassroots level. Involve of lawyers, judges, litigants, law students at large for awareness generation. Creation of helpline, publicity through media, local cable television, radio, pamphlets, brochures, newspapers, etc. can prove useful in this noble task. Lok Adalat pamphlets containing related information should be displayed at conspicuous places in police station, court premises, Tehsil offices, Gram Panchayats and Khap Panchayats.

- Lok Adalats should be restructured by establishing a fullflage separate court as Permanent Lok Adalat at a complex of villages. This would require amendment in the Legal Services Authority (Amendment) Act, 2002 which is already in operation.

- The working of the lower legal services authorities should be regularly monitored to find out as to whether the basic objectives are being achieved, if not follow up, actions should take place.
• Effective coordination is must for the success of the agencies. It should be ensured that there is proper coordination between the upper and lower authorities of Lok Adalats. There should be regular meetings among Governmental and Non-Governmental organisations, legal services authorities and other related social organisations to expedite the working of the Lok Adalats.

• Monitoring and reporting system should be modernized with the help of highly sophisticated technology and on the basis of e-governance pattern.

• Performance appraisal system should be adopted so as to ensure timely achievement of targets. If the performance remains below expectations, action oriented approaches should be adopted. Regular feedback will be helpful in improving the performance.

• Attractive but suitable incentives should be provided to the judicial officers for ensuring target achievement. Sufficient funds should be earmarked and budgetary provision made for the said purpose.

• The Lok Adalats should be empowered to deal with criminal and non-compoundable cases. The jurisdictions of the Lok Adalats may be increased from present Rs. 10 lakh to one crore. To improve the working of the Lok Adalats, more financial autonomy may be given.

• It is suggested that for successful enforcement of Lok Adalats, proper institutionalization with active participation of Bar and Bench, and formation of Advisory committees of all lawyers, judges, law professors, social activist etc. are
necessary to reach a consensus on the programme and educating the litigants as well as people at large to take maximum benefits of the Lok Adalats.

- In view of the scarcity of judicial officers special derive should be launched to fill the vacant posts. If there is need of more officers, the posts may be created and filled without any delay to reduce the burden of existing judicial officers.

- Disputes arising from motor accident claims, matrimonial, family disputes, bank recoveries and so on should be solved by and through the Lok Adalats.

- More and more efforts should be made to popularise the Lok Adalats among the people with the help of proper policy, planning and strategies. Besides, the Lok Adalats should be incorporated in plus+2, undergraduate and postgraduate syllabi.

- The UGC, ICSSR and other research institutes should sanction research projects on various facets of Lok Adalats. The policy prescriptions recommended by those research projects should be implemented.

- For making Lok Adalats efficient and effective, needed infrastructure should be made available. It would be better if both the autonomy and accountability of Lok Adalats are ensured.

- Lok Adalats should develop and adopt simple procedure in entertaining and disposal of cases. Facilitators should be appointed to make the jobs of litigants easy and reliable.

- There should be a provision of reappeal against the decrees of the Lok Adalats. This would protect the interest of litigants
and judgments passed in a harry and causing huge losses can be reversed or checked.

- In the era of transparency, Lok Adalats should make it sure that their working is transparent. There should not be any secrecy and the process should be transparent which should enhance the faith of the people in the Lok Adalats. All the proceedings should be recorded and maintain in video CDs. In cases there is any doubt, video may be shown to those who having any grievance against the procedure followed by the Lok Adalats.

- Right to free legal aid should be included in list of Fundamental Rights and it should be mandatory for all the Union Territories and States for providing free legal aid to the poor and weaker sections of India.

- Like the Panchayati Raj Institutions, Constitutional status may be provided to the Lok Adalats. So that their future should be safe. System of Mobile Lok Adalats should be increased to provide better free legal services to the poor and needy person at their door-steps.

If the above measures are implemented sincerely, the Government will be able to improve organisation and working of Lok Adalats.