CHAPTER VI

NATURE OF CASES BEING TAKEN UP BY LOK ADALATS
Since March, 1982 when the first Lok Adalat of the country was organised, there has been no looking back for the Lok Adalat Scheme. Within a period of nearly Fourteen years nearly 10,000 Lok Adalats have already been organised throughout the country and more than 50,000,00 cases have been settled with an average of 500 cases per a Lok Adalat. The huge number of cases that are being settled on a single day sometimes baffle the minds of the people and create an impression that only petty cases are being taken up by these Adalats.

But such impressions seem to be wrong. According to the study reports, the Lok Adalats are in fact engaged in settling the cases which are not hotly contested and are fit to be settled amicably through negotiation between the contesting parties.

The Lok Adalat scheme is essentially directed to attain two objectives: "(1) to resolve the disputes which have not yet come to the law courts and (2) to resolve the disputes which have already come to the courts, by negotiating with the assistance of an experienced member of the team who works as a conciliator." (1)

Initially civil, revenue and criminal cases which were compoundable, were being taken up for settlement by the Lok Adalats. But with the success of these fora in bringing out settlements of such disputes and with the co-operation extended by the Chairman of Central Insurance Corporation of India, the CILAS and the State Legal Aid and Advice Boards began taking up Motor Accident Claims Tribunal cases and these MACT cases have come to form a large chunk of the total cases decided by the Lok Adalats. Recently cases involving mutation of lands, land pattas, forest lands, bonded labour, matrimonial cases and family disputes are also being considered in these Adalats.

It may be emphasized that in the Lok Adalats petty cases, or small disputes which are not hotly contested are being taken up, which would otherwise have been pending at the law courts and would have taken years to get settled.

MOTOR ACCIDENT CLAIMS TRIBUNAL (MACT)

While making a study of the cases which come to the Lok Adalats for an early settlement, it has been observed that a large number of cases involve motor accident claims. Lok Adalats have also been very successful in settling MACT cases and providing adequate compensation to the victims of the road accidents within a reasonable time period.

In fact, for the last two decades motor accident claims have attracted the attention of the legal area. On account of rapid industrialisation, growth of population and increase
in the use of motor vehicles day by day, there has been a sharp increase in accidents and such cases have now occupied a sizeable space in the law courts. According to the statistics of Indian Road Congress, the rate of accidents in India is the highest in the world as compared to the number of vehicles. About 50,000 innocent lives are being destroyed every year and about seven lakh people suffer from disabilities caused by the accidents. As Justice Krishna Iyer of the Supreme Court of India observed; "Indian roads have become death traps in recent times." (2)

A very sad aspect of these accidents is that in these cases not only the victim but also his whole family suffers. In case of death or severe bodily injuries of a person, (if he happens to be the sole earning member of the family) it is the whole family that has to bear the loss and often the compensation to the damage does not reach the family or the victims in time. The reality remains that the claims causes consume about three or four years in the courts and sometimes the period may be 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 MACT cases. Since the area of conflict in MACT cases is usually confined to the quantum of compensation only, these Lok Adalats appear to be a very suitable forum for settling these disputes.

"One of the remarkable aspects is that the cases are settled within a very short time gap and the claimants often get the compensation within two or three weeks of the determination."(3) The compensations determined by the Lok Adalats are also fairly considered taking a proper view of the damage. For example, "in the 9th Lok Adalat of Delhi, an award of Rs.3,75,000/- was passed and in another case an award of Rs.31 lakh and in many cases awards between 1.5 lakh and 2.75 lakh were passed."(4)

With such big achievements, the Lok Adalats have been able to draw more attention and presently MACT cases constitute a major proportion of the total cases settled in the Lok Adalats.

MATRIMONIAL CASES

Another area, where the Lok Adalats seem to have achieved fairly well, is the settlement of matrimonial disputes. As far as the success rate goes, according to the survey reports, it is evident that the success rate is about thirty percent. In solving the matrimonial disputes, the judges of the Lok Adalats persuade the parties to re-unite and in case there is no chance of a re-union, and a divorce by mutual consent appears to be the only alternative, the judges determine the amount that should be given to the wife as the maintenance allowance. Lok Adalats, in fact, help in bringing out an early decision, where couples want to get a divorce early, which would otherwise have generally taken a long time to be decided in the Court of Law.

An example of the Ratlam Lok Adalat (Dt.21.12.1986) may be cited. "One of the parties was a resident of Kuwait (outside India), and the case had been pending in the court of the Chief Judicial Magistrate for the last four years. He had to come to Ratlam from Kuwait very often to settle the case, but to no effect. In this Lok Adalat the above case was settled within no time." (5)

Similarly many matrimonial disputes, in which the spouses had been living separately for years, were being settled with a happy ending and the couples were brought together and resumed their family life.

Like the MACT cases, the number of matrimonial disputes settled in Lok Adalats is also increasing. By far, a large number of cases have been settled through the Lok Adalats all over the country.

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 organising special session of Lok Adalats or along with the other cases in one session.

"The 86th Lok Adalat of the state of Andhra Pradesh is quite remarkable for it settled the case pertaining to the cane growers who supplied sugar cane to Bobbili and Seethanagaram sugar factories during the years 1975-76 and 76-77 and wages payable to the workers who worked in the said sugar factories during the same period. These two industries were declared sick units and subsequently these were taken over by the state government. The small cane-growers were not paid the price of the sugar cane, they had supplied to the factories and the workers who worked in these factories were also not paid their
wages. The matter was brought to the notice of the Andhra Pradesh State Legal Aid and Advice Board and ultimately it was settled, where under, the Nizam sugar factory, the authority to which the government of Andhra Pradesh had entrusted the management of the said factories, agreed to pay Rs.1,23,35,000/- to the claimants. Also the claims of the 2000 workers, which were rejected by the prescribed authority not to be in order, because the claims were not made in the prescribed form, were also taken up in that Lok Adalat, waiving the technical objections and justice was rendered to the claimants."(6)

LAND ACQUISITION CLAIM CASES

The land acquisition claims have been a late entrant in the arena of the Lok Adalats. In this respect, the Lok Adalat held at Visakhapatnam to solve the land acquisition case holds a unique place in the history of the legal aid and Lok Adalat scheme in the country where thousands of persons were benefited and a huge volume of litigation settled.

"The vast extent of land spreading over 62 villages was acquired for the construction of the Visakhapatnam steel plant at the rate of Rs.1,050/- to Rs.1,275/- per acre of dry land, Rs.1,890/- to Rs.2,500/- per acre of wet land, and Rs.2.75p to Rs.4/- per square yard of village site. The owners of the land, received compensation under protest and filed petitions

before the land acquisition officers demanding reference to the civil courts. Consequently, thousands of references were made to civil courts. The land was acquired and the possession was taken by the government during the years 1974-76. But the acquisition proceedings continued for several years with the result that the original land owners could not get compensation in time and they were much agitated. This problem, however, was brought to the notice of Hon'ble Mr. Justice R.N.Mishra, the then executive chairman of CILAS. He visited the site and suggested the State Legal Aid and Advice Board to initiate steps to settle the case through Lok Adalat proceedings. After a series of meetings, it was ultimately crystalized that majority of land owners were willing for settlement by Lok Adalat. The Collector, Visakhapatnam, the President (administration), the secretary Legal Aid and Advice Board, the chairman of the District Legal Aid Committee, officials of Visakhapatnam steel plant project and the representatives of the land owners met on several occasions and ultimately arrived at a consensus for the settlement of the claims. According to the consensus the claimants were entitled to get compensation at the rate of Rs.17,000/- per acre of dry land, Rs.20,000/- per acre of wetland and Rs.6/- per square yard of village site. The government of India agreed to pay compensation at the enhanced rate to all the land owners, irrespective of the fact whether the claims were pending or were already disposed of and settled finally. Compensation
was paid by account payee cheques to the claimants who were present on the occasion. The remaining claimants got the compensation after proper identification from 1.4.1988 onwards. By crediting the account payee cheques bank account were opened in the name of the respective claimants."

The success of this case evoked great response throughout the country seeking information as to the procedure to be followed for settlement of such claims by the Lok Adalats.

BANK SUITS

Recently, the bank cases involving the repayment of the loan taken by people within specified time period are being included under the jurisdiction of the 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 Adalat on the particular day. A sum is affixed, that should not be very high to the borrower and is also mutually acceptable.

PETTY OFFENCES

Petty offences mean any offence punishable only with fines not exceeding one thousand rupees, "but does not include

any offence so punishable under the motor vehicle Act, 1939 or under any other law which provides for convicting the accused person in his absence or a plea of quantity."(8) For example, 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 machine according to the weight and measures department, etc. 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. Thus the cases get delayed and cannot be disposed of. Although there is a rule under section 260 that while sending summons, the courts ask for a specific fine and a pleader's guilty memo, the accused can send the fine through money order along with the memo. But if the accused does not respond inspite of summons then the case remained pending.

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

Infact, in the Lok Adalat sessions, all types of cases are decided. However, as a policy, the socio-economic offences had been kept out of the purview of Lok Adalats.

The success of Lok Adalat scheme in the state of Orissa is quite well established by now. According to the official reports, this procedure of delivering justice has evoked rational interest in the people of Orissa and "there is a growing demand from a large section of the litigants to retrieve their list pending in the courts for years and to take them up in the Lok Adalats."(9)

As it has already been said in the previous chapters that in Orissa, Lok Adalat was first held at Cuttack on 24th November, 1985, on an experimental basis. Though it started on a low key, yet it proved a very convenient forum for the disposal of cases and reduction of congestion in the courts. Since then, these Adalats have come a long way in solving all types of disputes through negotiations.

Like the other states, in Orissa also MACT cases from a large chunk of the total number of cases that are brought before the Lok Adalats. The sittings to decide the MACT cases, are presided over by two learned persons and one of them is preferably a retired Justice of the Orissa High Court. They negotiate the matter then and there, and reach an agreement that is accepted to both the parties.

9. "Orissa Legal Aid and Advice" Legal aid Newsletter, May,89 - Feb,90, Vol.IX, (Parts 1 to 4), New Delhi, P.8.
In the courts of law the cases involving road accident claims, in fact take years to get settled, while in the Lok Adalats these cases are settled within a very short period. These adalats in Orissa, provide a just forum to settle these cases within hours to the benefit of the poor victims. In fact Motor accident claims to the tune of half a crore of rupees have also been settled through Lok Adalats in Orissa.

A large number of matrimonial disputes are also coming up before the Lok Adalats in Orissa. The Judges have also been able to provide just amounts as alimonies to the hapless wives from the husbands in case they decide to go separate ways. In many cases the judges have also been able to re-unite the warring couples.

In this regard, one of the settlements that got all-India recognition is worth mentioning.

Sabita Budek, a young girl aged 20 developed intimacy with a boy called Somnath, while she was working as a bidi worker in the bidi rolling factory of the father of Somnath. In the love-lock, she conceived and gave birth to a male child. But unfortunately Somnath went back from his promise and went away from the village. Somnath's father threatened Sabita of dire consequences and subjected her to torture. Sabita staged a 'dharna' infront of Somnath's house and continued unabated for over a year and a month. Somnath's father using his influences, instituted cases apparently on false allegations
to cow down the girl. The issue conflagrated into faction rivalry in the villages, resulting in series of litigations amongst the villagers. Sabita however, did not give in and continued her demonstration. The case however was finally brought before the Lok Adalat held on 11th August 1988 at Sambalpur. Justice Shri R.C. Patnaik, the then executive Chairman of the State Legal Aid and Advice Board, other conciliator judges, social workers, members of the local bar and students of Sambalpur Law College, strained themselves for hours to bring about a settlement and finally succeeded when Somnath bowed down and accepted Sabita as his wife and the child as his child. Upon the agreement of the parties the marriage of Sabita and Somnath was solemnised amidst rejoicing of thousands of people assembled in the court premises of Sambalpur. Sabita duly acquired marital status, after they exchanged garlands and Somnath put vermillion on the forehead of Sabita."

The settlement, in fact, added another feather to the cap of the Lok Adalats in the state.

In another case, Mrs. Sukanti Jena, of Abalapur, was awarded an amount of Rs.10,000/- as alimony from her estranged husband (13.8.94 Lok Adalat held at Puri).

Besides, MACT and matrimonial cases, the State Legal Aid Board has also taken care of industrial disputes. "On the 1st of July, 1989, the youth Lok Adalat of the state was exclusively held to dispose of industrial disputes and cases under different labour laws at Bhubaneswar. It marked a breakthrough in the institution of Lok Adalat by settling cases for the benefit of the industrial workmen. Many of such cases were disposed of with compensation even to the tune of Rs.800,17,89100/-."(11)

By and large the revenue officers have extended their co-operation for the success of the Lok Adalats in different places of the State. But there are still places where revenue segment has not been responsive. The pendency of revenue cases in our state is fairly large and many of the parties to the disputes admit of disposal on reconciliation. The Lok Adalats in Orissa have provided a very convenient platform for the disposal of such cases. The ministry of Law, Revenue and Financial also contribute a lot in this direction.

As we have found out, the revenue cases are coming up before the Lok Adalats for settlement and their number is only next to the number of MACT cases.

In the backward areas of the state, the Lok Adalats have also been able, to some extent, to provide social justice to the poor, the illiterates and the adivasi tracts. Lok Adalats held at such backward areas have been instrumental in bringing these deprived classes into the portals of justice. The Adalats have been particularly successful in freeing the adivasis from the shackles of bonded labour and the ill effects of Zamindari system. In the tribal areas of Sundargarh, Kalahandi, Phulbani and Keonjhar etc. the Lok Adalats have sought to fulfil the aspirations of the people and to ameliorate the conditions of the poor in the remote areas. In particular the adivasis of Sundargarh, Mayurbhanj and Kalahandi districts have been able to reach the portals of Justice and fairplay and the evils of Zamindari system and bonded labour have been eradicated.

Of late, the Lok Adalats are also trying to settle the institutional cases. In this regard, the insurance companies, individual entrepreneurs and some public bodies contribute a lot by participating in the reconciliation in the Lok Adalats. However, it has been observed that "a majority of public sector organisations, particularly larger ones abstain themselves from the proceedings of the Lok Adalats despite notices."(12)

The nationalised banks in Orissa have also come forward to settle the bank suits through the Lok Adalats. "Negotiations

12. Ibid.
are underway with the commercial banks operating in Orissa for evolving modalities of settlement which will go a long way in resolving and reducing the pendency of such bank suits and ensuring the recovery of bank loans."(13)

An analysis of various cases coming before the Lok Adalats in Orissa, shows that a large cross-section of cases pertain to matrimonial disputes, civil disputes, criminal cases, revenue cases and MACT cases. The cases are being handled deftly by various cells of Lok Adalats, which would otherwise have been pending in the courts for years.

Besides these cases, various other kinds of disputes are also taken up by the Lok Adalats in Orissa, such as old-age pension cases, family disputes, wage-claims, labour-welfare compensation claims and all other non-complicated issues which infact do not involve rigorous punishments.

Thus the Lok Adalats have created a new horizon for the destitutes and helpless people in Orissa. More and more cases are being brought to this forum to be solved by negotiations. A lot more is to be done in the remote areas of the state and people should be made aware of the purpose and objectives of this movement and here the role of voluntary organisations come into force. The path of the government will be smoother and easier in providing fair and quick justice

13. Ibid.
to the people, only when the people become more assertive of their demands and rights. In order to make the poor, the illiterate and the ignorant masses aware of their rights, the role of the citizens socially aware is vitally important, so also is the role of the social organisations.

In the following chapter, we will be discussing, the role of voluntary organisations in the Legal Aid and Lok Adalat scheme in general and role of voluntary organisations in the state of Orissa will be discussed in some detail.

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