CHAPTER VII

CONCLUSIONS AND SUGGESTIONS

Access to justice is a prime necessity of a civilized society. It is a cherished duty of every system of government to ensure equal and even-handed justice to all. Access to justice from an independent and impartial agency is a recognized human right which is an essential requisite for the existence of the State. It is an established fact that a government founded upon anything except liberty and justice can not survive. The right to access to justice is more important in a democratic set-up based on rule of law where safeguarding human rights and assuring dignity of individual is the responsibility of the State. The settlement of the disputes of the poor, needy and downtrodden who live in the lower socio-economic bracket of the society is an imperative need in a democratic State which aims at an egalitarian social order.

In this backdrop, it is gratifying to note that the architects of our Constitution emphasized to ensure justice to all even to the poorest of the poor through efficacious justice delivery mechanism. The framers of the Constitution prescribed the mandate for justice – social, economic and political, in its Preamble. The various provisions of the Constitution such as Articles 14, 21, 38 and 40 also lay down stress upon the right to equal and effective justice. In order to achieve the goal of justice, Article 39A has been enshrined in the Constitution with the purpose to provide free legal aid and to strengthen the justice delivery system. Keeping in view, the philosophy of equality and justice embodied in Part III and Part IV of the National Charter, the Apex Court has also played a vital role through its catena of judgments for the betterment of administration of justice. The court declared in these cases the
right of free legal services and speedy trial as the fundamental rights which are included within the broad matrix of the principle of right to life and personal liberty in Article 21 and right to equality under Article 14.

The study reveals that inspite of these mandates of the Constitution and directions of the Apex Court, the desired goal of effective justice dispensing system has not been achieved. Because the Indian Judicial system has been affected by the problems of legal formalities, rigid procedural rules, delay in justice, corruption, expensive litigation, arrears of cases in all courts, inadequate number of courts, etc. In the light of these drawbacks in the justice delivery mechanism, the Alternative Dispute Resolution (ADR) system has been introduced in order to provide speedy and less expensive justice to all. The ADR system is not established to replace or supplant the courts of the country but it is in addition to the traditional judicial system and supplement to it for dispensation of justice. The main focus of the ADR mechanism is to dispense economical and speedy justice to the disputing parties. The system settles the disputes amicably outside the scope of formal courts system that is why it is called as an alternative means of settlement of disputes. It is essential to mention here that now even the civil courts has power under Section 89 of CPC to refer cases for settlement of disputes, outside the court, by way of either (i) arbitration, or (ii) conciliation, or (iii) judicial settlement including settlement through Lok Adalat, or (iv) mediation. Thus, ADR mechanism has various major methods such as arbitration, conciliation, mediation and Lok Adalat. The disputants have liberty to use any method of ADR in order to achieve qualitative justice.

The institution of Lok Adalat is a significant method of alternative dispute resolution system which promotes justice on
the basis of equal opportunity. The vernacular meaning of Lok Adalat is people's court which is innovated in order to provide speedy and inexpensive justice at the door steps of poor and neglected section of the society. The system not only render qualitative and efficient justice to people but also helps to overcome the hazard of the docket explosion. It is an expeditious mode of redressal of grievances of parties which avoid frequent adjournments, lengthy arguments and hierarchy of appeals. It is not a court in its accepted connotation but it is a new system of dispensation of justice which has come into existence to grapple with the problem of giving quick and cheap justice to all. The institution supplements but does not supplant the existing adjudicatory machinery which are traditional courts. The procedure of Lok Adalat is simple, informal, flexible, non-controversial and without legal technicalities. It is a forum which aims at bringing about settlement through voluntary, convivial and persuasive efforts. The mechanism has been introduced for dispensation of justice in a manner compatible with the social, cultural, economic and administrative inheritance of India.

The forum of Lok Adalat is an integral part of the Indian Constitutional Scheme enshrined in Preamble, Part III and Part IV of the Constitution. The system fulfils the requirement of justice of socially and economically backward people by resolving their disputes free of cost. The purpose behind the Lok Adalat is to restore peace in the family, community and locality by ending disputes. When the justice is dispensed by Lok Adalats, there is neither victor, nor a vanquished but both the disputants are winners. Therefore, it is such institution which brings happiness in families of disputing parties and also maintains unity, peace and integrity in the society. It is a participatory justice delivery mechanism in which judges,
lawyers, litigants, social workers, law teachers and common people actively involve in justice dispensing process. The institution follows democratic values and provides opportunities to disputants to reach at an amicable agreement without pressuring them. A comprise through Lok Adalat is always based upon the free and mutual consent of disputing parties. The disputes are settled in the institution on the basis of principles of natural justice, equity, and fair play. It ensures standards of fairness and the emphasis is more on natural justice than the rigours of law. The keynote of the system is justice rather than law. The Lok Adalat is an unique institution which does not render justice to disputants but also strengthen the human relations. Therefore, Lok Adalat is significant mechanism which determines the disputes by discussions, counselling, negotiations, conciliation and by adopting commonsense and human approach to the problems of the disputants.

The institution of Lok Adalat is not a modern concept while it was in existence from time immemorial with different nomenclature. In ancient India, the system was called as people's court or popular's court or panchayat system. Besides the State's courts, a large number of people's court also functioned with a view to provide justice to people at their doorsteps. The official courts were established and governed by the authorized officers of the State while the people's court used to deliver justice to all with the help of respectable persons of locality and community. The people's court encouraged the principle of self government and reduced the burden of central administration. The courts had knowledge about the disputants, the witnesses and the facts of the dispute, so, it was easy for them to determine the dispute speedily and effectively.
In ancient time, mainly three kinds of people’s courts were existed, viz. (i) Puga, (ii) Sreni and (iii) Kula. The Puga court consisted of members belonging to different castes and professions but staying in same village or town. The court was comprised of persons dwelling at the same place irrespective of their castes or employments. The Puga court as the highest court in the hierarchy of people’s court enjoyed an appellate jurisdiction in all cases decided by the Sreni and Kula. The Sreni courts were consisted of persons of same trade, same professions, artisans or persons belonging to different tribes who governed by principles of the same merchant guilds or trade or profession. These appeared to be industrial courts or courts of profession or courts of disciplinary bodies of different merchants guilds. The courts had jurisdiction to decide matters relating to their special trade or profession or occupation. The Sreni courts had the appellate powers against the decision of Kula courts. The Kula court was the lowest people’s court which comprised of agnates and cognates of the litigants. It was the informal body of relatives of disputing parties which investigated and decided their disputes. It was considered as the lowest people’s court in the hierarchy of popular courts.

The people’s courts had jurisdiction to settle civil cases and petty criminal offences. The procedure adopted by these courts was simple, informal, systematic and based on traditions, usages and customary laws of land. The people’s courts functioned under the indirect control and supervision of the king. The other striking features of people’s courts were, firstly, the truth was the basis of justice dispensed by these courts, secondly, justice was provided without any delay by this impartial and independent mechanism, thirdly, these courts were free from problem of corruption and justice was administered without any cost.
In medieval period, the Muslim rulers established their own legal system but they did not interfere in the functioning of people's courts. In Muslim rule, the popular courts or Gram Panchayats as dispute resolution mechanism continued working with minor variations. During this rule, there was no direct or systematic state control over the Gram Panchayats which dispensed justice at the village level. The disputes at the local level were not resolved by the royal courts but by the people's courts of the caste, guilds, artisans and association of traders within which such dispute arose. These tribunals adjudicated the matters in accordance with the customs or usages of the family, caste, trade, locality or community. The Panchayat was presided by five panches who were expected to be impartial and independent and delivered their judgments in the Panchayat meetings. The procedure followed by these Panchayats was simple, systematic, and without legal technicalities. The Panchayats were empowered to settle civil cases and petty criminal cases of local nature. These courts dispensed justice on the basis of customary laws and principles of natural justice. It is significant to mention here that the local courts in the form of Panchayats played an important role in administering of justice process during the Muslim rule.

It is apparent from the facts that the Britishers entered in India with the purpose to establish their trade and business. In the beginning, they did not involve in process of dispensation of justice. And they established courts at lowest level on the pattern of Panchayat system such as Choultry Court at Madras, Court of Conscience in Bombay and Courts of Requests at each presidency town. Thereafter, the Britishers gradually developed the new adjudicatory set up which became more and more formal with the introduction of legal technicalities in the Indian justice system. This complicated legal development was based
on the concept of ruler and ruled of Anglo-Saxon system of jurisprudence. In this way, the Britishers moulded the Indian traditional justice delivery mechanism in accordance with their vested interests and gradually destroyed the structure and concept of people's court. Therefore, it is essential to mention here that the people's courts had played a vital role in dispensation of justice in ancient as well as medieval period. The Muslim rulers were also the foreigners but they did not influence the working of people's courts. But the Britishers not only set up their formal court system but also shattered the framework of popular courts.

After Independence it was emphasized that panchayat system must be reconstituted for the purpose of providing quicker, cheaper and qualitative justice on the basis of traditional principles and values and to implement the aspirations of the freedom fighters to establish the philosophy of equality and justice. For the abovesaid purpose, the nyaya panchayats had been revived in most of the States of country. However, the performance of these bodies was not satisfactory due to inadequate legal knowledge of members of nyaya panchayats, inadequate secretarial staff, lack of financial resources and partiality of members of panchayats in dispensation of justice. In this backdrop, it had become a requirement of society to innovate a new justice delivery institution which could not only reduce the workload of courts but also render speedy and inexpensive justice to all by using the conciliatory efforts with the hope to maintain harmony in the society.

Keeping in view these objects, the institution of Lok Adalat as an alternative forum has come into existence as per the recommendations of Law Commission of India in its reports and legal aid committees viz. Gujarat Legal Aid Committee,
Expert Committee on Legal Aid Processual Justice to the People, Committee on National Juridicare : Equal Justice – Social Justice and Committee for Implementing Legal Aid Schemes, etc. On the basis of this appreciable approach of above stated committees, in March, 1982, the first Lok Adalat was organized at village 'Una' in district of Junagarh of Gujarat. Thereafter, the institution of Lok Adalat was developed in many other States and Union Territories and gradually it had become very popular in providing for a speedier system of administration of justice. The mechanism of Lok Adalat which was functioning on the informal basis, had got legal status under the Legal Services Authorities Act, 1987 which came into force on November 9, 1995. The cherished object of the Act is to constitute legal services authorities to provide free and competent legal service to the weaker sections of the society to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities, and to organize Lok Adalats to secure that operation of the legal system promotes justice on a basis of equal opportunity.

The Legal Services Authorities Act formulates three hierarchical Legal Services Authorities and three Legal Services Committees in order to provide Legal Aid to eligible persons as well as for organizing Lok Adalats from Apex Court at central level to the Sub-Divisional Court at the lowest level. These authorities and committees include (i) National Legal Services Authority, (ii) Supreme Court Legal Services Committee, (iii) State Legal Services Authority, (iv) High Court Legal Services Committee, (v) District Legal Services Authority, and (vi) Taluk Legal Services Committee. It is noticeable to mention here that these authorities and committees are unique bodies having distinct status. The National Legal Services Authority is the supreme and highest body which is authorized to control and
supervise the other subordinate authorities and committees for
the implementation of the object of the Act. The Supreme Court
Legal Services Committee is empowered to carry on the legal
services programmes for Supreme Court cases. The State Legal
Services Authority is the highest authority in the State which
controls and directs the activities of the High Court Legal
Services Committee, District Legal Services Authorities and
Taluk Legal Services Committees. The State Authority gives
effect to the legal aid programmes, legal literacy camps and
organizing Lok Adalats within the State. The High Court Legal
Services Committee executes the legal services programmes and
holds Lok Adalats for High Court cases. The District Legal
Services Authority is constituted in each district of the State in
order to organize Lok Adalats and performs such functions as
prescribed by the State Authority within the district. However,
it is not mandatory for State Authority to formulate the Taluk
Legal Services Authority at the Taluk level. The State Authority
may constitute the Taluk Authority with the object to provide
legal aid to the needy and to organize Lok Adalats at the lowest
level. Although these authorities/committees are different to
each other yet they act in coordination for the implementation
of the legal services schemes, legal awareness programmes and
conducting of Lok Adalats at distinct places.

There are two kinds Lok Adalats namely Lok Adalat and
Permanent Lok Adalat. The Lok Adalats are organized by
various legal services authorities and committees for settling
the various matters at different places. The Lok Adalats are
authorized to arrive at a compromise between the disputants
with regard to any matter which may be pending before any
court as well as matter which is at pre-litigative stage. Such
matters may be of different nature such as civil, revenue and
compoundable criminal cases. While the Permanent Lok Adalat
is established to determine the disputes related to public utility services, compoundable criminal offences and the matters where the value of property in dispute does not exceed ten lakh rupees.

The procedure followed in the institution of Lok Adalat for resolution of disputes, is very simple, informal and without any legal technicalities. Every Lok Adalat or Permanent Lok Adalat is free to formulate its own procedure for conducting conciliation. The Lok Adalat or Permanent Lok Adalat follows the principles of natural justice, objectivity, fair play, equity and other legal principles which include the judgments of the Apex Court as well as High Courts. The Adalat is not bound by the Civil Procedure Code and the Evidence Act but obliged to follow the statutory provisions, rules and regulations made under the Act, 1987. It has been conferred with the powers of civil court while determining the disputes such as summoning and enforcing the attendance of any witness, examining him on oath, reception of evidence on affidavits and requisitioning of any public record or document.

The Lok Adalats endeavour to settle the disputes by conciliatory and persuasive methods. If attempts of the Lok Adalat for resolution of the dispute are failed then the case is returned to court of law or the disputants are advised to seek relief in a court of law. It means that Lok Adalat can not decide the case but can only resolve the case amicably. However, the Permanent Lok Adalat has the adjudicatory power to determine the dispute on the basis of merit. But the Permanent Lok Adalat can exercise this power only if the dispute is not settled by it through conciliation. The Apex Court and the High Courts have directed that decision making power must be used by Permanent Lok Adalat with due care and caution and invoked only as a last resort.
Every award of Lok Adalat or Permanent Lok Adalat is deemed to be the decree of civil court and final and binding on all disputing parties. The award of institution of Lok Adalat is based on the free and mutual consent of parties. No appeal can be filed against such award. However, the award of Lok Adalat or Permanent Lok Adalat comes under the sphere of writ jurisdictions of the Supreme Court and High Court only when such award has been passed inconsistent with the statutory provisions and principles of natural justice. Due to its legal status, the mechanism of Lok Adalat has become as a supplementary of the formal courts system in the process of administering of justice.

The judiciary specially the High Courts and the Apex Court have played a significant role in strengthening the Lok Adalat system. It has not only directed to enact the law for the purpose of dispensing speedy and cheap justice to the people at their doorsteps, but also made efforts for the enforcement of the Legal Services Authorities Act. In catena of cases the judiciary has directed to the concerned authorities, committees and members of Lok Adalat to function in accordance with the provisions of the Act, rules and regulations formed under the Act, 1987. The Courts have also held that it is obligatory for Lok Adalats to follow the principles of natural justice, fairness and other legal principles while rendering justice to disputants.

The Lok Adalat system is dispensing justice to a large number of people from its experimentation in 1982 in State of Gujarat. Millions of cases have been resolved within country through this unique justice delivery mechanism. The performance of institution of Lok Adalat can be evaluated from the established fact that till December, 2009, a large number of 798630 of Lok Adalats have been organized within the sphere of the country. In these Lok Adalats, total 28685546 cases have
been settled which also include 1749325 MACT cases. In the MACT cases, total amount of Rs. 81748466860 have been awarded as the compensation to the claimants (Nyaya Deep, Jan. 2010).

In the State of Haryana the Lok Adalat movement was started in August, 1985 when first Lok Adalat had been organized at village Kunjipura of district Karnal. The noticeable feature of this Lok Adalat was that it had achieved 100% success in disposal of all 85 referred cases. The settled cases were of different categories such as 54 civil, 17 petty criminal and 14 others cases. This was the successful beginning of the Lok Adalat mechanism as an alternative to ordinary courts system in State of Haryana.

It is manifest from the study that in Haryana after the enforcement of the Legal Services Authorities Act, during the period of 1996 to 2009, total 4480 Lok Adalats have been conducted by the concerned authorities or committees in order to deliver justice to the disputants. In these Adalats, 1746726 cases have been brought for resolution out of which 945909 cases have been determined which constitutes to 54% average of referred cases. The Lok Adalats have got highest success rate 83% during the period of 1997 and lowest success rate 38% in 2009. The performance of Lok Adalats is fluctuating in the State. It is interesting to mention here that during 1996-2003, the success rate of the institution of Lok Adalat is more than the average and the success rate is less than average in the period of 2004 to 2009 except year 2008 (Table 1).

As far as Ambala division/study area is concerned various kinds of Lok Adalats are being organized in it. These Adalats include ordinary Lok Adalats, Rural Lok Adalats and Special Lok Adalats. The Special Lok Adalats are being conducted for disposal of specific cases such as MACT cases, bank loan cases,
electricity bills cases, labour and property disputes, pension cases, women’s cases, cases of senior citizens, maintenance cases under Section 125 of CrPC and cases under Section 138 of Negotiable Instrument Act, etc.

The present study reveals that during 1996 to 2009, the legal authorities and committee have conducted 862 Lok Adalats in the Ambala division. These Adalats have taken 245912 cases for disposal out of which 123801 cases have been disposed of by the Adalats. The average rate of success of Lok Adalats is 50% in the study area. It is noticeable to mention here that the lowest success rate of the Lok Adalat in the division is 42% in 2009 and the highest is 68% in year 2002 (Table 2). It is significant to note here that performance of Lok Adalats in Ambala division is less than performance of the Lok Adalats of State of Haryana (54%).

It is further revealed that there is a major difference in the number of settled cases of different categories in the division. During the period 1996–2009, the settled cases of various kinds are as 5413 MACT, 16227 civil, 16828 petty criminal, 51771 summary, 5284 pre-litigative and 28278 misc. cases (Table 3). The Lok Adalats of the division have performed well in disposal of summary cases. The misc. cases include the matrimonial cases, maintenance cases, cases under Section 138 of NI Act; criminal cases; labour disputes; bank loan cases; mutation and revenue cases, etc. The largest number 13517 of mutation cases have been settled in the list of settled misc. cases of the division.

It is manifest that the average rate of performance of the Lok Adalats in the Ambala division is 50%. But the performance of Lok Adalat varies from district to district of the division during the period of 1996-2009. In district Panchkula, the Lok Adalats have settled total 19684 cases out of 33692 referred
cases. The district recorded 100% during the period 1996 to 1998 and witnessed lowest 46% success in 2006. In Ambala district, 31373 cases have been determined out of 65612 taken up cases. The highest performance rate of the Lok Adalats in the district Ambala was 59% in 1996 and the lowest performance rate was 30% in 1997. In district Yamuna Nagar, the Lok Adalat have taken up 58522 cases out of which 33155 cases have been settled. The district demonstrated the highest success rate 82% in 2001 and recorded lowest success rate 30% in 2009. In Kurukshetra district, the Lok Adalat have disposed of 21238 cases out of 44748 taken up cases. It is manifest that the highest success rate 74% of Lok Adalats was evident in 2001 and lower success rate 30% was witnessed in 2005. In the district Kaithal, the Lok Adalats have resolved 18352 cases out of 43338 referred cases. The district witnessed the highest performance 74% in 2000 and the lowest performance 23% in 2007 (Table 4).

It is pertinent to note that from the above analysis district wise performance of Lok Adalat is Panchkula (58%), Ambala (48%), Yamuna Nagar (56%), Kurukshetra (47%) and Kaithal (42%). The Performance of Panchkula and Yamuna Nagar is above the average performance of the Ambala division. The performance of Ambala, Kurukshetra and Kaithal is below average of the division. Thus, the success rate of Lok Adalats of the districts of the division is fluctuating.

It is clear from the study that in the Ambala division, the Lok Adalats of district Kurukshetra have settled the largest number of MACT and petty criminal cases. However, the performance of Lok Adalats of district Panchkula is the lowest in disposal of MACT cases, civil cases, pre-litigative cases, petty criminal cases and misc. cases. In the division, Yamuna Nagar district have got the first position in settlement of civil and
summary cases. However, the lowest number of summary cases has been settled in district Kurukshetra. The highest number of pre-litigative and misc. cases has been disposed of in Ambala district. The study demonstrates the fluctuation in number of settled cases of various categories in the districts of division.

Besides ordinary Lok Adalats, the Samjhuta Sadans are also functioning at the district and sub-divisional headquarters in the Ambala division. These Sadans regularly hear the cases and try to resolve them amicably. During 1998-2009, the Sadans have taken up 30829 cases for resolution out of which 11332 cases have been settled. The Sadans have achieved 36% success rate in disposal of cases. The performance rate of the Sadans is less than performance rate of Lok Adalats which is 50% in the division. The Sadans have settled a good number of cases in years of 1999, 2004, 2005, 2006, 2007 and 2008.

The study reveals that the Permanent Lok Adalat has been working since 2007 at divisional headquarter Ambala. During the period of 2007-2009, total 2007 cases have come before Permanent Lok Adalat for determination out of which 1823 cases have been resolved. The various categories of settled cases are 1606 telephone/postal, 6 insurance cases and 209 supply of power cases. It is significant to note that the average success rate of Permanent Lok Adalat is 90% in disposal of cases (Table 7).

The study reveals that although number of Lok Adalats in the division are increasing from year to year yet the performance of these Adalats is not growing continuously. The reasons behind this problem along with others are as follows:

(i) The disputants, generally, do not appear before the Lok Adalats. The parties are convinced by their lawyers and they ordinarily prevent their clients to come before Adalat. The lawyers know this fact that the Lok Adalat
is not empowered to compel the disputing parties to appear before it. Therefore, it is a major deficiency in the Lok Adalat system.

(ii) It has been observed that the members of Lok Adalats show the passive role in its proceedings. And some time, they feel uneasy in conductive the conciliatory process due to rude and hostile attitude of people. They remain formal in the system and do not endeavour seriously for the determination of disputes.

(iii) It is evident from the study that conciliators of Lok Adalats, generally, decide the disputes as judges of ordinary courts by pressurizing the disputants and try to increase the number of settled cases in this way.

(iv) In most of cases, the government and its departments are also involved as a disputing party. The officials or authorities of these departments are usually non-cooperative to settlement of disputes. Similarly, the other administrative authorities such as Sub-Divisional Magistrate (SDM), Tehsildar, officials of electricity department, telephone nigam, revenue officers, Patwari, Panchayat Secretary, etc., also show their passive attitude towards negotiation proceeding through Lok Adalats.

(v) The important reason for declining growth rate of Lok Adalat system is the passive and negative attitude of the advocates of the disputing parties. As advocates can effectively involve in process of disposal of cases through Lok Adalats. They can easily persuade the parties to make an agreement. However, the most of advocates do not show faith due to their professional interest in the system. So they do not take initiative to encourage their clients for compromise. However, they
create the obstacles in the way of making of compromise between the parties.

(vi) Generally, the Lok Adalats are commenced with endless speeches by the administrative and legal services authorities and followed by tea or lunch programme. In these activities, the most part of the day is lost. In remaining period the members of Lok Adalat do not actively participate in the conciliation process but only do it as a formal work.

(vii) The interviews with disputants, beneficiaries and general public revealed that the lack of awareness regarding the Lok Adalat system, its features and benefits among the people. They only get information about this mechanism from their advocates. The institution of Lok Adalat is not so popular among the people.

The above stated reasons are badly affecting the functioning of the institution of Lok Adalat as an alternative forum.

The study reveals that the Lok Adalat is an unique institution which dispense expeditious, inexpensive and qualitative justice to all irrespective of their social, political and economic status. The institution of Lok Adalat is a medicine in litigating with hardly any adverse effects. In fact apart from easy accessibility, quicker and cheaper justice, the chief beauty of this unique mechanism is the decimation of bitterness, because compromise is the very soul of Lok Adalat justice. The forum strive to develop the peace, order and harmony among the disputing parties and help to further the social solidarity in the society. It settles the disputes by negotiation, conciliation and by adopting persuasive efforts. The basic objective of the
institution is to develop litigation less society by ending the feudalistic approach.

Suggestions

In order to improve and strengthen the working of institution of Lok Adalat to effectively implement the cherished goal of justice delivery mechanism enshrined in the Constitution and promoted by Apex Court, the legal actions as well as social actions are the need of the time.

1. Legal Actions in Constitution, Basic Law Regarding Lok Adalats and Other Laws/Legal Measures

I. Constitution of India

The Constitution provisions and directions of the Apex Court of India have emphasized the need of effective, speedy and inexpensive justice delivery system. The Lok Adalat is one of the important instrument of this philosophy. To promote this philosophy, 'the settlement of disputes through Lok Adalat system' should be added as a Fundamental Duty under Article 51A of the Constitution.

II. The Legal Services Authorities Act, 1987

(i) It is an essential requisite for the effectiveness and efficiency of the mechanism of Lok Adalats that they should be manned by the experienced, dedicated, experts, talented and committed persons so that they may understand the basic reasons of the disputes and the interests of the disputants and may apply conciliatory techniques of settlement of disputes. In the light of this requirement, the provision regarding training of members of Lok Adalats should be added in the Act and only trained persons should be appointed as members of Lok Adalats.

(ii) For the development of society and country, the culture of compromise should be encouraged. The Lok Adalat
system is a device for this purpose. The success or failure of the Lok Adalat depends upon cooperation of the public in general and disputants in particular. The non-participation of the disputing parties is a great hurdle in the success of Lok Adalat mechanism. So, it is respectfully submitted that the specific provision should be added in the Act to ensure the presence of party during Lok Adalat proceedings for desired results of the system.

(iii) The more matters should be brought under the jurisdiction of Lok Adalat like intellectual property disputes, environment matters, disputes relating to education system, cyber crimes, taxation matters, matters relating to Mahatama Gandhi National Rural Employment Guarantee Act (MNREGA) and disputes relating to profession services.

(iv) It should be mandatory in the Act to refer certain kinds of cases such as Motor Accident Claim cases, Bank Loan cases, Maintenance cases, Matrimonial and Family disputes, Labour disputes and cases related to Business to the Lok Adalat at the initial stage itself.

(v) The Lok Adalat should also be organized inside jails for disposal of cases involving under-trial prisoners. This method will afford opportunity to other prisoners also to know the benefits of the Lok Adalat system and may motivate them to adopt it for their disputes.

(vi) Permanent and Continuous Lok Adalats/Samjhuta Sadans should be encouraged and strengthen by courts to effectively implement the filling the blanks of Lok Adalats. So that it may prove the continuous supplements of Lok Adalats to encourage conciliatory methods to resolve the disputes.
(vii) At present the Permanent Lok Adalat are working at divisional headquarter in State of Haryana. It is respectfully submitted that Permanent Lok Adalat relating to Public Utility Services should be established at each district headquarter.

(viii) The study demonstrates that Lok Adalat is not authorized to decide the matters on merit. Sometimes after great efforts, the Adalats fail to bring the parties in a compromising position and have to return the case to court of law. It is respectfully submitted that in such cases the exercise and time of the Lok Adalat go waste. Therefore, the Lok Adalat should be empowered to decide the cases on the basis of merit as the Permanent Lok Adalat is authorized to decide if the conciliation process is failed.

(ix) Where the case is decided by Lok Adalat or Permanent Lok Adalat on merit the limited right of one appeal to the High Court should be allowed.

(x) A definite but simple procedure should be provided to execute the awards of the Lok Adalat by the Lok Adalat itself.

(xi) The court fee should be refunded by the Lok Adalat earliest without unnecessary delay to establish the reality that the Lok Adalat system provide efficacious justice to the litigants without any cost at their door steps.

(xii) The performance–linked reward should be granted to the conciliators of Lok Adalats. These rewards may be in the form of promotions benefits, increment benefits, cash awards, appreciation certificates, etc.

(xiii) The honorarium to the members of Lok Adalats must be attractive and should be revised after regular intervals.
(xiv) The Lok Adalat system is conciliatory system to settle the disputes. It is revealed from the study that the members of Lok Adalat are not accustomed to the nature of the system. They usually behave more or less like ordinary courts. So, it is need of the time to formulate a code of conduct for members of Lok Adalats so that they may conduct themselves in a manner to achieve the conciliatory object of Lok Adalat system in letter and spirit.

(xv) Video recording of proceedings of Lok Adalat should be done for advertisement and monitoring purpose.

(xvi) The independent monitoring cells should be established at the district, division and State level to monitor the functioning of Lok Adalats as a watchdog in their respective areas.

III. Other Laws/Legal Measures

Apart from Constitution of India and Lok Adalat Law, the legal actions should be taken under the various laws such as Advocates Act, Criminal Procedure Code, Police Rules and Services Rules.

(i) The more crimes should be added in the list of compoundable offences under the Code of Criminal Procedure in order to bring the more matters in the jurisdiction of Lok Adalats.

(ii) The active and cooperative role of advocates and government officers towards Lok Adalat system should be appropriately appreciated by State Legal Services Authority. On the other hand the continuous negative role of the advocates and officers of the government departments and autonomous bodies should be curbed by appropriate actions by their respective governing bodies. For this purpose, necessary changes should be

(iii) Inspite of directions of State Legal Services Authority and higher police officers of Haryana, a large number of compromises are made in Police stations. These compromises should not be recorded by police officers at the police stations as per the above said directions. The disputants should be sent to the Lok Adalats for recording their statements for compromise. In such circumstances the compromise will be binding on the disputing parties as an award of Lok Adalat. It is respectfully submitted that the appropriate departmental actions should be taken against the police officers for the violations of directions regarding recording of compromises in the police stations.

(iv) The Lok Adalat law should be added as a compulsory subject in the curriculum of law courses.

2. Social Actions

(i) The neighbours, relatives and elders of the disputants are the first and foremost source of persuasive social action. They should play pre-dominant role to convince the disputing parties for resolution of their disputes through Lok Adalats.

(ii) The law teachers, students and social workers are a good source of legal awareness about the merits and benefits of conciliatory method of Lok Adalat. They should play their respective roles to educate the people to settle their disputes through conciliatory efforts of Lok Adalats, Samjhuta Sadans and Permanent Lok Adalat.

(iii) Social organizations like women, labour, business, trade, caste and non-government are the organized type
of social action. These organization should motivate and help the disputants in their respective fields to resolve their cases through easy and accessible Lok Adalat mechanism.

(iv) Political parties are the modern lighthouses for the people of their parties. The leaders of the parties are considered as role model for the party men. Political parties should promote the Lok Adalat system as a party agenda.

(v) Religious organizations and missionaries can convince their followers to lead peaceful, harmonious and compromising life in a better manner. Therefore, respectfully submitted that the religious leaders, organizations and missionary people should play their religious/missionary charm to popularize the amicable, cost free and easy justice delivery system known as Lok Adalat.

(vi) The local bodies like panchayats, municipalities and corporations are blood and veins of the welfare system. They should adopt and promote the Lok Adalat system as a welfare measure for the people. To achieve this purpose, the local bodies should constitute the committee in order to encourage, guide and educate the people of their respective areas to come forward to resolve their dispute through the noble institution of Lok Adalat.

(vii) To win the faith of people in the Lok Adalat system, the practice of long speeches and unnecessary pump and show should be minimized. The organizers should concentrate on explaining the far reaching advantages of the system and focus on its performance.
(viii) There should be effective coordination among the legal services authorities, government departments, social organizations, etc. for strengthening the Lok Adalat mechanism.

(ix) The study of Lok Adalat system should be part of school curriculum to inculcate the conciliatory adjudicatory system in the students from the very beginning.

(x) Mass media is the most significant modern method of social action. It should be used to create awareness among people about the merits of Lok Adalat forum as an alternative dispute resolution method. It is respectfully submitted that the aims, objects, features and advantages of this unique institution should be publicized by press, radio, television, cinema, and internet; by displaying of boards, posters and hoardings at conspicuous places; by publication and distribution of material about it in books and periodicals, and by pamphlets and leaflets in area surrounding the place of holding of Lok Adalat. Apart from these methods, slogans regarding the benefits of Lok Adalat system should be penned at tickets and bills of public utility services, etc. in order to universalize the system.