CHAPTER – I

INTRODUCTION
1.1. GENERAL INTRODUCTION

The present judicial system is adversarial in character, expensive, formal, dilatory and harassing in nature. The litigant is often confused by formal procedures of this adversarial system. He sees the lawyer’s actions as representing not the clients own choice but rather features of autonomous proceedings. The outcome of the dispute seems to have been determined, not by the clients actions, but by the autonomous operation of a system of rules, mechanism of functional roles, or a ritual of ceremomial rules. Moreover, the decision through adversary litigation is not always just because it is based on the evidence which can be concocted, the witnesses can be tutored and the facts be distorted. So, the result is not always satisfactory and just. Under adversary system search for truth is often overlooked and whole attention is devoted to winning the case any way. As a result the decision generates acrimony among the parties instead of satisfying them. Now it has been widely accepted that traditional adversarial process may not always be the best mechanism in dispute settlement.

To provide more effective dispute resolution to facilitate equal access to justice, to relieve the court congestion as well as undue cost and delays and to enhance people’s involvement in dispute resolution process the Alternative Dispute Resolution movement has taken birth in India. There is a great demand for alternative to adversarial court system. Protagonists and advocates of Alternative Dispute Resolution movement are craving for alternatives that would advance understanding of justice which is entirely different from the justice as lawyers administer. They assume that justice is not something people get from the government, but that is something people give to one another.¹

The Courts are clogged with cases. There is serious problem of overcrowding of dockets. Because of the ever increasing number of cases, the court system is under great pressure. Therefore, if there was at the threshold a permanent mechanism or machinery to

settle the matters at a pre-trial stage, and if there are permanent forums to which courts may refer cases, the load of cases could be taken off the courts. In order to reduce the heavy demand on court time, cases must be resolved by resorting to ‘Alternative Dispute Resolution Methods’ before they enter the portals of court.²

Enormous growth of global trade and delay in disposal of cases in normal courts made it imperative to go for Alternative Dispute Resolution System. Enormous Increasing population, complex and complicated societal factors, over ambitious life style, impatience, selfish nature of individuals, dissatisfaction and frustration are leading to litigant nature in people, increase in litigation and delay in disposal due to technical and non-technical factors are contributing to the delays in justice delivery system.

Though people believe in justice hurried is justice buried but at the same time justice delayed is justice denied. Effective administration of justice rests on the providing of access to justice to all. Various procedures, technicalities, too many legislations for one remedy, enormous pendancy of litigation, lack of speedy trial and disposal, cost of litigation, illiteracy, ignorance, poverty and lack of legal awareness among the people are causing loss of faith in the judicial systems and non-accessibility to justice to some people.³

In order to preserve the faith of the people in the administration of justice and rule of law, it is necessary to ensure that judiciary as a whole remains active, effective and timely steps are taken to accelerate its growth to meet people’s exportation and reduce the backlog of cases by providing speedy and inexpensive justice.

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² Kumar Ravish, Pre Law 1st year Symbiosis College of Law, Significance of Lok Adalat, p.1, at http://www.legalserviceindia.com/articles/article16.htm
In this scenario, for the speedy disposal of cases and rendering justice, alternative dispute resolution system was evolved. They include conciliation, arbitration, mediation and Lok Adalats. 

Alternative Dispute Resolution Mechanisms are in addition to courts and complement them. The traditional system of dispute resolution is afflicted with inordinate delays. No where, however, does backlog and delay appear to be more accentuated than in modern-day India. Alternative Dispute Resolution Mechanisms play a vital role in doing away with delays and congestion in courts. In India civil justice system serves the interests of a diverse and exploding population, the largest democracy, and the seventh largest national market in the world. This formidable responsibility, combined with the recent drive towards greater political accountability in the public administration and post 1991 market reforms, places ever greater pressure on the civil justice system. Backlog and delay have broad political and economic implications for Indian society. If India fails to face and meet these challenges, it will not be able to realize fully its legal commitment to democratic and liberal economic policies.

Alternative Dispute Resolution System provides more effective resolution of disputes as the parties are more involved in this process. Court processes that are traditionally practiced, may not provide the best approach towards the resolution of disputes in every case. For instance in the case of matrimonial disputes, which are sensitive in nature, involving both legal as well as emotional questions, the parties are not interested in winning or losing, but in reaching a solution. Inordinate delays which are a part of the ordinary legal process may emotionally affect the parties and cause frustration. The matter may be more effectively resolved, if it is not dealt with in a mechanical and technical manner. The procedures employed in Alternate Dispute Resolution are flexible and informal in contrast to the formal and rigid procedures followed in the ordinary process of dispute resolution in courts of law. In cases such as motor accident claims, the victims may require the compensation to be paid without delay in order to meet medical

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4 AnandA.S., at http://causediasmic.in/nalsa/17.htm
5 Nomiitha Aggarwal, Alternative Dispute Resolution; Concept Concerns, Nyayadeep, Vol.7, issue 1, January, 2006, p. 69
and other expenses. In matters such as these, Alternative Dispute Resolution Mechanisms like Lok Adalats can help victims to obtain speedy relief.  

Abraham Lincoln said a century ago “Discourage litigation, persuade your neighbors to compromise, whenever you can. Point out to them the nominal winner is often a real loser; in fees, expenses and waste of time. As a peace maker the lawyer has a superior opportunity of being a good person”. What was said then has more relevance today.

The Alternate Dispute Resolution Techniques mainly consist of Arbitration, Conciliation, Negotiation, Mediation and Lok Adalats. Arbitration is a procedure for the resolution of disputes on a private basis through the appointment of an arbitrator, an independent, neutral third person who hears and considers the merits of the dispute and renders a final and binding decision called an award. “The essence of arbitration is that some disputes are referred by the parties for settlement to a tribunal of their own choice instead of to a court”.

Arbitration may be ad-hoc, contractual, institutional or statutory. Conciliation is a private, informal process in which a neutral third person helps the disputing parties reach an agreement. It is a process whereby the parties, together with the assistance of the neutral third person or persons, systematically isolate the issues involved in the dispute, develop options, consider alternatives and reach a consensual settlement that will accommodate their needs. Mediation lays emphasis on the parties own responsibilities for making decisions that affect their lives. Mediation is assisted negotiation. Negotiation is the process by which a group of agents communicate with one another to try and come to a mutually acceptable agreement. It is interesting to note that the Lok Adalat system in India settles litigation by negotiation, mediation, arbitration or conciliation.

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6 Nomitha Aggarwal, Alternative Dispute Resolution; Concept Concerns, NyayaDeep, Vol.7, issue 1, January, 2006, p. 69
8 Nomitha Aggarwal, Alternative Dispute Resolution; Concept Concerns, NyayaDeep, Vol.7, issue 1, January, 2006, p. 73 and 74
Lok Adalat is fairly an old concept. Literally the term Lok Adalat means "people's court". But it is neither people's court nor an Arbitrational tribunal nor a 'panchayat' in the strict sense of the term Lok Adalat. The legal history of India reveals that people's courts had a significant role in the resolution of disputes in ancient India.

But the Britishers gave a deathblow to the institution of Lok Adalat by introducing centralized judicial system and discouraged and replaced the local courts by Royal courts. This policy of the Britishers resulted in the gradual decline of people's courts in India.

Mahatma Gandhi rightly cautioned the people of India about the dangers of copying British Judicial model which makes the judicial machinery cumbersome and slow moving. He reminded the people to resort to the home spun judicial system of Lok Adalats so that the poor litigants need not to go out of their village and spend hard earned money and time towards litigation.

Justice V.R.Krishna Iyer says. "the law administration shaped by the British enshrining values not wholly indigenous or agreeable to Indian conditions, scaring away or victimizing the weak through slow motion justice, high priced legal services, long distance delivery centers, mystiques of legalese and lacunose laws and a processual pyramid made up of teetering tiers and sophisticated rules and tools. Our nation with all its hopes and all its boasts, can never really be free and just till all its citizens, high and low, can claim equal justice through law-in-action".

Lok Adalat is not a "court" as understood by lawyers though the common people may find attributes of a court in it and may even call it by that name. It is just a forum provided by the people themselves or by interested parties including social activists, legal aides and public-spirited people belonging to every walk of life. The forum is contrived for enabling the common people to ventilate their grievances against

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11 Ramakrishna.Y.V., Editorial speech, Nyayaseva, vol.1, issue.1, December, 2001, p.31
the state agencies or against other citizens and to seek a just settlement if possible in order to ensure that the settlement is fair and according to law. The forum consists of legally trained people who are respected in the community where the Lok Adalat is constituted their function is only to enable the parties who voluntarily seek the Adalat intervention to understand their respective rights and delegation with reference to dispute brought before it and to help them.\footnote{Madhava Menon.N.R., People’s Programme for Speedy Justices, Indian Bar Review, vol.13(2) 1986, p.133}

Lok Adalat is not a part of the legal aid bureaucracy nor is it sanctioned under law. Of course, there is no law against it. In fact, all laws and the constitution demand mutual settlement of disputes which, under any circumstances, is superior to long drawn-out, expensive litigation there are comparable provisions in the civil procedure code, criminal procedure code and in a variety of special and local law which enable the court to attempt settlements and avoid adjudication whenever possible. The rationale behind such provisions is sound experience which tells us that an adversary adjudication ending up in one party declared the victor and the other the vanquished does not remove the dispute from society and may lead to further disputes or social tensions on the other hand, mutually agreed settlements contribute to greater social solidarity and better cohesion among disputants. Perhaps culturally and historically, Indian people are disposed to conciliated settlements with community intervention rather than adjudicated decisions through adversarial process of formal courts.\footnote{Ibid., p. 134}

Under the Lok Adalat programme, the first Lok Adalat was held on 14-3-1982 at Junagadh of Gujarat state. Lok Nyayalaya was commenced in 1984 in the state of Maharashtra. The first Lok Adalat in Uttar pradesh was organized in 1984 and in the state of Orissa at cuttuck on 24-11-1985 and this system had gained very good movement in Assam, Kerala, Bihar, Haryana, Delhi, Pondicherry, Mizoram, Meghalaya, Jammu & Kashmir, Punjab, Goa, Sikkim, West Bengal and other states in India. The Lok Adalat in the state of Andhra Pradesh was organized at Vizag on 15-12-1985.\footnote{Narayana P.S., Law relating to Lok Adalats, Asia Law House, Hyderabad, 2002, pp.3 and 4}
Article 39-A was added to the directive principle by the Constitution 42nd amendment Act 1976 to provide free legal aid and to secure equal justice.\textsuperscript{15} It was first formally implemented in the state of Andhra Pradesh through promulgation of the Andhra pradesh State Legal Aid & Advice to the poor rules 1980 and establishment of Andhra Pradesh Legal Aid & Advice board.\textsuperscript{16} From 1981-82 to April 1996, 614 Lok Adalats were held by the Andhra Pradesh Legal Aid & Advice board in the state of Andhra pradesh and 2,42,337 cases were settled.

Chapter 3 \textsuperscript{17} of the Legal Services Authorities Act 1987, came into force in the state of Andhra Pradesh with effect form 28-11-1995, consequently, the state Legal Service Authority, the High Court Legal Services Committee, 23 District Legal Services Authorities and 108 Mandal Legal Services Committees were constituted in due course.\textsuperscript{18}

From may 1996 to 31\textsuperscript{st} December 2007, 82644 Lok Adalats were held by A.P. State Legal service Authority in the state of Andhra Pradesh and 785908 cases settled before the Lok Adalat.

From 1\textsuperscript{st} October 1996 to 31\textsuperscript{st} December 2007, 3033 Lok Adalats were held by District Legal service Authority in Chittoor district, 111658 cases brought before the Lok Adalat and 49777 cases settled\textsuperscript{19}.

The Legal Services Authorities Act 1987, Act 39 of 1987, is an Act to constitute legal services authorities to provide free and competent legal services to the weaker sections of the society to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities and to organize Lok Adalats to

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\textsuperscript{15} "The state to ensure that the operation of the legal system promote justice, on the basis of equal opportunities and shall, in particular, provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities"

\textsuperscript{16} Under A.P.G.O.M.S.No.638, dated 11-12-1980

\textsuperscript{17} State Legal Services Authority

\textsuperscript{18} Hand book (towards excellence in Legal services, 2004) A.P.State Legal Services Authority, p.3

\textsuperscript{19} Information received from the District Legal Service Authority, Chittoor
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secure that the operation of the legal system promotes justice on the basis of equal opportunity.

The Legal Services Authorities Act 1987, provided for organizing Lok Adalat at different levels, and places. Since there was no legal framework regarding the establishment, composition, jurisdiction and procedure for the Lok Adalats, people did not take them seriously. There were difficulties in the enforcement of the awards of these Lok Adalats. Now every State Legal Services Authority or District Authority or Supreme court Legal Services Committee or every High court legal services committee, Taluka or Mandal Legal Services Committee may organize Lok Adalats. Every Lok Adalat shall consist of serving or retired judicial officers and other persons of the area. The experience and qualifications of these persons are prescribed under rules. These Lok Adalats have the jurisdiction to determine and to arrive at a compromise or settlement between the disputing parties in respect of cases pending before any court for which Lok Adalat is organized. These Lok Adalats have the jurisdiction over the matters which have not been brought before the courts.

Lok Adalat is applicable for referring a pre court litigation matters also. Any party or person makes an application either vernacular language or English to the jurisdictional District Legal Service Authority or Taluk Legal Service Committee, as the case may be, where upon a notice will have to be issued to the opponent about such an application after giving reasonable opportunity of being heard to both the parties and after satisfying that there are chances of settlement, matters will be referred to the Lok Adalat. No court fee is payable before on pre litigation applications. Any settlement or compromise entered in to in such pre court litigation Lok Adalat are deemed to be a decree of civil court and such an award is not only final but also binding on the both parties. Lok Adalats don’t have jurisdiction in the matters relating non-compoundable offences. They can take cognizance of cases either on the request of both the parties or any one of the parties, if the court is satisfied that there are chances of settlement. In the matter already pending

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20 Chandrasekhar, A.V., Need to propagate pre-litigation Lok Adalats settlement, Nyayadeep, vol.7, issue 1, January, 2006, p.132
before the courts, the court may also refer the case to Lok Adalat after giving reasonable opportunity of hearing to the parties.

The Lok Adalat shall make efforts as early as possible to make settlement or compromise between the parties. The Lok Adalats are guided by the principle of justice, equity, fair play and other legal principles. When the parties arrive at the settlement, the same is recorded and signed by the parties and members of Lok Adalat. This settlement/compromise is called the award of Lok Adalat. It is enforceable just like a decree of the civil court and it is final and binding on the parties. No appeal can lie against this award of Lok Adalat. If a matter decided by Lok Adalat was already pending before the court, the whole record of this case will be returned to the concerned court and the court fee paid by the party is refunded to the party. The Lok Adalats have the power to summon the parties or witnesses or examine them on oath. They can take evidence on oath or by affidavit and can summon any public record or document related to the case. The Lok Adalat may evolve its own procedure to settle any dispute.

The Legal Services Authorities Act 1987 has been amended in 2002 and provision has been made for the establishment of permanent Lok Adalat by state authority and central authority. These permanent Lok Adalats shall deal with the matters relating to public utility services such as transport services, postal, telegraph, telephone services, supply of power/water/light, system of public sanitation or services in the hospital, insurance services etc. matters relating to public utility services may be referred to permanent Lok Adalats by any party provided that the value of property is less than 10 lakh rupees. The settlement signed by the parties is enforceable like a decree of civil court.21

A large number of disputes generate in respect of these public utility Service. Common people who cannot afford expensive litigation are forced to 'swallow injustice. Lok Adalat is Alternative Dispute Resolution Machinery envisaged in the Legal Services

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Authorities Act facilitating inexpensive and expeditious settlement of disputes, ensuring finality to the conflict. Section 22 B newly introduced in the (2002 amendment) Act enables the common people to obtain expeditious and inexpensive settlement of disputes relating to public utility services through permanent Lok Adalats for public utility services.

The state Government sanctioned six permanent Lok Adalats for public utility services at Hyderabad, Karimnagar, Guntur, Visakhapatnam, Chittoor and Kadapa. Accordingly, Six permanent Lok Adalats have been established and are started functioning. At present there are about 3332 cases pending on the file of six permanent Lok Adalats and 546 cases have been settled by the permanent Lok Adalats by April 2007. It is specifically mentioned that in the meeting held on 25-4-2006 between the Hon'ble Chief Minister and Hon'ble Chief Justice, it is resolved to constitute 23 permanent Lok Adalats one for each district in a phased manner in three years.

Apart from doing regular work of permanent Lok Adalats, the Chairman of permanent Lok Adalats for public utility services are also doing mediation and conciliation in respect of matters referred by the courts and other functions under Legal Services Authorities Act that may be entrusted by the District Legal Services Authority and A.P. State Legal Services Authority.

In Chittoor District permanent Lok Adalats for public utility services has been established on 31st August 2006. As on 31st December 2007, 78 cases were filed in permanent Lok Adalats and as on 10th May, 2008, 41 cases filed in permanent Lok Adalat. At present Hon'ble Judge Sri Justice T.V.Chalapathy Rao, Addl District Judge on duty as Chairman of Permanent Lok Adalats and other 13 nominated members are selected among the various department in Public utility services. Chittoor District is located in Rayalaseema Area of Andhra Pradesh State. District Level Legal Services

22 Permanent Lok Adalat for Public Utility Services
23 Under G.O.M.S.No.161, Finance (SMPC) Department, dated 21-06-20006
24 Ibid.
authority is situated in Chittoor i.e. District Head Quarters. Mandal Level Legal Services committees are situated at Madanapalli, Tirupati, Srikalahasti, Puttur, Peeleru and Kuppam. And other courts in Chittoor district are situated at Punganur, Palamaner, Pakala, Nagari, Vayalapad, Sathyavedu and Tamballa palli.

The District Legal Services Authority, Mandal legal service committee and other courts organized legal aid, legal literacy programmes and conducted Lok Adalats in various places in Chittoor district. The empirical study in Chittoor district about the actual functioning of Lok Adalats reveals encouraging results.

Thus Lok Adalats are working as an effective institution of people friendly judicial system, by dispensing inexpensive and Speedy justice in an amicable manner. Lok Adalats are saving the precious time and energy of courts by resolving a large number of disputes.

Lok Adalat system is a better alternative dispute resolution system and it had proved well in practice. Several disputes like money, compensation claims, partition disputes, damages, matrimonial disputes or other disputes of the like nature are being well settled. The overall functioning and achievements appear to be appreciable. The growing litigation and non-disposal or delay in disposal of cases in ordinary law courts also may be a reason for the growth of popularity of this alternative system.

1.2. SIGNIFICANCE OF THE PROBLEM

Problems are being faced by the people in approaching the courts and getting speedy justice with less expenses. Due to various reasons like increasing population, illiteracy, innocence, unawareness, complex and complicated societal factors, litigant nature in the people, lot of pendancy of cases existing in the normal civil and criminal courts, technical and non-technical there exists delay in disposal of cases. Several adjournments without sufficient cause are also responsible for it. Hence Alternative Dispute Resolution System like Arbitration, Conciliation, Mediation and Lok Adalat have
been evolved. The Legal Services Authority Act 1987, provides for constituting Legal Services Authorities in various levels i.e., (State, District, Taluk or Mandal) organizing Lok Adalats for the disposal of the cases in summary way. Lok Adalat is at present functioning as a voluntary and conciliatory agency without any statutory backing for its decisions. It has proved to be very popular in providing for a speedy system of justice. Lok Adalat accepts the cases both Pre-litigation and pending cases in the regular courts with in their jurisdiction, without any court fee. If the case is already filed in the regular court the fee paid will be refunded if the dispute is settled at the Lok Adalat.

The over all functioning and achievements appear to be appreciable. The growing litigation and non-disposal or delay in disposal of cases in ordinary law courts are also main reasons for the growth of popularity of this alternative system.

At present as this is a growing subject, it is very much essential to study about the organization, advantages, disadvantages, responses and disposal of cases through the Lok Adalat. Hence the researcher has selected this problem confining to Chittoor district by keeping its growing importance and need in mind.

1.3. OBJECTIVES OF THE STUDY

The following are the main objectives to take up this study.

1. To study the need for Alternative Dispute Resolution System through Lok Adalat.
2. To study the organization of the Lok Adalat in different levels i.e., State, District, Mandal and other courts conducting Lok Adalats
3. To evaluate the role played by the Legal Services Authority in motivating the people to utilize this method.
4. To study the advantages and disadvantages of Lok Adalat.
5. To analyze and evaluate the information relating to the opinions with regard to settlement of disputes, compensation awarded through the Lok Adalat, advantages, disadvantages and awareness about the Legal Services Authority Act, 1987.

6. To collect, analyze and evaluate the statistical information relating to the number of Lok Adalats conducted, number of cases settled, types of cases settled and amount awarded as compensation.

7. To find out deficiencies in functioning of Lok Adalat in Chittoor district if any and suggest methods for better functioning.

1.4. SCOPE AND LIMITATION OF THE STUDY

As the subject remained largely unexplored, the researcher found it difficult to obtain data to serve as source reference material. The scope of the subject is wide and coverage is extensive. The conclusions tend to be somewhat general and therefore, must be viewed with caution. The researcher mainly concentrated on the socio legal aspects of the problem, and the study therefore may not purport to be whole and a complete study. However, the researcher left no stone unturned in his effort to gather facts and information necessary for the study.

The present study is aimed at collecting information through both primary and secondary studies with regard to organization of Lok Adalat, advantages and disadvantages, responses and disposal of cases through the Lok Adalat and collect the relevant statistical data for the purpose of the study. Hence the researcher has selected the area of the study limited to the Chittoor district. The period of study is limited from 1996 to 2007.

1.5 METHODOLOGY

Basing on the nature of the topic, the study is a combination of primary and secondary methods. The researcher has selected the relevant data from various vertical and horizontal sources like law books, journals, periodicals and other books relevant to
the study. To conduct the primary study the researcher has operated interview method among this one hundred respondents selected by following purposive sampling method. The study also covers the historical, analytical and comparative methods. The collected data was analyzed and placed in the appropriate chapters.

1.6 HYPOTHESES

The following are the important hypotheses formulated to carry out the research. Several adjournments without sufficient cause, non disposal or delay in disposal of cases in ordinary law courts lead to the need of Lok Adalat.

Lok Adalat system serves as a better alternative dispute resolution system in settling the disputes compare to normal law courts. Increasing population, illiteracy, innocence, unawareness, litigant nature in the people, complex and complicated societal factors are responsible for increasing litigation. Increase in number of cases referred to Lok Adalats indicates higher confidence of people in Lok Adalats in settling the disputes.

1.7. REVIEW OF LITERATURE

Literature in connection with the present problem is reviewed from various studies there are:

AHUJA, V. K.,26 in his Article entitled “Making of Alternative Dispute Resolution Techniques, Mandatory in India; proposed Civil Procedure Code Amendment”, Critically examined. Some of the major contending issues. Concerning the role of Alternative Dispute Resolution System in settlement of disputes and to promote access to Justice for all. Further, he also examined the various law commission recommendations, Malimath committee’s Recommendations and the Code

26 National Capital Law Journal, Law Center-2, Faculty of Law, University of Delhi, Dhaulakuan, New Delhi, vol.2, 1997
of Civil Procedure (Amendment) Bill, 1997 in the field of Alternative Dispute Resolution.

AINTUAL K.R., in his Erudite Article entitled “Revivification of Nyaya Panchayaths”, has observed the Panchayaths Raj Institutions, Genesis of Panchayats, constitutionality, Jurisdiction, powers and functions of Nyaya Panchayats. He further observed that the Organization of Nyaya Panchayaths in Karnataka State.

AMBADAS HARIBHAU JOSHI, in his thought provoking article entitled, “Lok Nyayalaya: A Movement different perspectives, justification and consequences”, drew attention to the pioneering role of the need of Lok Nyayalaya movement and its propaganda. He has also presented a comparative picture of the increasing strain on Judiciary and Democracy ‘No dispute No litigation’ and better to avoid controversies and best to settle those before thinking to go court”

AVTAR SINGH, in his Book entitled, “Law of Arbitration and conciliation” has discussed about the origin scope, legislative and constitutional recognition of Alternative Dispute Resolution and he has elaborated upon the law of Arbitration and Conciliation. Further, he presented a detailed account of concept of Lok Adalat, structure, organization, Jurisdiction, powers and functions of Lok Adalats.

CHANDRASEKHAR A.V., in his thought provoking article entitled, “Need to propagate pre-litigation Lok Adalat settlement” has presented an account of the working of Legal Services Committees in taking the pre-litigation cases and he had emphasized on various types of cases settled though this system.

DILIP. B. BHOSALE, in his Erudite article entitled. “Alternative Dispute resolution, An Effective Alternative,” critically examined some of the major contending

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29 Eastern Book Company, Lucknow, 2006
30 Nyayadeep, National Legal Services Authority, New Delhi, Vol.7, issue 4, Jan 2006.
issues concerning the role of code of civil procedure (Amendment) Act 46 of 1999 and Amendment Act of 22 of 2002 with regard the new section 89 which has been inserted in the Civil Procedure Code in order to provide for Alternative dispute Resolution Mechanism for the settlement of disputes outside the court and he has also examined the alarming situation of pendency of cases in different courts in different levels.


GUMAN SINGH,\textsuperscript{33} in his excellent article entitled “Permanent Lok Adalat for public utility services: A Statutory landmark” observed the establishment, Jurisdiction, powers and functions of permanent Lok Adalat. Further he deal the statutory dimensions of permanent Lok Adalat and compared with the consumer forums and other normal courts.

HEMALATHA DEVI.V.,\textsuperscript{34} in her useful seminar paper entitled “Legal Services Authority Act, 1987 : A critical Analysis” in a National Seminar on “Arbitration, Conciliation and ADR System”, observed certain drawbacks of the Legal Services Authority Act and suggested steps for effective implementation of the Legal Aid, Legal Literacy Camps and Lok Adalats Programmes.

KAUL S.K.,\textsuperscript{35} in his erudite Article entitled “Access to justice”, observed that the kinds of Alternative Dispute Resolution Systems provide better access to justice for all. He also enlightened the Alternative Dispute Resolution System thought Lok Adlat and its Advantages in compare to other Alternative Dispute Resolutions Systems.

\textsuperscript{33} All India Reporter, Vol.No.90, Journal Section, 2003
\textsuperscript{35} NyayaDeep, National Legal Services Authority, New Delhi, vol.7, issue 4, Oct, 2006
MADHAVA MENON, in his excellent Article entitled “Lok Adalat: An Alternative to Judicial Justice,” has presented a brief overview of the Lok Adalat system, its genesis, organizations, powers, and functions. Further, he critically explained the functioning of Lok Adalats in Gujarat state and its statistical information with regard to the achievement of legal services Authority in Gujarat State.

MAHALWAR, K.P., in his thought-provoking Article entitled “An Institution of people's faith” has presented an account of working of Lok Adalat System yet various levels namely State, District, Mandal Legal Service Authorities and committees, Jurisdiction, powers, functions, and advantages. He also covered the establishment of permanent Lok Adalats for public Utility services and its need to the existing Judicial System.

NARAYANA P.S., in his excellent Book titled, “Law relating to Lok Adalats (Legal Services Authorities Act, 1987).” Discussed and covered the organization of Lok Adalats in different levels, their powers, functions, and Jurisdiction. He also discussed with recent citations. Further, he deals with the constitution of different State Legal Services Authorities Rules and Regulations.

NOMITHA AGGARWAL, in her erudite Article entitled “Alternative Dispute Resolution Concept and Concerns”, suggested ways to improve the use of alternative dispute Resolution system, advantages and its Techniques. Also, she has discussed the conciliation methods and the role of counselor, different stages of counseling, stages of legal counseling and skills of counselors.

RANBIR SINGH, in his Article entitled “Law delays and litigation crisis in India Mechanics of injustice” has stressed the centrality of delay in disposal of cases in normal courts and the factors which are responsible for it. Further, he observed the

37 NyayaDeep, National Legal Services Authority, New Delhi, vol.6, issue 4, Oct, 2005
38 Asia Law House, Hyderabad, 2002
39 NyayaDeep, National Legal Services Authority, New Delhi, vol.7, issue 1, Oct, 2006
40 Kerala University, Journal of Legal Studies, Department of Law, University of Kerala, vol.1, 1998

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79th report of Law Commission of India on delay and arrears of cases in High courts and other Appellate courts.

SABHARWAL. Y.K.,⁴¹ in his thought provoking article entitled, "Alternative Dispute Resolution" made an attempt to study the origin of Alternative Disputes Resolution System in India and various techniques of Alternative Disputes Resolutions Systems. Further he discussed the different Law Commission of India recommendations in this field.

SARKAR. S.K.,⁴² in his Book entitled "Law Relating to Lok Adalat and Legal Aid", has discussed at length about the various aspects of Lok Adalat, Free Legal Aid, the Legal Services Authority Act, 1987, as amended by Act 54 of 1994, National Legal Service Authority Rules 1995 and several State enacted rules and regulations through out India. Further he discussed recent citation relating to the matters concerning to the Lok Adalat and Legal Services Authority Act.

SHANKAR RAO, P.B.,⁴³ in his erudite article entitled “Establishment of permanent Lok Adalats; A Ban or Book”, has pointed out and discussed clearly the aspects of Constitution, Jurisdiction, powers and functions of Permanent Lok Adalats for public Utilities services and their impact on other courts or Tribunals its Jurisdiction and validity of awards of Permanent Lok Adalat.

SINHA , S.B.,⁴⁴ in his valuable Article entitled “Mediation : constituents, process and Merit” observed the concept origin, growth and various techniques of Alternative Disputes Resolution System. Further he discussed the advantages an disadvantages of Mediation, different stages mediation, skills and communication techniques used in mediations.

⁴¹ NyayaDeep, National Legal Services Authority, New Delhi, vol.6, issue 1, Jan, 2005
⁴² Orient Publishing Company, New Delhi, Allahabad, 2006
⁴³ Indian Bar Review, Vol.30(1), 2003
⁴⁴ NyayaDeep, National Legal Services Authority, New Delhi, vol.7, issue 1, Oct, 2006
SUNIL DESHTA, in his excellent Article entitled "Functioning of Lok Adalats in India: An overview", critically examined the major contending issues concerning the genesis of Lok Adalats, need for Lok Adalats, nature of Lok Adalat and modalities of working of Lok Adalats.

TEWARI, O.P., in his Book entitled "Law Relating to Lok Adalats" has presented a brief overview of Historical background, organization structure powers and functions of Lok Adalat System and he also discussed about the Constitution of Legal Services Authority Act powers, functions, composition of Legal Services Authorities and Legal Service Committees.

VAGESHWARI, in her erudite article entitled "Nyaya Panchayats: An effective dispute Resolution Mechanism at village level," critically examined the various aspects of Nyaya Panchayats relating to genesis, significance, constitutionality, jurisdiction, powers and functions of Nyaya Panchayats.

VENKATESWARA REDDY, T., in his excellent article entitled, "A Resume of Legal Service Authority in State of Andhra Pradesh and its activities" discussed and covered the constitution, hierarchy, objects and other activities of Andhra Pradesh Legal Services Authority. Further he also deals the establishment of Permanent Lok Adalat for public Utilities services in the State of Andhra Pradesh and their activities.

Though there are certain studies but the earlier studies did not cover all the aspects on this problem in a comprehensive way, hence, the researcher has selected this topic with a view to provide a comprehensive and detailed account on the of socio legal dimensions involved in this problem.

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46 Allahabad Law Agency, Faridabad, Haryana, 2004
48 Andhra Law Times, 2007
The present study is partly empirical in addition to descriptive. It is more confined to the actual functioning of the Lok Adalat in Chittoor district, wherein Organization of Lok Adalat, advantages, disadvantages, responses of Police People, Government Pleaders, Public Prosecutor, Judges, Advocates, parties to the dispute, officers of the insurance companies, officers of the banks and staff of District Legal Services Authority and Mandal Legal Service committees in Chittoor district and number of cases disposed in district level as such and six Mandal Legal Services Authorities in Chittoor district.

1.8 SCHEME OF THE STUDY

The present study is divided in to five chapters besides the Bibliography, Appendices, and list of abbreviations. First Chapter is the introductory consisting of the general Introduction, significance, nature and scope of the problem. Apart from review of literature, the chapter also contains the Hypothesis on which the present study proceeds, the objectives with which the study is undertaken and Methodology adopted for the study for collection of data.

Second chapter is devoted to Alternative Dispute Resolution System through Lok Adalat in India. It covered concept, need, genesis of Alternative Dispute Resolution system and different types of Alternative Dispute Resolution system in India. Further it deals evolution, structure, need, Jurisdiction, Powers, functions of Lok Adalat systems, Statistical information relating to functioning of Lok Adalat, legal and constitutional aspects of Lok Adalats.

Third chapter highlights the Legal Services Authorities. Under the Legal Services Authority Act, 1987. It covers powers, functions and object of the Legal Services Authority Act 1987 and also deals with the functioning of the Legal Services Authorities in different levels in India.
Fourth chapter which is the core of the thesis deals with functioning of Lok Adalats in Chittoor district, statistical survey and interview method are adopted to collect data and opinions and the analysis and results are placed in this chapter.

Finally the fifth chapter deals with conclusion and suggestions. This chapter is the concluding chapter contains the findings based on the present study. The chapter also contains certain constructive suggestions for the effective and efficacious implementation of Lok Adalat system.