SUMMARY AND CONCLUSION
The present study "Justice at the doorsteps of people; A study of Lok Adalats in the state of Orissa", is an humble attempt in the direction of examining the performance and effectiveness of Lok Adalats as a remedy for judicial deprivation of the teeming millions in the state of Orissa. The study endeavours to assess the extent to which the Lok Adalat system has been successful in providing speedy and inexpensive justice at the doorsteps of the needy and the poor.

Since independence, India has embarked upon an era of planned development and envisaged a secular political system with the underpinings of a socialistic order. This has heralded a new world of hopes and expectations for the teeming millions of Indian people. The depressed and the down-trodden, the illiterate and the ill-treated section of the Indian society, have emboldened and ennobled themselves by the innumerable socialistic legislations and have been trying desperately to establish a niche for themselves in the socio-political system. In this context, the role of judiciary has become important and challenging because unless justice is ensured, the freedom of individuals becomes meaningless. But unfortunately there are certain built-in systemic inadequacies in our judicial
administration itself which are likely to hinder the needy and the poor an easy access to the courts of justice. As the situation prevails at present the credibility of the judicial process in India appears to be on the decline and the major contributing factors for such a sad state of affairs are (a) high cost of litigation, (b) inordinate delay in the disposal of cases.

To quote the law commission report "India is the only country under a modern system of governments which deters a person who has been deprived of his property or whose legal rights have been infringed, from seeking redress by imposing a tax on the remedy he seeks."(1)

However, of late, there have been a lot of effort made by the government to make access to justice easily available to the people. Alongside, in order to restore the credibility and efficacy of the judiciary and to provide free and competent legal services to the people, the committee for Implementing Legal Aid Schemes (CILAS) was appointed by a government resolution back in 1980. It has the basic intention of taking up such programmes as promoting legal literacy, organising legal aid camps in rural and remote areas and to provide free

legal to the poor and the weaker sections. To make these schemes more effective and to provide people with justice quickly and at a low cost, the scheme of Lok Adalat was introduced that got its statutory recognition under the Legal Services Authority Act 1987.

The scheme of Lok Adalat mainly has 3 basic purposes. (i) to provide quick justice by facilitating speedy disposal of cases, (ii) to save the people from the exorbitant costs of litigation process in a court of law (iii) to provide justice literally at the doorsteps of people by organising Lok Adalats at various places in the country especially in rural and sub-urban areas.

For sometime now, Lok Adalats are being constituted at various places in the country and almost all states have accepted this innovative scheme of Lok Adalat as a better system of dispensing justice to the people.

According to the official reports of CILAS the state of Orissa holds the record of organising the highest number of Lok Adalats next only to Uttarpradesh. By the end of July 1996, a total number of 2368 Lok Adalats have already been organised in the state with a record number of 6,37,749 cases having been settled through them. Nearly 50 crores of rupees have
also been awarded as compensation to the wronged persons in the cases.

If the increasing number of Lok Adalats and the enormous amount of compensation are any index of the success of the system, the Lok Adalat scheme appears to be a tremendous success in the state of Orissa. But if one takes into consideration the laudable purpose behind the constitution of the Lok Adalats i.e. speedy and inexpensive justice to the needy and the poor, the track record of the operative dimensions of the scheme, the degree of effectiveness and the durability of its wide-ranging decisions, it leaves a lot to be desired.

In our attempt to analyse the performance of Lok Adalats in Orissa in achieving its goals, we tried to elicit responses and opinions of the common masses who are the intended beneficiaries of the Lok Adalat scheme. Though the official reports claim tremendous success of the scheme, our data, however, speak of something different. According to the data collected by us, though the Lok Adalat scheme has been successful in providing quick, inexpensive justice to the people at their doorsteps, yet the masses seem not to be very satisfied as far as the quality of justice provided to them through these Lok Adalats. Despite the tall claims of the official reports, it appears that the scheme in Orissa is still far away from what its main aim has been. It has still not been able to reach the real neglected section of Orissa in the remote areas.
It has been widely claimed by the proponents of the Lok Adalat scheme that this system of organising courts at various places of the country, has its origin in the ancient periods and is in keeping with our tradition. Thus it catches the imagination of the people easily. This is a hypothesis that tries to equate the Lok Adalat system with the Panchayat system of ancient India. In Orissa too parallels are being drawn between Lok Adalats and the Bhagawat Tungi system of ancient Orissa. But as we found out, the two systems do seem similar on the surface, yet they are poles apart in both their structures and functions. According to the ancient system, the panchas, by convention, were the highest authority of justice. They were being regarded as god's representatives. The people just could not dare disobey their authority. The Panchas even had the authority to give harsh punishment and could even decide major criminal offences. But the case with the Lok Adalats is not the same. Lok Adalats are set up only to supplement the existing judicial administration. Unfortunately a firm legal basis for the system is yet to be provided. Though the Legal Services Authority Act was passed in 1987, the comprehensive Legal Services Authority (Amendment) Bill 1991, already passed in the Rajyasabha, is yet to be considered and approved by the Lok sabha. At present, the Lok Adalats are tackling petty cases which are not hotly contested. Besides, these adalats do not actually decide cases, but merely resolve them by persuasion so that adversarial litigation process is
avoided. Usual areas covered include matrimonial cases. Motor accident cases, Revenue cases and also pension and other service matters, payment of arrears, retirement of dismissal of servants in petty matters, bank cases and other labour compensation disputes.

Though it is being claimed by the official reports that the Lok Adalat movement has already taken a strong root and its credibility and usefulness have been well-established. Yet, as our data indicate, this movement has not been able to reach a point from where it can compare itself with the existing conventional judicial process. From this project undertaken by us, it could well be found out that many industrial concerns and other influential parties do not bother themselves to appear before these adalats despite notices are served on them. It is only because the Lok Adalats lack a legal backing. Even in many of the matrimonial cases sometimes the parties decline to oblige if the decision goes against their interest.

Some credibility has been added to the Lok Adalat system by bringing some cases in which the state government is a party to be settled by the Lok Adalats and the state government and the state legal aid and advice board are also trying their best to make this Lok Adalat scheme more acceptable by the people. Yet as our data indicate, these efforts are not
properly chanelised. Almost all the persons interviewed by us expressed their ignorance about any legal literature such as pamphlets or booklets being distributed to them. Even the people of urban areas expressed their ignorance about these things. Though the state legal aid and advice board has been organised seminars and conferences from time to time, yet it is very unfortunate that these seminars and conferences are mainly organised in colleges and universities of urban areas and the poor, illiterate masses have little access to them. As far as the rural masses are concerned, they are still the same dumb masses as Gandhiji has once described them and are still indifferent to the procedure of litigation process and are ignorant enough to discriminate between good and bad justice.

Another aspect that we came across during our investigation, is the lack of a sufficient number of voluntary organisations and social action groups in the remote areas of the state to make people aware about legal aid and Lok Adalat schemes and their advantages over the conventional litigation process of the law courts.

It is also being claimed by the authorities of the Lok Adalat scheme that this movement has become a tremendous success keeping in view the increasing number of cases coming up to be settled by the Lok Adalats. They maintain that a
large number of people are coming up to settle their cases through these Lok Adalats. But as we could find out through the interviews of the beneficiaries, the fact remains that the people are still quite indifferent to the method of delivering justice. When the notice reaches them they come over and take the decisions for granted. It is also being alleged that the authorities of the Lok Adalats do not bother themselves to see what happens afterwards i.e. whether the decisions are obeyed or not.

Our data also confirmed and allegation that in their anxiety to get the compensations quickly, the people are cajoled or pressurised to accept meagre amounts much less than what they are entitled and in order to show that Lok Adalats as a successful scheme, cases are being manipulated and a large number of cases is shown as being the subjects of compromise. However, it is a sad fact that not many cases in which government is involved, are not listed in the Lok Adalats and so is the matter with the cases involving government undertakings.

Many litigants whose cases have already been settled through the Lok Adalats, also expressed their dissatisfaction about the quality of justice they are being provided with. "The authorities are only concerned with speedy disposal of cases", has been a common grouse. According to many beneficiaries, the presiding officers of Lok Adalat sittings
are more concerned with the speed with which they could end matters. Many also feel that though the purpose of these Lok Adalats is to compensate their damages. Yet the judges treat the amount of compensation as auctions. If the people are not satisfied with the decisions, they are literally forced to take these for granted.

Even the element of coercion is not totally ruled out. Not only the litigants but also many judges and lawyers maintain that sometimes, though occasionally, over-enthusiasm on the part of certain officials, judges and members of local legal aid committees might be forcing settlement between parties which could be reopened in the courts. Thus it confirms the allegation of coercion and malafides on the part of conciliators.

As our study reveals, lawyers in most parts of the state are more or less apathetic to the cause of Lok Adalats except in the district of Sambalpur, where the lawyers actively participate in the proceedings of Lok Adalats. Not only the lawyers but also many of the judges do not agree with the concept of Lok Adalat. According to them the scheme has only one purpose that is to clear the backlog of cases that are long-pending in various courts. The presiding officers try to get the parties to reach a compromise, with the litigants having a choice not to accept that compromise. If the compromise
is not accepted, then the case goes back to the court and if they agree they sign the agreement, are given a date by the Lok Adalat to appear before the judge. There the judge ratifies the Lok Adalat's decision. In MACT cases, the insurance companies usually have to pay the compensation within a month. Many judges and lawyers feel that not only the progress of the proceeding is slow, but also justice is not being done. They also feel that the Lok Adalats have failed to provide expected admissible justice and nobody gets any benefit because the so called benefit that is given does not conform to the legal standards and justice.

Another important aspect that seems to hinder the progress of the Lok Adalat scheme in Orissa has been the lack of sufficient financial aid to these schemes. Though the state legal aid and advice board is getting Rs.10 lakhs per year for the implementation legal aid and lok Adalat scheme. Yet there is still the need of more funds for making the organisation of Lok Adalats more effective.

Besides, it also appears from the data that there is a definite lack of proper motivation on the part of lawyers and social workers and this disinterestedness does hinder the progress of the Lok Adalat scheme in the state.

As this Lok Adalat scheme has essentially a voluntary basis and are mostly held on holidays, the staffs of lower
rung seem to be a little dissatisfied, because the fees they get for the extra work is meagre.

But despite all these inbuilt limitations and shortcomings in the scheme the Lok Adalats do have their own merits. The Lok Adalat scheme is an example of a phenomenon that has been able to stir the imagination of people of various walks of life. Its credibility and usefulness in providing people with quick and inexpensive access to justice have been well established to a certain extent. The Lok Adalat system is not visualised as a substitute for the existing judicial administration, on the contrary, it is seen as playing a supplementary role. The ultimate say, of course will be that of the courts of law. But with the active cooperative of the people, the system of Lok Adalats is bound to take an acceptable form and shape. The movement can certainly be carried forward by vigorously utilising innovative means. The earlier it is done, the better it will be.

Some steps are also being taken in this direction such as 'Jald Rahat Yojana'. This concept is really an extension of the Lok Adalat scheme that is simple terms can be called pre-litigation conciliation machinery. Its main aim has been to provide acceptable mechanism to try and dispose compensation claims even before the beneficiaries seek legal remedy in MACT cases. However, the state of Orissa has not accepted
this scheme so far the scheme has already started operating in various other states.

Arrangements are also under process to hold Lok Adalats every week. The Judges are also being requested to hold Lok Adalats every week (on any day of the week that is suitable to them) and identify cases which can be settled amicably.

During the period of our research on this project, we have come across some facts that are working against the Lok Adalat scheme in the state and the concerned authorities seem to be quite unaware of these factors. In this regard we would like to provide some suggestions to be considered to make the Lok Adalats more acceptable to the people in general and the people of Orissa in particular.

**SUGGESTIONS:**

1. The sittings of Lok Adalats must be held more regularly, say, at least once in two weeks. These organisations should be made to work not as sporadic organisations, but as more regular organisations so that the people will become more familiar to such kind of courts and that will make these Adalats more acceptable to the people.

2. The jurisdiction of the Lok Adalats should be increased to include more complicated cases instead of setting
petty cases. It will help in giving the Lok Adalats a higher pedestal in the society and the attitude of people towards it as just a forum for sitting petty and uncomplicated disputed will be changed.

3. Periodical review of the performance of the Lok Adalat scheme should be made throughout the state. This responsibility should be entrusted to an independent agency not connected with the Bar or the Bench. The reviews should be adequately published in the newspapers in order to make people aware of the effectiveness of the scheme.

4. More and more cases in which the state government is involved as a party should be brought under the jurisdiction of the Lok Adalats so that a certain credibility is added to the institution of Lok Adalats.

5. As it is found out that Lok Adalats are mostly organised in the semi-urban or urban areas. This factor to some extent obstructs the real backward and ignorant masses of remote areas from getting an easy access to these justice delivery system. Thus instead of concentrating in semi-urban areas, Lok Adalats should be organised more frequently in the remote rural areas of the state.
6. As the active participation of the members of the Bar is much desired for the success of Lok Adalats in the state, suitable steps should be taken by the state government such as enhancing their remuneration, giving proper publicity to the cases and also recognition should be given to their work involving legal aid and Lok Adalat scheme.

7. One of the biggest drawbacks in the path of Lok Adalats that works against its wider acceptance by the people has been that there is no provision for taking any follow-up action to ensure the proper implementation of the decisions reached at these adalats. Thus some kind of arrangement must be made by the state government or by the judicial administration to take some kind of follow-up action, otherwise the decisions will remain only on paper and justice will remain a far cry for the victims.

8. The law courts have a very significant role to play both in the matter of organisation of the Lok Adalts and for providing free legal aid. As a matter of fact, the judicial officer devotes a lot of time and energy to study the mindset of the litigants and to orient them for an amicable settlement of the dispute for disposal. Such pre-Lok Adalat preparations should
be taken up by specific groups, well-designed and well-equipped for the purpose with a judicial officer at its head. Such units are to be created by the high courts of the state for the effective working of the Lok Adalats and for quicker disposal of cases.

9. Panels of judges and judicial officers should be maintained for selection of presiding officers for the Lok Adalats. Judges and lawyers should come forward to volunteer for the enrollment of their names in such panels so that their services can be utilised whenever it is required for organising Lok Adalats.
The present study had made an attempt to analyse the role performance of the Lok Adalats with a particular reference to the state of Orissa. Through a systematic and analytical study various factors that affects the role of Lok Adalats came to the fore: Such as the attitude of legal elite, both lawyers and judges, the attitude of the general public, techniques of conflict resolution, the cooperation of the people the role of the social action groups have been analysed and conclusions have been inferred. This concluding chapter presents a brief summary of the foregoing chapters along with concluding observations.

The Lok Adalats as a strategic arms of the legal aid programme has been introduced to supplement the present traditional system of delivering justice. The total impact of legal aid in general and Lok Adalats in particular, is multifold and its importance can hardly be undermined. In day to day life peace is and should be a role and conflict is an exception. The society would be very much happy with the least conflict and utmost peace. If the concept of Lok Adalat is accepted, in principle and spirit, it would save time and energy as well as would bring better co-operation and co-ordination amongst people.
The expanse of the advantage of Lok Adalat can hardly be fathomed but the advantage is always in favour of not only those who are taking part in it, but also in favour of those who want to utilise judicial forum and not the Lok Adalat for deciding their cases. Thus Lok Adalats need be welcomed, not only by those who want compromise, but also by those who want their matters to be decided through courts of law. This is only possible if it is communicable to them. Once it is communicable it sends forth a chain reaction, the arm of communication sparks off awareness and this psychologically triggers the latent mind into action and it would help in the deprofessionalization and de-mistification of law and judicial process since people's court enable people to resolve their disputes among themselves at their doorsteps through the participation of the people. Not only the Institution of Lok Adalat is a novelty, but it is also innovative in its approach. Like any other institution, operating among the people this institutions also cannot function unless there is cooperation from the government, because its implementation require multifold participation. Cooperation of the higher grade of government is also necessary as well as of the lower echelon of the bureaucracy. Steady supply of sufficient finance is a vital requirement. No less is the role of media because proper publicity can help the movement to make popular. The Lok Adalat as an institution must take the responsibility to
solve all types of cases that come to it. As a strategic arm of Legal aid the existence of Lok Adalat is no longer a matter of controversy or dispute. But it certainly requires further research and efforts to discover new vistas where in the awareness of the people can be accelerated and it should be given a legal status at the earliest possible. The Lok Adalats as the dispenser of justice is socially relevant and efforts should now be concentrated on the basis of data and empirical evidence. If the best results are to be achieved by us it is necessary, that the concept of Lok Adalat should well be understood, adopted and spread by every well meaning citizen, as healthy outlook towards life. While something has been achieved, a lot more requires to be done.

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