



“An Analysis of the functioning of Lok Adalats in the Eastern Region of India”

A Comparative Report

A Report By:

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Executive Summary

Purpose of Study

This study is an analysis of the functioning of the Lok Adalats in the Eastern Region of India. The prevalent state of affairs as regards to the functioning of the Lok Adalats in the states of Odisha, Jharkhand, West Bengal and Bihar have been studied and analyzed. Key issues such as staff, infrastructure, policies, training and disposal etc were taken into consideration in the research in order to achieve the objectives set out at the beginning. This project funded by the Department of Justice, Ministry of Law and Justice, Government of India and implemented by Odisha Judicial Academy assisted by National Law University, Odisha.

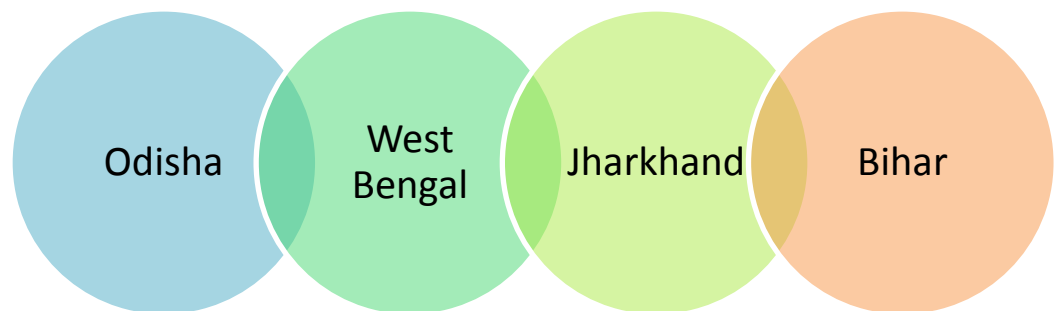
At this point it would be prudent to lay out that this is not a report card or a parameter to determine or compare the working of the various legal services authorities at the National, State, District and Taluk Level. The legal services authorities have many other assignments other than the Lok Adalats and this study is to increase the efficiency and effectiveness of the Lok Adalats by analyzing the disposals figures, identifying the challenges and suggesting reforms which emerge from the research. Lok Adalats is a great way of alternative dispute resolution and if done effectively then can reduce the burden of backlog of cases to a great extent. This study aims to find out the best practices in each state and suggest reforms in the others accordingly.

The Objectives in the research were:

1. To study the prevalent state of affairs as regards to the functioning of Lok Adalats in the eastern region of India
2. To scrutinize the performance of Lok Adalats in terms of statistical parameters to have a more comprehensive understanding of the structural capacities and deficiencies.

3. To identify the issues and factors which are impeding a more efficient functioning of the Lok Adalats
4. To identify the reformative measures through which the functioning of the Lok Adalats can be made more efficient.

The disposal figures, infrastructure and policies etc in the following states of Eastern India was taken into consideration:



Research Methodology

The research methodology comprised of both empirical and doctrinal analysis. The doctrinal aspect comprises of the comparative analysis of the manner in which Lok Adalats are being organized in different states. It also includes the analysis of the cases disposed off through Lok Adalats in the identified states from 01.07.2012 to 01.07.2015 in order to have a better understanding of the patterns of disposal. The empirical analysis comprises of the analysis of the problems and issues in conducting Lok Adalats from the data collected by the research team through online surveys.

In view of the above objectives and in accordance to the research methodology the following activities were undertaken by the research team.

1. A comparative analysis of the prevalent practices in the identified States in terms of organizing Lok Adalats.

2. A statistical analysis of all the cases disposed of in the identified States during a three year period to have a better understanding of the structural capacities and deficiencies.
3. Collection of primary data through surveys with different stakeholders like officials of SLSAs, DLSAs, TLSAs, judges,
4. Identification of the barriers and obstacles which are impeding a more efficient functioning of the Lok Adalats.
5. Identification of the reformative measures which can facilitate a more efficient and purposeful functioning of the Lok Adalats.

The **first chapter** of the report explains the history, importance and functioning of the Lok Adalats. In second part the methodology adopted for the research, other factors and parameters have been discussed. It establishes the structural parameters under which analysis has been conducted and the sources from which data has been procured for the analysis.

The **second chapter** in the report is titled 'Analysis of Policies concerning Organizing of Lok Adalats'. This chapter deals with a comparative analysis of the policies guiding the organizing of Lok Adalats. The existing policies in the different states are analyzed and the prevailing best practices in relation are identified in relation to the following aspects;

1. Policy Regarding Infrastructure of State Legal Services Authorities
2. Policy Regarding Types of Lok Adalats
3. Policy Regarding Frequency of Lok Adalats
4. Policy Regarding Preparation of Calendars
5. Policy Regarding Referring Cases to Lok Adalats
6. Policy Regarding Involvement of Additional Personnel
7. Policy Regarding Quantitative Weightage for Lok Adalat Work
8. Policy Regarding Additional Incentives for Lok Adalat Work

9. Policy Regarding Administrative Support

The **third chapter** is titled “Analysis of the Disposal Records” and primarily examines the disposal records from the respective State Legal Services Authorities for the period starting on 01.07.2012 and ending on 31.07.2015. The purpose of the analysis was to have a better understanding of the patterns of disposals in the respective states. The disposal records were sought in the following format;

1. District wise, Case Type wise and Month wise Record
2. District wise, Case Type wise and Year wise Record
3. State wise, Case Type wise and Month wise Record
4. State wise, Case Type wise and Year wise Record

The **fourth chapter** is titled “Analysis of the Feedback received from stake holders”. The purpose of this feedback was to examine the existing policies and to seek suggestions on the possible reforms that can be implemented. Thus, the questionnaire was designated for the serving judicial officers in the identified states and for the functionaries of legal services authorities so as to have an insight into the challenges and shortcomings of the existing policies. The questionnaire was designed and administered by the research team in the online as well as in offline form.

The **chapter** titled ‘Conclusions and Recommendations’ is the final chapter wherein all the recommendations and suggestions have been made in order to facilitate a more efficient and purposeful functioning of the Lok Adalats.

Apart from the above chapters we have also prepared state specific reports. Preparation of such reports were felt necessary and would be useful in addressing the issues of each state individually and would result in better understanding and usefulness of report.

Structure of the State Specific Reports

In addition to comparative report, a specific report for each state has been prepared. The recommendations in relation to a state are usually identified with reference to the prevailing best practice in other states. The recommendations are incorporated organically after an elaboration of the existing policy in a state in relation to a specific aspect of the analysis. At the end of each state specific report, the list of recommendations is provided in a summarized manner.

Key Highlights of the Research Report



Introduction

The Courts of India in the recent times have been over burdened with cases and are currently grappling with shortages of judges and courts in all levels starting from the lower to the higher forums. That apart, the litigants also have to bear the cost of litigation which is quite high and litigation continues for years together without an ending. Further the process is also cumbersome and procedural delays along with the increasing number of cases mean justice getting delayed. Lok Adalats in such a scenario have been a beacon of hope both for the litigants and the judges who are burdened with alarming work load and cases. Lok Adalat or the People's Courts, decide the dispute with utmost expedition to arrive at a compromise or settlement on the basis of principles of justice, equity, fair play and other legal principles. When the Lok Adalat is not able to arrive at a compromise or settlement, the record of the case is returned to the Court, which initially referred the case to the Lok Adalats. In this method over the years many petty cases along with other regular cases which can be referred to the Lok Adalats have been disposed off. The finality of the award is the best advantage of the system and often creates a win-win situation for all. However like every system, this system also has some issues such as lack of infrastructure, unclear policies, inadequate administrative support, etc which prove to be a hindrance to disposal of cases. The idea of Lok Adalats is unique and is very effective but much more can be achieved if certain changes are made in the system.

There has been lack of comprehensive field research in relation to the functioning of the Lok Adalats in India. The current research deals with two critical aspects concerning the functioning of Lok Adalats;

5. To identify the issues and factors which are impeding a more efficient functioning of the Lok Adalats
6. To identify the reformative measures through which the functioning of the Lok Adalats can be made more efficient.

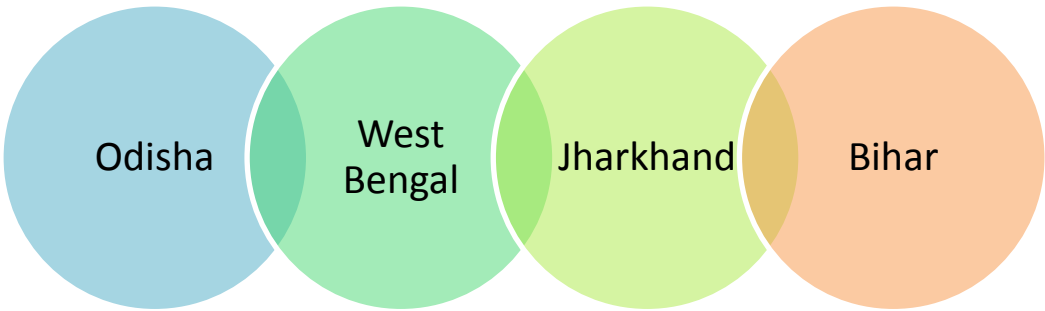
The broad objectives in the research were as following

- 1. To study the prevalent state of affairs as regards to the functioning of Lok Adalats in the eastern region of India
- 2. To scrutinize the performance of Lok Adalats in terms of statistical parameters to have a more comprehensive understanding of the structural capacities and deficiencies.
- 3. To identify the issues and factors which are impeding a more efficient functioning of the Lok Adalats
- 4. To identify the reformative measures through which the functioning of the Lok Adalats can be made more efficient.

Comparative Framework for Analysis of Functioning of Lok Adalats in the Eastern Region of India

For the purposes of this research, the existing policies, disposal figures in four states were analysed.

Table 1- List of Identified States



The assessment of existing system of Lok Adalats in the identified states focuses on the following primary perspectives;

- 1. Analysis of the Various Policies Concerning Lok Adalats
- 2. Analysis of Disposal Records

3. Feedback from Stakeholders

This report seeks to cover the following aspects;

1. An assessment of the structural arrangements concerning the organizing of Lok Adalats in the identified States.
2. An analysis of the performance of the Lok Adalats in terms of statistical parameters.
3. An assessment of the challenges and barriers in the identified States which are impeding a more efficient functioning of Lok Adalats.
4. Identification of the reformative measures to strengthen the efficiency of the Lok Adalat mechanism determined after a broad-based consultative process with all the concerned stakeholders.

The information in the nature of the prevailing official policies in each state was sourced from the respective Legal Aid Authorities in each state. Apart from verbal and telephonic clarifications and some visits to the respective legal aid authorities, the core analysis in this report is based on the official policies shared with us in the form of the documents or data collected from them through surveys and visits;

Odisha:

1. Letter dated 09/01/2017 from Member Secretary, OSLSA regarding circulars and notifications relevant to Lok Adalat since its inception.
2. Letter dated 09/01/2017 from Member Secretary , OSLSA on policies and practices followed in Lok Adalats with:
 - a. Two books
 - i. Handbook on Lok Adalat
 - ii. Handbook on Permanent Lok Adalat
 - b. Two Letters of NALSA for reference regarding disposal of pre litigation and pending cases.

Bihar:

1. Letter dated 15/12/2016 from Member Secretary, BSLSA regarding policies and practices.
2. Mail dated 23/11/2016 from Member Secretary, BSLSA regarding data on Lok Adalats.
3. Letter dated 23/11/2016 from Member Secretary, BSLSA regarding data On Lok Adalats.
4. Mail dated 19/12/2017 answering the queries on different aspects of Lok Adalats.
5. Mail dated 07/02/2018 on different DSLSA's in their state with phone numbers.

Jharkhand:

1. Letter dated 25/11/2016 from Member Secretary, JHALSA regarding Data on Lok Adalats.
2. Letter dated 13/12/2017 from Member Secretary, JHALSA regarding policies and practices.
3. Mail dated 22/02/2018 from Jamshedpur, DLSA regarding the survey.
4. Mail dated 23/02/2018 from JHALSA regarding the survey.
5. Mail dated 23/02/2018 from Jamtra, DSLSA regarding the survey.
6. Mail dated 23/02/2018 from Ranchi, DLSA regarding the survey.
7. Mail dated 23/02/2018 from Dhanbad, DLSA regarding the survey.
8. Mail dated 23/02/2018 from Hazaribag, DLSA regarding the survey.
9. Mail dated 23/02/2018 from Khunti, DLSA regarding the survey.
10. Mail dated 23/02/2018 from Ramgarh, DLSA regarding the survey.
11. Mail dated 23/02/2018 from Ranchi, DLSA regarding the survey.

West Bengal:

1. Letter dated 23/11/2016 from Member Secretary, WBSLSA regarding data on Lok Adalats.

2. Mail dated 08/03/2018 with answers of the queries on different aspects of Lok Adalats.
3. Mail dated 09/03/2018 with answers of the queries on different aspects of Lok Adalats.

History and Evolution of Lok Adalats

In the year 1959, the then Union Law Minister gave a statement on the floor of the Parliament saying that small disputes must be left to be decided by the system of Panchayat Justice the People's Courts or institutions like Lok Adalat. The relevant part of the statement as mentioned above is quoted as under:

*"There is no doubt that the system of justice which obtained today is too expensive' for the common man. The small disputes must necessarily be left to be decided by a system of panchayat justice call it people's Court, call it popular Court call it anything but it would be certainly subject to such safeguards as we may desire in the village level that the common man can be assured of a system of judicial administration which would not be too expensive for him and which would not be too dilatory for him"*¹

The term '**Lok-Adalat**' in other words can be called as '*People's Court*'. "Lok" in the local parlance means "people" and "Adalat " means "Court". Therefore, in other words, Lok Adalat is a court for the people or rather for the benefit of people. It is a means of addressing grievances and delivering speedy justice. Lok Adalats have minimal similarities with the conventional judicial mechanism. Basically, the procedural and formal requisites of regular courts are done away with, and the unnecessary clutter are washed out and replaced with flexibility and permanency in settlement of the dispute and this makes the Lok Adalat more people friendly. Lok-Adalat is a system of alternative dispute resolution which finds its origin in India and got established as a system with the changing times. India has the history of

¹ Rajya Sabha. DEB, 1959 Vol. 27, No. 3, Col 388, p.71 - 72

resolving disputes through the intervention, conciliation, mediation and counselling by village elders and gentries popularly known as the “*panch*” or “*panch parmeswar*”. This system though effective was vulnerable to various maladies. Therefore renovating and augmenting it with a guided system was a great achievement in the legal history of India.

The modern idea of Lok-Adalat was mainly proposed and implemented by **Justice P.N. Bhagwati**, former Chief Justice of India. Lok-Adalat is a non-adversarial system of dispute resolution, whereby courts (called Lok-Adalats) are organised by the National Legal Services Authority, State Legal Services Authority, District Legal Services Authority, Supreme Court Legal Services Committee, High Court Legal Services Committee and Taluk Legal Services Committee, as the case may be. These Lok-Adalats are organised regularly on specified dates and have jurisdiction as per law to take up suitable matters for disposal. The Hon’ble Courts, Committees and the respective State governments issue guidelines as and when necessary to regulate the Lok-Adalats and make them more effective. The burdened courthouses have become a place for arduous quest rather than being a journey of justice. The pain and agony of protracted hearing, huge delay in disposal of cases and in many instances continuation of the court cases from one generation to other has not only decreased the faith of people in the Justice Delivery system but certainly has prompted many of them to take recourse to unrecognised out of court settlement and approach unauthorised agencies.

An effective justice delivery mechanism is pivotal for maintaining a proper social order, peace, tranquillity and for overall progress of any country and India is no exception. It is the primary duty of the State to ensure free, fair, equal and timely justice for all by not only enacting Laws dealing with various subjects of individual, social, political, economic and other relevant fields but also by establishing a free, competent and empowered Judiciary to adjudicate those disputes that may crop up either at individual level, group level or other macro levels. In order achieve the

above goal, a potent judiciary should not only look at the age old court room based adversarial system of dispute resolution but should also consider other effective modes of alternative dispute resolution where both sides of the dispute end up in a win-win situation without having to be troubled by any of the latches of the traditional court based dispute resolution.

In quest of the above, the organisation of Lok Adalats has evolved as one of the most important modes of alternative dispute resolution. The first Lok Adalat was organised in 1982, in a village called “Una”, in Junagarh district of Gujarat. A fairly modified model of the Lok Adalat system which continues till today, traces its roots to Chennai, where first of such kind of modern Lok Adalat was organised in the year 1986. The institution has developed, modified, adapted, and advanced in order to provide speedy and equitable justice at door steps in a very cost effective manner.

The resolve of justice dispensation is that it is designed to enable the general public to state their grievances against other citizens or state agencies, and successfully arrive at a settlement which is not only permanent but mutually satisfactory. Morality, honesty and the principles of free and fair trial are the high and lofty ideals upon which this institution of Lok Adalat is founded.

The Lok Adalat was conceptualized due to the drawbacks of the Indian legal system to provide efficient, effective, and low cost justice. The evolution of this concept was a part of the plan to relieve the heavy burden on the Courts. The pendency of cases are a bane to the judiciary, and to the people who come to the court in the dream of getting justice. It is a well known fact that Justice Delayed, in effect, is Justice Denied. This phrase is not wrong, what with over 8,000,000 cases flooding in various courts and tribunals in the country at various stages, the main concern of judges and appellate forums today is to speed up the judicial process. The reason that caused the creation of such courts were only the huge number of pending cases, shortage of judges and to give relief to the litigants who are suffering due to the delay. Each year

the number of litigants increase and now courts are facing a losing battle the drawbacks being their low strength of judges and infrastructure.

There is serious problem of overburdening of courts. To lessen the heavy burden on the courts, it would be in the apt if the pendency can be reduced by the 'Alternative Dispute Resolution' Methods before they enter the arena of Court.

Lok Adalats are a perfect mix of all three forms of traditional ADR: arbitration, mediation, and conciliation. Conciliation is used, with help of arbitration with the fact that decisions are binding, and are an example of legal decentralization as disputes are returned to general public from where they are locally settled.

History of Lok Adalats

Lok Adalat has originated from an old form of Justice delivery system which was prevalent since vedic times. In ancient India the disputes were settled on basis of principles of honesty, fair play and moral character which is in core structure of Indian culture and civilization. The said system was present in the ancient India at the village level in name of People's Court or Popular Court or Panchayats. The village Panchayats or People's Court, as an important and indispensable part of justice delivery system, played a very important role in those times. The relevance and functioning of this system has been discussed in the texts of Yajnavalkya, Narad, Gautama, Kautilya Brihaspati, Manu and Bhrgu. Generally, these People's Court was of three kinds namely Puga, Sreni and Kula.

During Vedic times, society was composed of “patriarchal families”. In those families, the Grihapati (Head of Home) decided all disputes at the house independently. Manu the ancient law promulgator empowered a Grihapati to discipline a wife, a son, a servant, a pupil and a younger brother with a rope or the

small shoot of a cane, when they committed any wrong². So, in Ancient India, the Grihapati was the junior most court for judicious decisions in his family whereas the king of the country happened to be the foremost and supreme court for all civil and criminal cases in his kingdom. The above enumeration shows the order of authority commencing from the lower to the highest. If one failed, the next in authority could take up the matter and so on until the matter was taken up by the king himself.

During Muslim period in India, these people's court with different names as panchayats continuously functioned with minor variations. Throughout the Muslim rule there was no direct or systematic state control of the administration of justice in the villages where most of India lived³. At that time, these panchayats were empowered to dispense justice in all small civil and criminal matters in accordance with the custom or usages of the locality, caste, trade or family. The Muslim rulers traditionally enjoyed and occasionally exercised a general power of supervision over all these popular courts. The procedure followed by these courts was quite simple, systematic and informal. There was no regular administration of justice; no certain means of filing a suit and fixed rules of proceeding after the suit had been filed⁴. These People's Court or Village Panchayats worked for a long time and existed even at the time of commencement of the British rule in India.

The British frowned upon administering of justice through People's Courts or village Panchayats and established their own courts to render justice in civil and criminal matters. They modified the ancient Indian legal system according to their vested interest with the result that the functioning of people's court died a slow death away and became empty and suffocating with engulfing nothingness⁵. In this way, they gave a death blow to the functioning of people's courts.

² H.S Bhatia, Origin and Development of Legal and Political system in India (1976) 46 Volume I, and M.K.Sharan, Court Procedure in Ancient India (1978) 17

³ Sen Gupta, Evolution of ancient Indian Law (1953) 112

⁴ U.C.Sarkar, Epoches in Hindu Legal History (1958) 250

⁵ P. Parameswaran, "Dispensation of Justice: Problem of Cost, Quality and Delay," AIR 1991 Journal 31

Courts/ Judicial systems in Ancient Period similar to Lok- Adalats

In ancient India, in the Hindu judicial system, there were two sets of courts available to the litigants:

- (i) The courts which were directly under the authority of the State,
- (ii) Courts which were of popular character constituted by the people themselves either through local sabhas or panchayat or village councils or even family or tribal councils⁶.

The different kinds of courts have been enumerated by various thinkers as Kautilya, Manu, Narad, Yajnavalkya and Brihaspati, etc. But, there was a fundamental distinction between the courts contemplated by Kautilya in his Arthashastra and those conceived by Manu in his Dharmashastra. According to scheme of Kautilya, for the administration of justice, king's courts were to be appointed in the Samgrahana which meant a group of ten villages, the Dronamukha which meant a collection of 400 villages and the Sthaniya which meant the assemblage of 800 villages and also at the meeting grounds of the districts. The Courts were to consist of those Dharmasthas, i.e., men versed in the sacred law and three Amatyas, i.e. the ministers of the king. But, he did not give much importance to popular courts. Manu, on the other hand, continued the Sabha system which was found to have been in existence from the Rigvedic times. According to the Manu Smriti, the king appointed a Headman for each village and Headman for the groups of villages who shall try all the cases. The later Dharmasastras of Narada, Yajnavalkya, Brihaspati and Katyayana also followed the scheme of Manu. Besides of this courts system, Brihaspati stated another classification of courts as Pratisthita, Apratisthita, Mudrita and Sasita as above stated.

⁶ P.B. Mukerjee: "The Hindu Judicial System" in S.K.,(ed); The Cultural Heritage of India, (1969)439-440, Volume II

In the Vedic period, the constitution of the Hindu society was organized on the basis of autonomous villages as its units. In this time, we come across some terms, such as Sabha, Samiti and Parisad which were conceived more or less on the units of villages. But, it was generally believed that the Sabha was a sort of village council consisting of the assemblage of learned and respectable persons who contributed to the national judicature. The judges were always helped by Sabha in the justice delivery process as in modern world, the jury helps the court⁷. However, the Sabha was not an outcome of the king's household but of the Vedic folk-assembly⁸.

Similarly, when we study Dharamastras and the Dharmasutras, we find certain terms of tribunals such as, Gana, Kula, Sreni, Puga, Vrata, etc. as discharging some judicial functions along with the State Courts. The existence of these different kinds of judicial tribunals indicates that perhaps the country hardly had any central judicial structure. These courts encouraged the principle of self-government and reduced the burden of central administration. They also helped the cause of justice. The members of popular court or guild court had more or less reliable knowledge of the facts in disputes because the parties belonged to their guild or locality. It was difficult for a witness to come to a village court and tell a brand lie in the presence of his compeers whose respect he will be thereby forfeiting⁹. The people's court knew about the disputants, the witnesses and the facts of the dispute, so, it was easy for them to decide the dispute speedily and effectively. Bhrigu also emphasizes about the effective working of popular courts and states that there were ten tribunals common to all men, viz.,

- (i) the village people,
- (ii) the assembly of the citizens of the capital,
- (iii) gana,
- (iv) sreni,

⁷ K. Jayawal, Hindu Polity (1967) 311

⁸ K. Jayawal, Hindu Polity (1967) 317

⁹ A.S. Alterkar, State and Government in Ancient India (1977) 254

- (v) men learned in the four vedas,
- (vi) vargins,
- (vii) kulas,
- (viii) kulikas,
- (ix) judges appointed by the king, and
- (x) the king himself.

According to him, there did exist a peculiar judicial system for the dissolution of disputes amongst the people. The people living in forest used to get their disputes settled by foresters, members of caravans by other members, soldiers by a tribunal of soldiers and those who stayed in the village as well as in the forest could get their disputes settled either by villagers or foresters by mutual agreement and that five tribunals for foresters and other were kulikas (high officers or head of the families), sarthas (members of caravans), headmen, villagers and citizens¹⁰. During the Vijayanagar days, besides the regular courts, there were a number of irregular but popular courts, which were recognized by the government and allowed to dispense justice in cases, which arose within their jurisdiction. The reason behind the existence of these popular courts was lack of easy and quick communication in the country and therefore it was not possible for all people to seek justice through the regular courts which were few and located at distant places. Further, cases, which required a good or effective knowledge of the differing local customs and practices of the people, could more easily be enquired into by men of the locality. Thus, these local courts enjoyed all the judicial and magisterial authority of a regular court.¹¹ So, it is revealed from the study that people's courts with different names had a significant place in ancient Indian culture and history, to dispense justice as a part of judicial administration.

¹⁰ S.D Sharma, Administration of Justice in Ancient India (1988) 169

¹¹ T.V.Mahalingam, South Indian Policy (1955) page 213-215

Kinds of Courts similar to Lok Adalats In Ancient India

We have discussed that various grades of courts in ancient India which were similar to the Lok Adalats of present times. The different views were given by various thinkers about the kinds of these courts. Yajnavalkya and Brihaspati said that courts were of three types, viz:

- (a) Puga, (Narad Calls Gana)
- (b) Sreni, and
- (c) Kula.

The study of Sukra-Niti also says about the popular courts that Kula, Sreni and Gana formed the threefold hierarchy of bodies of self-adjudication and where these three bodies failed, the king along with his officer was entitled to interfere.¹² Colebrooke also classified the popular courts into three categories, these were:¹³

- (i) Puga,
- (ii) Sreni and
- (iii) Kula.

PUGA

The word 'puga' or 'gana' had denoted the local corporations of town and villages. The Pugas were of communities residing in villages or in towns. They comprised of persons dwelling in the same place irrespective of their castes or employments. They were competent to decide cases in which the local public was interested. Yajnavalkya mentions that the puga court consisted of members belonging to

¹² Vandanagar, Kingship in the Sukra- Niti (1985) 51

¹³ R.C. Majumdar, Corporate life in Ancient India (1969) 128-129

different castes and professions but staying in the same village or town.¹⁴ It is thus evident that Puga court as the highest people's court had played a prominent part almost throughout the country in the long course of the history.

SRENI

The term Sreni was used to denote the courts of guilds, which became a prominent feature of the commercial life in ancient India. Generally, the Sreni was represented by associations of traders or artisans or persons belonging to different tribes. They appeared to be industrial courts or the courts of profession or courts of disciplinary bodies of different merchant guilds. Modern friendly societies and trade unions have analogous functions and bear almost a historic origin from the Srenis. The basic feature of the Sreni courts was that its members belonged to the same caste as a rule but they could also come from different castes who had same profession.

KULA

The Kula court was the informal body of family elders. It was the lowest people's court, which was headed by Kinsmen.¹⁵ According to Mitaksara, Kula was a group of relatives of the parties to the dispute. All social matters concerning that particular community could be investigated and decided at this level.¹⁶ This was a common discussion of persons collectively related by blood as of a family or tribe. They could also be related distantly by marriage. Kulas or joint families were often very extensive in ancient India; if there was a quarrel between two members, the elders used to attempt to settle it.

¹⁴ M.K.Sharan, Court procedure in Ancient India (1978) 26 and Birendra Nath, Judicial Administration in Ancient India (1979) 76

¹⁵ M.G. Chitrakara, Lok Adalat and The Poor (1993)22

¹⁶ M.G. Chitrakara, Lok Adalat and The Poor (1993)24 and 27

Medhatithi also says about the village council (Kulani) as group of relatives, which used to be the impartial persons comprising of agnatic and cognative of the litigants. They were paid salary to discharge their judicial functions.¹⁷

So, it is revealed from the study of Hindu literature that Kula courts were used to attempt to settle family matters by family laws and customs. Kula Courts were the most popular lowest court in the entire strata of local courts. Thus, this was the hierarchy of the people's courts in which Kula was at lowest and the Puga was at highest level. These Courts were vested with judicial powers on the basis of the sovereignty of the people. The basic idea behind functioning of these courts was that the administration of justice was not the sole duty of the King alone but the people also shared the responsibility of the State in dispensing of justice.

The relations subsisting between the different kinds of courts are thus described by Brhaspati: *"when a cause has not been duly investigated by meeting of kindred, it should be decided after due deliberation by companies of artisans; when it has not been duly examined by companies of artisans, it should be decided by assemblies of cohabitants; and when it has not been sufficiently made out by such assemblies then it should be tried by appointed judges"*.

And again he says: *"Judges are superior in authority to meetings of kindred and the rest, the chief judge is placed above them; and the king is superior to all, because he passes just sentences."*

Therefore, in ancient Hindu judicial system, there was a well established hierarchy of courts and appeals with well defined jurisdictions. These courts worked without any procedural technicalities and decided the matters on the basis of principles of natural justice, customs of locality, trade and castes, and commonsense. These

¹⁷ V.kane, History of the Dharmasastra, (1973) Volume III, 280-281

popular courts not only helped to reduce the burden of the central administration of justice but also provided justice to the residents at their door -steps.

Courts similar to Lok Adalat in Medieval Period

In the Muslim world, law and political theory are considered to be as much derived from divine revelation, as is religious dogma. Islam did not recognize the institution of kingship to start with. It believed in the democracy of the people. Hence the absence of any particular rules in the holy Quran for the guidance of kings who are subject to the same laws as others. There is no distinction between the canon law and the law of state. Law being of divine origin demands as much the obedience of the king as of the peasants.¹⁸

So, it is the duty of a king to uphold the authority of the Islamic law and to keep himself within the four walls of it. Holy law served as an effective check on the sovereign authority.¹⁹ On the basis of this idea, in India, the Muslim beginning was made by Mohammudbin-quasim in 712 A.D. He came to India as invader and returned thereafter. The real penetration into India was made by Qutub-uddin-aibek who, in reality established his supremacy in the whole of northern India. The Muslim, thereafter continued to rule over India for centuries till the year 1857 when the last Mughal King Bahadur Shah Jafar was dethroned by the British and they established themselves as the next rulers of India. The study emphasizes that Muslim rulers did not interfere with the laws of Hindus or its machinery of administration and the Hindus continued to be governed by their own law in personal matters.

Judicial system was organized on the basis of revenue divisions of the empire which was made for administrative purpose. There was a systematic differentiation and

¹⁸ H.S.Bhatia, in *Origin and Development Of Legal And Political System In India* (1976) Volume II 184

¹⁹ Id

gradation of the courts existed at the Capital, in Provinces, Districts, Paraganahas and villages for deciding civil, criminal and revenue cases.²⁰ The hierarchy of courts during Muslim period was as follows:

- (a) Central Courts
- (b) Provincial Courts
- (c) District Courts
- (d) Parganah Courts
- (e) Village Courts

The judicial structure also gave place to the then existing legal institutions in India, such as village panchyats which served an extremely useful purpose in settlement of disputes during ancient India.

Position of Courts in Muslim Rule similar to Lok Adalats

As it has been seen above that the Muslim rulers established their own courts system for providing justice to all. But the local courts or Gram Panchayats as dispute resolution institutions continued functioning with minor variations even in Muslim rule in the Medieval India. During Muslim rule, the royal courts existed in administrative centers, but these did not produce a unified national legal system of the kind that developed in the West.²¹ The law made by the Muslim rulers did not penetrate into the villages. Throughout the Muslim rule, there was no direct or systematic state control of the administration of justice in the villages where most of Indian lived.²² It is revealed from the study that the Indian villagers settled their dispute through the panchayats which dispensed justice independently. These panchayats were not directly connected with the royal courts. However, the Muslim

²⁰ M.B. Ahamad, The Administration of Justice in Medieval India (1941) 104-105 R.P Khosla in Administrative Structure of the great Mugals (1991) 126

²¹ Upendra Bakshi and Marc Galanter, Panchayat Justice: An Indian Experiment in legal Access in M. Capelettii(edited) Access to Justice (1979) Volume III 343

²² N. Sen Gupta, Evolution of Ancient Indian Law (1953) 112

rulers traditionally enjoyed and occasionally exercised a general power of supervision over all these popular courts. In theory, only the Royal Courts were empowered to decide the criminal cases as well as to execute punishments. These popular courts could pronounce decrees in civil cases at village level and invoke Royal power in order to enforce them. While some adjudication was enforced by governmental power and mostly depended on boycott and ex-communication as the ultimate sanctions.²³ So, the study shows that even in Muslim rule, the disputes at the lowest level were disposed of by the panchayat or the people's courts. The people were satisfied by the decisions of these popular courts because the matters were decided by their own representative. In this way, these courts relieved the government to a very great extent of its judicial functions.

Judicial Procedure of the Court or Judicial system during the Muslim Period which were similar to Lok Adalats.

In Muslim rule, the village (Dehat) was the smallest administrative unit, at this level, the Panchayat or the people's court was authorized to administer justice in all small civil and criminal matters. The Panchayat held its sitting among the general public where they administered justice and maintained peace and tranquillity in the village. It was presided by five Panchas who were expected to hear patiently to both the parties and deliver the decision in the Panchayat meeting. The decision of the Panchayat was final and binding. The procedure followed by the people's court was quite simple, systematic and primitive. There were no hard and fast technical procedural laws obeyed by these courts for administering justice. There was also no regular and fully fledged legal profession. Nor were there any elaborate provisions for the law of evidence. Hence, the justice could be delivered speedily and effectively. Qazis as the authority of royal courts were concerned more with ecclesiastical matters among the Muslims.

²³ Jadhunath Sarkar, *Mugal Administration* (1935) 29

The Hindus were generally governed by their customs and the provisions of Shastras. When the public trial of the accused person was deemed necessary, the Amil could take the assistance of the people's court for this purpose. Many factors were taken into consideration for arriving at the truth after setting every item of the evidence adduced. Civil and criminal disputes were decided by caste men or village elders and popular courts in the form of caste-courts, guild or religious heads.²⁴ The decisions of the Panchayats or people's courts were almost always unanimous and the punishments imposed were fines, public degradation or reprimand or excommunication. Imprisonment or death was not awarded, because there was no power to execute these sentences, and also because there was no jails in the villages. The fear of "public opinion" against a particular person and its repercussions was one of the most vital factors responsible for the prevention of crimes and hardly did any case go beyond the village. The law administered by the Panchayats or people's court was usually as per the prevalent caste and tribal usage and the customary law of the land.²⁵

Courts in British Period whose working was similar to Lok Adalats

It is quite evident from the historical facts that the British entered in India with the purpose to establish their trade and business. But, gradually, they started to interfere in the governance and administration of the country and developed their own administrative and judicial system. So, the philosophy of the administration of justice during British period has initially a different history. In the beginning the magisterial functions were delegated to the native people due to reason that British were not acquainted with local languages and the local laws. Besides, there was a lurking fear in the mind of the British that the act of punishment of the members of the native population could lead to agitation at any time. The result, therefore, was

²⁴ R.C Majumdar, The History and Culture of the Indian People: The Mugal Empire (1974) 545-550

²⁵ R.C Majumdar, The History and Culture of the Indian People: The Mugal Empire (1974) 545

that they inducted Indians to discharge the judicial functions in the early days of company rule. There is ample evidence to show that an Indian in the service of company since 1614 exercised the powers of the Magistrate in the earliest days of Madras settlement.²⁶ However, it was only after the court reorganization in 1861 that justice was administered at higher level by judges trained in common law. The result of the induction of British judges in the Indian judicial system shaped the entire working of the local courts. The people's courts thus entered into an era of lessening importance, until, it went into eclipse, as a result of British policy of feudalistic control of the countryside.²⁷

Position of Courts in British Period whose working was similar to Lok Adalats

It is true that the British applied their own justice system through which they established formal courts in India. But the study shows that in beginning in the rule of East India Company some local courts were also found which functioning almost on the line of village Panchayats. These courts were re - modeled from time to time by the company as according to its interest. The company also sometimes established new courts of minor jurisdiction on the model of village tribunal or panchayats for administering justice. These courts were necessarily of minor jurisdiction which followed the simple and speedy procedure unattended by any rigid formality or technicality. Reference may be made in this connection to the Choultry Court at Madras, the Court of Conscience in Bombay and the Court of Requests at each of the Presidency towns of Calcutta, Madras and Bombay.²⁸

CHOULTY COURT

²⁶ V.N.S.Rao, A Sketch of three centuries of Court in Madras (1640-1947) (1984) 81

²⁷ R.C Majumdar, An advanced history of India (1977) 553

²⁸ Sen Gupta, Evolution of ancient India Law(1953)253-254

In the village of Madras Patnam, a choultry court was established by the Hindu ruler on the basis of the village administrative unit and the court was entrusted with judicial functions. The Village Headman who also called as Adigar was presided over the court. This was the only court for the residents of the Black Town at Madras Patnam. Adigar decided both civil and criminal cases in petty matters of the natives. For serious offences the reference had to be made to the native Raja. The Choultry court was re-organized in 1678 by the company. Formerly, an Indian officer was to preside over this court, but after the re-organization it came to be presided over by the English servant of the company. There was no regular procedure followed by the court in civil and criminal matters and punishment executed differed from case to case. This court had jurisdiction to decide civil cases up to the value of 50 pagodas and criminal offences of minor nature. After the creation of Mayor's court at Madras, the jurisdiction of choultry court was much diminished. Its civil jurisdiction was limited to only two pagodas and the appeals from the choultry court would lie to the court of governor and council which came to be known as the High Court.²⁹

COURT OF CONSCIENCE

The court of conscience was created at Bombay under the judicial system of 1672. The court had jurisdiction to decide petty or in other words small civil cases up to 20 Xeraphins by summary procedure and without a jury. The court sat weekly, without any charged, and provided a platform to dispense justice to poor litigants expeditiously and without any cost. Its functioning seems almost similar to present day Lok Adalat as they also charge no fees and have jurisdiction of petty cases among other cases.

COURT OF REQUEST

²⁹ M.P Jain in the "Outline of Indian Legal History"(1972) 14-26

The charter of 1753 created a new court, called the court of requests, at each presidency town of Calcutta, Bombay and Madras to decide, cheaply, summarily and quickly, cases up to the value of 5 pagodas or fifteen rupees. The idea underlying the creation of the court was to help the poor litigants with small claims who could not defray the expenses of litigation at the Mayor's court. The court was of great help to poor litigants mostly, Indians, who used to be involved in petty disputes. The creation, working and the functions of the above courts of petty jurisdictions were directly or indirectly influenced by the conceptions of the Popular Courts or the Panchayats. These courts were established with the purpose to provide justice to the poor litigants without much delay and cost.

Impact of British Rule on Courts whose working was similar to Lok Adalats

It is quite evident that the British rulers did not, initially, interfere in the Panchayat system but the establishment of adjudicatory courts in the course of time brought about the formalization of the justice system. There were also several factors weakened the working of people courts and affected the faith of people upon these courts. The administration of villages by the agencies of the central government, extension of the jurisdiction of the civil and criminal courts with their adversary system of adjudication which was unknown and new to village population, increase in the means of communication, progress of English education, police organization, migration of people from village to towns, growing spirit of individualism resulting from new education system, growing pursuits of individual interests and consequently lessening of community's influence over the members may be said to be some of the main factors which gradually contributed towards the decay of the people's courts in India.³⁰ It is necessary to disclose that the English men brought with them the concept of ruler and the ruled and the sense of superiority over the local men. Therefore, they were not bound to follow the local laws and the local

³⁰ K.N.C.Pillai, "Criminal Jurisdiction of Naya Panchyats", JILI(1977) 439

system of justice which bound only the local people. Gradually, they established the adjudicatory process which became more and more formal with the introduction of Anglo-Saxon system of jurisprudence and when India came to be a part of the British Empire under the direct suzerainty of the crown, a full-fledged adjudicatory setup on the basis of British judicial system with the development of new courts system the legal formalities and technicalities were introduced into the Indian justice system. Due to this reason the legal system became so complicated and it could not be approached without the services of trained personnel i.e. the lawyer. So, it became highly profession-oriented. The cost of litigation and lawyers fees gave rise sharply making access to justice even more difficult which continues till today and gave rise to the Lok Adalats in the present day scenario.

The net effect was that the poor man found it difficult to enter into the portals of the court and the rich man was able to use the legal process as an instrument of harassment of his poor adversary. Moreover, it became time consuming because of technical procedural laws. Consequently, the judicial administration during British period became more complex, both in terms of substance and procedure.³¹

Our law administration moulded by the British and with the values not wholly indigenous or agreeable to Indian conditions, discouraging or victimizing the weak through justice which was slow, highly priced advocates who was few in number, by distant delivery centres and procedural myriad made up of different levels and complex rules and tools.³²

However, it is revealed from the study that some efforts were made by the British rulers to revive the functioning of people's court, as for example, in Madras in 1816, on the initiative of Munro, the panchayats were used to dispose of some petty cases.

³¹ A.M.Ahamadil, "Access to Justice in India", 11 Legal aid Newsletter, (1992) 17

³² C.D. Gunningham, "Legal Ethics- A Gandian Perspective," 15 Indian Bar Review (1988) 69

He tried to restore the everyday administration of civil justice into the hands of people. He tried to legalise the panchayat system.³³

Courts whose working was similar to Lok Adalats in Post Independence Period

After a long struggle, India got freedom on August 15, 1947. It was the dream of freedom fighters that the dawn of independence will bring many golden things to the people of India. The right to access to justice by reforming of the judicial system at grass-root level may be said to be one of them. It was, therefore, realized by the wise founding fathers of the Constitution that the Anglo-Saxon judicial system must be reorganized so as to make legal remedies easily accessible to the poor, downtrodden and backward in our villages. Similarly, Mahatma Gandhi also emphasized for the need of changing of Indian judicial system because according to him:³⁴

“India lives in her villages and most of the countryside is smeared with poverty and social squalor. Today the poor and disadvantaged are cutoff from the legal system-they are functional out laws not only because they are priced out of judicial system by a reason of its expansiveness and dilatoriness but also because of the nature of the legal and judicial system. They have distrust and suspicion of the law, the law courts and the lawyers for several reasons. There is an air of excessive formalism in law courts which over owes them and sometimes scares them. They are completely mystified by the court proceedings and this to a large extent alienates them from the legal and judicial process. The result is that it has failed to inspire confidence in the poor and they have little faith in its capacity to do justice”.

Professor N.G. Ranga laid emphasis on the aspect that “without this foundation stone of village Panchayats it would be impossible for our masses to play their

³³ V.R.K Iyer, “The Indian Lawyer, His Social Responsibilities And Legal Immunities” 15 Indian Bar Review (1988) 117

³⁴ Report of committee on National Judicare: Equal Justice- Social Justice (1977) 32

rightful part in our democracy.³⁵ Generally, Gandhiji compared Gram-Rajya to Ram Rajya. So, he strongly supported the development of Panchayat justice system and wished that the Panchayats will be the legislatures, judiciary and executive combined.³⁶

Therefore, there was a general demand of the countrymen to revive the nyaya panchayat system for the purpose of providing faster, cheaper and qualitative justice to all at on the basis of age old virtues, principles and values and to implement the dreams of our forefathers for a better nation to based on values of equality and justice.

Revival of Nyaya Panchayat

With the institutions of panchayat-raj systems in the States, almost, all the states enacted separate legislations establishing Nyaya Panchayats. In this way, nyaya panchayats represented the judicial wing of Panchayati Raj and operated as per principle of separation of power. Besides, the ideology of separation of powers and efficient division of labour, two considerations supported the creation of nyaya panchayat as it provide easy legal access to villagers and helps the State to replace the existing dispute resolving institutions in village areas – be they caste panchayats, secular institutions based on territorial jurisdictions or special dispute redressal institutions established by social reformers or political leaders. In beginning of post independence era, nyaya panchayats worked effectively in many States of the country and incorporated several beautiful features.

First, these were formed by the government, and had power to try both civil and criminal cases arising among the villagers. Secondly, they functioned on the basic principles of natural justice and adopt simple procedures and rules. Thirdly, they are

³⁵ M. Venkitarangian and Patabiramam in Local Government In India (1969) 248-253

³⁶ M. Venkitarangian and Patabiramam in Local Government In India (1969) 247

different from other rural institutions such as village panchs, vikas parisads and sahakari samitis etc. This was so in order to ensure a degree of nonpartisan approach in their working and implement the principle of separation of executive from judiciary. Fourthly, nyaya panchayats were not strictly required to follow the provisions of the Criminal Procedure Code, the Civil Procedure Code, the Indian Evidence Act and other similar procedural laws. Similarly in order to maintain the simplicity, lawyers found no place in the nyaya panchayats. Fifthly, nyaya panchayats dispensed justice to the villagers with effectively and with less cost. Therefore, the nyaya panchayat retained the some of the features of the traditional panchayats.³⁷

Nyaya panchayats decided both type of cases civil and criminal. But a wide variance in the jurisdiction and powers of nyaya panchayats had been reported over different states in the country.

However, taking a general view, these had been vested with criminal jurisdiction over

- (a) offences affecting public tranquility;
- (b) offences affecting the general public health, their safety, decency and morals;
- (c) minor offences against the human body;
- (d) offences affecting property, particularly under the subheads – theft, receiving stolen property and cattle-theft;
- (e) offences relating to mischief and criminal trespass;
- (f) criminal intimidation, insult and annoyance;
- (g) possession of fraudulent articles or use of false weights or measures and

³⁷ K.R.Aithal, “Revivification of Nayaya Panchayat” 24 Indian Bar Review (1997) 117at 123

(h) sundry minor offences.³⁸ Besides, nyaya panchayats were empowered to try civil cases of small magnitude which included the suits for compensation for wrongfully taking or injuring movable property, and suits for specific movable property the value of which does not exceed the ceiling prescribed by the statute.³⁹

Nyaya panchayats had powers to dismiss a plaint or application if there was no prima facie case against the defendant or accused. They might issue summons, cause appropriate documents to be produced and require the presence of a person for evidence. They were empowered to fine the persons convicted for committing offences, but no imprisonment was awarded for the conviction.

There were several advantages of allowing general public participation in the administration of justice at the grass -roots through the institution of nyaya panchayats. The knowledge of local laws, systems and the social standing of the members of nyaya panchayats helped for dispensing effective justice. Likewise, the decisions of nyaya panchayats enjoyed a greater degree of trust and acceptance among the litigants and the villagers. Therefore, it could be stated that the institution of nyaya panchayat enlarged the common man's involvement in the affairs of the community and in the mainstream of national life. As a mode of participation in self-governance, it generated confidence among the villagers who served for various periods of time as members. This process could be expected to render the villagers into more conscious and active citizens. Thus, this minuscule's made a small but significant contribution towards nation-building. Therefore, it was necessary to strengthen the position of Nyaya Panchayats in India. For the improvement of working of Nyaya Panchayat System, the Mehta Committee Report recommended

³⁸ M.Z Khan and K Sharma, Profile of Nayaya Panchayat(1982)6

³⁹ M.Z Khan and K Sharma, Profile of Nayaya Panchayat(1982)77

that judicial panchayats should have much larger jurisdiction.⁴⁰ The Committee also suggested that the village panchayats should suggest panels of names from which sub-divisional Magistrate or the District Magistrate should select persons who would form judicial panchayat, having jurisdiction to adjudicate upon the matters of both civil and criminal nature. The Committee laid emphasis on the use of local knowledge in adjudicating the disputes by the Gram Panchayats. It was also suggested that Nayaya-Punchas should exercise some caution and should have a degree of humility in the discharge of their functions. At the same time they should be fearless and must administer justice in such a way that respect for law is maintained. Similarly, the significant role of panchayats courts in administration of justice was highlighted by the Law Commission in its fourteenth report. The Commission supported the view point that these village Courts are capable of doing a good deal of useful work by relieving the regular Courts of petty civil and criminal litigation.

Further, the Legal Aid Committee constituted by Gujarat Government, recommended in its report that revival and reorganization of Nyaya Panchayats was necessitated by the circumstances to have easy access of the rural population to the lower Courts and provide cheap and expeditious justice to them in small cases arising out of their life.⁴¹ Keeping in view the increasing importance of the settlement of disputes through people's participation at grassroot level, P.N. Bhagwati and V.R. Krishna Iyer, JJ. emphasized to modernize the existing judicial administration and for the establishment of the Lok Nyayalayas at the village level. Similarly, Law commission of India also visualized the problem of administration of justice in the light of the spirit contained in the Article 39A⁴² which directs that

“The state shall secure that the operation of the legal system promotes justice on the basis of equal opportunity and shall, in particular, provide free legal

⁴⁰ M.Z Khan and K Sharma, Profile of Nayaya Panchayat(1982)71

⁴¹ Report of the Gujarat Legal Aid Committee, 204-205 (1970)

⁴² Article 39A added in Constitution by 42nd Amendment in the year 1976

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".⁴³

The Report of Law Commission reveals that the Commission was not agreed with the idea of abolition of Nyaya Panchayats while stressed that they should be strengthened by adopting the proper safeguards.⁴⁴

Therefore, there was a great need to look forward for new ways, means and modes to settle the legal disputes. They felt the need to resolve disputes by adopting peaceful and amicable methods of conciliation so that the resolution would be permanent. In view of the above requirements, the Lok Adalat system was introduced as an alternative forum to resolve the disputes at various levels.

The experiment of this new kind of Lok Adalat in India was for the first time made in State of Gujarat by Shri Harivallabh Pareek, one of the disciples of Mahatma Gandhi. He was very much disturbed by the miserable conditions of the tribal adivasis of Rangpur (Baroda) on account of their involvement in various types of litigation which seriously affected their life style and financial position. In order to provide relief to these adivasis he started the alternative mode of Lok Adalat for dispensing justice in the year 1949 in Rangpur and continued the same for number of years. The system was very effective and was acclaimed by all concerned.⁴⁵

Shri. Pareek undertook the 'Padyatra' from village to village and spread this movement as a result it came into existence as an institution of Anand Niketan

⁴³ Article 39A of the Constitution of India

⁴⁴ 114th Report of the Law Commissions of India on Gram Nyayalaya (1986) 18

⁴⁵ S.S Sharma, Legal Services, Public Interest Litigation and Para- Legal Services (2003) 184

Asharam. This form of Lok Adalat was people oriented and participated forum which dispense to the poor litigants at their door-steps without any cost.⁴⁶

The new version of Lok Adalat has arisen out of the concern expressed by the various committees setup to resort on organizing legal aid to the needy and poor people and alarm generated by judicial circle on mounting arrears of cases pending for long time at different levels in the court system.⁴⁷

Hon'ble Justice P.N. Bhagwati and Hon'ble Justice Krishna Iyer of the Supreme Court of India, laid emphasis on need for revival of the informal system of dispute resolutions including the Nyaya Panchayats. They mobilized social action groups, public spirited citizens and a section of lawyers to experiment settlement of disputes outside the courts.⁴⁸

They were of the opinion that to have an effective system it must be informal, least expensive, generally deprofessionalized, expeditious and justice oriented. Justice Desai, to encourage participation of people in the system, circulated a paper to all the Bar Associations in the country in which he cautioned,

*"If we fail in this endeavour, history is not going to pardon us, the time is running out for all of us."*⁴⁹

The formation of the Committee for Implementing Legal Aid Schemes (CILAS) by the Union Government in 1980 under the Chairmanship of Justice P.N. Bhagwati and later on under the Chairmanship of Justice R.N. Mishra gave a further boost to

⁴⁶ Id.

⁴⁷ Report of the Gujarat Legal Aid Committee, 1971, Report on Processual Justice to the People, 1973 and Report of committee on National Judicare: Equal Justice- Social Justice (1977)

⁴⁸ P. Bhargava, Lok Adalat: Justice at the Door Steps(1998) 16-17

⁴⁹ P. Bhargava, Lok Adalat: Justice at the Door Steps(1998) 17

the legal aid movement and the concept of legal Aid camps and Lok Adalat in particular.⁵⁰

Hence, the Lok Adalat movement as a part of the strategy of Legal Aid Movement was started in Gujarat in March, 1982. The first Lok Adalat was held at village "Una" in Junagarh District and inaugurated by justice D.A. Desai, the then judge of the Supreme Court of India. Keeping in view the successful working of Lok Adalats, the Lok Adalat programme was adopted by other states, such as Andhra Pradesh, Bihar, Haryana, Karnataka, Madhya Pradesh, Maharashtra, Orissa, Rajasthan, Uttar Pradesh, and the Union Territories of Delhi, Pondicherry, etc.⁵¹

The Lok Adalats, which were being organised on an informal basis, had got legal recognition under the Legal Services Authorities Act, 1987 (for brevity 'the Act').⁵² The Act came into force on account of several amendments on November 9, 1995. The Act contains the detailed provisions about the set-up of Lok Adalats, their jurisdiction, powers, procedure and functioning, etc. The Act has been again amended by the Parliament, with the intention to constitute 'Permanent Lok Adalats' for deciding the disputes concerning 'Public Utility Services'. The objective of bringing this Act into existence was to devise more ways of reaching the poor man and evolving speedy and less expensive system of administration of justice. Now, the Lok Adalat system is working in accordance with the provisions of the Act.

Legislation Regarding Lok Adalats

The Legal Services Authorities Act, 1987 gave a legal status to Lok Adalats, pursuant to the Constitutional mandate in Article 39-A of the Constitution of India. The said act contains various provisions for resolving of disputes through Lok Adalat. Thus, the age old concept of Lok Adalat has, now, legal standing. It enables the Act to

⁵⁰ P. Bhargava, Lok Adalat: Justice at the Door Steps(1998) 17

⁵¹ P. Bhargava, Lok Adalat: Justice at the Door Steps(1998) 18

⁵² Act no 39 of 1987

establish Legal Services Authorities to provide free and competent legal services to the weaker sections of the society so as to ensure that opportunities for securing justice are seen that the same are not denied to any citizen by reason of economic or other disabilities. Further the Act empowers LSA's to organize Lok Adalats to secure that the operation of the legal system promotes justice on a basis of equal opportunity.⁵³

Need for Lok Adalat

In the present system, the litigant, who is the heart of judicial structure, is the most neglected and exploited in the system. He is basically a consumer of justice and he should receive equal, effective, inexpensive and speedy trial and justice. It is imperative to reach the goal of equal access to justice, which is a Constitutional commandment and statutory imperative.⁵⁴

Unmanageable burden of pending cases, unmanageable arrears and delay in disposal of cases in courts at all levels-lowest to the highest-along with high expenses have undoubtedly attracted the attention of not only the lawyers, litigants, social activists, legal academicians and parliament but also Judges of the courts. At present the arrears of cases are so huge that unless they are disposed of on a war footing the system may crumble down in a few years time. It appears that the justice system presently in this country is about collapse. So, it is but natural that the alarming situation of the Indian judiciary has attracted attention of anyone concerned with law reforms.⁵⁵

⁵³ Institute of Management Ahmedabad, Rule of Alternative Dispute Resolution Method in Developmental Society; "Lok Adalat" in India Anuarg K Agarwal , W.P No. 2005-11-01. P.7

⁵⁴ KLJP's The Legal Services Authorities Act, 1987, Sathhpal Puliani 2003, New Edition P.76

⁵⁵ KLJP's The Legal Services Authorities Act, 1987, Sathhpal Puliani 2003, New Edition P.74

The sole consideration, therefore, is how to reduce the delay in disposal of cases, make the system resilient by removing its stratification, making the system less formal and inexpensive so as to make justice within the reach of the poor.⁵⁶

Frankly admitting, the existing legal system has remained unfortunately alien having no direct contact with masses and is not at all meaningful to them.⁵⁷ The surprising growth in the arrears of cases has compelled the members of Law Commission of India to deliberate on the revival of indigenous legal system⁵⁸ and recommended its restructuring to provide a new model or mechanism for dissolving disputes on the principles of participatory justice. A need has been felt for decentralization of the system of administration of justice to reduce the volume of a work.⁵⁹

The former Chief Justice, E S Venkatarahmiah once rightly observed. ⁶⁰

"The problem of delay and backlog was likely to put the functioning of Constitutional Government in disarray"

This warning of former Chief Justice carries really a great weight when examined in the light of piling arrears and accumulated work-load of different courts and poses a frightening scenario to the very survival of the legal system itself. In various countries, such as the United States of America and western countries such as England and France, the contribution of the Bar in rendering free and competent legal-aid is praiseworthy and it must be adopted in India. Lawyers must respond with juristic sensitivity to the voice of weak, poor, suppressed and exploited women and destitute children so as to create equal society for them in which they can prosper. The bar must evolve scheme to ensure that poor are able to afford Justice.

⁵⁶ Law Commission of India: 114th Report on Gram Nayayalaya 1986 page 7

⁵⁷ Ibid

⁵⁸ Report of Legal aid Committee (Government of Gujarat, 1971) Para 13.12 page 209

⁵⁹ Law Commission of India: 114th Report on Gram Nayayalaya 1986 page 7

⁶⁰ Shrinivas Gupta, "Judicial Delays versus Right To Speedy Trial, 1992 page 32

The advocates are the backbone of the legal services to ensure compliance to the Constitutional obligations and ensure statutory rights of millions of indigent, needy, handicapped and deserving people.⁶¹

The Purpose of the Lok Adalat was/has been to provide a supplementary to the mainstream legal system. The sanctity for holding Lok Adalat or people's court lies in the growing dissatisfaction with the existing legal system and the need for immediate relief for poor, helpless, economically and socially disadvantaged position, etc., who are in distressed familiar circumstances. The requirement of immediate redressal and speedy disposal of disputes was felt most acutely in the present socio-legal circumstances. In view of these circumstances, an attempt was made to bring justice to the door steps.

The Lok Adalat was organized with the following objectives amongst others:

- (1) Provide speedy justice.
- (2) To create awareness among the public about the conciliatory mode of dispute settlement and legal validity of Lok Adalat
- (3) To fasten up the process of organizing Lok Adalat
- (4) To encourage the public to settle their outside the normal court procedure
- (5) To allow the public to participate in the justice delivery system

The immensely huge population of India and the less fortunate masses have found the delivery of justice through regular courts very complex and inefficient. The social conditions prevalent in the Indian society due to the economic structure, a highly sensitized professional and cheap legal service is required which is effective for the poor and exploited masses. The institution of Lok Adalat tries to resolve the people's

⁶¹ KLJP's The Legal Services Authorities Act, 1987, Sathhpal Puliani 2003, New Edition P.77

disputes by discussions, counselling, persuasions and conciliation, which result in quick and cheap justice.

The objective of the Lok Adalats in the above paragraph, the purpose of the Lok Adalats has been to reduce the burden of the courts. Therefore, the Lok Adalats base their decisions on mutual consent and compromise. The Lok Adalat makes the decision only after the parties have agreed on the amicable settlement and have consented to it. The Lok Adalat is no more on trial basis in India. It is now a grand success and but needs to be reformed in certain matters.⁶²

The objective of the Legal Service Authorities Act as stated in its preamble is, that the Act is enacted by the Parliament to provide free and competent legal services by the State to the weaker sections of the society to secure them speedy justice and to ensure that they are not deprived of it by reason of economic or other disabilities, and also to organize Lok Adalat with a view to ensure that the operation of the legal system in the country promotes justice among citizens on a basis of equal opportunity.

In this object contains two important parts viz., the first part of the preamble covers the subject of the society so as to ensure that justice is not denied to them by reason of economic and other disabilities. The later portion of the preamble deals with general object of the Act, which states “and to organize Lok Adalats to secure that the operation of the legal system promotes justice on a basis of equal opportunity”. It is broader in its width and sweep aims at securing successful operation of the legal system towards effective furtherance and promotion of justice among the litigant public. As far as work load pending in all regular courts our country is concerned, it is a universally acknowledged fact that the courts are saddled with heavy and

⁶² KLJP's The Legal Services Authorities Act, 1987, Sathhpal Puliani 2003, New Edition P.74

unwieldy burden of arrears of judicial work and it has reached the point of alarming proportion.

Hierarchy of Various Authorities Created Under The Act

Under the Act various authorities have been empowered to carry out its objectives. National Legal Services Authority or in short NALSA is the supreme body and is empowered to lay down policies and principles for making legal services available under the provisions of the Act. It also frames the most effective and economical schemes for legal services. It also distributes funds and grants to State Legal Services Authorities and NGOs for implementing legal aid schemes and programmes.⁶³ In each state a State Legal Services Authority is constituted to give effect to the policies and directions of the Central Authority (NALSA). They also have to impart legal services to the people and conduct Lok Adalats in the State. The State Legal Services Authority is guided and headed by the Chief Justice of the respective State High Court who serves as its Patron-in-Chief. The Next Senior most Judge of the respective High Court or retired Judge of the High Court is nominated as its Executive Chairman.⁶⁴

In each District of the state, District Legal Services Authority is empowered to implement Legal Aid Programmes and Schemes in the District. The District Judge of the District is its ex-officio Chairman.⁶⁵

Similarly Taluk Legal Services Committees are constituted for each of the Taluk or Mandal or for group of Taluk or Mandals to co-ordinate the activities of legal services in the Taluk and to organise Lok Adalats. Every Taluk Legal Services

⁶³ Section 3, The Legal Service Authority Act, 1987

⁶⁴ Section 6, The Legal Service Authority Act, 1987

⁶⁵ Section 9, The Legal Service Authority Act, 1987

Committee is headed by a senior Civil Judge or a Junior Civil Judge as the case may be.⁶⁶

Supreme Court Legal Services Committee:

The Central Authority shall constitute a Committee to be called the Supreme Court Legal Services Committee for the purpose of exercising such powers and performing such functions as may be determined by regulations made by the Central Authority.⁶⁷

NALSA lays importance on legal literacy among the General Public and legal awareness campaign among the masses which also contains awareness about Lok Adalats. The effort is to publicize legal aid schemes such as the Lok Adalats so that the general public, for whom Legal Services Authorities Act has provided for free legal aid, may come to know about the various schemes and approach the respective legal services authorities.

Organization of Lok Adalats

The below mentioned bodies may organize Lok Adalats at such intervals and places and for exercising such jurisdiction and for such areas as it thinks fit:⁶⁸

- (1) National Legal Service Authority
- (2) Supreme Court Legal Services Committee
- (3) State Legal Services Authority
- (4) High Court Legal Service Committee

⁶⁶ Section 11A, The Legal Service Authority Act, 1987

⁶⁷ Section 3A, The Legal Service Authority Act, 1987

⁶⁸ Section 19, The Legal Service Authority Act, 1987

(5) District Legal Services Authority

(6) Taluk Legal Services Committee.

Thus the person who needs free legal aid can approach the Legal Services Authority at any level- national, state, district or taluq. The National Legal Services Authority (NLA), created by the Central Government, has power to lay down the policy and give directions to the State Legal Services Authority in this behalf. But National Legal Services Authority does not directly create any Lok Adalat. Lok Adalat is an ad hoc body created from time to time by the State Legal Services Authority or District Legal Services Authority which themselves are the creatures of the State government under powers of nomination conferred by this Act. The latter operates for a specified area and period of time in respect of matters which come to it in one of the two ways specified in the Act that is to say, first, where the District Legal Services Authority refers the dispute and second, where the presiding officers of the court or tribunal makes a reference on the joint application of the parties. However it does not indicate that if some of the parties to the suit make a joint application, while the other do not, even then it will get jurisdiction to transfer the matter to the Lok Adalat for decision.

Procedure of Lok Adalat

The procedure followed at a Lok Adalat simple and devoid of the regular formalities of the Court. The Lok Adalat is normally presided over by a sitting or retired judicial officer who is the chairman, with two other members, usually a lawyer and a social worker. Thus every Lok Adalat organised for an area shall consist of such number of-

(1) Serving or retired judicial officers; and

(2) Other persons, of the area as may be specified by the State Authority or the District Authority or the Supreme Court Legal Services Committee or the High Court Legal Services Committee, or as

the case may be, the Taluk Legal Services Committee, organising such Lok Adalat.

(3) The experience and qualifications of other persons referred to in clause (b) of sub section (2) for Lok Adalats organized by the Supreme Court Legal Services Committee shall be such as may be prescribed by the Central Government in consultation with the Chief Justice of India.

(4) The experience and qualification of other persons referred to in clause (b) of sub section (2) for Lok Adalats other than referred to in sub section (3) shall be such as may be prescribed by the State Government in consultation with the Chief Justice of the High Court.

(5) A Lok Adalat shall have jurisdiction to determine and to arrive at a compromise or settlement between the parties to a dispute in respect of-

- (i) any case pending before; or
- (ii) any matter which is falling within the jurisdiction of, and is not brought before, any court for which the Lok Adalat is organized: Provided that the Lok Adalat shall have no jurisdiction in respect of any case or matter relating to an offence not compoundable under any Law.

Cognizance of cases by Lok Adalats

Section 20 provides:

(I) Wherein any case referred to in clause (i) of sub-section (5) of Section 19; (i) (a) the parties thereof agree; or (b) one of the parties thereof makes an application to the Court for referring the case to the Lok Adlat for settlement and if such court is prima fade satisfied that there are chances of such settlement: or

(ii) the Court is satisfied that the matter is an appropriate one to be taken cognizance of by the Lok Adalat, The Court shall refer the case to the

Lok Adalat: Provided that no case shall be referred to the Lok Adalat under sub-clause (b) of clause (i) or clause (ii) by such court except after giving a reasonable opportunity of being heard to the parties.

(2) Notwithstanding anything contained in any other law for the time being in force, the Authority or Committee organizing the Lok Adalat under sub-section (1) of Section 19 may, on receipt of an application from any one of the parties to any matter referred to in clause (ii) of sub-section (5) of Section 19 that such matter to the Lok Adalat, for determination: Provided that no matter shall be referred to the Lok Adalat except after giving a reasonable opportunity of being heard to the other party.

(3) Where any cause is referred to a Lok Adalat under sub-section (1) or where a reference has been made to it under sub-section(2), the Lok Adalat shall proceed to dispose of the case or matter and arrive at a compromise or settlement between the parties. (4) Every Lok Adalat shall, while determining any reference before it under this Act, act with utmost expedition to arrive at a compromise or settlement between the parties and shall be guided by the principle of justice, equity, fair play and other legal principles.

(5) Where no award is made by the Lok Adalat on the ground that no compromise or settlement could be arrived at between the parties, the record of the case shall be returned by it to the Court, from which the reference has been received under subsection (1) for disposal in accordance with law.

(6) Where no record is made by the Lok Adalat, on the ground that no compromise or settlement could be arrived at between the parties, in a matter referred to in subsection (2), that for Lok Adlat shall advise the parties to seek remedy in a Court.

(7) Where the record of the case is returned under sub- section (5) to the Court, such court shall proceed to deal with such case from the stage which was reached before such reference under sub-Section (1).40

Powers of Lok Adalats

The Lok Adalats have been conferred power of the Civil court under the C.P.C for the purpose of holding any determination under this Act, while trying a suit and every proceedings of the Lok Adalat shall be deemed to be judicial proceedings for the purpose of summoning and enforcing the attendance of any witness and examining him on oath.

Every Lok Adalat has the requisite powers to specify its own procedure for the determination of any dispute coming before it. All proceedings before a Lok Adalat are deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code (45 of 1860) and every Lok Adalat is deemed to be a civil court for the purpose of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 (2 of 1974).

The Act gives to Lok Adalat the powers of civil court in respect of summoning and enforcing attendance of any witness and examining him on oath: discover and production of any document: reception of evidence on affidavits; requisitioning of any public record, document from any court or office, and other matters to be prescribed by rules framed under the Act. In addition, it can specify its own procedure for the determination of any dispute coming before it. Proceedings before it are deemed to be judicial proceeding and members public servants.⁷⁴

Advantages of Lok Adalat:

There are many advantages that litigant gets through the Lok Adalats. They are

- (1) **Court Fee:** There is absolutely no court fee for case in the Lok Adalats. If the case is already filed in the regular court, the fee paid will be refunded if the dispute is settled at the Lok Adalats.

(2) **No Strict Application of Procedural Laws:** Lok Adalats are devoid of strict application of the procedural laws and the Indian Evidence Act while settlement of dispute by the Lok Adalat. The parties to the disputes can interact with the judge directly and explain their case which is not possible in a regular court of law.

(3) **Disputes can be directly referred to Lok Adalats:** It is not necessary that always a case has to always go through the regular court then referred to regular court. Cases can be directly referred to Lok Adalats.

(4) **Award are binding on the Parties:** the decision of the Lok Adalats is binding on the parties to the dispute and its order is capable of execution. No appeal lies against the order of the Lok Adalats whereas in the regular law courts there is always a scope to appeal to the higher forum on the decision of the trial court, which causes delay in the final settlement of the dispute. In a regular court, decision is that of the court but in Lok Adalat it is mutual settlement and hence no case for appeal will arise.

(5) **Expeditious Remedy:** Disposal in Lok Adalats in cheap, fast, effective, less cumbersome and efficient.

(6) **Peace in the Society:** As the scheme involves mutual amicable settlement, it promotes peace and harmony among the public. Its process is voluntary and works on the principle that both parties to the disputes are willing to sort out their disputes by amicable solutions. Through this institution, disputes can be settled in a cheap, faster and effective way at all the three stages of trial i.e. pre-litigation, pending-litigation and post litigation.

(7) **Convenient:** The scheme of the Lok Adalat is that the parties to the disputes sort out their disputes by way of mediation by the Judges, who would be guiding them on the principles of fair trial.

(8) **Reduces the Burden of the Court:** The scheme also helps the overburdened Court reduce the overwhelming pendency and as the award becomes final and binding on both the parties, no appeal is filed in the

Appellate Court and, as such, the burden of the Appellate Court is also reduced. In our country, number of Judges is very less as to the cases filed and, hence, to reduce the accumulation of cases, the Lok Adalats are the need of the day.

Disadvantages of Lok Adalat System

(1) Cases Placed Before Lok Adalat:

In fact Lok Adalat is brought into force to settle the cases quickly but in reality number of cases placed before the Lok Adalat delayed beyond imagination and parties might have spent large sums in the form of court fee, advocates fee and other miscellaneous expenses.

(2) Litigant is Not Living Person: Majority the cases placed before the Lok Adalat i.e., to the extent of about 90 % are not between living persons, but against non living persons. They are Motor Vehicles Accidents Claims Cases, Bank Suits, Telephone bills cases, Electricity Board cases, Municipal cases Panchayat cases and in these cases Bank, Electricity Board, Municipal Corporation are only legal persons. Here the aggrieved persons are faced with bureaucratic torture. Usually in these cases meeting are held with the officers prior to sitting of Lok Adalat and Lok Adalats are held with best minimum norms fare as discussed and finalized in the prior sittings. After fixing the norms, the parties are not required to be persuaded for amicable settlement at Lok Adalats. But these cases are kept in Lok Adalats to show a statistical success of disposal of cases. In cases of insurance, meeting with the officers of the companies are held in advance, the matters are discussed on several considerations without participation of other side (which is opposed to principles of natural justice). These

are few cases, which are said to be decided justly. Most of the cases relating to compensations are settled not to the advantages of claimants.

(3) The Presiding Officers Not to Act as Facilitator But act as Judges:

The presiding officers of Lok Adalat are chosen from the retired judicial officers and others of that area who are having prescribed qualifications and experience. But usually these officers are not in a position to convince the parties for the settlement of cases in an amicable manner, since they are not trained members. Especially the presiding officer of the court mentality is just like in adversarial proceedings and tries to behave just like he is sitting in the court and plays not an active rule but passive rule. He ignores that he is only facilitator but not decision maker as judge. Other members who conduct Lok Adalat by the nature do not fall in line with their brother members in Lok Adalat and invite adverse remarks of their superiors.

(4) Technical Matters and Other Matters: The Lok Adalat is not trying to settle technical matters and other suits like partition, partnership, trust, contracts and easements or such other family disputes are generally not touched by Lok Adalats.

(5) Lok Adalat Not Settling the Cases Afresh: The members of National Legal Service Authority, Supreme Court Legal Services Committee, State Legal Services Authority, High Court Legal Service Committee, District Legal Services Authority and Taluk Legal Services Committee are organizing Lok Adalat with an intention to settle the cases which are referred to Lok Adalat afresh but many of these cases are being settled in advance by pre-arranged meeting between three parties and they are being shown as disposal of cases during the Lok Adalats. The

judges do not accept the compromise already arrived at by the parties and persuade the parties or their advocates to keep the matter alive till this Lok Adalat is organized to highlight higher figures of disposal.

Analysis of the Policies Concerning Organising of Lok Adalats

One of the essential objectives of this research project has been to assess the structural arrangements concerning organising of Lok Adalats. To this extent, information has been collected from the identified states on various policy positions of how Lok Adalats are planned and the manner in which such plans are executed. This not simply aids in understanding the prevalent state of affairs concerning organising of Lok Adalats in the identified states, but also provides insight into the challenges which might be impeding a more efficient function of the scheme of Lok Adalats. This analysis also helps in identifying the appropriate reformative measures in relation to each identified state.

The relevant official policies in the identified states have been analysed under the following broad conceptual headings;

1. Policy Regarding Infrastructure of State Legal Services Authorities
2. Policy Regarding Types of Lok Adalats
3. Policy Regarding Frequency of Lok Adalats
4. Policy Regarding Preparation of Calendars
5. Policy Regarding Referring Cases to Lok Adalats
6. Policy Regarding Involvement of Additional Personnel
7. Policy Regarding Quantitative Weightage for Lok Adalat Work
8. Policy Regarding Additional Incentives for Lok Adalat Work
9. Policy Regarding Administrative Support

Policy Regarding Infrastructure of State Legal Services Authorities

The State Legal Services Authorities in the respective States function as the most pivotal institution to implementing the scheme of Lok Adalats. The successful planning and effective supervision of Lok Adalats in the concerned states depend primarily on the ability and efficiency of the State Legal Services Authorities. In this light, the infrastructural facilities afforded to the State Legal Services Authorities acquire substantial significance. Firstly, it reflects the priorities of the state administration. Secondly, infrastructural facilities also affect the working of State Legal Services Authorities. One of the important aspects in this respect is the nature of the building from which the State Legal Services Authorities function. The adequacy of space available to the officers and other administrative staff is an important consideration.

Best Practice

The best practice in this context can be noticed in Jharkhand. Amongst the states covered under the research, Jharkhand has the most organised and relevant infrastructure support for Lok Adalat activities although there is definitely scope for improving the infrastructural facilities.

Comparative Overview of Policies in Different States

The infrastructural facilities for the various State Legal Services Authorities in general, are unsatisfactory. Most of the main offices lack adequate modern equipment of communications technology and for data processing. There is also a common problem of adequate spatial demarcation in all the SLSAs apart from the one in Jharkhand. While the SLSAs in Bihar, Jharkhand and Odisha have a building of their own, the SLA in West Bengal functions in the premises of the City Civil Courts building in Kolkata. However, the building in Odisha is an erstwhile residential building converted to the purposes of SLA. It means that the facilities in the building are fundamentally compromised. The SLSAs in Bihar, West Bengal and Odisha do not have adequate space for organising consultation meetings or for organising different activities which may be useful in planning and implementation of the Lok Adalat system. This deficit is significant as it makes the SLSAs dependent on other institutions (public/private) for organising important events. The same is not desirable and definitely hinders the functional capacity of SLSAs to conduct their activities in an efficient manner. Expansion and upgradation of infrastructural facilities is essential in all the States.

Policy in Odisha

The Odisha State Legal Services Authority is presently functioning at S.O.20, Cantonment Road (Gopabandhu Marg), Cuttack-753001. The said building is about three km from the High Court of Orissa and the District court. The said building was originally a residential building used as a quarter by the Judges of the Orissa High Court. The said building had been renovated and its different rooms have been converted into the chambers of the Patron In Chief, Judge In Charge, Member Secretary, Deputy Secretary, Assistant Secretary and office rooms. Recently another room was converted into a video conferencing room which was inaugurated by the

Hon'ble Mr. Justice Dipak Misra, Chief Justice of India who was the then Executive Chairman of the National State Legal Services Authority.

However though the residential building has been renovated and converted into an official building there is lack of space for each and every official in the said building. Further there is lack of classroom, training halls, reception counters, auditorium etc which is a hindrance for organizing meetings, trainings and other important functions. The lack of space is also an issue for day to day working of the officials.

The Odisha State Legal Services Authority at present utilizes the services and infrastructure of Odisha Judicial Academy for their programmes. However this is only a temporary arrangement and a permanent solution in the form of a proper building is needed for the Odisha State Legal Services Authority.

The research team was informed that land has been acquired by the The Odisha State Legal Services Authority at CDA Sector 1, Cuttack at the prime location for the said purpose. However construction is yet to begin for the same. The building work should be initiated at once so that there is ample space and appropriate working conditions for the officials.

The District Legal Services Authorities at 12 districts have ADR buildings which are used for legal aid services, permanent and continuous lok adalats. However the other District Legal Services Authorities and the Taluk Legal Services committees do not have any independent buildings of their own. They function in the court premises only as normally the presiding judges of the district courts and Taluks hold the Lok Adalats. Apart from the Secretary, DLSA whose exclusive work is to look after the legal services work including organization of Lok Adalats, at the Taluks the presiding officers doubles up as the in charge officer for legal aid work. Also a wonderful practice was found in Odisha regarding Lok Adalats. In the Lok Adalats organized by the District Legal Services Authority and Taluk Legal services committee, every alternate Lok Adalats was held at a town/city/village where no court is functioning but police station is present. This enabled the poor litigants to

have access to justice at their own town/city/village. Instead of hundreds coming to court from a particular town/city/village, the court coming to their place encouraged most efficient and effective disposal. For this either a good school (as schools are closed on holiday studies of children are not affected) or a block office or panchayat office is chosen to be the spot for Lok Adalat and summons are sent in advance accordingly.

Apart from the buildings the Odisha State Legal Services Authority has infrastructure such as computers, telephones, fax, internet, photo copiers, video conferencing equipment and printers etc however it is in limited supply. The research team was informed that the Odisha State Legal Services Authorities has received a grant from the E-Committee and is in the process of procurement of different articles for the office. The District Legal Services Authorities also have been supplied with computers system but they are not sufficient to cater to all the needs of the District Legal Services Authorities. Also there is lack of photocopiers, printers etc which acts as a deterrent in doing work efficiently and on time. The Taluk Legal Services committees are yet to receive any kind of equipment for aiding in Lok Adalat work. The Taluk Legal Services committees should be immediately provided with computers and other equipment for organizing Lok Adalats and effectively executing other works.

The Taluk Legal Services committees and District Legal Services Authorities function at the respective Court Buildings which aids in their work as the litigants do not have to go that to another building to avail the legal aid services. The same should also apply to the State Legal Services Authority. The infrastructure should as far as possible be built either inside the campus or near the campus so that all legal aid services including Lok Adalat are provided to people effectively.

Policy in Bihar

The Bihar State Legal Services Authority is presently functioning at Bihar State Legal Services Authority, Budh Marg, Opp. Museum, Patna- 800001. The said building is about 1.6 km from the Patna High Court and 3.2 km from the District court. The said building is an independent building and is especially dedicated to the work of the Bihar State Legal Services Authority. The Building is spacious and is properly distributed into several sections as per the assigned works.

The building has ample space for the staff and has a waiting hall and reception lobby among other rooms. The building also has a well equipped seminar room in which literacy programs, training and classes were organized by the authority. The Building is also well maintained apart from occasional maintenance issues.

The District Legal Services Authorities and the Taluk Legal Services committees do not have any independent buildings of their own. At some districts ADR complex have been built but in other makeshift arrangements have been made. Apart from the Secretary, DLSA whose exclusive work is to look after the legal services work including organization of Lok Adalats normally the Judicial officers hold the Lok Adalats at their respective court premises itself.

Apart from the building the Bihar State Legal Services Authority has infrastructure such as computers, telephones, fax, internet, photo copiers, video conferencing equipment and printers etc. However it is in limited supply. The condition is same in the district courts. It would be worthwhile to mention here that in the last few years NALSA has been proactive and is sanctioned funds for these equipment and they are being procured at present. The inadequate number of photocopiers, printers etc acts as a negative factor in doing work efficiently and on time. The Taluk Legal Services committees are yet to receive any kind of equipment for aiding in Lok Adalat work and they usually utilize the equipment provided for the other office work. The Taluk Legal Services committees should be immediately provided with computers and other equipment for organizing Lok Adalats and effectively executing other works.

The Taluk Legal Services committees and District Legal Services Authorities function at the respective Court Buildings which aids in their work as the litigants do not have to go that to another building to avail the legal aid services. Lok Adalats are also organized in the same premises except the Mobile Lok Adalats. If only more IT equipment is supplied to the staff it would be an ideal office in respect of infrastructure.

Policy in Jharkhand

The Jharkhand State Legal Services Authority is presently functioning near the AG office at Doranda, Ranchi 834002 and has been named as Jharkhand Rajya Vidhik Seva Pradhikaran Nyaya Sadan. The said building is about only 750 metres from the High Court of Jharkhand. However it is about 5 km from the District Court. The said building is an ideal building independently built for the purpose of the legal aid services only.

The Building is spacious and is properly distributed into several sections as per the assigned works. The building has ample space for the staff and has a waiting hall and reception lobby among other rooms. The working environment in the said building is also good and the building is also well maintained. The building also has a well equipped conference hall in which literacy programs, training and classes are organized by the authority. The reception/help desk is also well furnished with phone, legal aid forms and has a well maintained and spacious lobby.

Some of the District Legal Services Authorities have independent ADR Buildings but the Taluk Legal Services committees do not have any independent buildings of their own. They function in the court premises only as normally the presiding judges of the district and Taluks hold the Lok Adalats in the said premises itself. The officers who are in charge of the Legal Services Authorities and the Taluk Legal Services committees apart from the Secretary, DLSA whose exclusive work is

to look after the legal services work including organization of Lok Adalats hold the Lok Adalats at their respective premises.

The building also has a LED screen at the front of the building which displays various data, figures and schemes of the Jharkhand State Legal Services Authority. The Building IT infrastructure is the best among all the states under study but more IT equipment can aid in the efficiency of the state legal services authorities

The District Legal Services Authorities also have been supplied with computers system but they are not sufficient to cater to all the needs of the District Legal Services Authorities. Also there is lack of photocopiers, printers etc which acts as a deterrent in doing work efficiently and on time. The Taluk Legal Services committees are yet to receive any kind of equipment for aiding in Lok Adalat work. The Taluk Legal Services committees should be immediately provided with computers and other equipment for organizing Lok Adalats and effectively executing other works.

The Taluk Legal Services committees and District Legal Services Authorities function at the respective Court Buildings which aids in their work as the litigants do not have to go that to another building to avail the legal aid services. The Jharkhand State Legal Services Authority is only 750 mts from the High Court is well connected by the public transport and this makes the Jharkhand State Legal Services Authority ideal in most aspects. The only thing lacking seems to be an updated IT infrastructure.. Funds were received in the 13th Finance commission and also from NALSA. Through the funds from 13th Finance commission many shortages have been met at the State Legal Services Authority and District Legal Services Authority but now it has to be done at each level.

Policy in West Bengal

The State Legal Services Authority, West Bengal does not have an independent building and is located inside the City Civil Court Building on the First Floor on the 2 & 3, Kiron Sankar Roy Road, Kolkata. The said establishment is inside the District court campus itself. It has been created by renovating and its different rooms have been converted into the chambers of the Member Secretary and Deputy Secretary, and office rooms. The said renovations have been done by way of wooden partitions for the Member Secretary and Deputy Secretary and one large hall is converted into the office space.

It is clearly evident that there is lack of space for officials in the said building. Further there is lack of classroom, training halls, reception counters, auditorium etc which is an obstacle for organizing meetings, trainings and other important functions. The lack of space is hinders the day to day working of the officials.

The State Legal Services Authority, West Bengal at present utilizes the infrastructure of the High Court of Calcutta and other public and private organisations for their programmes and events. Many of the events are held in the auditorium of the sesquicentenary building on the 9th floor. Further, the Lok Adalats are held at the High Court, the district courts and taluk courts respectively.

However this is only a temporary arrangement and a permanent solution in the form of a independent building is highly needed for the West Bengal State Legal Services Authority. The proposal for an independent building should be initiated at once so that there is ample space and appropriate working conditions for the officials.

The District Legal Services Authorities and the Taluk Legal Services committees do not have any independent buildings of their own. They function in the court premises only as normally the presiding judges of the district and Taluks hold Lok Adalats in the court premises itself at some designated place.

The Legal Services Authority of West Bengal has inadequate infrastructure in terms of Information technology articles in comparison to other states under study. Equipment such as computers, telephones, fax, internet, photo copiers, and printers etc are there however it is in limited and inadequate for the staff and work load on them. The District Legal Services Authorities also have been supplied with computers system but they are not sufficient to cater to all the needs of the District Legal Services Authorities. Further there is dearth of photocopiers, printers etc which acts as a deterrent in doing work efficiently and on time. The Taluk Legal Services committees are yet to receive any kind of equipment for aiding in Lok Adalat work. The Taluk Legal Services committees should be immediately provided with computers and other equipment for organizing Lok Adalats and effectively executing other works. Both the Taluk Legal Services committees and District Legal Services Authorities depend upon the existing IT equipment of the Courts to execute their work.

The location of the State Legal Services Authorities inside the court premises enables the poor litigants to have immediate access to legal aid services including legal aid. The Taluk Legal Services committees and District Legal Services Authorities function at the respective Court Buildings which aids in their work as the litigants do not have to go that to another building to avail the legal aid services. We can infer that the best practice that is followed in that it is located inside the court campus. However the cons of having insufficient space, inadequate infrastructure and improper working environment outweigh the pros of having the State Legal Services Authority inside the campus.

Policy Regarding Types of Lok Adalats

The scheme of Lok Adalats can acquire a variety of forms. Depending on the place where it is being held and the range of Lok Adalats being organised across the State on a given date, Lok Adalats can be classified into different categories. Firstly, National Lok Adalats are held usually as per the dates specified by the National Legal Services Authorities. On the dates so specified, judicial authorities at all levels

in the States throughout the country; High Court, District and Taluk, hold Lok Adalats in order to dispose of pre-litigative disputes and also pending cases. Secondly, Periodic Lok Adalats are held as per the dates coordinated by the State Legal Services Authorities at District or Taluk level. Mobile Lok Adalats refer to the practice where instead of Lok Adalats being held in court premises, judicial officers travel to different places to dispose cases. Permanent or Continuous Lok Adalats refer to the Lok Adalats established under Section 22-B of the National Legal Services Authorities Act, 1987. Permanent or Continuous Lok Adalats function throughout the year unlike other Lok Adalats and are administered by permanent institutional mechanism.

Best Practice

The best practice in this respect can be seen in Bihar. In Bihar, apart from the other periodic Lok Adalats which are commonly held in other states as well, the use of mobile Lok Adalats has been made an essential component of the Lok Adalat scheme. Another best practice can be seen in Odisha where every alternate Lok Adalats (Lok Adalat other than Mega Lok Adalat) was held at a town/city/village where no court is functioning but police station is present. This enabled the poor litigants to have access to justice at their own town/city/village.

Comparative Overview of Policies in Different States

National Lok Adalats are organised as per the directions of the National Legal Services Authorities and there is no scope for variation in the different states. The number of Permanent Lok Adalats established under Section 22B of the National Legal Services Authorities Act varies. In Odisha and Bihar, there are thirteen and nine Permanent Lok Adalats. Twenty four Permanent Lok Adalats have been

established in Jharkhand. Unfortunately, not a single Permanent Lok Adalat has been established in West Bengal. Variations are primarily seen in relation to the periodic Lok Adalats organised under the mandate of Section 19 of the National Legal Services Authorities Act. The scheme of Lok Adalats organised under this provision also provides a more definitive indicator the initiatives taken by the State Legal Services Authorities as the planning and implementations is left under their discretion. The most elaborate practice in this respect can be seen in Bihar where three kinds of Lok Adalats (Special Lok Adalats, Mega Lok Adalats and Mobile Lok Adalats) are organised under section 19 of the National Legal Services Authorities Act. In all the other states, the scheme of periodic Lok Adalats has not been sufficiently streamlined.

Policy in Odisha

Three kinds of Lok Adalats are organised in Odisha. National Lok Adalats are organised as per the schedule and directions of the National Legal Services Authorities. Thirteen Permanent Lok Adalats have been established under section 22B of the National Legal Services Authorities Act. Periodic Lok Adalats are organised from time to time under section 19 of the National Legal Services Authorities Act. The Periodic Lok Adalats are organised simultaneously at the district and the taluk level.

Policy in Bihar

Five kinds of Lok Adalats are organised in Bihar. National Lok Adalats are organised as per the schedule and directions of the National Legal Services Authorities. Nine Permanent Lok Adalats have been established under section 22B of the National Legal Services Authorities Act. Periodic Lok Adalats are organised from time to time under section 19 of the National Legal Services Authorities Act. These Periodic Lok Adalats are primarily of two types. Special Lok Adalats are organised by District Legal Services Authorities in relation to specific types of cases

from time to time. The need assessment of Special Lok Adalats is primarily in the domain of respective District Legal Services Authorities. Mega Lok Adalats are an extension of the concept of National Lok Adalats at the state level. Thus, in a Mega Lok Adalat, all courts of the state organise Lok Adalat on a specified date.

Mobile Lok Adalats are organised in Bihar. In Mobile Lok Adalats, judges travel from one location to another to resolve disputes in order to facilitate the resolution of disputes through this mechanism. In Bihar, Mobile Lok Adalats are an entrenched part of the schedule of activities by the legal services authorities at various levels.

Policy in Jharkhand

In Jharkhand, three kinds of Lok Adalats are organised. National Lok Adalats are organised as per the schedule and directions of the National Legal Services Authorities. Twenty four Permanent Lok Adalats have been constituted under section 22B of the National Legal Services Authorities Act. Periodic Lok Adalats are organised at the High Court, District and Taluk level. As part of the initiative under periodic Lok Adalats, Lok Adalats are also organised in jails from time to time.

Policy in West Bengal

In West Bengal, periodic Lok Adalats are organised from time to time under section 19 of the National Legal Services Authorities Act. However, no Permanent Lok Adalats have been established in West Bengal. Another form of Lok Adalats which is being conducted in West Bengal is Continuous Lok Adalats. Under this, in each district, a continuous Lok Adalat has been constituted being presided by a serving judicial officer. Matters in any of the courts in the district are referred to this Continuous Lok Adalats. These Continuous Lok Adalats function after official working hours.

Policy Regarding Frequency of Lok Adalats

There has so far not been a settled and consistent policy regarding organisation of National Lok Adalats. At the beginning of the concept in 2014, National Lok Adalat was organised once in a year. However in 2015, it was organised once every month. In 2016 and 2017, National Lok Adalats were organised on a bimonthly basis. While the scheduling of National Lok Adalats is not within the domain of the individual State Legal Services Authorities, the scheduling of other forms of periodic Lok Adalats is in the decisional control of the respective Legal Services Authorities at various levels.

Section 19 of the National Legal Services Authorities Act, 1987 makes it categorically clear that the intervals of Lok Adalats is decided by the respective State Legal Services Authorities, District Legal Services Authorities, Taluk Legal Services Committee, Supreme Court Legal Services Committee and High Court Legal Services Committee. Thus, it is imperative to examine the policy adopted in this respect. A consistent and logical policy in terms of scheduling of Lok Adalats is essential to ensure popularisation of this method of adjudication of disputes.

Best Practice

The best practice in this respect can be seen in Jharkhand. In Jharkhand, Lok Adalats are organised every month irrespective of whether a National Lok Adalat is scheduled in that month or not. Also, the Lok Adalat is routinely held on the same day, i.e. the fourth Saturday of the month. This provides regularity to the scheme of Lok Adalat which is essential for building public confidence on this method of disposal as a viable option. The agenda of National Lok Adalats is driven by the National Legal Services Authorities and there has yet to be a sufficiently permanent policy regarding the frequency of National Lok Adalats. Thus, there is no adequate reason for the frequency of Lok Adalats at the state level to revolve around that of the National Lok Adalats. Thus the reliability of schedule at the level of individual

states can be an important factor in Lok Adalats being more than just ad hoc contemplations in the minds of litigants.

Comparative Overview of Policies in Different States

The policies in different states vary in this respect. While Jharkhand has a properly streamlined and reasonable frequency between consecutive Lok Adalats, in West Bengal and Bihar, there is no definite scheme and Lok Adalats are held mostly on the basis of ad hoc plans. In Jharkhand, Lok Adalats at the district level are organised every month. On the other hand, in Odisha Lok Adalats are held on a bimonthly basis and on such months where there is no National Lok Adalat.

Policy in Odisha

In Odisha, periodic Lok Adalats are organised on a bimonthly basis. The periodic Lok Adalats are scheduled on the months in which National Lok Adalats are not scheduled by the National Legal Services Authorities.

Policy in Bihar

In Bihar, Mobile Lok Adalats are organised two to four times a month. There is no fixed frequency in relation to Special Lok Adalats and Mega Lok Adalats. The schedule of Mega Lok Adalats and Special Lok Adalats is not based on the factor of periodic intervals. Rather, such Lok Adalats are scheduled from time to time depending on the need assessment. Thus, the frequency of Mega Lok Adalats and Special Lok Adalats can vary from year to year.

Policy in Jharkhand

The periodic Lok Adalats at the High Court level are organised bimonthly. The Lok Adalats at the High Court level are held in the months when there is no National Lok Adalat scheduled. At the district level, Lok Adalats are organised every month. Also, as a matter of policy, the periodic Lok Adalats at the district level are held on the fourth Saturday of every month.

Policy in West Bengal

In West Bengal, there is no fixed frequency in relation to organisation of periodic Lok Adalats. There is no definite periodic interval between Lok Adalats being organised at the State, District or Taluk level.

Policy Regarding Preparation of Calendars

As the work of Lok Adalats is conceptualised beyond the regular judicial schedule of the courts, it becomes extremely important to plan properly. While the schedule of National Lok Adalats is usually coordinated by the National Legal Services Authority, the planning of other Lok Adalats is in the domain of State Legal Services Authorities. A well thought-out and efficient schedule of Lok Adalats provides all the concerned stakeholders sufficient time to plan efficiently. That in turn ensures maximisation of the available opportunities for effective disposal of cases.

In this context, it is important to note that a general indication as to the number of Lok Adalats to be organised in a given month of quarter may not be considered as a planned calendar. A planned calendar should ideally contain specific dates along with the details of the activities to be executed on such identified dates.

Best Practice

The best practice in this respect can be seen in Odisha, Bihar and Jharkhand. In all the three states, schedule of Lok Adalat activities is planned in advance and the same is stipulated with specifics of dates and description of the activities. This kind of

practice provides solidity to Lok Adalats as a reliable and dependable adjudicatory option for settlement of disputes.

Comparative Overview of Policies in Different States

Apart from West Bengal, all the other states prepare calendar of events from the beginning of year. In West Bengal, there does not seem to be any planning regarding the range of scope of activities to be taken up in the course of a year. In West Bengal, the organisation of activities is managed on an ad hoc basis and not pursuant to planned list of activities.

Policy in Odisha

The responsibility of preparing the calendars for Lok Adalats to be held at the district level and taluk level rests with the respective District Legal Services Authorities and the Taluk Legal Services Committees. The respective District Legal Services Authorities and Taluk Legal Services Committees prepare the annual calendar as per the supervision of the State Legal Services Authorities concerning the sufficient scheduling of Lok Adalats.

Policy in Bihar

Detailed Calendar is prepared in relation to the schedule of Mobile Lok Adalats and also in relation to Mega Lok Adalats and Special Lok Adalats. The calendar usually covers the plan of activities for a period of twelve months. The calendar contains specific dates and also mentions definitive descriptions of the plan of activities to be carried out on such specified dates.

Policy in Jharkhand

In Jharkhand, calendar is prepared at the beginning of the year detailing the schedule of Lok Adalat activities planned for the year. The calendar is specific in relation to the exact dates and also the nature of activities scheduled for such identified dates.

Policy in West Bengal

As the frequency of the Lok Adalats at various levels is not fixed, there is as such no established practice of preparation of an annual calendar containing the tentative plan of the schedule of activities. The schedule of each Lok Adalat is notified from time to time instead of being in accordance with a pre-arranged schedule.

Policy Regarding Referring Cases to Lok Adalats

Under section 20 of the National Legal Services Authorities Act, 1987, a pending case can be referred for disposal through Lok Adalats in any one of the following three situations;

1. When both parties to the dispute agree for disposal through Lok Adalat
2. When any one party to the dispute makes an application for referring the case to Lok Adalat and the court is prima facie satisfied that there are chances of such settlement
3. The court is satisfied that the matter is an appropriate one to be taken cognizance of by the Lok Adalat

When a matter is referred for disposal through Lok Adalat either on the application of any one of the parties or because of the court believing it be an appropriate case, the court has an obligation to provide both the parties a reasonable opportunity of being heard.

While the decision to refer a case for Lok Adalat because the Court is satisfied that it is an appropriate matter for Lok Adalats is undoubtedly the individual discretion of

the presiding officer of the court, this provision imbibes a strong foundation to institutionalise the prioritisation of cases for disposal through Lok Adalats. By developing appropriate parameters for the purposive exercise of this discretion by issuance of guidance norms, a collective strategy for disposal of cases can be implemented. Such guidance can be based both on the data at the state level and the data in relation to the jurisdiction of particular courts. Attention can be paid to the nuances of the pendency lists in courts and the possibility of efficient disposal of certain categories of cases through Lok Adalats can be explored.

Even in the absence of any guidelines, it would be pertinent to take note of the kinds of cases in which judges have been exercising this discretion. Detailed data on the kind of cases for which both parties agree and the kind of cases in which any one party makes an application would also be immensely helpful in understanding litigant behaviour. Such an understanding would help in proper orientation of the available human resource to prioritised areas of litigation.

Best Practice

The practice in none of the identified states can be termed satisfactory in this regard. There is no proper cataloguing of data in any of the states as to how matters are referred to Lok Adalats for disposal. There is no data to identify the patterns of references made by judicial officers when they refer a matter to Lok Adalat on the ground of both or either parties agreeing or on the ground of the case being an appropriate one for disposal through Lok Adalats.

There is no indication of any guidelines being provided to judicial officers for a purposive exercise of their interpretation under the different clauses of section 20 while referring a matter to for disposal in Lok Adalats.

Comparative Overview of Policies in Different States

As is clear from the preceding paragraph, there is no existing policy in any of the states which can be effectively compared. None of the states even maintain clear data regarding the manner in which a case has been put up for adjudication in a Lok Adalat. This is not an aspect which seems to have been the subject matter of any serious policy formulation in any of the states.

Policy in Odisha

In Odisha, there is no data available on the different clauses of section 20 of the National Legal Services Authorities Act under which cases have been referred for disposal in Lok Adalats. There is no evidence of any guidance of advisory being issued to the judicial officers regarding exercise of discretion under section 20. While the guidelines issued by National Legal Services Authorities are circulated amongst the judicial officers in relation to the National Lok Adalats, there is no macro or micro policy initiative of a similar nature at the state, district or taluk level.

There does not seem to be any established practice of the pendency figures at the district or taluk level being factored into consideration while planning for Lok Adalats in relation to specific categories of cases by judicial officers in exercise of their discretion under section 20 of the National Legal Services Authorities Act.

Policy in Bihar

There is no evidence of any coherent or firm strategic policy in this respect. The data maintained by Bihar State Legal Services Authorities does not contain any details about the manner in which a case has been referred to Lok Adalat. Thus, while disposal records are available in relation to Lok Adalats, details of the number of cases which were referred to Lok Adalats under the different clauses of Section 20 of the National Legal Services Authorities Act are not available.

There is no evidence of any guidance or advisory being issued to the judicial officers regarding making reference of cases to be disposed of in Lok Adalats on the ground that the concerned judicial officer considers the case to be an appropriate one to be taken up in a Lok Adalat.

There also does not seem to be any established practice of taking into consideration the pendency of cases in different categories as a relevant factor in referring any particular category of cases for disposal in Lok Adalats.

Policy in Jharkhand

Apart from the guidelines of National Legal Services Authorities regarding prioritization of cases within the scheme of National Lok Adalats, there is no evidence of any established practice concerning issuance of guidance or advisory to judicial officers regarding references of cases for disposals in Lok Adalats.

There is also no data available of the number of cases which are referred to Lok Adalats as per agreement of both parties, as per application of one party or on the *sou moto* reference of the presiding judicial officer. Thus, there is also no indication that judicial officers are in the practice of using pendency statistics to promote use of Lok Adalats in applicable categories of cases.

Policy in West Bengal

In West Bengal, there is no definite strategy concerning referring cases to Lok Adalats. Also, no record is maintained of the number of cases which are referred for disposal through Lok Adalats under different clauses of Section 20 of the National Legal Services Authorities Act. There is no practice of any guidelines being issued at any level in terms of prioritising certain categories of cases for disposals through Lok Adalats.

Policy Regarding Involvement of Additional Personnel

The mandate to organise periodic Lok Adalats stems from Section 19 of the National Legal Services Authorities Act, 1987. Section 19 authorises the respective authorities at various levels to organise periodic Lok Adalats with the help of either serving judicial officers or retired judicial officers. In addition to that, the respective authorities may also engage 'other persons' for organising Lok Adalats. The experience and qualifications of such 'other persons' who may be engaged for organising Lok Adalats is to be determined by either the Central Government in consultation with the Chief Justice of India or the State Government in consultation with the Chief Justice of the concerned High Court. This provision is extremely important keeping in mind the substantial workload of serving judicial officers. With constant load of pending cases and accompanying administrative responsibilities, it is not always reasonable to expect that serving judicial officers would be able to facilitate optimum utilisation of Lok Adalats. For this reason, the statutory scheme provides such an arrangement to ensure that Lok Adalats can function even with retired judicial officers or appropriate 'other persons'.

It is important to examine the manner in which this provision has been utilised in different States. Making calculated use of this provision would significantly augment the human resource available for organising Lok Adalats. Especially, involving retired judicial officers in the organisation of Lok Adalats would be particularly beneficial keeping in mind their judicial background and experience in adjudication.

Best Practice

The practice in none of the states can be termed satisfactory in this respect. None of the states have properly maintained any data regarding the extent to which retired judicial officers are involved in the organising of Lok Adalats.

There does not seem to be any definite policy to facilitate active engagement of retired judicial officers in any of the states covered under the study.

Comparative Overview of Policies in Different States

The absence of properly maintained records and the absence of any visible indications of settled policy in this respect render it impractical to attempt a comparative assessment of any kind. The involvement of retired judicial officers seems confined to the statutory requirement in relation to Permanent Lok Adalats. Although retired judicial officers are engaged in Lok Adalats organised at the National level, no proper assessment of the policy is possible due to non-availability of documented records.

Policy in Odisha

Retired judicial officers are engaged only as part of Permanent Lok Adalats as per the statutory requirement under the National Legal Services Authorities Act. There is no settled policy about encouraging the consistent involvement of retired judicial officers as valuable human resource for increased efficiency of Lok Adalats. There is no data available for the number of retired judicial officers engaged for disposal of cases in Lok Adalats.

Policy in Bihar

None of the official data, regulations or correspondence of the Bihar State Legal Services Authorities reflects a definite strategy to maximise involvement of retired judicial officers in the functioning of Lok Adalats. While there is no notification by the State Government concerning the qualifications and experience of 'other persons' to be engaged in organising Lok Adalats, the matter is addressed by the National Legal Services Authority (Lok Adalat) Regulations, 2009. However, there is no clear

data on how often and how many retired judicial officers are engaged for organising Lok Adalats or if they are engaged at all.

The only confirmed involvement of retired judicial officers seems to be through Permanent Lok Adalats wherein it is a statutory necessity to involve retired judicial officers.

Policy in Jharkhand

In Jharkhand, there is no settled policy regarding involvement of retired judicial officers in Lok Adalats. In periodic Lok Adalats organised at the High Court level and at the District level, only serving judicial officer and sitting judges participate. Retired judicial officers are involved in the functioning of Permanent Lok Adalats as per the statutory mandate.

Apart from the Permanent Lok Adalats, there is no evidence of any definitive effort to streamline and maximise the pool of human resource in the form of retired judicial officers for the purposes of Lok Adalats. There is also no data maintained of the number of retired judicial officers who participate in Lok Adalats.

Policy in West Bengal

In West Bengal, retired judicial officers are engaged for Lok Adalats which are organised at the State level by the State Legal Services Authorities. However, no retired judicial officers are engaged in Lok Adalats organised at the district level or the Taluk level.

Policy Regarding Quantitative Weight age for Lok Adalat work

In all states, judicial officers are expected to adhere to certain quantitative standards of disposal. This is usually done by assigning a certain quantitative weightage to

different types of cases and then setting benchmarks of cumulative quantitative weight age judicial officers of different cadres are expected to achieve in a given time frame (monthly, quarterly or annually). Fulfilling these quantitative benchmarks is vital for judicial officers in the context of their career progress. In this context, it becomes essential to examine the kind of quantitative weightage which is assigned for the various functions performed by judicial officers in relation to organising Lok Adalats. It is important to examine the exact function for which quantitative weightage is assigned.

Typically, some kind of quantitative weightage is attached for disposal of cases through Lok Adalats. However, it is particularly necessary to explore if quantitative weightage is assigned for referring cases to Lok Adalats where such reference is made only after hearing both the parties either under section 19 (i) (b) or (ii). This is particularly important as the judicial officer who might have conducted the hearing and referred the case and the judicial officer who might eventually dispose of the matter in Lok Adalat need not always be the same.

Best Practice

None of the existing practices in any of the states can be characterised as satisfactory in this respect. While, it is usual for some quantitative weightage to be assigned for cases disposed of in Lok Adalats, no quantitative weightage is assigned for conducting hearings under section 19 (i) (b) or (ii) of the National Legal Services Authorities Act in any of the states.

Comparative Overview of Policies in Different States

In Bihar, Jharkhand and Odisha, quantitative weightage is awarded for disposal of cases through Lok Adalats. The exact weightage varies due to the different systems adopted in all the states regarding calculation of quantitative workload of judicial

officers. For example, 5 units are awarded for the disposal of a civil/criminal case in Bihar. On the other hand, in Jharkhand, 3 units are awarded for a criminal case and 5 units for every civil case. However, no quantitative weightage is awarded for conducting hearings under section 19 (i) (b) or (ii) of the National Legal Services Authorities Act.

In West Bengal, there does not seem to be any explicit policy regarding quantitative weightage even for disposal of cases under Lok Adalats. This merits a serious consideration as it is directly linked to the motivation of judicial officers in engaging themselves properly in Lok Adalat work.

Policy in Odisha

In Odisha, 0.25 Units are awarded of every MACT case or civil suit which is disposed off in Lok Adalats. There is no specific recognition in the form of any quantitative weightage for hearings conducted under section 19 (i) (b) or (ii) of the National Legal Services Authorities Act. It seems that the same is expected to be adjusted in the form of 0.50 units for Senior Principal Civil Judge, Principal Civil Judge (Jr. Division), Sub-Divisional Judicial Magistrate, Cognizance taking Magistrate and 0.25 units for Additional Senior Civil Judge/Additional Civil Judge (Jr. Division) which is assigned for first hearing matters as daily judicial work.

However, there is no explicit assignment of any kind of quantitative weightage for such hearings for facilitating disposal through Lok Adalats.

Policy in Bihar

In Bihar, for each disposal of case through Lok Adalat, Five points are assigned for both civil and criminal cases. There is no quantitative weightage attached to any

hearing conducted under section 19 (i) (b) or (ii) of the National Legal Services Authorities Act.

Policy in Jharkhand

In Jharkhand, 3 Units are awarded of every criminal case and 5 units in civil case which is disposed off in Lok Adalats. There is no specific recognition in the form of any quantitative weight age for hearings conducted under section 19 (i) (b) or (ii) of the National Legal Services Authorities Act.

Policy in West Bengal

In West Bengal, there is no quantitative weightage which is assigned for disposing cases through Lok Adalats. There is also no quantitative weightage assigned for hearings conducted under section 19 (i) (b) or (ii) of the National Legal Services Authorities Act.

Policy Regarding Additional Incentives for Lok Adalat Work

The work concerning periodic Lok Adalats organised under section 19 of the National Legal Services Authorities Act, 1987 are generally conducted beyond the usual official working hours of judicial officers. Lok Adalats are organised on such days when the courts are closed and the judicial officers as such do not have official duties to attend to. Judicial officers are also not excused from their regular official duties for doing preparatory work in relation to Lok Adalats. Thus, organising Lok Adalat typically consumes what otherwise would have been off-days for judicial officers. In such an environment, there is every possibility of the work concerning Lok Adalat being perceived as an excessive burden in addition to the already highly demanding duty schedule of judicial officers. Thus, it becomes imperative to provide

an effective system of incentives so that judicial officers do not engage in Lok Adalat work in a jaded frame of mind.

The guidelines issued by the National Legal Services Authorities facilitate payment of one day of basic salary to the presiding judicial officers when Lok Adalats are held on a Holiday. However, the policy adopted by different States in this respect should ideally be flexible instead of an imposition. Marginal monetary benefits might not always be adequate to create motivation. Thus, ideally, policy in this respect should seek to be fluid keeping in mind the work environment of the judicial officers. In this context, the possibility of compensatory leave might be a viable alternative for judicial officers who are not incentivised by additional monetary benefits.

Best Practice

The existing practices in all of the identified states are not ideal in this respect. While the payment of one day's basic salary for having been involved in Lok Adalat work on a holiday is standard as per guidelines of National Legal Services Authorities, there does not seem to be any sustained effort to incentivise greater commitment towards Lok Adalat work.

However, relatively, an additional incentive in this respect can be seen in Odisha. In Odisha, commitment to ADR methods has been identified as a specific parameter for General Assessment of Judicial Officers. Even though this parameter would involve other ADR components along with Lok Adalat, it provides an official differentiator for different levels of involvement in Lok Adalat work.

Comparative Overview of Policies in Different States

The policies in this respect in all the states are underdeveloped. In Odisha and Bihar, there also seems to be an anomalous application of the NALSA mandate regarding payment of one day's basic salary when an officer is engaged with Lok Adalat work on a Holiday. In both these states, this incentive is provided only in relation to National Lok Adalats and no in relation to other Lok Adalats although there is no such limiting prescription in the guidelines of NALSA. In West Bengal and Jharkhand, the financial incentive is provided in all kinds of Lok Adalats.

An important point to note is the inclusion of 'Commitment to ADR activities' as an explicit component in the annual performance assessment of judicial officers in Odisha. This reflects an integration of ADR activities (including Lok Adalat) as a regular aspect of judicial activities and not as an additional burden beyond official duties.

Policy in Odisha

Basic salary of one day is paid to all judicial officers who are engaged in organisation of Lok Adalats on a Holiday. This is in accordance with the guidelines issues by National Legal Services Authorities. However, this practice is followed only in relation to National Lok Adalats. No such benefit is granted for other Lok Adalats being organised by the legal services authorities of various levels in the State.

However, there is no scope of judicial officers availing compensatory leave instead of the additional remuneration.

Commitment to ADR activities has been listed as a specific component under the scheme of General Assessment of the Performance of Judicial officers in the Criteria regarding Assessment of Work by Judicial Officers and has a maximum prescribed weightage of 10 marks. While this component would undoubtedly cover

involvement in Lok Adalat work, it also includes variety of other components including participation in Legal Awareness Camps. Thus, there is no specific policy incentivising greater effort towards Lok Adalat work.

Policy in Bihar

As per guidelines issued by National Legal Services Authorities, presiding judicial officers are paid one Day's basic salary as a Special Duty Allowance for each day of Lok Adalat which is held on a Holiday. Judicial officers are not entitled to compensatory leave when they are engaged in Lok Adalat work on Holidays which appears logical as they are paid basic salary for such days. There is no scope for a judicial officer to forego the pay and instead opt to avail compensatory leave.

Also, no additional incentive has been institutionalised in relation to above average productivity concerning Lok Adalat disposals. While, a certain quantitative weightage is attached for each disposal under Lok Adalat, there is no incentive to put in extra effort towards Lok Adalats as an adjudicatory method.

Policy in Jharkhand

In the State of Jharkhand one day of the basic salary is paid to all judicial officers who are engaged in organisation of Lok Adalats on a Holiday. This is in accordance with the guidelines issues by National Legal Services Authorities. However, this practice is followed only in relation to National Lok Adalats. No such benefit is granted for other Lok Adalats being organised by the legal services authorities of various levels in the State.

Further there is no scope of judicial officers availing compensatory leave instead of the additional remuneration.

That apart there is no specific weight age for disposal in the Lok Adalat work under the scheme of General Assessment of the Performance of Judicial officers in the Criteria regarding Assessment of Work by Judicial Officers as the same is shown as disposal but mode is not mentioned. Thus, there is no specific policy incentivising greater effort towards Lok Adalat work.

Policy in West Bengal

Judicial officers are paid basic salary of one day when Lok Adalats are organised on a Holiday. This practice is followed both for National Lok Adalats and other periodic Lok Adalats.

However, there is no option of the judicial officers availing any compensatory leave if they have been engaged in the work of Lok Adalats on a holiday.

Also, there is no additional incentive has been institutionalised in relation to above average productivity concerning Lok Adalat disposals. There is no specific scope of Lok Adalat related performance to be specially recognised in annual performance appraisal of judicial officers.

Policy Regarding Administrative Support

Organisation of Lok Adalats involves a substantial amount of preparatory work. It also requires additional administrative processes to be performed. In this context, it is important to assess if judicial officers have access to any kind of dedicated administrative support for maximising the utility of Lok Adalats as an adjudicatory option. It is to be note that while usually, administrative support is available in all courts; the same is mainly for the primary judicial work of the courts. Thus, it is important to assess the administrative support, if any, extended to judicial officers is in the form of additional work for the existing administrative capacity or is

of a more dedicated nature. Lack of adequate administrative support is likely to hamper the ability of judicial officers to effectively implement the larger goals of Lok Adalat as a popular mode of adjudicatory option. Administrative work for Lok Adalats would include supporting Lok Adalats by way of creating awareness about Lok Adalats, clerical work (including maintaining records and entering data), managing accounts, posting records, keeping the fine collected, handing over receipts and variety of other tasks. It would also mean service of summons, setting modalities for hearings like dates, appointing lawyers for mediations and creating awareness about Lok Adalats etc. Administrative support would mean staff in the offices and help of lawyers of the parties engaged by them to settle the cases.

Best Practice

The practice in none of the identified states can be termed satisfactory in this regard. The research team found out that there is no dedicated staff for Lok Adalats exclusively in any office either at the State, district or taluk level in any of the states under study. The existing administrative support is used for the Lok Adalat work. Postal department and police department are also utilized for Lok Adalats to serve the summons. The position of the Taluk Legal Services Committee is the same. Only one state that is Odisha is at present employing retired staff on consolidated salary in the legal aid offices but that is neither a permanent or good practice.

Comparative Overview of Policies in Different States

The policy in all the states under study is same and there is in fact no policy either at the National Level, State Level or Taluk level for the administrative support for the organisation of the Lok Adalats. In all the states, the legal services

authorities have allotted the work of Lok Adalat to one staff but the said staff is also engaged for other duties. The Judicial Officers who hold the Lok Adalats they also do not have any staff dedicated for the Lok Adalat work. The existing administrative support is used for the Lok Adalat work. Postal department and police department are also utilized for Lok Adalats to serve the summons. At the taluk level there is no staff who deals with the Lok Adalat cases exclusively. The dealing assistants who deal in the cases to be put up during Lok Adalats are engaged during the Lok Adalats.

Further the team ascertained that there is no training for the staff who deal with the Lok Adalat work. There is no policy regarding training for the staff and the staff learn either on the job or while handling the work get the experience. The judicial Officers do get training but there is no major thrust on the Lok Adalat work. In all the states due to the lack of policies staff is unaware about the objectives, goals of the Lok Adalat system.

Further there is no policy regarding recruitment of staff for Lok Adalat work. Thus the policy of all states is to engage existing staff for the Lok Adalat which is an additional work for the staff. Only the state of Odisha has employed retired staff for the work but that is only a temporary measure.

In terms of incentive also the policies are not same in all states. In Odisha and Bihar remuneration is provided for national level Lok Adalats and not for all Lok Adalats. In Jharkhand it is provided for all Lok adalats. However the incentive is not being paid to all staffs engaged in the work and also there is no fixed policy for the same.

Policy in Odisha

It would be worthwhile to mention again that Lok Adalats in Odisha are conducted by the Odisha State Legal Services Authorities, Thirty District Legal

Services Authorities and Taluk Legal Services Committees in the various districts. The District Legal Services Authorities organize the Lok Adalats with help of officers who hold the Lok Adalats and they also monitor and supervise the Lok Adalats at the others stations within their control. The State Legal Services Authorities hold the Lok Adalats at the High Court by forming appropriate benches and also they monitor and supervise the Lok Adalats in the whole State. The Taluk Legal Services Authorities organize the Lok Adalats themselves, the Chairperson of the Taluks are the judicial officers who hold the Lok Adalats.

The research team found out that there is no dedicated staff for the Lok Adalats exclusively in any office either at the State, district or taluk level in Odisha. In the Odisha State Legal Services Authorities there are 12 staff out of which one staff deals with the Lok Adalats which he manages along with eight other assignments. He also has been assigned to keep all data of all types of Lok Adalats in the State. In the District Legal Services Authority, The District Judge is the Chairman of the authority; one judicial officer in the rank of the Sub Judge as secretary and on an average, one staff (permanent), two staff (contractual) have been appointed in the said office. There are also two peons deputed for the work of the legal aid. Except delivering local post and aiding in legal aid work, they do not deal with Lok Adalat work exclusively and also do not deliver summons for the Lok Adalats. Presently Odisha is employing retired judicial staff on a consolidated payment for legal aid work. But during the period of study no such staff was appointed and also the number of staff was also limited. At some place judicial officers were holding joint posts that of registrar and legal aid secretary. The Judicial Officers who hold the Lok Adalats they also do not have any staff dedicated for the Lok Adalat work. The existing administrative support is used for the Lok Adalat work. Postal department and police department are also utilized for Lok Adalats to serve the summons. The position of the Taluk Legal Services Committee is the worst. During the period of study only one peon was provided to do the legal aid work at the taluk level and no staff was given. At present only one contractual staff has been given to deal with legal aid work. No specific staff has been assigned to deal with the Lok Adalat work.

That apart we find that the staff who have been assigned the Lok Adalats work have never received any training regarding the Lok Adalat and hence have only hands on experience on the said subject. This is a major deterrent as untrained staff does the work as assigned instead of the way it should be done efficiently. Staff also does not know the objectives, goals of the said system and this also leads to inefficiency. Whatever training they have received is by the judicial officers under whom they work.

There is severe shortage of staff for legal aid work let alone Lok Adalat work. This coupled with the fact that the single staff who has been assigned with the Lok Adalat work have never been trained and are contractual staff severely affects the Lok Adalat work. Administrative support at the State Legal Services Authorities is limited and the District Legal Services Authorities and the Taluk legal aid committees depend entirely upon the existing administrative support for their Lok Adalat work. Each court holding the Lok Adalat engages its own staff for the work and most of the times it's without remuneration for the Lok Adalat except for National Level Lok Adalats where some remuneration is given.

Policy in Bihar

In Bihar, there is no dedicated administrative support for judicial officers to aid them in preparatory work concerning Lok Adalats. Concerned District Legal Services Authorities do provide administrative support to judicial officers in the form of staff, stationery, security and personnel at the time of Lok Adalat. However, there is no policy of dedicated administrative staff aiding the judicial officer in the preparatory work.

The Lok Adalats in Bihar are conducted by the Bihar State Legal Services Authorities, Thirty six District Legal Services Authorities and Taluk Legal Services Committees in the various districts. The District Legal Services Authorities organize the Lok Adalats with help of officers who hold the Lok Adalats and they also monitor and supervise the Lok Adalats at the others stations within their control. The State Legal Services Authorities hold the Lok Adalats at the High Court's by

forming appropriate benches and also they monitor and supervise the Lok Adalats in the whole State. The Taluk Legal Services Authorities organize the Lok Adalats themselves, the Chairperson of the Taluks are the judicial officers who hold the Lok Adalats along with other judicial officers.

The research team found out that there is no dedicated staff for the Lok Adalats exclusively in any office either at the State, district or taluk level in Bihar. In the District Legal Services Authority, The District Judge is the Chairman of the authority; one judicial officer in the rank of the Sub Judge as secretary. At some place judicial officers were holding joint posts that of registrar and legal aid secretary. The Judicial Officers who hold the Lok Adalats they also do not have any staff dedicated for the Lok Adalat work. The existing administrative support is used for the Lok Adalat work. Postal department and police department are also utilized for Lok Adalats to serve the summons. The position of the Taluk Legal Services Committee is the worst. During the period of study only one peon was provided to do the legal aid work at the Taluk level and no staff was given. No specific staff has been assigned to deal with the Lok Adalat work.

There is severe shortage of staff for legal aid work let alone Lok Adalat work. The members of the Lok Adalat committee are untrained. The clerical staff who are engaged in the Lok Adalat work have nor even received basic training on the subject. All the three offices at the State, District and Taluk have understaffed and none of the staff are dedicated for Lok Adalat work. Understaffed and without basic training affects the output of the Lok Adalats.

Policy in Jharkhand

The research team found out that there is no dedicated staff for the Lok Adalats exclusively in any office either at the State, district or taluk level. In the

Jharkhand State Legal Services there is no such staff or officer who has been assigned to do the Lok Adalat exclusively. Due to shortage of staff two staffs have been assigned with the Lok Adalat work at the state authority office. Both the staff handle other assignments also along with the Lok Adalat work. The composition of the District Legal Services Authority and the administrative support is the same as Odisha. The Judicial Officers hold the Lok Adalats they also do not have any staff dedicated for the Lok Adalat work. The respective dealing clerks have been assigned with the work of selecting, posting, summoning the parties for the Lok Adalat and the judicial officers keep a close watch and guide them in the same. As in the state of Odisha the existing administrative staff is used for the Lok Adalat work. Similarly postal and police are also utilized for Lok Adalats. The position of the Taluk Legal Services Committee is the worst. During the period of study only one peon was provided to do the legal aid work at the taluk level and no staff was given. No specific staff has been assigned to deal with the Lok Adalat work.

That apart the research team found that the staff who has been assigned the Lok Adalats work have never received any training regarding the Lok Adalats and hence have only field experience on the said subject. Some of the staff also do not know the objectives, goals of the said system and this also leads to inefficiency. Whatever training they have received is by the judicial officers under whom they work.

There is severe shortage of staff for legal aid work let alone Lok Adalat work. This coupled with the fact that the untrained staff are asked to perform the work leads to inefficiency. Administrative support at the State Legal Services Authorities is limited and the District Legal Services Authorities and the Taluk legal aid committees depend upon the existing administrative support for their Lok Adalat work.

Policy in West Bengal

The research team on its visit to the West Bengal State Legal Services Authority found that it is managed by only two officers. Member Secretary who is a senior judicial officer in the rank of District Judge and one Deputy Secretary cum Registrar in the rank of senior Sub Judge. The strength of the judicial officers posted is the lowest in comparison to all the states under study and is highly inadequate taking into the consideration the volume of work in the State Legal Services Authorities. Further we also found that the staff strength was inadequate and maximum of them were contractual staff. As in the other state authority offices which were visited and studied by the research team there is no dedicated staff for Lok Adalats.

The research team found out that there is no dedicated staff for the Lok Adalats exclusively in any office either at the district or taluk level. The Judicial Officers who hold the Lok Adalats they also do not have any staff dedicated for the Lok Adalat work. The existing administrative support is used for the Lok Adalat work. Postal and police are also utilized for Lok Adalats. The position of the Taluk Legal Services Committee is the worst. During the period of study only one peon was provided to do the legal aid work at the taluk level and no additional staff was given for legal aid work or Lok Adalat work. At present only one contractual staff has been given to deal with legal aid work. No specific staff has been assigned to deal with the Lok Adalat work.

That apart we find that the staff who have been assigned the Lok Adalats work have never received any training regarding the Lok Adalat and hence have only hands on experience on the said subject. This is a major deterrent as untrained staff does the work as assigned instead of the way it should be done efficiently. Staff also does not know the objectives, goals of the said system and this also leads to inefficiency. Whatever training they have received is by the judicial officers under whom they work.

Administrative support at the State Legal Services Authorities is limited and the District Legal Services Authorities and the Taluk legal aid committees depend upon the existing administrative support for their Lok Adalat work.

Analysis of Disposal Records

As part of the project mandate, disposal records were sought from the respective State Legal Services Authorities for the period starting on 01.07.2012 and ending on 31.07.2015. The purpose of the analysis was to have a better understanding of the patterns of disposals in the respective states. Thus, disposal records were sought in the following format;

5. District wise, Case Type wise and Month wise Record
6. District wise, Case Type wise and Year wise Record
7. State wise, Case Type wise and Month wise Record
8. State wise, Case Type wise and Year wise Record

Initially, in addition to the above mentioned specifics of jurisdiction and duration, in order to maintain uniformity of analysis, data was sought in detail concerning specific case types. However, it was discovered that most State Legal Services Authorities were not in a position to share details of the case typologies identified by the research team. Thus, the respective State Legal Services Authorities were

requested to share data in whichever format they have maintained. The analysis was proposed to be done in relation to disposals through Periodic and Permanent Lok Adalats without including the disposals through National Lok Adalats. The agenda of National Lok Adalats is regulated by the National Legal Services Authorities and does not reflect on the planning or policies of the state authorities.

The nature and extent of disposal records received varied in different states. Below is a description of the nature of disposal records received from different states;

Nature of Disposal Records Received from Odisha

While the Lok Adalats disposal records received from the Odisha State Legal Services Authorities is mostly structured, it is not adequately detailed. The data provides details of disposal records in four segments;

1. 01.07.2012 to 31.12.2012
2. 01.01.2013 to 31.12.2013
3. 01.01.2014 to 31.12.2014
4. 01.01.2015 to 31.07.2015

It mentions the total number of Lok Adalats held in the relevant period and provides the following details in relation to the different kinds of cases;

1. Number of Pre-Litigation Cases Taken Up
2. Number of Pre-Litigation Cases Taken Up
3. Settlement Amount in relation to Pre-Litigation Cases
4. Number of Post-Litigation Cases Taken Up
5. Number of Post-Litigation Cases Disposed of

6. Settlement Amount in relation to Post-Litigation Cases
7. Number of Total Cases Taken Up
8. Number of Total Cases Disposed of
9. Settlement Amount in relation to Total Cases

The above data is provided in relation to the following categories of cases;

1. Criminal Compoundable Offence Cases including cases under Section 138 of the Negotiable Instruments Act
2. Consumer Cases
3. MACT/MACA cases
4. Matrimonial Disputes Cases
5. Labour Disputes Cases
6. Other Civil Cases
7. Revenue Cases
8. OJC/W.P. (C)
9. Land Acquisition Cases
10. Bank Recovery Cases
11. BSNL Cases

In addition to the above, details of the following categories of cases are also provided in relation to some time periods;

1. SAT cases
2. Public Utility Services
3. DRT cases
4. MNREGs

However, the data does not provide the district wise break up of disposals. It does not mention details of the number of Lok Adalats organised at different levels i.e. at the level of State Legal Services Authorities, at the level of High Court Legal Services

Committee, at the level of District Legal Services Authorities and the level of Taluk Legal Services Committees. It also does not clarify if the disposal records include disposals under National Lok Adalats organised during the relevant period and disposals made by Permanent Lok Adalats. Initially, the data also did not provide separate details of disposals through National Lok Adalats and disposals through periodic Lok Adalats. Subsequently, data was provided separately for the National Lok Adalat disposals. The disposals through National Lok Adalats were deducted from the integrated list which was provided earlier.

The data does not reveal the proportion of cases which were referred to Lok Adalats under the different clauses of Section 20 of the National Legal Services Authorities Act.

Analysis of Disposal Records Received from Odisha

The disposal records of Odisha reveal that major proportion of the Lok Adalat disposals are through some select categories of cases only. While the total disposal records include a variety of case categories, the majority numbers are generated by few categories of cases. In the overall disposal records, there is no balanced distribution amongst different categories of cases. Below are the percentage calculations of different categories of cases for 2012, 2013, 2014 and 2015;

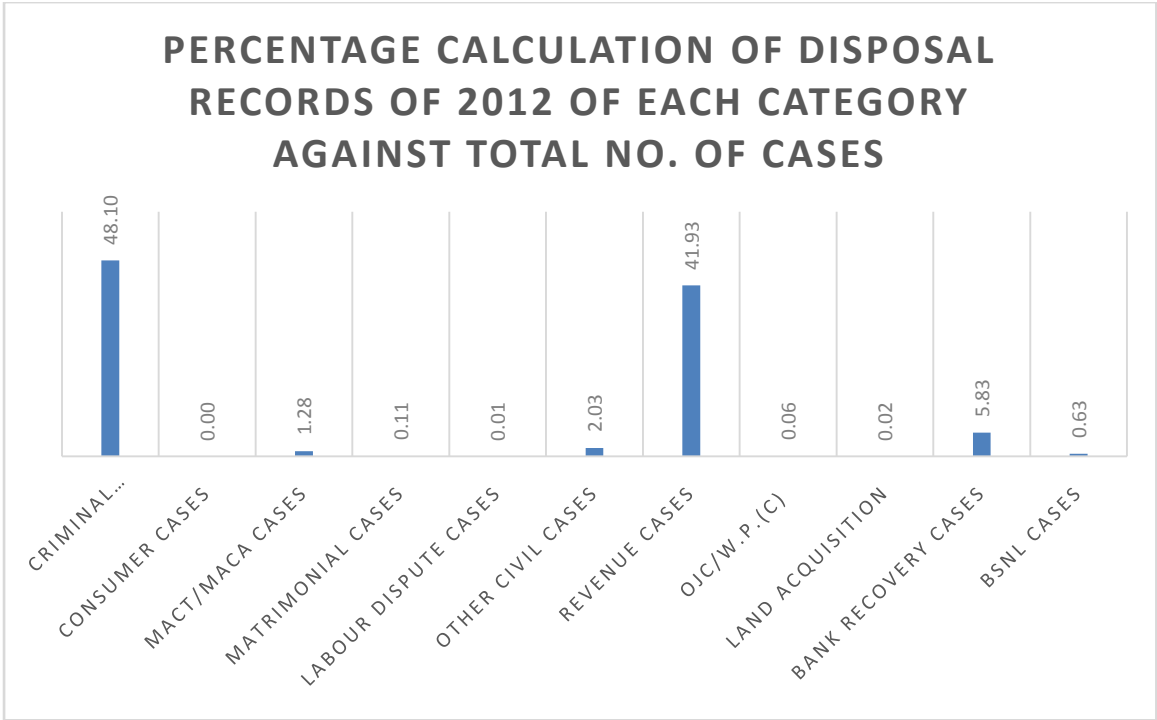


Figure 1 Odisha Lok Adalat Disposal Records 2012

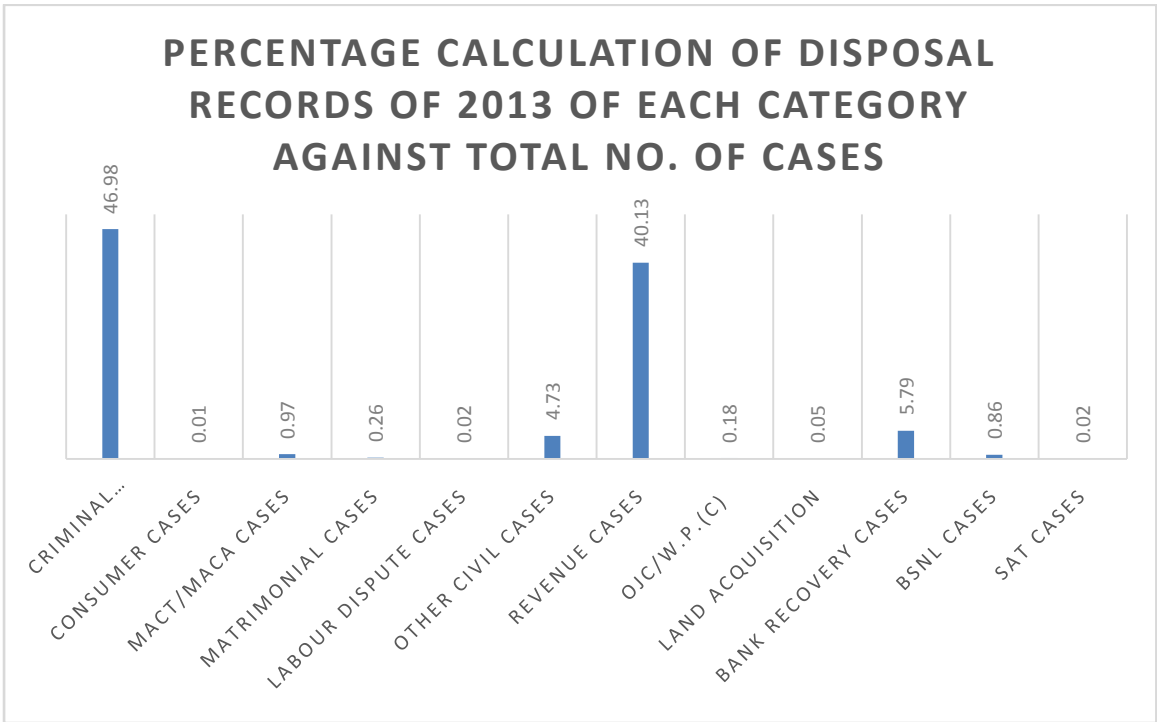


Figure 2 Odisha Lok Adalat Disposal Records 2013

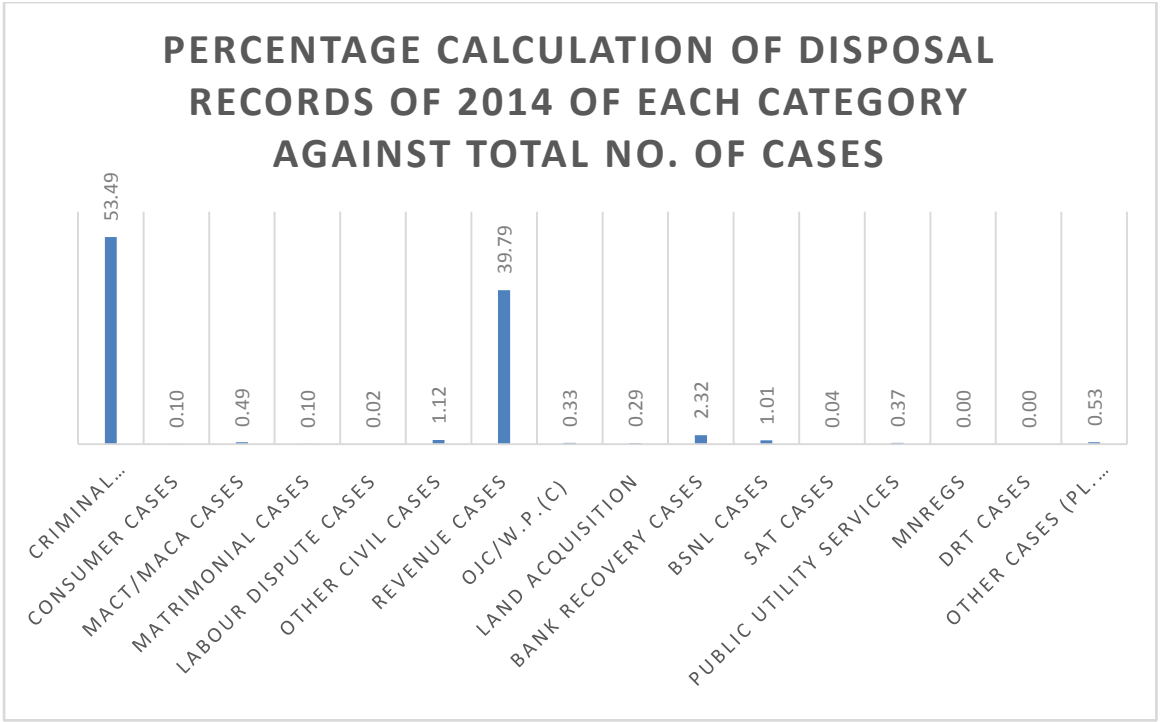


Figure 3 Odisha Lok Adalat Disposal Records 2014

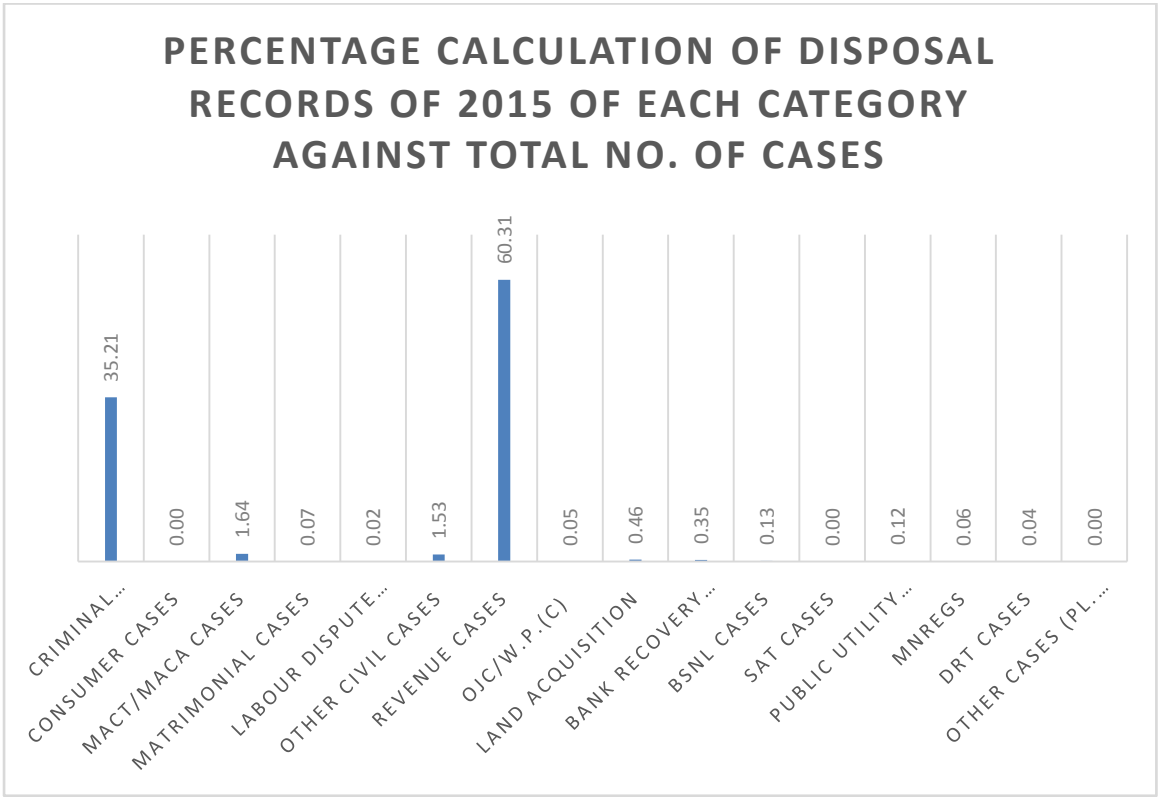


Figure 4 Odisha Lok Adalat Disposal Records 2015

It can be noticed that throughout the period under study (01.07.2012-31.07.2015), a large proportion of the Lok Adalat disposals constitute of two primary categories of cases;

- 1. Criminal Compoundable Offence Cases (Including Cases under Section 138, N.I. Act)
- 2. Revenue Cases

Below is the break-up of the proportion of Criminal Compoundable Cases in the overall Lok Adalat Disposals from 2012 to 2015;

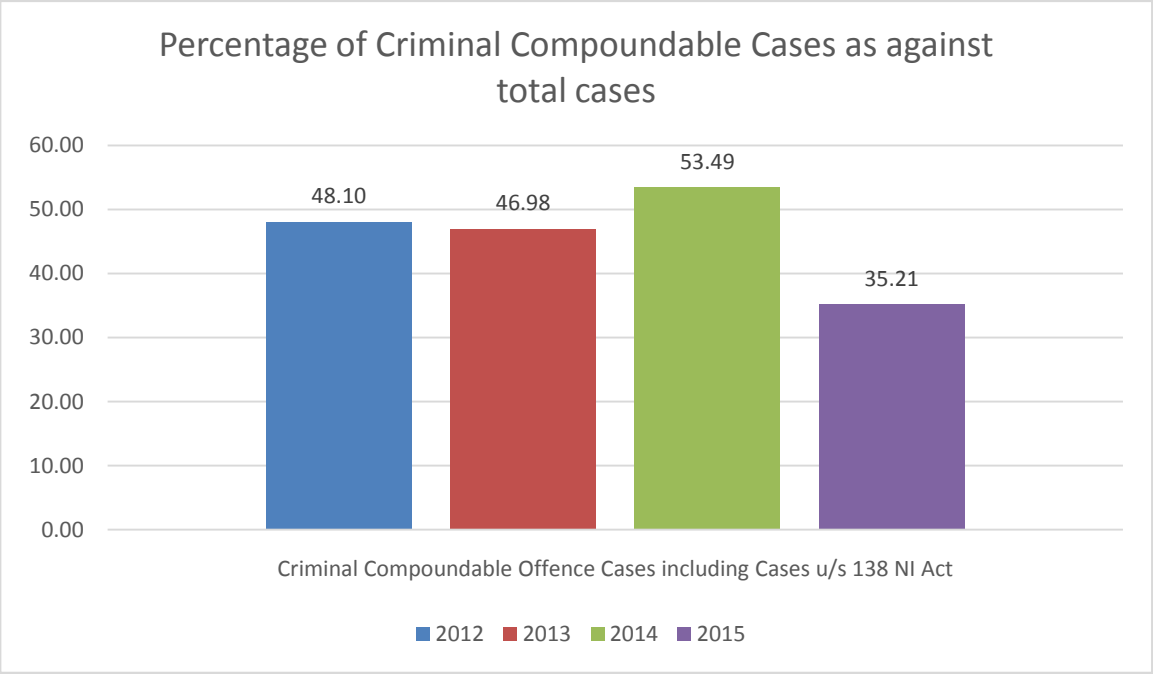


Figure 5 Proportion of Criminal Compoundable Cases in Lok Adalat Disposals - Odisha

Below is the break-up of the proportion of Revenue Cases in the overall Lok Adalat Disposals from 2012 to 2015;

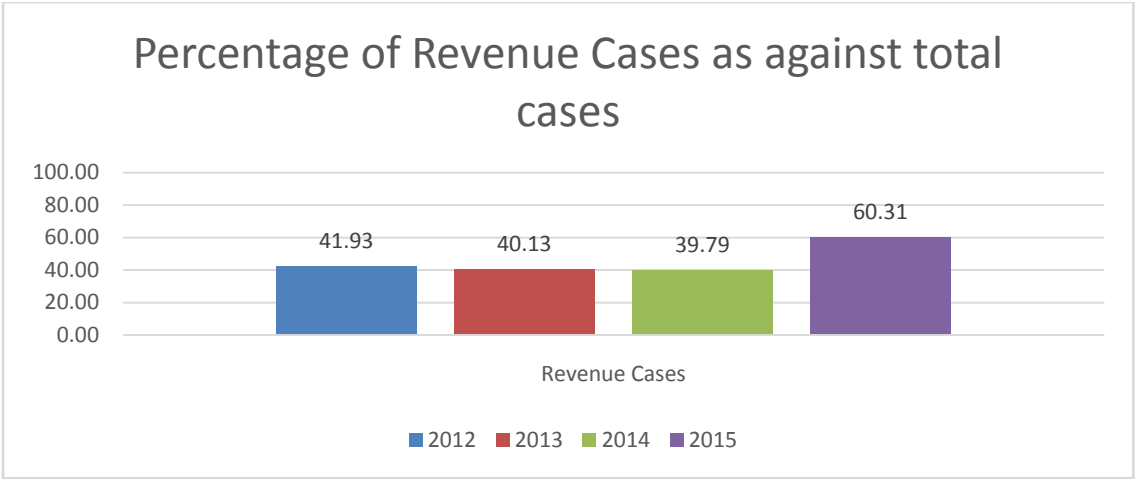


Figure 6 Proportion of Revenue Cases in Lok Adalat Disposals - Odisha

Thus, Revenue cases and Criminal Compoundable cases have accounted for 90.03% of Lok Adalat disposals in 2012, 87.11% of Lok Adalat Disposals in 2013, 93.28% of Lok Adalat Disposals in 2014 and 95.52% of Lok Adalat Disposals in 2015. As a logical corollary, the proportion of other categories of cases is next to negligible. Additionally, there has also not been any noticeable increase in the proportion of the other categories of cases over a period of time. Below is the proportion of different categories of cases from 2012 to 2015;

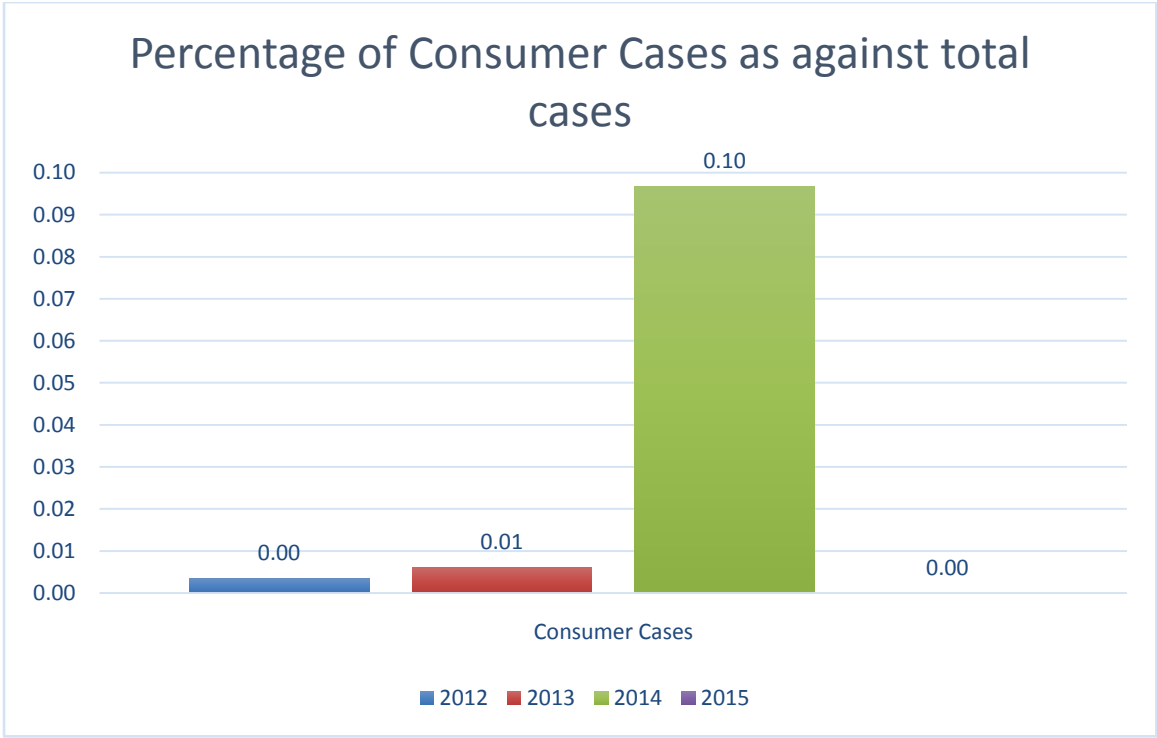


Figure 7 Proportion of Consumer Cases in Lok Adalat Disposals- Odisha

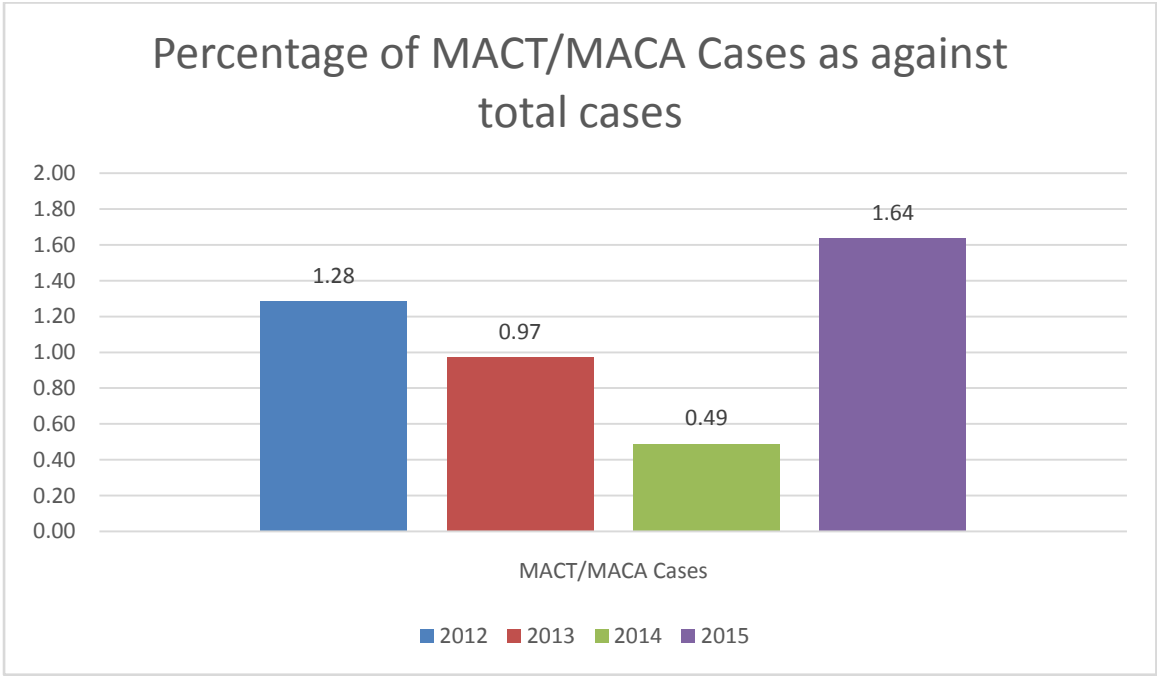


Figure 8 Proportion of MACT/MACA Cases in Lok Adalat Disposals - Odisha

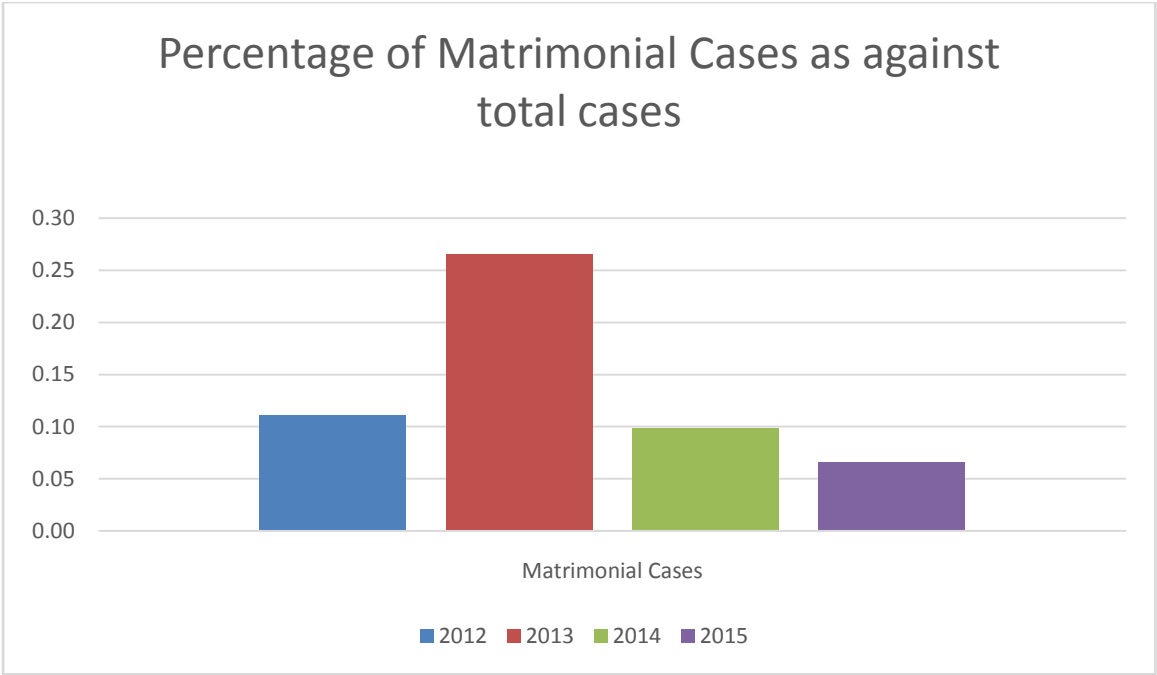


Figure 9 Proportion of Matrimonial Cases in Lok Adalat Disposals - Odisha

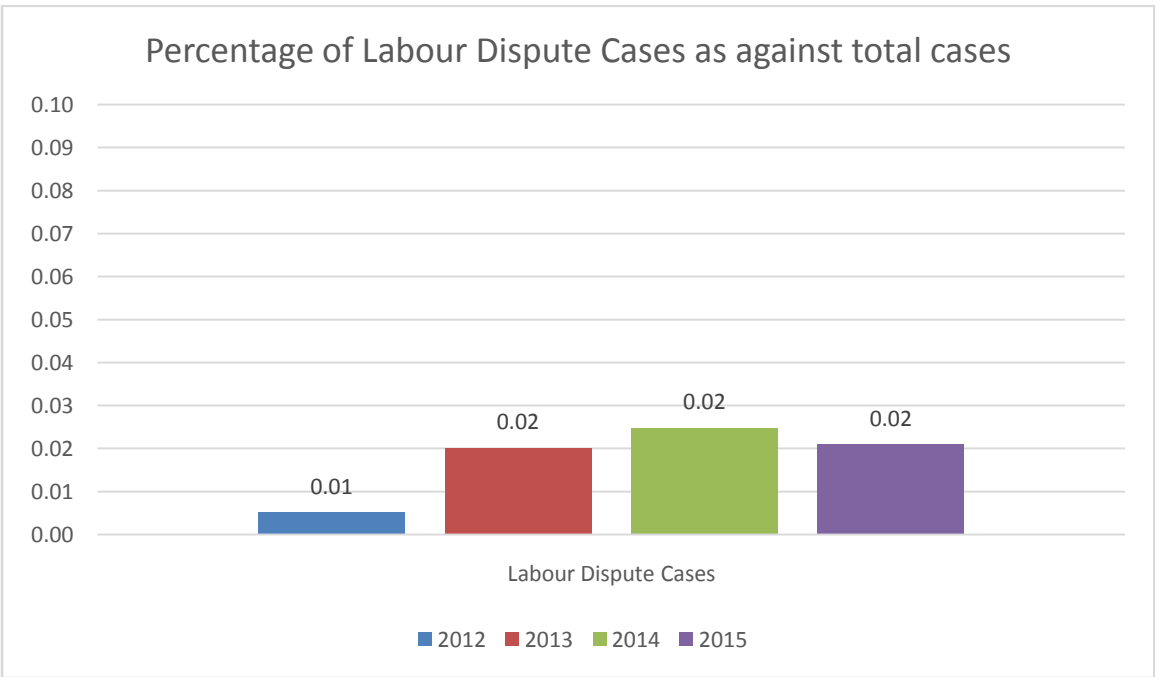


Figure 10 Proportion of Labour Dispute Cases in Lok Adalat Disposals - Odisha

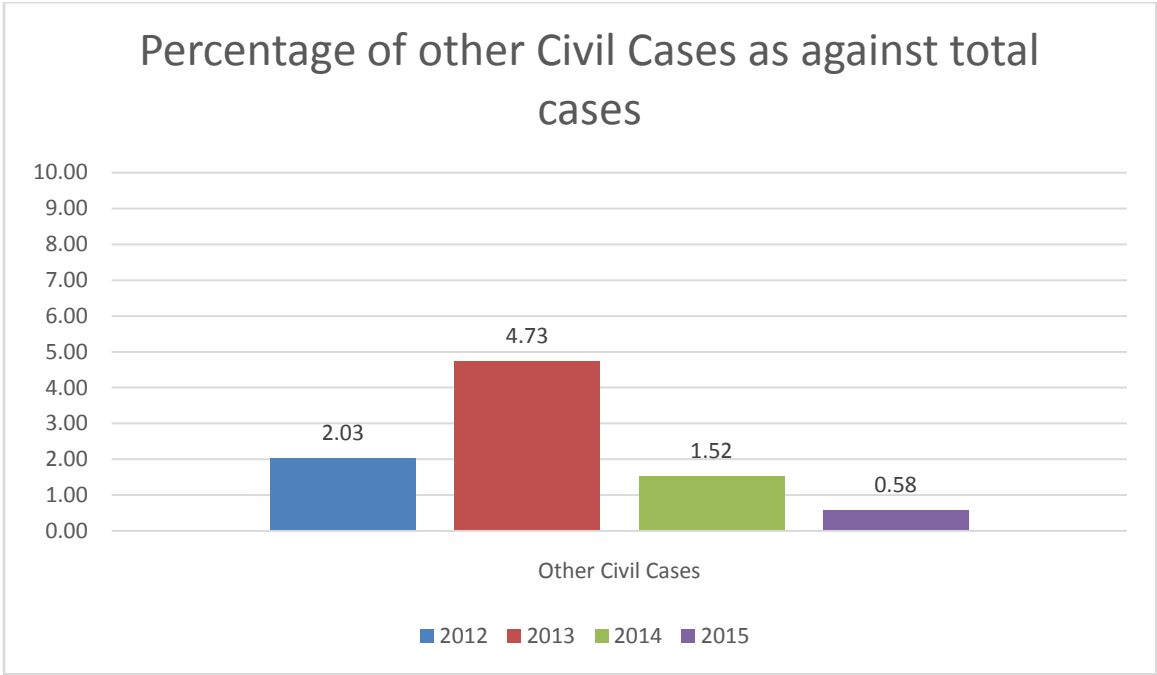


Figure 11 Proportion of Other Civil Cases in Lok Adalat Disposals - Odisha

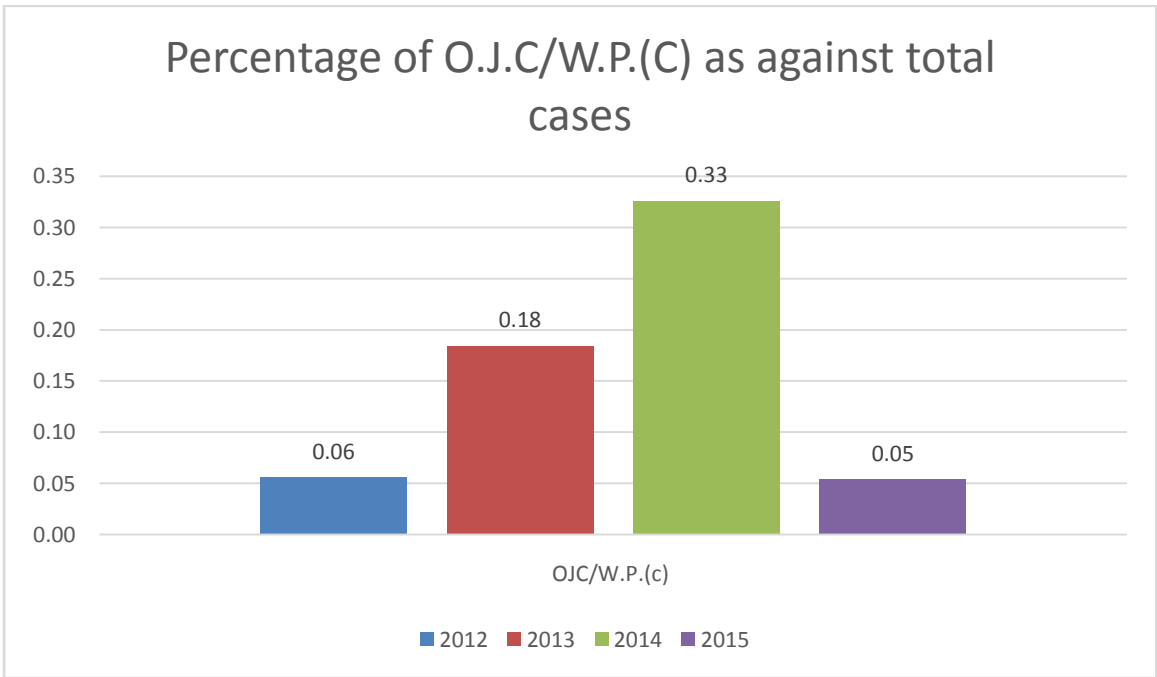


Figure 12 Proportion of O.J.C/W.P.(C) Cases in Lok Adalat Disposals - Odisha

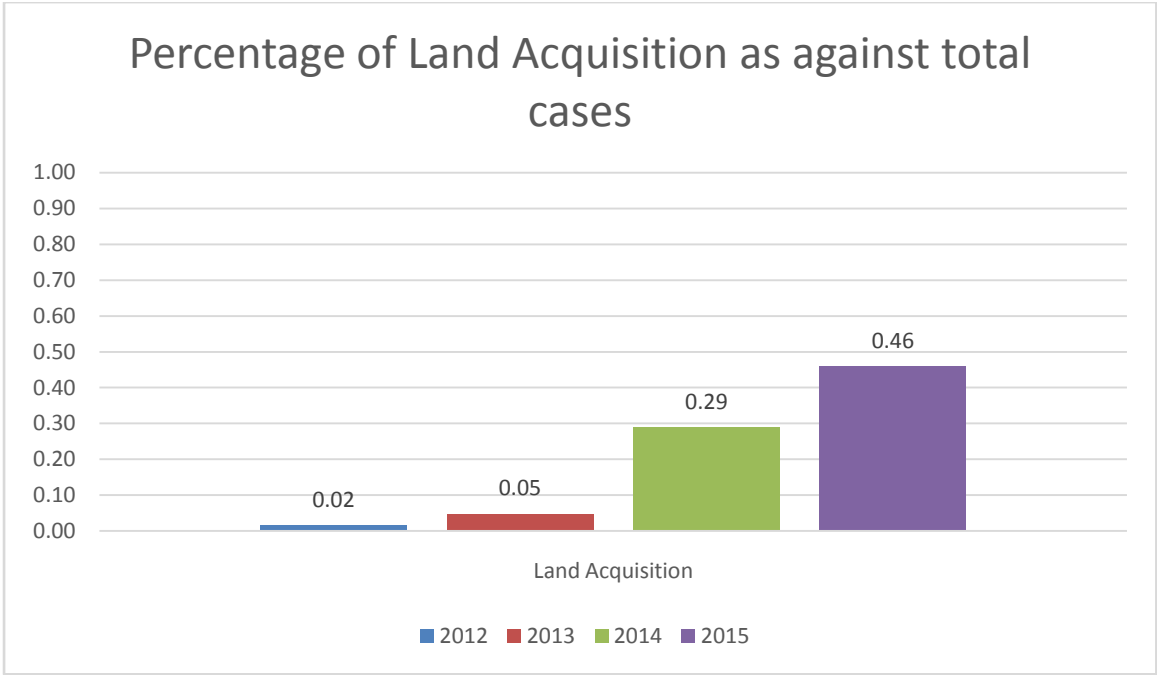


Figure 13 Proportion of Land Acquisition Cases in Lok Adalat Disposals - Odisha

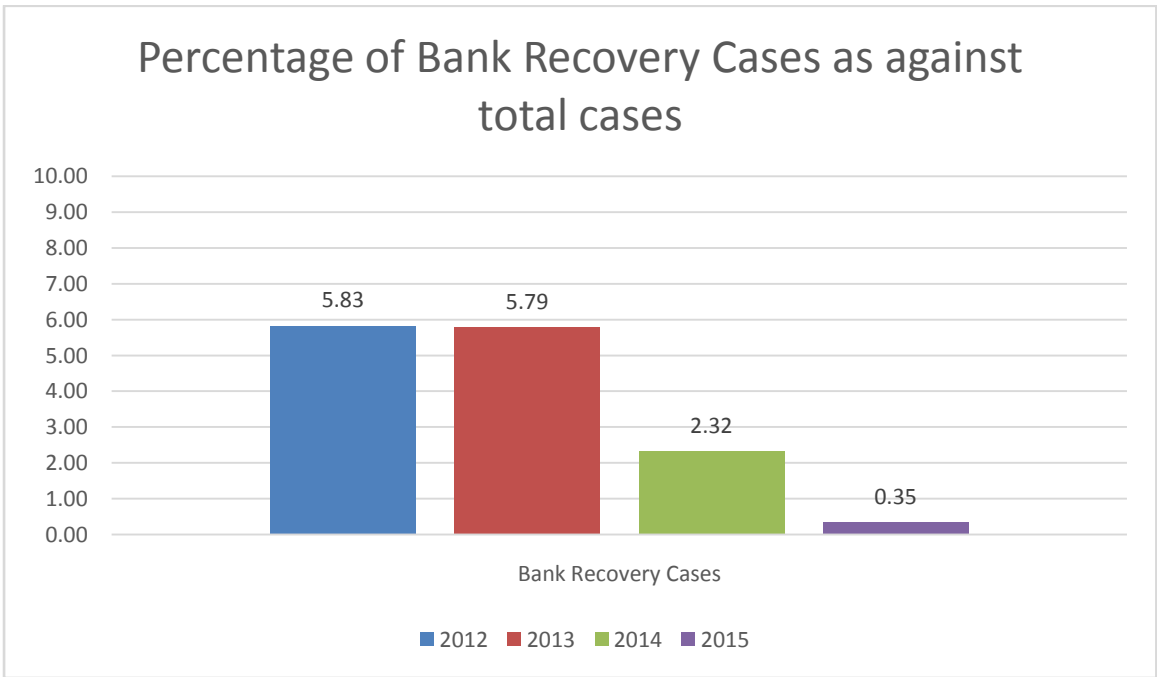


Figure 14 Proportion of Bank Recovery Cases in Lok Adalat Disposals - Odisha

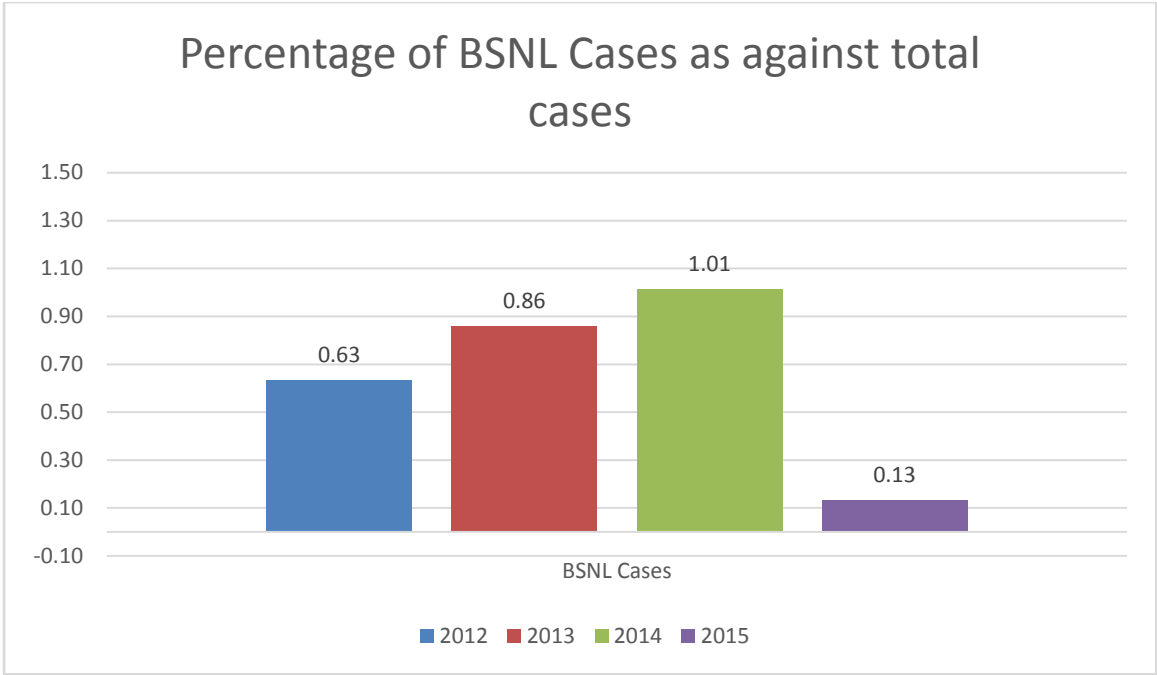


Figure 15 Proportion of BSNL Cases in Lok Adalat Disposals - Odisha

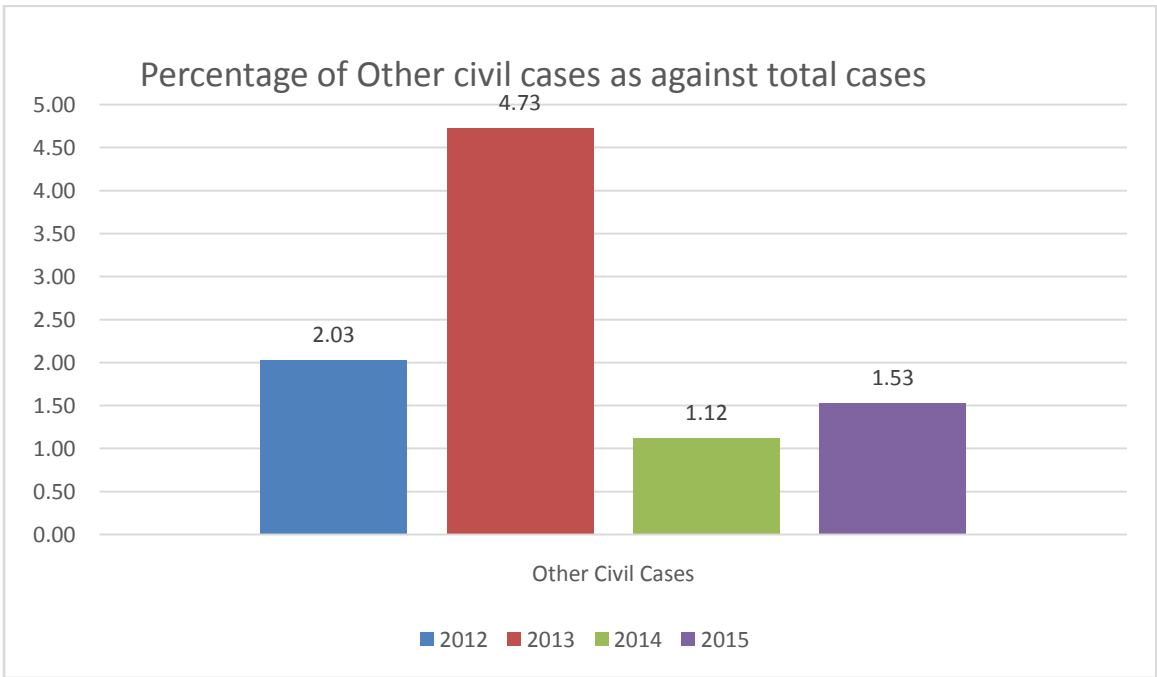


Figure 16 Proportion of Other Civil Cases in Lok Adalat Disposals - Odisha

While there are thirteen Permanent Lok Adalats in Odisha, the contribution of the Lok Adalats to the volume of disposals is mostly marginal. At no point of time has

the proportion of cases disposed off through Permanent Lok Adalats been more than 7% of the total Lok Adalat disposals.

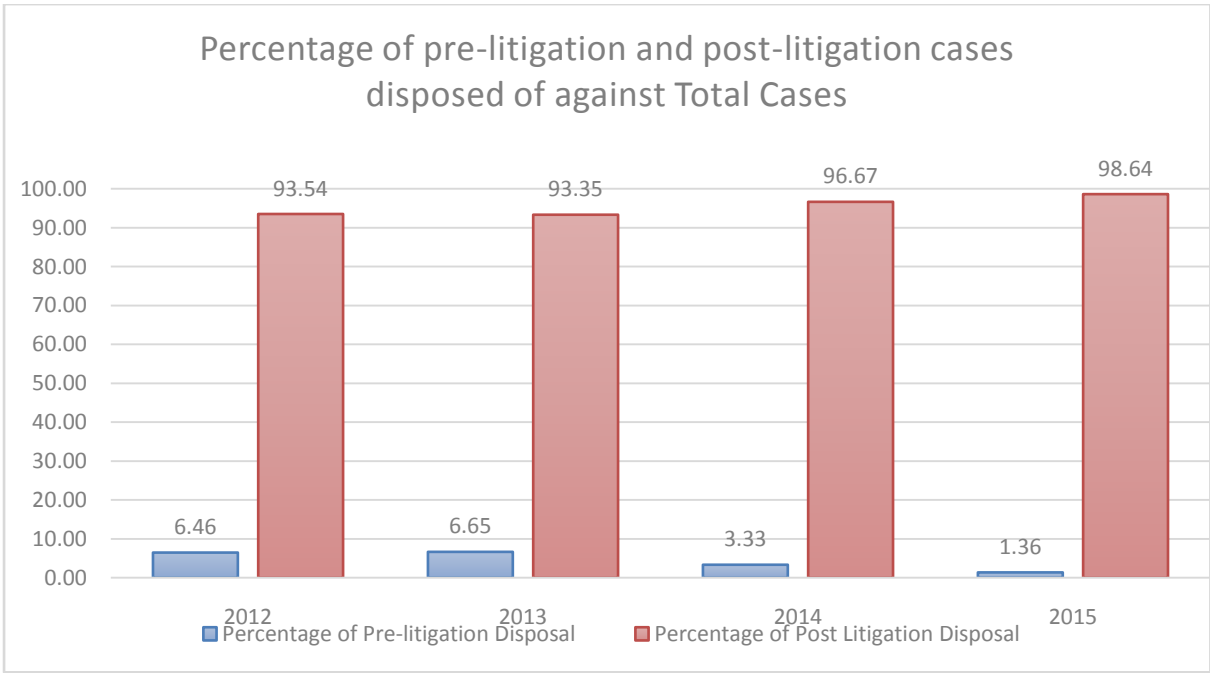


Figure 17 Proportion of Disposals Through Permanent Lok Adalats - Odisha

Nature of Disposal Records Received from Bihar

The Lok Adalat disposal records received from the Bihar State Legal Services Authorities is not sufficiently detailed. It provides the annual disposal records from 2012 to 2016 of the following kinds of Lok Adalats;

- 1. Mobile Lok Adalat
- 2. Continuous Lok Adalat
- 3. Special Lok Adalat
- 4. National Lok Adalat
- 5. Mega Lok Adalat

There is no detail of the number of Lok Adalats organised. There is also no break-up of the different categories of cases which were disposed of. There is no detail of the

settlement amount. There is also no separate data in relation to pre-litigation cases. The data does not provide details of the total number of cases taken up and provides details of only the total number of disposals. The data does not provide the district wise break up of disposals. It does not mention details of the number of Lok Adalats organised at different levels i.e. at the level of State Legal Services Authorities, at the level of High Court Legal Services Committee, at the level of District Legal Services Authorities and the level of Taluk Legal Services Committees.

The data does not reveal the number of cases which were referred to Lok Adalats under the different clauses of Section 20 of the National Legal Services Authorities Act.

Analysis of Disposal Records Received from Bihar

It was not feasible to conduct any kind of analysis due to the lack of detail in the data received. With no information available regarding the disposal figures under different categories of cases, it was not possible to have any kind of insight into the disposal patterns.

Nature of Disposal Records Received from Jharkhand

The Lok Adalats disposal records received from the Jharkhand State Legal Services Authorities is the most comprehensive when compared with the other states. Monthly disposal records are available for period starting from July 2012 and ending in July 2015. Disposal records of 8 National Lok Adalats organised between 01.07.2012 and 31.07.2015 are provided separately.

For the period from July 2012 to April 2013, monthly disposal records are available in relation to the following categories of cases;

1. Bank Recovery cases

2. Matrimonial Disputes
3. Criminal Compoundable Offence cases
4. Labour Disputes
5. MACT cases
6. Other cases

For the period from May 2013 to July 2015, disposal records are available in relation to the following categories of cases;

1. Criminal Compoundable offence cases
2. NI Act cases u/s 138
3. Bank Recovery cases
4. MACT cases
5. Matrimonial cases
6. Labour Disputes
7. Land Acquisition
8. Civil cases
9. Revenue cases
10. Other cases

For the period from July 2012 to July 2015, data is available in relation to the number of Lok Adalats organised at various levels (State Legal Services Authority, High Court Legal Services Committee, District Legal Services Authorities, Taluk Legal Services Committees). For each level of jurisdiction, details of both pre-litigation disposals and post-litigation disposals are provided. Settlement amount is mentioned only in relation to MACT cases.

However, the data does not provide the district wise break up of disposals. Also, there is only the record of the number of cases disposed of and not of the number of cases taken up. The data does not reveal the number of cases which were referred to

Lok Adalats under the different clauses of Section 20 of the National Legal Services Authorities Act.

It may be noted that we have excluded the disposal records from December 2014 and January 2015 from the analysis. In both these months, there was huge spike in the disposal figures compared to all the other months. For example, while the average pre-litigation disposal across months is merely 6129, the disposals in December 2014 and January 2015 were 4208527 and 653736 respectively. Despite repeated queries, we did not receive any clarification for this kind of anomaly. Thus, to maintain the integrity of the analysis, the figures of these two months have been excluded from the analysis.

Analysis of Disposal Records Received from Jharkhand

The disposal records in Jharkhand reveal that the distribution of disposal figures amongst various categories of cases is uneven and not balanced. Some categories of cases constitute a major proportion of the overall disposals. Consequently, in other categories of cases, the proportion of Lok Adalat disposals is marginal. Below are the percentage calculations of different categories of cases for 2012, 2013, 2014 and 2015;

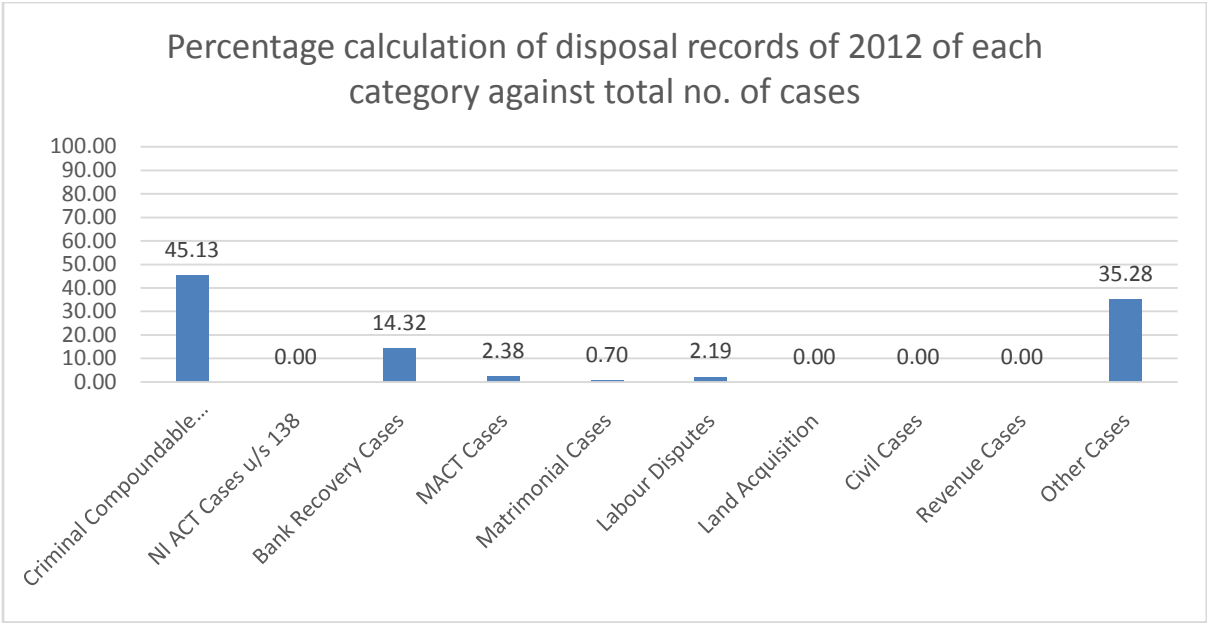


Figure 18 Jharkhand Lok Adalat Disposal Records 2012

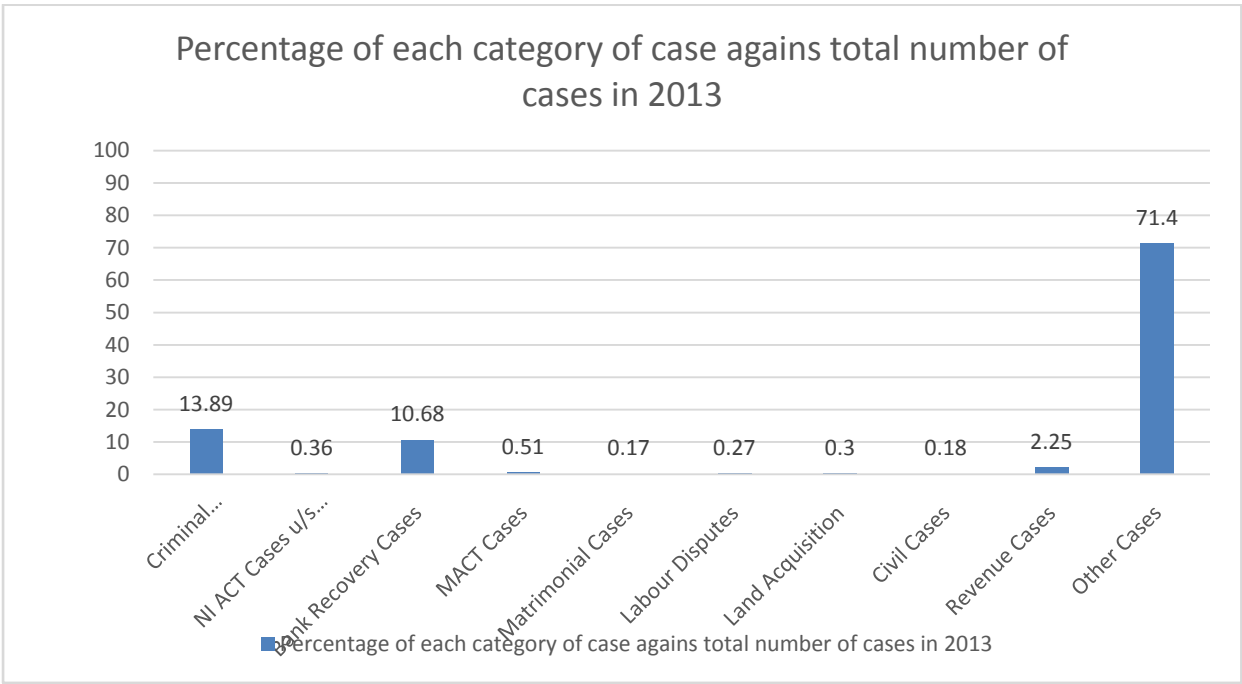


Figure 19 Jharkhand Lok Adalat Disposal Records 2013

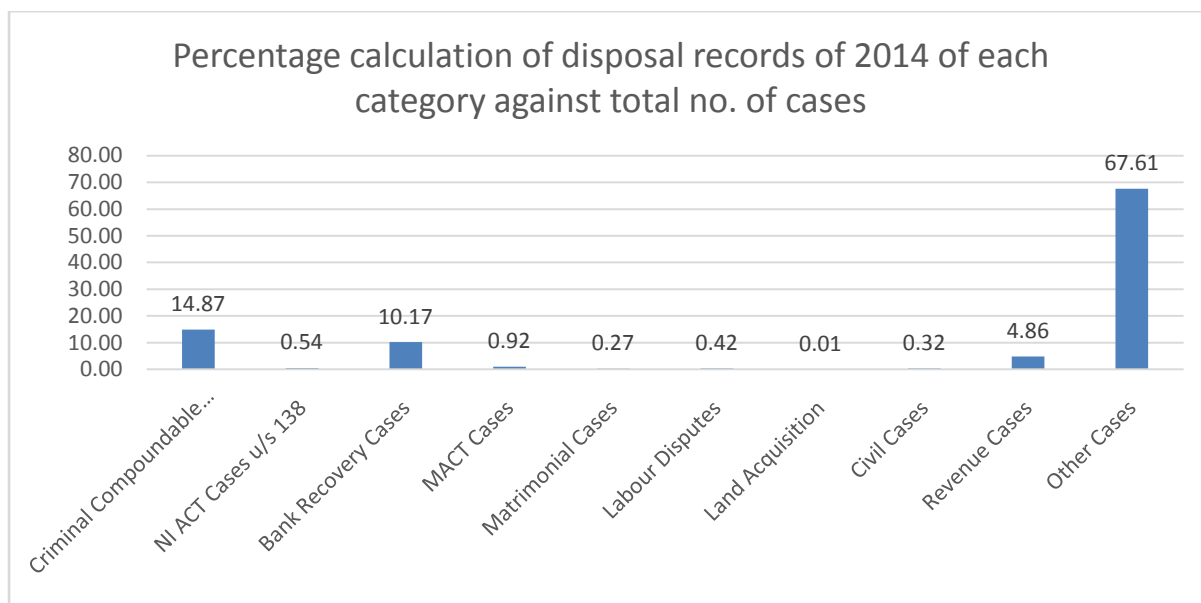


Figure 20 Jharkhand Lok Adalat Disposal Records 2014

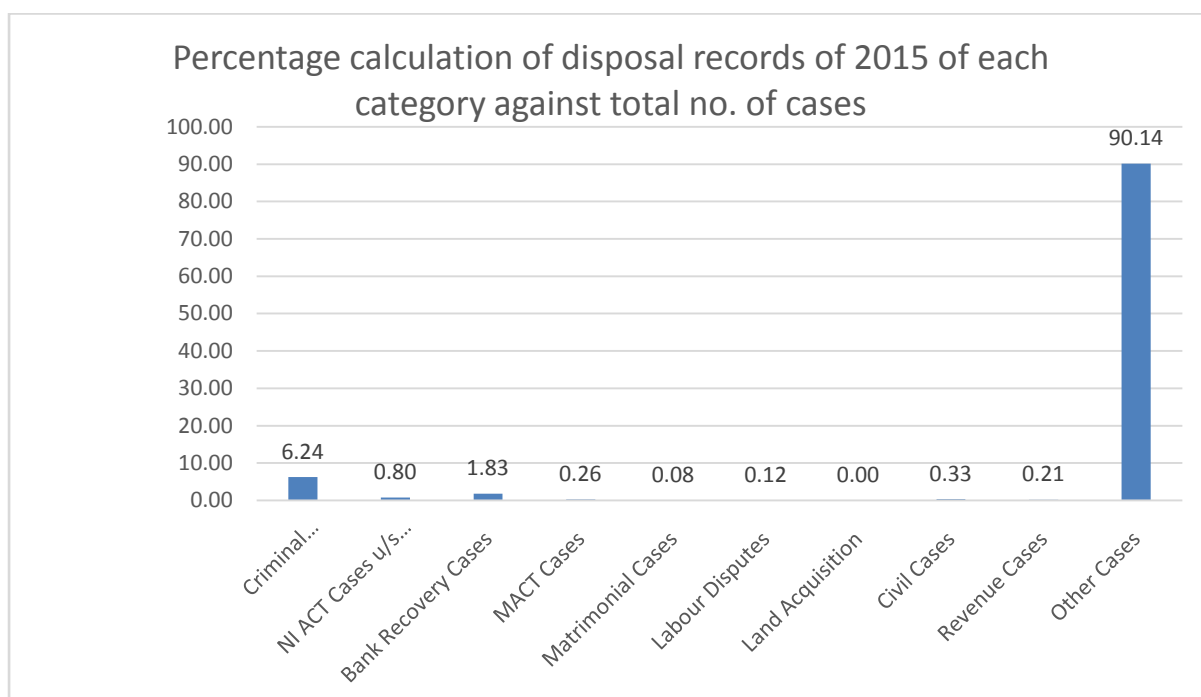


Figure 21 Jharkhand Lok Adalat Disposal Records 2015

It is clear from the disposal patterns that over the period under study, major proportion of the cases disposed off through Lok Adalats comprise of disposals of 'other cases' and 'criminal compoundable cases'. There is no clarity on the definitive

types of cases which are disposed off under the category of ‘other cases’. Consequently, the proportion of the other categories of cases in overall Lok Adalat disposals.

Below is the proportion of the different categories of cases from 2012 to 2015;

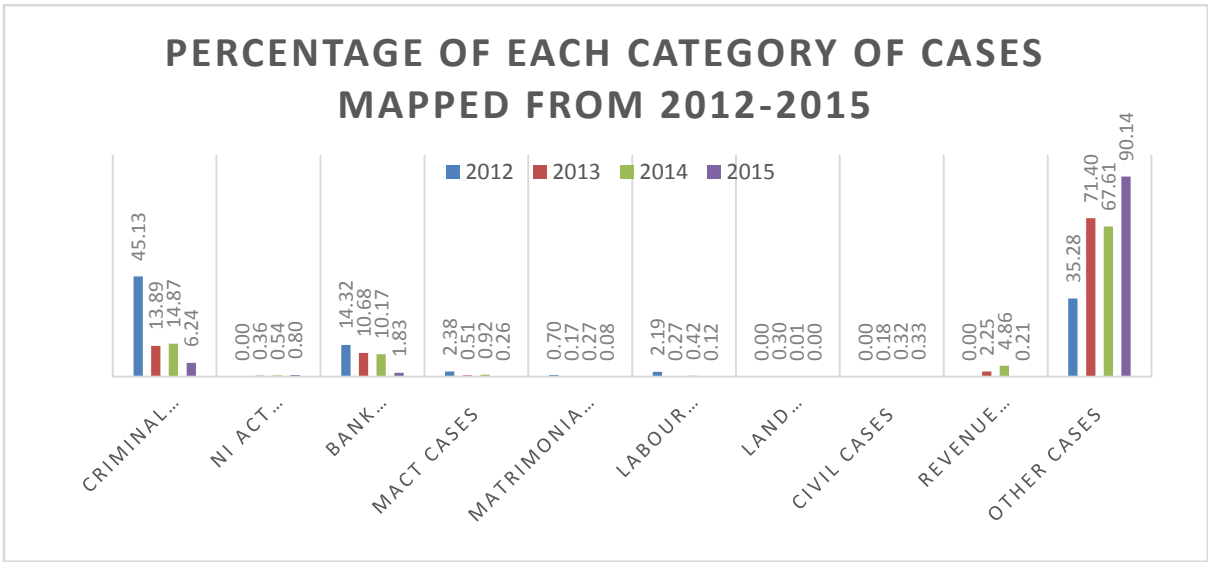


Figure 22 Proportion of Different Categories of Cases- Jharkhand

Nature of Disposal Records Received from West Bengal

The Lok Adalats disposal records received from the West Bengal State Legal Services Authorities is structured but lacks adequate details. The data provides details of disposal records on a monthly basis from July 2012 to July 2015. The records reflect the total number of Lok Adalat benches held in each month. For the period from July 2012 to December 2012, disposal records are available in relation to the following categories of cases;

- 1. Bank Recovery Cases
- 2. Matrimonial Disputes
- 3. Criminal Compoundable offences
- 4. Labour Disputes

5. Other Disputes
6. MACT cases

For the period from January 2013 to July 2015, disposal records are available in relation to the following categories of cases;

1. Bank Recovery Cases
2. Matrimonial Disputes
3. Criminal Compoundable offences
4. Labour Disputes
5. Other Disputes
6. MACT cases
7. NI Act u/s 138 Cases
8. Land Acquisition Cases
9. Civil Cases
10. Revenue Cases

However, there is only the record of the number of cases disposed of and not of the number of cases taken up. The settlement amount is mentioned only in relation the MACT cases and not in relation to the other categories of cases. There is also no separate data in relation to pre-litigation cases. The data does not provide the district wise break up of disposals. It does not mention details of the number of Lok Adalats organised at different levels i.e. at the level of State Legal Services Authorities, at the level of High Court Legal Services Committee, at the level of District Legal Services Authorities and the level of Taluk Legal Services Committees. It also does not clarify if the disposal records include disposals under National Lok Adalats organised during the relevant period and disposals made by Permanent Lok Adalats.

The data does not reveal the number of cases which were referred to Lok Adalats under the different clauses of Section 20 of the National Legal Services Authorities Act.

Analysis of Disposal Records Received from West Bengal

Scrutiny of the Lok Adalat disposal records in West Bengal reveals that the overwhelming proportion of disposals comprises of some specific categories of cases only. The disposal figures are concentrated on specific categories of cases and there is hardly any increase in the proportion of the other categories of cases over the years.

Below is the case category wise distribution of disposals from 2012 to 2015;

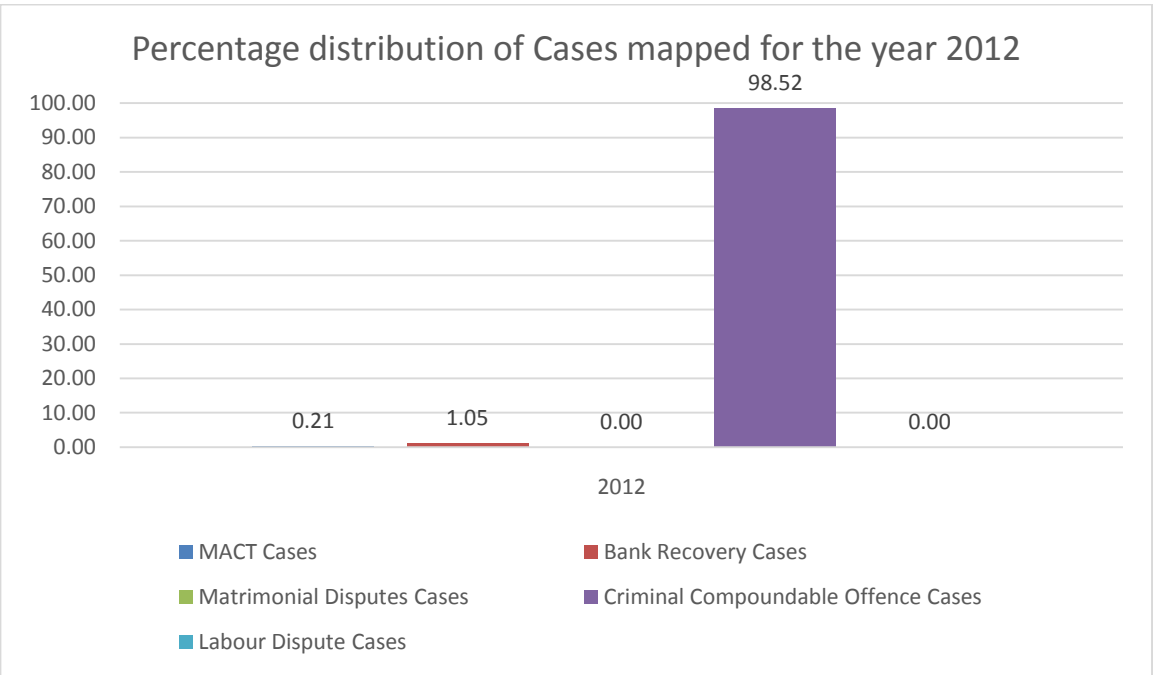


Figure 23 West Bengal Lok Adalat Disposal Records 2012

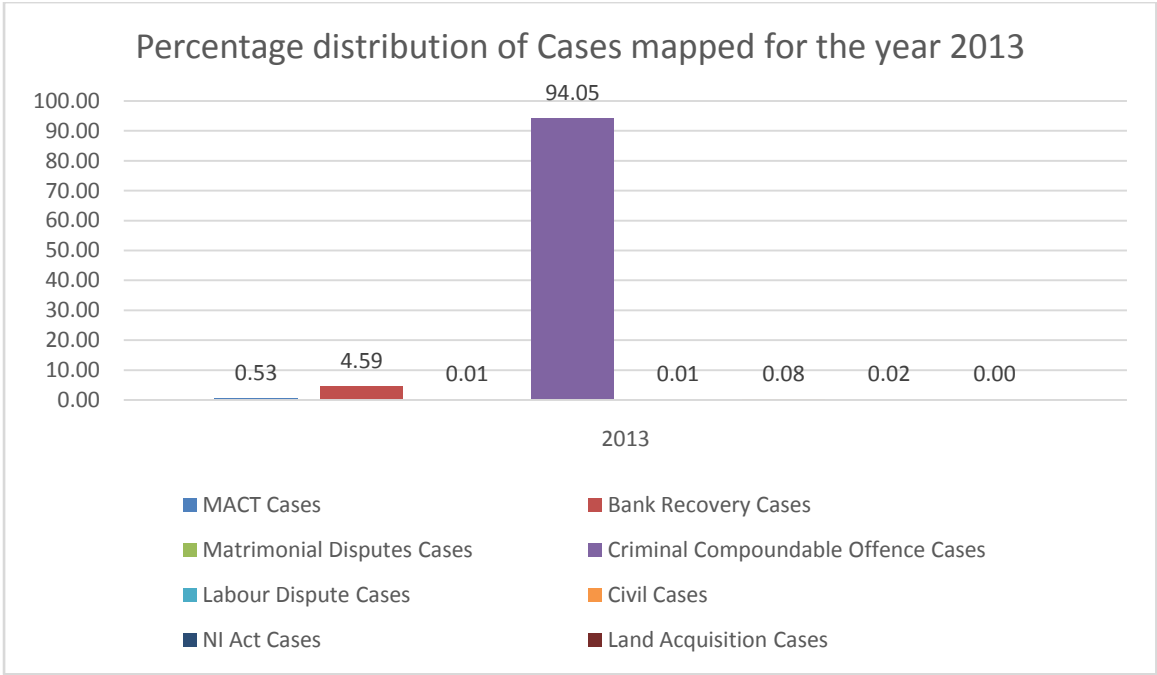


Figure 24 West Bengal Lok Adalat Disposal Records 2013

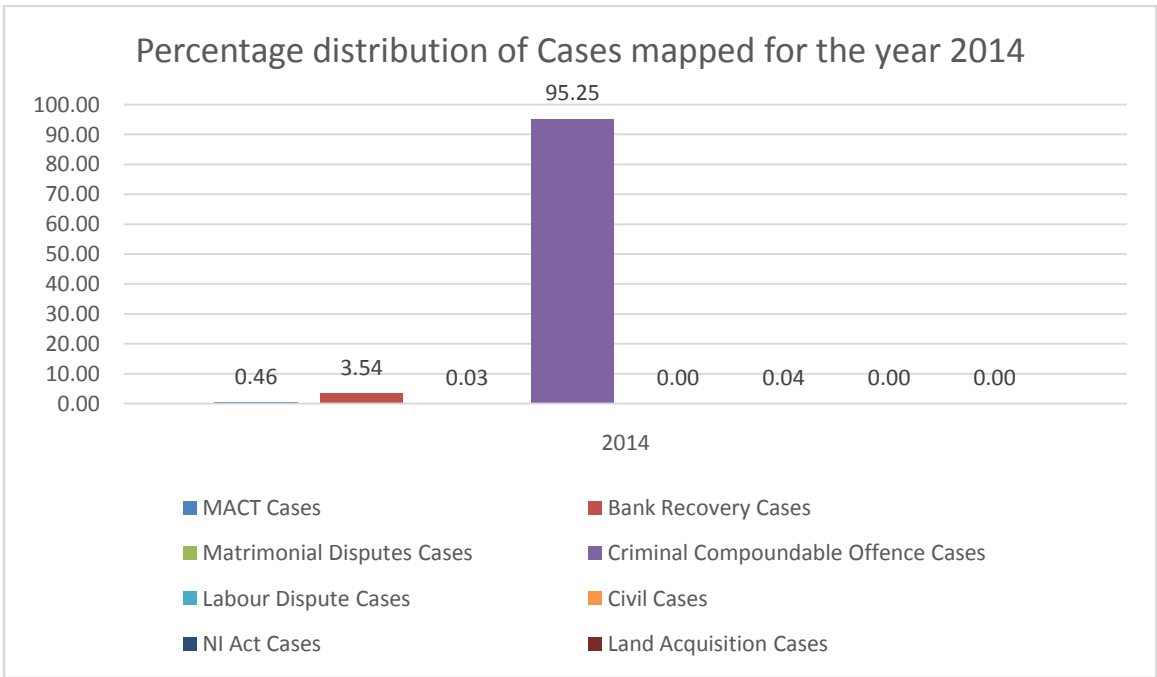


Figure 25 West Bengal Lok Adalat Disposal Records 2014

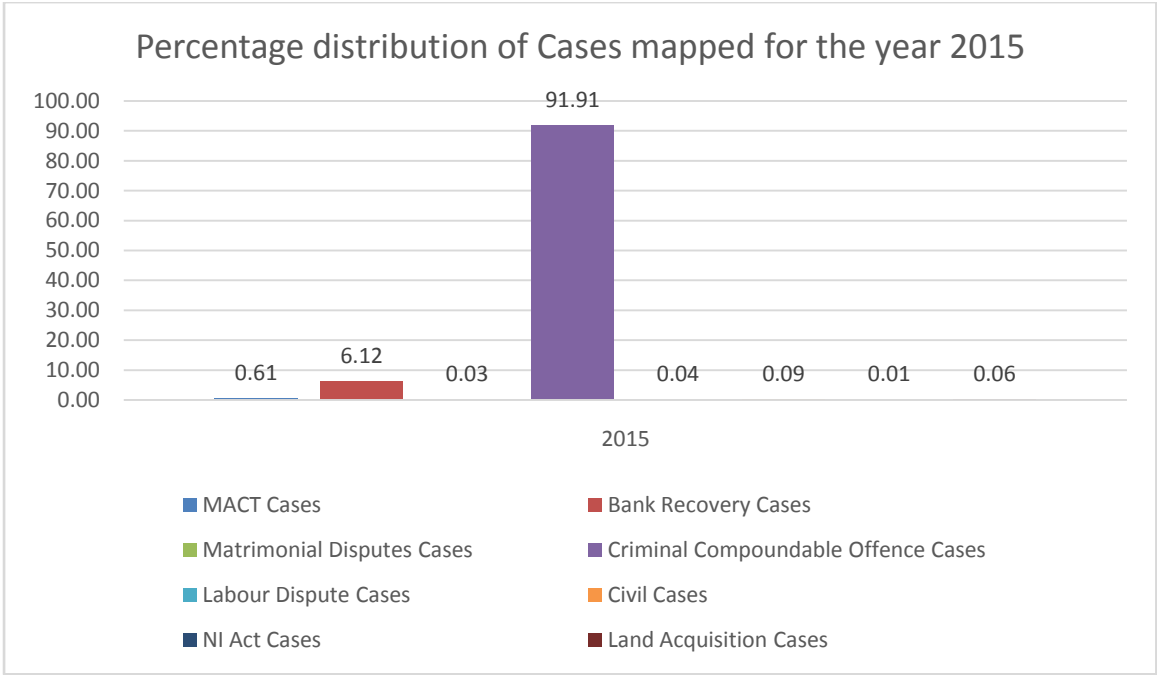


Figure 26 West Bengal Lok Adalat Disposal Records 2015

As is evident, an overwhelming number of Lok Adalat disposals comprise of Criminal Compoundable offences. The disposal proportion of other categories of cases is not simply marginal; there is also no pattern of increase over the years. Below is the proportion of different categories of cases from 2012 to 2015;

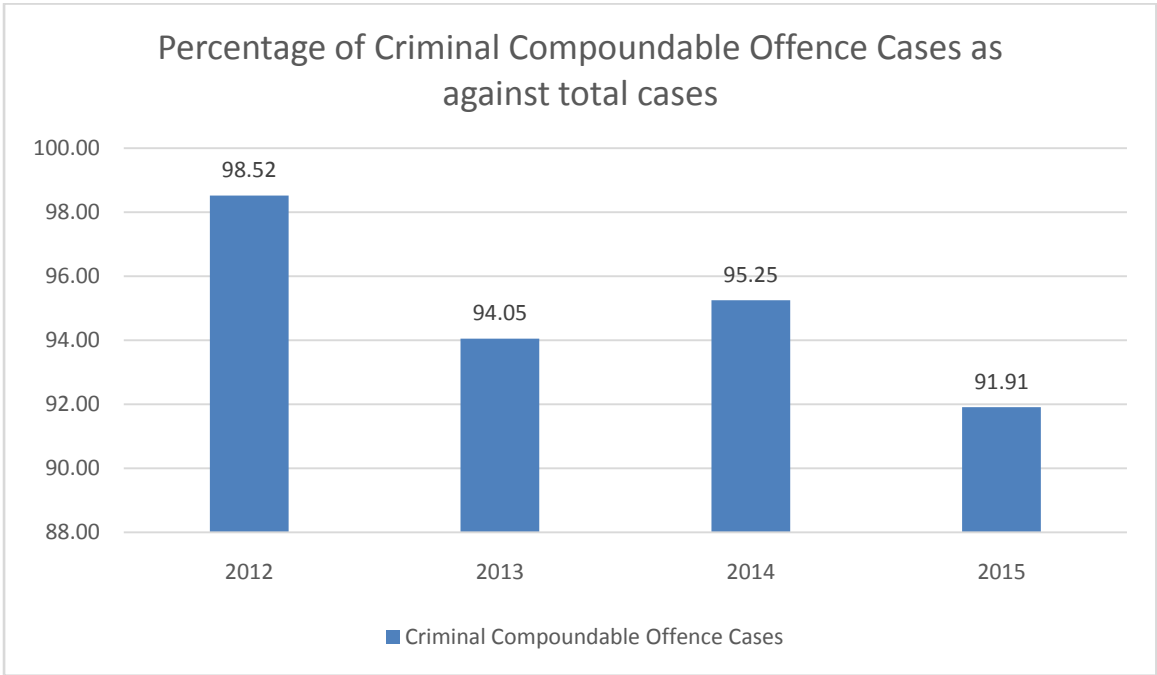


Figure 27 Proportion of Criminal Compoundable Cases - West Bengal

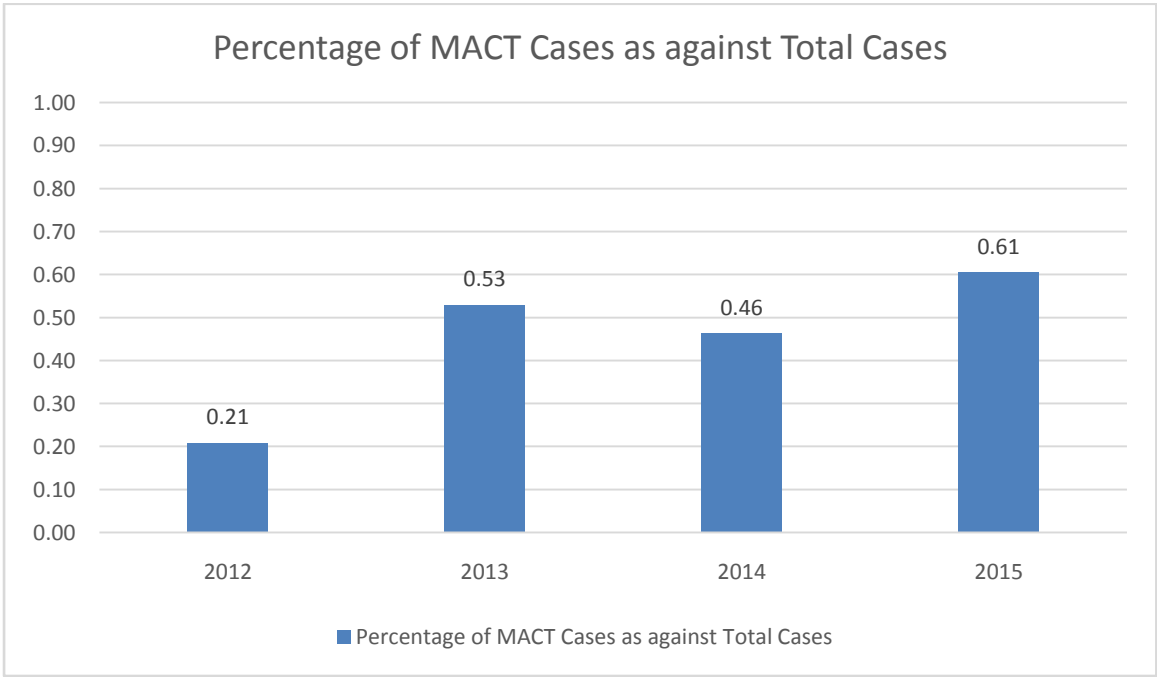


Figure 28 Proportion of MACT Cases - West Bengal

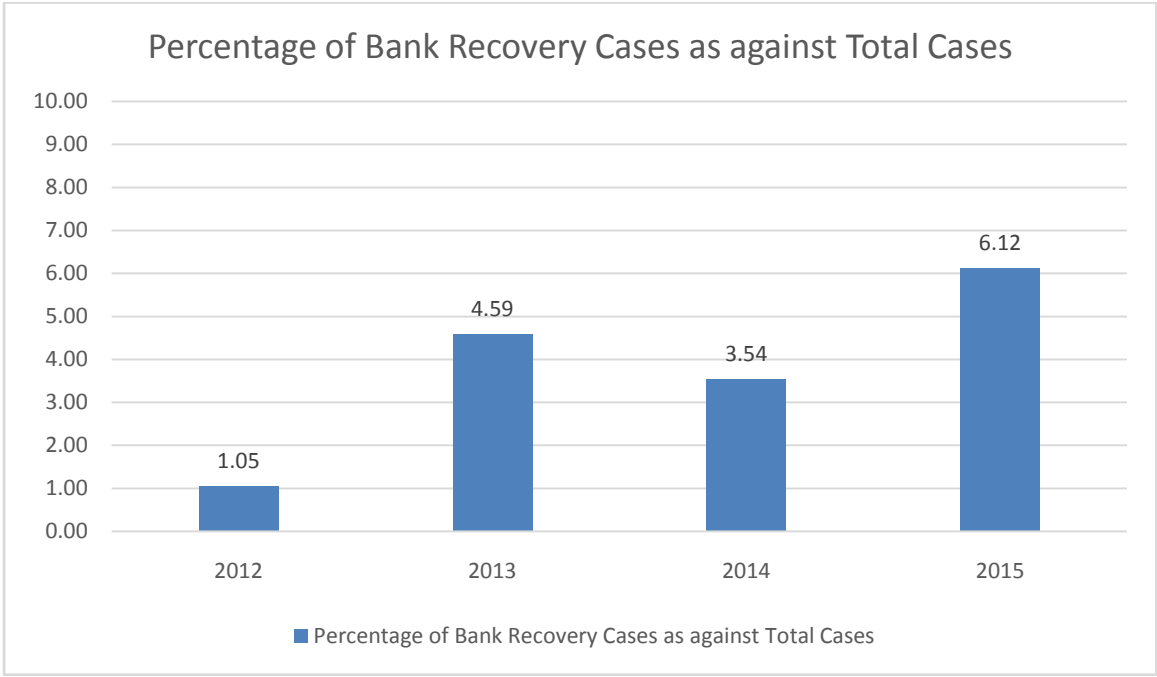


Figure 29 Proportion of Bank Recovery Cases - West Bengal

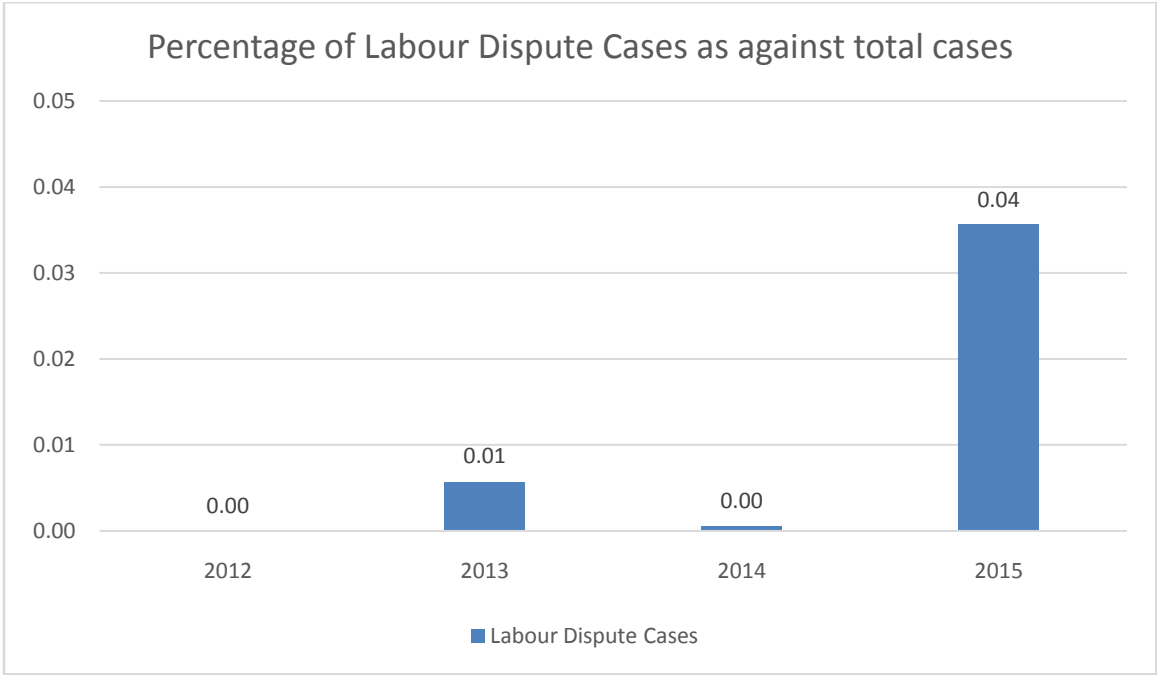


Figure 30 Proportion of Labour Disputes - West Bengal

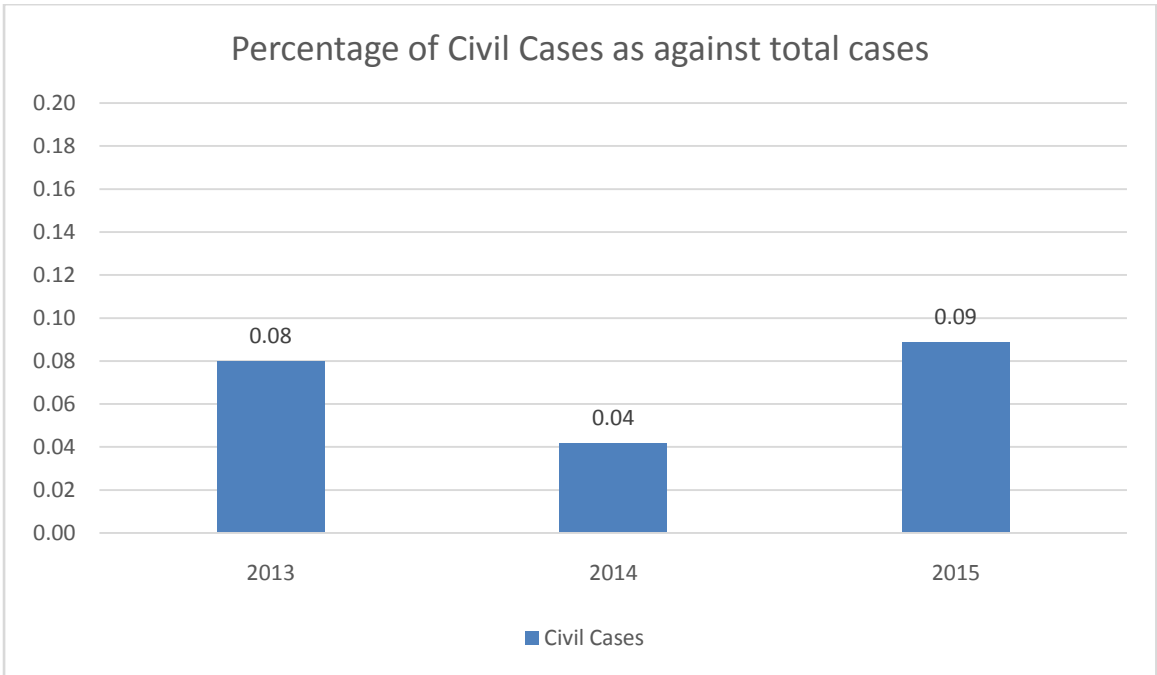


Figure 31 Proportion of Civil Cases - West Bengal

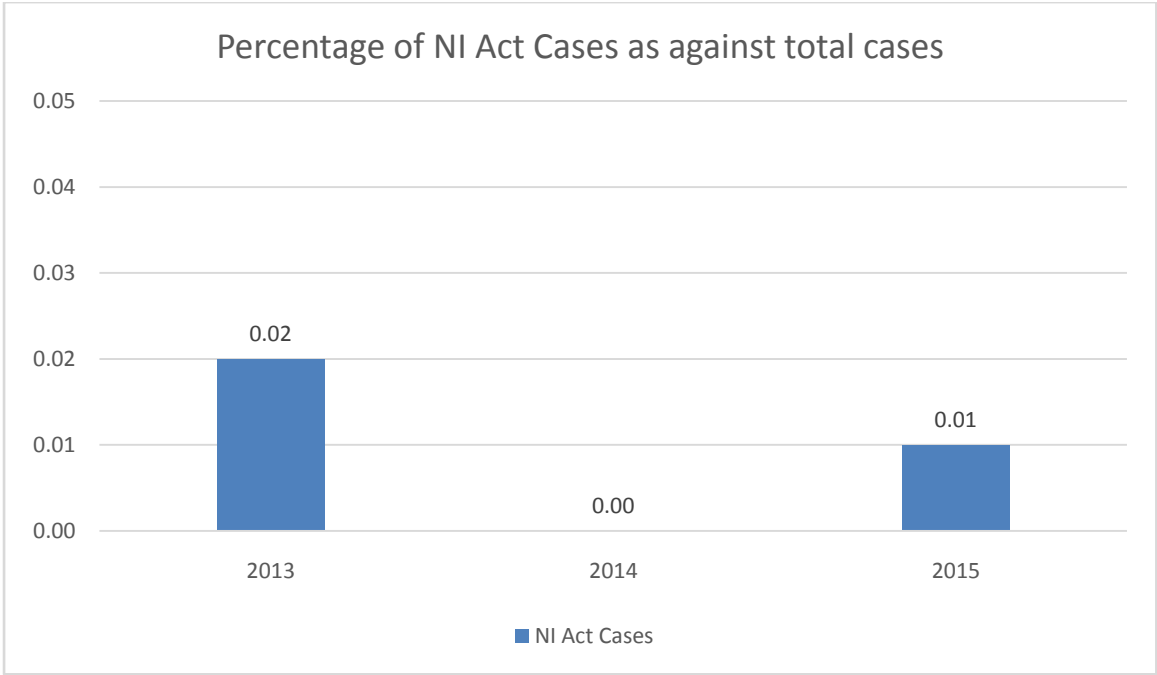


Figure 32 Proportion of NI Act Cases - West Bengal

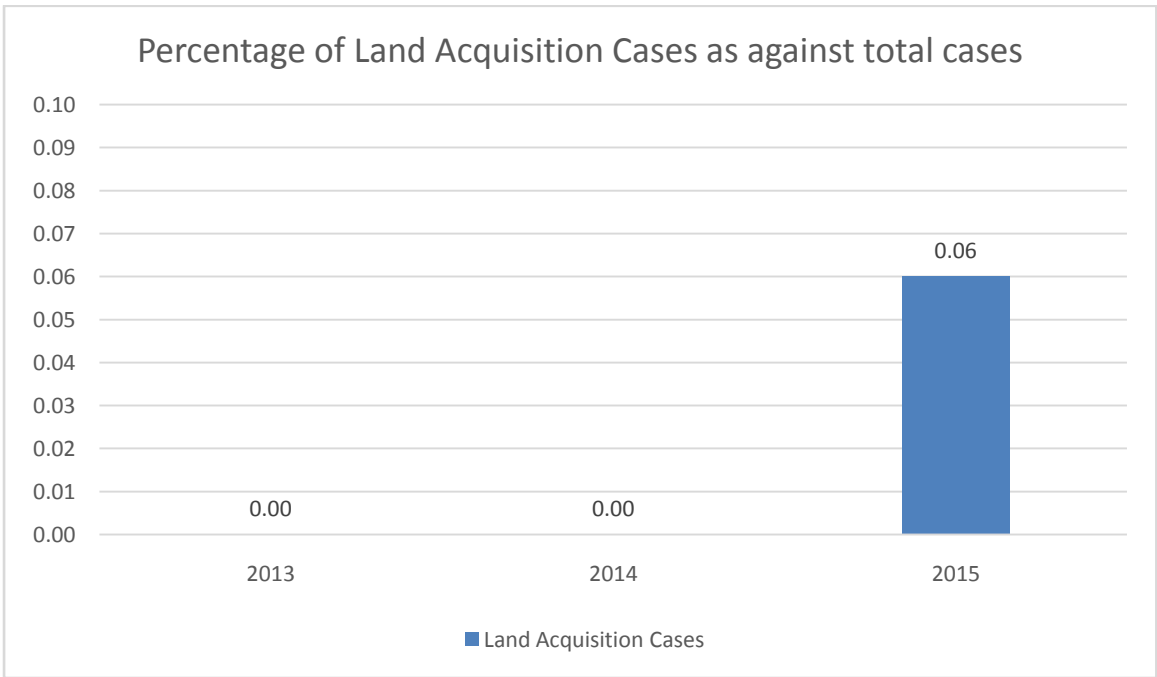


Figure 33 Proportion of Land Acquisition Cases - West Bengal

Critical Impressions from Disposal Records

Analysis of the Lok Adalat disposal records in all the identified states reveals a similar pattern. In all the states, the major proportion of Lok Adalat disposals are being achieved through some specific categories of cases. In Odisha, majority Lok Adalat disposals comprise of Revenue Cases and Criminal Compoundable offences. In Jharkhand, it comprises of the miscellaneous category of 'Other Cases' and Criminal Compoundable Offences. In West Bengal, the category of Criminal Compoundable offences contributes more than 90% of the Lok Adalat disposals in entire period under study.

These patterns are indicative of the manner in which the scheme of Lok Adalats is being planned and implemented. It is clear that beyond a limited framework, Lok Adalats are not gaining acceptability as a method of dispute adjudication. There is no discernible pattern of the proportion of other categories of cases increasing. This suggests that greater effort is required to mainstream Lok Adalats as a preferred mode of settling disputes. If Lok Adalats as a dispute settlement mechanism remains confined to only few categories of cases; that would severely hinder the efficacy of Lok Adalat as an adjudicatory method.

The lop-sided and imbalanced nature of the disposal records defeats the objective of popularising Lok Adalats although it may serve the task of meeting quantitative benchmarks for the time being. While this should serve as the foundation to examine the reasons behind such imbalanced disposal records, the lack of data makes it virtually impossible. As has been noted, no details are available as to the proportion of cases which are referred *suo moto* by the judicial officer and cases which are referred on the application of one of the parties or by agreement of both the parties. Without clear data in this respect, examining the reasons behind imbalanced disposal records would only be a speculative exercise based on anecdotal evidence.

Feedback from Stakeholders

Survey Audience

In order to gain feedback on the various aspects of how Lok Adalats are organised, a questionnaire was designed. The purpose of this feedback was to examine the existing policies and to seek suggestions on the possible reforms that can be implemented. Thus, the questionnaire was designated for the serving judicial officers in the identified states and for the functionaries of legal services authorities so as to have an insight into the challenges and shortcomings of the existing policies. After extensive deliberations, feedback was not sought from litigants and from members of the legal profession. Members of the legal profession have an extremely marginal role to play in Lok Adalat and it was felt that it would not be meaningful to seek their views in this respect. While participation by litigants is an essential aspect of Lok Adalats, it was realised that feedback from litigants may be more relevant in a perceptual study. When the focus is on identifying appropriate reforms, feedback of litigants with narrow exposure to the Lok Adalat system would not be helpful.

Preparation of the Questionnaire

The questionnaire consisted of two parts. The first part consisted of 7 questions where responses were sought in terms of preferring any of the given options. Thus, the questions sought responses in the form of yes/no or responses in the form of picking a rating in a scale of 1 to 5 where 1 indicated 'very bad' and 5 indicated 'very good'. These questions focussed on mostly on the satisfaction level with the existing system of organising Lok Adalats.

The second part of the questionnaire dealt with open-ended questions inviting suggestions on possible reformative measures which may be incorporated.

The questions were structured similarly for both serving judicial officers and for functionaries of legal services authorities as most questions sought responses in relation to the structural aspects of how Lok Adalats are organised.

Mode of Administration

Feedback was sought through this questionnaire through two methods. Firstly, resource persons were identified in all the four states and were requested to facilitate responses from serving judicial officers. In this method, responses were sought through Google Forms where e-mail ids of judicial officers were collected personally by the resource persons.

Secondly, the State Legal Services Authorities were requested to either share the e-mail ids of the Secretaries, District Legal Services Authorities or to facilitate the administration of the feedback amongst such DLSA Secretaries physically. Most DLSA Secretaries preferred to fill out the hard copy of the questionnaire instead of responding via Google Forms.

However, the volume of response varied from state to state. There were 50 respondents from Jharkhand and 38 from Bihar. There were 15 respondents from Odisha and only 4 from West Bengal.

Results

The results of the survey have been presented in the nature of percentage of respondents in relation to different options of answers for different questions.

Jharkhand

1. Regularity of Involvement in Lok Adalats

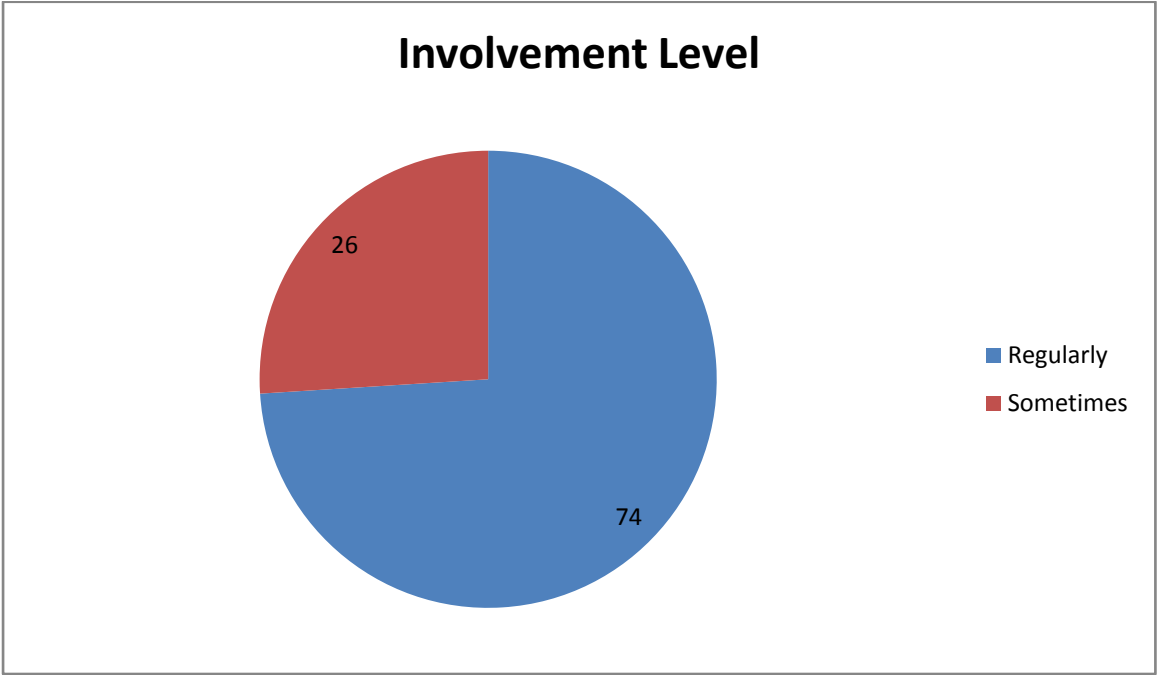


Figure 34 Regularity of Involvement in Lok Adalats- Jharkhand

While assessing the significance of the feedback received, it is necessary to have an idea about the suitability of the respondents to comment on the subject matter of the feedback. Thus we asked the respondents to rate the regularity of their involvement in Lok Adalats with three options; Regularly, Sometimes and Rarely. 74 percent of the respondents cited regular involvement in organisation of Lok Adalats. 26 percent of respondents mentioned that they are sometimes involved in the organisation of Lok Adalats. No respondent cited rare involvement in organisation of Lok Adalats.

2. Adequacy of Time to Prepare for Lok Adalats

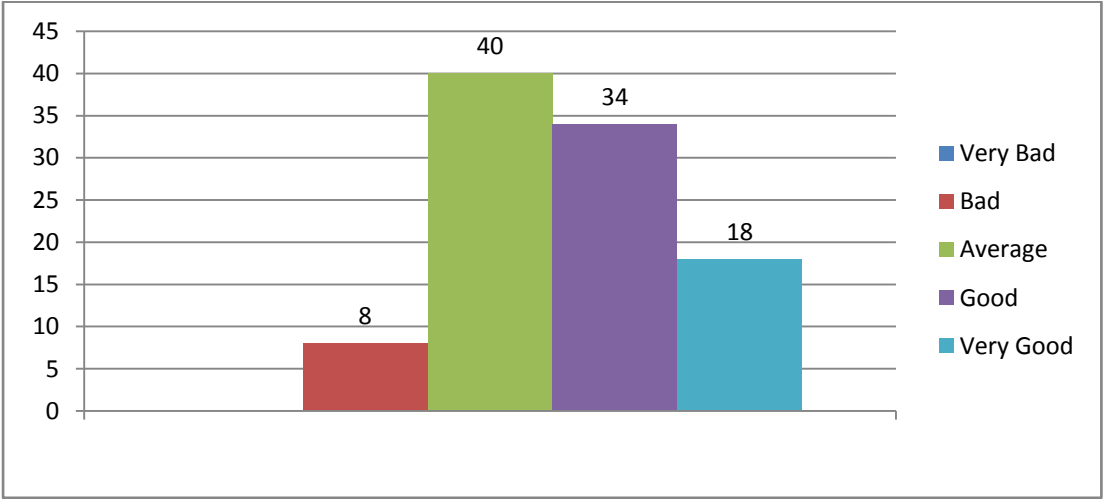


Figure 35 Preparatory Time for Lok Adalat- Jharkhand

It is important to remember that organising Lok Adalats or participating in Lok Adalats is not a fulltime assignment for judicial officers. Their duties pertaining to Lok Adalats is in addition to the other judicial and administrative responsibilities entrusted to them. Thus, it is important that there is sufficient preparatory time for ensuring efficient functioning of Lok Adalats. 34 percent rated the preparatory time available for periodic Lok Adalats as ‘Good’. 18 percent rated the preparatory time as ‘Very Good’. However as many as 48 percent of the respondents rated the time available as ‘Average’ or ‘Bad’.

3. Efficacy of the Existing System of Process Servers

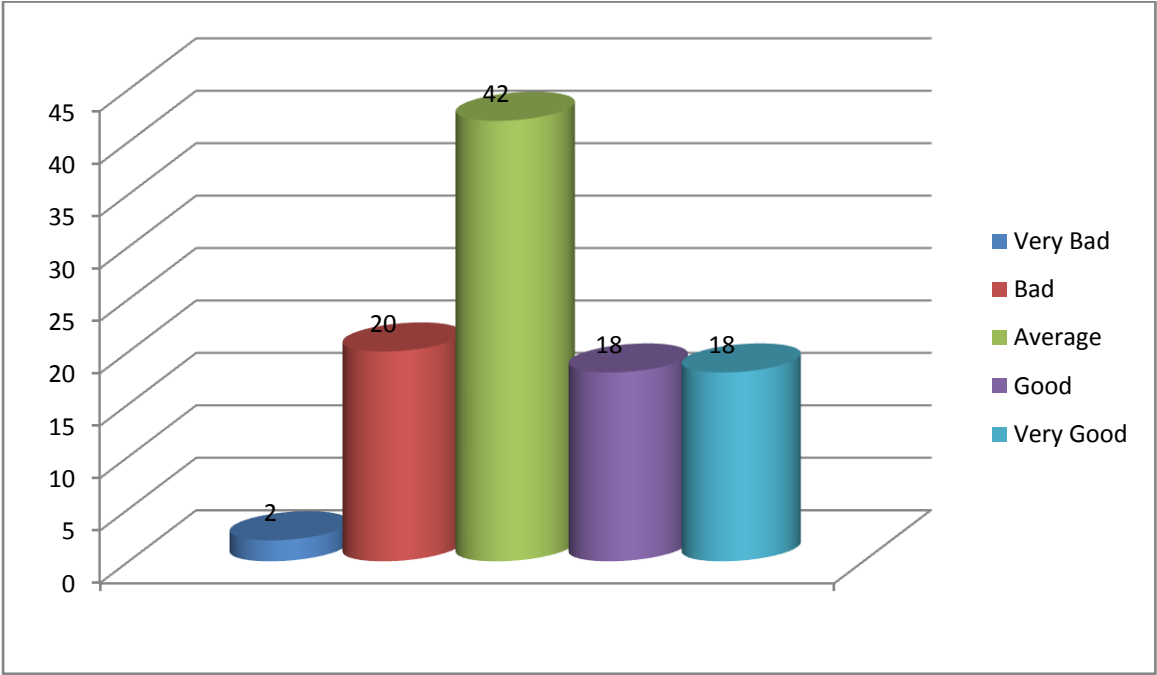
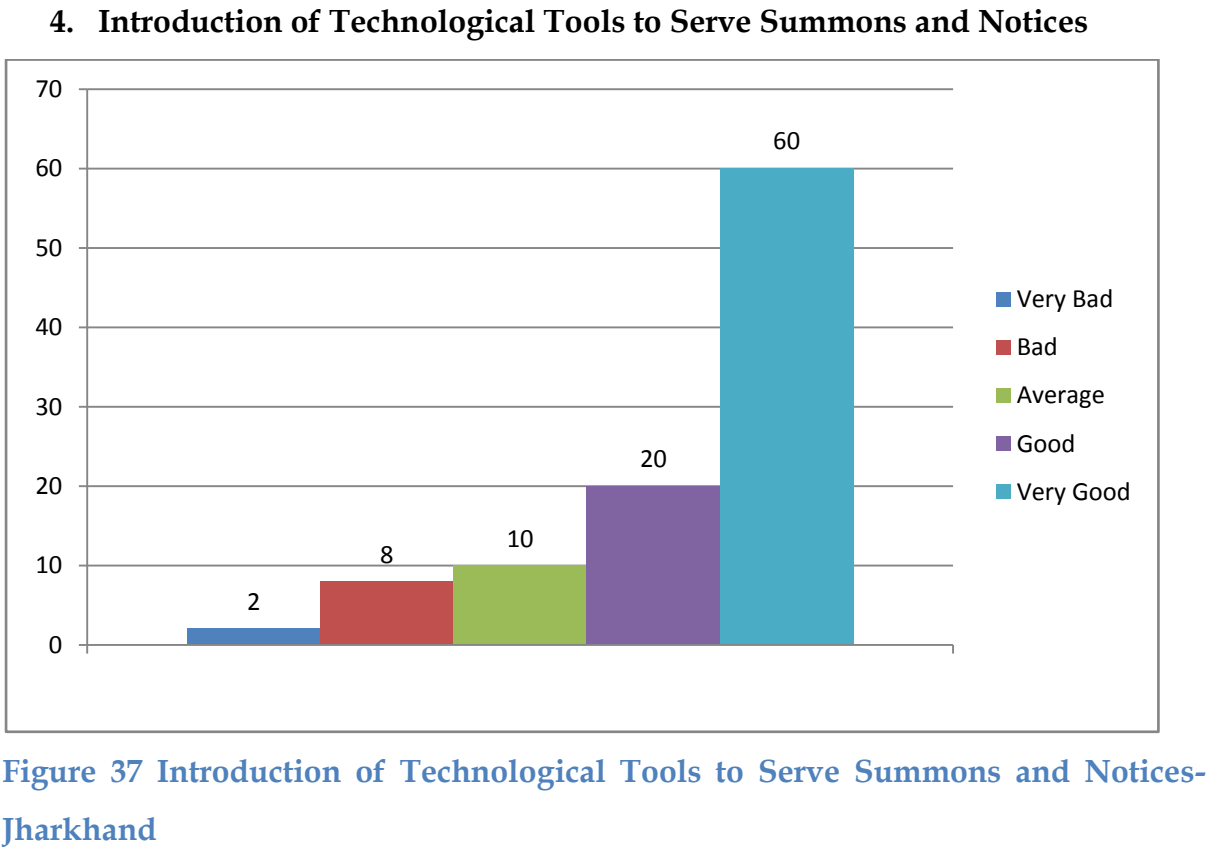


Figure 36 Efficacy of the Existing System of Process Servers- Jharkhand

Unlike other regular official schedule, the volume of cases which are taken up in a Lok Adalat is greater. Handling a significant congregation of cases within a narrow time framework means that the process of serving summons and notices needs to be as foolproof as possible. If there is any problem in that respect, the next possible opportunity for a case to be listed for disposal through Lok Adalats does not arise for at least a couple of months. The nature of Lok Adalats also necessitates the serving of a significant number of summons and notices within a short span of time. Thus, feedback was sought on the existing system through which summons and notices are served. A significant majority of 64 percent of respondents expressed dissatisfaction with the existing system of process servers. They rated the existing system as 'Average', 'Bad' or 'Very Bad'. 18 percent of the respondents rated the

system ‘Good’ and a further 18 percent of the respondents rated the system ‘Very Good’.



While there have been significant technological developments in terms of prevalent communications system, most of the officially sanctioned procedures of notification in the judicial system remain rooted in an earlier time. In recent years, there has been an increasing trend in judiciaries across the country to integrate technological tools in the system of serving processes. In this context, feedback was sought regarding incorporation of technological tools such as e-mail and SMS for serving summons and notices. An overwhelming majority of respondents responded very positively to the proposition. 60 percent of the respondents rated this proposition ‘Very Good’ and a further 20 percent rated it as “Good’.

5. Adequacy of Quantitative Weightage for Lok Adalat Disposals

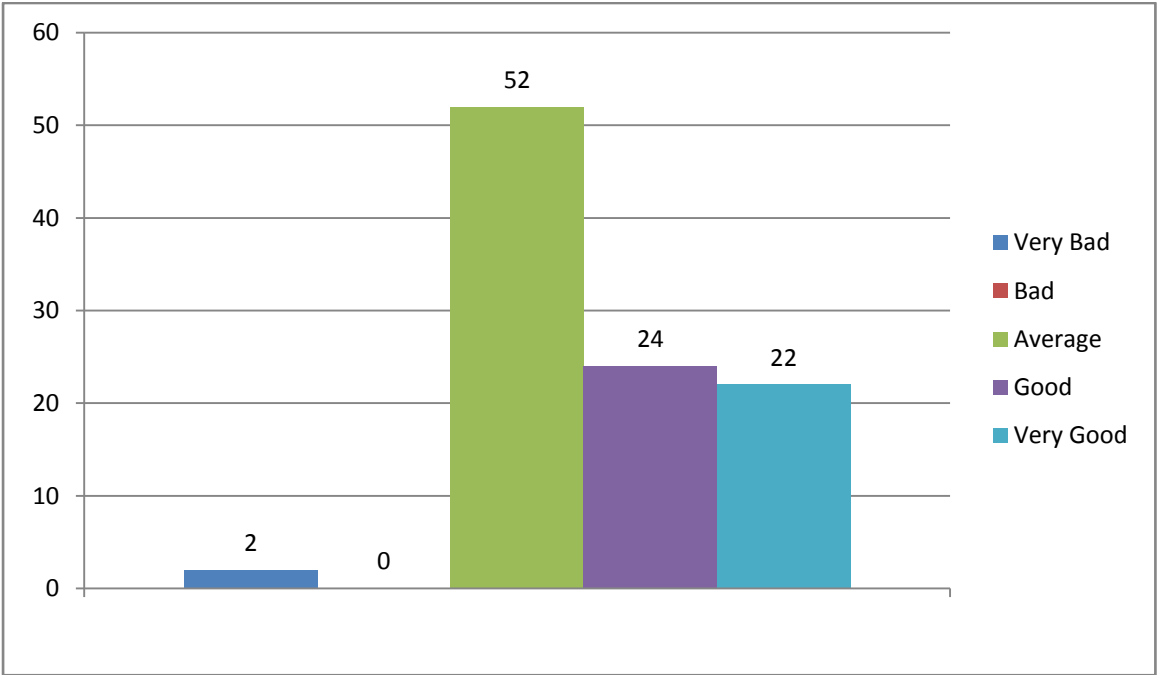


Figure 38 Adequacy of Weightage for Lok Adalat Disposals- Jharkhand

In all States, judicial officers are expected to fulfil prescribed standards of quantitative output on monthly, quarterly and annual basis. These policies (norms of disposal) are calculated by assigning specific quantitative weightage to different kinds of judicial and administrative work. Thus, different quantitative weightage (usually in the form of Units) are awarded for disposing a case under section 302 of IPC, Section 125 of Cr.Pc etc. It is assumed that the differences in the quantitative weightage of different categories of cases corresponds to the seriousness of the case or the time consumed for disposing cases of that nature.

Generally, quantitative weightage is also assigned for disposing cases in Lok Adalats. Feedback was sought regarding the adequacy of such quantitative weightage. The basic point of this feedback was examine if the quantitative weightage of Lok Adalats disposal or perceived by the judicial officers to be a reasonable reflection of the work they put in for the said purpose.

22 percent of respondents rated the prevailing assignment of quantitative weightage as ‘Very Good’ and another 24 percent rated it as ‘Good’. However, a significant portion of the respondents (52 percent) rated the existing quantitative weightage as ‘Average’.

6. Increasing Quantitative Weightage for Lok Adalats

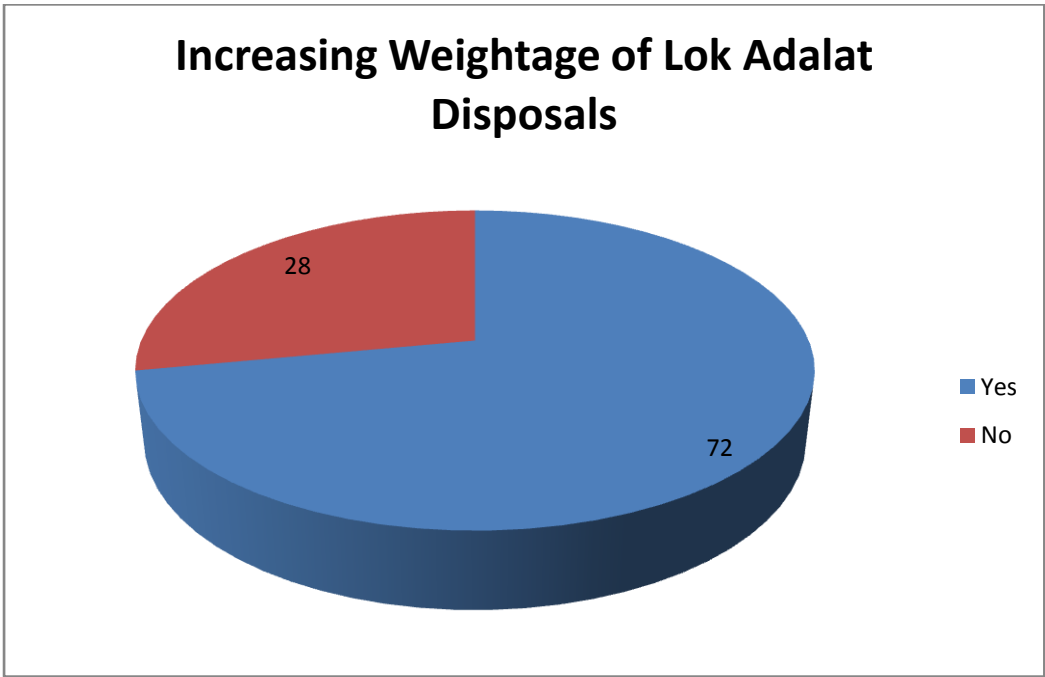


Figure 39 Increasing Weightage of Lok Adalat Disposals- Jharkhand

As an immediate corollary to the earlier question on adequacy of the quantitative weightage assigned to disposals in Lok Adalats, feedback was sought about increasing the existing quantitative weightage. The pattern of feedback on this issue

was a bit odd. Even though 46 percent of respondents opined that the existing quantitative weightage is 'Good' or 'Very Good', only 28 percent of the respondents were against increasing the quantitative weightage.

7. Adequacy of Administrative Support

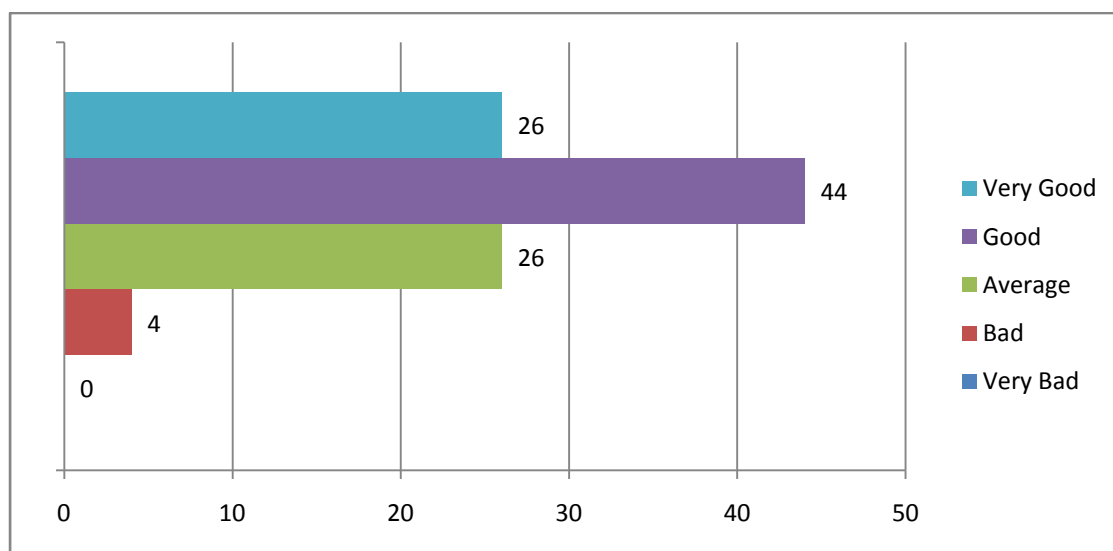


Figure 40 Adequacy of Administrative Support- Jharkhand

Adequate administrative support is indispensable for ensuring that there is optimal utilisation of the scheduled Lok Adalats. This administrative support is essential in the preparatory stage. A substantial majority of the respondents found the administrative support to be 'Good' (44 percent) or 'Very Good' (26 percent).

8. Exclusion of Cases from Lok Adalat Purview

Majority of the Officers recommended keeping the existing list unaffected. In their view, the list was exhausted and varieties of cases were included there under. For this reason, Lok Adalats could be organised successfully. If any category of case was removed from the said list, it would adversely affect the rate of success of Lok Adalat.

However, some of the respondents did not agree to the aforesaid view. One opinion was that pre-litigation disputes especially the cases relating to Banks, non-banking financial Companies and cases of BSNL should not at all be disposed of through Lok Adalats. The reason assigned for this was that, these cases never formed part of the pendency in Courts and if these cases were included in Lok Adalat, the very purpose of holding Lok Adalat for reduction of pendency of different Courts would be frustrated. Another recommendation, worthy of mention, on this point was that if at all pre-litigation cases were considered for Lok Adalat, a specific Bench should be constituted for said purpose and all the pre-litigation disputes should be disposed of by the said special Bench. It was stated that by adopting this practice, the participating Courts in Lok Adalat could devote full time for cases posted in Lok Adalat from their respective Courts.

9. Inclusion of Cases in Lok Adalat Purview

The first recommendation was to include offences punishable 'u/ss. 279 IPC, 147 & 149 IPC'. It was stated that these offences were of very trivial nature and if placed before Lok Adalat, the matter could be settled very promptly. It was a recommendation to add offences punishable u/s. Sec.290 of the IPC to the list, on the same reasoning as mentioned above. In addition, they also recommended including matrimonial disputes into the purview of Lok Adalat. Apart from the above, some of the respondents proposed to include cases which could be disposed of by means of Plea-bargaining to the fold of Lok Adalat. There was a specific recommendation to include small offences under the Excise Act especially Sec.-.47(a) of the said Act as

because the cases of such nature instituted by police were compoundable in nature. It was further suggested to include cases pending before the Tribunal and under different quasi-judicial authorities in the Lok Adalat system so that a large number of litigants would get the benefits of such system and the victim would also avail timely justice.

Some Officers have expressed their satisfaction to the already existing list of cases to be placed in Lok Adalat and their proposal is not to add any new category of case which can be placed before the Lok Adalat.

10. Challenges in Conducting Lok Adalats

During the survey, the respondents were asked to highlight the challenges which they faced while conducting Lok Adalats. The specific opinion of one group of respondents was that no challenge or impediment was there in holding Lok Adalat and things were going well and smooth.

Other respondents, however, differed from the above answer. The first dissenting view and challenge pointed out was 'lack of awareness'. It was stated that people were not aware about the Lok Adalat system, the mode of its functioning and the result which it would give them. It was their view that the concept of Lok Adalat spoke about dispensing justice at door-step, promptly and without any complicated procedure or expenses. If the beneficiaries of Lok Adalat were not made aware about the above benefits, no Lok Adalat could be successful.

Jharkhand is considered to be a hilly and forest reach area. The Officers working in such region faced problem in making timely contacts with the litigants and to procure their attendance in Lok Adalats due to a remoteness of the area and the apathy of the Government Departments in extending proper co-operation made the problem even more complicated. This, as per some of the respondents, was one of

the main challenges faced by them. The view was supported by another similar view where the respondents admitted that non-appearance of the parties and litigants was the biggest challenge for them in conducting Lok Adalats.

‘Frequency of Lok Adalats’ was highlighted as one of the biggest challenges faced by some of the respondents. They submitted that due to high frequency of Lok Adalat that is to say on monthly basis, they hardly got any time to prepare for the next and thereby the efficiency of the system and the success rate of Lok Adalat normally took the back front. It was recommended by the Officers supporting this view that there should be a reasonable time-gap between two consecutive Lok Adalats so that more productive output would come out of the Lok Adalat system.

Response from Bar Members (Advocates) was been shown to be a pertinent challenge for many Officers to overcome, while conducting Lok Adalats. It was because many advocates were under the notion that if their cases got disposed of in Lok Adalat, they would lose the brief as well as client and sustain financial loss. Therefore, the Courts conducting Lok Adalats on many occasions faced a situation of this nature where the Advocate, for reasons discussed above, did not co-operate in Lok Adalat and did not persuade his client to appear in such Lok Adalat.

Last but not the least, some of the respondents submitted that service of summons/notices was a problem area which needed proper attention. They were of the view that attendance of parties in Lok Adalats was directly dependent upon timely service of summons/notices upon them. So, there should be a specific and potent summons- service mechanism, for Lok Adalats to be successful.

11. Possible Reforms in Lok Adalats

The first set of reforms as suggested by the respondents was regarding reduction in the quantum of Lok Adalat and to holding Lok Adalats in a periodical manner, either Quarterly or Half-yearly. It was submitted that merely organising more

number of Lok Adalats would not serve any fruitful purpose. On the other hand, if less number of Lok Adalats were organised but with more amount of preparation, definitely the end result would be encouraging.

The second set of reforms related to proper and wide publicity of Lok Adalats. The supporters of this view suggested that unless and until publicity was made, it would not be possible for general public to understand the system of Lok Adalat and to take proper benefit out of that.

The next recommendation was regarding establishing proper co-ordination between the Bar, Prosecution and the Government Departments. It was said that the better the co-operation & co-ordination, the more positive the outcome of Lok Adalats.

It was suggested by some of the respondents that in order to make the Lok Adalat system more viable, Lok Adalat should be held on specific subject separately instead of organising Lok Adalats on mixed subjects. Because by doing so, the participating Court would concentrate on the subject in a better manner and it would also be helpful to keep a track on the rate of success of Lok Adalat by collecting proper statistics of cases placed and disposed of in Lok Adalats.

It was recommended by some of the respondents that in order to bring reforms in the Lok Adalat system, use of technology should be made compulsory and Mobile Phone numbers of parties must be written on the case records both civil and criminal from the very beginning so that the litigants would be intimated through said Mobile Phones regarding status of their case and if required parties would be issued with notice through SMS to appear in Lok Adalat. By this a lot of time could be saved and parties could also be made aware about the latest position of their case. The respondents who supported the above view also proposed that Police Department must have a special wing to serve summons/notices in cases instituted on police complaint and they must ensure attendance of the litigants.

It was also suggested that infrastructure was one of the important areas which needed timely attention and if the Lok adalat system was to be made more

productive, proper infrastructure in shape of Offices, Building, Court Halls, Vehicles must be provided along with sufficient and trained man power to achieve higher rate of success.

Bihar

1. Regularity of Involvement in Lok Adalats

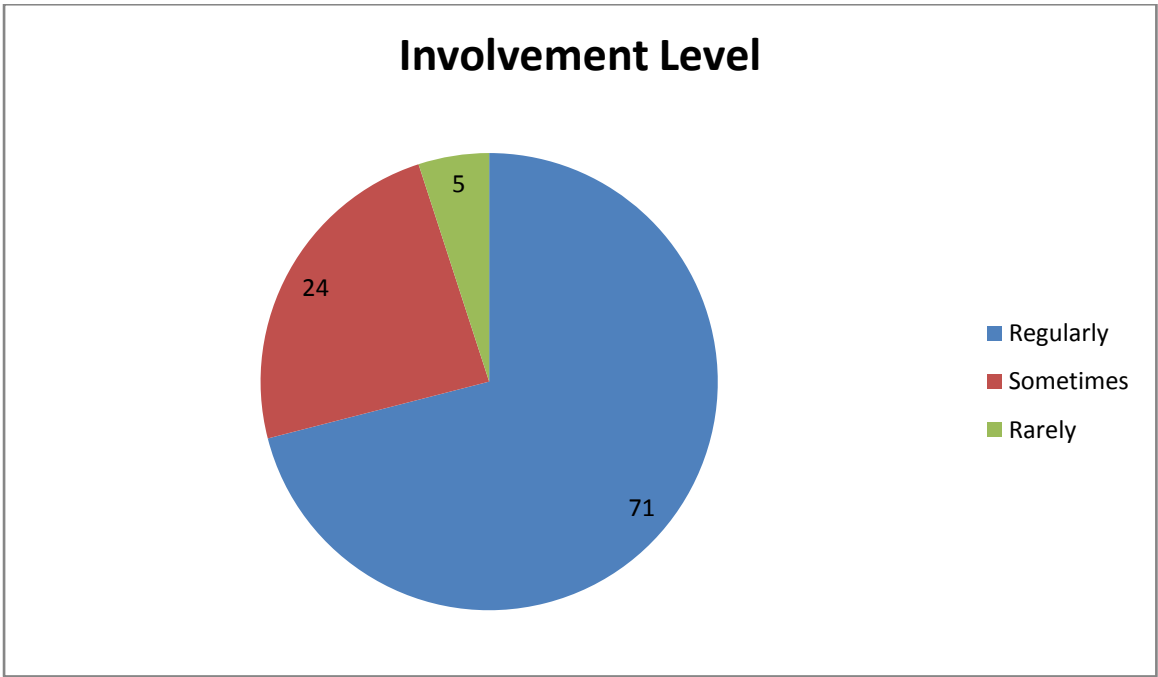


Figure 41 Regularity of Involvement in Lok Adalats- Bihar

While assessing the significance of the feedback received, it is necessary to have an idea about the suitability of the respondents to comment on the subject matter of the

feedback. Thus we asked the respondents to rate the regularity of their involvement in Lok Adalats with three options; Regularly, Sometimes and Rarely. While 5 percent of the respondents are involvement in organisation of Lok Adalats rarely, 71 percent of respondents are regularly involved.

2. Adequacy of Time to Prepare for Lok Adalats

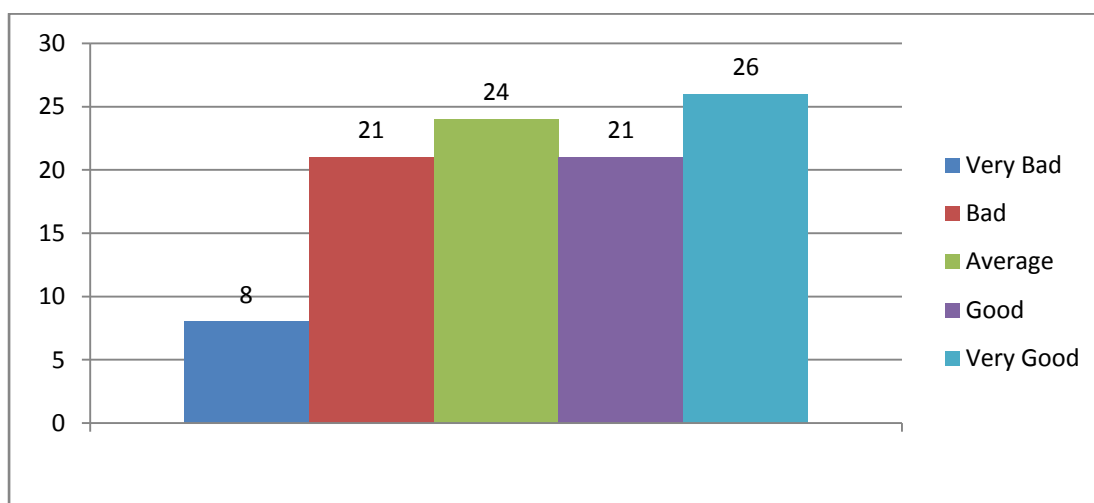


Figure 42 Adequacy of Time to Prepare for Lok Adalats- Bihar

It is important to remember that organising Lok Adalats or participating in Lok Adalats is not a fulltime assignment for judicial officers. Their duties pertaining to Lok Adalats is in addition to the other judicial and administrative responsibilities entrusted to them. Thus, it is important that there is sufficient preparatory time for

ensuring efficient functioning of Lok Adalats. A majority of the respondents (53 percent) rated the preparatory time available as ‘Very Bad’, ‘Bad’ or ‘Average’.

3. Efficacy of the Existing System of Process Servers

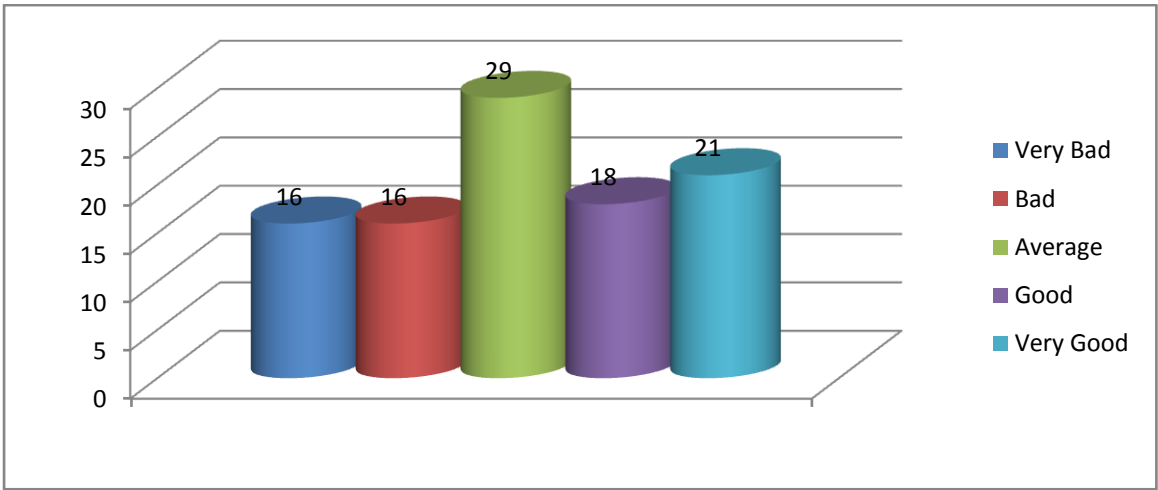


Figure 43 Efficacy of the Existing System of Process Servers- Bihar

Unlike other regular official schedule, the volume of cases which are taken up in a Lok Adalat is greater. Handling a significant congregation of cases within a narrow time framework means that the process of serving summons and notices needs to be as foolproof as possible. If there is any problem in that respect, the next possible opportunity for a case to be listed for disposal through Lok Adalats does not arise for at least a couple of months. The nature of Lok Adalats also necessitates the serving of a significant number of summons and notices within a short span of time. Thus, feedback was sought on the existing system through which summons and notices are served.

A significant majority of the respondents (61 percent) found the existing system of process servers to be ‘Average’, ‘Bad’ or ‘Very Bad’. Only 39 percent of the respondents found it to be ‘Good’ or ‘Very Good’.

4. Introduction of Technological Tools to Serve Summons and Notices

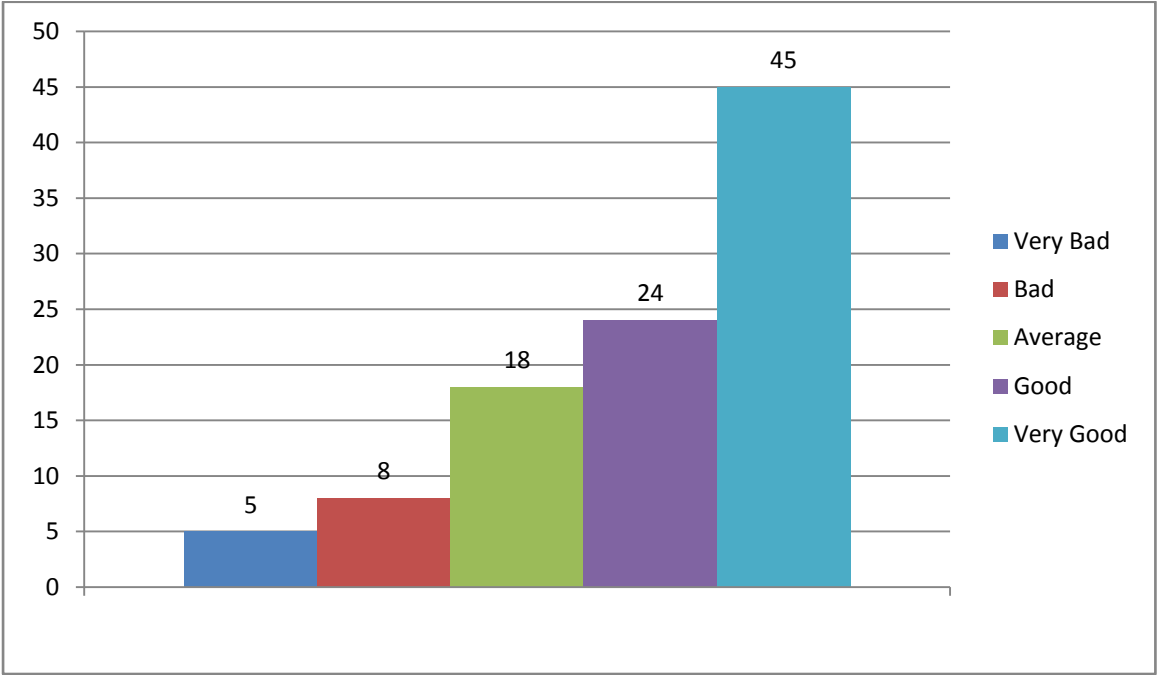


Figure 44 Introduction of Technological Tools to Serve Summons and Notices-Bihar

While there have been significant technological developments in terms of prevalent communications system, most of the officially sanctioned procedures of notification in the judicial system remain rooted in an earlier time. In recent years, there has been an increasing trend in judiciaries across the country to integrate technological tools in the system of serving processes. In this context, feedback was sought regarding incorporation of technological tools such as e-mail and SMS for serving summons and notices.

An overwhelming majority of the respondents (69 percent) found favour with this proposition. While 18 percent rated this proposition as ‘Average’, only 13 percent rated it as ‘Bad’ or ‘Very Bad’.

5. Adequacy of Quantitative Weightage for Lok Adalat Disposals

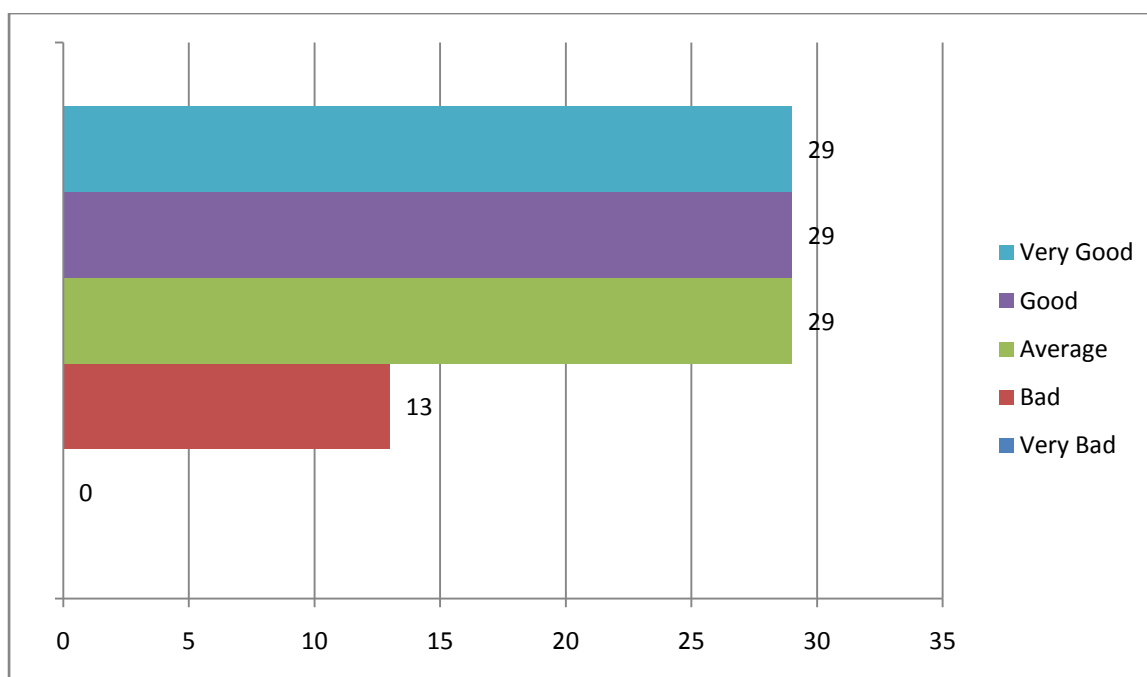


Figure 45 Adequacy of Weightage for Lok Adalat Disposals- Bihar

In all States, judicial officers are expected to fulfil prescribed standards of quantitative output on monthly, quarterly and annual basis. These policies (norms of disposal) are calculated by assigning specific quantitative weightage to different kinds of judicial and administrative work. Thus, different quantitative weightage (usually in the form of Units) are awarded for disposing a case under section 302 of IPC, Section 125 of Cr.Pc etc. It is assumed that the differences in the quantitative weightage of different categories of cases corresponds to the seriousness of the case or the time consumed for disposing cases of that nature.

Generally, quantitative weightage is also assigned for disposing cases in Lok Adalats. Feedback was sought regarding the adequacy of such quantitative weightage. The basic point of this feedback was examine if the quantitative weightage of Lok Adalats disposal or perceived by the judicial officers to be a reasonable reflection of the work they put in for the said purpose.

A majority of the respondents (58 percent) rated the existing assignment of quantitative weightage for Lok Adalat Disposals as 'Good' or 'Very Good'.

6. Increasing Quantitative Weightage for Lok Adalats

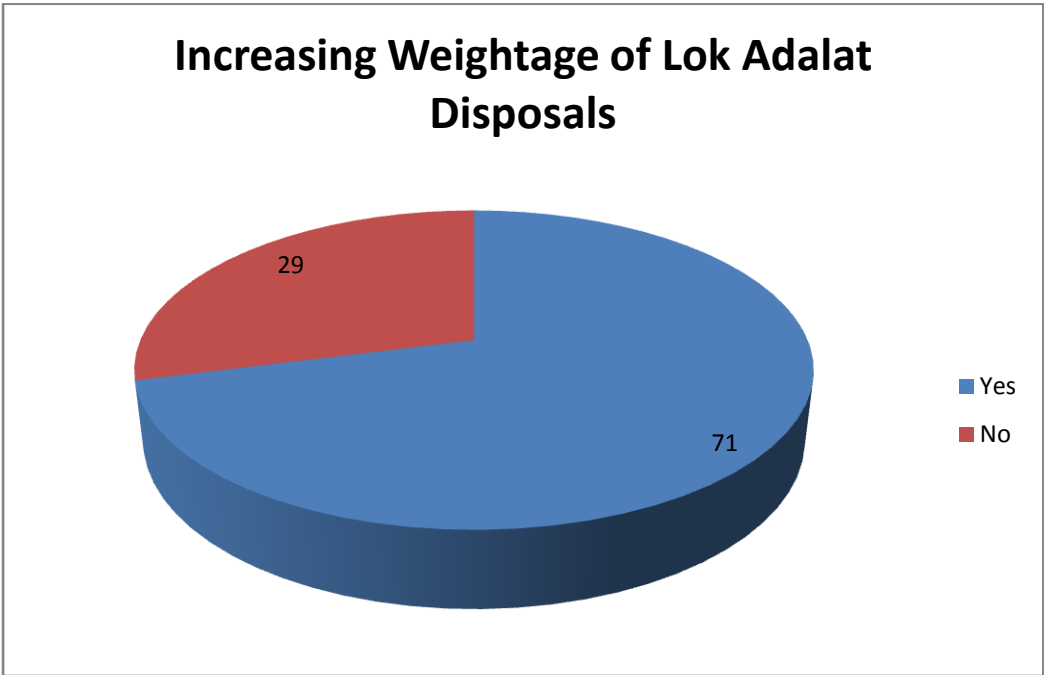


Figure 46 Increasing Weightage of Lok Adalat Disposals- Bihar

As an immediate corollary to the earlier question on adequacy of the quantitative weightage assigned to disposals in Lok Adalats, feedback was sought about increasing the existing quantitative weightage. In a pattern of responses similar to that of Jharkhand, even though 58 percent of the respondents found the existing quantitative weightage to be ‘Good’ or ‘Very Good’, as many as 71 percent of the respondents favoured an increase in the existing quantitative weightage.

7. Adequacy of Administrative Support

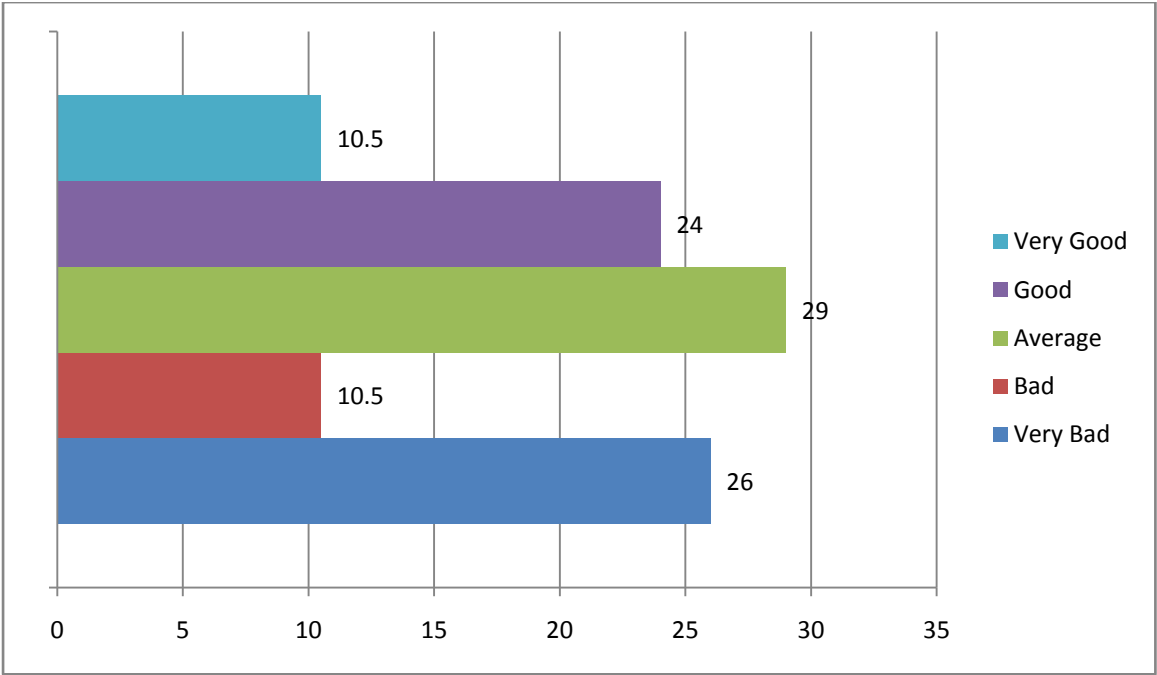


Figure 47 Adequacy of Administrative Support- Bihar

Adequate administrative support is indispensable for ensuring that there is optimal utilisation of the scheduled Lok Adalats. This administrative support is essential in the preparatory stage.

An overwhelming majority of the respondents (65.5 percent) rated the available administrative support as ‘Very Bad’, ‘Bad’ or “Average’.

8. Exclusion of Cases from Lok Adalat Purview

The majority view of Officers from Bihar who responded to the question was that no case should be removed from the list of Cases which are placed before the Lok Adalat for disposal.

However, a good number of officers dissented. Their view was that some specific category of Cases should not be considered in Lok Adalats. In responding to this

query, one participating Judge was of the view that 'Cases relating to Partition and Title' should not find place in the list of cases to be disposed of in Lok Adalat. However, no specific reason was assigned for this response.

Another important view received was relating to exclusion of 'bank recovery cases'. The probable reason that appears for such response, as appears from the available data is that in Lok Adalats, the banking institutions file a number of petitions for disposal of pre-litigation disputes relating to unpaid bank loans, but indeed, the said cases do not get settled permanently and the banking institutions only utilise the instrumentalities of Court system in part-collection of outstanding dues of their loanees.

A similar view was taken by another group of respondents who recommended exclusion of 'Pension cases', but, no specific reason is assigned on this point.

Therefore, on a careful analysis of the question of exclusion of any specific category of cases from the purview of Lok Adalat so far as the State of Bihar is concerned, it is ascertained that the majority of officers working under the system do not propose exclusion of any category of case which are presently considered fit to be placed before the Lok Adalat except for the minority view that Civil Cases relating to Partition and Title, bank recovery cases, Pension Cases and non-compoundable Criminal cases should be excluded from the Lok Adalat system.

9. Inclusion of Cases in Lok Adalat Purview

Only a handful of respondents have expressed their view regarding 'non-inclusion of any new category of case' but the majority view is in favour of inclusion of cases of different categories, both Civil as well as Criminal.

Some respondents have recommended to include offences 'u/s. 307 of Indian Penal Code (Attempt to commit murder)' and 'u/s. 326 of Indian Penal Code (voluntarily

causing grievous hurt by use of dangerous weapon)' into the purview of Lok Adalat. However, no specific reason has been assigned for inclusion of the above offences.

Some of the respondents recommended including 'Civil Suits relating to Partition', 'Cases under the Excise Act', 'Cases relating to Telephone service provided by BSNL' and 'Consumer Dispute cases' into the fold of Lok Adalats, in order to make it more effective and appreciated by public.

On the basis of the varieties of suggestions and recommendations received from the respondents, it may be concluded that majority of the Officers in the State of Bihar support inclusion of Civil Suits relating to Partition & Title and Criminal compoundable cases under investigation as well as pending in pre-cognizance stage, in the Lok Adalat system.

10. Challenges in conducting Lok Adalats

The responses of the participants is summarised as under;-

(a) The first and foremost challenge faced by Officers in Bihar is the lack of co-operation of Advocates, litigants as well as different departments of the State Government. It is stated that some of the Advocates never express their willingness to dispose of pending cases of suitable nature in Lok Adalat and they dissuade their clients from appearing in Lok Adalats. Similarly, the litigants also do not co-operate and appear unwilling to approach/appear in the Lok Adalats.

(b) The second challenge is a corollary to the first one. Majority of the respondents were of the view that it is indeed a challenge to make the litigants, public, Advocates and all the other stake-holders aware about the benefits of Lok Adalats, to convince them to participate in it and to take benefit of the system, so

much so that if the same is not done, definitely Lok Adalat is not going to be successful.

(c) Another important challenge faced by the respondents is non-service of Summons & Notices of cases posted in Lok Adalats, upon the litigants/parties. A number of reasons are highlighted by the respondents for non-service of summons. They are of the view that (i) shortage of staffs, (ii) use of traditional techniques of service of summons, (iii) non-use of electronic gadgets and means of serving summons and (iv) non-availability of sufficient time for the courts - are the prime factors which hinder service of summons and ultimately affect the success of Lok Adalats, adversely.

(d) The respondents were of the view that poor literacy rate of the State and factor of motivation are big challenges, which the Officers face while taking up matters in Lok Adalats.

11. Possible Reforms in Lok Adalats

The respondents showed mixed reaction to this question. Some of the Respondents suggested the involvement of 'Para-legal volunteers' (PLVs) and 'Panel Advocates' (PAs) to extend co-operation in Lok Adalat.

Some of the respondents suggested to hold National Lok Adalats on Quarterly basis and some suggested for proper co-ordination between all the stake-holders to make the system of Lok Adalat successful. There are also respondents who recommended the frequency of Lok Adalats to be reduced and to organise Lok Adalats twice a year or so. Some participants even though did not specify any given frequency of organising Lok Adalat but suggested to maintain sufficient gap between two consecutive Lok Adalats so that summons and Notices can be served upon the parties in an effective manner.

Another suggestion of the respondents was that Lok Adalats must be organised on specific subjects instead of organising one Lok Adalat on different categories of cases so as to keep proper statistics and to organise Lok Adalats more effectively.

Some respondents also suggested introduction of the SMS facility to send electronic messages to parties regarding posting of their case in Lok Adalat.

Odisha

1. Regularity of Involvement in Lok Adalats

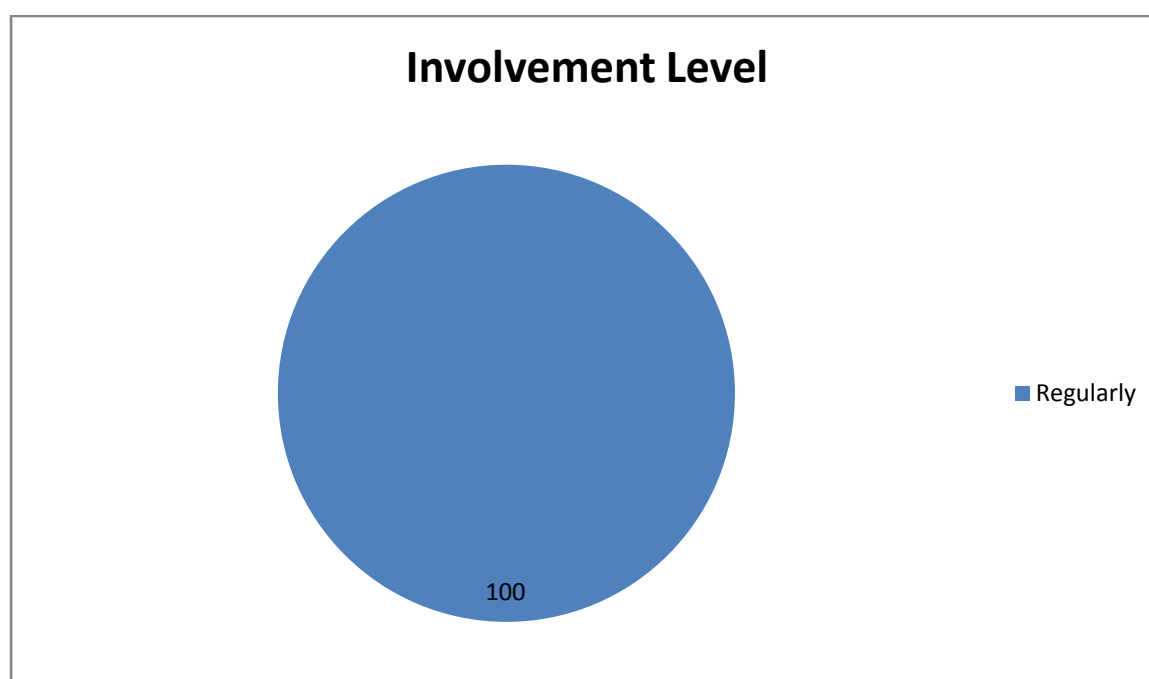


Figure 48 Regularity of Involvement in Lok Adalats- Odisha

While assessing the significance of the feedback received, it is necessary to have an idea about the suitability of the respondents to comment on the subject matter of the feedback. Thus we asked the respondents to rate the regularity of their involvement in Lok Adalats with three options; Regularly, Sometimes and Rarely. All the respondents in Odisha are regularly involved in Lok Adalats.

2. Adequacy of Time to Prepare for Lok Adalats

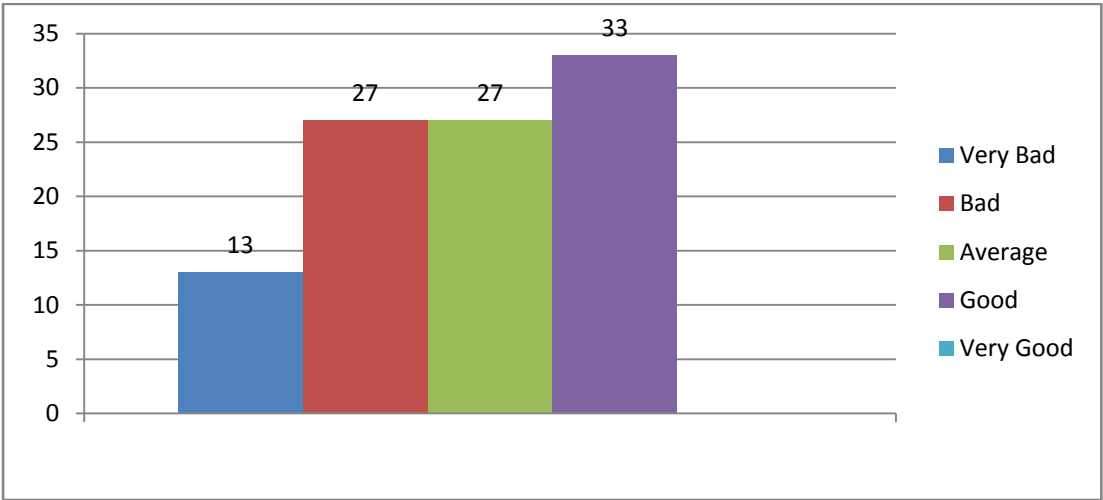


Figure 49 Adequacy of Time to Prepare for Lok Adalats- Odisha

It is important to remember that organising Lok Adalats or participating in Lok Adalats is not a fulltime assignment for judicial officers. Their duties pertaining to Lok Adalats is in addition to the other judicial and administrative responsibilities entrusted to them. Thus, it is important that there is sufficient preparatory time for ensuring efficient functioning of Lok Adalats. It is interesting to note that not a single respondent rated the availability of time as 'Very Good'. Most of the respondents rated the adequacy of time as Average, Bad or Very Bad.

3. Efficacy of the Existing System of Process Servers

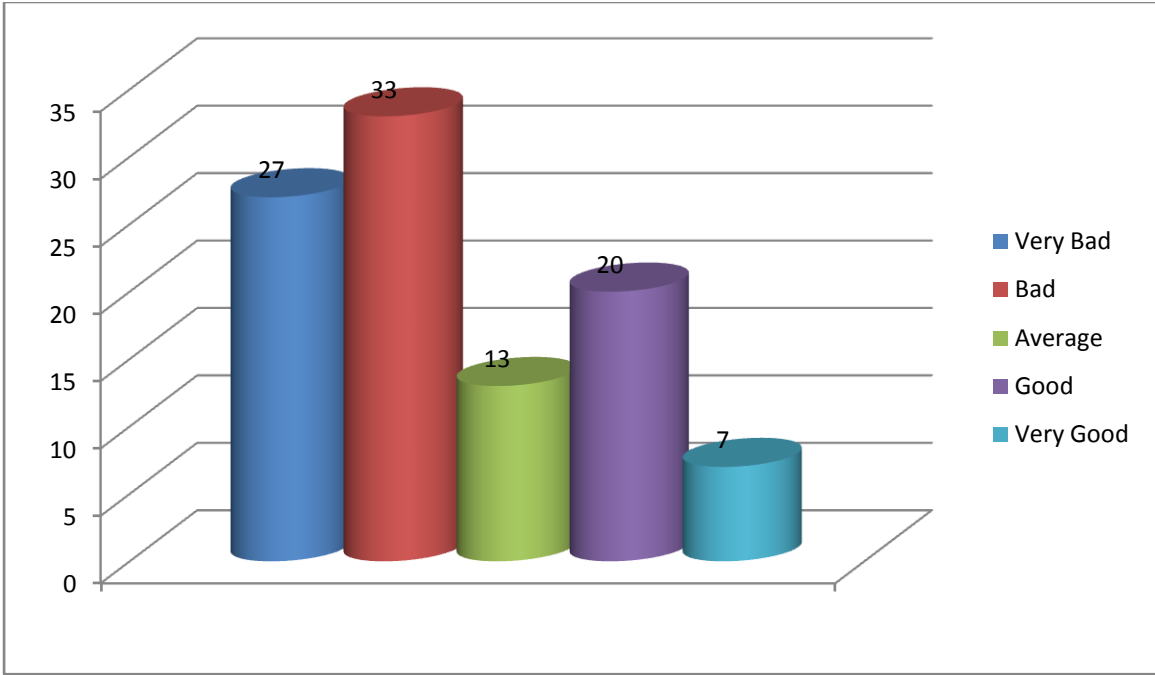


Figure 50 Efficacy of the Existing System of Process Servers- Odisha

Unlike other regular official schedule, the volume of cases which are taken up in a Lok Adalat is greater. Handling a significant congregation of cases within a narrow time framework means that the process of serving summons and notices needs to be as foolproof as possible. If there is any problem in that respect, the next possible opportunity for a case to be listed for disposal through Lok Adalats does not arise for at least a couple of months. The nature of Lok Adalats also necessitates the serving of a significant number of summons and notices within a short span of time. Thus, feedback was sought on the existing system through which summons and notices are served. A substantial majority (60%) of the respondents rated the existing system to be Bad or Very Bad. Only 7% of the respondents rated the existing system as ‘Very Good’.

4. Introduction of Technological Tools to Serve Summons and Notices

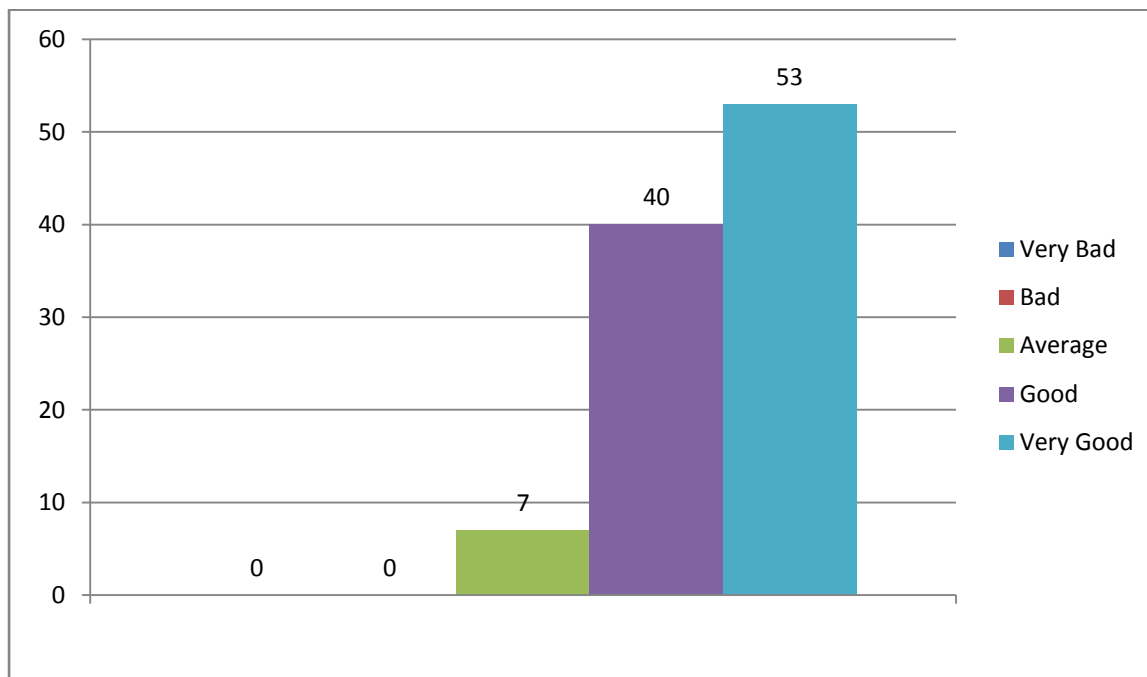


Figure 51 Introduction of Technological Tools to Serve Summons and Notices- Odisha

While there have been significant technological developments in terms of prevalent communications system, most of the officially sanctioned procedures of notification in the judicial system remain rooted in an earlier time. In recent years, there has been an increasing trend in judiciaries across the country to integrate technological tools in the system of serving processes. In this context, feedback was sought regarding incorporation of technological tools such as e-mail and SMS for serving summons and notices. An overwhelming majority of the respondents (93%) rated the proposition as 'Good' or 'Very Good'

5. Adequacy of Quantitative Weightage for Lok Adalat Disposals

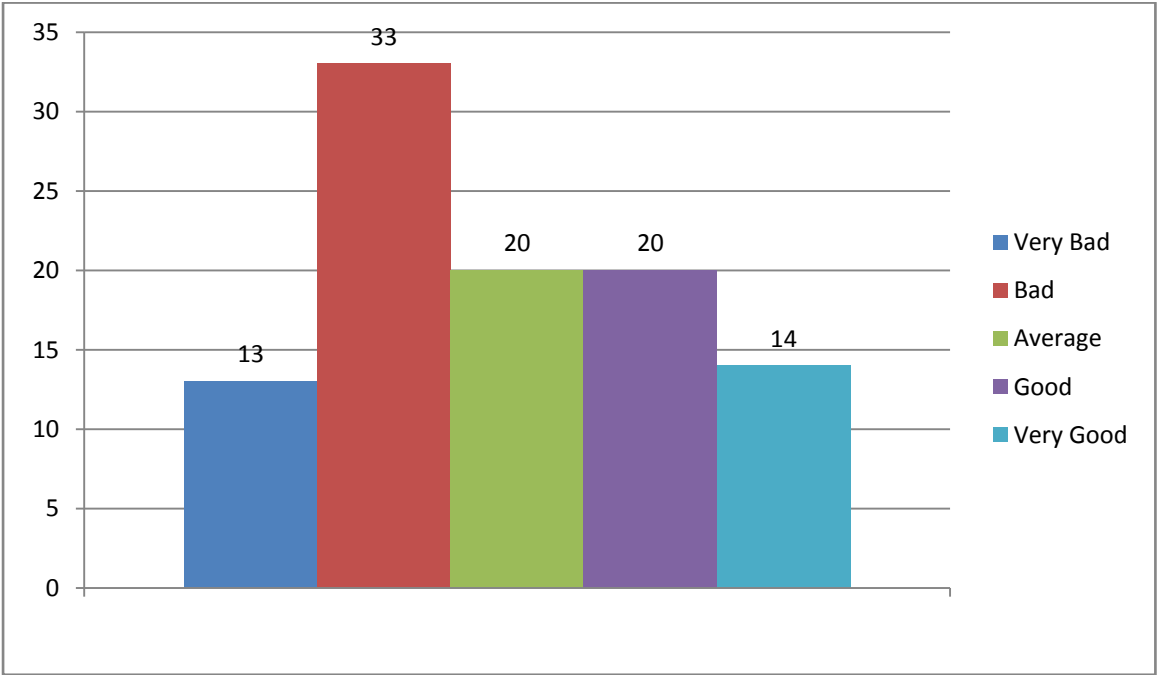


Figure 52 Adequacy of Weightage for Lok Adalat Disposals- Odisha

In all States, judicial officers are expected to fulfil prescribed standards of quantitative output on monthly, quarterly and annual basis. These policies (norms of disposal) are calculated by assigning specific quantitative weightage to different kinds of judicial and administrative work. Thus, different quantitative weightage (usually in the form of Units) are awarded for disposing a case under section 302 of IPC, Section 125 of Cr.Pc etc. It is assumed that the differences in the quantitative weightage of different categories of cases corresponds to the seriousness of the case or the time consumed for disposing cases of that nature.

Generally, quantitative weightage is also assigned for disposing cases in Lok Adalats. Feedback was sought regarding the adequacy of such quantitative weightage. The basic point of this feedback was examine if the quantitative

weightage of Lok Adalats disposal or perceived by the judicial officers to be a reasonable reflection of the work they put in for the said purpose.

Only 34% of the respondent rated the existing quantitative weightage for Lok Adalat disposals as Good or Very Good.

6. Increasing Quantitative Weightage for Lok Adalats

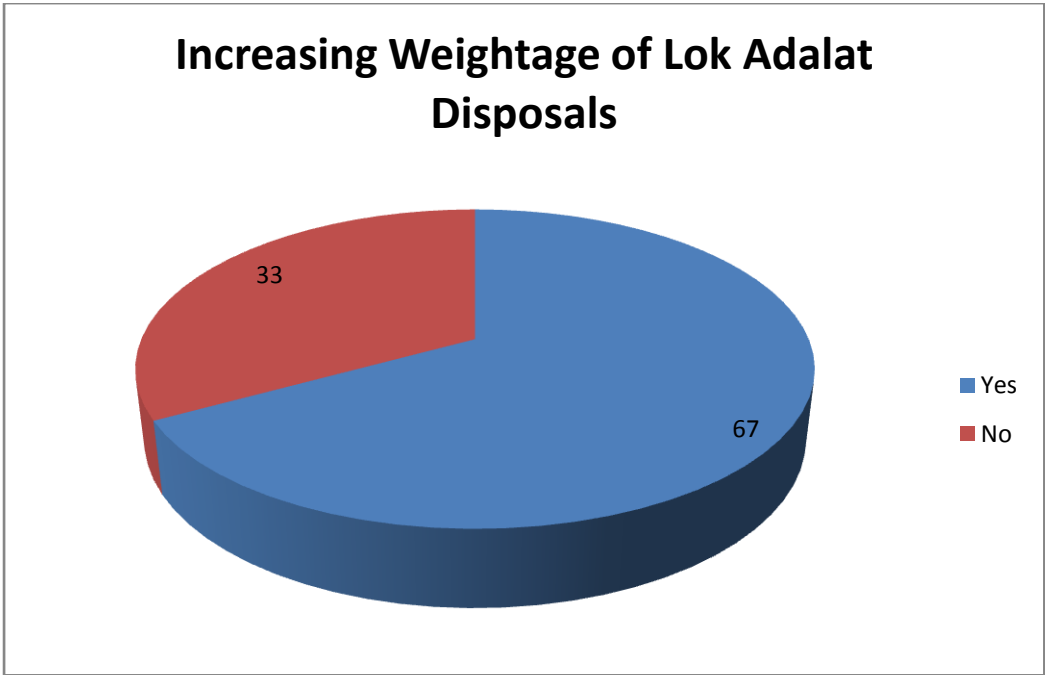


Figure 53 Increasing Weightage of Lok Adalat Disposals- Odisha

As an immediate corollary to the earlier question on adequacy of the quantitative weightage assigned to disposals in Lok Adalats, feedback was sought about increasing the existing quantitative weightage. A majority of the respondents (67%) were in favour of increasing the existing weightage.

7. Adequacy of Administrative Support

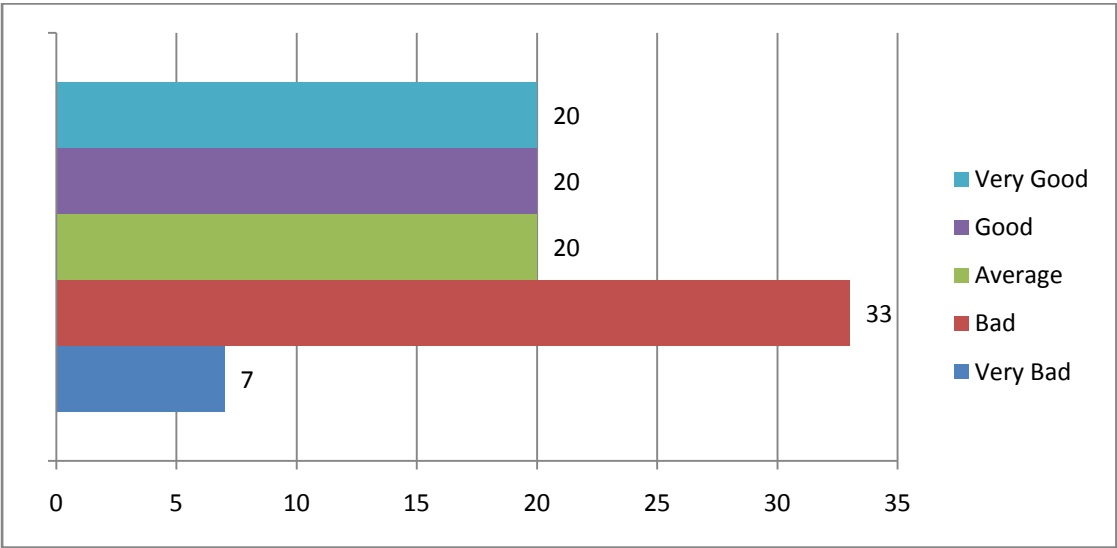


Figure 54 Adequacy of Administrative Support- Odisha

Adequate administrative support is indispensable for ensuring that there is optimal utilisation of the scheduled Lok Adalats. This administrative support is essential in the preparatory stage. 40% of the respondents rated the available administrative support as Very Good or Good. An equal proportion of the respondents rated the available support as Bad or Very Bad.

8. Exclusion of Cases from Lok Adalat Purview

A large number of respondents replied that none of the cases should be removed from the list. However some of the respondents gave important and valuable suggestions on the removal of cases.

One respondent from Odisha replied that withdrawal category (Cases which are withdrawn by the Government under section 321 of CrPC) should be removed from Lok Adalats. The respondent further suggested that the above cases can be withdrawn by the Govt. on normal days of the court and there is no need for a Lok Adalat for the same. The suggestion is good as it would lead to more focused approach and sufficient time to cases which should be posted and disposed off in Lok Adalat. As because the Lok Adalats involve both parties arriving at an amicable settlement such cases should be avoided. However in the cases which are withdrawn the accused persons are not given notice of the cases being dropped. The withdrawal of GR cases through filing withdrawal petition by APP should be avoided, since the informant and victim don't have given opportunity to consent for the same. Though the accused are not prejudiced but still there is scope that the person against whom the case was filed will wait till eternity for a notice from Court. Likewise on similar lines another respondent replied that the withdrawal of GR cases and 2 (a)CC cases in which the accused persons have not appeared or NBWs have been issued against them for a reasonable period should be avoided, because it sends a bad message to the society.

Another recommendation is that the Land Acquisition cases should be removed from the category as hardly the administration takes any step or formulates any principle to dispose of those cases in Lok Adalat. Further the same are not technically Court cases and are revenue matters to be decided by land acquisition officers unless there is a protest by the beneficiary which needs a full trial should not be disposed off in Lok Adalats.

Another valid suggestion is removal of Bank matters from the list. The said recommendation is valid as because except 138 NI matters which courts dispose off, bank generally use the Lok Adalats for recovery of bank loans by using court process rather than disposing old cases.

9. Inclusion of Cases in Lok Adalat Purview

Majority of the officers felt that the list was exhaustive and there is no need of addition of cases. Many of the officers responded that there are no other categories left to be included in the Lok Adalats. One suggestion was to include the plea bargaining cases under Lok Adalats.

10. Challenges in Conducting Lok Adalats

Most of the respondents stated that non attendance of the parties was a major challenge along with lack of staff and infrastructure. They have stated that appearance of parties is not compulsory and hence often one party arrives at the Lok Adalat and the other avoids, it leads to loss of time of both the court and the party who has dutifully attended the Court. The Attendance in the Lok Adalats should be made compulsory in order to avoid such problem. Other than that, the respondents reported that there was lack of cooperation from the advocates while disposing the cases in the Lok Adalats. They have reported that the attitude of some of the advocates towards Lok Adalats is negative and they discourage litigants who opt for settlements through Lok Adalats.

The respondents have also cited that land acquisition authorities, Bank Officials, electricity department, Water Department, Municipal department do not extend necessary cooperation in the Lok Adalats. One of the respondents also reported that banks do not extend any additional benefits to the litigants during the Lok Adalats. They do not even reduce or waive off the penalty for default of loan repayment making the whole exercise futile.

One of the respondents reported that the guidelines issued by the NALSA arrive a day before the Lok Adalats are to be held and they have expressed their inability to adhere to the guidelines and also do not dispose off cases which would have been disposed off in view of the guidelines.

Some of the other respondents have reported infrastructural problems such as shortage of papers, summons and report lack of sufficient infrastructure for the Lok Adalats. The respondents have also reported shortage of dedicated staff and shortage of staff in general for the Lok Adalats. They have expressed the inability of staff to devote more time in the Lok Adalat work due to other assignments in the court.

Many of the respondents have reported that the frequency of Lok Adalats is much more than necessary and this dilutes the gravity of the Lok Adalats. The parties take it for granted and avoid it on the pretext that they will attend the next Lok Adalat. Attendance in Lok Adalat not being compulsory and frequent Lok Adalats in view of some respondents lead to lower disposal. Frequent Lok Adalats also mean court have less time to identify records, send summons and prepare for the same. This added with the fact that there is less manpower hinders the disposal of the case. Many respondents have supported the view that there is lack of manpower for compliance and other related work in the Lok Adalats. The increased frequency in Lok Adalats means that there is less time to deliver the summons. Further due to incorrect and incomplete addresses given by the investigating agencies summons do not get delivered to the designated persons. The respondents wanted a considerable gap between the lok Adalats so that sufficient time is available for the Lok Adalat Work.

One of the respondent also reported that the mode of delivery of summons is old and new methods should be adopted to serve the summons. The Respondents have also there should be more awareness about the Lok Adalats and not only when and where the Lok Adalats are conducted but rather why the Lok Adalats are conducted and the benefits of the Lok Adalats.

11. Possible Reforms in Lok Adalats

Many of the respondents stated that the number or frequency of the Lok Adalats should be reduced. Many respondents have suggested that Lok Adalats should be organized quarterly in a year with only one respondent expressed the desire that it should be conducted in every six months.

One of the respondents has stated that liability should be fixed on the erring government officials and bank officials who do not willfully attend the Lok Adalat and do not cooperate in the Lok Adalats. Another respondent on similar lines has suggested that the attendance of the government officials should be made compulsory. It has also been suggested that the banks should give some special discount for the Lok Adalats so that more number of cases are disposed off. The same respondent has also given a valuable suggestion that procedure followed in Lok Adalats should be followed on all days for the same category of cases which are disposed off in Lok Adalats and should be a part of regular courts. It has also been suggested that more units should be given for the disposal in Lok Adalats.

Another very useful suggestion is that a register should be maintained separately for cases identified to be disposed off in Lok Adalats and those cases should be separated from the other court cases. It has also been suggested that their institution, pending and disposal figures should be separately submitted.

One of the respondents has given a suggestion that measures and reforms may be undertaken to include payments by cards, e wallets and by online mode through portals or links. Along with the same it has been suggested that kiosks should be established where the litigants can be heard through video conferencing so as to save additional cost of transport and administer justice at the door step. This would also mean that they will not be exploited by advocates who do not favour disposal by Lok Adalats.

Another respondent has given the suggestion that a separate process serving wing should be constituted for the Lok Adalats. Another useful suggestion has been made that a provision must be made that the parties should at least appear once for the Lok Adalat proceeding. It has also been suggested that notice through sms/email/whatsaap should be considered sufficient.

Another respondent suggested that there should be no differentiation such as district, state or national level Lok Adalats. The suggestion is good as the people of do not understand the difference and instead one Lok Adalat should be held.

Another very valid and useful suggestion is that no topic wise Lok Adalat should be held and all the cases coming under the list should be placed in any Lok Adalat. This is a very good suggestion as NALSA fixes the Lok Adalat all over India on the same date on same topic. However this might not be fruitful at all places because pendency of the particular type of case would not be the same in all courts. Hence all the types of cases should be posted in the lok Adalats and topic wise cases should be avoided. Another suggestion by the respondent is sufficient publication and advertisement through print and electronic media before sufficient time.

West Bengal

1. Regularity of Involvement in Lok Adalats

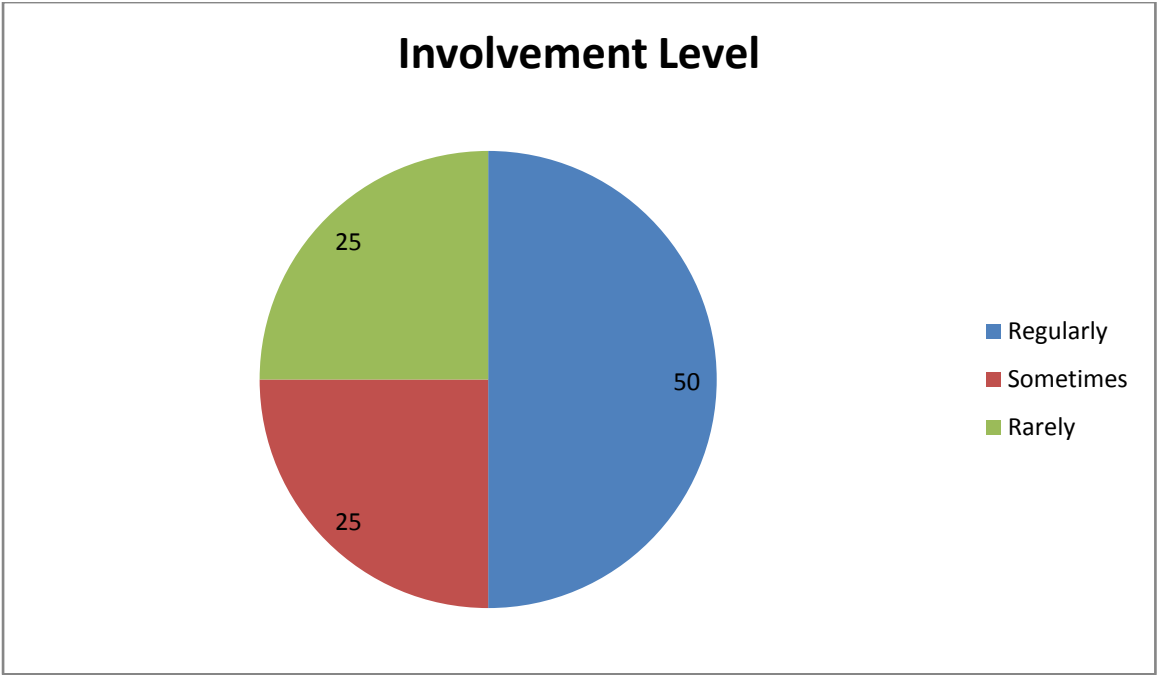


Figure 55 Regularity of Involvement in Lok Adalats- West Bengal

While assessing the significance of the feedback received, it is necessary to have an idea about the suitability of the respondents to comment on the subject matter of the feedback. Thus we asked the respondents to rate the regularity of their involvement in Lok Adalats with three options; Regularly, Sometimes and Rarely.50% of the respondents expressed regular familiarity with the working of Lok Adalats.

2. Adequacy of Time to Prepare for Lok Adalats

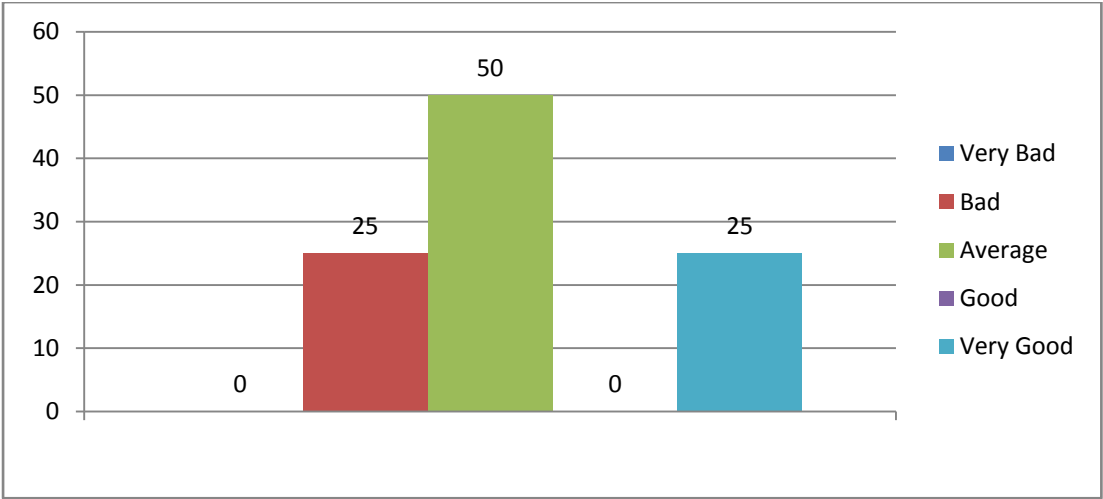


Figure 56 Adequacy of Time to Prepare for Lok Adalats- West Bengal

It is important to remember that organising Lok Adalats or participating in Lok Adalats is not a fulltime assignment for judicial officers. Their duties pertaining to Lok Adalats is in addition to the other judicial and administrative responsibilities entrusted to them. Thus, it is important that there is sufficient preparatory time for ensuring efficient functioning of Lok Adalats. Only 25% of the respondents rated the available time as ‘Very Good’.

3. Efficacy of the Existing System of Process Servers

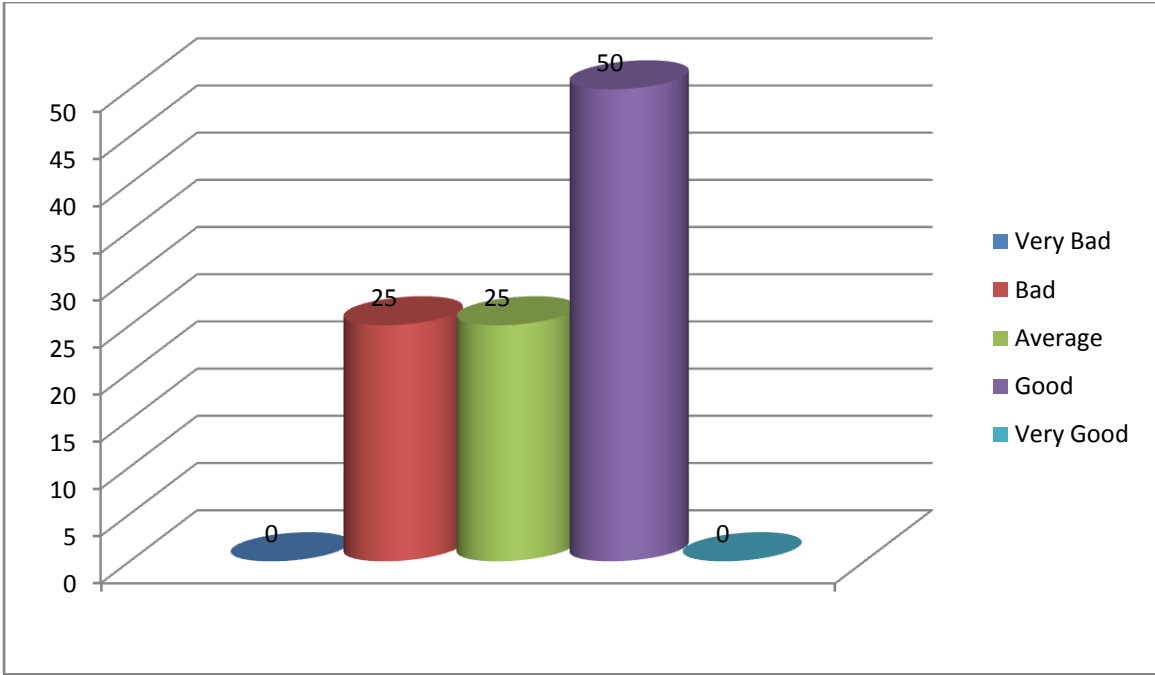


Figure 57 Efficacy of the Existing System of Process Servers- West Bengal

Unlike other regular official schedule, the volume of cases which are taken up in a Lok Adalat is greater. Handling a significant congregation of cases within a narrow time framework means that the process of serving summons and notices needs to be as foolproof as possible. If there is any problem in that respect, the next possible opportunity for a case to be listed for disposal through Lok Adalats does not arise for at least a couple of months. The nature of Lok Adalats also necessitates the serving of a significant number of summons and notices within a short span of time. Thus, feedback was sought on the existing system through which summons and notices are served. 50% of the respondents rated the existing system as Good.

4. Introduction of Technological Tools to Serve Summons and Notices

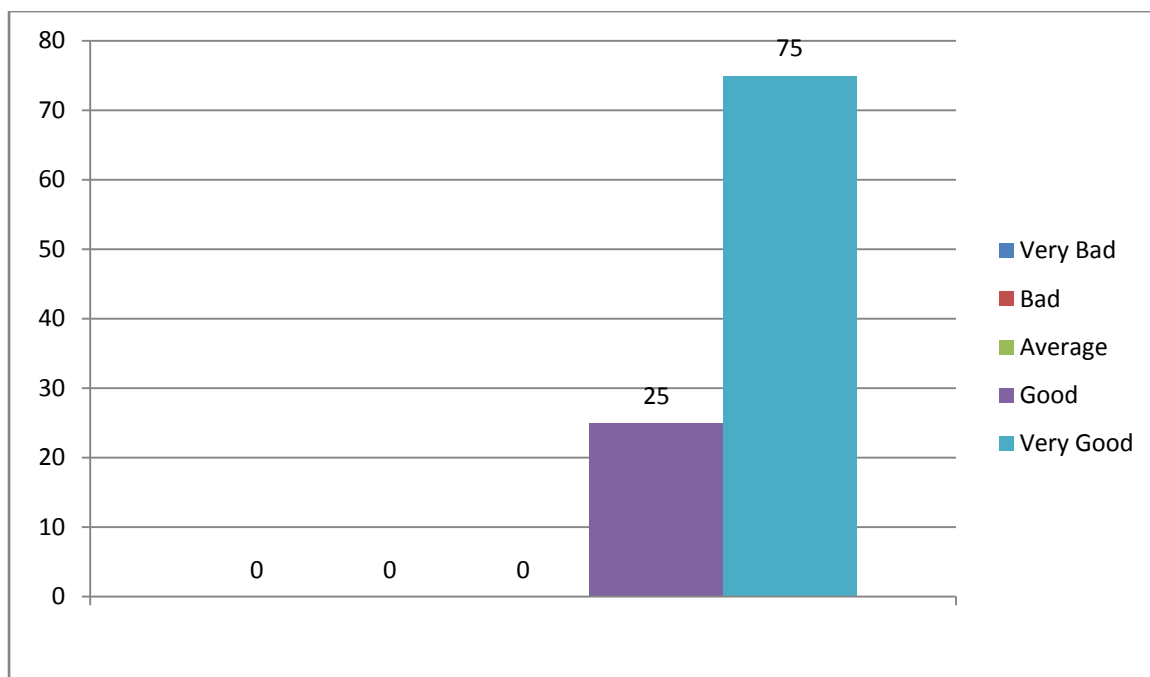


Figure 58 Introduction of Technological Tools to Serve Summons and Notices- West Bengal

While there have been significant technological developments in terms of prevalent communications system, most of the officially sanctioned procedures of notification in the judicial system remain rooted in an earlier time. In recent years, there has been an increasing trend in judiciaries across the country to integrate technological tools in the system of serving processes. In this context, feedback was sought regarding incorporation of technological tools such as e-mail and SMS for serving summons and notices. 75% of the respondents rated this proposition as Very Good and the remaining 25% of the respondents rated the proposition as Good.

5. Adequacy of Quantitative Weightage for Lok Adalat Disposals

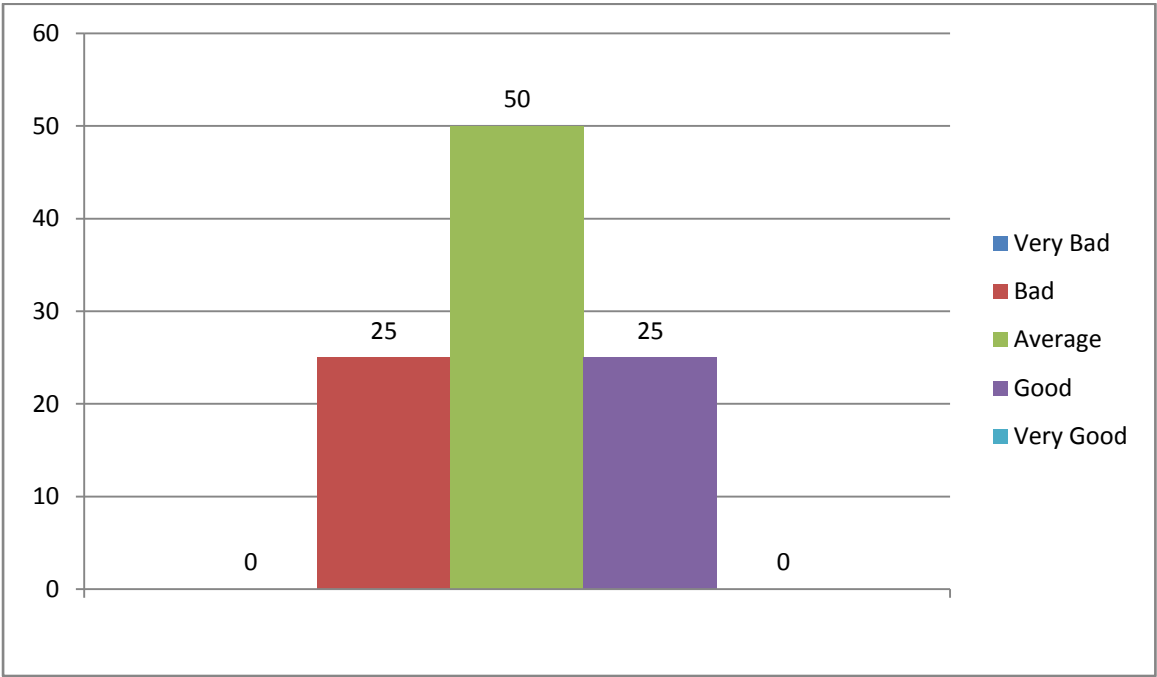


Figure 59 Adequacy of Weightage for Lok Adalat Disposals- West Bengal

In all States, judicial officers are expected to fulfil prescribed standards of quantitative output on monthly, quarterly and annual basis. These policies (norms of disposal) are calculated by assigning specific quantitative weightage to different kinds of judicial and administrative work. Thus, different quantitative weightage (usually in the form of Units) are awarded for disposing a case under section 302 of IPC, Section 125 of Cr.Pc etc. It is assumed that the differences in the quantitative weightage of different categories of cases corresponds to the seriousness of the case or the time consumed for disposing cases of that nature.

Generally, quantitative weightage is also assigned for disposing cases in Lok Adalats. Feedback was sought regarding the adequacy of such quantitative weightage. The basic point of this feedback was examine if the quantitative weightage of Lok Adalats disposal or perceived by the judicial officers to be a reasonable reflection of the work they put in for the said purpose.

75% of the respondents rated the existing quantitative weightage as Average or Bad.

6. Increasing Quantitative Weightage for Lok Adalats

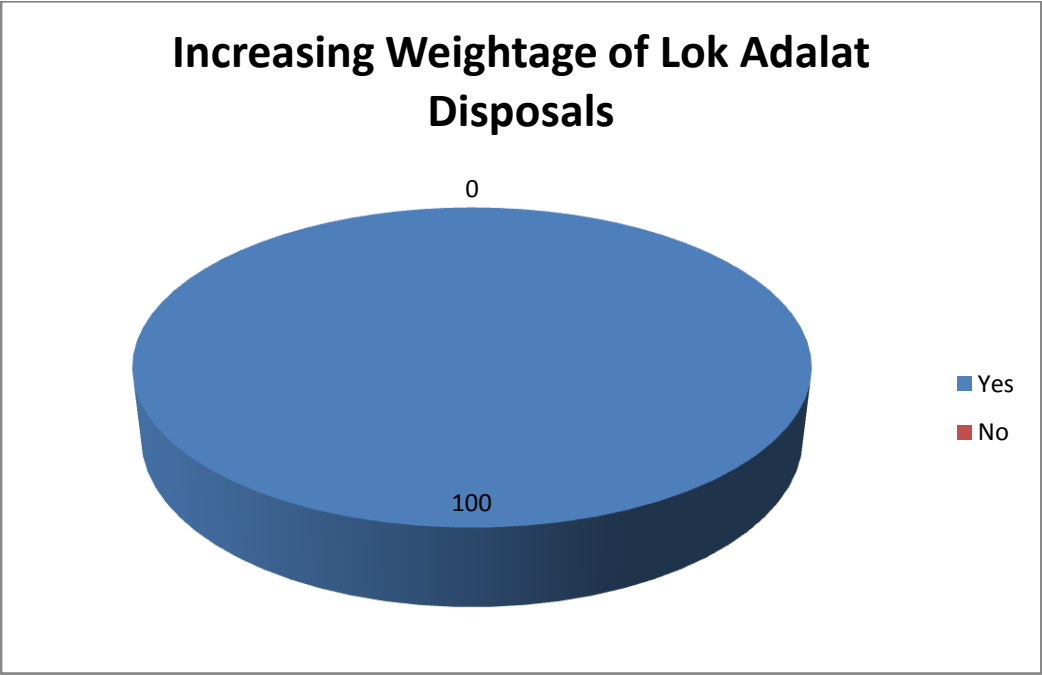


Figure 60 Increasing Weightage of Lok Adalat Disposals- West Bengal

As an immediate corollary to the earlier question on adequacy of the quantitative weightage assigned to disposals in Lok Adalats, feedback was sought about increasing the existing quantitative weightage. All respondents were in favour increasing the quantitative weightage for Lok Adalat disposals.

7. Adequacy of Administrative Support

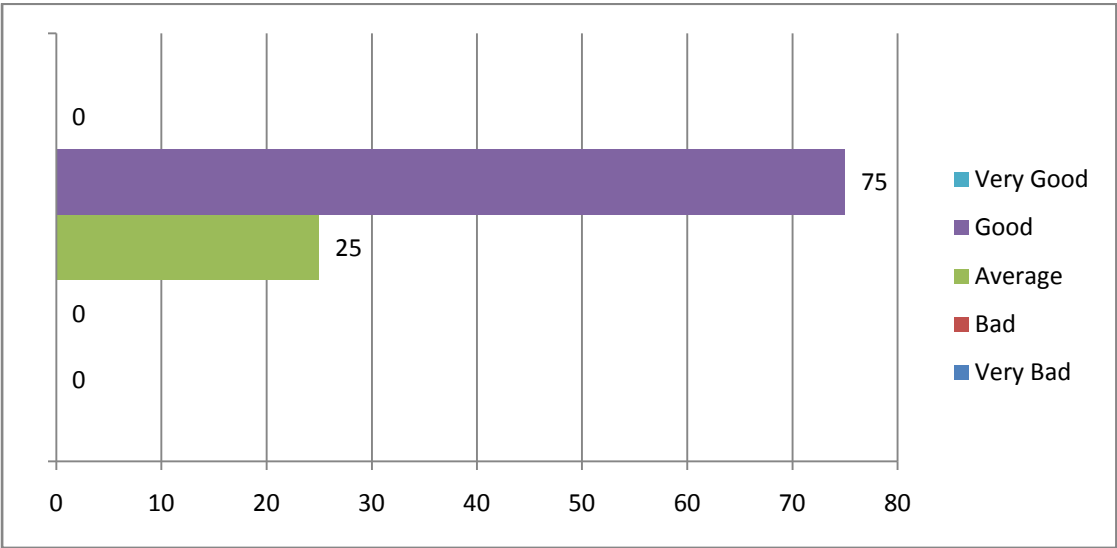


Figure 61 Adequacy of Administrative Support- West Bengal

Adequate administrative support is indispensable for ensuring that there is optimal utilisation of the scheduled Lok Adalats. This administrative support is essential in the preparatory stage. 75% of the respondents rated the existing administrative support as Good.

8. Exclusion of Cases from Lok Adalat Purview

One suggestion was that ‘pre-litigation cases’ must not form part of the Lok Adalat system. The reason assigned for this was that these types of cases were mostly stage managed.

9. Inclusion of Cases in Lok Adalat Purview

There was recommendation that 'Civil Suits relating to Title', 'Motor Accident Claim Cases', 'Land Acquisition Cases' and 'Cheque Bounce cases' should be included in the list of cases suitable for Lok Adalat. Respondents were of the opinion that these types of cases normally included very small issues, but due to ignorance of law and other impediments, the disputes get lingered for years together and if with proper counselling, the parties were convinced to present the matter before the Lok Adalat, a mutually satisfactory solution could certainly be arrived at.

10. Challenges in Conducting Lok Adalats

Several factors were high-lighted by the respondents in relation to the challenges in conducting Lok Adalats. The first factor/challenge was non-cooperation of Advocates for disposal of their cases in Lok Adalat. To elaborate the same, the respondents stated that the Advocates thought that if their cases were disposed of in Lok Adalats, they would sustain professional loss. The second challenge faced by the respondents as highlighted by them, was non-service of Summons & Notices of Lok Adalat in time. The respondents reported that the success of Lok Adalat was dependent upon the participation of the parties and unless and until the parties had notice of the fact sufficiently ahead that their case was placed before the Lok Adalat, they could not appear either in person or through their representative. Service of notice was again dependent on the availability of sufficient infrastructure as well as man-power and furthermore support of police administration was also necessary as pointed out by the respondents. Another view that came out of the feed-back given by the participating Officers was that before holding a Lok Adalat, the biggest challenge they faced was to make a complete preparation for the same. It was opined that preparation for Lok Adalat, inter-alia, included identification of suitable cases and holding pre-Lok Adalat conciliation between the parties including Lawyers so as to identify those cases in which successful settlement in Lok Adalat

could be done. It was specifically highlighted by the respondents that in this pre-Lok Adalat exercise, Advocates of the parties ought to be included.

11. Possible Reforms in Lok Adalats

There was recommendation to propose Government to enact specific law to make it compulsory for all the Courts dealing with compoundable cases and other categories of suitable cases to refer those cases to Lok Adalat for disposal. The second reform recommended by the respondents related to publicity of Lok Adalats. It was suggested that unless the benefits of Lok Adalats were made known to the general public including the litigants, the desired success rate could not be achieved. As per the Officers proposing this reform, a section of Judicial Officers working in the State must be entrusted with the duty of spreading awareness of the Lok Adalat system, bringing the parties to re-conciliation table and work out the modalities so that the cases referred to Lok Adalat were actually disposed of in a fruitful manner instead of getting placed for solution in the Lok Adalat, but ultimately getting rejected as unsuccessful.

Critical Impressions from the Feedback

1. The manner in which Lok Adalats are planned and the time available to judicial officers for effectively preparing for the Lok Adalats may be reviewed. In all the states, a major segment of the respondents indicated lack of sufficient time to prepare properly for Lok Adalats.
2. In all the states, the existing system of quantitative weightage for Lok Adalat disposals may be revised. Majority of the respondents in all the states

expressed dissatisfaction with the existing quantitative weightage for Lok Adalat disposals and there was also a clear support to the idea of increasing the quantitative weightage.

3. Serious consideration may be given to the proposition of introducing modern technological tools to serve summons and notices. In all the states, an overwhelming majority of the respondents were in favour of this proposition. Majority of the respondents were deeply unsatisfied with the existing system of serving processes.
4. The administrative support available for organising Lok Adalat may be reviewed. While, there were positive feedbacks from Jharkhand and West Bengal where the available administrative support was relatively more, a significant segment of the respondents were not satisfied with the existing administrative support.
5. At least one attendance by parties in Lok Adalat should be made compulsory.
6. Specific guidelines should be issued to the respective government agencies whose cases are pending for disposal in the Lok Adalats.
7. Frequency of Lok Adalats should be reduced so as to have sufficient time for preparation of Lok Adalats.
8. Subject specific Lok Adalats should be avoided and there should be more involvement of the Para Legal volunteers and more awareness among the masses about the Lok Adalats.

Conclusion

As a theoretical construct, the scheme of Lok Adalats has immense potential to facilitate an efficient, quick and amicable resolution of disputes. An institutionalised approach to Lok Adalats can have significant ramifications on the manner in which disputes are sought to be settled in a civilised society.

Lok Adalats are supposed to be less time consuming. Parties can take recourse to Lok Adalat in order to get time bound justice as the procedure is fast-tracked. It is cost effective. Since in the system of Lok Adalat parties are technically not required to pay any chargeable fees and they are not even required to take the professional assistance of Advocates, they end up in a comfortable situation where getting the dispute resolved does not require to spend much. When a matter is decided in a Lok Adalat, the cumbersome legal procedures are not followed. The Lok Adalat system is primarily based on 'Law of Equity' and does not require any clumsy paper work, arguments, written notes, recording of evidence etc. to be done as a result of which parties get their dispute resolved in a simplistic manner. The very system of Lok Adalat aims at deciding disputes between the parties at the grassroots level. Because of this philosophy, the Cases are identified in a given area and Lok Adalats are conducted in that particular area whereby the litigants are not required to come to Court covering much distance to get their dispute settled. Under this system, it is the Court which goes to people to settle their dispute and in true sense deliver justice at the door-step. The system ensures that there is no unnecessary intervention of unauthorized persons/advocates/ touts/clerks in a pending litigation and allows the litigants to directly settle their dispute in a judicial manner with their own consent. As the name suggests Lok Adalat is the Court of the people where supreme importance is given to the litigants. At no point of time they are threatened or coerced to enter into any judicial settlement without their free and fair consent. The system ensures that the litigants are given ample opportunity to represent themselves in the Lok Adalat. It further makes it mandatory that only a lawful

compromise between the parties or only a lawful admission of guilt is recorded in Lok Adalat.

Despite these inherent benefits in the scheme of Lok Adalats, it is but obvious from the research undertaken that the present system concerning Lok Adalats is far from satisfactory. While specific recommendations have been outlined throughout the report in relation to each State and a summary of such recommendations have been provided at the end of this chapter, two significant general constraints can be identified as the major impediment to a more efficient functioning of Lok Adalats; one from the perspective of the judicial officers who conduct Lok Adalats and the other from the perspective of the common people who are supposed to participate in Lok Adalats.

Structuring Lok Adalats as Regular Duty of Judicial Officers

Firstly, the work concerning Lok Adalat is conceptualised essentially as an additional responsibility for the judicial officers. It is not something which is sufficiently integrated into their existing duties and responsibilities. There is a dire need to structure Lok Adalat work as an integral part of the duties of judicial officers and not as something which has to be done above and beyond other essential duties.

Normalising Lok Adalats as a Mode of Adjudication

Secondly, Lok Adalats must evolve as a regular mode of adjudicating disputes. In other words, currently, Lok Adalats are perceived as an alternative mode or as an irregular mode. Formal litigation is seen as the mainstream method and Lok Adalats are structured as more of an irregular method. There is the need to normalise Lok Adalats as a regular method of dispute adjudication. As long as it is perceived as something irregular and offbeat, it would be difficult to ensure greater voluntary participation by the litigants.

General Recommendations

Based on the two constraints outlined above and also on the reformative measures which have been suggested in relation to the identified states, certain general principles regarding augmenting the efficacy of Lok Adalats can be ascertained. These principles may be considered as conceptual guidelines for improving the efficiency of Lok Adalats as a widely prevalent method for adjudication of disputes;

Planning of Lok Adalats

1. There should be systemic predictability in the schedule of Lok Adalats. The frequency of Lok Adalats which are organised in the states should not revolve around the frequency of National Lok Adalats which are organised as per the initiative of the National Legal Services Authorities.
2. The schedule of Lok Adalats to be organised may be clearly determined at the beginning of the year with specifics of dates and such other details as may be necessary.
3. More effort may be dedicated toward popularising Mobile Lok Adalats as it has the capacity to reach out to greater number of people.

Referral of Matters to Lok Adalats

1. Data should be maintained about the particular clauses of section 20 of the National Legal Services Authorities Act under which cases have been referred to Lok Adalats.
2. This data can help in identifying priority areas for popularising Lok Adalats as an adjudicatory mechanism. Litigant behaviour in terms of the kind of cases where they are preferring or avoiding Lok Adalats may be analysed and appropriate steps may be taken.
3. Clear policy guidelines may be formulated to aid judicial officers in referring cases to Lok Adalats at their own discretion. Appropriate guidelines may be issued to judicial officers for prioritising certain categories for being referred

to Lok Adalats depending on pendency figures and such other relevant factors as may be deemed necessary from time to time.

Mainstreaming Lok Adalats

1. Lok Adalat work may be streamlined as part of regular judicial duties and not structured as an additional burden on the time and energy of judicial officers.
2. Participation in Lok Adalat work may be recognised as a may be recognised as a specific component in the annual performance assessment of judicial officers.
3. While prescribing the norms regarding quantitative productivity of judicial officers, weightage may specifically be assigned for conducting hearings under different clauses of section 19 of the National Legal Services Authorities Act.
4. As most Lok Adalats are held on Holidays, the incentive structure may include non-financial components as well. Providing the judicial officers the option of having one day of compensatory leave accrue to their benefit in lieu of one day of salary may be considered.

Infrastructure and Human Resource

1. Positive effort may be made to provide adequate infrastructural support to legal services authorities at various levels. This may include separate buildings, sufficient space and adequate IT infrastructure.
2. The legal services authorities may also be provided with dedicated staff for work concerning Lok Adalats with provisions for periodic training and orientation.
3. Clear policy may be formulated for maximising the involvement of retired judicial officers as it will provide robust manpower in Lok Adalat activities.

4. Modern technological tools (SMS, e-mail) may be introduced to simplify the process of tracking case progress and for notifying litigants.

Summary of Recommendations for the Identified States

Bihar

5. There may be a pre-determined frequency in the organisation of periodic Lok Adalats. Preferably, Lok Adalats maybe organised every month so as to ensure systemic predictability. Also, the scheduling of periodic Lok Adalats may not be dependent on the scheduling of National Lok Adalats. The National Lok Adalats serve distinct function under the management of the National Legal Services Authorities and the scheduling of state level Lok Adalats should not be dependent on whether or not National Lok Adalats are being organised in a particular month.
6. Record may be maintained as to the particular clauses of section 20 of the National Legal Services Authorities Act under which cases have been referred to Lok Adalats.
7. Analysis may be undertaken on the basis of such catalouging of cases to identify priority areas for popularising Lok Adalats as an adjudicatory mechanism.
8. Appropriate guidelines may be issued to judicial officers for prioritising certain categories for being referred to Lok Adalats depending on pendency figures and such other relevant factors as may be deemed necessary from time to time.
9. An effective strategy may be devised to ensure greater participation of retired judicial officers in Lok Adalats. Greater involvement of judicial officers may facilitate more strategic use of the available human resource and would also alleviate the load on the existing judicial capacity.
10. The existing quantitative weightage for Lok Adalat disposals may be reviewed so as to explore the possibility of increasing the weightage.

11. Quantitative weightage may specifically be assigned for conducting hearings under different clauses of section 19 of the National Legal Services Authorities Act.
12. Judicial officers involved in the organisation of Lok Adalats may be given the choice of either accepting one day basic salary or have one day of compensatory leave accrue to their benefit.
13. Performance in relation to Lok Adalats disposals may be recognised as a specific component in the annual performance assessment of judicial officers.
14. Serious consideration may be given to the proposition of introducing modern technological tools to serve summons and notices. In all the states, an overwhelming majority of the respondents were in favour of this proposition. Majority of the respondents were deeply unsatisfied with the existing system of serving processes.
15. Separate Buildings should be constructed for District Level Legal Services Authorities and Taluk legal services committee along with IT Infrastructure.
16. Dedicated and sufficient staff should be provided at all levels and training programmes for them should also be held to make them more efficient.

Jharkhand

1. Greater effort may be directed towards establishing Mobile Lok Adalats as a regular and essential part of the Lok Adalat Scheme.
2. Mega Lok Adalats in all jurisdictions in the State, in the pattern of National Lok Adalats, may be organised from time to time.
3. Record may be maintained as to the particular clauses of section 20 of the National Legal Services Authorities Act under which cases have been referred to Lok Adalats.
4. Analysis may be undertaken on the basis of such catalouging of cases to identify priority areas for popularising Lok Adalats as an adjudicatory mechanism.
5. Appropriate guidelines may be issued to judicial officers for prioritising certain categories for being referred to Lok Adalats depending on pendency

figures and such other relevant factors as may be deemed necessary from time to time.

6. An effective strategy may be devised to ensure greater participation of retired judicial officers in Lok Adalats. Greater involvement of judicial officers may facilitate more strategic use of the available human resource and would also alleviate the load on the existing judicial capacity.
7. The existing quantitative weightage for Lok Adalat disposals may be reviewed so as to explore the possibility of increasing the weightage.
8. Quantitative weightage may specifically be assigned for conducting hearings under different clauses of section 19 of the National Legal Services Authorities Act.
9. Judicial officers involved in the organisation of Lok Adalats may be given the choice of either accepting one day basic salary or have one day of compensatory leave or earned leave accrue to their benefit.
10. Performance in relation to Lok Adalats disposals may be recognised as a specific component in the annual performance assessment of judicial officers.
11. Serious consideration may be given to the proposition of introducing modern technological tools to serve summons and notices. In all the states, an overwhelming majority of the respondents were in favour of this proposition. Majority of the respondents were deeply unsatisfied with the existing system of serving processes.
12. Separate Buildings should be constructed for District Legal Services Authorities and Taluk legal services committee along with IT Infrastructure.
13. Dedicated and sufficient staff should be provided at all levels and training programmes for them should also be held to make them more efficient.

Odisha

1. Greater effort may be directed towards establishing Mobile Lok Adalats as a regular and essential part of the Lok Adalat Scheme.
2. Mega Lok Adalats in all jurisdictions in the State, in the pattern of National Lok Adalats, may be organised from time to time.

3. Preferably, Lok Adalats maybe organised every month so as to ensure systemic predictability. The scheduling of periodic Lok Adalats may not be dependent on the scheduling of National Lok Adalats. The National Lok Adalats serve distinct function under the management of the National Legal Services Authorities and the scheduling of state level Lok Adalats should not be dependent on whether or not National Lok Adalats are being organised in a particular month.
4. Record may be maintained as to the particular clauses of section 20 of the National Legal Services Authorities Act under which cases have been referred to Lok Adalats.
5. Analysis may be undertaken on the basis of such cataloguing of cases to identify priority areas for popularising Lok Adalats as an adjudicatory mechanism.
6. Appropriate guidelines may be issued to judicial officers for prioritising certain categories for being referred to Lok Adalats depending on pendency figures and such other relevant factors as may be deemed necessary from time to time.
7. An effective strategy may be devised to ensure greater participation of retired judicial officers in Lok Adalats. Greater involvement of judicial officers may facilitate more strategic use of the available human resource and would also alleviate the load on the existing judicial capacity.
8. The existing quantitative weightage for Lok Adalat disposals may be reviewed so as to explore the possibility of increasing the weightage.
9. Quantitative weightage may specifically be assigned for conducting hearings under different clauses of section 19 of the National Legal Services Authorities Act.
10. For having worked on a holiday, judicial officers may be paid one day of basic salary not simply for National Lok Adalats, but for all Lok Adalats.

11. Judicial officers involved in the organisation of Lok Adalats may be given the choice of either accepting one day basic salary or have one day of compensatory leave accrue to their benefit.
12. Performance in relation to Lok Adalats disposals may be recognised as a specific component in the annual performance assessment of judicial officers.
13. Serious consideration may be given to the proposition of introducing modern technological tools to serve summons and notices. In all the states, an overwhelming majority of the respondents were in favour of this proposition. Majority of the respondents were deeply unsatisfied with the existing system of serving processes.
14. Entirely new building should be constructed for State Legal Services Authority and separate building for DLSA's wherever not present and Taluk legal services committee along with IT Infrastructure.
15. Dedicated and sufficient staff should be provided at all levels and training programmes for them should be held to make them more efficient.

West Bengal

1. Greater effort may be directed towards establishing Mobile Lok Adalats as a regular and essential part of the Lok Adalat Scheme.
2. Mega Lok Adalats in all jurisdictions in the State, in the pattern of National Lok Adalats, may be organised from time to time.
3. Permanent Lok Adalats as mandated under the provisions of the National Legal Services Authorities Act may be established.
4. There may be a pre-determined frequency in the organisation of periodic Lok Adalats. Preferably, Lok Adalats maybe organised every month so as to ensure systemic predictability. Also, the scheduling of periodic Lok Adalats may not be dependent on the scheduling of National Lok Adalats. The National Lok Adalats serve distinct function under the management of the National Legal Services Authorities and the scheduling of state level Lok

Adalats should not be dependent on whether or not National Lok Adalats are being organised in a particular month.

5. The practice of preparing detailed calendar outlining the tentative schedule of activities may be institutionalised.
6. Record may be maintained as to the particular clauses of section 20 of the National Legal Services Authorities Act under which cases have been referred to Lok Adalats.
7. Analysis may be undertaken on the basis of such cataloguing of cases to identify priority areas for popularising Lok Adalats as an adjudicatory mechanism.
8. Appropriate guidelines may be issued to judicial officers for prioritising certain categories for being referred to Lok Adalats depending on pendency figures and such other relevant factors as may be deemed necessary from time to time.
9. An effective strategy may be devised to ensure greater participation of retired judicial officers in Lok Adalats held at district and taluk level as well. Greater involvement of judicial officers may facilitate more strategic use of the available human resource and would also alleviate the load on the existing judicial capacity.
10. Specific quantitative weight age for Lok Adalat disposal may be specified.
11. Quantitative weight age may specifically be assigned for conducting hearings under different clauses of section 19 of the National Legal Services Authorities Act.
12. Judicial officers involved in the organisation of Lok Adalats may be given the choice of either accepting one day basic salary or have one day of compensatory leave accrue to their benefit.
13. Performance in relation to Lok Adalats disposals may be recognised as a specific component in the annual performance assessment of judicial officers.
14. Serious consideration may be given to the proposition of introducing modern technological tools to serve summons and notices. In all the states, an

overwhelming majority of the respondents were in favour of this proposition. Majority of the respondents were deeply unsatisfied with the existing system of serving processes.

15. A new building should be constructed for State Legal Services Authority and separate buildings for DLSA's and Taluk legal services committee along with appropriate IT Infrastructure.
16. Dedicated and sufficient staff should be provided at all levels and training programmes for them should be held to make them more efficient.