

# **MINOR RESEARCH PROJECT**

**ON**

**“A Study on Lok Adalat In Satara City”**

**SUBMITTED BY**

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**TO**

**University Grant Commission,  
New Delhi.**

**2015**

**EXECUTIVE SUMMARY****UGC – MINOR RESEARCH PROJECT**

File No. 23-345/12(WRO) dated on 20/02/2013

**“A Study on Lok Adalat In Satara City”****Principal Investigator – Dr. Deepa Pravin Patil**

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**Period: 20.02.2013 to 20.02.2015**

**EXECUTIVE SUMMARY REPORT**

Article 39-A, The Constitution of India inserted through the 42nd amendment in 1976 requires the State to secure that the operation of the legal system promotes justice, on a basis of equal opportunity, and shall, in particular, provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities. The entire mechanism of Lok Adalats designed and evolved is with the object of promoting justice. Justice has three connotations namely social, economic and political. The first two connotations are handled by the said mechanism. They not only give an opportunity to the parties to resolve disputes but such resolution - is at lowest possible cost , achieved amicably

with consent of parties concerned. 'Access to Justice' means an ability to participate in the judicial process. It is that human right which covers not only bare court entry but has many dimensions including time consuming factor. For we the People, the vision of justice as embodied in the constitution entails delivering quality of justice (impartial and steadfast) which is speedy, accessible and distributive in nature. Both pre-litigation and post-litigation efforts are invited by Lok Adalats to enable the entire society to create peace and harmony. The Legal Services Authorities Act, 1987 makes provision for free legal aid which can be availed both before the Courts and Lok Adalats so constituted. The Court has to give guidance to parties (when parties are opting for any mode of ADR) by drawing their attention to the relevant factors which parties will have to take into account, before they exercise their opinion as to the particular mode of settlement.

Number of cases referred to Lok Adalat from regular courts should be increased also necessary steps should be taken to improve the performance of the panel members in Lok Adalat with the help of the authorities under the district legal aid committee for improving the performance of the panel members in Lok Adalat . The reason for third conclusion may be non-response of parties to Lok Adalat and improper organization and management of the authorities conducting it so proper check must be there by the Maharashtra State Legal Services Authorities on Lok Adalat organizing authorities at district level and awareness must be created with the help of media about benefits of Lok Adalat.

On the basis of percentage of number of cases disposed off the large number of cases still pending in the Courts in Satara, so some options must be created to resolve the disputes in the court by referring the dispute capable of compromise to Lok Adalat process with proper care and management through the court authorities.

number of cases referred to Permanent Lok Adalat from regular courts should be increased. Also necessary steps should be taken to improve the performance of the panel members in Permanent Lok Adalat with the help of the authorities under the district legal aid committee for improving the performance of the panel members in Permanent Lok Adalat . The reason for unsatisfactory performance and response of parties to Permanent Lok Adalat and improper organization and management of the authorities conducting it so proper check must be there by the Maharashtra State Legal Services Authorities on Permanent Lok Adalat organizing authorities at district level and awareness must be created with the help of media about benefits of Permanent Lok Adalat.

The percentage reference of cases to pre-litigation is required to be increased by making awareness amongst people as to how this process will be beneficial and preserve their interest by publication of information about the pre-litigations through print, audio and video media one month prior to its conduction.

The pendency of litigations in the court can be lessened by referring more number of cases to Lok Adalat by constituting a counseling committee to convince the parties to litigation to refer their matter to Lok Adalat and how it will be beneficial in your cases to get maximum satisfactory solution agreeable to the parties. counseling committee should be organized consisting of officials of Labour associations, judges, social activist in industrial sector etc. to convince the parties in litigations about the benefits of Lok Adalat process and settle their dispute by mutual consent and understanding for preserving future relationships.

To lessen the burden of litigations and for early and less formal resolution of dispute in comparatively low expenses the Lok Adalat started to be taken in Trust court. The statistical information of the cases referred to Lok Adalat and resolved through it has been presented in tabular form.

Lok Adalat Process is more efficient than court redressal mechanism as it saves time and expenses of both court and litigants, reduce pendency in the courts and gives more satisfying and acceptable solutions to the parties in disputes. Majority of sample group of judges and lawyers opined that there is proper legal framework for promotion of alternative dispute resolution mechanism but the difficulty is in implementation, there is lack of proper infrastructure and manpower and for promotion of alternative dispute resolution mechanism, most of the times incentive is not provided and if in some cases provided it is inadequate, some effective steps are required to be taken in this concern.

The quest for equal, fair and even handed justice has been the passionate demand of human being from the emergence of the society in all civilisations. Therefore, the right of effective access to justice has developed as the most basic human rights of a legal system which purports to guarantee the legal, social, political, cultural and economic rights in a country. The term access to justice connotes the ability of a person to participate in the judicial process for the protection and enforcement of his rights. It covers more than bare court entry and includes the ability to reach the lawyers, police, enforcement machinery and capacity to bear the costs and time of litigation. In this backdrop, the right to access to justice through efficacious justice delivery mechanism, is imperative to secure justice under the Constitution. The Preamble makes it abundantly clear that justice social, economic and political are the cherished objects. With the purpose to implement this object of trilogy of justice, the various mandates enshrined in Part III and Part IV of the Constitution lay down emphasize on the establishment of a qualitative justice dispensation system and at the door steps of people. Similarly, the Apex Court has played a significant role through its number of judgments for the betterment of administration of justice by declaring the right of free legal aid

and speedy trial as a part of fundamental rights under Article 14 and 21 of the Constitution.

However, in reality, our present judicial system based on Anglo-Saxon jurisprudence is being buried under the monumental weight of arrears. Because, litigation has increased manifold, not only on account of population growth but also in view of new laws, legal awareness, shortage of judges, industrial and commercial increasing involvement of government in everyday life of people, growth, besides urbanization. The formal judicial machinery has failed to administer qualitative and effective to the people due to delay, corruption, highly cost of litigation, non access to justice, lengthy legal process due to technical procedural laws and less number of courts etc. These drawbacks of judicial system shakes the confidence of the people in its capacity and capability adequate and timely relief. Therefore, to tackle this situation, the Lok Adalat has been introduced to achieve the objects such as (i) to enhance the involvement of people in justice delivery process; (ii) to relieve the court congestion as well as undue cost and delay, and (iii) to facilitate access to justice.

The researcher has studied the implementation of Lok Adalat in State of Maharashtra generally and in the courts at Satara city thoroughly. While studying this topic certain questions and issues were posed on awareness, knowledge, adequacy and implementation of Lok Adalat. The present study was undertaken to meticulously search for answers to these questions. After a comprehensive research, analytical research and study of implementation of the Lok Adalat process in the courts at Satara District, certain conclusions are reached. Most of them had already been stated in earlier implementation of in the courts at Satara District. A brief conclusion of the study is stated as below:

The researcher concludes the hypothesis which have been stated in the research proposal i.e. the percentage of cases getting resolved through Lok Adalat are on rise in Satara city, negatively and further concludes that it will have a rising trend for settlement of disputes through Lok Adalat if it is implemented with strong administrative set up, skilled neutral facilitators and trained judges, with effective case management, this is said on the basis of the analysis of data collected and examined by the researcher. The sample group of Judges, Lawyers and Litigants had positive attitude towards the preference of the Lok Adalat over the court redressal mechanism. The level of acceptance and such attitude shows the level of success of Lok Adalat in Satara city, in some degree. According to knowledge, understanding and experience in Lok Adalat the sample groups believed that reference to Lok Adalat would cut the cost for litigants and courts, the reference to Lok Adalat would reduce the pendency of cases in various courts, positive response towards capability of Lok Adalat to resolve matter in less time than court process. , the capability of Lok Adalat to give more acceptable and satisfying solution to the dispute between the parties

When we consider the time period required for solving one case through district and other courts in Satara district, it is seen to be in years. On the other hand, if we see the time period required for solving one case through Lok Adalat conducted in district and other courts Satara district, it is seen to be in days only. Hence, the Lok Adalat process is seen to be less time consuming as compared regular court system.

This is said on the basis of the analysis of the data collected and examined by the researcher. Since, the percentage of cases getting resolved through alternative dispute resolution system is seen to be fluctuating in Satara districts. Also at the same time the percentage of cases getting resolved through alternative

dispute resolution system is depends on the number of cases referred to Lok Adalat process and the cases referred to Lok Adalat process is also seen to be fluctuating in Courts of Satara. This fluctuation in the reference of the cases to Lok Adalat mechanism is the result of poor implementation of Lok Adalat. Majority of sample groups is of the opinion that there is insufficient infrastructure and manpower for the implementation of Lok Adalat, there is lack of sufficient infrastructure and trained personnel as a result no proper execution of Lok Adalat is possible, further suggest that huge funds should be made available by government, sufficient incentive is not provided to personnel involved in Lok Adalat process for promotion of Lok Adalat, there is no rise in awareness and use of Lok Adalat which resulted in poor implementation of Lok Adalat and affected the percentage of cases resolved through Lok Adalat negatively.

To achieve the goal of justice to all, the researcher would like to suggest/recommend as follows:

- i) For the success of Lok Adalat the attitude of both bar and bench has to be changed. The bar must encourage by passing of orders regarding the reference of disputes to settlement by Lok Adalat and convey the benefits of resolving the disputes through Lok Adalat to the litigants
- ii) Essential pre-conditions for successful enforcement of Lok Adalat is first, proper institutionalization with active participation of Bar and Bench, and formation of Advisory committees of all lawyers, judges, law professors, social activist etc. to reach at consensus on the programme and lastly educating the litigants and people at large to opt Lok Adalatas the most beneficial and appropriate mechanism to solve the dispute.



- iii) Existing strength judicial officers are not able to handle their own work how could we expect from them to give time for effective implementation of Lok Adalat? Lok Adalat cannot be a substitute for judiciary it is mere complimentary and supplementary to the existing judicial system which again depend on judiciary like equity and common law.
- iv) In all courts, the disputes arising from motor accident claims, matrimonial / family disputes, bank recoveries etc., could be as a matter of routine subjected to Lok Adalat process before they are in fact listed for admission.
- v) Lok Adalat informative pamphlets be displayed regularly on notice board for lawyers and litigants in the court premises.
- vi) At present we have recognized and reputed Lawyers, Senior counsels in litigation. Different skills and expertise should be inculcated in conciliators of the panel of Lok Adalat for different types of disputes for examples, different skills and expertise is required in matrimonial dispute would be different from commercial matters, so on and so forth.
- vii) Voluntary participation of parties in Lok Adalat process is the life blood of the success of the Lok Adalat process in the dispute. So, efforts should be made to make the Lok Adalat process must be made popular amongst the litigants and general people at large through audio-visual media.
- viii) Mentality of student as budding lawyer is build up in the law colleges, law schools and other law imparting institutions etc. It is the place where usually from the beginning law students were taught A vs. B in which one wins and other looses and winning as an essential part of legal profession. Hence, it is difficult to saw the seeds of conciliation of

dispute through Lok Adalat in an adversarial soil. If we want to grow the tree of Lok Adalat process then we have to cultivate the soil where the law practitioners built up their personality to deal with the cases coming before them. In nutshell it could be said that we have to learn, absorb and adopt the Lok Adalat processes from the root level of building of the personality of law student. In law institutions all the students should be taught A and B have a misunderstanding or misconceptions to be corrected with the help of legal profession.

- ix) Law institutions should add in their curriculum as well as in syllabus, Lok Adalat as a special and compulsory subject for each year of law course for developing the knowledge as well as clearing misconceptions relating to Lok Adalat which in result will cultivate a soil healthy for the tree of Lok Adalat.
- x) With a view to bring awareness, holding of seminars, workshops, symposiums etc. would be imperative. A detailed Lok Adalat literacy programme has to be chalked out.
- xi) Government should take into consideration that no system will work without financial support. As for effective implementation of Lok Adalat process there is requirement of supervisory authority, manpower, infrastructure and panel of trained conciliators. So, government should take effective measures to allocate sufficient funds to fulfill the essential requirements for the proper implementation of Lok Adalat.
- xii) As maximum cases pending in the courts are the litigations by or against the government, a system of dispute resolution having full powers should be established by appointing a panel of conciliator for the settlement of the government disputes amicably through Lok Adalat no government officer is ready to take responsibility to take decision in

dispute under the fear of technicalities in their nature of work, so, special law officer or mediator must be appointed to deal with the government matters.

- xiii) First and foremost important step required to be taken by government is to spread awareness about the process of Lok Adalat amongst the lawyers, judges, litigants, law students and people at large by creation of website, publication through media, local cable television, radio, pamphlets, brochures' and newspapers etc. about the concept and benefits of Lok Adalat. To bring awareness, it will be imperative to hold seminars, workshops, symposiums etc. would be imperative. Also a detailed Lok Adalat literacy program has to be chalked out.
- xiv) The awareness campaign must take in its stride a change in the attitude or mindset of all concerned including the disputants, lawyers and judges. Lok Adalat informative pamphlets be displayed at conspicuous places in police station, court premises, Tahsil offices, village Grampanchayat, etc. Lok Adalat Informative pamphlets should be circulated with court summons or notices to the litigants .

Large number of people who had some legal dispute come before lawyers or judges. Only these two groups have capability to convince parties coming before them to compromise the dispute amicably as far as possible. So, the litigants at large must be helped by lawyers and judges to opt for ADR process. Publicity of Lok Adalat process is the most important step to increase the use of Lok Adalat process India has been experimenting with and discussing non-judicial routes like mediation, conciliation ,arbitration and negotiation as well as Lok Adalat to make justice a poor man's pragmatic hope. The rising pendency of cases in the courts may cause injustice to the common man. The poor are the worst victims because

the rich can afford forensic mountaineering while the needy freeze to death midway. It is therefore sine quo non to discover imaginatively and innovatively all methodologies of getting inexpensive, early and easy justice.

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