

**Minor Research Project**

On

**A study on Lok Adalat  
with special reference to the Satara City**

Submitted to

**University Grant Commission, New Delhi**

Submitted by

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# **CERTIFICATE**

This is to certify that a copy of the final report of Minor Research Project entitled “**A Study on Lok Adalat in Satara City**” by **Dr. Deepa Pravin Patil**, Assistant professor, Ismailsaheb Mulla Law College, Satara has been kept in the library of the college and an executive summary of the report has been posted on the website of the College.

**Dr. Deepa Pravin patil**

## **ACKNOWLEDGEMENT**

Article 39-A, The Constitution of India inserted through the 42<sup>nd</sup> amendment in 1976 requires the State to secure that the operation of the legal system promotes justice. The entire mechanism of Lok Adalat is designed and evolved with the object of promoting justice. This research topic was an opportunity to enhance the conceptual knowledge and to suggest steps for effective implementation of Lok Adalat. I have made sincere efforts in highlighting the significance of effective implementation of Lok Adalat as a pre requisite of justice at the doorsteps of common man..

I would like to express my gratitude to all those who have guided and helped me in accomplishment of this task. First of all I owe my gratitude to my research guide Adv. Dr. Santosh A. Shah, Legal advisor, Shivaji University, Kolhapur for providing me his valuable guidance. I also owe my gratitude to Principal District Judge, District Court, Satara and Satara District Legal Services Authority for their help in collection of the data. I am also thankful to Dr. Shirke, Associate Professor, Dept. of Statistics for his help in analysis of the collected data. I also thank our Principal Dr. Sujata S. Pawar, Ismailsaheb Mulla Law College, Satara for her constant support and guidance.

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**Dr. Deepa Pravin Patil**

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# **CHAPTER - 1**

## **INTRODUCTION**

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# **CHAPTER - 1**

## **INTRODUCTION**

### **1.1 INTRODUCTION**

A serious thought to substitutes for litigation for dispute resolution is given all over the world. It is universally accepted that litigation is one of the ways of dispute resolution. However litigation has its own strengths, weaknesses and limitations. It is therefore incumbent for all of us to think about Alternative Dispute Resolution Mechanism. We in India inherited the British adversarial legal system with its emphasis on common law and litigation. It was in the year 2002 that the Parliament of India took the first concrete step by amending the Code of Civil Procedure 1908 and included mediation, conciliation, arbitration, judicial settlement and Lok Adalat as alternatives to litigation.

The Constitutional goal as enshrined in Art 39A<sup>1</sup> of equal and speedy justice has therefore remained a dream for millions of Indians. The question therefore is should we accept the status quo or try to make a change? It will not be out of place to mention that litigation is thought to be an obstacle to the growth of human beings, society, country and the world. Moreover in the present era of globalization of the 21<sup>st</sup> century, people, and country need effective and multi-door dispute resolution system. In today's market place when we go out to buy any thing, we look for and get variety of options. The present era is called an era of consumerism. People want choice and change and it is obvious that people want choice and change even in their dispute resolution mechanism. Voltaire once said "I was ruined twice in my

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<sup>1</sup> Art. 39 A Equal justice and free legal aid – The State shall 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.

life, once when I lost a law suit and once when I won a law suit!” Litigation thus creates a loose - loose situation though projected win-loose situation.

Prof Frank Sander of Harvard Law School therefore states that our civil court should not only offer litigation as the only method of dispute resolution. It should offer different resolution procedures tailored to fit the variety of disputes. Unfortunately, less attention seems to have been given up till now by the law makers, judges, lawyers and even litigant public to Lok Adalat as an alternative disputes resolution mechanism. In fact there is lack of awareness about the benefits and working of Lok Adalat.

This research work therefore aims at studying the present position of Lok Adalat, suggesting proper ways for its effective implementation and try to demonstrate how Lok Adalat will create a win-win situation for the judges, lawyers and litigants.

## **1.2 STATEMENT OF THE PROBLEM**

The title of the research undertaken is “ A study on Lok Adalat with special reference to Satara city ”.

## **1.3 CONCEPT OF LOK ADALAT**

We are moving towards a time when it will be impossible for the courts to cope up with the dockets. If something is not done, the result will be a production of line of justice that none of us would want to see. The seven hundred years old clarion call of the Magna Carta- To no one will we sell, to no one will we refuse or delay the right to justice very pertinently embodies the principle of legal aid. The institution of Lok Adalats have evolved as one of the most important modes of alternative dispute resolution. The first instance of a Lok Adalat system was in 1982, in the village of Una, in the district of Junagarh, Gujarat. Though this was in its rudiments, a fairly modern version of the Lok Adalat system that exists till

date began in Chennai, in 1986. The institution has developed, since, by leaps and bounds, by the people themselves, in order to provide for equitable justice speedily at minimal cost. The crux of this mode of justice dispensation is that it is contrived to enable the common man to ventilate his grievances against other citizens or even state agencies, and successfully arrive at an amicable settlement of sorts. Morality, honesty, justice, equity and good conscience are the high and lofty ideals upon which this institution is founded. The literal translation of the Hindi moniker, Lok Adalat, is 'People's Court'- Lok, meaning people, and Adalat meaning court. Thus, it simply means a court for the people, by the people, and of the people themselves. Apart from the fact that it is a mode of redressing grievances and delivering justice, Lok Adalats have less in common with the conventional adjudicative machinery. Essentially, the procedural and perfunctory requirements of proper courts are done away with, and the cadaverous remains are fleshed out with flexibility and amity in settlement, and this lends the Lok Adalat the characteristic of people-friendliness.

The Lok Adalat originated from the failure of the Indian legal system to provide fast, effective, and affordable justice. The evolution of this movement was a part of the strategy to relieve the heavy burden on the Courts with cases pending disposal. The pendency of cases poses great difficulties to the judiciary, and to the people who queue up in the hope of getting justice. It is a well-known fact that Justice Delayed, in effect, is Justice Denied. This phrase is legitimate, what with over 2,000,000 cases flooding in various courts and tribunals in the country, the primary concern of jurists and legal luminaries today is to speed up the judicial process. The reason that backed the creation of such courts were only the pending cases and to give relief to the litigants who were in a queue to get justice. There are myriads of Justice Seekers, and with the ever increasing numbers, courts



face an unwarranted challenge to their man-power and infrastructure. There is serious problem of overcrowding of dockets. To ease the heavy burden on the courts, it would be in the fitness of things if the cases can be resolved by resorting to 'Alternative Dispute Resolution' Methods before they enter the portals of Court.

Lok Adalats are a blend of all three forms of traditional ADR: arbitration, mediation, and conciliation. They use conciliation, with elements of arbitration given that decisions are typically binding, and are an illustration of legal decentralization as conflicts are returned to communities from whence they originated for local settlement. The clogged courthouses have become an unpleasant compulsive forum instead of temples of speedy justice. Instead of waiting in queues for years and passing on litigation by inheritance, people are inclined either to avoid litigation or to start resorting to extra judicial remedies.<sup>2</sup> Therefore, alternative dispute resolution mechanism is sine quo non-for our Indian judicial system. Therefore, the researcher had undertaken this subject for contributing to the concept and explaining the difficulties in implementation and also to suggest appropriate solutions for effective implementation of Lok Adalat.

#### **1.4 REVIEW OF LITERATURE**

The variety of material in the form of books, journals, research articles is available in the branch of alternative dispute resolution system in abroad and India. Though the concept had ancient base in India, lots of work has been done by Indian authors in this field. As the concept of Lok Adalat is wider one and includes different facets such as conciliation, mediation etc. the detailed literature of whole concept is seen by the researcher in fragments and scattered form in Indian literature. The following Indian

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<sup>2</sup> Mediation and Case Management- Their co-existence and correlation- A paper presented during Indo-US Judicial exchange at U.S. Supreme court by Niranjana Bhatt on 15/12/2002.

authors has written on the topic of Lok Adalat. They are S. K. Sarkar, D. K. Sampath, M. N. Srinivas, Dr. S. R. Myneni, Prabha Bhargava, P. C. Rao, Madabhushi Sridhar, O. P. Malhotra, Indu Malhotra, M. V. Vijayanthi, and many others

In the last twenty years, many Indian authors have written valuable books on this topic. Besides books, research articles and research work for Ph.D. degrees have also been produced in the subject of law. Following account gives the contribution of foreign and Indian writers.

### **BOOKS, RESERCH ARTICLES AND WRITERS**

Few Indian authors from the discipline of Law, have contributed in the field of Lok Adalat. Very few written material relating to exhaustive concept of Lok Adalat is available in India. The Lok Adalat, its working, legislations all these found in different books in scattered form. Since, many books have published. Alternative dispute Resolution- Negotiation and Mediation, Madabhushi Sridhar, 1<sup>st</sup> edition, LexisNexis, Butterworth's, New Delhi, India, 2006, given details about Lok Adalat as one of the mode of ADR. G. K. Kwatra, New Delhi, 2004, International Trade center (Publication)], The law and practice of Arbitration and Conciliation, 2<sup>nd</sup> ed., O.P. Malhotra, Indu Malhotra ,2006 LexisNexis Butterworth. S.K. Sarkar, law relating to Lok Adalats and Legal Aid, third edition, orient publishing co. explores the detailed knowledge about Lok Adalat and its implementation in India through respective state legislations relating to legal services, Kane, History of Dharmashastra ,Vol. III,1946 P 242],International Law Governing Commercial Arbitration & Lok Adalat (M.V. Vaijyanthi,1999), the authors had given the meaning and features of all the modes of alternative dispute resolution mechanism in simple words. Sunil Deshta, Lok Adalats in India: Genesis and Functioning: People's Programme for Speedy Justice (Deep & Deep Publications 1995), Upendra

Baxi & Marc Galanter, Panchayat Justice: An Indian Experiment in Legal Access, in Vol. III Access to Justice 341 (Mauro Cappelletti & Bryant Garth eds., 1979). these eminent authors had contributed to the material of Lok Adalat its implications in the Indian society, as an alternative dispute resolution mechanism, Prabha Bhargava, Lok Adalat: Justice at the Door Steps (INA Shree Publishers 1998). and M.G. Chitkara, Lok Adalat and the Poor: A Socio-Constitutional Study (Ashish Pub. House 1993), the authors had explained the working and use of Lok Adalat as a way having popularity and its acceptance in the Indian society at large. B. R. Patil, Conciliation in India: Its Functioning and Effectiveness (Chugh Publications 1977). D. K. Sampath, Mediation, Concept and Technique in Support of Resolution of Disputes (Legal Service Clinic, National Law school of India University 1991). M. N. Srinivas, A Study of Disputes in an Indian Village, in Caste in Modern India and Other Essays 112 (Asia Pub. House 1962). Some of the constitutional provisions, clauses in legislative enactments and concept of Lok Adalat has been discussed in different books in one of the chapter in the book they are as follows- Dr. J. N. Pandey, Constitutional Law of India, 47<sup>th</sup> edition, 2010, Central Law Agency, M. P. Jain, Indian Constitutional law, 5<sup>th</sup> ed., 2003, Wadhawa publication, Nagapur, discusses constitutional provisions supporting the Lok Adalat system, S. K. Mishra, Labour and Industrial Law of India, third edition, 2005, Allahabad law Agency, Professionals Bare Acts- Notaries Act, 1952, Family court Act, 1984, Dr. S. R. Myneni, Code of Civil procedure and Limitation Act, First edition, 2006, Asia Law House, C. K. Takwani, Civil Procedure, sixth edition, Eastern Book co, Prof. G.C.V. Subba Rao's FAMILY LAW IN INDIA, revised by, Dr. T. V. SUBBA RAO, Dr. VIJENDER KUMAR, Ninth edition, 2006, S. Gogia and Co. summarized the efficiency of Lok Adalat as a mode of dispute resolution.

There are several research articles published in this by various Indian researchers from the disciplines of Law and Management. Almost all leading Indian research journals publish such articles; while major contribution is found ICA's Arbitration Quarterly, Nyayadeep etc.. Vital articles are as follows- Anurag K. Agarwal, Role of Alternative Dispute Resolution Methods in Development of Society: 'Lok Adalat' in India (Indian Inst. of Mgmt. Ahmedabad, Res. & Publication Dep't, Working Paper No. 2005-11-01, Nov. 2005), available at <http://www.iimahd.ernet.in/publications/data/2005-11-01anurag.pdf> (last visited July 3,2008). Describes the Lok Adalat method of alternate dispute resolution in India. The paper begins with a background discussion of the history of ADR and Lok Adalats in India, and then outlines the benefits, relevant legislation and procedure of Lok Adalats in India. The article concludes with a positive look at the future of Lok Adalats and possible challenges to the success of the Lok Adalat system.

In the national research journal edited by NALSA, Nyayadeep, different writers has written research articles relating to Lok Adalat system and its modes some of them. In the national journal edited by Bar council of India Trust, Indian Bar Review, Establishment of Permanent Lok Adalat by J. S. Bisht , Lok Adalat Vs. Conciliation by Dr. Tahali Charan Mohanty etc are some articles published in the journal.

In Supreme Court Cases Journal, Justice R. V. Ravindran has written down a excellent article on ADR system by title Section 89: Need for Urgent Relook, in which he has discussed the practical difficulties of the implementation of Section 89 of the code of civil procedure.

Law Commission Reports – 77<sup>th</sup> Report on Delay and Arrears in Trial courts, 1978, 120<sup>th</sup> Report of the Law Commission of India on Manpower Planning in the Judiciary: A Blueprint, Ministry of Law, Justice and

Company Affairs, Government of India (1987) 39, 176<sup>th</sup> Report of Law Commission of India [www.lawcomissionofindia.nic.in.](http://www.lawcomissionofindia.nic.in.), 2005.

## **1.5 SCOPE AND LIMITATIONS OF THE STUDY**

This research has been mainly carried out by the researcher to study of concept and implementation of Lok Adalat in the Satara city of the state of Maharashtra. From the review of work done so far in this field in India, it is clear that detailed study of this problem has not been made at micro level. The topic of Lok Adalat is included in the form of one chapter in most of the books written by Indian authors.

Since, the concept of Lok Adalat is still in developing stage. So, a detailed work at micro level has not been done so far, hence, the researcher had decided to work on the topic of “A Study on Lok Adalat with special reference to Satara City”.

The researcher has done detailed study of Lok Adalat in Satara city and summary study of talukas of Satara District of the state of Maharashtra. As this area is, in Maharashtra state, researcher gives a brief study of the concept and implementation of Lok Adalat in state of Maharashtra. The later part of the research gives a detailed study of Lok Adalat in Satara city.

As the concept of Lok Adalat is not accepted by the people and came in effect in the year 1987 only, the concept and implementation of this system in District level is still in its initial stage, therefore, the researcher had restricted her study to the District headquarter and city and not to Talukas.

## **1.6 OBJECTIVES OF THE RESEARCH**

The growth of business, commerce and industry, consciousness of fundamental and individual rights, fast growing international commerce and

public sector participation in business have created tremendous complexity about the new rights and new remedies and increased popular reliance on the only judicial forum. This brought an unmanageable explosion of litigation. The clogged courthouses have become an unpleasant compulsive forum instead of temples of speedy justice. Instead of waiting in queues for years and passing on litigation by inheritance, people are inclined either to avoid long formal process or to start resorting to extra judicial remedies. So, to find out possible options to this issue has become imperative.

The present study is undertaken keeping in mind the following objectives:-

1. To study concept of Lok Adalat and its importance, significance and benefits to the society.
2. To study the advantages and disadvantages of Lok Adalat and find out how it will be useful to resolve which particular dispute.
3. To find out the limitations and difficulties in implementation of Lok Adalat.
4. To understand legal provisions and judicial view relating Lok Adalat.
5. To study the implementation of Lok Adalat in India and in state of Maharashtra summarily and in Satara city specifically.
6. To make a detailed analytical study of attitudes, understanding, knowledge and expectations of judges, lawyers and litigants for suggesting appropriate steps for acceptance and use of Lok Adalat for dispute resolution.

## **1.7 HYPOTHESIS**

The hypothesis formulated in the beginning of the study is:

The percentage of cases getting resolved through Lok Adalat are on rise in Satara city.

The last chapter of the report deals with the testing of this hypothesis with the help of the findings and the analytical research done by the researcher.

## **1.8 SOURCES OF DATA**

For the study of implementation of Lok Adalat in Satara city of Maharashtra state, the variety of correct and reliable data has been collected by the researcher for a span of 21 years i.e. 1991-2012. The researcher has used primary and secondary sources while collecting the data. Year wise statistical information of Lok Adalat in Satara city in Maharashtra state is referred. The primary data have been collected from the records of various courts in the Satara city. The detailed tabularized information has been invited by the researcher regarding number of year wise cases admitted, disposed through court process and year wise cases referred and settled through Lok Adalat in Satara city (Appendix-D). Lok Adalat is one of the mode of alternative dispute resolution mechanism started previously by the Legal Services Authorities Act of 1987, therefore the researcher had collected the statistical data from the year when Lok Adalat was started to settle the pending matters before the courts in Satara city. Questionnaire with selective questions was prepared and distributed among the three sampling units (Appendix A & B) viz., judges, advocates and litigants from in Satara district. The case study method is also being used, the litigants who actually referred their matter to Lok Adalat were interviewed. (Appendix-C). Besides these sources other information has been collected from various law journals, websites etc.

## **1.7 RESEARCH METHODOLOGY**

Research methodology is a way to systematically studying to solve the research problem. It can be understood as a science of studying how research is done scientifically. It takes many dimensions and research methods to constitute a part of the research methodology. Thus, when we talk of the research methodology, we not only talk of the research methods but also consider the logic behind the methods used in context of the research study in such a way that results are capable of being evaluated either by the researcher himself or by others. Under this head, the methods and techniques used in preparing this report are discussed.

In this work, the socio-legal study of Lok Adalat in Satara city of state of Maharashtra has been made, for which the variety of data is used at various levels. Number of different statistical techniques have been used while analyzing the data. Percentage of cases resolved through Lok Adalat is also done. Bar graphs are being drawn wherever necessary.

### **Data and Methods**

In carrying out this research, the researchers divide the data into two parts:

1. Documentary Study : It is the data obtained from relevant documents and researches, that is, academic documents, articles, journals, theses, and reports on relevant researches .
2. Field Study : That is using questionnaire as a tool to collect the data from study group and then making statistical analysis.

### **Subjects and Sample Groups**

In this study, the subjects are divided into 2 groups as follows:

1. Sample group from inquiry, that is, lawyers and litigants.



2. Sample group from interview, that is, judges.

To select the sample group, it applies simple random sampling by specified the qualifications of the subjects as following:

**1. Sample group from inquiry.**

1.1 Lawyers who are practicing in the courts.

1.2 Lawyers who have or have no experience of Lok Adalat process in or out of the court.

1.3 Litigants whose cases are pending before the court

1.4 Litigants whose matter is referred to Lok Adalat.

**2. Sample group from interview.**

2.1 Judges.

2.2 Judges who have experience of Lok Adalat in or out of the court.

In this study, the researchers specify the size of sample group by considering the total number of judges and lawyers working in the district of Satara. They are as follows:

**Table No. 1.1**

<b>District</b>	<b>Judges</b>	<b>Approximate Number of Lawyers</b>	<b>Approximate number of Litigants</b>
Satara	65	800	15000

Source: Court Record (2009)

The researcher had selected sample size for specified *confidence limits and precision when sampling attributes in percent*  $\pm 10$  for Lawyers and Judges and percent  $\pm 0.5$  for litigants, therefore, the researchers specify the number of sample group in this study at 437 samplers.

1. 110 samplers from Lawyers group.
2. 11 samplers from Judges group.
3. 190 samplers from Litigants group.

However, when collecting the data from the samplers, some of them cannot be analyzed. As the result, the total of samplers in this study are 238 samplers.

1. 80 samplers from Lawyers group.
2. 8 samplers from Judges group.
3. 150 samplers from Litigants group.

### **Scope of the Study**

In this study, the scope is as follows:

1. Scope of Content can be divided into 2 parts as following:
  - 1.1 Scope of Questionnaire. It is the study of personal data, information of the case which the party or lawyer involve in the courts, information and understanding of Lok Adalat, and sampler's expectation of Lok Adalat process.
  - 1.2 Scope of Interview. It is the study of personal data, information of the cases which are referred to Lok Adalat, information and attitudes toward Lok Adalat, and the expectation of Lok Adalat.
2. Scope of Samplers. In this study, the samplers are judges, lawyers, and parties who works in the Satara district.

## **Tools used for Collection of Data**

### **Primary Data :**

Majority of information has been collected from the primary sources. The primary data has been collected through structured comprehensive questionnaires prepared for the judges, advocates and litigants and information is collected from different courts in Satara district by giving a proforma (pl. see annexure- B & C).

Interviews, discussions and observation methods were used by the researcher whenever it is required at the time of collecting the requisite factual information related the research work. Researcher had collected data through questionnaire and interviews as the tools of the study. They are built by virtue of relevant ideas and literatures and examined by the relevant professional. Both questionnaire and interview form consists of closed-ended question and opened-ended question.

### **Questionnaire and Interview Form Examination:**

1. Content Validity. The questionnaire is examined and amended by relevant professional or experienced person in such matter.
2. Amendment. Both questionnaire and interview form are amended for correctness and suitability.
3. Reliability. After establishment of the creation, the questionnaire are examined the reliability.

### **Secondary data:**

In addition to the primary data, information was collected by the researchers from the following various sources:

- i. Published data

- ii. Published sources viz., Books, Magazines, Journals and web sites.

### **Period covered in Years**

The primary data with the help of questionnaire was collected has been collected by the researcher in the period 2013 to 2014.

### **Methods of Data Collection**

Upon collecting the data, the researcher group asks the samplers to fill in the questionnaire (Please see Annexure-A). Also in interview form, the researchers interview the samplers structurally (Please see Annexure-B & D). After the data is collected, the researcher then organized and analyzed all data.

### **Statistical Analysis:**

The Mean, S.D., C.V., Percentage, and Average methods are used for data analysis. The calculated data is presented in various table forms and graphs in the chapters of Data Analysis and Presentation. The row data were analysed by the researcher by using personal computer on Microsoft Excel and Microsoft Word.

## **1.9 SCHEME OF CHAPTERISATION**

The entire research study is divided into seven chapters . The brief discussion of it is as follows:

### **1) Chapter 1 - Introduction :**

This chapter includes the concept of alternative dispute resolution system, review of literature , scope and limitations of the study, objectives, hypothesis, data collection, research methodology, and scheme of cauterization.

**2) Chapter 2 - Lok Adalat in India :**A major study of the concept, characteristics , its evolution, advantages, limitations and present position is studied in this chapter. This chapter discussed the concept, genesis, need

and significance, legislative recognition, judicial view, and different modes of alternative dispute resolution system in India

**3) Chapter 3 - Empirical study of : Lok Adalat in Satara city of the State of Maharashtra :**

An empirical study of implementation of Lok Adalat has been written here with the analytical study of the data collected through different sources. This is the core chapter in the research topic which deals with the study of research by stating the analysis done by the researcher through use of primary and secondary data collected from Judges, lawyers and Litigants, this chapter also gives the analysis of case studies. The last part of this chapter gives observations and findings of the study.

**4) Chapter 4 – Conclusion :**

In the chapter of conclusion the researcher incorporates findings, testing of hypothesis and on the basis of research work done, conclusions have been drawn by the researcher.

**5) Chapter 5 – Suggestions :**

This last chapter incorporates the suggestions, for effective implementation of the Lok Adalat in the on the basis of overall work done in the research.

## **Chapter 2**

### **LOK ADALAT IN INDIA**

- 2.1 Introduction
- 2.2 Deficiencies of Indian Legal System
- 2.3 Constitutional Mandate of Justice
- 2.4 Congestion in the Courts
- 2.5 Huge pendency of litigations
- 2.6 State is the largest litigator
- 2.8 Lok Adalat-distinguished characteristics
- 2.9 Genesis of Lok Adalat in Indian legal system
- 2.10 Governing enactment
- 2.11 Concept of Lok Adalat
- 2.12 Nature of Lok Adalat
- 2.13 Lok Adalat Implements Indian Cultural Values And Fulfils the Aspirations of indigent and needy people
- 2.14 Wide Jurisdiction of Lok Adalat
- 2.15 Legal Services Authorities Act, 1987
- 2.16 Advantage s of Lok Adalat System
- 2.17 Conclusion

## **Chapter 2**

### **LOK ADALAT IN INDIA**

#### **2.1 Introduction**

Resolution of disputes is an essential characteristic for societal peace, amity, comity and harmony and easy access to justice. The processual formalization of justice as existing in Courts takes time and involves considerable amount of expenditure. The system of non-formal legal institutions has prevailed in India since ancient times. The barrier in the way of implementation of socio-economic legislations like The Legal Services Authorities Act, 1987 and its complementary Rules enacted by state governments is not the Indian law system rather those who run it. The Lok Adalats are the flagship of the Indian judiciary for dispensation of justice to the poor.

#### **2.2 Deficiencies of Indian Legal System**

The legal system as it operates in India, wrong is regarded as a matter of course. Excessive burden of cases remains upon the judiciary and under such a situation justice is delayed many times. Unfortunately, the most prominent deficiency of our legal system is that it has remained 'alien having no living contact with the masses'. The legal profession, which is considered the profession of learned, calm and self-controlled people, is now a days going in the hands of such persons who adopt this pious profession just to make a quick buck and nothing else. The ratio of judges in India is abysmally low at 12–13 per one million persons. The accumulated frustration of the people desirous of quick disposal of their cases is the biggest single reason for the people having responded with hope, excitement and zeal in holding Lok Adalats for dispute ending of pending disputes.

### **2.3 Constitutional Mandate of Justice**

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 Lok Adalat) 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.

### **2.4 Congestion in the Courts**

An independent, accessible and efficient justice delivery system is needed for maintaining healthy, democratic, traditions and pursuing



equitable development policies. With the evolution of modern states and sophisticated legal mechanisms, the courts run on formal processes and are presided over by trained adjudicators entrusted with the responsibilities of resolution of disputes on the part of the State. The seekers of justice approach the courts of justice with pain and anguish in their hearts on having faced legal problems and having suffered physically or psychologically. They do not take the law into their own hands as they have strong faith upon the judiciary. So it is the obligation of judiciary to deliver quick and inexpensive justice shorn of the complexities of procedure. However, the reality is that it takes a very long time to get justice through the established court system. Obviously, this leads to a search for alternative, complementary and supplementary mechanism to the process of the traditional civil court for inexpensive expeditious and less cumbersome resolution of disputes. But the elements of justice, fairness and equality cannot be allowed to be sacrificed at the cost of expeditious disposal. The hackneyed saying is that 'justice delayed is justice denied'. But justice has to be imparted: 'Justice cannot be hurried to be buried'. The cases have to be "decided" and not just "disposed of." This creates the dilemma of providing speedy and true justice.

Before, the expansion of commercialization and industrialization the justice delivery system was in sound condition. As the time passes, the consciousness of fundamental and individual right, government participation in growth of the nation's business; commerce and industry, establishment of the parliament and state legislatures, government corporations, financial institution's fast growing international commerce and public sector participation in business, tremendous employment opportunities were created. Multiparty complex civil litigation, the expansion of business opportunities beyond local limits, increasing popular

reliance on the only judicial forum of courts brought an unmanageable expansion of litigation. The clogged courthouses have become an unpleasant compulsive forum instead of temples of speedy justice. Instead of waiting in queues for years and passing on litigation by inheritance, people are inclined either to avoid litigation or to start resorting to extra judicial remedies. [Mediation and Case Management- Their co-existence and correlation- A paper presented during Indo-US Judicial exchange at U.S. Supreme court by Niranjana Bhatt on 15/12/2002].

## 2.5 Huge pendency of litigations

As per statistics available in India, it is unable to clear the backlog of cases. Take a look upon the pendency figures.[Source: www.supremecourt ofindia.nic.in, Bar& Bench News Network Jul 15, 2010 Google search ]

**Table No. 2.1**  
**Pending cases**

Courts		2008	2009	2010
Supreme court*	Admission	26,863	30,834	33,352
	Regular	19,024	19,329	21,512
	Total	45,887	50,163	54,864
High Courts*		3,743,060	3,874,090	4,060,709
Lower Courts**		25,418,165	26,409,011	27,275,953
Total(All Courts)		29,207,112	30,333,264	31,391,526

\*Statistics as of march 31, 2010

\*\* Statistics as of December 31, 2009.

The backlog has been increasing at an average rate of 34 percent annually. This huge backlog of unsolved cases, experts claim, is directly proportional to a lack of judges. Statistics released by the Supreme court although shows a drop in vacancies of judges in the courts of the country,

the number is still very high. Here are the statistics for past three years and vacancies that continue to exist

**Table no. 2.2**  
**Vacancies in the Courts**

<b>Courts</b>		<b>2008</b>	<b>2009</b>	<b>2010</b>
<b>Supreme Court*</b>	Sanctioned	26	31	31
	Vacancies	1	7	2
<b>High Courts**</b>	Sanctioned	876	886	895
	Vacancies	282	251	267
<b>Lower Courts**</b>	Sanctioned	15,917	16,685	16,880
	Vacancies	3,393	3,129	2,785

\*Statistics as of march 31, 2010

\*\* Statistics as of December 31, 2009.

The vacancies in the Supreme court have been reduced by new appointments this year and last year. The High Court's statistics however, show some concerns. There have been nearly 30 percent vacancies in High Courts as well as lower courts.

In Maharashtra state , total pending cases as of 31 December, 2009 in Lower Courts is 4,158,458, i.e. 15 percent of total pendency and 338,183 in High courts i.e. 8 percent of total pendency

**Table no. 2.3**  
**Ratio of Judges to Population \***

<b>Country</b>	<b>Ratio of judges to population (per 10 Lac population)</b>
USA	107 Judges
Canada	75 Judges
Australia	57.7 Judges

England	50.9 Judges
India	10.5 Judges

\*As per the Law Commission of India Report, 1987

The United Nations Development Programme reveals that approximately 20 million legal cases are pending in India. India is a country of 1.1 billion people. Presently it has approximately 12.5 judges for every million people compared with roughly 107 per million in the United States and Great Britain have around 150 judges for million of it's population.[Google search] In its 120<sup>th</sup> Report in 1988, the Law Commission of India had recommended that “the state should immediately increase the ratio from 10.5 judges per million of Indian population to at least 50 judges per million within within the period of next five years.”<sup>1</sup> The recommendation is yet to be implemented.

Our justice delivery system is bursting at the seams and may collapse unless immediate remedial measures are adopted not only by the judiciary but also by the legislature and executive. It has been said by ford Devlin:

“If our business methods were as antiquated as our legal system, we would have become a bankrupt nation long back”.

## **2.6 State is the largest litigator**

The central and state governments are the single largest litigants, abetted by government owned corporations, semi-government bodies and other statutory organizations. In Bombay High Court alone, there were as many as 1,205 writ petitions filed against these bodies between January 1 to June 7, 2000- excluding those filed on the appellate side, while total number of suits filed is 2,402.<sup>2</sup>

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<sup>1</sup> 120<sup>th</sup> Report of the Law Commission of India on Manpower Planning in the Judiciary: A Blueprint, Ministry of Law, Justice and Company Affairs, Government of India (1987) 39.

<sup>2</sup> Subhash Kothari, *Courting Disaster: A case for Judicial Reform*, Times of India, 28-6-2000, p.14.

According to rough estimate, 70% of all cases are either agitated by the State or appealed by it. The State fights cases against citizens at the cost of citizens. Moreover, the officers neither allow the cases to get resolved nor withdraws the same, as they have vested interest. All these facts are also responsible for increasing weight of pending cases.

Government failure in filling up the vacancies and expanding courts proportionate to the population ratio, tends to work load on the existing personnel.

Financial assistance for expanding and consolidating the judiciary, is totally ignored as the state spends huge amounts on fighting frivolous cases and appeals against the citizens. Some limit on government will put litigations under controlled situation.<sup>3</sup>

## **2.7 Ability of Courts to disposal off the Cases-**

There is yet another aspect which the speed that the 21<sup>st</sup> century's demands and that is the complicated and burdensome procedural details which are inherently very slow proving. Filing of the plaint, serving the process filing the written statements, the time irresponsibly taken and given, the discovery procedure, recording of depositions, ineffective court management, fragmented and discontinuous trial unattractive alternatives to trial and indifferent attitudes of legal actors, namely lawyers, judges and litigants have resulted into vicious cycles of backlogs and delays. The lack of financial and political support, accountability and the will to accept, introduced and implement law reforms have resulted in a very sorry state of affairs. In this fast changing world international trade, commerce and global interactions in all fields have created an inevitable need to compare laws of different countries of the world and adopt them with advantage. The

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<sup>3</sup> Madabhushi Sridhar, ALTERNATIVE DISPUTE RESOLUTION NEGOTIATION AND MEDIATION, First edition, 2006, LexisNexis Butterworths Wadhawa, Nagpur, page 58.

inordinate delay in disposal of cases and escalating costs of litigation are alienating faith of the people from the court system Ancient mediation rediscovered in India with global innovations.<sup>4</sup> To meet with the growing trade, commerce and phenomenal rise in global context as well as to cope out of fear of diversion of the business of multinational companies to other countries having a more efficient system of dispute resolution, Lok Adalat is inevitable.

## **2.8 Lok Adalat-distinguished characteristics**

The institution of Lok Adalat means People's Court. Lok stands for people and the Adalat for the court. 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.

Justice S. M. Dharamadhikari has called Lok Adalat as indianisation, humanization and spiritualization of justice dispensation on following accounts:

- a. Indianisation of justice dispensation - Based on customs and traditions found in villages and societies of India
- b. Humanization of justice dispensation - More and more participation of human beings involved with large consideration to human aspects in the course
- c. Spiritualization of justice dispensation - Process to uplift society by educating its members to do justice to each other

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<sup>4</sup> A paper presented by Niranjana Bhatt at German Mediation Convyness at Frankfurt order on 25/09/2004

## **2.9 Genesis of Lok Adalat in Indian legal system**

The system of justice dispensation by people's Court has deep roots in Indian legal history and close allegiance to the culture and perception of justice in Indian ethos. Justice in the view of the father of the nation, Mahatma Gandhi should involve people's participation. The concept has originated from the system of panchayats. The provisions of the Legal Services Authorities Act, 1987 are meant to supplement the formal legal system. *Lok Adalats* have endorsed the right to legal aid, which is a part of the human rights law in India, under the Constitution and it has been upheld in several cases before the Supreme Court of India. For regulations of Lok Adalat following acts were enacted. The Legal Services Authorities Act, 1987 has been amended by The Legal Services Authorities (Amendment) Act, 1994 and The Legal Services Authorities (Amendment) Act, 2002.

## **2.11 Concept of Lok Adalat**

The introduction of Lok Adalats added a new chapter to the justice dispensation system of this country and succeeded in providing a supplementary forum to the litigants or disputants for satisfactory settlement of their disputes. It is a major aspect of legal aid programme because it intends to provide equal protection of law and equal access to justice to all people, particularly the poor who lack means to knock at the door of justice.<sup>5</sup>

The meaning of the term 'Lok Adalat' in literally is 'People's Court' because the term comprises two words namely 'Lok' and 'Adalat', Lok stands for the people and Adalat means the court. So, it is meant people's court. The former word of the term expressing the concept of public opinion while the latter devoting the accurate and thorough deliberation aspect of

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<sup>5</sup> N.C. Jain, "Legal Aid, Its Scope and Effectiveness of the Legal Aid Rules in This Regard," AIR 1996 Jour 185.

decision making.<sup>6</sup> The Lok Adalat is an institution settles dispute by adopting the principles of justice, equity and fair play. These noble principles are guiding factors for decisions of the Lok Adalats based on compromises to be arrived at before such Adalats. The Lok Adalat is a voluntary mechanism which is mainly concerned with two-fold functions – firstly, it provides a quick, easy, accessible, non-technical, sympathetic and disputant friendly forum to the people for resolution of their disputes and secondly, it helps overcome the hazard of the docket explosion.

The Lok Adalat is not a people's court in the sense in which it is understood in some other legal system of the Soviet type, although literally translated a Lok Adalat means a people's court. It may be better to call it a court for people, but almost every court of whatever description is meant for the people. The Lok Adalat is not a Nyaya Panchayat or Village Nyaya Panchayat of Indian tradition. Further, it is not a Village Panchayat recognised under the Village Panchayat Acts in some States. It is not a Caste Panchayat or Jati Sabha. It is neither a Bench Court nor a statutory tribunal meant to adjudicate or arbitrate. It appears to be a unique institution meant to take care of disputes as they arise between members of whatever section of society and disputes as they go before the court, that is, the pre-litigative and the post-litigative stages. It is only an institution meant to promote voluntary settlement between parties under the auspices of a set of individuals who have, to their credit, certain accomplishment necessary for playing a meaningful role in this process. The Lok Adalat, in its structure and memberships, is conceived in that view.<sup>7</sup> It is an amorphous crowd of concerned citizens animated by a common desire for justice and willing to experiment with consensual models of dispute resolution.<sup>8</sup> The Lok Adalat

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<sup>6</sup> Sayani Chakerabarty and Saumya Misra, "Lok Adalats" ,[www.stpl.india.com](http://www.stpl.india.com)-last visited on 5/5/13

<sup>7</sup> K. Gupteshwar, "The Statutory Lok Adalat: Its Structure and Role,"30 JILI, 174 at 177-178 (1988).

<sup>8</sup> Shiraj Sidhva, "Quick, Informal, Nyaya," LEXET JURIS, 39 (1988).



being an innovative form of a voluntary efforts for amicable settlement of disputes between the parties and not akin to regularly, constituted law courts, is expected to supplement and not to supplant the existing adjudicatory machinery. It is true that initially, the Lok Adalats were organized under the legal services programmes. But, Lok Adalat system is not only a part of the legal aid movement while it is a unique symbol of Indian traditional participatory justice delivery system. Of course, there is no law against it. In fact, all laws and the Constitution demand mutual settlement of disputes which, under any circumstances, is superior to long drawn-out, expensive litigation. There are comparable provisions in the Civil Procedure Code, Criminal Procedure Code and in a variety of special and local laws (Family Court Act, Arbitration Act , etc.) which enable the court to attempt settlements and avoid adjudication whenever possible. The rationale behind such provisions is sound experience which tells us that an adversary adjudication ending up in one party declared the victor and the other the vanquished does not remove the dispute from society and may lead to further disputes or social tensions. On the other hand, mutually agreed settlements through Lok Adalat system contribute to greater social solidarity and better cohesion among disputants. Perhaps culturally and historically, Indian people are disposed to conciliated settlements with community intervention rather than adjudicated decisions through adversarial process of formal courts.<sup>9</sup> It is an institution which strive to further the solidarity and integrity in the society by finding the amicable settlement of the dispute.

Generally speaking, Lok Adalat is a para-judicial institution being developed by the people themselves. Before the passing of the Legal Services Authorities Act, it was working in its infancy, trying to find an

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<sup>9</sup> N.R.M. Menon, "Lok Adalat : Peoples Programme for Speedy Justice,"12 Indian Bar Review, 129 at 132(1986).

appropriate structure and procedure in the struggle of the common people for social justice. It is born out of a belief that even if State –supported programmes of legal aid were able to provide legal assistance to every indigent client that is not sufficient to solve the problems of the poor vis-a-vis the administration of justice. The poor do not have the staying power which litigation inevitably involves nor can they expect equal justice in all stages of the complicated and technical procedures of the law. Even the not so poor find it prudent to invoke informal processes if available to settle their disputes. In these circumstances, Lok Adalat phenomenon is an expression of the disgust and disenchantment of the poor and the middle class people in respect of the court system as it functions today.<sup>10</sup> It is a unique ray of hope for the common masses where they can get the justice in real sense without any impediments.

As the term implies, Lok Adalat (Lok Nyayalaya), is a court for the people at their door-steps with a true spirit of conflict resolution and devoid of strict formalism of the existing judicial system. It is oriented to interpret technically the matters of conflict in the fixed premises attended by the litigants, their lawyers, judges and social workers. Adjudication in a Lok Adalat is a people oriented, speedy and summary-styled for swift settlement of disputes on compromise terms.<sup>11</sup> Lok Adalat is a informal forum provided by the people themselves or by interested parties including social activists, legal aiders and public spirited people belonging to every walk of life.<sup>12</sup> Lok Adalats are voluntary efforts of judiciary and the litigants to invent new prospects for resolution of disputes which are not possible under the conventional justice delivery system. The Lok Adalat system is an expeditious mode of redressal which avoid frequent adjournment and

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<sup>10</sup> *Ibid.*, 133.

<sup>11</sup> Prabha Bhargava, *Lok Adalat: Justice at the Door-Steps*, 5(1998).

<sup>12</sup> Sunil Deshta, *Lok Adalat in India: Genesis and Functioning*, 106(1995).

lengthy arguments, limits cross examination and evidence to relevant issues, adopts healthy attitude of co-operation between Bar and Bench and encourage compromise, settlements, reconciliation and arbitration. It is based on the principle that it is always better to settle the matter rather than to fight in the court. The system is intended to act as a safety valve to relieve the mounting pressure on the courts.<sup>13</sup> Its informality and flexibility helps to alleviate the sense of injustice amongst the litigants regarding dismissals of their cases owing to procedural, evidentiary or jurisdictional technicalities.<sup>14</sup> Lok Adalat is one of the alternate dispute redressal forms to provide qualitative and speedy justice to a common man, thus it means a place of justice for a common man.<sup>15</sup> However, strictly speaking, a Lok Adalat is not a court in its accepted connotation, as understood by jurists but the common people may find attributes of Court in Lok Adalat. It is a new system of dispensation of justice, which has come into existence to grapple with the problem of giving cheap and speedy justice to the people. It is a forum where the parties to a dispute, by voluntary efforts, aim at bringing about settlement through voluntary, convivial and persuasive efforts. In view of mounting arrears of litigations in the existing judicial courts, the Lok Adalats are constituted not to decide the cases on the merits and demerits but rather to resolve them by persuading parties to take advantages of compromise bypassing the entire dilatory procedure of adversarial litigation.<sup>16</sup> It also helps in creating awareness among the people of their rights and obligations, by providing legal literacy in the basic laws with which people come in close contact in day to day life; in involving them in judicial processes at the grass-root level and by educating social workers to

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<sup>13</sup> Mark William, "Impression of a Lok Adalat", *The Lawyers*, 8(1990).

<sup>14</sup> *Bibliography - Books* (B) 36.

<sup>15</sup> M.N. Morje, "Lok Nyayalaya," AIR 1984 Jour 68.

<sup>16</sup> Paras Diwan, "Justice at the Door-Step of the People, The Lok Adalat System," AIR 1991 Jour 85-86.

function as para-legal to enable them to give first-aid in law to the people on the spot.<sup>17</sup> This institution does not only settle the disputes but also bring awareness among the people about their rights and duties. We should be clear in our mind as to what Lok Adalat system is, because some still look skeptically at this experiment, and some suspect it as a gimmick. Yet there are some persons who see a ray of hope in this new experiment. The Lok Adalat system is not a substitute for the present judicial system, but a supplementary to it so that the arrears of cases in courts of law may be reduced. The system is based on Gandhian principles because it gives a practical shape to the twin concept of Swaraj and Sarvodaya propounded by the Father of the Nation. The concept of the Swaraj implies not merely liberation from the foreign yoke but also emancipation from backwardness, poverty and illiteracy. The concept of Sarvodaya means well-being of all, obliteration of distinction between haves and have-nots. The system casts duty upon us to work constructively and actively to uplift the downtrodden from the deep mire of poverty and ignorance in which centuries of subjugation has immersed them. The Indian Constitution incorporates the basic concept of justice to all-justice, social, economic and political and equality before law and equal protection of law.<sup>18</sup> The Lok Adalat is a weapon to achieve the above mentioned Constitutional obligation.

Therefore, the emergence of the concept of Lok Adalat as anew system of dispensation of justice is a result of social philosophy of judges, jurists and eminent scholars who are always engrossed in the thought to establish a new forum for providing inexpensive and quick justice to people. They see in this system a strong ray of hope and visualize it not as substitute for the present judicial system but as supplementary to it so that the

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<sup>17</sup> *Supra note 45*, 186.

<sup>18</sup> *Supra note 56*, 86.

mounting arrears are reduced and the consumers of justice may find in it a sign of relief. The concept of Lok Adalat implies resolution of disputes by discussion, counseling, persuasion and conciliation so that it dispenses speedy and cheap justice at the door-steps of disputants with their mutual and free consent. The Lok Adalats are neither parallel to, nor meant to replace the existing court system but aimed at reducing the burden of the courts and saving the parties time, expense and trauma of litigation. It is a participatory justice system which can only survive with the active involvement of lawyers, judges, social workers, reputed persons of the society and specially the concerned parties to the dispute.

## **2.12 Nature of Lok Adalat**

The Indian judiciary is held in very high esteem in all the developing as well as the developed countries of the world. However, there is criticism that the Indian judiciary is struggling with many problems as the mounting burden of backlog of court cases, the astronomical rise of high costs of litigation, corruption, inadequate number of judges, lack of sufficient accommodation and staff, unpredictable delays, and inaccessibilities of justice. The Lok Adalat system is only the answer of these significant problems of Indian judicial system. Lok Adalat an important alternative method used for resolution of disputes, where justice is dispensed summarily without too much emphasis on procedural technicalities. It enables the common people to ventilate their grievances against the state agencies, other citizens and to seek a just amicable settlement if possible. Such mutually agreed settlements arrived at by the disputants in the Lok Adalats contribute to the greater social solidarity and better cohesion among litigants. The salient features of this form of dispute resolution are participation, accommodation, fairness, expectation, voluntariness,

neighborliness, transparency, efficiency, less legal technicalities and lack of animosity.<sup>19</sup>

### **2.13 Lok Adalat Implements Indian Cultural Values And Fulfils the Aspirations of indigent and needy people:**

The Lok Adalat is an innovative system invented for dispensation of justice in a manner compatible with the social, cultural, economic, political and administrative inheritance of India. The people's participation in justice delivery system such as Lok Adalat has prevailed from the time immemorial as a part, of our cultural heritage.<sup>20</sup> The ancient concept of settlement of dispute through mediation, negotiation or through arbitral process known as "People's Court Verdict" or decision of "Nyaya-Panch" is conceptualized and institutionalized in the philosophy of Lok Adalat.<sup>21</sup> After independence, the Lok Adalats were not constituted under specific rules and regulations made under the legislations. The evolution of the structure of Lok Adalats has been a gradual process and the founders of the institution have not attached much importance to this aspect because their mind remained totally absorbed with the idea of resolving the disputes of the local people speedily and save their time, energy and money so far as possible.<sup>22</sup> Lok Adalat are held generally, at public places where all the people presented, participate and persuade the disputants to arrive at a compromise, by following the principles of justice, truth (Satya), equity and fairness. This kind of procedure is an unique symbol of our culture and values.

The Lok Adalat system fulfils the requirement of justice of the poor, backward and illiterate people who are often intimidated and confused by

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<sup>19</sup> *Supra* note 43

<sup>20</sup> Guman Singh, "Permanent Lok Adalat For Public Utility Services: A Statutory Land Mark," AIR 2003 Jour 354.

<sup>21</sup> *Supra* note 43, 35

<sup>22</sup> Awadh Prasad and G.N. Gupta, *Lok Adalat – A Probe Into its Organisation and Working Process*, 43(1976).

the greasy, semantics and substantive and procedural laws and provides them this approachable system to resolve their disputes while securing Justice. As it is observed by Justice Dr. A.S. Anand, the Lok Adalats are providing an effective solution to the three main drawbacks facing Indian justice delivery system which is catalogued in the first three alphabets of English language. These are A-Access to courts, B-Backlog in courts resulting in delays and C-Cost of litigation.<sup>23</sup> These drawbacks were putting a fear in the mind of weakened section of society that they can not get justice in ordinary courts mechanism. But Lok Adalats are proving such means which provide justice without delay and much cost to the socially and economically backward people residing in distant villages. In this sense, it is a legal instrument which significantly helps us to achieve the goal of access to justice to all. The Lok Adalats also bring consciousness among the poor regarding the benefits made available to them by the Central and State Governments. It is really an institution to serve the poor by means of dispensing justice for the reason that the poor need not go out of his village, spend hard earned money and waste weeks and months in town in litigation and be exploited by lawyers.<sup>24</sup> In the present judicial system the rich people are in position to win the legal battle in the courts whereas the poor class feel frustrated due to expensive and lengthy legal process. However, the Lok Adalat brings the joy on the faces of poor litigants when the court fee is refunded to them if their matter is settled by Lok Adalat. Similarly, in pre-litigation cases filed directly in Lok Adalat, no court fee need to be paid. In this sense, Lok Adalat system provides almost free justice to all.

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<sup>23</sup> A. Subrahmanyam and A.S. Raju, "Distributive Justice: Indian Perspective," AIR 2004 Jour 16 at 20.

<sup>24</sup> *Supra*

## **2.14 Wide Jurisdiction of Lok Adalat**

The Lok Adalat system is basically meant giving solution to disputes which are pending in the courts or which have not reached the court, through conciliatory techniques and voluntary actions.<sup>25</sup> In this sense, it has the widest possible jurisdiction to deal with any matter, whatever be its legal character and in whatever court it might be pending or falling within its jurisdiction, including the highest court. But, the Lok Adalat has no jurisdiction in respect of the non-compoundable criminal cases under any law.<sup>26</sup> Thus, the serious crimes are kept outside the ambit of Lok Adalat. Generally, the Lok Adalats settle the disputes concerning mutation of land, encroachment on forest lands, family or matrimonial disputes, land acquisition disputes, cases relating to insurance, bank loan cases, labour disputes, dishonour of cheque cases, revenue cases, motor vehicles accidental claims cases, and compoundable criminal cases, etc. For the selection of cases fit for reference to Lok Adalat, no fixed criteria or rules have so far been laid down by the authorities concerned. However, judges are competent enough and well-equipped to examine the cases in which the compromise is possible. Such kinds of cases are referred to Lok Adalat by the courts. So, the Lok Adalat has wide jurisdiction to settle the all kinds of disputes except the dispute related to non-compoundable offences.

## **2.15 Legal Services Authorities Act, 1987:**

The Legal Services Authorities Act fulfills the two objectives namely, granting legal aid services and organizing Lok Adalats for providing justice to the people at their doorsteps. But the legal aid services are provided only to the eligible persons as per the provision<sup>27</sup> of the Act. However, in the case

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<sup>25</sup> The Legal Services Authorities Act, 1987, Sec. 19(5).

<sup>26</sup> *Id.*, Proviso of Sec. 19(5).

<sup>27</sup> *Id.*, Sec. 12.



of Lok Adalat, the criteria for eligibility for legal aid are not applicable for the very good reason that it should be available in all cases to all persons irrespective of income of the parties, Its object being speedier justice at less expense to all parties to the litigation, actual and potential. It means that Lok Adalat can take cognizance of matters involving not only those persons who are entitled to avail free legal services but of all other persons also, be they women, men or children and even institutions. In this sense, it provides equal opportunity to all irrespective of caste, religion, sex, race and wealth to present the dispute before Lok Adalat for settlement. The Lok Adalats function purely on democratic principles. There is no pressure upon parties to settle the disputes through Lok Adalats. The Lok Adalat is an institution of Indian justice delivery system in which the cases are referred by consent of disputants or by one of the parties or by court *suo motu* or by the concerned authority or committee.<sup>28</sup> Before such reference, a reasonable opportunity of being heard is provided to the parties except where there is a consensus between the parties.

The Lok Adalats act with utmost expedition in bringing about a compromise and is guided by legal principles and the principles of justice, equity and fair play. The compromise implies some element of accommodation on each side. It is not apt to describe it as total surrender. A compromise is always based upon the mutual adjustment of the parties. If no compromise or settlement is or could be arrived at, no order can be passed by Lok Adalat other than Permanent Lok Adalat. Permanent Lok Adalat is empowered to decide the dispute, where the parties fail to reach at an agreement.<sup>29</sup> In case if Lok Adalat finds that it is not in a position to pass an award because efforts to bring about a compromise proved unsuccessful, it is open to the parties to continue such suit or proceeding so transferred from

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<sup>28</sup> *Supra note 74*, Sec. 20(1) and (2).

<sup>29</sup> *Id.*, Sec. 22C(8).

the stage at which it was earlier transferred to Lok Adalat. Similarly, the concerned party may institute proceedings in the proper court if not already done at the time of application to the concerned authority or committee for the settlement of case through Lok Adalat.<sup>30</sup> Thus, the Lok Adalat provides justice to all irrespective of their caste, religion, sex, wealth and income. During its proceeding, it can not impose pressure upon the parties to the dispute to settle the dispute. Settlement always depends upon the free and mutual consent of the parties. So, the compromise can only be made if the concerned parties give their consent.

The procedure followed by these Lok Adalats was different in different states as they were sponsored, patronised, financed and guided by Legal Aid Boards and Legal Aid Committees of their respective States. Moreover, the organization of Lok Adalat was quite flexible and informal. The Lok Adalat was consisted of two or three persons, one of them might be a retired judge or senior retired civil servant or an advocate or a law teacher, and others were social workers and eminent persons of the locality. These were carefully chosen by the Legal Aid Committee on the basis of their record of public service, honesty and respectability among local population. Now, the Lok Adalats are organized by various authorities and committees<sup>31</sup> at such intervals and places and areas under their jurisdiction as they think fit.<sup>32</sup> A Lok Adalat is consisted of serving or retired judicial officers and other reputed persons, usually, a lawyer and a social worker.<sup>33</sup> The procedure, before the Act, followed by Lok Adalats was informal and varied as the nature of the problems and the culture of the community of the disputants. There could be variation in approaches and procedures

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<sup>30</sup> *Id.*, Sec. 20(4),(5) and (6).

<sup>31</sup> Every State Legal Services Authority, Supreme Court Legal Services Committee, High Court Legal Services Committees, District Legal Services Authorities and Taluka Legal Services Committees.

<sup>32</sup> Sec. 19(1)

<sup>33</sup> Sec. 19(2) and (3)

depending upon whether the place is urban, rural or tribal and whether the dispute pertain to property, personal relation or public administration. In terms of procedure in the Lok Adalats, there was no set pattern. Now a days, the Lok Adalats are not bound to follow the strict applications of procedural laws, particularly, the Civil Procedure Code and the Evidence Act. The Lok Adalat is empowered to specify its own procedure for determination of any dispute coming before it. The Lok Adalats are always flexible with regard to the rules and procedure because the parties come to their own term with little assistance here and there, and they are able to reach a particular decision if they consider it to be just and acceptable.<sup>34</sup>

In Lok Adalat, there is no strict application of cumbersome procedural laws like Civil Procedure Code, Criminal Procedure Code and the Evidence Law. However, the Lok Adalats are bound to follow the principles of justice, equity, fair play and other legal principles.

## **2.16 Advantages of Lok Adalat System**

On the basis of study of concept and nature of Lok Adalat following are the striking advantages of the Lok Adalat system .

1. There is no court fee and if the court fee is already paid at the time of institution of the case such amount will be refunded to the concerned party if the dispute is resolved by the Lok Adalat. The dispute are settled without bearing any expenses by the parties.
2. Lok Adalats are empowered to settles the both kind of matters which are already pending before courts and which are at pre-litigation stage. The parties have an opportunity to bring the dispute before this institution at any time irrespective of whether the case is instituted in the court of law or not.

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<sup>34</sup> A.M. Ahmadi, "Workshop on Lok Adalat – An Appraisal," 12 Legal Aid Newsletter, 8(1992).

3. The procedure followed by Lok Adalat is simple, flexible, non-technical and informal. There is no strict application of procedural laws like Civil Procedure Code and Evidence Act while determining the claims of the parties by Lok Adalat.
4. The lawyers are not essential to be appeared during the conciliation process of Lok Adalat. However, they can assist the Lok Adalat in its proceeding by helping the parties to understand contentious issues and available alternatives and can persuade them to arrive at a settlement of the dispute.
5. It dispenses justice to the disputants through collaborative and participatory efforts of lawyers, law teachers, judges, administrative authorities and social workers who actively participate in the resolution of the dispute by discussion, counseling, persuasion, conciliation and humane approach.
6. Lok Adalat provides justice speedily to the parties, generally, when it resolve the cases in a single day. In this sense it helps to reduce the huge arrears in courts of law.
7. The award of Lok Adalat is final and binding. There are no further appeals, revisions or review applications. Therefore, the dispute ordinarily comes to an end.
8. The Lok Adalat system helps to create awareness among the people about their rights and duties mentioned in numerous social and welfare legislations. Lok Adalats are organised at various places such as villages, slum areas, industrial areas, labour colonies, towns and in jails, etc. In this way, it takes justice at the door-steps of the people.
9. The Lok Adalat settle the dispute on the basis of compromise and in the spirit of 'give and take'. Thus, there is neither a victor nor a

vanquished and both the contestants are gainers and winners. So, the drive behind the Lok Adalat is to prevent disruption of local unity and to secure substantial equity and social justice.

## **2.17 Conclusion**

From ancient time Indian culture carry an inherent promise that Lok Adalat is most likely to succeed in India, if implemented with an administrative will and proper legal education. The economic liberalization policies of the government, establishment of large multinational companies, economic industrial and banking growth and opportunities for international commerce and industries have increased to a large extent. Lok Adalat will provide an expedited negotiated settlement to business and industry. When a dispute arises, Lok Adalat will offer an opportunity to resolve the disputes in a way that is private, fast and economical. In short, Lok Adalat provides a mechanism whereby parties can find business solution for business problems, family solution for family problems and individually tailored settlement package that will become a custom more for the litigants and particular characteristics of each dispute. There is always a difference between winning a case and seeking a solution. In foreign countries literacy ratio is high and the distance between haves and the have not is not much, but in India, the illiterate litigants as well as the socially backward and the economically exploited have to be made aware of their legal rights. Hence, Lok Adalat will enable the poor to meet the better off opponents on an equal footing to negotiate a settlement. When a person is called upon to abstain from exploiting the weakness of the other person, the foundation of human dignity will be laid. In cases of contract and property disputes medial claims, motor accident claims conflicts overland and water, religious rights, family matters, environmental disputes, employer–employee disputes etc. Lok Adalat will provide satisfactory help.

## **Chapter 3**

### **EMPIRICAL STUDY OF LOK ADALAT IN SATARA CITY OF THE STATE OF MAHARASHTRA**

- 3.1 Introduction
- 3.2 Position of Alternative dispute Resolution in Maharashtra state
  - 3.2.1 Geographical condition of Maharashtra State
  - 3.2.3 Position of Judiciary in Maharashtra State
  - 3.2.4. Implementation of ADR Mechanism in Maharashtra state
    - 3.2.4.1 Mahatma Gandhi Tanta Mukti Goan Mohim
    - 3.2.4.2 Maharashtra Legal Services Authority
- 3.3 Position of Lok Adalat in Satara
  - 3.3.1 Geographical condition of Satara
  - 3.3.2 Implementation of Lok Adalat in Satara
- 3.4 Conclusion

## **Chapter 3**

### **EMPIRICAL STUDY OF LOK ADALAT IN SATARA CITY OF THE STATE OF MAHARASHTRA**

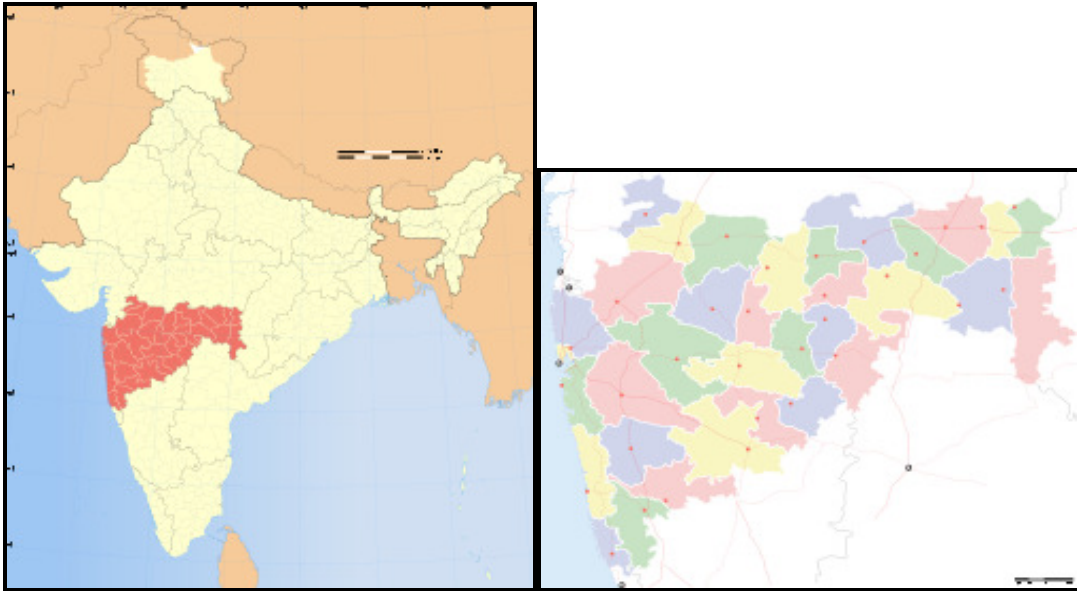
#### **3.1 Introduction**

The seven hundred years old clarion call of the Magna Carta - To no one will we sell, to no one will we refuse or delay the right to justice very pertinently embodies the principle of legal aid. The institution of Lok Adalats have evolved as one of the most important modes of alternative dispute resolution. The first instance of a Lok Adalat system was in 1982, in the village of Una, in the district of Junagarh, Gujarat. The crux of this mode of justice dispensation is that it is contrived to enable the common man to ventilate his grievances against other citizens or even state agencies, and successfully arrive at an amicable settlement of disputes with this object legal services authorities Act, 1987 was passed to provide legal aid to needy and poor people as well as to organise Lok Adalat at eachy level of judicial system. So Maharashtra State Legal Services Authority also been established to serve the purpose of legal services. To deal with the matters of legal services, Maharashtra State Legal Services Authority Rules 1998 are enacted by Maharashtra State Legal Services Authority. At each district, District Legal Services Authority. At each district, District Legal Services Authority is also constituted to deal with the matters of legal services at district level. Satara District Legal Services Authority is also doing this pioneering work of Legal Services in Satara.

#### **3.2 Position of Lok Adalat in Maharashtra state**

The region of research study is Satara district. As Satara district is placed in Maharashtra State, it is necessary firstly to see present position of implementation Lok Adalat in State of Maharashtra. The conceptual and

statistical data were collected in that direction. The data relating to total number of litigations in different courts in state of Maharashtra and reference to Lok Adalat has been collected through secondary source.



**Figure No. 3.1**  
**Map of Maharashtra in India**

### **3.2.1 Geographical Information of State of Maharashtra:**

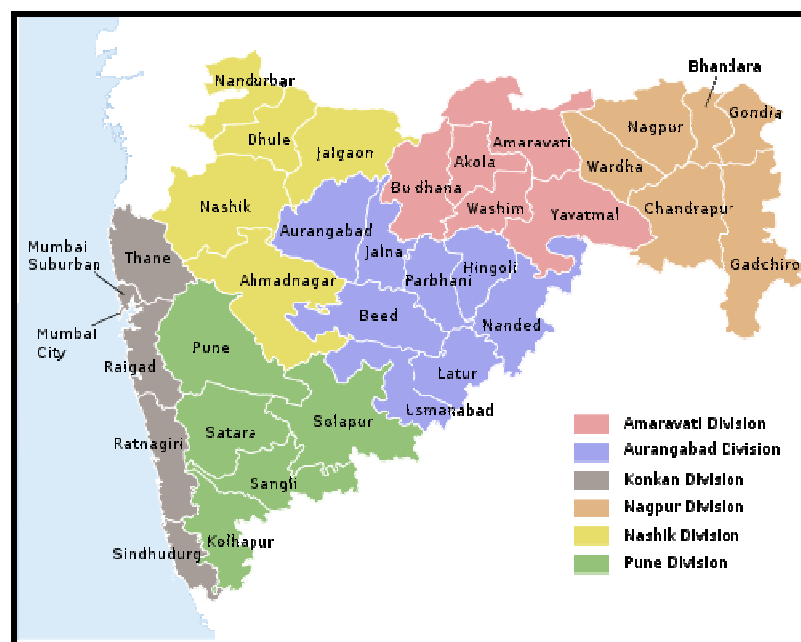
The state of Maharashtra is located in the southern part of India. It is located in between 18.96'N to 72.82'L. Maharashtra is bordered by the Arabian Sea to the west, Gujrat and the union territory of Dadara and Nagar Haveli to the northwest, Madhya Pradesh to the northeast, Chhattisgarh to the east, Karnataka to the south, Andra Pradesh to the southeast, and Goa to the southwest. The state covers an area of 307,731 km<sup>2</sup> (118,816 sq. m.) or 9.84% of the total geographical area of India. Mumbai, the capital city of the state, is India's largest city and the financial capital of the nation. Nagpur is second capital of state. Marathi is the official language of the state. In the 17th century, the Marathas rose under the leadership of Chhatrapati Shivaji against the Mughals who were ruling a large part of India. By 1760, Maratha power had reached its zenith with a territory of over 250 million acres (1 million km<sup>2</sup>) or one-third of the Indian sub-



continent. After the third Anglo-Maratha war, the empire ended and most of Maharashtra became part of Bombay state under a British Raj. The first state reorganization committee created the current Maharashtra state on 1 May 1960 (known as Maharashtra Day). The Marathi-speaking areas of Bombay state, Deccan states and Vidarbha (which was part of Central Provinces and Berar) united, under the agreement known as Nagpur Pact, to form the current state.

Mumbai, the capital of Maharashtra and the financial capital of India, houses the headquarters of all major banks, financial institutions, and insurance companies in India. India's largest stock exchange Bombay Stock Exchange, the oldest in Asia, is also located in the city.

As per the 2001 census, Maharashtra has a population of 96,752,247 inhabitants making it the second most populous state in India, and the second most populous country subdivision in existence. The Marathi-speaking population of Maharashtra numbers 62,481,681 according to the 2001 census.



**Figure No. 3.2**

**Regions and Divisions of Maharashtra and Districts of Maharashtra**

Maharashtra is divided into six revenue divisions, which are further divided into thirty-five districts. These thirty-five districts are further divided into 109 sub-divisions of the districts and 357 Talukas in Maharashtra.

### **Divisions**

The six administrative divisions in Maharashtra state are Amravati Division, Aurangabad Division, Konkan Division, Nagpur Division, Nashik Division, Pune Division.

<b>Division</b>	<b>Districts</b>
Mumbai (Konkan)	Mumbai, Mumbai Suburban (Mumbai Upanagar), Thane, Raigad, Ratnagiri and Sindhudurg
Pune	Pune, Satara, Sangli, Solapur and Kolhapur
Nashik	Nashik, Dhule, Jalgaon, Ahmednagar and Nandurbar
Aurangabad	Aurangabad, Jalna, Latur/Lattalur, Nanded, Osmanabad, Parbhani, Hingoli and Beed
Amravati	Amravati, Akola, Washim, Buldhana and Yavatmal
Nagpur	Nagpur, Chandrapur, Wardha, Bhandara, Gondia and Gadchiroli

### **Transport**

The Chhatrapati Shivaji Terminus, is a key railway station and a UNESCO World Heritage Site. Almost the entire state comes under the

Central Railways branch which is headquartered in Mumbai. Most of the coast south of Mumbai comes under the Konkan Railway. Maharashtra has the largest road network in India at 267,452 kilometers. The length of National Highways in Maharashtra is 3688 kilometers.

### **3.2.2 Position of Judiciary in Maharashtra State:**

Maharashtra has one Bombay High Court, and other two High Court Benches at namely Aurangabad High Court Bench and Nagpur High Court Bench. Total numbers of District Courts are 35. In Maharashtra state total pendency of cases in Bombay High Court in civil and criminal matters is 330398 and 39579 respectively at the end of 31-12-2007. To with the deal matters the available strength of Judges is only 51 judges though the actually sanctioned strength is 75 which means there is vacancies of 24 judges. Also, the pendency figures in Districts and Sub-ordinate courts in civil and criminal matters is 972625 and 3073157 respectively at the end of 31-12-2007. To with the deal matters the available strength of Judges is only 1521 judges though the actually sanctioned strength is 1897 which means there is vacancies of 376 judges.[supremecourtindia.nic.in]

Looking at the figure of pendency of litigations and strength of judges to deal with matter there is dire need to find out practical solution for making the true efforts. So, Lok Adalat is the way which will be helpful to the judiciary to lessen the burden upon judiciary in less time, expenses and energy with mutual understanding.

### **3.2.3 Implementation of Lok Adalat in State of Maharashtra:**

The pendency of litigations and strength of judges to deal with matter are needs attention by all the stakeholders for smooth functioning of social as well as economic structure. Hence, Lok Adalat process could be the strong way to help the judiciary to lessen the burden upon judiciary in less

time, expenses and energy of litigants as well as courts. Efforts are being taken by government as well as judiciary at their level. Government of Maharashtra has programmed schemes like Mahatma Gandhi Tanta Mukti Mohim etc. for propagation of solving the disputes at village level and judiciary in Maharashtra taking high efforts to implement the Lok Adalat mechanism with the help of Maharashtra Legal Services Authority. Lok Adalats were conducted

### **3.2.3.2 Maharashtra State Legal Services Authority**

Maharashtra State Legal Services Authority has been constituted under Legal Services Authorities Act, 1987 (39 of 1987), which is enacted to effectuate the constitutional mandate enshrined under Article 14 and 39-A of the Constitution of India. The object is “ACCESS TO JUSTICE FOR ALL”, so that justice is not denied to citizens by reasons of economic or other disabilities. For its effective implementation maharashtra State Legal Services Authority Rules 2006 (Appendix-F). The core value of our Constitutional philosophy, as reflects from preamble, is the dignity of individual which is an essence of human rights, demands, not merely the civil or political rights but also economic, social, cultural rights. The main objective, penchant and directions of the Legal Services Authority is to take real, practical and positive steps to ensure that there is equality and fairness for all in the justice process to fulfill the mandate of Constitution of India. It is, indeed, an enormously onerous task. The large populace cursed with poverty and illiteracy, therefore, the role of Legal Services Authority assumes great significance. Maharashtra State legal services authority (MSLSA), Bombay established. In 2012, Chief Justice, High Court Bombay, Hon’ble Shri justice Mohit Shah is patron-in-chief of MSLSA, Mumbai and Hon’ble Smt. Justice Ranjana Desai, of Judge, High Court Bombay is the Executive Chairperson of MSLSA, Mumbai.

**3.2.3.2 Powers and Functions of the Member-Secretary of the State Authority:**

- (a) to arrange for free legal services to the eligible and weaker sections;
- (b) to work out modalities of the Legal Services Schemes and programmes approved by the State Authority and ensure their effective monitoring and implementation;
- (c) to exercise the powers in respect of Administration, House-keeping, Finance and Budget matters as Head of Department in the State Government;
- (d) to manage the properties, records and funds of the State Authority;
- (e) to arrange for maintenance of true and proper accounts of the State Authority including checking and auditing in respect thereof periodically;
- (f) to prepare Annual Income and Expenditure Account and Balance Sheet of the State Authority;
- (g) to liaison with the Social Action Groups and District and Taluka Legal Services Authorities;
- (h) to maintain up-to-date and complete statistical information including progress made in the implementation of various Legal Services Programmes from time to time;
- (i) to process proposals for financial assistance and issue utilization Certificates thereof;
- (j) to organise various Legal Services Programmes, as approved by the State Authority and convene meetings, seminars and workshops connected with Legal Services Programmes and preparation of Reports and follow-up action thereon;
- (k) to arrange for production of video or documentary films, publicity material, literature and publications to inform general public about the various aspects of the Legal Services Programmes;

- (l) to lay stress on the resolution of rural disputes and to take extra measures to draw schemes for effective and meaningful legal services for settling rural disputes at the door-steps of the rural people;
- (m) to perform such of the functions as are assigned to him under the Schemes formulated under Cl. (b) of Sec. 4 of the Act; and
- (n) to perform such other functions as may be expedient for efficient functioning of the State Authority.

**Table No 3.1**  
**Consolidated Report of the Activities Performed in Maharashtra**  
**Lok Adalats held & matters disposed of**

<b>Financial Year</b>	<b>Lok Adalats held (All Categories)</b>	<b>Total Settled Cases</b>	<b>No. of Beneficiaries</b>
2000-2001	<b>836</b>	24329	Not available
2001-2002	1211	31597	Not available
2002-2003	1315	28246	69870
2003-2004	1365	28205	65465
2004-2005	2876	30748	84438
2005-2006	2668	42134	107311
2006-2007	2918	43310	96515
2007-2008	2777	51504	104112
2008-2009	3440	86448	152586
2009-2010	3377	119319	204193
2010-2011	3228	216348	415035
2011-2012	3227	560365	962344
2012-2013	2868	494199	882741
2013-2014	1910	299476	487435
2014-2015 April-June 2014	936	200690	274797
<b>Total</b>	<b>34952</b>	<b>2256918</b>	<b>3906842</b>

(Source : [www.legalservicesindia.com](http://www.legalservicesindia.com))

From above statistical information in table No. 3.1 and analytical study, it is concluded that -

From period 2000-2014, number of Lok Adalat held and cases settled through Lok Adalat in Maharashtra State are seen to be fluctuating. Highest number of cases settled by Lok Adalat in 2011-12 and lowest number of cases have been settled in the year 2000-2001. From year 2006-07 there is seen to be a rising trend of the number of cases settled through Lok Adalat and from 2013 till 2014 we see a declining trend for number of cases settled.

Hence, it is concluded on the basis of number of cases settled, rising and declining trend of number of cases settled, some measures must be taken to increase the settlement of disputes in Lok Adalat by referring the dispute capable of compromise to Lok Adalat process with proper care and management through the court authorities.

**Table No. 3.2**

**Maharashtra State Legal Services Authority Maha Lok Adalats & National Lok Adalat from the Year Feb 2011 - April 2014**

<b>Period</b>	<b>Total Cases Settled</b>
Maha Lok Adalat held on 6 Feb. 2011	1,23,450
Maha Lok Adalat held on 18 Sept. 2011	2,13,089
Maha Lok Adalat held on 4 March 2012	2,43,204
Maha Lok Adalat held on 16 Sept. 2012	2,67,649
3 March 2013 Maha Lok Adalat = 132,705 Special Drive = 62,577	1,95,282
National Lok Adalat 23 <sup>rd</sup> November, 2013 Regular Matters -1,14,210 Pre-Litigation Matters -1,11,612 Special Drive (Petty Cases) - 1,88,098 High Court Matters - 56	4,13,976
Maha Lok Adalat 12 <sup>th</sup> April, 2014 Regular Matters - 54,775 Pre-Litigation Matters -1,29,189 Special Drive (Petty Cases) - 70,688 High Court Matters - 71	2,54,723
<b>Total</b>	<b>17,11,373</b>

(Source : www.legalservicesindia.com)

From above statistical information in table No. 3.2 and analytical study made, it is concluded that -

From year 2011-2014, number of cases settled by Maha Lok Adalat in Maharashtra, are in a rising mode except in the year 2013. Highest number of cases i.e 2,67,649 settled by Maha Lok Adalat in the year 2012, in the year 2011 it is seen to be the lowest one i.e. 1,23,450. Number of cases settled through National Lok adalat in the year 2014 is seen to be highest i.e. 4,13,976 cases.

Hence, it is concluded on the basis of number of cases settled through Maha Lok Adalat and National Lok adalat are satisfactory. It must be conducted on monthly basis with proper care and management through the respective legal services authorities.

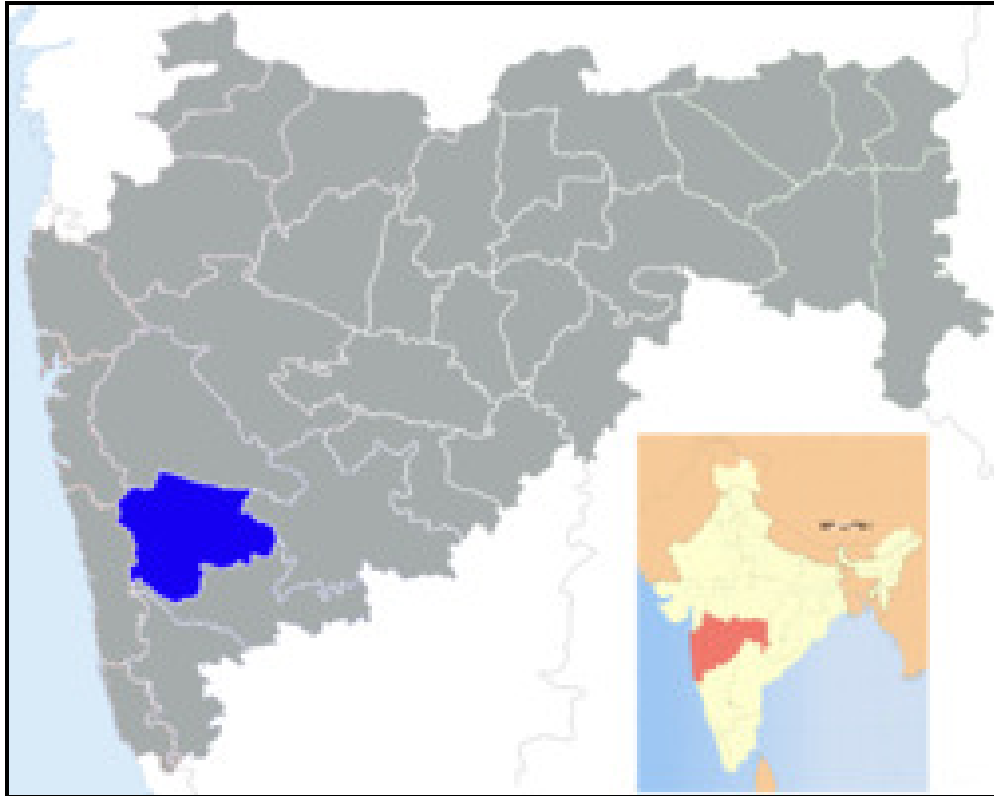
### **3.3 Position of Lok Adalat in Satara District**

#### **3.3.1 Geographical Condition of Satara District:**

Satara District is a district of Maharashtra state in western India with an area of 10,480 km<sup>2</sup> and a population of 2,808,994 of which 14.17% were urban (as of 2001).

Satara is the capital of the district and other major towns include Wai, Karad, Koregaon, Koyananagar, Rahimatpur, Phaltan, Mahabaleshwar and Panchgani. This district comes under Pune Administrative Division along with Pune, Sangli, Solapur and Kolhapur Districts. The district of Pune bounds it to the north, Raigad bounds it to the North-West, Solapur the east, Sangli to the south, and Ratnagiri to the west





**Figure No. 3.3**  
**Satara District**

The Sahyadri range, or main range of the Western Ghats, runs north and south along the western edge of the district, separating it from Ratnagiri district. The Mahadeo range starts about 10 m. north of Mahabaleshwar and stretches east and south-east across the whole of the district. The Mahadeo hills are bold, presenting bare scarps of black rock like fortresses. The Satara district is part of two main watersheds. The Bhima River watershed, which is a tributary of the Krishna, includes the north and northeast of the district, north of the Mahadeo hills. The rest of the district is drained by the upper Krishna and its tributaries. The hill forests have a large store of timber and firewood. The whole of Satara district falls within the Deccan Traps area; the hills consist of trap intersected by strata of basalt and topped with laterite, while, of the different soils on the plains, the commonest is the black loamy clay containing carbonate of lime. This soil, when well watered, is capable of yielding heavy crops. Satara contains some important irrigation works, including the Krishna canal. In some of the western parts

of the district the average annual rainfall exceeds 5 m.; but on the eastern side water is scanty, the rainfall varying from 1 m in Satara town to less than 30 cm in some places farther east. The district is traversed from north to south by a railway line, which passes 15 km east Satara town.

According to the 2011 census Satara district has a population of 3,003,922, roughly equal to the nation of Albania or the US state of Mississippi. This gives it a ranking of 122nd in India (out of a total of 640). The district has a population density of 287 inhabitants per square kilometre (740 /sq mi) .Its population growth rate over the decade 2001-2011 was 6.94%. Satara has a sex ratio of 986 females for every 1000 males, and a literacy rate of 84.2%.

### **3.3.2 Judicial System in Satara District**

Information of number of courts and strength of Judiciary. In the district of Satara in all there are 06 different courts in city headquarter and in all 65 judges at district level and 12 at taluka level. The Satara city is having different courts namely viz., District and Sessions court, Labour court, Industrial court, Co-operative court , Consumer forum. The District court is located opposite RTO office. The District court is having the Legal Aid Office in it's premise itself. Other courts are located in different areas. The statistical information has been collected from different courts in district of Satara in a certain proforma.(Please see Annexure- G) and the data has been analysed.

#### **i) Implementation of the Lok Adalat process in Satara District:**

Lok Adalat is less formal and cost saving to all the people as compared to court process if implemented with joint organization and efforts by the judicial officers and concerned advocates which will increase access to justice to all. To study the implementation of Lok Adalat in the

Satara district the researcher has made survey in different courts at Satara district. With the help of survey and observation method the researcher has collected the year wise information of cases at the beginning of the year, newly instituted in the year, disposed off in that year, year wise cases referred and resolved through Lok Adalat in the year, cases referred and resolved through pre-litigation in the District court, Industrial court, Labour court, Consumer forum, Co-operative court, Trust Office at Satara for studying the present position of cases in the court and its reference to the Lok Adalat, Permanent Lok Adalat and pre-litigation and its disposal through both the dispute solving processes. Year here connotes the period April to March. After collecting all the data the analysis is made on the basis of statistical information and its graphical presentation with appropriate statistical techniques.

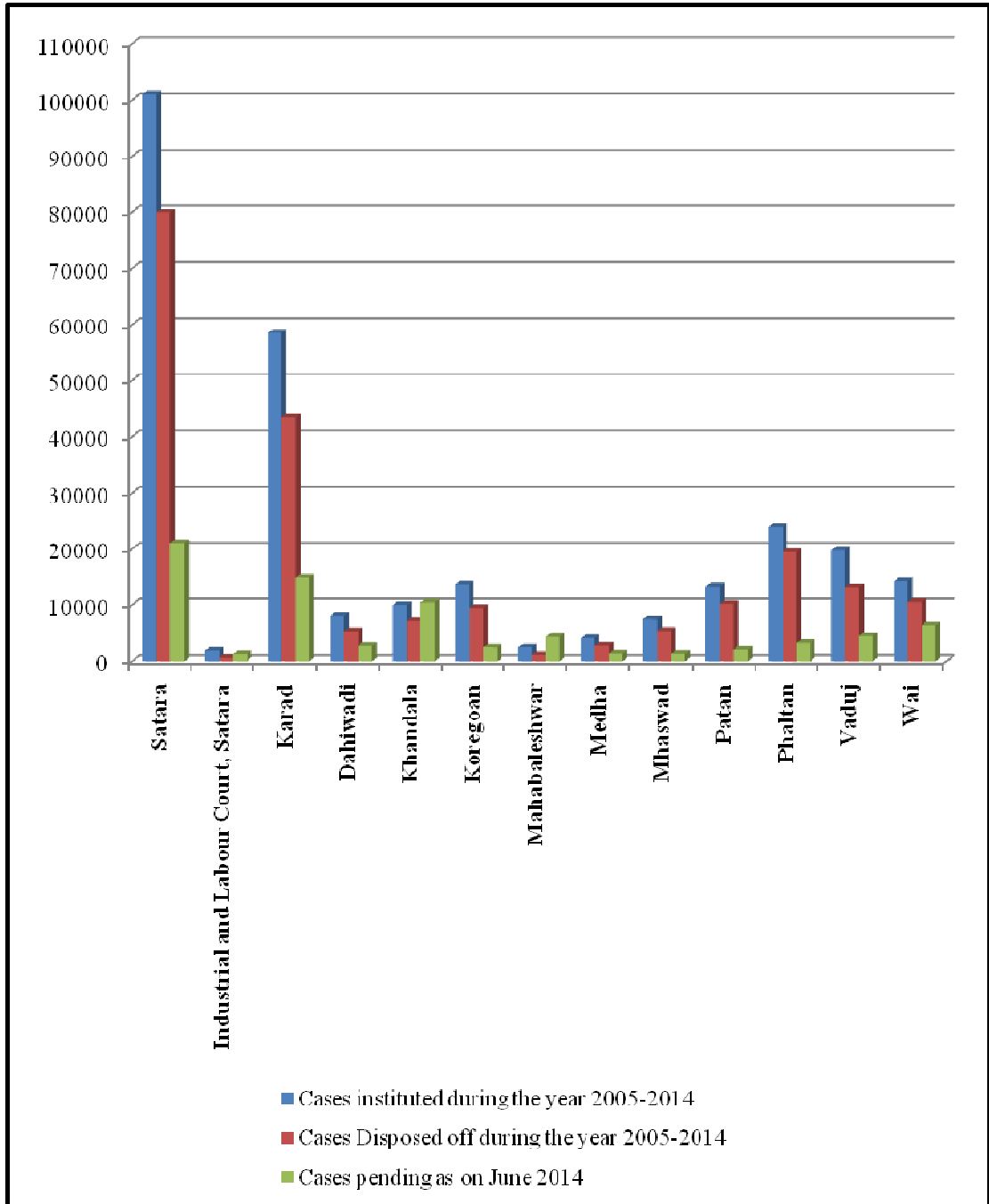
#### **3.3.3.1 District court, Satara and different Taluka Courts, Satara -**

The information about civil cases in the district court at Satara has been collected by the researcher to study the position of litigations in the courts and ability of court to resolved it in reasonable time and suggest the proper options to widen the scope for justice to the parties.

**Table No. 3.3**  
**Year wise Cases in the District Court and different Taluka Courts,**  
**Satara.**

<b>Sr. No.</b>	<b>Name of the Court</b>	<b>Cases instituted during the year 2005-2014</b>	<b>Cases Disposed off during the year 2005-2014</b>	<b>Cases pending as on June 2014</b>	<b>Percentage of cases disposed off during year 2005-2014</b>
1	Satara	100999	79917	21082	79.13
2	Industrial and Labour Court, Satara	1867	623	1244	33.37
3	Karad	58545	43610	14935	74.40
4	Dahiwadi	8123	5433	2690	66.88
5	Khandala	9960	7234	10459	74.88
6	Koregoan	13786	9452	2426	68.56
7	Mahabaleshwar	2455	1113	4334	45.33
8	Medha	4068	2761	1342	67.87
10	Mhaswad	7518	5467	1307	72.71
11	Patan	13402	10214	2051	76.21
12	Phaltan	23954	19464	3188	81.25
13	Vaduj	19737	13282	4490	67.29
14	Wai	14310	10502	6455	73.28
<b>Total</b>		<b>278424</b>	<b>209072</b>	<b>69352</b>	

Source- court register



**Figure No. 3.4**

**Regular Court cases in the district court and Taluka Courts, Satara**

From above statistical information in table No. 3.3 and Figure No. 3.4 and analysis, it is concluded that -

From year 2005-2014, percentage of cases disposed by the District court, Satara, is seen to be highest one i.e. 79.13% as compared to the other

taluka Courts in Satara. Percentage of cases disposal of cases by the Labour and Industrial courts, Satara, is seen to be the lowest one i.e. 33.37 % as compared to the other taluka Courts in Satara. Amongst Taluka Courts in Satara, Phaltan court has highest percentage i.e. 81.25% and Mahabaleshwar Court is have the lowest percentage i.e. 45.33% for disposal of cases in their respective courts.

Hence, it is concluded on the basis of percentage of number of cases disposed off during this period, that still in this period 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.

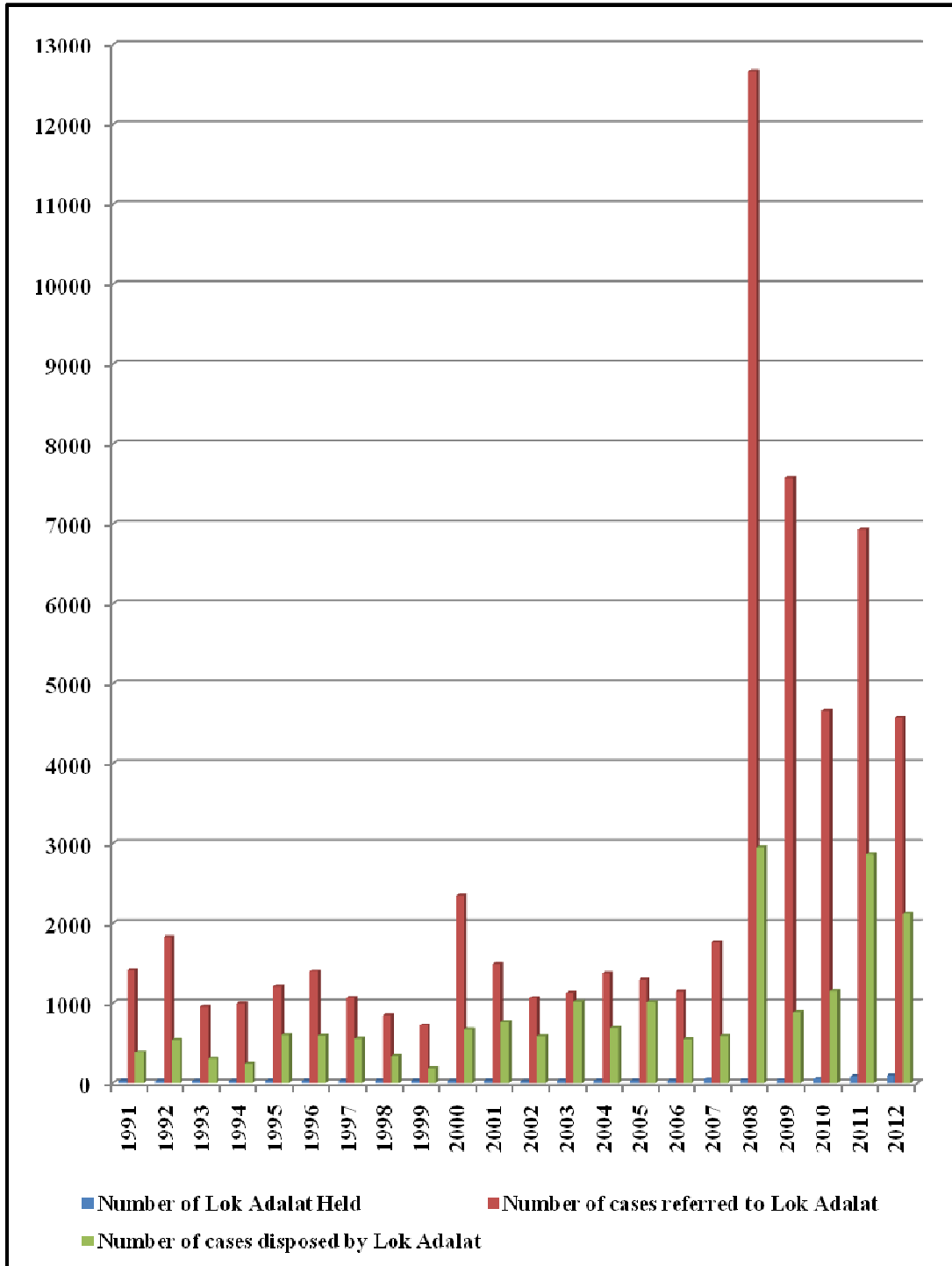
#### **ii) Lok Adalat, District Court, Satara**

As Lok Adalat is one of mode of ADR process the researcher has collected the information of Lok Adalat from the year when it started to be conducted in the District court, Satara. The detailed tabularized statistical information is as follows.

**Table No.3.4****Information of Lok Adalat in District court, Satara**

<b>Year</b>	<b>Number of Lok Adalat Held</b>	<b>Number of cases referred to Lok Adalat</b>	<b>Number of cases disposed by Lok Adalat</b>	<b>Percentage of cases disposed through Lok Adalat</b>
<b>1991</b>	31	1424	393	27.59
<b>1992</b>	30	1834	549	29.93
<b>1993</b>	30	960	310	32.29
<b>1994</b>	29	1000	246	24.6
<b>1995</b>	32	1217	605	49.71
<b>1996</b>	33	1405	599	42.63
<b>1997</b>	33	1077	564	52.36
<b>1998</b>	35	857	341	39.70
<b>1999</b>	31	733	192	26.19
<b>2000</b>	30	2348	672	28.62
<b>2001</b>	31	1500	775	51.66
<b>2002</b>	25	1075	592	55.06
<b>2003</b>	35	1137	1021	89.79
<b>2004</b>	34	1375	694	50.47
<b>2005</b>	35	1300	1015	78.08
<b>2006</b>	33	1155	559	48.39
<b>2007</b>	56	1773	594	33.50
<b>2008</b>	42	12671	2957	23.34
<b>2009</b>	46	7583	894	11.78
<b>2010</b>	63	4664	1163	24.93
<b>2011</b>	98	6938	2874	41.42
<b>2012</b>	108	4580	2134	46.59

Source- court register



**Figure No. 3.5**  
**Lok Adalat in the District court, Satara**

From above statistical information in the both the table No. 3.4 and Figure No. 3.5 and analysis, it is concluded that –



1. During the period of year 2005-2014, 100999 cases were instituted out of which 79917 cases are disposed off and 21082 cases are still pending in courts, during the same period out of these cases on the basis of the data on an average only 5083 cases are seen to be referred to Lok Adalat in District court, Satara.
2. For the period 1991 to 2012 , there are on an average 2664 cases were referred to Lok Adalat every year, out of which on an average 897 cases are disposed off by the Lok Adalat in Satara.
3. Sometimes more number of cases referred to Lok Adalat but the percentage of disposal is less and sometimes less number of cases referred to Lok Adalat but the percentage of disposal is high.

Hence, it is concluded that 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.

**iii) Information of Permanent Lok Adalat in District Court, Satara**

**Table No.3.5**

**Information of Permanent Lok Adalat in District Court, Satara**

<b>Year</b>	<b>Number of cases referred to Permanent Lok Adalat Held</b>	<b>Number of cases disposed off by Permanent Lok Adalat</b>	<b>Percentage of cases disposed off by Permanent Lok Adalat</b>
1998	10	06	60.00
1999	15	05	33.33
2000	09	04	44.44
2001	14	07	50
2002	20	08	40
2003	25	06	24
2004	19	08	42.10
2005	16	08	50
2006	22	08	36.36
2007	10	05	50
2008	12	05	41.66
2009	08	08	100
2010	14	07	50
2011	04	04	100
Total			

From above statistical information in the both the table No. 3.5 analysis, it is concluded that –

Sometimes more number of cases referred to Lok Adalat but the percentage of disposal is less and sometimes less number of cases referred to Lok Adalat but the percentage of disposal is high and vice versa.

Hence, it is concluded that 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.

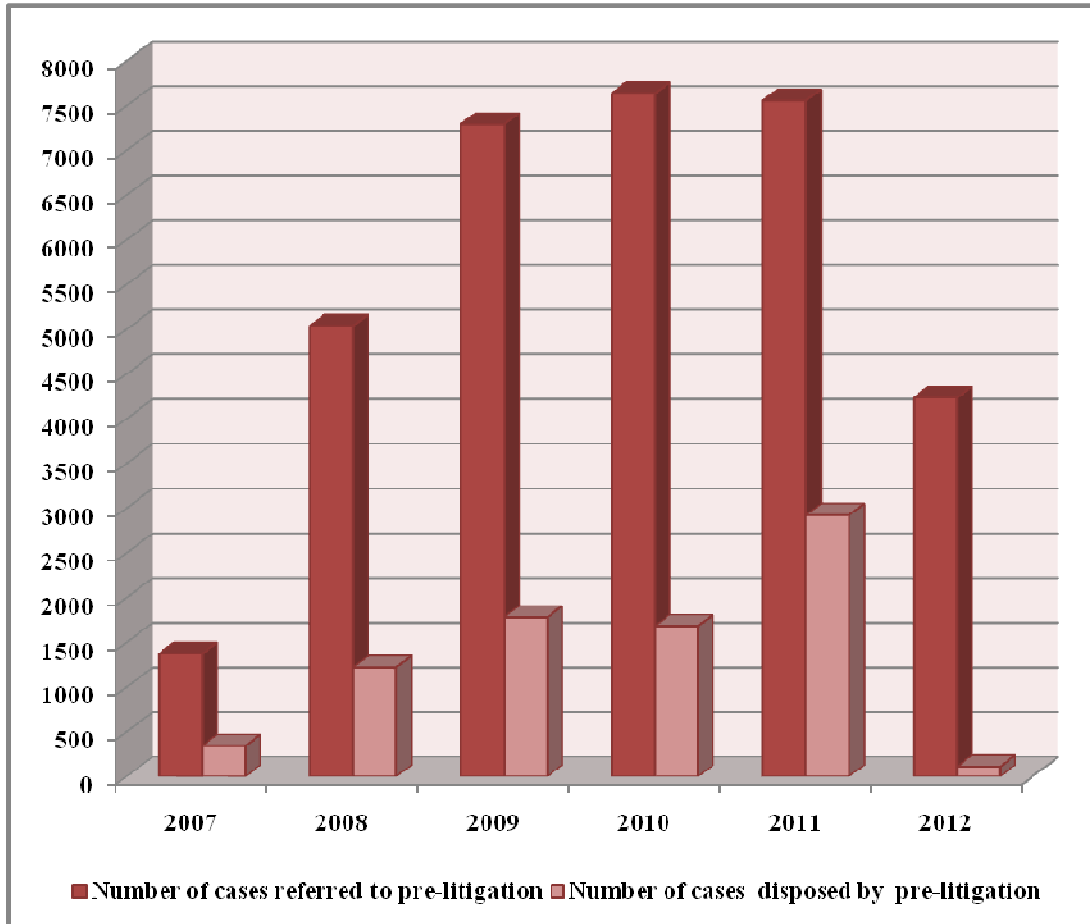
**iv) Information of Pre-litigations in District of Satara**

The process of pre-litigations is started to be taken by the amendment in Legal Services Authorities Act, 1987 in which the parties in dispute take their matter before the panel members of Lok Adalat and sort it out by mutual compromise. In Satara, the cases of recovery of bills by MSEB, recovery of loans by various banks and financial Institutions , Insurance companies etc. take advantage of this process to recover the arrears from the people in less time and expenses.

**Table No.3.6  
Pre-litigations in District of Satara**

<b>Year</b>	<b>Number of cases referred to pre-litigation</b>	<b>Number of cases disposed by pre-litigation</b>	<b>Percentage of cases resolved through Pre-litigation</b>
2007	1371	342	24.94
2008	5038	1220	24.21
2009	7289	1778	24.39
2010	7638	1682	21.89
2011	7556	2921	38.68
2012	4233	110	2.59
<b>Total</b>	<b>33125</b>	<b>8053</b>	

Source- court register



**Figure No. 3.6**  
**Pre-litigation cases**

From above statistical information in table No. 3.6 and figure No. 3.6 and on the basis of analysis, it is concluded that –

From year 2007-2012, on an average 5521 cases were referred to pre-litigation and out of that on an average 1342 cases were resolved i.e. 22.78 percent cases were resolved out of 33125 cases through pre-litigation.

Hence, it is concluded that the percentage of cases referred 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 the date of organisation.

**v) Labour Court, Satara**

As the code of civil procedure is applicable to all types of civil cases it is applicable to Industrial court also. Therefore the information about the implementation of Lok Adalat has been collected by the researcher even from the Labour court. In this court, the information of the Lok Adalat has been collected by the researcher from the year when it first time conducted in the Labour Court, Satara. Year wise statistical information about position of regular cases in the court and its disposal and reference of cases to Lok Adalat and its disposal through Lok Adalat is collected and analysed.

**A) Regular Labour Court, Satara cases in the court-**

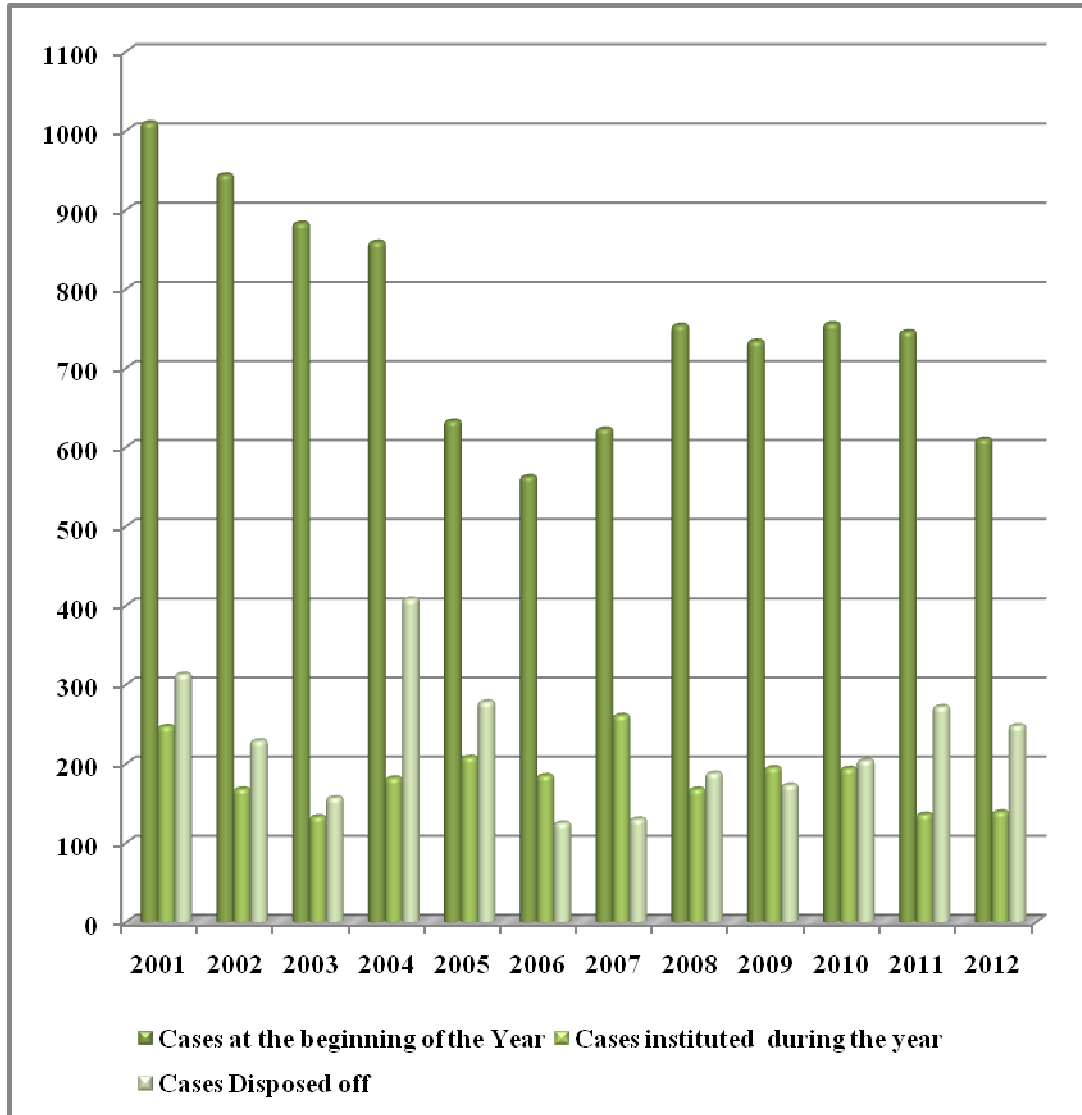
Year wise statistical information collected by the researcher has been collected and presented in the tabularized form is as follows-

**Table No. 3.7**

**Year wise cases in the Labour Court, Satara**

<b>Year</b>	<b>Cases at the beginning of the Year</b>	<b>Cases instituted during the year</b>	<b>Cases Disposed off</b>	<b>Percentage of cases disposed by court</b>
2001	1010	247	313	32.26
2002	944	168	229	24.25
2003	883	133	157	17.78
2004	859	182	408	47.49
2005	633	208	278	43.91
2006	563	185	125	22.20
2007	623	261	130	49.80
2008	754	168	188	24.93
2009	734	195	173	23.56
2010	756	194	204	26.98
2011	746	136	272	36.46
2012	610	139	248	40.65
Total	9115 (avg. 760)	2216 (avg.187)	2725 (avg.227)	390 (avg.32.52)

Source: Court register



**Figure No. 3.7**

**Year wise cases in the Labour Court, Satara**

From above statistical information in table No. 3.7 and Graph No. 3.7 and analysis, it is commented that -

From year 2001-2012, there are on an average 5665 cases were handled by Labour court every year , out of these on an average 227 cases were disposed off each year for the same period, i.e. 32.52 percent cases were decided through Labour Court, Satara

Hence, it is concluded that 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.

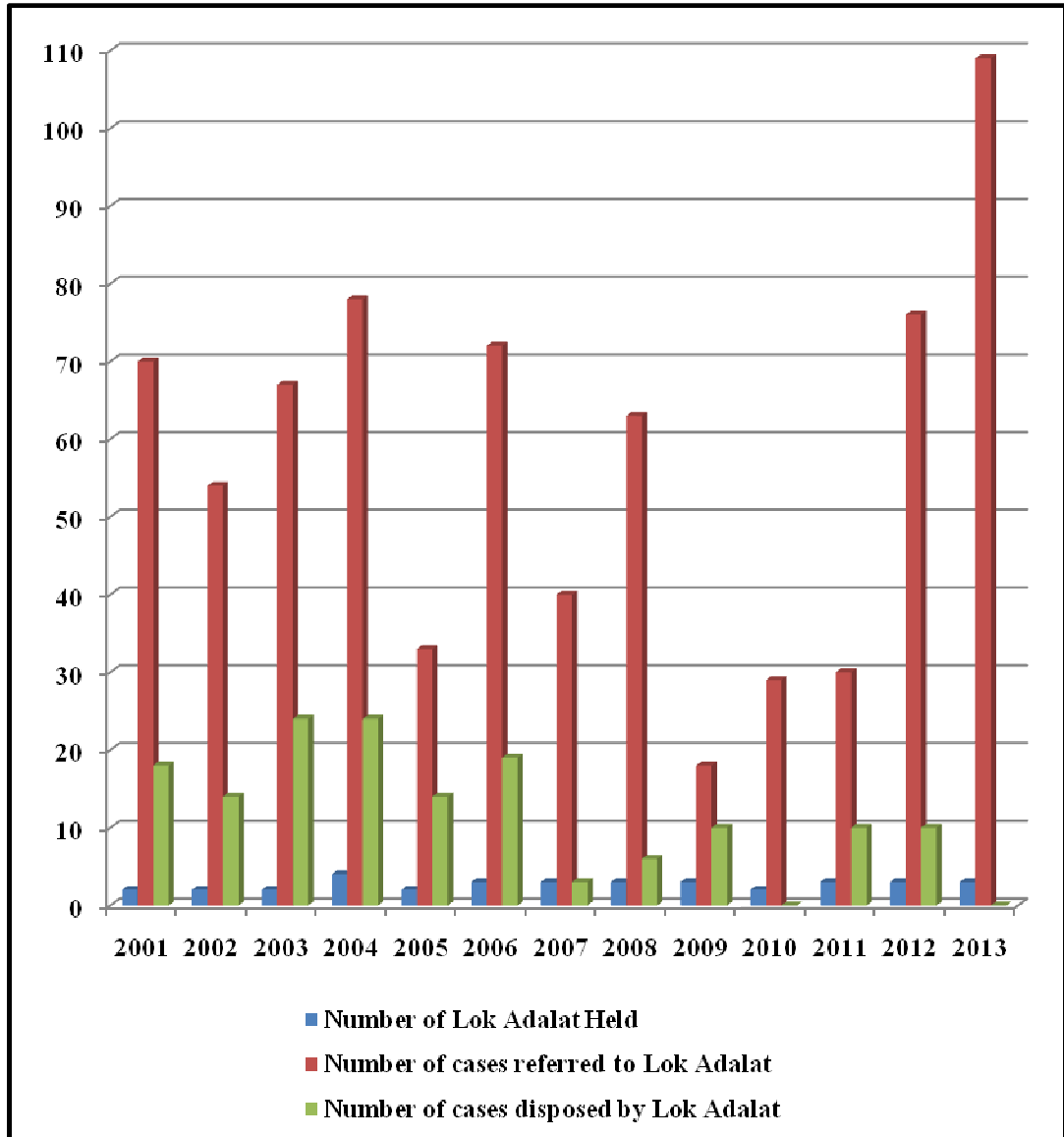
**B) Lok Adalat in Labour Court, Satara**

Year wise statistical information about the number of lok adalt held , cases referred to it and dissolved through Lok Adalat has been collected and presented in the tabular form as follows:

**Table No.3.8  
Lok Adalat in Labour Court, Satara**

<b>Year</b>	<b>Number of Lok Adalat Held</b>	<b>Number of cases referred to Lok Adalat</b>	<b>Number of cases disposed by Lok Adalat</b>	<b>Percentage of cases resolved through Lok Adalat</b>
2001	2	70	18	25.71
2002	2	54	14	25.92
2003	2	67	24	35.82
2004	4	78	24	30.76
2005	2	33	14	42.42
2006	3	72	19	26.38
2007	3	40	3	7.50
2008	3	63	6	9.52
2009	3	18	10	55.55
2010	2	29	-	0
2011	3	30	10	53.33
2012	3	76	10	13.15
2013	3	109	-	0
<b>Total</b>		<b>630 (52.5)</b>	<b>152 (13.81)</b>	<b>326 (27.17)</b>

Source- court register



**Figure No. 3.8**

**Lok Adalat Labour Court, Satara**

From above statistical information in table No. 3.8 and Graph No. 3.8 and analysis, it is commented that -

1. During 2001-2013, on an average 53 cases were referred to Lok Adalat, out of them on an average 14 cases were resolved through it i.e. 27.17 percent cases were resolved through Lok Adalat in Labour Court, Satara.



2. For the period 2001-2012, the Labour court has handled on an average 5665 cases per year and out of that on an average 53 cases were referred to Lok Adalat .i.e. only 0.93 percent of on an average cases were referred to Lok Adalat.

Hence, it is concluded the percentage of cases referred from Labour court to Lok Adalat should be increased by appointing a separate counseling committee consisting of judges and senior lawyers etc. to convince the parties to refer and try to solve their matter by mutual compromise through Lok Adalat.

Hence, it is concluded counseling committee should be organized consisting of officials of to 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.

### **C) Trust Court, Satara**

As the to resolve the pending litigations Lok Adalats are organized in Trust Court, Satara also. Therefore the information about the implementation of Lok Adalat mechanism has been collected by the researcher even from the Trust Court, Satara. The information of the Lok Adalat has been collected by the researcher from the year when it first time conducted in the Trust Court, Satara

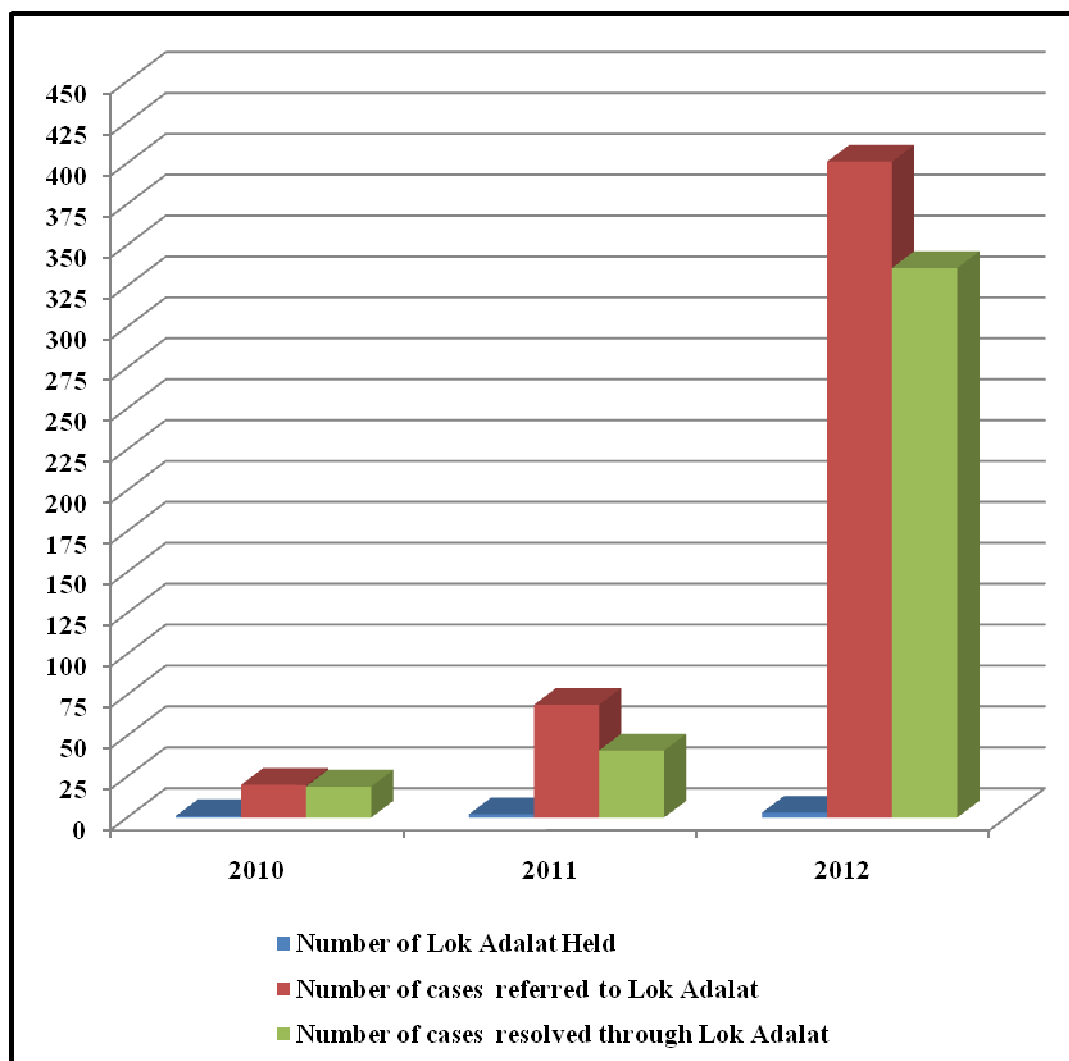
#### **Lok Adalat in Trust Court, Satara**

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.

**Table No. 3.9**  
**Lok Adalat in Trust Court, Satara**

Year	Number of Lok Adalat Held	Number of cases pending in the Court	Number of cases referred to Lok Adalat	Number of cases resolved through Lok Adalat	Percentage of cases resolved through Lok Adalat	Expenditure for Lok Adalat in Rupees
2010	01	4745	20	19	95	1787
2011	02	9893	69	41	59.42	6240
2012	03	15005	401	336	83.79	10974

Source- court register



**Figure No. 3.9**  
**Lok Adalat in Trust Court, Satara**

From above statistical information in table No. 3.9 and Figure No. 3.9 and analysis, it is commented that –

1. For a period of 2010-2012, out of 29643 cases from regular court total 490 cases were referred to Lok Adalat and out of that total 396 cases were resolved through it i.e. 80.81 percent cases are resolved by Lok Adalat.
2. During the same period, 29643 cases are handled by Trust Court, Satara per year and for the same period , 490 cases are referred to Lok Adalat i.e. 1.65 percent cases are referred to Lok Adalat which is very less.

Hence, it is concluded that the percentage of reference of cases to Lok Adalat process needs to be increased to cope up with pending litigations in the Trust Court, Satara.

### **3.4 Presentation of Result of the Study and result of information analysis:**

In this study, it presents the result of study in form of table with narration and also the result of information analysis has done on the basis of statistical information in the table and its interpretation on the basis of factual information gained by the researcher while collecting the data. They are analysed in following heads:-

- 1 Understanding, expectations and attitudes of judges and advocates towards Lok Adalat in Satara district
- 2 Understanding, expectations and attitudes of litigants towards Lok Adalat Satara district.

### **3 Case Studies**

The objective of the field research is to survey the understanding, attitudes and expectations of judges and lawyers towards Lok Adalat. In this study, the subjects of the analysis are judges, lawyers and litigants who are

working and practicing in the Courts of Satara districts. Total 238 subjects consisted of judges, lawyers and litigants are involved in this field research. It has been analyzed with the help of questionnaires and interview schedule (Pl. see Annexure- A to D)

**Table No.-3.10**

**The Attitude of Judges and Lawyers Towards the Lok Adalat and the Proceedings of the Courts**

Sr.No.	Attitude	Judges(8)			Lawyers(80)			Litigants(150)		
		Yes	No	No	Yes	No	Not specified	Yes	No	Not specified
1	Whether Lok Adalat Process should be preferred to court redressal mechanism?	07 (87.5)	01 (12.5)	01 (12.5)	54 (67.5)	20 (25.0)	06 (7.5)	110 (73.33)	40 (26.66)	-
2	Whether Lok Adalat Process would cut the cost for litigants and courts?	06 (75.0)	02 (25.0)	-	58 (72.5)	16 (20.0)	06 (7.5)	104 (69.33)	46 (30.66)	-
3	Whether Lok Adalat Process would reduce the pendency in various courts?	07 (87.5)	01 (12.5)	-	63 (78.75)	12 (15.0)	05 (6.25)	112 (74.66)	38 (25.33)	-
4	Whether by using Lok Adalat Process there would be early resolution of dispute?	05 (62.5)	03 (37.5)	-	68 (85.0)	10 (12.5)	02 (2.5)	118 (78.66)	22 (14.66)	10 (6.66)
5.	Whether Lok Adalat Process would be more acceptable and satisfying to the litigants than the usual court mechanism?	06 (75.0)	02 (25.0)	-	50 (62.5)	22 (27.5)	08 (10.0)	127 (84.66)	23 (15.33)	-

Source – Field data

### **3.4.1 The Attitude of judges and lawyers towards the Lok Adalat Process and the proceedings of the courts**

The study on the expectations of the sample groups is the study about the attitudes of the sample group whether Lok Adalat Process can be the alternative of the proceedings of the Court. According to the study, the attitude towards the Lok Adalat Process and the Court redressal mechanism is as follows:

#### **1. Preference**

According to study the majority of the sample group of judges (87.5 %) believed that Lok Adalat Process should be preferred to the court redressal mechanism, whereas only 12.5% has shown negative response to the same. Also, according to sample group of lawyers it is found that majority of them (67.5%) had shown positive attitude towards preference to the Lok Adalat Process over Court redressal mechanism while only 25.0 percent are against it. So, majority of lawyers are in favour of preference of Lok Adalat Process over court redressal mechanism. Also, according to sample group of litigants it is found that majority of them (73.33%) had shown positive attitude towards preference to the Lok Adalat Process over Court redressal mechanism while only 26.66 percent are against it. So, majority of lawyers are in favour of preference of Lok Adalat Process over court redressal mechanism.

As per above data in the table, it could be seen that both sample groups have the same level of positive attitude towards the preference of the Lok Adalat Process over the court redressal mechanism. In detail, the judges have acceptance (87.5%) in higher level while the lawyers accept Lok Adalat Process in moderate level (67.5%), also the litigants accept this process in higher level (73.33%) . The level of acceptance and such attitude

shows the level of success of Lok Adalat Process in Satara districts, in some degree. The difference of level of acceptance between both the sample group shows that judges are in more in favour of Lok Adalat Process as there would be early resolution of dispute with consent of the parties as well as it will help to reduce burden and pendency of cases in the courts and 25.0% of lawyers group had shown negative response as some of them are of view that Lok Adalat Process will cut or reduce their lucrative revenues gained from the litigations in the courts.

## **2. Cost saving**

According to knowledge, understanding and experience in Lok Adalat Process both the sample groups (75.0% judges, 72.5 % lawyers and 69.33% Litigants) believed that reference to Lok Adalat Process would cut the cost for litigants and courts. Since, compromise and settlement between the parties would save their money as required for court fees, lawyer's fees, travelling expenses etc. Also, decrease in number of litigations and its pendency would lessen the expenditure of courts towards infrastructure and manpower etc.

## **3. Reduction in pendency of cases**

Most of the sample groups (87.5% judges, 78.75 % lawyers and 74.66% Litigants) had shown positive attitude about the reference to Lok Adalat Process would reduce the pendency of cases in various courts. Hence, it can be concluded that majority of respondent are in favour of implementation of Lok Adalat Process since it could reduce pendency and lessen the workload on the judiciary and save its time which can be utilized for cases requiring court's attention.

#### **4. Early resolution of dispute**

Majority of respondents (62.5% judges, 85.0% lawyers and 78.66% Litigants) had shown positive response towards Lok Adalat Process capability to resolve matter as early as possible. In detail the judges have the acceptance (62.5%) in higher level, while the lawyer's group accept it in moderate level (85.0%). According to knowledge, understanding and experience in the Lok Adalat Process, the samplers believed that the Lok Adalat Process save more time. Therefore, it is observed that as the majority of respondents know that Lok Adalat Process is less formal than court redressal mechanism. Also, in court redressal mechanism the adjudication is given only after the completion of all formalities, if one of the party in the litigation is not agreed or satisfied with the decision of court then there will be appeal against the decision of previous court in the higher court upto Supreme court and it takes years and years to have final disposal. To the contrary, Lok Adalat Process is less formal as well as based on mutual compromise with finality in decision i.e. no appeal against the mutual decision of the parties.

#### **5. More acceptable and satisfying solution**

Above table indicates that majority of samplers (75.0% judges and 62.5% lawyers and 84.66% Litigants )had shown positive response towards the capability of Lok Adalat Process to give more acceptable and satisfying solution to the dispute between the parties. When a matter is decided through court process, one party wins and other loses. So, there is enlightenment of enmity between parties and sometimes it goes on generation to generation. But if matter is resolved by Lok Adalat Process parties could understand what they are going to lose or achieve and in what time through court process and through Lok Adalat Process and they will realize that solution of the dispute is within themselves only and both the

party will be ready to come one step ahead and by mutual negotiations they will reach at certain point at which both the parties have a sense of satisfaction since , they got something in reasonable time, money and energy which will create win-win situation and nurtures their future relations.

Hence, it could be concluded that according to Majority of both the sample group the 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.

**Table No.-3.11**

**Essential requirement for implementation of Lok Adalat Process**

Sr. No.	Opinion	Judges			Lawyers		
		Yes	No	Not specified	Yes	No	Not specified
1	Whether there is proper legal framework to promote Lok Adalat Process?	6 (75.0)	01 (12.5)	01 (12.5)	50 (37.5)	20 ( 58.3)	10 (4.2)
2	Whether there is proper infrastructure and manpower to promote Lok Adalat Process?	03 (37.5)	04 (50.0)	01 (12.5)	30 (33.8)	36 (63.3)	14 (2.9)
3	Whether incentive is provided for promoting Lok Adalat Process?	07 (87.5)	-	01 (12.5)	47 (11.3)	20 (83.3)	13 (5.4)

Source – Field data

**3.4.2 Essential requirement for implementation of Lok Adalat Process**

According to above table, it deems that sample groups have opinion about the existence of essentials requirements for implementation of Lok Adalat Process as follows:



### **1) Legal framework**

Above table indicates that majority sample group of judges (75.8 %) are of the opinion that there is proper legal framework to promote Lok Adalat Process. To the contrary, majority of sample group of lawyers (58.3%) had opined that there is no proper legal framework to promote Lok Adalat Process. The result of the study clearly determines that there is lack of proper knowledge amongst the lawyers about the Lok Adalat Process. Sample group of judges had further opined that amendment in Section 89 of Code of Civil procedure is required to be done in relations to referring the case to Lok Adalat Process before registering it in the court registry, also wide powers should be given to judges to impose heavy cost where litigant insist for trial and looses, also adequate norms relating to disposal of matter through Lok Adalat Process should be enacted. Most of the lawyers are of the opinion that there is no necessity of Lok Adalat Process, settlement could also be done by court mechanism with the help of judges and lawyers.

### **2) Infrastructure and Manpower :**

Majority of sample group (68.7% Judges and 63.3% Lawyers) is of the opinion that there is no proper infrastructure and manpower for the implementation of Lok Adalat process. Sample group of judges are of the opinion that there is lack of sufficient infrastructure and trained personnel as a result no proper execution of Lok Adalat process is possible. Lawyer group is of the same opinion and further suggest that huge funds should be made available by government.

### **3) Incentive :**

Most of the sample group of judges (87.5%) and lawyers (83.3%) had shown that meager incentive is provided for promotion of Lok Adalat process. As a result it is found that this is the root cause for poor

implementation of Lok Adalat process. Judges group opined that no incentive is given to judicial officers for implementation of Lok Adalat process but some weightage should be given to disposal by reference to Lok Adalat process, also some percentage of amount out of deposited court fees by plaintiff be utilized for the process of Lok Adalat process and neutral person and lawyers of the parties should be properly remunerated.

Hence, it could be concluded that 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. Majority of sample group are opined that 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. All this affects the implementation of the alternative dispute resolution negatively. So, some effective steps are required to be taken in this concern.

**Table No.-3.12  
Awareness and use of Lok Adalat**

Sr. No.	Opinion	Judges			Lawyers		
		Yes	No	Not specified	Yes	No	Not specified
1	Whether awareness and use about Lok Adalat is rising ?	6 (75.0)	01 (12.5)	01 (12.5)	55 (35.4)	15 (56.3)	10 (8.3)
2	Whether cases referred to Lok Adalats are increasing?	07 (87.5)	01 (12.5)	0 -	48 (60.0)	30 (37.5)	12 (15.0)

Source – Field data

### **3.4.3 Awareness and use of Lok Adalat**

According to above table, it could be seen that the awareness and use of Lok Adalat is as follows –

### **1) Awareness about Lok Adalat:-**

According to the result of the research both sample groups have contrary opinion about the awareness and use of Lok Adalat process. 56.3% Judges had shown positive response towards the rise in awareness and use Lok Adalat process while 56.3% lawyer's group opined that there is no rise in awareness and use of Lok Adalat process. Contrary views of both the sample groups shows judges are in favour of execution of Lok Adalat process than lawyers. As Lok Adalat process helps to reduce workload of litigations upon the judges, improve quality of justice delivery system as only cases requiring court's attention will be tried and another reason is judges lives under some sort of seclusion due to fear of inquiry about their impartiality, so, they may have less knowledge about the litigant's and societal awareness about Lok Adalat process. On the contrary, lawyers had lot of practical experience so, they are of such opinion.

### **2) Reference to Lok Adalat**

Majority of sample group of judges (62.5%) had shown positive response to the increase in reference to cases to Lok Adalat process. As according to judges group there is increase in awareness and use of Lok Adalat process, consequently, there will be increase in number of cases referred to Lok Adalat process. On the contrary, lawyers had shown negative response to the same. Most of the lawyer's group (55.0%) opined that there is no increase in reference of matter to be resolved through Lok Adalat process. Since the lawyer's group had more interest in their lucratic revenues meted to them through court process they have less interest to refer the dispute to Lok Adalat.

### **3.4.4 Advantages of Lok Adalat over court redressal mechanism**

The result of the study on advantages of Lok Adalat process over court mechanism are as follows:

The majority of sample group of lawyers (20.4%) are of the opinion that by using Lok Adalat process there will be amicable settlement which gives satisfaction to both the parties in dispute and then 15.8% thinks that there is consent of the party as the ultimate victim is the party only. Minority 4.6% lawyers group viewed that there is saving of energy of the litigants. Most of the judge sample group (21.9%) had opined that Lok Adalat process will help to reduce pendency in various courts then 15.7% there is finality of decision. Parties cannot make appeal against this compromise decree provided exceptional circumstances. So, there would be early resolution of disputes and parties will be able to take future decisions in their life.

### **3.4.5 Difficulties in implementation of Lok Adalat:**

#### **Views of Judges:**

1. Lack of awareness and knowledge of litigants about Lok Adalat process.
2. Sometimes advocates are reluctant to suggest compromise to the parties, due to fear in mind about loss of their lucrative revenues.
3. People have faith on decree from court than other system.
4. Lack of voluntariness of panel members of Lok Adalat.
5. Insufficient infrastructure and untrained or unskilled manpower.
7. Lok Adalat are sometimes not paid or if paid it is very meager so, they have least interest in such matters.

8. Inclusion of chapters relating to Lok Adalat process in educational curriculum of students of XII standard of all streams like environmental law.
9. Law should be formulated making the Lok Adalat process mandatory to all courts to find out whether the dispute , can be resolved through Lok Adalat process or not and if not possible then file suit or start prosecution.
10. Apathy of lawyers towards Lok Adalat process.
11. Sometimes it is used as weapon for prolonging the case or requesting adjournments falsely.
12. Lack of interaction with litigants due to heavy workload particularly burden of completing quota of disposals set out by Honorable High Court.

**Views of Lawyers:**

1. Lack of knowledge and awareness among the parties, people in society.
2. Sometimes lawyers Lok Adalat process as a tool to seek adjournment.
3. Lack of infrastructure and trained personnel to execute the ADR process.
4. Mentality of people, their ego is main difficulty in some cases.
5. No active participation of bar and bench.
6. Lack of proper rules of procedure for implementation of Lok Adalat .
7. Sometimes advocates are reluctant to execute Lok Adalat process as they thought court mechanism is the only to earn their livelihoods or getting their lucrative revenues.

8. Lack of impartial, well oriented and trained panel members.

**Views of Litigants:**

1. Lack of awareness and knowledge of litigants about Lok Adalat process.
2. Sometimes advocates are reluctant to suggest compromise to the parties, due to fear in mind about loss of their fees.
3. People have faith on decree passed by court than other system.
4. Lack of trained mediators.
5. Insufficient infrastructure and untrained or unskilled manpower.
6. Fees of mediator has to be paid by parties, so, they are not in a position to pay even less amount after the payment of court fees for filing a suit.

From above views of the sample groups it can be concluded that both judges and lawyers should take initiative to aware the parties about Lok Adalat process and make their minds to settle their dispute amicably. People are laymen having incomplete knowledge of law and some sort of fear in mind about the judicial officers. Therefore, the lawyers are more responsible to take some steps to convince the parties to refer the matter for Lok Adalat process and try to settle it mutually. Then there would be proper implementation of Lok Adalat process.

In conclusion, it could be seen that all modes have their own significance but Lok Adalat is unique as it is cheap, time saving , easily available to common people, finality of decision taken by the parties.

Hence, it is therefore concluded that the litigants must be made aware of the concept and benefits of advantages, this is the foremost difficulty to be tackle for effective implementation of Lok Adalat process.

### **3.4.6 Things to be done to promote awareness and use of Lok Adalat process**

#### **Views of Judges :-**

1. Legal literacy camps at urban as well as rural areas
2. Counseling of dispute before entry of case in the registry of court.
3. Advocates must aware the litigants about Lok Adalat process.
4. Wide publicity about Lok Adalat process through media in the form of television, radio, newspaper etc. should be done.
5. Launch mass movements through social organisations, NGOs with specially trained personnel.
6. Arrange works and seminars.
7. Trained conciliators must their selected for process of compromise.
8. Advocates as well as judges should take interest for implementation of Lok Adalat process.

#### **Views of Advocates:-**

1. Government should provide proper infrastructure and appoint trained personnel to conduct Lok Adalat process.
2. Advertisement by media about awareness of Lok Adalat process.
3. Arranging seminars, workshops etc. for advocates.
4. Panel members of Lok Adalat should be properly remunerated.

5. Legal aid and awareness camps by government and NGOs.
6. Advocate's must aware his/her client about advantages of Lok Adalat process.
7. Frequent Lok Adalat must be conducted with prior discussion with bar and it's publication by media.
8. Awareness programmes, Seminars and workshops relating to Lok Adalat process must be conducted in remote areas particularly.
9. Educational institutions must take efforts to aware people about Lok Adalat process as far example- Environmental law.
10. Independent forum having strong decision making power must be created to execute Lok Adalat process.

**Views of Litigants :-**

1. People must made aware about the system at village level.
2. Publication of the benefits of Lok Adalat process through media in the form of television, radio, newspaper, websites etc. should be done.
3. Counseling of dispute before entry of case in the registry of court.
4. Advocates must tell the litigants how Lok Adalat process is useful to them.
5. Manpower and infrastructure should be made available, there should be sitting room for the parties coming for mediation for thinking for their case and some pictures and banners showing use of Lok Adalat process should be stick up on the walls.
6. Psychology of people should be prepared as to accept Lok Adalat process or faith over this system.



7. Lok Adalat should be conducted weekly.
8. Advantages of Lok Adalat process must be explained to the litigants by lawyer and judges as well.

From above views of the sample group of judges and lawyers it could be concluded that 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 Lok Adalat process. Hence, it is therefore concluded that the sample group of litigants are of the opinion that the publicity of Lok Adalat process is the most important step to increase the use of Lok Adalat process

#### **3.4.7 Case studies of litigants in Lok Adalat process:**

The use of case study method in social science research is very old. The case study approach is generally used for understanding the individual problem in helping the process like study and diagnosis.

The researcher has done extensive field work and has collected the cases of those who had undergone the alternative dispute resolution processes, which will help to know what are the practical difficulties in implementation of alternative dispute resolution mechanism and in what manner they are being tackled with existing system. The questionnaire prepared for this purpose by the researcher is given in the Appendix-E Interview for case study of people entering into Lok Adalat process

##### **i) Case Study No.-1**

A widow of 37 years, belonging to middle class family having two sons (All below 18 years), below graduate educated had a matter relating to

claim for compensation against the insurance company before the civil court. Brief facts of the case , her husband died in motor accident , do there was her claim for compensation against the insurance company and widow about the amount of compensation. In the matter was kept before Lok Adalat. Both the parties have negotiation and finally with the counseling of panel members of the Lok Adalat both the parties agree on certain sum.

**Observation:**

When the litigants are convinced about the unpredictability of court decision and benefit of settlement, as early as possible, the parties understand their strong and weak points of their case

Observation- litigants compromise the issue if guided properly by a third facilitator.

**ii) Case study No.-2**

A man of 50 years having graduate, in service in government department owned certain land. Due to the building construction of bridge, his land went in forfeiture by government. At the time of taking the land certain amount of the land was passed the person but according to him, the amount of land is much less than that given to the parties. The dispute was referred to Lok Adalat wherein panel members tried to settle the matter by negotiation between both the parties but matter was not settled as the person was not ready to compromise the amount which he would be legally entitled.

**Observation:** In government litigations the representative on behalf of government not actively participates to compromise the matter as no one wants to take responsibility in the decision.

### **Case study No- 3**

A suit was filed in the court by a person aged 47 having business of courier for right in ancestor property of his father, aged 70 years, a pensioner. Again, his sister joined as necessary party come forward to claim her right over the property of his father. The matter was referred to the Lok Adalat. All the parties negotiate with each other and helped by the panel members of Lok Adalat decided the share in the property and come at the end point of compromise to take convenient place of property the matter was settled amicably.

**Observation:** Ego parties is the main obstacle in reconciliation of the matter and Conciliator must be trained one and with his skill capable to handle the issues carefully.

### **Case Study No – 4**

An application for maintenance was filed by a woman of 35 years against her husband. He deserted his wife from last 5 years as she has only two daughters and no son. So, she files suit for maintenance against her husband. Husband is not ready to give maintenance to his wife. The dispute was referred to Lok Adalat. Panel members try to conciliate the matter with both the parties were not agreed upon the amount of maintenance, the matter not compromised and send back to the original stream of court process.

**Observation:** The ego of the party is the main obstacle in compromising the matter here the role of conciliator is most important as to sort out the issue and told the parties their position in the court process. Untrained or unskilled conciliators may be the reason for failure of the mediation or conciliation process.

### **3.5 Conclusion**

After doing intensive field work it could be concluded that most of the sample group of lawyers, judges and litigants had opined that the preference should be given so Lok Adalat over court redressal mechanism. As there are certain benefits of Lok Adalat over court process viz., time, money, energy saving, reduction in litigations, more satisfying and acceptable solution to the parties who opt for referring their dispute to Lok Adalat. There are certain difficulties in implementation and promotion of Lok Adalat, viz., lack of knowledge, awareness and cautiousness about Lok Adalat amongst the judges, lawyers and litigants so, awareness about the concept and benefits about Lok Adalat should be increased. The training programs must be conducted for judges, lawyers, mediators, for successful resolution of the dispute.

The case study approach is generally used for understanding the individual problem and thereby suggesting the solutions to the problems. The researcher has interviewed variety of litigants who participate in process of Lok Adalat, Thus, the case study suggests that lack of knowledge and awareness of litigants, lack of separate and proper infrastructure to conduct mediation process, lack of adequate manpower, lack of training to the panel members and unskilled mediators, lack of active and skillful participation of arbitrator, reluctance of the lawyers to refer or suggest the client to opt for Lok Adalat, Inability of Judges to change the mindset or mentality of the litigants, are sometimes be the reasons for average success of Lok Adalat in Satara.

## **CHAPTER- 4**

### **CONCLUSION**

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 civilizations. 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 doorsteps 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 manifolds, 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 people's involvement in the 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 [Please see table no.3.1, 3.2, 3.3]

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 (87.5% judges, 75.4% lawyers and 80.48% litigants) believed that reference to Lok Adalat would cut the cost for litigants and courts. Most of the sample groups (87.5% judges, 75% lawyers and 78.4% litigants) had shown positive attitude about the reference to Lok Adalat would reduce the pendency of cases in various courts. Majority of respondents (93.7% judges, 74.2% lawyers and 80.48% litigants) had shown positive response towards capability of Lok Adalat to resolve matter in less time than court process. Majority of samplers (81.2% judges, 62.5% lawyers and 60.97% litigants) had shown positive response towards the capability of Lok Adalat to give more acceptable and satisfying solution to the dispute between the parties. [ Please see table no. 3.3, 3.10]

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 (68.7% Judges, 63.3% Lawyers and 78.04% litigants) is of the opinion that there is insufficient infrastructure and manpower for the implementation of Lok Adalat. Sample group of judges are of the opinion that there is lack of sufficient infrastructure and trained personnel as a result no proper execution of Lok Adalat is possible. Lawyer group is of the same opinion and further suggest that huge funds should be made available by government. Most of the sample group of judges (87.5%) and lawyers (83.3%) had shown that sufficient incentive is not provided to personnel involved in Lok Adalat process for promotion of Lok Adalat. Also, majority of sample group of lawyers (56.3%) and litigants (62.60%) opined that 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.

Hence, it could be concluded that according to research analysis the Lok Adalat is seen to be more efficient than court redressal mechanism since, it is less time consuming which in consequence will reduce the pendency of cases in the courts and gives more satisfying and acceptable solutions to the parties in disputes as it is settled with active participation and convenience of the parties. Lok Adalat is welcomed by majority of judges, lawyers and litigants. But it will take a reasonable time to have its real benefit to the people as it requires prior cancelling of the litigants for compromising the dispute by their lawyers. Although, with proper co-operation and co-ordination between the stakeholders of legal profession a day will come there will be possible to have a well settled system for Lok Adalat.



## **CHAPTER - 5**

### **SUGGESTIONS**

#### **5.1 Introduction**

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. 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 Adalat as 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 loses and winning as an essential part of legal profession. Hence, it is difficult to saw the seeds of conciliation of dispute through Lok Adalatin 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. By spreading the message of Lok Adalat, the disputant can be made aware of its
- 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 programme has to be chalked out.
- viv) 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 .

**Conclusion:**

Hence, though Lok Adalat is preferable than court system, it cannot be a substitute for formal judicial system, so, when all the players, viz., the Government, the Judges, the Bar and the litigants take a concerted action in cooperation with each other, then only there will be an effective implementation of the Lok Adalat.

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## APPENDIX – A

### QUESTIONNAIRE FOR THE LAWYERS

#### Questionnaire for the Study Lok Adalat Process in District

Instruction - Put a  in front of the information you want.

1. Do you think that Lok Adalat process should be preferred to the court Resressal Mechanism? -Yes/No
2. Do you think that, Lok Adalat process would cut the costs for Litigants and Courts? -Yes/No
3. Do you think that Lok Adalat process would reduce the pendency of cases in various Courts -Yes/No
4. Do you think by using Lok Adalat process there would be early resolution of disputes? -Yes/No
5. Do you think that, Lok Adalat process would be more acceptable and satisfying to the litigants than the usual Court Mechanism? -Yes/No
6. Do you think, there is proper legal framework to promote Lok Adalat Process? -Yes/No
7. Do you think, there is proper infrastructure and manpower for implementation of Lok Adalat Process? -Yes/No
8. Has any incentive provided to you for promoting Lok Adalat? -Yes/No
9. What are the advantages of Lok Adalat over court system?
10. What are the difficulties in emplementation of Lok Adalat?
11. What should be done to promote use & implementation of Lok Adalat?
12. Any other comment \_\_\_\_\_

## APPENDIX –B

### INTERVIEW FORM FOR THE JUDGES

Instruction - Put a  in front of the information you want.

1. Do you think that Alternative Disputes Resolution Lok Adalat Process should be preferred to the court Resressal Mechanism? -Yes/No
2. Do you think that, Lok Adalat process would cut the costs for Litigants and Courts? -Yes/No
3. Do you think that Lok Adalat process would reduce the pendency of cases in various Courts -Yes/No
4. Do you think by using Lok Adalat process there would be early resolution of disputes? -Yes/No
5. Do you think that, Lok Adalat process would be more acceptable and satisfying to the litigants than the usual Court Mechanism? -Yes/No
6. Do you think, there is proper legal framework to promote Lok Adalat process? -Yes/No
7. Do you think, there is proper infrastructure and manpower for implementation of Lok Adalat process? -Yes/No
8. Has any incentive provided to you for promoting Lok Adalat Mechanism? -Yes/No
9. What are the advantages of Lok Adalat over court system?
10. What are the difficulties in emplementation of Lok Adalat?
11. What should be done to promote use & implementation of Lok Adalat?
12. Any other comment \_\_\_\_\_

## APPENDIX -C

### पक्षकारांसाठी प्रश्नावली

#### अ) सर्वसाधारण माहिती

1. लिंग स्त्री  पुरुष
2. वय वर्षे
3. शिक्षण
  - 1) निरक्षर
  - 2) एस.एस.सी पेक्षा कमी
  - 3) एस.एस.सी ते एच.एस.सी पर्यंत
  - 4) पदवीधर
  - 5) पदवीधर पेक्षा जास्त
4. दाव्याशी संबंध
  - 1) वादी
  - 2) प्रतिवादी
5. कोणत्या स्वरूपाचा दावा न्यायालयात चालू आहे.
6. तुमच्या मते न्यायालयीनवाद निवारणपद्धतीपेक्षा लोक अदालत पद्धती जास्त सोईस्कर आहे असे वाटते का? होय / नाही
7. तुमच्या मते न्यायालयीनवाद निवारणपद्धतीपेक्षा लोक अदालतमुळे पैशांची बचत होत का? होय / नाही
8. तुमच्या मते न्यायालयीनवाद निवारणपद्धतीपेक्षा लोक अदालतीमुळे प्रलंबित दाव्यांची संख्या कमी होऊ शकते का? होय / नाही



9. तुमच्या मते न्यायालयीनवाद निवारणपद्धतीपेक्षा लोक अदालत पद्धतीने दावे लवकर निकाली लागू शकतात का? होय / नाही
10. तुमच्या मते न्यायालयीनवाद निवारणपद्धतीपेक्षा लोक अदालत पद्धतीने जास्त समाधानकारक वादाचे निरसन होऊ शकते का? होय / नाही
11. तुमच्या मते न्यायालयीनवाद निवारणपद्धतीपेक्षा लोक अदालत पद्धतीचे काय फायदे आहेत?
12. लोक अदालत राबविण्यामध्ये कोणकोणते अडथळे आहेत ?
13. आपल्या मते लोक अदालत निवारणपद्धतीचे जागरूकता व अवलंब वाढविणेसाठी कोणत्या गोष्टी केल्या पाहिजेत?
14. कृपया लोक अदालत पद्धतीबाबत तुमचे स्वतःच्या सूचना सांगा.

## APPENDIX -D

### PROFORMA CIRCULATED AMONG DIFFERENT COURTS IN SATARA

- 1) ज्या वर्षापासून लोक अदालत घेण्यास सुरुवात झाली तेव्हा पासून ते 2010 पर्यंतची न्यायालयाची वार्षिक माहिती खालील तक्त्याप्रमाणे

वर्ष	त्यावर्षी भरवण्यात आलेल्या लोक अदालतांची संख्या	त्यावर्षी लोक अदालतला ठेवण्यात आलेल्या दाव्यांची संख्या	त्यावर्षी निकाली दाव्यांची संख्या	एकूण लोक अदालतीचा वार्षिक खर्च	एका दाव्याचा निकाल लागण्यासाठी लागलेला सरासरी वेळ

2. ज्या वर्षीपासून लोकअदालत घेण्यास सुरुवात झाली तेव्हा पासून ते 2010 पर्यंतची न्यायालयाची वार्षिक माहिती खालील तक्त्याप्रमाणे

वर्ष	त्यावर्षी शिल्लक असलेल्या दाव्यांची संख्या	त्यावर्षी नव्याने दाखल झालेल्या दाव्यांची संख्या	त्यावर्षी निकाल लागलेल्या दाव्यांची संख्या	त्यावर्षीचा न्यायालयाचा एकूण वार्षिक खर्च (उदा. पगार, भाडे इ.)	एका दाव्याचा निकाल लागण्यासाठी लागलेला सरासरी वेळ
		दिवाणी	दिवाणी	दिवाणी	दिवाणी

3. ज्या वर्षीपासून कायम लोक अदालत घेण्यास सुरुवात झाली तेव्हा पासून ते 2010 पर्यंतची कायम लोक अदालतींची वार्षिक माहिती खालील तक्त्याप्रमाणे

वर्ष	त्या वर्षी कायम लोक अदालतला ठेवण्यात आलेल्या दाव्यांची संख्या	त्यावर्षी निकाली दाव्यांची संख्या	वार्षिक खर्च	एका दाव्याचा निकाल लागण्यासाठी लागलेला सरासरी वेळ

## APPENDIX –E

### QUESTIONNAIRE ABOUT INTERVIEWS CONDUCTED WITH LITIGANTS PARTICIPATING IN Lok Adalat

मुलाखत दिनांक / /2014

केस क्रमांक :

#### वैकल्पीक वाद निवारण कक्ष

##### अ) सर्वसाधारण माहिती

1. नाव (पूर्ण) :
2. कुटुंब :
3. पत्ता :
4. धंदा / नोकरी :
5. शिक्षण :

##### ब) चालू दावा

1. तंट्याचे / वादाचे स्वरूप काय ?
2. न्यायालयात दाद मागण्यासाठी कोणकोणत्या गोष्टी कराव्या लागल्या ?
3. पर्यायी / दुसऱ्या पद्धतीने वादाचे निराकरण व्हावे असे वाटते का ?

##### क) वैकल्पीक वाद निवारण प्रक्रिया

1. वैकल्पीक वाद निवारणपद्धतीची माहिती होती का ?
2. कुणाकडून मिळाली ?

3. वै. वा. नि. प्रक्रियेला दावा सुपूर्त केला का? होय  नाही
4. नसेल कारण?  
असेल तर -
5. वै. वा. नि. प. मध्ये काय झाले?
6. मध्यस्थीचे काम समाधानकारक होते का?
7. दाव्यात तडजोड झाली का?
8. नसेल तर का?
9. असेल तर तडजोडी बाबत समाधान वाटते का?

**ड) संकीर्ण**

इतर काही वै. वाद निवारण प्रक्रियेशी निगडीत बाबी सांगाल काय?

## APPENDIX –F

### MAHARASHTRA STATE LEGAL SERVICES AUTHORITY RULES, 1998

<sup>1</sup>[Noti. Lab. 1895/359 (642) XXII, dt. 13.01.1998 — In exercise of the powers conferred by Sec. 28 of the Legal Services Authorities Act, 1987 (39 of 1987), and of all other powers enabling it in this behalf, the Government of Maharashtra, hereby in consultation with the Chief Justice of Bombay High Court, makes the following rules, namely:—

**1. Short title and commencement:—**

(1) These rules may be called the Maharashtra State Legal Services Authority Rules, 1998.

2) They shall come into force on the 14th day of January, 1998.

**2. Definitions:—** In these rules, unless the context otherwise requires.—

(a) "*Act*" means the Legal Services Authorities Act, 1987 (39 of 1987);

(b) "*Chief Justice*" means the Chief Justice of Bombay High Court;

<sup>2</sup>[(c) "*District Authority*" means the District Legal Services Authority constituted under Sec. 9 of the Act. 12[ ]

(d) "*Government*" means the Government of Maharashtra;

(e) "*High Court Legal Services Committee*" means the High Court Legal Services Committee constituted for the principal seat of the Bombay High Court at Mumbai and its Benches at present functioning at Nagpur and Aurangabad and Benches that may be formed at any other place within the State of Maharashtra;

(f) "*Schedule*" means Schedule appended to these rules;

(g) All other terms and expressions used under these rules but not defined shall have the meanings respectively assigned to them in the Act.

**3. Number, experience and qualifications of other Members of the State Authority under Cl. (c) of sub-section (2) of Sec. 6—** (1) Apart from the Chief Justice and the Executive Chairman, the following shall

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1. Published in the Official Gaz., Govt, of Maharashtra, Part IV-AA, dt. 13.01.1998.

2. Clause (c) Substituted by the Maharashtra State Legal Services Authority (First Amendment) Rules, 2006 (w.e.f. 29.9.2006).

2 The word "and includes the District Brihan Mumbai Legal Services Authority and District Brihan Mumbai Suburban Legal Services Authority" omitted by Notification No.LAB 2005/269/(C.R.21)D- 22, Law & Judiciary (w.e.f. 15.09.2006).

be *ex-officio* members of the-State Authority:—

- (1) The Minister for Law and Judiciary;
- (ii) The Advocate-General of Maharashtra;
- (iii) The Chief Secretary to Government;
- (iv) The Secretary to Government in the Law and Judiciary Department;
- (v) The Secretary to Government in the Finance Department;
- (vi) The Director-General of Police, Maharashtra State;
- (vii) Member-Secretary of the State Authority appointed under sub-section (3) of Sec. 6 of the Act.

Provided that, the officer presently functioning as the Secretary of the Maharashtra State Legal Aid and Advice Board shall be the Member-Secretary of the State Authority for a period of not exceeding five years as provided under the proviso to sub-section (3) of Sec. 6 of the Act.

- (2) The Government may nominate, in consultation with the Chief Justice, other members not exceeding ten in number of whom at least half shall be women, possessing the experience and qualifications prescribed in sub-rule (3) of this rule.
- (3) A person shall not be qualified for nomination as member of the State Authority unless in the opinion of Government he is—
  - (a) an eminent Social Worker who is engaged in upliftment of the weaker sections of the society including Scheduled Castes, Scheduled Tribes, women, children, rural and urban labour; or
  - (b) an eminent person in the field of law; or
  - (c) a person of repute who is specially interested in the implementation of the Legal Services Schemes.

**4. Powers and functions of the Member-Secretary of the State Authority under sub-section (3) of Sec. 6:—**Subject to the general supervision of the State Authority and the Executive Chairman, the powers and functions of the

Member-Secretary of the State Authority, shall be as follows, namely:—

- (a) to arrange for free legal services to the eligible and weaker sections;
- (b) to work out modalities of the Legal Services Schemes and programmes approved by the State Authority and ensure their

effective monitoring and implementation;

- (c) to exercise the powers in respect of Administration, House-keeping, Finance and Budget matters as Head of Department in the State Government;
  - (d) to manage the properties, records and funds of the State Authority;
  - (e) to arrange for maintenance of true and proper accounts of the State Authority including checking and auditing in respect thereof periodically;
  - (f) to prepare Annual Income and Expenditure Account and Balance Sheet of the State Authority;
  - (g) to liaison with the Social Action Groups and District and Taluka Legal Services Authorities;
  - (h) to maintain up-to-date and complete statistical information including progress made in the implementation of various Legal Services Programmes from time to time;
  - (i) to process proposals for financial assistance and issue utilisation Certificates thereof;
  - (j) to organise various Legal Services Programmes, as approved by the State Authority and convene meetings, seminars and workshops connected with Legal Services Programmes and preparation of Reports and follow-up action thereon;
  - (k) to arrange for production of video or documentary films, publicity material, literature and publications to inform general public about the various aspects of the Legal Services Programmes;
  - (l) to lay stress on the resolution of rural disputes and to take extra measures to draw schemes for effective and meaningful legal services for setting rural disputes at the door-steps of the rural people;
  - (m) to perform such of the functions as are assigned to him under the Schemes formulated under Cl. (b) of Sec. 4 of the Act; and
  - (n) to perform such other functions as may be expedient for efficient functioning of the State Authority.
5. Terms of office and other conditions relating thereto, of members and Member-Secretary of the State Authority under sub-section (4) of Sec.6:-
- (1) The term of office of the members of the State Authority nominated under sub-rule (2) of Rule 3 by the Government shall ordinarily be for a period of three years and they shall be eligible for re-



nomination. A member whose terms has expired, shall, however, continue in office till new member is appointed in his place.

- (2) A member of the State Authority nominated under sub-rule (2) of Rule 3 may resign by letter addressed to the Chief Justice. He may also be removed by the Government if in its opinion he is not taking sufficient interest in the activities of the State Authority.
  - (3) If a member nominated under sub-rule (2) of Rule 3 ceases to be a member of the State Authority for any reason, the vacancy shall be filled up in the same manner as the original nomination and the person so nominated shall continue to be a member for the remaining term of the member in whose place he is nominated.
  - (4) If a member is a sitting or retired Judge of the Supreme Court or the High Court he will be entitled to travelling allowance and daily allowance according to the rules applicable to the sitting Judges of the Court concerned. The members who are other functionaries such as sitting members of Legislative Assembly and Government servants shall be entitled to the travelling allowance and daily allowance according to the rules applicable to them.
  - (5) If the nominated member is a Government employee, he shall be entitled to only one set of travelling and daily allowance, either from his parent Department or as the case may be from the State Authority.
  - (6) In all matters like age of retirement, pay and allowances, benefits and entitlement, and disciplinary matters, the Member-Secretary shall be governed by the Government Rules applicable to him.
- 6. Number of officers and other employees of the State Authority under subsection (5) of Section 6:—** The State Authority shall have such number of officers and other employees as specified in the Schedule.
- 7. Conditions of service and the salary and allowances of officers and other employees of the State Authority under sub-sec. (6) of Sec. 6:—**
- (1) The officers and other employees of the State Authority shall be entitled to draw pay and allowances in the scale of pay at par with the Government officers and employees holding equivalent posts.
  - (2) In all matters like age of retirement, pay and allowances, benefit and entitlements and disciplinary matters, the officers and other employees of the State Authority shall be governed by the Government Rules as are applicable to persons holding equivalent posts.
  - (3) The officers and other employees of the State Authority shall be

entitled to such other facilities, allowances and benefits as may be notified by the Government from time to time.

8. Experience and qualifications of Secretary of the High Court Legal Services

**Committee under sub-section (3) of Sec. 8-A:—**

- (1) A person shall not be qualified for appointment as Secretary of the High Court Legal Services Committee unless he is an officer of the High Court not below the rank of an Additional Registrar.
- (2) The State Authority shall as provided under sub-section (1) of Sec. 8- A of the Act, appoint separate High Court Legal Services Committee for each of its Benches already functioning at Mumbai, Nagpur and Aurangabad and for other Benches that may be established at any other places within the limits of Maharashtra State.

9. Number of officers and other employees of the High Court Legal Services

**Committee and the condition of service and the salary and allowance**

**payable to them under sub-sections (5) and (6) of Sec. 8A:—**

- (1) Each High Court Legal Services Committee shall have such number of officers and other employees as specified in the Schedule.
- (2) The officers and other employees of a High Court Legal Services Committee be entitled to draw pay and allowances in the scale at par with the Government employees holding equivalent posts.
- (3) In all matters like age of retirement, pay and allowances, benefits and entitlements and disciplinary matters, the officers and other employees of a High Court Legal Services Committee shall be governed by the Government Rules as are applicable to persons holding equivalent posts.
- (4) The officers and other employees of a High Court Legal Services Committee shall be entitled to such other facilities, allowances and benefits as may be notified by the Government from time to time.
- (5) For a period of one year from the date, Chapter III of the Act is brought into force in the State of Maharashtra, it shall be lawful for the Government to provide each High Court Legal Services Committee with the additional strength of staff as indicate in the

Schedule.

<sup>1</sup>[10. Number, experience and qualifications of Members of the District Authority, under Cl. (b) of sub-section (2) of Sec. 9:—

- (1) In all districts except District 34[ ] Mumbai and District \*[ ] Mumbai Suburban the following shall be *ex officio* members of the District Authority, apart from the District Judge namely:—
- (i) Collector;
  - (ii) Commissioner of Police (if appointed in any district)
  - (iii) Superintendent of Police;
  - (iv) Chief judicial Magistrate ;
  - (v) District Government Pleader ;
  - (vi) Member-Secretary.
- (2) The Government may nominate in consultation with the Chief Justice other members not exceeding six in number of whom at least half are women possessing qualifications and experience prescribed in sub-rule (3) of this rule.
- (3) A person shall not be qualified for nomination as a member of the District Authority unless he is,—
- (a) an eminent Social Worker who is engaged in the upliftment of the weaker sections of the society, including Scheduled Castes, Scheduled Tribes, women, children and urban or rural labour; or
  - (b) an eminent person in the field of law; or
  - (c) a person of repute who is specially interested in implementation of the Legal Services Schemes.
- (4) The Government shall, in consultation with the Chief Justice, constitute the District \*[ ] Mumbai Legal Services Authority; and District \*[ ] Mumbai Suburban Legal Services Authority, consisting of the following, *ex-offlcio* members, namely:—

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1. Substituted by the Maharashtra State Legal Services Authority (First Amendment) Rules, 2006 (w.e.f. 29.06.2006).

4 The word “ Brihan” omitted by Notification No.LAB 2005/269/(C.R.21)D-22, Law & Judiciary (w.e.f. 15.09.2006).

- (A) The District \* ] Mumbai Legal Services Authority—
- (i) Principal Judge, City Civil Court;
  - (ii) Collector of Mumbai City;
  - (iii) Commissioner of Police, \* ] Mumbai;
  - (iv) Government Pleader, City Civil Court, Mumbai;
  - (v) Chief Metropolitan Magistrate, Mumbai.
- (B) The District \* ] Mumbai Suburban Legal Services Authority—
- (i) Principal Judge, Family Court, Mumbai;
  - (ii) Collector of Mumbai Suburban;
  - (iii) Commissioner of Police, \* ] Mumbai;
  - (iv) Additional / Assistant Government Pleader, City Civil Court, Mumbai
  - (v) Chief Judge, Small Causes Court, Mumbai.
- (5) The Government may nominate in consultation with the Chief Justice other members not exceeding six in number of whom at least half shall be women, on the above Authorities, possessing the qualifications and experience prescribed in sub-rule (3) of this rule.
- (6) Every High Court Legal Services Committee shall have power of general supervision over the District Authorities falling within their respective territorial jurisdiction.

**11. Number of officers and other employees of District Authority under subsection (5) of Sec. 9:—** (1) Subject to the proviso of sub-rule (4) of Rule 12 of these rules the District Authority shall have such number of officers and other employees as specified in the Schedule.

**12. Conditions of service and salary and allowances of officers and other employees of the District Authority under sub-section (6) of Sec.9:—**

- (1) The officers and other employees of the District Authority shall be entitled to draw pay and allowances at par with the State Government employees holding equivalent posts.
- (2) In all matters like age of retirement, pay and allowances, benefits and entitlement and disciplinary matters, the officers and other employees of the District Authority shall be governed by the State Government Rules as are applicable to persons holding equivalent

posts.

- (3) The officers and other employees of the District Authority shall be entitled to such other facilities, allowances and benefits as may be notified

by the Government from time to time.

- (4) The staff namely, clerks, peons, *Safaikamgars* and watchmen presently functioning on the District Committees and the Greater Bombay Legal Aid and Advice Committee shall be absorbed on the District Authority on the posts of clerk-cum-typists, peons, *Safaikamgars* and watchmen respectively on the condition that they would qualify for the said posts after absorption wherever required.

**13.** Number, experience and qualification of members of the taluka legal services committee under Cl. (b) of sub-section (2) of Sec. 11-A:—

- (1) Apart from the Chairperson appointed under Cl. (a) of sub-section (2) of Sec. 11-A of the Act, the following shall be *ex-officio* members of Taluka Legal Services Committee, namely:—
  - (i) Sub-Divisional Police Officer;
  - (ii) One of the Law Officers posted at the Taluka Headquarters, if any;
  - (iii) Block Development Officer
- (2) The State Government may nominate in consultation with the Chief Justice other members not exceeding four in number of whom at least half shall be women, possessing the qualifications and experience prescribed in sub-rule (3) of this rule.
- (3) A person shall not be qualified for nomination as a member of the Taluka Legal Services Committee unless he is,—
  - (a) an eminent Social Worker who is engaged in the upliftment of weaker sections of the society including Scheduled Castes, Scheduled Tribes, women, children and rural labour; or
  - (b) an eminent person in the field of Law; or
  - (c) a person of repute who is specially interested in the implementation of the Legal Services Scheme.
- (4) The Chairman of the Taluka Legal Services Committee may appoint either the Law Officer or the Block Development Officer as Secretary of the Committee.

**14. Number of officers and other employees of the Taluka Legal Services Committee under sub-section (3) of Sec. 11-A:—** The Taluka Legal Services Committee shall have such number of officers and other employees as specified in the Schedule.

**15. Conditions of service and the Salary and Allowances of Officers and other employees of the Taluka Legal Services Committee under subsection (4) of**

**Sec. 11-A:—**

(1) The officers and other employees of the Taluka Legal Services Committee shall be entitled to draw pay and allowances at par with the State Government employees holding equivalent posts.

(2) In all matters like age of retirement, pay and allowances, benefits, entitlements and disciplinary matters, the officers and other employees of the Taluka Legal Services Committee shall be governed, by the State Government Rules as are applicable to persons holding equivalent posts.

(3) The officers and other employees of the Taluka Legal Services Committee shall be entitled to such other facilities, allowances and benefits as may be notified by the State Government from time to time.

**16. Upperlimit of Annual Income of person for availing Legal Services under**

**Cl. (h) of Sec. 12:—**Any citizen of India whose case is before a Court, other than the Supreme Court, and whose annual income from all sources does not exceed \*Rs.50,000 (Rupees fifty thousand) shall be entitled to legal services under Cl. (h) of Sec. 12 of the Act.

**17. Experience and qualifications of the other persons of Lok Adalats other than referred to in sub-section (4) of Sec. 19:— A person shall not be qualified to be included in the Bench of Lok Adalat unless he is,—**

(a) an eminent social worker who is engaged in the upliftment of the weaker sections of the people, including Scheduled Castes,

Scheduled Tribes, women, children, rural and urban labour; or

(b) a lawyer of standing repute; or

(c) a person of repute who is specially interested in the implementation of the Legal Services Scheme and Programmes.

**18. Saving:—** The provisions of the Maharashtra Legal Aid and Advice

Scheme,1979, the Maharashtra State Legal Aid and Advice Board Rules, 1981 and the Maharashtra State Legal Aid and Advice Board Regulations, 1981 on any matter such as honoraria to be paid to the Pleaders, registers and other record to be maintained etc. which are not inconsistent with any provisions of the Act or these Rules or Regulations that may be framed under Sec.29-A by the State Authority shall remain in force *mutates mutandis* until different provisions is made under the Act, these Rules and Regulations as the case may be.

## APPENDIX – G

### **Maharashtra State Legal Services Authority (First Amendment) Rules, 2006.**

Law and Judiciary Department,  
Mantralaya, Mumbai-400 032.

Dated the 15<sup>th</sup> September, 2006.

No. LAB 2005/269/(C.R.21) D-22- In exercise of the powers conferred by section 28 of the Legal Services Authorities Act, 1987 (39 of 1987), and of all other powers enabling it in this behalf, the Government of Maharashtra in consultation with the Chief Justice of Bombay High Court, hereby makes the following rules. Further to amend the Maharashtra State Legal Services Authority Rules, 1998 namely:-

1. **Short title and commencement** -(1) These rules may be called the Maharashtra State Legal Services Authority (First Amendment) Rules, 2006.

(2) They shall come into force with immediate effect.

2. In the Maharashtra State Legal Services Authority Rules, 1998 (hereinafter referred to as the “principal Rules”), in rule 2, for clause (c) the following clause shall be substituted, namely:-

“(c) “District Authority” means the District Legal Services Authority constituted under Sec.9 of the Act”.

3. In the principal Rules shall, for rule 10, the following shall be substituted, namely:-

**“10.- NUMBER, EXPERIENCE AND QUALIFICATION OF MEMBER OF THE DISTRICT AUTHORITY, UNDER Clause..(B) OF SUB-SECTION (2) of section 9-(1) In all districts except Mumbai District and Mumbai Suburban District the following shall be the **ex-officio** members of the District Authority, apart from the District Judge, namely:-**

- (i) Collector;
- (ii) Commissioner of Police (if appointed in any district);
- (iii) Superintendent of Police;
- (iv) Chief Judicial Magistrate;
- (v) District Government Pleader;



(vi) Member-Secretary.

(2) The Government may nominate in consultation with the Chief Justice other members not exceeding six in number of whom at least half are women possessing qualifications and experience prescribed in sub-rule (3) of this rule.

(3) A person shall not be qualified for nomination as a member of the District Authority unless he is,-

(a) an eminent Social Worker who is engaged in the upliftment of the weaker sections of the society, including Scheduled Castes, Scheduled Tribes, women, children and urban or rural labour or (b) an eminent person in the field of law; or (c) a person of repute who is specially interested in the implementation of the Legal Services Schemes.

(4) The Government shall, in consultation with the Chief Justice, constitute the, Mumbai District Legal Services Authority; and Mumbai Suburban District Legal Services

Authority, consisting of the following ex-officio members, namely:-

(A) The Mumbai District Legal Services Authority:-

- (i) Principal Judge, City Civil Court;
- (ii) Collector of Mumbai City;
- (iii) Commissioner of Police, Mumbai;
- (iv) Government Pleader, City Civil Court, Mumbai;
- (v) Chief Metropolitan Magistrate, Mumbai.

(B) The Mumbai Suburban District Legal Services Authority:-

- (i) Principal Judge, Family Court, Mumbai;
- (ii) Collector of Mumbai Suburban;
- (iii) Commissioner of Police, Mumbai;
- (iv) Additional/Assistant Government Pleader, City Civil Court,  
Mumbai;
- (v) Chief Judge, Small Causes Court, Mumbai.

(5) The Government may nominate in consultation with the Chief Justice other members not exceeding six in number of whom at least half shall be women, on the above Authorities, possessing the qualifications and

experience prescribed in sub-rule (3).

(6) Every High Court Legal Services Committee shall have power of general supervision over the District Authorities falling within their respective territorial jurisdiction.

By order and in the name of the  
Governor of Maharashtra

**Sd/-**

(G.S.Tungar)

Under Secretary to Government