

CONCEPT OF LOK ADALATS IN INDIA: A STUDY OF HARYANA

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Abstract:

Justice dispensation system of a country is helpful in its prosperity and progress. People in a society live peacefully and amicably, if the justice dispensation system is strong, efficient and effective. Justice delayed is justice denied. Article 39 A was inserted in the constitution of India with the objectives to promote justice on the basis of equal opportunities and secure that justice is not denied on the basis of financial or other reasons. Justice is the foundation of a civilized society. It should be provided to the society without any delay and it should be easily accessible. If the justice is delivered without any unreasonable delay in a society, that society will progress. India is facing the problem of increase in backlog of cases. There may be many reasons of its increase. Every effort should be made to decrease the backlog of pending cases. But the question is how to resolve this problem in the present circumstances and available infrastructure. Alternative Dispute Resolution is a mechanism which is being used to reduce the backlog of cases and making justice dispensation quick and fast. Lok Adalat is a part of this mechanism. Lok-Adalat is essentially a forum in which parties in the dispute play an effective role for settling their disputes amicably. Now people want to settle their disputes outside the courts. This paper workouts the efficiency of lok adalat mechanism in reducing the backlog of cases in the state of Haryana.

Key Words: delay, justice, disputes, people's court, speedy, settlement,

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1. Introduction:

“Justice is itself the great standing policy of civil society; and any eminent departure from it, under any circumstances, lies under the suspicion of being no policy at all.”

Edmund Burke¹

Justice should be provided to everyone in a society. It should be a goal or a prime duty of a society. Justice would be provided only if the cases are disposed of within a reasonable time with quality justice. In many cases delay in disposal of cases causes denial of justice. Bible Dictionary defines, justice is rendering to every one that which is his due. It has been distinguished from equity in this respect, that while justice means merely the doing what positive law demands, equity means the doing of what is fair and right in every separate case.²

Preamble to the constitution of India, which is an introductory statement, stating the aims and objectives of the constitution, itself provides, “We, the people of India, having solemnly resolved to constitute India into a sovereign, socialist, secular, democratic republic and to secure to all its citizens Justice; social, economic and political.” justice is the main objective of the constitution of India.³

Justice is delivered by the courts. Courts are the temples of justice. After knocking at all the doors, failed people approach the judiciary as the last resort. It is the only temple worshipped by every citizen of this nation, regardless of religion, caste, sex or place of birth.⁴ Indian constitution imposes an obligation on the State to provide justice to the people. The government of any country, any nation, is formed by the members of that nation either directly or indirectly. In democratic country like India, the government is of the people, for the people and by the people.⁵ Therefore, government is under obligation to make such laws and procedure which provide justice to the people.

Article 39 A⁶ provides that the State shall secure that the operation of the legal system promotes justice, on the basis of equal opportunity, and shall, in particular, provide free legal 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. Articles

¹ <http://www.best-quotes-poems.com/justice-quotes.html>

² <http://dictionary.reference.com/browse/justice>

³ <http://www.preservearticles.com/201104235906/essay-on-the-preamble-of-indian-constitution.html>

⁴ <http://airwebworld.com/articles/index.php?article=892>

⁵ <http://legalservicesindia.com/article/article/wheels-of-progress-in-society-law-justice-&-common-man-751-1.html>

⁶ Constitution of India, Chapter IV

14 and 22(1) of the Constitution of India also make it obligatory for the State to ensure equality before law and a legal system which promotes justice on a basis of equal opportunity to all. Legal aid strives to ensure that constitutional pledge is fulfilled in its letter and spirit and equal justice is made available to the poor, downtrodden and weaker sections of the society.⁷

In reality, the common man, for whom the law is made, today has fear in his mind and don't have the faith in courts because the litigation is expensive and dilatory. Courts alone cannot be blamed for delay in providing justice because there are a number of reasons behind delay in disposal of cases and increase of backlog of cases. The number of cases pending in Indian courts is rising by each passing day. Over 3.5 crore cases are pending in courts across the country, with 56,000 lakh and 42.92 lakh cases pending in the Supreme Court and the High Courts respectively.⁸ The mechanism of lok adalat is introduced in India with a view to generate the faith of people in justice delivery system by providing speedy and inexpensive justice to the people. The system of lok adalats is a success of democracy and is a most up-to-date and cheap method of providing justice at your doorstep.⁹ Lok Adalat established by the government, settles dispute by the principles of justice, equity and fair play.¹⁰ It is a non-formal legal institution. It is an effective and speedy alternative mechanism of justice dispensation. But the question arises as to are the lok adalats providing quality justice to the people. Justice Prakash Tatia said that Lok Adalat system is a big boon for the suffering litigants who want to redress their issues at an early stage in amicable manner.¹¹ This paper has been divided into four parts. First part of this paper is introductory.

2. **Concept of Lok Adalat in India:**

Generally, lok adalat means an adalat of the people or People's Court. In the term 'lok adalat' lok stands for 'people' and adalat means 'court'.¹² India has a long history of resolving disputes through the mediation of village elders.¹³ The concept has been gathered from system of Panchayats.¹⁴ In the present scenario, the lok adalat means a court organized by the

⁷ <http://nalsa.gov.in/>

⁸ http://articles.timesofindia.indiatimes.com/2012-07-05/kanpur/32550840_1_backlog-of-civil-cases-magisterial-courts-crore-cases

⁹ <http://in.answers.yahoo.com/question/index?qid=20090805011341AALrnH>

¹⁰ <http://www.zoominfo.com/#!/search/profile/person?personId=1632619345&targetid=profile>

¹¹ http://articles.timesofindia.indiatimes.com/2011-01-30/jaipur/28362225_1_legal-aid-lok-adalats-legal-assistance

¹² <http://districtcourtallahabad.up.nic.in/articles/Lok%20Adalat%20and%20Free%20Legal%20Aid.pdf>

¹³ http://legalservicesindia.com/article/print.php?art_id=224

¹⁴ <http://indiancurrents.org/indiancrm/upload/7501Page%2047.pdf>

High Court Legal Services or District Legal Services Authority or Taluk Legal Services Committee for the purpose of amicably settling a dispute between two parties by way of compromise.¹⁵ The entire mechanism of lok adalats designed and evolved is with the object of promoting justice.¹⁶ The concept of Lok-Adalat came up when the formal justice delivery system failed to provide justice to everybody. The judicial system has been overburdened with cases for long, thus delaying the process of rendering justice to a great extent. The Lok-Adalat is essentially a forum where voluntary efforts are made by the parties for settlement of disputes. It is an informal means of rendering justice since the entire mechanism functions outside the normal court system. It is voluntary because the parties have control over the process of the settlement of disputes. The idea of Lok-Adalat materialized in the CILAS¹⁷ formed under Chairmanship of Justice Bhagwati on 26th September, 1980. But soon after, a need for statutory backing was felt for the institution of Lok-Adalat. As the process was mostly informal and voluntary in nature and this was the reason most people were not willing to opt for this mechanism. Ultimately, the Legal Services Authority Act was passed in 1987.¹⁸ This Act was finally enforced on 9th of November, 1995 after certain amendments were introduced therein by the Amendment Act of 1994. Hon. Mr. Justice R.N. Mishra the then Chief Justice of India played a key role in the enforcement of the Act.¹⁹ This Legal Services Authority Act displaced the CILAS and introduced a hierarchy of judicial and administrative agencies. One of the aims of this Act was to organise Lok Adalats.²⁰

The evolution of modern system of Lok Adalats can be traced to 'Lok Adalat' run by noted Gandhian social worker Shri Harivallabh Parikh in a tribal area Rangpur in Gujarat.²¹ Thereafter, the camps of Lok Adalats were initially started in the State of Gujarat in 1982 on the pattern of Parikh's Lok Adalat model. The main purpose of starting lok adalat camps was a part of strategy to relieve the courts of their heavy burden of pending cases and provide relief to the litigants against agonising laws delay.²² The first Lok Adalat was organized on 14th March 1982

¹⁵ <http://www.legalserviceindia.com/article/I390-Lok-Adalat-&-Perspective-of-Paribarik-Mahila-Lok-Adalat.html>

¹⁶ http://www.adrcentre.in/images/pdfs/LOK_ADALATS_IN_H.P.-%20Final.pdf

¹⁷ Committee for Implementing Legal Aid Schemes

¹⁸ <http://www.law-essays-uk.com/resources/sample-essays/criminal/concept-of-lok-adalat.php#ixzz26Mmd5kFi>

¹⁹ <http://nalsa.gov.in/>

²⁰ http://www.ijmra.us/project%20doc/IJSS_MAY2012/IJMRA-PSS1101.pdf

²¹ Upender Baxi (Dr.), From Takrar to Karar, The Lok Adalat at Rangpur, 1976, p.56.

²² N.V. Paranjape (Dr.), Public Interest Litigation, Legal Aid & Services, Lok Adalats & Para-Legal Services, Central Law Agency, 2006, p. 272.

at Junagarh (Gujarat). Maharashtra commenced the Lok Nyayalaya in 1984.²³ Lok Adalat is a boon to the litigant public, where they can get their disputes settled fast and free of cost. Lok Adalat is very effective in settlement of money claims. Disputes like partition suits, damages and matrimonial cases can also be easily settled before Lok Adalat as the scope for compromise through an approach of give and take is high in these cases.²⁴ Lok Adalat accepts the cases which could be settled by conciliation and compromise and if the parties do not reach to the stage of compromise or settlement, the matter is re-transferred to the court or parties are advised to settle their dispute through courts of law. The Legal Services Authorities Act, 1987 was amended in 2002. By the Amendment Act 2002, sections 22 A to 22 E were inserted in this Act and the concept of Permanent Lok Adalat for settlement of disputes relating to public utility services was introduced.

2.1 Procedure of Lok Adalat:

Every State Legal Services Authority or District Legal Services Authority or the Supreme Court Legal Services Committee or every High Court Legal Services Committee or Taluk Legal Services Committee may organize Lok Adalats at such intervals and places and for exercising such jurisdiction and for such areas as it thinks fit. A Lok Adalat shall have jurisdiction to determine and to arrive at a compromise or settlement between the parties to a dispute in respect of -

- (i) any case pending before; or
- (ii) any matter which is falling within the jurisdiction of, and is not brought before, any court for which the Lok Adalat is organised: Provided that the Lok Adalat shall have no jurisdiction in respect of any case or matter relating to an offence not compoundable under any law.
- (iii) case referred to the lok adalats if the parties thereof agree; or one of the parties thereof makes an application to the court for referring the case to the Lok Adalat for settlement and if such court is prima facie satisfied that there are chances of such settlement; or
- (iv) the court is satisfied that the matter is an appropriate one to be taken cognizance of by the Lok Adalat, the court shall refer the case to the Lok Adalat; Provided that no case shall be referred to the Lok Adalat by such court except after giving a reasonable opportunity of being heard to the parties in case only one party apply for lok adalat.

²³ <http://legalservicesindia.com/article/article/significance-of-lok-adalats-in-present-scenario-583-1.html> last visited on 22.2.2013

²⁴ <http://qna.rediff.com/questions-and-answers/what-do-you-mean-by-lok-adalat/8870701/answers/8870727>

- (v) Where no award is made by the Lok Adalat on the ground that no compromise or settlement could be arrived at between the parties, the record of the case shall be returned by it to the court.
- (vi) Every Lok Adalat shall, while determining any reference before it under this Act, act with utmost expedition to arrive at a compromise or settlement between the parties and shall be guided by the principles of Justice, equity, fair play and other legal principles.²⁵
- (vii) Section 22C (1)²⁶ provides that in case of permanent lok adalats any party to a dispute may, before the dispute is brought before any court, make an application to the Permanent Lok Adalat (PLA) for the settlement of dispute; Provided that the Permanent Lok Adalat shall not have jurisdiction in respect of any matter relating to an offence not compoundable under any law; Provided further that the Permanent Lok Adalat shall also not have jurisdiction in the matter where the value of the property in dispute exceeds ten lakh rupees; Provided also that the Central Government, may, by notification, increase the limit of ten lakh rupees specified in the second proviso in consultation with the Central Authority. After making an application to PLA, no party to that application shall invoke jurisdiction of any court in the same dispute. Section 22 C clause 8 empowers the PLA to decide dispute on merits upon failure between the parties to arrive at a settlement without following the procedure of CPC and Evidence Act.
- (viii) It shall be the duty of every party to the application to cooperate in good faith with the Permanent Lok Adalat in conciliation of the dispute relating to the application and to comply with the direction of the Permanent Lok Adalat to produce evidence and other related documents before it.
- (ix) When a Permanent Lok Adalat, in the aforesaid conciliation proceedings, is of opinion that there exist elements of settlement in such proceedings which may be acceptable to the parties, it may formulate the terms of a possible settlement of the dispute and give to the parties concerned for their observations and in case the parties reach at an agreement on the settlement or the dispute, they shall sign the settlement agreement and the Permanent Lok Adalat shall pass an award in terms thereof and furnish a copy of the same to each of the parties concerned.
- (x) Where the parties fail to reach at an agreement, the Permanent Lok Adalat shall, if the dispute does not relate to any offence, decide the dispute.

²⁵ <http://nalsa.gov.in/actrules.html> visited on 15.2.2013

²⁶ Legal Services Authority Act, 1987

- (xi) The Permanent Lok Adalat shall, while conducting conciliation proceedings or deciding a dispute on merit under this Act, be guided by the principles of natural justice, objectivity, fair play, equity and other principles of justice, and shall not be bound by the Code of Civil Procedure, 1908 and the Indian Evidence Act, 1872.²⁷

2.2 Powers of Lok Adalats:

- (1) The Lok Adalat shall, for the purposes of holding any determination under Legal Services Authority Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908), while trying a suit in respect of the following matters, namely:-
- (a) The summoning and enforcing the attendance of any witness and examining him on oath;
 - (b) The discovery and production of any document;
 - (c) The reception of evidence on affidavits;
 - (d) The requisitioning of any public record or document or copy of such record or document from any court or office; and
 - (e) Such other matters as may be prescribed.
- (2) Without prejudice to the generality of the powers contained in sub-section (1), every Lok Adalat shall have the requisite powers to specify its own procedure for the determination of any dispute coming before it.
- (3) All proceedings before a Lok Adalat shall be deemed to be judicial proceedings within the meaning of Sections 193, 219 and 228 of the Indian Penal Code (45 of 1860) and every Lok Adalat shall be deemed to be a civil court for the purpose of Section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973(2 of 1974).

2.3 Benefits of Lok Adalat:

It is a speedier method of settling a case or dispute at pre-litigation stage with informal procedure. Lok Adalat has a positive contributory role in the administration of justice. Lok Adalat is an institutionalized mechanism of dispute resolution in which the parties do not have to bear any expenses. About the advantages of lok adalat Justice Ramaswamy says: “resolving disputes through Lok Adalat not only minimizes litigation expenditure, it saves valuable time of the parties and their witnesses and also facilitates inexpensive and prompt remedy appropriately to the satisfaction of both the parties”.²⁸ If a party has already paid any

²⁷ Legal Services Authorities Act, 1987

²⁸ <http://www.zoominfo.com/#!search/profile/person?personId=1632619345&targetid=profile>

amount as a court fee, it is also refunded in case of settlement of dispute through lok adalat. The settlement reached at the lok adalat is final and an execution petition can be filed in regular court for the enforcement of this settlement. In short the following are the advantages of the lok adalats:

- i) There is no Court fee and if Court fee is already paid the amount will be refunded if the dispute is settled at Lok Adalat according to the rules.
- ii) The basic features of Lok Adalat are the procedural flexibility and speedy trial of the disputes. There is no strict application of procedural laws like Civil Procedure Code and Evidence Act, while assessing the claim by Lok Adalat.
- iii) The parties to the dispute can directly interact with the Judge through their Counsel, which is not possible in regular courts of law.
- iv) The settlement reached at the Lok Adalat is binding on the parties and it has the status of a decree of a Civil Court and it is non-appealable which does not cause the delay in the settlement of disputes finally.²⁹ The settlement at the Lok Adalats in respect of pending cases shall be executable by the courts in which those matters were pending prior to the passing of the awards by the Lok Adalats. However, the petitions for execution or awards passed by the Lok Adalats regarding matters at pre-litigative stage shall be instituted before the Senior most Judicial Officer at the District level; and before the Senior most Civil Judge (Senior Division) at the Sub-Divisional level who may either execute the same himself, or entrust it to any Judicial Officer junior to him and exercising pecuniary jurisdiction in respect of the amount settled at the pre-litigative stage.³⁰

But the success of the Lok Adalats is not without criticism. There is doubt about fair treatment being provided to the parties because a huge number of cases are decided in a single day i.e. the day of holding the lok adalat. For example, the Vadodara District Legal Services Committee had organized 62 Lok Adalats in the city and talukas recently with the help of Baroda Bar Association (BDBA). The Lok Adalats were organized on a single day at all the places to clear the backlog of the litigations. Over 2,500 cases were taken up in the Lok Adalats.

²⁹ <http://legalsensis.blogspot.in/2012/03/lok-adalat-alternate-forum-for-settling.html>

³⁰ <http://hslsa.nic.in/HANDBOOK/2.pdf> last visited 14.2.2013

In all, 2,547 cases were settled and Rs 6.48 crore was awarded.³¹ While disposing of such a huge number of cases it is not possible to consider each and every case on merits.

2.4 Judicial Review:

Award passed in the lok adalats is the outcome of compromise and reconciliation. The question arises as to whether judicial review is required if the award is passed in the lok adalats. Section 96 clause (3) of the code of civil procedure 1908 provides that no appeal shall lie from a decree passed by the court with the consent of parties.³² Section 21, clause (2) of the Legal Services Authorities Act, 1987 provides that every award made by a Lok Adalat shall be final and binding on all the parties to the dispute, and no appeal shall lie to any court against the award. Section 22 E clause (4)³³ provides that every award made by the Permanent Lok Adalat under this Act shall be final and shall not be called in question in any original suit, application or execution proceedings. The Allahabad High Court has ruled that though the awards of the Lok Adalats are final, the remedy to recall the order or award passed by it is not barred under the law, if the same was obtained by fraud or misrepresentation. The court ruled that awards made by Lok Adalats within the territorial limits of the High Court are subject to judicial review under Article 226/227 of the Constitution of India. Otherwise the aggrieved person would be left remediless. Passing the judgment, the court has held that power to recall its order, which was obtained by fraud or misrepresentation, is inherent in every court, tribunal or statutory functionary. Similarly, the awards made by Lok Adalats established under the Act cannot be held to be immune from judicial review, as this court under article 227 of the Constitution has ample power of superintendence over the decisions of all the courts or tribunal throughout its territories.³⁴

In *State of Punjab & Anr. vs. Jalour Singh & Ors*³⁵ the Supreme Court held that it is true that where an award is made by Lok Adalat in terms of a settlement arrived at between the parties, (which is duly signed by parties and annexed to the award of the Lok Adalat), it becomes final and binding on the parties to the settlement and becomes executable as if it is a decree of a civil court, and no appeal lies against it to any court. If any party wants to challenge such an award based on settlement, it can be done only by filing a petition under Article 226 and/or

³¹ <http://timesofindia.indiatimes.com/city/vadodara/Over-2500-cases-settled-in-62-Lok-Adalats/articleshow/16836080.cms> last visited on 1.1.2013.

³² <http://www.vakilno1.com/bareacts/CivilProcedure/s96.htm>, last visited on 22.2.2013

³³ Legal Services Authority Act, 1987.

³⁴ <http://news.oneindia.in/2008/10/15/awards-of-lok-adalats-can-be-challenged-high-court-1224057889.html>

³⁵ 2008 AIR 1209

Article 227 of the Constitution, that too on very limited grounds. But where no compromise or settlement is signed by the parties and the order of the Lok Adalat does not refer to any settlement, but directs the respondent to either make payment if it agrees to the order, or approach the High Court for disposal of appeal on merits, if it does not agree, is not an award of the Lok Adalat. The question of challenging such an order in a petition under Article 227 does not arise. As already noticed, in such a situation, the High Court ought to have heard and disposed of the appeal on merits.

In the District Legal Services Authority, Vijayawada and another vs. Counsel for the Petitioner: Sri V.R.Avula decided on 17.2.2012, court held that the award passed by the Lok Adalat in a pending litigation or in a pre-litigation case is not ordinarily amenable to judicial review. But when an award of the Lok Adalat is obtained by misrepresentation, fraud or without due compliance with the provisions of the Act and that it was not preceded by compromise/settlement, it can be challenged in writ petition.³⁶

The alternative institutional mechanism in Chapter VI-A of Legal Services Authorities Act with regard to the disputes concerning public utility service is intended to provide an affordable, speedy and efficient mechanism to secure justice. By not making applicable the Code of Civil Procedure and the statutory provisions of the Indian Evidence Act, there is no compromise on the quality of determination of dispute since the Permanent Lok Adalat has to be objective, decide the dispute with fairness and follow the principles of natural justice. Sense of justice and equity continue to guide the Permanent Lok Adalat while conducting conciliation proceedings or when the conciliation proceedings fail, in deciding a dispute on merit. There is no inherent right of appeal. Appeal is always a creature of statute and if no appeal is provided to an aggrieved party in a particular statute that by itself may not render that statute unconstitutional. Section 22 E (1) makes every award of the Permanent Lok Adalat under 1987 Act either on merit or in terms of a settlement final and binding on all the parties thereto and on persons claiming under them. No appeal is provided from the award passed by the Permanent Lok Adalat but that, in our opinion, does not render the impugned provisions unconstitutional. If at all a party to the dispute has a grievance against the award of Permanent Lok Adalat he can always approach the

³⁶ <http://www.indiankanoon.org/doc/6480984/> visited on 6.3.2013

High Court under its supervisory and extraordinary jurisdiction under Articles 226 and 227 of the Constitution of India.³⁷

2.5 Who Can Organise Lok Adalats?

Every State Legal Services Authority or District Legal Services Authority or the Supreme Court Legal Services Committee or every High Court Legal Services Committee or Taluk Legal Services Committee may organise Lok Adalats at such intervals and places and for exercising such jurisdiction and for such areas as it thinks fit. A Lok Adalat shall have jurisdiction to determine and to arrive at a compromise or settlement between the parties to a dispute in respect of (i) any case pending before; or (ii) any matter which is falling within the jurisdiction of, and is not brought before, any court for which the Lok Adalat is organised: Provided that the Lok Adalat shall have no jurisdiction in respect of any case or matter relating to an offence not compoundable under any law.

3. Lok Adalat in Haryana:

Haryana State Legal Services Authority (HALSA) is organizes various kinds of lok adalats such as:

3.1 Scheduled Lok Adalats:

HALSA is organizing scheduled Lok Adalats in all the districts courts and sub divisional courts of Haryana from time to time as per schedule prepared by District Legal Services Authorities (DLSAs). In these Lok Adalats, pending cases of all nature are taken up by different Lok Adalat benches presided by judicial officers and members. These Lok Adalats have proved to be very successful, particularly with regard to MACT Cases.

3.2 Mobile/Rural Lok Adalats:

HALSA is organizing Mobile/Rural Lok Adalats in the villages to make speedy and inexpensive justice available to the people at their door-steps by amicable resolution of their disputes through mediation/conciliation by the respectable of the village and Village Gram Panchayats. In these Mobile/Rural Lok Adalats, all the pending cases in the courts as well as cases at pre-litigative stage of such village and adjoining villages are taken up for settlement.

Earlier these rural Lok Adalats were presided over by judicial officers by rotation. However, since October, 2011, these Adalats are attended by Panel Advocates and Para Legal Volunteers, who make efforts to bring parties together in all pending matters of that area, where

³⁷ Bar Council Of India vs Union Of India decided on 3 August, 2012

rural Lok Adalat takes place, to arrive at acceptable settlement. Similar efforts are made in pre-litigation matters of that area. The cases, in which parties agree for settlement, are then taken up in forthcoming Lok Adalat.

3.3 Permanent Lok Adalats:

On the initiative of HALSA, the Haryana Government sanctioned administrative approval for four Permanent Lok Adalats (PLAs) pertaining to public utility services at the four divisional headquarters i.e. Ambala, Rohtak, Gurgaon and Hissar. Later, two more PLAs were sanctioned at Faridabad and Panchkula. At present, six PLAs are functioning in the state. The state government has also agreed to sanction five more at Rewari, Bhiwani, Sirsa, Sonapat and Karnal, which shall start functioning shortly. These eleven PLAs will have jurisdiction over all the 21 districts of Haryana, as follows:

Sr. No.	Place of Permanent Lok Adalats for public utility services	Districts covered (By holding camp court)
1	Ambala	Kurukshetra & Kaithal
2	Panchkula	Yamuna Nagar
3	Rohtak	Jhajjar & Sonapat
4	Gurgaon	Mewat
5	Faridabad	Palwal
6	Hissar	Bhiwani
7	Karnal	Karnal & Kurukshetra
8	Rewari	Rewari & Narnaul
9	Sonapat	Sonapat & Panipat
10	Sirsa	Sirsa & Fatehabad
11	Bhiwani	Bhiwani & Jind

In such Lok Adalats, cases relating to Public Utility Services: namely

- (i) transport service for the carriage of passengers or goods by air, road or water; or
- (ii) postal, telegraph or telephone service; or
- (iii) supply of power, light or water to the public by any establishment; or
- (iv) system of public conservancy or sanitation; or
- (v) service in hospital or dispensary; or

- (vi) insurance service ; or
- (vii) housing and estates; or
- (viii) banking and finance, are settled without any expenditure and at the earliest, up to the value of Rs. 25 lakh.³⁸
- (ix) Compoundable criminal cases pertaining to the above mentioned public utility services may also be taken up such as cheque bounce cases, if cheque was issued in respect of any transaction relating to any of the public utility services.³⁹

3.4 Daily Lok Adalats:

Daily Lok Adalats were first started in Sonapat district. After the encouraging results, these daily Lok Adalats were started in the remaining districts. At present, daily Lok Adalats are being held in all the 21 districts. Every court of the sessions division, after court hours, gets converted into daily Lok Adalat and judicial officers hold sittings for this, depending upon the workload of cases coming for settlement every day in each court. This way, there are as many daily Lok Adalats as the number of courts in that sessions division. A daily Lok Adalat is assisted by one lawyer or social worker on the panel.⁴⁰

4. Status of Pendency of Cases in Haryana:

Table-1 and Table-2 show the pendency status of cases in the state of Haryana.

Table-1

Pendency of Cases in Punjab & Haryana High Court⁴¹:

Period	Opening Balance at starting of the quarter (Civil & Criminal)	Intuition of cases (Civil & Criminal)	Disposal of cases (Civil & Criminal)	Total pendency at the end of the quarter (Civil & Criminal)	Increase in pendency (Civil & Criminal)
1.1.2011 to	232919	29517	28830	233605	686

³⁸ <http://hlsa.nic.in/LA.htm> last visited on 14.2.2013

³⁹ The Tribune dated 10.03.2013, p. 2.

⁴⁰ <http://hlsa.nic.in/LA.htm> last visited on 14.2.2013

⁴¹ <http://supremecourtindia.nic.in/courtnews.htm>, variance of figure has occurred on account of physical verification of the records.

31.3.2011					
1-4-2011 to 30-6-2011	233605	25211	21918	236894	3289
1-7-2011 to 30-9-2011	236894	31548	29686	238756	1862
1.10.11 to 31.12.11	238756	26454	21544	243666	4910
1.1.2012 to 31.3.2012	243666	28200	28133	243733	67

Above mentioned table clearly shows that the backlog of cases is increasing in every quarter.

Table-2: Pendency of Cases in District and Subordinate courts in Haryana:⁴²

Period	Opening Balance at starting of the quarter (Civil & Criminal)	Intuition of cases during the quarter	Disposal of cases during the quarter	Total pendency at the end of the quarter (Civil & Criminal)	Increase in pendency
1.1.2011 to 31.3.2011	562941	134989	133732	564198	1257
1-4-2011 to 30-6-2011	564198	156407	154984	565621	1423
1-7-2011 to 30-9-2011	565621	177683	154972	588332	22711
1.10.11 to 31.12.11	588332	132886	132406	588812	480
1.1.2012 to 31.3.2012	588812	143262	137341	594733	5921

Above mentioned table shows that the position in District and Subordinate courts is worse. The backlog of cases in District and Subordinate courts in State of Haryana is also increasing in every quarter.

⁴² <http://supremecourtindia.nic.in/courtnews.htm>

Figure-1

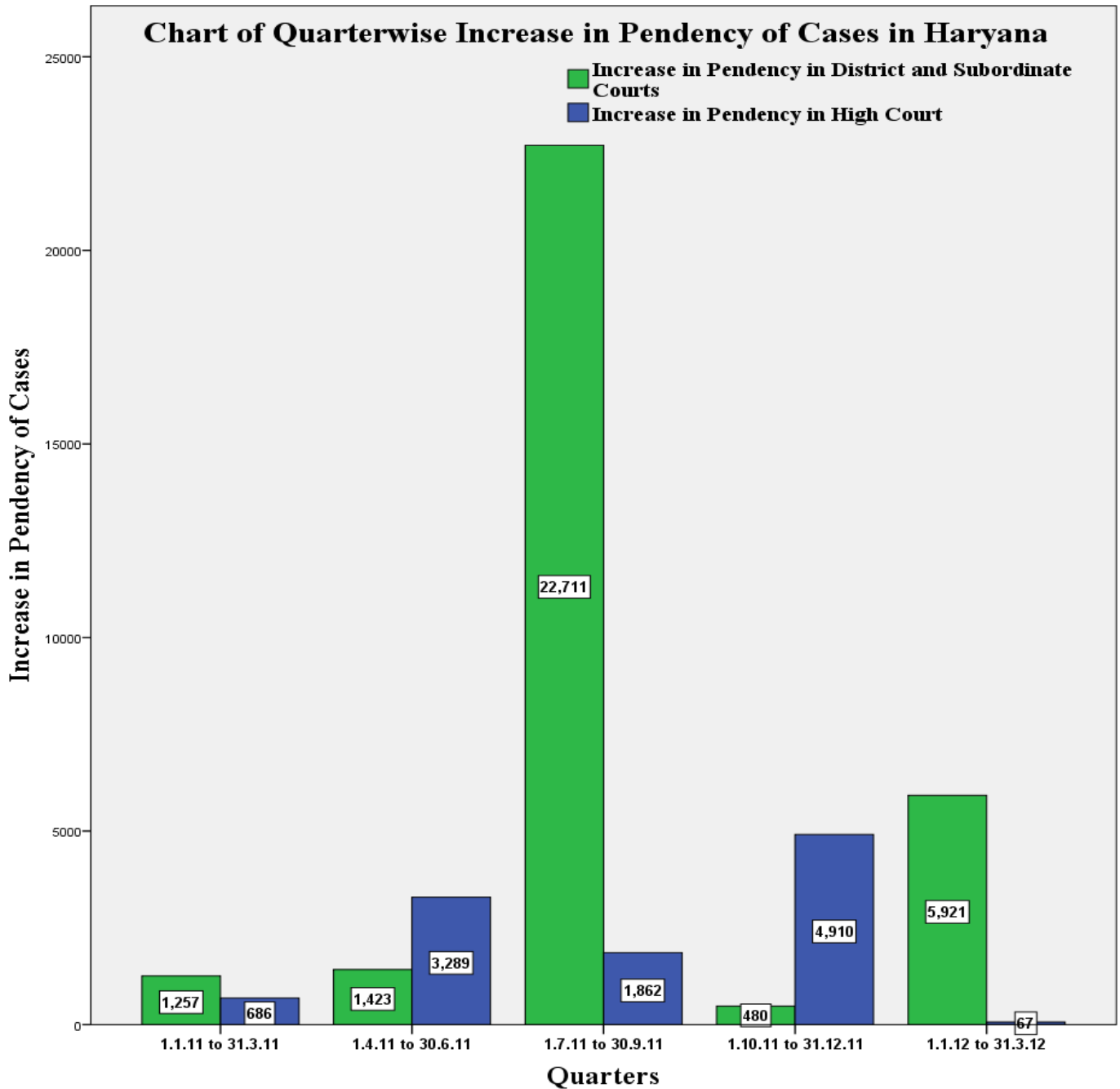


Figure-1 shows the quarter wise increase in pendency of cases (civil and criminal) in Punjab & Haryana High Court and District and Subordinate Courts in the State of Haryana. It makes clear that the pendency of cases is not decreasing rather it is increasing and the dire need

of the time is to decrease the backlog. A number of reasons may be responsible for the increase in pendency of cases. Vacancy in the courts is one of the main reasons behind the increase in the pendency.

Table-3**Vacancies in Courts:⁴³**

Court	Sanctioned Post	Working	Vacancies
Punjab & Haryana High Court as on 30.06.2012	68	42	26
District and Subordinate Courts of Haryana as on 31.03.2012	476	352	124

Above mentioned Table clearly shows the vacancies in the courts. Vacancy directly affects the dispensation of justice in the State. Out of total 68 sanctioned posts in Punjab & Haryana High Court as on 30.6.2012, 26 posts were vacant, which is 38.23% of the sanctioned posts and it is too large. Similarly, in District and Subordinate Courts of Haryana as on 31.03.2012, total sanctioned posts were 476 out of which 124 posts were vacant, which is 26.05% of the sanctioned posts. Such a huge vacancy of posts clearly affects the dispensation of justice.

4. Achievement of Lok Adalats in Haryana:

Below mentioned Table⁴⁴ shows the achievement of the Lok Adalats/Rural/Special/ Permanent Lok Adalats in the State of Haryana:

Table-A

Implementation of Legal Aid Programmes in the State of Haryana from 1.3.1985 to 31-12-2012		
1	Number of Lok Adalats/Rural/Special Lok Adalats held	17,024
2	Number of cases taken up.	2,360,069
3	Number of cases settled	1,346,801
4	Number of Motor Accident Claim Cases settled	40,035
5	Compensation paid in MACT cases (in Rs.)	3,80,69,12,828

Table-B

Number of Cases taken up and settled in the Samjhauta Sadans in the State of Haryana
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⁴³ http://supremecourtfindia.nic.in/courtnews/2012_issue_2.pdf, variance of figure has occurred on account of physical verification of the records.

⁴⁴ <http://hlsa.nic.in/Achievie.htm> visited on 15.02.2013

from 1.10.1998		
1.	Number of cases taken up	223,976
2.	Number of cases settled	89,803
3	Number of Motor Accident Claim cases settled	1,894
4	Compensation paid in MACT cases (in Rs.)	17,96,19,888

Table-C

Number of Permanent Lok Adalat pertaining to Public Utility Services held, cases taken up and settled from 1.4.2006		
1.	Number of Rural Lok Adalats organized	3,757
2.	Number of cases taken up	37,804
3.	Number of cases settled	19,165

Table-D

Daily Lok Adalats held in the State from August 2011		
1.	Number of Lok Adalats organized	5,140
2.	Number of cases settled	66,511

Above mentioned Tables from Table- A to Table- D show the achievement of the Lok Adalats in disposal of cases in the state.

5.**Conclusion and Suggestions:**

Lok Adalats are becoming very popular these days. Many disputes are settled at pre-litigative stage itself, which save the parties from unnecessary expenses and litigation trouble. Pendency of cases is increasing in every quarter in spite of the best efforts of the lok adalats. There are many reasons of increase in pendency but there is need to take the matter seriously and to reduce the backlog by using all best methods.

Sometimes it is observed that in order to dispose of the cases speedily Lok Adalats try to adjudicate the matters mechanically. In huge disposal of cases right to fair hearing is denied to the parties. Such conditions may drive the litigants away from Lok Adalats. The institutional mechanism of lok adalats is based upon the principle of compromise and settlement. Lok Adalats are organized in such a manner that it is not possible to settle the cases adopting one to one conciliation method. There are different kinds of legal cases which require different type of method for resolution. In Lok Adalats only such cases should be referred which can be resolved by calculation of the compensation etc. and no emotional factor is involved.

Vacancy in the courts directly affects the dispensation of justice so the vacancy should be eliminated. For the effectiveness of the lok adalats the adequate infrastructure should be provided. There is also lack of awareness amongst people about the use and benefits of settlement of cases through lok adalats. Awareness Programmes should be launched on war footing to make the people aware.

Succinctly, it can be said that the concept of lok adalat has proved to be a benefaction in disposal of cases and clearing the backlog of cases but the main aim of lok adalat should be to provide quality justice to the people with the enhancement of disposal of cases.

