

# Evaluation Study on Awareness Regarding Lok Adalats in Kanyakumari District

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**Abstract** – The institution of Lok Adalat in India, as the very name suggests, means, People's Court. "Lok" stands for "people" and the term "Adalat" means court. India has a long tradition and history of such methods being practiced in the society at grass roots level. The first lok adalat was held at GUJARAT in 1982. In Tamil Nadu First time held in Chennai in 1986. It accepts cases pending in regular court under their jurisdiction and the Lok Adalat are presided over by Members of Lok Adalat; they have the role of statutory conciliators only and do not have any judicial role, therefore they can only persuade the parties to come to a conclusion. The main condition of the Lok Adalat is that both parties in dispute should agree for settlement. The present paper critically analyse the Lok Adalat and its awareness among the people.

**Keywords:** Lok Adalat, awareness and jurisdiction.

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## INTRODUCTION

Lok Adalat ("Public Court" or "People's Court") is one of the Alternative dispute resolution mechanisms in India, it is a forum where cases pending or at pre litigation stage in a court of law are settled. They have been given statutory status under the Legal Services Authorities Act, 1987. Under this Act, the award (decision) made by the Lok Adalats is deemed to be a decree of a civil court and is final and binding on all parties and no appeal against such an award lies before any court of law. If the parties are not satisfied with the award of the Lok Adalat (though there is no provision for an appeal against such an award), they are free to initiate litigation by approaching the court of appropriate jurisdiction.

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Adalat are presided over by Members of Lok Adalat; they have the role of statutory conciliators only and do not have any judicial role, therefore they can only persuade the parties to come to a conclusion. The main condition of the Lok Adalat is that both parties in dispute should agree for settlement. There is no court fee and if a matter pending in the court of law is referred to the Lok Adalat and is settled subsequently, the court fee originally paid in the court on the complaints/petition is also refunded back to the parties. The procedural laws and the Evidence Act are not strictly followed while assessing the merits of the claim by the Lok Adalat. The decision of the Lok Adalat is binding on the parties to the dispute and its order is capable of execution through legal process.

## OBJECTIVES

The important objectives are

- To know about Lok Adalat in India, its powers and advantages.
- To analyze the awareness of people towards Lok Adalat in the study area.
- To suggest various ideas to promote the smooth functioning of Lok Adalats in the study area.

## METHODOLOGY

### Area of study

The area of the study refers to Kanyakumari district.

### Sources of data

The study is based on primary and secondary data. The primary data is collected from 532 sample Lok adalat beneficiaries from the study area. The secondary data have been mainly collected from the books, journals, magazines, and also from the internet.

## STATISTICAL TOOLS USED

The collected data were analyzed with the help of percentage and various suitable statistical measures.

### LOK ADALATS IN INDIA

The evolution of Lok Adalats in India finds evidences from panchayat system in the history. But the founder of the present system of Lok Adalats was Sh. Hari Ballabh Parekh in post independence. As a social worker, it was he, who held first Lok Adalat in his Anand Niketan Ashram in 1960 and started settlement of disputes of local uneducated adivasis and poor villagers of Rangpura of Baroda district (Gujarat). Therefore, Gujarat was the first State, where first Lok Adalat was started initially on March 14, 1982. In Bihar, it was firstly organised in 1983. In Rajasthan it was organised on November 30, 1985 at Banswara. Similarly, in Haryana, the first Lok Adalat was organised in Karnal district at village Kunipura in 1985. Gradually, Lok Adalats were held throughout the country under the provisions of the Legal Services Authorities Act 1987, amended in 2002 for providing statutory recognition to Lok Adalats under Sub-Section 1 of 22 (b) of the Act as Permanent and Continuous Lok Adalats at all levels.

Lok Adalats have competence to deal with a number of cases like:

- Compoundable civil, revenue and criminal cases.
- Motor accident compensation claims cases
- Partition Claims
- Damages Cases
- Matrimonial and family disputes
- Mutation of lands case
- Land Pattas cases
- Bonded Labour cases
- Land acquisition disputes
- Bank's unpaid loan cases
- Arrears of retirement benefits cases
- Family Court cases
- Cases which are not sub-judice

### POWERS OF LOK ADALAT

**The important powers of lok adalat are:**

- I. The Lok Adalat shall have the powers of a civil court under the Code of Civil Procedure, 1908, while trying a suit, in respect of the following matters:-
  - a. Power to summon and enforce the attendance of any witness and to examine him/her on oath.
  - b. Power to enforce the discovery and production of any document.
  - c. Power to receive evidence on affidavits,
  - d. Power for requisitioning of any public record or document or copy thereof or from any court
  - e. Such other matters as may be prescribed.
- II. Every Lok Adalat shall have the power to specify its own procedure for the determination of any dispute coming before it.

III. All proceedings before a Lok Adalat shall be deemed to be judicial proceedings within the meaning of Sections 193, 219 and 228 of IPC.

IV. Every Lok Adalat shall be deemed to be a Civil Court for the purpose of Sec 195 and Chapter XXVI of Cr.P.C.

### ADVANTAGES OF LOK ADALAT

**The advantages of Lok Adalat are given and explained below as follow:**

#### 1. Speedy Justice And Saving From The Lengthy Court Procedures

Lok Adalats ensure speedier justice because it can be conducted at suitable places, arranged very fast, in local languages too, even for the illiterates. The procedural laws and the Evidence Act are not strictly followed while assessing the merits of the claim by the Lok Adalat. Hence, Lok Adalats are also known as "People's Festivals of Justice". The victims and the offender may be represented by their advocate or they can interact with the Lok Adalat judge directly and explain their stand in the dispute and the reasons thereof, which is not possible in a regular court of law.

#### 2. Justice at No Cost

Lok Adalat is the only institutionalized mechanism of dispute resolution in which the parties do not have to bear any expenses. There is no court fee in Lok Adalat. If the case is already filed in the regular court, the fee paid is refunded in the manner provided under the Court Fees Act if the dispute is settled at the Lok Adalat. This kind of refund is an incentive given to parties to negotiate for settlement. Lok Adalat is a boon to the litigant public, where they can get their disputes settled fast and free of cost.

#### 3. Solving Problems of Backlog Cases

In a Lok Adalat, if a compromise is reached, an award is made and is binding on the parties. It is enforced as a decree of a civil court. An important aspect is that the award is final and cannot be appealed, not even under Article 226 because it is a judgment by consent. All proceedings of a Lok Adalat are deemed to be judicial proceedings and every Lok Adalat is deemed to be a Civil Court. Section 25 of the Legal Services Authority Act, 1987 provides that the provisions of the act have an overriding effect notwithstanding anything which is inconsistent with any other law.

#### 4. Maintenance of Cordial Relations

The main thrust of Lok Adalats is on compromise. When no compromise is reached, the matter goes back to the court. While conducting the proceedings, a Lok Adalat acts as a conciliator and not as an arbitrator. Its role is to persuade the parties to hit upon a solution and help in reconciling the contesting differences. Lok Adalat cannot decide the issues nor can it influence or force the parties to decide in a particular way. It encourages consensual arrangements. It is not possible for Lok Adalat to decide upon any issue not acceptable to any of the parties. In Lok Adalats, disputes are

not only settled but also the cordial relations between the parties are retained as disputes are resolved amicably. Hence, it is a very healthy way of dispute resolution.

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. A Lok Adalat can take up civil cases (including marriage, and family disputes) and compoundable criminal cases.

## ANALYSIS AND INTERPRETATION

### AWARENESS REGARDING LOK ADALAT AMONG PEOPLE

The personal factors are compared with the awareness among the people towards Lok Adalat in the study area and it was analyzed by adopting various statistical tools and presented here.

### AGE AND AWARENESS REGARDING LOK ADALAT

Age is an important factor which is considered for the study. F test has been used to find out the relationship between age and awareness about the Lok Adalat.

**Null Hypothesis:** There is no significant relationship between the age and awareness regarding Lok Adalat

Age	N	$\bar{X}$	$\sigma$	F value	P value
Below 25	90	3.48	1.368	1.493	.190*
25 – 30	62	3.08	1.561		
31 – 35	87	3.41	1.451		
36 – 40	85	3.67	1.313		
41 – 45	63	3.29	1.385		
Above 45	145	3.50	1.400		
Total	532	3.44	1.411		

\*Significant at 5% level

As per the P value, the null hypothesis is accepted regarding unawareness about whom to lodge complaints and age of respondents. Hence, there is no relationship between the awareness and age groups of respondents. Hence it is concluded that the awareness regarding the Lok adalat is not influenced by the age of the respondents.

### EDUCATION AND AWARENESS REGARDING LOK ADALAT

The education of the respondents also considered for the analysis. The education of respondents and their awareness regarding Lok Adalat is analysed with the help of ANOVA.

**Null Hypothesis:** There is no significant relationship between the Education and awareness regarding Lok Adalat

Education	N	$\bar{X}$	$\sigma$	F value	P value
Illiterate	81	3.69	1.300	5.956	.003*
School Level	342	3.50	1.424		
College Level	109	3.05	1.384		

\*Significant at 5% level

As per the P value, the null hypothesis is rejected there is a relationship between the education of the respondents and the awareness about Lok Adalt in the study area.

### OCCUPATION AND AWARENESS REGARDING LOK ADALAT

The occupation of the respondents is compared with the awareness regarding Lok Adalat. F test has been used to find out the relationship between occupations and awareness and presented in the below table.

**Null Hypothesis:** There is no significant relationship between the Occupation and awareness regarding Lok Adalat

Occupation	N	$\bar{X}$	$\sigma$	F value	P value
Private employee	312	3.51	1.423	2.413	.066*
Government employee	90	3.12	1.405		
Self Employed	90	3.58	1.357		
Others	40	3.23	1.368		
Total	532	3.44	1.411		

\*Significant at 5% level

As per the acceptance of null hypothesis, there is no significant relationship between occupation of the respondents and their awareness about the Lok adalat. The occupation of the respondents is not a factor to determine the awareness of the respondents towards Lok adalat.

## SUGGESTIONS

In order to promote the smooth functioning of Lok Adalats and carry out the objective of social justice through providing better quality of free legal services to the poor at all levels, the following suggestions are made in this regard.

- Government should appoint separate Judges to work only for Lok Adalats. It would expedite their working.
- It should be made mandatory for both the parties to be present on the date and time decided.
- Announcement of the date for organising Lok Adalat should be advertised in leading newspapers and also on local TV channel.

- The vacant posts of Judges at all levels should be filled up by the eligible and more experienced law expert so that they could exercise their duties and responsibilities with true commitment and dedication.
- Government should be provided financial and operation autonomy to Lok Adalats for enhancing their jurisdiction.
- Executive Chairman and other members should be given handsome honorarium so that they may provide their sincere and dedicated services in imparting justice.
- There is also need to establish judicial academies to train Judges and reorient the judicial manpower with the latest techniques prevalent in the other parts of the world.
- The procedure to follow in the Lok Adalat should be informal, far from rigidity, non-controversial and uniform in approach and methods.
- The higher educational institution like University should encourage the research scholars for doing research in the area of Lok Adalats.
- There is also a need to organise awareness camp at grassroots level so that the ignorant people living in the far-flung areas should be made aware about the significance of Lok Adalats.
- Government should provide Constitutional status to Lok Adalats so that their status is required.

### CONCLUSION

Lok Adalat is a move towards evolving and strengthening a people centric judicial system in our country. The gap will be

reduced between justice and injustice especially for those, who are not able to protect themselves from exploitation. Hence, it is hoped that Alternative Disputes Resolution (ADR) mechanism will soon become an integral part of regular judicial system.

### REFERENCES

- [1] Bhogale, D.B., "An Assessment of ADR in India," Nyaya Deep, the Official Journal of NALSA, Vol. VI, Issue 4, October, 2006, pp. 27-29.
- [2] Chandrasekhar, A.V., "Need to propagate Pre-Litigation Lok Adalat Settlement", Nyaya Deep. The Official Journal of NALSA, Vol. VII issue, January, 2006, pp. 9-10.
- [3] Compendium of the Legal Services Authorities Act, Rules, Regulations and Notifications, Published by Haryana Legal Services Authority, Chandigarh. pp.25-26.
- [4] Deshta, Sunil, Lok Adalats in India: Genesis and Functioning, Deep & Deep Publications, New Delhi, 1998, pp. 14-15.
- [5] Dhawan, S. P., "Lok Adalats for Speedy Justice", The Hindu, PP 4, December 18, 2001, p. 5.
- [6] Ganguly, A.K., "Access to Justice", Nyaya Deep, The Official. Journal of NALSA, Vol. VI, issue 4, Jan, 2007, pp. 77-78.
- [7] Iyer, V. R. Krishna, Equal Justice and Forensic Process: Truth and Myth Eastern Book company, Lucknow Aggarwal, 1986, pp. 39-40.
- [8] Khan, Sarpharaj Ahamad, Lok Adalats- An Institution of People's Faith, Deep & Deep Publications, New Delhi, pp. 25-26.
- [9] Mahalwar, K.P., Nyaya Deep, The Official Journal of NALSA, Vol. VI issue. 4, October, 2005, pp. 55-56.
- [10] Nomita, Lok Adalat in India, Interest Publication, New Delhi, 1991, pp. 99-101.
- [11] Sarkar, S. K., Lok Adalats and Legal Aid, Orient Publishing Company, New Delhi, 2005, pp. 20-21.
- [12] Singh Jagroop, "State's Obligation to Provide Free Legal Services: A Study of Punjab", A Unpublished Dissertation Deptt. of Law, KUK, 1996, pp. 19-21.
- [13] Tripathi, B.H. Mani, Jurisprudence: Legal Theory Allahabad Law Agency Publishers, Faridabad, 2008, pp. 29-30.