

STUDY ON LOK ADALAT WITH SPECIAL REFERENCE TO CHENNAI

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Abstract- Lok Adalat is recognized as a statutory body under the Legal Services Authority Act, 1987 and the award or decision of the Lok Adalats is treated as a civil dispute and is final and enforceable by both parties. Such a decision cannot be appealed to the court if there is no such provision. However, by approaching a court of competent jurisdiction, either party can initiate litigation if any of them is not satisfied with the decision of the Lok Adalat (if there is no provision for appeal or decision). Lok Adalat is an arrangement of mollification or discussion. It is otherwise called 'individuals' court'.

Lok Adalat is a discussion where the cases (or questions) which are forthcoming in a court or which are at the pre-prosecution stage are compromised or gotten comfortable in a friendly way. Lok Adalats for effective and speedy justice]. The persons residing over these Adalats include serving or retired judicial officials as well as other persons as prescribed by the authority conducting the Lok Adalats in the given area. There is compromise out of necessity rather than will.

This can be related due to the issues in our legal system and therefore it is difficult to deem this as a fair chance. Hence, it is rather difficult to say that the Lok Adalats have passed the test for providing access to "justice" to the poor. With finality, one can conclude that there is more than meets the eye which can be done to make Lok Adalats a better redressal system towards rising litigation.

Keywords : People's court, Disputes, Judiciary, Statutory bodies and Jurisdiction

INTRODUCTION

Tamil Nadu Lok Adalat or Tamil Nadu State Legal Services Authority (People's Court) is a statutory and autonomous body and alternative dispute resolution mechanism used in the state of Tamil Nadu. 14 and 39-A of the Constitution of India on "ACCESS TO JUSTICE FOR ALL". It is a legal system for resolving pending cases in Panchayat or rural areas which will be properly resolved at the pre-litigation stage in the courts. It is recognized as a statutory body under the Legal Services Authority Act, 1987 and the award or decision of the Lok Adalats is treated as a civil dispute and is final and enforceable by both parties. Such a decision cannot be appealed to the court if there is no such provision. However, by approaching a court of competent jurisdiction, either party can initiate litigation if any of them is not satisfied with the decision of the Lok Adalat (if there is no provision for appeal or decision). Lok Adalat is an arrangement of mollification or discussion. It is otherwise called 'individuals' court'. Lok Adalat is a discussion where the cases (or questions) which are forthcoming in a court or which are at the pre-prosecution stage are compromised or gotten comfortable a friendly way. The Supreme Court has made sense of the significance of the establishment of Lok Adalat in the accompanying manner. The 'Lok Adalat' is an old type of mediating framework that won in old India and its legitimacy has not been removed even in present day days as well. This

framework depends on Gandhian standards. As the Indian courts are overburdened with the accumulation of cases including extensive, costly and drawn-out methodology. The court requires years together to settle even negligible cases. Lok Adalat, in this way, gives elective goal or devise to speedy and economical equity. The Lok Adalat was conceptualized because of the disadvantages of the Indian general set of laws to give proficient, compelling, and minimal expense equity. The development of this idea was a piece of the arrangement to ease the significant weight on the Courts. The pendency of cases is a curse to the legal executive, and to individuals who come to the court in the fantasy about getting equity. It's obviously true that Justice Delayed, essentially, is Justice Denied. The idea of Lok Adalat is a trailblazer Indian commitment to World Jurisprudence. The establishment of Lok Adalat in India as the very name proposes, implies, People's Court, Lok represents individuals and the vernacular significance of the term Adalat is the Court. India has a long custom and history of such techniques being polished in Society all along. The main aim of the research is to study on lok Adalat with special reference to Chennai.

I.OBJECTIVES

- To know about the significance of Lok Adalat with special reference to Chennai.
- To measure the public's opinion on Lok Adalat with special reference to Chennai.
- To examine the difference between India and other countries in relation to Lok Adalat with special reference to Chennai.
- To analyse that people are aware of Lok Adalat with special reference to Chennai.

LITERATURE REVIEW

(Sarkar (Advocate 2002) There is no Court fee, and even if the case is already filled in the Regular

Court, the fee paid will be refunded if the dispute is settled at Lok Adalat. There is no strict application of procedural laws and the Evidence Act while assessing the merits of the claim by the Lok Adalat. (Bhargava 2004) The Parties to the dispute represented by the Advocate can interact with the Lok Adalat Judge directly and explain their stand in the dispute and reasons, therefore, which is unobtainable in a regular Court. Disputes can be settled at the Lok Adalat directly instead of going to a Regular Court. (Nariman 2005) In Lok Adalat the decision is binding on the parties and its order is capable of execution through the Legal process. In the regular Courts of Law there is always scope to appeal to the higher forum on the decision of the Trial Court but in Lok Adalat, such appeal does not lie against the order of the Lok Adalat. (The Legal Services Authorities Act, 1987) The scheme of Lok Adalat is a boon to the litigant public, where they can get their dispute settled by fast and free of cost process. Its process is voluntary and works on the principle that both parties to the disputes are willing to sort out their dispute by amicable solutions. (Legg 2007) The disputes can be settled in an easier, speedier and cost-effective way during all three stages of the litigation i.e., pre-litigation, pending litigation, and post-litigation. The Legal Services Authority Act 1987 pursuant to the constitutional mandate in Article 39A of the Constitution of India. (Dave et al 2007) It contains various provisions for the settlement of disputes through Lok Adalat by which now the Lok Adalat has a statutory basis. The constitutive Legal services authorities provide free and competent legal services for poorer sections of the society. (Malhotra and Malhotra 2007) The opportunities for securing Justice which is not denied to any citizen by reason of economic or other disabilities, and Lok Adalat to secure by the operation of the legal system which promotes justice on a basis of equal opportunity. (Choudhry et al. 2009) Parliament amended the Legal Services Authorities Act 1987 in 2002, requiring the establishment of permanent Lok Adalat for the sake of public utility services. The Legal Services Authority Act 1987 provides for the setting up of a permanent Lok Adalat. (Yeh 2009) It can be approached by any

party to a dispute which involves public utility services. Any civil dispute with the public utility service and where the value of the property is in dispute. A sitting or retired Judge. **(Sarkar (Advocate)2010)** Other persons of repute as may be prescribed by the State Government in consultation with the Chief Justice of the High Court. Every State Authority or District Authority or the Supreme Court Legal Services Committee or every High Court Legal Services Committee. **(Bhargava 2011)** The Taluk Legal Services Committee may organize Lok Adalat at such intervals and places and for exercising such jurisdiction and for such areas as it thinks fit. Every Lok Serving or Retired Judicial officers. **(Laskar 2012)** “Public Awareness of Lok Adalat Judiciary System in Rajasthan: An Empirical Approach to Law Reforms”; Other Persons, of the area as may be specified by the State Authority or the District Authority or the Supreme Court Legal Services Committee or the High Court Legal Services Committee, or as the case may be, the Taluk Legal Services Committee, organizing such Lok Adalat. **(Laskar; Baxi 2013)** The Experience and qualifications of other persons referred to in clause (b) of sub-section for Lok Adalat organized by the Supreme Court Legal Services Committee shall be such as may be prescribed by the Central Government in consultation with the Chief Justice of India. **(Laskar; Baxi; Agrawal and Tyagi 2013)** 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. **(Bohle and Wiech 2014)** 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. **(Kirchheim and Gross 2015)** Where no award is made by the Lok Adalat on the ground that no compromise or settlement could be arrived at between the parties, the record of the case shall be returned by it to the court, from which the reference has been received under sub-section (1) for disposal in accordance with the law.

(Kirchheim and Gross; Dave et al 2015) Every award of the Lok Adalat shall be deemed to be a decree of a Civil Court or, as the case may be, an order of any other court and where a compromise or settlement has been arrived at, by a Lok Adalat in a case referred to it. **(Stobbe 2016)** The court-free pay in such a case shall be refunded in the manner provided under the Court Fees Act, 1870. 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. **(Yeh 2017)** Lok Adalats are better known as the people’s courts, therefore they need to be available to people on every level of governance . The Legal Services Authority Act, 1987 (Hereafter “the Act”) prescribes for several levels wherein Lok Adalats can be organized. **(Yeh; Nayler 2018)** Lok Adalats for effective and speedy justice]. The persons residing over these Adalats include serving or retired judicial officials as well as other persons as prescribed by the authority conducting the Lok Adalats in the given area.

II.HYPOTHESIS

NULL HYPOTHESIS

There are no awareness or complaints filed under personality traits of psychologically affected criminals.

ALTERNATIVE HYPOTHESIS

There are awareness or complaints filed under personality traits of psychologically affected criminals.

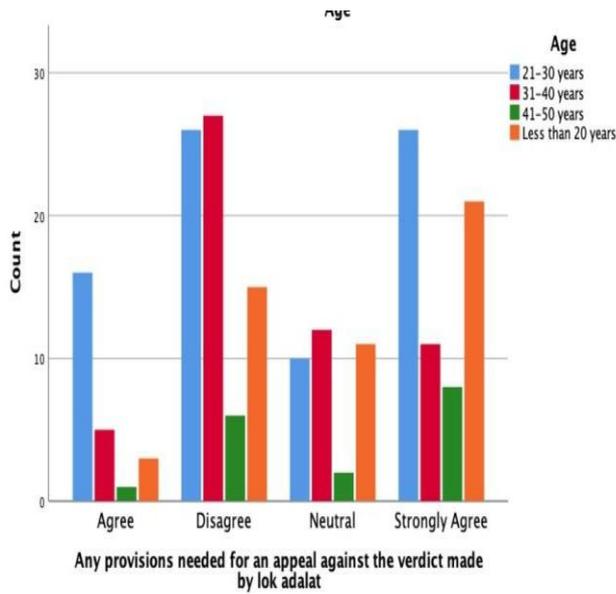
III.RESEARCH METHODOLOGY

The present paper was analysed through empirical research methodology. The present analysis was made through a random sampling method where the survey was taken from advocates of Madras High court. The sample size in the present analysis is _____ samples, the independent variable in the

analysis is gender, age, occupation. The research tools used in the present paper is chart analysis.

IV.ANALYSIS

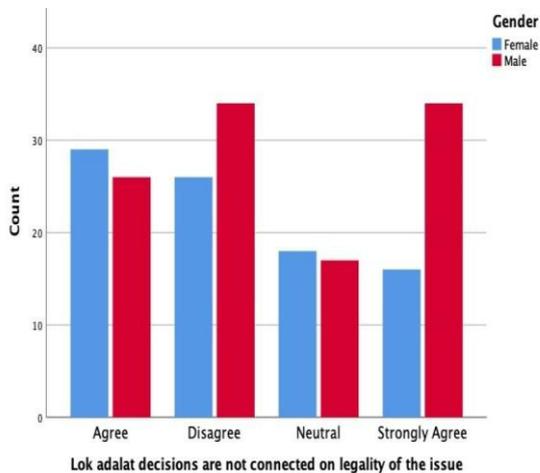
FIGURE 1



LEGEND :-

In this figure any provisions needed for an appeal against the verdict made by Lok adalat is compared with independent variable age.

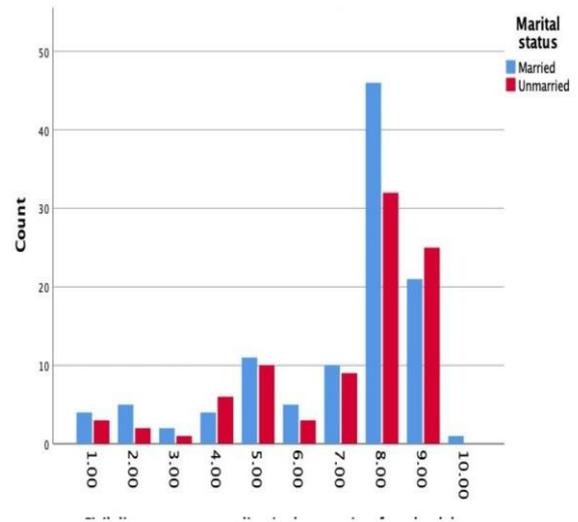
FIGURE 2



LEGEND :-

In this figure lok Adalat decisions are not connected on legality of the issue is compared with independent variable gender.

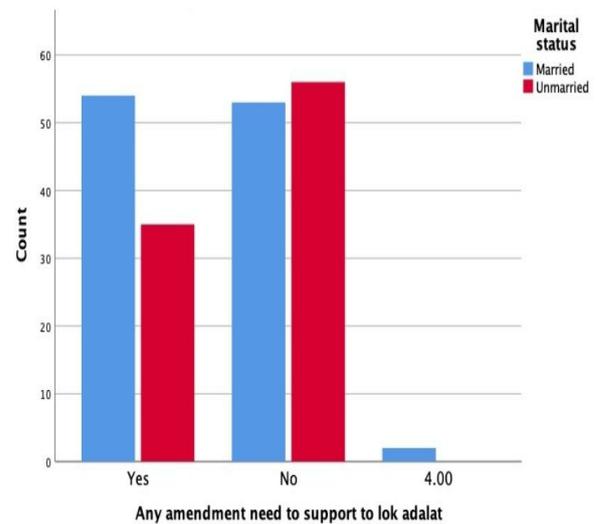
FIGURE 3



LEGEND :-

In this figure lok Adalat decisions are not connected on legality of the issue is compared with independent variable marital status.

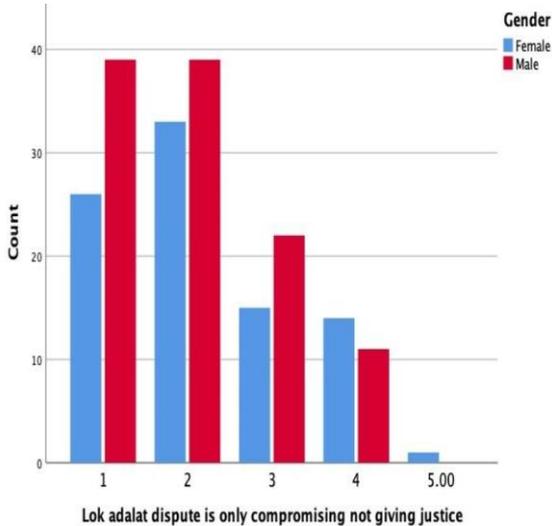
FIGURE 4



LEGEND :-

In this figure any amendment need to support to lok Adalat is compared with independent variable marital status.

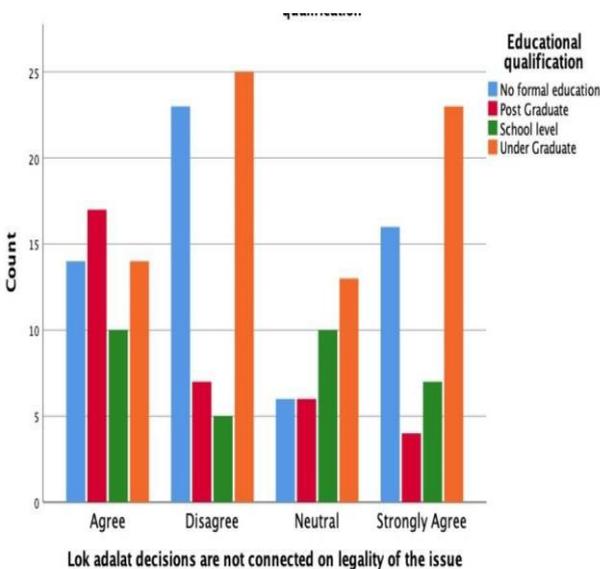
FIGURE 5



LEGEND:-

In this figure lok Adalat dispute is only compromising not giving justice is compared with independent variable gender.

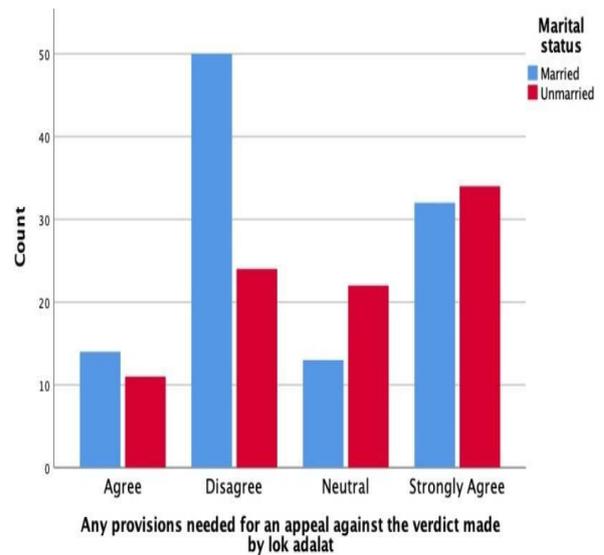
FIGURE 6



LEGEND :-

In this figure Lok Adalat decisions are not connected on legality of the issue is compared with independent variable educational qualification.

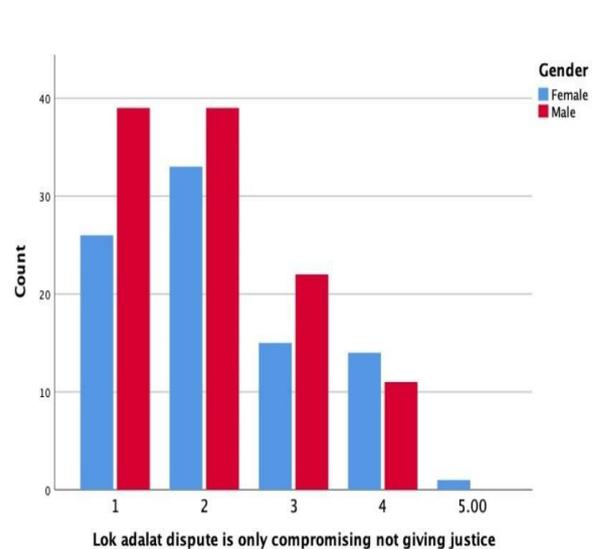
FIGURE 7:-



LEGEND :-

In this figure any provisions needed for an appeal against the verdict made by lok Adalat is compared with independent variable marital status.

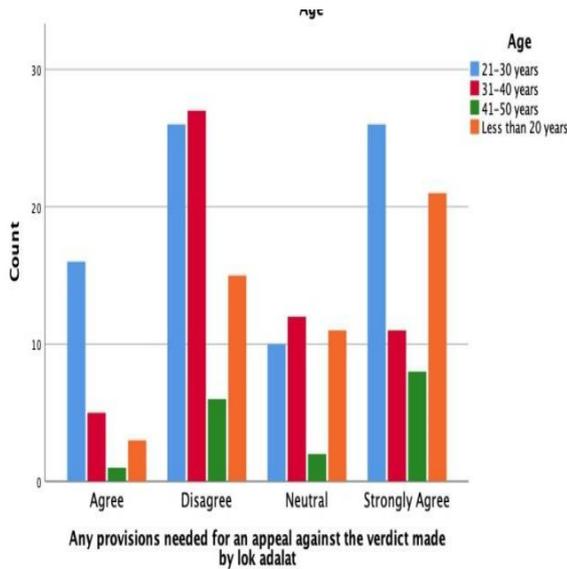
FIGURE 8:-



LEGEND :-

In this figure lok adalat dispute is only compromising not giving justice is compared with independent variable gender.

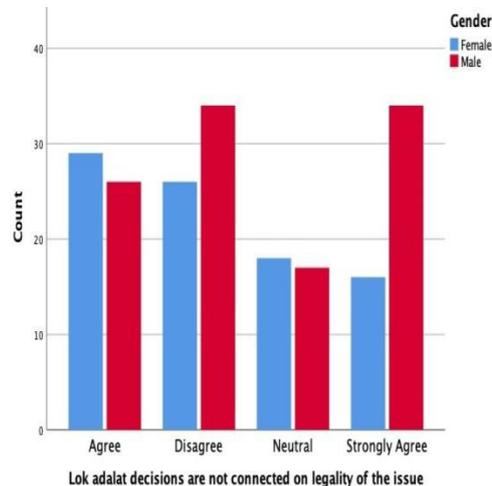
FIGURE 9:-



LEGEND :-

In this figure any provision needed for an appeal against the verdict made by lok Adalat is compared with independent variable age.

FIGURE 10:-



LEGEND :-

In this graph lok Adalat decisions are not connected on legality of the issue is compared with independent variable gender.

RESULT

(Figure 1) In this figure the majority of the respondents are in the age group of 21 - 30 and the least number of respondents are in the age group of 50 years. (Figure 2) In this figure the majority of the respondents are male and the least number of respondents are female. (Figure 3) In this graph the majority of the respondents are married and the least number of respondents are unmarried. (Figure 4) In this graph the majority of the respondents are married and the least number of respondents are unmarried. (Figure 5) In this graph the majority of the respondents are male and the least number of respondents are female in lok Adalat dispute is only compromising not giving justice. (Figure 6) In this graph the majority of the respondents are undergraduate and the least number of respondents are illiterate and not properly qualified educationalists. (Figure 7) In this graph majority of the respondents are married and the least number of respondents are unmarried in any provisions needed for an appeal against the verdict made by lok Adalat. (Figure 8) In this graph the majority of the respondents are male and the least number of respondents are female in lok Adalat dispute is only compromising not giving justice. (Figure 9) In this figure the majority of the respondents are in the age group of 21 - 30 and the least number of respondents are in the age group of 50 years. (Figure 10) In this figure majority of the respondents are male and the least number of respondents are female in lok Adalat decisions are not connected on legality of the issue.

V.DISCUSSIONS

(Figure 1) In this figure the majority of the respondents are in the age group of 21 - 30 and the least number of respondents are in the age group of 50 years because people in this age group are aware of the provisions needed for an appeal against the verdict made by lok Adalat. (Figure 2) In this graph the majority of the respondents are male because they are aware that the Lok Adalat decisions are not connected to the legality of the issue; females are not that much aware compared to male. (Figure 3) In this graph majority of the respondents are married and the least number of respondents are unmarried because respondents who are married are aware of lok Adalat and unmarried are not aware of Lok Adalat. (Figure 4) In this graph majority of the respondents are married and the least number of respondents are unmarried because respondents who are married are aware of lok Adalat and unmarried are not aware of Lok Adalat. (Figure 5) In this graph the majority of the respondents are male because they are aware that the Lok Adalat decisions are not connected to the legality of the issue; females are not that much aware compared to male. (Figure 6) In this graph majority of the respondents are undergraduate and the least number of respondents are illiterate because UG are aware that Lok Adalat decisions are not connected to the legality of the issue. (Figure 7) In this graph majority of the respondents are married and the least number of respondents are unmarried because respondents who are married are aware of lok Adalat and unmarried are not aware of Lok Adalat. (Figure 8) In this graph the majority of the respondents are male because they are aware that the Lok Adalat decisions are not connected to the legality of the issue; females are not that much aware compared to male. (Figure 9) In this figure the majority of the respondents are in the age group of 21 - 30 and the least number of respondents are in the age group of 50 years because people in this age group are aware of the provisions needed for an appeal against the verdict made by lok Adalat. (Figure 10) In this graph the majority of the respondents are male because they are aware that

the Lok Adalat decisions are not connected to the legality of the issue; females are not that much aware compared to male.

LIMITATIONS

The major limitation of the study is the sample frame. The major amount of respondents were connected through different social platforms. So the surveys didn't help in interactive collection of responses. There were audiences who had very contradictory opinions towards their work and with the concept of bonus. Few Respondents were not aware about the usage of online sources. So a larger audience was not reached. The restrictive area of sample size is also another drawback. The physical factors are the most impactful and a major drawback to the research. The researcher had to face time restraints on college campuses. Survey question options may lead to clear data because certain answer options may be interpreted differently by the respondents.

SUGGESTIONS

The government must strive to come up with succinct, lucid and intuitive definitions and explanations for the various ADR processes, as there exists confusion regarding the various processes. It should also attempt to rectify the confusion related to what ADR constitutes. The government must come up with clear, distinct statutes that would provide a framework which can further be identified with the specific ADR processes. This would in turn greatly help the practitioners in structuring the mediation process on a more solid footing and a strong underlying legal principle. The government must incentivise parties to seek mediation in order to resolve disputes by being more accommodative to the concerns. The government must make efforts to take the concerned stakeholders in confidence and work out a roadmap which would ensure statutes specific to mediation in an unbiased manner.

CONCLUSIONS

The large population of India and the illiterate masses have to find the regular dispensation of justice through regular Courts very cumbersome and ineffective. The Lok Adalat method is no more an experiment in India. It is now a success and needs to be replicated in matters which have not yet been under the domain of Lok Adalat. There is a need to use the techniques used in Lok Adalat in a context related to public issues where the number of players is quite large and in most of the matters the government is also involved in one way or the other. The new branches of law will require newer tools to have decisions acceptable to the litigants. Lok Adalats have become an integral part of the Indian legal system and have become the apertures for access to justice for the poor and downtrodden. They have bridged the gap to legal aid, but still have certain areas of improvement which could increase their efficiency even more. While they are acting well to bridge the gap of “access” to justice, there needs to be a review of their effectivity in providing aggrieved parties true access to “justice”. Many times, parties settle in Lok Adalats as they cannot afford the expenses of continuing with litigation. There is compromise out of necessity rather than will. This can be related due to the issues in our legal system and therefore it is difficult to deem this as a fair chance. Hence, it is rather difficult to say that the Lok Adalats have passed the test for providing access to “justice” to the poor. With finality, one can conclude that there is more than meets the eye which can be done to make Lok Adalats a better redressal system towards rising litigation.

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