

licensed postal agents (LPA's) referred to in reply to part (a) of the Question, the licensed agents are also required to book registered articles of the letter mail offered by members of the public.

(d) In addition to sale of postage stamps and stationery and booking of registered letters no other postal transactions may be conducted by the agents. However, LPA's are required to clear the letter box installed at their premises and despatch the articles to the authorised post office

(e) The following safeguards have been provided to ensure that licensed postal agents function properly:

- (i) Licensed postal agents are required to furnish security of Rs. 1000/- in the form of savings certificates or fidelity bond for the proper discharge of the responsibility entrusted to them
- (ii) The agency is also subject to inspection/verification/review by the competent authorities of the Department, who will visit the premises of the agent to ensure that—

(a) the postal work is going on satisfactorily,

(b) postage stamps and stationery are sold at their face value;

(c) only genuine postage stamps and stationery supplied by the authorised post office is used/sold by the agent;

(d) members of the public are not put to any inconvenience; and

(e) the agent maintains a sufficient stock of postage stamps and stationery to meet the local requirements

- (iii) If the competent authority is not satisfied with the work/conduct of an LPA, he may terminate the license by giving notice of one month.

SHRI KAMAL CHAUDHARY: Will the hon Minister state whether it is a fact that vending of stamps was undertaken earlier and then dropped

SHRI SONTOSH MOHAN DEV: Sir, originally there was one scheme which was called licensed agents, and it was subsequently allied with another scheme, 'Licensed postal agent' It is a fact that for a short period from 1969 to 1979 this was continued, but again the whole scheme was started in 1983 and this new scheme came into existence from 26 6 1986

SHRI KAMAL CHAUDHARY: Will the hon Minister state whether there were bogus stamps or there were used stamps vended on a mass scale by some of the parties resulting in huge loss of revenue?

SHRI SONTOSH MOHAN DEV: Sir no bogus stamps can be accepted for communicating postal articles and I don't think there are any bogus stamps; stamps are all brought out by the Government and there are no bogus stamps in the market

[*Translation*]

Lok Adalats in Uttar Pradesh

*833 **DR. CHANDRA SHEKHAR TRIPATHI:** Will the Minister of LAW AND JUSTICE be pleased to state:

(a) the number of Lok Adalats held in Uttar Pradesh during 1985-86 for expeditious disposal of cases and the number of cases disposed of by these Lok Adalats;

(b) whether a large number of cases are still pending in Uttar Pradesh; and

(c) if so, the steps proposed to be taken for disposal of these cases expeditiously?

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI H.R. BHARDWAJ): According to the information furnished by the Committee for Implementing Legal Aid Schemes—

(a) 51 Lok Adalats have been held during 1985-86, and a total number of 82,404 cases have been settled.

(b) The required information is con-

tained in Statement-I given below.

(c) The required information is contained in Statement-II given below.

STATEMENT-I

Number of Cases Pending In Uttar Pradesh

Sl. No.	Court	No. of pending cases	As on
1	2	3	4
1.	High Court, Allahabad	2,88,060	30. 6.1986
2.	Sessions Courts	56,432	31.12.1983
3.	Magisterial Courts		
	(i) Police Challans	5,20,357	31.12.1983
	(ii) Complaint Cases	2,58,445	31.12.1983
4.	Civil Courts of Original Jurisdiction	2,43,047	31.12.1983
5.	Civil Courts of Appellate Jurisdiction	1,02,880	31.12.1983

STATEMENT-II

Steps taken from time to time to reduce pendency

The following steps have been taken in recent years to reduce pendency in the High Courts:—

1. Elimination of arrears in all the Courts has been discussed in the Conference of Chief Justice, Chief Ministers and Law Ministers of States held on 31st August—1st September, 1985 and the Resolutions of the Conference have been commended to the High Courts and the State Governments.
2. The Code of Civil Procedure was amended in 1976 to abolish Letters Patent Appeals from judg-

ment of Single Judge of the High Court in Second Appeal (vide Section 100-A).

3. The Code of Criminal Procedure based on the recommendations of the Law Commission was enacted in 1973.
4. The sanctioned strength of the High Court Judges has been increased from 351 in March, 1977 to 440 as on 1st February, 1987.
5. Apart from the above, certain High Courts are taking the following steps for ensuring better disposal of cases:-

(a) Cases involving common questions are being grouped by several High Courts.

(b) Matters fixed for hearing by giving short returnable dates;

(c) Dispensing with printing of records;

(d) Expediting and giving priority to matters under certain Acts.

6. The recommendations contained in the 79th Report of the Law Commission have been examined. As action on majority of the recommendations is to be taken by the State Governments and the High Courts, these have been sent to them alongwith the views of the Union Government and they have been requested to take necessary action.

7. The Government have entrusted the Law Commission, the study of the judicial system to introduce necessary reforms. The terms of reference are:-

(a) the need of decentralisation of the system of administration of justice by:-

(i) establishing, extending and strengthening in rural areas the institution of Nyaya Panchayats or other mechanisms for resolving disputes;

(ii) setting up a system of participatory justice with defined jurisdiction and powers in suitable areas and centres;

(iii) establishing other tiers of systems within the judicial hierarchy to reduce the volume of work in the Supreme Court and the High Courts.

(b) the matters for which Tribunals (excluding Services Tribunals) as envisaged in Part-XIV-A of the Constitution need to be established expeditiously and various aspects related to their establishment and working.

(c) the procedural laws with a view generally to disposing of cases expeditiously, eliminating unnecessary litigation, delays in hearing of cases and reforms in procedures and procedural laws and particularly to devising procedures appropriate to the forums envisaged in items (a) (i) and (b) (ii).

(d) the method of appointments to subordinate courts, subordinate Judiciary.

(e) the training of Judicial Officers.

(f) the role of the legal profession in strengthening the system of administration of justice.

(g) the desirability of formulation of the norms which the Government and the Public Sector Undertakings should follow in the settlement of disputes including a review of the present system for conduct of litigation on behalf of the Government and such Undertakings.

(h) the cost of litigation with a view to lessening the burden on the litigants

(i) formation of an All India Judicial Service; and

(j) such other matters as the Commission considers proper pre-necessary for the purposes aforesaid or as may be referred to it from time to time by the Government.

[*Translation*]

DR. CHANDRA SHEKHAR TRIPATHI: Mr. Speaker, Sir, it is very clear that the need for having Lok Adalats was felt in the country to provide quick and cheap justice to the litigants but according to the procedure being followed in these Lok Adalats.

[*English*]

they are supposed to compromise or they are supposed to accept the fine

imposed on them. This clearly indicates that justice is actually not awarded to those litigants. They are supposed to enter into compromise. I would like to know from the hon. Minister in this context that the gram panchayat or nyaya panchayat which was set up just after Independence to provide cheaper and speedy justice to the litigants is defunct. I would like to know whether the Government is going to revive that old panchayat system to provide facility to the poor litigants or not in the country.

SHRI H.R. BHARDWAJ : There are two aspects of this supplementary. First is about the allegation that people are forced to compromise and all this in the Lok Adalat. I would categorically deny it. I may submit that Lok Adalats are held in the presence of very senior judges, namely Supreme Court judges, High Court judges and district judges. All the cases that are settled out of court are settled amicably because they are settled through compromise. I think, this is the best form of justice, one can contemplate.

So far as the second aspect of it is concerned, I would like to inform the hon. Member that about the question of giving alternative mechanism for resolution of disputes at grassroot level, we have received the report of the Judicial Reforms Commission, Justice Deerubai Desai report. We are aware of the view that grassroot litigation must be something like participatory justice where people can participate and justice travels to the doorstep of the people. I have already discussed that issue with several Members in our Consultative Committee and we are trying to bring radical judicial reforms in this direction.

[Translation]

DR. CHANDRA SHEKHAR TRIPATHI: Sir, the hon. Minister has admitted that according to the figures available upto 1983, 14 lakh cases are still pending in Uttar Pradesh. Before 1973, petty cases were settled by the Executive Magistrates

but in 1973, after making an amendment in the Cr. P.C., all such cases have been entrusted to the Munsifs and judges and as a result, the cases which could be disposed of by a summary trial within 10 days, 1 day, 1 hour or even immediately, takes 3 to 4 years nowadays and the poor man has to undergo a lot of botheration and spend a lot of money by selling whatever little he possesses. Therefore, will the hon. Minister make the summary trials more effective by creating the situation which was prevailing prior to 1973 and entrusting the petty cases relating to gambling, pick-pocketing, excise, etc. to the Executive Magistrates or will he allow these cases remain pending for three years or so?

[English]

SHRI H.R. BHARDWAJ : To give power of trial of the judicial cases to the Executive Magistrate would be a retrograde step because under the Gandhian philosophy of jurisprudence, we have separate judiciary from the executive. So far as the trial of the cases of petty nature is concerned, I will give the figures to the hon. Member, which we have sorted out through the mechanism of Lok Adalats in the country. You will find, so far we have been able to help about 70 lakh people in this direction and we have got compensation to the tune of Rs 20 crores to be paid to the victims of the crimes. This is by no means a less achievement. We are thinking that a summary trial by judicial magistrate or by Lok Adalat or Gram Nyayalaya should be given so that a poor man does not have to spend a lot of money, face a lot of botheration. We are aware that today poor man has to spend quite a lot of money, a lot of time and he has to travel a lot of distance. And that is why, first and foremost priority are giving is to the judicial reforms. Rather we are giving a better quality of justice, we can give some sort of justice which will be a better justice than what we are giving to the poor people today. It is because, in the Executive Magistrate, you cannot ensure that the man will be fully trained in law or

judicial experience. The executive magistrates were there in 1973 or before. They were honorary magistrates who were Rai Sahebs and Rai Bahadurs and the way they tried the cases, the entire Bar agitated against them. So, they were abolished. I don't think, this would be the real solution. The real solution would be that we should change the system as it is, because it is based on Anglo-Saxon system which is not suited to the genius of the country. We are determined to change it.

[*Translation*]

SHRI SHYAM LAL YADAV: Mr. Speaker, Sir, I want to know from the hon. Minister whether this concept of Lok Adalats is confined only to settle petty cases filed by police against the villagers or will this system also be extended to the cases of the Supreme Court and High Courts, the Judges of which are educating about the Lok Adalat? I apprehend that the Judges of the Supreme Court and High Courts and the Advocates, who charge heavy fees, keep the cases pending for years and for decades together. The Supreme Court should set an example in this field but the cases in the Supreme Court remain pending indefinitely and the programmes, which are undertaken, result in ruination of villagers. Whenever Lok Adalats are to be held by the State Governments at the district level, the police is asked to bring cases and the police bring such cases as are pending under sections 34, etc. The Lok Adalats have not been able to do anything so far about the disputes regarding consolidation of holdings pending for the last 25 years. This so-called new concept of giving justice is, in fact, already existing in the Panchayats of Uttar Pradesh and Bihar but no one goes there and even if some cases are filed, they are immediately transferred. You have said that the system of appointing honorary magistrates has been abolished. I think, there was a provision for the same. The Advocates who were previously against such appointments agitated again for appointment of honorary magistrates and consequently

honorary Magistrates have now been appointed.

AN HON. MEMBER: They are special Magistrates.

SHRI SHYAM LAL YADAV: They are also like honorary magistrates and you give them honoraria. In this connection, I want to know from the hon. Minister, who is a capable lawyer himself, whether this concept of Lok Adalat will be extended to the cases of High Courts and the Supreme Court in the near future? What is the line of thinking in this regard and what is the opinion of the Judges of the Supreme Court?

SHRI H R BHARDWAJ: Surcharged with emotion, Shri Yadav has asked the reasons for not making the concept of Lok Adalats applicable to the cases of High Courts and the Supreme Court. I want to humbly submit that the Lok Adalats are not being organised under any law. It is a strategic legal aid which I think will provide cheap and quick justice to the poor people and it will be like an interim relief to them. A large number of cases are pending in our High Courts and in our Supreme Court and this number is also constantly increasing.

As regards the cases which have been disposed of through Lok Adalats, I want to inform the hon. Member that first of all, such cases were taken up which have been pending for the last two to four years with the Motor Accidents Tribunal regarding payment of compensation to those families whose bread earners have lost their lives in the accidents so that those could be disposed of immediately. For this purpose, the insurance and other officers were called to participate in these hearings and you may be knowing that in Rajasthan, we were able to dispose of a number of cases of motor accidents regarding payment of compensation to the victims. What takes 10 years in a regular court, we have done it within one year. It is a good work done by the Lok Adalats and it should be lauded but the opposite is being said.

Secondly, in Rajasthan, there were some very poor cultivators...

(Interruptions)

Kindly listen to me, I will take up your point also. I want to submit all this to the House because by sitting here we cannot imagine the quantum of work which is being done by the Lok Adalats. Ask any M.P. who has attended Lok Adalats and in whose constituency Lok Adalats are functioning. Today the people are not interested in listening to the speeches of big leaders but at least 25th thousand people attend Lok Adalats....*(Interruptions)*

The hon Member has asked as to how much compensation is being paid. If you are conversant with the compensation rules, then you will be knowing that there are many factors, like age occupation and the life expectancy and the earnings, etc. which are taken into account. High Court Judges are aware of all these factors on the basis of which compensation is fixed after adding Rs 5 to 10 thousand to it. No one is deprived of his entitlement All cheques and cash payments are arranged through Lok Adalats.

Thirdly, in Lok Adalats, at least 50 or 60 thousand cases of the landless labourers have been settled. If they cultivated even a small piece of land along river banks, they were fined by the revenue officials. On the basis of these challans, land has been given to them on five year lease to enable them to earn their living. If you look at its repercussions in its proper perspective, you will find that it is the way through which we can help the poor. The justice in the High Courts and Supreme Court is very expensive and the poor cannot afford to go there.

[English]

SHRI ATAUR RAHMAN: Sir, as it appears from the version given by the Law Minister, the Lok Adalats are not legal-based courts and they are a bit simply compromising agencies. So, why do you call it Lok Adalats? It is not necessary to call them Lok Adalats when there is no adalat in it.

[Translation]

MR. SPEAKER: The results are important and not the name.

SHRI ATAUR RAHMAN: It is true but it does not work.

[English]

The second point is, suppose there is a disagreement after the compromise is reached. What law they will take? What shelter they will take on it? These are the two points on which I would like to know.

SHRI H.R. BHARDWAJ: Unfortunately, we have not been able to appreciate the spirit behind the Lok Adalat. There are countries in the world, specially the socialist countries where the people participate in the administration of justice. That is why they call it people's court. In India, we....*(Interruptions)*

[Translation]

You do not let me speak, this is not good. *(Interruptions)*

[English]

If we can look into this mechanism the present system is the man leaves his brief in the Counsel's chamber and pays money and knows nothing about it as to what is happening to the case and then he feels that the case is left for the judge to decide. I certainly do not agree. But if everyone is present, the judge is present in every Lok Adalat, local Magistrate, the District Judge and everyone including the Administrative Judge of the High Court when the people arrive at a settlement in every country whether it is India or America, in any way, there is an out-of-court settlement. 70, 80 per cent cases were settled out-of-the-court. This is the genius of the Indian people also. When there is a dispute, both the parties sit together and settle their disputes amicably. I don't think there is any room for saying that this is not a better quality of justice. If the people

participate, then I am sure, there will not be any appeal out of it because they sit together, amicably sort it out That is why it is called Lok Adalat Lok means people and Adalat means court It is people's court They participate in the administration of law (*Interruptions*) They get justice That is why no appeal lies against it because that agreement is filed in the court It is accepted as a decree or order of the court It is enforceable because the Magistrate records the compromise and the case is finally settled Once it is settled by compromise or amicable settlement there is no question at all (*Interruptions*)

MR SPEAKER I think we can have a full discussion, sometime, on this I cannot allow it anymore now (*Interruptions*)

MR SPEAKER I have already spent half-an-hour on it (*Interruptions*)

Long Distance Switching and Transmission Equipment

*835 SHRI BHATTAM SRIRAMA MURTY Will the Minister of COMMUNICATIONS be pleased to state

(a) the extent of shortfall in achieve-

ments against the targets for long distance switching and transmission equipment during the Sixth Plan period and

(b) the present performance during the Seventh Plan period?

THE MINISTER OF STATE IN THE MINISTRY OF COMMUNICATIONS (SHRI SONTOSH MOHAN DEV) (a) and (b). A statement is given below

STATEMENT

(a) During the 6th Plan, the shortfall in achievement in respect of targets for long distance switching and Transmission equipment was as follows

TAX capacity	·	50 %
Coaxial Cable	·	53.3 %
(R Kms)		
Microwave System	·	62.6
(R Kms)		
UHF System		74.2 %
(R Kms)		

(b) Performance during the 1st two years of the 7th Plan has been as follows:

Sl. No.	Name of the Scheme	1985-86		1986-87	
		Targets	Achievement	Targets	Achievement
1.	Trunk Automatic Exchanges. (Nos.)	2	1	4	4
2.	Capacity of TAXs (lines)	6000	5600	9500	7400
3.	Coaxial Cable Systems (R Kms)	2200	1507	1115	1032
4.	Microwave Systems (R. Kms)	1700	2304	2583	1701
5.	— UHF Systems (R Kms)	1500	1605	1685	1605

SHRI BHATTAM SRIRAMA MURTY Sir, from the figures furnished to

us, it is clear that the performance of the Ministry during the Sixth Plan period was