

The Alternative Dispute Quandary in India: A Legal Ethnography

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Jayanth Krishnan will be discussing his latest research on how international funding agencies have been working to support the government of India as it seeks to implement various legal reform measures. India currently suffers from the world's largest backlog of cases in both the Supreme Court and in the state courts. Tens of millions of civil and criminal cases have sat in the system for decades without being adjudicated.

To remedy this crippling problem, Indian politicians and judges have been promoting reforms, including alternative forums that would dispose of cases more quickly. One forum in particular, the *Lok Adalat* or people's court, has been championed with special fervor for nearly two decades. The Lok Adalat has been widely trumpeted as a success by its proponents, and for the past several years the Indian government has been seeking external funding from international donor organizations to help finance the creation of more of these alternative institutions.

Krishnan – who has been studying the Indian legal system for over a decade – has been empirically investigating how these Lok Adalats have functioned for the past three years. He has spent several months coordinating surveys, conducting interviews, and observing many types of Lok Adalats in different parts of India, including in Delhi, Bhopal, and Hyderabad.

As he will discuss, despite the uniform praise they have been receiving, Lok Adalats in fact exhibit great variation in how they function. In many ways, their performance is highly problematic, both in terms of effectiveness in resolving cases and in the quality of justice received by the parties. And ultimately, these findings have serious political and legal implications for the millions of Indians currently being encouraged (and in some cases required) to submit their grievances to Lok Adalats and for the prospects for efficacious reforms of the Indian legal system.

Biography:

Jayanth K. Krishnan was recently promoted to Research Professor of Law at William Mitchell College of Law in St. Paul, Minnesota (USA). He holds a J.D. from Ohio State and a Ph.D. from the University of Wisconsin. During the summer of 2005, he held the British Academy Visiting Professorship at the University of Edinburgh's Centre for South Asian Studies. He has written extensively on the legal profession and judicial system in India, and his work has appeared in both highly reputed law reviews and peer-reviewed journals.