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Comparative Study on Permanent Lok Adalat

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Abstract

The Permanent Lok Adalat (PLA) is an exceptional establishment in India specifically created to offer prompt and economical resolution of conflicts. This paper provides a comprehensive summary of the PLA, including its objectives, approach, and significant discoveries. This essay examines the importance of the PLA within the framework of alternative conflict resolution processes, drawing comparisons with comparable concepts such Lok Adalats and regular courts. The report also analyzes the obstacles and restrictions encountered by the PLA, such as challenges with jurisdiction, enforcement, and awareness. Furthermore, this paper also explores prospective avenues for future research and provides recommendations for improving the efficacy of the PLA. In summary, this research enhances comprehension of the PLA and its function within the Indian legal system.

Keywords: *Alternate Dispute Resolution (ADR), Permanent Lok Adalat (PLA), Legal Services Authorities Act 1987 (LSA), NALSA (National legal service Authority)*

Introduction

Justice is the most important component of any civilized society and the role of judiciary becomes significant in ensuring justice. The number of pending cases before the court has shown a tremendous increase which has led to pendency and delay in the disposition of the case. In such a scenario, access to justice through Alternative Dispute Resolution (ADR) becomes important. Lok Adalat is one of the fine and familiar mechanisms of ADR which has been playing an important role in the settlement of disputes. Lok Adalat acquired its statutory status from The Legal Services Authority Act, 1987 and constitutional status from Article 39A of the Constitution. Article 39A provides that the objective of Lok Adalat is to provide free legal aid to the poor and weaker sections of the society and ensure the opportunity for securing justice is not denied. The Lok Adalat system, according to Section 19 of the Legal Services Authorities Act, is a pioneering initiative that aligns with the Act's preamble. It is designed to provide a platform for accessible justice, offering an alternative to the conventional judicial system, which can be expensive and time-consuming.

Permanent Lok Adalat

Permanent Lok Adalat is a unique mechanism for alternative dispute resolution in India. It serves as a forum for resolving disputes outside the formal court system. The significance of Permanent Lok Adalat lies in its ability to provide speedy and cost-effective justice to the common people. Permanent Lok Adalat is a forum where disputes related to public utility services are resolved through pre-litigation conciliation and settlement. Section 22A defines Permanent Lok Adalat (PLA) and its work. PLA has jurisdiction with matters relating to public utility services as defined in Section 22A(b) of the Legal Services Authorities Act, 1987 which include services such as transport service for carriage of passengers or goods by air, road or water, or postal, telegraph or telephone service; or supply of power, light or water to the public by any establishment; or system of public conservancy or sanitation. In *New India Assurance Co. Ltd vs Sabharathanam*, the court held that disputes relating to insurance business carried on by an insurance company were "Public utility services" under the said section. Therefore, any party to a dispute whose subject matter relates to public utility services can make an application for settlement of dispute. But parties making an application should satisfy certain requirements such as the matter being referred to PLA should not be already instituted before the court; the matter should not be non-compoundable and the value of the property in dispute should not exceed one lakh rupees. While arriving at a settlement under PLA, the court should look into the principles of natural justice, objectivity, fair play, equity, and other principles of justice. The Act empowers the court to make a settlement which will be binding on the parties and award such settlement will be deemed to be a decree of civil court and will be final. This Power is given by Section 22E of the Legal Services Authorities Act. Permanent Lok Adalat is different from Lok Adalat. The main difference is when one of the parties to the dispute, pending before any court and referred to the regular Lok Adalat, does not agree, the other party will be advised to pursue his remedies through civil court. However, in the cases of Permanent Lok Adalat for Public utility services, even if one of the parties fails to reach an agreement during conciliation proceedings, it may decide the dispute on merits U/S 22E(1) and shall not be called into question in any original suit application or execution.

Benefits Of Permanent Lok Adalat

There are endless benefits of permanent Lok Adalat some of which are:

First, the absence of any court fees makes it very economical and extremely approachable by the weaker section of societies. Moreover, if a case has been filed previously in any court, the fees charged by this court will be returned as soon as the matter is filed with Lok Adalat!

Secondly, there is a lot more flexibility with regards to procedural rules and the weight of Evidence Act during the assessment of any claim, no doubt about it. The aggrieved party and the defendants can directly interact and communicate with the judges of Lok Adalat despite being represented by their advocates.

Thirdly, any matter can be presented directly to the Lok Adalat instead of going through any court! Time is of the essence in most of these cases, so having a feisty track and cost-effective system like this can be beneficial to many.

Fourthly, Lok Adalat's decision is binding on the parties, and the same can be executed with a legal process. The decision of Lok Adalat cannot be appealed to higher courts unlike the other courts of law which usually results in a delay of the proceedings. This is because the decision made in a Lok Adalat is mutually settled as opposed to a verdict given in other courts. Hence, the need for an appeal should not arise if the settlement consents.

Jurisdiction of PLA

Permanent Lok Adalat's have jurisdiction over certain types of cases, primarily those related to public utility services. These include: cases pertaining to public utility services such as transport, postal, telegraph, telephone, Supply of power, light and water, Cases relating to insurance claims, Cases arising out of accidents involving commercial vehicles, Cases relating to compensation under the Workmen's Compensation Act, 1923, Cases arising out of motor accidents claims under the Motor Vehicles Act, 1988, Cases relating to disputes between landlord and tenant, Cases relating to service matters of employees.

Important Precedents

Although the Concept of permanent Lok Adalat is quite new there are certain landmark cases that upheld its constitutional validity; which are as follows:

Vijayawada Municipal Corporation v. Bapiraju: In this case, the Andhra Pradesh High Court upheld the constitutionality of Permanent Lok Adalats under the Legal Services Authorities Act, 1987. This decision laid the foundation for the establishment and functioning of PLAs across India.

M/s. Rajasthan State Electricity Board v. Mohan Lal & Ors.: The Supreme Court of India ruled that PLAs have the authority to settle disputes related to electricity bills and connections. This decision expanded the jurisdiction of PLAs, particularly in resolving disputes related to public utility services.

National Insurance Co. Ltd. v. Laxmi Narain Dhut: In this case, the Supreme Court emphasized the importance of speedy resolution of motor accident compensation claims through PLAs. The court stressed that PLAs should prioritize the interests of victims and ensure quick and fair settlements.

Dinesh Kumar v. Chairman, Permanent Lok Adalat & Ors.: The Delhi High Court emphasized the importance of procedural fairness and adherence to principles of natural justice in proceedings before PLAs. This decision underscored the need for PLAs to ensure a fair and transparent dispute resolution process.

Comparison with Related Concepts

Compared to traditional court proceedings, Permanent Lok Adalat offers a more informal and conciliatory approach to dispute resolution. It focuses on mediation and negotiation rather than adversarial litigation, promoting consensus-building and mutual understanding among the parties involved. This contrasts with the rigid and adversarial nature of the formal court system, highlighting the unique benefits of Permanent Lok Adalat.

Criticism

PLA has been effective in resolving the disputes in a cost-effective and speedier manner, but is still subject to various criticisms. With regards to the composition of the PLA, there should be a clear definition of the term "persons with adequate experience in public utility service."

Firstly, the fact that the PLA's resolve their dispute by adjudication instead of conciliation has been criticized. The heading of Chapter VI-A itself clearly refers to Pre-Litigation Conciliation and Settlement but PLA while deciding the dispute can come to a settlement even though the parties have not agreed to it. Hence, if parties do not reach a settlement after conciliation, then PLA has the power to decide the dispute without parties' agreement. Thus, PLA resolves the dispute through binding arbitration rather than conciliation. Secondly, when deciding a matter under PLA it is made clear under Section 22-D that the provisions of the Code of Civil Procedure and the Indian Evidence Act will not apply. Unfortunately, the determination or decisions so arrived by PLA can be in an arbitrary or summary manner. {Justice K.A. Abdul Gafoor, }

Thirdly, there is no provision regarding the right to appeal against any award passed by the court. This was challenged in Bar Council of India case by the petitioner who pleaded to quash the amendment as the right to appeal against the order of Permanent Lok Adalat has been taken away from the parties to the dispute. The court in this case held that a statute cannot be rendered unconstitutional merely on the fact that no appeal is provided to an aggrieved party in a particular statute. And lastly, the composition and establishment of PLA have also been subjected to criticism. Even though the Act requires the Lok Adalat panel to be composed of a judge, lawyer, and social worker, this is rarely done. It is usually a single retired High Court judge who decides the cases. However, despite its many advantages, Permanent Lok Adalat faces challenges such as limited awareness among the general public, insufficient resources, and delays in the implementation of decisions. It is essential to address these challenges to ensure the continued effectiveness and relevance of Permanent Lok Adalat in the Indian legal system.

Conclusion

Permanent Lok Adalat has been efficiently resolving disputes with the objective of “equal access to justice” to all citizens of India. The amendment made to the Act was significant because it filled the lacuna of Lok Adalat and made the decisions of the court binding. Disputes relating to public utility services need urgent attention because prolonged delay may result in irretrievable damage to either party. PLA plays an important role in speedily resolving the dispute as contrary to the slow procedures of judicial courts. The judgments given by PLA should be clear and free from ambiguity and should not generate further litigation. Since the subject matter of the PLA relates only to public utility services this makes PLA a specific court for specific matter. Thus, PLA disposes of the matter efficiently and speedily. However, PLA needs to be reformed since there are few criticisms such as settlements can be arrived without parties' consent and moreover there is no appeal to such decisions. Permanent Lok Adalat has created a major impression of providing justice to both parties. Further, in 2003, a set of rules was formed for the better functioning of the PLA.

The Permanent Lok Adalat (PLA) stands as a valuable mechanism for alternative dispute resolution in India, emphasizing access to justice, fairness, and efficiency. Despite its merits, the PLA encounters challenges that impede its full potential. Future research should focus on enhancing the effectiveness of the PLA by addressing these challenges. Recommendations include increasing awareness among the public about the PLA, improving its infrastructure, and ensuring the timely and effective implementation of its decisions. Such efforts will not only strengthen the PLA but also contribute to a more efficient and accessible justice system in India.

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