



HORIZON OF LOK ADALAT AND PERMANENT LOK ADALAT IN DISPUTE RESOLUTION

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Abstract:

This research article elucidates the organization, establishment, jurisdiction, powers and limitations of Lok Adalat and Permanent Lok Adalat in India. The Constitution of India provides for securing Justice - social, economic and political to each and every citizen of India. The mechanism of Lok Adalat being a cordial method of resolution, is most suited to the social and cultural fabric of India, as it can be arranged fast, in local languages, especially for the illiterates with the motto of "Access to Justice for all". It is one of the effective alternative to formal litigation providing satisfactory settlement of disputes aligning with the Indian legal systems. It was in prevalence in the Indian legal system since ancient times in the form of Panchayat system.

The Section 19 of the Legal Services Authorities Act, 1987 provides for the constitutional recognition of Lok Adalats, in accordance with the Indian Constitutional proviso Article 39-A, which authorises to provide free and competent legal aid to the weaker and needy sections of the society, ensuring that the opportunities for securing justice are not denied to any individual on the grounds of discrimination. It also illuminates the organization of Lok Adalats to secure the operation of the legal system and promoting justice on the basis of equity. The Section 22-B of the Legal Services Authorities Act, 1987 provides for the establishment of Permanent Lok Adalats. The amendment brought about by the parliament in 2002 conferred Permanent Lok Adalats with both conciliatory as well as adjudicatory functions for long-pending court matters along with special focus on resolving cases in relation with Public Utility Services.

Keywords: Lok Adalat, Legal Services Authorities, Settlement, Adjudication, Permanent Lok Adalats.

Lok Adalat- A Brief Scenario:

Lok Adalat is one of the alternative dispute redressal mechanisms, it is a forum where disputed cases pending in the court of law or at pre-litigation stage are settled amicably. Lok Adalats have been given statutory status under the Legal Services Authorities Act, 1987.¹

Lok Adalat in simple sense is people's court, contributing to the sphere of justice dispensation in the nation by providing free and speedy legal aid to the weaker sections for resolving their disputes through conciliatory and pervasive methods. It was on 14 March 1982, when the first official Lok Adalat was held in Una, Junagarh, Gujarat; it efficiently resolved many disputes related to family, bank recovery, and other cases regarding labour. Later on, the concept of Lok Adalat was emulated in the other parts of the country, so as to lessen the burden of plethora of cases in the courts and to give free and speedy remedy to the parties in dispute awaiting for justice. Lok Adalats are organized by Legal Services Authorities/ Committees i.e. Supreme Court Legal Services Committee, National Legal Service Authority, High Court Legal Services Committee, State Legal Services Authority, District Legal Services Authority and Taluka Legal Services Authority. The former Chief Justice of India (CJI) while addressing the commemoration of the Special Lok Adalat Week organised to celebrate 75 years of the Supreme Court of India said, "The purpose of the Lok Adalat has been to take justice to the homes of the people and to remind people that we are a constant presence in their lives."²

According to the saying that "Justice delayed is justice denied," the need arose for the alternative dispute redressal mechanism to resolve the disputes rapidly without getting into the technicality of the formal methodology.³ The fundamental goal of Lok Adalats is to assist needy individuals with free legal aid and most essentially enlightening them about their rights and entitlements and mitigating the fear in their minds about law and its complex mechanism.

The authorities of Lok Adalat organize various activities such as setting up legal camps and legal aid centers for the layman. The grievances of the ordinary people can also be likewise tackled by taking assistance from the legal guides and centers.⁴ The persons deciding the cases in the Lok Adalats are called the Members of the Lok Adalats, 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 for settling the dispute outside the court in the Lok Adalat and shall not pressurize or coerce any of the parties to compromise or settle cases or

matters either directly or indirectly.⁵ A compromise deed is drawn up, after settlement and signature of parties are obtained. Then a decree is passed.⁶ The bench of Lok Adalat typically consists of a judicial officer (current or retired judge) and other two members who are often lawyers or social workers experienced in legal or societal matters especially experts from Public Services Utilities or may include well experienced and highly qualified members like university students, social groups, religious and charitable organizations and other similar associations.

Lok Adalats are competent to handle cases like compoundable criminal offenses, civil, revenue cases, financial or compensation claims cases, partition claims, damage cases, matrimonial and family disputes, property requisition or land acquisition cases, Labour disputes, Bank recovery cases, forest land encroachment, etc. and cases related to Public Utility Services.

Jurisdiction of Lok Adalats:

The above-mentioned Legal Services Authorities/ Committees organize 'Festival of Justice- Lok Adalats' at such intervals and places they deem appropriate to exercise their jurisdiction for redressal of cases pending before any court, in the pre-litigation stage or cases related to Public Utility Services. As specified by the Legal Services Authorities Act, the decree passed by the Lok Adalats is held to be as equivalent to those of the Civil Courts, hence the settlement is binding and restrictive to the parties in dispute with no way or provision to appeal against such decree or order passed by the Lok Adalat before any court of law.

As indicated in *Usharani and Others v. Rajaram*⁷ case, once the parties have consolidated to a final award, the decision becomes conclusive and no appeals are allowed against it. There is no court fee payable when a matter is filed in a Lok Adalat. 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.⁸ Although there isn't any provision to challenge or appeal against the settlement passed by the Lok Adalat, if the parties do not agree with the settlement, they are allowed to initiate legal proceeding in the Court of law under the appropriate jurisdiction by filing a fresh appeal following the necessary methodology, as a matter to exercise their right to approach Court. Sometimes the cases are automatically returned to the Court from which the reference has been drawn up for disposal as per section 22(5)⁹.

The powers of Lok Adalat are mentioned under section 22¹⁰ of the Act as stated earlier- Lok Adalats have been given the recognition of the Civil Court under The Code of Civil Procedure, 1908, which has all the powers to summon, enforce the attendance of a witness, examine him/her on oath, discovery and production of any document and get a piece of evidence on affidavits. It also has the power for requisitioning of any public record or document or copy thereof or from any court. The Lok Adalat has the power to specify and follow its own procedural flexibility and rapid trial for determining any dispute where the proceeding is deemed to be judicial proceedings and is not bound by the application of strict curtailments such as the *Bhartiya Sakshya Adhinyam, 2023* (Indian Evidence Act) and Code of Civil Procedure, 1908, while assessing the capacities and claims of parties in dispute placed before it. The parties (or any one party) in dispute must file the application to refer the dispute before the Lok Adalat. After hearing both the parties if there exists any element of settlement within the jurisdiction the Lok Adalat allows the parties in dispute to continue further and reach a proper settlement in accordance with the principles of natural justice and equality, otherwise, the dispute is returned to Court Litigation. The parties to the dispute can directly interact with the judge through their counsel which is not possible in regular courts of law.¹¹

Permanent Lok Adalat:

The Legal Services Authorities Act, 1987, which has established Lok Adalats had some shortcomings. Hence, in 2002, the Parliament brought about certain amendments to the Legal Services Authorities Act, 1987 to empower the Lok Adalats by making them a permanent body to settle the disputes related to long pending court matters in addition to public utility services i.e Permanent Lok Adalat. Also, the Hon'ble Delhi High Court passed the order giving directions to set-up permanent Lok Adalats in the matter of *Abdul Hasan and National Legal Services Authority v. Delhi Vidyut Board and others*¹². The Central or State Legal Services Authorities may, by notification, establish Permanent Lok Adalats for determining issues in connection to Public Utility Services under Section 22-B of the Act.¹³

The jurisdiction of the Permanent Lok Adalats is upto Rs. One Crore.¹⁴ Permanent Lok Adalat is an extraordinary redressal mechanism for swift and disposal of the public utility administrations disputes. Permanent Lok Adalat is a specific type of Lok Adalat with the same powers that are vested in the Lok Adalats. The only major difference between Lok Adalat and Permanent Lok Adalat is that the prior has only Conciliatory powers but the latter is endowed with Conciliatory and adjudicatory powers as seen in the case of *Canara Bank v. G.S. Jayarama*¹⁵. Once an application is made in the Permanent Lok Adalat, they can't invoke the jurisdiction including case laws or precedents of any other court, also they don't have any power to award a punishment but the main objectives are to settle dispute with natural justice. Permanent Lok Adalats have been set up as long-lasting bodies with a Chairman and two highly-expert members for dealing with pre-litigation cases relating in particular to the Public Utility Services as mentioned above, before they escalate to court cases. To save time in settlement of disputes, it need not follow the formal procedure, but it is bound to follow the principle of natural justice.¹⁶ Further, the Award of the Permanent Lok Adalat is considered to be as equivalent to made by a Civil Court made either on merit or in conditions of a settlement agreement is conclusive and restricting on the parties to the case matter.

As per The Permanent Lok Adalat (Other Terms And Conditions of Appointment of Chairman And Other Persons Rules 2003), the Permanent Lok Adalat is chaired by a district judge, additional district judge or someone who has held a higher judicial office along with two highly-qualified and expert members who are recommended or appointed by Central, State Government/ Authority having ample experience in public utility service to complete the panel.

'Public Utility Services' as defined under Sec. 22-A¹⁷ of the Act and some additional are listed as follows: Transport service for the carriage of passengers or goods by air, Construction, road or water; or Postal, telegraph or telephone service; or Supply or power, light or water to the public by any establishment; or System of public conservancy or sanitation; or Service in hospital or dispensary; Insurance service; Education or educational institutions; or Housing and real estate service Services of Banking Institution financial institutions; Services of Non-Banking financial institutions; Services under Mahatma Gandhi National Rural Employment Guarantee Act, 2005; New connection of LPG and supply of LPG or refills and its connected services; Services relating to issuance of Aadhar Card, Ration Card, Voter Identity card and below poverty line (BPL) Card; Services relating to old age pension, pension and unemployment allowances; Mobile phone and internet services.

Other areas of disputes referred to Permanent Lok Adalat: Real estate regulatory authority (RERA) related matters, Railway service related matters, Labour and Industrial matters, Employee related matters, Registered Company related matters, Minor Consumer related disputes, Revenue/ land property/Forest service related matters, Minor Hospitals service related matters, Family related matters, unemployment / HR related matters, Tort nature offences can be settled as per principle of natural justice.

Lok Adalat and Permanent Lok Adalat Tools:

1) Negotiation:

Lok Adalat along with Permanent Lok Adalat is a type of ADR redressal mechanism and hence is dependent on Negotiation for settling the disputes outside of court. Negotiation, in the form of offers and counter-offers, may take place on a limited basis during the Lok Adalat process, after which the Lok Adalat judge proposes a specific settlement.¹⁸ The panelists of Lok Adalat persuade the parties to come on a mutual basis and reach a conclusive award acceptable to both the parties in dispute. The Award is not restrictive in case of Lok Adalat but is strict in Permanent Lok Adalat as it is conferred with conciliatory and adjudicatory powers.

2) Mediation:

Both Mediation and Adalat resolve the disputes between the parties for mutual settlement through negotiating process. In Adalats the mediation techniques are opted for the resolution of cases related to family, property, industrial, business matters, etc.

3) Conciliation:

Lok Adalat is meant for conciliated settlement of disputes outside Courts.¹⁹ Conciliation is a key element of the Adalat forum, where the members act as conciliator, assisting the parties to reach a conclusive award. They have judicial powers but can't pressurize the parties, but only persuade them.

4) Judicial settlement:

There is a provision for settlement of the dispute outside the court through ADR techniques including Lok Adalat under section 89 of the Code of Civil Procedure (Amendment) Act, 1999, where the court refers cases to Lok Adalat or other ADR Redressal mechanisms if there exists any elements of settlements rather than commencing the trial or after first trial.

Merits of Lok Adalat and Permanent Lok Adalat:

Prolonged litigation, a backlog of cases, and procedural complexity are among the long-standing problems plaguing the Indian judicial system, which has caused justice to be delayed.²⁰ Lok Adalats may be termed as a blend of the elements derived from Arbitration, Mediation, Conciliation, Negotiation and other ADR systems instead of adhering to rigid legal frameworks. These are cheap, free and speedy Quasi-Judicial platforms providing quick justice to the underprivileged ordinary citizens particularly the lower class, through conciliatory methods and principles of natural justice.

Lok Adalats help to settle stacks of long-unsolved cases pending in the formal courts by providing an alternate para-judicial redressal system in place of conventional judicial system. The presiding chairman and highly qualified expert members put emphasis on Conciliatory function rather than the adjudicatory disposing the cases through compromise, thereby reducing the delay in availing justice. The Supreme Court in the matter of B.P Moideen Sevamandir v. A.M Kutty Hassan²¹ reaffirmed the anticipated conciliatory functions of Lok Adalats within legal framework. A major feature of Lok Adalat is to determine disputes without charging any fees; this provides a strong inducement for the needy individuals to approach the Lok Adalat for finality of their disputes. There is provision in Court Fees Act, 1870²² for refunding the court fee if a matter referred by Court to Lok Adalat is resolved. The proceedings on the claims made by parties in dispute in the Lok Adalat are flexible and not tightly bound to the procedural legislations. Also, the parties can have a direct communication with the judges through appropriate authorities overcoming the limitation of usual formal Court Litigation process. It minimizes the conflicts between the parties, the fear in the minds of common people about court system and provides alternative to traditional proceedings by concentrating on delivering resolution which is evaluative, facilitative and compensatory for both the parties preserving mutual co-operation and goodwill between them, ultimately uplifting peace and harmony in the society.

E- Lok Adalats:

A major step has been taken by NALSA to deliver fair and impartial justice at doorsteps, which can be accredited to the technological advancements in which the Lok Adalats are being organized through online digital modes. In June 2020, the Legal Services Authorities integrated technology with the conventional modes of dispute settlement and introduced virtual Lok Adalats also called as 'E-Lok Adalats'.²³ The COVID-19 pandemic highlighted the need for alternative dispute resolution procedures, and E-Lok Adalat offers a substitute forum for resolving disputes, attracting parties who would otherwise be reluctant or unable to participate in traditional litigation.²⁴

Virtual E-Lok Adalat have brought down the need for face-to-face hearings, expenses on travelling and paper-based documentation, contributing to environmental sustainability and eco-friendly judicial settlement methods. Geographical obstacles often hinder access to traditional courts, but E-Lok Adalat's overcome these obstacles, increasing access to justice in rural and isolated areas.²⁵ Such virtual forums have renewed the legal system by reducing costs, reducing backlogs faced by traditional courts, eliminating the necessity of actual physical appearances in the court, permitting people from economically disadvantaged or remote areas to participate in dispute resolution procedures, promoting inclusivity and approachability.

Technological advancements like artificial intelligence, modern software's and distributed ledger technology have modernized the legal process. But, as each coin has two sides E- Lok Adalats come with a few limitations like, digital divide, data-security and privacy concerns, and hence there is need for appropriate IT infrastructure to address and mitigate these challenges. Investments in training, awareness, and infrastructure

Demerits of Lok Adalat and Permanent Lok Adalat:

The awards passed in the jurisdiction of the Adalats are deemed to be equivalent to those of the Civil Courts, but still the actual enforcement of the decree lies with the Civil Courts. The Supreme Court has held in the case of State of Punjab v. Jalour Singh²⁶, that Lok Adalat is entirely conciliatory and has no adjudicatory or judicial role, hence, the major disadvantage of the Adalat mechanism is that most of the disputes are based on prediction, compromise or settlement between the parties rather than procedural adjudication which is essential to reach a proper long-lasting legal settlement; hence, the co-operation between the parties may be

short-lived and the case may again return to the court making the previous procedures a wasted effort. It may also lead to loss of time and delay in justice dispensation as the matter is returned to the Courtroom if not settled in the Adalat.

The Section 19 (5) of the Legal Services Authorities Act, doesn't allow Lok Adalat to resolve non-compoundable issues limiting the scope of their jurisdiction, due to which some small and petty issues for instance small thefts, minor accidents, etc create burden on formal courts by consuming their time. The presiding officials or members of the Adalat are not compulsorily legal experts, hence they may be incompetent to unfold the technicalities of law and Constitution. Such inexperienced members are not in a position to convince the parties for the settlement of cases in an agreeable manner; this causes unnecessary elongations in the procedures of Adalat as there is a lack of concern for the parties' rights and requirements. This may be detrimental to the credibility of Adalat to be called as a free and swift justice dispensation framework.

The legal precedents, standard procedural legislations and jurisdiction of any court cannot be invoked in the matters of Lok Adalat's litigation which may lead to unfair and biased justice. Even the relation between the counsellor of parties and judges may be hostile or both may be under pressure to adjourn or lengthen the current proceedings and refer the matter back to the court. Generally, Lok Adalat is seen as an institution with quick resolution mechanism but in real-life application many cases referred to the Lok Adalat are either delayed or adjourned and the parties may be required to spend large lumps of money on their counsellors or representatives.

Suggestions:

- 1) The Adalats should take into account the procedural frameworks, legal precedents and jurisdiction of other courts for resolution of matters referred to it, this will enhance the quality of final conclusive award.
- 2) Also the final award passed by the Adalat should be made enforced by the Adalat itself rather than the civil courts and should be binding to the parties with no ways left to challenge it in any jurisdiction.
- 3) The Adalats should be conferred with power to grant punishments like penalties, community services, etc as the case may be.
- 4) Some people may take Adalats for granted and unnecessary waste time and resources, hence, there should be a minimal fee charged to refer the matter in Adalats.
- 5) There should be a proper and fair structure for the appointment of members through some examination to avoid favouritism, nepotism and patronage based selection, giving chance to the competent and experienced candidates will enhance the smooth functioning of the Adalats especially the Permanent Lok Adalats.
- 7) Creation of IT framework is necessary to prevent red-tapism, secure data confidentiality, and matters of privacy concerns etc.

Conclusion:

In the upcoming future, Lok Adalats are envisioned to perceive greater support due to their changing infrastructural aspects. Lok Adalats are necessary gateways to access justice by successfully prioritizing free legal aid & literacy campaigns, yet it needs to progress in certain in-depth areas so as to mark a wider demographic facet specifically socio-economically deprived individuals at the grassroots level. There is a need of intensification to adopt effectual strategies for providing parties in dispute bona fide justice without any ex parte adjudication with the aim of enhancing their utilization.

The digital-virtual platform of E- Lok Adalat's provides flexibility and convenience in the country's judicial system due to integration of emerging innovative technologies, such as Artificial Intelligence for management of different cases and Distributed Ledger Technology for allowing the recording and distributing of information in a protected and transparent manner. Such specialization of Adalats will make them more general among people on one hand and, help them focus on specific types of disputes.

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