



FACULTY OF JURIDICAL SCIENCES

COURSE: B.A.LL.B./B.B.A.LL.B./LL.B.

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SUBJECT: Alternative Dispute

Resolution

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Lecture-38



LECTURE 38: Permanent Lok Adalat

Permanent Lok Adalats

The basic features of a permanent Lok Adalat are identical to a Lok Adalat. There are, however, certain modifications made. The key difference is that a typical Lok Adalat can only be summoned occasionally and not on a daily basis, a permanent Lok Adalat is an established system which is operational throughout just like any other court or tribunal.

The Legal services Authorities Act, 1987, which had established Lok Adalats, did not, at first, establish permanent Lok Adalats. It was the Amendment Act of 2002 that enabled the establishment of the first permanent Lok Adalat.

In 1999, during the second annual meet of state legal services authorities, the then Hon'ble Chief Justice Dr. A.S. Anand airing his views stated that:

“There will be no harm if Legal Services Authorities Act is suitably amended to provide that in case, in a matter before it, the Judges of the Lok Adalats are satisfied that one of the parties is unreasonably opposing a reasonable settlement and has no valid defence whatsoever against the claim of the opposite party, they may pass an award on the basis of the materials before them without the consent of one or more parties. It may also be provided that against such awards, there would be one appeal to the court to which the appeal would have gone if a court had decided the matter... This course, I think, would give relief to a very large number of litigants coming to Lok Adalats at the prelitigation stage as well as in pending matters.”

In 2002, certain changes were brought about by the Parliament in the Legal Services Authorities Act, 1987 which introduced Chapter VI-A with the title ‘PRE-LITIGATION CONCILIATION AND SETTLEMENT.’

Section 22 B considers the establishment of PLA at numerous places with consideration towards the cases and on public utility services.

Permanent Lok Adalat is presided over by a chairperson, who:

- Is a district judge or has been one.
- Is an additional district judge
- Has held judicial office higher in rank than that of a judge of the district court

Along with the chairperson, the government also appoints two other persons who are experienced in the area of public utility service. The state authority or the central authority appoints this person, depending on the case, after a nomination by the respective government has been made.

The nomination too can only be made at the suggestion of the central or the state authority.

It is provided in S.22 C(3) that there are certain procedural rules that apply. In the case of an application being filed which raises a dispute, the parties are meant to make a filing of statements in a written form supported by appropriate proof. This proof can be in the form of a document or any other evidence.

The copies of this file document and the statement produced shall be provided to each of the parties. Following this procedure, PLA (Permanent Lok Adalat) shall hold conciliation proceedings to reach an amicable settlement to the dispute.

The functioning of the settlement depends on upon the cooperation between the parties and the PLA, which must always be in good faith. If the PLA believes that the proceedings of the settlement are reasonable and acceptable given the parties, then it may conclude the settlement at the choice of the parties. Following this, it must communicate its observations to the parties and upon the agreement of the parties, they must approve the settlement through the means of signature, and the award must be passed. At the end of the settlement, a copy of the settlement should be handed over to each of the parties.

Section 22 c(7) further provides that in case the parties fail to form consensus over the settlement, the PLA shall decide the dispute, as long as the dispute does not relate to any offense.