



**IMPORTANCE OF THE INSTITUTION  
OF PERMANENT LOK ADALAT  
(PLA): LEGAL DISCOURSE WITH  
REFERENCE TO THE CONSUMER  
FORUMS AND LOK ADALAT**

*By Vaibhav Kartikeya Agrawal  
Designation: Advocate*

**ABSTRACT**

The concept of Permanent Lok Adalat (hereinafter 'PLA') has been introduced by the Legal Services Authorities Amendment Act 2002. This paper provides a glimpse of services cognizable by the PLA with the whole mechanism of its operation. It provides the people who are entitled to avail its jurisdiction. The institution of PLA holds special prominence in comparison to the services rendered by the Courts of original civil jurisdiction because it provides recourse to the affected individual directly to the authority with exemption of Court fees and dispensation of procedural intricacies.

The institution of PLA has been compared with the Consumer Protection Act 1986 because the latter Act also confers legal remedy for the services cognizable by the PLA; the jurisdiction of institution of PLA and that of the Consumer Protection Act 2013 are concurrent. This raises the question of comparative analysis of their feasibility in respect of the services cognizable by them. This paper therefore, endeavours to highlight the significance and utility of the institution of PLA and its specific role in conferment of legal services to the common man. The institution of PLA holds prominence in the form of an alternative to the regular litigation forums and the Arbitration.

**KEYWORDS:** Permanent Lok Adalat; Welfare; efficient justice; consumer forum; Public interest litigation.

**INTRODUCTION**

The institution of Permanent Lok Adalat has been constituted to provide legal service in case of deprivation of services like water, electricity, postal, transport or medical facilities by the government. It aims to provide effective and feasible legal remedy to the common man in case of services indispensable in their day-to-day life. This paper endeavours to highlight the significance and utility of the institution of PLA and its specific role in conferment of legal services to the common man.

**OVERVIEW OF LEGAL SERVICES  
AUTHORITIES ACT 1987**

The Legal Services Authorities Act 1987 (hereinafter 'Act of 1987') established Legal Service Authorities each at National, State and District levels. These authorities further constituted Supreme Court Legal Services Committee at the National level and similar committees at State, District and Taluka levels. Section 4 of the Act of 1987 provides functions of the Central Authority i.e. National Legal Services Authority. These authorities aim to provide legal services and settle the legal disputes by alternative dispute resolution mechanisms. Sections 7, 10 and 11B of the Act of 1987 empower respectively the State, District and Taluka legal services committee to organise Lok Adalats. The main function of these committees is to constitute Lok Adalats at regular intervals and to provide legal education to the citizens of the country.



### UNIQUE IMPORTANCE OF PLA

The institution of PLA has been established by the Act of 2002 by insertion of Chapter VIA in the original Act. Section 22B of the Act of 2002 introduced the concept of Public Utility Service and provides:

- "Public Utility Service means any-
- (i) transport service for the carriage of passengers or goods by air, road or water; or
  - (ii) postal, telegraph or telephone service; or
  - (iii) supply of power, light or water to the public by any establishment; or
  - (iv) system of public conservancy or sanitation; or
  - (v) service in hospital or dispensary; or
  - (vi) insurance service, and includes any service which the Central Government or the State Government, as the case may be, may, in the public interest, by notification, declare to be a public utility service for the purposes of this Chapter."

These are the basic services intended to ensure proper living standard and disruption or deficiency in such services can have far reaching adverse consequences. The present legal framework provides civil remedy of filing a complaint before the District Consumer Forum or a writ before the High Court or the Supreme Court. The civil suit can also be filed as per the provisions of Code of Civil Procedure 1908 (hereinafter 'CPC'). In case of complaint before the Consumer Forum, the rules of procedure in CPC are directory in nature but the procedural formalities are mandatory. It is significant to note that the institution of Lok Adalat

requires minimum procedural formalities and there is no charge of Court fee.

### CONCEPT OF PLA: COMPARISON IN REFERENCE TO THE LOK ADALAT AND THE CONSUMER FORUM

The regular Lok Adalats constituted under the Act of 1987 have jurisdiction to 'settle' any case pending before any Civil Court or any case where the offence is compoundable in nature. On the contrary, the PLA has jurisdiction to decide on merit or on the principles of natural justice, objectivity and fair play, equity and other principles of justice in any case or dispute instead of settlement. The PLA entitles legal service to eight categories of persons as mentioned in Section 12 of the Act of 1987. It confers remedy in case of any dispute with respect to the Public Utility Service. Section 22C of the Act of 1987 provides procedure for cognizance of cases. It mandates reference for conciliation but if the parties fail to reach at an agreement, the PLA shall decide the dispute.<sup>1</sup> In this manner, it acts as a Civil Court where the dispute is referred for redressal to the alternative mechanism/s under the provisions of Section 89 of CPC. If the mechanism fails, it is the regular Civil Court which decides the dispute. In case of consumer forum, the Chairman of District Forum is empowered to give finding as stipulated in Section 14 of the Consumer Protection Act 1986. However, there is provision of appeal to the State Forum as well as National Forum and then to the Supreme Court.

Section 22D of the Act of 1987 provides: "The PLA shall while conducting

<sup>1</sup> Sense of justice and equity continue to guide the Permanent Lok Adalat while conducting conciliation proceedings or when the conciliation proceedings fail,

in deciding a dispute on merit. see *Bar Council of India v. Union of India*, (2012) 8 SCC 243 at para 34.



conciliation proceedings or deciding a dispute on merit under this Act, be guided by the principles of natural justice, fair play, equity and other principles of justice and shall not be bound by the Code of Civil procedure 1908 and the Indian Evidence Act 1872". In case of consumer forum, section 13(3) of the Consumer Protection Act 1986 specifically provides that no proceeding shall be called in question in any Court on the ground that the principles of natural justice have not been complied with. The principles of natural justice are necessary in case of regular Civil Court including the High Court as well as the Supreme Court.<sup>2</sup>

The award of PLA is final and binding on the parties and there cannot be any appeal.<sup>3</sup> It is deemed to be decree of the Civil Court.<sup>4</sup> Therefore, the PLA can conciliate and if conciliation fails, decide the dispute in the same manner as the Civil Court headed by judicial officers comprising of the District Judge or Additional District Judge. The award of PLA is of higher weight age in reference to sanctity of rights of the litigants because it is deemed to be a decree of the Civil Court, though it might have been a consequence of measures of Lok adalat.

The Consumer Forum gives order which is finding of fact and law. The finding is designated as an 'order' and there is further provision of appeal to State Forum as well as the National Forum and then to the Supreme Court. These adjudicatory forums are headed

by District Judge, High Court Judge or a Supreme Court Judge along with the two social members. The proceedings are not based on conciliation or principles of natural justice, they are just adjudications on matter of fact and law.

In case of regular Lok Adalat, the case can be referred on the request of either party or both the parties or by the Court itself under Section 89 of the CPC read with section 20 of the Act of 1987. The Lok Adalats have jurisdiction on any pending case but the PLA requires any party to a dispute to make an application for settlement before the dispute is brought before any Court.<sup>5</sup> Thus it is pre trial settlement in the form of a decree which is final and binding on the parties and executable by the Civil Court under Order 21 of CPC.

### REPEAL OF THE INSTITUTION OF PLA?

The Repealing and Amending Act of 2015 has repealed the Act of 2002 which envisaged of PLAs. But the institution of PLA is in existence and this fact is evident from the data of Legal Services Authority.<sup>6</sup> The reason for such existence is attributed to the fact that the Parliament repeals the amending enactment as and when they are incorporated in the parent statute. This fact of repeal and existence in the parent statute has been explained in a reference note on 'Repeal of Statutes: Current Position' published by the Lok Sabha Secretariat, published in 2016,

cases. This record is available at: <https://nalsa.gov.in/lok-adalat/permanent-lok-adalat> (last visited 30.11.2021). This record also manifests that the total number of PLAs at the time of establishment were 292 and has been considerably reduced, but such decrease in number cannot be attributed to the existence of such PLAs.

<sup>2</sup> *T. R. Ramaih v. Deputy Commissioner*, AIR 1975 Karn 77

<sup>3</sup> Section 22E (1) of the Legal Services Authorities Act 1987.

<sup>4</sup> *Id* at sub-section (2) of Section 22E.

<sup>5</sup> Section 22D of the Act of 1987.

<sup>6</sup> The data shows total number of PLAs functioning as on 31.01.2016 are 239 and have disposed off 1,03,559



which provides that, Mostly, they expurgate amending Acts, because having imparted the amendments to the main Acts, those Acts have served their purpose and have no further reasons for their existence.<sup>7</sup> Therefore, the institution of PLA exists from its parent statute, i.e. the Legal Services Authorities Act 1987.

### IMPORTANCE OF PLA

The significance of the institution of PLA could be revisited on following grounds:

- (a) they give opportunity for personal remediation;
- (b) PLA is Court competent to hear both on facts and law rather than a writ Court confined only to 'law';
- (c) it is not likely to remand the case to its parent forum for adjudication since it possesses original jurisdiction (so it reduces multiplicity of suits on the same cause of action due to legal technicalities);
- (d) the procedural formalities are dispensed so it could deliver more speedy justice. It is significant that even the litigation expenses are dispensed;
- (e) the Act of 2002 confers the 'order' statutory status of 'decree' of a Civil Court so it is more

than any award and is parallel in weight to the outcome of proceeding in a Civil suit;

- (f) the decree of PLAs are final and binding on the parties and there cannot be appeal<sup>8</sup>; The provisions of appeal, reference, review or revision as provided for a decree passed by the Civil Court are thus completely barred.
- (g) PLAs and consumer forum have parallel jurisdictions of up to one crore<sup>9</sup>. The proceedings of PLA are akin to the Civil Court. The consumer forum is just a special forum for resolution of disputes in consumer friendly manner.
- (h) A PLA is headed by a District Judge or an Additional District Judge or a person higher than the rank of a District Judge. In case of District Consumer Forum, Section 10<sup>10</sup> of the Act provides for a quorum/ bench strength consisting of a District Judge and two persons who are not required to be graduate in law but have interdisciplinary knowledge and social experience with interpersonal skills in order to tackle an issue of Consumer in terms of the social order.

PLA is special Court constituted for welfare of special class of people in confirmation with the provisions of clause (3), (4) and (5) to Article 15 of the Constitution of India read with Articles 19 and 21 of the Constitution of

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<http://parliamentlibraryindia.nic.in/writereaddata/Library/Reference%20Notes/repeal.pdf> (last visited 30.11.2021).

<sup>8</sup> In *Bar Council of India v. Union of India*, (2012) 8 SCC 243, Court observed: There is no inherent right of appeal. Appeal is always a creature of statute and if no appeal is provided to an aggrieved party in a particular statute, that by itself may not render that statute unconstitutional. Further, the Court clarified that, 'if at all a party to the dispute has a grievance against the award of Permanent Lok Adalat he can always approach the High Court under its supervisory and extraordinary jurisdiction under Articles 226 and 227 of the Constitution of India'.

<sup>9</sup> see <https://nalsa.gov.in/lok-adalat/permanent-lok-adalat> (last visited 30.11.2021) for PLA and section 11 of the Consumer Protection Act 2019, in case of the consumer forum.

<sup>10</sup> (1) Each District Forum shall consist of- (a) a person who is, or has been, or is qualified to be a District Judge, who shall be its President; (b) two other members, who shall be persons of ability, integrity and standing, and have adequate knowledge or experience of, or have shown capacity in dealing with, problems relating to economics, law, commerce, accountancy, industry, public affairs or administration, one of whom shall be a woman.



India. The idea of PLA is just to confer immediate justice to specifically the weaker sections of society, therefore, this institution strengthens the Lok Adalat in its essence.

In *S.N. Pandey v. Union of India*<sup>11</sup>, Hon'ble Supreme Court adjudged the constitutional validity of the Act of 2002 and stated in its order at paragraphs 2 and 3:

"We have gone through the provisions of the said Chapter which contemplated the setting up of permanent Lok Adalats, for deciding disputes in which public utility services is one of the matters involved. It is quite obvious that the effort of the legislature is to decrease the work load in the Courts by resorting to alternative disputes resolution. Lok Adalat is a mode of dispute resolution which has been in vogue since over two decades. Hundreds of thousands of cases have been settled through this mechanism and is undisputedly a fast means of dispensation of justice. The litigation is brought to a quick end with no further appeals or anguish to the litigants. The constitution of the permanent Lok Adalats mechanism contemplate the judicial officer or a retired judicial officer being there alongwith other persons having adequate experience in the public utility services.

We do not find any constitutional infirmity in the said legislation. The act ensures that justice will be available to the litigant speedily and impartially. We do

emphasis that the persons who are appointed on the Permanent Lok Adalats should be person of integrity and adequate experience. Appropriate rules, inter alia in this regard, no doubt will have to be framed, if not already in place."<sup>12</sup>

### CONCLUSION

Alternate Dispute Resolution (ADR) mechanisms, particularly mediation and conciliation, can reduce pendency, save resources and time, and allow litigants a degree of control over the process and outcome of their dispute resolution process," CJI Ramana said in the India Singapore Mediation Summit.<sup>13</sup>

There can be no civilised life without a legal order and the goal of our jural order is justice, social, economic and political.<sup>14</sup> But there can be no justice unless legal services are used by all who need them.<sup>15</sup> The PLA provides legal remedy for resolution of disputes in case of basic day to day services like water, electricity, postal, insurance, medicine, transport, etc. to all those vulnerable sections of society (as provided in section 12 of the Act of 1987) living at remote locations, who cannot afford justice or are indigent. The institution of PLA holds precedence over jurisdiction of consumer forums and even over that of Civil Courts because it can conciliate as well as decide the dispute while confirming to minimum procedural formalities and even without

<sup>11</sup> (2012) 8 SCC 261.

<sup>12</sup> This extract is also referred in *Bar Council of India v. Union of India*, (2012) 8 SCC 243 at 258.

<sup>13</sup> <https://www.indiatoday.in/india/story/amicable-dispute-settlement-is-part-of-indian-cultural-ethos-says-cji-nv-ramana-1829436-2021-07-18> (last visited 30.11.2021).

<sup>14</sup> Justice V. R. Krishna Iyer Committee Report on *Processual Justice to the People*, dated May 1973, page 44, para 117 available at: <http://reports.mca.gov.in/Reports/15-Iyer%20committee%20report%20of%20the%20expert%20committee%20in%20legal%20aid,%201973.pdf> (last visited 31.07.2020).

<sup>15</sup> *ibid.*



litigation expenses. So, this institution solely serves the poor and indigent class of people. This institution better serves the cause of those sections of people who are downtrodden, poor, illiterate and who cannot access justice, thus whose rights may be adjudicated through the Public Interest Litigation(s). Therefore, in my opinion, the continuation of operation of PLAs would confer justice more feasibly to the doors of poor or indigent litigant and have its role in reduction of pendency of cases in the higher Courts.

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