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The Scope of the Legal Services Authority Act, 1987 with Reference to Lok Adalat and Permanent Lok Adalat

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ABSTRACT

To account for Legal Services Authorities, a Legal Services Authorities Act was framed so that poor and weaker sections of the society can have free and adequate access to the legal services of the country and so that there are enough opportunities to secure justice and it can't be denied to any person who wants to seek justice due to his economic incapability and other factors. Lok Adalats are organized to ensure that People from weaker sections of the society are not denied justice, and it should be promoted on the basis of equality. The objective behind the enactment of this Act is that disputes can be amicably and speedily disposed of, and its enactment has divulged it as very effective legislation.

An alternative for the ADR mechanism is Lok Adalat; it is a type of assembly where disputes pending before the courts of law or are at the pre-litigation stage are settled agreeably. Lok Adalat has been given legal status under the Legal Services Authorities Act, 1987.

Keywords: *Legal Services Authorities Act, Justice, Lok Adalat, Legislation, Alternative Dispute Resolution, Courts.*

I. INTRODUCTION

Under the abovementioned Act, the settlement arrived by the Lok Adalats is considered as a declaration by the Civil Court and is conclusive and restricting on all the parties to the case, and they lose the right to appeal against such settlement arrived before any court. If the parties to the case are not happy with the settlement arrived in the Lok Adalat although, there is no provision under the Act for an appeal against the

settlement arrived; however, the parties are allowed to initiate prosecution by moving to the Court of law under the appropriate jurisdiction and can file a case by following the necessary methodology, in lieu to exercise their right to approach Court. The people concluding the cases in Lok Adalat are known as members of the Lok Adalats, and they are authorized to play the role of legal conciliators only and don't have any judicial role.³

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³ Lok Adalat, Government of India, Nalsa, (Dec. 16, 2021, 9:30 PM), <https://nalsa.gov.in/lok-adalat>.

The other kind of Lok Adalat is the Permanent Lok Adalat, having legal authority under Section 22-B of The Legal Services Authorities Act, 1987. Permanent Lok Adalats have been set up as long-lasting bodies with a Chairman and two individuals for giving obligatory pre-litigation component for conciliation and settlement of cases relating with Public Utility Services.⁴ Further, the Award of the Permanent Lok Adalat is conclusive and restricting on the parties to the case.

II. ANALYSIS

Legal Services Authority Act offers many types of services to ordinary citizens, and they are

Free Legal Awareness- The basic aim of the Legal Services Authority Act is to give knowledge about legitimate laws and schemes given by the public authorities. As we all know, the law is a very vast subject, and everything can't be taught overnight, so the ideas and some portion of the rules of law can be taught to the individuals by the Legal Service Authority. The authorities organize various exercises such as setting up legal camps and legal aid centers so that the common people can take guidance from the legal aid centers set up close to their area. The grievances of the ordinary people can also be likewise tackled by taking assistance from the legal guides and centers.⁵

Free Legal Aid Counsel- If any individual needs to defend or file a case in the Court of law he doesn't have adequate resources to recruit his advocate, then the person can take the assistance of the free legal aid counsel. The concept of free legal aid counsel is stated under the Legal Services Authority Act, and the Council has an obligation to assist needy individuals in getting justice.⁶

The intention behind embracing and setting up this philosophy was to distribute the burden cast upon the Indian Courts to give justice to the anticipating litigants. The first Lok Adalat was held On 14th March 1982, at Junagarh in Gujarat, and it successfully settled many cases pertaining to family disputes, bank recovery, and relating to labor disputes.

The primary objective of the Legal Services Authority act is to resolve disputes expediently through Lok Adalats. As we all know, Indian Courts are overburdened with cases, and it requires a very long time to resolve the disputes under the watchful eye of the courts. 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.⁷

The Lok Adalat was perceived as one of the ADR mechanisms capable of resolving disputes

⁴ Permanent Lok adalat, Government of India, Nalsa, (Dec. 16, 2021, 9:30 PM), <https://nalsa.gov.in/lok-adalat/permanent-lok-adalat>.

⁵ Pratiksha Baxi, Access to Justice, Research Gate, (Dec. 16, 2021, 9:30 PM), https://www.researchgate.net/profile/Pratiksha-Baxi/publication/228914213_Access_to_Justice_and_Rule-

[of_Good_Law_The_Cunning_of_Judicial_Reform_in_India/links/0deec5373d1e208a71000000/Access-to-Justice-and-Rule-of-Good-Law-The-Cunning-of-Judicial-Reform-in-India.pdf](https://www.researchgate.net/profile/Pratiksha-Baxi/publication/228914213_Access_to_Justice_and_Rule-of_Good_Law_The_Cunning_of_Judicial_Reform_in_India/links/0deec5373d1e208a71000000/Access-to-Justice-and-Rule-of-Good-Law-The-Cunning-of-Judicial-Reform-in-India.pdf).

⁶ *Id. at 2.*

⁷ Iftikhar Hussain Bhat, Access to Justice: A Critical Analysis of Alternate Dispute Resolution Mechanisms in India, pg 56, 5th ed, 2019.

rapidly, efficiently, and genially. The Legal Services Authorities can assemble Lok Adalats at such spans and places so that their jurisdiction can be exercised for such areas as it might think it. The bench of Lok Adalat consists of members for legal as well as members from the non-legal background so that the Court is in a superior position to understand the dispute and convince them to arrive at a compromise and settlement mutually.

The scope of Lok Adalat is extremely wide to incorporate most of the cases pending before the Court of law and fresh cases that are going to be registered for settlement in the near future. For any offense which is not compoundable beneath any law, the Lok Adalat has no jurisdiction in regards to such cases.⁸ In Lok Sabha, no such matter is referred except after giving a reasonable opportunity of being heard to the other party. When any case is referred to the Lok Adalat, the Adalat proceeds to dispose of their matter and tries to arrive at a mutual compromise between the parties to the case.⁹

Each Lok Adalat, while deciding any reference before it, acts with the most extreme endeavor to show up at a trade-off or settlement between the parties. It is given that where the Lok Adalat has passed, no order on the basis that no settlement or compromise is arrived by the parties. Then the case is automatically returned to the Court from which the reference has been drawn up for disposal. The parties to the case are encouraged to look for a remedy in Court. The parties cannot

be forced to compromise or come to the settlement before the Lok Adalat if the terms by the bench fail to satisfy the parties.

The order of the Lok Adalats is conclusive and restricting on the parties. The provision of passing a final order is a satisfactory provision to stop the proceedings which demand justice. Powers given by the Act to the Lok Adalats are adequate to grant justice without compromising the quality of the award. The Act gives the final order of the Lok Adalat the status of a decree¹⁰, and it is considered judicial proceedings. It is given the recognition of the Civil Court, which has all the powers to summon, discover, and get a piece of evidence on affirmation. It also can indicate its method.

The Apex Court, in the case of **P.T. Thomas v. Thomas Job**,¹¹ explicitly explained the meaning and importance of Lok Adalat as it is an old form of adjudicating system that prevailed in India, and Its validity has not been taken away even in the modern days too. The word 'Lok Adalat' means 'People Court,' based on Gandhian Principles. It is one of the components of the ADR System. There is no court fee, and if the court fee is already paid, the amount will be refunded if the dispute is settled at Lok Adalat according to the rules.

In the matter of **B.P. Moideen Sevamandir and another Vs. A.M. Kutty Hassan**¹². The parties can communicate straightforwardly through their advocates, which is quite not possible in a regular

⁸ *Id at 2*

⁹ Sarah Leah Whitson, Lok Adalats: An Experiment in Informal Dispute Resolution in India, 88, 3rd ed, 2020.

¹⁰ *Id at 7.*

¹¹ P.T. Thomas v. Thomas Job, AIR 2005 SC 3575.

¹² B.P. Moideen Sevamandir and another Vs. A.M. Kutty Hassan, (2009) 2 SCC 198.

courtroom. This dynamic nature of Lok Adalats permits them to pacify both party interests and pass orders which is satisfactory to both parties.

III. JURISDICTION

The jurisdiction of these Lok Adalats corresponds to the courts arranging them; in this way, it reaches out to any case or matter heard by that Court under its jurisdiction.¹³ Cases regarding offenses that are not compoundable under the law are an exemption to this jurisdiction. They can't be mediated in Lok Adalats.

These courts may likewise accept the perception of cases according to the Act for disputes concurred by the parties to be settled under them or, on the other hand, if one party makes an application to the courts for referring to the case to Lok Adalat for the compromise and the Court is Prima facie fulfilled that there is a chance of compromise.¹⁴

IV. PERMANENT LOK ADALAT

There are many explanations behind overburdening of Indian Courts. One explanation is the absence of individual interest of the party in settlement of public utility administrations disputes, which reach the Indian Courts in enormous numbers. Moreover, government authorities associated with public utility administration disputes hardly concentrate on the settlement of disputes rapidly. So the

requirement was felt for the foundation of the long-lasting substitute dispute resolution system, particularly for resolving public utility administrations disputes. This prompted the foundation of Permanent Lok Adalat.¹⁵

The primary aim of the Permanent Lok Adalat is to resolve the public utility disputes rapidly. So it has one extra merit of choosing the dispute on merit, assuming that if parties neglect to show up at the settlement or compromise. This way, it stays away from the chances of postponement in the settlement of questions.

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 Consequently, one might say that the foundation of the Permanent Lok Adalat is an extremely valuable system for settlement of the public utility administrations disputes amicably and rapidly. Each award of the Permanent Lok Adalat under this Act made either on merit or in conditions of a settlement agreement is conclusive and restricting.¹⁷ It will not be brought being referred to in any original suit, application, or execution proceeding. It is considered to be an announcement of a Civil court. The Permanent Lok Adalat might communicate any award made by it to a Civil Court having nearby jurisdiction, and such civil Court will execute the order as though it were a decree made by that Court.¹⁸

¹³ Moksh Ranawat, Lok Adalats in India: Apertures to Speedy Justice, *blogpleaders*, (Dec. 16, 2021, 9:30 PM), https://blog.ipleaders.in/lok-adalats-india-speedy-justice/#_ftn13.

¹⁴ *Id at 11*.

¹⁵ Oyshee Gupta, Lok Adalats, *Academike*, (Dec. 16,

2021, 9:30 PM), <https://www.lawctopus.com/academike/lok-adalats/>.

¹⁶ *Id at 13*.

¹⁷ *Id at 4*.

¹⁸ S. Murlidhar, *Law, Poverty and Legal Aid: Access to Criminal Justice*. 78, (6th ed. 2018).

In the matter of **Abdul Hasan and National Legal Services Authority Vs. Delhi Vidyut Board and other**¹⁹ courts passed the order giving directions for setting up permanent Lok Adalats. The insightful perceptions of His Lordship Mr. Justice Anil Dev Singh, merit exceptional honors and are worthy of note. It will be productive to repeat the significant text and unique from this judgment, which ought to be a stunner for us all. It ought to likewise control the still, small voice of all, as there is an expanding need to make Lok Adalat development an extremely durable component.²⁰

The essential elements of a Permanent Lok Adalat are indistinguishable from a Lok Adalat. However, there are, be that as it may, certain alterations made. The key distinction is that a common Lok Adalat must be called periodically and not consistently; a Permanent Lok Adalat is a setup framework that is functional like some other court or tribunal.²¹

The Legal Services Authorities Act, 1987, which had set up Lok Adalats, didn't, right away, build up Permanent Lok Adalats. It was the Amendment Act of 2002 that empowered the foundation of the primary Permanent Lok Adalat.

Permanent Lok Adalat is directed by a chairperson, who:

- Is a district judge
- Is an additional district judge

- Has held judicial office higher in rank than that of an appointed judge of the district court

Alongside the chairperson, the public authority additionally selects two different people who are knowledgeable about the area of public utility assistance. The state authority or the central authority chooses this individual, contingent upon the case, later a nomination by the particular government has been made.²²

V. CONCLUSION

Lok Adalats have turned into an essential piece of the Indian legal set of laws and have turned into openings for access to justice for poor and discouraged people. They have overcome any barrier to lawful aid, yet at the same time, have specific areas of progress that could build their effectiveness considerably more. While they are acting admirably to overcome any barrier of "access" to justice, there should be a need for their effectiveness in giving aggrieved parties genuine admittance to "equity." With certainty, one can infer that there is more going on than might be expected, which should be possible to make Lok Adalats a superior redressal framework towards rising cases.

Certain residuary arrangements have been given under this Act which engages the Central Government and the State Government to make rules and guidelines for the viable execution of the arrangements this Act. To adapt up to the

¹⁹ Abdul Hasan and National Legal Services Authority Vs. Delhi Vidyut Board and others, AIR 1999 Delhi 88.

²⁰ Lok Adalat Solves 4000 Cases In A Day: Take Your Case For Speedy Solution, MyAdvo, (Dec. 16, 2021, 9:30 PM), <https://www.myadvo.in/legal-news/lok->

[adalat-solves-4000-cases-in-a-day-take-your-case-for-speedy-solution/](https://www.myadvo.in/legal-news/lok-adalat-solves-4000-cases-in-a-day-take-your-case-for-speedy-solution/).

²¹ *Id at 16.*

²² Lok Adalat, Government of India, Nalsa, (Dec. 16, 2021, 9:30 PM), <https://nalsa.gov.in/lok-adalat>.

changing necessities of equivalent organization of justice, such residuary powers are extremely fundamental.

The Legal Services Authorities Act has given adequate abilities to its officials occupied with the execution of provisions of this Act. They have been given the recognition with the community servant, and the invulnerability from the activity for anything done in good faith has been given. The provisions of this Act have an abrogating impact over different Acts, which helps in the execution of the provisions of this Act with next to no disarray. If the disarray emerges regardless of having such superseding impact, then, at that point, the center and the state legislatures have been enabled to make rules and guidelines for the effective execution of the provisions. Such principles and guidelines need to pass an extremely severe method for approval which wipes out the shot at defilement, wrongdoing, or some other negligence. One might say that this Act is a brilliant present for the general population as on the one hand it gives a free legitimate guide to needy individuals and advanced rapid removal of disputes then again it likewise helps the judiciary by decreasing its workload.
