

PERMANENT LOK ADALATS: AN EMERGING MECHANISM FOR SPEEDY JUSTICE

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“To no one will we sell, to no one will we deny, or delay right or justice.”¹

- *The Magna Carta*

Introduction

State in a democratic setup has a duty to ensure equal and speedy justice to all its citizens. India is striving to become superpower in the coming decade. It means that country will soon be witnessing more changes in economic scenario where insurance, communication, transport, infrastructure and other services are thrown open to corporate giants, and therefore, it is all the more necessary to provide for cost-effective and delay-free tools for resolution of disputes to meet the present and approaching challenges. All have equal rights, but, unfortunately, all cannot enjoy the rights equally. Enforcement of the rights has to be through courts; but the judicial procedure is very complex, costly and dilatory, putting the poor persons at a distance, and hence, needs immediate attention. To meet the needs of the people at large and to fulfill the constitutional mandate, in the year 2002 a pioneering institution of Permanent Lok Adalat was introduced under Chapter VI-A of the Legal Services Authority Act, 1987. This institution is a hybrid or admixture of mediation, negotiation, arbitration and participation. It is a participative, promising and potential Alternative Dispute Resolution mechanism. It revolves round the principle of creating awareness amongst the disputants to the effect that their welfare and interest, really, lies in arriving at amicable, immediate, consensual and peaceful settlement of the disputes. It is a machinery to settle or decide disputes relating to public utility services and is an indigenous grievances redressal forum for providing inexpensive and prompt relief to the satisfaction of parties to the dispute. The present paper explores as to what extent

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¹ MAGNA CARTA 1215, § 40, available at <http://www.rightsandwrong.com.au/challenge/> (last visited Sept. 5, 2013).

this medium of participative justice has humanized and expedited the process of justice in the 21st century India.

In the globalized world there is rampant increase in the developmental work by the government agencies and that of corporate agencies. This also leads to an implication that there will certainly be more litigation against or by these bodies and thereby adding to “litigation explosion”. Our judiciary is already overburdened with the pending cases, lack of courts and judges etc. India has one of the largest judicial systems in the world—with over 3 *crores* of pending cases and sanctioned strength of some 16,000 judges. The system has expanded rapidly in the last 3 decades, reflecting India’s social, economic and political development in this period. It is estimated that the number of judges/courts expanded 6 fold while the number of cases expanded by double that number—12 fold. The judicial system is set to continue to expand significantly over the next 3 decades, rising, by the most conservative estimate, to at least about 15 *crores* of cases requiring at least some 75,000 courts/judges.² Therefore to meet the demand of the ever increasing litigants, a mechanism has to be formulated, which will not only lessen the burden of the court, but at the same time will provide cost efficient and speedy justice to the aggrieved. Since government is the biggest litigant so an effective judicious mechanism is a need of an hour which will deal with the matters specifically relating to the public utility services.

India still holds the baggage of having the poorest population of the world, where 21.92% of people are still below poverty line.³ These people cannot afford to go to regular courts. Therefore duty is caste upon the state to ensure that poor will get free legal aid,⁴ and an

² SUPREME COURT OF INDIA, NATIONAL COURT MANAGEMENT SYSTEMS (NCMS) POLICY AND ACTION PLAN (2012) *available at* supremecourtindia.nic.in/ncms27092012.pdf.

³ Data is for the year 2011-2012 *available at* http://planningcommission.nic.in/news/pre_pov2307.pdf. The survey is based upon the formula being formulated by the Suresh Tendulkar Committee for estimating poverty to draw a poverty line. The actual figure of poor could be more alarming as government has begun moving to a broader and more realistic de facto definition that will include roughly 65% of the population as poor. *See Beyond the Debate, Government Accepts 65% Indians are Poor*, THE HINDU, July 25, 2013.

⁴ INDIA CONST. pt. IV, Directive Principles of State Policy. Art. 39A of the Constitution of India provides for equal justice and free legal aid. The state shall secure that the operation of the legal system promotes justice, on a basis of equal opportunity, and shall, in particular, provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities.

inexpensive redressal mechanism which will ensure that their grievances will be addressed expeditiously and at their doorsteps. Access to speedy justice is regarded as a human right which is deeply rooted in the foundational concept of democracy and such a right is not only the creation of law but also a natural right.⁵ The foundation of justice, apart from other things, rests on the speedy delineation of the *lis pendens* in courts.⁶ It is almost a universal truth that the poor encounter numerous barriers to access basic legal services within the justice system. These barriers include a lack of legal information about dispute resolution options and effective mechanisms to protect individual human and social rights.⁷

The non-participatory British model of administration of justice has certainly alienated the people from the system, because of its foreign origin, technically, extreme formalism and rigid rules of procedure. The effect of the Anglo-Saxon jurisprudence was the rule and procedure oriented adversarial administration of justice. The adversarial system fails to provide justice quickly and effectively.⁸ Thus, the Alternative Dispute Resolution (hereinafter ADR) mechanism emerges not only because the adversarial dispute resolution mechanisms fails to provide justice to a large number of masses but also because the adversarial system is not proper mechanism for certain classes of cases, for which the ADR is the best mode for dispute.⁹ We have adopted ADR from America but our traditional Lok Adalats are also another very effective means of redressing grievances and delivering justice, which is indeed very much Indian.

In 1980, a committee¹⁰ at the national level was constituted by the judiciary to oversee and supervise legal aid programmes throughout the country. This committee came to be known as CILAS (Committee for Implementing Legal Aid Schemes) and started monitoring legal aid activities throughout the country. The introduction of Lok Adalats added a new chapter to the justice dispensation system of this country and succeeded in providing a supplementary forum to the litigants for conciliatory settlement of their disputes and access

⁵ Noor Mohammed v. Jethanand and Another, 2013 (2) S.C.J. 164.

⁶ *Id.*

⁷ JUSTICE FOR THE POOR: PERSPECTIVES ON ACCELERATING ACCESS xvi (Ayesha Dias & Gita Honwana Welch eds., Oxford University Press, N.Y. 2009).

⁸ SARFARAZ AHMED KHAN, LOK ADALAT: AN EFFECTIVE ALTERNATIVE DISPUTE RESOLUTION MECHANISM 13 (APH Publishing Corp., New Delhi 2006).

⁹ *Id.* at 15.

¹⁰ GOVERNMENT OF INDIA, MINISTRY OF HOME AFFAIRS, COMMITTEE FOR IMPLEMENTING LEGAL AID SCHEMES (CILAS) (1980).

to justice was made less formal and easy.¹¹ The object of the free Legal Aid Scheme was to render legal aid services free of cost, and at the same time to hold Lok Adalat for resolution of disputes. Since the Scheme has no statutory recommendation, in 1987 the Legal Services Act, 1987 (hereinafter the LSA Act, 1987) was enacted by the Parliament. Subsequently, amendment was brought to the said Act in 1994. Chapter VI of the LSA Act, 1987 enshrines about the manner of holding Lok Adalats.¹² Further amendment to the LSA Act, 1987 was made in the year 2002 introducing Permanent Lok Adalats under Chapter VI-A which provides mechanism for pre-litigation, conciliation and settlement.

International Scenario Relating to Access to Justice

The right to access to justice is more important in a democratic set-up based on rule of law where safeguarding human rights and assuring dignity of individual is the responsibility of the state. Even the United Nations (U.N.) has recognized that “access to justice” is one of the most celebrated human rights thus needs to be protected. The settlement of the disputes of the poor, needy and downtrodden who live in the lower socio-economic bracket of the society is an imperative need in a democratic state which aims at an egalitarian social order. Some of the obstacles faced by persons living in poverty, such as the cost of legal advice, administrative fees and other collateral costs, relate directly to their lack of financial resources. Other obstacles, however including lack of access to information and lack of legal recognition are harder to identify and arise out of discrimination against the poorest and most marginalized. The limited ability of people living in poverty to access legal and adjudicatory processes and mechanisms is not only a violation of human rights in itself (ICCPR¹³ Article 14), but is also the consequence of numerous other rights violations.¹⁴ In the similar

¹¹ *Supra* note 8.

¹² *Supra* note 8, at 126.

¹³ The International Covenant on Civil and Political Rights (ICCPR) is a multilateral treaty adopted by the United Nations General Assembly on Dec. 16, 1966, and in force from March 23, 1976. It commits its parties to respect the civil and political rights of individuals, including the right to life, freedom of religion, freedom of speech, freedom of assembly, electoral rights and rights to due process and a fair trial. Available at http://en.wikipedia.org/wiki/International_Covenant_on_Civil_and_Political_Rights (last visited Oct. 27, 2013).

¹⁴ *United Nations Human Rights: Access to Justice by People Living in Poverty* (2012), available at <http://www.ohchr.org/EN/Issues/Poverty/Pages/Accessjustice.aspx> (last visited Oct. 1, 2013).

context, one of the goals of the SAARC Development Goals¹⁵ (hereinafter SDGs) is to “ensure access to affordable justice”.

SDGs indicators are as follows:

1. Average time required in disposal of legal disputes.
2. Access to alternate disputes resolution.
3. Access to free legal aid for the poor (marginalized group).

Here¹⁶, the government of India in its report has emphasized on the role played by the Lok Adalats in access to justice, equal opportunity and speedy justice.¹⁷ Being an important member of SAARC and United Nation Organization, it is an imperative of the government of India to take measures for the attainment of these goals. In this context non-adversarial institution of Permanent Lok Adalat can help in providing access to justice to the poor litigants in time.

What is Permanent Lok Adalat?

To understand the concept of the Permanent Lok Adalats, firstly we have to look into the meaning of the Lok Adalat, as Permanent Lok Adalat is an advanced version of the Lok Adalat. The “Lok Adalat” is an old form of adjudicating system prevailed in ancient India and its validity has not been taken away even in the modern days too. The word “Lok Adalat” means “People’s Court”. This system is based on the Gandhian principles. It is one of the components of ADR system, therefore provides alternative resolution or devise for expeditious and inexpensive justice.¹⁸ It is that temple of justice where people get and achieve timely justice. It is a para-judicial institution. The sanction of people is the essence of Lok Adalat. Lok Adalat is an alternative forum for resolution of disputes, which is very popular among the

¹⁵ SAARC Development Goals-India Country Report (2013), available at http://mospi.nic.in/Mospi_New/upload/SAARC_Development_Goals_%20India_Country_Report_29aug13.pdf.

SAARC Development Goals are regionalized form of Millennium Development Goals with some additional targets and indicators, for the period of 5 years, 2007-12. The 3rd SAARC Ministerial Meeting on Poverty Alleviation, held in Kathmandu on April 5, 2013, has extended the terminal year of SDGs from 2012 to 2015 to coincide with the Millennium Development Goals. This report is in pursuance of the decision taken in the 5th Meeting of SAARC Secretaries on Poverty Alleviation, held in Kathmandu on April 4, 2013. India is the member of South Asian Association for Regional Cooperation (SAARC).

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ P.T. Thomas v. Thomas Job, A.I.R. 2005 S.C. 3575.

rural people.¹⁹ These are organized at regular intervals by National Legal Services Authority, State Legal Services Authority, District Legal Services Authority, Supreme Court Legal Services Committee, High Court legal Services Committee, Taluka Legal Services Committee.²⁰

The LSA Act, 1987 was enacted to constitute legal services authorities for providing and competent legal services to the weaker sections of the society to ensure that opportunities for securing justice were not denied to any citizen by reason of economic or other disabilities and to organize Lok Adalats to ensure that the operation of the legal system promoted justice on a basis of equal opportunity.²¹

The major defect of the mechanism of Lok Adalat is that it cannot take a decision, if one of the parties, is not willing for a settlement, though the case involves an element of settlement. The adamant attitude shown by one among the parties will render the entire process futile. Even if all the members of the Lok Adalat are of the opinion that the case is a fit one for settlement, under the present set-up, they cannot take a decision unless all the parties consent.²² To overcome these impediments, in 2002, Parliament brought about certain amendments to the LSA Act, 1987. The said amendment introduced Chapter VI-A with the caption: Pre-Litigation Conciliation and Settlement.

Section 22B envisages establishment of “Permanent Lok Adalats” at different places for considering the cases in respect of public utility services.²³ One of the important features of this court is that this court may invoke its jurisdiction by deciding the case on merits,²⁴ making it more powerful than ordinary Lok Adalats. If there is a dispute with respect to public utility service, as per Section 22C(1), any party to such a dispute can, before bringing it to a court of law for adjudication, make an application to Permanent Lok Adalat for the settlement of that dispute. The party making such application need not be a party who raises a claim against a public utility service. If a claim is made by one against a public utility service, the

¹⁹ Executive Engineer Electrical (NESCO) v. Chairperson, P.L. Adalat, A.I.R. 2013 Ori. 125.

²⁰ S.K. CHAWLA, LAW OF ARBITRATION AND CONCILITATION INCLUDING OTHER ADRS 835 (3rd ed., Eastern Law House Pvt. Ltd., Calcutta 2012).

²¹ Object of the Legal Services Authority Act, 1987.

²² *Permanent Lok Adalat for Utility Service*, available at <http://delhicourts.nic.in/PLAPUS%20Broucher%202008.pdf>.

²³ V. Karthyaeni & Vidhi, *Lok Adalats and Permanent Lok Adalats: A Scope for Judicial Review? A Critical Study*, available at http://www.legalserviceindia.com/articles/lok_a.htm (last visited May 5, 2013).

²⁴ See the Legal Services Authority Act, 1987, Acts of Parliament, 1987 (India) § 22E.

establishment carrying out the public utility service can also raise that dispute before Permanent Lok Adalat to resolve it. The only limitation is that Permanent Lok Adalat shall not have jurisdiction to consider a dispute relating to an offence not compoundable under any law or any matter where the value of the property in dispute exceeds Rs. 10 *lakhs*. But the central government can, by an appropriate notification, increase this limit. Once an application has been made to Permanent Lok Adalat by one party, no party to that application shall invoke the jurisdiction of any court in the same dispute. Any party to a dispute involving public utility services may approach the Lok Adalat for public utility services by moving a petition, without affixing any court fee, where, under the procedure, the other party would be called and the dispute would be resolved. The Permanent Lok Adalat for public utility services is governed by the principal of natural justice, objectivity, fair play, equity and other principles of justice without being bound by the Code of Civil Procedure, 1908 (hereinafter CPC) and the Indian Evidence Act, 1872.²⁵ Further, in 2003, a set of rules was formed for the better functioning of the Permanent Lok Adalats.²⁶

The philosophy of equality and justice embodied in Part III and Part IV of the Constitution of India is the basis of the Permanent Lok Adalat. It is a unique redressal forum which provides equal opportunity and speedy justice to the poor litigants, and at the same time ensures that justice is accessible to every strata of the society.²⁷ The alternative modes of settlement of disputes have been given impetus by the recent amendments to CPC. Under Section 89 of the CPC, courts have been empowered to explore the possibilities of settlement of disputes through Lok Adalats, arbitration and conciliation.²⁸

What is a Public Utility Service?

A “public utility service”, as defined by Section 22A(b) of LSA Act, 1987, “means any-

- (i) Transport service for the carriage of passengers or goods by air, road or water; or

²⁵ See the Legal Services Authority Act, 1987, Acts of Parliament, 1987 (India) § 22D.

²⁶ The Permanent Lok Adalat (Other Terms and Conditions of Appointment of Chairman and Other Persons) Rules, 2003.

²⁷ LAW COMMISSION OF INDIA, 222ND REPORT ON NEED FOR JUSTICE-DISPENSATION THROUGH ADR ETC. (April 2009).

²⁸ K.A. Abdul Gafoor, J., *The Concept of Permanent Lok Adalat and the Legal Services Authorities Amendment Act, 2002*, (2003) 5 S.C.C. (Jour.) 33.

- (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, in the public interest, by notification, declare to be a public utility service for the purpose of this Chapter.”²⁹

Public utility services are indispensable part of an individual’s life in a civilized society. Complaints relating to these services require a specific court which deals only these specific matters. In 21st century more and more matters will fall under this definition, therefore Permanent Lok Adalat has come out as a very significant redressal mechanism in dispensing speedy and equal justice in matters relating to the public utility services.

Constitutional Directives for Permanent Lok Adalats

It is important to note that Constitution of India, 1950 emphasizes, to ensure justice to all even to the poorest of the poor through effective justice delivery mechanism. The architects of the Constitution prescribed the mandate for justice—social, economic and political, in its Preamble. The various provisions of the Constitution such as Articles 14, 21, 38, 39A and 40 also lay down stress upon the right to equal and effective justice. In order to achieve the goal of justice, Article 39A has been enshrined in the Constitution with the purpose to provide free legal aid and to strengthen the justice delivery system. The apex court has also played a vital role through its series of judgments for the advancement of administration of justice. The court declared in these cases³⁰ that the right of free legal services and speedy trial as the fundamental rights which are included within the broad matrix of the principle of right to life and personal liberty in Article 21 and right to equality under Article 14.

²⁹ *Id.*

³⁰ *Hussainara Khatoun and Ors. v. Home Secretary, State of Bihar, Patna, A.I.R. 1979S.C. 1369; L. Babu Ram v. Raghunathji Maharaj and Ors., A.I.R. 1976 S.C. 1734; State of Maharashtra v. Manubhai Pragaji Vashi and Ors., A.I.R. 1996 S.C. 1; Suk Das v. Union Territory of Arunachal Pradesh, A.I.R. 1986 S.C. 991; Khatri and Ors. v. State of Bihar and Ors., A.I.R. 1981 S.C. 928.*

Working of Permanent Lok Adalat in the Union Territory of Chandigarh

Section 22A of the LSA Act, 1987 provides for setting up of Permanent Lok Adalat for public utility services. The State Legal Services Authority, Union Territory, Chandigarh constituted under the LSA Act, 1987 came into force with effect from January 19, 1998. In order to achieve aims and objectives of the Act and to settle the disputes between the parties amicably and expeditiously, a Permanent Lok Adalat was established in the District Court, Chandigarh on August 7, 1998, which happened to be the first Permanent Lok Adalat in the Country and it is functioning in the District Courts Complex on all working days. From 1998 to the year 2012 it has settled 38,753 cases a sum of Rs. 3.36 *crores* has been awarded in 327 MACT³¹ cases and a sum of Rs. 9.50 *lacs* has been recovered in 24,636 summary cases.³² An amount of Rs. 9.66 *crores* was awarded as compensation in Special Lok Adalat at Pre-Litigative Stage. The State Legal Service Authority, Union Territory, Chandigarh has organized 61 special Lok Adalats in the district courts, Chandigarh and settled 3,22,088 cases. A sum of Rs. 35.37 *crores* was awarded as compensation in 1,703 Motor Accident Claims cases.³³ Another Permanent Lok Adalat constituted under Chapter VI-A of the LSA Act, 1987, relating to public utility services has been established by the authority on November 9, 2003 in Sector 17, Chandigarh. The Permanent Lok Adalat for public utility services has disposed of 10,959 out of 11290 cases taken up by it from its inception till July, 2013 and a sum of Rs. 3.30 *crores* has been awarded as compensation. Permanent Lok Adalat for public utility services is the first to be established in the country.³⁴ In 2007, it has been decided that let the banking and financial institution cases may be added to the existing list of public utility services.

Number of cases disposed of by the Permanent Lok Adalats shows that people are satisfied with the working of these courts as it has expedited the process of justice. Now people need not to get entangled in the lengthy process of availing their rights, they can just have to file complaint relating to public utility services on a plain piece of papers in this court.

³¹ Motor Accident Claims Tribunal.

³² Data from Aug. 1998 to Dec. 2012, *available at* http://chandigarh.gov.in/rti/r2i_slsa.pdf.

³³ *Id.*

³⁴ Data *available at* http://chdslsa.gov.in/index.php?trs=statistical_information#casessettledplapus (last visited Sept. 19, 2013).

Importance of Permanent Lok Adalats

The Supreme Court of India through R.M. Lodha and Anil R. Dave, JJ., highlighted the significance of the Permanent Lok Adalats in the recent benchmark case, *Bar Council of India v. Union of India*³⁵ in where the petitioner challenged Sections 22A, 22B, 22C, 22D and 22E, principally on the ground that they are arbitrary per se, violative of Article 14 of the Constitution of India and are contrary to the rule of law as they deny fair, unbiased and even-handed justice to all. The court while unanimously dismissing the writ petition held that the Permanent Lok Adalats under the LSA Act, 1987 (*amended by 2002 Amendment Act*) are in addition to and not in derogation of Fora provided under various specialized statutes, viz., the Consumer Protection Act, 1986, The Telecom Regulatory Authority of India Act, 1997 and the Insurance Act, 1938. The court has emphasized upon the importance of the Permanent Lok Adalat, which are as following:

1. The alternative institutional mechanism in Chapter VI-A with regard to the disputes concerning public utility service is intended to provide an affordable, speedy and efficient mechanism to secure justice.
2. By not making applicable the CPC and the statutory provisions of the Indian Evidence Act, 1872 there is no compromise on the quality of determination of dispute since the Permanent Lok Adalat has to be objective, decide the dispute with fairness and follow the principles of natural justice.³⁶
3. 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.³⁷
4. It is not unusual to have the tribunals comprising of judicial as well as non-judicial members. The whole idea of having non-judicial members in a tribunal like Permanent Lok Adalat is to make sure that the legal technicalities do not get paramourty in conciliation or adjudicatory proceedings.
5. The fact that a Permanent Lok Adalat established under Section 22B comprises of 1 judicial officer and 2 other persons having adequate experience in public utility service does not show any abhorrence to the rule of law nor such composition becomes

³⁵ *Bar Council of India v. Union of India*, A.I.R. 2012 S.C. 3246.

³⁶ Also see the Legal Services Authority Act, 1987, Acts of Parliament, 1987 (India) § 22D.

³⁷ *Id.*

violative of principles of fairness and justice or is contrary to Articles 14 and 21 of the Constitution of India.

6. Section 22E(1) makes every award of the Permanent Lok Adalat under the LSA Act, 1987 either on merit or in terms of a settlement final and binding on all the parties thereto and on persons claiming under them. No appeal is provided from the award passed by the Permanent Lok Adalat but that does not render the impugned provisions unconstitutional. Reasons given to this finding are as following:
- In the first place, having regard to the nature of dispute upto a specific pecuniary limit relating to public utility service and resolution of such dispute by the procedure provided in Section 22C(1) to 22C(8), it is important that such dispute is brought to an end at the earliest and is not prolonged unnecessarily.
 - Secondly, and more importantly, 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. There is no merit in the submission of the learned counsel for the petitioner that in that situation the burden of litigation would be brought back on the High Courts after the award is passed by the Permanent Lok Adalat on merits.

There are some other benefits of the Permanent Lok Adalats, which are mentioned as following:

- Increases participation by the disputing parties.
- Cutting down court backlog of cases and also costs savings to courts and litigants.
- Informal atmosphere where there is full involvement of parties, mostly without lawyers.
- Capacity for compromise—give and take also provision for apology. A compromise where none loses or wins, but everyone walks out as winner.
- Cases are dealt with quicker than via court proceedings.
- Outcome is mostly “owned” by the parties therefore likely to cause less resentment than if imposed by the Consumer Forum.
- Non adversarial and non threatening.³⁸

³⁸ Haryana State Legal Services Authority,
available at <http://hslsa.nic.in/Publications%20PDF/PLA.pdf>.

Suggestions

Clearing the huge case backlog and ensuring faster justice is the most vital administrative and social obligation of the centre and the states as it is directly linked with peace, tranquility and maintaining the rule of law in society.³⁹ Therefore considering the importance of Permanent Lok Adalats in speedy disposal of cases pertaining to public utility services and to make it more effective, following suggestions are made:

1. There should be more awareness amongst masses regarding Permanent Lok Adalats and its usefulness.
2. The ambit pecuniary jurisdiction of Permanent Lok Adalats should be raised timely.
3. In most of the matters Permanent Lok Adalat resolve disputes by adjudication instead of conciliation. There should be made slightest change here as the heading of Chapter VI-A itself clearly refers to Pre-Litigation Conciliation and Settlement therefore, if parties do not reach a settlement after conciliation then only Permanent Lok Adalat should exercise their power to decide the dispute without parties' agreement.
4. Endeavour should be made to increase the number of Permanent Lok Adalats in states/Union Territories.
5. The matters falling under the definition of "public utility services" should be increased by the appropriate authorities, helping people in speedy disposal of their grievances.
6. Judges, Lawyers, academicians, students and para-legal volunteers should be motivated to encourage people, to bring their matters before Permanent Lok Adalats.
7. Working of Permanent Lok Adalats should be made more dynamic.

Conclusion

The cumbersome legal process haunts not only litigants but also daunts the justice delivery system which assures fair, equal, effective and speedy justice and is a constitutional mandate. To meet the challenges of ever growing litigations especially relating to public utility services, an effective grievances redressal mechanism of Permanent Lok Adalats has emerged with the objective of "equal access to justice" to all. There is no technical inhibition imposed by any strict procedural law. In this system, justice is done by the

³⁹ Editorial, *Our Overburdened, Ill-equipped and Clogged Up Courts*, THE TRIBUNE, Nov. 10, 2002.

concerted effort of people, parties and witnesses. Majorly outcome is justice by consensus.⁴⁰ The amendment made to the LSA Act, 1987 was significant because it filled the lacuna of Lok Adalat. Disputes relating to public utility services need urgent attention because prolonged delay may result in irretrievable damage to either party. Since the subject matter of the Permanent Lok Adalat relates only to public utility services this makes Permanent Lok Adalat a specific court for specific matter.⁴¹ It is an indigenous grievances redressal forum for providing inexpensive and prompt relief to the satisfaction of parties to the dispute and thus, humanized and expedited the process of justice in the present scenario. This medium of participative justice will certainly be useful in meeting the future contingencies, as more and more matters in 21st century will be covered within the definition of “public utility services”.



⁴⁰ D.M. DHARMADHIKARI, J., LOK ADALAT 44 (Nyaya Path-Souvenir 2000).

⁴¹ Akriti Shashni, *Critical Analysis of Permanent Lok Adalats*, available at (last visited Aug. 23, 2013).