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**E-CONTENT**

**Prepared for UG Semester II**

**Political Science Major Course (4 Years) under CCF, 2022**

Course Name	Course Code	Credits	System	Syllabus
Understanding the Legal System	SEC-2	THEORETICAL (Credits 4, 2TH+2TU)	CCF, 2022	University of Calcutta

**Course- SEC-2: Understanding the Legal System**

**Course Objectives:**

◆ This course design is intended to create:

1. A systemic perspective on an overarching framework for approaching law as a skill-based subject.
2. To focus on the enhancement of skill of ordinary persons to enable them to utilize legal knowledge in life.

**Learning Outcomes:**

◆ The programme is so designed as to:

1. Acquaint, train and equip students with a reasonable knowledge of the legal system.
2. Motivate the students to understand the principles, concepts and reason
3. Form own opinion and articulate them in the interest of society at large.

**Syllabus**

**Module I**

1. Historical background, Procedures of Supreme Court and High Court in India (special focus on writ jurisdictions),  
Judicial Activism and Judicial Restraint.
2. Public Interest Litigation (PIL): Meaning, Major features and Scope, Principles, Major Guidelines for admitting  
PIL.
3. Administrative Tribunals: Concepts and Major Features, Tribunals for other matters.

**Module II**

4. Subordinate Courts: Constitutional Provisions, Structure and Jurisdiction, National Legal Services Authority, Lok  
Adalats, Family Courts and Gram Nyayalayas.

5. Elections Laws: Representation of People Act 1950, Representation of People Act 1951, Delimitation Act 2002.

6. Other Constitutional Dimensions: Anti-defection Laws (major provisions of 91st Amendment Act, 2003),

Co-operative Societies (provisions of 97th Amendment Act), Mahila Courts.

Dr. Alok Roy, MNDC

**Module II**

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## **4. SUBORDINATE COURTS: CONSTITUTIONAL PROVISIONS, STRUCTURE AND JURISDICTION, NATIONAL LEGAL SERVICES AUTHORITY, LOK ADALATS, FAMILY COURTS AND GRAM NYAYALAYAS.**

### **4.1. SUBORDINATE COURTS- CONSTITUTIONAL PROVISIONS:**

Subordinate courts, also known as lower courts or district courts, form the foundation of the judicial system in India. They operate below the High Courts and are primarily responsible for delivering justice at the grassroots level. These courts deal with both civil and criminal cases and are integral to ensuring access to justice for ordinary citizens.

The Constitution of India provides a detailed framework for the structure, powers, and functioning of subordinate courts, primarily under **Articles 233 to 237** in **Chapter VI of Part VI**, which deals with the *State Judiciary*.

#### **1. Article 233 – Appointment of District Judges**

This article empowers the Governor of a state to appoint district judges in consultation with the High Court of that state. The key provisions include:

- Only a person who has been an advocate or a pleader for at least **seven years** is eligible for appointment.
- The candidate must be recommended by the High Court.
- The Governor has the final authority for appointments, but only after consulting the High Court.

This article establishes the importance of judicial independence by involving the High Court in the appointment process, thereby minimizing executive interference.

#### **2. Article 234 – Recruitment of Persons Other Than District Judges**

This article deals with the recruitment of judicial officers below the rank of district judges (such as Civil Judges and Judicial Magistrates). The procedure includes:

- Recruitment is carried out by the **State Public Service Commission**.
- The appointments are made by the Governor **in consultation with the State Public Service Commission and the High Court**.

This ensures that judicial officers at all levels are appointed through a fair and consultative process.

### 3. Article 235 – Control Over Subordinate Courts

Article 235 vests the control over subordinate courts in the **High Court** of the respective state. The powers of the High Court include:

- Posting, promotion, and granting of leave to judicial officers.
- Disciplinary control over the judiciary (excluding district judges who are under Article 233).

This article is crucial for maintaining the independence of the judiciary by giving the High Court authority over subordinate judicial officers, thereby shielding them from executive control.

### 4. Article 236 – Interpretation

Article 236 provides definitions for terms used in the above articles:

- “District Judge” includes judges of a city civil court, additional district judges, joint district judges, assistant district judges, chief judges of small causes courts, and other judicial officers who exercise jurisdiction in a district.
- “Judicial service” means a service that consists exclusively of persons intended to fill the post of district judge and other civil judicial posts below the rank of district judge.

This clarifies the scope of the term “judicial service” used in Articles 233 and 234.

### 5. Article 237 – Application of Provisions to Magistrates

This article allows the Governor to direct, after consultation with the High Court, that the provisions of Chapter VI (relating to subordinate courts) apply to **persons holding posts connected with the judicial magistracy**, even if they are not strictly part of the judicial service.

This ensures uniformity and coherence in the application of judicial standards across various roles within the lower judiciary.

## ➤ **Judicial Independence and Accountability**

While the Constitution ensures a high degree of independence to subordinate courts by empowering the High Courts with administrative control, subordinate courts are still bound by legal precedents and constitutional principles. They form the first point of contact for most citizens seeking legal remedies, and their effectiveness directly impacts public confidence in the judiciary.

The subordinate judiciary plays a vital role in India's legal system by making justice accessible to the common people. The constitutional provisions under Articles 233 to 237 establish a robust framework for their appointment, control, and functioning, ensuring a balance between independence and accountability. The involvement of the High Court in key matters ensures that subordinate courts function without undue influence from the executive, thereby preserving the integrity of the judicial system.

## **4.2. SUBORDINATE COURTS- STRUCTURE AND JURISDICTION:**

Subordinate courts, also referred to as lower or trial courts, form the base of India's judicial hierarchy. These courts are essential for the administration of justice at the district and local levels. They deal with the majority of civil and criminal cases and are the first point of contact for citizens seeking legal redress. Their structure and jurisdiction are defined by various laws, primarily the **Code of Civil Procedure, 1908 (CPC)** and the **Code of Criminal Procedure, 1973 (CrPC)**, along with respective **state laws**.

### **4.2.1. STRUCTURE OF SUBORDINATE COURTS:**

The structure of subordinate courts differs slightly between civil and criminal jurisdictions and may vary by state, but generally follows this hierarchy:

#### **A. CIVIL COURTS**

##### **1. District Judge's Court**

- The **Principal Civil Court** in the district.
- Headed by a **District Judge**.
- May also function as the **Sessions Court** in criminal cases.

- Hears **original civil suits** above a certain monetary threshold and **appeals** from lower courts.
2. **Additional District Judge / Assistant District Judge**
    - Appointed to assist with the District Judge's workload.
    - Deal with civil cases of considerable value.
  3. **Civil Judge (Senior Division)**
    - Handles original suits of **moderate value**.
    - Has jurisdiction over both property-related and commercial disputes.
  4. **Civil Judge (Junior Division)**
    - Deals with **lower-value civil suits**.
    - Often the **first court of filing** for small claims.

## B. CRIMINAL COURTS

1. **Sessions Court**
  - Headed by the **District Judge**, known as the **Sessions Judge** in this capacity.
  - Hears **serious criminal cases** (e.g., murder, rape, dacoity).
  - Can award **any punishment**, including **death sentence** (subject to High Court confirmation).
2. **Additional / Assistant Sessions Judges**
  - Assist the Sessions Judge.
  - Handle sessions-level cases assigned to them.
3. **Chief Judicial Magistrate (CJM)**
  - Has authority to impose punishments up to **7 years of imprisonment**.
  - Supervises other magistrates in the district.
4. **Judicial Magistrate First Class**
  - Tries criminal cases with punishment up to **3 years imprisonment or fine**.
  - Handles cases like theft, assault, or public nuisance.
5. **Judicial Magistrate Second Class**
  - Tries **petty cases**, punishable up to **1 year imprisonment or fine**.
6. **Metropolitan Magistrates** (in metropolitan cities like Mumbai, Delhi, etc.)
  - Replace Judicial Magistrates in cities with a population above 1 million.

#### 4.2.2. JURISDICTION OF SUBORDINATE COURTS:

Jurisdiction refers to the legal authority of a court to hear and decide cases. Subordinate courts, which function below the High Courts in India, play a vital role in the judicial system by handling the vast majority of civil and criminal cases. Their jurisdiction is defined by various laws, primarily the **Code of Civil Procedure, 1908 (CPC)** and the **Code of Criminal Procedure, 1973 (CrPC)**, along with specific state laws and regulations.

The jurisdiction of subordinate courts can be broadly classified into three categories:

##### 1. Territorial Jurisdiction

Territorial jurisdiction refers to the geographical area within which a court can exercise its authority. Each subordinate court is assigned a specific territory, such as a district, subdivision, or taluka, and can only hear cases arising within that area.

- **Civil Courts:** A suit must be filed in the court within whose local limits the defendant resides or where the cause of action arises.
- **Criminal Courts:** A case can be tried by a court in whose jurisdiction the offence was committed or where the accused was apprehended.

##### 2. Pecuniary Jurisdiction

Pecuniary jurisdiction relates to the **monetary value** of the dispute or claim. Different levels of subordinate courts are empowered to hear cases based on the amount involved.

- **Civil Courts:**
  - **Civil Judge (Junior Division)** handles cases involving small monetary claims (threshold varies by state, e.g., up to ₹1–5 lakh).
  - **Civil Judge (Senior Division)** and **District Judge** handle suits of higher value.

The specific pecuniary limits are determined by **state legislation** and may differ across states.

##### 3. Subject-Matter Jurisdiction

This refers to the authority of a court to hear cases of a particular type or subject.



- **Civil Courts:** Handle disputes related to property, contracts, succession, matrimonial issues, and torts.
- **Criminal Courts:** Their subject-matter jurisdiction is categorized as follows:
  - **Judicial Magistrate Second Class:** Can try offences punishable up to 1 year of imprisonment or ₹5,000 fine.
  - **Judicial Magistrate First Class:** Can try offences punishable up to 3 years or ₹10,000 fine.
  - **Chief Judicial Magistrate (CJM):** Can try offences with imprisonment up to 7 years.
  - **Sessions Court:** Handles serious crimes like murder, rape, dacoity, and may impose any sentence, including capital punishment (subject to High Court confirmation).

In metropolitan areas (population over 1 million), **Metropolitan Magistrates** perform similar functions as Judicial Magistrates.

#### ➤ **Appellate Jurisdiction**

Subordinate courts also possess **limited appellate jurisdiction**. For example:

- A **District Judge** hears appeals from decisions of Civil Judges.
- A **Sessions Judge** hears appeals from judgments of Magistrates.
- Appeals from subordinate courts may further lie with the **High Court**.

The jurisdiction of subordinate courts is structured to ensure that cases are handled by the appropriate court based on location, value, and type of dispute. This classification helps in managing the workload and delivering timely justice. By resolving most legal disputes at the grassroots level, subordinate courts play a key role in making the justice system accessible and efficient.

### **4.3. NATIONAL LEGAL SERVICES AUTHORITY:**

The **National Legal Services Authority (NALSA)** is a statutory body established under the **Legal Services Authorities Act, 1987**, with the primary objective of providing **free and competent legal services** to the weaker sections of society and ensuring that **justice is not denied to any citizen due to economic or other disabilities**.

### ➤ **Background and Purpose:**

NALSA was constituted in 1995 following the enactment of the Legal Services Authorities Act, 1987. It operates under the guiding principle of **Article 39A of the Indian Constitution**, which mandates the state to ensure equal justice and free legal aid to the poor and weaker sections.

The primary aims of NALSA are:

- To provide free legal services to eligible persons.
- To organize **Lok Adalats** for amicable dispute resolution.
- To spread **legal awareness** among people, particularly those belonging to disadvantaged communities.
- To promote **legal literacy** and empower citizens to seek justice.

### ➤ **Organizational Structure:**

- **Patron-in-Chief:** The Chief Justice of India.
- **Executive Chairman:** A sitting Judge of the Supreme Court, nominated by the Chief Justice of India.

NALSA operates at the national level and coordinates with:

- **State Legal Services Authorities (SLSAs)**
- **District Legal Services Authorities (DLSAs)**
- **Taluk Legal Services Committees**

These bodies ensure the reach of legal aid services at the grassroots level.

### ➤ **Eligibility for Free Legal Services:**

According to Section 12 of the Legal Services Authorities Act, the following categories are entitled to free legal aid:

- Scheduled Castes (SC) and Scheduled Tribes (ST)
- Women and children
- Victims of trafficking or beggar systems

- Mentally ill or disabled persons
- Persons in custody (including prisoners)
- Industrial workmen
- Persons earning below a certain income threshold (varies by state)

➤ **Key Functions of NALSA:**

- **Legal Aid and Representation**

Provides free legal advice, representation in courts, and assistance in drafting legal documents for eligible individuals.

- **Lok Adalats (People's Courts)**

Organizes Lok Adalats for speedy and amicable settlement of disputes, including pending and pre-litigation cases, especially in civil, family, and compoundable criminal matters.

- **Legal Awareness Campaigns**

Conducts workshops, seminars, and legal literacy camps to educate people about their rights and duties.

- **Special Schemes and Panels**

NALSA develops special schemes for women, children, senior citizens, and victims of domestic violence, and maintains panels of lawyers for legal representation.

➤ **Significance:**

NALSA plays a crucial role in making the justice system **inclusive and accessible**. It ensures that marginalized and vulnerable sections of society are not deprived of legal remedies due to lack of financial resources or awareness.

It strengthens democracy by upholding the rule of law and the constitutional promise of **“access to justice for all.”**

The National Legal Services Authority stands as a pillar of social justice in India. By offering free legal services, resolving disputes through Lok Adalats, and spreading legal literacy,

NALSA fulfils a vital constitutional mandate and empowers citizens to seek redress and uphold their rights.

#### 4.4. LOK ADALAT:

**Lok Adalat**, meaning "People's Court," is an alternative dispute resolution mechanism recognized under the **Legal Services Authorities Act, 1987**. It provides a platform for amicable and speedy settlement of disputes without resorting to lengthy and expensive court procedures. Lok Adalats aim to ensure justice that is accessible, affordable, and timely, especially for the weaker sections of society.

Lok Adalats are conducted by the **Legal Services Authorities** at the national, state, district, and taluk levels. They have been granted statutory status under **Section 19 of the Legal Services Authorities Act, 1987**. The decisions (awards) passed by Lok Adalats are considered **decrees of a civil court** and are **final and binding** on the parties, with **no appeal** allowed against them.

#### ➤ Types of Lok Adalats

##### 1. Permanent Lok Adalat (PLA)

- Deals with disputes related to **public utility services** like transport, postal services, electricity, etc.
- Jurisdiction: Monetary value up to ₹1 crore.

##### 2. National Lok Adalat

- Held at regular intervals across the country on a single day.
- Large numbers of pending and pre-litigation cases are settled.

##### 3. Mega Lok Adalat

- Organized across all courts in a state on a single day.

##### 4. Mobile Lok Adalat

- Travel to rural and remote areas to resolve disputes on the spot.

#### ➤ Nature of Cases Handled by Lok Adalats:

Lok Adalats handle cases that are either pending in regular courts or at the pre-litigation stage. These cases must be suitable for settlement through mutual consent. The focus is on

**non-complicated, conciliatory** matters. Here's a breakdown of the **types of cases handled**, along with **examples**:

### 1. Civil Cases

Includes disputes involving private rights and obligations.

- **Examples:**

- *Property disputes*: Partition of ancestral property between siblings.
- *Matrimonial cases*: Mutual consent divorce, alimony settlements.
- *Contractual disputes*: Non-payment under a service agreement.

### 2. Compoundable Criminal Cases

Only **compoundable** offences under the Indian Penal Code (IPC) can be resolved, meaning offences where the complainant can agree to a settlement.

- **Examples:**

- *Section 323 IPC*: Voluntarily causing hurt (minor injuries).
- *Section 504 IPC*: Intentional insult with intent to provoke breach of peace.
- *Section 506 IPC*: Criminal intimidation (non-severe threats).

**Note**: Serious crimes like murder, rape, or dacoity are **non-compoundable** and cannot be settled in Lok Adalats.

### 3. Motor Accident Claims

Disputes related to compensation under the Motor Vehicles Act are commonly settled in Lok Adalats.

- **Example:**

- An accident victim seeks compensation from an insurance company for injuries sustained. Lok Adalat helps both parties agree on a fair settlement quickly.

### 4. Bank Recovery Cases

Includes loan default or non-payment issues.

- **Examples:**

- Settlement of overdue personal or education loans with banks.
- Negotiated one-time settlements (OTS) in credit card disputes.

## 5. Labour Disputes

Issues between employers and workers, usually under the Industrial Disputes Act.

- **Examples:**

- Disputes over **unpaid wages**.
- Settlement of **retrenchment compensation**.
- Reinstatement with benefits after wrongful termination.

## 6. Utility Bill Disputes

Cases related to unpaid or excessive utility bills.

- **Examples:**

- Electricity bill disputes.
- Water supply connection charges or dues.

## 7. Pre-Litigation Cases

Disputes that haven't yet been formally filed in court.

- **Examples:**

- A family property disagreement is settled before a formal partition suit is filed.
- A landlord and tenant agree to vacate the property peacefully, avoiding eviction litigation.

Lok Adalats handle a wide range of conciliatory disputes to reduce court pendency and promote quick, amicable settlements. They are especially beneficial in rural and economically weaker sections where formal litigation is costly and time-consuming.

### ➤ **Advantages of Lok Adalats:**

Lok Adalats offer a quick, cost-effective, and informal method of dispute resolution. One of their main advantages is **speedy justice**—cases are settled in a single day without lengthy court procedures. There is **no court fee**, and if a case is already filed in court, the fee is refunded upon settlement in a Lok Adalat.

They promote **mutual consent**, ensuring that both parties agree to the outcome, which helps in maintaining relationships and reducing hostility. The process is **less formal and more flexible**, making it accessible even to those unfamiliar with legal procedures.

The decisions (awards) are **final and binding**, carrying the weight of a civil court decree, with **no provision for appeal**, which ensures finality and reduces litigation.

Overall, Lok Adalats reduce the burden on regular courts, promote legal awareness, and fulfill the constitutional goal of **access to justice for all**, especially the weaker sections of society.

## **4.5. FAMILY COURTS:**

**Family Courts** are specialized courts in India established to deal exclusively with matters related to family and matrimonial issues. They were created under the **Family Courts Act, 1984** with the aim of promoting conciliation and ensuring speedy resolution of family disputes in a less formal and more sensitive environment.

### ➤ **Objective and Purpose**

The main objectives of Family Courts are:

- To provide a **non-adversarial, conciliatory forum** for resolving family disputes.
- To ensure **faster disposal** of matrimonial and related cases.
- To reduce emotional stress and trauma associated with prolonged litigation in family matters.

### ➤ **Jurisdiction of Family Courts**

Family Courts have **exclusive jurisdiction** over matters such as:

- Marriage and divorce
- Restitution of conjugal rights
- Child custody and guardianship
- Maintenance (under Section 125 of the CrPC and other relevant laws)
- Property disputes between spouses
- Legitimacy of children
- Adoption and family-related declarations

These courts can also entertain petitions under personal laws such as **Hindu Marriage Act**, **Muslim Personal Law**, and **Special Marriage Act**.

#### ➤ **Salient Features**

- **Conciliation First:** The court must first attempt to resolve disputes through conciliation or mediation.
- **Less Formal Procedure:** Procedures are flexible and informal compared to regular civil courts.
- **No Legal Representation (by default):** Parties are encouraged to represent themselves, though courts may allow lawyers in complex matters.
- **In-camera Proceedings:** To protect privacy, especially in sensitive matters like divorce or child custody, proceedings are often held behind closed doors.
- **Psychological and Counselling Support:** Courts may appoint counsellors or psychologists to assist in resolving disputes amicably.

#### ➤ **Importance of Family Courts**

Family Courts play a crucial role in preserving the **integrity of the family unit**, especially in a diverse country like India where family matters are often influenced by cultural, social, and religious norms. These courts help reduce the **emotional and financial burden** of litigation by promoting negotiated settlements and quick decisions.

Family Courts represent a progressive step in India's judicial system by providing a sensitive, efficient, and conciliatory forum for resolving family-related issues. By focusing on reconciliation and reducing procedural complexities, they uphold the values of **social justice**, particularly in safeguarding the rights of women, children, and the elderly in family disputes.



#### 4.6. GRAM NYAYALAYAS:

**Gram Nyayalayas** or *village courts* are mobile, grassroots-level courts established under the **Gram Nyayalayas Act, 2008** to provide **speedy, affordable, and accessible justice** to people in rural areas. These courts aim to bridge the gap between the formal judicial system and rural communities by bringing justice to their doorstep.

##### ➤ Objectives:

- To decentralize the judicial system.
- To ensure **timely and inexpensive resolution** of disputes in rural areas.
- To **reduce the burden** on regular courts.
- To promote **conciliation and local dispute resolution**.

##### ➤ Structure and Jurisdiction:

- Headed by a **Nyayadhikari** (Judicial Magistrate of First Class), appointed by the **State Government** in consultation with the High Court.
- Functions at the **Panchayat level** or group of villages.
- **Mobile in nature**, allowing the court to sit at different locations within its jurisdiction.

##### ➤ Jurisdiction:

Gram Nyayalayas can try:

- **Civil cases** such as property disputes, debt recovery, tenancy, and domestic violence.
- **Criminal cases** involving petty offences under the Indian Penal Code and other minor laws.

They follow **summary trial procedures** for quick resolution and encourage **conciliation** before adjudication.

##### ➤ Features

- **Simple procedures** with minimal legal formalities.
- **Low court fees**, often nominal or waived.

- **Legal aid** is available to poor and disadvantaged individuals.
- Proceedings are **conducted in local languages** for better understanding.
- Appeals from Gram Nyayalayas lie with the **District Court** (criminal cases) or **District Civil Court** (civil cases).

➤ **Benefits**

- **Access to Justice:** Makes legal remedies available in remote areas.
- **Speedy Trials:** Reduces delays through simplified and flexible processes.
- **Cost-Effective:** Low expenses compared to regular litigation.
- **Promotes Local Dispute Resolution:** Encourages amicable settlements and harmony in rural society.

➤ **Challenges**

- Inadequate infrastructure and funding in some states.
- Shortage of trained Nyayadhikaris.
- Lack of awareness among rural populations.
- Poor implementation in several regions.

Gram Nyayalayas represent a significant step towards delivering **justice at the doorstep** of rural citizens. With proper implementation, awareness, and administrative support, they can play a crucial role in making justice inclusive, affordable, and accessible in line with the constitutional goal of "**Access to Justice for All.**"

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#### 4.7. REFERENCES:

##### 1. Subordinate Courts: Constitutional Provisions

**Books:**

- **M.P. Jain** – Indian Constitutional Law (LexisNexis)
- **V.N. Shukla's Constitution of India** – Edited by Mahendra P. Singh (EBC)

**Bare Acts & Official Sources:**

- **The Constitution of India**, Articles **233 to 237**
- Ministry of Law and Justice, <https://legislative.gov.in>

**Landmark Case:**

- Chandra Mohan v. State of U.P., AIR 1966 SC 1987

**2. Structure and Jurisdiction of Subordinate Courts****Books:**

- **Ratanlal & Dhirajlal** – The Code of Criminal Procedure
- **Mulla** – The Code of Civil Procedure
- **K.D. Gaur** – Textbook on the Indian Penal Code (relevant for criminal court structure)

**Official Reports:**

- **E-Committee of the Supreme Court** – Reports on district court functioning

**3. National Legal Services Authority (NALSA)****Books:**

- **I.P. Massey** – Administrative Law (relevant for legal aid and tribunals)
- Legal Services Authorities Act, 1987 – Commentary editions available

**Websites:**

- Official NALSA Website: <https://nalsa.gov.in>
- State Legal Services Authorities websites

**Relevant Case:**

- Hussainara Khatoon v. State of Bihar, AIR 1979 SC 1360 (Right to free legal aid)

**4. Lok Adalats****Books:**

- **S.P. Sathe** – Access to Justice and the Legal System in India
- Commentaries on the **Legal Services Authorities Act, 1987**

**Website:**

- <https://nalsa.gov.in/lok-adalat>

**Relevant Case:**

- Khatri v. State of Bihar, AIR 1981 SC 928

**5. Family Courts****Books:**

- **K.D. Gaur** – Family Law in India
- **Mulla** – Hindu Law (for detailed understanding under personal laws)

**Act:**

- The Family Courts Act, 1984 – Bare Act and commentary

**Relevant Case:**

- DMR v. SPM, AIR 2010 SC 1654 – (Emphasizing conciliation in family matters)

**6. Gram Nyayalayas****Books:**

- **S.N. Jain** – Gram Nyayalayas and Access to Justice
- Law Commission of India Report No. 213 – Gram Nyayalayas: A New Model of Justice

**Act:**

- Gram Nyayalayas Act, 2008 – Bare Act (available on India Code or legislative websites)

**Website:**

- India Code: <https://www.indiacode.nic.in>
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## **5. ELECTIONS LAWS: REPRESENTATION OF PEOPLE ACT 1950, REPRESENTATION OF PEOPLE ACT 1951, DELIMITATION ACT 2002.**

Election laws in India, governed mainly by the Representation of the People Acts of 1950, Representation of the People Acts of 1951 & Delimitation Act, 1952 regulate voter eligibility, electoral rolls, constituency delimitation, candidate qualifications, and the conduct of free and fair elections under the supervision of the Election Commission of India. The Constitution of India provides a detailed framework for the Representation of the People Acts, primarily under Part XV, **Articles 324 to 329**.

### **5.1. REPRESENTATION OF PEOPLE ACT 1950:**

The **Representation of the People Act, 1950** is a key piece of legislation in India's electoral framework. It primarily deals with the **allocation of seats, delimitation of constituencies, preparation of electoral rolls, and the qualification of voters**.

#### **➤ Objectives of the Act:**

The **Representation of the People Act, 1950** (RPA 1950) was enacted to:

- Provide the **machinery for the preparation of electoral rolls**.
- Deal with the **allocation of seats in the House of the People (Lok Sabha)** and in the **State Legislative Assemblies and Councils**.
- Define the **territorial constituencies** for elections.
- Establish qualifications for **voter registration**.

#### **➤ Key Provisions of the Act:**

##### **1. Allocation of Seats (Part I)**

- Seats in the **Lok Sabha** and **State Assemblies** are allocated to different States and Union Territories.
- Allocation is done in such a way as to ensure population-based representation, using the census as the base.

##### **2. Delimitation of Constituencies (Part II)**

- Delimitation refers to the process of **fixing boundaries of constituencies**.
- Originally, the **Delimitation Commission** was responsible for this task.

- The Act provides for **single-member constituencies** in both Parliament and State Assemblies (except in special cases).

### 3. Electoral Rolls for Parliamentary and Assembly Constituencies (Part III)

- Every constituency shall have a **separate electoral roll**.
- The electoral roll is prepared and revised under the supervision of the **Election Commission of India (ECI)**.
- It includes the names of all persons who are **ordinarily residents** in that constituency and meet the qualifications.

### 4. Qualifications of Voters (Section 16)

To be registered as a voter, a person must:

- Be a **citizen of India**.
- Be **not less than 18 years** of age on the qualifying date (currently January 1 of the year).
- Be **ordinarily resident** in a constituency.
- Not be **disqualified** due to unsoundness of mind, crime, or corrupt practices.

### 5. Correction and Inclusion in Electoral Rolls

- Provisions are made for:
  - Inclusion of names.
  - Deletion of names of the dead or disqualified.
  - Correction of errors.
- Citizens can apply for such changes through the **Electoral Registration Officer (ERO)**.

#### ➤ Amendments and Changes:

The Act has undergone several amendments over the years to:

- Lower the voting age from 21 to 18 (via the **61st Constitutional Amendment Act, 1988**).
- Streamline and digitize electoral rolls.
- Integrate **Aadhaar** with voter IDs (subject to privacy laws and ongoing debates).

#### ➤ Significance:

- The RPA 1950 lays the **foundation for free and fair elections** by ensuring **accurate voter lists** and **equitable representation**.
- It is complemented by the **Representation of the People Act, 1951**, which deals with the **conduct of elections, qualifications and disqualifications of candidates, electoral offences**, etc.

➤ **Summary Table:**

<b>Provision</b>	<b>Description</b>
<b>Part I</b>	Allocation of seats in Parliament and State Legislatures
<b>Part II</b>	Delimitation of constituencies
<b>Part III</b>	Preparation and maintenance of electoral rolls
<b>Section 16</b>	Qualification and disqualification of voters
<b>Authority</b>	Election Commission of India (ECI)

## 5.2. REPRESENTATION OF PEOPLE ACT 1951:

The **Representation of the People Act, 1951 (RPA 1951)** is a crucial piece of Indian electoral legislation that governs the **actual conduct of elections** to the Parliament and State Legislatures. Enacted by the **Provisional Parliament under Article 327** of the Constitution of India, the Act supplements the **Representation of the People Act, 1950**, which deals with the preparation of electoral rolls and delimitation of constituencies.

➤ **Objectives and Scope:**

The primary objective of the RPA 1951 is to ensure **free, fair, and orderly elections** in India. It provides the legal framework for conducting elections, resolving disputes, regulating political parties and candidates, and ensuring transparency and accountability in electoral practices.

➤ **Features:**

1. **Conduct of Elections (Part II):** The Act details the procedures for conducting elections to the **Lok Sabha, Rajya Sabha, State Legislative Assemblies, and State Legislative Councils**. It lays down rules for:
  - Issuing election notifications
  - Filing and scrutiny of nomination papers

- Withdrawal of candidature
- Voting, counting, and declaration of results

## 2. **Qualification and Disqualification of Candidates (Sections 8–10A)**

- **Section 8** specifies disqualification based on conviction for certain offences such as corruption, crimes involving moral turpitude, and communal hatred.
- **Section 9** disqualifies individuals dismissed from government service for corruption or disloyalty.
- **Section 10 and 10A** deal with disqualification for failure to file election expenses and contractual conflicts of interest.

## 3. **Electoral Offences and Corrupt Practices (Sections 123–136)**

The Act identifies various corrupt practices including:

- Bribery
- Undue influence
- Use of religious symbols for campaigning
- Booth capturing
- False statements about candidates

These practices are punishable by disqualification and imprisonment.

4. **Election Disputes:** Any aggrieved voter or candidate can file an **election petition** in the **High Court** within 45 days of election results. The **Supreme Court** is the appellate authority.
5. **Election Expenditure and Returns:** The Act prescribes limits on election expenses. Candidates must submit a **statement of expenditure** to the Election Commission within a fixed time. Failure to do so can lead to disqualification.
6. **Role of the Election Commission of India (ECI):** The ECI supervises the implementation of the Act. It has powers to cancel elections in case of malpractices and to issue guidelines for fair conduct under the **Model Code of Conduct**.

### ➤ **Amendments:**

The Act has been amended multiple times to strengthen democratic practices. Notable amendments include:

- **Introduction of the NOTA (None of the Above) option.**



- **Disqualification of convicted MPs and MLAs** following the **Lily Thomas judgment** (2013).
- Introduction of **electronic voting machines (EVMs)** and later **VVPATs**.

➤ **Significance/Importance of Representation of the People Act, 1951:**

The **Representation of the People Act, 1951** is essential because it provides the legal framework for conducting free and fair elections in India, ensuring the functioning of democracy as envisioned in the Constitution. RPA, 1951 is required for the following reasons:

**1. Regulates the Electoral Process**

It lays down the **procedures for elections** to the Lok Sabha, Rajya Sabha, State Legislative Assemblies, and Councils, including:

- Notification of elections
- Filing of nominations
- Scrutiny and withdrawal of candidatures
- Conduct of polls
- Counting of votes and declaration of results

**2. Defines Qualifications and Disqualifications**

It specifies:

- Who can **contest elections**
- Grounds for **disqualification** (e.g., criminal conviction, corruption, office of profit, etc.)

**3. Curbing Corrupt Practices**

It defines and penalizes **corrupt electoral practices** such as:

- Bribery
- Undue influence
- Booth capturing
- Use of religion or caste for votes

**4. Ensures Transparency and Accountability**

The Act mandates:

- Maintenance of proper **election accounts**
- Limits on **election expenditure**
- **Declaration of assets and liabilities** of candidates

## 5. Provides for Election Disputes

It establishes procedures for:

- **Challenging election results** through election petitions
- Adjudication by **High Courts** and appeal to the **Supreme Court**

## 6. Empowers the Election Commission

It grants the **Election Commission of India (ECI)** the authority to:

- Supervise, direct, and control elections
- De-register political parties violating electoral norms

The Representation of the People Act, 1951 is foundational to India's democratic framework. It ensures electoral transparency, defines legal accountability for candidates and political parties, and upholds the constitutional principles of **universal adult suffrage** and **free and fair elections**. Its effective implementation is key to maintaining the integrity of India's electoral democracy.

### 5.3. DELIMITATION ACT 2002:

The **Delimitation Act, 2002** is a significant legislative measure in India, enacted to provide for the **readjustment of the boundaries of parliamentary and assembly constituencies** based on the **latest population figures** as per the **2001 Census**. Delimitation refers to the act of redrawing the boundaries of electoral constituencies to reflect changes in population and ensure equal representation.

#### ➤ **Background and Objective:**

In a federal democracy like India, where representation in the Lok Sabha and State Legislative Assemblies is based on population, delimitation becomes necessary after every Census. The earlier delimitations took place in 1952, 1963, 1973, and 1995 under previous Delimitation Acts. However, due to growing concerns over population imbalance between states and to encourage population control measures, the 42nd Constitutional Amendment (1976) had frozen the number of seats in Parliament and state legislatures until 2000. This freeze was further extended by the 84th Constitutional Amendment (2001) up to the year 2026.

Despite the freeze on the number of seats, there was a recognized need to redraw the boundaries of constituencies to ensure that each constituency had roughly equal population representation. Hence, the Delimitation Act, 2002 was enacted.

### ➤ **Features:**

1. **Establishment of Delimitation Commission:** The Act provides for the establishment of an independent **Delimitation Commission** comprising:
  - A retired Supreme Court judge as the Chairperson
  - The Chief Election Commissioner or an Election Commissioner nominated by the CEC
  - State Election Commissioners of the respective states as ex-officio members
2. **Functions of the Commission:** The primary task of the Delimitation Commission is to:
  - Redraw the boundaries of Lok Sabha and State Assembly constituencies based on the 2001 Census
  - Ensure uniformity and population parity across constituencies
  - Consider physical features, boundaries of administrative units, communication facilities, and public convenience
3. **Finality of Decisions:** The Commission's orders have the **force of law** and cannot be challenged in any court. Once the orders are published by the President in the Gazette of India, they come into effect immediately.
4. **Reservation of Seats:** The Act also mandates the identification and allocation of **Scheduled Castes (SC)** and **Scheduled Tribes (ST)** reserved constituencies based on their proportion in the population of the respective states and union territories.

### ➤ **Implementation and Impact:**

The Delimitation Commission under this Act was set up in **2002** and completed its work in **2008**. It brought significant changes, especially in the number and boundaries of constituencies across various states, excluding **Jammu & Kashmir** (then a special-status state), and later **four northeastern states** for security reasons.

The new delimitations were implemented in the **2009 General Elections**. It led to more equitable representation and attempted to address regional imbalances. However, disparities remain due to the freeze on seat allocation based on 1971 population data.

However, the Delimitation Act, 2002 plays a crucial role in ensuring representative democracy in India by aligning constituency boundaries with demographic realities. While it improves internal equity, the broader debate over interstate representation and seat

redistribution will resurface after the 2026 deadline, requiring careful constitutional and political deliberation.

#### 5.4. WOMEN'S RESERVATION BILL (Nari Shakti Vandan Adhiniyam), 2023:

- Formally the **Constitution (One Hundred and Twenty-Eighth) Amendment Bill, 2023**, also referred to as the **106th Amendment Act, 2023**
- Mandates **33% reservation for women** in the Lok Sabha and state legislative assemblies (including Delhi). It also ensures that within seats reserved for SCs/STs, one-third are reserved for women
- Valid for **15 years** from enactment, with periodic rotation of reserved constituencies.

##### ➤ **Legislative Journey:**

- Led by PM Modi's government, the bill was introduced on 19 September 2023
- Passed Lok Sabha on 20 Sept with a 454–2 vote
- Cleared Rajya Sabha unanimously (214–0) on 21 Sept
- Received Presidential assent from Droupadi Murmu on 28 Sept 2023, and notified in the Gazette immediately

##### ➤ **Why Isn't It in Immediate Effect?**

- The reservation comes into force **only after**:
  1. The next Census is conducted (planned after the 2024 general election).
  2. A fresh **delimitation exercise** based on new population figures, anticipated to begin in 2026 or 2027.
- Consequently, the earliest practical implementation is during the **2029 Lok Sabha election**.

##### ➤ **Key Provisions & Structure**

- Reserved seats rotated post each delimitation cycle, ensuring **unbiased distribution**.
- Applies to **Delhi Assembly** but not other Union Territories like J&K and Puducherry unless separately amended.
- Seats for SC/ST within the women's quota are proportionally reserved.

## ➤ Impact & Reactions

- Marks end of a **27-year stalemate**: first introduced in 1996 but stalled repeatedly
- Delays have drawn criticism from leaders like Sonia Gandhi, who called postponing the implementation an “injustice”
- UN Women and other rights advocates praised it as a **transformative step** toward gender parity.

The Women’s Reservation Bill, 2023 is historic—garnering unanimous political support and Presidential assent. However, its effectiveness awaits the next Census, delimitation, and state ratification, likely deferring impact to the 2029 elections. It promises a major boost toward gender-balanced political representation when implemented.

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## **6. OTHER CONSTITUTIONAL DIMENSIONS: ANTI-DEFECTION LAWS (MAJOR PROVISIONS OF 91ST AMENDMENT ACT, 2003), CO-OPERATIVE SOCIETIES (PROVISIONS OF 97TH AMENDMENT ACT), MAHILA COURTS.**

### **6.1. ANTI-DEFECTION LAWS (Major Provisions of 91st Amendment Act, 2003):**

The stability and integrity of India's parliamentary democracy depend heavily on discipline among political representatives. However, in the decades following independence, Indian politics witnessed frequent shifts in party loyalty by legislators for personal gain, a practice termed "defection." To address this, the **Anti-Defection Law** was introduced through the **52nd Constitutional Amendment Act, 1985**, which added the **Tenth Schedule** to the Constitution. Later, to strengthen this law, the **91st Constitutional Amendment Act, 2003** was enacted. This amendment introduced critical reforms to further curb political defections and ensure accountability within the democratic framework.

#### ➤ **Background: Anti-Defection Law of 1985:**

The Anti-Defection Law, inserted through the **52nd Amendment**, sought to curb the practice of elected members switching parties mid-term, often for personal or political gain. The Tenth Schedule laid down conditions for **disqualification of members of Parliament and State Legislatures** on the grounds of defection. It was applicable to both individual and group defections. However, over time, loopholes in the law were exploited, leading to large-scale defections, popularly termed "Aya Ram, Gaya Ram" politics. Particularly controversial was the provision that allowed a "split" in a party if one-third of its legislators defected, thereby bypassing disqualification.

#### ➤ **Need for the 91st Constitutional Amendment Act, 2003:**

The experience of Indian politics in the 1990s and early 2000s showed that the existing Anti-Defection Law was inadequate. The allowance of group defections through the one-third rule encouraged mass defection engineered for political realignments. Additionally, there was growing concern about the size of Council of Ministers, which in coalition politics, often ballooned to accommodate defectors or supporters. These trends undermined the mandate of the people, distorted the structure of Cabinet governance, and eroded public trust.

#### ➤ **Major Provisions of the 91st Constitutional Amendment Act, 2003:**

The **91st Amendment Act**, which came into effect on **1st January 2004**, introduced several crucial reforms to plug the loopholes in the Anti-Defection Law and regulate the composition of the executive. Below are the **major provisions**:

### 1. Omission of the Provision for Splits (One-Third Rule)

- The amendment **deleted Paragraph 3** of the Tenth Schedule, which earlier allowed exemption from disqualification in case of a “split” in a political party by **one-third of its members**.
- This meant that henceforth, **any defection by even a single member or a group** without merging into another party would attract disqualification.
- The only exception retained was **merger** under **Paragraph 4**, where **two-thirds** of the members of a legislature party join another political party or form a new one.

### 2. Limiting the Size of the Council of Ministers

- The amendment added **Article 75(1A)** for the Union and **Article 164(1A)** for the States.
- It mandates that the **total number of ministers**, including the Prime Minister or Chief Minister, **shall not exceed 15% of the total number of members** in the Lok Sabha or State Legislative Assembly.
- In case of smaller states, a **minimum of 12 ministers** is permitted.
- This provision was aimed at curbing the practice of **political patronage** and “**office-for-favor**” politics, especially in coalition governments.

### 3. Disqualification of Defectors from Ministerial Positions

- The amendment introduced a provision that **a member disqualified under the Tenth Schedule shall also be disqualified for being appointed as a minister**.
- This means that any legislator who is disqualified for defection **cannot be rewarded** by being made a minister or holding any office of profit during the remaining term of the legislature.



#### 4. Restriction on Holding Office of Profit

- The amendment inserted **Article 361B**, which bars any person disqualified under the Tenth Schedule from **holding any remunerative political post**.
- A "remunerative political post" refers to any office under the government which yields a salary or perquisites, essentially preventing backdoor entry into the government by rewarding defectors.

#### 5. Strengthening the Spirit of Political Ethics

- By eliminating the split provision and tightening restrictions on defectors, the amendment sought to promote **ideological coherence, political discipline, and ethical conduct** among elected representatives.
- The aim was to ensure that elected members **remain accountable to the party and voters who elected them**, thereby protecting the spirit of representative democracy.

#### ➤ Impact and Significance

The 91st Amendment Act has had a considerable impact on reducing large-scale, opportunistic defections in Indian politics. By raising the bar for valid mergers and removing the one-third loophole, it has:

- **Strengthened political stability** in governments.
- Reduced the **monetization and commodification** of elected representatives.
- Dissuaded **horse-trading and coalition manipulation**.

However, critics argue that the law still places **too much power in the hands of the Speaker**, whose impartiality may be questionable due to party affiliations. Also, political maneuvering has simply adapted to circumvent new rules, with **resignations and re-elections** often replacing formal defections.

Therefore, the **91st Constitutional Amendment Act, 2003** marked a decisive step toward cleaning up India's political system. By eliminating the split provision, regulating ministerial strength, and punishing defection more stringently, it reinforced democratic accountability and integrity. While the amendment is not a complete antidote to political defection, it serves as a crucial legal and ethical checkpoint in India's evolving parliamentary democracy.

Further reforms, especially regarding the role of the Speaker and the need for quicker adjudication of defection cases, are necessary to fully realize the law's objectives.

## **6.2. CO-OPERATIVE SOCIETIES (Provisions of 97th Amendment Act):**

Co-operative societies are voluntary, democratic, and autonomous organizations formed to meet common economic, social, and cultural needs through jointly owned and democratically controlled enterprises. In India, they play a significant role in rural credit, agriculture, housing, dairy, and small-scale industries. However, due to issues like political interference, lack of autonomy, and mismanagement, the need for constitutional protection and reforms in the co-operative sector became necessary.

To address these issues and ensure democratic functioning, the **97th Constitutional Amendment Act** was enacted in **2011**, coming into force on **15 February 2012**.

### ➤ **Objective of the 97th Amendment Act:**

The primary goal was to **enhance the democratic, autonomous, and professional functioning** of co-operative societies across India. The amendment aimed to:

- Ensure the independence of co-operative societies from political interference.
- Improve transparency, accountability, and democratic elections.
- Provide constitutional status to co-operatives and define their governance.

### ➤ **Key Provisions of the 97th Constitutional Amendment Act:**

The 97th Amendment introduced three major changes to the Constitution:

#### **1. Addition to Article 19(1)(c) – Fundamental Rights**

- **Before:** Article 19(1)(c) guaranteed the right to form associations or unions.
- **After Amendment:** The phrase "**co-operative societies**" was added.

#### ✓ **Implication:**

Now, forming co-operative societies is a **fundamental right**, ensuring citizens can freely organize such associations as part of their constitutional liberties.

## 2. Insertion of Article 43B – Directive Principles of State Policy (DPSP)

- Article **43B** was added to Part IV of the Constitution.
- **Text:** “The State shall endeavour to promote voluntary formation, autonomous functioning, democratic control and professional management of co-operative societies.”

### ✓ **Implication:**

The **State is duty-bound** to encourage and support co-operative societies that are democratic, independent, and professionally managed.

## 3. Insertion of Part IXB (Articles 243ZH to 243ZT)

Part IXB was inserted to provide a **constitutional framework for co-operative societies** (similar to Panchayats and Municipalities). Major provisions under Part IXB:

### a) **Democratic Elections [Article 243ZK]**

- Elections to the board of a co-operative society must be held **before the expiry of its term (maximum 5 years)**.
- If dissolved, elections must be conducted within **six months**.

### b) **Composition of the Board [Article 243ZJ]**

- The board shall consist of a **maximum of 21 members**.
- Reservation for **SCs, STs, and women** is mandated.

### c) **Tenure and Disqualification of Members [Articles 243ZJ & 243ZL]**

- A board's term is limited to **five years**.
- A board can be superseded only in **exceptional situations** such as failure to conduct elections, financial mismanagement, etc., and even then only for **six months**.

### d) **Audit and Accountability [Article 243ZM]**

- Regular **annual audits** by a certified auditor are mandated.
- Audit reports are to be placed in the public domain.

### e) Offences and Penalties [Article 243ZN]

- Penalties for willful failure to conduct elections, maintain records, or conduct audits.

#### ➤ Supreme Court Verdict (2021): Scope of 97th Amendment:

In **Union of India v. Rajendra N. Shah (2021)**, the Supreme Court upheld the amendment **only for multi-state co-operative societies**. It struck down the application of Part IXB to **state-level co-operative societies**, citing that the amendment **lacked ratification** by half of the states, as required under Article 368(2).

#### ✓ Result:

- **Article 19(1)(c)** and **Article 43B** remain valid.
- **Part IXB** applies **only to multi-state co-operative societies**, not state-level societies unless individual states adopt similar provisions.

#### ➤ Significance of the Amendment:

- I. Recognized co-operatives as part of fundamental and directive constitutional structure.
- II. Strengthened **democracy and transparency** in co-operative functioning.
- III. Promoted **women's and marginalized groups' participation** through reservation.
- IV. Reinforced the need for **regular elections and audits**.
- V. Enhanced **professionalism and accountability** in the sector.

The **97th Constitutional Amendment Act, 2011** marks a pivotal step in reforming the co-operative sector by granting it constitutional recognition and protecting the democratic rights of its members. Though the full applicability of Part IXB to state co-operatives was restricted by the Supreme Court, the amendment still stands as a landmark for promoting **grassroots democracy, autonomy, and financial discipline** in co-operatives, particularly in the **multi-state domain**. Going forward, states may voluntarily adopt these principles, aligning with the constitutional vision of empowered and people-centered co-operatives.

### 6.3. MAHILA COURTS:

Mahila Courts, or women's courts, are **specialized judicial forums** in India established to deal exclusively with **crimes against women**, such as domestic violence, dowry harassment, sexual assault, and other gender-based offences. They aim to provide **speedy justice**, a

**supportive environment**, and help reduce the **backlog of cases** related to women's issues. These courts play a vital role in making the justice system more accessible and sensitive to women.

➤ **Origin and Rationale:**

The need for Mahila Courts arose due to the increasing incidence of crimes against women and the **failure of general courts** to respond quickly and sensitively to such cases. The **Committee on the Status of Women in India (1974–75)** and later, the **National Commission for Women (NCW)** recommended setting up women-centric judicial mechanisms. In line with these, Mahila Courts were introduced in various states starting in the 1990s, with support from the **Ministry of Law and Justice** and respective **state governments**.

➤ **Legal Framework:**

While there is no **separate legislation** that mandates Mahila Courts, they are established under the **Code of Criminal Procedure (CrPC)** provisions that allow for the designation of **special courts**. Their functioning is also supported by:

- **The Protection of Women from Domestic Violence Act, 2005**
- **The Criminal Law (Amendment) Act, 2013**
- **The Dowry Prohibition Act, 1961**
- **The Sexual Harassment of Women at Workplace Act, 2013**

➤ **Objectives of Mahila Courts:**

1. To ensure **quick disposal** of cases involving crimes against women.
2. To provide a **safe and non-intimidating environment** for women litigants.
3. To improve **gender sensitivity** in the justice delivery system.
4. To promote **mediation, counselling, and rehabilitation** wherever possible.
5. To help reduce the **secondary victimization** that women often face in regular courts.

➤ **Structure and Jurisdiction:**

- **Presided over by a woman judge**, typically at the level of **Judicial Magistrate First Class (JMFC)** or **Chief Judicial Magistrate (CJM)**.
- Deals with cases such as:
  - ✓ Domestic violence
  - ✓ Dowry-related offences
  - ✓ Sexual harassment
  - ✓ Molestation
  - ✓ Assault with intent to outrage modesty
  - ✓ Cruelty by husband or relatives (Section 498A IPC)
- Some Mahila Courts also function as **Family Courts**, helping in cases of maintenance, child custody, and marital disputes.

➤ **Key Features:**

- **Fast-track proceedings** with fixed timelines.
- **In-camera trials** to maintain privacy in sensitive cases.
- Availability of **counsellors, psychologists, and social workers** to assist victims.
- Sometimes linked with **One Stop Centres** and **legal aid services**.

➤ **Achievements and Impact:**

- Mahila Courts have helped in **speedy redressal** of women-related grievances.
- Created a **victim-friendly atmosphere** where women can speak without fear or stigma.
- Improved **awareness about women's legal rights** among rural and urban populations.
- Promoted the idea of **justice with dignity** and helped in **women's empowerment**.

➤ **Challenges:**

- **Inadequate infrastructure** and staff.
- **Shortage of trained judges** and support personnel.
- **Delay in filling vacancies** and conducting regular hearings.
- Limited reach—many **districts still lack functional Mahila Courts**.

- **Poor coordination** between police, courts, and support services like counselling or shelters.

#### ✓ **Recent Initiatives**

- The **Ministry of Women and Child Development** and **Ministry of Law and Justice** have been encouraging state governments to **establish more Mahila Courts**, especially in districts with high crime rates against women.
- In some states like Tamil Nadu, Delhi, Uttar Pradesh, and Rajasthan, Mahila Courts have shown **positive results** in terms of conviction rates and victim satisfaction.

Mahila Courts represent a **progressive step** toward making the Indian legal system more responsive and sensitive to the needs of women. While they have made a positive impact in many regions, there is a **pressing need to expand their reach**, strengthen infrastructure, and ensure gender-sensitized training for all judicial stakeholders. With adequate support and proper implementation, Mahila Courts can become a **pillar of justice and empowerment** for women across India.

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