

## Table of Contents

- [Introduction](#)
- [Nyaya Panchayats](#)
  - [Composition of Nyaya Panchayat](#)
  - [Jurisdiction of Nyaya Panchayats](#)
  - [Functioning of Nyaya Panchayats](#)
  - [Significance of Nyaya Panchayats in India](#)
- [Public Interest Litigation \(PIL\)](#)
  - [What is Public Interest Litigation?](#)
  - [Issues considered by the Courts under a PIL](#)
  - [When and How a PIL can be filed?](#)
  - [Importance of PIL in India](#)
  - [Few Landmark PIL Cases of India](#)
    - [Indian Council for Enviro-Legal Action v Union of India \(aka the Bichhri Case\)](#)
    - [Vishaka & Others v. State of Rajasthan](#)
    - [Bandhua Mukti Morcha v Union of India](#)
    - [Hussainara Khatoon v Home Secretary, State of Bihar, Patna](#)
- [Lok Adalats](#)
  - [Jurisdiction of Lok Adalats](#)
  - [Cases considered by Lok Adalats](#)
  - [Powers of Lok Adalats](#)
  - [Consent Essential in Lok Adalat](#)
- [Conclusion](#)
- [References](#)

## Introduction

The [42nd Amendment Act](#) of 1976 led to the insertion of [Article 39A](#) in the Indian Constitution. Article 39A states that each State within the Indian territory must ensure that the functioning of the legal system promotes justice, based on equal opportunity and shall provide free legal aid. The free legal aid must be facilitated through appropriate legislations, schemes or in any other manner so that the chance to secure justice is not denied to even a single citizen due to economic or other disabilities. The principle ideology behind the said Article is that no one must be denied justice for whatsoever reason and it is the responsibility of the States to ensure that. India is the world's second most populated country and in such a country it is difficult to completely ensure justice to each citizen by the means of just a few legal institutions. Therefore, the Nyaya Panchayats and Lok Adalats have been established to reach the grass-root level such as districts and villages to deliver justice. Let us know more about Nyaya Panchayats, Lok Adalats and Public Interest Litigation.

## Nyaya Panchayats

Nyaya Panchayats are considered as a unit of the Panchayati Raj System of India. They function at the village or district level to deliver justice and thus are considered as the most basic level of the Indian Judiciary.

# Composition of Nyaya Panchayat

Every Panchayat that comes under the jurisdiction of Nyaya Panchayat elects a member for such Nyaya Panchayat. The elected member must be –

- 30 years old or above,
- He must be a registered voter in the concerned Panchayat,
- He must be literate to read and write in the concerned State's language, and
- He must not be debarred from being elected to the Panchayat under any law in force.

Whoever is elected as the Nyaya Panch shall not hold the office of Sarpanch, or a Parishad, or of a member of Samithi, or a State Legislature or Union Parliament simultaneously.

## Jurisdiction of Nyaya Panchayats

A Nyaya Panchayat's jurisdiction usually depends upon the required situation at the local level or extends from five to seven Panchayat divisions of the earlier set-up. For the demarcation of the exact jurisdiction of such Nyaya Panchayats, an officer in charge is appointed who in most cases is the Collector.

A Nyaya Panchayat is empowered with both civil and criminal jurisdiction. Its civil jurisdiction covers suits seeking compensation for wrongfully gaining or injuring movable property, suits for damages, suits for a specific movable property whose value does not go beyond the limit prescribed by the statute and suits for breach of such contracts where no immovable property is affected. Its criminal jurisdiction covers certain offences under the [Indian Penal Code, 1860](#) like theft, outraging the modesty of a woman, trespass, injuring public property, mischief, etc. The Nyaya Panchayats also deal with the [Prevention of Cruelty to Animals Act](#), [Primary Education Act](#), [Public Gambling Act](#), etc. The State Government has the authority to decide which offences are to be tried under the Nyaya Panchayats.

## Functioning of Nyaya Panchayats

The Nyaya Panchayats are created with an aim to dispose of the cases as quickly as possible by eliminating delays and other technical issues. As a result, the functioning of the Nyaya Panchayats is not as complex as that of other judicial institutions. In Nyaya Panchayats, procedural codes are put into use, however, they have the authority to call witnesses and parties for

the purpose of recording evidence or to produce any relevant fact or document. The Nyaya Panchayat also has the power to carry out local enquiries within its jurisdiction and produce a report as per the order of the magistrate. It may pass ex-parte judgements and even dismiss complaints if it is satisfied that a prima facie case is not in question against the defendant.

## Significance of Nyaya Panchayats in India

There are certain aspects of Nyaya Panchayats that reflect their need in the Indian legal system. Nyaya Panchayats provide comparatively easy access to justice as they function at the basic level of villages and districts. It is easier for the aggrieved person to approach a Nyaya Panchayat than a Court. Nyaya Panchayats help in cutting costs as they eliminate the complainant's need to spend exorbitant amounts of money to attain justice. Nyaya Panchayats reduce the burden on the civil courts. The disposal rate of cases at Nyaya Panchayat is higher than the usual courts as it includes no tardy procedures of the court. It is a hybrid representation of the panchayat system and the judiciary. In a country like India, where most of the population resides in rural areas, it is imperative for an effective judicial system to be easily available as not every citizen can afford to approach the urban courts.

## Public Interest Litigation (PIL)

Any issue that affects the public at large can be brought before the court through Public Interest Litigation, also known as PIL.

### What is Public Interest Litigation?

The Public Interest Litigations prioritize public interest in issues relating to construction hazards, environmental issues, terrorism, etc. Judicial activism played an important role in establishing the concept of Public Interest Litigation in India, there is no dedicated definition under the Indian law for PIL. The general public aggrieved due to reasons such as mentioned above can approach the court through the PIL mechanism, this power has been vested in the public through judicial activism to recognise the needs of the public at large.

Public Interest Litigations are however examined well by the courts before they take up the case. The court hearing the PIL must be assured that the person who has filed the petition has done so in a genuine manner and does not just want to waste the court's time and efforts through such petition. In the matters of a PIL, the cases may be taken on the basis of a petition filed

by any public-spirited person or the court can take cognizance of the case and continue suo moto.

## Issues considered by the Courts under a PIL

- Maintenance of heritage and culture of the country.
- Atrocities faced by women in India.
- Acts causing environmental pollution and ecological imbalance.
- Cases relating to neglected children.
- Not providing minimum wages to workers.
- The exploitation of casual workers.
- Issues relating to bonded labour.
- Adulteration of food.

## When and How a PIL can be filed?

A Public Interest Litigation can be brought before a court by –

- Filing a petition in the Supreme Court under [Article 32](#) of the Indian Constitution
- Filing a petition in the High Court under [Article 226](#) of the Indian Constitution
- Filing a petition in the Court of Magistrate under [Section 133](#) of the [Criminal Procedure Code, 1973](#).

Where the constitutional rights or other legal rights of an individual are breached and it is difficult for such an individual to approach the court for the enforcement of his rights there a PIL plays a crucial role for redressal. The writ petition must satisfy the court by fulfilling the basic requirements for a Public Interest Litigation since it is addressed by an aggrieved person, a social group or a public-spirited person. A PIL is not concerned with private matters therefore it can only be filed against the Central Government, State Government or any Municipal Authority.

## Importance of PIL in India

Public Interest Litigation is an essential tool to provide the common man access to courts for enforcement of their denied rights. A person who is incapable of filing a petition can take the help of any other citizen or social group and file a PIL. It eliminates the disabilities caused due to financial

aspects, social aspects, etc. PIL brings about the needed changes in society by upholding the rule of law and democratizing the reach of justice to each citizen. PILs are a way to ensure that the executive is working efficiently through the medium of judicial review. It also helps in regulating the functioning of asylums, prisons and other such institutions under the State's authority.

## Few Landmark PIL Cases of India

### Indian Council for Enviro-Legal Action v Union of India (aka the Bichhri Case)

In this [case](#), the people belonging to Bichhri village were severely affected by the toxic chemicals released by the industries established there. As a result, a PIL was filed by an NGO based on [Article 21](#) targeting the State Government for not taking action in eliminating the ill effects caused by such industries to the environment and people of Bichhri village. The Supreme Court having the jurisdiction under [Article 32](#) applied the principles of absolute and strict liability on all the industries involved in the case.

### Vishaka & Others v. State of Rajasthan

This [case](#) is one of the landmark judgements of India that dealt with preventing sexual harassment against women at the workplace. [The Sexual Harassment of Women at Workplace \(Prevention, Prohibition and Redressal\) Act, 2013](#) was enacted and [Vishaka Guidelines](#) were laid down as a result of this judgement.

### Bandhua Mukti Morcha v Union of India

This [case](#) led to the prohibition of child labour based on the directions of the Apex court. The [Child Labour \(Prohibition and Regulation\) Act of 1986](#) was enacted as a result of this case.

### Hussainara Khatoon v Home Secretary, State of Bihar, Patna

This [case](#) laid down that it is imperative to provide free legal services to those persons who cannot approach the courts due to financial disability or any other such reason. Even a prisoner must have access to courts as it is his only chance to be freed and for this purpose, he must be provided free legal aid to be heard in the courts. The free legal aid must however be rendered as a fair and reasonable process.

# Lok Adalats

Lok Adalat can be literally translated as the People's Court. In these Lok Adalats, the issues are solved through the means of arbitration, mediation or negotiation, therefore this system is considered as a wing of Alternative Dispute Resolution.

Earlier in India, the Lok Adalat played a key role in solving disputes among people mainly situated in rural areas, hence the same process is being continued even in the present day. Based on the ideology of Article 39A of the Indian Constitution, the [Legal Services Authorities Act, 1987](#) provided the Lok Adalats with statutory status. It was done in furtherance of reducing the burden on urban courts and decentralizing access to justice. As per [Section 21](#) of the Legal Services Authorities Act, 1987, the award or decision given by the Lok Adalats is considered as a decree pronounced by a civil court and thus is final and binding on the parties associated with the case. Accordingly, no party can appeal against an award or decision given by the Lok Adalats in any court. If the parties find the decision or award of the Lok Adalat to be against their interests they cannot appeal against it but they may file a fresh case in the court of the concerned jurisdiction.

## Jurisdiction of Lok Adalats

[Section 19\(5\)](#) of the Legal Services Authorities Act, 1987 deals with the jurisdiction of Lok Adalats. The Lok Adalats have been bestowed with the power to initiate settlements or compromises amongst the parties to a case pending before it. Any matter that is considered to be within the ambit of a particular Lok Adalat's jurisdiction that is not brought before any court for which the Lok Adalat has been established. To sum up, Lok Adalats have their jurisdiction extending to any matter pending before them or any matter that is not introduced before any other court.

[Section 19\(2\)](#) of the Legal Services Authorities Act, 1987 states that every Lok Adalat shall consist of a certain number of serving or retired judicial officers, who shall act as the Chairman and other persons such as lawyers and social workers. As there is no court fee, the litigants can get their issues redressed free of cost and at a comparatively faster rate than the usual courts.

## Cases considered by Lok Adalats

The Lok Adalats only undertake those cases which fall under the following list of matters –

- Acquisition of Land, mutation and related disputes.
- Matters relating to partition claims.
- Cases relating to arrears of retirement benefits.
- Road or motor accident cases.
- Compoundable cases relating to civil, criminal and revenue matters.
- Disputes relating to bonded labour.
- Matters of unpaid bank loans.
- Family disputes including matrimonial matters.
- Damages cases.
- Such matters that do not fall under the jurisdiction of any other Court.

## Powers of Lok Adalats

As per [Section 22](#) of the Legal Services Authorities Act, 1987, the Lok Adalats exercise the following powers –

When dealing with the following matters before it, a Lok Adalat is vested with the same powers that a civil court has under the [Code of Civil Procedure, 1908](#) –

- Any witness may be summoned and his attendance may be enforced to examine him/her on oath by the Lok Adalat.
- A Lok Adalat can enforce the discovery and production of any document concerned with the case.
- Evidence on affidavits can be received by a Lok Adalat.
- Any public document, record, or copy of such record can be requisitioned from any court of office.
- Any other matters as prescribed to the Lok Adalat.

Every Lok Adalat has the authority to mention its own procedure for the determination of any matter or dispute brought before it. Every proceeding under a Lok Adalat shall be considered as a judicial proceeding under the purview of Sections [193](#), [219](#), and [228](#) of the Indian Penal Code, 1860. Every Lok Adalat shall be given the status of a Civil Court pursuant to [Chapter XXVI](#) and [Section 195](#) of the Criminal Procedure Code, 1973.

## Consent Essential in Lok Adalat

In every case handled by a Lok Adalat, it is a basic requirement that both the parties to the case have given their free consent to redress their issue through Lok Adalat only. After the Lok Adalat passes an award or decision for the case, no party is allowed to go back from such a case. The Apex Court has clearly and consistently stated that if consent is absent from either of the parties to the case then the decision or award given by the Lok Adalat shall not be executed. If the parties to the case are not happy with the decision of the Lok Adalat then they may approach the usual courts for redressal. Without consent, it is hard to initiate a compromise or settlement between the parties, as a result, no decision or award can be given by the Lok Adalat.

## Conclusion

India is a country with a population of around [138 crores](#), where the population is at such a high rate it can be deduced that the legal issues in the country will also be at a high rate. It is not very easy to provide redressal to each citizen of the country just by establishing few urban courts. As most of the Indian population lives in [rural](#) areas it is important to have judicial institutions established at the doorstep of such people. A fair chance to be heard must be given to the poor and needy as well as they cannot easily afford the usual litigation process. Therefore, the establishment of Nyaya Panchayats and Lok Adalats along with the inception of Public Interest Litigation in India must be considered as a boon for the country. These legal tools not only decentralize the justice delivery system to the most basic level of districts and villages but also reduce the burden on the civil and other related courts.

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