



NYAYA DEEP

The Official Journal of NALSA

**Volume XVIII • Issue I & II
• January 2017 & April 2017**

National Legal Services Authority

Editorial Committee

Hon'ble Mr. Justice Adarsh Kumar Goel Judge, Supreme Court of India	Chairman
Hon'ble Ms. Justice Gita Mittal Acting Chief Justice, Delhi High Court	Member
Hon'ble Mr. Justice Sanjiv Khanna Judge, Delhi High Court	Member
Mr. P. S. Narasimha Sr. Advocate, Supreme Court of India	Member
Mr. Alok Agarwal Member Secretary, NALSA	Member



NYAYA DEEP

The Official Journal of NALSA

Vol. XVIII • Issue I & II • January 2017 & April 2017

National Legal Services Authority

12/11, Jamnagar House, Shahjahan Road, New Delhi-110011

Phones : 011-23386176, 23382778 Fax : 23382121

Website:www.nalsa.gov.in

Disclaimer: The views expressed in the articles published in this Journal are those of the respective authors and do not reflect the views of the Editorial Committee or of the National Legal Services Authority.

Printed at : SMAT FORMS
3588, G.T. Road, Old Subzi Mandi, Delhi-110007
Tel. : 0112385373, 9810530802

Editorial

Time and again the Supreme Court has reiterated on different occasions that law is organic in character for it keeps evolving with the developing relations of the society. Previous issue of the journal discussed only a few burning legal issues highlighting complexities and lacuna in the legal strata. However, past few months of the previous year have turned out to be dynamic in terms of the question regarding rights and traditional legal conceptions for instance validity of customary Triple Talaq, privacy as a matter of fundamental right etc. If some legal issues were addressed and resolved, some still await attention. The learned authors who have contributed to the current issue of the journal have put forth, in their discussions such concerns from different walks of life.

In the social sphere though the problem of sexual abuse of children has picked up pace in the terms of awareness and deliberations, rights of elderly have fairly escaped communal notice. Further, the issue of surrogacy is also seen grappling to reform its fate in the wake of legislative and judicial protection.

Article 21 of the Indian Constitution, due to its vigorous dimensions is often referred as the heart line of an individual's liberty. Thus, it is interesting to observe implications of paradigmatic differences in the society on the fundamental right to life. One classic example is the question of right to die and its constant hassle with right to life.

Whereas in the field of commercial sector, recent amendments in arbitration law have solicited few critical perspectives considering the fast emerging trends in the commercial arbitration. Besides this, increase in commercial activities especially through marine wayfare have tabled the need for reforms with respect to marine insurance regulations.

Today India, a promising super power is swinging to the rhythm of digitization, which itself indicates myriad challenges in the legal system that is heavily dependent on paper record. Therefore, legal issues do not just sum up with substantive laws. Of late, courts of law have been experiencing novel challenges in the application of procedural law with every day advances in technology. For instance, establishing culpability on the basis of technology like voice recording raises concerns regarding the validity and veracity of such evidence in criminal law.

Situation however, is not completely gloomy. From an imperially biased legal system to a robust, rights based legal system, we have certainly come a long way. One such illustration is the success of family courts in India which as designed, are functioning to promote social and gender justice in the society.

Since this issue entails discussion on convoluted legal issues as well as comments on the efficiency of legal institutions like Family Courts in India, I am certain that readers will not only enrich their legal knowledge but also get apprised of conflicting perspectives on myriad legal issues.



(Adarsh Kumar Goel)
Judge, Supreme Court of India

INDEX

VOLUME-XVIII - ISSUE-I & II - JANUARY -2017 & APRIL-2017

ARTICLES	Page No.
Child Sexual Abuse in India : Legislative - Ms. Pooja Bali - Mr. Suresh Kumar	... 01
Surrogacy in India : Issues and Perspective - Dr. Bhupender Kumar Jodhta	... 10
Social Security System : An Approach for the Protection of the Rights of Elderly - Dr. Harpreet Kaur	... 26
Importance of Voice Recording and Its Evidentiary Value under Indian Criminal Justice System - Mr. Suresh Kumar	... 39
Critical Analysis of "Arbitration and Conciliation (Amendment) Act 2015" - Adv. Sudhir Kotwal	... 49
Marine Insurance Better Deviate than Delay - Mr. Kaustubh Shailesh Bam - Mr. Rohan Prakash Kharche	... 70
An Examination of the importance, efficiency and efficacy of Family Courts in India - Ms. Sharlin Puppal	... 92
Unjust Enrichment under Indian and English Law - Ms. Sharlin Puppal	... 112
From Gian Kaur to Aruna Shanbaug : The Judicial Evolution of Right to Die - Ms. Saisha Singh	... 125

News from States (October - December 2016)	... 142
News from States (January - March 2017)	... 189
Statistical Information	... 319

— Suresh Kumar*
— Pooja Bali**

Child Sexual Abuse India : Legislative and Judicial Response

INTRODUCTION

Children of today are citizen of tomorrow. They are the future of the nation. Child abuse in India is dreadful because it's a growing problem that has caused suffering to many children. Abuse occurs when people mistreat or misuse any person, showing no concern for their integrity or innate worth as an individual and in a manner that degrades the well-being of such person. Child abuse means causing serious physical or emotional harm by an adult to a child. Child abuse can take the form of physical abuse, sexual abuse, neglect, abandonment or any emotional or psychological abuse. Child abuse is likely to become a burden that the child bears all through his/her life. Pregnancy, a fresh encounter with sexual assault may open the wounds of the survivor again. Another context that results in early abuse related trauma can be approaching or having entered middle age. As the survivor struggles with the task of adult life, the legacy of an exploited childhood becomes increasingly burdensome. Often the precipitant is a change in the equilibrium of close relationship. The facade can hold no longer and the underlying fragmentation becomes manifest. When and if a breakdown occurs it can take symptomatic forms that mimic virtually every forms of psychiatric disorder. Survivors fear that they are going insane or will have to die.

Children are an easy prey to all mentally frustrated persons who seek to satisfy sexual desire sand lust. Harmful traditional practices like child marriages, caste system and discrimination against the girl child, child labour and devdasi impact negatively on children and increase their vulnerability to abuse and neglect. Lack of adequate nutrition, poor access to medical and educational facilities, migration from rural to urban areas, leading to raise urban poverty, children on streets and child beggars. These increase the vulnerabilities of children and expose them to situations of abuse and exploitation.

* Assistant Professor, Himcapes College of Law, Una, Himachal Pradesh.

** Assistant Professor, Himcapes College of Law, Una, Himachal Pradesh.

CHILD ABUSE IN HISTORICAL TIMES

Sexual abuse of children is far from new. Historians of the family have discovered that adults in elite households in Europe during fifteenth and sixteenth-century sometimes treated young children as sexual playthings. A striking example involves the King of France, Louis XIII. The young were sexually abused as well known to nineteenth-century Americans. In New York City, between 1790 and 1876 one third of rape victims were under the age of 19 and during the 1820s, the figure was 76 percent. The historian Lynn Sacco found more than 500 published newspaper reports of father-daughter incest between 1817 and 1899. An 1894 textbook, *A System of Legal Medicine*, reported that the “rape of children is the most frequent form of sexual crime.” In his landmark study of female sexual behavior, published in 1953, Alfred Kinsey reported that fully a quarter of girls under 14 years of age have reportedly experienced some form of sexual abuse, including exhibitionism, fondling, or incest (at rates roughly similar to those reported today). Yet when these findings were reported, they evoked virtually no public interest, although Kinsey’s statistics about pre-marital sexual activity and adultery provoked a huge public outcry.¹

Abusive acts against children fall under the preview of law in almost all developed countries. In India it exists in many forms but the laws are still ambiguous and most children suffer due to silence maintained over such episodes. Child abuse has gained public attention in the past few decades and now has become one of the most high profile crimes. Since 1970s the sexual abuse of the children and child molestation has increasingly been recognized as deeply damaging to children and thus unacceptable for the society as a whole².

CONSTITUTIONAL PROVISIONS AND CHILDREN

The Constitution of India recognizes the vulnerable position of the children and their rights to protection. The rights of children and their aspirations are of paramount importance in our march towards an inclusive and equitable society. The Constitution of India contains provisions for survival, development and protection of children. The doctrine of protective discrimination guarantees necessary and special

1 <http://blogs.ssrc.org/tif/2012/07/13/placing-childhood-sexual-abuse-in-historical-perspective/>

2 Protecting the Loss of innocence (with special reference to protection of children from sexual offence Act, 2012, Law Profiles Volume, 4 March 2013, p,25.

laws and policies that safeguards their rights.

The Constitution of India empowers the State Government to make special provisions for the advancement of the children.³

The Constitution of India provides that that children are given opportunities and facilities to develop in a healthy manner and conditions that comply with freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment.⁴

The Constitution prohibits employment of young children in factories. It lays down that, no child below the age of fourteen years shall be employed to work in any factory or mine or engaged in other hazardous employment.⁵

The Constitution imposes a duty on the state to provide free and compulsory education for all children till they complete the age of fourteen years.⁶

JUDICIARY ON SEXUAL OFFENCES AGAINST CHILDREN

The judiciary has played a pivotal role in realizing this heinous crime against children. Time and again the judiciary has issued various guidelines for ensuring the security and rehabilitation of the children affected by sexual assault.

Shashi v. Union of India⁷

The Supreme Court laid down following guidelines for holding the trial of child sex abuse:

A screen or some such arrangement should be made where the victim or witnesses do not see the body or face of the accused.

The questions put in cross examination on behalf of the accused, insofar as they relate directly to the incident should be given in writing to the presiding officer of the court, who may put them to the victim or

3 Article 15(3), The Constitution of India

4 Article 39, The Constitution of India

5 Article 24, The Constitution of India

6 Article 21A, The Constitution of India

7 AIR 2004 SC 3566

witnesses in a language which is clear and not embarrassing.

The victim of the child abuse or rape, while giving testimony in the court, should be allowed sufficient breaks as and when required.

Shankar Kisanrao Khade v State of Maharashtra⁸

The court observed that in most of the cases children are abused by persons known to them or who have influence over them. The court also held that sexual abuse can be in any form like sexually molestation or assault or encouraging, inducing or forcing the child to be used for the sexual gratification of another person, using a child or deliberately exposing a child to sexual activities or pornography or procuring or allowing a child to be procured for commercial exploitation and so on.

Gaurav Jain v Union Of India⁹

The Supreme Court issued several directions to Central Government, State Governments and Non-Governmental Organizations which are as follows:

The court held that it is the duty of Government and all voluntary NGOs to take necessary measures for protecting them from prostitution and rehabilitate them so that they may lead a life with dignity.

The court directed that the abused children should be provided opportunities for education, financial support, development, marketing facilities for goods produced by them. If possible, their marriages may be arranged so that the problem of child prostitution can be eradicated. Marriage would give them real status in society. They should be given housing facilities, legal aid, free counselling assistance and similar aid and service so that they do not fall into the trap of red light areas again.

The court held that economic empowerment is one of the major factor that prevents the young girls from getting trafficked into the prostitution as Devdasis, Jogins or Venkatasins. Referring to the various measure taken by the different states, the court directed that the social welfare department under the Government of India and State government should undertake similar rehabilitation programmes for such women so that the

8 (2013) 5 SCC 546

9 1990 AIR 292

whole practice is totally eradicated and they are not again trapped into the prostitution.

The court further directed that the rescue and rehabilitation of the child prostitutes and children should be kept under the then nodal agency, namely, Department of Woman and Child Development under the Ministry of Welfare and Human Resource, Government of India that shall devise suitable scheme for proper and effective implementation. The court directed the Ministry of Welfare, Government of India for the establishment of Juvenile Homes.

Vishal Jeet v Union Of India¹⁰

The Supreme Court held that this matter is of great importance warranting a comprehensive analysis requiring a humanistic rather than a purely legalistic approach from different angles. The court stated that this malady is not only a social but also a socio-economic problem and therefore, the measures to be taken in that regard should be more preventive rather than punitive.

The SC issued the following directions inter alia to the State Governments and Union Territories:

Direct concerned law enforcing authorities to take appropriate and speedy action under the existing laws in eradicating child prostitution.

Take steps in providing adequate and rehabilitative homes.

Set up separate Advisory Committee consisting of relevant Government officials, sociologists, criminologists, members of the women/ child welfare/ voluntary social organisations to make suggestions for eradicating child prostitution and the devdasi and jogin tradition; and measures for care, protection, treatment, development and rehabilitation of victims.

THE PROTECTION OF CHILDREN FROM SEXUAL OFFENCES ACT, 2012

On 22 May 2012, the Parliament passed 'The protection of Children from Sexual Offences Bill 2011'. Till the passing of this Act, the law relating to sexual offences against children was scattered in various provisions

¹⁰ AIR 1990 SC 1412

of Indian Penal Code, 1860. However now after the passing of this Act, we have a separate law relating to sexual offences against children. The present Act has its genesis in Article 15 (3) of the Constitution of India. From the global perspective also, India has corresponded its obligation as a signatory of United Nation Convention on Rights of Children, which has prescribed a set of standards to be followed by all State parties in securing the best interests of the child. This Act not only prescribes the different category of sexual offences against children but also provides for stringent punishments for the offences.

PENETRATIVE SEXUAL ASSAULT

The Act clearly defines sexual assault, sexual harassment and pornography as distinct offences. When an offence is committed by a public servant, police officer, member of armed forces, security personnel, jailor or any person in the management of any medical or educational institution or a guardian who is responsible for the protection and care of the child, it is considered as an aggravated form of penetrative sexual assault under the Act.¹¹

SEXUAL ASSAULT

The Act defines sexual assault as “whoever with sexual intent touches the vagina, penis, anus or breast of a child or makes the child touch the vagina, penis, anus or breast of such person or any other person, or does any other act with sexual intent which involves physical contact without penetration is said to have committed sexual assault”. When such assault is committed by a public servant, police officer, member of armed forces, security personnel, jailor or any person in the management of medical or educational institution or a guardian who is responsible for the protection and care of the child, it is considered as an aggravated form of sexual assault under the Act.¹²

SEXUAL HARASSMENT

A person is said to commit sexual harassment upon a child when such person with sexual intent-¹³

11 Section 3 and 4, The Protection of Children from Sexual Offences Act, 2012

12 Section 7, The Protection of Children from Sexual Offences Act, 2012

13 Section 5 and 6, The Protection of Children from Sexual Offences Act, 2012

utters any word or makes any sound or makes any gesture or exhibits any object or part of body with the intention that such word or sound shall be heard, or such gesture or object or part of body shall be seen by the child; or

makes a child exhibit his body or any part of his body so as it is seen by such person or any other person; or

shows any object to a child in any form or media for pornographic purposes; or

repeatedly or constantly follows or watches or contacts a child either directly or through electronic, digital or any other means; or

threatens to use, in any form of media, a real or fabricated depiction through electronic, film or digital or any other mode, of any part of the body of the child or the involvement of the child in a sexual act; or entices a child for pornographic purposes or gives gratification therefor.

USING CHILD FOR PORNOGRAPHIC PURPOSES

Using a child in any form of media (including programmes or advertisement telecast by television channels or internet or any other electronic form or printed form, whether or not such programmes or advertisement is intended for personal use or for distribution), for the purposes of sexual gratification, amounts to an offence under this Act.¹⁴

PROCEDURE UNDER THE ACT

The criminal law has been made widely applicable in dealing with the cases under this Act. Any child offender has been directed to be dealt under Juvenile Justice (Care and Protection of Children) Act 2000. Any complaint under this Act is to be filed before the special courts having all the powers of a court of session.¹⁵

PROVISIONS FOR SPREADING AWARENESS AND MONITORING

A duty is cast on the Central government and State government to

14 Section 13, and 14, The Protection of Children from Sexual Offences Act, 2012

15 Sailja Pritam, The Protection of children From Sexual Offences Act, 2012- A Bird Eye View, Nayaya Deep, Vol XIII, Oct. 2012, p 87

spread awareness through the media including television, radio and print media at regular intervals to make the general public, children as well as their parents and guardians aware of the provisions of this Act. The National Commission for the protection of children rights and the State Commission for the protection of child are the designated authorities to monitor the implementation of this Act.¹⁶

CHILD FRIENDLY PROCEDURE :

The Act makes provisions for a child friendly procedure in the following way:¹⁷

Recording the statement of the child at the residence of the child or at a place of his choice by a women police officer not below the rank of sub-inspector.

No child to be detained in the police station in the night for any reason.

Police officer not to be in uniform while recording the statement of the child.

The statement of the child is to be recorded as spoken by the child.

Assistance of an interpreter or translator or an expert as per the need of the child.

Medical examination of the child to be conducted in the presence of the parents of the child or any other person in whom the child has trust or confidence.

If victim is a girl child, the medical examination shall be conducted by a female doctor.

Frequent breaks for the child during trial.

Child not to be called repeatedly to testify.

No aggressive questions or character assassination of the child.

¹⁶ *Ibid*

¹⁷ *Id* at p. 85

CONCLUSION

The Protection of Children from Sexual Offences Act, 2012 is a significant step by the Parliament for securing the future of the children. With the passing of this Act, now we have a separate legislation dealing exclusively with the offences of child abuse. The present Act not only categorically defines the sexual offences in detail which were not clear earlier but also makes provisions for certain stringent punishments for the accused guilty of committing any offence under this Act. The Act makes provisions for a child friendly procedure to be followed in child sexual abuse cases at the same time for the better implementation of the Act a duty is casted on the National Commission for the Protection of Child Rights (NCPCR) and the State Commission for the Protection of Child Rights (SCPCR). The Central Government and the State Government are also duty bound to spread awareness through media including television, radio and the print media at regular intervals to make the general public, children as well as their parents aware of the provisions of this Act. Child abuse in India is considered to be a social taboo. Most families choose to cover up such incidents. The Supreme Court has also raised its concern in *Shankar Kisanrao khade v State of Maharashtra*, "that some adult members of the families including the parents choose not to report such crimes to the police on the plea that it was for the sake of protecting the child from social stigma and it would also do more harm to the victim." Such narrow thinking needs to be eradicated from the roots if the future of the children is to be secured in this country.

According to WHO, one in every four girls and one in every seven boys in the world are sexually abused. It found that at any time, one of ten Indian children is a victim of sexual abuse. These figures clearly show as to how serious we are with relation to the protection of the young children. To get this problem uprooted from the society every citizen must join hands together and everyone needs to realize the seriousness of this highly sensitive issue and to give a push to the present legislation to work in an efficient manner.

Surrogacy in India: Issues and Perspectives

Abstract

Surrogacy is when a woman carries a baby for another couple and gives up the baby at birth. In the past decade, commercial surrogacy has grown tremendously in India. India has emerged as an international centre of “surrogacy industry”. Thousands of infertile couples from India and abroad are flocking to the Assisted Reproductive Technology (ART) clinics to have a child of their own. Surrogacy raises complex ethical, moral and legal questions. Surrogacy poses a serious threat to human rights and has been thoroughly condemned as it acts as a channel for the exploitation of surrogate mothers. For infertile parents, bearing children is Fundamental Right and for surrogate mother, surrogacy is a gross violation of human rights. In India, Surrogacy is highly unregulated and hardly ever monitored. In the light of above, it had become necessary to enact a legislation to regulate surrogacy services in the country, to prohibit the potential exploitation of surrogate mothers and to protect the rights of children born through surrogacy.

Keywords: surrogacy industry, ill effects, legal framework and judicial pronouncements.

1. Introduction

The word surrogate originates from Latin word surrogates (substitution) which means to act in the place of. Further the very word surrogate means “substitute.”¹ In general, terms surrogacy is the practice where by one woman carries a child for another with the intention that the

* Principal, School of Law, IEC University, Solan, H.P.

1 Malini Karkal, *Surrogacy from a feminist perspective*, INDIAN JOURNAL OF MEDICAL SCIENCE (IJME), (Oct. - Dec. 1997 – 5(4)), available at <<http://www.Issuesinmedicalethics.org/054mi15.html>>(last visited on October 23, 2016); Nelson Hilde Lindeman, Nelson James Linde mann: *Cutting motherhood in two: some suspicions concerning surrogacy*; Holmes Helen Bequeath, Purdy Laura (Eds.): *Feminist perspectives in medical ethics.*, New York: Hypatia Inc., (1992).

child should be handed over after the birth. Surrogate mother “is a woman who agrees to have an embryo generated from the sperm of a man who is not her husband, and the oocyte for another woman implanted in her to carry the pregnancy to full term and deliver the child to its biological parents(s).”²

Defining surrogacy, it may be very well noted here that surrogacy is of three broad types³:

- **Traditional Surrogacy**- It involves the artificial insemination of the surrogate mother by using the sperm of the intended father.

- **Gestational Surrogacy**- This sort of surrogacy involves the creation of an embryo in a Petri dish and its implementation into the womb of the surrogate mother who carries it to the term.

- **Donor Surrogacy**- In donor surrogacy there is no genetic relationship between the child and the intended parents as the surrogate is inseminated with the sperm, not of the intended father but of an outside donor.

If methodology is to be believed, this is the best techniques of surrogate motherhood may not be new after all. It explains the one hundred children’s of *Dhritarashtra* and *Gandhari* in *Mahabharata*. The term surrogacy is used when woman carries pregnancy and gives birth to a baby for another woman. This woman may be the child’s genetic mother, or she may carry the pregnancy to deliver after having an embryo, to which she has no genetic relationship, transferred to her uterus.⁴

To understand surrogacy in the Indian context, one must begin with the fact that, while the Transplantation of Human Organs Act, 1994 banned the sale of human organs, organ loaning an equally difficult and risky venture is being promoted through paid surrogacy. This is due to a medical industry that welcomes profitable international ventures like “reproductive tourism”, even when infertility constitutes a small segment of domestic priorities.⁵

2 The Assisted Reproductive Technologies (Regulation) Bill-2010, Indian Council of Medical Research (ICMR), Ministry of Health & Family Welfare, Government. of India 4, (2010).

3 *Surrogacy & its Legal Aspect*, available at < <http://Legalsutra.Org/1561/surrogacy-And-Its-Legal-aspect>> (last visited on October 23, 2016).

4 State Conference on “*Secure Women for Secure State*” (25th & 26th August 2012).

5 *The Business & Ethics of Surrogacy*, Available at<<http://www.jstor.org/stable>

The ever-rising prevalence of infertility world over has led to advancement of Assisted Reproductive Techniques (ART). Herein, surrogacy comes as an alternative when the infertile woman or couple is not able to reproduce. Surrogacy is an arrangement where a surrogate mother bears and delivers a child for another couple or person. In gestational surrogacy, an embryo, which is fertilized by in vitro fertilization, is implanted into the uterus of the surrogate mother who carries and delivers the baby. In traditional surrogacy, the surrogate mother is impregnated with the sperms of the intended father artificially, thus making her both genetic and gestational mother. Surrogacy may be commercial or altruistic, depending upon whether the surrogate receives financial reward for her pregnancy.

India has emerged as an international centre of “surrogacy industry”. Thousands of infertile couples from India and abroad are flocking to the Assisted Reproductive Technology (ART) clinics to have a child of their own.⁶ Surrogacy raises complex ethical, moral and legal questions. Surrogacy must be legal in India for it to have developed into an industry. What does it mean and how has it come to be? It is currently estimated to be a \$2-billion industry. Before November 2015, when the government imposed a ban, foreigners accounted for 80 per cent of surrogacy births in the country. This is because most countries, barring a few such as Russia, Ukraine and some U.S. states, do not permit commercial surrogacy. Many countries in Europe have completely prohibited surrogacy arrangements, both to protect the reproductive health of the surrogate mother as well as the future of the newborn child.

The debate began when, in 2008, a Japanese doctor couple commissioned a baby in a small town in Gujarat. The surrogate mother gave birth to a healthy baby girl. By then the couple had separated and the baby was both parentless and stateless, caught between the legal systems of two countries. The child is now in her grandmother’s custody in Japan but has not obtained citizenship, as surrogacy is not legal in Japan.

In 2012, an Australian couple who had twins by surrogacy, arbitrarily rejected one and took home the other. A single mother of two from Chennai decided to become a surrogate mother in the hope that the payment would

[pdfplus/40278374.pdf?acceptTC=true](#) > (last visited on October 23, 2016).

6 Editorials : Naturally Unjust, ECONOMIC AND POLITICAL WEEKLY, Vol. 1, No. 44, (last visited on October 31, 2015).

help her start a shop near her house. She delivered a healthy child, but her hopes bore little fruit for herself. She received only about Rs.75,000, with an autorickshaw driver who served as a middleman, taking a 50 per cent cut. After repaying the loans, she did not have enough money. On January 29, 2014, 26-year-old Yuma Sherpa died in the aftermath of a surgical procedure to harvest eggs from her body, as part of the egg donation programme of a private clinic based in New Delhi.

These incidents highlight the total disregard for the rights of the surrogate mother and child and have resulted in a number of public interest litigations in the Supreme Court to control commercial surrogacy. The 228th report of the Law Commission of India⁷ also recommended prohibiting commercial surrogacy and allowing ethical altruistic surrogacy to needy Indian citizens by enacting a suitable legislation. In the light of above, it had become necessary to enact a legislation to regulate surrogacy services in the country, to prohibit the potential exploitation of surrogate mothers and to protect the rights of children born through surrogacy.

2. The Surrogacy (Regulation) Bill, 2016; Issues and Perspectives

On August 24, the Union cabinet approved the Surrogacy (Regulation) Bill, 2016. The Surrogacy (Regulation) Bill, 2016 proposes to regulate surrogacy in India by permitting it as an option for couples who cannot naturally have children, have a lack of other assisted reproductive technology options, are keen to have a biological child, and can find a surrogate mother among their relatives. Altruistic surrogacy⁸, which means an arrangement without transfer of funds as inducement, is currently practised in some centres in India, though the majority of surrogacy centres use women who are paid for their services.

The Surrogacy (Regulation) Bill, 2016 has several checks on who is an eligible candidate for surrogacy, and also has restrictions on who can be a surrogate mother. The government, in this legislation, has also tried to define a couple in “need” for a surrogate child. Here are few things we should know about the proposed bill:

7 228th Report of the Law Commission of India (2008).

8 Section 2 (b), The Surrogacy (Regulation) Bill, 2016; “altruistic surrogacy” means the surrogacy in which no charges, expenses, fees, remuneration or monetary incentive of whatever nature, except the medical expenses incurred on surrogate mother and the insurance coverage for the surrogate mother, are given to the surrogate mother or her dependents or her representative;

Ban on Commercial Surrogacy⁹

The Government of India has proposed to amend the surrogacy laws in India because of increase in commercial surrogacy in India. Government said that India “has emerged as a surrogacy hub for couples from different countries”, which has spiraled into unethical practices, putting both surrogate mothers and their babies at risk. However, instead of putting into place checks and balances for this growing industry, the government has proposed simply banning it. No person, organisation, surrogacy clinic, laboratory or clinical establishment of any kind shall undertake commercial surrogacy, provide commercial surrogacy or its related component procedures or services in any form or run a racket or an organised group to empanel or select surrogate mothers or use individual brokers or intermediaries to arrange for surrogate mothers and for surrogacy procedures, at such clinics, laboratories or at any other place¹⁰

Regulation of surrogacy and surrogacy procedures.¹¹

Indian infertile couples between the ages of 23-50 years (woman) and 26-55 (man) who have been married for five years and who do not have a surviving child will be eligible for surrogacy. The Surrogacy (Regulation) Bill, 2016 allows married Indian couples with “proven infertility” to try the surrogacy route. This will, by omission, keep out any homosexual couples as the law does not cover them, as well as live-in partners, and single men and women who might want a surrogate child. The surrogate mother should be a close relative of the intending couple and between the ages of 25-35 years and shall act as a surrogate mother only once in her lifetime.

Payment to a surrogate mother¹²

If you’re a heterosexual married couple who have proven infertility,

9 Section 2 (f), The Surrogacy (Regulation) Bill, 2016 “commercial surrogacy” means commercialization of surrogacy services or procedures or its component services or component procedures including selling or buying of human embryo or trading in the sale or purchase of human embryo or gametes or selling or buying or trading the services of surrogate motherhood by way of giving payment, reward, benefit, fees, remuneration or monetary incentive in cash or kind, to the surrogate mother or her dependents or her representative, except the medical expenses incurred on the surrogate mother and the insurance coverage for the surrogate mother;

10 Section 35, The Surrogacy (Regulation) Bill, 2016.

11 Section 4(iii)(b)(i), The Surrogacy (Regulation) Bill, 2016.

12 Section 4 (iii)(b)(iii), The Surrogacy (Regulation) Bill, 2016.

and you find someone who agrees to be a surrogate mother, you can't pay her. You can pay for any and all of her medical bills, but that's all. If you're heterosexual couples who have proven infertility, and you have found someone who agrees to be a surrogate mother without payment, you have to make sure that person is a "close relative".

Surrogacy will be allowed only once

If you have a child already or you adopted a child in the past or you already have a surrogate child, you cannot approach a surrogate mother a second time¹³. And if someone has been a surrogate mother once in the past, they cannot do so again. The number of oocytes¹⁴ or embryos to be implanted in the surrogate mother for the purpose of surrogacy, shall be such as may be prescribed.

Foreigner Nationals can't get Indian surrogate mothers¹⁵

The bill effectively bans foreigners to seek an Indian surrogate mother. This includes non-resident Indians (NRIs).

Prohibition of conducting surrogacy.¹⁶

No person including a relative or husband of a surrogate mother or intending couple shall seek or encourage conducting any surrogacy or surrogacy procedures on her except for the purpose specified in the bill¹⁷ Any establishment found undertaking commercial surrogacy, exploiting the surrogate mother, selling or importing a human embryo shall be punishable with imprisonment for a term not be less than 10 years and with a fine up to Rs.10 lakh.¹⁸

Prohibition to abortion¹⁹ and abandon²⁰ child born through surrogacy.

The intending couple shall not abandon the child, born out of a surrogacy procedure, whether within India or outside, for any reason whatsoever,

13 Section 8, The Surrogacy (Regulation) Bill, 2016.

14 Section 2 (u), The Surrogacy (Regulation) Bill, 2016.

15 Section 4 (iii)(c)(ii), The Surrogacy (Regulation) Bill, 2016.

16 Section 5, The Surrogacy (Regulation) Bill, 2016.

17 Section 4(ii), The Surrogacy (Regulation) Bill, 2016.

18 Section 5, The Surrogacy (Regulation) Bill, 2016.

19 Section 9, The Surrogacy (Regulation) Bill, 2016.

20 Section 7, The Surrogacy (Regulation) Bill, 2016.

including but not restricted to, any genetic defect, birth defect, any other medical condition, the defects developing subsequently, sex of the child or conception of more than one baby and the like. No person, organization, surrogacy clinic, laboratory or clinical establishment of any kind shall force the surrogate mother to abort at any stage of surrogacy except in such conditions as may be prescribed.

The child born through surrogacy will have all the rights of a biological child.²¹

Any child born out of surrogacy procedure shall be deemed to be a biological child of the intending couple and the said child shall be entitled to all the rights and privileges available to a natural child under any law for the time being in force.

Written informed consent of surrogate mother²²

No person shall seek or conduct surrogacy procedures unless he has explained all known side effects and after effects of such procedures to the surrogate mother concerned; obtained in the prescribed form, the written informed consent of the surrogate mother to undergo such procedures in the language she understands.

Prohibition and regulation of surrogacy clinics²³

No surrogacy clinic, unless registered under this Act, shall conduct or associate with, or help in any manner, in conducting activities relating to surrogacy and surrogacy procedures. No paediatrician, gynaecologist, human embryologist, registered medical practitioner or any person shall conduct, offer, undertake, promote or associate with or avail of commercial surrogacy in any form. No surrogacy clinic shall employ or cause to be employed or take services of any person, whether on honorary basis or on payment who does not possess such qualifications as may be prescribed. No registered medical practitioner, gynaecologist, paediatrician, human embryologist or any other person shall conduct or cause to be conducted or aid in conducting by himself or through any other person surrogacy or surrogacy procedures at a place other than a place registered under this Act. No surrogacy clinic, registered medical practitioner, gynaecologist,

21 Section 7, The Surrogacy (Regulation) Bill, 2016.

22 Section 6(ii), The Surrogacy (Regulation) Bill, 2016.

23 Section 3, The Surrogacy (Regulation) Bill, 2016.

paediatrician, human embryologist or any other person shall promote, publish, canvass, propagate or advertise or cause to be promoted, published, canvassed, propagated or advertised. Any registered medical practitioner, gynaecologists, paediatrician, human embryologists or any person who owns a surrogacy clinic or employed with such a clinic or centre or laboratory and renders his professional or technical services to or at such clinic or centre or laboratory, whether on an honorary basis or otherwise, and who contravenes any of the provisions of this Act (other than the provisions referred to in section 35), rules and regulations made thereunder shall be punishable with imprisonment for a term which shall not be less than five years and with fine which may extend to ten lakh rupees.²⁴

Surrogacy regulatory bodies.

Implementation will be through the national and State surrogacy boards²⁵. The government has proposed that it will establish a National Surrogacy Board at the central level, chaired by the health minister, and State Surrogacy Boards and appropriate authorities in the states and union territories. They will overlook all cases of surrogacy and regulate hospitals and clinics that offer this in India. Registered surrogacy clinics will have to maintain all records for a minimum period of 25 years.²⁶ Whoever contravenes any of the provisions of this Act, rules or regulations made thereunder for which no penalty has been elsewhere provided in this Act, shall be punishable with imprisonment for a term which shall not be less than three years and with fine which may extend to five lakh rupees and in the case of continuing contravention with an additional fine which may extend to ten thousand rupees for every day during which such contravention continues after conviction for the first such contravention²⁷.

The Surrogacy (Regulation) Bill, 2016; whether it violates fundamental right

The cabinet's decision does not appear to be in consonance with constitutional provisions. Article 14²⁸ of the Constitution guarantees "equality before the law and equal protection of laws to all persons".

24 Section 36 (i) The Surrogacy (Regulation) Bill, 2016.

25 Section 14(i), The Surrogacy (Regulation) Bill, 2016.

26 Section 47(i), The Surrogacy (Regulation) Bill, 2016.

27 Section 38, The Surrogacy (Regulation) Bill, 2016.

28 Art. 14, The Constitution of India, 1950.

Article 21²⁹ guarantees “protection of life and personal liberty of all persons”. Restricting conditional surrogacy to married Indian couples and disqualifying others on the basis of nationality, marital status, sexual orientation or age, does not appear to qualify the test of equality and has no connection with the intended objectives of the proposed legislation. Further, the right to life includes the right to reproductive autonomy — that includes the right to procreation and parenthood. It is not for the state to decide the modes of parenthood. Constitutionally, the state cannot interfere in the prerogative of a person(s) to have children, naturally or through surrogacy. Infertility cannot be a condition to undertake surrogacy. The proposed law ought to be put in the public domain before the country’s parliamentarians debate it.

Surrogacy has been in vogue in the country for more than 10 years. The proposed bar in the Surrogacy (Regulation) Bill, 2016 on it violates the fundamental rights of stakeholders. Foreign and single parents who commission the services of surrogate mothers enjoy protection under Articles 14 and 21 of the Constitution — equality under law and the right to life. Right to reproductive autonomy and parenthood, as a part of right to life of a single or foreign person, cannot be circumvented, especially when the law already permits parenthood through inter-country adoptions from India — by single persons or foreign couples. The draft bill bars medical professionals from offering their services in surrogacy procedures (except for altruistic surrogacy). It also deprives surrogate mothers of their right to livelihood.

The government has justified the barring of foreigners to prevent the misuse of surrogacy. This could prove counterproductive. The yardsticks governing domestic altruistic surrogacy will offer an opportunity for corruption and exploitation, pushing surrogacy into unethical hands. It could foster an underground abusive trade in surrogacy. Relatives will be generated and surrogates will be impregnated in India and shifted to permissible jurisdictions.

Given that the surrogate mothers will be Indian nationals, whose safety will be at risk once surrogacy becomes an underground business, there is a dire need to enact a comprehensive law that factors in the current societal practices associated with surrogacy. The problems pertaining to adoption of Indian children by foreigners were resolved

29 Art. 21, The Constitution of India, 1950.

by guidelines, which over the years have acquired statutory status. A similar approach could be adopted to regulate surrogacy. There should be an appropriate mechanism to judge the suitability of surrogate parents – citizens or foreigners should not matter. An agency along the lines of the Central Adoption Resource Agency – that administers adoption of Indian children by foreigners – could be created to regulate surrogacy. A democratic law, which we have been waiting for, for the past 10 years, must regulate surrogacy in the country.

Judicial Pronouncements and Surrogacy in India

The court found surrogacy on its own “no offense to our present laws.” This is also the current state of the law in India. A law is made in a given context, with certain horizons. As new activities emerge, these are judged by the law made in an earlier context. In this sense, all activities are judged by a law made with another context in view. Law is forever caught in the text and the context³⁰. A new activity may or may not have been contemplated by the legislature. What is important, however, is the text of the law. A new activity may not have been contemplated by the law and yet qualify as prohibited within the text of the law. At other times, an act may be un contemplated and also beyond the text of the law. Such acts are legal because these are not illegal within the text of the law. The legislature then may take note of the gap and legislate on it.

The India surrogacy journey can be said to have actually begun in 2002, when the Supreme Court, the apex Court of the Country, acknowledged commercial surrogacy in India as a legal, even though India’s first surrogate baby was delivered on June 23rd, 1994.³¹ Subsequently, by virtue of *Baby Manji Yamada V/s Union of India*³² in this case Baby Manji was born to a surrogate mother through in vitro fertilization using a Japanese man’s sperm and an egg from an unknown donor at Anand. In less than a month, ‘Baby Manji’ has already seen fierce legal battles in two constitutional courts, Rajasthan High Court and in Supreme Court, where an NGO has raised questions on legal propriety of surrogacy and the child’s nationality. Anxious for the outcome are her Japanese

30 Pathak, Akhileshwar and Pandey, Vikash Pandey , *Sociology of Law in India: Postscripts and Prospects*, ECONOMIC AND POLITICAL WEEKLY, Vol. XXX, No. 31 and 32, (August 5-12, 1995).

31 Smith , *Indian Surrogacy Journey*, available at <<http://Www.surrogacyclinics.com/tag/Commercial-Surrogacy-In-India>>(,2011) (last visited on October 26, 2016).

32 *Baby Manji Yamada V/s Union of India* JT (2008) 11 SCC 150.

father and grandmother. Therefore the writ of Habeas Corpus has been filed claiming that money making racket is perpetuated in the name of the surrogacy. Therefore, Apex Court held that commercial surrogacy is permitted in India and consequently that has increased the international confidence in going in for surrogacy in India.

In the case of *Jan Balaz V/s Union of India*³³ the Gujarat High Court has come to a decision that the child born in India to a surrogate mother, an Indian national whose biological father is a foreign national, would get citizenship in India by birth. Emotional and legal relationship of the surrogate child with biological parents, moral and ethical issues is vital importance. The crux of this case is that the Gujarat High Court conferred Indian citizenship on two twin babies fathered through compensated surrogacy by a German national in Anand districts.

The Division bench of the HC comprising Justice K.S Radhakrishnan and A.S. Dave, in this landmark judgement observed that a comprehensive legislations defining the rights of the child born out of surrogacy agreement, rights and responsibilities of a surrogate mother, egg donor, commissioning parties, legal validity of the agreement, the parent child relationship, responsibilities of the Infertility clinic was also required. Upholding the citizenship rights of the boys, the Court said: “we, in the present legal framework, have no other go but to hold that the babies born in India to gestational surrogate are citizens of this country and therefore entitled to get the passport and therefore direct the passport authorities to release the passport withdraw from forth with.”

It is aptly pointed out in the 228th Law Commission Report that in *Javed V/s State of Haryana*³⁴, though the Supreme Court upheld the two living children norm to debar a person from contesting a Panchayati Raj election it refrained from stating that the right to procreation is not a basic right. The judiciary in India has too recognized the reproductive rights. In *B.K. Parthasarathi V/s Government of Andhra Pradesh*³⁵, an important question of law as to the constitutional validity of Section 19(3) of the Andhra Pradesh Panchayat Raj Act, 1994 is raised in these writ petitions. In all these three writ petitions, the individual petitioner is either an elected Chairman or some other office bearer of one of the local bodies

33 Jan Balaz V/s Union of India AIR (2010) Guj. 21.

34 Javed V/s State of Haryana (2003) 8 SCC 369.

35 B.K. Parthasarathi V/s Government of Andhra Pradesh AIR (2000) AP 156.

created under the Andhra Pradesh Panchayat Raj Act, 1994. The “right of privacy” as a constitutionally protected right is not to be found in the express language of the Constitution of India. However, the said right is recognized as a facet of Article 21 of the Constitution of India. The High Court of Andhra Pradesh subsequently held that ‘the right of reproductive autonomy’ of an individual is his ‘right to privacy’.

In order to legalize the act of surrogacy it is very well said by Kerala High Court in its judgement, *P Geetha Nagar V/s Kerela Live Stock Development Board*³⁶ held that ‘even in the absence of statutory framework, surrogacy in India is not illegal, thus the country becoming a favourite destination for international destitute of children. Before referring to the specifics, it is appropriate to appreciate the essential terminology employed in this field.

Establishing paternity may be easy enough with one quick genetic test, but the issue is not simple and easy for the courts. What will happen if a non-custodial father has been the “father” to a child for 15 years only to learn that he is not the biological father? Does he get a refund on the child support he is paid? Or if a surrogate mother breaks her contract, can she go after the husband and wife clients for monetary support for the resulting child? These are tough legal questions for judges and policymakers. The Indian system only recognizes the birth mother. There is no concept of DNA testing for establishing paternity as far as the Indian legal system is concerned, i.e., the name on the child’s birth certificate has to be that of the birth mother and her husband.

In 2008, the Supreme Court of India in the Manji’s case (Japanese Baby) has held that commercial surrogacy is permitted in India and it has again increased the international confidence in going for surrogacy in India.³⁷ The law commission of India has submitted the 228th Report on “Need for Legislation to Regulate Assisted Reproductive Technology Clinics as well as Rights and Obligation of Parties to Surrogacy.”³⁸ The main observations had been made by the law commission are as: surrogacy arrangements will continue to be governed by contracts amongst parties, but such an arrangement should not be for commercial purposes. A surrogacy

36 P Geetha Nagar V/s Kerela Live stock development Board WP(C) No. 20680 of 2014.

37 Svitnev K, *Posters Ethics and Law*, Hum Reprod, 25:i235-6,(2010), See. *Baby Manji Yamada v. Union of India* (2008) 13 SCC 518.

38 228th Report of the Law Ccommission of India (2009). Available at; <http://surrogacy-lawsindia.com/admin/userfiles/file/report228.pdf>. [last visited on October 21, 2016].

arrangement should provide for the financial support for surrogate child in the event of death of the commissioning couple or individual before delivery of the child.

A surrogacy contract should necessarily take care of life insurance cover for surrogate mother. Legislation itself should recognize surrogate child to be legitimate child. The birth certificate of the surrogate child should contain the name(s) of the commissioning parent(s) only. Right to privacy of donor as well as surrogate mother should be protected. Sex selective surrogacy should be prohibited. Cases of abortion should be governed by Medical Termination of Pregnancy Act 1971 only.³⁹ Most women who get involved as surrogates do so because they are in need of money. The surrogate mothers are often unaware of their legal rights and due to their financial situation they cannot afford the services of lawyers.⁴⁰ Surrogates are physically exploited once they have signed contracts agreeing to give birth to babies for clients. To make matters worse, if the pregnancy is indeed aborted, the surrogates often receive just a fraction of the original payment. The contracts can also place liability on the mother for risks including pregnancy-induced diseases, death and post-partum complications.⁴¹ Many surrogate mothers face emotional problems after relinquishing their child. However, a study showed that surrogate mothers do not appear to experience psychological problems as a result of the surrogacy arrangements. Although it is acknowledged that some women experience emotional problems in handing over the baby or as a result of the reactions around them, these feelings appeared to lessen during the weeks following the birth.⁴²

5. There would be many legal questions encasing surrogacy contract as to:

- Whether surrogacy agreements are against public policy. What would be appropriate damages for breaches of the contract? Would they be monetary, or would they require specific performance?

39 Government of India, MOH&FW, ICMR: 2008, ART (Regulatory) Bill, Ch. II, V, VII., Part I. and Schedule I, Part 7 on Forms., p. 6-11, 20-2, 25-9, 81-135, (2008).

40 Available at : <http://www.andrewkimbrell.org/andrewkimbrell/doc/surrogacy.pdf>. [Last visited on October 24, 2016].

41 *Surrogate Motherhood-Ethical or Commercial*, Centre for Social Research (CSR) 2, Nelson Mandela Marg, Vasant Kunj- 110070. Available at : <http://www.womenleadership.in/Csr/SurrogacyReport.pdf>. [Last visited on October 24, 2016].

42 Singh KK. *Human genome and human rights: An overview*. JOURNAL OF INDIAN LAW INSTITUTE, 50:67-80, (2008)

- Whether payment of fee in lieu of surrogacy contract violates child trafficking law? Is it payment for services rendered or for the child?
- Would prohibition of surrogate contract violate constitutional 'rights to privacy' or 'right to procreate'?
- Who would be the legal mother? Who should participate in decisions affecting the welfare of the foetus and the newborn?
- What would be the status of surrogate child in the absence of grant of citizenship?
- Who would get the custody of the child, if surrogate mother changes her mind before surrendering the child?
- Whether children born with new technology (IVF) are entitled to inherit with the same rights as a natural-born child?
- Whether the identity of the gamete donor would be disclosed?
- Whether the child born under surrogacy arrangement has a right to know about his genetic origin?
- Whether there is any misuse of modern reproductive technologies pertaining to sex-selection?

6. Suggestions

- Personal laws governing the surrogate child's right needs to be amend.
- Paramount consideration should be given to the welfare of the child.
- Commercial surrogacy should not be legalised fully, only right to enjoy parenthood should be there.- The Artificial Reproductive Technology clinics and practice should be regulated by the proper legislations.
- Most importantly, the rights and obligations of the biological parents, surrogate mother should be determined by the statute not by the contract. Such a socially sensitive issue should not be regulated by contractual relations.

- There is need to re draft the ART Bill in compliance with public policy.

7. Conclusion

It seems ironical that people are engaging in the practice of surrogacy when nearly 12 million Indian children are orphans. Adoption of a child in India is a complicated and a lengthy procedure for those childless couples who want to give a home to these children. Even 60 years of Independence have not given a comprehensive adoption law applicable to all its citizens, irrespective of the religion or the country they live in as Non-Resident Indians (NRIs), Persons of Indian Origin (PIOs) or Overseas Citizens of India (OCIs). As a result, they resort to the options of IVF or surrogacy. The Guardian and Wards Act, 1890 permits Guardianship and not adoption. The Hindu Adoption and Maintenance Act, 1956 does not permit non-Hindus to adopt a Hindu child, and requirements of immigration after adoption have further hurdles⁴³.

There is a strong need to modify and make the adoption procedure simple for all. This will bring down the rates of surrogacy. Altruistic and not commercial surrogacy should be promoted. Laws should be framed and implemented to cover the grey areas and to protect the rights of women and children. While infertility is a growing problem in India, there are many different ways of making a family. Adoption is an underutilised option that can not only give happiness to a childless couple but also provide a home and a future for an orphan child. While the Bill will now be placed before Parliament and the details debated, the basic tenet of disallowing commercial surrogacy is at its heart, and will remain.

The legal perspective on surrogacy has to be essentially coloured by moral & ethical overtones on which the public policy considerations are grounded. Since the courts need to fight with such issue, it is important to delineate the major ethical issues involved.

References

Books & Article :

1. Anita L. Allen, The Black Surrogate Mother, Harv Black Letter L. J. 17, 17 ,8, 1991.

⁴³ Central Adoption Resource Authority. Available at: <http://www.adoptionindia.nic.in> . [Last visited on November 5, 2016].

2. Buchanan, J., Baby "M" and surrogate motherhood: A Resource Guide, 1987.
3. Divya Gupta, Inside India's Surrogacy Industry, Guardian Weekly, 56, December 6, 2011; Malhotra Anil & Malhotra Ranjit, Surrogacy in India, Universal Law Publishing Co. Pvt. Ltd., 2013.
4. Douglas Gillian, Law on Fertility and Reproduction, London, Sweet and Maxwell, 1991.
5. Editorials: Naturally Unjust, Economic and Political Weekly, October 31, 2015.
6. Organ, Making Motherhood Male: Surrogacy and the Moral Economy of Women, 12 J.L. & Soc. 219, 1985.
7. Pathak, Akhileshwar and Pandey, Vikash Pandey (1995): Sociology of Law in India: Postscripts and Prospects, Economic and Political Weekly, August 5-12, 1995.
8. Sharma Raghav, An International, Moral & Legal Perspective: The Call For Legalization of Surrogacy In India, NLU- Law Journal 2000, 1, 2011.
9. Surrogacy and the Best Interests of the Child, 16 Fam. Law. 59, 1986.
10. Why the Surrogacy Bill is Necessary, The Hindu, August 28, 2016.

Website:

1. <Legalsutra.Org/1561/surrogacy-And-Its-Legal-aspect>
2. <<http://www.surrogacyclinics.com/tag/Commercial-Surrogacy-In-India>>
3. <<http://www.Indiansurrogacy.com/Item/India-Legislationsof-CommercialSurrogacy.Html>>
4. <<http://www.adoptionindia.nic.in>>
5. <<http://www.womenleadership.in/Csr/SurrogacyReport.pdf>>
6. <<http://www.andrewkimbrell.org/andrewkimbrell/doc/surrogacy.pdf>>
7. <<http://surrogacylawsindia.com/admin/userfiles/file/report228.pdf>>
8. <<http://www.Issuesinmedicalethics.org/054mi15.html?>>

Social Security System: An Approach for the Protection of the Rights of Elderly

Introduction

Elderly are considered as a treasure of society because they have knowledge experience and deep insight. It is the law of nature that parents nurture their children from childhood to adulthood. Children are insurance of parents for advance age. In the presence of so many rights given under legal system and specific legislation to provide deserved life to the elderly still they are neglected and maltreated. Social security is a ray of hope for elderly. Under this head facility of old age pension to Below Poverty Line (BPL) family members and provision of Old Age Homes is covered. If these two aspects are deeply considered by the Centre or state governments, security of senior citizen can be ensured in present scenario. On the parallel footing of western world, social security can be provided by the concerned governments in organized and unorganized sector. But due to lack of resources social security is not available to elderly, financial dependence leads to elder abuse. World Health Organisation documents define elder abuse as a single or repeated act, or lack of appropriate action, occurring within any relationship where there is an expectation of trust which causes harm or distress to an older person". It is any act of omission or commission that harms the senior person. Omission means not doing something that is needed, for example not providing food, medical care etc. Commission however refers to doing something harmful, for example beating or throwing out the elderly etc. Abuse takes place in such environment, where elderly are expected to be taken care.¹ Social security is state obligation to provide financial assistance in order to make possible basic needs of individual in old age.

* B.A, LL.B, LL.M (Gold Medalist), Ph.D, NET-JRF, Assistant Professor, Khalsa College of Law, Amritsar, e-mail:- harpreet_randhawa@yahoo.com

1 Prakash, 'Elder Abuse:Background information', Helpage India , 2013, p.6.

The concept of Social Security in Indian Legal System

Social security, in its broadest sense, implies an overall security for a person within the family, work place, and society. It may be understood as measures designed to ensure that citizens meet their basic needs (such as adequate nutrition, shelter, education, health care, clean water and food supplies), as well as be protected from contingencies (such as illness, disability, accidents, death, unemployment, medical care, child birth, child care, widowhood, and old age) to enable them to maintain an adequate standard of living consistent with social norms. It must also by implication include protection of livelihood and a guarantee of work and adequate and fair wages, because without this, other contingency benefits have no meaning. Social security deals to cover both absolute deprivation, risk and vulnerabilities.² Social security, social insurance and old age pensions are listed in the 7th Schedule of the Constitution of India under the Concurrent List. It is in compliance with these guiding principles, that the Government of India introduced on Independence Day, 1995 the National Social Assistance Programme (NSAP) as a fully funded centrally sponsored Scheme targeting the destitute to be identified by the States and UTs with the objective of providing a basic level of financial support.³

The Directive Principles of State Policy under Indian constitution enjoins the state to direct its policy towards securing, inter alia that the citizens, men and women equally have the right to an adequate means of livelihood.⁴ This is further reiterated in *Article 41*, which states that the state shall also within the limits or its economic capacity and development, make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, *old age*, sickness and disablement and in other cases of undeserved want.⁵ State should take an active role with regard to provisioning social security while optimizing the social welfare.⁶ Many programmes and schemes aim to give social security to elderly.⁷ Main objective behind incorporating these provisions in Directive Principles that these are part of basic structure of the constitution

2 Punita Shaw, 'Social Security and Senior Citizen', <<http://sansad.org.in/pdf/concept-note-social-security-senior-citizen.pdf>> accessed on 20th March, 2016.

3 The National Social Assistance Programme (NSAP), <http://nsap.nic.in/Guidelines/Revised_guidelines.pdf> accessed on 13th March 2017.

4 See Article 39 A, Constitution of India.

5 See Article 41, Constitution of India.

6 Jha and Acharya, 'Social security for the elderly in India: A note on old age pension', *Helpage India*, vol 19 No. 2, 2013, pp.4-5.

7 <nsap.nic.in/guidelines?english_oaps.pdf> accessed 20th August 2014.

and concerned governments are duty bound to implement these objectives while making law. These are the goals, which have to be attained by the government in near future. Pension facility and the provision of Old Age Homes is social security to poor, needy and abandoned senior citizens.

12th Five-Year Plan (2012-2017), One of the working groups of '12th Plan' covered the welfare of 'senior citizens, drug demand reduction and rehabilitation of beggars'. The cluster in which the planning for the elderly is placed reflects the perspective with which welfare of the elderly is viewed by planners and policy makers, that of the indigent and 'worthless' sections who are a societal burden. Financial support directly provided through government agencies and local elected bodies as non-contributory old age pension falls within this framework. Thereby, it is limited to those below the poverty line and is a paltry sum that cannot make the elderly live independent lives, or to provide income and nutritional security. It is thus, at best, only a token payment to ward off extreme destitution, or a financial contribution to the families who are taking care of their elder members. Implementation lags even further inadequacy of state support is evident in the financial allocations and coverage, despite increase over the 25 years.⁸

Social Security Initiatives

India lacks adequate social security mechanisms for senior citizens and elderly women, who have a greater lifespan than men and are vulnerable as India's joint family system turns nuclear. T S Krishnamurthy, former Chief Election Commissioner of India, who is also associated with Helpage India said that '200 pension per month offered by the Union government and states for the senior citizens is not adequate for even two day meals. The seminar also highlighted that besides Goa, Delhi and Tamil Nadu, where the state is contributing Rs.800/- per month as pension for senior citizens along with the Rs.200/- pension from the Centre per month, there has been lack of apathy towards the community. It was also suggested that there should be a universal pension of at least Rs.2,000/- (₹Rs.1,000/- from state and Rs.1,000/- from Centre) for elderly.⁹ At present Delhi Government is providing Rs 1000 to 1500 to elderly people whereas

8 Habibullah Ansari and Ritu Priya Mehrotra, 'Policies and politics of ageing in India: Social and technological options', *Ageing in India*, Vol. 12, No 4, 2014, p.223.

9 India lacks social security mechanisms for elderly: Experts, available at: <<http://www.newindianexpress.com/cities/chennai/India-lacks-social-security-mechanisms-for-elderly-Experts/2013/04/25/article1559785.ece>> accessed on 20th August 2014.

Punjab Government is providing Rs 500 to the Senior Citizen. What is the reality of the circumstances is the Rs 200 are given to the beneficiaries after six months in the form of Rs 800 and so on, where nothing is clear where the amount sanctioned for old age pension is going. There is no problem with the system rather it is the problem of those people, who are in charge to distribute this pension amount. In this kind of embezzlement single person is not involved rather it is a chain work.

Modes of Social Security in India

The National Social Assistance Programme(NSAP) which came into effect from 15th August,1995 represents a significant step towards the fulfillment of the Directive Principles under Article 41 of the Constitution. The programme introduced a National Policy for Social Assistance for the poor and aims at ensuring minimum national standard for social assistance in addition to the benefits that states are currently providing or might provide in future. NSAP at present, consists of the following Schemes.

Currently NSAP comprises of five schemes, namely:-

- (1) Indira Gandhi National Old age pension Scheme (IGNOAPS)
- (2) Indira Gandhi National Widow pension Scheme (IGNWPS)
- (3) Indira Gandhi National Disability pension Scheme (IGNDPS)
- (4) National Family benefit scheme (NFBS)
- (5) Annapurna (Nutrition)

We shall discuss only (1) and (5) point, which strictly deals with social security.

Indira Gandhi National Old age pension Scheme (IGNOAPS)

Indira Gandhi National Old age pension Scheme (IGNOAPS). This scheme was first started in Punjab in 1964. The purpose of this scheme is to provide Social Security in the shape of financial assistance to old and infirm persons.¹⁰Women of the age of 60 years or above and 65 years or above in the case of men are eligible for Pension.The monthly income of the applicant should not be more than Rs. 1000/- in case of individual and Rs. 1500/- if husband wife both are alive. (Before 15.7.97 the limit of monthly income was Rs. 500/- and Rs. 750/- for individual and couple case respectively.) Rate of pension is Rs. 250/- per month for beneficiaries.

¹⁰ Indira Gandhi Old Age Pension Scheme (IGNOAPS).

The rate of pension was Rs. 150/- per month before April, 1995. The rate of pension was Rs. 200/- per month before April, 2006.¹¹

National Old Age Pension Scheme will now be known as “Indira Gandhi National Old Age Pension Scheme (IGNOAPS)” The age of the applicant (male or female) shall be 60 years or higher. The applicant must belong to a house hold below the poverty line according to the criteria prescribed by the government of India. The central assistance under IGNOAPS will be provided at the rate of Rs. 200 per month per beneficiary for beneficiaries in the age group of 60-79 years. The central assistance under IGNOAPS will be provided at the rate of Rs. 500 per month per beneficiary for beneficiaries who are 80 years and above.¹² National social Assistance Programme started in the year 1995-96 as a centrally sponsored scheme (CSS) and was modified subsequently in 2002-03 as a state plan scheme (central assistance to State and Union Territory Plans) in old age. At present, old age beneficiaries are getting between Rs 200 to 1500 depending on the state contribution anywhere in the country. For instance Delhi government is providing Rs. 1500 as pension for those who cross the age of 70 and above and Rs 1000 per month those who are in the age group of 60-69.¹³

Indira Gandhi National Widow Pension Scheme (IGNWPS)

The eligible age is 40-79 years and the pension is Rs. 300/- per month. After attaining the age of 80 years, the beneficiary will get Rs. 500/- per month.¹⁴

Indira Gandhi National Disability Pension Scheme (IGNDPS)

The eligible age for the pensioner is 18-79 years and the disability level has to be 80%. The amount is Rs. 300/- per month and after attaining the age of 80 years, the beneficiary will get Rs. 500/ per month.¹⁵

11 Social Security Schemes, <<http://www.pbsocialsecurity.gov.in/html/oldagepension.html>> accessed on 20th August, 2014.

12 The National Social Assistance Programme (NSAP), <nsap.nic.in/guidelines?english_oaps.pdf> accessed 20th August 2014.

13 Praveen Jha and nilachala acharya, ‘Social Security for the Elderly in India: a Note on Old Age Pension’, *HelpAge India*, Vol. 19, no. 2, 2013, p. 6.

14 Rajagopal Dhar Chakrabarti, *The Greying of India: Population Ageing In The Context Of Asia*, Sage Publications, New Delhi, 2004, p. 373.

15 National Social Assistance Programme, Guidelines available at <www.nsap.nic.in/Guidelines/nsap_guidelines_oct_2014.pdf> accessed on 3rd April, 2015.

National Family Benefit Scheme (NFBS)

Rs. 20,000/- will be given as a lump sum assistance to the bereaved household in the event of death of bread-winner. It is clarified that any event of death (natural or otherwise) would make the family eligible for assistance. A woman in the family, who is a home maker, is also considered as a 'bread-winner' for this purpose. The family benefit will be paid to such surviving member of the household of deceased poor, who after local inquiry, is found to be head of the household. For the purpose of the scheme, the term 'household' would include spouse, minor children, unmarried adult, the term household would include minor brothers/sisters and dependent parents. The death of such a bread – winner should have occurred whilst/he she is more than 18 years of age and less than 60 years of age. The assistance would be given to every case of death of bread winner in a family.¹⁶

Annapurna Scheme

If all the eligible persons can be covered under the National Old Age Pension Scheme here will be no person to be covered under the Annapurna Scheme. It is however suggested that this scheme may be merged with the Antyodaya scheme so that the poor people who are covered under the Antyodaya scheme may get a specified quantity of foodgrains free of cost instead of at a concessional price.¹⁷ Ministry of Consumer Affairs, Food and Public Distribution: concession and special facilities under the Antyodaya scheme, the below the poverty line (BPL).The poverty line (BPL), which also include older persons are provided food grains at the rate of 35 kilogramme per family per month. The food grains are issued at Rs. 3 per kilogramme for rice and Rs 2 per kilogramme for wheat. The persons aged 60 years and above from the BPL category are given priority for identification.¹⁸ One of the main tasks for attaining the objective of the schemes of NSAP is awareness generation among the people about eligibility, scale of assistance and the procedure to be followed for obtaining benefits.¹⁹

16 Ibid.

17 Sugan Bhatia, *Dispossession, Destitution and Abandonment*, Sonali Publication, New Delhi, 2014, pp.300-301.

18 *Supra* note 10, at 206.

19 The National Social Assistance Programme (NSAP), <http://nsap.nic.in/Guidelines/Revised_guidelines.pdf> accessed on 13th March 2017.

Social Security in Organized Sector

The basic idea of social security is to use social means to prevent deprivation and vulnerability to deprivation in order to ensure sustainable human development over time. Social security referred to benefits which organized sector employees receive. Under the pension program, non-industrial employees of government departments are covered, with benefit payments governed by the Central Civil Service Pension Rules of 1972. Persons who retire after 33 years of regular service are legible to receive a full pension, at rates ranging from 43% to 50% of their final salary, according to the following formula. Pensions are credited with 50% on the first, Rs.1000 of salary counted for the pension; 45% of the next 500 rupees; and 40% of the remaining monthly salary, up to an overall ceiling. Those who have not completed 33 years are also eligible to receive a pension, but it is calculated proportionately to their years of service.²⁰

Social Security to Unorganised Sector

(1) Old Age Social and Income Security (OASIS)

As a result of the growing concern for old age social and income security due to changes in demographic social and traditional structures, the Social Defense Bureau had commissioned the national project titled Old Age Social and Income Security (OASIS). The OASIS expert committee was mandated to make concrete recommendations for the immediate actions that the Govt. of India could take, so that every young worker could build enough savings during his/ her working life, which would serve as a shield against poverty in their old age and reduce the burden on the state. The need for this arose because of lack of adequate instruments available to enable the unorganized sector to provide for their future old age. Phase II of the project is looking at the pension provided under NSAP. At the core of the second phase of project (OASIS) however, lies the designing of a new, fully- funded, contributory pension programme for the balance workers, including casual/ contract workers, self- employed workers, farmers etc.²¹

20 S. Irudaya Rajan et al, "An Agenda for National Policies an Ageing in India", Research and Development Journal, 1(2), 1995, p. 38-53.

21 Rajagopal Dhar Chakrabarti, *The Greying of India: Population Ageing In The Context Of Asia*, Sage Publications, New Delhi, 2004, p. 371.

Insurance Schemes

Elderly can secure their old age with the help of insurance policies. By taking these insurance policies, they contribute during their service or business and they can withdraw their money on maturity of the policy or on retirement as per the situation. Here is the reference of few insurance policies, which are for all people who are either self employed or employed in private or public sector.

a) LIC New Jeevan Dhara-1 Plan

This is a non unit-linked pension plan. The corpus is created to provide pension for old age after vesting date. In this plan, the premium is paid till the end of the policy term, i.e. till the pension starts from the vesting date. At the start of the plan, the policyholder gets to select a Notional Cash Option, which is not paid out completely. The Notional Cash Option along with accrued bonuses forms the maturity proceeds. The policyholder can withdraw 25% of the entire maturity proceeds including bonus and receive a lumpsum amount on vesting and the remaining 75% amount will surely be converted into annuity. There are 5 annuity choices at present to choose from. An additional 3% rebate would be given on the purchase price of the annuity at the vesting date. At the time of vesting, the annuity rates for Immediate Pension Plan LIC Jeevan Akshay VI Plan would be considered. However, if the life insured dies before pension starts, all premiums paid + interest on the same is returned. If death occurs after vesting date, it depends entirely upon the pension option whether any death benefit would be payable or not.²²

b) Jeevan Akshay

Jeevan Akshay is primarily for purchase of the self-employed (e.g. doctors, lawyers shopkeepers). Persons over 50 are eligible to purchase this policy on their own lives and get a monthly pension. The minimum premium is 10,000 rupees, with multiples of 100 rupees thereafter, no maximum exists. Each Rs. 1,000 premium yields a monthly pension of 10 rupees. The policy guarantees an insurance sum equal to the purchase price, along with a final bonus to the pensioner's heir. A choice of type of annuity is also available.²³

22 LIC New Jeevan Dhara 1 Plan, available at: <<https://www.myinsuranceclub.com/life-insurance/companies/lic-of-india/jeevan-dhara>> retrieved on 13th December, 2016.

23 S. Vijaya Kumar, 'Economic Security for the Elderly in India: An Overview' In Phoebe

c) Jeevan Suraksha

Jeevan Suraksha is available in three types to suit individual needs (a) pension with life cover (b) Pension without life cover (c) Pension with Endowment type. Contribution under jeevan Suraksha up to Rs, 10,000 p.a. will be eligible for tax exemption under sec 80 ccc(1) of the Income Tax Act, 1961 commuted value up to 25% as allowed under the plan is free of tax and the balance of the assured sum is utilized to pay a pension.²⁴

Old Age Homes

Section 19 of The Maintenance and Welfare of Parents and Senior Citizen Act, 2007, provides that the state government may establish the old age home in a phased manner for senior citizens who are poor. Further it also provides that the state government may prescribe a scheme for the management of old age homes, including the standards and various types of services provided by them which are necessary for medical care and entertainment. The expression 'indigent' according to the explanation to section 19 means any senior citizen who is not having sufficient means, as determined by the State Government from time to time to maintain himself. The establishment of such old age homes of senior citizens at least one in each district with the accommodation of a minimum 150 indigent senior citizens may try to solve their problem. But there is need to establish and maintain old age home property.²⁵The term 'may' is not make the state government bound to establish one Old Age Homes in each district. Rather this term has given discretion in the hands of government to build Old Age Homes for destitute elderly. A National Programme may be introduced to establish and run homes for the maintenance of elderly. The homes should provide food clothing and shelter to the inmates. In the case of children there should be provision for their education and vocational training. In all cases there should be provision for appropriate standards of health care through the Public Health Care system.²⁶ Scheme of assistance up to 90% to Panchayati Raj Institutions, Voluntary Organizations and Self- Help Group for construction of old age homes/Multi- services centers

S. Liebig, S. Irudaya Rajan (eds), *An Aging India: Perspective, Prospects And Policies*, Rawat Publications, New Delhi, 2005, P.57.

24 Ibid.

25 Swarna Kanta Sharma, *Old Age Beyond Bagban*, Bookwise Pvt Ltd, New Delhi, 2013, pp.194-195.

26 Sujan Bhatia, *Dispossession, Destitution And Abandonment*, Sonali Publication, New Delhi, 2014, pp.300-301.

for older institutions.²⁷

International Perspective of Social Security

In India, existing schemes for old age pension include the Employees Provident Fund And the New Pension Scheme, which covers around 13% of the working population(10% as Government servants and 3% from the formal private sector). In addition, the National Old age Pension Scheme provides for destitute persons of 65 years and above. Table given below summarises the Scheme for providing for old age security and financial independence in some countries.²⁸

Government Schemes for Old Age and Social Security in Some Countries²⁹

S.No.	Primary State Old Age Scheme	Law and Year Established	Target Evidence	Type	Population
1.	Malaysia Employees Provident Fund	Employees Provident Fund Act, 1991	Private and Non-pensionable public sector employees	Mandatory contribution based on monthly wages paid jointly by employee and employer	11.4 million members or roughly 50% of population

27 R.P. Kataria, *The Maintenance And Welfare of Parents And Senior Citizens Act, 2007*, Orient Publishing Company, New Delhi, P. 12.

28 R.P. Kataria, *The Maintenance And Welfare of Parents and Senior Citizens Act, 2007*, Orient Publishing Company, New Delhi, 2012, p. 25.

29 R.P. Kataria, *The Maintenance And Welfare of Parents and Senior Citizens Act, 2007*, Orient Publishing Company, New Delhi, 2012, pp.25-26.

2.	Singapore Central Provident Fund	Central Provident Fund Or- dinance, 1955	All work- ing cit- i z e n s (employ- ers and self em- ployed) to save for retire- ment-tar- get age to begin w i t h - drawals: 62 years	3.12 million (in Jan March, 2007) as rough- ly 70% of pop- ulation health- care, home ownership, family protec- tion and asset enhancement	
3.	UK : Old age Pen- sion	Old Age Pension Act, 1908 and Na- tional In- surance Act, 1946	Citizen over 65 years of age	Contributory state pension for all based on National Insur- ance Payment record paid to men at 65 years women at 60 years people aged 80% re- ceive non-con- tributory pen- sion.	36% of popu- lation aged 65- 74 years and 43% of popu- lation aged 75- 84.

4.	US Social Security and Medicare	S o c i a l Security Act, 1935 and Federal Insurance Contributions Act, 1939	Citizens over age 65 years, plus disabled. Not intended to be used as full retirement plan but in addition to pensions savings etc.	Based on tax tables, number of years of work, contributions and average indexed monthly earnings	163 million people work and pay social security taxes and 49 million people receive monthly % 6 payments. e
----	---------------------------------	--	---	--	---

Suggestions for Social Security to Senior Citizen

- Universal Pension Scheme for Elderly, who Are 60+. It may not be burden on State rather this amount would be deducted during their earning as elderly cess, which would ultimately given to elderly. This money would be the financial insurance for old age.
- Check on those authorities, whom this pension fund is provided for distribution to beneficiaries.
- If some kind of social security in the form of pension is provided to elderly, they can have independence at certain level; children grabbing of financial resources can be scrutinized.
- Joint Family System is one alternative to social security. We have three basic needs, food, shelter and clothing. Elderly these basic needs can be fulfilled in joint family. These families should be taken as trend setter and should be provided some special facilities, like concession on ration, priority in admission of children etc, which can be proved as motivational source for others and for those families, which are properly taking care of elderly.
- Old Age Home is a welcome step for those, who do not have

shelter. But the real Picture of the situation of Old Age Homes is very horrifying. Now a day's *Pay –Stay* Trend is going on, where by depositing requisite fee elderly are provided food, shelter and other facilities, but this can help to those who have financial security. But what about those, who are penniless, dependent and abandoned. Need of hour is to provide Old Age Homes to those, who Cannot afford basic needs of life, and can have the hope of survival without children or heirs. It is institution, where they need not to pay anything. Their burden should be borne by the concerned government.

Conclusions

Social Security to elderly in organized sector and unorganized sector is the objective of manifesto of every government as to lure that particular section as vote bank. From first Five-Year Plan till Twelfth Five-Year plan, concerned governments plan for providing social security to old age people. Our Constitution's Article 41 provides public assistance to old age, which means in the economic capacity of the country to provide financial aid to old age people. All governments have federal system and have got grants from Centre Government from time to time in order to tackle the confronted situations at different levels. First responsibility on an individual, whose candidature is in question that during his hey days, he should arrange for his old age as situation of senior citizen is not certain in these days. Awarred and educated people should concentrate on this issue to secure old age beforehand. It is balanced view that heavy responsibility is expected from children, who have to maintain balance between the needs of his own children and their parents. That is the expectation from perfect person as in the role of son or daughter. But due price hike in essential commodities have forced the people to avoid the responsibility of their parents. Now State comes in picture to support parents and senior citizens, providing Universal Old Age Pension to APL and BPL families can provide social security to elderly at certain extent while considering the above written suggestions. Provision of Old Age Homes is not an alternative rather it is last resort, which is not by choice, rather it is imposed one option. Therefore, it is an obligation of efficient government to cater the needs of elderly segment of society for unforeseen circumstances which are beyond the control.

Importance of Voice Recording and Its Evidentiary Value under Indian Criminal Justice System¹

Abstract

The present article deals with the use of voice recording as evidence in the law courts. Use of voice as evidence has gained much importance in the last few decades and has emerged as an important tool to prove the guilt of the accused. The present article highlights the evolution, importance, and constitutional aspects of voice as evidence in the courts. Voice recording though an important tool in proving the guilt of the accused, at the same time it needs to be used cautiously. The present article also highlights the judiciary interpretation of the use of voice in evidence.

Key Words: Voice recording, Importance of voice identification, constitutional provisions, legislative provisions.

Introduction

Crime is as old as the human civilization itself and is something which cannot be dispensed with. Every society had certain social norms to regulate the conduct of the persons in a society. The obvious aim to have such norms is to identify those people who make a breach of the set norms, to punish them and separate them from the mainstream of the society, thus keeping the society free from the menace of criminality. For this, the desirability of finding and inquiring the offences is there. This needs the establishment of institutions for the investigation, prosecution and to bring transparency in the justice delivery system. Methods of investigation witnessed rapid changes with the amalgamation of scientific techniques and criminal procedure in the recent times. In the modern time, scientific techniques are of great importance for proving the guilt as well as innocence of the accused. Traditionally, the criminal justice delivery system depended on the testimony of eyewitnesses to the crime. But the entire emphasis

* Assistant Professor, I.E.C. University, School of Law, Solan, Himachal Pradesh.

on “eyewitness” did not prove very effective, as more often, they were found to turn hostile, due to one reason or the other. Sometimes voice is the only clue for police and forensic scientists to identify criminals. Each person’s voice is different because the anatomy of the vocal cords, vocal cavity and oral and nasal cavities is specific to the individual. People in different parts of a country speak with different accents. Some people run their words together, while others talk with pauses between their words. Identification of voice is done by a comparison of two recorded speech by means of spectrogram or voice prints. Thus, in the modern justice delivery system, voice had emerged as an effective tool for establishing the guilt of the accused.

Meaning

Voice identification means the analysis and comparison of a person’s voice, using advanced computer systems and software which can analyze how words flow together, pauses, breath, and the unique patterns generated by each individual’s mouth and larynx. For example, in many kidnapping cases, cell phones and computers are used at some point for communication maybe the kidnapper knows the child or person being abducted and uses the phone or email to contact them. This leaves digital traces of communication that can later be discovered, analyzed and reconstructed to help investigators locate the suspect and bring him to justice. Even when data appears to have been deleted, investigators can often recover and reassemble it. Data extraction is another important tool that investigators use when solving crimes. And, with voiceprints, it becomes an even more powerful tool. According to some new research, private institutions like Chase and Wells Fargo are secretly capturing callers’ voiceprints for use to fight fraud. And customers of financial firm Vanguard access their account by speaking the phrase “At Vanguard, my voice is my password,” into their phone. These voiceprints are stored on servers and could theoretically be used for other purposes, however, like solving crimes. And it’s something that intelligence agencies and law enforcement are extremely interested in.²

History of Voice Recording

The history of identification of voice relates back to 1867, when Melville

2 B.R. Sharma, Forensic Science in Criminal Investigation & Trials, 4th Edition, Universal Law Publication, New Delhi, P. 242.

Bell an expert on philology created a system of hand written symbols that could represent any spoken sound on paper³. He called this system as *visual speech*. Lawrence G. Kersta, a physicist and engineer at Bell Telephone Laboratories in Murray Hill, New Jersey invented the soundspectrograph. Early form of the soundspectrograph, or automatic sound wave analyzer was invented by Bell laboratory engineers in 1941. During World War II, it was used to identify voices making German military communications over the radio.⁴

Importance of Voice Identification in Crimes

Identification of voice has always been important in crimes. It is becoming increasingly more important, when voice mode of communication is being used increasingly in social, entertainment and business matters. It is also becoming an important weapon of commission of crime. Consequently, to stem the tide of crime, the identification of voice of the criminal has assumed tremendous importance. Technically, voice evaluation is important for profiling of criminals, determination of integrity of utterance, enhancing the intelligibility of utterance, transcription and analysis of the disputed utterance and identifying the speaker. The voice becomes an important clue in many cases. In recent times the identification of voice has been effectively used to identify the criminals, conspirators and supporters of the criminals. For e.g. in the Bombay blast case of 1993, in cricket match fixing, Hansie Cronje, South Africa team captain and in the terrorist attack on Parliament on 13-12-2001 the main organizer was identified through mobile tapping and recording of voice.⁵

Constitutional Provisions

The Constitution of India provides that no person accused of any offence shall be compelled to be a witness against himself.⁶ However, taking the voice samples is not violation of Art.20 (3) of the Constitution of India. In *Rakesh Bisht v. Central Bureau of Investigation*⁷, the court held that, the lending of voice samples for the limited purpose of

3 Last Retrieved from <<http://medind.nic.in/jal/t12/i1/jalt12i1p70.pdf>> IST 2;30 PM

4 World of Forensic Science, Vol-2, M-Z, Thomson Gale, 2006, Pg 666, 721 to 723.

5 B.R. Sharma, Forensic Science in Criminal Investigation & Trials, 4th Edition, Universal Law Publication, New Delhi, P. 242.

6 Article 20(3), The Constitution of India.

7 2007, Ind law Del. 1811, (2007)

identification so as to compare the same with the tape recorded telephonic conversation would not be in violation of the provisions of Article 20(3) of the Constitution of India. For this proposition, the learned Judge relied upon the decision of the Supreme Court in the case of *State of Bombay v KathiKalu Oghad*⁸taking the above judgment into accounts, the learned Special Judge allowed the application moved on behalf of the C.B.I. and directed the Jail Superintendent to allow the prosecution to take the voice specimens of the accused persons. There was no violation of either Article 20(3) or Article 21 of the Constitution of India. In **Mr. Prof. M.VaraprasadaRao v C.B.I.**⁹it was held that, the accused can seek the information (tape record conversations) under Right to Information Act, 2005. Right to Information Act provides that, a person, who desires to obtain any information under this Act, shall make a request in writing or through electronic means in English or Hindi or in the official language of the area in which the application is being made with the requisite fee as may be prescribed¹⁰.

Legislative Provisions

The Indian Evidence Act, 1872 has been amended by virtue of Section 92 of Information Technology Act, 2000. (Before amendment) Section 3 of the Act was amended and the phrase “All documents produced for the inspection of the Court” were substituted by “All documents including electronic records produced for the inspection of the Court”. Regarding the documentary evidence, in Section 59, for the words “Content of documents” the words “Content of documents or electronic records” have been substituted and Section 65A & 65B were inserted to incorporate the admissibility of electronic evidence¹¹. Under section 61 to 65, the word “Document or content of documents” have not been replaced by the word “Electronic documents or content of electronic documents”. Thus, the intention of the legislature is explicitly clear i.e. not to extend the applicability of section 61 to 65 to the electronic record. Section 65-B of The Evidence Act, 1872 deals exclusively with the admissibility of the electronic record which in view of the compelling technological reasons can be admitted only in the manner specified under Section 65-B Indian Evidence Act, 1872. The main objective to introduce the specific provision

8 1961 AIR 1808, 1962 SCR (3) 10

9 M. Varaprasada Rao v. C.B.I. on 23 July, (2010)

10 Section 6, Right to Information Act, 2005

11 Avatar Singh, The Law of Evidence, 4th Edition, Allahabad Law Publication, p.425

has its origin to the technical nature of the evidence, particularly as the evidence in the electronic form cannot be produced in the court of law owing to the size of computer/server, residing in the machine language and thus, requiring the interpreter to read the same. Section 65B of the Evidence Act, 1872 makes the secondary copy in the form of computer output comprising of printout or the data copied on electronic/magnetic media. Section 65B lays down the following provisions:

Admissibility of Electronic Records under: Any information contained in an electronic record which is printed on a paper, stored, recorded or copied in optical or magnetic media produced by a computer and to be referred as computer output, shall also be deemed to be a document. If the conditions lays down in this section are satisfied in relation to the information and computer in question it shall be admissible in any proceedings, without further proof or production of the original, as evidence of any contents of the original or of any fact stated therein which direct evidence would be admissible.¹²

Conditions for relevancy of computer output:¹³

The computer from which the record is generated should be regularly used to store or process information in respect of activity regularly carried on by a person having lawful control over the period.

The information was regularly fed into the computer in the ordinary course of its activity.

The computer was operating properly, during the period of the data feeding and if it was not operating properly during that period or operation or that gap was not to affect the electronic record or the accuracy of its contents.

The information contained in the electronic record was derived or is reproduced from the information fed into the computer in the ordinary course of its activity.

When the information was processed or fed into the computer on inter-linked computers or one computer after the other in succession, all the computers so used shall be treated as one single computer.

¹² Section 65B (1), The Indian Evidence Act, 1872.

¹³ *Supra note 11, p. 425*

Certificate of correctness of information: A statement which is to be produced in evidence, should be accompanied by a certificate which should identify the electronic record containing the statement and describe the manner in which it was produced, give the particular of the device involved in the production of electronic record showing that the same was produced by a computer and showing the compliance with the conditions under section 65B (2).¹⁴

Information supplied to a computer with or without human intervention: An information shall be taken to be supplied to a computer, if it is done in any appropriate from whether this is done directly with or without human intervention by means of any appropriate equipment, or if the information is supplied by any official in the course of his activities with a view to storing or processing the information even if the computer is being operated outside those activities.¹⁵

Judicial interpretation:

The relationship between law and technology has not always been an easy one. However, the law has always yielded in favour of technology whenever it was found necessary. The concern of the law courts regarding utility and admissibility of tape recorded or the use of voice conversation, from time to time found its manifestation in various pronouncement. The phenomenon of tendering tape recorded conversation before law courts as evidence, in criminal cases, where such conversation is recorded by sending the complainant with a recording device to the person demanding or offering bribe has almost become a common practice now. In civil cases also parties may rely upon tape records of relevant conversation to support their version. In such cases the court has to face various questions regarding admissibility, nature and evidentiary value of such a tape- recorded conversation. Being confronted with the question of this nature and called upon to decide the same, the law courts in India devised and developed principles so that such evidence may be received in courts and relied thereon.

The earliest case in which issue of admissibility of tape-recorded conversation came for consideration is **Rup Chand v. Mahabir Prasad**¹⁶. The court in this case though declined to treat tape-recorded conversation

¹⁴ Section 65B (4), The Indian Evidence Act, 1872

¹⁵ Supra note 11, p 426

¹⁶ 1956 Punjab 173.

as writing within the meaning of section 3 (65) of the General Clauses Act but allowed the same to be used under section 155(3) of the Evidence Act as previous statement to shake the credit of witness. The Court held there is no rule of evidence, which prevents a party, who is endeavoring to shake the credit of a witness by use of former inconsistent statement, from deposing that while he was engaged in conversation with the witness, a tape recorder was in operation, or from producing the said tape recorder in support of the assertion that a certain statement was made in his presence.

In **S. Pratap Singh v. State of Punjab**¹⁷, a five judges bench of Apex Court considered the issue and clearly propounded that tape recorded talks are admissible in evidence and simple fact that such type of evidence can be easily tampered which certainly could not be a ground to reject such evidence as inadmissible or refuse to consider it, because there are few documents and possibly no piece of evidence, which could not be tempered with. In this case the tape record of the conversation was admitted in evidence to corroborate the evidence of witnesses who had stated that such a conversation has taken place.

The Apex Court in **Yusufalli Esmail Nagree v. State of Maharashtra**¹⁸, considered various aspects of the issue relating to admissibility of tape recorded conversation. As regards the identification of the taped voice, proper identification of such voice is a sine qua non for the use of such tape recording, therefore, the time and place and accuracy of the recording must be proved by a competent witness and the voices must be properly identified. In this landmark decision, the court emphatically laid down in unequivocal terms that the process of tape recording offers an accurate method of storing and later reproducing sounds. The imprint on the magnetic tape is direct effect of the relevant sounds. Like a photograph of a relevant incident, a contemporaneous tape record of a relevant conversation is a relevant fact and is admissible under section 7 of the Indian Evidence Act.

In **Ram Singh v. Col. Ram Singh**¹⁹, the Supreme Court recognized certain qualification to ensure authenticity of an audio/voice recording. The Supreme Court held that:

The voice of the speaker must be duly identified by the maker of the

17 AIR 1964 SC 72

18 AIR 1968 SC147

19 AIR 1986 SC 3

record or by others who recognize his voice. Where the maker has denied the voice it will require very strict proof to determine whether or not it was really the voice of the speaker.

The accuracy of the tape recorded statement has to be proved by the maker of the record by satisfactory evidence direct or circumstantial.

Every possibility of tempering with or erasure of a part of a tape recorded statement must be ruled out otherwise it may render the said statement out of context and, therefore, inadmissible.

State (NCT of Delhi) v. Navjot Sandhu,²⁰ the supreme court held that irrespective of the compliance with the requirement of the compliance with the requirement of section 65B of The Evidence Act, which is a provision dealing with the admissibility of electronic records, there is no bar to adducing secondary evidence under the other provisions of The Evidence Act i.e. Section 63 and 65.

In **Anvar P. P. K. Basheer**²¹ the Supreme Court overruled **Navjot Sandhu case**²² and held that section 63 and 65 of The Evidence Act have no application in case of secondary evidence pertaining to the electronic records. An electronic by way of secondary evidence shall not be admitted in evidence unless the requirement under section 64 B are satisfied.

Sonu v. State of Haryana²³, is a very important case in which the Supreme Court laid down very important guidelines regarding the objections as to admissibility of CDRs (Call Detail Record) .in the recent case it was objected before the Supreme Court, that the CDRs were marked before the trial court without a certificate as required by section 65B (4) of Evidence Act. Relying on the judgment in **P.C. Purshothamma Reddiar v. S. Perumal**²⁴, the Supreme Court said that the objections regarding the admissibility of documents which are per se admissible can be taken even at the appellate stage. Admissibility of a document, which is inherently inadmissible, is an issue which can be taken up at appellate stage because it is a fundamental issue. However, the mode or method of proof is procedural and objections, if not taken at the trial stage, cannot be

20 (2005) 11 SCC 600

21 (2014) 10 SCC 473,

22 Supra note 19.

23 Criminal appeal no. 1418 of 2013, decided on 18 July 2017.

24 (1972) 1 SCC 9.

permitted at the appellate stage. The court said that whether the CDRs are unreliable due to violation of the procedure prescribed in section 65B (4) cannot be permitted to be raised at the appellate stage.

The statement must be relevant according to the rules of Evidence Act.

The recorded cassette must be carefully sealed and kept in safe or official custody.

The voice of the speaker should be clearly audible and not lost or distorted by other sounds or disturb.

Abdul Rahaman Kunji v. The State of West Bengal ²⁵In the recent judgment pronounced by Hon'ble High Court of Delhi, while dealing with the admissibility of intercepted telephone call in a CD and CDR which were without a certificate under section 65B Evidence Act, the court observed that the secondary electronic evidence without certificate under section 65B Evidence Act is inadmissible and cannot be looked into by the court for any purpose whatsoever.

Jagdeo Singh v. The State and Ors.²⁶ In the recent judgment pronounced by the High Court of Delhi, while dealing with the admissibility of intercepted telephone call in a CD and CDR which were without a certificate u/s 65B Evidence Act, the court observed that the secondary electronic evidence without certificate u/s 65B Evidence Act is inadmissible and cannot be looked into by the court for any purpose whatsoever.

Conclusion

The phenomenon of tendering voice comparison in evidence before law courts, where the certain conversation is recorded by the complainant with a recording device, has become a common thing now. The problem for the use of voice in evidence lies in the ratio of probability of similarity or dissimilarity of two voices used for comparison. If a suspect and a criminal are the same person, what ratio of similarity is there between the two voices? If they are not the same person, what ratio of the dissimilarity is there? The ratio of two probabilities is called the likelihood ratio or strength of evidence. A higher or lower likelihood ratio can increase or

²⁵ Abdul RahamanKunji v. The State of West Bengal MANU/WB/0828/2014

²⁶ Jagdeo Singh v. The State and Ors. MANU/DE/0376/2015

decrease the likelihood of culpability. The admissibility of the secondary electronic evidence has to be adjudged within the parameters of Section 65B of Evidence Act and the proposition of the law settled in the recent judgment of the Apex Court and various other High Courts as discussed above. The proposition is clear and explicit that if the secondary electronic evidence is without a certificate under section 65B of Evidence Act, it is not admissible and any opinion of the forensic expert and the deposition of the witness in the court of law cannot be looked into by the court. The guilt cannot be solely based on the evidence relied on voice comparison, it needs to be corroborated by the other evidences.

Critical Analysis of “Arbitration and Conciliation (Amendment) Act 2015”

Abstract

Various arbitration laws were enacted & repealed in past, but there is no proper & litigant friendly procedure which meets the requirement of the day. Arbitration is seen as a part of system designed to meet the needs of consumers of Justice especially in the contest of recent reforms in the economic sector. Simultaneously there has been growing demand by both, the business community within the country & investors from abroad for reforms in the arbitration law of India. The need for reforms thus became necessary & urgent. Due to globalization & increases in international trade there arose the need of uniform laws for the countries & hence the UNICITRAL Model law came into force in 1985 & India has adopted the Model law & new law was amended in the form of Arbitration & Conciliation Act 1996 repelling the old Act of 1940. On the basis of 246th Law Commissions Reports & recommendations given by them the Arbitration and Conciliation (Amendment) Act 2015 came into force. There are positive points in the new amendments, at the same time there are some lacunae according to Author. All are discussed together in this Article.

Keywords

International Commercial Arbitration, Domestic Arbitration, Institutional Arbitration, Arbitration Agreement, Jurisdiction of Arbitrator, Misconduct of Arbitrator, Non Speaking Award, Bias of Arbitrator.

Introduction

1. There are about 3.3 corers of cases pending in different courts in India & are increasing exponentially. Each case consumes a number of years before it is finally decided. The arrears of cases in courts had engaged

* Research Scholar, Practising Advocate & Special Public Prosecutor, Nashik, Maharashtra.

the attention of various commissions & committees in India. Arrears Committee popularly known as the Mallimath Committee, constituted by Government of India on the recommendations of the Chief Justices conference, made a number of recommendations in a report so also the law commission of India had also submitted as many as 16 reports containing recommendations on various aspects of the frightful problem of mounting of arrears of cases in courts. The Constitution has also made provisions for the establishment of administrative tribunals at both the Central & State level. There is pendency of cases in these Tribunals. The Mallimath Committee, Law Commissions & Conferences held at National level have recommended a number of alternative modes for dispute resolutions. The traditional view that the court is the only place to settle disputes is no longer true in these days as the people in India have accepted the various modes for settlement of disputes & one of the popular modes is Arbitration.

2. The Arbitration & Conciliation Act 1996 contains 86 sections besides the Preamble & three Schedules. The Act is divided in to four parts. Part I General provisions on Arbitration. Part II deals with enforcement of certain foreign awards. Part III deals with conciliation. Part IV contains supplementary provisions. The preamble of the Act explains the basis of the legislation. The three schedules reproduce the text of Geneva Convention on the execution of Foreign Arbitral Awards, 1927, the Geneva Protocol on Arbitration clauses, 1923, and the New York Convention on the Recognition and Enforcement Arbitral Awards, 1958, respectively. In past the statutory provisions were contained in three different enactments namely the Arbitration Act 1940, Arbitration (Protocol and Convention) Act, 1937 and the Foreign Awards (Recognition and Enforcement) Act 1961. The Act of 1940 covered only the domestic arbitration while the other two Acts dealt with enforcement of foreign awards, these three statutes have been repealed and replaced by the Arbitration and Conciliation Act 1996, which was based on UNCITRAL Model Law in its entirety. Still it has not fulfilled the needs of the people & certain amendments are needed in order to facilitate quick enforcement of contract, easy recovery of monetary claims, reduce the pendency of cases in Courts and hasten the process of dispute resolution through arbitration, so as to encourage investment by projecting India as an investor friendly country having a sound legal framework and is doing business in India. Considering these factors and the need of the time, the Government promulgated the

Arbitration and Conciliation (Amendment) Ordinance 2015 to amend certain provisions of the Arbitration and Conciliation Act 1996 which received assent from the President on 23rd October 2015. The Arbitration and Conciliation Amendment Bill 2015 was introduced in both houses in a winter session to replace the Arbitration and Conciliation (Amendment) Ordinance 2015 and it was passed in Lok Sabha and Rajya Sabha on 17th December, 2015 and 23rd December 2015 respectively. The amendment bill received the President's assent on 31st December 2015 and shall be deemed to have come to force on 23rd October 2015. The Amendment Act of 2015 has introduced major changes. The amendments are exhaustive & the main objective appears to expedite the arbitration process & minimize court interference in arbitration. To expedite Arbitral proceeding a time frame is necessary. Keeping in mind the said object, certain sections were added in the Arbitration & Conciliation (Amendment) Act 2015. Herein after for the sake of brevity the Act is referred as Amendment Act 2015.

3. **In view of the amendment to Section 2(e)**, certain provisions of Part 1 of the Act such as interim relief, the assistance of court in taking evidence & appeal against interim relief order u\s 37 shall also apply to International Commercial Arbitration, even if the place of arbitration is outside India. In case of International Commercial Arbitration, the High court shall be the court for reliefs under the Act. **Section 2(f)** the word 'Company' is omitted.

In the light of the amount of international work that Indian companies are doing in recent times & default provisions in Private International law which considers subject matter relevant. The two Indian companies should have allowed choosing a foreign law & Seat if the subject matter of contract is not Indian.

4. **Section 7-** An agreement contained in the form of communication through electronic means shall also be treated as an arbitration agreement in writing.

*In this respect the Supreme Court of India has well defined & settled the principles what constitute an arbitration agreement in case of **Jagdish Chandar v. Ramesh Chander**¹ not only that but the supreme court of India has given guidance & ruled that electronic communication would constitute an agreement in writing under section 7 . In case of **Trimex International FZE Ltd. v.***

1 (2007) 5 SCC 719.

Vedanta Aluminium Ltd² & Shakti Bhog Foods Ltd. v. Kola Shipping Ltd.³ wherein it was held that agreement need not be signed by the parties and the existence of arbitration agreement can be inferred from electronic communications e-mail etc. *This provision is therefore declaratory in nature based on the principles of statutory interpretation, if a statute is merely a declaration of the previous law, retrospective operation is generally intended. Therefore, it will apply to all pending proceedings.*

5. **Section 8** Power to refer parties to arbitration when there is agreement- (1) A judicial authority, before which an action is brought in a matter which is the subject of an arbitration agreement shall, if a party to the arbitration agreement or any person claiming through or under him, so applies not later than the date of submitting his first statement on the substance of the dispute, then, notwithstanding any judgment, decree or order of the supreme court or any court, refer the parties to arbitration unless it finds that prima facie no valid arbitration agreement exists.

(2) The application referred to in sub-section (1) shall not be entertained unless it is accompanied by the original arbitration agreement or a duly certified copy thereof;

Provided that where the original arbitration agreement or a certified copy thereof is not available with the party the party applying for reference to arbitration under sub-section (1) & the said agreement or certified copy is retained by the other party to the agreement then, the party so applying shall file such application along with a copy of the arbitration agreement & the petition praying the court to call upon the other party to produce the original arbitration agreement or its duly certified copy before the court

(3) Notwithstanding that an application has been made under sub-section (1) & that the issue is pending before the judicial authority, arbitration may be commenced or continued & an arbitral award be made.

Section 8 empowers the judicial authority to refer the parties to arbitration when there is an arbitration agreement, unless it finds prima facie that no valid arbitration agreement exists. The judicial authority is not defined in section 8 or section 2 of the Act. The word 'Court' has to be used instead of judicial authority. This appears to be by oversight. The application under section 8 is absolutely necessary that there should be an agreement between the parties & it is obligatory

2 (2010) 3 SCC 1

3 (2009) 2 SCC 134

*for the court to refer the parties to arbitration in terms of their agreement & nothing remains to be decided in the original action after such an application is made except to refer the dispute to an Arbitrator. **Sub clause (1)** deals with substantive rights of the parties and therefore, will be applicable to applications instituted on or after the amendment Act and not to apply to pending cases. This is considered to apply only to section 8 application instituted after Amendment Act 2015 came into force. The expression 'first statement on the substance of the dispute' means submission of the party to the jurisdiction of the judicial authority on the first day of appearance without filing written statement. Section 8 sub clause (2) deals with procedural matter should therefore apply to pending cases.*

6. **Section 9** – Where the Court passes an order for any interim measure under sub-section (1) of Section 9 before the commencement of arbitral proceedings, the arbitral proceedings shall be commenced within a period of **ninety days** from the date of such order. It further provides that once the arbitral tribunal is constituted, the Court shall not entertain an application for interim measure unless it finds circumstances that may render the remedy provided under section 17 inefficacious. **Section 9** of the Act is amended to restrain the Court from entertaining an application for interim relief once arbitration has commenced. The Court is empowered to entertain such an application only if it is convinced that the arbitration tribunal will be unable to provide effective relief. & further it has been amended to ensure that interim relief including that of injunction granted by arbitrator will be effective and enforceable as an order of the Court.

7. **The new section 17 is substituted in place of Old Section.** New section 17 empowers the arbitral tribunal with the same power as that of Court under section 9 of the Act in order to facilitate the parties to approach arbitral tribunal and reduce the intervention of Court. Provided that once the arbitral tribunal has been constituted, Court cannot entertain application for interim measures. Unless there are circumstances which may not render the remedy of obtaining interim order from the arbitral tribunal efficacious. The amendment Act clarifies that such interim measures granted by the tribunal have the same effect as that of order of Civil Court under C.P.C.

*This is a significant development as the interim orders of the arbitral tribunal under the earlier Arbitration Act could not be statutorily enforced virtually rendering it meaningless. There is no clarity whether the **90 days period would commence** from the date of the ex-parte or ad-interim order or the final order in*

*the proceeding under section 9. In Authors view, the better approach perhaps would have been to specify that 90 days period commence from the date of filing of the petition in order to drive the parties to arbitration. The Act requires the **appointment of an Arbitrator** by the court to be completed expeditiously, preferably within a period of **sixty days**. Further the scope of the Court's power under section 11 has been restricted to examine the validity of arbitration clause alone and no further. This is irrespective of any decision of the Supreme Court or any other Court. The Act provides time bound arbitration. A tribunal is obliged to deliver the final award within a period of **twelve months**. This period can be extended by the consent of the parties for an additional **six months**. Any further extension will require Court's consent. The Court on being approached for an extension are empowered to reduce the fees. The fees payable to the arbitrator by up to 5% for each month of delay and can also substitute one or all the arbitrators.*

As per the Amendment Act 2015 the arbitral tribunal has power to order interim measures even after making the arbitral award but before it is enforced. This is inconsistent with section 32 which provides that mandate of an arbitral tribunal shall be terminated after making the final award. If the arbitral tribunal ceases to have jurisdiction after passing of the final award, it is unconceivable as to how it would have the power to order interim measures after making the final award. This anomaly ought to get rectified by appropriate amendment to section 32.

8. Section 11- Appointment of arbitrator shall now be made by the Supreme Court or the High Court as the case may be, instead of the Chief Justice of India or the chief Justice of High Court. An application for appointment or arbitrator shall be disposed of as expeditiously as possible & endeavour shall be made to dispose of as expeditiously as possible & the endeavor shall be made to dispose of the matter within a period of sixty days from the date of service of notice on the opposite party. The High court is empowered to frame rules for the purpose of determination of fees of the arbitral tribunal & the manner of such payment. The High court while framing rules shall take in to account the rates of fees specified in the Fourth Schedule to the Act.

The scope of section 11 is limited to the examination of existence of arbitration agreement and scope of section 8 broader in as much as the judicial authority can also examine the validity of the arbitration clause. The amendment even allows the non signatories to an arbitration agreement to be joined as parties

*in domestic arbitration. It effectively negates the decision of Supreme Court in **Sukanya Hodings v. Jayesh H Panda**⁴ It further requires the Judicial Authority compulsorily refer the parties to arbitration irrespective of any decision by the Supreme Court or any other court if judicial authority finds that a valid arbitration agreement exists. It further nullifies the judgment of Supreme Court of India in **N. Radhakrishnan v. Maestro Engineers**⁵ where in it is held that serious allegations of fraud are not arbitrable. It will also have implications for the decision of court in **Booz Allen Hamilton v. SBI Home Finance**⁶ where it is stated that several disputes listed in the judgment are not arbitrable. Thus by amendment Act it will encompass all the matters Civil as well as Criminal. This provision also sets different standard for examination of arbitration agreement under section 8 and 11 which ought to have been avoided.*

After the judgment of **Balco v. Kaiser Aluminium**⁷ the Indian Courts have no jurisdiction to intervene in arbitration which was seated outside India. Post Balco, if the assets of parties are located in India and there was a likelihood of the disposition of the assets, the other party could not approach the Indian Courts for interim orders. Since the interim orders made by arbitral tribunal outside India could not be enforced in India, it created a major hurdle for the parties who had chosen to arbitrate outside India. It is seen from the Amendment Act that guidelines given by the Supreme Court in the case of **Balco** have been codified by amending section 2(2) thereby extending the applicability of section 9, 27 and 37(1)(a) and 3 contained in Part I of A and C Act to International Commercial Arbitration. The Act has clarified what provisions in Part I will apply to International Commercial Arbitration, and made it clear that other provisions of Part I are not applicable to International Commercial Arbitration.

9. **Section 24** states that in case of fast track arbitration, the tribunal can hold oral hearing for evidence and oral argument on day-to-day basis and not grant any adjournment unless sufficient cause is made out. The tribunal is vested with powers to impose heavy costs for adjournment without cause.

However, there is no time limit fixed for approaching the Court for seeking extension of time which may again contribute to delays. No doubt, by limiting everything the arbitration is plugged with delay and costs. However, the parties

4 (2003) 5 SCC 531.

5 (2010) 1 SCC 72

6 (2011) 5 SCC 53

7 (2012) 9 SCC 552

would be forced to go to Court to seek extension of time to complete the arbitration which is an undesirable situation in a Court system burdened with huge pendency of cases. It was also provided in the New Act for extension of time even for arbitration institutions but indeed it is an undesirable situation to have parties including the Institutional arbitration with their own set of rules, to be forced to come to court for seeking extension of time to complete the arbitration proceeding. One more thing that the passing of award within a period of twelve months is very ambitious even by International standard. There are some **complex disputes**, the resolution of which may not be possible within this time framed.

10. Insertion of a new provision Section 29A- The Tribunal shall ensure speedy completion of Arbitration proceedings and pass the award within a period of twelve months from the date when the arbitral tribunal enters upon the reference. However, the parties may extend such period for a further period not exceeding six months. If the award is made within a period of six months, the arbitral tribunal shall be entitled to receive additional fees as the parties agree. If the award is not made within specified period or extended period, the mandate of the arbitrator shall terminate unless the time is extended by the Court.

Section 29A this amendment was necessary & having far reaching consequences in the conduct of arbitration in India. The manner in which the ad hoc arbitration is usually conducted in India having no limitations either for cross examinations or arguments, the dates were fixed in diffused manner over long periods & lawyer often misuse the discretion in prolonging the matters for their personal comfort at the cost of litigant which end up more than 4-5 years. The Amendment Act provides a tribunal a total period of 12 months for completion of the proceeding the parties can agree to extend this period by six months. After this period, the mandate of tribunal is deemed to be terminated and Court's permission is required for extension period. The issue of approaching the Court to seek an extension of time for completion of arbitration proceedings has not been addressed. This provision may lead to arbitration being blocked by unscrupulous parties on the ground that period of 18 months has expired. It will also lead to Court's intervention pending arbitration proceeding as a result which the Amendment Act seeks to avoid. This issue will attract the attention of the Court in coming days. In the opinion of researcher the intervention of the court for extension of time is unnecessary.

11. Insertion of a new provision Section 29B- This section provides for a fast track procedure for conducting arbitral proceedings, in cases

where the parties mutually agree for such procedure. In such cases, the arbitral tribunal consisting of a sole arbitrator shall decide the dispute on the basis of written pleadings, documents and written submission and shall not hold oral hearing. The award is to be made within a period of six months from the date the arbitral tribunal enters upon the reference.

This provision will facilitate a speedier settlement of dispute based purely on documents if the parties so agree. It can be used even by the parties to existing disputes if they mutually agree to apply this procedure. This provision is an answer to avoid delay in settlement of dispute.

12. Section 31 A sum directed to be paid by an arbitral award shall, unless the award otherwise directs, carry interest at the rate of two percent higher than the current rate of interest prevalent on the date of award, & shall be payable from the date of award to the date of payment.

Effect of amendment to section 31(7) changes post award interest from 18% & now the sum awarded shall carry interest at the rate of 2% higher than the current rate of Interest prevalent on the date of award for post award period if the Arbitral Tribunal does not provide anything in this regard. It was necessary as the exiting provision was often criticized as being penal & without reference to commercial realities.

13. Section 31A provides that in relation to any arbitration proceeding, or arbitration related court proceedings under any of the provisions of this Act, the court or the arbitral tribunal shall have the discretion to determine the liability to pay costs, the amount & also the time when such costs are to be paid, notwithstanding the provisions of the Civil Code. The Explanation to this sub section to mean reasonable costs relation to, The Fees & Expenses of arbitrator, courts & witnesses, Legal Fees & Expenses, any administrative fees of the Institution supervising the arbitration & any other expenses incurred in connection with the arbitral or court to make order as to payment of costs,

These amendments are significant & effectively establish the “principles of Cost Follows the Event” for governing all arbitration proceedings, arbitration related court litigation. This is a welcome addition & was necessary in the Indian context considering the fact that traditionally the Indian courts have not granted actual costs to the parties which is completely different from traditional principles under Civil Procedure code. This will also reduce the inequitable or mala fide

conduct on the part of either of the parties.

14. **Section 34-** Explanation to the term ' Public policy of India' in section 34(2) (b) Arbitral award shall be treated as an award in conflict with the public policy of India only where making of the award was induced or affected by fraud or corruption or was in violation of provisions of confidentiality or admissibility of evidence of conciliation proceedings with the fundamental policy of Indian law; or it is in conflict with the most basic notions of morality or justice.

Explanation 34(2) (b) the test as to whether the award is in contravention with the fundamental policy of Indian law shall not entail a review on the merits of the dispute.

Sub Section (2A) gives an additional ground of patent illegality to challenge an arbitral award arising out of arbitrations other than international commercial arbitrations.

Sub Section (5) an application for setting aside of award under this section is to be filed after issuing prior notice to the other party.

Sub Section (6) a period of one year has been prescribed for disposal of an application for setting aside an arbitral award.

*The scope of section 34 has been narrowed down and the award can be set aside in certain circumstances only. This is in order to counter the judgment of Supreme Court in **ONGC v. Western Geco International Ltd.**⁸(which expanded the scope of public policy to include Wednesbury principle of reasonableness which would necessarily entail review on merits of the award). The Law Commission in its supplementary report submitted in the month of February 2015 and the recommendations therein were accepted and incorporated in section 2(a) in terms of amended provision. An award cannot be set aside on the ground of erroneous application of law or by re-appreciation of evidence. However, interestingly the test of "**patent illegality appearing on the face of record**" has not been made applicable to International Commercial Arbitration. This provision may be subjected to challenge by Courts who may contend that different standard ought to have been set for International Commercial Arbitration. The test of patent illegality perhaps has been deleted all together to avoid this anomaly.*

Certainly limiting the time for disposal of application under section 34 is a

8 2014(9) SCC 263

good amendment and further it will not an automatic stay of the arbitral award and the separate application needs to be filed. But now, it requires reasons for grant of stay and the provisions of C.P.C. for grant of stay of money decree have been made applicable meaning thereby the losing party necessarily be required to either deposit some part or entire sum awarded in the arbitral award or furnish security as the Court deem fit. By time bound preceding the arbitration process was more effective. At present challenge proceedings in India can last even up to 3 to 4 years in the court of first instance. Therefore the time of 1 year is welcome & strict adherence will reduce the pendency in courts.

15. The Law Commission has recommended time period of **24 months** to complete the arbitration proceeding. This provision may act as a deterrent for foreign parties to choose India as the seat of arbitration particularly in a complex disputes. The Law Commission of India in its report recommended the addition of “emergency arbitrator” to the definition of arbitral tribunal under section 2(b) of the Act. The said concept has been recognized by most International Arbitration Rules and has gained popularity for its effectiveness. The recommendations made by the Law Commission in this regard have not been accepted and this is a significant omission that is likely to impact arbitrations in India. The Law Commission suggested using expression ‘seat’ and ‘venue’ instead of place of arbitration keeping it consistent with International usage of a “seat of arbitration” to denote the legal home of arbitration. It was also not accepted. The time limit fixed for challenging the domestic award but no such time limit is prescribed for the enforcement of foreign award despite of recommendations by the Law Commission. The amendment does not address the issue of confidentiality of arbitrators. The Law Commission Report had recommended changes to **Section 16** of the Arbitration Act, to empower the arbitral tribunal to decide disputes that involve serious questions of law, complicated questions of fact or allegations of fraud, corruption etc. While the provisions of Sections 8 and 11 have been amended to the effect that the parties will be referred to arbitration “... Notwithstanding any judgment, decree, or order of the Supreme Court...” perhaps to overcome the conflicting judgments of the Supreme Court on whether or not questions of fraud are arbitrable; the recommended changes to Section 16 of the Arbitration Act ought to have been accepted, to make this position clear and provide more teeth to the powers of the arbitral tribunal. A division bench of the Supreme Court in **Radhakrishna v. Maestro Engineers** (“Radhakrishna judgment”) held that issues of

fraud are not arbitrable. However, the Single Judge of the Supreme Court, while deciding a petition under Section 11 of the Arbitration Act, in **Swiss Timing Ltd. v. Organizing Committee**⁹, held that judgment in Radhakrishna judgment is per in curium and therefore not good law. In a situation, where the parties are before an arbitral tribunal in a manner other than Sections 8 or 11 of the Arbitration Act, and the arbitrator's jurisdiction is questioned by a party alleging that there are questions of fraud involved in the dispute, it would appear that the arbitral tribunal may be bound to follow the Radhakrishna judgment, and consequently rule that it does not have the jurisdiction to deal with questions of fraud.

16. Applicability of amended provisions-

The definition of Court in **Section 2** is applicable to all court proceeding under the Act instituted on or after **23rd October 2015**. For example, if an award has been rendered any time prior to 23rd October, 2015 and the challenge is initiated under section 34, the forum for such challenge will be as per the amended provision. The provisions of **section 2(2)** in relation to applicability of section 9, 27 and 37(1) and (3) to arbitration with place of arbitration outside India will be applicable to all arbitration agreements whether entered into prior to or after amendment. This provision endeavors to set to rest the controversy caused by Balco case applying the principle of rule against retrospective construction is not always applicable to a statute merely "because of the requisites for its action is drawing from a time antecedent to its passing".

As per the author's opinion, even if an arbitration agreement having place of arbitration outside India pre-dates the amendment, a party would be entitled to seek relief in Indian Courts in accordance with the amendment Act.

Section 9 (2) where, before the commencement of the arbitral proceedings, a court passes an order for any interim measure of protection under sub-section (1) the arbitral proceedings shall be commenced within a period of ninety days from the date of such order or within such further time as the court may determine.

(3) Once the arbitral tribunal has been constituted, the court shall not entertain an application under sub-section (1), unless the court finds that circumstances exists which may not render the remedy provided under

9 2014(6) SCC 677

section 17 efficacious.

These provisions are applicable to proceeding in which orders under section 9 have not yet been issued. The amendment indicates that it is intended to apply to all section 9 applications where an order has not been yet passed.

17. Section 11 Appointment of arbitrators & **Section 11A** power of Central Government to amend Fourth Schedule.

It is likely to apply to all pending applications under section 11 is the intent of amendment. *The author's view is that, the Court will apply the principle enacted through the amendments to pending proceedings except the provision relating to fees to which rules to be framed in the light of pro-arbitration approach taken by judiciary. The another aspect i.e. change from Chief Justice to "High Court or Supreme Court" to hold that these two distinct forums will not apply the amendment to current section 11 application on the ground that they are pending before different forums. An application made under this section for appointment of an arbitrator shall be disposed off by the courts as expeditiously as possible & an endeavor shall be made to dispose of the matter within a period of sixty days from the date of service of notice on the opposite party & to decide the fees of arbitrator after taking in to consideration the rates specified in the fourth schedule & further the High court may frame such rules as may be necessary will definitely in the interest of litigant & was necessary considering the constant criticism about the high fees charged by the arbitrators. It is further clarified in the section that it shall not apply to International commercial arbitration & in cases where parties have agreed for determination of fees as per the rules of the arbitral Institutions.*

18. Section 12 Ensures neutrality of arbitrators, when person is approached in connection with the possible as arbitrator, he is required to disclose in the writing the existence of any relationship or interest of any kind which is likely to give rise to justifiable doubts as to his neutrality. He is required to disclose any circumstances which are likely to affect his ability to devote sufficient time to the arbitration & complete the arbitration within specified period. A person having relationship as specified in the Seventh Schedule shall be ineligible to be appointed as an arbitrator; e.g. The arbitrator is an employee, consultant, advisor or has any other past or present business relationship with the party to the dispute; or the arbitrator is a manager, Director or part of Management or has a similar controlling influence over the parties to the dispute

*These grounds of challenge are applicable to arbitration proceeding where arbitral tribunal has not been constituted. The amendment clarifies that sub-section (5) which provides that an arbitrator, whose relationship with parties are the subject matter falls under the category specified in the VII Schedule shall not apply in cases where an arbitrator has already been appointed. This amendment is based on **International Bar Association Guidelines on Conflict of Interest in International Arbitration**. It was necessary as, in most of the Government Contracts existing or ex-employee are often appointed & these arbitrators were Creating menace in contract & during arbitral proceedings with unequal bargain powers which in fact against the public policy. This amended provision helps in reducing the grounds of challenge.*

19. **Section 14** the mandate of an arbitrator shall terminate & he shall be substituted by another arbitrator if reasons given in the section. Due to this if a party files an application before the court for termination of mandate of the arbitrator under section 14 & the court sees it as a fit case for termination, the same court can also appoint a new arbitrator or substitute the former. This will be applicable to all pending applications. In the light of enabling provisions intended to remove the difficulty of parties having to approach two different forums for termination of mandate and substitution of arbitration it is likely that courts will apply this to pending applications. This is again a power of court to appoint arbitrator.

20. **Section 17(1)** interim measures likely to apply to all pending applications. However, 17(2) shall be applicable only to orders under section 17 rendered after 23rd October, 2015.

Author's is of the opinion that this provision is clarificatory or declaratory and therefore, should apply to all pending proceedings. As per the provisions of section 17(2) the orders that have been passed after 23rd October 2015.

21. **Section 23** the respondent, in support of his case may also submit a counter Claim or Setoff, if such counterclaim or set off falls within the scope of the arbitration agreement.

Section 24 The Arbitral Tribunal shall hold oral hearing for the presentation of evidence or oral arguments on the day to day basis & shall not grant any adjournments without any sufficient cause.

Section 25 The right of the respondent to file the statement of defense has been forfeited, if the respondent fails to communicate such statement

in accordance with the time line agreed by the parties or arbitral Tribunal without reasonable cause.

By above provisions respondent can file its counterclaim against the claimant, if any, in the same arbitration, & need not initiate another arbitral proceeding so long as it falls within the scope of the arbitration agreement, in order to ensure final settlement of disputes between parties & prevent multiplicity of litigation. In fact it is followed in practice. But it will prevent the practice in many ad hoc arbitration where in arbitrator consider the counter claim as separate reference & often charge additional fees for the same. This will also helps in expeditious conclusion of arbitration & imposition of costs for seeking frivolous adjournments. It clearly reflects the seriousness of issue of delay in arbitration proceedings have been addressed & it will certainly help in ensuring that the parties do not resort to any dilatory tactics when it comes to arbitration proceedings.

22. Section 28 the arbitral Tribunal while deciding & making an award, shall take in to account the terms of the contract & trade usages applicable to the transaction.

This amendment negate the effect of ratio laid by the supreme court in ONGC Ltd. v. Saw Pipes Ltd. where in it was held that, after taking in to consideration the words “ in accordance with the contract “ used in section 28(3) held that any contravention of the terms of the contract renders the award violative of section 28(3) of the Act & is therefore subject to the courts interference under section 34. by this way the award is not strictly in accordance with the terms of the contract would not make it ipso facto “ patently illegal” & liable for being set aside under section 34 there by reduced the scope of interference in the Award.

23. Section 29A - The time limit for arbitral award will applicable to those proceedings where the formation of the tribunal is incomplete and shall not apply to a case where an arbitral tribunal has already been appointed. *According to the author’s opinion it will not apply arbitration where a tribunal has been appointed prior to amendment.*

Section 29B fast track arbitration is applicable only by agreement between the parties and therefore by its nature it is only applicable if parties agreed. *According to author, it is possible for parties to apply this procedure to their existing disputes by mutual agreement.*

Section 34 will apply to all section 34 proceedings pending in Courts except the provisions for prior notice to the other side. *In author’s view it*

will apply to existing section 34 applications. However, provision with respect to time limit for determining a section 34 applications and giving a notice can only by its nature apply to proceeding not yet initiated.

Section 36 enforcement will be applicable only to newly filed application after 23rd October, 2015. *In author's view, this provision alters the right to pursue an unconditional challenge as against power of court to apply conditions to the new section even if the date of award is prior to the date of amendment.*

Section 48 conditions for enforcement of foreign awards. This provision is applicable to all pending enforcement proceeding. *In author's view the scope of the provision was settled in the decision of Shrilal Mahal¹⁰ case and therefore applicable to all pending proceedings.*

The Act restricts the meaning of public policy. It means,

- a) making of an award was induced by fraud or corruption or
- b) where an award is in conflict with fundamental policy of Indian Law or,
- c) An award is in conflict with the most basic notions of morality or justice.

This amendment neutralize and reduce the controversy created by two judgments of Supreme Court namely, **ONGC v. Saw Pipes**,¹¹ and **DDA v. R.S. Sharma**,¹² which had expanded the scope of Indian public policy under the Arbitration & Conciliation Act. Similar amendments have also been introduced in S. 48 and S. 57 making the test of public policy a uniform one for domestic and international awards.

It is seen from the amendment as to limiting the Court to dispose of the application filed under section 34 within a period of one year. This amendment is carried out on the basis of the judgment of the Supreme Court in case of **National Aluminium Co. Ltd. v. Pressteel & Fabrications**¹³ The Supreme Court ruled that pending challenge under section 34 there is an automatic stay on the operation of an arbitral award. Now section 36 of the New Act permit operation of the award pending challenge. The

10 1914 (2)SCC 433

11 2003(5) SCC 705

12 2008(3) SCC 80

13 2004(1) SCC 540

Court under section 36(3) is empowered to stay the operation of the award on such terms and conditions have deem fit. This could include taking a money deposit from the losing party.

Section 16 of the New Act expands the jurisdiction of the arbitrator to hear all the dispute involving serious allegation of fraud and criminality. This seems to be a major change and may give Courts the opportunity to restrain arbitrators from hearing cases where serious criminality or fraud is involved.

24. The most important aspect of the amending Act is its applicability to the existing proceedings or it will act prospectively, this issue is left open despite of the fact that the Law Commission has recommended the inclusion of transitory provisions to clarify the scope of operation of each of the amendments with respect to the pending arbitrations. However, no care was taken and there is confusion in the minds of litigant which needs to be clarified.

The Madras High Court has issued notice to the Central Government seeking clarification in this respect in case of **Delphi TVS Diesel Systems v. Union of India**¹⁴ (decided on 14/11/2015). The Bombay High Court in case of **Kochi Cricket v. BCCI** issued notice to examine whether section 34 of the Act would be applicable to the pending cases. The different views were taken by different High courts. The matter is sub judice before the Hon'ble Supreme Court of India.

When bill was introduced in Lok Sabha, while passing the bill it was clarified that it will not apply to pending cases unless parties agreed otherwise. A statement was made to that effect by the Hon'ble **Law Minister Mr. Sadanand Gauda** on 17th December, 2015. Subsequently, a clarification in the form of section 26 was introduced in the Amended Act which settles the issue that unless the parties agrees otherwise the amending Act will not apply to arbitrations that were initiated prior to commencement of Act. Section 1(2) of the Amendment Act states that it shall be deemed to be applicable from 23rd October 2015. The Amendment Act does not deal with and clarify whether the dispute involving fraud and criminality are arbitrable.

25. **There are certain precedents laying down the established**

14 www.the-laws.com.

principles

The Parliament has the power subject to certain constitutional and judicially recognized restrictions, to legislate either prospectively or retrospectively. Often, the statute and/or an amendment expressly indicate the operative period of the provisions. In cases where the Parliament does not expressly indicate the same, the Supreme Court of India has laid down guidelines as to the application of statutes which can be summarized as follows:

It is a cardinal principle of construction that every statute is prima facie prospective unless it is expressly or by necessary implication made to have retrospective operation.

A statute affecting substantive rights is presumed to be prospective in operation unless made retrospective either expressly or by necessary intendment **Hitendra Vishnu Thakur v. State of Maharashtra**¹⁵; **K.S. Paripoornan v. State of Kerala**,¹⁶. On the other hand, a statute affecting procedure is presumed to be retrospective in operation unless such construction is textually impossible. **Dayavati v. Inderjit**,¹⁷

Statute relating to a right of appeal is substantive in nature and thus presumed to be prospective in operation. **Thirumalai Chemicals Ltd.v. Union of India**,¹⁸

A statute merely declaratory in nature i.e. merely clarifying a previous position of law is to be retrospective in operation i.e. from the date when the existing statute was passed. **Shyam Sunder v. Ram Kumar**,¹⁹ a) Law which affects a change in forum is more than mere procedure and is presumed to be prospective in operation. **Commissioner of Income Tax v. R. Sharadamma**,²⁰

Rule against retrospective construction is not always applicable to a remedial statute merely "because of the requisites for its action is drawing from a time antecedent to its passing".²¹In this respect it is necessary to see

15 (1994)4 SCC 602

16 (1994) 5 SCC 593

17 A.I.R. 1966 SC 1423

18 (2011) 6 SCC 739

19 (2001) 8 SCC 24

20 (1996) 8 SCC 388

21 Justice G.P. Singh "Principles of Statutory Interpretation", 11 ed. 2008 at page 522.

the recommendations given by the Law Commission as under:

26. **Transitory provisions** – (1) Unless otherwise provided in the Arbitration and Conciliation (Amending) Act, 2014, the provisions of the instant Act (as amended) shall be prospective in operation and shall apply only to **fresh arbitrations and fresh applications**, except in the following situations –

The provisions of section 6-A shall apply to all pending proceedings and arbitrations.

Explanation: It is clarified that where the issue of costs has already been decided by the court/tribunal, the same shall not be opened to that extent.

The provisions of section 16 sub-section (7) shall apply to all pending proceedings and arbitrations, except where the issue has been decided by the court/tribunal.

The provisions of second proviso to section 24 shall apply to all pending arbitrations.

(2) For the purposes of the instant section,-

(a) «**Fresh arbitrations**” mean arbitrations where there has been no request for appointment of arbitral tribunal; or application for appointment of arbitral tribunal; or appointment of the arbitral tribunal, prior to the date of enforcement of the Arbitration and Conciliation (Amending) Act, 2014.

(b) «**Fresh applications**” mean applications to a court or arbitral tribunal made subsequent to the date of enforcement of the Arbitration and Conciliation (Amending) Act, 2014”.

27. **Conclusion & Suggestions**

From the above discussion and judgments of the Supreme Court the Act of 2016, there were lacunae in the Act in respect of appointment of Ad hoc Arbitration, judicial intervention etc. and there are some other reasons which were responsible for injustices to the litigants leading to unpopularity of arbitration among the people. The author is suggesting amendments in the existing law for effective settlement of domestic as

well as International Commercial dispute. In order to have uniformity and speedy disposal of arbitration cases, provisions for **Institutional arbitration** should be made. The Court while acting in exercise of their jurisdiction under section 11 of the Act will have to take steps to encourage the parties to refer their dispute to institutionalized arbitration.

The Government to accord legislative sanction to rules of institutional arbitration which recognizes the concept of emergency arbitrator.

The provisions for compulsory registration of arbitration Institution by framing separate rules under the Act will have to be made.

By framing appropriate rules, Institutional arbitration can be regulated. It includes the maintenance of record of arbitration dispute & its publication etc.

Qualification to be prescribed for specialized arbitration. The matters which require technical or special knowledge of dispute, only people who have specialized knowledge of the subject can be appointed as Arbitrator.

There should be training programs for arbitrators & also need to have some special knowledge of Alternative dispute resolution methods, its practice & procedure. There is a need to fix such qualification & make it mandatory to avoid procedural lapses.

The definition of arbitral tribunal should be broaden by adding the words '**Institutional Arbitration**' in the definition in section 2(d) of the Act.

The author further suggests that to encourage and establish the culture of Institutional arbitration in India the important trade bodies and Commerce Chambers should take initiative to start new arbitration centers with their own rules.

The government can also help by providing funds for establishment of new Arbitration Centers.

The dialogue between legal community which is involved in the practice of arbitration and business community which comprise of the users of arbitration needs to increase.

The government may form an "Arbitral Commission of India" which has representation from all the stake holders of arbitration and which could be entrusted with the task to encourage and spread Institutional

Arbitration in the country.

The order of the arbitral tribunal and its violation must be treated as contempt of arbitral tribunal and will have to be punished by applying the principles as per the provisions of Contempt of Court Act.

The penalty to be imposed for violation of directions issued by the Arbitral Tribunal will have to be made with its limits & reasons for penalty & its recovery procedure will have to be prescribed.

The author further suggests that, power to appoint arbitrator to be given to the Principal Civil Court in every District in case of domestic arbitration.

It should be made mandatory to the Principal Civil Court, to prepare a panel of Arbitration Institution as well as Sole Arbitrators for every district.

The litigant should be encouraged to resolve their dispute through Arbitration. The litigant to be given a choice to select the arbitrator from the panel prepared.

An attempt to be made to spread the knowledge of arbitration among the masses of the country so that it could emerge as a better alternative to the formal litigation process which is far away from satisfaction.

A majority of the cases which are pending in the lower Courts belongs to the rural areas and villagers & they prefer to go to Court for adjudication purpose. So, an attempt must be made to make the villagers aware about the Arbitration process as an Alternative to litigation. They should be encouraged to try their cases in the arbitral tribunal to save their money, time and energy which is possible only through the process of Arbitration.

The implementation of the Act should be meticulously and strongly executed.

The small dispute can be resolved by online arbitration dispute resolution forum by making separate rules for that.

The people should be encouraged to opt for such dispute resolution method. This will save time, money of the litigant.

A lot of things are required to be improved in order to develop the Institutional arbitration. The arbitration Institution should be well equipped.

Marine Insurance: Better Deviate than Delay

Abstract

Marine insurance involves several legal and documentary aspects, which have been the subject of consideration within the United Nations Conference on Trade and Development from the very first session of the conference held at Geneva in 1964. Following this, at the second session of the conference held at New Delhi at 1968, it was asserted by the developing countries that the large portion of the existing body of international shipping legislation had originated when the interest of the developing nations had not been taken into account. A serious need was felt for the improvement in the legislation in those fields as well as filling gaps in fields where legislation did not exist.

Marine insurance being a centuries-old aid to the conduct of sea trade, has always existed to enable the ship owner and the buyer and seller of goods to operate their respective businesses, while relieving themselves at least partly, of the burdensome financial consequences of their properties being lost or damaged as a result of the various risks of the high seas.

One of the fundamental features of the modern society is the need to insure the property against the economic consequences of its loss or damage. Particularly in the case of property representing substantial investments in vessels, commodities, manufactured goods or industrial plants (and often involving outside financing), the owner, as well as his creditors, insist on ample insurance cover. Without this cover the various interests involved in international trade, whether they be owners of goods, ship-owners, mortgagees of vessels having provided the necessary finance for the construction of vessels, or banking

* B.A. LL.B (Hons.) (3rd Year), Maharashtra National Law University, Mumbai.

** B.A. LL.B (Hons.) (3rd Year), Maharashtra National Law University, Mumbai.

institutions involved in a documentary sale of goods or extension of credit in connection with the sale of goods, would lack the necessary security of knowing that at least the monetary equivalent of the objects insured will be available to cover their financial risk in the event of an accident. Thus, marine insurance adds the necessary element of financial security so that the risk of an accident occurring during the transport is not an inhibiting factor in the conduct of international trade.

The primary objective of this article is to analyse the contents of sec. 51 of the Marine Insurance Act, 1963, the legislation governing contract of marine insurance in India. This article would begin with a brief introduction about the history and development of the concept of marine insurance. Then it would move on to determine the issue with section 51, which thereby as per the opinion of the authors has left a void in the legislation.

The analysis of the authors' primary assertion has been substantiated with the help of various International Conventions which deal with the same. "As far as the Rio Declaration is concerned, principle 17 of section 2 sets out goals and programmes under which nations may anticipate and prevent further degradation of the marine environment and reduce the risk of long-term or irreversible effects on the oceans. Moreover, principle 30 of section 3, urges the governments of respective states to co-operate with business, industry, academia and international organizations to develop policies which would result in lower environmental impacts and further to promote sustainable development." On the basis of the available data and analysis, this article would finally attempt to provide a possible solution to the issue in question.¹

1-Introduction

Whenever man has looked upon the waters which had been separated from the land, the seas have been powerful stimulants to thoughts and feelings. Every individuals' reactions to the sea may differ in many respects from those of other observers. Some are stirred by its power,

1 United Nations Conference on Trade And Development, Legal and Documentary Aspects of the Marine Insurance, TB/B/C.4/ISL./27/Rev.1, New York, 1982, http://unctad.org/en/PublicationsLibrary/c4isl27rev1_en.pdf

others impressed with its magnificent distances and still others moved by its beauty.² The deep sea is rightly, the last great frontier on earth. Since time, people have pondered, debated and explored the vast depths of the oceans, and yet our knowledge of them barely skims the surface. Remarkably, though it shelters the largest ecosystem on earth, we have better maps of Mars, than we do, of our own planet's sea floor. Without giving it a second thought, humans have over exploited this resource to satisfy their needs. Hence, the deep sea is no longer unspoiled wilderness. The damaging effects of human activities from bottom trawling to pollution can now be seen in every ocean.³ The problem is so critical that combined human impacts could have accelerated present extinction rates to 1000-10,000 times the natural rate.⁴

FransLanting once said, "Biodiversity starts in the distant past and it points toward the future." All of earth's life is interdependent, relying upon each other as resources. These resources are largely abused by humans, in order to achieve economic success. Amidst such ado, marine life has been pushed further down the priority list. We have known this fact since societies earliest days, when Les Kaufman labeled marine biodiversity the 'sleeping dragon'.⁵ It is human nature to ignore the other living entities and make the present more comfortable and easier. However, this luxury and success comes at the expense of humanities future, as resources have the potential to sustain life indefinitely, only if used with caution.⁶ As a consequence, interest in wildlife in general and marine life in particular has increased significantly in recent years, both in the general public and in the scientific and management communities.⁷ The culmination of this chapter was with one individual's mind being struck with the idea of 'sustainable development', which led to the commencement of another.

As per the International Institute for Sustainable Development(IISD), the most frequently quoted definition of sustainable development is from the Brutland Report, which states, "Sustainable development is development that meets the needs of the present without compromising

2 Bowen, E., 1952. *Life in the Sea*. Bios, pp.192-200.

3 Roberts, S., 2005. *Deep sea life: On the edge of the abyss*. Oceana.

4 Derraik, J.G., 2002. The pollution of the marine environment by plastic debris: a review. *Marine pollution bulletin*, 44(9), pp.842-852.

5 Murphy, D.D. and Duffus, D.A., 1996. Conservation biology and marine biodiversity. *Conservation Biology*, 10(2), pp.311-312.

6 Hilchey, J., 2014. The importance of protecting marine biodiversity.

7 Jefferson, T.A., Leatherwood, S. and Webber, M.A., 1993. *Marine mammals of the world*. Food & Agriculture Org..

the ability of future generations to meet their own needs. It contains within it two key concepts:

- the concept of needs, in particular the essential needs of the world's poor, to which overriding

- the idea of limitations imposed by the state of technology and social organization on the environment's ability to meet present and future needs.⁸ The doctrine was discussed for the first time in the Stockholm Declaration of 1972. Subsequently, after the Brundtland Report in 1987, came the Rio Declaration on Environment and Development, in 1992, which codified the principle of Sustainable Development.⁹ Since, then, it has evolved and there has generally been a recognition of three aspects of sustainable development, namely economic, environmental and social. As per the 'environmental' aspect, an environmentally sustainable system must maintain a stable resource base, avoiding over-exploitation of renewable resource systems or environmental sink functions, and depleting non-renewable resources only to the extent that investment is made in adequate substitutes. Further, this is inclusive of maintenance of biodiversity, atmospheric stability, and other ecosystem functions not ordinarily classed as economic resources.¹⁰ As far as the Indian scenario is concerned, the growing economy has seen rampant industrialization and development in recent past, which resulted in adverse impact on the environment. After witnessing such degradation, the Supreme Court of India in a bid to protect the environment, played a significant role in shaping and adopting the doctrine of Sustainable Development. The doctrine was implemented by the Supreme Court in the case of Vellore Citizen Welfare Forum vs. Union of India^{11,12} In this case, a three judge-bench of the Supreme Court to the 'precautionary principle' and the new concept of 'burden of proof' in environmental matters. Kuldip Singh, J. after referring to the principles evolved in various international Conferences and to the concept of 'Sustainable Development', stated that the Precautionary Principle, the Polluter-Pays Principle and the special concept of Onus of

8 International Institute for Sustainable Development(IISD). Sustainable Development. (Jan. 23, 2017), <http://www.iisd.org/topic/sustainable-development>

9 PragmaOhri. Need for Sustainable Development. (Jan. 23, 2017), <http://www.hsalegal.com/index.php/need-sustainable-development/>

10 Harris, J.M., 2000. Basic principles of sustainable development.

11 AIR 1996 SC 2715

12 PragmaOhri. Need for Sustainable Development. (Jan. 23, 2017), <http://www.hsalegal.com/index.php/need-sustainable-development/>

Proof have now emerged and govern the law in our country too, as is clear from Articles 47, 48-A and 51-A(g) of our Constitution and that, in fact, in the various environmental statutes, such as the Water Act, 1974 and other statutes, including the Environment (Protection) Act, 1986, these concepts are already implied.¹³ It can plainly be inferred from the above, that sustainable development is the need of the hour. An essential component of the environmental aspect of sustainable development, is marine life. As per the World Register of Marine Species (WoRMS), there are at least 226,408 marine species in the world. There are certain alarming statistics, related to marine life. Air pollution is responsible for 33% of the toxic contaminants that end up in oceans and coastal waters. About 44% of the toxic contaminants come from runoff via rivers and streams.¹⁴

Hazardous wastes, basically can be categorized into three types, namely oil and related products, solid/semi solid wastes and dangerous chemicals, including radioactive elements. In India, a hazardous waste has been defined as, 'any substance, excluding domestic and radioactive wastes, which because of its quantity and/or corrosive, reactive, ignitable, toxic and infectious characteristics causes significant hazards to human health or environment when improperly treated, stored, transported and dispose'. There is a comprehensive legislative framework on the same. But, as far as the implementation is concerned, there is a huge backlog. In India, about 9.3 metric tons of hazardous waste is generated, of which, only 0.49 metric tons, is sent for secure disposal. Further, of the 524 districts in India for which information is available, 335 districts are characterized by 11,358 industrial units that generate hazardous waste.¹⁵ Further, as per the data released by the Ministry of Statistics and Programme Implementation, 73% of the plant species in India are endangered and 95 of the vertebrates are endangered. In addition to this, Indian biodiversity, i.e. the flora and fauna is depleting at a rate of 25%, even after passing legislations such as the Environment (Protection) Act, 1986, which was apparently, an encompassing law, designed to protect and improve the environment and to regulate the management and handling of hazardous substances and chemicals.¹⁶

13 Rana, S., 2015. Sustainable Development and Role of Judiciary. *Journal for Studies in Management and Planning*, 1(10), pp.237-248.

14 Marinebio. Facts. (Jan. 23, 2017), <http://marinebio.org/marinebio/facts/>

15 P.Khanna, Rakesh Kumar and Vijay kulkarni, Case Study3: Hazardous Water issues in India. EOLSS (Jan. 22, 2017), <https://www.eolss.net/Sample-Chapters/C09/E1-08-06.pdf>

16 MoS&PI. Compendium of Environment Statistics in India 2013. (Jan. 22, 2017), <http://www.indiaenvironmentportal.org.in/files/file/compendium%20environment%20statist>

There are a lot of factors, contributing to the depletion of marine life. One such factor is marine accidents. Primarily, they are categorized as follows:

- i) Collision
- ii) Contact
- iii) Grounding
- iv) Fire
- v) Explosion
- vi) Non-Accidental Structural Failure(NASF)¹⁷

As per the shipping minister, G.K Vasan, in the there have been around 153 marine accidents off the Indian coast, in the past four years.¹⁸ There have been accounts of death of marine animals, due to non- deviation of ships from their assigned course. This probably is a result of general human indifference towards any other form of animals, let alone marine life. This, prima facie springs up couple of questions, such as 'does non-deviation result in depletion of marine life?', if yes, to what extent?

When seen holistically, the first question would be answered positively. However, more than debating upon these questions, the focus of this article is to attempt to provide a legal solution to the critical issue of depletion of marine life, by proposing certain amends to a part of a legislation in India, namely the Marine Insurance Act, 1963. the part of the act, which is the subject matter of this article is regarding deviation. Marine insurance is the oldest branch of insurance, and is closely linked to the practice of Bottomry which has been referred to in the ancient records of Babylonians and the code of Hammurabi way back in B.C.2250. Material was advanced to traders by manufacturers of goods, and in turn, received receipts for the materials and a rate of interest was agreed upon. If the trader was robbed during the journey, he would be freed from the debt but if he came back, he would pay both the value of the materials and the interest. The first known Marine Insurance agreement was executed in Genoa on 13/10/1347 and marine Insurance was legally regulated in 1369 there. Before looking into the act, it is vital to have an outline about the

tics %20india%202013.pdf

17 BužančićPrimorac, B. and Parunov, J., 2016. Review of statistical data on ship accidents. *Maritime Technology and Engineering*, pp.809-814.

18 The Times of India. Marine Accidents. (Jan. 23, 2017), <http://timesofindia.indiatimes.com/india/Over-150-marine-accidents-in-last-four-years-Govt/articleshow/17672067.cms>

concept of insurance in general.

2-Marine Insurance: An Overview

Insurance, is commonly described as a social device to reduce or eliminate risk of life and property. As per the plan of insurance, a large number of people associate themselves by sharing risk, attached to

individuals. In real terms, however, it is a contract between two parties whereby one party called insurer undertakes in exchange for a fixed sum called premium to pay the other party, on happening of a certain event. Insurance can broadly be divided into three categories, namely:

Life Insurance

General Insurance, which includes marine insurance, fire insurance, motor vehicle insurance and miscellaneous insurance

Reinsurance.¹⁹

A marine insurance contract as per John Deur in "Law and Practice of Marine Insurance,"²⁰ has been defined as "a contract of indemnity, in which the insurer, in consideration of the payment of a certain premium, agrees to make good to the assured all losses, not exceeding a certain amount, that may happen to the subject insured, from the risks enumerated or implied in the policy, during a certain voyage or period of time."²¹

In the simplest of the words, a contract of marine insurance is made up of the following:

- I. Cargo Insurance- provides insurance cover in respect of loss of or damage to goods during transit by rail, road, sea or air. It thus includes export and import shipments by ocean-going vessels of all types, coastal shipments by steamers, sailing vessels, mechanized boats, etc., shipments by inland vessels or country craft, and Consignments by rail, road, or air and articles sent by post.
- II. Hull Insurance- Deals with the insurance of ships (hull, machinery,

19 AdukiaRajkumar. Insurance Laws of India. (Jan. 23, 2017), <http://www.caaa.in/Image/insurance%20hb%201101.pdf>

20 Vol. I, p. 58.

21 Huebner, S., 1905. Policy Contracts in Marine Insurance. *The ANNALS of the American Academy of Political and Social Science*, 26(2), pp.273-299.

etc.), which is a highly technical subject.

Some of the basic features, which govern the contract of marine insurance, are:

- a) Offer and acceptance, which is a prerequisite to any contract. In a similar manner the goods under marine (transit) insurance will be insured after the offer is accepted by the insurance company.
- b) Payment of Premium. According to which an owner must ensure that the premium is paid well in advance so that the risk can be covered. However, if the payment is made through check and is dishonored, then the coverage of risk will not exist.
- c) Indemnity, which states that marine insurance is a type of indemnity contract and the insurance company, is liable only to the extent of actual loss suffered. Accordingly, if there no loss there is no liability even if there is operation of insured peril. For instance, if the property under marine (transit) insurance is insured for Rs 20 lakhs and during transit it is damaged to the extent of Rs 10 lakhs then the insurance company will not pay more than Rs 10 lakhs.
- d) As per the principle of 'utmost good faith', the owner of goods to be transported must disclose all the relevant information to the insurance company while insuring their goods. In the event of misrepresentation, mis-description or non-disclosure of any material information, the marine policy shall be voidable at the option of the insurer in the event of misrepresentation, mis-description or non-disclosure of any material information. For example, the nature of goods must be disclosed i.e whether the goods are hazardous in nature or not, as premium rate will be higher for hazardous goods.
- e) In order to obtain insurance coverage, there must be some sort of legal or equitable relation between the person benefitting from the insurer and the insured property. Such a relationship is known as insurable interest, and is used as an instrument to prevent the policy of insurance from being used as a method of gambling upon the loss of a third party's property. For instance, Mr A sends the goods to Mr B on CIF (Cost, Insurance and

Freight) basis which means the insurance is to be arranged by Mr A. And if any loss arises during transit then Mr A is entitled to get the compensation from the insurance company.

- f) Contribution, as per which if a person insures his goods with two insurance companies, then in case of marine loss both the insurance companies will pay the loss to the owner proportionately. Suppose, goods worth Rs. 50 lakhs were insured for marine insurance with Insurance company A and B. As per this concept, as a result, both the insurance companies will contribute equally.
- g) The normal/ reasonable time taken for a particular transit is called the period of marine insurance.
- h) Suppose goods are damaged or loss occurs during transit because of deliberate act of an owner then that damage or loss will not be covered under the policy. This is known as a deliberate act.
- i) Finally, claims is a basic concept which states that in order to get the compensation under marine insurance the owner must inform the insurance company immediately so that the insurance company can take necessary steps to determine the loss.

Having understood some of the basic concepts, it is vital to understand how actually a contract of marine insurance operates. It plays a significant role in both domestic and international trade. Common practice in international commerce, involves a dialogue between the importer and exporter, wherein the exporter asks the importer to open a letter of credit with a bank in favour of the exporter. When the goods are ready for shipment by the exporter, he hands over the documents of title to the bank and gets the bill of exchange drawn by him on the importer, discounted with the bank. In this entire transaction, the goods which are the subject of the sale are considered by the bank as physical security against the monies advanced by it to the exporter. Moreover, a security by way of an insurance policy is also required by the bank to protect its interests in the event of the goods suffering loss or damage in transit, in which case the importer may not make the payment. In the letter of credit, the terms and conditions of the insurance are specified.

If an individual wishes to insure under marine insurance, following is the procedure which should be followed:

- a) First stage is the submission of form, which contains information about the name of the shipper or consignor (the insured), full description of the goods to be insured, which includes the nature of the commodity to be insured is important for rating and underwriting. For instance, different types of commodities are susceptible for different types of damage during transit-sugar, cement, etc are easily damaged by sea water; cotton is liable to catch fire; liquid cargoes are susceptible to the risk of leakage and crockery, glassware to breakage; electronic items are exposed to the risk of theft, and so on. Further, method and type of packing, which governs the possibility of loss or damage. Lastly, information about the entire voyage, place where transit commences, and where it terminates, mode of conveyance to be used in transport, i.e., whether by rail, lorry, air, etc., or a combination of two or more of these, along with the name of the vessel is to be given, if it is an overseas voyage. Along with this, the risk against which insurance is covered should be stated.
- b) Second stage is the quotation by the insurance company, which is done on the basis of the information provided as above the insurance company will quote the premium rate.
- c) Next in line is the payment of premium which can be made on a consignment basis , wherein, after accepting the premium rates, the concerned person will make the payment to the insurance company.
- d) Fourth comes the issuing of the cover note or the policy document. Cover note is a document granting cover provisionally pending the issue of a regular policy. Frequently, all the details required for the purpose of issuing a policy are not available. For example, the name of the steamer, the number and date of the railway receipt, the number of packages involved in transit, etc., may not be known. Marine policy, is another document, which is an evidence of the contract of marine insurance, and contains the individual details such as name of the insured, details of goods etc. A specific policy is one which covers a single shipment or consignment. Open policy, is an important concept, and is also known as a floating policy. It is worded in general terms and is issued to take care of all "shipments" coming within its scope. It

is issued for a substantial amount to cover shipments or sending during a particular period of time. Declarations are made under the open policy and these go to reduce the sum insured. Open policies are normally issued for a year. If they are fully declared before that time, a fresh policy may be issued, or an endorsement placed on the original policy for the additional amount. On the other hand, if the policy has run its normal period and is cancelled, a proportionate premium on the unutilized balance is refunded to the insured if full premium had been earlier collected. On receipt of each declaration, a separate certificate of insurance is issued. An open policy is a stamped document, and, therefore, certificates of insurance issued there under need not be stamped. These policies are generally issued to cover inland consignments. Following are the advantages of an open policy, compared to the others: (a) Automatic and continuous insurance protection. (b) Clerical labor is considerably reduced. (c) Some saving in stamp duty. This may be substantial, particularly in the case of inland sendings. An open cover, on the other hand is particularly useful for large export and import firms-making numerous regular shipments who would otherwise find it very inconvenient to obtain insurance cover separately for each and every shipment. Sometimes, it is also possible that through an oversight on the part of the insured a particular shipment may remain uncovered and should a loss arises in respect of such shipment, it would fall on the insured themselves to be borne by them. In order to overcome such a disadvantage, a permanent form of insurance protection by means of an open cover is taken by big firms having regular shipments. An open cover describes the cargo, voyage and cover in general terms and takes care automatically of all shipments which fall within its scope. It is usually issued for a period of 12 months and is renewable annually. It is subject to cancellation on either side, i.e., the insurer or the insured, by giving due notice. Since no stamps are affixed to the open cover, specific policies or certificates of insurance are issued against declaration and they are required to be stamped according to the Stamp Act. There is no limit to the total number or value of shipments that can be declared under the open cover. The following are the important features of an open policy/open cover. Following, in brief, are the important features of an

open policy/ open cover. (a) Limit per bottom or per conveyance The limit per bottom means that the value of a single shipment declared under the open cover should not exceed the stipulated amount. (b) Basis of Valuation The 'Basis' normally adopted is the prime cost of the goods, freight and other charges incidental to shipment, cost of insurance, plus 10% to cover profits, (the percentage to cover profits may be sometimes higher by prior agreement with the clients). (c) Location Clause While the limit per bottom mentioned under (a) above is helpful in restricting the commitment of insurers on any one vessel, it may happen in actual practice that a number of different shipments falling under the scope of the open cover may accumulate at the port of shipment. The location clause limits the liability of the insurers at any one time or place before shipment. Generally, this is the same limit as the limit per bottom or conveyance specified in the cover, but sometimes it may be agreed at an amount, say, upto 200% thereof. (d) Rate A schedule of agreed rates is attached to each open cover. (e) Terms There may be different terms applying to different commodities covered under the open cover, and they are clearly stipulated. (f) Declaration Clause The insured is made responsible to declare each and every shipment coming within the scope of the open cover. An unscrupulous insured may omit a few declarations to save premium, especially when he knows that shipment has arrived safely. Hence the clause. (g) Cancellation Clause This clause provides for cancellation of the contract with a certain period of notice, e.g., a month's notice on either side. In case of War & S.R.C.C. risks, the period of notice is much shorter.

It is essential to understand the types of marine insurance contracts. Broadly, there are divided into five categories:

a) Special Declaration Policy This is a form of floating policy issued to clients whose annual estimated dispatches (i.e. turnover) by rail / road / inland waterways exceed Rs 2 crores. Declaration of dispatches shall be made at periodical intervals and premium is adjusted on expiry of the policy based on the total declared amount. When the policy is issued sum insured should be based on previous year's turnover or in case of fresh proposals, on a fair estimate of annual dispatches. A discount in the rates of premium based on turnover amount (e.g. exceeding Rs.5 crores etc.) on a slab basis and loss ratio is applicable.

b) **Special Storage Risks Insurance** This insurance is granted in conjunction with an open policy or a special declaration policy. The purpose of this policy is to cover goods lying at the Railway premises or carrier's godowns after termination of transit cover under open or special declaration policies but pending clearance by the consignees. The cover terminates when delivery is taken by the consignee or payment is received by the consignor, whichever is earlier.

c) **Annual Policy** This policy, issued for 12 months, covers goods belonging to the insured, which are not under contract of sale, and which are in transit by rail / road from specified depots / processing units to other specified depots / processing units.

d) **"Duty" Insurance** Cargo imported into India is subject to payment of Customs Duty, as per the Customs Act. This duty can be included in the value of the cargo insured under a Marine Cargo Policy, or a separate policy can be issued in which case the Duty Insurance Clause is incorporated in the policy. Warranty provides that the claim under the Duty Policy would be payable only if the claim under the cargo policy is payable.

e) **"Increased Value" Insurance** may be 'goods at destination port' on the date of landing if it is higher than the CIF and Duty value of the cargo.

After an overview of the procedure to insure, the procedure of claim settlement ought to be understood. It involves the following aspects, and is different for import/export and inland consignments:

For import/export consignments, following is the procedure:

Claims Documents Claims under marine policies have to be supported by certain documents which vary according to the type of loss as also the circumstances of the claim and the mode of carriage.

The documents required for any claim are as under:

a) **Intimation to the Insurance company:** As soon as the loss is discovered then it is the duty of the policyholder to inform the Insurance company to enable it to assess the loss.

b) **Policy:** The original policy or certificate of insurance is to be submitted to the company. This document establishes the claimant's title

and also serves as an evidence of the subject matter being actually insured.

c) **Bill of Lading:** Bill of Lading is a document which serves as evidence that the goods were actually shipped. It also gives the particulars of cargo.

d) **Invoice:** An invoice evidences the terms of sale. It also contains complete description of the goods, prices, etc. The invoice enables the insurers to see that the insured value of the cargo is not unreasonably in excess of its cost, and that there is no gross overvaluation. The original invoice (or a copy thereof) is required in support of claim.

e) **Survey Report:** Survey report shows the cause and extent of loss, and is absolutely necessary for the settlement of claim. The findings of the surveyors relate to the nature and extent of loss or damage, particulars of the sound values and damaged values, etc. It is normally issued with the remarks "without prejudice," i.e. without prejudice to the question of liability under the policy.

f) **Debit Note:** The claimant is expected to send a debit note showing the amount claimed by him in respect of the loss or damage. This is sometimes referred to as a claim bill.

g) **Copy of Protest:** If the loss or damage to cargo has been caused by a peril of the sea, the master of the vessel usually makes a protest on arrival at destination before a Notary Public. Through this protest, he informs that he is not responsible for the loss or damage. Insurers sometimes require to see the copy of the protest to satisfy themselves about the actual cause of the loss.

h) **Letter of Subrogation:** This is a legal document (supplied by insurers) which transfers the rights of the claimant against a third party to the insurers. On payment of claim, the insurers may wish to pursue recovery from a carrier or other third party who, in their opinion, is responsible for the loss. The authority to do so is derived from this document. It is required to be duly stamped. Some of the other documents required in support of particular average claims are Ship survey report lost overboard certificate if cargo is lost during loading and unloading operation, short landing certificate etc.

i) **Bill of Entry:** The other important document is bill of entry issued by the customs authorities showing therein the amount of duty paid, the

date of arrival of the steamer, etc., account sales showing the proceeds of the sale of the goods if they have been disposed of; repairs or replacements bills in case of damages or breakage; and copies of correspondence exchanged between the carriers and the claimants for compensation in case of liability resting on the carriers.

Secondly, as far as the inland consignments are concerned, following is the process:

In regard to claims relating to inland transit, the documents required to be submitted to the insurers in support of the claim are:

- (a) Original policy or certificate of insurance duly endorsed.
- (b) Invoice, in original, or copy thereof.
- (c) Certificate of loss or damage (original) issued by carriers.
- (d) If goods are totally lost or not delivered, the original railway receipt and / or non-delivery certificate / consignment note.
- (e) Copy of the claim lodged against the railways / road carriers (By Regd. A.D.)
- (f) Letter of Subrogation, duly stamped.
- (g) Special Power of Attorney duly stamped. (Railway Claims).
- (h) Letter of Authority addressed to the railway authorities signed by the consignors in favour of consignees whenever loss is claimed by consignees.
- (i) Letter of Authority addressed to the railway authorities signed by the consignors in favour of the insurers
- (j) Letter of Undertaking from the claimant in case of nondelivery of consignment. (k) Claim Bill, after adjusting salvage value proposed.

Risk Coverage is the last significant concept which needs elaboration. For export/import policies, the-Institute Cargo Clauses (I.C.C.) are used. These clauses are drafted by the Institute of London Underwriters (ILU) and are used by insurance companies in a majority of countries including

India. All three sets of clauses contain general exclusions. The important exclusions are:

- i) Loss caused by willful misconduct of the insured.
- ii) Ordinary leakage, ordinary loss in weight or volume or ordinary wear and tear. These are normal 'trade' losses which are inevitable and not accidental in nature.
- iii) Loss caused by 'inherent vice' or nature of the subject matter. For example, perishable commodities like fruits, vegetables, etc. may deteriorate without any 'accidental cause'. This is known as 'inherent vice'.
- iv) Loss caused by delay, even though the delay be caused by an insured risk.
- v) Deliberate damage by the wrongful act of any person. This is called 'malicious damage' and can be covered at extra premium, under (B) and (C) clauses. Under 'A' clause, the risk is automatically covered.
- vi) Loss arising from insolvency or financial default of owners, operators, etc. of the vessel. Many ship owners, especially tramp vessel owners, fail to perform the voyage due to financial troubles with consequent loss or damage to cargo. This is not an accidental loss. The insured has to be cautious in selecting the vessel for shipment.
- vii) Loss or damage due to inadequate packing.
- viii) War and kindred perils. These can be covered on payment of extra premium.
- ix) Strikes, riots, lock-out, civil commotions and terrorism (SRCC) can be covered on payment of extra premium.²²

3-Determination of the Issue with Section 51

Deviation is a subject of great import to both marine insurance and

²² Marine Insurance (Jan. 23, 2017), <http://www.nios.ac.in/media/documents/VocInsServices/m4-2f.pdf> pp. 18-36.

contracts of affreightment. It implies any departure from the insured adventure sufficient to constitute a variation of risk.

The doctrine has its origin in marine insurance law; whenever a vessel deviated from the route insured, the legal position used to be that she was uninsured from the time she deviated as the voyage is different from that which was insured. Concept arose from disputes on insurance policies where either the ship or the cargo or may be both were lost during the voyage and insurance claims were shielded by the insurers on the fact that the voyage insured for, was never performed.²³

Following are the wordings of section 51 of the Marine Insurance Act, 1963:

51. Excuse for deviation or delay. —(1) Deviation or delay in prosecuting the voyage contemplated by the policy is excused—

- (a) where authorized by any special term in the policy; or
- (b) where caused by circumstances beyond the control of the master and his employer; or
- (c) where reasonably necessary in order to comply with an express or implied warranty; or
- (d) where reasonably necessary for the safety of the ship or subject-matter insured; or
- (e) for the purpose of saving human life or aiding a ship in distress where human life may be in danger; or
- (f) where reasonably necessary for the purpose of obtaining medical or surgical aid for any person on board the ship; or
- (g) where caused by the barratrous conduct of the master or crew, if barratry be one of the perils insured against.

(2) When the cause excusing the deviation or delay ceases to operate, the ship must resume her course, and prosecute her voyage with reasonable dispatch.²⁴

23 Manuel, Roshini, 2010. Deviation in Marine Insurance and Contracts of Carriage. Pp. 1.

24 Law Ministry. The Marine Insurance Act, 1963. (Jan. 18, 2017), <http://lawmin.nic.in/Id/P-ACT/1963/A1963-11.pdf>

Before dwelling into the issue, this article would very briefly refer to the corresponding provisions in the marine insurance laws of two other countries, namely England and Canada. The Marine Insurance Act, 1906 of England²⁵, is considered as the mother legislation for the other marine insurance contracts. It was wholly copied as it is by India and Canada. Therefore, be it section 49 of the Marine Insurance

Act, 1906 of UK or section 45 the Marine Insurance Act, 1993 of Canada²⁶, the construction of the words is exactly the same as those of section 51 of the Marine Insurance Act, 1963 of India.

Coming back to section 51, clauses 'a' to 'g' provide legitimate excuses for deviation or delay. In our opinion, a clause concerning 'marine animals' is absent. The implication that if there is a delay or deviation due to an attempt to save marine animal(s), there would be no consideration for the same, which is an issue in our opinion.

4-International Legislations Concerning Marine Life

It is significant, at this point, to examine the position of certain international conventions to which India is a signatory, related to this issue. The focus of this article is towards two main conventions namely, the United Nations Convention on the Law of Sea, 1982²⁷ and the Rio Declaration on Environment and Development, 1992²⁸. Part XII of the former, deals with 'Protection and Preservation of the Marine Environment'. A comprehensive legal framework has been laid down by this convention, for controlling the serious degradation of the marine ecosystem. Article 194 clearly provides that the state shall undertake such means either individually or jointly, with other corporate/non-state entities, while taking into consideration the needs and aspirations of a number of developing countries, whose primary priority is often socio-economic development.²⁹

As far as the Rio Declaration is concerned, principle 17 of section 2

25 Marine Insurance Act, 1906- 8 Edw. 7 c.41

26 Marine Insurance Act, 1993- 22 M.I.A 45 (1993)

27 United Nations. UNCLOS, 1982. (Jan. 18, 2017), http://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf

28 UNESCO. RDED, 1992. (Jan. 18, 2017), http://www.unesco.org/education/pdf/RIO_E.PDF

29 MoE&F. Handbook on International Environmental Agreements: An Indian Perspective. (Jan. 18, 2017), http://awsassets.wwfindia.org/downloads/mea_handbook_cel.pdf

sets out goals and programmes under which nations may anticipate and prevent further degradation of the marine environment and reduce the risk of long-term or irreversible effects on the oceans. Moreover, principle 30 of section 3, urges the governments of respective states to co-operate with business, industry, academia and international organizations to develop policies which would result in lower environmental impacts and further to promote sustainable development.³⁰ According to an article, the term “Illegal, Unreported and Unregulated” (IUU) fishing can cover a wide range of issues. Further, in total, 54 EEZs and 15 high seas regions were analysed, providing an estimate of global illegal and unreported catch for 292 case study fisheries which comprise 46% of the reported total world marine fish catch. The total catch of of case study and non-case study fish from the EEZs and high seas regions analysed comprised 75% of global catch.³¹

As per the ‘Living Blue Planet Report’, released by the World Wildlife Fund(WWF) in 2015, we lost almost half of the marine life, wherein some of the fish species declined by about 74%.

As per Mr. Brad Ack, senior vice president for oceans at WWF, “in less than a human generation, we can see dramatic losses in ocean wildlife -- they have declined by half -- and their habitats have been degraded and destroyed.” It can be inferred that this is an alarming indicator of the fact that however small a step may seem, it has to be taken towards this direction.

5-Proposal and Conclusion

On the basis of the aforementioned content, we would like to come back to the crux of our argument. It is an established fact that contracts and commercial transactions, are mainly driven by profit. Hence, neither of the parties, in a contract of marine insurance would, in their normal course of action, regard the existence of marine or aquatic life. However, this article has attempted to ascertain the fact that there needs to be a radical reform in this notion or perception of the individuals entering into the contract. Moreover, viewing the same from a humanitarian angle, the drastic depletion of wildlife should be gauged as an alarming indicator of the same. As per our understanding, exclusion of a clause protecting

³⁰ Supra 8.

³¹ Agnew, D.J., Pearce, J., Pramod, G., Peatman, T., Watson, R., Beddington, J.R. and Pitcher, T.J., 2009. Estimating the worldwide extent of illegal fishing. PloS one, 4(2), p.e4570.

marine animals from section 51, could have been the result of the following two situations:

First possibility is that there were deliberations on the same, but it was not deemed necessary at that point of time

Secondly, it was omitted due to the fact that there were no deliberations over the same, i.e., this idea never struck the minds of the framers.

With due respect to the legislators, we choose to ignore the second possibility. Assuming that the first situation is true, this article proposes that it is necessary to introduce such a clause in the present day context. The objective of this article, like any other, is to stimulate a debate in this regard, because, in our opinion such a change is critical in the world today. A legislation develops through criticism, which is a major catalyst that broadens one's horizon of knowledge. It is vital that certain changes are made to a law over time, as per the needs of society. Hence, taking into account the fact that every law is subject to loopholes and can be misused, we propose, through this article, the insertion of the following new clause (h) in section 51(1) of the Marine Insurance Act, 1963:

(h) for the purpose of saving or attempting to save marine life.

We would lastly, like to come back to the questions posed in the introductory section of this article. Through the data provided in the course of this article, it can be more-or-less deduced that deviation can and has directly and indirectly resulted in the depletion of marine life. Such instances should not be measured on the basis of the extent of the loss caused in our opinion, and every possible step should be taken in order to tackle the issue. The insertion of this clause, as our understanding, is a step in this direction, which if adopted by India, could set a progressive example to the world, for the other nations to emulate.

Bibliography

AdukiaRajkumar. Insurance Laws of India. (Jan. 23, 2017), <http://www.caaa.in/Image/insurance%20hb%201101.pdf>

Agnew, D.J., Pearce, J., Pramod, G., Peatman, T., Watson, R., Beddington, J.R. and Pitcher, T.J., 2009. Estimating the worldwide extent of illegal fishing. *PLoS one*, 4(2), p.e4570.

Bowen, E., 1952. Life in the Sea. *Bios*, pp.192-200.

BužančićPrimorac, B. and Parunov, J., 2016. Review of statistical data on ship accidents. *Maritime Technology and Engineering*, pp.809-814.

Derraik, J.G., 2002. The pollution of the marine environment by plastic debris: a review. *Marine pollution bulletin*, 44(9), pp.842-852.

Deur John, Law and Practice of Marine Insurance, Vol. I., p. 58.

Harris, J.M., 2000. Basic principles of sustainable development.

Hilchey, J., 2014. The importance of protecting marine biodiversity.

Huebner, S., 1905. Policy Contracts in Marine Insurance. *The ANNALS of the American Academy of Political and Social Science*, 26(2), pp.273-299.

International Institute for Sustainable Development(IISD). Sustainable Development. (Jan. 23, 2017), <http://www.iisd.org/topic/sustainable-development>

Jefferson, T.A., Leatherwood, S. and Webber, M.A., 1993. *Marine mammals of the world*. Food & Agriculture Org..

Law Ministry. [The Marine Insurance Act, 1963](http://lawmin.nic.in/ld/P-ACT/1963/A1963-11.pdf). (Jan. 18, 2017), <http://lawmin.nic.in/ld/P-ACT/1963/A1963-11.pdf>

Manuel, Roshini, 2010. Deviation in Marine Insurance and Contracts of Carriage. Pp. 1.

Marine Insurance Act, 1906- 8 Edw. 7 c.41

Marine Insurance Act, 1993- 22 M.I.A 45 (1993)

Marine Insurance(Jan. 23, 2017),<http://www.nios.ac.in/media/documents/VocInsServices/m4-2f.pdf> pp. 18-36.

Marinebio. Facts. (Jan. 23, 2017), <http://marinebio.org/marinebio/facts/>

MoE&F. Handbook on International Environmental Agreements: An Indian Perspective. (Jan. 18, 2017), http://awsassets.wwfindia.org/downloads/mea_handbook_cel.pdf

MoS&PI. Compendium of Environment Statistics in India 2013. (Jan.22, 2017), <http://www.indiaenvironmentportal.org.in/files/file/compendium%20environment%20statistics%20india%202013.pdf>

Murphy, D.D. and Duffus, D.A., 1996. Conservation biology and marine biodiversity. *Conservation Biology*, 10(2), pp.311-312.

P.Khanna, Rakesh Kumar and Vijay kulkarni, Case Study3: Hazardous Water issues in India. EOLSS (Jan. 22, 2017), <https://www.eolss.net/Sample-Chapters/C09/E1-08-06.pdf>

PragyaOhri. Need for Sustainable Development. (Jan. 23, 2017), <http://www.hsalegal.com/index.php/need-sustainable-development/>

Rana, S., 2015. Sustainable Development and Role of Judiciary. *Journal for Studies in Management and Planning*, 1(10), pp.237-248.

Roberts, S., 2005. *Deep sea life: On the edge of the abyss*. Oceana.

The Times of India. Marine Accidents. (Jan. 23, 2017), <http://timesofindia.indiatimes.com/india/Over-150-marine-accidents-in-last-four-years-Govt/articleshow/17672067.cms>

UNESCO. RDED, 1992. (Jan. 18, 2017), http://www.unesco.org/education/pdf/RIO_E.PDF

United Nations Conference on Trade And Development, Legal and Documentary Aspects of the Marine Insurance, TB/B/C.4/ISL./27/Rev.1, New York, 1982,

United Nations. UNCLOS, 1982. (Jan. 18, 2017), http://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf

Vellore Citizen Welfare Forum vs. Union of India ,AIR 1996 SC 2715

An Examination of the Importance, Efficiency and Efficacy of Family Courts in India

Introduction

Despite initiatives at various levels to enhance women's position in the Indian society, the multi-faceted issue of violence against women remains a real challenge. With the progress of education and employment, the scenario has not changed very much. It is hard to understand why victims of family violence have to tolerate the intolerable for as long as they do. The underpinnings behind such a proposition are that many women due to strong socialization factors continue to accept a secondary status within marriage.¹ It has been more than a decade since domestic violence as an issue and a concept, has engaged the attention of women's activist groups and movements and today, increasingly, women's organizations and NGOs.² In the 1980s violence against women-including rape, molestation and witch hunting, was the main focus of the women's movements. In the 1990s with women's movements actively taking up the cause across the country the debates which cantered mostly around dowry death, gradually the concept expanded, to take cognizance of all physical and mental abuse/violence perpetrated on women within the marital institution - whether or not it is legally valid.

The Family Court sat was part of the trend of legal reforms concerning women. The immediate reason for setting up of family courts was the mounting pressures from several associations of women, welfare organizations and individuals for establishment of special courts with a view to providing a forum for speedy settlement of family-related disputes. Family Courts have been in existence for several decades in countries like United Kingdom, Japan, Australia etc., but the movement to establish Family Courts in India was initiated around 1958 by Smt.

1 "Emergence of Family Court in India", accessed on 15th Feb, 2017, <http://shodhganga.inflibnet.ac.in>

2 Namita Singh Jamwal (2009), Have Family Courts Lived Upto Expectations? <http://www.mainstreamweekly.net/article1205.html>

Durgabai Deshmukh, the noted Social Worker from Maharashtra.³The Committee on Status of Women recommended in 1975 that all matters concerning family should be dealt with separately. The emphasis should be laid on conciliation and achieving socially desirable results with the elimination of rigid rules of procedure and evidences. The Law Commission in its 59th Report in the year 1974 had also stressed that, the court sought to take an approach radically different from that adopted in ordinary civil proceedings and that reasonable efforts should be made towards settlement before the commencement of the trial.⁴

The Code of Civil Procedure was amended in 1976 to provide for a special procedure to be adopted in suits or proceedings relating to matters concerning family.⁵ However, not much use has been made by the courts in adopting this conciliatory procedure and the Courts continue to deal with family disputes in the same manner as other civil matters and the same adversary approach prevails. The need was therefore felt, to establish Family Courts for speedy settlement of family disputes.

The Family Court Act of 1984 was conceived as part of the legal reform to improve the position of women. The Act also brought civil and criminal jurisdictions under one roof. This was seen as a positive measure to centralize all litigations concerning women. Finally, the Family Courts Act, 1984, was enacted to provide for the establishment of Family Courts with a view to promote conciliation and secure speedy settlement of matrimonial disputes. This paper would be dealing with legal analysis of various provisions of Family Courts Act, 1984, procedures, jurisdiction of Family Courts, judgements stating the importance of Family Courts in India, functioning of Family Courts as well as challenges faced by Family Courts in India.

2. Legal Framework- Family Courts Act, 1984

The Family Courts Bills was framed in the year 1984 that seeks to achieve the following objectives. It received assent of the President of India on the 14th Sep 1984 and was published in the gazette of India dated the 14th Sep, 1984.⁶

3 "Emergence of Family Court in India", accessed on 15th Feb, 2017, <http://shodhganga.inflibnet.ac.in>

4 59th Report, Law Commission of India.

5 Vol II, B. M Gandhi, Family Courts in India, Pg. 217-219, Eastern Book Company, 2013.

6 Family Courts Act, 1984, Gazette of India, Sept 1984.

- a) Provide for establishment of Family Courts by the State Governments;
- b) Make it obligatory on the State Governments to set up a Family Court in every city or town with a population exceeding one million;
- c) Enable the State Governments to set up, such Courts in areas other than those specified above;
- d) Exclusively provide the matters within the jurisdiction of the Family Courts:⁷
 - i) Matrimonial relief, including nullity of marriage, judicial separation, divorce, restitution of conjugal rights, or declaration as to the validity of a marriage or as to the matrimonial status of any person;
 - ii) The property of the spouses or of either of them;
 - iii) Declaration as to the legitimacy of any person;
 - iv) Guardianship of a person or the custody of any minor;⁸

Thus, the Family Court Act encouraged and empowered various state governments to set up Family Courts in all cities with a population of over one million people. The Ministry of Law, Department of Justice is the nodal Department concerned with the administration of the Act.

The Family Courts are Civil Courts exclusively dealing with the following matters:

Declaring a marriage as null and void,
 Restitution of conjugal rights,
 Judicial separation and dissolution of marriage
 Declaration as to matrimonial status of any person,
 Declaration as to the ownership of property of the parties concerned,
 Interim order or injunction arising out of marital relationship,

Declaration of legitimacy of any person or guardianship of a person or the custody or access to any minor,

Suits or proceedings for maintenance.⁹

7 Ibid.

8 Family Courts Act, 1984, Gazette of India, Sept 1984.

9 Vol II, B. M Gandhi, Family Courts in India, Pg. 217-219 (Eastern Book Company, 2013)

2.1 Procedure:

The primary duty of the Family Court is to make efforts for settlement.

(1) In every suit or proceeding, endeavour shall be made by Family Court in the first instance, where it is possible to do so consistent with the nature and circumstances of the case, to assist and persuade the parties in arriving at a settlement in respect of the subject-matter of the suit or proceeding and for this purpose a Family Court may, subject to any rules made by the High Court, follow such procedure as it may deem fit.

(2) If, in any suit or proceeding, at any stage, it appears to the Family Court that there is a reasonable possibility of a settlement between the parties, the Family Court may adjourn the proceedings for such period as it thinks fit to enable attempts to be made to affect such a settlement.

(3) The power conferred by sub-section (2) shall be in addition to, and not in derogation of, any other power of the Family Court to adjourn the proceedings.¹⁰

2.2 General Procedure:

Subject to the other provisions of this Act and rules, the provisions of the Code of Civil Procedure, 1908 (5 of 1908), and of any other law for the time being in force shall apply to the suits and proceedings other than the proceedings under Chapter IX of the Code of Criminal Procedure, 1973 (2 of 1974), before a Family Court and for the purpose of the said provisions of the Code, a Family Court shall be deemed to be a Civil Court and shall have all the powers of such Court.

(2) Subject to the other provisions of this Act and the rules, the provisions of the Code of Criminal Procedure, 1973 (2 of 1974), or the rules made there under, shall apply to the proceedings under Chapter IX of the Code before a Family Court.

(3) Notwithstanding-section (1) or sub-section (2) shall prevent a Family Court from laying down its own procedure with a view to arrive at a settlement in respect of the subject-matter of the suit or proceedings or

¹⁰ Ekta, A Study of Family Courts in Tamil Nadu, Procedure of Family Courts, <https://archive.nyu.edu/bitstream/2451/33913/2/Family%20Court%20Ekta.pdf>.

at the truth of the facts alleged by the one party and denied by the other.¹¹

2.3 Uniqueness of Family Court procedures

1. Section 9 provides that the family court should try to resolve the matter through conciliation and settlement.
2. If there is possibility of settlement of dispute the court should adjourn the proceedings until such settlement is arrived at.
3. The parties of the proceeding are not required to hire a legal practitioner; however they are entitled to appoint an 'amicus curie' to assist the parties in the settlement proceedings.
4. In camera proceedings, can be ordered if the parties desire. (In camera proceedings means that the public is not allowed to see the proceedings)
5. Judgment should be concise with the statement of the case, determination of the decision and the reason for the decision.
6. Provisions of Code of Civil Procedure, 1908 are applied in the enforcement of the order or the judgement.
7. The Court can take assistance of medical and welfare experts.

2.4 Salient Features of the Act (Analysis of the Provision):

Section 2 of the Act¹², defines the terms such as Judge, Notification, Prescribed and Family Court. Sec 3 of the Act¹³, provides for establishment of Family Courts, required the State Government concerned to establish Family Courts in cities and towns of or all other areas of the State in need of the establishment of such Courts. Section 4 of the Act¹⁴, which provides for selection of persons for appointment as Judges of Family Courts, requires that every endeavour shall be made to ensure that persons committed to the need to protect and preserve the institution of marriage and to promote the welfare of the children and qualified by reason of this exercise to promote the settlement of disputes by conciliation and counselling, are

11 Ekta, A Study of Family Courts in Tamil Nadu, Procedure of Family Courts, <https://archive.nyu.edu/bitstream/2451/33913/2/Family%20Court%20Ekta.pdf>

12 Section 2 of the Family Courts Act, 1984.

13 Section 3 of the Family Courts Act, 1984.

14 Section 4 of the Family Courts Act, 1984.

selected and preference shall be given to women.

Section 5 of the Act¹⁵ contains the provisions which enable the Family Court to function with the association of institutions or organizations engaged in social welfare or the persons working in the field of social welfare, with a view to effectively exercise its jurisdiction. Section 6¹⁶ contains the provision which enables the Family Court to obtain assistance from counsellors, officers and employees in its functioning. Section 7 of the Act enumerates the categories of matters respecting which Family Court shall have and exercise jurisdiction. Section 8 of the Act talks about the exclusion of jurisdiction of other courts in respect of matters categorised under Section 7 of the Act, and declare that if any such categorized matter was pending before the other court, the same shall stand transferred to Family Court on its establishment in the concerned area. Section 9 of the Act imposes a duty on the Family Court to make all efforts in bringing about an amicable settlement of disputes between the parties before it.

Section 10 of the Act¹⁷ talks about the procedure to be adopted in the Family Court, the provisions of the Code of Civil Procedure shall apply for civil matters and the Code of Criminal Procedure shall apply for maintenance proceedings initiated under Sec 125 of CRPC. The Family Court is deemed to be Civil Court and is conferred with the powers of a civil court. As per Sec 10 (3) of the Act, the Family Court is also conferred with the power to lay down its own procedure with a view to arrive at a settlement in respect of the subject matter of the suit or proceedings or at the truth of the facts alleged by one party and denied by the other. Thus, the Family Court frees it from the shackles of rigid rules of procedure by which ordinary courts are bound. Section 11 of the Act¹⁸ says that the proceedings may be held in camera. Section 12 of the Act¹⁹ permits the Family Court to secure the services of medical and welfare experts, preferably a woman where available, in discharging its functions. Section 13 of the Act²⁰ states that no party to a suit or proceeding before a Family Court shall be entitled, as of right, to be represented by a legal practitioner

15 Section 5 of the Family Courts Act, 1984.

16 Section 6 of the Family Courts Act, 1984.

17 Section 19 of the Family Courts Act, 1984.

18 Section 11 of the Family Courts act, 1984.

19 Section 12 of the Family Courts Act, 1984.

20 Section 13 of the Family Courts Act, 1984.

but allows the Family Court to seek the assistance of a legal expert as *amicus curiae*.

Section 14 of the Act²¹ empowers the Family Court to receive as evidence any report, statement, document, information or matter for effectively deciding the disputes before it and free sit from the shackles of rigorous Rules of evidence as to relevancy or admissibility of evidence under the Indian Evidence Act, 1872, by which ordinary courts are bound. Section 15 of the Act relieves the Family Court of the burden of recording evidence of witnesses at length by permitting it to make a memorandum of the substance of such evidence. Sec16 permits the Family Court to receive evidence of normal character given by affidavit.

Section 18 of the Act not merely declares that the judgments and decrees of the Family Court to have the same force and effect as that of the Civil Court, but also empowers the Family Court to execute its judgments and decrees or orders as Civil or Magistrate Courts execute them. Sec 19 while provides for filing of an appeal against every judgment or order of the Family Court before the High Court and such appeal being heard by a Bench consisting of two or more Judges, expressly prohibits the filing of an appeal or revision against any interlocutory order made by the Family Court. Section 20 of the Act takes care to declare the over-riding effect of the Act on matters covered by its provisions, notwithstanding anything to the contrary in any other law in force or in any instruments having effect by virtue of any other law. Sec 21 states the power of the High Court to make rules on matters such as working hours of the Family Court, places of holding the sitting sand the efforts and procedure that may be followed by a Family Court to arrive at a settlement. Section 22 of the Act²², states the power of Central Government to make rules regarding the qualification and appointment of Family Court Judges. Section 23 of the Act,²³ mentions the powers of the State Government to make rules on matters such as salary or honorarium and other allowances and the other terms and conditions of services of Judges, Counsellors and other employees, fees and expenses of medical and other experts, fees and expenses to legal practitioners appointed as *amicus curiae*.

21 Section 14 of the Family Courts Act, 1984.

22 Section 22 of the Family Courts Act, 1984.

23 Section 23 of the Family Courts Act, 1984.

2.5 Jurisdiction:

All family courts shall have the power and jurisdiction exercisable by any District Court or any subordinate civil court in suits and proceedings of the nature dealt with explanation to Section 7 (1) of the Act.²⁴

Following are the matters which can be filed in the Family Courts: -

1. Decree for nullity of marriage.
2. Restitution of conjugal rights.
3. Judicial separation.
4. Dissolution of marriage.
5. Declaration of matrimonial status of any person.
6. Matrimonial property matters.
7. Claim of maintenance.
8. Guardianship.
9. Custody of children.
10. Access of children.
11. Application for injunction in matrimonial matters.
12. Custody of children, guardianship, legitimacy of child under the Hindu Minority and Guardianship Act, 1956.²⁵

Thus, the family court entertains the applications for grant of decree of divorce under the various Acts like Dissolution of Muslim Marriage Act, 1939, Muslim Women (Protection of Rights on Divorce) Act, 1986, the Parsi Marriage and Divorce Act, 1936, the Divorce Act, 1869, the Special Marriage Act, 1954, Foreign Marriage Act, 1969 etc.

Validity of marriages under Hindu Marriages (validation of proceedings) Act, 1960, the Muslim Personal Law (Shariat) Application Act, 1937, Child Marriage Restraint Act, 1929, Anand Marriage Act, 1909, Arya Marriage Validation Act, 1937, Marriages Validating Act, 1952.

If any dispute to a marriage between the parties arises irrespective of their caste or creed and validity of a marriage the family court has got jurisdiction.²⁶ The property dispute between the parties to a marriage

24 Section 7 (1), Family Courts Act, 1984.

25 Archi Agnihotri, Family Courts in India, Legal Service India – Family Courts in India: An Overview (Jan. 16, 2017, 8:55 pm), <http://www.legalserviceindia.com/article/l356-Family-Courts-in-India.html>

26 Reddy Ananda Rao vs. Ms. Totavani Sujatha, AIR 2003, NOC 258 AP

the family court can entertain the petition.²⁷ The family court entertain suit for partition of the property between parties to a marriage.²⁸ A suit filed by wife for return of gold ornaments, cash etc., given at the time of marriage even after death of husband being one arising out of marital relationship though not between parties to marriage²⁹. The family court can also pass orders or injunctions in circumstances arising out of a marital relationship.³⁰ The family court has got jurisdiction to declare of any person as to the legitimacy.³¹**Judges in Family Courts:**

The judges who are appointed to the family courts should be committed to achieve the object of the Act. They have to protect and preserve the institution of marriage and to promote the settlement of disputes by conciliation and counselling.³² Sub-section (4) of Section (4) of the Act specially says that women shall be appointed as a judge. Except prescribing the qualifications of judges the Central Government has no role to play in the administration of justice. Different States have different procedure. So, there is need to have uniform set of rules in all over India to achieve the object of the Act. Though the Act laid down broad guidelines, it was left to the State Government to frame the rules of procedure. Still there are some states not yet established courts nor rules.

A person shall be continued in service as a judge of a family court until he attains the age of sixty-two years³³ and their salary or honorarium and other allowances from time to time payable and the other terms and conditions of family court judge are prescribed by the State Government in consultation with the High Court³⁴. The State Government may in consultation with the High Court provide rules for the association of social welfare agencies etc., in such manner and for such purposes some conditions specified in the rules, with a family court of:

- (i) institutions or organizations engaged in Social Welfare or the representatives thereof³⁵;

27 Explanation (c) in Section 7 (1) of the Family Courts Act, 1984.

28 Mrs. Mariamma Ninan v. K.K. Ninan, I (1997) DMC (AP) 570.

29 Suprabha v. Sivaraman, AIR 2006 Ker. 187.

30 Explanation (d) in Section 7 (1) of the Family Courts Act, 1984.

31 Explanation (e) in Section 7 (1) of the Family Courts Act, 1984.

32 Section 4 (4) (a) of the Family Courts Act, 1984.

33 Section 4 (6) of the Family Courts Act, 1984.

34 Section 5 (a) of the Family Courts Act, 1984.

35 Section 5 (a) of the Family Courts Act, 1984.

- (ii) persons professionally engaged in promoting the welfare of the family³⁶;
- (iii) persons working in the field of social welfare³⁷; and
- (iv) any other person whose association with a family court would enable it to exercise its jurisdiction more effectively in accordance with the purposes of this Act.³⁸

Role of a Counsellor

The very purpose of the Family Courts Act is to promote conciliation and where there is no scope for conciliation efforts should be made to secure speedy settlement of disputes relating to marriage and family affairs and the connected matters. A duty is cast on the Family Court to make efforts for settlement in every proceeding or suit before the court, by persuading the parties to arrive at the settlement in disputes related to breakdown of marriages, restitution of conjugal rights, claim for maintenance, and claim for custody of children etc. Counsellors are specially being nominated to perform the important task of conciliation and to arrive at settlement between the parties of the disputes. Thus, the counsellors are the key players in accomplishing the very objective and purpose of the Act.³⁹

The term conciliation and settlement should be understood in the right sense. Conciliation is an alternative method of dispute resolution and an attempt at preserving the institution of marriage. Under Family Court Act, the counsellors are expected to carry out the conciliation process. The counsellors, guided by the principle of objectivity, fairness and justice should assist the parties in an independent and impartial manner to arrive at an amicable settlement, considering the rights and obligations of the parties. The counsellors are supposed to make proposals for a settlement of a dispute, based on the preferences made by the parties. They offer a range of choices for resolving the dispute; formulate or reformulate the terms of a possible settlement; considering the factual and legal aspects of the dispute as well as what the counsellor considers could be appropriate

36 Section 5 (b) of the Family Courts Act, 1984

37 Section 5 (c) of the Family Courts Act, 1984

38 Section 5 (d) of the Family Courts Act, 1984.

39 Role of Mediation & Conciliation on Family related disputes (Jan. 18, 2017, 9:00pm), <http://familylawyers.in/Article.html>

resolution to the dispute. The range of dispute resolution process could be options to live together, matters such as maintenance, lump-sum settlement, sharing of property, custody of the children, returning of jewels, articles, clothes, visitation of children, divorce on mutual consent, legal separation etc. Thus, the counsellors are expected to play a proactive role.

Judicial Response (Case laws)

Case of Bhuwan Mohan Singh vs Meena & Ors AIR 2014 SC 2875.

Extract from the Judgement

The Family Courts have been established for adopting and facilitating the conciliation procedure and to deal with family disputes in a speedy and expeditious manner. A three-Judge Bench in the case of '*K.A. Abdul Jaleel v. T.A. Shahida*', while highlighted on the purpose of bringing in the *Family Courts Act by the legislature, opined that:*

*"The Family Courts Act was enacted to provide for the establishment of Family Courts with a view to promote conciliation in, and secure speedy settlement of, disputes relating to marriage and family affairs and for matters connected therewith."*⁴⁰

The Judges stated that the purpose of highlighting this aspect is that with respect to the matter in hand the proceeding before the Family Court was conducted without being alive to the objects and reasons of the Act and the spirit of the provisions under Section 125 of the Code.

K. Srinivas Rao vs D.A. Deepa 2013(5) SCC 226

Supreme Court Judges issued directions to be followed by the courts dealing with the matrimonial matters:

Extract of the Judgement:

"In terms of Section 9 of the Family Courts Act, the Family Courts shall make all efforts to settle the matrimonial disputes through mediation. Even if the Counsellors submit a failure report, the Family Courts shall, with the consent of the parties, refer the matter to the mediation centre. In such a case, however, the Family Courts shall set a reasonable time limit for

⁴⁰ Bhuwan Mohan Singh vs Meena & Ors AIR 2014 SC 2875.

mediation centres to complete the process of mediation because otherwise the resolution of the disputes by the Family Court may get delayed. In a given case, if there is good chance of settlement, the Family Court in its discretion, can always extend the time limit"⁴¹

In a nutshell , the court held that

Family Courts should make all efforts to resolve or settle matrimonial disputes through mediation. Also parties can refer to the mediation centre with the reasonable time limit otherwise resolution of dispute would be unnecessarily delayed.

K.A. Abdul Jaleel vs T.A. Shahida

In this case, it was observed that:

'The Family Courts Act was enacted to provide for the establishment of Family Courts with a view to promote conciliation in, and secure speedy settlement of, disputes relating to marriage and family affairs and for matters connected therewith'

*'The Family Court was set up for settlement of family disputes. The reason for enactment of the said Act was to set up a court which would deal with disputes concerning the family by adopting an approach radically different from that adopted in ordinary civil proceedings.'*⁴²

The Judges have encroached upon the importance and primary function of Family Courts as well the reason for setting up the courts has also been mentioned.

Functioning of Family Courts in India

Family disputes are as old as the institution of marriage itself. In rural and semi-urban areas, it was the village council or local leaders who came as succour. Then, till recently it was court of law with special cells or otherwise which served as an arbiter of family disputes. The system allowed both parties to pursue their case without the presence of lawyers with judges playing the role of benign arbitrator. Proceedings mainly aimed at reconciliation and in ensuring the wellbeing of innocent

41 K. Srinivas Rao vs D.A. Deepa 2013(5) SCC 226.

42 K.A. Abdul Jaleel vs T.A. Shahida

*children caught in the cross fire of family feud.*⁴³

Legal profession saw loss of employment and legal fees and therefore showed little enthusiasm to send disputants to Family Court. On the other hand, litigants still had to master the legal system to present their case. Present day disputants have little patience to go through the painful process of reconciliation and instead opt to approach divorce courts. Heavy backlog of cases in regular courts meant low priority being accorded to posting of judges to Family Courts. Family Courts have offered affordable and accessible legal service to poor and indigent litigants and has worked reasonably well with support services well-knit into the system.

The Family Court's main purpose is to assist the smooth and effective disposal of cases relating to family matters. Setting up these Courts was to take the cases dealing with family matters away from the intimidating atmosphere of regular courts and ensure that a congenial environment is set up to deal with matters such as marriage, divorce, alimony, child custody etc. As mentioned earlier, an effective way of tackling the problem of pendency is to improve the efficiency of the system rather than changing the system altogether. There is a need to take significant step is to make use of the available human resource.

The current family court system has a thoroughly dissatisfying record. Over the last 17 years it has fostered intense anger, frustration and resentment over the continual misuse and abuse of its power and authority. It has become a system that has lost trust of the majority population regarding its capability to provide any kind of a fair and just forum for handling family disputes. Unless the present situation of the family courts is remedied, the women will be forced to continue to remain unsecured within their family and society.⁴⁴ The Family Courts Act, 1984 was part of the trends of legal reforms concerning women. The Act was expected to facilitate satisfactory resolution of disputes concerning the family through a forum expected to work expeditiously in a just manner and with an approach ensuring maximum welfare of society and dignity of women.

43 Namita Singh Jamwal, Have Family Courts lived up to Expectations? Mainstream Weekly, March 7, 2009.

44 "Status of functioning of Family Courts in India", accessed on 13th Feb, 2017, <http://ncw.nic.in/pdfreports/Working%20of%20Family%20courts%20in%20India.pdf>

Challenges in Improving the Functioning of Family Courts

Indifferent Counselling and Conciliation Services

Counselling and conciliation are the two pillars on which the whole structure of Family Court is built. Counselling, in fact, is the foundation on which the philosophy of conciliated settlement rests. The counsellors, their skill and competence have a tremendously important role to play in the whole process. The role of the counsellors is not limited to counselling but extends to reconciliation and mutual settlement wherever deemed feasible. It has been observed that some of the Family Courts do not even have any counsellors, and in some the counsellors keep on changing frequently. Many of the counsellors are just part-time and are not properly trained. Proper selection and training of the counsellors is of crucial importance for efficient and competent delivery of justice. As is expected, it is the counsellors who take up the cases at the first stage. It has been seen that in many cases where counselling has failed at the initial stage, proactive role of the judge has helped in resolving the dispute. The present rules or practices, however, do not permit the judge to personally counsel the parties when the case has come up for trial.

Emotional Trauma to litigants through direct representation

The advocates interviewed also fear that if they are not allowed to appear, problem could arise even in the area of identification of parties appearing before the court. It would be difficult for the court to know whether the person who submitted the petition and appearing before the court are the same person. They also added that the direct clash between the petitioners and opponents in the court premises were avoided because of the representation of advocates.⁴⁵ Many a times, the emotional upheaval of the parties provokes situations of quarrel.

Appointing retiring judges have negative consequences

Many a times, judicial members of retiring age are being appointed as Family Court Judges. They often have a rigid, conservative values system and they cannot digest the challenges and changes confronting the present family system. From their experiences as practicing advocates in family courts, the advocates shared that such senior judges treat the

⁴⁵ Namita Singh Jamwal (2009), Have Family Courts Lived Upto Expectations? <http://www.mainstreamweekly.net/article1205.html>

women litigants with contempt. They accuse the parties in the open court and passes comments that hurt the psyche of the litigants.

Orientation and Attitude of FC Judges

Though the Family Court was aimed at removing the gender bias in statutory legislation, the goal is yet to be achieved. The criteria for appointment of Family Court judges are the same as those for appointment of District Judges requiring seven years' experience in judicial office or seven years' practice as an advocate. The judges appointed to the family court do not have any special experience/expertise in dealing with family matters, nor have they any special expertise in settling disputes through conciliation, a requirement prescribed in the Act.⁴⁶ The provision that women judges should be appointed and that the judges should have expertise and experience in settling family disputes, more or less, has remained only on paper. In many states the Family Court do not have a single woman judge.

Inadequate and Poor State of Infrastructure

The Family Courts generally suffer from unsatisfactory conditions. There is no proper place for the judges to be seated and working conditions, by and large, are unhygienic and poor. There is no proper space allotted for the children to meet their separated parents. Family Courts lack essential public conveniences like drinking water, waiting room, etc. and facilities like photocopying, paid public telephone, availability of stamps, stationery etc. In the absence of basic infrastructure like a stamp office, typist and stationery, services of a notary or even adequate sitting arrangements, canteen and drinking water, the litigants are subjected to endless hardships.

Overall, in the aforesaid study, more than one-half of the respondents expressed their none-too-happy experience with Family Courts and stated that their expectations had not been met. The reasons for dissatisfaction found were: procrastination and dilatory decisions, overworked counsellors, and undue pressure exercised on women litigants for reconciliation, etc. The Family Court were launched almost overnight, without proper and adequate planning and preparation. The lack of infrastructure and basic facilities make the fight for justice a Herculean

⁴⁶ 'Problems faced by family Courts in India', accessed on 20th Feb, 2017, https://www.researchgate.net/.../283715313_The_Family_Courts_Act_in_India_Perspect...

task. While both men and women are affected, in any given situation women, who generally lack exposure to and experience in dealing with public institutions, are the worst sufferers.⁴⁷ Infrastructure has another angle: the infrastructure that is necessary for a Family Court should be studied at the time of establishing it; otherwise it adds to the backlog of cases.

Weak conciliation procedure and skills of counsellors

All accepted the fact that the counsellors have a tremendous role to play in the conciliation proceedings. Many opined that the conciliation proceedings of present nature, with the help of the existing counsellor's area futile exercise. Many said that it is just a formality, a part of the litigation proceedings. In general, the advocates were critical about the functioning of the counsellors. They were of the view that the counsellors except one or two are not qualified and are not experts in conciliation. They do not possess scientific acumen, technical ability, and professional competence needed for counselling - the basic qualities for a counsellor. They lack professional ethics. Corruption charges were also made by a few advocates met.

Conclusion

The Family Court is a special court, which is mainly concerned with resolving family disputes. The Government of India established Family Courts with the objectives that family disputes be dealt with separately from general criminal cases so that they are handled with a humanitarian view and to enable women to approach the court easily without having to appear with general criminals.

The objective of Family Courts is to promote reconciliation and secure speedy settlements of disputes relating to marriage and family affairs. The underlying idea is to provide an amicable atmosphere for settlement. Family Courts function under the administrative control and superintendence of the State Government or Union Territory Administration along with the relevant High Court. These Family Courts are specialised civil courts, which deal exclusively with dissolution of marriage; declaration of the matrimonial status of any person; declaration of ownership of properties of the parties concerned; interim order of injunction arising out of marital

⁴⁷ Namita Singh Jamwal (2009), Have Family Courts Lived Upto Expectations? <http://www.mainstreamweekly.net/article1205.html>

relationships; declaration of legitimacy of any person, or guardianship of a person, or the custody of or access to any minor; and suits or proceeding for maintenance. Types of Cases Dealt with in the Family Court are Dissolution of marriage, i.e. divorce-related suits, suits related to restitution of conjugal rights, suits related to declaration of a marriage as null and void, suits regarding legality or validity of marriages, suits regarding property of married couples, suits related to maintenance and alimony, suits related to the custody and guardianship of children.

The Family Court's main purpose is to assist the smooth and effective disposal of cases relating to family matters. However, like any other system there are certain issues which become a matter of concern when it comes to the working of these courts. One such issue is that of continuity. Setting up these Courts was to take the cases dealing with family matters away from the intimidating atmosphere of regular courts and ensure that a congenial environment is set up to deal with matters such as marriage, divorce, alimony, child custody etc. As mentioned earlier, an effective way of tackling the problem of pendency is to improve the efficiency of the system rather than changing the system altogether. A significant step is to make use of the available human resource.

However, even after three decades, the Family Courts have not impacted the legal system the way it was expected. Reasons are multifarious. Legal profession saw loss of employment and legal fees and therefore showed little enthusiasm to send disputants to Family Court. The Family Court is required to make an effort in the first instance consistent with the nature and circumstances of the case to 'assist and persuade' the parties in arriving at a settlement in respect of the subject matter of the suit or proceeding.

Bibliography

Books:

Vol II, B. M Gandhi, Family Courts in India, Pg. 217-219 (Eastern Book Company, 2013) This source has been referred for understanding and learning about Family Court system. This book has sufficient information about the existence and functioning of Family Courts in India.

K.B Agrawal, Family Law in India, Pg. 120-122 Kluwer Law International publication, 2010.

This source has been referred to understand the emergence of family court system in India. This book has information about the jurisdiction of family courts.

Vanishree Ramanathan (2015), *Family Courts Act 1984: Past Lessons, Future Outlook*, International Journal for Legal Developments and Allied Issues, Vol. 1, Issue 3, pp. 137-149

This book was being referred to know the basic ideas about the Family Courts Act and also its reason for establishment.

Case Laws:

K. Srinivas Rao vs D.A. Deepa 2013(5) SCC 226

Bhuwan Mohan Singh vs Meena & Ors AIR 2014 SC 2875

K.A. Abdul Jaleel vs T.A. Shahida 2003 (3) MPLJ 544 (SC)

Journals:

Namita Singh Jamwal, *Have Family Courts lived up to Expectations?* Mainstream Weekly, March 7, 2009.

This article states about the reason behind setting up family courts in India as well as it talks about Indifferent Counselling and Conciliation Services, Absence of Requisite Changes in Substantive Laws, Deficiencies of the Family Court Act, 1984.

D Nagasaila, *Family Courts: A Critique*, Economic and Political Weekly, Vol. 27, No. 33, Aug. 15, 1992.

This article talks about the deficiencies and faults in the Family Court. It talks about problem related to infrastructure, delay in decisions etc. this is fine but its quite outdated. Look for recent articles, juxtapose with earlier ones. There are articles on FCs written by Flavia Agnes, Srimati Basu etc.

Vanishree Ramanathan (2015), *Family Courts Act 1984: Past Lessons, Future Outlook*, International Journal for Legal Developments and Allied Issues, Vol. 1, Issue 3, pp. 137-149

Reports:

Law Commission of India Report no.59, *Hindu marriage act, 1955 and special marriage Act, 1954*, March 1974.

The report was referred because establishment of Family Courts in India was firstly mentioned in this report. Recommendation was given on setting up a Family Courts and dealing in Family Courts separately.

National Commission for Women, *Family Courts: Report on working of family courts and model family courts*, March 2002.

This reports explains about working and role of family courts in dealing with family related disputes. It explains the functioning of Family Courts.

Statutes:

Family Courts Act, 1984, Gazette of India, Sept 1984.

This statute was referred to know the establishment of Family Courts, to know the extent of its jurisdiction and the objectives given in the statute.

Web sources:

Archi Agnihotri, '*Family Courts in India*', Legal Service India – Family Courts in India: *An Overview* (Jan. 16, 2017, 8:55 pm), <http://www.legalserviceindia.com/article/l356-Family-Courts-in-India.html>

This source was referred to understand the establishment of Family Courts in India.

'*Objectives and functioning of Family Courts in India*', (Jan. 16, 2017, 7:00 pm), www.academia.edu/3354551/Family_Courts_-_Objectives_and_Functioning

This source was referred to understand the functioning and objectives of Family courts in India.

'*Role of Mediation & Conciliation on Family related disputes*', (Jan. 18, 2017, 9:00pm), <http://familylawyers.in/Article.html>

This source was referred to understand the basic concept of Mediation, Conciliation and what are various issues dealt in Court.

Law commission of India Report no. 59 (Jan. 16, 2017, 8:00pm), www.lawcommissionofindia.nic.in

This source was referred because Law commission in its 59th report gave the recommendation on setting up family courts in India.

Namita Singh Jamwal (2009), '*Have Family Courts Lived Upto Expectations?*' <http://www.mainstreamweekly.net/article1205.html>

This article was referred in getting relevant information about the challenges faced in the Family Court.

Ekta, A Study of Family Courts in Tamil Nadu

<https://archive.nyu.edu/bitstream/2451/33913/2/Family%20Court%20Ekta.pdf>

This article was referred in getting relevant information about the Procedure of Family Courts.

National Institute of Public Cooperation and Child Development, '*Family Court in Varanasi: A Case Study*', <http://nipccd.nic.in/reports/familycourt.pdf>

This source was referred in getting relevant information about the functioning of family courts in India and the role of counsellor in India.

Unjust Enrichment under Indian and English Law

Introduction

“Unjust enrichment is the (1) The retention of a benefit conferred by another, without offering compensation, in circumstances where compensation is reasonably expected. (2) A benefit obtained from another, not intended as a gift and not legally justifiable for which the beneficiary must make restitution or recompense.(3) The area of law dealing with unjustifiable benefits of this kind.”¹

The doctrine of unjust enrichment was originally based in English law upon the principle of *assumpsit*'s or '*had and received*', and was declared by Lord Mansfield in a famous case,² that the gist of this kind of action is, that the defendant, upon the circumstances of the case, is obliged by the ties of natural justice and equity to refund the money. In the case of *Sadler v. Evans*,³ he commented that the action for money had and received was: a liberal action, founded upon large principles of equity, where the defendant cannot conscientiously hold the money. The defence is any equity that will rebut the action. The courts of equity covered much ground as the common law action for money had and received, by the eighteenth century, the courts of equity exercised a general jurisdiction to grant relief where it is unjust for a recipient of property to retain the property himself.

It is a principle of contract law that a successful claimant in a breach of contract case is entitled to be put back in the same position it would have held had the breach not occurred. The doctrine of unjust enrichment provides that a person shall not be allowed to profit or enrich himself inequitably at another's expense. Unjust Enrichment is defined as, *“The retention of benefit conferred by another, without offering compensation, in circumstances where compensation is reasonably expected”*. Under unjust enrichment, the defendant unjustly receives and retains something of value at the plaintiff's expense.

* B.A., LL.B (Hons.) (2nd Year), Maharashtra National Law University, Mumbai.

1 Black Law Dictionary, ed. 8th, p.1573 referred on 6th Feb, 2017.

2 *Moses v. Macferlan* (1760) 2 Burr 1005, 1012: (1558-1774) All ER Rep 581.

3 (1766) 4 Burr 1984, 1986.

When a person wrongfully uses other's property at the expense of other, then it is called 'unjust enrichment'.⁴ Unjust enrichment is where a person unjustly obtains a benefit at the expense of another. In certain cases, where money is obtained by mistake or through fraud or for a consideration which has wholly failed, the law implies a promise to repay it.⁵ The doctrine of unjust enrichment was originally based in English law upon the principle of *assumpsit* or '*had and received*', and was declared by Lord Mansfield in the case of '*Moses v. Macferlan*'⁶, that the gist of this kind of action is, that the defendant, upon the circumstances of the case, is obliged by the ties of natural justice and equity to refund the money. The doctrine of unjust enrichment states that a person who has been unjustly enriched at the expense of the other is required to reimburse the other party to the extent of the enrichment.⁷ Liability for an unjust (or unjustified) enrichment arises irrespective of wrongdoing on the part of the recipient.

*"Nemo locupletari potest aliena iactura or nemo locupletari debet cum aliena iactura"*⁸, which means that that 'no one should be benefited at another's expense' The concept of unjust enrichment was traces from Roman law.

'A person who has been unjustly enriched at the expense of another is required to make restitution to the other'⁹. The meaning of this line is that if a person has gained benefit from other person and thereby causing loss to the other person, then the person who has gained is required to reimburse the plaintiff equal to the amount of benefit received by the defendant. It can be better understood by discussing this example: 'X owns a house and he approaches Y who is a builder to construct a garage for X. The contract between the two is only for the construction of garage. After constructing the garage, Y also constructs driveway outside the house of X. Then X becomes liable to pay the expenses incurred by Y in the making of driveway. Thus, in this situation X is unjustly enriched. Hence, he is liable to pay the expenses'.

4 "Meaning of Unjust Enrichment", accessed on 5th Feb, 2017, <https://definitions.uslegal.com/u/unjust-enrichment>

5 Encyclopaedic Law Dictionary, accessed on 17th Jan, 2017.

6 *Moses v. Macferlan* (1760) 2 Burr 1005, 1012: (1558-1774) All ER Rep 581.

7 '*Doctrine of Unjust Enrichment*', 'What is unjust enrichment?' accessed on 17th Jan, 2017, www.legalmatch.com

8 'Origin of Unjust Enrichment', 'legal Maxim', accessed on 18th Jan 2017, www.brocardi.it/N/nemo-locupletari-potest-cum-aliena-iactura.html

9 Mitchell et al, Goff & Jones, 'Law of Unjust Enrichment', Sweet & Maxwell Publication, 2011

The concept of unjust enrichment came through English law and this concept was also applicable in Indian Courts and has been emerging in India since many years. In all the cases of unjust enrichment whenever the court feels that one person has gained something at the cost of another person and has not given anything in return, the court makes the person liable and directs the person to compensate or restore the benefits. The judicial mind is unconsciously moved by the major speechless promises and no one should be allowed to enrich himself unjustly at the expense of another. The natural tendency of courts is that whenever and wherever they find unjust enrichment, they order restitution.

Defenses to the Doctrine of Unjust Enrichment:

Where a ground of restitution is established, relief will nevertheless be denied if a recognized defense or bar is applicable. Restitution will be denied where the defendant cannot be restored to his original position, the claimant is estopped, or where public policy precludes restitution. It is also denied where the benefit was conferred.

- a) as a valid gift;
- b) pursuant to valid common law, equitable or statutory obligation owed by the claimant to the defendant;
- c) by the claimant while performing an obligation owed to a third party.
- d) in submission to an honest claim, under process of law or a compromise of a disputed claim.
- e) by the claimant acting “voluntarily” or “officially”.

Position in India

Unjust enrichment is another equitable form of relief that is somewhat similar but different from quantum merit. Some of the law professors would disagree with the distinction between the two. But the basic difference between quantum meruit and unjust enrichment is that in unjust enrichment, there may not have ever been any agreement to begin with, where as in quantum meruit, there is an agreement but the agreement never specified a price.

“It is now commonly recognised that the concept of unjust enrichment is a pervasive one, and that the principle that restitution will be granted of an unjust enrichment has come into operation in all parts of law. But this recognition is fairly

a recent development. Application of the principle grew up entirely independent of each other, especially as between law and equity."¹⁰- John W. Wade.

As a result, it has been only in recent years that the legal experts have undertaken to cover more than particular areas of law of restitution. The first, hesitant step away from the implied contract theory were taken in India in the 1860s in the case of *Rambux Chittangeo v. Modhoosoodun Paul Chawdhry*, it was held in this case with reference to Pothier and Austin jurisprudence that a claim for contribution from a co-surety was not a contractual claim, that the use of the language of implied contracts was something forced on the common law by the purely unexpected fact that the remedy was framed in the *assumpsit* and the system like Indian was not dependent on the forms of action could profitably abandon all the talks of implied contracts¹¹.

The Indian Contract Act, 1872 followed this line: under the heading of certain relations resembling those created by contract, it includes claims for necessities supplied to those without contractual capacity, claims for indemnity or contribution, claims to be paid for the beneficial services provided without the intention of making any gift, claims against the finder of goods and claims for the money paid by the mistake. It went on with certain changes through judicial interactions and came to be based more and more on the doctrine of restitution. In India, the principle was developed under section 69 and section 70 of Indian Contract Act, 1872. Within a decade of the passing of the act, it was held that the co-surety claims for contribution was in fact a contractual term after all and the earlier cases discussing its contractual nature, it was said, were delivered before the act came into existence, when legislation had not stepped in the plain language to give different strength and affect to certain relations between the parties out of those moral obligations one to another. A legal fiction had grown up for implying a contract and while as learned expositions of law, they can be read with interest and advantage for practical purposes to the point under consideration they are absolute and irrelevant.

The judicial mind is unconsciously moved by the major speechless promises and in this category of the law, no one should be allowed to enrich himself unjustly at the expense of another. The law so developed by judicial conscience appears to discover obligations to defeat unjust

10 John W. Wade, "The Literature of the Law of Restitution", 19 *Hastings L.J.* (1967)

11 *Ibid.*

enrichment or unplanned gaining by the restitution. The natural tendency of courts is that whenever and wherever they find unjust enrichment, they order restitution.

Analysis of Section 68 -72 of Indian Contract Act, 1872 with relevant cases.

Legal Provisions under The Indian Contract Act, 1872 and Judicial Response:

Section 68:- *“If a person, incapable of entering into a contract or anyone whom he is legally bound to support, is supplied by another person with necessaries suited to his conditions in life, the person who has furnished such supplies is entitled to be reimbursed from the property of such incapable person.”*¹²

For example, A supplies B, a lunatic, with necessaries which are necessary for his survival. A is entitled to be reimbursed from the B's property.

In *Banaras Bank Limited v. Dip Chand*,¹³ it was held by the court that a creditor can recover money advanced to the minor for necessaries supplied to him/her and can recover the money out of the estate of the minor.

Section 69:- *“A person who is interested in the payment of money which another is bound by law to pay, and who therefore pays it is entitled to be reimbursed by the other.”*¹⁴

In *Govindram Gordhandas Seksaria v. State of Gondal*,¹⁵ the party had agreed to purchase certain mills; he was allowed to recover from the seller the amount of already overdue municipal taxes paid by him in order to save the property from being sold at the auction. Further, it was explained by the court that section 69 does not require that a person interested in a payment should at the same time have a legal proprietary interest in the property in respect of which the payment is made.

In *Ram Tuhul Singh v. Biseswar Lal*¹⁶ it was observed by the judicial

12 Sir Dinshaw Fardunji Mulla, “The Indian Contract Act”, pg. 211, Anirudh Wadhwa, 15th edition, Lexis Nexis, 2016.

13 *Banaras Bank Limited v. Dip Chand* (1950) 52 Bom LR 450: AIR 1950 PC 99

14 Sir Dinshaw Fardunji Mulla: “The Indian Contract Act” revised by Anirudh Wadhwa, ed. 13th, (2011) at p. 202.

15 *Govindram Gordhandas Seksaria v. State of Gondal* AIR 1941 All 335.

16 *Ram Tuhul Singh v. Biseswar Lal* (1875) 15 BLR208.

committee while dealing with the rights of the parties making payments “It is not in every case in which a man has benefited by the money of another that an obligation to repay that money arises. The question is not to be determined by nice considerations of what may be fair or proper according to the highest morality. To support such a suit there must be an obligation express or implied to repay. It is well settled that there is no such obligation in the case of a voluntary payment by A of B’s debt.”

In *Dakshina Mohun Roy v. Saroda Mohun Roy Chaudhary*,¹⁷ the observation of the court was that the money paid by a person while in possession of an estate under the decree of the court for preventing the sale of the estate for recovering the arrears of government revenue may be recovered by him under this section.

In a most recent case of *Indian Bank v. Gawri Construction Udyog Ltd*¹⁸ the Delhi High Court held that Section 69 of Contract Act, to the extent it is relevant, provides that a person who is interested in the payment of money which another is bound by law to pay, and who therefore pays it, is entitled to be reimbursed by the other. Therefore, if it can be said that if the person liable for payment of tax does not pay the amount within 30 days from the service of notice of demand, the amount may be recovered by sale of immovable property of defaulter. It was further observed by the court that Section 69 of Contract Act is based upon the doctrine of unjust enrichment so that a person, who is unjustifiably enriched at the expense of another, is made to make restitution. In fact, Section 69 of Contract Act does not require that a person, to be interested in payment, should at the same time have a legal proprietary interest in the property in respect of which the demand is made. The interest envisaged in Section 69 of Contract Act is an interest in order to avert some loss or to protect some interest which would otherwise be lost to the person making the payment. This contractual obligation would also be covered within the expression “bound by law to pay” used in Section 69 of Contract Act. A similar issue came up for consideration before Privy Council in *Govindram Gordhandas Seksaria and Another vs. State of Gondal*.

Section 70:- *“Where a person lawfully does something for another person, or delivers anything to him, not intending to do so gratuitously, and such other*

17 *Dakshina Mohun Roy v. Saroda Mohun Roy Chaudhary* (1893) L.R 20 I.A. 160: I.L.R. 21 Cal.

18 *Indian Bank v. Gawri Construction Udyog Ltd.* (Delhi) 2011(9) AD(Delhi) 439: 2012(8) R.C.R.(Civil) 3074: 2011(126) DRJ 569.

person enjoys the benefit thereof, the latter is bound to make compensation to the former in respect of, or to restore, the thing so done or delivered."

For example, if A, a tradesman, leaves goods at B's house by mistake. B treats the goods as if they are of his own and uses that good. Then B is required to or bound to pay the amount to A for the goods.

In *Kirorilal v. State of Madhya Pradesh*¹⁹, it was held by the court that the plaintiff's claim under section 70 could not be successful as nothing positive was done by him to confer any benefit on the defendants. When there is nothing positive done by the plaintiff but he merely refrains from doing something that is not sufficient to entitle him to make a claim under section 70.

In *Fakir Chand Seth v. Dambarudhar Bania*,²⁰ it was held by the court, when a person gives some advance in respect of an agreement which is subsequently discovered to be void, he can recover back the amount not only under section 65, which specifically deals with the such a situation, but he can also claim back the advance under section 70, because the advance payment was not intended to be gratuitous.

In *State of Rajasthan v. Raghunath Singh*,²¹ Supreme Court held that in view of the facts admitted and proved, the plaintiff is entitled to the restoration of the amount under Section 70 of the Contract Act, though the agreement is invalid. Here, Section 70 of the Contract Act will be applicable and the compensation can be recovered by the party who had performed his part of the agreement which the Government had accepted. Supreme Court upheld the claim under Section 70 in this case and observed that it is justified to order the refund of the amount by the State to the plaintiff along with pendente lite and future interest.

In *Niranjan Das v. Orrisa State Electricity Board*,²² electricity was supplied for nearly three years after the date of expiry of agreement without any gratuitous intention. It was held by the court that consumer was liable for charges for supply of electricity for the said period, but such consumer could not be made liable for minimum charge is after disconnection of electricity supply.

19 *Kirorilal v. State of Madhya Pradesh* AIR 1977 Raj 101, 1976 (9) WLN 652

20 *Fakir Chand Seth v. Dambarudhar Bania* AIR 1987, Orrisa 50.

21 *State of Rajasthan v. Raghunath Singh* 1974 Raj 4, 1973 WLN 424.

22 *Niranjan Das v. Orrisa State Electricity Board* AIR 2004 Ori. 53. 56.

In a recent case of *M/s Gurudev Developer v. Kurla Konkan Niwas CHS Ltd*²³ the Bombay High Court observed that the plaintiff would be entitled to receive and the defendant would be bound to pay reasonable expenses on account of that much construction which is done, under Section 70 of the Indian Contract Act which runs as: “Obligation of person enjoying benefit of non-gratuitous act, Where a person lawfully does anything for another person, or delivers anything to him, not intending to do so gratuitously, and such other person enjoys the benefit thereof, the latter is bound to make compensation to the former in respect of, or to restore, the thing so done or delivered.”

Thus, the plaintiff's case for any damages on account of the delay by the defendants cannot be entertained. Even the plaintiff's claim of bringing material for further construction cannot be entertained in view of absolutely no evidence in that behalf. The plaintiff would, therefore, be entitled to further amount, aside from Rs. 6.08 lacs already received by the plaintiff, and a sum of Rs. 4 lacs for the work reasonably done and the expenses reasonably incurred by the plaintiff.

Section 71:- *“A person who finds goods belonging to another and takes them into his custody is subject to the same responsibilities as that of bailee.”*²⁴

In *Union of India v. Amar Singh*,²⁵ it was held that when the railway administration in Pakistan left the wagon containing goods within the borders of India and the forwarding railway administration took them into their custody, it could not deny liability under sec.71.

In *Union of India v. Mahommed Khan*²⁶, plaintiff's timber was lying on a piece of land which was subsequently leased out to the defendant. The latter gave notice to the owners of timber to remove it but it was not removed. The defendant then cleared the site and the timber was damaged or removed. The plaintiff's claim under section 71 was dismissed as the defendant had not taken the goods into the custody.

Section 72:- *“A person to whom money has been paid, or anything delivered,*

23 *M/s Gurudev Developer v. Kurla Konkan Niwas CHS Ltd*, AIR (Bombay) 67: 2013(4) BCR 671.

24 Sir Dinshaw Fardunji Mulla, “The Indian Contract Act”, pg. 213, Anirudh Wadhwa, 15th edition, lexis Nexis, 2016.

25 *Union of India v. Amar Singh* AIR 1960 SC 233,237, Para 11: (1960) 2 SCR 75.

26 *Union of India v. Mahommed Khan* AIR 1959 Ori. 103: ILR 199 Cut 32 (DB).

*by mistake or under coercion, must repay or return it*²⁷.

For example, A and B jointly owe 100 rupees to C, A alone pays the amount to C and B not knowing of this fact, pays 100 rupees over again to C. Then C is bound to repay the amount to B.

In *Food Corporation of India v. K. Venkateswara*,²⁸ where the rice millers were paid an amount in excess of the agreed rate because of a mistake in the classification according to quality, they were required to restore the benefit they have gained. In *Dhrangadhra Municipality v. Dhrangadhra Chemical Works Ltd.*,²⁹ the court held that it is essential for a plaintiff seeking refund of illegal tax under section 72 of the Indian contract act, 1872, to plead and prove that he would suffer legal injury or prejudice if the restitution is not granted. A plaintiff who has paid alleged illegal tax but has not himself suffered the incidence of tax and has passed it on the consumers who have borne the burden of tax cannot legitimately contend that refusal of his request for restitution would prejudice him. In such a case the real plaintiff should be those who have actually suffered the burden of the tax. If such pleadings are not put forward, the requirement of section 72 would remain uncomplished with and a plaint not disclosing the cause of action is liable to be rejected under O.7, R.11 of the Civil Procedure Code, 1908.

The Supreme Court also reached a similar conclusion in (1997) *Mafatlal Industries Ltd. v. Union of India*³⁰ In this case, the Supreme Court has exhaustively reviewed the lack relating to claims for refund of taxes and has overruled all earlier cases to the extent they are inconsistent with the judgment.

In the case of *Associated Cement Company Ltd. v. Union of India*,³¹ the railway authorities charged extra fare under the mistaken belief that the goods would have to be carried by longer route, they were ordered to return the extra fare by the court.

The unusual thing regarding the issues associated with pleading a claim for relief under unjust enrichment reflects how particularly it is

27 Sir Dinshaw Fardunji Mulla, "The Indian Contract Act", pg. 214, Anirudh Wadhwa, 15th edition, lexis Nexis, 2016.

28 *Food Corporation of India v. K. Venkateswara* (1988) 1 GLR 388.

29 *Dhrangadhra Municipality v. Dhrangadhra Chemical Works Ltd* (1988) 1 GLR 388.

30 *Mafatlal Industries Ltd. v. Union of India* (1997) 5 SCC 536.

31 *Associated Cement Company Ltd. v. Union of India* AIR 1998 MP 241, 1998 (1) MPLJ.

different from the remedy of quantum meruit. The two remedies are not interchangeable. Because one sounds in equity and the other in law, they may not both be pleaded simultaneously for the same claim. The parties must analyze each case carefully before choosing the remedy that applies in their case.³²

Situation in which a person might be unduely enriched

Situation (1):

A and B have concluded a contract in terms of which A is selling his bike to B for Rs 50,000 although the car is only worth R25 000. B will have an enrichment claim against A.

Four requirements of enrichment liability would be:

1. The plaintiff (B) must have been impoverished.
2. The defendant (A) must have been enriched.
3. The enrichment must have been sine causa or without legal cause.
5. Taking advantage of one's ignorance.

Situation (2):

A has fraudulently induced B to pay an amount of Rs.20 000 to him which B thought was owing, but was in fact not owing. B can have an enrichment claim against A.

In this situation the amount can be claimed by the plaintiff (B).

Situation (3):

A has paid an amount of Rs.20,000 to B which was not owing and B is also aware that he does not owe the money. Later, B has used the money to go on a dream holiday which she has been unable to afford up to now. A is now claiming the money back with an enrichment action. Will B have any defence ?

B has no defence but still he can claim that the enrichment has been extinguished. B is aware that he was unjustly enriched. A will have an enrichment claim in principle.

³² Bowleg v. Bowe, 502 So 2d 71 (Fla. 3d DCA 1987).

Conclusion

The doctrine of unjust enrichment has developed not as a principle to claim back the money received or benefits received that were not due but rather where the court can order restitution or to put it in other words where the courts can reasonably grant restitution. The concept of unjust enrichment came through English law and this concept was also applicable in Indian Courts and has been emerging in India since many years. In all the cases of unjust enrichment whenever the court feels that one person has gained something at the cost of another person and has not given anything in return, the court makes the person liable and directs the person to compensate or restore the benefits.

Unjust enrichment is not based on an express contract. Instead, litigants normally resort to the remedy of unjust enrichment when they have no written or verbal contract to support their claim for relief. In such instances litigants ask a court to find a contractual relationship that is implied in law, a fictitious relationship created by courts to do justice in a particular case. Unjust enrichment is a highly charged idea, capable of accommodating many contestable views of corrective and distributive justice. In other circumstances unjust enrichment is the apt remedy for parties who have entered into a legally enforceable contract but where performance by one party exceeds the precise requirements for the agreement. It also governs many situations where the litigants have no contractual relationship. Thus unjust enrichment is a flexible remedy that allows courts great latitude in shifting the gains and losses between the parties as equity, fairness and justice demand. Under Indian law the provisions for unjust enrichment are laid under section 68 to 72 with five basic principles where the claimant can ask for the benefit that the defendant had enjoyed on his property or some other benefit that was due to him that has been enjoyed by the defendant. The principle of unjust enrichment require the following elements to come into effect, Firstly that the defendant has been enriched by the receipt of a benefit, secondly that this benefit is at the expense of the claimant, thirdly that the retention of the enrichment be unjust and finally that there is no defence or bar to the claim.

The judicial mind is unconsciously moved by the major speechless promises and no one should be allowed to enrich himself unjustly at the expense of another. The natural tendency of courts is that whenever and

wherever they find unjust enrichment, they order restitution.

Bibliography

Books referred:

- Sir Dinshaw Fardunji Mulla, "The Indian Contract Act", pg. 211, Anirudh Wadhwa, 15th edition, lexis Nexis, 2016.

Case referred:-

- Food Corporation of India v. K. Venkateswara (1988) 1 GLR 388.
- Dhrangadhra Municipality v. Dhrangadhra Chemical Works Ltd (1988) 1 GLR 388.
- Mafatlal Industries Ltd. v. Union of India (1997) 5 SCC 536.
- Associated Cement Company Ltd. v. Union of India AIR 1998 MP 241, 1998 (1) MPLJ.
- Bowleg v. Bowe, 502 So 2d 71 (Fla. 3d DCA 1987).
- Union of India v. Amar Singh AIR 1960 SC 233,237, Para 11: (1960) 2 SCR 75.
- Union of India v. Mahommad Khan AIR 1959 Ori. 103: ILR 199 Cut 32 (DB).
- Kirorilal v. State of Madhya Pradesh AIR 1977 Raj 101, 1976 (9) WLN 652
- Fakir Chand Seth v. Dambarudhar Bania AIR 1987, Orrisa 50.
- State of Rajasthan v. Raghunath Singh 1974 Raj 4, 1973 WLN 424.
- Niranjana Das v. Orrisa State Electricity Board AIR 2004 Ori. 53. 56.
- M/s Gurudev Developer v. Kurla Konkan Niwas CHS Ltd, AIR (Bombay) 67: 2013(4) BCR 671.
- Dakshina Mohun Roy v. Saroda Mohun Roy Chaudhary (1893) L.R 20 I.A. 160: I.L.R. 21 Cal.

- Indian Bank v. Gawri Construction Udyog Ltd. (Delhi) 2012(8) R.C.R.(Civil) 3074.
- Moses v. Macferlan (1760) 2 Burr 1005, 1012: (1558-1774) All ER Rep 581

Journals referred:

- Birks, Peter, '*Unjust Enrichment*'. Clarendon Law Series. New York, Oxford University Press, 2005

Web sources:

- Theory of Unjust Enrichment', '*Elements of Unjust Enrichment*', accessed on 21th Jan, 2017, <https://definitions.uslegal.com/u/unjust-enrichment>
- Theory of Unjust Enrichment', '*Unjust Enrichment and position in India*', accessed on 22nd Jan, 2017,
- '*Meaning of Unjust Enrichment*', Theory of Unjust Enrichment, accessed on 16th Jan, 2017,
- 'Theory of Unjust Enrichment', accessed on 19th Jan, 2017, <https://dro.deakin.edu.au/eserv/DU:30023214/donelly-conceptsandprinciples-2004>.

Other sources

- Black Law Dictionary, ed. 8th, p.1573
- Encyclopaedic Law Dictionary.

From Gian Kaur to Aruna Shanbaug : The Judicial Evolution of Right to Die

Abstract

Right to Die as an issue under the Right to Life (Article 21 of the Constitution of India) continues to be widely debated and scrutinised today. The judgements ranging from P Rathinam to Aruna Shanbaug talk about it, albeit in different arenas. It was during the matter of Aruna Shanbaug being *subjudice* in the court of law, that the Medical Treatment of Terminally-ill patients (Protection of Patients and Medical Practitioners) Bill 2006 was developed. Subsequently, the Supreme Court conceded towards the fact that right to die could be allowed in the cases relating to Passive Euthanasia, and therefore, subsequent changes were brought into the aforementioned bill in 2011. This largely is the reason that the fate of administering passive euthanasia to terminally-ill patients under a vegetative state remains in the hands of one judicial decision and not a proper legislation.

Through this paper, the author has attempted to discuss the judicial evolution of right to die from the case of *P Rathinam v. Union of India* to *Aruna Ramchandra Shanbaug v. Union of India*. Consequent to this, the writing moves further to highlight the Law Commission of India reports in regard to the fate of passive euthanasia and the Medical Treatment of Terminally-ill patients (Protection of Patients and Medical Practitioners) Bill. Thirdly, the author tries to highlight the important aspects of the bill and discusses an important provision of 'living will' or advanced directive as mentioned under it. The author then tries to reach a conclusion as to where are changes in the bill needed and what does it behold for the future of the Right to Die under the Right to Life in India.

* IIIrd Year B.A. LL.B (Hons.), Maharashtra National Law University, Mumbai.

Table of Cases

1. *Airedale NHS Trust v Bland* [1993] A.C. 789
2. *Aruna Ramchandra Shanbaug v Union of India*, Writ Petition (Criminal) No. 115 OF 2009
3. *Bandhua Mukti Morcha v Union of India*, AIR 1984 SC 802
4. *Consumer Education and Research Centre v. Union of India*, AIR 1995 SC 922
5. *Gauri Shanker v Union of India*, AIR 1995 SC 55;
6. *Gian Kaur v State of Punjab*, AIR 1996 SC 946
7. *Maharashtra University of Health Sciences v Satchikitsa Prasarak Mandal*, AIR 2010 SC 1325
8. *MC Mehta v Union of India*, AIR 2006 SC 1325
9. *Olga Tellis v Bombay Municipal Corporation*, AIR 1986 SC 180
10. *P. Rathinam v Union of India*, AIR 1994 SC 1844
11. *Shiv Sagar Tiwari v Union of India*, AIR 1997 SC 2725
12. *Unni Krishnan JP v State of A.P.*, AIR 1993 SC 2178

INTRODUCTION

Article 21 of the Constitution of India reads as:

“Protection of life and personal liberty – No person shall be deprived of his life or personal liberty except according to procedure established by law.”¹

Evolution of the Indian Judiciary since Independence has brought with it the expansion of Article 21, albeit, not very rapid, but very dynamic. Life, as a term under this article isn't merely the physical act of breathing; it is the manifestation of an inner, unseen or unperceived activity². This

1 Constitution of India, 1950

2 John Keown, *Euthanasia, Ethics and Public Policy: an argument against legalisation*. Cambridge University Press, (Ed. 2002).

Article forms an umbrella for number of other rights which have been conferred to the citizens of India. This expansive interpretation involves the right to life with human dignity, free from exploitation³, right to life, not mere animal existence or continued drudgery⁴, right to health⁵, right to education⁶, right to pollution-free environment⁷, right to livelihood⁸ and right to shelter⁹.

An important aspect which has been debated for long with regard to different scenarios and has become perennial is the **right to die**. They range from *P. Rathinam v Union of India* (1994)¹⁰, to *Aruna Ramchandra Shanbaug v. Union of India* (2011)¹¹. While the former, along with *Gian Kaur's* judgment talk at length about the concept of suicide and section 309 of IPC, the very recent judgements, such as that of *Aruna Shanbaug*, talk about the concept of passive euthanasia, and whether it should be applicable in India or not.

Therefore, the debate around the Right to Die under the Right to Life concerns itself with 2 broad arenas:

Right to die through **suicide** has been one arena which has repeatedly been questioned. It is through two cases that this right has been widely debated. They are, *P Rathinam v Union of India*¹², and *Gian Kaur v State of Punjab*¹³. The scope of this debate has continually revolved around the right to take one's own life, the scope of section 309 of Indian Penal Code, and Article 21 of the Constitution of the country. While the former declared right to die as constitutional and section 309 as unconstitutional, the latter reversed the same, and stated that the right already existing with a person cannot be taken corollary to the one not existing at the time. It is in this regard that the right to life was declared not inclusive of right to die.¹⁴ and therefore, needs to be removed at the earliest.

3 Bandhua Mukti Morcha v Union of India, AIR 1984 SC 80

4 Maharashtra University of Health Sciences v Satchikitsa Prasarak Mandal, AIR 2010 SC 1325

5 Consumer Education and Research Centre v. Union of India, AIR 1995 SC 922

6 *Unni Krishnan JP v State of A.P.*, AIR 1993 SC 2178

7 *MC Mehta v Union of India*, AIR 2006 SC 1325

8 *Olga Tellis v Bombay Municipal Corporation*, AIR 1986 SC 180

9 *Gauri Shanker v Union of India*, AIR 1995 SC 55; *Shiv Sagar Tiwari v Union of India*, AIR 1997 SC 2725

10 AIR 1994 SC 1844

11 Writ Petition (Criminal) No. 115 OF 2009

12 *Supra* at 9

13 AIR 1996 SC 946

14 *Id.*

Another interesting aspect under right to die, which has been declared illegal and akin to suicide is the **traditional practices** undertaken by certain communities. The practice of Santhara or Sallekhana among the Jain community is well reputed in this regard. As for now, the High Court of Rajasthan has declared it illegal, but the Supreme Court has ordered a stay on the same.¹⁵ Moreover, it is now being realised that such practices aren't the same as suicide, but come to be performed in exact opposing circumstances, i.e. with a contrary mental attitude.¹⁶ The matter, in this case remains in the pipeline for a verdict.

Right to die through Passive Euthanasia is another field which is debatable with regards to its interlink with the right to life. There have been varied examples of countries which have legalized this practice, which are USA, UK, Switzerland, Canada, Netherlands, Japan, Albania, Luxembourg, Germany and Colombia¹⁷

In reference to India, the concept of Passive Euthanasia, specifically withdrawal of life-support mechanisms, which saw its emergence from the case of Aruna Shanbaug. It is here that the right to die with regard to passive euthanasia has been debated, but the petition was dismissed on varied grounds.

The research question is formulated as:

What is the course of change in perspective of Indian Judiciary in context of Passive Euthanasia *vis-a-vis* Right to Die?

This question shall take into consideration the Right to Die's evolution

15 Milind Ghatwai, *The Jain Religion and the Right to Die by Santhara*, INDIANEXPRESS, (29th July 2016, 1730hrs) <http://indianexpress.com/article/explained/the-jain-religion-and-the-right-to-die-by-santhara/>

16 Here, it was said that the mental intent involving suicide is that of cowardice, mostly taking place due to setbacks and failures, lack of willpower and are influenced by external circumstances. But religious practices do not see it this way.

Further it can also be inferred that it is the internal feelings, inclusive of the mental intent that religious practices as such are influenced.

[See: Sandipan Sharma, *Debating Santhara: This Jain practice is not suicide, but Indian laws don't see it that way*, FIRSTPOST (25th July 2016, 1450hrs) <http://www.firstpost.com/india/debating-santhara-the-jain-practise-isnt-suicide-but-indian-laws-dont-see-it-that-way-2408134.html>]

17 MC, *10 countries where euthanasia and assisted suicide are legal*, THE RICHEST, (1st August 2016, 1830hrs) <http://www.therichest.com/rich-list/most-influential/10-countries-where-euthanasia-and-assisted-suicide-are-legal/>

beginning from P. Rathinam's case (which talks about suicide), up till Aruna Shanbaug's case (which talks about Passive Euthanasia, especially withdrawal of life-support mechanisms). It shall further dwell upon the aspect of Euthanasia, specific to Passive Euthanasia, and the Medical Treatment to Terminally-ill Patients (Protection of Patients and Medical Practitioners) Bill 2011, and what does it behold for the future of Right to Die in India.

RIGHT TO DIE IN INDIA: THE JUDICIAL EVOLUTION FROM GIAN KAUR TO ARUNA SHANBAUG

In the case of Right to die, with relation to Article 21 of the Constitution, the cases which have been very important are that of *Gian Kaur*¹⁸ and *Aruna Shanbaug*¹⁹. As stated earlier, the former talks about the provision of suicide and whether it can be decriminalised or not, while the latter talks about passive euthanasia. Both taken together examine how the right to die, in its principal essence has come into being. This section deals with the analysis of the judgements or the verdicts given by the Supreme Court of India. The first case which needs to be analysed in this regard is *P. Rathinam v Union of India*²⁰. It is after this that the exact debate surrounding this provision began.

The analysis are as follows:

- *P Rathinam v Union of India*²¹ is the case wherein the basic question regarding right to life had been raised. It is in this regard that 2 important sections of the Indian Penal Code 1860, i.e., sections 306 and 309 have been discussed. The core question here is, 'whether the right to life includes the right to die?'

This is one right which has had various questions and aspects attached to it. But in the end, it has been stated that it is the right to life which also includes the right to die. Also in this regard, it has been stated that the attempt to suicide under section 309 is ultra vires the Constitution as it has violated both article 14 and 21 of the Constitution. It has answered this in the manner that a person, who is already in such a state of mind which has compelled him to take away his life, an attempt to fail in the

18 *Supra* at 12

19 *Supra* at 10

20 *Supra* at 9

21 *Id.*

same should not be rewarded punishment, instead, it should give him a chance to be treated by medical sciences.

This is further substantiated by the Law Commission of India Report 210, released in 2008 which called for decriminalizing suicide and states that committing suicide is a result of many factors, and moreover, it is not a criminal instinct, but a mental condition, under which a person shouldn't be made to suffer further. Apart from this, it becomes difficult to ascertain the classification of acts, whether they shall qualify as attempt to suicide or not. An example for this includes the practice of Santhara, which has been called as suicidal in nature, but according to the religious texts, cannot be called so. Both these acts pave way for this section to be decriminalised, which still needs to take place.

- *Gian Kaur v State of Punjab* is the case, which had its verdict coming out in 1996, reversed the findings of Rathinam's case, and said that the right to life does not include the right to die, and the fact that committing suicide is an option available at the disposal of the individual, it is the unnatural way to death, which should be punishable.
- "To give meaning and content to the word 'life' in Article 21, it has been construed as life with human dignity. Any aspect of life which makes it dignified may be read into it but not that which extinguishes it and is, therefore, inconsistent with the continued existence of life resulting in effacing the right itself. The right to die', if any, is inherently inconsistent with the right to life' as is death' with life'."
- Moreover, the court provides an interesting analogy between the fundamental right to life and right to die, according to which both the aspects have positive as well as negative contents, is a superfluous argument. In the case of other rights, the exercising their negative aspects require the right holder to merely abstain or refrain from certain positive acts. For example, if an individual wants to exercise the right not to trade, all he or she has to do is not indulge in trading. On the other hand, any exercise of the right to die necessitates the commission of certain overt, positive acts, whose performance cannot be protected under art 21, since

they undermine the sanctity and dignity of life. Hence the analogy with other fundamental rights does not apply to art 21 (AIR 1996 SC 946 at 952)²²

- Aruna Ramchandra Shanbaug v Union of India
- About 41 years ago, Aruna Shanbaug, a worker for King Edward Memorial hospital Mumbai was brutally raped and left to be dead by another staff member of the same place. Since then she had been taken care of by the staff of the hospital, and came to behold the condition of persistent vegetative state (PVS)²³, a significant ground for granting euthanasia across the world.
- It was now that the debate regarding right to die came out in the open. The judgement categorised euthanasia into active, passive, voluntary and non voluntary, and clarified the difference between euthanasia and physician-assisted suicide.
- It has also considered the laws (codified or uncodified) in other parts of the world, i.e. in countries such as USA and UK. The famous case of *Airedale NHS Trust*²⁴ has also been discussed at great length. For this paper, it shall be briefly looked upon at a later stage. In addition to this, the criterion of persistent vegetative state has been rejected for our country, and instead, an alternative one, which is, brain dead²⁵ has been introduced. The petition was subsequently dismissed because the petitioner, was not related to the victim in any manner. Additionally, the people of KEM hospital, who had taken care of her were the immediate ones to be consulted, and since they did not desire for withdrawing life

22 Abhik Majumdar, *The Right to Die: An Indian Experience*, 157 ASIAN LAW JOURNAL, 2004

23 A medical condition, this takes place when This state arises from the destruction of the cerebral cortex on account of prolonged deprivation of oxygen, and the cerebral cortex of Anthony had resolved into a watery mass. The cortex is that part of the brain which is the seat of cognitive function and sensory capacity.

[See: Medical Report Discussion in Aruna Shanbaug's case]

24 *Airedale NHS Trust v Bland* [1993] A.C. 789

25 Brain death is defined as the irreversible loss of all functions of the brain, including the brainstem. The three essential findings in brain death are coma, absence of brainstem reflexes, and apnoea. An evaluation for brain death should be considered in patients who have suffered a massive, irreversible brain injury of identifiable cause. A patient determined to be nez is legally and clinically dead.

[See: Ajay Kumar Goila and Mridula Pawar, *The Diagnosis of Brain Death*, 7, INDIAN JOURNAL FOR CRITICAL CARE MEDICINE, 2009]

support, the same was not to be undertaken. Along with this, the court also introduced a procedure for withdrawal of life support, which shall be governed through the involvement of the High Court of the respective state. This is because in a country like India, the principle of *parens patriae*²⁶ shall be applied, in consonance with what the wish of the near relative or next friend of the individual.

EUTHANASIA AND THE RIGHT TO DIE

Euthanasia, is the practice whose name has been derived from the Greek language, and it means a 'gentle and easy death'²⁷ It basically steers away from the procedure of a protracted and painful death, and simply calls for ending the life of the individual in case of permanent suffering.

In the stance of administering method, the classification is as (a) Active and (b) Passive. The bifurcation exists in this regard as in the former, the person himself wishes to die voluntarily without any condition or anything happening to him, thereby according the same as a positive act, because the patient wishes to take it up on her/his own. On the other hand, the latter calls for halting further treatment for that person, also termed as omission on the part of the other party, which is the family or representatives.

In terms of the consent, or the permission required while performing this act, the bifurcation exists as (a) Voluntary and (b) Involuntary. The variation among these exists on the basis of the person who shall be permitting for performing the act. In the former, it is the patient who shall be informing whether she/he wishes to undertake the process. On the other hand, the latter calls for the relatives or what law defines as 'next

26 This is the power or prerogative given to the state, wherein it acts as a guardian to those who are unable to take care of themselves.

[See: Legal Information Institute, *Cornell University of Law*, (11th August 2016, 1200hrs) https://www.law.cornell.edu/wex/parens_patriae]

It is by the virtue of this doctrine that the court directs that in the best interests of the patient, it shall be the court alone who shall be deciding on it. But it shall be done in the manner keeping into consideration the interests of the next friend or relative of the patient.

[Further referred: Aruna Shanbaug's Judgment].

27 Lewy G. *Assisted Suicide in US and Europe*. New York; Oxford University Press, Inc; 2011.

friend²⁸ of the individual, to be made responsible to take decision when the patient is not in conscious stage.

Another concept which needs clarification in this regard is the difference between euthanasia and physician-assisted suicide. While the former takes into consideration the ending of life to be done by a certain process. But in the latter, it is by a prescription that a certain drug is allotted, which the person can administer on her/his own.

In the case of India, the most debated part is that of passive euthanasia, which shall be the nucleus of this project. This concept, which, in other words is referred to as negative euthanasia, involves withholding of medical treatment or withholding life support system for continuance of life e.g., withholding of antibiotic where without doing it, the patient is likely to die or removing the heart–lung machine from a patient in coma²⁹. The general principle operating around this provision is that even when no express provision for this exists, but still, it is considered in an implied manner.

JUDICIAL EVOLUTION OF RIGHT TO DIE VIS-À-VIS PASSIVE EUTHANASIA

The judicial evolution of right to die in India vis-à-vis passive euthanasia came into existence through Aruna Shanbaug's case. It is this case, which also brought out the landmark judgment of the UK House of Lords discussing the plight of those responsible for treating an individual even when he is in Persistent Vegetative State. The famous case referred here is *Airedale NHS v. Anthony Bland*³⁰. It was in due regard here that the principle of beneficence to the patient by the medical practitioners was taken at an upper hand. The court stated that the medical practitioners, when seeing a patient in unconscious state, need to do their best in protecting the interest of the patient. Further, while debating that

28 Someone who appears in court in place of another who is not competent to do so, usually because they are considered incompetent. Often the role is filled by a parent or other relative; it can be any legally-competent person whose interests do not run counter to those of the person on whose behalf they are acting. The "next friend" is not a party to the proceeding, nor are they a formally-appointed guardian. Instead, they are considered an agent of the court whose role is to protect the rights of the incompetent person.

[See: Legal Information Institute; Cornell University of Law (16th August 2016, 2254hrs) https://www.law.cornell.edu/wex/next_friend]

29 Law Commission of India Report 241 (2012).

30 UK's House of Lords 1993.

whether the omission to provide food through nasogastric tubes is an act of manslaughter or homicide, the court held that there was no breach of criminal law in the omission to provide the basic necessities for an individual's survival, as it is not an action being performed in pursuance of taking away an individual life.

The Law Commission of India has worked upon this matter through Reports 196 and 241 which have been published with in-depth study of requisite concepts, and draft bill for terminally-ill patients.

What does the Law Commission say regarding Passive Euthanasia? Coming from Report 196 to Report 241.

The Law Commission Reports from 196 to 241, have attempted to define Euthanasia, through the House of Lords Committee on Medical Ethics report. The Commission, through this inference, tries to define physician-assisted suicide and involuntary euthanasia. It also maintains the fact that both should be forbidden, but the withdrawal of life-support mechanism should be permitted in certain conditions.

Various country's positions on this issue have been also analysed. Certain points of discussion which were identified during the course were:

- Advancements in science and technology and concepts of brain-stem death.
- Euthanasia and Assisted Suicide are and shall continue to be criminal offences in India but not withholding or withdrawal of life supporting systems.
- Adult patients' right of self-determination and right to refuse treatment is binding on doctors if it is based on informed decision process.
- Giving invasive medical treatment contrary to a patient's will amounts to battering or in some cases may amount to murder.
- Advance directives (living wills); and powers of attorney in favour of surrogates to be invalid in our country;
- State's interest in protecting life and principle of sanctity of life are not absolute.

- Refusal to obtain medical treatment does not amount to ‘attempt to commit suicide’ and withholding or withdrawing medical treatment by a doctor does not amount to ‘abetment of suicide’.
- Competent and incompetent patients, ‘informed decision’ and ‘best interests’ of the patients, consultation with a body of three experts before treatment is withheld or withdrawn. The committee sought to define these terms and evolve the definitions through the latter report.
- Statutory body to prepare panel of experts.
- The Court has power, in appropriate cases, to grant declaration that, on the facts of the particular case, the giving or withholding or withdrawing invasive medical treatment is lawful.
- Does the Court’s declaration provide immunity to doctor from civil or criminal action in subsequent litigation, civil or/and criminal.

It is in this regard that various provisions under the Indian Penal Code had also been debated, and the conclusion of the commission which came up in this reference was that withdrawal of life support systems from an individual should be allowed if the person is suffering from a disease wherein the condition that prevails is such that lands them in the state to die. It is by the virtue of this report that the draft bill for terminally-ill patients was released.

In 2011, the 241st report of the Law Commission which was released, soon after the Aruna Shanbaug verdict, gave clarification regarding the condition of involuntary passive euthanasia and whether it should be included under the ambit of withdrawing life-support mechanisms or not. Moreover, certain terms of the bill were clarified, and the concept of palliative care³¹ was also considered. It was here that the roles of hospitals

31 The concept of palliative care is a special type of medical care wherein varied techniques are undertaken for those living with long-standing illnesses. Here the basic goal is to provide the best quality of life possible. The focus lies in treating the individual in treating even when there is no possible cure for the disease. (taken from excerpts of a seminar in TISS Mumbai, lectures delivered by Dr. Sanjay Nagral and others)

[See: Hepzi Anthony, *The right to choose death: Is India ready for euthanasia?* THE HINDU, (20th July 2016, 2000hrs) <http://www.thehindu.com/news/cities/mumbai/news/the-right-to-choose-death-is-india-ready-for-euthanasia/article8878597.ece>]

in addition to medical practitioners was emphasised.

What is the Passive Euthanasia Bill regarding Terminally-Ill Patients all about? Its essentials and criticisms.

The Law Commission of India Report 196 made the pioneering effort in bringing the Medical Treatment to Terminally-ill Patients (Protection of Patients and Medical Practitioners) Bill 2006. In 2011, a revised version of the bill has been released.

Certain features of this bill are as follows:

- Advanced Medical Directive, also called Living Will means a directive given by a person that she or he shall or shall not be given medical treatment in future when the person becomes ill.
- Medical Power-of-Attorney means a document of decisions in future as to medical treatment which has to be given or not to be given to the person when she or he becomes terminally-ill and becomes an incompetent person.
- With reference to the category of competent patients, minors above the age of 16 years have also been included. It has been clarified that if the individual here consents for withdrawal of treatment, then it has to be also consented by the parents or guardians.
- When the patient consents to withdrawal of treatment, then that becomes binding on the medical practitioner, provided it is informed consent and out of free will.
- For the purpose of permitting an incompetent patient for such an act, a panel needs to be drawn out by the director-general of health services, and director of medical services, and any other officer in such a rank. The panel must comprise of persons from general practitioners to specializers etc.
- The spouse, relative or any individual attending the incompetent patient, may file for withdrawal of life support, and the case needs to be handled by the division bench of the high court, and the

case needs to be disposed by them within a month. In all this, confidentiality needs to be maintained.³²

Criticisms:

The Medical Treatment to Terminally-ill Patients (Protection of Patients and Medical Practitioners) Bill is one provision in the Indian legal system which has been debated for a very long period of time. Initially framed in 2006, and amended and re-released in the public fora in 2011, it is the very recent issue which is under fire from the public and legal cum medical practitioners alike. Even though there have been varied proposals to be included as a part of the provisions in the bill, there are many points of controversy. Some of them, according to the researcher's views are:

- The provision regarding existence of medical power-of-attorney needs to be given a clear stand. This is because there are contrary views for the same not only in the fora but also in the draft bill.
- The basic example for the same is that on one hand, the competent patient can refuse treatment if it is an informed decision, but on the other, if the individual is making a medical power-of-attorney, then that is considered to be void by the judiciary.
- The concept of living wills³³ or advanced medical directives needs to be clarified and made more concrete. This is because it has been stated only as a definition, but not worked upon substantially.
- Involvement of consent for juveniles, i.e., persons of 16 years of age and above, needs to be deliberated once again. As per the present provision sought to be introduced, the consent of the juvenile coupled with that of the parents or guardians will amount to a valid one. But the fact that it should be dwelled upon once again is because the age group in this regard, is on the verge of

32 The Medical Treatment to Terminally-ill Patients (Protection of Patients and Medical Practitioners) Bill, 2011

33 A living will is a document of healthcare instructions. It is often used synonymously with advanced medical directive, and its use varies from country to country. For example, in the state of Oregon in USA, the patient appoints a health representative to take health-based decisions when the person becomes incompetent. This must be signed by the individual and witnessed by 2 qualified witnesses. An important clause in the same would be regarding withdrawal of life-support mechanism.

[See: Oregon State Bar, Advanced Directives (Living Will); 17th August 2016 2116hrs, http://www.osbar.org/public/legalinfo/1120_livingwill.htm]

exploitation to a greater extent, and moreover, it goes against the basic legal structures of the country, as even a contract cannot be formulated by any person below 18 years of age.

- The basic viewpoint, that this legislation will be exploited the most, also needs to be considered. In various families, the properties are such that they can only be divided after the death of the senior-most member of the family. In such a circumstance, the abuse of this law comes to be seen in light of the fact that the families may seek ways of getting rid of these members as early as possible.
- The concept of palliative care, and end-of-life care mechanisms need to be studied and researched upon, as these conceptions are still unclear to the people of our country.

CONCEPT OF LIVING WILL, OR ADVANCED DIRECTIVE

The term 'living will' was used for the first time in 1967 by Dr Louis Kutner to describe a document drafted by a competent adult as an advance directive to his physicians or family. Usually the document provides that no extraordinary artificial life-support systems may be used to prolong the drafter's life or suffering in the event of terminal illness or injury which would render the person incapable of expressing one's wishes³⁴

In terms of the provision finding space in the country's bill for terminally-ill patients, it came up whilst the discussion of medical ethics in Aruna Shanbaug's judgement. The basic principles in this regard are autonomy and beneficence. Even though the country has sought to include something as important as this, but on account of the abuse that the law may see, or the level of sensitivity or maturity which is still seen to be lacking, it becomes a big question so as to its implementation.

Some of the advantages beholding living wills or advanced directives are as follows:

- The basic principle of autonomy gets satisfied in this regard as the individual has the right to choose the manner of treatment, or, also not being treated. When the patient is competent to make choices, she/he makes decisions regarding the stage when there is

34 Susan Martyn and Lynn Jacobs, *Legislating Advanced Directives for the Terminally-Ill: The Living Will and Durable Power of Attorney*, 63 NEB. L. REV. 776 (1984)

a chance of being incompetent, and places them in what we refer to as 'living will'.

- Another principle which may be satisfied, is the one of beneficence, wherein the actions contemplated and taken are such so as to suiting the best interests of the patient.
- Not only this, but the patient receives empowerment with this act, as the person shall now be free to exercise the course of treatment for future, if it is likely that the chance of suffering from a terminal illness exists.

But as a concept comes into existence, it is not only the advantages which need to be seen, but also the disadvantages exist. Some of them, which are universal in nature, but are also acting as a hindrance to the existence of the concept in the country are as follows:

1. The interests of the patient cannot be met in the complete sense. This is because it is only the halt of the treatment which can be done. The applicability of such a directive cannot be said to be used in terms of the medical treatment, as it may change at different points of time.
2. Apart from this, there can be a direct conflict in terms of the situation in which the will may have been contemplated, and the present scenario. It may be a possibility that the circumstances thought of while making the will may be radically different than the present situation, which won't be of the best interest of the individual.
3. In a country like India, where this concept has not been given legal backing, and exists as a mere definition, it shall be the prerogative of the judiciary to make decisions on the life of the individual, which shall be against the basic fundamental rights of the individual.

CONCLUSION

As the provision regarding passive euthanasia seems to sway from darkness to light, firstly by the 2006 Law Commission Report, subsequently affirmed by Aruna Shanbaug's judgement and 2011 Report, the basic point

that needs to be clarified is whether the Indian judicial system has evolved in terms of studying passive euthanasia.

It can well be concluded that the Indian Judiciary has evolved for the better while assessing passive euthanasia not only through judgments but also through the reporting and study of the common law countries such as USA and UK. An important act that the law commission took up while conducting an in-depth analysis was the framing of the bill for terminally-ill patients. The bill was formulated in 2006 and re-formulated ensuing to the verdict, and was done by promulgating certain terms which went unexplained in the earlier draft.

A significant aspect in this regard is that the bill, even though formulated, remains to be unacceptable to the Parliament. Therefore, even when the judiciary continues to move forward for easing the lives of those suffering from chronic diseases, by allowing for the withdrawal of life-support mechanisms, the Legislature seems to be holding its step even after seeing that a variety of other countries allow this practice³⁵

With this, the dilemma of providing right to die to the people remains. A significant point that has been, for long, debated in this regard is the probability of misuse which such a legislation would bring along. The researcher would like to assert here that this probable chance of exploitation of the law is not something new for a proposed legislation, but deliberations for proper checks and balances should be done, in order for minimization of such a condition, thereby presenting the chance to the people to keep control over their lives.

Furthermore, the researcher wishes to assert that the aspect of living will, which for long has been undermined in the bill, must be discussed in a coherent and holistic manner. This is because the decision of one's life cannot be handed over to the Judiciary, even when there is threat of abuse of the power by the relatives. The individual should have right over her/his own life in such a circumstance. It is in this regard that it is proposed that the **right to life must also be perceived with the right not to live**. This should be done not only through judicial pronouncements, but putting across the legislation regarding terminally-ill patients, by making a small change with regard to the fact that the concept of living will which has been defined first and subsequently been called to be void under all

35 Supra at 17

circumstances, should be amended to suit the populace, so that the control of an individual life is not only in the hands of the judiciary coupled with the panel of medical practitioners, but the relatives, as well as the individual wishes, who and which should be given more importance vis-à-vis the outsiders for them.

BIBLIOGRAPHY

Articles referred:

Ajay Kumar Goila and Mridula Pawar, *The Diagnosis of Brain Death*, 7, INDIAN JOURNAL FOR CRITICAL CARE MEDICINE, 2009

Abhik Majumdar, *The Right to Die: An Indian Experience*, 157 ASIAN LAW JOURNAL, 2004

Books referred:

LEWY G. ASSISTED SUICIDE IN US AND EUROPE. NEW YORK: OXFORD UNIVERSITY PRESS, INC; 2011

Mamta Rao, Constitutional Law, Eastern Book Company p 216-217

Web sources referred:

Legal Information Institute, *Cornell University of Law*, (11th August 2016, 1200hrs) https://www.law.cornell.edu/wex/parens_patriae

Sandipan Sharma, *Debating Santhara: This Jain practice is not suicide, but Indian laws don't see it that way*, FIRSTPOST (25th July 2016, 1450hrs) <http://www.firstpost.com/india/debating-santhara-the-jain-practise-isnt-suicide-but-indian-laws-dont-see-it-that-way-2408134.html>

Nikhil Soni v Union of India; Rajasthan High Court, INDIANKANOON, (9th August 2016, 1000hrs), <https://indiankanoon.org/doc/173301527/>

Renjini Rajagopalan, *The need to decriminalise attempted suicide in India*, OPENDEMOCRACY, (9th August 2016 1230hrs) <https://www.opendemocracy.net/openindia/renjini-rajagopalan/need-to-decriminalise-attempted-suicide-in-india>

Milind Ghatwai, *the jain religion and the right to die by santhara*, INDIANEXPRESS, (29th July 2016, 1730hrs) <http://indianexpress.com/article/explained/the-jain-religion-and-the-right-to-die-by-santhara/>

News from States

(October to December 2016)

ANDHRA PRADESH

TRAINING PROGRAMMES

The legal services institutions in the State have organised different legal services programmes like awareness programmes. The Sensitization programmes etc., for different stakeholders as per the State Plan of Action and Calendar of Activities.

As per schedule given by the State Legal Services Authority, panel lawyers training programmes have been conducted in various districts through the master trainers. During the quarter, a total number of 6 training programmes have been conducted for the panel lawyers through the master trainers wherein 289 panel lawyers have participated. The details of the programmes are as follows:

S. No.	Date	Name of the District	Number of panel lawyers imparted training
1	15th & 16th October, 2016	Visakhapatnam	57
2	22nd & 23rd October, 2016	Srikakulam	29
3	5th & 6th November, 2016	Vizianagaram	35
4	19th & 20th November, 2016	West Godavari	69
5	3rd & 4th December, 2016	Anantapur	61
6	17th & 18th December, 2016	Chittoor	38
	Total		289

LEGAL AWARENESS ACTIVITIES

An important activity of all Legal Services Institutions is to create legal awareness – both about the existence of legal services institutions and about availability of free legal services and about the various laws which affect the common masses. For this purpose all the Legal Services

Authorities organize various awareness programmes and also hold legal literacy camps.

Electronic Media

During the period, 14 programmes were telecast in ETV-2, on Lok Adalats, Immovable Properties Act, LSA Act, Property Rights, Ragging, Will Deed etc. In All India Radio, 9 programmes were broadcast on Labour Act, Para Legal Volunteers, Property Rights, Anti Vigilance Corruption Laws, Women Related issues, Anti Ragging, and Women Protection Act etc.,

Legal Awareness programmes are being conducted regularly by various legal services institutions focussing on different topics and covering villages, tribal areas, hamlets etc. During the quarter, the following legal awareness camps were conducted on the following Special Days:

1. On 1st October, 2016 – Senior Citizens Day
2. On 10th October, 2016 – Mental Health day
3. On 9th Nov, 2016 – Legal Services Day.
4. On 14th Nov, 2016 – Children’s Day.
5. On 26th Nov, 2016 – Anti Dowry Day
6. On 26th Nov, 2016 – Law Day
7. On 1st Dec, 2016 – HIV/ AIDS Day.
8. On 3rd Dec, 2016 – Disability Day.
9. On 10th Dec, 2016 – Human Rights Day.

Awareness programmes have also been conducted on the topics chosen in the State Project for the year 2016-17. Special Awareness programmes were also organized by different legal services institutions on the focused subjects chosen.

During the quarter, a total number of 2,140 Legal Literacy Camps were conducted wherein about 2,30,562 persons have participated.

Door to Door Campaign:

On 2nd and 3rd November, 2016, Door to Door Campaign was conducted in all the 13 DLSAs. In this regard, DLSA, East Godavari has conducted 90 camps wherein 9180 persons have participated. Similarly the DLSA, Krishna, has conducted 50 Legal Literacy Camps in the entire district and

about 400 persons have attended. Other DLSAs have also conducted Legal Awareness programme on this occasion and spread awareness about the programme and availability of legal services.

Accordingly, in all the 13 Districts of Andhra Pradesh, the unique Door to Door Campaign programme has been successfully conducted through PLVs and other stakeholders in villages and explained to the households about the availability of legal services. Similarly, the Campaign was conducted in Courts through Panel lawyers and explained about the campaign and also about the availability of legal services to the public. Details are as follows:

I) The Campaign through PLVs:

No. of PLVS Engaged	No. of Households Covered	No. of Members of Households
1,760	1,26,932	4,49,908

II) The Campaign through Panel Lawyers:

No. of Panel Lawyers engaged	No. of Persons Covered
994	67,128

PROGRAMME ON NALSA (LEGAL SERVICES TO THE WORKERS IN THE UNORGANISED SECTOR) SCHEME, 2015

A programme was conducted at Vizianagaram on 15-10-2016 on NALSA (Legal Services to the Workers in the Unorganized Sector), Scheme, 2015. Hon'ble Sri Justice A.Ramalingeswara Rao, Judge, High Court of Judicature at Hyderabad, was nominated by Hon'ble Executive Chairman, APSLSA to participate in the programme. Hon'ble Sri Justice A.Ramalingeswara Rao, Judge, High Court of Judicature at Hyderabad was pleased to grace the programme. Sri P.V.Rambabu, Member Secretary, APSLSA, Sri M.Lakshmi Narayana, Principal District Judge-cum-Chairman, DLSA, Vizianagaram, have participated. Judicial Officers, Panel lawyers, Para Legal Volunteers Government officials and other stakeholders attended the programme.

PROGRAMME ON NALSA (PROTECTION AND ENFORCEMENT OF TRIBAL RIGHTS) SCHEME, 2015:

A programme was conducted at Srikakulam on 03-12-2016 on NALSA (Protection and Enforcement of Tribal Rights) Scheme, 2015. Hon'ble Sri Justice Ramesh Ranganathan, Acting Chief Justice & Patron-in-Chief, and Executive Chairman, APSLSA, was pleased to grace the programme. Smt.V.B. Nirmala Geethamba, Chairperson, DLSA, Sri P.V.Rambabu, Member Secretary, APSLSA, and Sri P.Lakshminarasimham, IAS, Collector and District Magistrate, Srikakulam, have participated.

Legal Services Initiative for the of Tribal Youngsters

In the Meeting held at Srikakulam 03.12.2016, some Tribal Youngsters from the districts of Srikakulam, Vizianagaram and Visakhapatnam have represented to the Hon'ble Acting Chief Justice and Executive Chairman, APSLSA that they need support for their career development. On the directions of His Lordship, this Authority addressed letters to the authorities concerned namely ITDA and District Administration and persuaded through the respective DLSAs. Considering the request of this Authority, the ITDA Seethampeta of Srikakulam district accorded permission to Sri R.Kumara Swamy S/o Sadhu, Seethampeta Village to get admitted in the Digvijay Coaching centre Hyderabad for undergoing coaching for the Post of Junior Civil Judge and assured to pay the coaching fee of about half a lakh from ITDA. They have also accorded permission to Sri Savara Chiranjeevulu, S/o Manu and Sri Palaka Nageswara rao, S/o Krishna Murthy, to get admitted at Youth Training Centre (YTC), Pathapatnam for coaching to appear for Group II Services examinations with free Boarding and Lodging.

Similarly the ITDA Parvathipuram, Vizianagaram district also got admitted Sri Pyla Ramesh Babu R/o Peddavalasa Village of Vizianagaram district at Youth Training Centre Parvathipuram to undergo coaching for Group II Services examination.

The ITDA Visakhapatnam also assured the Tribal Youngsters namely CH. Simhadrapadu, Golagaani Rajya Lakshmi, Korra Surendra and Robba Bhoodevi for providing them Online coaching for group II exam at Araku, Paderu and Chinthapalli, Tribal /Agency areas of Visakhapatnam district

Essay Competitions

During the quarter, 28 Essay Competitions were conducted for about 2832 students of schools and colleges in various districts and distributed prizes to the winners. This encouraged the students to take part in the dissemination of information about legal services activities.

ASSAM

LEGAL AWARENESS PROGRAMMES

S. No.	Mode/place of awareness programme	No. of programmes held	No. of Persons attended	Subjects
1	School/ College/ University	94	9710	Disability Day, Human Rights, Right to Education, Free legal aid, Govt. Schemes, Rights of Senior Citizens, etc.
2	Village/ community Centre	102	6771	Mediation & ADR, Forest laws, rights of tea garden labourers, Disability Day, Human Rights, etc.
3	Jail/other custodial home	05	508	Awareness programme by Kamrup at Boko Home, Programme to bring back School drop outs, Children Day.
4	Slum and labour colonies	04	598	Aids Day, Right to education, rights of tea garden labourers (Mentally Disabled Persons) Scheme
5	Melas/ Exhibitions	02	242	On the occasion of International Day of Persons with Disability, etc.
6	Radio	0	0	
7	Community Radio	0	0	
8	TV	0	0	

9	Others (Pl. specify)	32	7813	Aids Day, Human Rights, Disability Day, Essay competition, Swachh Bharat, etc.
	Total	239	25642	

TRAINING PROGRAMMES

State Legal Services Authority conducted Training Programme for Legal Services Lawyers of Zone-V districts (Cachar, Karimganj & Hailakandi) organized by DLSA, Cachar under the aegis of ASLSA on 20th & 21st November, 2016 at Silchar, Cachar, Assam.

GUJARAT

LEGAL AID/SERVICES

Help Desks at Banks were made functional across the State for providing assistance to the common public through Para Legal Volunteers for exchange of old currency notes of Rs.500/- and Rs.1000/- due to Central Government's decision of demonetization.

To create awareness among the General Public, total - 1748 Legal Literacy Camps were organized during the quarter of October - 2016 to December - 2016 in various Districts of the State, and total 850727 beneficiaries availed the benefits of such camps.

LEGAL AWARENESS PROGRAMMES

An Awareness Programme for the sensitization and for effective implementation of the NALSA (Child friendly legal services to children and their Protection) Scheme, 2015 at District Vadodara organized on 16/10/2016 presided over by Hon'ble Mr. Justice M.R.Shah, Hon'ble Judge of High Court of Gujarat & Executive Chairman, Gujarat State Legal Services Authority along with Hon'ble Ms. Justice Bela M Trivedi, Hon'ble Judge of High Court of Gujarat & Administrative Judge, Vadodara.

An Awareness Programme for the sensitization and for effective implementation of the NALSA (Effective Implementation of Poverty Alleviation) Scheme 2015 at Ahwa District (Dangs) Judicial District Navsari organized on 20/11/2016 presided over by Hon'ble Mr. Justice M.R.Shah, Hon'ble Judge of High Court of Gujarat & Executive Chairman,

Gujarat State Legal Services Authority.

An Awareness Programme for the sensitization and for effective implementation of the NALSA (Legal Services to the Mentally Ill and Mentally Disabled Persons) Scheme, 2015 at Jamnagar District organized on 11/12/2016 presided over by Hon'ble Mr. Justice M.R.Shah, Hon'ble Judge of High Court of Gujarat & Executive Chairman, Gujarat State Legal Services Authority in the presence of Hon'ble Mr. Justice P.P.Bhatt, Hon'ble Judge, High Court of Gujarat alongwith Hon'ble Mr. Justice A.G.Uraizee, Hon'ble Judge of High Court of Gujarat & Administrative Judge, Jamnagar & Dev Bhumi Dwarka at Khambhalia.

TRAINING PROGRAMMES

During the quarter of October - December 2016, 47 Para Legal Training Camps, Door to Door Mass Campaign with an aim to reach out to the maximum number of household in the State, Basic Training etc. were conducted.

HIMACHAL PRADESH

LEGAL AWARENESS PROGRAMMES

Awareness camp for Construction Workers/ Industrial Workers

The District Legal Services Authorities organized 8 camps for construction/Industrial workers at the sites in which Workers were apprised of the Welfare Schemes of Central and State Government. They were also explained about the procedure of getting themselves registered for the benefits under Welfare Schemes. Construction/Industrial Workers were also apprised of NALSA (Legal Services to the workers in the Unorganized Sector) Scheme, 2015. They were also apprised of the concept of free legal aid and various activities carried out by State Legal Services Authority.

Awareness Camps regarding ill effects of Drugs and provisions of Narcotic Drugs and Psychotropic Substances Act, 1985.

4 Awareness Camps to spread awareness against ill effects of Drug and NALSA (Legal services to the victims of Drug Abuse and Eradication of Drug Menace) Scheme, 2015 were organized in the various schools by

District Legal Services Authorities in the State of H.P. during the period. Valuable information was given to the students and teachers about the ill effects of Drugs. About 2863 students attended said programmes.

Legal Literacy Camps

During the period, **443** Legal Literacy Camps were organized by District Legal Services Authorities/Sub Divisional Legal Services Committees on different topics including the rights of women, Children and Senior Citizen, Right to Information, Consumer issues, different Welfare and Social security Schemes of the State and Central Government and various other topics as per schedule approved by this Authority. In total, **36554** persons were benefited by attending the said camps. Literature was also distributed.

Broad casting of “Kanoon Ki Baat” on All India Radio

During the quarter, **13 Radio talks** on “Kanoon Ki Baat” were aired on every Monday from 8:30 Am to 8:50 AM. The viewers were sensitized about the Labour Law, Crime and Punishment, Mediation, Civil Court Procedure etc. by Judicial Officers and Advocates.

Lessons-in-Law

During the period, **236** Schools were covered in the State of H.P. by teaching “Lessons-in-Law/Kanooni Path” by Judicial Officers and Advocates. **23626** students were taught Lessons-in-Law/Kanooni Path.

Front Offices

42 front offices have been established, one in High Court and rest in all the District Legal Services Authorities and Sub Divisional Legal Services Committees. The front offices are manned by the Retainer Lawyers and Para Legal Volunteers who are providing Legal Services to the litigants and general public. **698** numbers of persons were benefited by way of Legal aid through the front offices during the period.

Village Legal Care and Support Centre

The H.P. State Legal Services Authority is implementing the Para Legal Volunteer Scheme introduced by the National Legal Services Authority, New Delhi. At present, 893 Village Legal Care and Support Centres are

functional in State of H.P. and are being manned by Retainer Lawyers and Para Legal Volunteers. Para Legal Volunteers also organized awareness camps about MNREG Scheme. 5009 number of persons were provided legal aid/advice during this period through these centres.

Fire Disaster in village Bishatbehar Gram Panchayat Gahar, Teshil & District Kullu

A tragic incident took place in Village Bishatbehar, Gram Panchayat Gahar, Tehsil & District Kullu H.P. due to devastating fire on 2.12.2016 in which about 9 houses were turned into ashes and as many as 26 families were affected. The loss has been assessed in crores.

In order to render assistance to the victims of fire disaster, the Para Legal Volunteers from the nearby Gram Panchayat were deputed by District Legal Services Authority, Kullu to help the victims of fire disaster by providing legal services and strengthening the capacity of victims for managing the disaster at all level and to coordinate with the Government and Non-Governmental Organizations to provide legal aid to the victims in need.

As per report submitted by the Chairman, District Legal Services Authority, Kullu, the victims were assisted in the following manner:-

- On 3.12.2016, the victims were assisted for preparing mark sheets and testimonials of students, Bank Pass Books, Aadhar Cards, etc. (The documents were burnt on fire).
- On 4.12.2016, victims were assisted by rendering legal services for preparing Ration Cards, B.P.L. certificates, ATM Cards, Himachali Bonafide Certificates etc. (The documents were burnt on fire).
- On 5.12.2016, Para Legal Volunteers were associated with the District Administration for the distribution of ration to the victims and rendered help in distribution of relief material as provided by Rotary Club and other individuals.
- On 6.12.2016, a team of Para Legal Volunteers associated in the camp organized by the District Administration Kullu for the preparation of lost documents i.e. Aadhar Cards, Ration Cards, Bonafide Himachali Certificates, BPL Certificates, installation of

electric meters, restoration of water supply and rebuilding of the burnt houses.

- On 7.12.2016, victims were assisted in preparing certificates/ mark sheets (the documents were burnt on fire). The victims were also provided relief by Para Legal Volunteers by helping Aid workers in distributing trousers, shirts, sweaters, coats etc. as supplied by the NGO Naya Severa, Manali.
- On 4.12.2016 at 11:30 A.M., the Core Group consisting of Additional District Judge, Kullu, some Advocates, and Doctors of Zonal Hospital, Kullu, and Pradhan of Panchayat etc. visited the disaster/ place to co-ordinate the relief and rehabilitation work. The group also visited the temple (Goddess Shri Bhaga Sidh) situated near the disaster area, which was being used as camp for providing relief to victims and counseled the victims of disaster.
- On 4.12.2016, a Legal awareness programme in relief camp was organized to sensitize the victims of their legal rights by the Chairman, Sub Divisional Legal Services Committee, Kullu. A team of Advocates of Kullu attended the camp. The Chairman and members of the team interacted personally with the victims about the relief and rehabilitation provided to them as well as problems being faced by them. The victims were suggested ways and means to overcome the same. The victims appeared to be satisfied with the relief and rehabilitation work being rendered to them by the Government, Semi Government, NGOs or any other agencies.
- On request of the Chairman, District Legal Services Authority, Kullu, the Chief Medical Officer, Kullu constituted a team of Medical Officers of Regional Hospital, Kullu for conducting the Medical Health checkup of victims at Village Bishat Behar, Gram Panchayat Gahar. Pursuant to efforts of District Legal Services Authority, Kullu, Multi speciality camp was organized at Village Bishat Behar, Gram Panchayat Gahar for the fire affected families for providing treatment, counseling and to make the villagers aware of various programmes of the health and family welfare. In this camp, 108 persons were examined and treated. Free medicines were provided to them.

Traffic Awareness Campaign for Autoriksha/ Taxi/ Bus Drivers etc.

In total, 159 persons were benefited from the programme.

TRAINING PROGRAMMES

Two Training programmes were organized for the left out Panel Lawyers of Kullu and Manali at Kullu on **22nd and 23rd October** and at Barsar District Hamirpur on **26th and 27th October, 2016** as per Training Module Part-I provided by NALSA. The training programmes were conducted by the Master Trainers trained by NALSA. 59 Legal Services Panel Lawyers were imparted training.

Monthly training programmes for Retainer Lawyers and Para Legal Volunteers

Training programmes were organized for the Retainer Lawyers and PLVs by Secretaries, DLSAs in the State of H.P. In the said programmes, it is emphasized to render quality services to marginalized sections of society. **16** training programmes were conducted and **203** Retainer Lawyers and PLVS have been imparted training.

MISCELLANEOUS ACTIVITIES

Assistance to common people-Demonetization of currency notes:

Keeping in view the Demonetization of currency notes, the Himachal Pradesh (SLSA) directed all the Chairmen (District Judges), District Legal Services Authorities and Secretaries DLSAs to deploy Para Legal Volunteers to assist common public in filling up the forms for exchange of notes. Help Desks were set up outside the banks to help the people visiting the banks. The following activities were under taken by help desks:-

- The visitors were made aware about their rights and also cautioned about the legal effects of doing transaction on behalf of others.
- The forms for opening of new accounts were also filled up by the PLVs manning the help desks and the people were made aware about Pradhan Mantri Bima Yojna Guidelines.

For this purpose, the Secretaries of the District Legal Services

Authorities coordinated with the bank staffs, administration and the police officials for setting up Help Desks. Instructions were issued to all Judicial Officers in the State to include topic of Demonetization scheme in all Legal Literacy Camps to be organized. A helpline was also set up for the needy to seek advice from the Authority for any kind of difficulty in exchanging or withdrawing of notes on telephone number 0177-2623862, 2626962, 2624862 and National Toll Free number 15100.

Progress made in NALSA Schemes:

Pursuant to the launching of seven schemes of NALSA, this authority has identified the districts in the state where the schemes are to be implemented. The constitution of team of PLVs and the Panel Lawyers has been done for implementation of each scheme. Coordination is being done with the Government Departments, NGOs, Law Schools and Educational Institutions. The district wise progress made by the concerned DLSAs in the seven schemes is as under:-

DLSA	Schemes						
	NALSA (Victims of Trafficking and Commercial Sexual Exploitation) Scheme, 2015	NALSA (Legal Services to the workers in the Un-organized sector) Scheme, 2015	NALSA (Child Friendly Legal Services to Children and their Protection) Scheme, 2015	NALSA (Legal Services to the Mentally ill and Mentally Disabled Persons) Scheme, 2015	NALSA (Effective Implementation of Poverty Alleviation Schemes) Scheme, 2015	NALSA (Protection and Enforcement of Tribal Rights) Scheme, 2015	NALSA (Legal Services to the Victims of Drug Abuse and Eradication of Drug Menace) Scheme, 2015
Bilaspur	18	20	18	16	18	-Nil-	21
Chamba	15	10	11	6	15	11	20
Hamirpur	56	9	-Nil-	-Nil-	-Nil-	-Nil-	-Nil-
Kangra	2	15	8	1	1	-Nil-	28
Kinnaur	-Nil-	16	-Nil-	-Nil-	-Nil-	1	3

Kullu	2	2	2	2	2	-Nil-	9
Lahaul Spiti	-Nil-	-Nil-	-Nil-	-Nil-	-Nil-	2	2
Mandi	7	23	12	4	13	4	11
Shimla	11	25	81	5	16	11	135
Sirmaur	1	3	1	5	1	1	8
Solan	1	27	16	4	23	1	21
Una	3	10	21	2	6	-Nil-	17
Total	116	160	170	45	95	31	275

In addition to these camps, special programmes are being organized in every district of Himachal Pradesh. 3 programmes have been organized in the quarter ending 31-12-2016. Each of the afore-said programme was a whole day programme comprising of at-least 100 participants or more.

The detail of whole day programmes conducted in this quarter is as follows:-

Sr. No.	Scheme	District	Date
1.	NALSA(Legal Services to the Victims of Drug Abuse and Eradication of Drug Menace) Scheme, 2015	Kullu	22.10.2016
2.	NALSA(Effective Implementation of Poverty Alleviation Schemes) Scheme, 2015	Kangra	19.11.2016
3.	NALSA(Legal Services to the Mentally Ill and Mentally Disabled Persons) Scheme, 2015	Mandi	17.12.2016

World Aids Day:

The World Aids Day was celebrated on 1.12.2016 all over the State. The awareness programmes were organized by all the DLSAs and sub-divisional Legal Services Authority in collaboration with District Aids Control Officer. The Secretaries of DLSAs visited the hospitals and

educational institutions and sensitized the general public about the prevention of this epidemic.

World Human Rights Day:

The World Human Rights Day was celebrated all over the State on 10, December, 2016. Special awareness programmes were organized and the participants were appraised about the role of Legal Services Authority in the protection of Human Rights.

Observation of Children's Day:

The children's day was celebrated all over the State on 14-11-2016. On this day, the Judicial Officers all over the State visited Children Homes, Juvenile Homes, Bal Ashrams, educational institutions and imparted important information to the Students/ inmates of Homes etc.

Observation of Law Day:

The Law Day was organized all over the State on 26-11-2016. On this day, the Judicial Officers all over the State visited educational institutions and sensitized the children about their legal rights. The photographs of one such programme are as follows:-

Observation of National Legal Services Day:

The National Legal Services Day was organized on 09-11-2016 all over the State. The Judicial Officers interacted with the participants all over the State and the participants were appraised about their legal rights.

JHARKHAND

LEGAL AWARENESS ACTIVITIES

Inauguration of 500 Legal Literacy Clubs in 500 Schools of Jharkhand on 10.12.2016

Jharkhand State Legal Services Authority on 10th December 2016, inaugurated 500 Legal Literacy Clubs in 500 schools of the State of Jharkhand including all Kasturba Gandhi Balika Vidyalayas to promote legal literacy.

Certificates were distributed to the Tribal Girls and Boys for their outstanding performance in essay competition, painting / drawing competition and slogan writing competition on fundamental Duties as per NALSA guidelines.

TRAINING PROGRAMMES

One day training programme organized on 04 October, 2016 by the SLSA for the newly appointed remand advocates.

Festivities at Observation Home, Dumardaga on Dipawali Day

On the eve of Dipawali the children of Observation Home Dumardag, Ranchi celebrated Diwali in the company of Hon'ble Mr. Justice D.N.Patel, Judge, High Court of Jharkhand & Executive Chairman, JHALSA.

Ranchi DLSA Chosen as Best DLSA in East Zone on 9th November, 2016

District Legal Services Authority, Ranchi of Jharkhand has continuously second time got award of BEST DLSA IN EAST ZONE (U.P., Bihar, Utrakhhand, West Bengal, Orissa, Andaman & Nikobar and Jharkhand) on 9th November, 2016 at New Delhi.

KERALA

LEGAL AID/SERVICES

1. As per the direction of the Hon'ble Executive Chairman, KLSA, based on news "**Achankovililum Pattinikolangal**" unveiling the sad plight of tribals in Achancovil, DLSA, Kollam intervened, convened a meeting of all the stakeholders involved and identified core issues which required immediate action.
2. With the help of Para Legal Volunteer, Smt. Soja Baby, (DLSA Kottayam), Amruthanandamayi Madam has started construction of 35 toilets at Sreenipuram Tribal colony at Kanjirappally
3. **Medico-Legal cum Need Assessment Camp** were conducted by TLSC, Kottayam on, 2.12.2016, 3.12.2016 and 7.12.2016 for Tribal people at Athirapuzha, Karapuzha and Kurichi as part of implementation of NALSA (Protection and Enforcement of Tribal

Rights) Scheme.

4. Chairman, DLSA Manjeri, Secretary, DLSA and Chairman, TLSC Nilambur **visited Nedumkayam tribal colony** in Karulai Grama Panchayat along with officials of forest, Police, Panchayat and other departments.
5. DLSA Wayanad, in association with Veterinary University, has adopted Narangakandy colony for providing a holistic development plan by using multi-level human resources development and training in asset building through agriculture and animal husbandry and by giving proper guidance to the entire people to keep away from liquor and Psychotropic substances.
6. DLSA Wayanad has taken steps to restore the electricity connection in the tribal houses.
7. Multi-pronged steps are being taken to keep the tribes away from manufacture and use of illicit liquor by blending persuasion and coercive techniques with the help of Oorukootams and Officials.
8. DLSA has taken steps to file PIL with specific request to depute doctors from neighboring Kozhikode District till permanent doctors are posted. As a temporary measure, DLSA has taken a decision to conduct medical camps with the help of Indian Medical Association at different parts of this district.
9. Rehabilitation of tribal unwed mothers and programmes for preventing such incidents in future is undertaken, by persuading the tribes to file complaints and to resort to DNA tests to make responsible the culprits accountable and get proper victim compensation.
10. Special attention is given to identify school drop outs and to send them back to schools with the help of Para Legal Volunteers, ST Promoters, Kudumbasree, ST Department Officers and even by using Jana Mythri Police and Forest Officials with the help of teachers.
11. There are a lot of land related issues of tribes pending in Wayanad district for years together on account of legal complications and

so proper petitions have been obtained from aggrieved tribes through PLVs and steps are initiated to solve the issues.

12. On NALSA (Protection and Enforcement of Tribal Rights) Scheme, 2015 and related schemes, one day legal awareness programme was conducted at Uriyampetty tribal hamlet by the DLSA, Ernakulam in association with the TLSC, Kothamangalam focusing on the realms of tribal property rights, child marriage, drug and alcohol abuse and forest offences.
13. At TLSC, Devikulam, a PLP mooted by a PLV on the encroachment into the property of Government Primary Health Centre by a private party was considered and the problem was solved in the Adalat.
14. DLSA, Thodupuzha launched a programme in tune with NALSA (Child Friendly Legal Services to Children and their Protection) Scheme, 2015 with the aim to co-ordinate all the agencies working for the welfare of the children.
15. A group of 145 persons including men and women [some of them are allegedly minors] were detained by Railway Police at Parasala Railway Station on 20.10.2016. They were produced before JFCM-I, Neyyattinkara under Crime No.314/2016 alleging offence punishable u/s 370 IPC and Section 79 of JJ Act. DLSA intervened in the matter and convened the meeting of all concerned where the Magistrate has passed a conditional order releasing all the victims thus their constitutional rights were safeguarded.

AWARNES PROGRAMMES

- A two minute capsule programme on '**Constitutional values**' in AIR Kochi FM, one hour phone-in-programme named '**Hello Akashavani**' continued through AIR, Kochi.
- The monthly once live phone-in-programme, "**Samoohyapadom**", focusing on socio- legal issues continued in "Doordarshan Malayalam" channel.
- **The District level Quiz competition based on 'Lessons in Law'** for students of higher secondary school was conducted.

- **Neethipoorvam**” a compilation of the programme on **‘Constitutional Values’**, aired by A.I.R., Kochi F.M., a unique programme in the Country, was released by the **Hon’ble Mr. Justice Mohan M. Shantanagouder**, Chief Justice, High Court of Kerala and the Patron-in Chief, Kerala State Legal Services Authority on 29.11.2016.
- The Kerala State Legal Services Authority in association with People’s Council for Social Justice organized a **State Colloquium on “Child Online Safety and Protection” on 14.11.2016**. **The Hon’ble Governor of Kerala, Mr. Justice P.Sathasivam** inaugurated the programme.
- Booklets on Fundamental Duties, **‘Ente Rajyam Ente Swargam’** in vernacular language and **‘My Nation My Heaven’** in English, were released by the Hon’ble Governor of Kerala.
- KELSA organized a seminar on the Rights of Transgenders on 29.11.2016 involving Transgenders, Law Students, Panel Lawyers and PLVs.
- DLSA Kottayam and Kozhikode conducted programmes on the issues of Transgenders.
- KELSA, in association with Sarva Siksha Abhiyaan observed ‘Day of Disabled persons on 3.12.2016 by conducting the programme ‘OPPAM’ for Disabled Children at Children’s Park, Ernakulam.
- KELSA organized a one day workshop on 17.12.2016 for Presiding Officers and members of Lok Adalats in HCLSC, DLSAs and TLSCs on issues relevant for settlement of disputes, techniques of negotiation, communication, drafting of awards etc. so as to enable them to have update information on the latest Judicial developments.
- KELSA in association with People’s Council for Social Justice organized a Seminar on Rights and Duties of Children and effective parenting for the inmates of Government Children’s Home for Girls at Ernakulam and their parents on 30.12.2016.
- Legal Aid Clinic was commenced at Sabarimala and Pamba during ‘Mandalam’ and ‘Makaravilakku’ season 2016-17. The Legal Aid Clinics were managed by about 100 PLVs. The Legal aid clinics

function now when the shrine is opened at Sabarimala for monthly pooja taking into account of the acceptance received from the public. Legal Aid Clinics were established by DLSAs during festivals in Temples, Churches, and Mosques and also in melas.

- TLSC, Mavelikkara launched a programme '**Bhadra Bhavanam**' to intervene and to explore the possibility of utilizing the resources and services of the legal services institutions in sensitizing people to alleviate the problems faced by them.
- **Two Day Mass Door to Door Campaign** : In the "Two Day Mass Door to Door Campaign" conducted across the State on 2nd and 3rd November 2016, DLSAs spread the messages of Legal awareness through Panel Lawyers, PLVs and others to 4, 81,516 persons.
- 1050 Legal Awareness classes were conducted throughout the State during the quarter for the Students of Schools and Professional Colleges, Kudumba Sree Members, Govt. Officials, Senior Citizens, Parent-Teacher's Associations, prisoners etc. on various subjects benefitting 8,64,806 persons.
- NALSA theme song was screened in Doordarshan, Amritha T.V. Kairali T.V. and in Local Cable Networks as part of door to door campaign. DLSAs were requested to screen the NALSA theme song, Documentary and Sankalp song using the Mini Projector System in Mobile Adalat Van, in jails and other places. DLSA, Kottayam has started **Legal Literacy Clubs** in almost all the schools as part of implementation of NALSA (Child Friendly Legal Services to Children and their Protection) Scheme, 2015.
- A **sensitization programme on the ill effects of drug abuse** was conducted by DLSA Ernakulam in the District Jail, Borstal School and Women's Jail, Kakkanad and the Sub Jail, Ernakulam.

TRAINING PROGRAMMES

- Training based on Module –I was conducted to the panel lawyers of Thodupuzha 132 Panel Lawyers attended the programme.
- 13 Trainings were conducted for PLVs during the quarter. 705 PLVs attended the training.

MISCELLANEOUS ACTIVITIES

- In connection with demonetization of Rs.500/- and Rs.1000/- currency notes, help desks were set up by deploying 45 PLVs and assisted 1774 persons.
- Senior citizen day was observed on 2nd October 2016 by conducting legal awareness programmes. TLSC, Kottayam supplied medicines, food and clothing to 18 senior citizens who were under palliative care.
- DLSA Thrissur observed Mental Health Day on 17.10.2016 at Govt. Mental Health Centre, Thrissur.
- DLSA Kottayam provided food to mentally challenged girls residing at Samraksha, Mooladam.
- Protection of Public Property day was observed on 01.11.2016 by various DLSAs and legal awareness programme was conducted on the topic "Protection of Public Property".
- Legal Services Day was observed on 9.11.2016 and classes were conducted on the Subject "Legal Services Authorities Act and Protection of Environment".
- DLSA Thrissur observed Children's day on 16.11.2016 at Govt. Children's home Ramavarmapuram in association with Govt. Law College, Thrissur.
- DLSA Thrissur observed Law Day on 26.11.2016 at Vylopilly Hall Thrissur in association with Anti-Corruption Club Thrissur. A class was conducted by the Secretary of DLSA Thrissur on the Subject "Legal Services Authorities Act and anti-corruption".
- DLSA, Kottayam conducted a Homeo medical camp on 19.11.2016 at Govt. U.P. School, Kallupurackal.
- DLSA, Kottayam handed over a wheel chair to a 9 year old boy, who is suffering from Polio, on 3.12.2016.
- DLSA, Kottayam conducted a programme on National Trust Act for members of Panchayats and Municipality on 14.10.2016 as part

of NALSA (Legal Services to mentally III and Mentally Disabled Persons) Scheme.

- TLSC Kanjirappally conducted preliminary survey and preparatory Meetings to implement NALSA (Protection and Enforcement of Tribal Rights) Scheme.

MADHYA PRADESH

TRAINING PROGRAMMES

As per direction of NALSA, 02 Days training programmes were organized for District Umaria, Dindori, Anuppur, and Shahdol in which 120 Panel Advocates were trained.

Similarly 09 another one Day training programmes were organized in which 189 Panel Advocates are also trained.

As per direction of MPSSLSA District Legal Services Authority have conducted 01 Day training programme at 42 places in which 882 Paralegal Volunteers were trained.

1st Regional Conference on Juvenile Justice Board Held at Indore on 26 & 27 Nov 2016

Under the aegis of MPSSLSA, first Regional Conference on Juvenile Justice Board under **Indore Zone was held on 26 & 27 Nov, 2016** at Brilliant Convention Centre, Vijay Nagar, Indore. Hon'ble Shri Justice S.K. Seth, Judge In charge, Judicial Education High Court of M.P. was the Chief Guest of the Conference. Hon'ble Shri Justice P.K. Jaiswal, Administrative Judge, High Court of M.P., Bench Indore, Co-Chairman, High Court Legal Services Committee was the Special Guest. The Conference was held in the gracious presence of Hon'ble Shri Justice J.K. Maheshwari, Chairperson, Juvenile Justice Committee, High Court of M.P., Hon'ble Shri Justice J.N. Kansotia, Principal Secretary, WCD, Government of MP, & Shri Manish Mathur, Programme Manager, UNICEF, MP Unit. The Hon'ble Portfolio Judges of the respective Districts also graced the Conference.

2nd Regional Conference on Juvenile Justice Board Held at Gwalior on 10 & 11 Dec 2016.

Under the aegis of MPSSLSA, Second Regional Conference on Juvenile

Justice Board under Gwalior Zone was held on 10 & 11 Dec, 2016 at Galav Sabhagar, Jiwaji University Campus, Gwalior. Hon'ble Shri Justice Arun Mishra, Judge Supreme Court of India was the Chief Guest of the Conference. Hon'ble Shri Justice N.K. Gupta, Administrative Judge, High Court of M.P., Bench Gwalior was the Special Guest.

The Conference was held in the gracious presence of Hon'ble Shri Justice J.K. Maheshwari, Chairperson, Juvenile Justice Committee, High Court of M.P., Hon'ble Shri Justice J.N. Kansotia, Principal Secretary, WCD, Government of MP, & Shri Michael Steven Juma, Chief of field office UNICEF, MP office. The Hon'ble Portfolio Judges of the respective Districts also graced the Conference.

MANIPUR

LEGAL AID/SERVICES

During the period from October to December, 2016, Manipur State Legal Services Authority has provided Panel Advocates to **35 Applicants** which includes 6 UTPs, 18 Women, 4 persons having annual income less than Rs. 1 lakh, 1 disabled person, 2 children and 4 persons belonging to ST Community.

LEGAL AWARENESS

- i) During the period, a total of **87 Legal Literacy/ Legal Awareness Programmes** were conducted in different parts of the State to spread awareness to the masses on various aspects of laws, welfare schemes of the State/Central Government and Schemes of NALSA, etc.
- ii) **Programmes at All India Radio, Imphal**
 - a) **Live Phone-in-Programme** was also organized at 2(two) channels of AIR, Imphal on third Monday of every month. Legal experts/Sr. Advocates were invited in these programmes as Resource person to discuss on various important legal topics and to answer legal queries asked by the people.
 - b) **Discussion Programme** on laws relating to women was also held at "Nupigi Thouram" i.e. Women's Programme on weekly basis.

Retd. Judicial Officers & Panel Advocates were invited as Resource Persons.

- iii) A **T.V. conversational Programme** entitled "**Lousingee Pukei**" is also telecast at local cable networks viz. Impact T.V. & Image T.V.
- iv) To spread legal awareness to the general public in an entertaining way, Manipur State Legal Services Authority organized many **Street Plays** at various parts of Imphal East, Imphal West, Bishnupur & Thoubal Districts on important legal issues like child labour, RTE, drug abuse, domestic violence, Juvenile Justice etc.

TRAINING PROGRAMMES

2-Days Induction Training Programme for newly selected PLVs was held on 26th & 27th December, 2016 at the office of Manipur SLSA. Shri Ch. Momon Singh, Master Trainer, Shri A. Guneshwar Sharma, Registrar General, High Court of Manipur imparted Training to the newly selected PLVs.

MISCELLANEOUS ACTIVITIES

- i) During this quarter, Manipur SLSA opened **3 (three) new Legal Aid Clinics** viz. (1) Legal Aid Clinic, Manipur Commission for Protection of Child Rights (MCPCR) opened on 13.10.2016; (2) Legal Aid Clinic, Nungourok & (3) Legal Aid Clinic, Leishokching, Chandel District opened on 22.10.2016. All the three Legal Aid Clinics were inaugurated by Hon'ble Mr. Justice N. Kotiswar Singh, Executive Chairman, MASLSA in presence of Chairperson, Manipur Commission for Protection of Child Rights, Member Secretary, Manipur SLSA, Chairman, Secretary, DLSAs concerned, Advocates, Members of Civil Society Organizations etc.
- ii) **Two-Days Mass Door to Door Campaign** to spread legal awareness on mass scale was conducted all over the state on 2nd & 3rd November, 2016 by the Panel Lawyers/PLVs of Manipur SLSA. During this Two Days campaign, the PLVs of MASLSA covered about 10726 household in all the districts of Manipur and spread legal awareness about the availability of free legal services from legal services institutions. As a part of this Campaign, 26 Micro Legal Awareness Programmes were organized by the Legal Aid

Clinics on 3rd November, 2016 at various places across the State. Street Plays were also shown at various parts of the state as a part of the campaign.

- iii) Manipur SLSA in association with All Manipur Bar Association & High Court Bar Association of Manipur organized a Mass Rally followed by a “Consultation Programme” to highlight the impact, loss & injury caused to the general public by Bandhs/Blockades/ General Strikes/Public Curfews etc. on 28.11.2016.
- iv) Manipur State Legal Services Authority opened a Stall at the “**Manipur Sangai Festival, 2016**” which is the biggest Mela/ Fair in the State held from 21st to 30th November, 2016 at Hapta Kangjeibung, Imphal. During this Festival, Judicial Officers, Advocates, Academician and other Eminent Persons in the field of law, Para Legal Volunteers were deputed in the Stall every day for answering legal queries from the public and for providing legal awareness to the public on various aspects of Law. Quiz competitions were also held every day on basic legal questions and winners were given simple prize. On the last day of the Festival, Mega Quiz Competition was held and Special Prizes were given to the winners of Mega Quiz Competition. Many pamphlets/leaflets containing information about legal services and other legal topics were distributed during the festival. Street Plays were also organized. During the ten days long Festival, the stall of Manipur State Legal Services Authority was able to attract a large number of people and was quite successful in spreading legal awareness to the people on various aspects of law.
- v) In addition to Sangai Festival, Manipur State Legal Services Authority also participated in various other Fairs/Festivals such as **Imphal Book Fair, 2016** held from 15th-29th December, 2016 at D.M. College Campus, Imphal, **Kwatha Festival** held on 22nd & 23rd October, 2016 at Kwatha village, Chandel District, **Kut Festival** which is the biggest festival of Kuki-Chin Tribes held from 30-10-2016 to 1-11-2016 at Tuivong Peace Ground, Churhandpur District by opening Stall of this Authority to spread awareness to the people & to provide free legal assistance. “**Theme Song**” of Manipur State Legal Services Authority entitled “**Laklo Lakle**” was released on 3.12.2016 by Hon’ble Mr. Justice Rakesh Ranjan

Prasad, Chief Justice, High Court of Manipur & Patron-in-Chief, MASLSA, Hon'ble Mr. Justice N. Kotiswar Singh, Judge, High Court of Manipur & Executive Chairman, MASLSA & Hon'ble Mr. Justice Kh. Nobin Singh, Judge, High Court of Manipur & Chairman, High Court Legal Services Committee in presence of many other eminent personalities.

MEGHALAYA

Legal Aid Beneficiaries:

Year	Categories	Providing Panel Advocate	Advice/ Counselling	Other Services (Legal Care & Support Centre)	Total
October to December, 2016	Scheduled Caste	23	-	9	32
	Scheduled Tribe	236	-	39	275
	Women	69	-	-	69
	Children	5	-	17	22
	In Custody	74	-	-	74
	Persons with disability	-	-	-	-
	Industrial Workmen	-	-	-	-
	Transgender	-	-	-	-

October to December, 2016	Victims of Trafficking in Human being or beggar	-	-	-	-
	Victims of Mass Disaster, Violence, Flood, Draught, Earthquake and Industrial Disaster	-	-	-	-
	General (Persons whose annual income does not exceed the prescribed limit	28	-	-	28
	Others	-	-	-	
	Total	435	-	65	500

LEGAL AWARENESS PROGRAMMES

“MASS DOOR TO DOOR CAMPAIGN”

The Meghalaya State Legal Services Authority in collaboration with the District Legal Services Authority organized 2 days “Mass Door to Door Campaign” and other activities on the 2nd & 3rd November, 2016 like Nukkad Natak/Street Play, conduct of Legal Awareness Campaign, Publicity through loud speaker, Meghalaya Integrated Information System (M.I.I.S.), Newspaper, All India Radio(A.I.R.), Doordarshan Kendra (D.D.K.), publicity through Mobile Van (Mobile Legal Services-cum-Lok Adalat Van) & (Multi Utility Van) Distribution of Pamphlets, Booklets etc., Street Campaigns & Campaigns at Court Complex.

Total Nos. of Para Legal Volunteers and other Persons engaged	453.
Total Nos. of Households covered	20,528.
Total Nos. of Members in Households	1,08,265

Total Nos. of Panel Lawyers engaged	28
Total Nos. of Persons covered	4,495

MIZORAM

LEGAL AWARENESS PROGRAMMES

Mizoram State Legal Services Authority and the District Legal Services Authorities organized legal awareness campaigns in both urban and rural areas by way of addresses to the public, circulation of pamphlets, etc. Leaflets/booklets were distributed to the participants in the course of the campaigns. Awareness functions were held at schools, jails and other places.

- During the quarter, legal awareness programmes were held in 49 Community Centres/Villages; 20 Schools/Colleges; 5 Jails; One Talk Show/Dialogue was arranged through Local TV Channel and 8 programmes through All India Radio on the topics of Rights of women and children; Corruption laws, The Mizo Marriage, Divorce and Inheritance of Property Act, 2014, POCSO Act, Life Skills, Cyber Crime, PLV & LAC, MLPC Act, ND&PS Act, Domestic Violence; Violence against Women & Child Abuse; Lok Adalats, Para Legal Volunteers & Legal Aid Clinics, Legal Services Authorities Act, 1987; RTI, ILP and Foreigners Act, Human Rights; Role and responsibilities of medical experts, JJ Act; Child Abuse, Medical negligence for doctor and staff, etc.
- 2068 persons visited Village Legal Care and Support Centres (LACs) and 1851 Nos. were helped by drafting application for Heirship, succession, guardianship, etc. certificate, Counselling litigants on legal issues/matters/rights, Filing Income, Residential Certificate, Tribal Certificate, etc

TRAINING PROGRAMMES

Aizawl DLSA conducted Training of Legal Aid Counsels at District Court, Aizawl on 31.10.2016, 36 Legal Aid Counsels presented at the training. Lawngtlai DLSA conducted Training on PLVs on 8.11.2016 and 11 PLVs were present.

ODISHA

LEGAL AID/ SERVICES

(i) Front Office:

In tune with NALSA (Free and Competent Legal Services) Regulations, 2010, the Odisha State Legal Services Authority has established 100 Front Offices which are functioning in 100 Legal Service Institutions (at the District & Taluk levels).

No. of persons approached : 197

No. of persons provided with free legal services : 99

(ii) Functioning of Village Legal Aid Clinics (re-named as Village Legal Care & Support Centers):

As per the Regulation 3 of National Legal Services Authority (Legal Services Clinics) Regulations, 2011, the District Legal Services Authorities have established Legal Services Clinics for a cluster of villages within their local limits. The said Clinics/Centers are being manned by Panel Lawyers and Para Legal Volunteers.

No. of village Legal Aid Clinics/Centers : 262

No. of persons approached the Clinics : 937

No. of persons provided with free legal consultancy/services : 777

(iii) Functioning of Legal Aid Clinics in Jails:

No. of Jail Legal Aid Clinics functioning : 91

No. of UTPs/Convicts provided with legal services : 211

(iv) Functioning of Legal Aid Clinics/Legal Assistance Booths:

No. of Districts : 30

No. of Sub-Divisions : 26

Persons provided with assistance in Clinics/Booths : 404

LEGAL AWARENESS PROGRAMMES

(i) Observance of “World Mental Health Day”

The Odisha State Legal Services Authority in association with District Legal Services Authority, Cuttack organized a programme at the Mental Ward of S.C.B. Medical College and Hospital, Cuttack on 10.10.2016 in observance of “**World Mental Health Day**”.

(ii) Two Days Mass Door to Door Campaign.

As per the instruction of NALSA, all the DLSAs and TLSCs conducted a “Two Days Mass Door to Door Campaign” across the State on 2nd and 3rd November, 2016 by engaging PLVs with the main objective to reach out to the maximum number of households. A total of 1009 Para-legal Volunteers were engaged across the State and 59,098 households comprising 2, 64,780 members were covered during the said campaign. Simultaneously, 512 numbers of Panel Lawyers were also engaged in the campaign and 29,236 persons were covered by them inside the Court campus. On the aforesaid occasion, this Authority also organized a **Nukkad Natak** at Cuttack on 2nd November, 2016. The play had a tremendous response from public leading to mass awareness.

(iii) Baliyatra Stall

This Authority during the period from 14.11.2016 to 21.11.2016 set up a temporary stall at famous Baliyatra Ground on the occasion of the week long historic “Baliyatra” at Cuttack to spread legal awareness and disseminate information regarding different legal services activities. There was a huge footfall at the stall and hundreds of visitors interacted with the Para Legal Volunteers, Legal Services Panel Lawyers and Retainers who were deployed in the stall. Hon’ble Shri Justice Vinod Prasad, the then Executive Chairman of this Authority was pleased to inaugurate the said stall.

Programmes organized by the field units:

297 Legal Literacy/Awareness Programmes were organized by the field units on different subjects, interalia, on Pre-natal Sex Selection & Pre-Natal Diagnostic Technique (PNDT) Act, Human Trafficking, Legal Services Authorities Act, Protection of Women from Domestic Violence

(PWDV) Act, etc. A total no. of 37,541 persons were benefited by attending these Legal Literacy/Awareness Camps.

TRAINING PROGRAMMES

Training Programmes for the Panel Lawyers were conducted as per the Training Module provided by NALSA by availing service of Master Trainers for which a calendar was drawn by this Authority. During the above quarter, 9 no. of such training programmes were conducted by the field units. Further, two no. of induction training programmes for Para Legal Volunteers were also conducted.

Para Legal Volunteers:

201 no. of Para Legal Volunteers were given training by the field units. The Para Legal Volunteers have been providing legal services directly to persons in need in several ways. For outstanding contribution in the field of legal services, Smt. Sarmista Rani Nanda-Para Legal Volunteer under DLSA, Cuttack was adjudged the best PLV of the State for the year 2016 by a Committee of Hon'ble Judges of the High Court. Smt. Nanda was further adjudged the best PLV for the East Zone of the country and was felicitated by Hon'ble Mr. Justice T.S.Thakur, the then Chief Justice of India & Patron-in-Chief, National Legal Services Authority (NALSA) in a ceremony organized by NALSA on the occasion of observance of the Legal Services Day on 9th November, 2016 at New Delhi.

MISCELLANEOUS ACTIVITIES

(i) Victim Compensation Scheme:

During the above quarter, 288 applications under Odisha Victim Compensation Scheme, 2012 were received by the District Legal Services Authorities, out of which, 125 applications were decided and a sum of Rs.34,13,000/- towards compensation was paid to the victims under the above Scheme.

(ii) Permanent Lok Adalats (for Public Utility Services)

During the above quarter, 404 no. of new cases relating to Public Utility Services were registered in the Thirteen Permanent Lok Adalats, and out of the pendency, 276 no. of cases were settled.

PUNJAB

LEGAL AWARENESS SCHEMES

During the quarter October to December, 2016 a total number of 3024 seminars were organized and a total number of 549216 persons attended the said seminars. These seminars were focused on the different Legal aid and welfare schemes of Government.

Two day mass door to door campaign

Under the directions of NALSA a two day mass door to door campaign was organized in the State of Punjab on 2nd and 3rd November, 2016. In this programme PLVs and Advocates were engaged to spread legal awareness to people at their door steps. A total number of 426 PLVs were engaged in the said programme. They approximately covered 40207 households and made 179150 people aware about legal services schemes. Along with PLVs, 615 advocates were also engaged in the said programme.

TRAINING PROGRAMMES

Under the directions of National Legal Services Authority, New Delhi, the Punjab Legal Services Authority is imparting training to Para Legal Volunteers in each district and sub-divisional level. These Para Legal Volunteers are making general public aware with regard to various schemes launched by this department and with regard to Legal Rights of Women and Children. Under this scheme, persons relating to different fields are being trained. Punjab Legal Services Authority has 1573 trained Para Legal Volunteers in various districts of Punjab.

MISCELLANEOUS ACTIVITIES

Establishment of Help Desk at banks during De-Monetization:

In compliance of the directions made by NALSA to assist the common people during the De-Monetization at banks, State Authority has deployed the PLVs at the banks, where they assist the people for filling up the forms and to exchange their currency.

RAJASTHAN

LEGAL AWARENESS PROGRAMMES

- i) State Level Games were organized by RLSA. Its inauguration ceremony was organized under the Chairmanship of **Hon'ble Mr. Justice Kalpesh Satyendra Jhaveri**, Judge, Rajasthan High Court & Executive Chairman, RLSA. These games were organized at School Level, at block level, at District level and at divisional level. The toppers of divisional level games participated in the State level games. **Total 2, 52,293** students participated in these games. These games were organized on **03.11.2016 and 04.11.2016**.
- ii) On the occasion of Legal Services Day, **Legal Services Week** (06.11.2016 to 11.11.2016) was celebrated to spread awareness across the State of Rajasthan. The main function was organized at Jaipur Headquarter under the Chairmanship of Hon'ble Mr. Justice Navin Sinha, Chief Justice, Rajasthan High Court and Patron-in-Chief, RLSA (as His Lordship was then) and in the august presence of Hon'ble Mr. Justice Kalpesh Satyendra Jhaveri, Executive Chairman, RLSA and Hon'ble Mr. Justice Ajay Rastogi, Administrative Judge, Rajasthan High Court. The inauguration Ceremony was organized under the auspicious presence of Hon'ble Judges of Rajasthan High Court.

TRAINING PROGRAMMES

- i) **Awareness, Coaching and Mentoring (ACM)**:- Awareness, Coaching and Mentoring (ACM) Programme was inaugurated by **Hon'ble Mr. Justice Ajay Rastogi**, Administrative Judge, Rajasthan High Court & Executive Chairman, RLSA. All the judicial officers of Kota Division participated in this training programme on **16.10.2016**. The same kind of programme was organized at Udaipur Divisional Headquarter under the Chairmanship of **Hon'ble Mr. Justice G.K. Vyas**, Judge, Rajasthan High Court & Chairman, Rajasthan High Court Legal Services Committee, Jodhpur and at Bikaner Divisional Headquarter under the Chairmanship of **Hon'ble Mr. Justice Goverdhan Bardhar**, Judge, Rajasthan High Court.
- ii) A symposium on **"Right Based Approach and Persons with**

Disabilities” was organized at Rajasthan State Judicial Academy, Jodhpur under the Chairmanship of **Hon’ble Mr. Justice Gopal Krishan Vyas**, Judge, Rajasthan High Court & Chairman, Rajasthan High Court Legal Services Committee, Jodhpur on **23.10.2016**.

- iii) Awareness, Coaching and Mentoring (ACM) Programme was inaugurated by **Hon’ble Mr. Justice Kalpesh Satyendra Jhaveri**, Judge, Rajasthan High Court & Executive Chairman, RLSA. All the judicial officers of Jaipur Metropolitan and Jaipur District participated in this training programme on **05.11.2016**.
- iv) A Refresher Course for Panel Lawyers were organized in sixteen districts i.e. Jhalawar, Merta, Alwar, Bundi, Churu, Jaipur District, Merta, Pali, Sawai Madhopur, Balotra, Bhilwara, Dholpur, Ganganagar, Jhunjhunu, Merta, Sikar. Total 313 Panel Lawyers were imparted training by these Refresher Courses.
- v) Total 16 training programmes were organized for Para Legal Volunteers regarding Basic Programme, Refresher Course, Door to Door Programme, Help Desk on Notebandi. In sixteen districts i.e. Hanumangarh, Jodhpur Metro, Karauli, Ajmer, Bikaner, Jhunjhunu, Jodhpur Metro., Pali, Banswara, Dausa, Jalore, Kota, Rajsamand, Balotra, Merta, Ganganagar, total 231 PLVs were trained by these training programmes.

MISCELLANEOUS ACTIVITIES

- i) Mega Legal Awareness and Public Welfare Camp was organized at Neem-ka-thana, Sikar under the Chairmanship of **Hon’ble Mr. Justice D.C. Somani**, Rajasthan High Court on **23.10.2016**.
- ii) **Hon’ble Mr. Justice T.S. Thakur**, Chief Justice, Supreme Court of India and Patron-in-Chief, NALSA awarded DLSA, Jodhpur Metropolitan with the award of the Best National level District Legal Services Authority for excellent work in the field of legal services on **09.11.2016**.
- iii) **Hon’ble Mr. Justice T.S. Thakur**, Chief Justice, Supreme Court of India and Patron-in-Chief, NALSA giving the award of the Best National Level DLSA to **Sh. S.K. Jain**, Member Secretary,

RSLSA and Sh. Atul Kumar Chatterjee, District & Sessions Judge, Jodhpur Metro for excellent work in the field of legal services on the occasion of Legal Services Day (9th November, 2016).

- iv) Mega Legal Awareness and Public Welfare Camp was organized at Bundi under the Chairmanship of **Hon'ble Mr. Justice Veerendr Singh Siradhana**, Judge, Rajasthan High Court on **08.12.2016**.

TAMIL NADU

LEGAL AWARENESS PROGRAMMES

S. No.	Mode/Place of awareness programme	No. of Prog. held	No. of Persons attended	Subjects
1	School/College/ University	194	38,787	Child Care and Protection, Birth & Death, Fundamental Duties & Rights, Civil Rights & Maintenance, Importance of Education, Child Marriage Restraint Act, etc.
2.	Village/ Community Centre	301	29,201	Birth & Death, Patta, Various Government Welfare Scheme, Law about Properties, Children's Right & Women's, Rights by observing Children's day, Observations of Senior Citizens Day, etc.
.3	Jail/other custodial home	27	2,802	Rights of arrested persons, Rights of Juveniles and Rehabilitations, Criminal law & Criminal appeal etc.
4	Slum & Labour colonies	34	22,986	Right of Slum Dwellers, Rights of labour getting remedies through court/ labour commissioner, World HIV/AIDS Day etc.

5.	Radio	15	4,170	Right to Information Act, Domestic Violence Act, Property dispute, Land Acquisition, Hindu Marriage act etc.
6	Community Radio	24	7,750	Unorganized Sectors, Traffic Rules, Activation of State Legal Services Authority, Prohibition of Child Marriage & Prohibition of Child Labour, etc.
7	Doordarshan / TV	13	16,499	Neethi Mandra Seithigal, Functioning of TNSLSA are being broadcast, Important Pronouncement by Supreme Court/ High Court to the public, etc.
8	Others	246	23,224	Micro Camp, MNRGES Camp, Unorganized Sector & Special Subjects focused, etc.

TRAINING PROGRAMMES

S. No.	Training Program Panel Advocates/PLV	Date	Remarks
1.	Basic Training Program, Conducted by DLSA, Chengalpattu	25.10.2016	Duration 3 Hrs. 15 Panel Lawyers participated
2.	Seminar for Judicial Officers with Social Welfare Department by Karur DLSA	23.10.2016	Duration 5 Hrs 21 Judicial Officers participated
3.	Effective implementation of Legal services to the poor & needy conducted by Nilgiris DLSA for panel lawyers & PLVS	02.11.2016	Duration 1 Hr. 10 Panel Lawyers and 19 PLVs participated

4.	Training Programme for improving the skills of the legal aid panel lawyers conducted by Gopichettipalayam TLSC, Erode District.	21.12.2016	Duration 1 Hr. 25 Panel Lawyers participated
5.	Training Programme for improving the skills of the legal aid panel lawyers conducted by Bhavani TLSC, Erode District.	03.12.2016	Duration 1 Hr. 25 Panel lawyers participated
6.	Training Programme for improving the skills of the legal aid panel lawyers conducted by Gopichettipalayam TLSC, Erode District.	22.12.2016	Duration 1 Hr. 30 Panel lawyers participated
7.	Training Programme to legal aid panel lawyers conducted by Madurai DLSA about NALSA Scheme.	01.11.2016	Duration 1 Hr. 16 Panel lawyers participated
8.	Training Programme to legal aid panel lawyers conducted by Thanjavur DLSA about NALSA Scheme.	08.10.2016	Duration 1 Hr. 78 Panel Advocates participated
9	Trainee of Trainers Programme to legal aid panel lawyers conducted by Thoothukkudi DLSA.	26.12.2016 & 27.12.2016	Duration 2 days 25 Panel lawyers participated
10	Basic Training Program for Para Legal Volunteers conducted by Salem DLSA	01.11.2016 & 02.11.2016	1 Hr .each day. 40 +43 PLVs participated
11	Basic Training Programme for Para Legal Volunteers conducted by Coimbatore DLSA	25.10.2016	1 Hr. 23 PLVs participated

12	Basic Training Programme for Para Legal Volunteers conducted by Dindigul DLSA	24.11.2016	1 Hr. 39 PLVs participated
13	Basic Training Programme for Para Legal Volunteers conducted by Karur DLSA	28.12.2016	3 Hr. 34 PLVs participated
14	Basic Training Programme for Para Legal Volunteers conducted by Nilgiris DLSA	02.12.2016	1 Hr. 19 PLVs participated

LEGAL SERVICES THROUGH HELPLINE

Through Advocate: (Written Complaint)

i) Number of applications Received	: 536
ii) Forwarded to Counselling Centre	: 98
iii) Forwarded to Centre for Women	: 50
iv) Forwarded to Family Cell	: 35
v) Forwarded to Authorities/Committees	: 353
Total	: 536

Through PLV: (Telephone Message):

i) Number of complaints received:	: 970
ii) Civil Disputes advice	: 220
iii) Family Disputes advice	: 300
iv) Money Disputes advice	: 115
v) Rent Matters	: 125
vi) Bank Loan	: 100

vii) Pension	: 70
viii) Motor Accident	: 40
Total	: 970

TELANGANA

LEGAL AWARENESS PROGRAMMES

Total no. of Legal Awareness camps including Camps on NALSA Schemes, 2015 conducted during the said period in the State of Telangana are 509.

(a) Activity on NALSA (Child Friendly Legal Services to the Children and their protection) Scheme, 2015 by DLSA Warangal.

On seeing the news item published in 'Sakshi' Newspaper dated 22.12.2106 regarding the obstacles faced by a girl child to pursue studies due to poor economical background, the DLSA Warangal, responded immediately and visited Bommanapally village and met that girl child and other children also and secured applications from three girl children for having education along with hostel facility at Wazedu, KGBV and accordingly the Secretary, DLSA Warangal got admitted them in KGBV for pursuing their studies as Right to Education is one of the Fundamental Rights guaranteed under the Constitution and as such implemented the NALSA (Child Friendly Legal Services to the Children and their protection) Scheme, 2015 by protecting the rights of those children.

(b) Protecting the lives of Tribal People of Erdhanor Thanda from the menace of Pollution and implementation of NALSA (Protection and Enforcement of Tribal Rights) Scheme, 2015 by DLSA Medak:

On receiving the written representation from the villagers of Erdhanor Thanda, by DLSA Medak with regard to Al-Kabeer Company (which exports animal meat) which is polluting the environment particularly Erdhanor Thanda village as the said Company is disposing animal waste without taking precautionary measures resulting in unbearable foul smell and also polluting the Pond near Erdhanor with the blood of animals and

the water is contaminated resulting in various diseases. Thereupon, the Secretary, DLSA Medak personally inspected the said place and found that the said company is violating the statutory provisions and several tribal people are seriously affected by the pollution created by the said Company and addressed letters to the District Collector, Member Secretary, Telangana State Pollution Control Board and other Authorities to safeguard the right to life of the said Tribals as guaranteed under the Constitution by taking necessary action against the concerned. Thereupon, Telangana State PCB responded and issue was placed before the Task Force Committee and the said Committee recommended to forfeit the Bank Guarantee of Rs.5, 00,000/- of Al-Kabeer Company for non-compliance of CFO and HWA conditions stipulated by the Board and has given certain directions to the said Company for necessary compliance failing which, the company shall be closed in the interest of public health and environment. As such, DLSA Medak has safeguarded the Rights of the Tribal people in implementation of NALSA (*Protection and Enforcement of Tribal Rights*) Scheme, 2015

(c) Programme on NALSA (Legal Services to the Mentally Ill and Mentally Disabled Persons) Scheme, 2015

Telangana State Legal Services Authority along with City Civil Court Legal Services Authority and in coordination with the Institute of Mental Health, Erragadda, organized a programme on NALSA (Legal Services to the Mentally Ill and Mentally Disable Persons) Scheme, 2015 on 8.10.2016 at Institute of Mental Health (IMG) Erragadda, Hyderabad. Hon'ble Sri Justice V. Ramasubramanian, Executive Chairman, Telangana State Legal Services Authority has inaugurated the said programme and addressed the gathering and released a Frequently Asked Questions booklet on the said Scheme, prepared and got published by the Telangana State Legal Services Authority and a "Legal Aid Clinic for Mentally Ill and Mentally Disabled persons" was also inaugurated by the Hon'ble Executive Chairman, TSLSA in the premises of IMH, Hyderabad to which one Panel Advocate and one Para Legal Volunteer are deputed by the City Civil Court Legal Services Authority, Hyderabad for rendering necessary legal assistance to Mentally Ill and Mentally Disabled Persons and their attendants.

(d) State Level Convergence Meet on NALSA (Child Friendly Legal Services to Children and their Protection) Scheme, 2015 at Mahabubnagar.

Telangana State Legal Services Authority along with DLSA, Mahabubnagar organized a “State Level Convergence Meet on NALSA (Child Friendly Legal Services to Children and their Protection) Scheme, 2015” at Mahabubnagar on 19.11.2016.

Hon’ble Sri Justice, V. Ramasubramanian, Judge, High Court of Judicature and Hon’ble Executive Chairman, TSLSA has inaugurated the said programme and addressed the gathering on the occasion and released FAQ book on the said NALSA Scheme prepared and got published by Telangana SLSA and a Short Film on “Child Rights” titled as “SPOORTHY” got produced by the Telangana SLSA was also released by the Hon’ble Executive Chairman, TSLSA. Various Stake holders who have a role in implementation of the scheme participated in the said convergence meet.

Mass door to door campaign

In compliance of the directions of the NALSA, two days mass door to door campaign was organized in the State of Telangana by all the DLSAs in the State of Telangana on 02.11.2016 and deputed Para Legal Volunteers and Panel Lawyers to cover the households and **covered total 84,355 households**. While conducting the said campaign, some family matters are resolved then and there itself and many people are benefited, as awareness is created about the Legal Services Institutions and availability of Legal Services and how the people can get their entitlements under various laws and schemes through Legal Services.

MISCELLANEOUS ACTIVITIES

On 19.5.2016, Secretary, DLSA Medak visited Sabita School for Mentally Challenged persons at Sangareddy and interacted with the children and saw the products made by them like envelopes, file pads and candles etc., and came to know that they are facing problems in marketing of the said products and also noticed that they require special medical care and informed to the School Authorities that the matter will be taken up to the Health Department i.e. Rashtra Bala Saswathia Kendra (RBSK) to provide necessary medical aid. Jail Adalats were conducted on 26.11.2016 by DLSA Nalgonda and settled four cases.

As per the directions of the NALSA, all the DLSAs in the State of Telangana deployed Para Legal Volunteers to constitute Help Desks before various Nationalized Banks to render assistance to the common public in exchange or deposit of Rs.500/- and Rs.1000/- currency notes in the wake of Demonetization Scheme and the Senior Citizens and Physically Handicapped persons were provided first priority in Banks through the PLVs who are deployed there.

All the DLSAs in the State of Telangana deputed Para Legal Volunteers to assist the Brick Kiln workers to open Bank Accounts for deposit of their wages to safeguard the interest of the Brick Kiln workers.

UTTARAKHAND

LEGAL AWARENESS PROGRAMMES

Total No. of Camps organized	Total No. of Persons benefited	Subject
513	88933	Observation of "World Mental Health Day" Scheme on Effective Implementation of Poverty Alleviation, JJ Act, POCSO, Child Right, Human Trafficking, RTI, Govt. Welfare Schemes, Camp in Backward/ Rural Areas to make aware Poor and intended beneficiaries as per NALSA Poverty Alleviation Scheme, 2015, etc.

TRAINING PROGRAMMES

Total 9 training programmes were organized on the subject of Panel lawyers, Legal services officers, Members of Panchayats, Law Students, PLVs sensitizing them regarding assisting socially and economically weaker sections for availing benefits of the Poverty Alleviation schemes.

MISCELLANEOUS ACTIVITIES

1-	Jail Lok Adalat	06 Jail Lok Adalat were organized	During these months, 14 Cases were settled through Jail Lok Adalat and 14 Under Trial Prisoner/Jail Inmates were benefitted.
2-	Women/child Helpline	-	182 Cases were resolved/settled through Women/Child Helpline as per needs & requirements of said cases/complaints.
2-	PLVs Meeting	33	A total number of 33 meetings were conducted with PLVs. In the said meetings PLVs were sensitized on all 07 NALSA's Schemes, 2015 and also directed them to make aware common people about free legal aid/activities available in the State.
3-	Campaign through Mobile Van	-	During this period Mobile Van visited the districts Champawat & Almora. A total number of 41 villages were covered by the Mobile Van and approx. 4229 persons/Villagers were apprised about the aforesaid by displaying documentary films. 02 Mobile Lok Adalat were also conducted during the period in which 16 cases were referred, out of which 04 Cases were settled amicably and 06 persons were benefitted.
4-	Visits	25	During this period 25 Visits were conducted in District/Sub-Jails & Judicial Lock-ups of the State by the Secretaries/Panel Advocates of the concerned DLSAs.
5-	Inspection	27	During this month 27 visits/inspection were conducted at Government observation/Children Homes, Nari Niketan & Govt. Beggar Home of the State.

WEST BENGAL

Statistical Information in Respect of Legal Literacy/Legal Awareness/ Programmes

	School/College/University	Village/Community Centre	Jail/Other custodial home	Slum and labour colonies	Melas/Exhibitions	Radio	Community Radio	TV	Others	Total
Legal Literacy Prog.	151	463	54	11	33	4	0	5	215	936
Persons benefitted	20425	52509	5199	1597	21282	-	-	-	12615	113627

A total of 936 legal literacy programmes have been organised and a total of 113627 persons have been benefitted.

Legal awareness stall at Birbhum Pous Mela on 23rd December 2016

A Legal Literacy stall had been set up at the 150 year old Pous Mela under the joint endeavor of the West Bengal State Legal Service Authority (WBSLSA), Birbhum District Legal Service Authority (DLSA) and the Bolpur Sub-Divisional Legal Services Committee (SDLSC). On 23rd December, 2016, there was the inauguration of the Literacy stall. The objective of such a stall in the fair ground is to create widespread awareness amongst the masses and it is expected that more and more people get to know about the legal services imparted and where to approach for such service. The valuable deliberations of Hon'ble Mr. Justice Biswanath Somadder and Hon'ble Mr. Justice Aniruddha Bose were very enriching and heart-warming. The stall was thrown open to the visitors who seemed interested in knowing about the law. They collected leaflets, took advices from the lawyers and officers present therein and collected relevant information.

CHANDIGARH

LEGAL AWARENESS PROGRAMMES

Awareness programmes on Community Radio station

The resource persons deputed by the Authority got recorded programmes on 91.2 FM Jyotirgamy Community radio station of Panjab University Chandigarh. The following programmes were aired on different topics and dates:

1. 08.10.2016: Talk on Narcotic Drugs and their ill effect by Sh. Mahavir Singh, Member Secretary, SLSA, U.T., Chandigarh.
2. 26.11.2016: Talk on How Laws are made by Ms. Savita Saxena and Mr. Naveen Sharma, Advocate.
3. 03.12.2016: Talk on Acid Attack and Senior Citizen by Sh. Jatinder Kumar, Kamboj, Advocate.

Legal Literacy Camps in schools of Chandigarh:

Total 16 legal literacy camps were organized by SLSA, U.T., Chandigarh in different schools of Chandigarh. Subjects of discussion primarily included Fundamental Duties, Juvenile Justice, Rights of Women and Children, Rights of Specially Abled, Rights of Senior Citizens, E-Courts, Protection of Children from Sexual Offences Act, 2012, etc. Para Legal Volunteers, Panel Lawyers and Law Students interning with Authority were speakers in these camps.

Awareness fortnight regarding Vasectomy:

Awareness fortnight regarding Vasectomy was celebrated on 25.11.2016 at Civil Dispensary, Hallomajra, Chandigarh by the District Family Welfare Department, Chandigarh under the supervision of Dr. Soma Rani and Dr. Nisha Sahi (SMO), Incharge, Hallomajra where public was made aware about the importance of family planning methods, legal rights and services provided by the SLSA, U.T., Chandigarh.

Seminar on Domestic Child Labour on 17.11.2016:

The Authority in collaboration with Chandigarh Commission for Protection of Child Rights organized a Workshop cum Seminar on Domestic Child labour on 17.11.2016. The Members of Federation of

Sector Welfare Associations Chandigarh also collaborated jointly in the campaign and effective efforts were made and issues were identified to eradicate the problem of child labour and make Chandigarh child labour free. Sh. Mahavir Singh, Member Secretary, State Legal Services Authority, U.T, Chandigarh, Sh. Amarinder Sharma, Secretary, DLSA, Chandigarh, Prof. Devi Sirohi, Chairperson, CCPCR, Prof. Nishtha Jaswal, Member, CCPCR, Sh. Pramod Sharma, Member, CCPCR, and Ms. Nishu Singal, HCS, Secretary CCPCR were present in this programme.

Inauguration of Legal Literacy Club:

The Authority inaugurated a student’s Legal Literacy Club in Government Model Senior Secondary School, Sector 20, Chandigarh on 16.11.2016. Sh. Amarinder Sharma, Secretary, District Legal Services Authority, Chandigarh was present on the said occasion.

Nukkad Natak:

The Authority in collaboration with the students of University Institute of Legal Studies, Panjab University presented a Nukkad Natak at Guru Gobind Singh School, Sector-35, Chandigarh on 11.11.2016 on the topic of “Drug Abuse”.

TRAINING PROGRAMMES

REFRESHER/TRAINING PROGRAMMES FOR THE PANEL LAWYERS

The Authority is regularly conducting monthly Orientation Courses for the Lawyers/Para Legal Volunteers/Mediators in Chandigarh Judicial Academy as recommended by National Legal Services Authority, New Delhi. In these monthly programmes various topics on Socio Legal Issues, were taken up for discussion which are as under:

Date	Topics	Speakers	Participants
28.10.2016	Cyber Crime	Mr. Jatinder Kumar Kamboj	49
28.11.2016	Acid Attack and Senior Citizen	Sh. Amarinder Sharma, Secretary, DLSA, U.T., Chandigarh, Mr. Jatinder Kumar Kamboj	20

MISCELLANEOUS ACTIVITIES

Visits to Model Jail Chandigarh:

Sh. Mahavir Singh, Member Secretary, State Legal Services Authority, U.T. Chandigarh and Sh. Balbir Singh, District & Session Judge Cum-Chairman, DLSA, Chandigarh regularly visited the Model Jail, Chandigarh during the quarter to monitor the legal aid services to the jail inmates. Sh. Rajeshwar Singh, Law Officer also visited Model Jail, Burail, Sector 45, Chandigarh once a week and interacted with the inmates of each barrack. Free legal aid is also provided to unrepresented inmates. Every day Advocates interact with the inmates of each barrack and provide free legal aid to unrepresented inmates. A total 58 visits were made to Model Jail, Chandigarh during the quarter.

DAMAN AND DIU

LEGAL AWARENESS PROGRAMMES

- Legal Awareness Camp held on 25/10/2016 on “World Mental Health Day” at Civil Court Premises, Daman.
- Legal Awareness Camp held on 29/11/2016 on “Children Day” at Govt. High School, Moti Daman on the subject of Anti Ragging, Cyber Crime, PCPNDT Act and Right to Education.

TRAINING PROGRAMMES

Orientation Training Programme held on 23/12/2016 for newly selected PLV's at Technical Training Institute, Daman

LAKSHADWEEP

LEGAL AWARENESS PROGRAMMES

- Legal Awareness Programme for Advocates, Mukthiyars and PLVs at Court Hall and Court Library Hall, Kavaratti on 23rd and 24th November 2016.
- Legal Awareness Programme for Public at Agatti Island on the subject new Schemes of NALSA on 20.12.2017

PUDUCHERRY

LEGAL AWARENESS PROGRAMMES

- On 17-10-2016, Legal Awareness camp was conducted for the workers of the unorganized sector workers in the conference hall of the UTPLSA.
- On 2-11-2016 and 3-11-2016, this authority under instruction from the Hon'ble NALSA conducted "Two Day Mass Door Campaign". Total of 170 Panel advocates, Para Legal Volunteers and Law College students were engaged in the said campaign. 22,857 households were covered in the campaign and 95,743 persons benefitted from the campaign.
- On 22-12-2016, this Authority handed over Suggestion /complaint Box to Sub Jails of Karaikal, Mahe and Yanam.
- On 22-12-2016, this Authority released the New Letter of UTPLSA for the period July to September 2016. The above function was held at Conference Hall, Common Utility block, Integrated Court Complex, Puducherry. Dr.Kiran Bedi, Hon'ble Lieutenant Governor, Puducherry, Hon'ble Thiru Justice M.Jaichandren, Judge, High Court of Madras, Executive Chairman, UTPLSA, Thiru Arun L.Desai, I.A.S, Secretary to Government(Education) Puducherry, Thiru G.Sendhil Kumar, Secretary to Government (Law), Puducherry, Thiru.M.Thirukanna Selvan, President, Bar association, Puducherry, Tmt S.Ramathilagam Chief Judge -cum-Chairman, DLSA, Puducherry and Tmt V.Sofana Devi, District Judge – Member Secretary, UTPLSA, Puducherry participated in the above function.
- On 29-12-2016, a Legal Literacy camp was organized at Kattterikuppam village in Mannadipet Commune. The Member Secretary Tmt Sofana Devi, Thiru P.Thamodharan, Advocate, the Staff of this Authority and PLVs participated in the camp. Around 70 people participated in the camp. 30 petitions were received in the camp.

News from States

(January, 2017 to March, 2017)

ANDHRA PRADESH

1. PROGRAMME ON NALSA (CHILD FRIENDLY LEGAL SERVICES TO CHILDREN AND THEIR PROTECTION) SCHEME, 2015.

A programme was conducted at Vijayawada on 28-01-2017 on NALSA (Child Friendly Legal Services to Children and their Protection), Scheme, 2015. Hon'ble Sri Justice Ramesh Ranganathan, Acting Chief Justice & Patron-in-Chief and Executive Chairman, APSLSA, was pleased to grace the programme. Sri P.V.Rambabu, Member Secretary, APSLSA, Sri Y. Lakshmana Rao, Principal District Judge-cum-Chairman, DLSA, Krishna district, have participated. Government Officials, NGOs, Judicial Officers, Panel lawyers, Para Legal Volunteers and other stakeholders attended the programme. The participants have been explained by the resource persons about the criminal justice system and the children in conflict with law, fundamental principles and general elements of child friendly justice system, role and functioning of Special Juvenile Police Units, Child Welfare Officers, access to Courts and Judicial process, Child Friendly Justice during Judicial Proceedings, Role of NGOs in protecting rights of Children, Role of Government Agencies in Care and Protection of Children etc. The participants have been apprised of the NALSA (Child Friendly Legal Services to Children and their Protection) Scheme, 2015 and availability of Legal Services.

2. PROGRAMME ON NALSA (LEGAL SERVICES TO SENIOR CITIZENS) SCHEME, 2016:

A programme was conducted on NALSA (Legal Services to Senior Citizens) Scheme, 2016 on 11-03-2017 at Tirupati, Chittoor district. Hon'ble Sri Justice Ramesh Ranganathan, Acting Chief Justice and Patron-in-Chief, & Executive Chairman, APSLSA, was pleased to grace the programme. Sri Ch.K.Durga Rao, Chairman, DLSA, Sri P.V.Rambabu, Member Secretary, APSLSA, have participated. Government Officials, representatives of Non Governmental Organisations, Panel Lawyers, Para Legal Volunteers and

other stakeholders have attended. The resource persons have explained the participants about the NALSA (Legal Services to Senior Citizens) Scheme, 2016, provisions of Maintenance and Welfare of Parents and Senior Citizens Act, 2007, Rights of Senior Citizens, Government Welfare Schemes, Medical Facilities, Psychological perspective of Senior Citizens, Practical problems of aged persons etc.

3. FIRST PHASE TRAINING PROGRAMME ON LAND RIGHTS TO THE TRIBAL YOUNGSTERS IN COORDINATION WITH ITDA SRISAILAM FROM 25-03-2017 TO 27-03-2017:

As per the initiative and directions of Hon'ble Acting Chief Justice and Patron-in-Chief & Executive Chairman, APSLSA, the State Authority in coordination with the Director, LANDESA and ITDA, organised 3 day training programme to the tribal youngsters on land rights. The first programme was organised at Srisailam, Kurnool District from 25th to 27th March, 2017 wherein 51 tribal youngsters of Kurnool, Kadapa, Chittoor and Anantapur districts have participated. The participants have been given extensive training on the land rights of tribals, details of land records, land information formats, classification of lands, field exercise etc. The participants have also been supplied reference material and formats of land records. The training programme is very beneficial to the tribal youngsters in particular and also to the tribal people of their respective villages in general. The training helps the tribal youngsters not only to reap the benefits for themselves and their families but also to the co-tribal residents of their villages. The training programme is organised as part of the implementation of NALSA (Protection and Enforcement of Tribal Rights) Scheme, 2015. Such training programmes are proposed to be conducted for the remaining districts in clusters each containing 3 or 4 districts.

4. ICADR TRAINING PROGRAMMES:

On 7th and 8th January 2017, two day Workshop on ADR methods was conducted at Nellore by APSLSA and ICADR through the DLSA, Nellore. 141 participants including Judicial officers, Advocates and others have participated.

On 21st and 22nd January, 2017, another Workshop was conducted on ADR methods at Vizianagaram jointly by APSLSA and ICADR through

DLSA, Vizianagaram. 70 participants including Judicial officers, Advocates and others have participated in the Workshop.

5. INAUGURATION OF MEDIATION CENTRE IN KRISHNA DISTRICT

ADR/Mediation & Conciliation Centre Building was inaugurated on 05-03-2017 by Hon'ble Sri Justice V. Rama Subramanian, Judge, High Court of Judicature at Hyderabad and the Administrative Judge of Krishna District. The Building was constructed on the 1st Floor of existing Nyaya Seva Sadan, DLSA, District Court Premises, Machilipatnam.

6. SETTING UP OF LEGAL SERVICES CLINICS :

During the quarter, 169 Legal Services Clinics were set up in the State at Old Age Homes, Tribunals and Appellate Tribunals under NALSA (Legal Services to Senior Citizens) Scheme, 2016 and also in villages, Community Centres etc.,

7. NATIONAL LOK ADALAT ON 11-02-2017:

During the quarter, National Lok Adalat was conducted on 11th February, 2017 and a total number of 35,553 cases pending in Courts were settled thereby reducing the pendency to that extent. In addition, 6,667 pre litigation cases were also settled, and thereby prevented of filing of such cases in Courts. Thus a total number of 42,220 cases were settled through National Lok Adalat held on 11-02-2017 and a sum of Rs.97,72,55,801/- was awarded as compensation. In 242 cases, other services were provided by the DLSAs and MLSCs and resolved the disputes during the National Lok Adalat.

8. REGULAR LOK ADALAT :

During the quarter, regular Lok Adalats have been conducted and a total number of 4,884 cases were settled out of which 4058 are pending cases and 826 are pre-litigation cases.

9. MEDIATION:

The referral of cases to Mediation and settlement of cases through Mediation is encouraging. During this quarter 219 cases were settled through Mediation out of 2255 cases referred. The outcome of settlement

of cases through Mediation is 9.71%.

10. LEGAL AID :

During the quarter, a total number of 1518 persons were provided legal aid. Among them, 370 women, 85 children, 55 Schedule Caste persons, 21 Scheduled Tribe persons, 34 persons in custody and 753 of other categories.

11. LEGAL AWARENESS

2070 Legal Awareness programmes were conducted by legal services institutions in the State focussing on different topics and covering villages, tribal areas, hamlets etc.

During the period, 10 live phone-in-programmes were telecasted in ETV-2, on different subjects namely Will, Lok Adalats, Cheque Bouncing , Women related Laws, Maintenance, Legal Aid etc.

In All India Radio, 07 Live Programmes were broadcasted on Anti Ragging, Land disputes, Issues relating to Land Registrations, Lok Adalat, Losses incurred by farmers due to duplicate seeds, Pesticides etc.,

12. SPECIAL DAYS

168 Special Legal Awareness Camps were conducted on 8th March, 2017 on the occasion of International Women's Day in the State in which 26,553 persons have participated.

13. PANEL LAWYERS TRAINING PROGRAMMES:

As per schedule given by the State Legal Services Authority, panel lawyers training programmes have been conducted in various districts through the master trainers. During the quarter, a total number of 6 training programmes have been conducted for the panel lawyers through the master trainers wherein 246 panel lawyers have participated. Details of the programmes are as follows:

Sl. No.	Date	Name of the District	Number of panel lawyers imparted training
1	7 th and 8 th January, 2017	East Godavari	43
2	28 th and 29 th Jan, 2017	Guntur	62
3	4 th and 5 th February, 2017	Kadapa	36
4	25 th and 26 th Feb, 2017	Krishna	23
5	4 th and 5 th March, 2017	Kurnool	47
6	25 th and 26 th March, 2017	Nellore	31
	Total		246

14. MISCELLANEOUS:

ESSAY COMPETITION:

During the quarter, 34 Essay Competitions were conducted for about 3,100 students of various schools and colleges in different districts and distributed prizes to the winners. This encourages the students to take part in dissemination of information about legal services activities.

15. STATISTICS AT A GLANCE FOR THE QUARTER :

Number of Lok Adalats conducted	2,676
Number of pending cases settled	39,611
Number of Pre-litigation cases settled	7,493
Total number of cases settled in both National Lok Adalat and regular Lok Adalats.	47,104
Settlement Amount	Rs.167,52,91,569
Number of cases settled in PLAPUS	19
Number of cases settled through Mediation	219
Number of persons provided legal aid and advice	1,518
Number of Legal Literacy Camps conducted	2,070

ARUNACHAL PRADESH

1. *Free Legal Awareness Camp cum Free Legal Counselling on the auspicious occasion of Si- Donyi Festival at Si-Donyi Ground, Naharlagun on 6th January, 2017.*
2. *On observation of National Youth Day legal awareness was organised by APSLSA in Collaboration with Arunachal Yuva Shakti & State Blood Cell, NHM at conference hall Ramakrishna Mission Hospital, Itanagar on 12th Jan' 2017.*
3. *The Arunachal Pradesh State Legal Services Authority, Itanagar along with the Lower Subansiri District Legal Services Authority conducted a day long Para Legal Volunteer Training on 15th January 2017 at Hapoli.*
4. *On the occasion of Republic day on 26th January 2017 District Legal Services Authority Tirap, Lower Subansiri and Upper Subansiri organised a one day Legal Awareness camp cum free legal counselling at their respective districts.*
5. *The Arunachal Pradesh State Legal Services Authority in coordination with the Papum Pare District Legal Services Authority organised a day long free legal aid counselling and legal aid camp within the premises of the District Jail, Jolly on 4th February, 2017.*
6. *On 13.2.2017 a Legal Aid Clinic was inaugurated at Addl. District & Session's Court Complex, Pasighat. The programme was amongst other attended by Mr. Gote Mega, AD&SJ, Pasighat, the President and Secretary of East Siang Bar Association Mr. Tonning Pertin and Taber Tamuk, learned advocates, court staffs and public. The inauguration of clinic was followed by legal awareness camp.*
7. *On 13.2.2017 in the afternoon session, a Legal Aid Clinic was also inaugurated at lone Juvenile Home at Pasighat. The programme was amongst other attended by Mr. Gote Megha, AD&SJ, Pasighat, Mrs Ering, Deputy Director, ICDS, Pasighat, Mr. Panyang, CDPO cum Superintendent, Juvenile Home, Pasighat, learned advocates of Pasighat, staffs from ADSJ Court, Pasighat and Juvenile Home and the inmates of the Juvenile Home. The inauguration was followed by legal awareness camp.*

8. *On 14.2.2017 a Legal Aid Clinic was inaugurated at Chief Judicial Magistrate Court complex, at Roing. The programme amongst other was attended by the Deputy Commissioner, Dibang valley Mr. Deepak Shinde, Mr. Tadu Tamang, CJM, Roing, Mr. Atel Pertin, President of Roing Bar Association, Zila Chairperson, Roing, Panchayat leaders, learned advocates, representative from various NGO's and women group of Roing including the representative from Adi Bane Kebang and public. The inauguration of clinic was followed by legal awareness camp.*
9. *On 15.2.2017 a Legal Aid Clinic was inaugurated at District Jail, Tezu. The programme amongst other was attended by the Mr. Ito Basar, D&SJ, East Sessions Division, Tezu, Mr. Radhe Doley, DySP, District Jail, Tezu, the President of East Sessions Division Bar Association Mr. Taimso Boo, the learned advocates of Tezu and the staffs of District Jail. The inauguration of clinic was followed by legal awareness class at Jail.*
10. *On 16.2.2017 a Legal Aid Clinic was inaugurated at ADR Centre, Tezu. The programme amongst other was attended by Mr. Ito Basar, D&SJ, East Sessions Division, Tezu, Mr. Taimso Boo President of East Sessions Division Bar Association, Mr. Jawra Maio, General Secretary of East Session Division Bar Association, the learned advocates of Tezu, Namsai and Bordumsa, the staffs of District Court and public. The inauguration of clinic was followed by one day Orientation cum induction Training of Legal Aid Counsels.*
11. *On 18.2.2017 a Legal Aid Clinic was inaugurated at Sub-Jail, Yingkiong. The programme amongst other was attended by Mr. Habung Tangu, JMFC, Yingkiong, Mr. Jumte Jini, EAC cum Jail Superintendent Sub-Jail, Yinkiong, OC, PS, Yingkiong, learned advocates of Yingkiong and the staffs of Sub-Jail, Yingkiong. The inauguration of clinic was followed by legal awareness class at Jail.*
12. *On the same day on 18.2.2017 a Legal Aid Clinic was also inaugurated at the District Court complex, Yingkiong. The programme amongst other was attended by the Addl. Deputy Commissioner, Upper Siang District Mr. Tapik Pertin, Mr. Habung Tangu, JMFC, Yingkiong, Mr. Jumte Jini, EAC, DIPRO, CDPO, OC, PS, Yingkiong, representative from almost all the departments of the district, learned advocates of Yingkiong, representative from various NGO's, Panchayat leaders, HGs, GBs, various women activist group including district branch of*

APWWS, Yingkiong and public. The inauguration of clinic was followed by legal awareness camp.

13. The Arunachal Pradesh State Legal Services Authority recently in collaboration with IGNOU Regional Centre, Naharlagun conducted one day in-house legal awareness camp for the staff and the students of IGNOU, Regional Centre, Naharlagun as a part of the programme to commemorate the international Women's Day on 8th March 2017.
14. The Arunachal Pradesh State Legal Services Authority organised a two days orientation cum induction training as Para Legal Volunteers for the members of the Arunachal Pradesh Women Welfare Society at the Don Bosco Youth Centre, Itanagar on 25th & 26th March 2017 totalling 60 who had come from various districts of the state.

BIHAR

Legal Awareness Programme from Jan-17 to Mar-17	
Subject/Topics	Beneficiary
Jan-17	
Workers of unorganised Sector	1036
Pollution / Environment Laws	1029
Laws against Sexual Harassment	937
Juvenile Justice Act	1105
Domestic Violence	945
SC/ ST Act	790
Total	5842
Feb-17	
Workers of unorganised Sector	1067
Women related Laws	1090
Anti Ragging	1224
Matrimonial Laws	1018
Scheme of Disaster Victim	871
Total	5270
Mar-17	
Transgender	1080

Women related laws	1116
Fundamental Rights/Duties	2196
Juvenile Justice Act	830
Senior Citizen	926
Property Rithths of a Women	1756
Total	6824

CHHATTISGARH

Workshop ON NALSA (Legal services to senior citizen) scheme 2016:

- One day workshop was organized on 26 march 2017 under the joint aegis of CGSLSA, DLSA Bilaspur & Senior Citizen Association. The Workshop was inaugurated by Hon'ble Shri Justice Pritinker Diwaker, Executive Chairman, Chhattisgarh State Legal Services Authority. The other distinguished guests Hon'ble Shri Justice R.C.S Samant, Judge High court Chhattisgarh, Shri V.G. Dharmadhikari, Chairman M.P. Senior Citizen Commission, Smt. Niharika Singh Barik, Commissioner Bilaspur Division, Shri D.N. Chapke, Chairman All India Senior Citizen Confederation Mumbai, Shri Anil kaskhedikar form Mumbai were also attended the workshop.
- 400 Senior Citizens participated in the workshop. Apart from them PLVs, Senior advocates, Officers of the registry of High Court, Shri R.P. Sharma District Judge Bilaspur, Shri Gautam Chouradia, Director, State Judicial Academy, Shri Rajnish Shrivastava, Member Secretary , Shri Abhishek Sharma, Deputy Secretary, Shri Shailesh Sharma, Secretary DLSA Bilaspur, Shri Ambalgan P., collector , Shri Mayank Shrivastava, S.P. were also present in the workshop.

Registration of Workers in the Unorganized Sector by CGSLSA & NSS unit of CMD College.

- Registration of Labourers of unorganised Sector was conducted by the CGSLSA and students of NSS unit of CMD College Bilaspur. The Registration Team was dispatched on 2nd January, 2017 from CMD College, Bilaspur. The Team was flagged off by

Shri R.P. Sharma District & Session Judge Bilaspur, Shri Rajnish Shrivastava Member Secretary CG State Legal Services Authority, Shri Abhishek Sharma Deputy Secretary, Shri Amblgan P. Collector, Prof. J.D. Sharma Vice Chancellor Bilaspur University, and Shri Sanjay Dubey from CMD Collage. During the camp online registration of 888 Labours of unorganized sector were made by 65 students of NSS with the support of staff of CGSLSA at village Nevasa (Kota) in district Bilalspur. Shri Rajnish Shrivastava Member Secretary CGSLSA, Shri Abhishek Sharma Deputy Secretary, Shri Shailesh Sharma Secretary DLSA Bilaspur and D.K. Chakarvarti Prof. CMD College were present and monitored the activity. Employees of Labour department also assisted the camp under the direction of Assistant Labour Commissioner.

- By CGSLSA & DLSA Bilaspur, special camp was organized at Anuragidham Motimpur for registration of Workers in Unorganized Sector for execution of NALSA (Legal Services for Workers in the Unorganized Sector) Scheme 2015, with the assistance of Anuragidham Seva Samitee on 7th January, 2017. The camp was organized to provide the benefit of scheme conducted by Shram Kalyan Mandal to Workers in the Unorganized Sector from Village Motimpur and surrounding 8-10 villages of Tehsil Pathriya. On this occasion 2000 villagers were present who were informed about different laws along with schemes of DLSA and government. The camp was inaugurated by Shri Rajnish Shrivastava Member Secretary CG State Legal Services Authority. Shri Shailesh Sharma, Secretary DLSA Bilaspur, Shri Vijay Shrivastava Cahirman, Anuragidhaam Sewa Smittee, Motimpur, Shri Alok Nigam Advocate, Employees and Officers of SLSA and Motimpurdhaam sewa samitee were also present.

Legal Services Camps at Forest area of Naxal affected Tribal District of Bastar, Dantewada.

- Legal Service Camps were organized in forest area of Naxal Affeced Tribal District Dantewada of Bastar region by CGSLSA. In these camps people were made aware of law and scheme of government in simple and local language by Shri Nirmal Minj District & Session Judge/Chairman DLSA Dantewada, Uday Laxmi Parmar Secretary DLSA and other Judges and Advocates

and other Officers of government department. Stalls were also installed for propaganda.

Public representatives were apprised of the information about Legal Services Scheme under the scheme of government of Chhattisgarh “Hamar Chhattisgarh”

- A 3 day long educational tour for representatives of Panchayat and local bodies is being organized continuously under the scheme of government “Hamar Chhattisgarh”. In which one hour is fixed daily for providing information about Free Legal Aid and other provision of Legal Services Authority along with different schemes of government to Panchs, Up-Sarpanch, elected representatives of local bodies from villages and gram panchayat of 27 revenue district and 138 blocks.

Legal Literacy Camps :

- Legal Literacy camps and problem solving camps being organized at Village Bmhani, Achankmaar Range, Bilaspur, under the Scheme of NALSA (Legal Service to Tribals) on 10.01.2017 by CGSLSA. In which information about schemes of NALSA and other beneficial scheme of Government were provided. NALSA theme song and short films has been exhibited at schools, Colleges and exhibition and would be continued.
- Short films regarding legal literacy were exhibited in school and colleges across the state.

Statistical Information (From January to March, 2017)

(1) Legal Aid & Legal Advice :

Providing Legal Aid	Providing Legal Advice	Onather Services	Total No. of Persons Benefitted
1046	10325	102	11473

(2) Legal Literacy/Legal Awareness Camps :

School/ College/ University	Village/ Community Centre	Jail/other custodial home	Slum and labour colonies	Melas/ Exhibitions	Radio	TV	Other (PL specify)	Total no. of persons attended
566	1321	123	12	26	11	6	183	165766

(3) Lok Adalats (u/s 19 of the Legal Services Authority Act, 1987) :

No. of Lok Adalat held	No. of cases listed	No. of Cases Settled						Settlement / Asarated amount	Total no. of persons benefitted
		Civil cases	Claim cases	Criminal cases	Pre-Litigation	Other cases	Total		
239	13760	19	63	213	232	2399	2926	123811154	3433

(4) Permanent Lok Adalat (Public Utility Services) (u/s. 22B of the Legal Services Authority Act, 1987)

No. of sitting	Total no. of cases instituted	Number of cases settled	No. of pending cases	Total no. of benefitted persons
276	227	16	211	16

(5) Permanent and Continuous Lok Adalat (for post Retrial Benefit scheme 2003)

No. of pension Lok Adalat held	No. of cases settled	Total no. of benefitted persons
27	12	16

(6) National Lok Adalat :

Date of National Lok Adalat	Sub.	Pre-Litigation cases			Pending cases		
		Taken up	Disposal	Sett. Amt.	Taken up	Disposal	Sett. Amt.
11-2-2017	All matter	138512	13208	122313929	19435	2257	250173526

(7) Victim compensation Scheme, 2011 :

No. of cases received	No. of cases settled	No. of pending cases	Compensation amount
237	245	185	11534000

(8) Para Legal Volunteers :

No. of Trained PLVs	No. of PLVs appointed police station	No. of PLVs appointed in Front Office	No. of PLVs appointed in Jail	No. of PLVs appointed in JJB	No. of PLVs appointed in CWC	No. of PLVs appointed in village legal care & support centre
2002	181	22	68	27	17	459

(9) Legal Aid Clinics :

Total no. of legal aid clinic	No. of legal aid clinic of college/ university	No. of legal aid clinic of village level	No. of legal aid clinic of community centre	No. of legal aid clinic in jail	No. of north east persons of legal aid clinic	No. of legal aid clinic in JJB
449	22	282	87	30	03	25

(10) Mediation Data :

No. of referred cases	No. of settled cases
815	109

GOA

Sr. No.	Heads	Activities				
1	Legal Aid/ Services	1) SC/ST : 07 2) Women/Child : 91 3) Custody : 53 4) General : 61 5) Disable : 01 Total : 213				
2	Lok Adalats	Types of Lok Adalat	Matters referred	Matters Settled	Compensation/ Settlement Amount	
		National Lok Adalat	4329	786	4,41,06,095/-	
		Permanent Lok Adalat/ Other Lok Adalat	491	126	27,33,707/-	
		Permanent Lok Adalat UPUS	802	50	69,519/-	
		TBLA	40	5	74,000/-	
		Total	5662	967	4,69,83,321/-	
3	Mediation	Opening balance	Cases Referred	Cases Settled	Cases not settled	Cases Pending
		81	12	-	12	81

4	Legal Awareness Activities	<p>District Legal Services Authority and Taluka Legal Services Committees conducted 32 Legal Awareness Camps on various topics as follows:</p> <ol style="list-style-type: none"> 1) NALSA (Child Friendly Legal Services to Children and their Protection) Scheme, 2015. 2) NALSA (Victims of Trafficking and Commercial Sexual Exploitation) Scheme, 2015. 3) NALSA (Legal Services to the Victims of Drug Abuse and Eradication of Drug Menace) Scheme, 2015. 4) Right to Education, availability of Schemes of Welfare & Social Security for Senior Citizen and Free Legal Aid. 5) Rights of Women and Protection of Women from Domestic Violence Act. 6) Beti Bachao Beti Padhao, Child Marriage Restraint Act., Consumer Protection Act, Child Rights, Anti Ragging Law, Road Safety Rules. 7) Activities of Legal Services Authority and availability of Legal Services. 8) Participated in the parade Shigmo festival organised by Panaji Shigmotsov by way of Float on the theme "Legal Awareness activities". 9) Women's Rights and Violence against Women including sexual Harassment at workplace and Rights of Women and Protection of Women from Domestic Violence Act. 10) Cyber Law and Free Legal Aid. 11) NALSA (Legal Services to the Workers in the Unorganized Sector) Scheme, 2015. 12) Late Birth & Death Registration Act, 13) Information on Welfare Schemes as per the Citizen Charter, information on various Health Schemes etc. 14) International Women's Day.
---	----------------------------	---

5	Training Programmes	On 16.01.2017 and 17.01.2017 training was given to 21 fresh Para Legal Volunteers.
6	Miscellaneous Activities	Conducted Programme on Goa Doordsarshan on the subject "Marriage/Divorce" and also made awareness of National Lok Adalat, in the month of January, 2017. The Para Legal Volunteers are attending the Legal Aid Clinics in the Village Panchayats to help the people in their need, such as guiding the people for obtaining various Government Schemes and resolving the family disputes, land disputes etc., also takes active part in the Legal Literacy camps and Lok Adalat conducted by the Taluka Legal Services Committees.

GUJARAT

Lok Adalat:-

Under the aegis of Gujarat State Legal Services Authority, during the period from 01/01/2017 to 31/03/2017, 2961 Lok Adalats were held, in which total 54208 cases were disposed of through Lok Adalats. On the day of National Lok Adalat held on 11-02-2017 on the subject of All Types of Cases Wherein total 45535 cases were disposed of and amount of 274,76,98,577 was awarded towards settlement.

Legal Literacy Camps: -

To create awareness among the General Public, during the period from 01/01/2017 to 31/03/2017, total 17371 Legal Literacy Camps have been held in the different parts of the State, wherein large number of people came to know about their legal rights through such Legal Literacy Camps.

Permanent Legal Services Clinic: -

During the period from 01/01/2017 to 31/03/2017, the permanent Legal Services Clinic has disposed of 390 applications by amicable settlement through conciliation.

Para Legal Training by Permanent Legal Services Clinic at Shahibaug:-

During the period from 01/01/2017 to 31/03/2017, the Permanent Legal services Clinic has also conducted 8 Para Legal Training Camps for the

students and Social Workers of different NGOs and total 401 Persons have taken the benefit of such training.

Para Legal Training by all DLSAs in the State :- Trained Para-legal volunteers is deputed to the legal aid clinics established under Regulation 24 of National Legal Services Authority (Legal Aid Clinics) Regulation, 2011, for assisting the seekers of the free legal services and for interacting with the students and members of the faculty. The information with regard to Para-Legal Training is as under:

No. of Para Legal Volunteers trained till date 31/03/2017.					No. of Legal Aid Clinics established	No. of Para Legal Volunteers whose services are being utilized in the Legal Aid Clinic and front offices
Women	Teacher	Long Term Prisoners	Other	Total		
1660	181	28	3469	5238	631	581

HARYANA

1. LEGAL AID/SERVICES

<i>Sr. No.</i>	<i>Type of Lok Adalat</i>	<i>Cases settled</i>
1	No. of Lok Adalats held [including daily Lok Adalat in each cases]	17537
2	No. of cases taken up	168666
3	No. of cases settled	64364
4	No. of cases settled in Lok Adalats/Special Lok Adalats	1078
5	No. of cases settled by PLA (PUS)	9223
6	No. of cases settled in Daily Lok Adalats	41185
7	No. of cases settled by National Lok Adalat	12878
8	No. of cases settled in Mediation Centre	570

9	No. of MACT cases settled	717
10	No. of persons benefited through legal aid	2786
11	Legal literacy Camps held	4464
12	No. of benefited persons in camps	2097299
13	Number of applications disposed of under Victim Compensation Scheme	54
14	Amount of compensation disbursed under Victim Compensation Scheme	4761780
15	Awareness through Community Radios, all India radios and through Doordarshan	27

2. SURAJKUND INTERNATIONAL CRAFTS MELA

Surajkund International Crafts Mela is held every year from 1st to 15th February in Faridabad. This Mela celebrates the unique diversity of Indian traditions and culture in an ambience created to represent the ethos of rural India.

A large number of renowned national and international folk artists and cultural groups present their performances at both the Chaupals, the open air theatres, located in the Mela premises. Lakhs of people come in this Mela. It is the most apt place to spread the legal services awareness amongst the masses.

The Legal Services Awareness Stall was displayed from 1st February, 2017 to 15th February, 2017 in 31st Surajkund International Crafts Mela by Haryana State Legal Services Authority with an aim to create legal awareness amongst the masses and to ensure the access to justice for all. Several problems like illiteracy, destitution, absence of knowledge of rights and duties and corruption heading the list. Disadvantaged groups remain largely invisible to the formal legal system and therefore, continue to suffer the substantive inequalities. To make the people aware about the above said socio-legal problems, HALSA Stall was decorated with banners, posters, hoardings, flexes and standees exhibiting the aims, objectives, schemes and achievements of HALSA.

The dignitaries also appreciated performances of school and college students on legal issues on main chaupal. The members of Legal Fraternity of the State including District and Sessions Judges of various

districts, other Judicial Officers and the officers of District Administration also visited the Stall.

The attention of public was also drawn towards the benefits of resolution of disputes through Lok Adalat and the benefits thereof. Every day, thousands of people visited the Stall and watched the events organized by HALSA. It sensitized them on the issues of social and legal importance including child labour, rights of transgender, Fundamental Duties, Right to Education and Drug Abuse.

The general public appreciated the efforts put in by HALSA for making masses aware about different legal issues, laws and schemes of NALSA and HALSA.

3. NATIONAL LOK ADALATS

Under the aegis of National Legal Services Authority, New Delhi a National Lok Adalat for all the matters (Criminal compoundable, NI Act u/s 138, Bank Recovery Cases, MACT Cases, Matrimonial Disputes, Labour Dispute Cases, Land Acquisition Cases, Electricity Bills, Water Bills, Service Matters, Revenue Cases and Other Cases) was held on 11.2.2017 from Supreme Court level to Taluka Court Level. In the said National Lok Adalat, 12,878 cases were settled. Pending as well as pre-litigative cases involving an amount of Rs.29,85,86,904/- were settled.

4. MEDIATION TRAINING PROGRAMME

Haryana State Legal Services Authority has conducted 4 days Mediation training programme at Chandigarh Judicial Academy, Chandigarh. The said programme was attended by 39 Advocates of Districts and Sub-Divisions of Haryana, 8 Law Officers from the office of Advocate General, Haryana. Apart from that Hon'ble Mr. Justice Ajay Tewari, Judge, Punjab & Haryana High Court and Sh. Sanjiv Dutt Sharma, Judicial Member, Railway Claims Tribunal, Chandigarh also attended the programme. The Mediation training was imparted by Two Master Trainers namely Mr. A.J.Jawad and Ms. Sudarshana Sunder, Advocates from Chennai.

5. MEDIATION

Mediation Centres are functional in all the 21 Districts of Haryana and 17 Sub Divisions. From January to March, 2017, 2597 cases are referred to

these Mediation Centres, out of which 570 cases have been settled through Mediation.

As per directions passed in Civil Appeal No.1794 of 2013 (Arising out of special Leave Petition (Civil) No.4782 of 2007) titled as K.Srinivas Rao vs. D.A.Deepa, Pre-litigation Mediation desks have been set up in all the Mediation Centres to deal with matrimonial disputes, before they reach the court. During the quarter January to March, 2017, 383 cases were referred to these Pre-litigation desks/clinics, out of which 68 were settled by them.

6. LEGAL AWARENESS ACTIVITIES

(a) LEGAL LITERACY CAMPS ON REPUBLIC DAY

On the occasion of Republic Day, legal literacy camps were held across the State of Haryana by the DLSAs under the aegis of Haryana SLSA. In the said camps, emphasis was also put on the importance of performing Fundamental Duties as mentioned in Article 51-A of the Constitution of India.

To spread awareness about the functioning and various schemes of NALSA and HALSA, District Legal Services Authority, Ambala took part in the District Level Republic Day Celebrations by way of Tableau. The tableau was conceptualized to depict the entire working of the Legal Services Authority for 'Access to Justice' for all. Details of various schemes of NALSA and HALSA were displayed. District Legal Services Authority, Ambala also showcased various activities done by it. The tableau was highly appreciated by all present there.

(b) MEDIATION AWARENESS PROGRAMME

On 7.1.2017, Mediation Awareness Programme was conducted by DLSA, Sirsa for Advocates and Students of Law Department. In the said programme, 44 Advocates and 12 students of LLB Final year of CDLU, Sirsa participated. The trained Mediators explained the concept of mediation. Participants were also explained the benefits of mediation and the difference between mediation and other methods of Alternative Dispute Resolution. The role of the Advocates was also discussed for increasing the outreach of mediation.

(c) AWARENESS CAMPAIGN FOR VICTIMS OF ACID ATTACK

DLSA, Yamunanagar organized Special Awareness Camps on 9.1.2017 & 10.1.2017 at Govt. High School, Pansara and MLN Sr. Secondary School, Yamunanagar respectively. Students were made aware about the Relief and Rehabilitation of Acid Attack Victims, 2015 scheme floated by the Govt. of Haryana. They were also made aware about the Haryana Victims Compensation Scheme, 2013. Various aspects of NALSA (Legal Services to Victims of Acid Attacks) Scheme, 2016 were also discussed with the students. They were also made aware about the various penal provisions contained in the Indian Penal Code (IPC) relating to the offence of acid attack.

(d) AWARENESS ABOUT FUNDAMENTAL DUTIES

Article 51(A) of the Constitution of India spells out the various Fundamental Duties of every citizen of India. It is important to discharge the Fundamental Duties. District Legal Services Authorities under the aegis of Haryana State Legal Services Authority hold camps with an objective to spread awareness about the need to perform Fundamental Duties for the growth of our country.

During the period from January to March, 2017 various camps were held across the state of Haryana to spread awareness about the Fundamental Duties.

(e) LEGAL LITERACY CAMPS FOR OFFICIAL AT GRASS ROOT LEVEL

The legal literacy camps for the officials working at grass-root level are organized with an objective to apprise officials about the concept of legal services and to impress upon them the need to work for the weaker and marginalized sections of society. The functions of Legal Services Authorities are explained to the officials. In the months of January to March, 2017, District Legal Services Authorities, Bhiwani, Faridabad, Fatehabad, Gurugram and Hissar conducted special Camps for Officials working at Grass Root Level.

(f) LEGAL AWARENESS CAMPS FOR VILLAGERS

District Legal Services Authorities, Kaithal, Sonapat, Rohtak, Sirsa, Panipat, Jind, Mewat, Palwal, Karnal, Ambala, Fatehabad, Faridabad, Gurgaon, Hissar, Jhajjar, Kurukshetra, Narnaul, Panchkula, Rewari and Yamunanagar organized various legal awareness camps in the months of January to March, 2017. The idea behind organizing camps at these villages was to reach out to the people living in the remotest area and make them aware about the functions of the Legal Services Authorities. The villagers were explained in detail the concept of legal aid. This apart, the rights under various laws were explained in a comprehensible language to the villagers.

7. TRAINING PROGRAMME

(a) MONTHLY WORKSHOPS OF PANEL ADVOCATES AND PARA LEGAL VOLUNTEERS

To ensure that panel Advocates render quality legal services, workshops for the panel lawyers are held by the District Legal Services Authorities in the State of Haryana every month. In the said workshops, it is emphasized that it is quite important to render quality legal services to marginalized section of society and that there is a need to combine up-to-date legal knowledge and skills with good client care to deliver services in a way that is useful. In the workshops, latest position of law and different aspects of legal services are discussed. In the months of January to March, 2017, various workshops were held for the panel lawyers by DLSAs under the aegis of Haryana State Legal Services Authority across the State of Haryana.

(b) LEGAL AWARENESS CAMPS ON INTERNATIONAL WOMEN'S DAY

Women's Day is a day to commemorate the achievements of women and raise awareness about their rights. On this day, District Legal Services Authorities under the aegis of Haryana State Legal Services Authority held Legal Awareness Camps across the State of Haryana to spread awareness about the rights of women under various laws. Important provisions of laws relating to Domestic Violence, sexual harassment at work place and other relevant laws were explained in the legal awareness camps.

8. SEMINAR ON NALSA (LEGAL SERVICES TO SENIOR CITIZENS), SCHEME, 2016

On 23.1.2017, a seminar was held by District Legal Services Authority, Rewari at Kishan Lal Public School, Rewari. It was presided over by District & Sessions Judge-cum-Chairman, District Legal Services Authority, Rewari. It was attended by all the stakeholders including Deputy Commissioner, Rewari, Sub-Divisional Magistrate, Rewari, Superintendent of Police, Rewari, District Education Officer, Civil Surgeon and other officials of district administration Rewari. It was attended by about 600 people comprising of senior citizens and 200 students of Kishan Lal Public School, Rewari. In the said seminar, the provisions of Maintenance and Welfare of Parents and Senior Citizens Act, 2007 were discussed. The gathering was made aware about the Maintenance Tribunal and the procedure to file the petitions in the said Maintenance Tribunal. The Action Plan formulated by the Government of Haryana with regard to the Protection of Property of the Senior Citizens was also discussed. The younger generation was also sensitized to respect Senior Citizens. Various aspects of NALSA (Legal Services to Senior Citizens), Scheme, 2016 were also discussed. District Legal Services Authority, Rewari has held 53 camps on NALSA (Legal Services to Senior Citizens), Scheme, 2011 in the various villages of district Rewari since 23.12.2016.

9. DISASTER MANAGEMENT INITIATIVES

National Legal Services Authority introduced a scheme for Legal Services to disaster victims through Legal Services Authorities. Haryana Institute of Public Administration, Haryana Revenue and Disaster Management Department in association with Haryana State Legal Services Authority organised a training programme for the selected Panel Advocates, one from the each district in Gurugram. Thereafter, the training programmes on disaster management were held at the District Level.

The District Legal Services Authorities, Kaithal, Rewari, Fatehabad, Sirsa, Panipat, Palwal, Bhiwani and Sonapat organized the seminars to explain the role and functions of Panel Advocates and Para Legal Volunteers in case any disaster struck. Generally, the response time in case of disaster remains very short, so prompt action is required to minimize the casualties. District Fire Officers also explained the special techniques/management and response at the time of fire and how to use fire extinguisher when required. It was also ensured that the fire extinguishers must be in working order. Interactive sessions of the

experts, Panel Advocates and Para Legal Volunteers were also held to clear the doubts.

10. SUCCESS STORIES

(a) A Bal Anathalya/Child Care Institute is situated on Jattal Road, Sondhapur, Panipat. Secretary, District Legal Services Authority, Panipat visited the same and found a girl child namely Roma. She disclosed about her parents. She told that she is a resident of Ludhiana. Secretary, DLSA, Panipat immediately requested the authorities to locate her parents. District Education Officer, Ludhiana was contacted. The school record of the girl child was verified. The parents of the girl child Roma were traced out within 24 hours by District Legal Services Authority, Panipat and she was reunited with her family.

(b) During the visit to Bal Bhawan, Ambala, Secretary, District Legal Services Authority, Ambala found a slum dweller child named Rohit Kumar son of Sonu, resident of Slum Area, near Football Chowk, Ambala Cantt. with an injured eye. He was about to lose his vision. The matter was taken up with the District Child Welfare Officer, Ambala. The medical treatment was given to the child free of cost in Kapil Eye Hospital, Ambala. There was a remarkable improvement in the eye vision of the child. Teachers and the mother of the child applauded the efforts put in by District Legal Services Authority, Ambala. The eye vision of the child was protected by giving timely medical treatment.

(c) A senior citizen namely Ms. Harvinder Kaur Bawa approached the Front Office, District Legal Services Authority, Panchkula for help as her son has been harassing and threatening her. Her son had thrown her out of her own house. She was provided with a legal-aid-counsel by District Legal Services Authority, Panchkula. An application was filed on her behalf before Maintenance Tribunal, Panchkula and ultimately on 4.4.2017 after a long battle of litigation Ms. Harvinder Kaur Bawa succeeded in getting her house vacated vide order of District Magistrate, Panchkula.

HIMACHAL PRADESH

1. Visit to Children, Bal /Balika Ashrams and Observation Homes

74 visits/ inspections of Observation/Children Homes, Nari Niketan

etc. were conducted by Sub Divisional Legal Services Committees and District Legal Services Authorities. During the visit, children/ inmates were informed about their legal rights and other valuable information was also provided. Chairmen District Legal Services Authorities/Sub Divisional Legal Services Committees interacted with inmates and Authorities of Homes/Ashrams were sensitized to be more careful about hygiene and other issues of Children/inmates.

2. Mobile Lok Adalat

2 Mobile Lok Adalats were conducted one at Nahan, District Sirmaur and another at International Shivratri Fair at Mandi through Mobile Van during the period in which 49 cases were settled amicably.

3. National Lok Adalats

1 National Lok Adalat was organised on 11.03.2017 in the State of Himachal Pradesh, in which 9970 cases were settled/disposed of.

4. Quarterly Lok Adalats

113 Quarterly Lok Adalats were organised during the period of January to March, 2017 in which 2277 cases were settled/ disposed of in the State of Himachal Pradesh.

5. Permanent Lok Adalat (Pubic Utility Services) Under Section 22- B of the Legal Services Authority Act

During the period, 1 case was disposed of in Permanent Lok Adalat (Public utility Services).

6. Legal Literacy Camps-cum-stall at State/ Regional fairs

Sub-Divisional Legal Services Committee Baijnath, District Kangra put up its stall in a fair organized at Baijnath on the occasion of Maha Shivratri on 27th & 28th, February, 2017. Sub-Divisional Legal Services Committee Palampur, District Kangra also put up its stall on the occasion of Holi festival from 10th March to 13th March, 2017.

6 Awareness Camps were organized in the State/ Regional fairs during the period which were visited by 5088 number of persons who were apprised about the various welfare Schemes of the Government,

Free Legal aid and Legal rights. Books namely “ukxfjdksa ds fof/kd ,oa laoS/kkfud vf/kdkj” and pamphlets prepared by this Authority were also distributed to them.

7. Legal Literacy Camps-cum-stall in International Shivratri Fair

A legal literacy stall was set up in the International Shivratri Fair 2017 in paddal ground Mandi, w.e.f. 25-02-2017 to 04-03-2017 by District Legal Services Authority, Mandi. The stall was inaugurated by **Hon’ble Mr. Justice Dharam Chand Chaudhary**, Judge High Court of Himachal Pradesh and Chairman, Himachal Pradesh High Court Legal Services Committee. The Chairman, District Legal Services Authority Mandi Sh. C.L. Koccher, Registrar (Vigilance) HP High Court Sh. Arvind Malhotra, Registrar (Judicial) HP High Court Sh. J.K. Sharma, President District Consumer Forum, Mandi Sh. Purender Vaidya, other Judicial and Administrative officers posted at Mandi, President Bar Association Mandi along with the Bar Members and general public were present on the occasion. The stall of District Legal Services Authority Mandi was visited by **His Excellency Acharya Dev Vrat, the Governor of Himachal Pradesh, Hon’ble Sh. Vribhadra Singh, Chief Minister of Himachal Pradesh** and other dignitaries. In total, **2617** persons visited the stall who were apprised about provisions of Free Legal Aid/ Services. **2 Legal Literacy camps and 1 Mobile Lok Adalat** was organized during this period in International Shivratri Fair. Books namely “ukxfjdksa ds fof/kd ,oa laoS/kkfud vf/kdkj” and pamphlets prepared by this Authority were distributed to persons visiting the Stall. Further, the NALSA theme song, Sankalp Song as well as various other videos on social issues like drug abuse, water conservation, disaster management, domestic violence, traffic sense, mentally ill persons, human trafficking, Right to Information etc. were also played in the stall by using a projector.

8. Legal Literacy Camp-cum-stall at Nalwari Mela

District Legal Services Authority, Bilaspur set up its Stall at Nalwari Mela at Bilaspur from 17.03.2017 to 23.03.2017. **1287 people** visited the said stall during the mela. Among the visitors was His Excellency, the Governor of Himachal Pradesh Acharya Dev Vrat. Books namely “ukxfjdksa ds fof/kd ,oa laoS/kkfud vf/kdkj” and pamphlets prepared by this Authority were distributed to the visitors. NALSA theme song, other songs as well as various other videos on social issues like drug abuse,

water conservation, disaster management, domestic violence, traffic sense, mentally ill persons, human trafficking, Right to Information etc. were also played in the stall by using a projector.

9. Awareness Camp in Jail

In order to sensitize prisoners about their Legal rights, **24** Legal Awareness Camps were organized in the Jails by Judicial Officers. In total, **2265** prisoners were apprised about their legal rights/free legal services available to them.

Legal Services Clinics in jails have been established in all District Jail/ Sub jails in the State of H.P. These Clinics are manned by the PLVs (Long Term Prisoners) and Retainer Lawyers. They sit in such clinics on every Wednesday for whole day i.e. 10.00 A.M to 5.00 P.M. and render legal services to jail inmates. Besides, Legal Aid Counsel also visit Jails rotation wise on every Saturday. **556** persons were provided assistance through Legal Aid Clinics in Jail w.e.f. 01.01.2017 to 31.03.2017.

10. Awareness Camps in Juvenile Homes

The Secretaries, District Legal Services Authorities organized 16 Awareness Camps in various Juvenile Homes during the period and sensitized the inmates about their rights. Authorities were also sensitized about child issues. The photographs of some of the awareness camps are as under:-

11. Training Programmes for Legal Services Panel Lawyers

Four Training programmes were conducted for the Panel Lawyers, in which training was imparted to **111** Legal Services Panel Lawyers.

12. Monthly training programmes for Retainer Lawyers and Para Legal Volunteers

During this period, **16** training programmes were organized for the Retainer Lawyers and Para Legal Volunteers by Secretaries, DLSAs in the State of H.P. under **new Schemes of NALSA**. In the said programmes, emphasis on render quality services to marginalized sections of society was laid. **203** Retainer Lawyers and PLVS were imparted training.

13. Awareness camp for Construction Workers/ Industrial Workers

The DLSAs organized 5 camps for Construction/Industrial workers at the sites in which Workers were apprised of the Welfare Schemes of Central and State Government. They were also explained about the procedure of getting themselves registered for the benefits under Welfare Schemes. Construction/Industrial Workers were also apprised of NALSA (Legal Services to the workers in the Unorganized Sector) Scheme, 2015, concept of free legal aid and various activities carried out by State Legal Services Authority.

14. Awareness Camps regarding ill effects of Drugs and provisions of Narcotic Drugs and Psychotropic Substances Act, 1985.

4 Awareness Camps to spread awareness against ill effects of Drug and NALSA (Legal services to the victims of Drug Abuse and Eradication of Drug Menace Scheme), 2015 were organized in the various Schools by District Legal Services Authorities in the State of H.P. during the period. Valuable information was given to the students and teachers about the ill effects of Drugs. About **2863** students attended said programmes.

15. Activities of Mediation

During the quarter, **357** cases were referred by the different courts for Mediation throughout State, out of which **96** cases were settled.

16. Legal Literacy Camps

During the period, **640** Legal Literacy Camps were organized by District Legal Services Authorities/Sub Divisional Legal Services Committees on different topics including the rights of women, Children and Senior Citizen, Right to Information, Consumer issues, different Welfare and Social security Schemes of the State and Central Government and various other topics as per schedule approved by this Authority. In **total 32,780 persons** were benefited by attending the said camps. Literature was also distributed.

17. Broadcasting of “Kanoon Ki Baat” on All India Radio

During the quarter, **13 Radio talks** on “Kanoon Ki Baat” were aired

on every Monday from 8:30 Am to 8:50 AM. The viewers were sensitized about the Labour Law, Crime and Punishment, Mediation, Civil Court Procedure etc. by Judicial Officers and Advocates.

18. Lessons-in-Law

During the period, **163** Schools were covered in the State of H.P. by teaching “Lessons-in-Law/Kanooni Path” by Judicial Officers and Advocates. **14817** students were taught Lessons-in-Law/Kanooni Path.

19. Front Offices

42 front offices have been established one in High Court and rest in all the District Legal Services Authorities and Sub Divisional Legal Services Committees. The front offices are manned by the Retainer Lawyers and Para Legal Volunteers who are providing quality Legal Services to the litigants and general public. **484** persons were benefited by way of Legal aid through the front offices during the period.

20. Village Legal Care and Support Centre

The H.P. State Legal Services Authority is implementing the Para Legal Volunteer Scheme introduced by the National Legal Services Authority, New Delhi. At present 893 Village Legal Care and Support Centres are functional in State of H.P. and are being manned by Retainer Lawyers and Para Legal Volunteers. Para Legal Volunteers also organized awareness camps about MNREG, Scheme. **5009** number of persons was provided legal aid/advice during this period through these centres.

21. Jail Inspections

Periodical Jail inspections were conducted by the Member Secretary and the Chairmen, District Legal Services Authorities in compliance of the judgment of Hon’ble Supreme Court in **writ petition(C) No.559 of 1994** cases titled as **R.D. Upadhyay Vs State of Andhra Pradesh and Others, AIR 2006 S.C., 1946.**

22. Progress made in NALSA Schemes:

Pursuant to the launching of ten Schemes by NALSA, this authority has identified the districts in the State where the Scheme are to be implemented. The constitution of team of PLVs and the Panel Lawyers has

been done for implementation of each scheme.

In addition to these camps, special programmes are being organized in every district of Himachal Pradesh. 11 programmes have been organized in the quarter ending 31-03-2017. Each of the afore-said programme was a whole day programme comprising of at-least 100 participants or more.

23. Observation of Women Day:

The Women Day was organized all over the State on 08.03.2017. On this day, the Judicial Officers organized camps for women and sensitized them about their legal rights. The participants were made aware of various laws relating to violence against women including Sexual harassment at Workplace, Victim compensation Scheme, Labour Laws, Domestic Violence Act, and about the legal remedies available to them under the Law.

24. Special Awareness Programmes by Lawyers associated with various activities of this Authority during winter vacations:

A team of 150 Advocates of the High Court of Himachal Pradesh associated with this authority for promoting Legal Services activities in State volunteered to visit the Ashrams, Bal Ashrams, Juvenile Homes, Old Age Homes etc. during winter vacations (from 16.01.2017 to 25.02.2017) and also decided to organize awareness camps on Afforestation, Legal Aid Programmes and Legal Rights of people in their respective villages/areas under each Civil & Session Division. The local District Legal Services Authorities, Sub-Divisional Legal Services Committee were associated in these programmes. The team of Advocates visited 49 Ashrams, Bal Ashrams, Juvenile Homes, Old Age Homes in the State of Himachal Pradesh and the inmates of these homes were sensitized about their legal rights. The team also organized 20 mega awareness camps in the State of Himachal Pradesh at various places and sensitized the participants about their legal rights.

25. Inauguration of ADR Centres in Kangra and Una:

Alternate Dispute Resolution Methods are optional dispute resolution methods which aim at resolution of the disputes in a simple and fast manner. The ADR Mechanisms have come up as an option for providing cost and time efficiency as compared to judicial proceedings before the

Courts.

Hon'ble Sh. Justice Sanjay Karol, Executive Chairman, HP State Legal Services Authority inaugurated the ADR Centres, Kangra at Dharmshala and Una on 11.03.2017.

On the occasion of inauguration of these ADR Centres, **His Lordship** addressing the gatherings, Judicial Officers and Advocates said that the future generations will need active intervention of the Judges, Mediators, Arbitrators and Conciliators to achieve speedy disposal of cases and reduce expenditure. His Lordship also laid stress on the fact that litigation is likely to increase in future on account of awareness of rights, enactment of new Laws, industrial development and increase in trade and commerce, hence problem of delay in justice and backlog of cases can only be addressed by resorting to ADR methods especially mediation.

Legal Aid Clinics in Hospitals

Three Legal Aid Clinics in Indira Gandhi Medical College (IGMC), Deen Dayal Upadhyay Hospital (Ripon) and Kamla Nehru Hospital have been made functional during January, 2017. These Clinics are being manned by trained PLVs in order to provide assistance to patients and their attendants about various welfare schemes of Government for patients and to apprise them of their legal rights.

JAMMU & KASHMIR

1. KANOON AUR INSAFF KE BAAT:- To make aware the marginalized section of the society about their legal rights and protection under various Laws Kanoon aur insaff ke baat is being broadcast and telecast on weekly basis by All India Radio & Doordarshan Kendre of J&K State. Judicial Officers, /Panel Advocates are deputed as expert in these programmes. Day by day these programmes are gaining popularity. Topics on which awareness programmes was conducted during the quarter was (1) Motor vehicle Laws, legal services Authority & their activities, Legal Aid Clinic Scheme 2010 Atrocities on women and remedies available under law, NALSA, s Legal Services to Disaster Victim, Legal Services Clinic in universities, Law Colleges and other institutions Scheme 2013.

2. National Lok Adalat on 11th Feb.2017:- On 11th February 2017 ,National Lok Adalat on Bank & MACT matters (Sec.138 NI Act, Recovery

Suit) was held throughout the State. In the said Lok Adalat a total of 9447 cases were disposed off and an amount of Rs 45038031/- approximately was recovered in Bank recovery suits and in Mact cases Rs. 43800500/- was awarded.

Besides National Lok Adalat 19 regular Lok Adalats were also held in the State during the quarter. In these Lok Adalats 2317 cases were settled and an amount of Rs 24826323/- were awarded in MACT cases.

3. Awareness Camps:- About 45 Legal awareness Camps have been organized during the quarter in the State on Various topics such as Anti ragging laws, Protection of Sr. citizens & children, ADR mechanism, Rights of under trial prisoners, Door to Door Campaign regarding Beti Bachao Beti Padao by para legal Volunteers, Legal awareness to workers in unorganized sector, Domestic Violence, PNDT Act, Dowery restraint Laws, Atrocities on women & remedies available under laws were also included in door to door Campaign by Para Legal Volunteers ADR Mechanism of NALSA. In order to curb the menace of female foeticide, various special legal literacy camps on pre-conception and pre-natal Diagnostic Techniques (Prohibition of selection) Act 1991 were organized in many districts of the State. The women were enlightened about their rights and provisions of free legal aid available to them.

4. Mediation:- During the period from 1st January 2017 to 31st March 2017, 475 cases were pending for mediation. 110 cases were referred by Referral judges to the mediators for mediation and conciliation in the district Mediation and conciliation centers (ADR Centers) in the state, out of which 15 cases were settled by the mediators.

5. Beneficiaries:- About 69 people have been benefited by providing the services of Retainer Lawyers during the quarter, services of Retainer Lawyers was also provided to one inmate of the jail for defending his Case in appropriate forum. At least 4000 people were given legal advice during the quarter, out of which about 2500 people availed the benefits of various welfare Schemes of the Govt. that are in vogue in the State. Para Legal Volunteers also assist number of people to accompany Various Govt. & other agencies to reap the fruits of various schemes which they were not aware of.

6. Victim Compensation Scheme 2013:- During the quarter one

person has been benefited and an amount of Rs.2.50 lacs was awarded under the said scheme to the victim.

JHARKHAND

Inauguration of Vocational Training at Observation Home Dumerdaga on 28th January, 2017

The Vocational Training Programme of Off Set Printing and Screen Printing for the inmates of Observation Home in Dumardga, Ranchi was started on 28th January, 2017 by Jharkhand SLSA in association with the State Government. The Vocational Training Programme was inaugurated by Hon'ble Mr. Justice D.N.Patel, Judge, High Court of Jharkhand & Executive Chairman, JHALSA. A batch of 15 adolescents are selected from Observation Home, Dumardagga, Ranchi who were given training of Screen printing at Observation Home and now currently they are being taken to a printing press at Piska More under proper security for training of Off Set printing. After imparting training to these children, they will be rehabilitated by engaging them in employment related to this field.

Inauguration of Legal Literacy Club at Ursuline Convent Girls High School, Khunti on 24 February, 2017

'Legal Literacy Club' was inaugurated by Hon'ble Mr. Justice A.K.Goel, Judge, Supreme Court of India on 24th February, 2017 at Ursuline Convent Girls High School, Khunti in the benign presence of Hon'ble Mr. Justice D.N.Patel, Judge, High Court of Jharkhand & Executive Chairman, JHALSA, and Hon'ble Mr. Justice S.N.Pathak, Judge, High Court of Jharkhand to provide knowledge of law and to inculcate disciplined citizen for the society. The club will also aim at making students aware of the rights of different sections of the society and would encourage basic behaviours towards other people and society. The club will impart elementary knowledge of law and develop understanding of basic laws to help them apply in certain situations.

Literature related to child laws, constitutional provisions, cruelty against women, dowry, child marriages, female foeticide, un-touchability and duties of a good citizen among many other things enshrined in the Constitution and the scheme is being run by National Legal Services Authority(NALSA) are available in the Legal Literacy Club.

State Level Meet of District Legal Services Authorities of State of Jharkhand at Nyaya Sadan, JHALSA, Ranchi on 26th February, 2017

A State Level Meet of District Legal Services Authorities of State of Jharkhand was organised by Jharkhand State Legal Services Authority on 26th February, 2017 at Nyaya Sadan, JHALSA, Ranchi .

The programme was inaugurated by Hon'ble Mr. Justice A.K.Goel, Judge, Supreme Court of India in the benign presence of Hon'ble Mr. Justice P.K.Mohanty, the then Acting Chief Justice, High Court of Jharkhand –cum-Patron-in-Chief, JHALSA, Hon'ble Mr. Justice D.N.Patel, Judge, High Court of Jharkhand & Executive Chairman, JHALSA, Hon'ble Mr. Justice H.C.Mishra, Judge, High Court of Jharkhand.

Jharkhand State Legal Services Authority (JHALSA) organised said meet with a view to give an opportunity to DLSA Secretaries to come together and share their best practices and how they implement it. The DLSA secretaries coming from all over the State.

Hon'ble Mr. Justice D N Patel, Judge, High Court of Jharkhand & Executive Chairman, JHALSA stressed on implementing the way forwards prepared during the meet and also stressed to ensure the successful implementation of schemes of National Legal Services Authority (NALSA)

The meet was also attended by Hon'ble Judges of High Court of Jharkhand and Judicial Officers.

3rd State Level Colloquium on Victim-Emancipation through Compensation on 04th March, 2017

3rd State Level Colloquium on Victim Emancipation through Compensation was organised by Jharkhand State Legal Services Authority on 4th March, 2017 at Nyaya Sadan, Ranchi to expedite cases related to the elder, women, child and victims on priority basis.

The programme was inaugurated by Hon'ble Mr. Justice S. A. Bobde, Judge, Supreme Court of India and Sri Raghubar Das, Hon'ble Chief Minister, Jharkhand.

Hon'ble Mr.Justrice P.K. Mohanty, Acting Chief Justice,High Court

of Jharkhand–Cum-Patron-in-Chief, JHALSA, Hon'ble Mr. Justice D.N. Patel, Judge, High Court of Jharkhand & Executive Chairman, JHALSA, Hon'ble Mr. Justice H.C. Mishra, Judge, High Court of Jharkhand & Chairman, HCLSC Sri SKG Rahate, Principal Secretary, Home Department, Ms. Suman Gupta IG (Jail), Principal District Judges of all 24 districts of Jharkhand, Legal Advisors of the State, Deputy Commissioners and, Superintendent of Police (SP) of all the districts, distinguished guests from legal fraternity and others were present on the occasion.

Hon'ble Mr. Justice S.A. Bobde, Judge, Supreme Court of India praised the efforts of JHALSA and the Jharkhand government for victim compensation, His Lordship pointed out the importance of compensation to a victim.

Hon'ble Mr. Justice D.N. Patel, Judge, High Court of Jharkhand & Executive Chairman, JHALSA said that compensation was not mercy to victim, but was mandatory in any welfare State.

On the occasion compensation cheques were distributed to family members and dependents of the victims of naxal attacks, witch-hunting, murder in family dispute, rape and murder and survivors of acid attacks. The programme was a grand success.

Refresher Training Programme for Mediator at Nyaya Sadan, JHALSA, Ranchi from 6th to 8th March, 2017

A Three days, 20 Hours Refresher Training programme for Mediators was organized by Jharkhand State Legal Services Authority under the aegis of MCPC, Hon'ble Supreme Court of India from 6th to 8th March, 2017 at Nyaya Sadan, JHALSA, Ranchi.

The programme was inaugurated by Hon'ble Mr. Justice D.N. Patel, Judge, High Court of Jharkhand & Executive Chairman, JHALSA and Chairman, Mediation Monitoring Committee, Hon'ble High Court of Jharkhand. His Lordship outlined the importance of Mediation and wished the participant Mediators all the best. The Trained Trainers nominated by MCPC, Hon'ble Supreme Court of India imparted training. During the training programme participant Mediators were made aware regarding the skill, tools & techniques of Mediation.

KARNATAKA

The Karnataka SLSA had prepared the annual calendar for the year 2017, wherein various subjects were stressed upon and the directions were issued to the DLSAs and TLSCs to organize the legal literacy/awareness programmes as per the 'Activities for the month' mentioned in each month's calendar.

Apart from the programmes conducted in routine, the DLSAs were directed to organize programmes exclusively about one NALSA Scheme in each month as per our calendar activities and the DLSAs were also asked to stress upon the Fundamental Duties of Citizens as mentioned in Art-51-A of Constitution of India in all the legal awareness programmes organized by them.

Activities carried out throughout all the DLSAs for the month of January, February and March 2017 as mentioned below:

January 2017:

Scheme for the Month	Other Legal Literacy /Awareness Programmes
NALSA (Legal Services to the Victim of Drug Abuse and Eradication of Drug Menace) Scheme,2015 in High Schools and colleges to educate the students about the ill effects of Drug Addiction	Awareness programmes on 12.01.2017 to observe the "National Youth Day." Awareness programmes on "Voters Day." "National Cleanliness Day" on 30.01.2017.

February 2017:

Scheme for the Month	Other Legal Literacy /Awareness Programmes
----------------------	--

NALSA (Effective implementation of Poverty Alleviation Schemes) Scheme, 2015	<p>Awareness programmes for children who are in need of care and protection and who are in Conflict-with-law.</p> <p>Awareness programmes on “World Day of Social Justice” observed on 20.02.2017.</p> <p>Literacy programmes about the establishment of Police Complaint Authority and Victim Compensation Scheme.</p>
--	---

March 2017:

Scheme for the Month	Other Legal Literacy /Awareness Programmes
NALSA (Victims of Trafficking and Commercial Sexual Exploitation Schemes) Scheme, 2015	<p>Legal Literacy Programmes for the marginalized sections of the society.</p> <p>Awareness programmes on “World Consumer Rights Day” observed on 15.03.2017.</p> <p>Awareness programmes on “World Water Day” observed on 22.03.2017.</p>

A total of **1,810** legal services programmes were organized by the DLSAs and TLSCs throughout the State for the period January 2017 to March 2017 and about **3,51,167** persons were the beneficiaries of the said programmes.

Lok Adalats: KSLSA had organized Bimonthly/National/Regular Lok Adalats at all the DLSAs, TLSCs and also at HCLSCs. The category wise detail of cases disposed off in Regular Lok Adalat is as shown under:-

Details of Regular Lok Adalats Organised and Cases settled

from January 2017 to March 2017

Sl. No.	Month	No. of sittings	No. of cases disposed off			Settlement Amount
			Pending cases	Pre-litigation cases	Total	
1.	January 2017	1349	13770	2390	16160	152373225
2.	February 2017	1345	20753	1840	22593	420329690
3.	March 2017	1229	13550	920	14470	338597689
	Total	3,923	48,073	5,150	43,223	91,13,00,604

Details of Cases settled in the Bimonthly Lok Adalat and National Lok Adalat conducted from January 2017 to March 2017

Sl. No	Monthly & National Lok Adalat held on	Nature of cases	No. of cases disposed off			Settlement Amount
			Pending cases	Pre-litigation cases (including Service provided cases)	Total	
1.	January 2017 (16 th & 17 th) as per the directions of KSLSA	All types of Civil and Criminal matters including service provided matters	12,672	5,94,376	6,07,048	29,38,22,767

2.	11-02-2017 National Lok Adalat held as per the directions of NALSA	All types of Civil and Criminal matters	23,093	14,711	37,804	95,08,99,714
3	11.03.2017 as per the directions of KSLSA	All types of Civil and Criminal matters	6,269	1,786	8,055	43,31,51,834

Permanent Lok Adalat: 983 cases were disposed of by seven Permanent Lok Adalats, in which settlement amount was **Rs. 6,60,29,417/-**.

Details of Cases Settled by PLA under Different Categories from January 2017 to March 2017

Sl. No	Month	Total No. of sittings held	Transport	Postal, telegraph or Telephone service	Supply of power, light or water	Public Conservancy or Sanitation	Service in hospital or dispensary	Bank	Insurance Service	Total no. of Case settled	Total value amount of settlement
1.	Jan-2017	116	0	468	8	0	0	251	1	728	1,19,43,556
2.	Feb-2017	104	0	26	12	1	0	75	0	114	3,74,89,800
3.	Mar-2017	119	0	31	6	0	0	104	0	141	2,65,96,061
	Total	339	0	525	26	1	0	438	1	983	6,60,29,417

Mediation Centres & ADR Centres: Total 462 Cases were settled in the Mediation & ADR Centres. The details of referred and settled cases in the Mediation Centres is as shown under:

Sl. No.	Month	No. of Cases referred	No. of Cases Compromised
1.	January- 2017	3820	144
2.	February- 2017	3775	151
3.	March- 2017	3890	167
	Total		462

Free Legal Aid and Advice: During the quarter January to March 2017, Karnataka SLSA has provided Legal Aid & Advices to the following number of persons:

Sl. No	Month	No. of Legal Aid given					Legal Advice given
		SC	ST	Women	Others	Total	
1.	January-2017	76	40	87	186	389	3157
2.	February-2017	120	36	120	219	495	3460
3.	March-2017	87	48	140	247	522	3498
	Total	283	124	347	652	1,406	10,115

Free Legal Advice given: During the quarter period January to March 2017, free legal advice was provided to **3,225** persons CDPO, **2,393** persons were benefitted in **Village Legal Care Support Centers**, **7,991** persons were benefitted in **Legal Aid Clinics**, **1338 Under Trial Prisoners** were provided Free Legal Aid and **72** persons were benefitted in **NIMHANS and DIMHANS**.

KERALA

I. LEGAL AID/SERVICES

1. HOUSE TO LANDLESS INMATES AT PARAKKODE, PATHANAMTHITTA: Based on a news item appeared in a news paper regarding many landless inmates living in the Puramboke land of KIP canal at Parakkode, and as directed by the Hon'ble Executive Chairman, KeLSA DLSA, Pathanamthitta took up the issue with the assistance of different departments and an NGO. The construction of the first house was completed in March 2017.

2. PROJECT TO REDUCE ROAD ACCIDENTS

DLSA, Kannur initiated a project to spread awareness to reduce road accidents with the involvement of Motor Vehicles, Police and Public Works Departments. A team comprising of Secretary, DLSA and Officials of these Departments inspected 20 black spots in National Highway in Thalassery Taluk, and forwarded a report suggesting immediate measures to minimize road traffic accidents. The PWD has started the works to implement the suggestions.

3. KeLSA [LEGAL AID FOR SOCIO-ECONOMICALLY CHALLENGED DEPENDENTS OF CONVICTS] SCHEME, 2017

This is a unique programme, first of its kind, to support the socio-economically challenged dependants of convicts, was launched on 8.3.2017 by the Hon'ble Acting Chief Justice, High Court of Kerala and Executive Chairman, KeLSA, Justice Thottathil B. Radhakrishnan.

4. HIGH COURT [MIDDLE INCOME GROUP] LEGAL AID, SCHEME

The High Court [Middle Income Group] Legal Aid Scheme was launched on 8.3.2017 by the Hon'ble Acting Chief Justice, High Court of Kerala and Executive Chairman, KeLSA, Justice Thottathil B. Radhakrishnan by presenting a copy to the Hon'ble Mr. Justice Antony Dominic, Chairman, High Court Legal Services Committee.

5. SURVEY AND LOCAL LOK ADALATS TO SOLVE TRIBAL ISSUES

DLSA, Kannur conducted survey in the Tribal colonies in Kottiyoor, Kanichar, Kelakam and Muzhakkunnu Grama Panchayaths and prepared reports regarding the Tribal issues. Based on the survey reports, Lok Adalats were conducted successfully in the Grama Panchayaths as part of Mobile Lok Adalat .

6. ILLEGAL QUARRYING AT NARIKKOTTUMALA

On a complaint received by KeLSA from an NGO on illegal quarrying at Narikkottumala in Tripangottoor Grama Panchayath, DLSA, Kannur conducted an enquiry by visiting about 60 unauthorized quarries in the area. On the basis of the report submitted by the Secretary, KeLSA

issued necessary directives to District Collector. Working of unauthorized quarries was stopped by District Collector by taking action.

7. “Neethidhara” - News Letter- 2016

“Neethidhara” - News Letter – 2016 is a compilation of activities of KeLSA and the co-ordinate institutions. It was released on 8.3.2017 by Hon’ble Mr. Justice Thottathil B. Radhakrishnan, The Acting Chief Justice, High Court of Kerala and Executive Chairman, KeLSA.

Details of legal aid beneficiaries

Category	No. of Legal Aid beneficiaries (January-March 20 17)
Scheduled Caste	729
Scheduled Tribe	271
Women	7851
Children	430
In custody	6142
General	15313
Total	30,007

II. LOK ADALAT

The National Lok Adalat on all subjects was conducted on 11.2.2017 throughout the State.

DETAILS OF CASES DISPOSED IN NATIONAL LOK ADALAT

Period	No. of cases disposed (both pending matters and PLPs)		Amount involved
FEBRUARY	Pending cases	3361	Rs. 731712344/-
	Pre- Litigation	3725	
	Total	7086	

In addition to the National Lok Adalat, **568** regular weekly Adalats were also conducted throughout the State.

DETAILS OF CASES DISPOSED IN LOK ADALATS

No. of cases disposed (both pending matters and PLPs)		Award Amount
Court pending matter	2233	Rs.57,782,2986/-
PLP matters	5143	
Total	7376	

VIRTUAL/VISUAL LOK ADALAT

Telecast of televised version of Lok Adalat, “Kathayillithu Jeevitham” continued in Amrita Television with the support of KeLSA to spread the message of peace and harmony in family through conciliation.

PERMANENT LOK ADALAT

Details of cases disposed of by permanent Lok Adalat at Thiruvananthapuram, Ernakulam and Kozhikode.

Sl. No	Particulars	January to March 2017
A.	No. of cases pending at the beginning of the quarter	821
B.	No. of cases received during the quarter	153
C.	No. of cases disposed during the period	155
D.	Total Amount	89,23,266

MEDIATION

(Activities of Kerala State Mediation and Conciliation Centre [Mediation monitoring committee, High Court of Kerala] for the period from January 2017 to March 2017)

The third leg of the awareness programme for the public and 20 hours interactive programme for 24 nominated Mediators was conducted from 2.3.2017 to 4.3.2017.

STATISTICS OF MEDIATION

January to March 2017

pending at the beginning of the quarter	No. of cases received during the period	settled	Returned as not settled	Non starter cases as mediation could not be commenced	pending
5865	9599	2978	5571	1734	5197

TRAINING PROGRAMMES FOR LAWYERS AND PARA LEGAL VOLUNTEERS

The training programme Panel Lawyers on Module-I was completed with the training programme at Ernakulam .8 Trainings were conducted for a total number of 545 PLVs during the quarter.

V. LEGAL AWARENESS THROUGH RADIO AND TELEVISION

The two minutes daily capsule programme on ‘**Constitutional values**’ and the monthly live phone-in-programme, “**Samoohyapadom**”, focusing on socio- legal issues **continues** in AIR Kochi FM and in “Doordarshan Malayalam” channel respectively.

VI. LITERACY PROGRAMMES AT SCHOOL & COLLEGE LEVEL

State Level Quiz competition for KeLSA Trophy

The 6th State Level Quiz Competition on legal awareness for Higher Secondary School students based on the book ‘**Lessons in Law**’ published by KeLSA was held on 28.1.2017.

VII. LEGAL LITERACY/AWARENESS PROGRAMMES

- The DLSA, Ernakulam in association with TLSC Kunnathunadu organised seminar on the NALSA scheme for workers in the unorganized sector on 24.1.2017.
- TLSC, Neeyattinkara orgnised a continuous sensitization programme ,“Sadacharam”,against drug addiction , child abuse

and repulsive alcoholic menace from 26th January, 2017 to 26th March, 2017.

- DLSA, Pathanamthitta conducted a legal awareness programme on legal services to the persons affected by Autism, Cerebral Palsy under the NALSA scheme for Mentally Ill and Mentally disabled Persons.
- DLSA, Pathanamthitta conducted a legal awareness programme on Protection of Rights of Scheduled Tribes under the NALSA Schemes for Protection and Enforcement of Tribal Rights and Effective Implementation of Poverty Alleviation Schemes
- TLSC, Kannur conducted a legal awareness class on the topic 'Women Empowerment' at Chembilode Grama Panchayat on 7.1.2017. Legal awareness class on the topic 'Maintenance and Welfare of Parents' and on the rights of Senior Citizens on 8.1.2017.
- DLSA, Kannur conducted a meeting of Tribal Monitoring Committee in Peravoor Grama Panchayat for welfare of tribals on 4.1.2017.
- TLSC, Kottayam conducted a seminar on the topic 'Psychological Empowerment of Women' in connection with the observance of women's Day on 8.3.2017. 100 members participated in the programme.
- TLSC, Kottayam conducted a legal medical camp in association with Government Medical College, Kottayam on 18.3.2017 for the tribal people from Madhavassery Colony. About 96 people participated in the camp.
- TLSC, Pala conducted legal awareness classes in 1 to 13 wards of Marangattupally Panchayat in connection with 'Love Kottayam Legal Literacy Mission'.
- TLSC, Kanjirappally organised a sensitisation programme on legal rights of Transgenders
- TLSC, Kochi conducted a Mobile Lok Adalat at Kumbalangi Grama Panchayat on 5.1.2017, at Chellanam Grama Panchayat

on 6.1.2017 and at Elamkunnappuzha Panchayat on 7.1.2017. Two cases were settled in the Mobile Lok Adalat.

- TLSC, Aluva conducted 'door to door awareness campaign' at KaprasseryLakshamveedu colony.
- TLSC, Aluva conducted legal awareness class to the students of Al-Ameen College, Edappally, Kudubasree members of Aluva Municipality in connection with the tour of Mobile Adalat Van.
- TLSC, Kochi conducted Anti Drug Awareness Classes under NALSA Scheme for Eradication of Drug Abuse on 6.2.2017. Taluk level inauguration of Anti Drugs campaign was held on 27.2.2017 at Cochin College in association with the NSS Unit.
- TLSC, Kannur conducted a series of legal awareness classes series in 5 centres in connection with observance of 'World Water Day'.
- DLSA, Kannur initiated a project to reduce road accidents. As part of the project a team of stakeholders inspected the black spots in the National Highway from Mahi bridge to Moidu bridge. The team reported defects at 20 spots. PWD [NH] has undertaken to rectify the defects by the intervention of the team, a club and a private party agreed to release land for widening the road at two curves.
- DLSA, Kannur made visits to the tribal colonies as part of Mobile Lok Adalat after a survey was conducted by PLVs, Law Students and ST promoters .
- DLSA, Kannur convened a meeting under District Collector, Kannur for stakeholders in connection with welfare of Transgenders.

MADHYA PRADESH

**Various Legal Literacy Camps
(January to March, 2017)**

Type of Camps	Total No. of Camps Held on	Total No. of persons Benefitted	No. of Persons Benefitted		Total Expenditure
			SC	ST	
Legal Literacy Camp	1327	142003	10818	9184	97801
Micro Legal Literacy Camp	77	7956	600	207	9640
MNREGA Camp	62	3117	42	27	3900

**Settled Cases through Mediation
(January to March, 2017)**

Months	Opening Balance of Month	No. of cases referred during the month	Total no. of cases	Success Full Settled Cases	Unsuccessful Settled Cases	Total Considered Cases	Total no. of Pending Cases	Percent of Successful Settled Cases
January 2017	12131	7412	19543	3401	3365	-	12464	50.26
Feb. 2017	12464	6797	19261	3623	2971	-	11356	54.94
Mar. 2017	11356	6205	17561	2614	2981	-	10103	46.72

**Settled Cases through Lok Adalat
(January to March, 2017)**

Type of Lok Adalat	No. of Lok Adalat Held on	Total Taken up cases	Total Disposed off cases	Total Benefitted persons	Total Settlement Amount
Monthly National Lok Adalat	1	746321	85032	108484	2459522769
Permanent & continuous	437	37981	3522	5321	116392115
Permanent Lok Adalat for Public	106	3771	2168	2240	0
MNREGA	11	0	0	0	0
Jail	12	18	12	17	-
Special Lok Adalat	2	54620	4720	6105	59842175
Mobile Lok Adalat	36	964	245	408	115318
Plea Bargaining	-	31	27	31	-
Total-	605	843706	95726	122606	2635872377

MAHARASHTRA

MAHA LOK ADALAT / NATIONAL LOK ADALAT :-

Having regard to the number of pending cases and fresh filing in all the Courts and Tribunal across the State, the Maharashtra State Legal Services Authority has organised National Lok Adalat on 11th Feb, 2017 in which total 81391 cases have been settled.

With intentions to give wide publicity and to make more people aware about the organization of National Lok Adalat, posters displaying information details of Maha Lok Adalts are published and displayed at all conspicuous places in the State. Audio Advertisement is also played on selected important State Transport, bus stands in the State. For

making wide publicity of Lok Adalat on animated advertisement giving information about Lok Adalat is also prepared and is released on local channel of the concerned Districts / Taluka.

LEGAL AWARENESS ACTIVITIES :-

JANUARY, 2017

- A) District Legal Services Authorities have implemented NALSA Scheme in respect of (Protection and Enforcement of Tribal Rights) Scheme, 2015.
- B) District Legal Services Authorities have organize programme on legal awareness in jail on the subject of Plea Bargaining, Rights of Prisoners and undertrials and Bail Provisions.

FEBRUARY, 2017

- A) District Legal Services Authorities have implemented NALSA Scheme in respect of “(Legal Services to the Workers in the Unorganised Sector) Scheme, 2015”
- B) District Legal Services Authorities have organised Publicity and Awareness Camps on “ Claims Tribunal Agreed Procedure”.

MARCH, 2017

- A) District Legal Services Authority have organised legal literacy camps on the “International Woman Day” i.e on 8th March, 2017 on the following topics :-
 - a) Protection of woman from Domestic Violence Act / Dowry Prohibition Act.
 - b) Victim Compensation Scheme
 - c) Sexual Harassment of woman at work place.
 - d) P. C. and P. N. D. T Act
- 1) **TRAINING PROGRAMMES** : MSLSA organised training programmes conducted for the Panel Lawyers in the State using the trainers trained by NALSA.
- 2) **Miscellaneous activities** : The Maharashtra SLSA arranged

various programmes for Awareness about the NALSA Schemes throughout the Maharashtra.

- 3) **Regional Conference** :- Maharashtra State Legal Services Authority organised Regional Conference for all Judicial Officers of Maharashtra at Mumbai, Nagpur Aurangabad and Kolhapur.

MANIPUR

1. OPENING OF NEW LEGAL AID CLINICS:-

5 (five) new Legal Aid Clinics were opened during this quarter, i.e., from January to March, 2017 at various places across the state. The newly opened Legal Aid Clinics are (1) Legal Aid Clinic at LMS Law College, Imphal West District opened on 21st January, 2017, (2) Legal Aid Clinic at the office of Nirvana Foundation, North A.O.C., Imphal West District opened on 21st January, 2017; (3) Legal Aid Clinic at ABCEDO Office, Samaram, Thoubal District opened on 30th January, 2017 where Observation Home for Thoubal & Chandel District is located (4) Legal Aid Clinic at Social Welfare Complex, Takyelpat, Imphal opened on 30th January, 2017 where most of the Observation Home/Children Home are located & (5) Legal Aid Clinic at the office of Manipur State Commission for Women, D.C. Office Complex, Imphal West District opened on 31st January, 2017.

All the five Legal Aid Clinics were inaugurated by Hon'ble Mr. Justice N. Kotiswar Singh, Executive Chairman, Manipur SLSA. PLVs have been deputed to the newly opened legal aid clinics in order to cater to the need of legal aid seekers, litigants and public. The Legal Aid Clinic at the office of Nirvana Foundation is opened with the aim of providing legal aid & other assistance to marginalised sections of the society such as persons infected/affected by HIV/AIDS, commercial sex workers etc. The Legal Aid Clinics opened at Manipur State Commission for Women, ABCDO Office, Samaram, Social Welfare Complex, Takyelpat are also aimed for providing free and competent legal services to the weaker section of the society such as Women and Child including CCLs.

2. TRAINING PROGRAMMES :-

- (I) A One Day Training cum Interaction Programme with the PLVs/ Students of LMS Law College, Imphal was held on 6th January, 2017 at the office of MASLSA, High Court of Manipur Complex.

Shri Ch. Momon Singh, Master Trainer, MASLSA & Shri H. Raghumani Singh, Advocate as Resource person imparted Training to the newly appointed PLVs/Students of LMS Law College, Imphal.

- (II) A One Day Sensitisation/ Skill Development Training Programme was organised by Manipur SLSA on 8th January, 2017 at the office of Manipur State Legal Services Authority. The programme was attended by members of Juvenile Justice Boards, Legal cum Probation Officers, Retainer Lawyers attached to JJBs of all the districts. Smt. Binny Ngangom, CJM, Bishnupur & Shri Ojesh Mutum, CJM, Thoubal as Resource Persons deliberated on various provisions of Juvenile Justice (Care & Protection of Children) Act, 2015” & “Role of JJB Members/LPOs/ Retainer Lawyers in the functioning of Juvenile Justice Boards”.
- (III) A One Day State Level Training Programme for Panel Lawyers was held on 5th March, 2017 at the office of Manipur SLSA. The Programme was attended by Panel Lawyers from all the districts of the State. Shri Ch. Momon Singh, Advocate & Shri Ch. Brajachand Singh, former Member Secretary, Master Trainers for Panel Lawyers imparted training to the Advocates as per the Training Modules provided by NALSA.
- (IV) Manipur SLSA in association with Social Welfare Department, Govt. of Manipur organised a “3-Days Training Programme on Juvenile Justice (Care and Protection Of Children) Act, 2015 & Model Rules, 2016 from 9-11 March, 2017 at the Auditorium, High Court of Manipur. The inaugural sessions of the programme was held in the august presence of Hon’ble Mr. Justice N. Kotiswar Singh, Judge, High Court of Manipur & Executive Chairman, MASLSA in the august presence of Shri J.C. Ramthanga, Principal Secretary, Social Welfare Dept., Smt. R.K. Memcha Devi, Member Secretary, Manipur SLSA, Shri S. Saratkumar Sharma, Chairperson, Manipur Commission for Protection of Child Rights amongst others. The programme was attended by representative of various NGOs running Children Homes/ Shelter Homes and other stakeholders relating to child welfare. Resource persons deliberated on various provisions of Juvenile Justice (Care and Protection of Children) Act, 2015, Rehabilitation & Social

Reintegration of CNCP & CCL, CWC and procedures relating to CNCP, Highlighting the problems faced/ issues of SAA/Open Shelter/Children Home/Observation Home etc.

3. LEGAL AWARENESS/ LEGAL LITERACY PROGRAMMES:-

- (i) During the period from January to March, 2017, Manipur SLSA in association with DLSAs and various NGOs, local clubs/ organisations have organised a total of **134 Legal Literacy/ Legal Awareness Programmes** in different parts of the State to spread awareness to the masses on various topics such as “POCSO Act, 2012, Juvenile Justice (Care and Protection of Children) Act, 2015, Child Trafficking & Child labour, Availability of free legal aid through legal services institutions, Protection of Women From Domestic Violence Act, Mob Justice, Consumer’s Rights, Voting rights, Right to Information Act, Right to Education Act, Food security Act, Labour Laws and welfare schemes of unorganised workers etc. as well as different welfare schemes of Government such as Food Security Act, MGNREGA, RSBY, JSY, Scheme for unorganised workers, etc.
- (ii) Manipur SLSA in association with Legal Aid Clinic, Manipur Central Jail, Imphal organised a One Day Legal Awareness Programme on 7th February, 2017 at the premises of **Manipur Central Jail, Imphal**. The Programme was attended by Member Secretary, Manipur SLSA, Chairman/Secretary, Imphal West DLSAs, Panel Advocates, PLVs etc. All the UTPs/convicts lodged at the Jail participated in the programme and they also interacted with the Chairman/Secretary, DLSAs & Resource Persons. NALSA Sankalp Song/Capsules/ Documentary Films were also shown to the inmates during the programme .
- (iii) MASLSA, in association with High Court of Manipur Legal Services Committee organised “**One Day Legal Workshop for BSF Troops**” on 26th February, 2017 at the Auditorium, High Court of Manipur. Hon’ble Mr. Justice N. Kotiswar Singh, Judge, High Court of Manipur & Executive Chairman, MASLSA inaugurated the programme. The programme was attended by Officers and Personnel of 49 Battalion BSF, Koirengei. Shri A. Guneshwar Sharma, Registrar General, High Court of Manipur as

Resource Person deliberated on the topic "*Laws relating to arrest/ apprehension & role/duties of BSF thereto*" and Shri S. Saratkumar Sharma, Chairperson, MCPCR deliberated on the topic "*Laws relating to Human Trafficking and role of BSF in combating the issue*". NALSA Sankalp Song/Capsules/ Documentary Films were also shown to the BSF Troops.

- (iv) Manipur SLSA in association with Manipur State Commission for Protection of Child Rights organised a "**One Day State Level Convention on Protection of Child Rights**" on 17.02.107 at the Auditorium, High Court of Manipur. The programme was inaugurated by Hon'ble Mr. Justice N. Kotiswar Singh, Judge, High Court of Manipur & Executive Chairman, MASLSA in the august presence of Shri J.C. Ramthanga, Principal Secretary, Social Welfare Dept., Smt. R.K. Memcha Devi, Member Secretary, Manipur SLSA, Shri S. Saratkumar Sharma, Chairperson, Manipur Commission for Protection of Child Rights amongst others. The programme was attended by Principals/Headmasters/ Headmistresses of various Schools across the state. Many resource persons from inside and outside the state deliberated on various topics relating to child rights & protection, **RTE & J.J. system: Implementation, Issues & challenges etc.** NALSA Sankalp Song/ Capsules/ Documentary Films were also shown to the participants.
- (v) In view of the General Election held in the state on during March, 2017, this Authority in association with DLSAs & High Court Bar Association of Manipur organised many Legal Awareness Programmes along with Street Plays on the topic "Free and Fair Election" at various parts of the state to spread awareness to the masses on various topics relating to Election, voting rights etc.
- (vi) Manipur SLSA organised **Live Phone-in- Programme at 2(two) Channels of AIR, Imphal viz. Sangai Channel & Kangla Channel** on 16.01.2017, 20.02.2017 & 20.03.2017 on the topics "Fundamental duties", "Crime against women" & "National Food Security Act" respectively as a part of legal literacy programmes through T.V./ Radio.
- (vii) Discussion Programme on various legal topics was also organised at local Cable TV networks viz. Impact TV and Image TV.

4. OBSERVANCES :-

- (I) Observance Programme of **International Women's Day** was celebrated across the State by Manipur State Legal Services Authority in association with DLSAs and various NGOs/Women's Organisations etc on 8th March, 2017. State Level Programme was organised by Manipur SLSA in association with All Manipur Nupi Marup at Manipur Hindi Parishad, Old Assembly Road, Imphal. The function was attended by representatives of various Women's Organisation in the State.
- (II) Churachandpur District Legal Services Authority organised observance Programme of **World Consumer Rights Day** on 15th March, 2017 at Lalhmasuon Joute Memorial Hall, Rengkai, Churachandpur District.

5. FREE LEGAL AID :-

During the period from January to March, 2017, Manipur SLSA provided free legal services (Panel Advocates) to 47 applicants which consist of UTPs, Women, CCLs, ST, persons having annual income less than Rs. 1 lakh etc.

6. LOK ADALATS :-

Manipur SLSA organised National Lok Adalat for all types of cases on 11.02.2017 as per direction of NALSA. National Lok Adalat was held in all the districts of the State. Various types of cases viz. family matters, MACT/ Insurance claims cases, civil cases, criminal compoundable matters, Bank matters, etc were disposed of. In addition to the said National Lok Adalat, a Telephone Lok Adalat for BSNL defaulter customers was also held on 25.03.2017 at Uripok Cheirap Court Complex, Imphal. Further, Thoubal, Bishnupur & Senapati DLSAs also organised the said Telephone Lok Adalat/ Mobile Lok Adalats at their respective districts.

Data for disposal of cases in Lok Adalats during the period is as follows:

Lok Adalat Date	Type of Lok Adalat	No. of Cases Taken up	No. of Cases Disposed	Amount Settled
11.02.2017	National Lok Adalat	486	222	Rs. 1,62,69,332/-
25.03.2017	Lok Adalat for BSNL cases	219	196	Rs.10,28,542/-
25.03.2017	Mobile Lok Adalat for cases under M.V. Act	41	41	Rs.4350/-
Total		746	459	Rs. 1,73,02,224/-

MEGHALAYA

FEBRUARY, 2017

National Lok Adalat on all subject matters was held on the 11th February, 2017 in all Court's including Hon'ble High Court of Meghalaya. A total of 3020 Nos of cases were taken up both Pre-Litigation and Pending matters out of which 475 Nos were settled.

Special Lok Adalat on all subject matters held on the 24th February, 2017 at Ampati, South West Garo Hills District. A total of 27 cases were taken in respect of Pre-Litigation cases only out of which 9 cases were settled.

MARCH, 2017

'International Women's Day' was observed at Nongpoh Ri Bhoi District, West Jaintia Hills District, North Garo Hills District and West Garo Hills District on the 8-03-2017.

Legal Awareness Programme was held at District Jail Mawsyntai, Ri Bhoi District on 17-03-2017.

Legal Awareness Programme was held at District Jail Tura, West Garo Hills District on 28-03-2017.

Induction Course Training Programme for the Para Legal Volunteers of East Khasi Hills District was held at Shillong Law College, Dhankheti,

Shillong, East Khasi Hills District w.e.f. 28-03-2017 to 31-03-2017. About 44 PLV's attended the training programmes. The training programmes was inaugurated by Hon'ble the Patron in Chief in the presence of Hon'ble Executive Chairman, Meghalaya State Legal Services Authority.

MIZORAM

LEGAL AWARENESS CAMPAIGNS: Mizoram SLSA and the DLSAs organized legal awareness campaigns in both urban and rural areas by way of addresses to the public, circulation of pamphlets, etc. Leaflets/booklets were distributed to the participants in the course of the campaigns. Awareness functions were held at schools, jails and other places. During the quarter, 71 such programmes were held at different locations across the state.

MSLSA: Mizoram State Legal Services Authority conducted legal awareness campaigns at Govt. T. Romana College on 10.2.2017; Damveng on 13.7.2017; E. Lungdar and Khawbung on 16.2.2017 & 17.2.2017; Hrangbana College on 24.2.2017; Tuahzawl on 22.3.2017. The campaigns included topics on Fundamental Duties and National Integration, POCSO Act, Human Trafficking, Sexual harassment, JJ Act, Cyber Crime, Domestic Violence Act, Child right and Child Abuse.

Para legal volunteers training was conducted at the office Chamber of Member Secretary in the month of March.

The Mizoram State Legal Services Authority established a Legal Aid Clinic at Govt. Hrangbana College On 8th March, 2017. The Legal Aid Clinic was inaugurated by Mr. R. Romawia, Hon'ble Minister , Higher & Technical Education. After the inauguration of Legal aid Clinic, the Hon'ble Chief Guest delivered a speech on the importance of Law for Society.

AIZAWL: Aizawl District Legal Services Authority conducted legal awareness campaigns at Tanhril on 17.2.2017; Aibawk on 23.2.2017; ITI Veng on 8.3.2017 and Chhing Veng on 23.3.2017.

LUNGLEI: Lunglei District Legal Services Authority conducted legal awareness scampaigns at Stairway HSS on 25.1.2017; Lunglei Govt. College on 25.1.2017; Higher and Technical Institute, Mizoram on 27.1.2017; Hnahtial Middle School and Higher Secondary School on 30.1.2017;

Haulawng on 1.2.2017; RMSA, SSA Recreation Hall on 2.2.2017; BCM Hall, Rahsi Veng on 12.2.2017; Rawpui on 15.2.2017; SS Hall, Bazar Veng on 19.2.2017; PKTP Hall, Lunglawn on 25.2.2017; Jubilee Hall, Venglai on 26.2.2017; Jubilee Hall Electric Veng on 5.3.2017; Nursing School on 8.3.2017; A & C Hall, Sazaikawn on 16.3.2017; RMSA Recreation Hall, Venglai on 20.3.2017; Commuty Hall, Lungsen on 21.3.2017; Art & Culture Hall, Venglai on 23.3.2017; JNV School, Pukpui on 29.3.2017.

Training of Para Legal Volunteers was conducted on 27 & 28.3.2017 and Training of Panel Lawyers Remand Advocates and Retainer Lawyers on 17.3.2017 at DRDA Conference Hall.

Seminar with Police Officer with Lunglei District was held on 30.3.2017 at District and Session Judge Chamber.

KOLASIB: Kolasib District Legal Services Authority conducted legal awareness campaigns at Hortoki Village on 17.2.2017; Electric Veng, Kolasib on 27.2.2017.

CHAMPHAI: Champhai District Legal Services Authority conducted legal awareness campaign at Zote, Champhai on 20.1.2017; New Hruaikawn Village on 3.3.2017 and Kahrawt YMA Hall, Champhai on 8.3.2014.

Establishment of Village Level Care and Support Centre at Bungzung Village on 20.2.2017.

SERCHHIP: Serchhip District Legal Services Authority conducted legal awareness campaigns at Sailak YMA Hall on 12.1.2017; Hualtu Community Hall, Serchhip on 17.2.2017; Biate Tuichangral South Group YMA Conference on 24.2.2017; Community Hall, Kanghmun on 28.3.2017 and Chhingpuii Run, Chhingchip on 29.3.2017.

SAIHA: Saiha District Legal Services Authority conducted legal awareness campaign at BCM Kohhran Hall, Meisatla on 22.1.2017; Presbyterian Hall, Meisatla on 24.1.2017; ECM Immanuel Kohhran, Meisatla on 29.1.2017; ECM, New Colony Hall with MPF on 4.2.2017; MYA Hall, New Saiha on 7.2.2017; Meisatla VC-I Hall, Saiha on 9.2.2017.

MAMIT: Mamit District Legal Services Authority conducted legal awareness campaign at West Phaileng Block HS (W.Phaileng, Lallen,

Pukzing, Phuldungsei, Marpara) on 6-10.2.2017; Zawlnuam Block HS (Kanhmun, Zawlnuam, Bawrai, Zamuang, Rengdil, Kawrthah, Tudam) on 13-17.2.2017; MUP, Bazar Veng on 16.2.2017; Mamit Collegel on 17.2.2017; Mamit District Football Club & Venghlun YMA on 17.2.2017; Dampui & Dapchhuah on 18.2.2017; Reiek Block HS (Rawpuichhip, Hreichhuk, Tuahzawl, West Lungdar, Khawrihnim, Reiek ,Ailawn) on 20-24.2.2017; International Womens' Day on 8.3.2017: I & PR Conference Hall on 14.3.2017; Phulbial Group YMA Conference, Phuldungsei on 15.3.2017 and MUP General Assembly, chhimveng Hall on 31.3.2017.

JAIL VISIT: Jail visit cum Medical Clinic was held on District Jail, Mamit on 18.2.2017.

TRAINING: Training of all Stakeholders in relation with Juveniles in Conflict with law and Children in need of care and protection was held on BRC Hall, Mamit on 13.3.2017 and Training on JJ Act and POCSO Act held on 30.3.2017 at BRC Hall, Mamit.

JAIL VISITS: The State and District Legal Services Authorities regularly visited Central Jail, Aizawl and the District Jails in Mizoram during the quarter to interact with the inmates including the under trial prisoners.

LOK ADALAT: Lok Adalat were regularly organized by the State and District Authorities. A total no. of 16 Lok Adalat were constituted for both types of cases Pre – Litigation and Post – Litigation (pending in Courts). 345 Pre – Litigation cases were taken up and 84 cases were settled, the amount settled was Rs. 2,838,163. Simultaneously, 234 Post – Litigation cases were taken up and 15 cases were settled; the amount settled was 1,656,000. Therefore, total cases taken up were 187 cases and 99 cases were settled. The total amount settled was Rs. 3,217,063.

NAGALAND

Legal Services Authorities celebrate 68th Republic Day across the State: Along with the rest of the country, Nagaland State Legal services Authority and all the eleven DLSAs across the state celebrated India's 68th Republic Day on 26 January 2017. Shri. C Kipili Sangtam, Minister for Power, who was the chief guest, during the Republic Day celebration organized by Nagaland SLSA in collaboration with the Kiphire DLSA led by Smti. Nino Iralu, Member Secretary, Nagaland SLSA, released a

Legal literacy book on The Nagaland Village Council & Area Act, 1978 translated in Sangtam dialect.

Officials of the District Legal Services Authorities also visited District Jail, orphanage and shelter homes and conducted legal literacy programme to commemorate the day.

At the Legal Literacy stall and Legal aid camps, legal literacy Booklets, Pamphlets, Flyers, leaflets and simplified Law books on various Legislations and Provisions of Law were distributed at free of cost. The Legal literacy Booklets, Pamphlets, Flyers covering various subjects, targeting children, senior citizens, women, consumers etc were distributed at the legal literacy stall as a measure to ensure legal awareness and educate the common people at large. Booklets translated into Local dialects were also released and distributed for the first time.

The visitors of the Stall included students, senior citizens, women, police personnel, teachers, Government servants who were provided free legal counseling and advice by the District judges, Judicial Magistrate, Lawyers and Para Legal Volunteers of the legal services institution.

NLSA with DLSAs conduct orientation-cum-training for PLs and PLVs : The Nagaland State Legal Services Authority (NLSA) in collaboration with all the eleven DLSAs across the state conducted orientation-cum-training for Panel Lawyers (PLs) and Para Legal Volunteers (PLVs) in the respective district during the month of March 2017.

The combined orientation training program aimed at providing an overview of the roles, duties and ethics to be adhered by the empanelled PLs and PLVs in order to render competent free legal services to the poor and marginalized society. It also aimed at imparting legal training by actively allowing the trainees to play role on the legal aspects of life through role play and by introducing various legislations and state welfare schemes so as to ensure legal aid reaching all section of people to remove impediments in access to justice.

Some of the topics covered during the programme were- Do's & Don'ts of PLV, Interaction on Motor Vehicle Accident Claims/cases and Role of PLVs, Consumer Redressal Techniques & Forums, Role of PLVs/ Panel Lawyers, Practical on Writing Petition/Complain/FIR, Role Play

on Crimes against Women/Children & Role of PLV, Welfare Schemes: ways & means, Human Trafficking: Role of PLV, Maintenance of Record/ PLV Register/Filing of Success Stories of PLVs & Panel Lawyers, NALSA Schemes, Prisoner Rights and Legal Services etc.

Group discussion sessions were also held with the Para legal Volunteers and officials of Legal Services institution on various National Legal Services Authorities (NALSA) Schemes and flagship programmes. The discussions were mainly focused on the implementation of the NALSA Schemes at grass root level, work progress and substantive evaluation of various Legal Services schemes where a Para Legal Volunteer plays an integral part in the successful implementation of such schemes.

The PLs and PLVs were trained by 4 Master Trainers of NLSA and 5 Legal Aid Counsel-cum-Trainer by methods of lecturing, role play, quiz/brain storming, placard, group discussion, presentation, feedbacks and study based on training material. A total of 239 PLVs and 48 Panel Lawyers were trained and 39 officials and representatives from District Administration, JJB, CWC,SJPU, NGOs & Government Departments participated in the Orientation -cum- Training Programme organized across the State.

Legal Aid Clinic setup at Peren District Jail: With the aim to protect the rights of prisoners and provide free Legal assistance to the Jail inmates, to whom they are entitled by virtue of the sec. 12 of the Legal Services Authorities Act, 1987, the Peren District Legal Services Authority inaugurated a Legal aid Clinic within the premises of Peren District Jail on 23 March 2017. The Legal Aid Clinic was inaugurated by Shri. ZarenthungEzung, Deputy Commissioner of Peren District.

During the inaugural programme, the prisoners and Jail authorities were sensitized on “Rights of Prisoners” by Smti. Somet Chang, Secretary of Peren DLSA. The jail inmates were well informed about their rights, Free legal Aid and assistance, Protection against arbitrary or illegal detention in custody, Protection against conviction or enhanced punishment under ex-past facto law, Right to be produced before a Magistrate within 24 hours of his arrest, Right to fair and speedy investigation and trial, Right to appeal in case of conviction, Right to be released on bail.

Consultative Meet on Juvenile Justice System at Zunheboto: A

Consultative Meeting was organized by Zunheboto DLSA in collaboration with the District Child Protection Unit (DCPU), Juvenile Justice Board (JJB), Child Welfare Committee (CWC), Special Juvenile Police Unit (SJPU), Observation Home and District Stake Holders held at the District Court Complex, Zunheboto on 24th of March, 2017.

The programme was chaired by, Shri. Atoka Achumi, Secretary of by Zunheboto District Legal Services Authority and during the Consultative meet, Atoka highlighted salient features on the Juvenile Justice Act, the powers and functions of CWC, JCPU and DCPU, Child in conflict with Laws and Child in need of Care and Protection. Atoka also illustrated the role play by each Stake Holders relating to the Juvenile Justice System. At the programme Mr. Tovi Z. Yeptho, Retainer Lawyer Zunheboto DLSA presented the topic on Offences against the Child pointing out that many a times the responsible Authority and concern nodal Department mainly focus on the Child in conflict with Law and Child in need of Care and protection but most of the time neglect the Offences Committed against the Child/ Juveniles in different ways, be it by the adults or by the person in whose the child is kept under custody or by the management. Tovi also spoke on the role of Law enforcing agency that when encounter with the child in conflict with law with the adults, there is also a punitive measures for the adult for taking the juveniles to commit a crime.

At the programme, all the members and representatives from DCPU, JJB, SJPU, CWC, District Jail, and Probation Officers made sharing and consultation on experiences and problems related to Juvenile Justice System.

Later, during the discussion hour, substantive quires and issues raised by the participants such as problems faced by the Probation Officers in certain cases to follow up with the Child residing in remote areas, the determination of the age of the child were deliberated and clarified before the officials of Zunheboto District Legal Services Authority. The programme concluded with vote of thanks from Mrs. Bendanginla, ASST. Public Prosecutor.

On 25.03.2017, a Legal Sensitization Programme organised by Longleng District Legal Services Authority on various Legislations, basic laws, Act & Legal provision at the District Customary Court of Longleng with the Doabashis and Gaonburahs.

ODISHA

1. Lok Adalat :

(i) At National Level held on 11.2.2017

As per the instruction of National Legal Services Authority, National Lok Adalat for all types of cases was organized on 11.2.2017. Apart from the High Court Legal Services Committee all the District Legal Services Authorities and Taluk Legal Services Committees participated in the said National Lok Adalat. Total 1,47,101 no.of pending cases were taken up, out of which, 50,236 no.of cases were settled which included Civil-770, Criminal compoundable cases (including withdrawal cases)-31961, Cases U/s.138 N.I.Act-667, Bank Recovery Cases-681, MACT-1119, Matrimonial-432, Labour dispute-276, Land Acquisition cases-64, Electricity Bills (excluding non-compoundable theft cases)-186 and Other Cases(Cases U/s.125 & 446 Cr.PC, M.V.Act and Railway Act etc.).-14080, similarly, out of 74,729 no. of pre-litigation disputes, 7692 no.of disputes were also settled.

Further, 112 number of cases were disposed of by the High Court Legal Services Committee, Cuttack which included Motor Accident Claims Appeals-57, Bank matters under SARFAESI Act-28, Criminal compoundable matters-12, Cases U/s.138 N.I.Act-01, Matrimonial Cases-02 and Other Cases(OJC/W.P.(c)) relating to electricity, water & retiral benefits-12.

(ii) At District & Taluk Levels :

During the quarter, 12 no.of Lok Adalats were organized by the field units. In the said Lok Adalats, total 14596 no.of cases were disposed of, which included 77-Civil, 455-Compoundable Criminal Cases, 14052-Revenue matters, and 12-Matrimonial cases. A sum of Rs.1,54,190/- towards criminal fine and Rs.20,81,133/-as revenue were collected in the aforesaid Lok Adalats.

2. Training Programmes :

(a) Training Programme on PWDV Act

To generate legal literacy and awareness, this Authority in association with the Women & Child Development Department, Government of

Odisha, Bhubaneswar organized a two days training programme on “**Protection of Women from Domestic**

Violence Act” at Odisha Judicial Academy, Cuttack on 25.3.2017 and 26.3.2017. The participants of the training programme held on 25.3.2017 were the District & Sessions Judges and Secretaries of DLSAs and the participants of the 2nd day of the training programme held on 26.3.2017 were the Sub-Divisional Judicial Magistrates and Protection Officers of the State.

(b) Training of Panel Lawyers

Training Programmes for the Panel Lawyers were conducted as per the Training Module provided by NALSA by availing service of Master Trainers for which a calendar was drawn by this Authority. During the above quarter, 4 no.of such training programmes were conducted by the field units. Similarly, one induction training programme for Para Legal Volunteers was also conducted in the district of Phulbani.

3. Permanent Lok Adalats(for Public Utility Services)

Under Chapter VI-A of the Legal Services Authorities Act

During the period, 259 no.of new cases relating to Public Utility Services were registered in the Thirteen Permanent Lok Adalats, and out of the pendency, 224 no. of cases were settled.

4. Mediation Activities :

During the above period, 585 no.of new cases were referred by different Courts to the Mediation Centres, and 397 cases (including previously pending cases) were disposed of, out of which, 64 cases met with successful mediation.

5. Compensation to the Victims under Odisha Victim

Compensation Scheme, 2012 :

During the above period, 219 no.of applications under the Scheme were received, out of which, 91 applications were decided with award of Rs.5,24,25,000/- towards compensation to victims of crime.

6. Persons entitled to free legal services

(U/s.12 of L.S.Authorities Act, 1987) :

During the above period, total 1090 no.of persons of different categories have been provided with necessary legal assistance. The details are mentioned hereunder :

Sl. No.	Categories	Providing Panel Advocate	Advice/ Counselling	Other Services	Total
1	Scheduled Caste	27	55	15	97
2	Scheduled Tribe	27	148	50	225
3	Women	175	135	23	333
4	Children	16	16	--	32
5	In-custody	119	30	18	167
6	Persons with Disability	02	02		04
7	General (Persons whose annual income does not exceed the prescribed limit)	36	63	13	112
8	Others	18	85	17	120
	Total	420	534	136	1090

7. Legal Literacy Camps/Awareness Programmes :

During the period, 266 no.of Legal Literacy/Awareness Programmes were organized by the field units on different subjects, interalia, on Protection of Women from Domestic Violence (PWDV) Act, awareness camps in relation to women and children in need of care, Pre-natal Sex Selection & Pre-Natal Diagnostic Technique (PNDT) Act, Rights to Education Act, Human Trafficking, Legal Services to workers in un-organized sector, Various Scheme of NALSA, Legal Services Authorities Act, 1987, Labour Laws, and also organized awareness programmes on the occasion of International Women's Day on 8.3.2017. A total no. of 35,957 persons were made aware of Legal Services, who have attended these Legal Literacy/Awareness Camps..

PUNJAB

A. Baby care Centers

The Government took the initiative for taking care of the children by incorporating an amendment through the Maternity Benefit (Amendment) Act, 2017 whereby, apart from other beneficial provisions for working women, it made a mandatory provision for the establishments having 50 or more employees to open a Day Care Centre for babies at the workplace. Spontaneously, the Punjab SLSA came forward ensuring the existence of such Day Care Centers at work places and inaugurated Baby Day Care Centre in the Judicial Court Complexes. Showing a concern for the welfare of Children and working women, the DLSA, Mohali opened Day Care Centre in the Judicial Courts Complex for tending the children of Judicial Officers and staff of District Judiciary. The Day Care Centre was inaugurated on 29-3-2017 by Hon'ble Ms. Justice Daya Chaudhary, Judge, Punjab and Haryana High Court. In this Centre, total 17 kids have been admitted, the timing of said centre is from 9 am to 5.30 pm. The Centre has number of facilities such as proper beddings for sleeping of kids, toys to play, story and drawing books and colors. A Pantry equipped with Refrigerator, Microwave Oven, Gas Stove and other utensils is also running.

B. Mediation Activities

- ✓ 20 Hour Refresher programme on Mediation was organized in the Chandigarh Judicial Academy w.e.f 10th to 12th March, 2017.
- ✓ Two awareness Programmes were organized at District Patiala and Roopnagar on 17-3-2017 and 21-3-2017 respectively.
- ✓ 20 Hour Capsule course on Mediation was organized at Chandigarh Judicial Academy w.e.f 23rd-25th March, 2017.

C. Capacity Building of Panel Lawyers

Punjab SLSA is imparting training to Panel Advocates of all the Districts through Master Trainers trained by NALSA. For this purpose, advance training schedule was prepared and accordingly training was imparted to the Panel Advocates.

- *The detail report in respect of Capacity Building of Panel Lawyers w.e.f. from January, 2017 to March, 2017 is tabulated as under:*

No. of the training programme conducted in the month	No. of participants
33	917

D. National Lok Adalat

As per directions of NALSA, National Lok Adalat was organized on 11.2.2017 in the State of Punjab.

- *The progress report of number of cases taken up and disposed of w.e.f. from January, 2017 to March, 2017 in the said National Lok Adalat is tabulated as under:*

Taken up	Dispose off	Settled Amount
58511	22008	2946718676/-

E. Monthly Lok Adalat

Punjab SLSA is organizing Monthly Lok Adalat in the State of Punjab.

- *The progress report of number of cases taken up and disposed of in the said Monthly Lok Adalat during January, 2017 to March, 2017 is tabulated as under:*

Taken up	Dispose off	Settled Amount
21418	8074	423024855/-

F. Permanent Lok Adalat (PUS)

Permanent Lok Adalats for settling the pre-litigative disputes pertaining to Public Utility Services are being organized in the State of Punjab.

- *The progress report of number of cases taken up and disposed of in the said Permanent Lok Adalat (PUS) during January, 2017 to March, 2017 is tabulated as under:*

Taken up	Dispose off	Settled Amount
6050	3343	77911652/-

G. Legal Aid Clinics

In order to ensure that opportunities for securing Justice are not denied to any citizen by reason of economic or other disabilities, Punjab SLSA has established Legal Aid Clinics in Colleges / Universities, Villages, community Centers, Courts, Jails, JJB, for the people of North-East etc.

- On 15.2.2017, a Legal Aid Clinic was inaugurated in Sri Guru Granth Sahib World University, Law Department by District & Sessions Judge, Fatehgarh Sahib. The pre-dominant objective of Legal Aid Clinic would be to propagate the information to the students as well as to the public at large about the various welfare and beneficial schemes being provided by the Legal Services Authority, benefits of Lok Adalat, Mediation and other alternative dispute resolution measures.
 - On 09.02.2017, a Legal Aid Clinic was established at Swami Vivekanand De-Addiction Centre, Medical College, Amritsar. Legal Aid Clinic was inaugurated by District & Sessions Judge, Amritsar.
 - 09.03.2017, a Legal Aid Clinic was established at B.B.K. DAV College, Lawrence Road, Amritsar. Legal Aid Clinic was inaugurated by District & Sessions Judge, Amritsar.
- *The detail report of establishment of such Legal Aid Clinics w.e.f. from January, 2017 to March, 2017 is as under:*

No. of Legal Service Clinics	College/ Universities	Villages	Community Centres	Courts	Jails	JJB	For the people of North-East	Other (Pls specify)
336	29	222	14	31	30	2	7	1

H. Para Legal Volunteers

Para Legal Volunteers have been engaged in Police Stations, Front

offices, Jail/Observation Homes, JJBs/CWCs, etc to provide immediate Free Legal Services to the poor and needy litigants.

- *The detail report in respect of Para Legal Volunteers w.e.f. from January, 2017 to March, 2017 is tabulated as under:*

Total no. of PLVs trained	No. of PLVs deployed					
	Police Station	Front offices	Jails/ observations Homes	JJBs/ Child welfare centres (CWCs)	Other Legal Services (Pl. Specify)	Total
1373	71	64	86	3	423	647

I. Free Legal Aid Beneficiaries

In order to provide and ensuring quality legal services to the persons in need of legal service, Punjab State Legal Services Authority has empanelled Good quality panel lawyers, Retainer Advocates and Remand Hour Advocates at District and Sub-Divisional Level.

- *The detail report in respect of Legal Aid Beneficiaries w.e.f. from January, 2017 to March, 2017 is tabulated as under:*

Total Legal Aid Beneficiaries
6253

J. Assisting people in getting benefits of the Legal Services, Government Schemes /Policies through Legal Literacy/ Legal Awareness Programmes

- A free Medical Checkup Camp for the women and children was organized in the slum area at Abohar Road, near water works tank, Sri Muktsar Sahib, on the occasion of International Women's Day with the help of D.C.P.O, Sri Muktsar Sahib and Health Department, Sri Muktsar Sahib.
- Blood Donation Camp was held at Sahid Bhagat Singh Chowk, Jalandhar on 23.3.2017.

- A Seminar on JJ, Act, POCSO Act and Punjab Victim or their Dependent Scheme, 2011 was organized for the S.H.Os of all the Police Stations of District Muktsar Sahib and Members of Juvenile Police Unit.
 - A Seminar on Legal Awareness was conducted during the Lohri Celebrations for girls organized by NGO Guru Gobind Singh Harbandsani Mission, Malout at Jhamb Guest House Malout.
 - The festival of Lohri was celebrated with Senior Citizens at Old Age Home, Fazilka and also celebrated with students of Ekal Vidayala of District Fazilka at Shri Lala Sunam Rai Memorial, Fazilka.
 - Two Day Legal Literacy Camp was organized by District Legal Services Authority, Ludhiana at Punjab Agriculture University, Ludhiana in Kisan Mela on dated 24.3.2017-25.3.2017 for creating awareness regarding various schemes of Free Legal Aid and Other Schemes by NALSA among the general public and farmers who visited the Kisan Mela.
- *The detail report in respect of Seminars/Camps w.e.f. from January, 2017 to March, 2017 is tabulated as under:*

Total number of Programmes	No. of persons attended
2820	165820

K. Punjab Victim Compensation Scheme

Under Punjab Victim Compensation Scheme, total 38 applications were decided w.e.f. January, 2017 to March, 2017.

- The detail report in respect of Victim Compensation Scheme w.e.f. from January, 2017 to March, 2017 is tabulated as under:

No. of the applications received directly by Legal Services Institutions (A)	No. of the applications/ orders marked/ directed by any court	Total no. of applications received including court orders (A+B)	No. of applications decided	Total settlement amount
104	29	133	38	3975000

L. Utility of Legal Help Line Number

Punjab State Legal Services Authority has installed a toll free number 1968, since 2012, in the office of State Authority to provide free advice on the spot and to provide information with respect to various beneficial schemes of State Government and Schemes of NALSA.

- *Through this help line number, 300 number of grievances have been resolved with effect from January, 2017 to March, 2017.*

RAJASTHAN

State Level Colloquium

The Rajasthan State Legal Services Authority with technical support of UNICEF organized State Level Colloquium on the Prohibition of Child Marriage Act - 2006 & Legal Services to Victims of Acid Attacks: Scheme of NALSA on 26th March 2017 at State Institute of Agriculture Management, Durgapura, Tonk Road Jaipur. **Hon'ble Mr. Justice Arun Mishra**, Judge, Supreme Court of India was pleased to be the Chief Guest of the Colloquium, **Hon'ble Mr. Justice Navin Sinha**, Judge, Supreme Court of India was the Guest of Honour and it was presided by **Hon'ble Mr. Justice K.S. Jhaveri**, Acting Chief Justice, Rajasthan High Court & Executive Chairman, Rajasthan State Legal Services Authority.

National Lok Adalat

Lok Adalats are being held in the country for disposal of cases through the process of mutual settlement between the parties. Not only the cases are decided expeditiously but the parties have also to spend lesser cost. In addition, no challenges can be made to the award of Lok Adalat. There remains no rancour between the litigating parties. They depart as friends

and not as foes.

As per the schedule given by NALSA the National Lok Adalat was organized on 11.02.2017 for pension, retiral benefits, industrial disputes, transfer matters, MACT etc. throughout the State. 1,31,618 cases were settled in this National Lok Adalat.

In this Lok Adalat 10 Benches were constituted in Rajasthan High Court Jodhpur in which 7 Hon'ble Sitting Judges as well as 3 Retd. District & Sessions Judges presided the Bench and 14 Benches were constituted in Rajasthan High Court Jaipur Bench which were presided by Hon'ble Sitting Judges of the Rajasthan High Court.

It was the landmark as large number of Sitting Judges presided the National Lok Adalat and 643 cases were disposed of by Rajasthan High Court, Jodhpur and 924 cases were disposed of by Rajasthan High Court, Jaipur Bench, Jaipur.

International Woman Day

Under the directions of **Hon'ble Mr. Justice K.S. Jhaveri**, Executive Chairman, RLSA, Women Legal Services Clinics were established and inaugurated on the occasion of International Women Day, 08th March, 2017 at each District Legal Services Authority of the State. The inauguration of Women Legal Services Clinic on the occasion of International Women Day is revolutionary step towards women empowerment.

The Women Legal Services Clinics at Jaipur Metropolitan and Jaipur District were jointly inaugurated by **Hon'ble Ms. Justice Sabina**, Judge, Rajasthan High Court and the Women Legal Services Clinic at Jodhpur Metropolitan was inaugurated by **Hon'ble Ms. Justice Nirmaljit Kaur**, Judge, Rajasthan High Court.

These clinics will be functional for women on all working days during the week and shall be run by Women PLV & Panel Lawyer who will help the victim Women in getting the fruits of various Public Welfare Schemes run by the State Government etc.

20-Hour Refresher Course

20-Hour Refresher Course for 27 Mediators (Judicial Officers,

Advocates and Social Workers) was conducted as Jaipur District on 04th, 05th & 06th March, 2017

Mega Legal Awareness and Public Welfare Camps

Rajasthan is a Rural State where around 5.18 Crore people are living in rural areas. As per Census 2011, the total population of Rajasthan is 6.89 Crores. It means around 75% people live in rural regions and most of them are illiterate and not aware of the rights conferred upon them by the law. Even literate people do not know about their rights and entitlements because of lack of legal awareness. It results into deception, exploitation and deprivation of rights and benefits.

Central and State Governments framed various schemes for welfare of weaker and marginalized sections of society but due to illiteracy and lack of awareness, the benefits of these schemes are not reaching to the eligible and needy persons.

Appreciating the need of hour, the Rajasthan State Legal Services Authority has launched 'Mega Legal Awareness and Public Welfare Camp Scheme' with the objective to systematically organize benefit distribution camps for various organization under one roof on one day and spread legal awareness to the needy section of the society. At the same time, with the help of concern Govt. Departments, the institution facilitates the benefits of various welfare schemes to needy and deserving persons.

National Girl Child Day

National Girl Child Day is celebrated every year on 24th of January as a national observance day for the girl child. This celebration was started to offer more supports and new opportunities to the girls in the country. It is celebrated to increase the awareness among people about all the inequalities faced by the girl child in the society.

National girl child day has been started as a mission by the Rajasthan State Legal Services Authority with the aim to raise the awareness among people all over the State about the importance of girl's promotion. Many events were organized all across the State to celebrate the girl child day to promote girls position in the society.

Awareness camps were organized in the schools at mass level focusing

on the important features of “*Beti Bachao Beti Padhao*” National Campaign. Public at large were made aware of the menace of female foeticide and stringent legal provisions to curb the problem.

Period Year 2017 (I Qtr.)	S.C	S.T	Women	Children	In Custody	Persons with disability	Industrial workmen	Transgender	Victims of Trafficking in Human Beings or beggar	Victims of Mass Disaster, Violence, Flood, Draught, Earthquake and Industrial Disaster	General (Persons whose annual income does not exceed the prescribed limit)	Other	Total
Jan.	62	41	53	3	218	222	0	0	0	0	77	70	746
Feb.	69	77	114	120	650	6	0	0	0	0	147	26	1209
March	80	70	98	10	423	3	0	0	0	0	133	40	857
Total	211	188	265	133	1291	231	0	0	0	0	357	136	2812

Application Disposed of through Legal Aid Clinics:

Period Year 2017 (I Qtr.)	Total No. of Application received	Total No. Application Settled
Jan.	1921	231
Feb.	4208	2329
March	666	148
Total	6795	2708

Cases disposed of through ADR Mechanism Lok Adalat

ADR Mechanism	Cases disposed of	Amount Settled (Rupees)
Regular Lok Adalat	29,632	14,67,92,770/-
Permanent Lok Adalat u/s 22 B	780	2,64,51,319/-
National Lok Adalat	1,31,329	2,36,00,70,431/-

Total	1,61,741	2,53,33,14,520/-
-------	----------	------------------

Legal Awareness /Literacy Programmes:

Period Year 2017 (I Qtr.)	Legal Literacy Camps Organized	Beneficiaries
Jan.	1223	1,34,501
Feb.	1068	1,14,330
March	959	11,37,91
Total	3250	3,62,622

SIKKIM

1. Legal Aid/ Services:

- *Legal Aid Under Section 12 of the Legal Services Authorities Act, 1987*

Legal aid was provided to **240** beneficiaries by the Sikkim State Legal Services Authority during the quarter January to March, 2017.

MONTHS	S.C.	S.T.	WOMEN	CHILD	UNDER TRIAL/ DETAINED BY CUSTODY	GENERAL	DISABLED	OTHERS	TOTAL
January to March, 2017	10	14	65	05	106	30	1	09	240

2. Lok Adalats:

National Lok Adalat :

National Lok Adalat was held on 11th February, 2017 as per the direction of NALSA in all the Courts of Sikkim at the Districts and Talukas level. Cases pertaining to Crl. Compoundable Offences, NI Act under section 138, Bank Recovery Cases, Land Acquisition Cases, Electricity and Water Bill (excluding theft), Services matters relating to pay and allowances and retiral benefits, Revenue Cases, Other Civil Cases and other Case were taken up. Out of 127 cases taken up, 51 cases were settled and the amount

awarded was Rs. 78,46,340/- .

Monthly Lok Adalat :

HIGH COURT LOK ADALAT

No. of Lok Adalat held	Previous Pending	No. of cases received	Total	No. of cases settled	No. of cases returned	No. of cases pending
03	05	11	16	03	0	13

DISTRICT LOK ADALAT (EAST) AT GANGTOK

No. of Lok Adalat held	Previous Pending	No. of cases received	Total	No. of cases settled	No. of cases returned	No. of cases pending
07	06	158	164	33	05	126

DISTRICT LOK ADALAT (WEST) AT GYALSHING

No. of Lok Adalat held	Previous Pending	No. of cases received	Total	No. of cases settled	No. of cases returned	No. of cases pending
05	06	16	22	07	03	12

DISTRICT LOK ADALAT (SOUTH) AT NAMCHI

No. of Lok Adalat held	Previous Pending	No. of cases received	Total	No. of cases settled	No. of cases returned	No. of cases pending
07	06	67	73	55	06	12

3. Mediation:

The statistics of the cases taken up before the 4 Mediation Centres:-

MEDIATION CENTRE	No. of Mediations Held	No. of Cases Taken Up	No. of Cases Settled	No. of Cases Returned	No. of Cases Pending
Mediation Centre (East) at District Court Complex, Sichey, Gangtok	69	47	20	12	15
Mediation Centre (South) at District Court Complex, Namchi, South Sikkim	18	15	04	09	03
Mediation Centre (West) at Civil Court Complex, Gyalshing, West Sikkim	11	06	03	02	01
Mediation Centre (North) at Pentok, Mangan, North Sikkim	Nil	Nil	Nil	Nil	Nil

4. Legal Awareness Activities:

Programmes under Micro Legal Literacy Scheme, Mahatma Gandhi National Rural Employment Guarantee Scheme, Legal Services to Senior Citizens Scheme, 2016, Prime Minister's Social Security Schemes, Legal Services to Victims of Acid Attack Scheme, 2016, International Women's Day, World Consumer Rights Day and Legal Services for Women were conducted. 65 nos. of such awareness camps were held.

Various subjects on legal rights and benefits to the marginalized and weaker section of the society, including the women and children, rights of persons arrested provided by the various provisions contained in the Constitution of India, Indian Penal Code, 1860, the Code of Criminal Procedure, 1973, Anti Ragging, Drug Abuse, Plea Bargaining and facilities provided under the State/Central Welfare Scheme of the Government as well as the nine new Schemes of NALSA were deliberated to those gathered.

- *Legal Services Stalls set-up during Melas*

To disseminate information about free legal aid and services provided

by Sikkim SLSA stalls were set up during Maghey Mela in Sikkim which was held from 14th to 16th January, 2017 in the East District at Singtam and in the South District at Jorethang.

The stalls were manned by Panel Advocates of the East and South District alongwith Para Legal Volunteers and staff of Sikkim SLSA. Legal Counseling was provided as well as pamphlets on various legal issue were distributed.

- *Legal Awareness Programme through AIR and Doordarshan*

During the quarter legal awareness programmes on various topics of law/schemes were broadcasted every Saturday under “*Kanuni Kura*” in A.I.R., Gangtok and also telecasted in Doordarshan once a month under “*Gramim Kariakram*” by the Panel Advocates of Sikkim SLSA nominated as Resource Persons.

5. Training Programmes:

- *Two-Days Sensitization Programme on Sexual Harassment at Workplace for female employee and Internal Complaint Committee.*

Sensitization Programme on Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act, 2013 and for the Internal Complaint Committees of the Government Departments, Public Sector Undertakings, Private Sectors, Banks and Pharmaceutical Companies was organized by Sikkim SLSA on 24th and 25th March, 2017.

The participants were familiarized with the provisions of Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act, 2013 and sensitized about various facets of sexual harassment. The Members of the Internal Complaints Committee were informed as to how they should go about and dispose of the complaint of an aggrieved person.

Refresher Course for Student Para-Legal Volunteers

In compliance to the directions of Hon’ble Executive Chairperson, Sikkim SLSA, Refresher Course for the Student Para-Legal Volunteers (previously trained as PLVs on 20th & 21st August, 2016) was organized by Sikkim SLSA during the month of March, 2017 in the Moot Hall of

Sikkim Government Law College, Burtuk, East Sikkim. Resource Persons comprised of Panel Advocates of Sikkim SLSA.

6. Miscellaneous Activities

Republic Day Celebration

Sikkim SLSA celebrated 69th Republic Day in the Office premises at Development Area, Gangtok on 26th January, 2017. The National Flag was hoisted by Hon'ble Mrs. Justice Meenakshi Madan Rai, Judge, High Court of Sikkim and Executive Chairperson, Sikkim SLSA followed by National Anthem.

The programme was attended by Judicial Officers, Ex-Officio Members of Sikkim SLSA, Panel Advocates, Officers and staff of Sikkim SLSA.

Observance of International Women's Day

In accordance with the Calendar of Activities, the District Legal Services Authorities and Taluk Legal Services Committees under the aegis of Sikkim SLSA observed International Women's Day on 8th March, 2017 and a week thereafter, as Legal Services Week for women.

Various subjects on legal rights of women and benefits including Central & State Government Schemes for women and girl children, Equal Opportunities to women folk, Domestic Violence, Section 125 of Cr.P.C. POCSO Act 2012 etc., were deliberated.

Meeting to Review Progress of Awareness Programmes on NALSA (Victims of Trafficking and Commercial Sexual Exploitation) Scheme, 2015 in Schools of Sikkim.

A meeting to review the progress of awareness programmes conducted by Panel Advocates in various Schools on NALSA (Victims of Trafficking and Commercial Sexual Exploitation) Scheme, 2015 was held on the 28th March, 2017 in the Conference Hall of Sikkim SLSA. The meeting was chaired by Mr. K.W. Bhutia, Registrar, High Court of Sikkim and Member Secretary, Sikkim SLSA with a team of Advocates of East District who are conducting such awareness programmes. Date and time for holding awareness programmes in different Schools were worked out in tune with the academic calendar prepared by Human Resource Development

Department.

TAMIL NADU

1. NALSA SCHEME: (January to March 2017)

S. No.	Name of the Scheme	Number of awareness Programmes	Any other activities/ initiatives with regard to the scheme
1	NALSA Scheme for Legal Services to Disaster Victims through Legal Services Authorities	9	District and Taluk Level camps organized in Villages to create awareness among the people.
2	NALSA (Victims of Trafficking and Commercial Sexual exploitation) Scheme,2015	38	District and Taluk Level awareness camps organized in Homes and observation Homes to create awareness among the inmates and rehabilitated them and taken steps for reintegration with their parents
3	NALSA (Legal Services to the workers in the Unorganized Sector) Scheme,2015	58	District and Taluk Level Legal Awareness Camps organized on the benefits of the Government welfare schemes.
4	NALSA (Child Friendly Legal Services to Children and their protection) Scheme, 2015	89	DLSA organized Camp on abolition of Child Labour, conducted Rally, and distribution of Caps, displaying dos and don'ts relating Child Rights and Released of Pamphlets related to Rights of Children.
5	NALSA (Legal Services to the Mentally Ill and Mentally Disabled persons) Scheme,2015	9	District and Taluk Level organized awareness camp in Mentally Ill Home and Institute of Mental Health.
6	NALSA (Effective Implementation of Poverty Alleviation Schemes) Scheme,2015	76	District and Taluk Level organized awareness camp in villages to get government benefits to the poor and downtrodden people. In Zama Bandhi programme more persons benefitted and also in Grama Sabha Meeting.

7	NALSA (Protection and Enforcement of Tribal Rights) Scheme,2015	31	District and Taluk Level camps organized awareness camp in hill areas to educate Tribal people to get Government benefits at the earliest.
8	NALSA (Legal Services to the Victims of Drug Abuse and Eradication of Drug Menace) Scheme,2015	23	District and Taluk Level camps organized to create awareness in Schools and College to motivate the students in the right direction.
9	NALSA (Legal Services to Victims of Acid Attacks) Scheme 2016	14	District and Taluk level camps organised to create and spread awareness about the entitlements of the victims of acid attacks.
10	NALSA (Legal Services to Senior Citizens) Scheme 2016	20	District and Taluk level camps organised to create and spread awareness about the entitlements of senior citizens.
	Total	367	

Statistical information with regard to implementation of Legal Aid Programmes in the state of Tamil Nadu for the “Quarter ending as on 31.03.2017:

LEGAL AID APPLICATIONS:

Number of applications pending at the end of preceding quarter	Number of applications received during the quarter	Number of applications disposed of during the quarter	Number of applications pending for disposal
34,597	11,470	12,395	33,672

LEGAL AID BENEFICIARIES

S.C	S.T	Women	Children	In Custody	Person with disability	Transgender	General	Others	Total
736	86	2,028	56	739	3	20	6,194	1,608	11,470

LOK ADALATS HELD IN THE STATE:

Lok Adalats Held	Number of Cases taken up	Number of Cases Settled (Category-wise)		Amount Awarded
				Rs. P
1,384	4,20,953	Motor Accident Cases	6,516	1,84,83,17,686/-
		Civil	1,931	61,98,86,801/-
		Execution Petition	85	4,55,37,888/-
		Matrimonial Matters	497	1,43,51,000/-
		Domestic Violence Act	6	13,00,000/-
		Criminal	6,555	83,80,620/-
		RCOP Cases	11	11,09,470
		Cheque bouncing Cases	1,437	52,90,29,479/-
		Land Acquisition Cases	35	40,71,373/-
		Labour Court Cases	126	2,85,06,287/-
		Bank Suits	117	2,20,56,550/-
		Other Criminal Cases	39,556	5,03,41,267/-
		Factories Act	254	38,49,000/-
		Pre-Litigation:		
		Bank Recovery Cases	10,855	94,02,43,698/-
		Telephone Cases	1,527	25,46,033/-
		Finance Cases	172	95,12,058/-
		Matrimonial	1	150000/=
		Revenue	28350	0/-
		Municipal	132	701817/-
		LAOP	45	7324235/-
		Others	819	2705279/-
Cheque	14	438661/-		
Civil	509	32525131/-		
1,384	4,20,953	Total	99,550	4172884333/-

TRAINING OF TRAINERS PROGRAMME FOR PANEL LAWYERS

DATES	VENUE	RESOURCE PERSONS
07.01.2017 & 08.01.2017	Vellore & Tiruvannamalai District Legal Services Authority (TOT Programme)	Mrs. Sudharshana Sundar Mrs. Rathina Thara
21.01.2017 & 22.01.2017	Salem & Namakkal District Legal Services Authority (TOT Programme)	Mrs. Sudharshana Sundar Mrs. Rathina Thara
28.01.2017	Nilgiris District Legal Services Authority (Orientation Programme)	Mr. N. Sivakumar, District Judge/Chairman, District Legal Services Authority Nilgiris.
18.02.2017 & 19.02.2017	Kanyakumari District Legal Services Authority (TOT Programme)	Mrs. Sudharshana Sundar Mrs. Rathina Thara Mr. Mohan
18.03.2017 & 19.03.2017	Krishnagiri District Legal Services Authority (TOT Programme)	Mrs. Sudharshana Sundar Mrs. Rathina Thara Mr. Mohan
22.03.2017	Coimbatore District Legal Services Authority (Orientation Programme)	Mr. V. John Mino, Sub Judge/ Secretary, District Legal Services Authority Coimbatore

DETAILS OF LEGAL AID CLINIC FUNCTIONING:

S. No.	Month & Date	Clinic Opened in	No. of Clinics opened
1	January 2017	Thiruvarur District Legal Services Authority: 1.Richeeyur, 2. Perambur, 3. Muniyur,	3
2		Coimbatore District Legal Services Authority: HIV Clinic in Medical College Hospital, Tiruppur. Legal Service Clinic in Juvenile Home, Tiruppur	2
3		Tiruvallur District Legal Services Authority: Legal Services Clinic in JJB, Tiruvallur	1
4.	February 2017	Madurai District Legal Services Authority: Government Law College, Madurai. Government Vigilance Home, Madurai	2
		Thiruvallur District Legal Services Authority: Clinic for Transgender people at Vedivelli Village	1
		Thirunelveli District Legal Services Authority: Clinic for College Students at Rani Anna Government College.	1
		Salem District Legal Services Authority: Clinic for Prisoners at Special Prison for Women, Salem.	1
5	March 2017	Vellore District Legal Services Authority Law College, Vellore Pengal Membattu Sangam	
		Chennai District Legal Services Authority Sub Jail, Saidapet	
		Sivaganga District Legal Services Authority Old Age Home, Poovanthi Village	

LEGAL AID CAMPS, LEGAL LITERACY AWARENESS PROGRAMMES

AND PUBLICITY CAMPAIGN HELD

Month & Year	Particulars	No. of Camps organized	Legal Applications Received	Non Legal Applications Received	Total
January 2017	Regular	113	33	557	590
	Micro	286	66	155	221
	NREG	30	0	0	0
	Total	429	99	712	811
February 2017	Regular	132	99	99	198
	Micro	189	24	212	236
	NREG	30	0	0	0
	Total	351	123	311	434
March 2017	Regular	212	37	819	856
	Micro	226	41	117	158
	NREG	18	0	0	0
	Total	456	78	936	1,014
	TOTAL	1,236	300	1959	2,259

LEGAL AWARENESS CAMPS:

S.No.	Mode/Place of awareness programme	No. of Programme held	No. of Persons attended	Subjects

1	School/ College/ University	286	51,915	<ol style="list-style-type: none"> 1. Child Care and Protection 2) Birth & Death 3). Fundamental Duties & Rights 4) Civil Rights & Maintenance 5) Importance of Education 6) Rights of Children 7) Pocso Act 8) Juvenile Justice Act 9) Traffic & MACT Act 10) International Womens Day 11) Disaster Victims Schemes 12) Schemes relating to Trafficking & Commercial sexual exploitation 13) Camp for mentally ill and mentally disabled persons. 14) Protection and enforcement of Tribal Rights 15) Victims of drug abuse and eradication of drug menace 16) Victims of acid attack
---	-----------------------------------	-----	--------	--

2.	Village/ Community Centre	505	38,901	<ul style="list-style-type: none"> 1) Birth & Death 2) Patta 3) Government Welfare Scheme 4) Law about Properties 5) Children's Right & Womens Rights 6) Senior Citizens Act 7) Rights of Farmers and Unorganized Labours 8) Micro Camps 9) Hindus Laws 10) RTI Act 11) DV Act 12) Hindu Marriage Act 13) Maintenance Act 14) NREG Camp 15) MACT Act 16) Functions and Activities of legal Services Institutions 17) Old Age Pension 18) Grama Sabha Meeting 19) Family Welfare 20) International Women Day 21) Disaster Victims Schemes. 22) Schemes relating to Trafficking & Commercial sexual exploitation 23) Camp for mentally ill and mentally disabled persons. 24) Poverty Alleviation Scheme 25) Protection and enforcement of Tribal Rights 26) Victims of drug abuse and eradication of drug menace 27) Victims of acid attack 28) Senior Citizens
.3	Jail/other custodial home	45	5,776	<ul style="list-style-type: none"> Rights of arrested persons Rights of Juveniles and Rehabilitations opening of legal aid clinics in jail Criminal law & Criminal appeal Protection and enforcement of Tribal Rights Victims of drug abuse and eradication of drug menace Victims of acid attack

4	Slum & Labour colonies	29	1,338	<ol style="list-style-type: none"> 1.Right of Slum Dwellers 2)Rights of labour getting remedies through court/labour commissioner 3)Hindu Marriage Act 4) RTI Act 5)Unorganized labour 6)Fundamental Duties 7)Workmen compensation 8) Protection and enforcement of Tribal Rights 9.Victims of drug abuse and eradication of drug menace 10. Victims of acid attack Senior Citizens
5.	Radio	15	5,600	<ol style="list-style-type: none"> 1.Right to Information Act 2.Domestic Violence Act 3.Property dispute 4.Land Acquisition 5.Hindu Marriage act
6)	Community Radio	24	10,700	<ol style="list-style-type: none"> 1. Unorganized Sectors 2.Traffic Rules 3.Activation of State Legal Services Authority 4.Prohibition of Child Marriage & Prohibition of Child Labour 5.Drug Abuse 6.Various government welfare scheme to public 7.Hindu Law
8)	Doordharshan /TV	15	20,000	<ol style="list-style-type: none"> 1.Neethi Mandra Seithigal 2.Functioning of TNSLSA are being broad casted 3.Importance Pronouncement by Supreme Court/ High Court to the public 4.The NALSA Schemes were explained to the public

9)	Others	262	21,715	1. Micro Camp 2. MNRGES Camp 3. Unorganized Sector & Special Subjects focused 4. World Environmental Day 5. Child Rights 6. Medical Camp 7. Basics Laws 8. Disaster Victims Schemes 9. Victim Compensation 10. Schemes relating to Trafficking & Commercial sexual exploitation 11. Camp for mentally ill and mentally disabled persons. 12. Poverty Alleviation Scheme 13. Victims of drug abuse and eradication of drug menace 14. Victims of acid attack 15. Senior Citizens
----	--------	-----	--------	---

MEDIATION: (January 2017 to March 2017)

Sl. No.	Month	Referral	Settled	Failure	Non-Staters
1.	January 2017	794	109	615	225
2.	February 2017	803	119	609	228
3.	March 2017	1,005	117	500	214
	Total	2,602	345	1,724	667

LEGAL SERVICES THROUGH HELP LINE:

(January to March 2017)

a) Through Advocate: (Written Complaint)

i)	Number of applications Received	:	711
ii)	Forwarded to Counselling Centre	:	140
iii)	Forwarded to Centre for Women	:	64
iv)	Forwarded to Family Cell	:	45
v)	Forwarded to Authorities/Committees	:	462
vi)	Total	:	711

b) Through PLV: (Telephone Message):

i) Number of complaints received:	:	725
ii) Civil Disputes advised	:	199
iii) Family Disputes advised	:	285
iv) Money Disputes advised	:	60
v) Rent Matters	:	58
vi) Bank Loan	:	77
vii) Pension	:	28
viii) Accident Cases	:	18
ix) Total	:	725

TELANGANA

1. LEGAL AID / SERVICES:

(A). Setting up of a Stall by Telangana SLSA i.e. Free Legal Aid and Advice Centre in “77th All India Industrial Exhibition, 2017” at Nampally, Hyderabad: In pursuance of spirited goal of “Access to Justice for All”, Telangana SLSA established a Stall i.e. Free Legal Aid and Advice Centre in 77th All India Industrial Exhibition, 2017 at Nampally, Hyderabad on 05.01.2017 which was inaugurated by the *Hon’ble Sri Justice V. Ramasubramanian*, Judge, High Court of Judicature at Hyderabad and Executive Chairman, Telangana SLSA. For purpose of rendering free legal advice and legal aid to the needy, 2 panel lawyers were nominated to attend the said stall every day and to render free legal services to the needy in an effective manner. In order to spread legal awareness among the public at large the TSLSA got distributed the brochures and pamphlets on various laws, enactments and schemes including seven NALSA Schemes, 2015 to the visitors of the said stall. The said task taken by Telangana SLSA was carried from 05.01.2017 to 15.02.2017. As per the status report **1275 visitors from various places were benefited** by the free legal services that were rendered by the panel lawyers. Telangana State Legal Services Authority was even awarded **special prize** by the Exhibition Society.

Statistics : Total Number of Legal Aid Beneficiaries during the period are 1048

(B). LEGAL SERVICES TO SENIOR CITIZEN:

DLSA, Medak received a petition from Smt. Yadamma (aged about 60 years) R/o Gomaram village informing that she is having three daughters (all married) and one son and that one of her daughter is blind, and that, her husband is conceding the words of his son and daughter-in-law and necked her out of the house. She further informed that her husband is not looking after their daughters also and given away the property to their daughter-in-law, as such, she requested for help. Upon receiving the petition, on the request of the petitioner, Para Legal Volunteers – Fareeda, Gangadevi and Manga were directed to do necessary counselling in this matter. The said PLVs approached the husband of the petitioner and counselled him. Further counselling was done by this Authority and during the counselling session, it was found that basis for this problem was the illegal intimacy between the husband of the petitioner with one of the daughter-in-law's mother. Hence, the respondent who is aged about 65 years, was given the necessary counselling as a result of which he promised to look after the wellbeing of his wife (petitioner herein) and also their daughters.

2. LOK ADALATS:

a) Petitioner by name Md.Shabuddin aged 68 years and Smt. Bhanu Bee aged 45 years, R/o. Kandi filed a petition before this Authority against V.Badhya Naik stating that Mohd. Amjad Ali who is the son of the petitioners died in a motor vehicle accident due to the rash and negligent driving of the respondent. The petitioners also informed that the deceased used to look after the welfare of the family and due to his death, they are put to severe mental pain and agony. Even after request, the respondent refused to pay compensation to them, as such they approached this Authority. After registering the case as Pre-Litigation case and issued notice to the respondent. Respondent appeared before this Authority and after counselling respondent has paid an amount of Rs.4,00,000/- (Rupees Four Lakhs only) to the petitioners.

Statistics:

		Number of Pre litigation cases settled	Number of Pending cases settled
a)	Regular/Daily Lok Adalat	1002	2956
b)	Compensation Awarded	Rs.34,34,43,441/-	
c)	National Lok Adalat	60600	45470
d)	Compensation Awarded	Rs.49,72,78,751/-	

3. MEDIATION:

In one case both the petitioners have filed mutual consent divorce u/s. 13(B) of HM Act and the matter was referred to Mediation and mediator made conciliation between the parties and the matter has been settled and they agreed to live together.

Statistics: Total No. of cases settled during the said period through Mediation 234.

4) LEGAL AWARENESS ACTIVITIES (INCLUDING ACTIVITIES ON NALSA'S SCHEMES AND PLVS SUCCESS STORIES)

DLSA, Medak Conducted awareness programmes at Siddipet on 22.02.2017 and at Deccan Development Society, Pashapur Zaheerabad on 28.02.2017 and on 02.03.2017 at Shivampet and enlightened the women farmers about various alternatives modes of livelihood apart from agriculture. They were explained that they can also earn income through dairy farming apart from cultivation; provided by government for self help group members. More particularly, the farmers were impressed not to resort to suicides as it is not the solution to their problems and further, they were urged to motivate the male members of the family also not to resort to suicide, instead to search for alternative ways of earning such as poultry farming, dairy development, cattle breeding, horticulture, etc. The farmers were explained about the advantages of using organic fertilizers instead of using chemical fertilizers which are hazardous to the lives of human being. They were motivated to develop their own seeds instead of depending entirely on the government and also fall prey to spurious seeds for cultivation.

(b).COMPENSATION TO RAPE VICTIM (PLV Success Story) :

One Para Legal Volunteer Smt.Sharada who hails from IDA Bollaram was successful in helping a minor girl to receive victim compensation from the District Women & Child Development Department, Sangareddy. The parents of the victim girl are migrant labourers from Odisha residing at Jyothinagar Colony, IDA Bollaram of Jinnaram Mandal. The Victim girl was raped by her neighbour aged about 50 years. Upon coming to know about the incident the Para Legal Volunteer helped in taking necessary steps to get the accused booked for criminal offence and more particularly helped the victim girl and her parents to avail the benefits of government scheme relating to victim compensation. The accused was convicted with rigorous imprisonment for 10 years for the offence punishable under Section 6 of POCSO Act, 2012. The Volunteer was with the victim through out the proceedings and Bankers Cheque for Rs.50,000/- (Rupees Fifty thousand only) was handed over in favour of the minor girl by the concerned department. The said amount is kept in Fixed Deposit in the name of the girl for her welfare.

Statistics: Total Number of Legal Awareness Camps including camps on NALSA Schemes, 2015 conducted during the said period in the State of Telangana are **381**.

5) TRAINING PROGRAMMES :

(A). Training Programme to Panel Lawyers on Advancing of Lawyering Skills conducted by Telangana State Legal Services Authority :

Telangana State Legal Services Authority has organized a two day training programme for legal services panel lawyers on **“Advancing of Lawyering Skills”** by the Master Trainers viz., Smt. S. Nanda, Sri G. Narayana and Sri Rajkumar Subedar as per Module Part-I at District Legal Services Authority, Adilabad on 21st & 22nd January, 2017.

(B). Training programme to Staff of DLSA and MISCs : DLSA, Medak conducted **one day training programme to all the staff members of District Legal Services Authority and all Mandal Legal Services Committees in the district.** On 04.01.2017 at Nyaya Seva Sadan and elaborately explained about the Legal Services Authorities Act, about the Panel Lawyers, Retainer Lawyers, Legal Aid Counsel under Model Scheme (Remand Advocates), Nominated Members of DLSA's, the

persons eligible for availing free legal aid as per Legal Services Authority Act also elaborately explained about settlement of the cases referred by courts in the Lok Adalats in amicable manner and settlement of Pre Litigation Cases through counseling, mediation, etc. The staff members were appraised about the registers that should be maintained by them and proper maintenance of accounts and timely submission of reports as and when called for and they are also imparted practical training about the preparation of statements that should be submitted to the State Authority.

(C). Training to convict women prisoners : DLSA, Warangal visited Central Prison, Warangal on 22.02.2017 in coordination with Jana Siksha Samstha to give training on tailoring to convicted women prisoners and after completion of the training the DLSA, Warangal in coordination with Jana Siksha Samstha distributed sewing machines for the out going convicts for their livelihood.

(D).Sensitization programme to Panel Lawyers and PLVs : DLSA, Mahabubnagar has organized sensitization programme to panel lawyers and PLVs on 30.01.2017, 23.02.2017 and 30.03.2017.

6) MISCELLANEOUS ACTIVITIES :

i. Visit to State Home and Children Home : The Secretary, DLSA, Mahabubnagar visited the State Home and Children Home on 27.02.2017, 30.03.2017 checked the living condition of the inmates.

ii. conducting of Jail Adalats by DLSA, Mahabubnagar : DLSA, Mahabubnagar conducted Jail Adalats on 12.01.2017 and settled 3 cases.

iii. Conducted sensitization programme : DLSA, Ranga Reddy conducted sensitization programme on 27.02.2017 to the PLVs as per Calender of Activities.

UTTAR PRADESH

Legal Aid /Services

During the quarter ending March, 2017, 71 DLSAs functional in the State of Uttar Pradesh dealt with thousands of applications requesting for free legal aid and legal services. During this quarter, 2,540 persons were benefited by getting free legal aid.

Lok Adalats

During this quarter successful National Lok Adalats was held on 11th February, 2017. The above National Lok Adalat focused on the all type of matters. During this NLA, 1,90,369 cases including 1,03,763 Petty Criminal Cases; 26,046 Revenue Cases; 7,059 Civil Cases; 3,914 Matrimonial Disputes; 222 Bank Loan Disputes; 1,071 Labour Cases and 1,788 Motor Accident Claim Petitions were decided. Compensation of Rs. 40,76,76,217/- was awarded/paid to the victims/claimants in the Motor Accident Claim Petitions. At Pre-litigation stage, 25,973 cases including 14,502 Bank and 3,390 Labour cases were decided.

Jail Lok Adalats

In the month of January a total no. of 48, in February a total no. of 40 and in March, 2017 a total no. of 47 Jail Lok Adalats were organized in State of U.P., in which 260, 263 and 254 cases respectively, were disposed off benefiting a large number of under trials, who were languishing in jails for a long time.

Mediation

In all the 71 districts of U.P., 71 Mediation Centres are functioning. 396 mediators, trained by MCPC and 87 mediators trained by others are providing valuable services to the litigants. With their valuable assistance 808 cases in the month of January, 940 cases in the month of February and 555 cases in the month of March, 2017, were settled through mediation.

Legal Awareness Activities

Legal Literacy camps were organized by all the DSLAs according to NALSA calendar. Importance was given to the 07 schemes launched by the NALSA for the welfare of the poor and marginalized sections of the society. Specific legal literacy camps were organized to make the people aware about the legal rights of the senior citizens and the provisions of the schemes launched for the welfare of the senior citizens.

During this quarter, a total of 210 legal literacy camps were organized all over U.P. by the 71 DLSAs. 1,02,658 people were benefited from these legal literacy camps.

In this quarter the services of publicity van was utilized to spread legal awareness and free legal aid services to the people, who are living in far flung areas and are in deprived conditions.

The UPSLSA, to provide legal assistance to persons looking for legal advice and counsel, started the **toll free number** in April, 2009. The services are provided for a caller from anywhere in the country, through 3 lawyers having experience of the application of law and working of the High Court and the District Court. During this quarter 2540 persons were provided free legal aid through DLSAs.

Legal Awareness through Mobile Van

In this quarter the services of publicity van was utilized to spread legal awareness and free legal aid services to the people, who are living in far flung areas and are in deprived conditions. The publicity van covered Azamgarh, Banda, Chitrakoot, Sultanpur, Jaunpur, Mirzapur and Sonbhadra districts. Pamphlets were distributed containing the literature of free legal services and short movies were also displayed to make the people aware of their legal rights. DLSAs, PLVs and Local Administration extended whole hearted support to make this tour a successful event.

Miscellaneous Activities

Payment of Compensation to the Victims under Victim Compensation Scheme

The State Government has enacted Victim Compensation Scheme, 2014 to provide compensation to the victims of the Acid attacks; Rape; Murder; Human trafficking etc. In this quarter a compensation of Rs. 84,10,000/- was awarded and paid to 12 victims of the different offences.

One day State level Sensitization on Mediation for District Judges and Secretaries, DLSAs

Conference on “**Sensitization on Mediation**” under the aegis of High Court Mediation and Conciliation Committee, Allahabad for Sensitization of Mediation was organized on 14th January, 2017 at the Judicial Training and Research Institute (JTRI), Gomti Nagar, Lucknow by Uttar Pradesh State Legal Services Authority (UPSLSA) under the Patronage of Hon’ble the High Court, Allahabad.

Hon'ble Mr. Justice Dilip B.Bhosale, Chief Justice, High Court of Judicature at Allahabad, Hon'ble Mr. Justice Dilip Gupta, Judge, High Court, Allahabad, Hon'ble Mr. Justice Ashwani Kumar Mishra, Member, Hon'ble Supervisory Committee, High Court Mediation and Conciliation Centre addressed all the aspects of mediation and laid emphasis as to how the role of mediator has assumed importance in a society, which is trying to strike balance between tradition and modernity. The conventional courts are not in position to meet the challenges of the growing society and are not in position to give speedy relief to the litigants. Through Alternative Dispute Resolution mainly mediation, we can give instant and inexpensive relief to the litigants. Hon'ble Lordship called upon all the District Judges and Secretaries to refer the maximum number of cases to the mediation centres and make the people aware about the advantage of the mediation. The mediators from the MCPC also addressed the participating judicial officers and explained the various provisions of the mediation process.

UTTARAKHAND

Lok Adalat:

1. During these months, **27 Monthly/National Lok Adalats** were organized and in these Lok Adalats total **4338 Cases** were disposed off, a sum of ` **8,26,12,510/-** was awarded as compensation to the litigants, a sum of ` **48,42,544/-** was realized as fine and total **4,468 Persons** were benefitted.
2. Total **06 Jail Lok Adalats** were organized during these months **in District/Sub Jails** of the State and **15 Cases** were settled through these Jail Lok Adalats and **15 Under Trial Prisoners/Jail Inmates** were benefitted.
3. From January to March, 2017, a total number of **298** cases were referred to Mediation Centres, out of which **107 Cases were settled** in the **Mediation & ADR Centres** established right from High Court to Outlying Courts of the State.
4. Besides the above, **114 Cases** were resolved/settled through **Women/Child Helpline** as per needs & requirements of said cases/complaints.

Legal Aid & Advice:

In the months of January to March, 2017, a total number of **328 persons** were benefited by **providing Panel Lawyers** free of cost to defend their cases from High Court to Tehsil Courts of the State. Out of which **183 Under Trial Prisoners** were benefitted through legal aid.

109 persons were benefitted by giving legal advice and total **24 persons** were provided legal advice through **Toll Free No: 1800 180 4000** installed in the office of Uttarakhand SLSA, Nainital.

Legal Literacy/Sensitization Campaign & Seminars:

School/College/University:

Between the months from January, 2017 to March, 2017, a total **105 awareness programmes** were organized wherein **16098** persons were made aware on the subjects, Legal services to the mentally Ill and Mentally disabled persons scheme, 2015, Sensitization Programme for Judicial officers, Panel Lawyers, PLV, relating to Mental Health Act, 1987, National Trust Act, 1999, Sheela Barse Vs. UoI and others (Criminal Petition No. 237/1989) and relevant Provisions of the concerned NALSA Scheme, Effective Implementation of Poverty Alleviation Scheme, 2015, NALSA (Legal Services to Victims of Acid Attack) Scheme, 2016, 357 Cr.P.C., Victims Compensation Scheme, 2013, Displaying of DVD as received from NALSA, NALSA (Legal Services to Senior Citizens) Scheme, 2016, Women Rights, Maintenance & Welfare of Parents & Senior Citizens Act, 2007, International Women's day, Water day, Rights of Equality, Forest Act, POCSO Act, JJ Act, **RTI, Right of Education, Child Labour, PC&PNDT Act**, etc.

Legal Literacy Campaign in Village/Community Centres:-

During the months of January to March, 2017 a total number of **263 Legal Literacy Camps** were organized in rural/urban areas of the State of Uttarakhand wherein **18115** persons were benefitted. These camps/programmes were conducted on subjects/issues such as Legal Services to the Mentally Ill and Mentally Disabled Persons Scheme, 2015, Mental Health Act 1987 National Trust Act, 1999, NALSA (Effective Implementation of Poverty Alleviation Scheme) Scheme, 2015, Victims of Trafficking and Commercial Sexual Exploitation) Scheme, 2015 &

Transgender Right, Govt. Compensation Scheme to Victims of Acid Attack & other General Legal Awareness, Social Welfare Schemes as run by the State Govt., Dowry Act, Child Marriage, Right to Compulsory Education, issues & provisions relating to SC&ST Act, PC&PNDT Act, Anti Human Trafficking, NALSA (Legal Services to Senior Citizens) Scheme, 2016, Anti Human Trafficking, Maintenance & Welfare of Parents & Senior Citizens Act, 2007, International Women's Day, NALSA (Legal Services to Victims of Acid Attacks) Scheme, 2016, Camp on General Health Check-up for Senior Citizens, Police Verification of Servants & Tenants for security of Senior Citizens, etc.

Legal Literacy Campaign in District/Sub Jails, Children/Observation/ Protection Homes:

In order to make aware Jail Inmates and Under Trial Prisoners detainees of different Homes of the State, total **44 Legal Awareness Camps** were organized in District/Sub Jails and Children/Observation Homes during January to March, 2017. By these campaign, total **6322** Under Trial Prisoners and Inmates detained in different Homes were sensitized about their legal rights. They were also made aware about provisions of Legal Awareness Camp to Prisoners Rights, Legal services to the Victims Drug Abuse and Eradication of Drug Menace Scheme, 2015, Free Legal Aid, Plea Bargaining, Special Camp – Mentally Ill and Mentally Disabled Persons & Issues of Missing Women and Children, Plea Bargaining, Protection of Child Rights & Moral Education, NALSA (Legal Services to Victims of Acid Attack) Scheme, 2016, Legal Rights of Senior Citizens & Prisoners, Child Welfare Scheme of Govt., Displaying of DVD received from NALSA, Issues of Missing Women and Children. Displaying of DVD received from NALSA.

Campaign in Melas/Exhibitions:-

During this period, a total **07 Legal Literacy Camps/Stalls/Set-up a Help Desk** were held in regional fairs organized throughout the State of Uttarakhand. The said camps/stalls and help desk were visited by **7730** persons of the locality and neighboring districts visited these stalls and were provided Saral Kanooni Gyan Mala booklets as per their need. Legal Problems as faced by them were also attended by the Panel Lawyers and DLSAs Staff. Also they were made aware about NALSA's Protection and Enforcement of Tribal Right Scheme, Government Welfare Schemes and

other important Laws and Acts.

Radio/TV (Doordarshan):-

During these months, 11 legal aid programmes were recorded and telecasted by Doordarshan Dehradun Centre in the program namely “**Kannoni Salah**”. For this, a panel of experts consisting of Member Secretary, Uttarakhand SLSA and Judicial Officers posted in the State exclusively for legal Services activities including Panel Advocates has been prepared.

Multi Purpose Camps:-

From January to March, 2017 a total number of **64 Legal Literacy/ Legal Awareness Camps/Programmes** were organized throughout the State of Uttarakhand wherein **2813** persons were made aware about the MGNREGA Yojna, Basic knowledge about Dowry system, Mentally Ill and Mentally Disabled Persons Scheme, 2015, Sensitization Programme for judicial Officers, Panel Lawyers, PLV, relating to Mental Health Act, 1987, National Trust Act, 1999, Sheela Barse Vs. UoI and others (Criminal Petition No. 237/1989) and relevant provisions of the concerned NALSA Scheme, Govt. Compensation Scheme to Victims of Acid Attack & other General Legal Awareness, Displaying of DVD as received from NALSA, Mediation Mechanism, Legal Rights of Senior Citizens & Women, Domestic Violence, International Women’s Day, Basic knowledge about Law, Maintenance & Welfare of Parents & Senior Citizens Act, 2007, Police Verification of Servants & Tenants for security of Senior Citizens, JJ Act, POCSO Act, Child Labour and SC/ST Rights, Forest Act, Drug Menace, etc.

Visits/Inspection/Meetings/Trainings:-

1. During this period, **24 Visits** were made to District/Sub-Jails & Judicial Lock-ups of the State by the Secretaries/Panel Advocates of the Concerned DLSAs. The aim of the visits was to secure legal rights of under trial prisoners and detainee confined in the Jails of the State.
2. During these months, **32 visits/inspection** were conducted at Government observation/Children Homes, Nari Niketan & Govt. Beggar Home of the State. During the visit, Children/Inmates were informed about their legal rights including other valuable information

and about NALSA's Schemes.

3. Total number of **34 Meetings** were conducted with PLVs and Panel Lawyers. In the said meetings participants were sensitized on all 09 NALSA's Schemes and were directed to make aware common people about free legal aid/activities available in the State. Duties of PLVs who are deputed at Legal Aid Clinics and a discussion was made on the deputation of PLV & Panel Lawyers under different NALSA's Schemes.
4. Total number of **04 "Orientation & induction training programmes"** were organized for Newly Empanelled PLVs & training also imparted to the participants on Maintenance & Welfare of Parents and Senior Citizen Act-2007 & Various NALSA's Scheme.
5. During the period, **03 Juvenile Justice Board Meeting** were conducted. The said meetings were held with Social Welfare Department, CWC and Police Department. The discussion of the meeting was centred on Child Rights.
6. During the period, **04 visits/inspection** were conducted in Vridha Asharam & Old Age Homes. During the visit facilities in these Asharams & Homes were inspected. The detunes were made aware about the legal rights of Senior Citizens and Schemes relating to them.
7. On 24.01.2017 a **Workshop** was organized by the District Magistrate at Vikas Bhawan Conference Hall, Rudrapur. In the said workshop Secretary, DLSA-Udham Singh Nagar has participated and sensitized the participants on PC&PNDT Act along with free legal services as provided by the Legal Services Institutions in the District.
8. Total number of **09 Training programmes** were organized for PLVs, Panel lawyers, Govt. Functionaries, Police Personnel, Medical Officers & NGO Representatives were sensitizing about the NALSA Victims of Acid Attack Scheme and how to assist them to get legal aid and benefits of Govt. Welfare Schemes specially run for Acid Attacks Victims.

WEST BENGAL

LEGAL AID/ SERVICES

During this period of the year, legal aid services had been imparted by way of various activities. Legal representations had been made, legal advice given. Legal aid and counselling services had been provided to several people so that settlement of disputes could be achieved at Pre-Litigation stage.

Worth mentioning is the case of DLSA, Birbhum which had provided legal services to one Roufunara Khatun, a mentally and physically challenged female inmate of a shelter home namely 'Pusparag Niketan' in the District of Birbhum of 27 years. Learning about her address, she was traced back to her original home in District - North 24-Parganas, with the active assistance of DLSA 24 Parganas (North). The family members of the inmate were very much happy on getting the news of their daughter/sister. The parents came to the Home on 21.02.2017 and on completion of the necessary verification process by the Home Authority the inmate Roufunara Khatun was handed over to her parents.

Statistical Information in Respect of Legal Services Beneficiaries

	Scheduled Caste	
	Scheduled Tribe	
	Women	
	Children	
	In-custody	
	Persons with disability	
	Industrial Workmen	
	Transgender	
	Victims of Trafficking in Human beings or begar	
	Victims of Mass Disaster, Violence, Flood, Draught, Earthquake & Industrial Disaster	
	General (Persons whose annual income does not exceed the prescribed limit)	
	Others	
	Total	
January - March, 2017	447	
	246	
	2054	
	170	
	1170	
	34	
	38	
	-	
	-	
	-	
	2365	
	618	
	7142	

LEGAL LITERACY CAMPS/PROGRAMMES

Several legal awareness programmes have been conducted all over the districts.

A Legal Awareness programme of NALSA (Victims of Trafficking and Commercial Sexual Exploitation) Scheme, 2015 and NALSA (Legal Services to the Victims of Drug Abuse and Eradication) Scheme, 2015 was organized by the West Bengal State Legal Services Authority in association with District Legal Services Authority and District Administration, Darjeeling on 11th March, 2017 from 11.00 A.M. to 2.00 P.M. The said programme was for the School and College students, their parents/guardians and the authorities of different educational institutions. Hon'ble Mr. Justice Aniruddha Bose, Judge, High Court, Calcutta and Executive Chairman, State Legal Services Authority, West Bengal and Hon'ble Mr. Justice Joymalya Bagchi, Judge, High Court, Calcutta and Judge-in-charge of the District of Darjeeling and Hon'ble Minister-in-charge, Law & Judicial Shri Moloy Ghatak were present in the said programme. Two teenagers Tejasweeta Pradhan (17yrs) and Shivani Gond (16 yrs) were felicitated in the programme by the Hon'ble Executive Chairman of the State Legal Services Authority, West Bengal. They both being members of the Students Against Trafficking Club (SATC) had been able to track a minor girl who had gone missing from Nepal working closely under the supervision of MARG and the police administration. Tejasweeta and Shivani later received the National Bravery Award from the Indian Council for Child Welfare, for their act of bravery.

Legal Awareness Camp on **Child Laws** was held by DLSA, Kolkata on **08.02.2017** and a programme was held on **14.02.2017** with **transgender** highlighted the Legal Services Authorities Act, 1987. Orientation programme with PLVs on 'NALSA (Legal Services to Senior Citizens) Schemes 2016 & NALSA (Legal Services to Victims of Acid Attacks) Scheme, 2016 was held by DLSA, Kolkata on **31.03.2017** at the ADR Centre of DLSA, Kolkata.

Programmes such as dance/drama was organized on 26th January' 2017 inside Anandamath Home, Purulia. The Home inmates staged a drama over the issue of Child Labour. A special programme which included dance/drama and other curricular activities was organized at Arunoday Shishu Niketan, Adra, Purulia on the occasion of "International Women's

Day". All issues relating to women and their rights were discussed amongst a huge gathering of people from the locality. Camps had also been conducted in the other districts. DLSA Burdwan had conducted about 55 legal awareness camps with the workers in the organised sector under NALSA (legal services to the workers in the unorganised sector) schemes 2015 with total beneficiaries of about 3300. Further, 18 legal awareness camps were organised with the children as per NALSA (child friendly legal services to children and their protection) scheme, 2015. Total numbers of beneficiaries were 1650.

Statistical Information in Respect of Legal Literacy/Legal Awareness Camps / Programmes (January to March, 2017)

	School/College/University	Village/Community Centre	Jail/Other custodial home	Slum and labour colonies	Melas/Exhibitions	Radio	Community Radio	TV	Others	Total
Legal Literacy Programme	212	473	65	11	108	4	-	6	80	959
Persons benefitted.	27730	35058	5849	918	35081	-	-	-	3807	108443

MEDIATION

DLSA, South 24-Parganas, DLSA, North 24-Parganas, Howrah and Kolkata observed '**Mediation Week**' for respective periods where the mediators of all these four districts have worked with honest endeavour to settle a good many cases. The concept of mediation week had been an innovative idea and with the guidance and instructions of the Hon'ble Mediation and Conciliation Committee High Court, Calcutta, the endeavour proved to be a huge success. The statistics may be provided as under :

District	Period in which Mediation Week was held	Total referrals	Total disposals through settlement
District 24 Parganas(South)	20-02-2017 to 23.02.2017	495	32
District 24 Parganas(North)	20-02-2017 to 23.02.2017	468	30
Kolkata	20-03-2017 to 24-03-2017	971	342
Howrah	20-03-2017 to 24-03-2017	305	148

LOK ADALAT

Cases disposed of through National Lok Adalat

Period	Benches	Pre-litigation matter disposed of	Post-litigation cases disposed of	Total	
				Disposed of	Settlement Amt.
January – March'17	147	224966	58684	283650	241721135/-

ANDAMAN & NICOBAR

Sl No.	Month	Activities
01	January 2017	Legal Awareness programme was held at Sippighat Gram Panchayat Hall on 28.01.2017.
02.		District Legal Services Authority appointed Smti. Anita Hegde Advocate as standing Counsel for the juvenile Justice Board, Port Blair vide Office Order No. 08 dated 27.01.2017
03.		As many as 10 custody accused got free legal aid from the DLSA by appointing lawyers at the cost of DLSA for prosecuting/ defending cases in courts.

04	February, 2017	Legal Awareness programme was held at Rangat Panchayat Samiti Hall on 04.02.2017
05.		Lok Adalat held at Rangat Panchayat Samiti Hall on 04.02.2017
06.		Legal Awareness programme was held at ADR Centre on 11.02.2017
07.		National Lok Adalat held on 11.02.2017 in the ADR Centre and District Court building at Port Blair, District Court Complex at Mayabunder, Circuit Court Building at Diglipur, Chief Judicial Magistrate Court Complex at Car Nicobar and Judicial Magistrate First Class court complex at Campbell Bay.
08.		District Legal Services Authority constituted a Committee to scrutinize and evaluate the applications for free legal services filed before the DLSA vide Office Order No. 24 dated 13.02.2017
09.		As many as 08 persons got free legal aid from the DLSA by appointing lawyers at the cost of DLSA for prosecuting/ defending cases in courts out of which 07 are custody accused persons.

10.	March, 2017	01 pre-litigation case is disposed by the CJM, dated 10.03.2017. Amount involve = Rs 40,94,640/- Amount Settled = Rs 32 Lakhs
11.		Legal Awareness programme was held at Manarghat on 11.03.2017
12.		The following PLVs attend ADR Centre, dated 20.03.2017 Training imparted to the PLVs by the Ld. District & Session Judge (Chairman of DLSA), Ld. Chief Judicial Magistrate (Secretary of DLSA) and Chief Administrative Officers for long discussion.
13.		Legal Awareness programme was held at Mayabunder on 24.03.2017.
14.		Legal Awareness programme was held at Diglipur on 25.03.2017
15.		Legal Awareness programme was held at Campbell Bay on 25.03.2017
16.		As many as 7 persons got free legal aid from the DLSA by appointing lawyers at the cost of DLSA for prosecuting/ defending cases in courts out of which 6 are accused persons.

CHANDIGARH

I. Performance of Lok Adalats and Mediation Center:-

1. One National Lok Adalat on **11.02.2017** was organized in the premises of District Courts Complex, Sector 43, Chandigarh and Permanent Lok Adalat (Public Utility Services), Chandigarh. The total number of **1764 cases** were settled and amount of **Rs. 18,72,86,342/-** was settled.
2. During the quarter ending March 2017, Permanent & Continuous Lok Adalat Settled **04 cases** at pre-litigative stage and **01 referred cases** were settled in the District Courts.
3. Permanent Lok Adalat for Public Utility Services disposed of **329 cases** and an amount of **Rs. 1,51,15,976/-** was awarded as compensation.
4. Mediation and Conciliation Centre functioning in the District Courts Complex, Sector 43, Chandigarh, settled **89 cases** during this quarter.

5. Three Daily Lok Adalats established in the premises of Hon'ble High Court of Punjab and Haryana, Chandigarh settled **427 cases** and an amount of **Rs. 3,70,41,000/-** has been disbursed as compensation in Motor Accident Claim Cases, during this quarter.
6. Information in R/o Victim Compensation Scheme U/S 357-A CR.P.C.(January to March)

Total no. of applications received including Court orders	No. of applications decided	No. of applications pending	Total Settlement amount
17	16	20	21,50,000/-

7. Number of Beneficiaries who have availed the Legal Aid Services: (January to March)

SC	WOM	CHILDREN	CUSTODY	GEN.	H/cap	Total
32	73	38	90	38	01	274

Legal Awareness Programmes

During the quarter, the Authority organized **several Seminars/Legal Awareness camps/Workshops** on various topics and dates at different venues in Chandigarh. The details are given below:

1. Awareness programmes on Community Radio station

The resource persons deputed by the Authority got recorded programmes on 91.2 Fm Jyotirgamy Community radio station of Panjab University Chandigarh. The following programmes were aired on different topics and dates:

1. 28.01.2017: Talk on (Legal Services to the Mentally Ill and Mentally Disabled Persons) Scheme, 2015 by Sh. Jatinder Kumar Kamboj, Advocate.
2. 18.03.2016: Talk on (Child Friendly Legal Services to Children and their Protection) Scheme, 2015 by Sh. Gautam Bhardwaj, Advocate.

2. Legal Literacy Camps in Schools of Chandigarh:

Total 36 legal literacy camps were organized by State Legal Services Authority, U.T, Chandigarh in different schools of Chandigarh. In these camps /classes, the subjects of discussion primarily included Cyber Crime, Sexual Harassment and exploitation, Working of SLSA Legal Aid, Motor Vehicle Act, Victim Compensation, Protection of Children from Sexual Offence, Drug Abuse, Women Day and Online transaction, Mediation, Lok Adalats. Para legal Volunteers, Panel Lawyers and Law students interning with Authority were speakers in these camps.

3. Digital Dhan Mela:

The Authority organized 'Digital Dhan Mela' on 10.01.2017 at Parade Ground, Sector-17, Chandigarh and with coordination of the local administration arranged a stall and various people were given legal guidance. The PLVs were imparted training on the cashless system of banking. Sh. Balbir Singh, District & Session Judge cum Chairman, District Legal Services Authority, U.T., Chandigarh, Sh. Amarinder Sharma, Secretary, District Legal Services Authority, U.T., Chandigarh, Law Officer and Advocates were present on the said occasion.

4. Save Girl Child campaign:

The Authority in association with 'Bringing Hope Welfare Society' organized 'Save Girl Child Campaign' on 28.01.2017 at Govt. High school, Hallomajra. U.T., Chandigarh. The children performed a cultural programme including a skit on save girl child. Sh. Mahavir Singh, Member Secretary, State Legal Services Authority, U.T., Chandigarh, Sh. Amarinder Sharma, Secretary, District Legal services Authority, U.T., Chandigarh, Sh. K.S. Bhatnagar, Joint Director Census Operation, Dr. Nisha Sahi, Incharge Civil Dispensary, Hallomajra and Sh. Gautam Bhardwaj, Advocate were present in the programme.

5. Health Camp and Blood Donation:

The Authority conducted Health Camp and Blood Donation Camp on 28.01.2017 at Community Centre, Manimajra, Chandigarh. Hon'ble Mr. Justice Surya Kant, Judge, Punjab & Haryana High Court-cum-Executive Chairman, State Legal Services Authority, U.T., Chandigarh was the Chief Guest for the occasion and Sh. Ajit Balaji Joshi, Deputy Commissioner, U.T.,

Chandigarh was the Guest of Honour. The team from PGI, Chandigarh Hospital and Government Hospital, Sector 16, Chandigarh, participated for the purpose of collection of Blood as well as to check various patients/inhabitant of the locality. Sh. Mahavir Singh, Member Secretary, State Legal Services Authority, U.T., Chandigarh and Sh. Amarinder Sharma, Secretary, District Legal services Authority, U.T., Chandigarh were also present on the occasion.

6. Workshop on 'Capacity Building of Children':

The Authority in association with Chandigarh Commission for Protection of Child Rights organized a 'Capacity Building Workshop' for launching of 'Child Friendly Chandigarh' Campaign on 03.02.2017 at Chandigarh Judicial Academy, Sector 43, Chandigarh. The workshop was inaugurated by Hon'ble Mr. Justice Surya Kant, Judge, Punjab & Haryana High Court-cum-Executive Chairman, State Legal Services Authority, U.T., Chandigarh in the presence of Sh. Anurag Aggarwal, Home Secretary-cum-Secretary Education, Chandigarh. Prof. Devi Sirohi, Chairperson, Chandigarh Commission for Protection of Child Rights told the gathering about the various provisions of Right to Education Act and grey areas. Sh. Mahavir Singh, Member Secretary, State Legal Services Authority, U.T., Chandigarh and Sh. Amarinder Sharma, Secretary, District Legal services Authority, U.T., Chandigarh were also present on the occasion.

7. Workshop on Pre Marital Counseling:

The Authority participated in the said workshop in association with the Government Hospital, Sector 32, Chandigarh. Through this initiative, it was resolved that the couples getting married shall be sensitized regarding safe pregnancy, safe abortion, family planning services, pre natal/neonatal screening as well as the declining female sex ratio before and after birth. They will be further sensitized regarding facilities available with the Department of Health in coordination with other departments. It was further resolved that the District Legal Services Authority, U.T., Chandigarh, in coordination with the District Family Welfare Bureau, shall organize awareness camps in this regard. Furthermore, Para Legal Volunteers of the Authority shall be trained and imparted basic knowledge regarding the facilities available with the Department of Health in coordination with other departments. The workshop ended with preparation of necessary formulation of modalities for implementation of

the Pre-Marital Counseling. The meeting was held under Chairmanship of Director, Health and Family Welfare-cum-Mission Director(NHM), Dr. Rakesh Kashyap and the co-chair-person of this work shop was Medical Superintendent, GMSH, Sector 16, Chandigarh. The work shop was organized at the Lecture Theater(New), E-Block, GMCH, Sector 32, Chandigarh.

8. Legal Literacy Camp:

A Legal Literacy camp was organized on 15.02.2017 at Govt. Model Senior Secondary School, Khuda Lahora on the topic of the camp was 'Female Foeticide and Cyber Crime. Sh. Amarinder Sharma, Secretary, District Legal services Authority, U.T., Chandigarh interacted with students and teachers and it was also proposed that an Anti Drug Club be also opened in the said school. Sh. V.K. Kapoor, Chief Coordinator, NALSA Schemes, also addressed the students on various NALSA schemes as well as on stress management.

9. Rose Festival:

45th Edition of Rose Festival in Chandigarh started from 17th to 19th February, 2017, the Authority obtained the stall in the said event. The stall was dedicated to various schemes of Legal services Authority as well as generating awareness. Sh. Mahavir Singh, Member Secretary, State Legal Services Authority, U.T., Chandigarh and Sh. Amarinder Sharma, Secretary, District Legal services Authority, U.T., Chandigarh visited the stall in all the days. The staff of Authority also participated in the Festival and a register was specially maintained so as to maintain a record about the experience of people who visited the stall.

10. Seminar in Government Model Senior Secondary School, Dhanas, Chandigarh:

A seminar was organized in Government Model Senior Secondary School, Dhanas, Chandigarh on 20.02.2017 on the topic of 'Criminal Justice System'. Sh. Amarinder Sharma, Secretary, District Legal services Authority, U.T., Chandigarh addressed the students on the said topic and various other relevant concepts of drugs and their abuse.

11. Seminar on provisions of Protection of Children from Sexual Offences Act 2012:

A seminar on provisions of Protection of Children from Sexual Offences Act 2012 at Govt. Model High School, Maloya, Chandigarh. Sh. Amarinder Sharma, Secretary, District Legal services Authority, U.T., Chandigarh addressed the students on the said topic.

12. Inauguration of Students Legal Literacy Club:

The Authority inaugurated a new Legal Literacy Club at College of Engineering, Sector 26, Chandigarh on 02.03.2017. Sh. Mahavir Singh, Member Secretary, State Legal Services Authority, U.T., Chandigarh attended the said event and discussed at length about the various NALSA schemes. Sh. Amarinder Sharma, Secretary, District Legal services Authority, U.T., Chandigarh also dealt with the concept of Jurisdictional Challenges with regard to the online transaction.

13. Celebration of International Women's Day:

The Authority conducted various programmes on the occasion in International Women's Day on 08.03.2017. The Para Legal Volunteers as well as the empanelled Advocates conducted programmes at various venues. Sh. Amarinder Sharma, Secretary, District Legal services Authority, U.T., Chandigarh also visited L.S. Technology Institute, Sector 31, Chandigarh and Govt. Model Senior Secondary School, Sector 37, Chandigarh and interacted with students on this topic.

14. Celebration of World Down Syndrome Day:

The Authority in coordination with the Chandigarh Down Syndrome Society, organized a seminar on the occasion of 'World Down Syndrome Day ' on 21.03.2017 in the Chandigarh Judicial Academy, Sector 43, Chandigarh and also panel discussion was organized by the moderators. Hon'ble Mr. Justice Surya Kant, Executive Chairman, State Legal Services Authority, U.T., Chandigarh was the Chief Guest for the occasion and he was welcomed by releasing balloons along with Down Syndrome Children. Sh. Balbir Singh, District Session Judge-cum Chairman, District Legal Services Authority, U.T., Chandigarh, Sh. Amarinder Sharma, Secretary, District Legal Services Authority, U.T., Chandigarh, Dr. B.S. Chavan, President, Chandigarh Down Syndrome Society, Ms. Reeta Kohli, Trustee, Dialogue Highway, Para Legal Volunteers and Lawyers were present on said occasion.

15. Survey:

The Authority conducted a survey in coordination with an N.G.O, Trust Group in Shastri Nagar, Manimajra on the topic of Right to Education. Sh. Ishmeet Singh, Para Legal Volunteer made aware the people about the Right to Education.

III. Refresher Programmes for the Panel Lawyers and PLVs.

The Authority is regularly conducting Monthly Orientation courses for the Lawyers/Para Legal Volunteers/Mediators in Chandigarh Judicial Academy as per the directions of National Legal Services Authority, New Delhi. In these monthly programmes various topics on Socio Legal Issues etc were taken up for discussion as detailed below:

Date	Topics	Speakers	Participants
06.01.2017	Dalit Human Rights	Mr. Jatinder Kumar Kamboj	45
27.02.2017	Voluntary Health Association of Punjab v. Union of India and others	Mr. Jatinder Kumar Kamboj, Ms. Manjit Kaur Sandhu	37

IV. Visits to Model Jail Chandigarh:

Sh. Mahavir Singh, Member Secretary, State Legal Services Authority, U.T. Chandigarh and Sh. Balbir Singh, District & Session Judge Cum-Chairman, DLSA, Chandigarh regularly visited the Model Jail, Chandigarh during the quarter to monitor the legal aid services to the jail inmates. Sh. Rajeshwar Singh, Law Officer also visited Model Jail, Burail, Sector 45, Chandigarh once a week and interacted with the inmates of each barrack. Free legal aid is also provided to unrepresented inmates.

Every day Advocates interact with the inmates of each barrack and provide free legal aid to unrepresented inmates. A total 60 visits were made to Model Jail, Chandigarh during the quarter.

DADRA & NAGAR HAVELI

SR. No.	DATE	SUBJECT
1	31.01.2017	Observance of programme for implementation of NALSA Scheme (Protection & Enforcement of Tribal Rights) Scheme 2015 Legal Literacy programme on the subject of- 1] Plea Bargaining 2] Rights of Prisoners 3] Bail Provisions
2	24.02.2017	Observance of programme related to implementation of NALSA Scheme (Legal Services to the Workers in the Unorganized Sector) Scheme 2015 & Publicity and Awareness camp on "Claims Tribunal Agreed Procedure"
3	08.03.2017	Observance of "International Women Day"

DELHI

The Legal Services Programmes/Activities of Delhi State Legal Services Authority have been divided into five parts viz. Legal Aid/Services, Alternate Dispute Resolution (ADR), Legal Literacy/Awareness, Training Programmes and Miscellaneous.

I. LEGAL AID/SERVICES

(i) Visit to Jails, Observation Homes and Children Homes

To provide effective legal aid services to the inmates of Jails, Observation Homes and Children Homes, during the above said quarter, the Secretaries of District Legal Services Authorities or Legal Services Advocates made **1129 visit to Jails, 182 visit to Observation Homes and 86 visit to Children Homes. 57 visit were also made by four Lady Legal Services Advocates to various Homes located in the Nirmal Chhaya Complex.**

(ii) Beneficiaries of Legal Services

During the captioned period, Delhi State Legal Services Authority has provided legal aid/assistance to following number of persons:-

Category	No. of Legal Services Beneficiaries
Schedule Caste	195
Schedule Tribe	0
Women	2979
Children	09
In custody	3939
Sr. Citizens	317
Disabled	27
Industrial Workmen/Labour	24
Others	1719
Total	9209

Further, Delhi State Legal Services Authority also dealt with the following:-

No. of traced missing children counselled	504
No. of Victims of Sexual Assault counselled	90
No. of victims to whom compensation awarded under Delhi Victim Compensation Scheme, 2011	436 victims Rs. 6,24,25,000/-

(iii) Opening of Legal Services Clinics

During the abovesaid quarter, DSLSA/DLSAs have opened 05 new Legal Services Clinics.

DSLSA has a total of **42 Legal Services Clinics** at Jails, Juvenile Justice Boards, Child Welfare Committees, Observation Homes, All India Legal Aid Cell on Child Rights, National Commission for Minorities, Chief Minister's Res-cum-Office, District Consumer Disputes Redressal Forums at Janakpuri & Shalimar Bagh and Educational Institutions. **The number of beneficiaries at these clinics were 21,472.**

II. ALTERNATE DISPUTE RESOLUTION

1. Lok Adalats

(i) Monthly National Lok Adalat:-

Delhi State Legal Services Authority organised Monthly National Lok Adalat on 11th February, 2017. The disposal report is as under:-

Pre-litigation cases		Post-litigation cases		Grand Total		
Referred	Disposal	Referred	Disposal	Referred	Disposal	Settlement Amount
23,371	20,027	10,424	5,425	33,795	25,452	33.15 cr.

(ii) Special Lok Adalats

Besides the Monthly National Lok Adalat, DSLSA also organized Special Lok Adalats for settlement of **pre-litigative matters** of Electricity Department on 14th & 15th January and of Bank matters on 21st January, 4th February and 18th & 27th March, 2017. The data is as under:-

No. of Cases referred	No. of cases settled	Settlement Amount
3888	2958	15,60,46,859/-

(iii) Permanent Lok Adalats:-

DSLSA has two Permanent Lok Adalats (PLAs) functioning at Mata Sundri Lane, Near I.T.O. wherein electricity matters pertaining to three Discoms i.e. TPDDL, BSES (RPL) and BSES (YPL) are taken up for the purpose of amicable settlement.

The data for the abovesaid period is as under:-

Pendency as on 01.01.2017	New Registration during the period	Disposal during the period	Settlement amount
224	1537	1525	Rs. 6,45,68,485/-

2. Mediation

DSLSA has already started mediation for the cases pending before

Registrar, Trade Marks Registry (TMR), Pre-FIR Mediation in cases u/s 498A/406 of IPC and Dowry Matters in P.S. Rohini Sec-3 (Outer District) and P.S. Kirti Nagar (West District). The mediators trained by Delhi High Court Legal Services Committee also visit the Crime Against Women Cells at Maurya Enclave, Nanakpura and Krishna Nagar regularly.

During the abovesaid quarter, **total 144 cases were settled at these centres.**

III. LEGAL LITERACY/AWARENESS

- **Legal Awareness Programmes**

Delhi SLSA organized Legal Literacy Programmes at Community Non-Governmental Organizations (NGOs), Schools, Colleges, Old Age Homes, Resident Welfare, Jails, Observation Homes, Police Stations, Govt. Offices, Slums/Rural Areas, Night Shelter Homes, Industrial Areas etc. on the topics- Fundamental Duties, Civic sense, National Symbols, Basic Legal Rights available to Female and Children, traffic discipline, POCSO Act, National Human Trafficking awareness, Drugs and Substance Abuse, PC & PNDT Act, Muslim Laws and Maintenance Provisions of Women therein, Law relating to Child Labour (Prohibition and Regulation Act) 1986, Eve teasing with special emphasis on self defence, Ending Human Trafficking and Forced Labour, Maintenance and Welfare of Parents and Sr. Citizens Act, 2007, Road safety, Cyber Crime, Importance of education for school dropouts and camp for re-joining such persons to the schools or adult education, services provided by DLSAs etc. **In the abovesaid quarter, 1152 legal awareness programmes were conducted, in which around 64000 persons were benefitted.**

- **Legal Literacy Lectures for Officers/officials of Delhi Police**

The Officers of DSLSA/DLSAs delivered **36 legal literacy lectures** to Officers/officials of Delhi Police on the topics of Criminal law, Juvenile Justice Act, 2015, Latest amendments in Criminal Laws related to sexual offences, Juvenile Justice Act, 2000, and its application and responsibility of police during investigation, Latest crime trends in juveniles, Juvenile Justice (Care and Protection of Children) Act, 2015 with reference to Children in conflict with law

etc.

- **Mass Door to Door Campaign**

During the abovesaid quarter, the DLSAs conducted Mass Door to Door Campaign in following areas of Delhi by deputing Para Legal Volunteers and Legal Services Advocates with the objective i) to bring awareness amongst the people in respect of digital mode of payment ii) to get an idea about the community and legal problems faced by the people iii) to help them to overcome these problems and to fight for their rights iv) to bring awareness about the legal rights of an individual etc.:-

- On 11th January, 2017, the West DLSA conducted a Mass Door to Door Campaign at A-6, Janta Flats, Paschim Vihar and Indira Colony Metro Station, Punjabi Bagh.
- On 12th January, 2017, a Legal Services Camp/Door to Door Campaign was conducted by South-East DLSA at Ashram Chowk to make the marginalised section of the society aware about various activities of DSLSA and NALSA.
- On 4th February, 2017, the North-West DLSA in association with PLVs and Trarkash Team of Legal Aid Society, Campus Law Centre organized a Door to Door Campaign at Pampari Road, Model Town, Delhi. Approx. 90 households were covered.
- On 19th February, 2017, the South-East DLSA organized a Door to Door Campaign in Zakir Nagar to make the marginalised sections of the society aware about their rights especially under Muslim Personal Law. 61 PLVs from Law Centre-II participated in this programme. The residents of the area were also provided counselling in legal matters & PLVs made the residents aware about their rights. The Legal Services Advocates also informed the residents about rights of women under Muslim Personal Law.
- On 5th March, 2017, the South-East DLSA in collaboration with Para Legal Volunteers of Jamia Millia Islamia and Khudai Khidmatgar - a volunteer based organization, organized a Mass Legal Literacy Programme/Camp in the area of Jamia Nagar. 40 PLVs from Jamia Millia Islamia University participated in this programme. To help

the PLVs in providing legal aid to the poor and needy in the camp, the services of Legal Services Advocates/Counsellors was also availed.

- **Add-on-Course for college students**

2nd Phase of Add-on Course was started by South-East DLSA for the students of PGDAV College, Srinivaspuri, from 04.03.2017 onwards. A total of 49 students and faculty members attended the programme. The schedule was as under:-

Date	Topic
04.03.2017	Gender Sensitivity Laws; Its genesis and development and inaugural lecture and presentation
07.03.2017	Law and Legal Provisions pertaining to Gender based Violence; Special Emphasis on Protection of Women from Domestic Violence Act 2005
22.03.2017	Law related to traffic including Traffic Discipline in Youth and Workshop through Visual Aids
25.03.2017	Criminal Dispensation System
30.03.2017	Sexual Harassment at Workplace

- **Observance of International Women’s Day at Tihar Jail No. 6**

On 6th March, 2017, to observe the International Women’s Day, a programme comprising of cultural competition including quiz on women issues, mehendi competition and sketch competition to motivate, sensitize and encourage the women inmates, was organized by South DLSA in Tihar Jail No. 6. Ms. Asha Menon, District & Sessions Judge/Chairperson, South DLSA also sensitized the undertrials on their concerns and motivate them to use time in jail to learn new skills to become empowered. Ms. Shreya Arora Mehta, Secretary, South DLSA also addressed the UTs and appreciated their will to learn and cope up with the time they are in through learning new skills.

- **Awareness Programmes on Cashless Transactions and help desks**

i) Awareness Programmes on Cashless Transactions –

In the abovesaid period, the DLSAs conducted following programmes on cashless transactions:-

- On 3rd January, 2017, the South DLSA organized a Joint Workshop for Judges and Staff on Cashless transactions at Seminar Hall, Saket Courts Complex.
- On 13th January, 2017, the East DLSA conducted an awareness programme on cashless transaction at Trilokpuri Community.
- On the occasion of Data Privacy day on 28th January, 2017, a Joint Workshop/Training Programme was conducted by Central and West DLSAs for Judicial Officers on 27th January 2017 at Conference Hall, Tis Hazari Courts on cashless transactions and awareness on “How to Safeguard e-fraud” and “The Safe Way to do the e-transactions”.
- On 10th February, 2017, the North-West DLSA organized a programme on cashless transaction at R-Block, Mangolpuri.
- All the DLSAs also organized awareness programmes on cashless transactions for NALSA’s interns.

(ii) Legal Assistance or Awareness Camps/Set up of Help Desks

- The DLSAs organized **66 camps/Help Desks** in community including Banks, Schools, Police Stations, Court Complexes etc. for spreading legal awareness and for providing legal services for filling up forms for Bank Account, Aadhar Card, Voter Card, PAN Card, Nursery Admission Form for EWS Categories etc.
- In the month of February, 2017, the Central DLSA conducted **05 Legal Assistance/Awareness Camps** at SDM office Central, North and Epic Centre-Sarai Phoos, Malka Ganj and State Bank of India, Tis Hazari Courts, to felicitate public in order to prepare their PAN Card, voter ID Card, Aadhar Card & Admission in schools under EWS Category. The public was also informed about free legal aid services.

V. TRAINING PROGRAMMES

1. Para Legal Training Programme

DSLISA organized a Para Legal Training Programme **for students of Law Centre-I from 20th to 21st January, 2017 and trained 171 students as PLVs.** The topics of the training programmes were:

1. Introduction to Legal Services Authorities Act, 1987 & Legal Aid Programmes and Activities of DSLISA, Justice System, Adjudicatory and non-Adjudicatory Mechanisms
2. An Overview of Fundamental Rights & Duties under Constitution of India and Duties of PLVs
3. An overview of Civil Law & Courts Law relating to possession injunction
4. POCSO Act, 2012 and PC & PNDT Act, 1994
5. Contract Labour, Industrial Disputes, Shops and Establishment and Factories Act, Employees Provident Fund and Misc. Provisions Act
6. Effective Communication and Interpersonal Skills
7. Matrimonial Laws, Laws of Inheritance, adoption, Maintenance, Dowry Prohibition Act etc.
8. RTI Act, 2005 & Consumer Protection Act, 1986
9. Anti-Ragging
10. PWDV Act, 2005 & The Sexual Harassment at Workplace (Prevention, Prohibition and Redressal) Act, 2013
11. Overview of Criminal Justice System & Courts, Victim Compensation, ADR
12. Juvenile Justice (Care and Protection of Children) Act, 2015

Sh. Dharmesh Sharma, the then Member Secretary, DSLISA, Ms. Shailender Kaur, Incharge, Mediation Centre, Karkardooma Courts, Sh.

Sanjeev Jain, Member Secretary and also the then Special Secretary, DSLSA, Ms. Geetanjali Goel, Special Secretary (Admn.), DSLSA, Sh. Naveen Gupta, Addl. Secretary, DSLSA and Ms. Bhawani Sharma, Secretary, East DSLSA, Sh. Vikas Chandwani, Soft Skills Trainer and Coach, Sh. K.S. Kumar, Director (Retd.), Ministry of Defence, Ms. Simran Shaikh, Sr. Programme Officer, Wajood Project, Alliance India, Sh. Alok Bhasin & Sh. Anant Asthana, Advocates, Sh. Sachin Puri, Senior Advocate and Dr. Rajesh, SPYM were the Resource Persons.

2. Training Programmes for Panel Advocates

(i) By Central Office

- **Workshop on Muslim Personal Law**

On 21st January, 2017, DSLSA organized a Workshop on Muslim Personal Law at Conference Hall, Saket Courts Complex, New Delhi. Special address was delivered by Hon'ble Mr. Justice Badar Durrez Ahmed, the then Judge, High Court of Delhi. The following topics were covered:-

- Position and Role of Women in Marriage Dissolution under Muslim Personal Law – Prof. M. Afzal Wani, Dean, University School of Law and Legal Studies, Guru Gobind Singh Indraprastha University was the Resource Person.
- Women's Rights of Inheritance under Muslim Law _ Dr. Kahkashan Y. Danyal, Professor, Faculty of Law, Jamia Millia Islamia University was the Resource Person.

The programme was attended by lawyers on the panel of New Delhi, South, South-East, South-West DLSAs and High Court Legal Services Committee. The District Magistrates and representatives from Department of Women and Child Development and Centre for Advocacy and Research also attended the programme.

- **Workshop for Advocates of Rape Crisis Cell of Delhi Commission for Women**

On 27th January, 2017, DSLSA organized an Orientation and Training Programme for the Advocates of Rape Crisis Cell of

Delhi Commission for Women at Conference Hall, Central Office, DSLSA, Patiala House Courts, New Delhi. The topics covered were:-

- Appreciation of Evidence and Evidentiary Value of MLC in Sexual Assault Cases - Ms. Neena Krishna Bansal, the then Principal Judge, Family Courts, Tis Hazari Courts was the Resource Person.
- Victim Compensation Scheme, 2015- Sh. Naveen Gupta, Addl. Secretary, DSLSA was the Resource Person.
- **Workshop on Care, Welfare and Rehabilitation of Children in Need of Care and Protection**

On 28th January, 2017, DSLSA organized a Workshop on Care, Welfare and Rehabilitation of Children in Need of Care and Protection at Conference Hall, Saket Courts Complex, New Delhi. The programme was addressed by **Hon'ble Mr. Justice Madan B. Lokur, Judge, Supreme Court of India & Chairman, Juvenile Justice Committee, Supreme Court of India, Hon'ble Ms. Justice Indira Banerjee, the then Judge, High Court of Delhi and Executive Chairperson, DSLSA**, Sh. B.T. Kaul, Chairperson, Delhi Judicial Academy on Rehabilitation Techniques under Juvenile Justice (Care and Protection of Children) Act, 2015 with special emphasis on Foster Care. Sh. Dharmesh Sharma, the then Member Secretary, DSLSA, Ms. Geetanjali Goel, Special Secretary (Admn.), DSLSA, Ms. Vasundhra Sharma, Managing Director, Centre of Excellence in Alternative Care of Children, Mr. Rene De Bot, Social Worker and Pedagogue, Sh. Anant Asthana, Advocate/ Child Rights Activist, Ms. Pratibha Singh, Sr. Technical Director, Sh. Shiv Kumar, Technical Director & Ms. Chandrakiran Chhokar, System Analyst, Govt. of India, Ministry of Women and Child Development were also the Resource Persons.

The programme was attended by Judicial Officers dealing with Fast Track Courts and POCSO Courts, Principal Magistrates and Members from JJBs, Secretaries of DLSAs, District Magistrates, Chairpersons and Members of CWCs, Panel Advocates from High Court Legal Services Committee, South DLSA and South-East DLSAs, Advocates on the panel of All India Legal Aid Cell on Child

Rights, Representatives from Delhi Commission for Protection of Child Rights, Department of Women and Child Development and various NGOs, Welfare Officers, Probation Officers, officers from District Child Protection Unit (DCPU) etc.

- **Workshop on Muslim Personal Law**

On 4th February, 2017, DSLSA organized a Workshop on Muslim Personal Law from at Conference Hall Tis Hazari Courts, Delhi. Special Address was delivered by Hon'ble Mr. Justice Najmi Waziri, Judge, High Court of Delhi. The topics covered were-

- Position and Role of Women in Marriage Dissolution under Muslim Personal Law
- Women's Rights of Inheritance under Muslim Law

Prof. Kiran Gupta, Professor-In-charge, Faculty of Law Centre-II, University of Delhi was the Resource Person.

The programme was attended by the Family Court Judges and Legal Services Advocates on the panel of Family Courts from Central, West, East, North-East, Shahdara, North and North-West Districts.

- **Workshop on "Critical Analysis of New JJ Act-2015 and Rules : Issues and Challenges"**

On 16th February, 2017, DSLSA organized a Workshop on "Critical Analysis of New JJ Act-2015 and Rules : Issues and Challenges" at Conference Hall, Central Office, DSLSA, Patiala House Courts, New Delhi. Prof. Ved Kumari, Dean & Head, Faculty of Law, University of Delhi was the Resource Person. The programme was attended by Legal Services Advocates on the panel of JJBs, CWCs and All India Legal Aid Cell on Child Rights.

- **Training, Orientation and Sensitization Programme for all the Stakeholders of Child Welfare Committees**

On 25th February, 2017, DSLSA organized a Training, Orientation and Sensitization Programme for all the Stakeholders of Child Welfare Committees at Conference Hall, Central Office, DSLSA,

Patiala House Courts, New Delhi. The topics covered were-

- Age Determination
- Writing of Orders/Directions – skills and challenges
- Open House Discussion on working of CWCs

The then Special Secretary Sh. Sanjeev Jain and Ms. Geetanjli Goel, Special Secretary (Admn.), DSLSA were the Resource Persons.

The Workshop was attended by the Chairpersons, Members and Legal Services Advocates of CWCs.

(ii) By District Legal Services Authorities (DLSAs)

During the abovesaid quarter, the District Legal Services Authorities organized 57 training Programmes for Legal Services Advocates and imparted training on the topics - Electronic Evidence, Workshop on Cashless transactions, Constitutional Perspective, Legal Services Authorities Act, 1987 and the Schemes thereunder, Basic Concepts of Civil and Criminal Law, Lawyering Skills: Knowledge of Law on crime against women (Cases Under Section 498A IPC, Cases Under Section 354 IPC & Protection of Women from Domestic Violence Act), Basic Concepts of Juvenile Justice, Professional Ethics and Bar Bench relations, Delhi Victim Compensation Scheme, 2011 & 2015, Hindu Succession Act, POCSO Act, 2012, Bodily Injuries : Medico Legal Aspects, Orientation and Sensitization Programme/Workshop for Jail Visiting Advocates on “Scheme for Financial sustenance, Education & Welfare of Children of incarcerated Parents, 2014”, Muslim Law, Labour Laws, Execution under CPC & Law beneficial for Sr. Citizens etc. Regular meetings were also held by DSLSA Central Office and District Legal Services Authorities with Legal Services Advocates to take their feedback, proper monitoring of work being done and also to sensitize them.

V. MISCELLANEOUS

1. Inauguration of Bakery Unit and Musical Room “Tarana”

On 27th January, 2017, the Shahdara and North-East DLSAs under the aegis of DSLSA inaugurated a Bakery Unit and Musical Room “Tarana” at Adharshila Observation Home for Boys – II, Kingsway Camp. On

this occasion, cultural programmes were also held by the children of Observation Home for Boys -II. Hon'ble Ms. Justice Mukta Gupta, Judge, High Court of Delhi was the Chief Guest and inaugurated both the units and motivated children to make most of these facilities. Sh. Dharmesh Sharma, then then Member Secretary, DSLSA, Sh. A.S. Jayachandra, Ld. District & Sessions Judge, (Shahdara), Principal Magistrates of Juvenile Justice Boards, Chairperson of National Commission for Protection of Child Rights, Secretary, Department of Women and Child Development also graced the occasion.

2. 15th All India Meet of State Legal Services Authorities

DSLSA, under the aegis of NALSA, organized 15th All India Meet of State Legal Services Authorities on 18th & 19th March 2017 at Pravasi Bharatiya Kendra, Chanakyapuri, New Delhi. The said meet was attended by Hon'ble Executive Chairpersons & Member Secretaries of all the SLSAs and Hon'ble Chairpersons & Secretaries of High Court Legal Services Committees of all HCLSCs in India. On 18th March 2017, the programme was inaugurated by Hon'ble Mr. Justice J.S. Khehar, Chief Justice of India & Patron-in-Chief NALSA in the august presence of Hon'ble Mr. Justice Dipak Misra, Judge, Supreme Court of India and Executive Chairman, NALSA Sh. P.P. Chaudhary, Hon'ble Minister of State for Law & Justice, Govt. of India, Hon'ble Ms. Justice G.Rohini, the then Chief Justice, High Court of Delhi & Patron-in-Chief DSLSA and Hon'ble Ms. Justice Indira Banerjee, the then Judge, High Court of Delhi & Executive Chairperson DSLSA & other Hon'ble Judges and Distinguished Guests. On 19th March 2017, the valedictory address was delivered by Sh. Ravi Shanker Prasad, Hon'ble Minister of Law & Justice, Govt. of India in the august presence of Hon'ble Mr. Justice Dipak Misra, Judge, Supreme Court of India and Executive Chairman, NALSA, Hon'ble Mr. Justice Ranjan Gogoi, Judge, Supreme Court of India & Chairman, Supreme Court Legal Services Committee, Hon'ble Ms. Justice Indira Banerjee, the then Judge, High Court of Delhi & Executive Chairperson, DSLSA and Hon'ble Mr. Justice Pradeep Nandrajog, the then Judge, High Court of Delhi & Chairman, Delhi High Court Legal Services Committee and other Hon'ble Judges and Distinguished Guests. The inauguration and valedictory programmes were also attended by Officers of various departments of Govt. of India and Govt. of NCT of Delhi Members of Supreme Court Legal Services Committee, National Legal Services Authority and Delhi High Court Legal Services Committee, Legal Services Advocates, Para Legal Volunteers etc.

3. Visits of Students Referred by NALSA

As per the New Internship Scheme adopted by NALSA, in Winter Session -2016, NALSA divided its interns into 4 batches. In 1st Batch 08 students referred by NALSA did their internship with District Legal Services Authorities from 5th – 17th December, 2016 and with DSLSA from 19th -22nd December, 2016, in 2nd Batch, 26 students did their internship with District Legal Services Authorities from 16th-31st December, 2016 and with DSLSA from 3rd -4th January, 2017, in 3rd Batch, 06 students did their internship with District Legal Services Authorities from 9th -21st January, 2017 and with DSLSA from 23rd -25th January, 2017 and in 4th Batch, 04 students did their internship with District Legal Services Authorities from 16th-28th January, 2017 and with DSLSA from 30th January-2nd February, 2017.

4. Aadhar Card Camps:-

- In the month of January, 2017, the North-West DLSA installed Aadhar Card Camps on 14th, 18th & 21st January at Prem Nagar-I, Kirari, Delhi and on 28th January, 2017, at D-4 Block, Sultanpuri.
- In the month of February, 2017, the North-West DLSA installed Aadhar Card Camps at 04 places i.e. on 4th & 11th February, 2017 at Basti Vikas Kendra, E-6, Sultanpuri; on 18th February, 2017 at Mahila Siksha Kendra, Sec-20, Rohini and on 25th February, 2017 at F-Block, Community Hall, Mangolpuri.
- On 25th March, 2017, Shahdara & North-East DLSAs in association with JJB-I organized a camp for preparation of Aadhar cards for juveniles lodged in Observation Home, Sewa Kutir Complex as well as inmates at Sahyog Detox Centre, Sewa Kutir Complex, in which Aadhar Cards of around 30 inmates were got prepared.

PUDUCHERRY

I. Continuous Lok Adalat:

No. of sittings	27
No. of cases settled	15
No of MACTOP cases	82

MACTOP settled amount	1,54,10,685
-----------------------	-------------

II. Special Lok Adalat:

(Conducted for Nationalized Banks, Cell phone Co. & Ins. Co.)

No. of cases settled	234
Total amount settled	95,490,394

III. Combined Lok Adalat Statistics:

Lok Adalat	Continuous Lok Adalat	Special Lok Adalat
No of cases settled	15	234
No. of MACTOP cases	82	---
Total No of cases	331	
Amount Settled	Rs. 11,090,10,79	

IV. National Lok Adalat:

CASES SETTLED	770
SETTLED AMOUNT	Rs.4,97,93,457

Legal Aid / Legal Literacy Camps

No. of camps conducted	22
No. of Villages covered	40
No. of persons benefited	925

Legal Aid Beneficiaries

SC	22
Women	91
Children	40
In Custody	39
General	15
Others (PHP+Sencit)	62
Total	269

On 04-01-2017, a legal literacy camp was organized by the UTPLSA at

Sooramangalam village. Around 120 persons participated. The Member Secretary spoke about the availing the legal Services being offered by UTPLSA. Ten petitions were received during the camp.

On 05-01-2017, UTPLSA organized a meeting with Panel Advocates who are empanelled during the year 2017-2019 to give introductory note on the role of Advocates in the Legal Services activities. The meeting presided by the Member Secretary, UTPLSA, the Duty Counsel, and Duty counsel (Women), UTPLSA participated in the Meeting.

On 11-01-2017, a legal literacy camp was organized by UTPLSA at Kurivinathanam Village, Bahour commune, in which 150 persons participated. Around 25 petitions were received.

On 18-01-2017, a Legal literacy camp was organized in the Village of Thimnayakan palayam in Ariankuppam Commune. The Member Secretary, UTPLSA participated in the said camp and distributed the pamphlets door to door to every household of the village and explained the various schemes available in the Government Departments and requested the villagers to avail the services of Legal Services Authorities.

On 23-01-2017, a Legal Literacy camp was organized at Jeeva Nagar, in Kottucherry commune, Karaikal. The Camp was attended by the Member Secretary and Additional Duty Counsel and the staff of the Taluk Legal Service Committee, Karaikal attended the Camp.

On 25-01-2017, a legal literacy camp was organized in the Pannaidikuppam village, Bahour Commune Panchayat. The Member Secretary, UTPLSA participated in the camp and distributed the pamphlets to the households and explained the importance of Legal Services available to the public.

On the evening of the 25-01-2017, a Legal literacy programme was organized for the women staff member of the court. The resource persons were Duty Counsel, UTPLSA and Duty Counsel (women), UTPLSA. The resource persons explained on the subject of "Gender sensitization and Integral complaints Committee" and how it should be made use of.

On 01-02-2017, a legal literacy camp was organized by this authority in Vinayagampet village, Mannadipet Commune Panchayat. The Member Secretary participated in the camp along with staff of the UTPLSA.

On 01-02-2017, a legal literacy camp was organized in Akkasmy Government Middle School, Vazhaikullam Village to create awareness about the Prevention of Child Abuse. The NGO named Sharana also participated in the said camp. The Member Secretary, UTPLSA participated in the said programme.

On 01-2-2017, Duty counsel of UTPLSA participated in the Live Question and Answer programme in the Doordarshan, Puducherry.

On 8-02-2017, a Legal Literacy camp was organized in the Aranglur Village in Bahour Commune, The Member Secretary along with the panel advocate, one PLV and the staff of UTPLSA attended the camp. Around 35 Petition were received in the said camp. The Member Secretary explained about the availing the benefits of the Legal Services available in Legal Services Authority.

On 15-02-2017, a legal literacy camp was organized in the Nallur Village in Mannadipet Commune. The Member Secretary along with the panel advocate participated in the camp.

On 16-02-2017, a legal literacy camp was organized at Kannagi Government Girls Higher Secondary School. The Member Secretary and the Principal Sub Judge, Puducherry participated in the Camp.

On 21-02-2017, a work shop on Drug Abuse as part of implementation of the National Legal Services Authority, NALSA (Legal Services to Victims of Drug Abuse and Eradication of Drug Menace) Scheme, 2015 in coordination with Pondicherry University and Legal Services Clinic for North Eastern Students with UTPLSA. A Psychiatrist and an NGO working in the field of Rehabilitation of addicts were invited as Resources Persons to share their expertise during the workshop.

On 22-02-2017, a Legal Awareness Camp was organized in the village of Anandhapuram Village of Villianur Commune. The Member Secretary explained the mode of utilizing the schemes available in the Legal Service Authority.

On 25-02-2017, this Authority conducted Legal Awareness Camp at Thillai Vadivalliammai High School, Kathirkamman, Puducherry; the camp was attended by the UTPLSA staff and Duty Counsel. Around 100 students and teachers attended the camp.

On 25-02-2017, this Authority conducted a Training programme for the Panel Advocates of UTPLSA. It was a one day programme around 50 lawyers participated in training programme. The Trainer of Trainers of UTPLSA trained the Panel Advocates.

On 04-03-2017, a essay writing and poster making competition was conducted by this authority in the campus of Mother Theresa Institute of Medical Science on account of the International Women's Day.

On 08-03-2017, a Legal awareness camp was conducted at the Campus of Mother Theresa Institute of Medical Science, in view of the NALSA (Legal Services to Victims of Acids Attacks) Scheme 2016. The certificates and trophies were distributed to the winners of the essay writing and poster making competitions in connection with International Women's day.

On 28-03-2017, in coordination with the Bharathidasan college for Women the SLSA conducted a legal awareness camp under the NALSA (Legal Services for the Acid attack Victim) Scheme 2016.

Statistical Information

NATIONAL LEGAL SERVICES AUTHORITY
STATEMENT SHOWING THE NUMBER OF PERSONS BENEFITTED THROUGH
LEGAL SERVICES AND ADVICE HELD BY STATE LEGAL SERVICES AUTHORITIES
UNDER LEGAL SERVICES AUTHORITIES ACT, 1987, SINCE INCEPTION
(AS ON 31.12.2016).

S. No	State	SC	ST	BC	Women	Children	In custody	General	Total
1	Andhra Pradesh	7,500	5,815	10,108	14,999	1,919	11,724	34,255	86,320
2	Arunachal Pradesh	175	1,694	78	839	5	208	1,665	4,664
3	Assam	38,338	28,854	8,350	26,250	1,482	1,458	125,525	230,257
4	Bihar	5,426	1,495	9,144	7,798	2,855	6,310	20,127	53,155
5	Chhattisgarh	56,267	68,074	54,313	42,207	9,815	45,037	48,589	324,302
6	Goa	89	40	315	3,052	103	4,203	2,177	9,979
7	Gujarat	18,102	9,254	1,953	37,234	660	16,935	52,605	136,743
8	Haryana	40,246	120	1,240	16,554	678	47,625	18,497	124,960
9	Himachal Pradesh	1,653	224	140	8,141	174	524	6,150	17,006
10	Jammu & Kashmir	2,422	641	1,292	18,713	937	564	14,587	39,156
11	Jharkhand	2,860	3,983	3,863	7,019	783	7,074	8,130	33,712
12	Karnataka	12,686	3,780	19,938	21,564	467	2,290	104,508	165,233
13	Kerala	4,680	1,184	3,596	38,321	1,299	36,794	184,509	270,383
14	Madhya Pradesh	324,290	77,258	230,016	114,203	15,225	83,146	697,166	1,741,304
15	Maharashtra	50,250	36,389	23,501	103,608	2,487	30,945	3,702,463	3,949,643
16	Manipur	133	309	30	752	23	256	2,953	4,456
17	Meghalaya	468	2,118	66	348	2,172	1,912	324	7,408
18	Mizoram	244	37,041	2,581	5,846	594	5,540	6,642	58,488
19	Nagaland	1,150	7,549	2,136	2,863	896	2,536	612	17,742
20	Odisha	33,134	22,375	1,905	38,940	662	5,161	40,696	142,873
21	Punjab	13,660	595	4,992	22,112	1,154	50,262	35,307	128,082
22	Rajasthan	21,948	30,166	9,417	19,363	1,232	27,371	28,983	138,480
23	Sikkim	198	674	49	2,854	330	4,007	935	9,047
24	Tamil Nadu	202,775	25,485	279,692	437,976	3,829	41,238	1,609,183	2,600,178
25	Telangana	212	99	106	1,576	358	1,579	1,547	5,477
26	Tripura	1,139	638	138	8,053	509	3,187	5,002	18,666
27	Uttar Pradesh	799,855	03,853	630,007	381,401	141,282	18,568	2,572,686	4,647,652
28	Uttarakhand	3,194	1,625	443	4,149	1,877	2,633	19,542	33,463
29	West Bengal	10,031	4,521	4,247	33,097	1,862	24,890	29,830	108,478
30	Andaman and Nicobar Islands	-	-	-	218	-	1,290	405	1,913
31	U.T. Chandigarh	1,072	22	57	2,232	535	6,531	1,201	11,650
32	Dadra and Nagar Haveli	1	6	1	483	185	49	1,566	2,291
33	Daman & Diu	1	2	4	74	123	59	214	477
34	Delhi	7,330	348	368	71,343	13,318	134,210	116,130	343,047
35	Lakshadweep	-	2	-	-	-	1	2	5
36	Puducherry	22,324	37	16,178	22,397	4,739	1,125	6,611	73,411
37	Supreme Court Legal Services Committee.	1,256	252	1,795	2,644	23	6,430	11,519	23,919
	TOTAL :	1,685,109	676,522	1,322,059	1,519,223	214,592	633,672	9,512,843	15,564,020

Statistical Information

NATIONAL LEGAL SERVICES AUTHORITY
STATEMENT SHOWING THE NUMBER OF PERSONS BENEFITTED THROUGH
LEGAL SERVICES AND ADVICE HELD BY STATE LEGAL SERVICES AUTHORITIES
UNDER LEGAL SERVICES AUTHORITIES ACT, 1987, SINCE INCEPTION
(AS ON 31.03.2017).

S. No	State	SC	ST	BC	Women	Children	In custody	General	Total
1	Andhra Pradesh	7,555	5,867	10,108	15,369	2,004	11,958	35,003	87,864
2	Arunachal Pradesh	211	1,777	78	975	5	278	1,707	5,031
3	Assam	38,377	28,890	8,350	26,449	1,489	1,805	125,665	231,025
4	Bihar	5,686	1,637	9,144	8,066	2,870	8,570	20,865	56,838
5	Chhattisgarh	57,816	70,121	54,313	43,594	10,024	47,302	52,605	335,775
6	Goa	94	42	315	3,163	106	4,257	2,300	10,277
7	Gujarat	18,340	9,319	1,953	37,997	695	17,796	53,490	139,590
8	Haryana	40,590	120	1,240	18,429	766	49,554	19,737	130,436
9	Himachal Pradesh	1,702	229	140	8,434	181	590	6,254	17,530
10	Jammu & Kashmir	2,444	645	1,292	18,784	939	564	14,664	39,332
11	Jharkhand	3,295	4,694	3,863	8,352	958	7,786	9,551	38,499
12	Karnataka	13,814	4,338	19,938	23,965	528	3,122	111,049	176,754
13	Kerala	5,409	1,455	3,596	46,172	1,729	42,937	194,291	295,589
14	Madhya Pradesh	326,440	78,844	230,016	116,906	16,242	89,435	703,385	1,761,268
15	Maharashtra	50,447	36,436	23,501	105,044	2,555	32,001	3,703,232	3,953,216
16	Manipur	733	1,781	30	3,992	35	652	5,726	12,949
17	Meghalaya	491	2,429	66	597	2,349	1,989	340	8,261
18	Mizoram	244	37,969	2,581	6,274	594	5,765	6,788	60,215
19	Nagaland	1,150	7,549	2,136	2,863	896	2,536	612	17,742
20	Odisha	33,231	22,600	1,905	39,273	694	5,328	40,932	143,963
21	Punjab	14,504	646	4,992	23,699	1,193	52,464	36,837	134,335
22	Rajasthan	22,396	30,554	9,417	20,474	2,093	28,892	30,404	144,230
23	Sikkim	208	688	49	2,919	335	4,113	975	9,287
24	Tamil Nadu	203,511	25,571	279,692	440,004	3,885	41,977	1,617,008	2,611,648
25	Telangana	231	110	106	1,732	364	2,073	1,911	6,527
26	Tripura	1,443	885	138	8,888	563	3,333	5,488	20,738
27	Uttar Pradesh	800,825	03,918	630,007	382,714	142,359	19,124	2,602,659	4,681,606
28	Uttarakhand	3,214	1,625	443	4,221	1,894	2,824	19,679	33,900
29	West Bengal	10,496	4,766	4,247	35,198	2,043	26,232	33,066	116,048
30	Andaman and Nicobar Islands	-	-	-	218	-	1,300	405	1,923
31	U.T. Chandigarh	1,111	25	57	2,278	681	6,589	1,373	12,114
32	Dadra and Nagar Haveli	1	6	1	484	185	49	1,567	2,293
33	Daman & Diu	1	2	4	74	123	60	214	478
34	Delhi	7,525	348	368	74,342	13,901	138,149	118,217	352,850
35	Lakshadweep	-	2	-	-	-	1	2	5
36	Puducheery	22,346	37	16,178	22,488	4,769	1,140	6,673	73,631
37	Supreme Court Legal Services Committee.	1,256	252	1,795	2,644	23	6,430	11,519	23,919
	TOTAL :	1,697,137	686,177	1,322,059	1,557,075	220,070	668,975	9,596,193	15,747,686

(Since Inception)

Statistical Information

NATIONAL LEGAL SERVICES AUTHORITY
STATEMENT SHOWING THE NUMBER OF LOK ADALATS HELD BY STATE LEGAL SERVICES AUTHORITIES UNDER LEGAL SERVICES AUTHORITIES ACT 1987 AND CASES SETTLED SINCE INCEPTION (AS ON 31.12.2016).

S. No.	State	No. of Lok Adalats held	No. of MACT Cases Settled	Total No. of Cases Settled (including MACT Cases)	Compensation Awarded in MACT Cases (in Rs.)
1	Andhra Pradesh	223,154	145,441	2,253,924	18,276,788,363
2	Arunachal Pradesh	754	1,069	7,582	49,236,176
3	Assam	4,240	33,010	478,401	3,036,994,807
4	Bihar	30,574	136,405	1,515,998	1,277,027,678
5	Chhattisgarh	19,294	13,773	6,646,745	2,833,213,679
6	Goa	1,207	5,347	18,978	404,460,626
7	Gujarat	172,706	223,767	7,941,813	16,723,526,504
8	Haryana	203,190	42,651	2,034,619	4,980,696,545
9	Himachal Pradesh	11,235	6,830	365,438	1,052,166,068
10	Jammu & Kashmir	6,035	12,239	444,418	2,811,087,662
11	Jharkhand	32,457	6,470	6,054,547	1,048,721,313
12	Karnataka	187,959	186,664	5,036,749	12,130,926,842
13	Kerala	44,655	178,581	783,796	10,195,581,877
14	Madhya Pradesh	41,723	220,332	16,233,349	17,359,805,216
15	Maharashtra	46,049	111,998	3,125,179	20,574,736,007
16	Manipur	126	1,533	7,543	182,341,500
17	Meghalaya	285	1,019	12,534	143,130,406
18	Mizoram	1,597	243	4,187	6,257,080
19	Nagaland	356	1,595	6,668	235,892,117
20	Odisha	17,785	53,369	5,186,061	4,721,421,024
21	Punjab	35,097	19,662	3,400,777	2,330,681,160
22	Rajasthan	210,018	629,464	3,726,939	11,153,390,629
23	Sikkim	2,343	174	8,947	9,646,000
24	Tamil Nadu	268,702	267,728	7,359,362	48,179,040,144
25	Telangana	12,585	13,011	400,588	4,100,351,555
26	Tripura	1,876	11,039	206,426	158,432,198
27	Uttar Pradesh	49,888	97,092	17,733,081	9,961,604,292
28	Uttarakhand	2,100	5,434	401,590	755,670,260
29	West Bengal	26,848	45,397	2,759,427	4,877,109,583
30	Andaman and Nicobar Islands	278	39	9,149	8,033,468
31	U.T. Chandigarh	9,816	21,190	688,393	1,848,681,488
32	Dadra and Nagar Haveli	32	212	2,557	25,019,699
33	Daman & Diu	37	61	2,238	3,099,000
34	Delhi	16,216	23,923	1,617,370	4,128,992,748
35	Lakshadweep	319	11	172	435,000
36	Puducherry	1,382	9,698	64,473	543,141,007
37	SCLSC	8	44	281	-
	TOTAL :	1,682,926	2,526,515	96,540,299	206,127,339,721

(Since Inception)

Statistical Information

NATIONAL LEGAL SERVICES AUTHORITY
STATEMENT SHOWING THE NUMBER OF LOK ADALATS HELD BY STATE LEGAL SERVICES AUTHORITIES UNDER LEGAL SERVICES AUTHORITIES ACT 1987 AND CASES SETTLED SINCE INCEPTION (AS ON 31.03.2017).

S. No.	State	No. of Lok Adalats held	No. of MACT Cases Settled	Total No. of Cases Settled (including MACT Cases)	Compensation Awarded in MACT Cases (in Rs.)
1	Andhra Pradesh	225,547	146,112	2,258,808	18,563,509,428
2	Arunachal Pradesh	755	1,069	7,602	49,236,176
3	Assam	4,244	33,010	478,487	3,036,994,807
4	Bihar	30,918	136,437	1,518,142	1,285,367,678
5	Chhattisgarh	19,635	13,836	6,649,671	2,849,620,396
6	Goa	1,217	5,348	19,109	404,860,626
7	Gujarat	174,602	224,295	7,950,486	16,817,279,070
8	Haryana	224,408	43,188	2,091,893	5,104,094,165
9	Himachal Pradesh	11,348	6,873	367,715	1,059,521,068
10	Jammu & Kashmir	6,073	12,280	447,906	2,821,390,162
11	Jharkhand	32,711	6,484	6,057,650	1,055,246,325
12	Karnataka	191,882	189,845	5,089,972	12,544,838,642
13	Kerala	45,223	180,245	791,172	10,541,401,397
14	Madhya Pradesh	42,206	220,551	16,236,823	17,404,224,476
15	Maharashtra	46,078	112,113	3,130,207	20,633,222,676
16	Manipur	131	1,533	7,739	182,341,500
17	Meghalaya	286	1,019	12,543	143,130,406
18	Mizoram	1,613	243	4,286	6,257,080
19	Nagaland	356	1,595	6,668	235,892,117
20	Odisha	17,797	53,369	5,200,657	4,721,421,024
21	Punjab	35,465	19,769	3,408,851	2,353,576,264
22	Rajasthan	211,822	630,071	3,756,571	11,271,420,815
23	Sikkim	2,373	174	9,108	9,646,000
24	Tamil Nadu	269,680	268,862	7,366,209	48,554,024,087
25	Telengana	13,183	13,782	404,547	4,376,941,856
26	Tripura	1,932	11,136	229,358	198,829,537
27	Uttar Pradesh	49,934	97,092	17,734,879	9,961,604,292
28	Uttarakhand	2,114	5,438	402,972	762,109,260
29	West Bengal	27,486	46,061	2,774,064	5,088,068,025
30	Andaman and Nicobar Islands	278	39	9,149	8,033,468
31	U.T. Chandigarh	9,821	21,190	688,420	1,848,681,488
32	Dadra and Nagar Haveli	32	212	2,429	25,019,699
33	Daman & Diu	38	61	2,238	3,099,000
34	Delhi	16,245	23,923	1,620,240	4,128,992,748
35	Lakshadweep	320	11	172	435,000
36	Puducherry	1,407	9,780	64,801	558,551,692
37	SCLSC	8	44	281	-
	TOTAL :	1,719,168	2,537,090	96,801,825	208,608,882,450

NATIONAL LEGAL SERVICES AUTHORITY

Hon'ble Mr. Justice Dipak Misra Chief Justice of India	Patron-in-Chief
Hon'ble Mr. Justice Ranjan Gagoi Judge, Supreme Court of India	Executive Chairman
Hon'ble Mr. Justice D.N.Patel Judge, High Court of Jharkhand & Executive Chairman Jharkhand State Legal Services Authority	Member
Hon'ble Mr. Justice Aniruddha Bose Judge, High Court of Calcutta & Executive Chairman, West Bengal State Legal Services Authority	Member
Hon'ble Mr. Justice Hakim Imtiyaz Hussain Former Judge, High Court of Jammu & Kashmir	Member
Hon'ble Ms. Justice Rekha Sharma Former Judge, High Court of Delhi	Member
Hon'ble Mr. Justice Kailash Gambhir Former Judge, High Court of Delhi	Member
Hon'ble Mr. Justice Virender Singh Chairperson, Armed Forces Tribunal (Principal Bench)	Member
Hon'ble Mr. Justice P.Vishwanatha Shetty Lokayukta, Karnataka	Member
Shri P.S.Narasimha Sr. Advocate, Supreme Court of India	Member
Prof. P.S.Jaswal Vice Chancellor, Rajiv Gandhi National University of Law, Patiala	Member
Shri A.N. Jha Secretary, Department of Expenditure Ministry of Finance, Govt. of India	Member
Shri Alok Srivastava Secretary, Department of Justice Ministry of Law & Justice, Govt. of India	Member
Shri Bindeshwar Pathak Social Worker	Member
Shri Alok Agarwal	Member Secretary



