



# NYAYA DEEP

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**The Official Journal of NALSA**

**Volume XVII • Issue 2 • April 2016**

**National Legal Services Authority**

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Vol. XVII • Issue II - April - 2016

## **National Legal Services Authority**

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**Printed at : Sudhir Printers, New Delhi-5**  
Tel. : 011-23522683, 23683007, 9810334493

## *Editorial*

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On an earlier occasion, I had stated that diversity feeds the appetite of the mind and rainbow of thoughts sharpens the intellect and arouses curiosity and as a representation of the said idea, the present issue of 'Nyaya Deep', deals with the thoughts of authors on diverse topics.

Victimology is the concept of 20<sup>th</sup> century, a sub-discipline of criminology. The role of the victim of the crime in the justice dispensation process is required to be viewed as a balancing act. A victim should not feel frustrated or suffer from further agony by the State or law enforcement agencies. The satisfaction of a victim is that there is a fair trial, adequate punishment for the offence and further grant of adequate compensation. The purpose of enacting Section 357-A of the Code of Criminal Procedure is to promote the concept of victimology in the realm of criminology and effort is to achieve the same.

With economic liberalization and the creation of expansive market space, there is tremendous growth of international trade, commerce, investment, transfer of technology, development and construction work, banking activities, etc. and the international commercial arbitration has ushered in as an indispensable catalyst for promoting world trade and that has brought the focus on implementation of foreign award in India. The idea is to give accent on various aspects of implementation of foreign awards and how the courts have dealt with it.

In the field of conflict with law, legislative perspective of enacting Juvenile Justice (Care and Protection of Children) Act, 2015 has its own significance. The Act envisages and ensures that the child is not uprooted from its natural family and at the same time a different age group of children has been carved for being tried as adults when charged with heinous offences. The endeavour is to stress the procedural aspect in relation to children in conflict with law and spread the said awareness.

Traditional knowledge is a valuable concept and developed over generations in various parts of the world and the need to preserve them through various mechanisms is the need of the hour. The indigenous knowledge of India is of immense value and the concern of the author is to protect it through various fora and the suggestive measures put forth reflect the universal significance.

The main objective of prison reforms is to bring the offenders back to the mainstream of the society. A prisoner, be he a convict or an under-trial, one is a human being first and he continues to enjoy all his basic human rights including the right to life as guaranteed to him under the Constitution. Efforts should be made for the effective and meaningful enjoyment of the said rights by means of prison reforms, which is extremely essential.

Cloning is an interesting concept developed with huge technological advancements in the field of science. Cloning of animals is becoming common and the next big thing is

cloning of human-beings. Though India does not have specific law regarding cloning yet has guidelines prohibiting whole human cloning or reproductive cloning. It allows therapeutic cloning and the use of embryonic stem cells for research purposes. The deliberation on the said aspect is not only interesting but exciting. One feels like entering into a different kind of “Brave new world”.

The illuminating and informative articles, I am sure, will definitely spread awareness in their respective fields.

A handwritten signature in black ink, appearing to read 'Dipak Misra', written in a cursive style.

[Dipak Misra]  
Judge, Supreme Court of India



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## *Victimology: A Movement For Reform in Criminal Justice system*

*The failure to invest in civil justice is directly related to the increase in criminal disorder. The more people feel there is injustice the more it becomes part of their psyche.*

Wilhelm Joseph <sup>1</sup>

### **Introduction**

Victims of crime are considered an ignored party to the case in present system. In earlier times Justice was on the demand of victim. That was right approach of decision makers in justice delivery system. The concept of victimology was not in existence before 1940. It does not mean that justice delivered according to the wish of king or emperor. Rather mental satisfaction of victim was considered parameter to deliver justice to victims of crime. Victimology is the concept of 20<sup>th</sup> century; It is a branch of administration of justice. As we all know that there are two branches of administration of justice i.e. criminology which means study the crime and criminal under which circumstances and under which psychological pressure offender has committed such crime what was the forcing factors which leads to the criminal towards commission of crime. Another branch is victimology, which deals with the study of relationship of victim with crime and the psychology of victim at the time of commission of crime, when the victim was prey of circumstances. Penology is not branch rather it is sub field of Criminology. What is disappointing fact of present legal system is that our criminal justice delivery system is criminal oriented. Our legal system provides an exhaustive list of rights of offenders or prisoners. But few says about victim. This is the negative aspect of our legal system. If criminology is the study of relationship of criminal and victim, then why victims are ignored at the time of delivering justice. That is why people are not reposing confidence in legal justice system. Prolonged litigation and less

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\* Assistant Professor, Khalsa College of Law, Amritsar (Punjab).

<sup>1</sup> *Justice Sayings and Quotes*, <<http://www.wiseoldsayings.com/justice-quotes/>> accessed on 3<sup>rd</sup> September, 2016.

favoured attitude of courts towards victim and relatives of victim put question mark on justice delivery system. Justice means to maintain balance between the two opposite claims of the parties.

In recent years the growing interest in criminal-victims relationship has begun to challenge the popularity of the alarm and indignation against the criminal law breakers that has been coupled with a long standing indifference to the victim of crime. Victimology as a term is a new idea, it is not so new as its name and its increasing extensive investigation. In fact, the subject has been considered for centuries, and hardly any classical authors in criminology omitted mentioning the importance of the victim's relationship to the crime he suffered and to the criminal who caused his suffering. The word 'victimology' was coined in 1947 by a French lawyer, Benjamin Mendelsohan, later a citizen of Israel, by deriving from a Latin word 'victima' and Greek word 'Logo'. *Victimology is basically a study of crime from the point of view of the victim, of the persons suffering injury or destruction by the action of another person or a group of persons. Victimology is the independent study of the relationships and interactions between offender and victim before, during and after the crime. Victim is one of the participants in a crime. Main branch of criminology is victimology that scientifically studies the relationship between an injured party and an offender by examining the causes and the nature of the consequent suffering. Specifically, victimology focuses on whether the perpetrators were complete strangers, mere acquaintances, friends, family members or even intimates and why a particular person or place was targeted. Criminal victimization may inflict economic costs, physical injuries, and psychological harm.<sup>2</sup> Another aspect of victimology is perhaps overlooked is the innocent family members and otherwise friends etc. of the very offender who may perhaps fall prey to the criticism anger, spite liaison etc as they may be shunned, as having the relation with the offender, for no fault of their own. This is to help such victims and is a theme of victimology.<sup>3</sup>*

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<sup>2</sup> Gurpreet Singh Randhawa, *Victimology and Compensatory Jurisprudence*, Central Law Publication, Allahabad, 2011, p.31-34.

<sup>3</sup> Suryakant Mahadeo Gujar, *Lectures on Criminology and Penology*, Lawmann Academic Series, Kamal Publishers, New Delhi, p.36.

## Historical Perspective of Victimology

Victimology is the scientific study of victims of crimes, a sub-discipline of criminology. It seeks to study the relationship between victims and offenders; the persons especially vulnerable to crimes and the victim's placement in the criminal justice system. At first (going back to the origins of criminology in the 1880s), anything resembling victimology was simply the study of crimes from the perspective of victims. The scientific study of victimology can be traced back to the 1940s and 1950s. Two criminologists Mendelsohn and Von Hentig, began to explore the field of victimology by creating "typologies". They are considered the "fathers of study of victimology." These new "victimologists" began to study the behaviors and vulnerabilities of victims. Mendelsohn created a typology of six types of victims, with only first type, the innocent, the other five types are contributed somehow to their own injury, and represented victim precipitation. Von Hentig (1948) studied victims of homicide, and said that the most likely type of the victim is the "depressive type" who is an easy target, careless and unsuspecting. Wolfgang's research (1958) followed this lead and latter theorized that "many victims –precipitate homicides were in fact caused by the unconscious desire of the victims to commit suicide."<sup>4</sup>

Roman law was derived from the twelve tables written about 450 B.C. These tables were a collection of basic rules relating to conduct of family, religious and economic life. It contained elements of both our civil and criminal law and influenced western legal theory into the middle ages. The "law of injury" started to be ruled by the ideas of reciprocity. The Bible law instructions really meant was that a victim of an assault or other crime should receive from the criminal the value of an eye, or the value of a foot presents the first more formalized scheme of victim restitution.<sup>5</sup> However, the notion of victim precipitating invoked criticism by feminists by 1980's and the term victim was interpreted in a more wider sense to include anyone caught up in asymmetric relationship or

<sup>4</sup> Promod Tiwari, Sub Discipline of Criminology, < [http://www.lawcollegedehradun.com/lawreview/vol4\\_issue1\\_nov12/article5.html](http://www.lawcollegedehradun.com/lawreview/vol4_issue1_nov12/article5.html)> accessed on 27<sup>th</sup> April, 2016.

<sup>5</sup> Gurpreet Singh Randhawa, *Victimology and Compensatory Jurisprudence*, Central Law Publication, Allahabad, 2011, p.21

situation. The word asymmetry connotes anything imbalanced parasitical oppressive disturbing connotes anything imbalanced exploitative parasitical oppressive disturbing alienating or having inherent suffering. Thus, in the modern sense, the concept of victimology includes any person who experiences injury loss or hardship due to any cause. The term may be used in many forms such as accident victims, floods victims, famine victims, tsunami victims, blast victims, cancer victims and so on. The common element in all of them is some kind of suffering, injury or harm caused by forces beyond victim's control.<sup>6</sup>

In 1980, Justice V R Krishna Iyer has observed that victimology a burgeoning branch of humane criminal justice, must find fulfillment not through barbarity but by the wrong-doer of the damage inflicted, not by giving more pain to the offender but by lessening the loss of the forlorn. The state itself may have its strategy of alleviating hardships of victims as part of Article 41. so the mandatory minimum in section 433A cannot be linked up with the distress of the dependents. In the present, deceased a young man died leaving behind widow and 4 sons at the time of the life of the bread-winner of the family was cut short by the accused by exceeding the right of private defence. In such circumstances the Gujarat High Court opined that it is a fit case for consideration of giant of amount of compensation to the heirs and legal representatives of the deceased out of the amount of fine. There is purpose and policy behind enacting the provisions of section 357 in the code, which promotes the concept of victimology in the realm of criminology.<sup>7</sup>

### **Typology of Victims: A Factor in Commission of Crime**

Just as certain persons are thought to have a high probability of indulging in criminal behavior, so also some others may have a greater likelihood of being victimized. *Von Henting* made the first study of the role of victims in crime and found some general characteristics among them.

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<sup>6</sup> Dr. N.V.Pranjape, *Criminology and Penology with Victimology*, Central Law Publications, Allahabad, 2012, p.664.

<sup>7</sup> Dr. Krishna Pal Malik, *Penology, Victimology and Correctional Administration in India*, Allahabad Law Agency, Faridabad, 2011, p.212.

- The poor and ignorant immigrants and those who are requisitive or greedy are the victims of offences involving frauds.
- Quite often, the victims of larceny are intoxicated or sleeping persons.
- The depressed or apathetic person is a victim because he is “deprived of warning posts”.
- Wanton or sensual Persons may become victims due to situations precipitated by them.
- A Lonesome and heartbroken person may become especially vulnerable because of the loss of critical faculties in him.

*Mendelsohn* studied victims on the basis of their contribution to crimes and classified them into the following categories.

- Completely innocent victims, e.g. Children, person in sleep.
- Victims with minor guilt and victims of ignorance such as pregnant woman who go to quacks for procuring abortion.
- Voluntary victims, such as the ones who commit suicide or are killed by euthanasia.
- Victims who are more guilty than the offenders, such as persons who provoke others to commit crimes.
- The criminal type of victims who commit offences against others and get killed or hurt by others in self defence.<sup>8</sup>

### **Role of Victim in Criminal Justice System**

The role of the crime victim in the justice process should be viewed as a balancing act. There are many competing interests in determining what the victim’s role should be (Travis,2013). With a new perspective on the role of victims in the justice process laws can be made to balance the issues and interests relating to victim’s rights (Worrall, 2008, OVC, 2002). The victim should be more than a witness, but not have total control over the prosecution of the case (Stickels, 2008). The role that the victim plays should be

<sup>8</sup> Ahmad Siddique, *Criminology and Penology*, Eastern Book Company, Lucknow, 2013, p.589.

stronger than in the years prior to the victim's movement, with an emphasis in sentencing. The victim and the court should communicate frequently with the courts giving victims specific explanations as to why an offender will be sentenced differently than the victim expects. This can give victims the personal gratification of being heard while balancing the power between the victim and the state (Wemmers & Cyr, 2006). Victims should be heard in sentencing, feel satisfied, and be informed throughout case processing as the victims are the ones who feel the immediate damage caused by the crime (Stickels, 2008). The courts should also seek victim approval of the sentence with the goal of improving victim satisfaction with their involvement in the justice process. Seeking victim approval in sentencing is a way for the system to recognize that beyond the role of the state, which is impersonal, there is an individual who has personal interest in sentencing, was directly affected by the crime, and wants to be heard (New Zealand Ministry of Justice, 2013, Stickels, 2008, Wemmers & Cyr, 2006). The role of the crime victim in the criminal justice system should be that of an active participant and informant who is well informed on case updates by the criminal justice system and has a satisfying involvement in the case of their offender. The victim should have a voice in the sentencing process. Balancing individual concerns with public safety is a way to have the state to protect the community through offender sentencing while making the victim happy with the sentence. The communication of rights and assistance programs available is a way to encourage the victim to trust the system and become involved with the case (Fritsch et al., 2004, Hart, 2003). The victim should be informed of developments in the case of their offender, allowed to attend court, and make statements. The victim should be able to request harsher sentences than the state has issued if they are dissatisfied with the case outcome, but harsher sentences should not be a guarantee to the victim as the court system is not based on a vengeance model (OVC, 2002, Cullen & Johnson, 2012). The victim should not feel frustrated or re-victimized by the state or law enforcement agencies (Garvin & LeClaire, 2013). The role of the victim needs to be enhanced while not removing too much power from the courts. Currently, it is not the purpose of the criminal justice system to meet victim's needs. The process is geared towards convicting and punishing

offenders without seeking victim satisfaction (Stickels, 2008). Integrating victim satisfaction models into the current framework of the justice system is a way to meet the unmet needs of crime victims (Stickels, 2008, IACP, 1999).<sup>9</sup>

### **Rights of Victim in Criminal Justice system**

- **Right to Privacy**

Privacy concerns are an issue for crime victims throughout the criminal justice process. Fear of harassment or retaliation from offenders who may learn their names and find out where they live through public records or court testimony deters victims from seeking justice.

- **Right to Protection**

Many jurisdictions give crime victims the right to protection during the criminal justice process. This right may take the form of a generally stated right to protection, or may include specific protective measures.

- **Right to Return of Property**

A victim of crime may suffer the loss of property in two ways: by theft or when property is seized and held as evidence. All 50 states and the District of Columbia have passed laws outlining procedures for the return of stolen or personal property seized for evidentiary purposes in subsequent criminal proceedings.<sup>10</sup>

- **The Right To Restitution**

The term “restitution” generally refers to restoration of the harm caused by the defendant, most commonly in the form of payment for damages. It can also refer to the return or repair of property stolen or damaged in the course of the crime.

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<sup>9</sup> Ryan Ruddy, ‘The Victim’s Role in the Justice Process’, *Internet Journal of Criminology*, 2014, pp.1-3. < <http://www.internetjournalofcriminology.com> Ruddy The Victim’s Role in the Justice Process IJC Jan 2014.pdf> accessed on 30th July, 2016 at 11.20 a.m.

<sup>10</sup> About Victims’ Rights, <<https://www.victimlaw.org/victimlaw/pages/victimsRight.jsp>> accessed on 30<sup>th</sup> July, 2016 at 11.35 a.m.

- Courts to order restitution by convicted offenders as part of their sentences.
- Losses to be Covered
- Restitution should cover any out-of-pocket losses directly relating to the crime, including:
  - medical expenses;
  - therapy costs;
  - prescription charges;
  - counseling costs;
  - lost wages;
  - Expenses related to participating in the criminal justice process (such as travel costs and child care expenses);
  - lost or damaged property;
  - insurance deductibles; and
  - Other expenses that resulted directly from the crime.
- Restitution will not cover such things as pain and suffering or emotional distress, but may cover reasonably expected future losses, such as ongoing medical or counseling expenses. In calculating the restitution owed, a court should look at the victim's losses.<sup>11</sup>

- **Right to A Speedy Trial**

A number of jurisdictions give crime victims the right to “a speedy trial” or “disposition of the case free from unreasonable delay.”

- **Enforcement Mechanisms**

Since crime victims have been afforded legal rights in every state, they also need ways to ensure that those rights are enforced.<sup>12</sup>

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<sup>11</sup> Jyosna Dighe, Victims' Rights in India, < <http://www.legalservicesindia.com/article/article/victims-rights-in-india-1315-1.html> > accessed on 30th July, 2016 at 11.45.

<sup>12</sup> About Victims' Rights, <<https://www.victimlaw.org/victimlaw/pages/victimsRight.jsp>> accessed on 30<sup>th</sup> July, 2016 at 11.35 a.m.

### **Victim Compensation Scheme (Section 357 A)**

- (1) States shall Co-ordinate with centre government to prepare scheme to provide compensation to victim and dependents of victim, who has sustained injury as a result of crime and are needed rehabilitation.
- (2) Court will recommend the compensation and District Legal service Authority will determine the quantum of Compensation under the scheme.
- (3) If trial court is not satisfied with the compensation provided for rehabilitation under section 357 or case is ended with acquittal or discharge, recommendation for compensation would be awarded for the rehabilitation of victim of crime.
- (4) Victim or dependents of victim can file application to state or district legal service authority to award Compensation, in which neither offender is traced nor identified, but victim is identified.
- (5) State or District Legal Service Authority will award compensation to victim after due enquiry completed within two months.
- (6) State Legal Service authority will order for immediate first aid facility to victim on the certificate issued by officer in charge of police station.<sup>13</sup>

### **Recommendations of Malimath Committee**

The Malimath Committee having felt that the system must focus on justice to victims, made recommendations, which includes the right of victim to participate in cases involving serious crimes and to adequate compensation. The Malimath Committee in its report has observed that the criminal justice system needs to be addressed on an urgent basis. For example victims of rape and domestic violence etc. require trauma counseling, psychiatric and rehabilitative services apart from legal aid. It is further observed that victims often fall prey to intimidation and harassment truthfully. Other factors including the poor financial condition may

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<sup>13</sup> Section 357-A, *Criminal Procedure Code*, 1973.

crop up to make the witness disinterested to state the truth in the court. The committee has referred to the victims rights internationally and in criminal justice system.<sup>14</sup> An important object of the criminal justice system is to ensure justice to the victims, yet he has not been given any substantial right, not even to participate in the criminal proceedings. Therefore the Committee feels that the system must focus on justice to victims. Therefore the Committee has made several recommendations which include the right of the victim to participate in cases involving serious crimes and to adequate compensation. Hence, the Committee has made the following recommendations:-

- a) The victim, and if he is dead, his legal representative shall have the right to be impleaded as a party in every criminal proceeding where the offence is punishable with 7 years imprisonment or more.
- b) In select cases notified by the appropriate government, with the permission of the court an approved voluntary organization shall also have the right to implead in court proceedings.
- c) The victim has a right to be represented by an advocate of his choice; provided that an advocate shall be provided at the cost of the State if the victim is not in a position to afford a lawyer.
- d) The victim's right to participate in criminal trials shall, inter alia, include:
  - a) To produce evidence, oral or documentary, with leave of the Court and/or to seek directions for production of such evidence
  - b) To ask questions to the witnesses or to suggest to the court questions which may be put to witnesses
  - c) To know the status of investigation and to move the court to issue directions for further to the investigation on certain matters or to a supervisory officer to ensure effective and proper investigation to assist in the search for truth.
  - d) To be heard in respect of the grant or cancellation of bail

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<sup>14</sup> Dr. Krishna Pal Malik, *Penology, Victimology and correctional Administration in India*, Allahabad Law Agency, Faridabad, 2011, p.216.

- e) To be heard whenever prosecution seeks to withdrawal to offer to continue the prosecution
  - f) To advance arguments after the prosecutor has submitted arguments
  - g) To participate in negotiations leading to settlement of compoundable offences.
- e) The victim shall have a right to prefer an appeal against any adverse order passed by the court acquitting the accused, convicting for a lesser offence, imposing inadequate sentence, or granting inadequate compensation. Such appeal shall lie to the court to which an appeal ordinarily lies against the order of conviction of such a court.
  - f) Legal services to victims in select crimes may be extended to include psychiatric and medical help, interim compensation and protection against secondary victimization.
  - g) Victim compensation is a State obligation in all serious crimes, whether the offender is apprehended or not, convicted or acquitted. This is to be organized in a separate legislation by Parliament. The draft bill on the subject submitted to Government in 1995 by the Indian Society of Victimology provides a tentative framework for consideration.
  - h) The Victim Compensation law will provide for the creation of a Victim Compensation Fund to be administered possibility by the Legal Services Authority. The law should provide for the scale of compensation in different offences for the guidance of the Court. It may specify offences in which compensation may not be granted and conditions under which it may be awarded or withdrawn.

It is the considered view of the Committee that criminal justice administration will assume a new direction towards better and quicker justice once the rights of victims are recognized by law and restitution for loss of life, limb and property are provided for in the system. The cost for providing it is not exorbitant as sometimes made out to be. With increase in quantum of fine recovered, diversion of funds generated by the justice system and

soliciting public contribution, the proposed victim compensation fund can be mobilized at least to meet the cost of compensating victims of violent crimes. Even if part of the assets confiscated and forfeited in organized crime and financial frauds is also made part of the fund and if it is managed efficiently, there will be no paucity of resources for this well conceived reform. In any case, dispensing justice to victims of crime cannot any longer be ignored on grounds of scarcity of resources.<sup>15</sup>

### **Judicial Activism**

The power given under Section 357A was intended to do something to reassure the victim that he or she is not forgotten in the criminal justice system. It is a measure of responding appropriately to crime as well of reconciling the victim with the offender. It is, to some extent, a constructive approach to crimes. It is therefore; recommend to all Courts to exercise this power liberally so as to meet the ends of justice in a better way.<sup>16</sup> While the award or refusal of compensation in a particular case may be within the Court's discretion, there exists a mandatory duty on the Court to apply its mind to the question in every criminal case. Application of mind to the question is best disclosed by recording reasons forwarding/refusing compensation. It is axiomatic that for any exercise involving application of mind, the Court ought to have the necessary material, which it would evaluate to arrive at a fair and reasonable conclusion.<sup>17</sup> In another case High court Of Delhi held that the list of the circumstances of the offence, circumstances of the accused, circumstances relating to the owner of the offending vehicle, impact of the crime on the victim/his family, aggravating factors and mitigating circumstances to be taken into consideration for sentencing and compensation under Sections 357/357A in road accident cases. The Court has to conduct a summary inquiry to ascertain the relevant facts/documents.<sup>18</sup> It is to be noted that the Court doesn't put a bar on the Govt. to

<sup>15</sup> Committee on Reforms of Criminal Justice System, Volume I, < <http://www.pucl.org/Topics/Law/2003/malimath-recommendations.htm> > accessed on 30

<sup>16</sup>July, 2016 at 3.45 p.m.

<sup>16</sup> Hari Krishan and State of Haryana v. Sikhbir Singh AIR 1998 SC 2127

<sup>17</sup>Ankur Shivaji Gaikwad Vs. State of Maharashtra S.L.P. (Crl.) No.6287 of 2011

<sup>18</sup> Satya Prakash vs State on 11 October, 2013 Delhi HC

award compensation limited to Rs.3 Lakhs. The State has the discretion to provide more compensation to the victim in the case of acid attack as per Laxmi's case guidelines. It is also to be noticed that this Court has not put any condition in Laxmi's case as to the degree of injuries which a victim has suffered due to acid attack. It was directed to all the States and Union Territories to consider the plight of such victims and take appropriate steps with regard to inclusion of their names under the disability list.<sup>19</sup>

Court has held that it was observed in the order dated 18.07.2013 that the States and Union Territories which have not yet framed rules to regulate sale of acid and other corrosive substances in line with the Model Rules framed by the Central Government shall do the same within three months from the receipt of the draft Model Rules from the Central Government. It was direct that the acid attack victims shall be paid a uniform compensation of at least Rs. 3 lakhs by the concerned State Government/Union Territory as the after care and rehabilitation cost. Of this amount, a sum of Rs 1 lakh shall be paid to such victim within 15 days of occurrence of such incident (or being brought to the notice of the State Government/Union Territory) to facilitate immediate medical attention and expenses in this regard and remaining 2 lakh should be paid as expeditiously as possible.<sup>20</sup> The Supreme Court has held that in cases where the accused is unable to pay compensation to the victim or his/her heirs, that same amount of compensation, which is awarded by the Court, must be paid by the State in accordance with the provisions of S. 357-A of the Criminal Procedure Code.<sup>21</sup> Allahabad High court has held that under Section 357-A Cr.P.C., trial court, appellate court or revisional court can order compensation either on its own motion or on the application of victim. This can be done even during the pendency of trial, appeal or revision and courts are not supposed to wait till conclusion of proceeding as victim is not supposed to wait for medical aid, rehabilitation, restoration till decision of trial/appeal which may take more than 20 years. Interim compensation can also be granted in accordance

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<sup>19</sup> Parivartan Kendra v. UOI [ WP 867 of 2013.

<sup>20</sup> Laxmi v. Union Of India (2014) 4 SCC 427

<sup>21</sup> State of Himachal Pradesh v. Ram Pal,2015, (SC)

with the Scheme, 2014 which provides for granting of interim compensation which will be inconsonance with Section 357-A Cr.P.C. as well as decisions of Hon'ble Apex Court.<sup>22</sup>

In landmark case, Supreme Court has held that under Section 357-A of Cr.P.C. -victim compensation scheme, it is the duty of court to direct grant of interim compensation subject to final compensation being determined later. Interim compensation is granted in case of abduction and murder of deceased-businessman and his son by appellants-no reason as to why victim family should not be compensated under s. 357-A-state Govt. directed to pay interim compensation of Rs. 10 Lacs to family of victim.<sup>23</sup> Uttarakhand High Court held that Probation of Offenders Act, Ss. 4, 5 –Criminal Procedure Code S. 357 (3)-Benefit of probation-grant of Conviction under Ss. 323, 324 of Penal Code-Accused person, first time offenders- engaged in sudden fight, and not pre-planned assault-injury on person of victim not held to be dangerous to life-no useful purpose would be served in sending accused to jail-in order to reform accused and keeping in mind object of Act, sentence of Imprisonment set aside-Accused instead directed to pay compensation of Rs, 20,000/- under Section 5 of Act read with S. 357 (3) of Cr.P.C to victim –Accused also released on probation for period of three years.<sup>24</sup> Jharkhand High Court has awarded compensation to dependents of victim of gang rape. Appellants allegedly committed gang rape on her-prosecution has been able to prove its case beyond shadow of any reasonable doubt vis-à-vis complicity of most accused-they are able to be convicted-other accused are entitled to benefit of doubt-compensation of Rs 5 Lacs awarded to mother of victim.<sup>25</sup> Court has awarded compensation to victim-is not ancillary to other sentence, but is in addition thereof-order releasing accused on probation, set aside and sentence of two years rigorous imprisonment imposed-order granting compensation of Rs. 50,000/-maintained since victim cannot be forgotten man.<sup>26</sup> It was directed that the Member

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<sup>22</sup> Mohd. Kaleem vs State Of U.P. on 24 November, 2015 [ Allahabad HC ]

<sup>23</sup> Suresh & Anr V. State of Haryana, 2015 CRI.L.J. (SC).

<sup>24</sup> Devi Sharma & Anr. V. State of Uttarakhand 2015 CRI.L.J. (Uttr)

<sup>25</sup> Mojb Ansari V. State Of Jharkhand, 2015 Cri.L.J. 4702.(Jhar).

<sup>26</sup> Shakeel Ahmed v. State (NCT of Delhi) and others, 2015 CRI.L.J. 4258.(Del)

Secretary of the State Legal Services Authority should obtain a copy of the Victim Compensation Scheme from the concerned State/Union Territory and to give it wide and adequate publicity in the State/Union Territory so that each acid attack victim in the States/Union Territories can take the benefit of the Victim Compensation Scheme. It was also directed to the Member Secretary of the State Legal Services Authority to ensure with the State Government that a minimum of Rs.3,00,000/- (Rupees three lakhs only) is made available to each victim of acid attack. Full medical assistance should be provided to the victims of acid attack and that private hospitals should also provide free medical treatment to such victims. In case of any compensation claim made by any acid attack victim, the matter will be taken up by the District Legal Services Authority, which will include the District Judge and such other co-opted persons who the District Judge feels will be of assistance, particularly the District Magistrate, the Superintendent of Police and the Civil Surgeon or the Chief Medical Officer of that District or their nominee. This body will function as the Criminal Injuries Compensation Board for all purposes.<sup>27</sup>

Gujarat High Court has awarded compensation to victim-causing death by negligence-accused driving tempo lost control on vehicle due to which vehicle turned turtle-it resulted into serious injuries to seven home guard personnel's and twenty-one other with minor injuries-one of personnel's lost his life due to injuries sustained-version of injured witnesses, so also panchnama of scene of offence shows clear negligence of driver-compensation awarded to sum of Rs, 25,000 to family members of victim.<sup>28</sup> similarly, Supreme Court has awarded compensation to rape victim. Practice of giving different amount ranging from Rs. 20, 000/- to Rs. 10,00,000/- as compensation-needs to be introspected by all states and union territories taking into consideration scheme framed by state of Goa-scheme made by National Commission of Women (NCW)revised by NCW on 15<sup>th</sup> April 2010 shall apply in addition to any application that may be made under section 357 , 357 A of Code. Criminal P.C. Section 357-A compensation to rape victim-quantum-victim is blind and illiterate girl-already in socially

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<sup>27</sup> Laxmi v. Union Of India [ (2015) 5 SCALE 77 order.

<sup>28</sup> Abdul Afiz Gulamrasul Vohra v. State of Gujarat, 2016 CRI.L.J. 1813.(Guj).

disadvantaged position-raped under garb of promised marriage-putting victim under double disadvantaged situation-victim in vulnerable position not taken care by anybody-and living alone. In special facts of case, state directed to pay Rs,8000/- p.m. till her life time. All the States and Union Territories shall make all endeavour to formulate a uniform scheme for providing victim compensation in respect of rape/sexual exploitation with the physically handicapped women as required under the law taking into consideration the scheme framed by the State of Goa for rape victim compensation.<sup>29</sup> Section 357-A of Cr.P.C, under victim compensation scheme, Rs 10, 00,000/- as interim compensation was given to mother of deceased, a victim. It was case of custodial death. Court has held that victim compensation scheme should be implemented properly, it would reduce crime rate in the future.<sup>30</sup> Gauhati High Court has awarded compensation to children of victim-accused husband murdered wife-wife leaving behind 4 minor children-state Government directed to deposit sum of Rs. 1,00,000/- towards compensation payable to children of deceased, in fixed deposit which they shall be able to withdraw on attainment of age of majority.<sup>31</sup>

### **Conclusion**

There is no doubt that victimology is branch of criminology in which relation of victim with crime and criminal is analyzed and psychology of victim at the time of occurrence of crime. Our criminal justice system provides more rights to accused but less rights are provided to victims. But justice phenomena demands that balance between the claims of two parties, who are in front of court. Victimology is a complete study of the psychology of victim before and after occurrence of crime. His experience with police, NGO's, Court, people who come in contact of victim, their behaviour and effect of that treatment on the psychology of victim all are vital parts for consideration. Malimath committee report has provided many suggestion in order to reform in criminal justice system. Many rights are discussed briefly, if these rights are

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<sup>29</sup> Tekan Alias Tekram vs. State of Madhya Pradesh 2016 CRI.L.J.1440 (SC).

<sup>30</sup> Sabu E. K. and another v. State and others, 2016 CRI.L.J. 3418.

<sup>31</sup> Md.Abdul Motleb V. State of Assam, 2016 CRI.L.J.1701 (Gau)

provided in real sense. position of victims can be at strong footing. There is expectation of reforms in criminal justice delivery system and victims can be saved from double victimization in the hands of authorities. Single victimization is a curse but non availability of good remedy providing mechanisms make the situation unbearable for victims of the crime and their relatives. It is urgent need in the light of above mentioned facts, Criminal Justice system should be not only 'offender' oriented rather it should be 'offender -victim' oriented in order to maintain balance with appropriate justice delivered by the court. Rights available to victims of crime are just for the sake of showcase, these rights are not properly given to victims. Reality of the circumstances is that victim's are unaware about their rights, even people who are dealing with the system they are not acquainted with these provisions. Need of hour is to appoint those people who are well conversant with legal provisions of the justice delivery system so that they can guide to ignorant victims about their rights.

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## *Journey of supreme court of India in interpreting foreign Awards*

The Enforcement of foreign arbitral awards was covered by International Conventions, namely, The Geneva Protocol on Arbitration Clauses, 1923; the Geneva Convention on the Execution of Foreign Arbitral Awards 1927, to which India became a party on October 23, 1937. India enacted the Arbitration (Protocol and Convention) Act, 1937 for giving effect to the obligations under these instruments. India became a party to the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards, 1958 on 13<sup>th</sup> July 1960. Till this date 146 states are signatories to this convention. For giving effect to the obligations under this Convention, India enacted the Foreign Awards (Recognition and Enforcement) Act, 1961. Thereafter UNCITRAL Model Law on International Commercial Arbitration (1985) came in to existence. The UNCITRAL Model Law is based upon the principle that the local courts in the place of arbitration should support the Arbitration & not interfere with, the arbitral process. Many countries have adopted as their own arbitration law or based on either word-for-word or with minor changes as per model law. Over 60 countries have adopted legislation based on the Model Law. India based on UNCITRAL model law passed the Arbitration & Conciliation Act 1996 which deals with foreign awards.

(A) **International Commercial Arbitration**<sup>1</sup> means an arbitration relating to disputes arising out of legal relationships, whether contractual or not, considered as commercial under the law in force in India and where at least one of the parties is, -

- (i) an individual who is a national of, or habitually resident in, any country other than India; or
- (ii) a body corporate which is incorporated in any country other than India; or

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<sup>1</sup> Section 2(f) of Arbitration & Conciliation Act.1996

- (iii) a company or an association or a body of individuals whose central management and control is exercised in any country other than India; or
- (iv) the Government of a foreign country;

In order to comply with this definition, one of the parties is either

- (1) A national of another country.
- (2) A resident of another country
- (3) A body corporate incorporated in another country.
- (4) Government of foreign country.

**B) New York convention awards. ( Chapter I )**

It states that, unless the context otherwise requires, “foreign award” means an arbitral award on differences between persons arising out of legal relationship, whether contractual or not, considered as commercial under the law in force in India, made on or after the **11th day of October, 1960** -

- (a) in pursuance of an agreement in writing for arbitration to which the Convention set forth in the First Schedule applies, and
- (b) in one of such territories as the Central Government, being satisfied that reciprocal provisions have been made may, by notification in the official Gazette, declare to be territories to which the said Convention applies.<sup>2</sup>

**C) Geneva Convention Award. (Chapter II )**

‘**foreign award**’ means an arbitral award on differences relating to matters considered as commercial under the law in force in India made after the **28<sup>th</sup> day of July, 1924**,-

- (a) in pursuance of an agreement for arbitration to which the Protocol set forth in the Second Schedule, and
- (b) between persons of whom one is subject to the jurisdiction of some one of such powers as the Central Government, being satisfied that reciprocal provisions have been made, may, by

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<sup>2</sup>Section 44 of the Act

notification in the Official Gazette, declare to be parties to the Convention set forth in the Third Schedule, and of whom the other is subject to the jurisdiction of some other of the powers aforesaid, and

(c) in one of such territories as the Central Government, being satisfied that reciprocal provisions have been made, may, by like notification, declare to be territories to which the said Convention applies, and for the purposes of this Chapter an award shall not be deemed to be final if any proceedings for the purpose of contesting the validity of the award are pending in the country in which it was made.<sup>3</sup>

**Foreign Award**<sup>4</sup> is defined as; the enforcement of foreign award is a concept different from **International Commercial Arbitration**. Award rendered in an I.C.A. can be classified into two types namely I.C. awards that are passed in India and award passed outside India. Similarly, two domestic parties may arbitrate at a venue outside India whereby the award would be treated to be foreign award.

The Supreme Court in **Renusagar Power Co. Ltd. v. General Electric Co.**<sup>5</sup> as well as in case of **Svenska Handelsbanken v. Indian Charge Chrome Ltd.**<sup>6</sup> has stated that, International commercial arbitration is an alternative dispute resolution system, chosen by the parties for resolution of disputes arising out of commercial transaction between them instead of litigation in a national Court of law of different countries having connection with dispute. If it is a dispute between two countries and the forum chosen by the parties is arbitral tribunal, then it leads to a method of resolving commercial dispute as per their agreement. In that situation the dispute can be resolved by arbitral tribunal without going into the Court of law.

International commercial arbitration is a creation of contract between two parties belonging to different countries with different legal and cultural back grounds. Economic liberalization and the

<sup>3</sup> Section 53 of the Arbitration & Conciliation Act 1996.

<sup>4</sup> Section 44 of the Arbitration & Conciliation Act 1996.

<sup>5</sup> AIR 1985 SC 1156, at 1157

<sup>6</sup> 1994 (2) SCC 155.

opening of market, there is phenomenal growth of International trade, commerce, investment, transfer of technology, development and construction work, banking activities and the like. The need for International commercial arbitration in particular was felt post liberalization, to provide an alternative to the prolonged and time consuming mode of justice dispensation that prevails in Court. The International commercial arbitration has evolved primarily against the background of two unifying International traditions: the private International legal tradition directed at the harmonization of laws; and the public International law tradition committed to reducing global barriers in trade, including more recently for protecting the interests of developing countries. A greater number of disputes from trade increased which leads to use International commercial arbitration to resolve those disputes. "International commercial arbitration is a necessary adjunct of International commerce, an indispensable catalyst for promoting world trade .... and means different things in different parts of the world".<sup>7</sup>

International commercial disputes resolution mechanism has been instrumental in the growth of International trade and commerce. It possesses effective mechanism of dispute resolution in a short period and it plays a very important role in dispute resolution with some limitations. It has following characteristics –

- (1) International Commercial Arbitration (herein after for brevity called as I.C.A.) facilitates the implementation of International trade policy.
- (2) It enables the parties to engage and pursue International commerce for successful commencement of business.
- (3) The dispute resolution is more adjustable and flexible to meet exigencies arose during proceedings.
- (4) In this process parties have no binding about the procedural as well as the national law.
- (5) The parties have a choice to select an arbitral tribunal for their dispute resolution.

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<sup>7</sup> F.S. Nariman, "Arbitration & ADR in India," P.C. Rao & William Sheffield (Ed.), "Alternate dispute Resolution- What is and How it works", 1<sup>st</sup> ed. 1997, reprint 2008, p.45.

- (6) The parties have a choice to select where the arbitration to be conducted.
- (7) It will be conducted as per the convenience of both disputing parties.

Thus because of above mentioned circumstances, International Commercial Arbitration look to be becoming popular with the growth of business and transaction. International Commercial Arbitration is a way of fast resolution of dispute, but it posses various questions during last several years. These questions are relating to Concept of International Commercial Arbitration, foreign awards, Enforceability of foreign award, seat of arbitration, Curial law, Invocation of Arbitration clause, appointment of Arbitrator in case of foreign parties etc. as well as application of section 9 in International commercial Arbitration. Supreme Court of India from time to time had took different views & expressed opinions.

There are various contingencies that cover the application of Arbitration Law of the country (i) the designation of the Foreign Proper Law but no designation of seat of Arbitration. (ii) The designation of Foreign Proper Law and Foreign seat of Arbitration with or without further designation of Foreign curial law (iii) The designation of a Foreign Seat of Arbitration (iv) The designation of Foreign Seat of Arbitration Indian Proper Law & Foreign Curial Law & Foreign Law governing the Arbitration Agreement and (v) The designation of Foreign Seat of Arbitration Simplictor.

A contracting state is obliged to recognize arbitration awards as binding and to enforce them in accordance with its procedural rules. Over 150 countries have ratified the Convention, including most of the world's leading trading nations. A contracting state may refuse to enforce an award if:

- i) a party to the arbitration agreement was under some incapacity;
- ii) the arbitration agreement was not valid;
- iii) a party was not given proper notice of the appointment of the arbitrator or of the arbitration proceedings or was otherwise unable to present his case;

- iv) the award goes beyond the scope of the submission to arbitration;
- v) the composition of the arbitral tribunal or the arbitral procedure was not in accordance with the agreement of the parties;
- vi) the award is not final and binding or has been set aside;
- vii) the subject matter of the award is not capable of settlement by arbitration under the law of the contracting state; or it would be contrary to public policy to enforce the award.

The Arbitration & Conciliation Act 1996 consolidate and amend the law relating to domestic arbitration, international commercial arbitration and enforcement of foreign arbitral awards, was made on the basis of the UNCITRAL Model Law on International Commercial Arbitration, Section 2 (2) states that Part I, shall apply where the seat of arbitration is in India. The question of whether the provisions dealing with interim measures by court (Section 9 of the Act), and setting aside arbitral awards (Section 34), contained in Part I of the Act, could be resorted to if the seat of the arbitration was outside India.

The first judgment that laid down the principles governing international commercial arbitration was that of **Bhatia International v/s Bulk Trading S.A. & another**<sup>8</sup> the issue for consideration before the Supreme Court was whether an application under Section 9 of the Act was maintainable in foreign seat arbitration. The Supreme Court held that interim reliefs could be granted to a foreign party in India, since the provisions of Part I of the Act would apply to all arbitrations and related proceedings held outside India. While holding that Part I of the Act would compulsorily apply to arbitrations held in India, the Court further held that in the case of an international commercial arbitration with its seat outside India, provisions of Part I of the Act would apply unless the parties had expressly or impliedly excluded all or any of its provisions. The decision in **Bhatia International** was followed in the later judgment of **Venture Global Engineering v/s Satyam Computer Services Ltd**<sup>9</sup>. The issue for consideration

<sup>8</sup> 2002 (4) SCC 105

<sup>9</sup> 2008 (4) SCC 190

before the Supreme Court was whether an aggrieved party to foreign seat arbitration, is entitled to challenge a foreign award in terms of Section 34 of the Act. The Supreme Court held in the affirmative.

**Indtel Technical Services P. Ltd. v. W.S. Atkins Rail Ltd.<sup>10</sup> and Citation Infowares Ltd. v. Equinox Corporation<sup>11</sup>** It was held that in International commercial Arbitrations where the governing law of the contract is a foreign law, Part I of the Act would still apply, and that a mere choice of a foreign law as the governing law of the agreement cannot be construed as an express or implied exclusion of Part I of the Act.

The arbitration clause provided that the agreement would be governed by and construed in accordance with English law. No choice of law had been expressed specifically considering the arbitration agreement. The Supreme Court stated that when an arbitration agreement is silent as to the law and procedure to be followed in implementing the arbitration agreement, the law governing the arbitration agreement will ordinarily be the same as the law governing the contract itself. However this was held not to be an “implied exclusion” of Part I of the Act.

In the case of **Dozco India P. Ltd. v. Doosan Infracore Co. Ltd.**<sup>12</sup> This case dealt with an application under Section 11(6) of the Act. The Court was dealing with a Distribution Agreement between an Indian Company and a Korean Company. It was contended that only Rules of Arbitration of International Chambers of Commerce were to apply and the Apex Court has no jurisdiction as the seat of arbitration was chosen by the parties at Seoul. In this case, both the place of arbitration and the proper law were foreign, as a result of which the Apex court held that Part I of the Act was excluded.

In the case of **Hardly Oil & Gas v. Hindustan Oil Exploration**<sup>13</sup>, the parties agreed that although the main agreement would be governed by Indian law, the arbitration clause would be

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<sup>10</sup> (2008) 10 S.C.C.308

<sup>11</sup> (2009) 7 S.C.C. 220

<sup>12</sup> (2011) 6 S.C.C.179

<sup>13</sup> (2006) 1 G.L.R. 658

governed by English law. The Court held that in this case the parties had a clear intention to regulate arbitration through English law even though the proper law of the main agreement was Indian law. The court stated that where parties have, in clear terms, agreed to different laws being applicable to agreement in main and arbitration, the said intention would govern the question of applicability of law, and hence Part I of the Act would be impliedly excluded.

In case of **N.T.P.C. v. Singer Co.**,<sup>14</sup> the supreme court held that, The proper law of contract means “the system neither of law by which the parties intended the contract to be governed, or, where their intention is neither expressed nor to be inferred from the circumstances, the system of law with which the transaction has its closest and most real connection.” An award made on Arbitration agreement governed by law of India is not foreign award even if it is rendered outside India. To qualify as a foreign award under Foreign Award Act, 1961, the award should have been made in pursuance of agreement in writing for arbitration to be governed by the New York Convention on the Recognition and Enforcement of Foreign Arbitral Award, 1958 and not to be governed by the law of India. An award is foreign not merely because it is made in the territory of foreign state but because it is made in such a territory on an arbitration agreement not governed by law of India. International commercial Arbitration Agreement — Operation of 1961 Act is excluded where even though dispute is between foreign party and arbitration is held and award is given a foreign state but the award is made on an arbitration agreement and governed by Law of India, Such award cannot be regarded as domestic award and not as foreign award. Proper law is thus the law which the parties have expressly or impliedly chosen or which is imputed to them by reason of its closest and most intimate connection with the contract. Parties have freedom to choose the law governing in an International commercial Arbitration Agreement and they may choose the substantive law governing the arbitration agreement as well as the procedural law governing the conduct of arbitration.

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<sup>14</sup> A.I.R. 1993 S.C. 998 : 1992 LawSuit (SC) 370

The Supreme Court in **TDM Infrastructure Private Limited v UE Development Private Limited**<sup>15</sup> The Supreme Court observed that Section 28, which inter alia provides that Indian law would apply to the substance of the dispute where place of arbitration is India and parties to the arbitration are Indian, was “imperative” in character. With reference to the provision, it stated that the “intention of the legislature appears to be clear that Indian nationals should not be permitted to derogate from Indian law. This is part of the public policy of the country”. Thus when parties to an arbitration agreement were Indian, the merits of the dispute must be decided in accordance with Indian law. Thereafter in **Yograj Infrastructure Ltd v Ssang Yong Engineering and Construction Co Ltd**<sup>16</sup> Wherein the Supreme Court distinguished the decision rendered in *Bhatia International* on the basis that the parties had expressly chosen a foreign place as the seat of the arbitration and the rules of a foreign institution to apply to the arbitral process. The legal issue in question was the maintainability of an appeal under Section 37(2) of the Act. The agreement between the parties, one Indian party and the other Korean, was to be conducted in Singapore, in accordance with the Singapore International Arbitration (SIAC) Rules. The governing law of the agreement was Indian law. The Supreme Court held that Part I of the Act would not be applicable to the arbitration agreement, since the parties had expressly chosen the SIAC Rules as the curial law. The parties were thus bound by Rule 32 of the SIAC Rules that makes Singaporean arbitration law applicable to arbitrations with their seat in Singapore.

In case of **Videocon Indus. Ltd. v. Union of India**,<sup>17</sup> The disputes arose out of a production sharing contract entered into by the Government of India with a consortium of four companies for exploring, mining and producing hydrocarbons in India. Under Clause 33.1, the governing law of the agreement was Indian law, yet under Clause 34.12 the venue of the arbitration was Kuala Lumpur, Malaysia and the arbitration agreement was to be governed by English law. The Supreme Court

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<sup>15</sup> (2008) 14 SCC 271)

<sup>16</sup> 2011 (9) SCC 735

<sup>17</sup> A.I.R. 2011 S.C. 2040 : 2011 (6) SCC 161

held that as the emphatic choice of law governing the arbitration agreement was English law, notwithstanding the fact that the agreement itself was governed by Indian law, this implied that the parties had agreed to exclude the provisions of Part I of the Act. Accordingly, it was held that the courts in India did not have jurisdiction to entertain a Section 9 petition filed under Part I of the Act.

In the *Videocon* case the Court held “implied exclusion” even though the proper law was Indian by justifying its stance on the fact that that the law governing the arbitration agreement was foreign. Subsequent to the *Yograj* case, to find an implied exclusion in spite of the fact that the proper law was Indian, therefore, the specification of the proper law of the contract as foreign law, on its own, is neither sufficient nor necessary as a criterion to determine “implied exclusion”. The *procedural law* of arbitration agreement “is the law governing the conduct of the arbitration.” It is the law governing the obligation of the parties to submit the dispute to arbitration and to execute the award. Rarely does this category of law differs from the curial law as if, it did it could lead to contradictory claims of jurisdiction, as stated by the Supreme Court in *Dozco India*. Procedural law had been given great weight in the *Videocon* case, and rightly so, as the Court who is competent to interpret such law, would decide on all issues of interpretation and scope of the arbitration agreement.

The **curial law** is “the law which governs the procedural aspects of the conduct of the arbitration proceedings.” Curial law does not have to be explicitly mentioned in the agreement. While express mention of Indian law as the “curial law” might tip the scale strongly against “implied exclusion” of Part I, non-specification of such law is not material because Courts have presumed such law to be the law of the country in which the seat of arbitration resides. The Supreme Court has stated in *Dozco India*, that “in the absence of express agreement, there is a strong prima facie presumption that the parties intend the curial law to be the law of the ‘seat’ of the arbitration.” A similar view was first adopted by the Supreme Court in *N.T.P.C. v. The Singer Company and Others*, and later in *Frontier Drilling A.S. v.*

**Jagson International Ltd. and DGS Realtors Pvt. Ltd. v. Realogy Corporation.** The presumption, though rebuttable, has been applied by Courts. Thus, in the absence of a curial law being explicitly agreed upon, the specification of a foreign seat which in any case is a condition precedent is sufficient to show the existence of a foreign curial law. Further, as seen in the *Financial Software Solutions* case, the opposite can also be said to be true when the curial law provides for a seat of arbitration in the absence of it being explicitly stated. Examining the prior aforementioned situations that have come before the courts,

A Constitution Bench of the Supreme Court of India in the case of **Bharat Aluminium Co v\ s Kaiser Aluminium Technical Services Inc**,<sup>18</sup> clarified the scope of jurisdiction of Indian Courts in international commercial arbitration. The Constitution Bench overruled the full bench decision of the Supreme Court in *Bhatia International v Bulk Trading S A and Anr*, (2002) 4 SCC 105) and the division bench decision of the Supreme Court, which followed in *Bhatia International*, in *Venture Global Engineering v Satyam Computer Services Ltd and Anr*, (2008) 1 Scale 214) In *Bhatia International and Venture Global Engineering* the Supreme Court had held that Indian Courts could interfere to the fullest extent allowed by Part I of the Arbitration and Conciliation Act, 1996 (Act) even when the seat of arbitration was outside India. Every award that was passed outside India became open to challenge in India. This resulted in excessive interference by Indian courts in arbitration that was held outside India (despite the stated objective of the Act and the express provisions of Section 5 of the Act). Several parties started approaching Indian courts for interim reliefs that only delayed and caused hindrances to the smooth conduct and operation of the arbitration proceedings held outside India, thereby defeating the very purpose of choosing arbitration as a favorable option for dispute resolution. *BALCO v Kaiser* came up for final hearing, at this point of time. Five judges of the Supreme Court in *BALCO v Kaiser* unanimously held that Part I of the Act would only apply to arbitrations whose seat was in India. The court reasoned as follows:

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<sup>18</sup> 2012 (9) SCC 552

- a.** The Act has adopted the territoriality principle, which emphasizes on the seat of arbitration as opposed to the nationality of parties for the ascertainment of jurisdiction.
- b.** Part I of the Act and Part II of the Act are mutually exclusive. Part I applies to an award made in India, whether it is rendered in a domestic arbitration or whether it is domestically rendered in an international commercial arbitration (international award). Part II of the Act, applies to only certain foreign awards.
- c.** Section 2(2) lays down the scope of Part I of the Act by stating that “This Part shall apply where the place of arbitration is in India”. The absence of the word ‘only’ in Section 2(2) does not indicate that Part I was also applicable to arbitrations where the seat was outside India.
- d.** The ‘seat’ of the arbitration must be distinguished from the ‘venue’ of the arbitration. The seat of arbitration is location by law and the venue of arbitration is location by fact.
- e.** If parties expressly choose the Act as the law governing the arbitration proceedings, only those provisions of law which are concerned with the internal conduct of the arbitration and are not inconsistent with the foreign procedural law would be applicable to the arbitral proceedings. Hence, Part I would not apply as it applies only to arbitrations held in India.
- f.** Non-applicability of Part I to foreign seat arbitrations would not create a lacunae with respect to awards which were not made pursuant to either the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, 1958 (The New York Convention) or the Protocol on Arbitration Clauses, 1923 and The Convention on the Execution of Foreign Arbitral Awards, 1927 (The Geneva Convention). Parliament had intentionally not included the aforesaid categories of awards within the definition of ‘foreign award’ in Section 44 and Section 53 of the Act since these awards were not included in the three statutes that were consolidated by the Act.
- g.** Section 28(1)(a) makes it clear that in an arbitration under Part I of the Act to which Section 2(1)(f)[6] does not apply, the

dispute has to be resolved using the substantive law applicable to the contract. This ensures that two or more Indian parties do not circumvent the substantive Indian law by resorting to arbitration. On the other hand, if such arbitration is an international commercial arbitration under Part I of the Act within the meaning of Section 2(1)(f) of the Act, then the parties would be free to agree on any substantive law of their choice.

**h.** Section 9 of the Act must be interpreted in the same way as any other provision of Part I of the Act and so parties to a foreign seat arbitration agreement would not be entitled to relief under Section 9 of the Act.

**i.** Non applicability of Part I of the Act to a foreign seat arbitration agreement would not leave the parties to the same 'remedy-less' as once parties voluntarily choose the seat of the arbitration to be outside India, they have impliedly accepted the necessary incidents and consequences of such a choice.

**j.** In a foreign seat arbitration, an inter-parte suit in India for interim relief pending arbitration would not be maintainable even if it is limited to the purpose of protecting the subject matter of the arbitration. In order to obtain an injunction, the existence of a suit seeking final relief, based on a recognized cause of action, is a prerequisite.

**k.** Ordinarily, international arbitration law recognizes the competence of courts of two nations to set aside or suspend an award: the courts in the country where the seat of arbitration is located (first alternative) and the courts of the country whose laws govern the arbitral proceeding (second alternative). The power to suspend or annul an award primarily vests in the courts of the first alternative country, the second alternative country being available only in the event of failure of the first alternative. However, in the context of India, it must be noted that the Act does not confer any jurisdiction on Indian courts to set aside an international commercial award made outside India. This is because under the Act, the power to annul an arbitral award is only provided in Section 34 of the Act. Section 34 however is contained in Part I and is, therefore, limited in its applicability to awards made in India.

In the concluding paragraph of its decision the Constitution Bench has stated that the law declared in *BALCO v Kaiser* shall apply prospectively, i.e., to agreements entered into after the date of the judgment. Therefore, with respect to pending petitions filed in relation to arbitration agreements entered into before September 6, 2012, the law prior to *BALCO v Kaiser* would apply. Therefore, now, two interpretations of the law would be in force till disputes in agreements entered up to September 6, 2012, are resolved. It is also significant to note that with respect to non-applicability of Section 9 of the Act to foreign seat arbitrations, the Supreme Court has stated that the responsibility of removing any “perceived lacuna” would be with the Parliament and not with it.

In view of law laid down by Supreme Court of India in *BALCO* where the Court made Indian arbitration law ‘seat-centric’ and also discussed the differences between seat and venue of arbitration. The Court interpreted the term ‘seat’ of arbitration as the curial/procedural law applicable on an arbitration proceeding and held that Part I of the Act (which apart from procedural aspects also has provisions for interim measures, setting aside the arbitral award etc.) will not apply in foreign ‘seated’ arbitrations. & further decision confirming the earlier view and giving more clarity as discussed in the case of **Shri Lal Mahal v\s Progetto Granpa Spa**<sup>19</sup> & **ONGC v\s Western Geco International Ltd.**<sup>20</sup> thereby interference in the International Commercial Award on the ground of public policy of India is restricted.

The principal duties of the tribunal are to determine the dispute fairly and efficiently, adopt suitable procedures for the particular case and ensure that time and costs are not expended unnecessarily. The procedural rules of the different arbitral institutions vary. In general terms, they provide the procedural framework for the arbitration from start to finish. The award in arbitration is equivalent to the judgment in litigation. It is “final and binding” subject to limited rights of challenge. Generally the award must be in writing, be signed by all the arbitrators, contain reasons and state the seat of the arbitration and the date the award was handed down. Once the tribunal has issued its award it is

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<sup>19</sup> 2014(2) SCC 433

<sup>20</sup> 2014(9) SCC 263

*functus officio* and has no further authority to act. Unlike court judgments, awards cannot generally be challenged except in very limited circumstances. The Key characteristics of international arbitration are Consensual, Neutral, Choice, Privacy & confidentiality, Finality & Enforceability. The ease of enforcement of arbitral awards is viewed as a key advantage of arbitration. Enforcement is facilitated by the United Nations Convention on the Recognition and Enforcement of Foreign Arbitral Awards, New York 1958 (the New York Convention)

In **Harmony Innovation Shipping Ltd. v. Gupta Coal India Ltd.**<sup>21</sup> the Supreme Court while disagreeing with the High Court's reliance on BALCO to deny jurisdiction of Indian courts in a pre- September 2012 agreement reached the same conclusion by applying the principles laid down in decisions prior to Bharat Aluminum and in Reliance Industries. The court effectively held that once it was determined that London was the seat of arbitration, it was clear that parties impliedly excluded application of part I of the 1996 Act leading to the conclusion that Indian courts would have no jurisdiction. The Apex Court have set aside the law precedents that had controversially given the domestic courts excessive jurisdiction to intervene even in arbitrations seated outside India. Reinstating the territoriality principle, the Supreme Court decided to review and overrule its previous decisions. Based on an analysis of the history, legislative intent and scheme of the 1996 Act, the Court concluded that the regulation of arbitration proceedings (including review of the award) fell within the exclusive domain of the courts at the seat of the arbitration. However, it is to be noted that this judgment has prospective application, meaning that the same would be applicable on arbitration agreements/clauses entered into between the parties **after 6<sup>th</sup> September, 2012**, i.e., the date of the judgment.

In case of **Reliance Industries v. Union of India**,<sup>22</sup> the Apex Court clarified that though Balco case has prospective application, the position of law as it stood prior to that, would not allow Indian courts to interfere with foreign awards. The court observed that it was too late in the day for anyone to contend that

<sup>21</sup> (2015) 9 SCC 172

<sup>22</sup> (2014) 7 SCC 603

seat of arbitration did not amount to an exclusive jurisdiction clause. The court also dismissed attempts to justify Indian courts' jurisdiction by reference to mandatory fiscal and other laws that applied to the issue in dispute by clarifying that grounds of challenge cannot be a consideration in deciding whether Indian courts have jurisdiction to entertain the challenge. It has been reaffirmed in case of **union of India v. Reliance Industries Ltd.**<sup>23</sup> that once it is found that the law governing the arbitration is English law Part I of the Indian Arbitration Act stands impliedly excluded.

Again in case of **Bharat Aluminium company v\ s Kaiser Aluminium Technical Services Inc.**<sup>24</sup>, it is held that terms of contract will have to be understood in the way parties wanted & intended them to be, particularly in agreement of arbitration. Where party autonomy is supreme. Art 22 of the said agreement deals with governing law of contract & second part lays down the law applicable to arbitration agreement. The parties have agreed in expressed terms that law of arbitration would be England Arbitration law / & for resolution of arbitration would be English arbitration law. Thus intention of parties was to apply English law to arbitration also & not limit it only to conduct of arbitration. Hence agreement as whole be governed by Indian law & in case of arbitration English law will apply. Once law governing arbitration agreement found to be English law held Part I stands impliedly excluded It is further held that approach in analyzing terms of agreement should be straight & plain & at the same time cohesive & logical. A contract executed between two parties, court cannot adopt the approach for interpreting statute. The terms of the contract will have to be understood in the way parties wanted & intended them to be, particularly in agreements of arbitration. The application filed under section 34 of the Indian Arbitration Act is not maintainable against two foreign awards & accordingly dismissed.

### **Conclusion**

Initially the Supreme Court through its various judgments consistently of the view that Part I is not applicable to International

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<sup>23</sup> 2015 (10) SCC 213

<sup>24</sup> 2016 (4) SCC 126

Commercial Arbitration and foreign seated arbitration. The Supreme Court has discussed through various judgments the concept of implied exclusion of the jurisdiction of the Indian Court and various contingencies to cover implied exclusion. Section 34 and 48 sets out grounds for refusal of enforcement of domestic and foreign awards respectively. The provisions in section 34 and in section 48 are pari materia. Territorial principles laid down in the uncitral model law, & accepted by the supreme court of India has far reaching implication on the development of International arbitration disputes seated outside India which will not only inspire the confidence of International business community and investors, but also facilitate India becoming a perfect venue of International commercial arbitration.

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## *Children in Conflict with Law under Juvenile Justice (Care and Protection of Children) Act, 2015*

### **Abstract**

Article 15 of the Constitution, *inter alia*, confers upon the State powers to make special provision for children. Articles 39 (e) and (f), 45 and 47 further makes the State responsible or ensuring that all needs of children are met and their basic human rights are protected. The United Nations Convention on the Rights of Children, ratified by India and so on requires the State parties to undertake all appropriate measures in case of a child alleged as, or accused of, violating any penal law. Recent years children in the age group of 16-18years commit more crimes and the existing Juvenile Justice (Care and Protection of Children) Act, 2000, are ill equipped to tackle child offenders in this group. Hence, the Juvenile Justice (Care and Protection of Children) Act, 2015 was passed with an object to protect the child in all matters concerning children in need of care and protection and children in conflict with law. This paper analyzed the procedures in children in conflict with law under the Juvenile Justice (Care and Protection of Children) Act, 2015.

**Keywords: Juvenile, Conflict with Law, Juvenile Justice Board, Child-friendly Procedure, and Administration Justice.**

### **Introduction:**

The Juvenile Justice (Care and Protection of Children) Act was enacted in the year of 2000 to provide for the protection of children. The Act was amended twice in 2006 and 2011 to address gaps in its implementation and make the law more child-friendly. During the course of the implementation of the Act, several issues

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arose such as increasing incidents of abuse of children in institution, inadequate facilities, quality of care and rehabilitation measures in homes, high pendency of cases, delays in adoption due to faulty and incomplete processing, lack of clarity regarding roles, responsibilities and accountability of institutions and , inadequate provisions to counter offences against children such as corporal punishment, sale of children for adoption purposes, etc. have highlighted the need to review the existing law.

Further, increasing cases of crimes committed by children in the age group of 16-18 years makes it evident that the current provisions and system under the Juvenile Justice (Care and Protection of Children) Act, 2000, are ill equipped to tackle child offenders in this age group. The data collected by the National Crime Records Bureau establishes that crimes by children in the age group of 16-18 years have increased especially in certain categories of heinous offences.

Numerous changes are required in the existing Juvenile Justice (Care and Protection of Children) Act, 2000 to address the above mentioned issues and therefore, it is proposed to repeal existing Juvenile Justice (Care and Protection of Children) Act, 2000, and re enact a comprehensive legislation *inter alia* to provide for general principles of care and protection of children, procedures in case of children in need of care and protection and children in conflict with law, rehabilitation and social re-integration measures for such children, adoption of orphan, abandoned and surrendered children, and offences committed against children. This legislation would thus ensure proper care, protection, development, treatment and social re-integration of children in difficult circumstance by adopting a child-friendly approach keeping in view the best interest of the child in mind.

#### **Juvenile Justice (Care and Protection of Children) Act, 2015:<sup>1</sup>**

Notwithstanding anything contained in any other law for the time being in force, the provisions of this Act shall apply to all matters concerning children in need of care and protection and children in conflict with law, including —

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<sup>1</sup> Act No- 2 of 2016

(i) Apprehension, detention, prosecution, penalty or imprisonment, rehabilitation and social re-integration of children in conflict with law;

(ii) Procedures and decisions or orders relating to rehabilitation, adoption, re-integration, and restoration of children in need of care and protection. Hence, this Act mainly protect the children to all matters concerning in-

- a) Children in need of care and protection<sup>2</sup>, and
- b) Children in conflict with law<sup>3</sup>

And so on the Act laid down the special procedures by adopting a child-friendly approach keeping in view the best interest of the child in mind, in order to achieve the aforesaid goals.

#### **Procedure in relation to children in conflict with law:**

“Child in conflict with law” means a child who is alleged or found to have committed an offence and who has not completed eighteen years of age on the date of commission of such offence;<sup>4</sup>

The procedure in relation to children in conflict with law is to be as follows-

1. As soon as a child alleged to be in conflict with the law is apprehended by the police, such child shall be placed under the charge of the **Special Juvenile Police Unit**, which consist of the police force of a district or city or, as the case may be, any other police unit like railway police, dealing with children and designated as such for handling children<sup>5</sup> or the designated **Child Welfare Police Officer**<sup>6</sup>, who shall produce the child before the **Juvenile**

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<sup>2</sup> Sec 2(14) of Juvenile Justice (Care and Protection of Children) Act, 2015.

<sup>3</sup> Section 2(13) of Juvenile Justice (Care and Protection of Children) Act, 2015

<sup>4</sup> Section 2(13) of Juvenile Justice (Care and Protection of Children) Act, 2015

<sup>5</sup> Section 2 (53) of Juvenile Justice (Care and Protection of Children) Act, 2015

<sup>6</sup> Section 2 (18) of Juvenile Justice (Care and Protection of Children) Act, 2015, simply defines “Child Welfare Police Officer” as an officer designated as such under sub-section (1) of section 107. According to section 107, child welfare police officer includes in every police station, at least one officer, not below the rank of assistant sub-inspector, with aptitude, appropriate training and orientation may be designated as the child welfare police officer to exclusively deal with children either as victims or perpetrators, in co-ordination with the police, voluntary and non-governmental organizations.

**Justice Board**<sup>7</sup> without any loss of time but within a period of 24 hours of apprehending the child excluding the time necessary for the journey, from the place where such child was apprehended; however, that in no case, a child alleged to be conflict with law shall be place in police lockup or lodged in a jail.

2. Any person in whose change a child in conflict with law is placed, shall while the order is in force, have responsibility of the child as a child's parent or any other person are fit to exercise charge over such child.<sup>8</sup>

3. When any person, who is apparently a child<sup>9</sup> and is alleged to have committed aailable or non-ailable offence, is apprehended or detained by the police or appears or brought before a J.J.Board, such person shall, notwithstanding anything contained in the Cr.P.C, 1973 or in any other law for the time being in force, be released on bail with or without surety or placed under the supervision of a Probation Officer or the care of any fit person. Sometimes a child in conflict with law is unable to fulfil the conditions of bail order within seven days of the bail order; such child shall be produced before the Board for modification of condition of bail. Where the child who are not released on bail by the Board, it shall make an order sending him to an observation home or a place of safety, as the case may be, for such period during the pendency of the inquiry regarding the person, as may be specified in the order. Where the Child is released on bail, the Probation Officer or the Child Welfare Officer shall be informed by the Board.

4. Where a child alleged to be in conflict with law is apprehended, the Probation Officer, or if no Probation Officer is available, a Child Welfare Officer, for preparation and submission within two weeks to the Board, a social investigation report containing information regarding the antecedents and family background of the child and other material circumstances likely to be of assistance to the Board for making the inquiry.<sup>10</sup>

<sup>7</sup> Juvenile Justice Board constituted under section 4 of Juvenile Justice (Care and Protection of Children) Act, 2015

<sup>8</sup> Section 11 of Juvenile Justice (Care and Protection of Children) Act, 2015

<sup>9</sup> Section 2 (13) of Juvenile Justice (Care and Protection of Children) Act, 2015, defines child as a person, who has not completed the age of 18 years.

<sup>10</sup> Section 11 of Juvenile Justice (Care and Protection of Children) Act, 2015

5. Where a child alleged to be in conflict with law is produced before board, the Board shall hold an inquiry and complete the inquiry within a period of four months from the date of First Production of the Child before the Board, unless the period is extended, for a maximum period of two more months by the Board, having regard to the circumstances of the case and after recording the reasons in writing for such extension.

6. The Board after holding inquiry may pass such orders in relation to such child as it deems fit under sections 17 and 18 of the Act.

7. The Board shall take the following steps to ensure **fair and speedy inquiry** under section 14.

- a) The child in conflict with law has not been subjected to any ill-treatment by the police or any other person including a lawyer or probation officer and also the Board will take corrective steps in case of such ill-treatment.
- b) In all cases the proceeding shall be conducted in simple manner as possible and care shall be taken to ensure that the child is given child-friendly atmosphere during the proceedings.
- c) Every child brought before the Board shall be given the opportunity of being heard and participates in the enquiry.
- d) Cases of **Petty Offences**, which includes the offences for which the maximum punishment under Indian Penal Code, 1860, or any other Law for the time being in force is imprisonment upto three years,<sup>11</sup> shall be disposed by the Board through **Summary Proceedings**, as per the procedure prescribed under the Code of Criminal Procedure, 1973.
- e) Inquiry of **Serious Offences**, which includes the offences for which the punishment under Indian Penal Code, 1860 or any other law for the time being in force, is imprisonment between three to seven years <sup>12</sup>, shall be disposed of by the Board by

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<sup>11</sup> Section 2 (45) of Juvenile Justice (Care and Protection of Children) Act, 2015, defines Petty Offences

<sup>12</sup> Section 2 (54) of Juvenile Justice (Care and Protection of Children) Act, 2015, defines the Serious Offences.

following the procedure, for trial in **summons case** under the Code of Criminal Procedure, 1973.

- f) Inquiry of **Heinous Offences**, which includes the offences for which the minimum punishment under Indian Penal Code, 1860, or any other law for the time being in force is imprisonment for seven years or more-
- I. For **child below the age of 16 years** as on the date of the commission of an offence shall be disposed of by the Board as for trial in **Summons Case** under the Code of Criminal Procedure, 1973, which means follows the procedure in Serious Offences.
  - II. For **child above the age of 16 years** as on the date of commission of an offence shall be trailed with the **Special manner**, which has laid down under section 15.

**Inquiry to a Child above the age of sixteen years in Heinous Offences:**

In case of a heinous offence alleged to have been committed by a child, who has completed or is above the age of 16 years, the Board shall conduct a preliminary assessment with the assistance of experienced psychologists or psycho-social workers or other experts, with regard to his mental and physical capacity to commit such offence, ability to understand the consequences of the offence and the circumstances in which he allegedly committed the offence, thereafter may pass an order basing on the preliminary assessment.<sup>13</sup> The preliminary assessment is not a trial and it should be completed within the period of four months, unless, the period is extended for a maximum period of two months by the Board. The Board shall pass different modes of orders on the basis of whether the offence is proved or not under sections 17 and 18 of Juvenile Justice (Care and Protection of Children) Act, 2015.

**If the Offence is not Proved<sup>14</sup>:** When a Board is satisfied on inquiry that the child brought before it has not committed any offence, then notwithstanding anything contrary contained in any other law for the time being in force, the Board shall pass order to that

<sup>13</sup> Section 15 laid down the Preliminary assessment into Heinous Offences by Board.

<sup>14</sup> Section 17 of Juvenile Justice ( Care and Protection of Children ) Act, 2015

effect, as refer the child to the Committee with appropriate direction which is in need of care and protection.<sup>15</sup>

**If the Offence is Proved:**<sup>16</sup> Where a Board is satisfied on inquiry that a child irrespective of age has committed a petty offence, or a serious offence, or a child below the age of sixteen years has committed a heinous offence, then, notwithstanding anything contrary contained in any other law for the time being in force, and based on the nature of offence, specific need for supervision or intervention, circumstances as brought out in the social investigation report and past conduct of the child, the Board may if it so thinks fit-

- a) Allow the child to go home.
- b) Direct the child to participate in group counseling etc.
- c) Order the child to perform community service.
- d) Order the child or parents or the guardian of the child to pay fine, provided, in case the child is working, it may be ensured that the provisions of any labour law for the time being in force are violated,
- e) Direct the child to be released on Probation of good conduct and placed under the care and supervision of any fit facility for ensuring the good behavior any child's well-being for any period not exceeding three years.
- f) Direct the child to be sent to a Special Home, for such period not exceeding three years, as it thinks fit, for providing reformatory services including education, skill development counseling, behavior modification therapy, and psychiatric support during the period of stay in the Special Home.

The Board may, pass an additional order in the aforesaid orders, those may be to-

- I. Attend school, or

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<sup>15</sup> Section 17 of Juvenile Justice ( Care and Protection of Children ) Act, 2015

<sup>16</sup> Section 18 of Juvenile Justice ( Care and Protection of Children ) Act, 2015

- II. Attend a vocational training centre, or
- III. Attend a therapeutic centre, or
- IV. Prohibit the child from visiting, frequenting or appearing at a specified place, or
- V. Undergo a de-addiction programme.

**Children’s Court:**

Where a Board after preliminary assessment under section 15, pass an order that there is a need for trial of the said child as an adult, then the Board may order transfer of the trial of the case to the Children’s Court having jurisdiction to try such offences.<sup>17</sup> Children’s Court means a Court established under the Commission for Protection of Child Rights Act, 2005 or a Special Court under the Protection of Children from Sexual Offences Act, 2012 (POCSO Act, 2012), whenever existing and where such courts have not been designated, the Court of Sessions having jurisdiction to try offences under this Act.<sup>18</sup>

**Powers of Children’s Court:**<sup>19</sup>

The Children’s Court is having the following powers-

- 1. After the receipt of Preliminary assessment from the Board, the Children’s Court may decide that
  - i. There is a need for trial of the child as an adult as per the provisions of Cr.P.C., 1973, and pass appropriate orders after trial considering on the special needs of the child, the tenets of fair trial and maintain a child friendly atmosphere.<sup>20</sup> Provided, no child in conflict with law shall be sentenced to death or for life imprisonment without the possibility of release, for any such offence, either under the provisions of this Act or under the provisions of the I.P.C., 1860, or any other law for the time being in force.<sup>21</sup>

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<sup>17</sup> Section 18(3) of Juvenile Justice ( Care and Protection of Children ) Act, 2015

<sup>18</sup> Section 2(20) of Juvenile Justice ( Care and Protection of Children ) Act, 2015

<sup>19</sup> Section 19 of Juvenile Justice ( Care and Protection of Children ) Act, 2015

<sup>20</sup> Section 19(1)(i) of Juvenile Justice ( Care and Protection of Children) Act, 2015

<sup>21</sup> Section 21 of Juvenile Justice ( Care and Protection of Children) Act, 2015

- ii. The children is no need for trial of the child as an adult and may conduct an inquiry as a Board and pass appropriate orders as mentioned above under section 18 of the Act.
2. The Children's Court shall ensure that the final order, with regard to a child in conflict with law, shall include an individual care plan for the rehabilitation of child, including follow up by the Probation Officer or the District Child Protection Unit or a Social Worker.
3. The Children's Courts shall ensure that the child who is found to be in conflict with law is sent to a place of safety till he attain the age of 21 years and thereafter, the person shall be transferred to a Jail. Provided that, the reformation services including educational services, skill development, alternative therapy such counseling behavior modification therapy and psychiatric support shall be provided to the child during the period of his stay in the place of safety.
4. The Children's Court shall ensure that there is a periodic follow up report every year by the Probation Officer or the District Child Protection Unit or a Social Worker, as required, to evaluate the progress of the child in the place of safety and to ensure that there is no ill-treatment to the child in any form.
5. The aforesaid reports shall be forwarded to the Children's Court for record and follow up, as may be required.

**Run away Child in Conflict with Law from Special Home, etc. :**

Any Police Officer may take charge of a child in conflict with law who has run away from a Special Home or an Observation Home or a Place of Safety or from the Care of a Person or Institution under whom the Child was placed under this Act. And a Police Officer shall be produced within twenty four hours, preferably before the Child, if possible, or to the nearest Board where the Child is found.<sup>22</sup>

The Board shall ascertain the reasons for the child having run away and pass appropriate orders for the child to be sent

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<sup>22</sup> Section 26 of Juvenile Justice ( Care and Protection of Children) Act, 2015

back either to the institution or person from whose custody the child had run away or any other similar place or person, as the Board may deem fit. Provided, that the Board may also give additional direction regarding any special steps that may be deemed necessary, for the best interest of the Child. No additional proceeding shall be instituted in respect of such child.

**No Joint Proceedings with a child and not a Child:**

There shall no joint proceedings of a child alleged to be in conflict with law, with a person who is not a child. If during the inquiry by the Board or by the Children’s Court, the person alleged to be in conflict with law is found that he is not a child, such person shall not be tried along with a child.<sup>23</sup> This Act will be operated prospectively, and this Act is not applicable to cases pending before the Board.<sup>24</sup>

**Conclusion:**

The family is a basic unit of the society. This Act envisages that the first effort shall be to see that the child will not get uprooted from its natural family. The reason behind this object is if child will treat with love and affection and is given due attention on his all requirements then there is to be improvement. Mainly, the object of this Act is not to create deterrent to a child, it’s a new regime of safety for potential victims. Hence, ultimately this Act stated that the children age group of 16 to 18 to tried as adult if accused of rape or murder (i.e. Heinous Crimes), but not to sentenced to Death or Life term.

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<sup>23</sup> Section 23 of Juvenile Justice (Care and Protection of Children) Act, 2015)

<sup>24</sup> Section 25 of Juvenile Justice (Care and Protection of Children) Act, 2015)

## *Mechanism of International Forums in Protecting Traditional Knowledge*

### **Abstract:**

India is rich in traditional knowledge as well as indigenous knowledge. Patenting of traditional knowledge is a burning issue in the whole world. Different international forums are playing important role in protecting traditional knowledge from patenting. The efforts, which are done by the international forums, so far, are not sufficient. Patenting of traditional knowledge cannot be prevented in an overnight. Still much effort has to be done by all the member States of WIPO as well as all the international forums.

### **Introduction:**

Traditional knowledge (TK) is a valuable and sophisticated knowledge. This knowledge developed over generations by local communities in various parts of the world. This knowledge is validated overtime, in a way it is different to the western empirical system.

Traditional knowledge has been developed in many fields and is still evolving. It is a technology or know-how capable of providing sustainable solutions to many modern day problems. This fact should be acknowledged and the commercial use of traditional knowledge should be handled in the same way as those other technologies are. There is no commonly accepted definition of “traditional knowledge,” in part because it covers such a diverse body of information and in part because traditional knowledge tends to be holistic by nature. It is often intimately tied not just to the material object of the knowledge itself, but also to the larger environmental context of the knowledge. Traditional knowledge also is often deeply interwoven with spiritual or sacred concepts, and it is regularly expressed and preserved via ritualistic or artistic traditions that, unlike Western artistic habit, may be

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executed and passed down through generations only within firmly fixed parameters of expression.

There is no agreed definition for 'traditional knowledge'. "WIPO in its fact finding mission report, uses the term traditional knowledge" to refer to ".....tradition based literary, artistic or scientific works; performances; inventions; scientific discoveries; designs; marks, names and symbols; undisclosed information; and all other tradition based innovations and creations resulting from intellectual activity in the industrial, scientific, literary or artistic fields".<sup>1</sup>

One important aspect about traditional knowledge is that, it does not imply static or old knowledge. Rather traditional knowledge is often dynamic and adaptive to changing cultural patterns and a wide range of external influences including occupation of indigenous people's lands, market pressures over certain resources, resettlement etc., traditional knowledge often flows in oral forms and is not codified in writing or in systematized forms (i.e., books or databases). Key feature of traditional knowledge is its collective nature. Knowledge is generated collectively in complex communal manners where no one individual can be recognized as a "creator".

Who owns traditional knowledge is the hardest question which experts and indigenous communities themselves face when conceptualizing positive mechanisms<sup>2</sup> or defensive mechanisms<sup>3</sup> to protect traditional knowledge. Except for limited cases particular and specific indigenous traditional knowledge is usually shared among a wide range of communities within countries.

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<sup>1</sup> Ruiz Manual "The International Debate on Traditional Knowledge as Prior Art in the Patent System: Issues and Options for Developing Countries".

Para

8. <http://www.southcentre.org/publications/occasional/paper09.pdf>. Visited on: 12-01-2007.

<sup>2</sup> Positive mechanisms (positive protection of traditional knowledge) refers to mechanisms which ensure rights are actually provided and conferred to indigenous peoples with regards to their traditional Knowledge.

<sup>3</sup> Defensive mechanisms (negative or preventive protection of traditional knowledge) refers to the use of mechanisms to impede traditional knowledge from being misappropriated. For example, the prior art search (for traditional knowledge) during patent procedures and ensuring non-obviousness of an invention are two ways through which negative protection can be ensured.

## **Indian Perspectives about Patenting of Traditional Knowledge:**

Patenting of traditional knowledge is a burning issue in the whole world, particularly in a country like India. India is rich in traditional knowledge as well as indigenous knowledge. Other countries which are rich in traditional knowledge are South Africa, China, Brazil etc

Ayurveda is a school of medicine in India, thought to be at least 4000 years old. Today its ancient medicines have been caught up in a modern phenomenon called bio-piracy. India claims that U.S. drug companies have started wrongfully patenting existing ayurvedic treatments.

India claims to have found 5,000 U.S. patents on medicinal plants, 80 percent of them from India. Half of these patents should never have been given to the American drug developers, according to India's government.<sup>4</sup>

The phenomenon of bio-piracy is cause for great concern and calls for action at both national and international level.

Hijacking of traditional knowledge continues all our traditional knowledge will be patented by rich multinational companies. We will be prevented from using our own traditional knowledge. Because, these multinational companies will get ownership rights over traditional knowledge.

Then we have to take permission from them for using our own traditional knowledge. Traditional healers will no longer be able to walk into a field in search of their medicines. Patenting will not allow this. The right to use a root or leaf for an ailment will become illegal as a large company claims ownership to this knowledge.<sup>5</sup>

By taking undue advantage of existing patent laws rich multinational companies gaining profits millions together, on the

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<sup>4</sup> Suzanne Marmion "Traditional Cures Get new Protection; India Catalogs Ayurvedic Treatments to Combat their Patenting by Western Drug Companies" [http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2006/07/08/BUG\\_2R\\_JRNS81.DTL](http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2006/07/08/BUG_2R_JRNS81.DTL) Visited on: 27-07-2006.

<sup>5</sup> Moodley Shomenthree "Indigenous Knowledge, Traditional Healers and TRIPS", <http://www.gem.org.za/documents/indigenous-knowledge.doc>. Visited on: 29-07-2006

other side right full owners' loose ownership and the chance of obtaining any economic benefits from their knowledge.

Patenting of traditional knowledge is a burning global issue. We have to protect traditional knowledge. This is the new and least understood area, it needs much attention.

We have to recognize the ownership of communities. It will not be possible to economically reward inventors of traditional medicines or seeds or resources that are useful to the society at large (from which most of the modern medicine and seeds are derived) unless community rights over intellectual property are recognized. Otherwise pharmaceutical and seed companies are going to context any such effort with all their financial might.<sup>6</sup>

### **International Perspectives about Patenting of Traditional Knowledge:**

There are some writers who claim that bio-piracy does not exist. To this debate some contribution is made by Jim Chen, Professor of Law at the University of Minnesota. Chen refuses the bio-piracy argument and finds that it lacks content and claims that it is a perception of illicit appropriation which is grounded more in post-colonial theory on the obligations of the North toward the South than in actual reality.

A balanced view has been presented by Graham Duetfield who represents that the biggest problem with the biopiracy-rhetoric is that it is an imprecise term which may be helpful for certain reasons but in terms of aiding legal solutions is of no help. Duetfield puts forward the thesis that there is no agreement on what actually constitutes bio-piracy and how much of it actually goes on.

One of the most famous proponents of the biopiracy cause is Vandana Shiva. She equates patents and GATT agreement to the colonial exploits of Columbus and states that the North is driven by a need to "subdue, occupy, and possess".<sup>7</sup>

<sup>6</sup> Ahmed Waqur "Understanding the Patenting of Traditional Knowledge - In response". [http://www.mail.sarai.net/pipermail/reader\\_list/2004\\_January/003371.html](http://www.mail.sarai.net/pipermail/reader_list/2004_January/003371.html). Visited on: 27-07-2006.

<sup>7</sup> Henric Ardhede "Traditional Knowledge and the Patent System-Irreconcilable Differences or a simple case of Mistaken Identity?". [http://www.jur.lu.se/...../Examensarbeten.nsf/O\\_6999D4E189B4410BC125726\\_D00752B6B/\\$File/exam.pdf?Open\\_Element](http://www.jur.lu.se/...../Examensarbeten.nsf/O_6999D4E189B4410BC125726_D00752B6B/$File/exam.pdf?Open_Element). At p17 Visited on 16-11-08.

Through her writing she expresses a view that the “biopiracy” of the West is an organized and international system of exploitation.<sup>8</sup>

If however one looks for factual proof of biopiracy there are a number of cases. Three cases (Neem, Basmati and Turmeric), which anti-biopiracy groups claim to be proof of biopiracy. The documented “biopiracy” cases are not that many.

A very interesting point is raised by the Council of Scientific and Industrial Research of India (CSIR) in relation to the Turmeric case, where they were the opponents in both the Turmeric and Basmati cases.

Amidst the loud protests against ‘biopiracy’ and ‘theft’ of India’s biodiversity and traditional knowledge by foreign nationals, it is interesting to note here that the patentees were Indians (Das and Cohly), the re-examination in USPTO was done by an Indian (Kumar) and the re-examination was sought by an Indian Institution (CSIR).<sup>9</sup> Ibid at page18

An interesting study has been undertaken by the Peruvian Anti-Biopiracy commission which conducted searches in U.S., EPO and Japanese databases in search of references to six plants which are found in Peru. The search showed a great number of references but they haven’t been studied in greater detail yet and are thus labeled as “potential cases of biopiracy”.

The most common reason given for why TK protection should be granted is the claim that Northern companies are exploiting the bio-diverse South by patenting “their” knowledge. This claim has dominated as reason for protection greatly due to the fact that developing nations and Civil Society Organizations (CSOs) have defined it as problem and as a concept and thus it steers much of the debate.

The concept of biopiracy arose as a counter definition to bio-prospecting which is the collection of and search for biological material and associated TK with the aim of commercialization.

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<sup>8</sup> Ibid at page 17.

<sup>9</sup> Ibid at page18

The point raised by CSIR and the various sides of the debate over biopiracy show that the palette contains more colors than simply black and white. It is a confusing concept where it isn't unusual to see the scholars deeming something to be an act of biopiracy and then later on question it as a concept within the confines of one text.

Biopiracy isn't such a clear cut situation of the North plundering the South: it also shows that the issue of "Biopiracy" is not uncontroversial even in the developing world. Although debate to a certain degree is polarized between North and South one must keep in mind that there is no single position shared by all indigenous peoples in the same way as no such single position exists between the developed countries.

Another reason for granting more protection to TK could be defined as an attempt to level out the playing field. Both in terms of rewarding the South for adopting western IPR-legislation and also aiding them in building upon their own knowledge and resources as a means of boosting local industry and creating businesses with export potential.

Signs that this is starting slowly to happen can be seen by the fact that developing countries have increased their biotechnology patenting.

An ironic example of this is shown by the fact that the claims of the Neem patent, have been built upon by Indian scientists who themselves have been granted a patent for a storage stable pesticide which improves upon the earlier so heavily opposed patent.

Article 66.2 in TRIPS states that developed countries have an obligation to transfer technology to the developing countries. A similar sentiment can be found in Article 16 of the CBD, technology and knowledge which could be put to use in developing domestic TK. One could therefore put forward the argument that TK is an opportunity for the South to help themselves by blending their traditional knowledge with the transferred technology from the North and as a result the ownership of this knowledge should lie with the countries of origin so that they can be given the

opportunity to develop and profit from it. A theme can be found in the CBD where fair and equitable sharing is a focal point.

Another means of leveling the playing could be the use of Access and Benefit Sharing (ABS) and Prior Informed Consent (PIC). ABS is the monetary or non-monetary contribution from companies for being allowed to access and use genetic materials and/or TK.

### **The Basmati Case:**

Basmati is a variety of rice from the Punjab provinces of India and Pakistan. The rice is a slender, aromatic long grain variety that originated in this region and its exports are worth about \$ 300m, and represent the livelihood of thousands of farmers.

The “battle for basmati” started in 1997 when US Rice breeding firm Rice Tec Inc. was awarded a patent (US 5663484)<sup>10</sup> relating to plants and seeds, seeking a monopoly over various rice lines including some having characteristics similar to Basmati lines. Concerned about the potential offset one of this request withdrew a number of claims including those covering basmati type lines. Further claims were also withdrawn following concerns raised by the USPTO. The dispute has however moved on from the patent to the misuse of the name “Basmati”.

In some countries the term “Basmati” can be applied only to the long grain aromatic rice grown in India and Pakistan. Rice Tec also applied for registration of the trademark ‘Tex mati’ in the UK claiming that “Basmati” was a generic term. It was successfully opposed, and the UK has established a code of practice for marketing rice. Saudi Arabia (the world’s largest importer of Basmati rice) has similar regulations on the labeling of Basmati rice.

The code states that “the belief in consumer trade and scientific circles is that the distinctiveness of authentic Basmati rice can only be obtained from the northern regions of India and Pakistan due to the unique and complex combination of environment, soil, climate, agricultural practices and the genetics of the Basmati varieties”.

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<sup>10</sup> Ibid at p 20.

But in 1998 the US Rice Federation submitted that the term “Basmati” is generic and refers to a type of aromatic rice. In response a collective of US and Indian Civil Society Organizations (CSOs) filed a petition seeking to prevent US grown rice from being advertised with the word “Basmati”. The US Department of Agriculture and the US Federal Trade Commission rejected it in May 2001. Neither considered the labeling of rice as “American – grown Basmati” misleading and deemed “Basmati” a generic term.

The problem is not just limited to the US: Australia, Egypt, Thailand and France also grown basmati type rice and may make the lead from the US and officially deem “Basmati” a generic term.

The name “Basmati” (and the Indian and Pakistani export markets) can be protected by registering it as a geographical Indication.

#### **Neem:**

Neem (*Azadirachta indica*) is a tree from India and other parts of South and South East Asia. The Neem tree is a source of Traditional Medicine used in India. It is now planted across the tropic because of its properties as a natural medicine, pesticide and fertilizer. Indian texts dating back two millennia state that neem could be used as an insect, repellent, medicine and cosmetic.

W.R.Grace and Co. filed patent applications (the US, European and New Zealand applications) covering a hydrophobic extract of the neem tree, an oil, for use as an insecticide and fungicide.<sup>11</sup> The chemical called Azadirachtin was identified as the active substance. A process to stabilize this chemical in water was patented, as was stabilized form of the chemical.<sup>12</sup> The company did not apply for an Indian patent because the law at the time did not grant patents for agricultural products. The foreign patents therefore drew a rapid response from India.

Neem extras can be used against hundreds of pests and fungal diseases that attack food crops, the oil extracted from neem seeds are used to treat colds and flu, and mixed in soap, it is believed

<sup>11</sup> Emil Marden, *The Neem Tree Patent: International Conflict over the Commodification of Life*, 22 B.C. INT'L & COMP. L. REV. 279 (1999).

<sup>12</sup> U.S.Patent No. 5,281,618 (issued Jan 25, 1994).

to offer low cost relief from malaria, skin diseases and even meningitis.

In 1994 the EPO granted European patent No. 0436257B1 to the US Corporation W.R. Grace and USDA for a “method for controlling fungi on plants by the aid of hydrophobic extracted neem oil”.<sup>13</sup>

In 1995 a group of international NGO’s and representative of Indian farmers filed a legal opposition against the patent.

They submitted evidence that the fungicidal effect of extracts of neem seeds had been known and used for centuries in Indian agriculture to protect crops, and thus was the invention claimed in EP257 was not novel.

In 1999 the EPO determined that according to the evidence “all features of the present claim have been disclosed to the public prior to the patent application and (the patent) was considered not to involve an inventive step”. The patent was revoked by the EPO in 2000.

#### **ROLE OF INTERNATIONAL FORUMS IN PROTECTING TRADITIONAL KNOWLEDGE FROM PATENTING:**

There are numerous forums and institutions working on different aspects of traditional knowledge. Some of the main forums and institutions that deal with the issue of traditional knowledge, prior art and databases include the CBD, the World Health Organization (WHO), the United Nations Human Rights Commission, the WTO in its Committee on Trade and Environment (CTE) and in the TRIPS Council.

Other forums and institutions working on different aspects of traditional knowledge and indigenous and local people in general include: the World Bank, the United Nations Conference on Trade and Development (UNCTAD), the Andean Community of Nations, the Inter-American Development Bank and African Union, to name a few.

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<sup>13</sup> Ganguli Prabhudha “Intellectual Property Rights – Unleashing the Knowledge Economy” New Delhi TataMcGraw – Hill (2001) at P 157.

## **1. World Intellectual Property Organization (WIPO).**

In September 1999 WIPO's Standing Committee on the Law of Patents (SCP) held its third session, which was to be devoted mainly to discussing a draft Patent Law Treaty (PLT).

The PLT was intended to harmonize certain patent procedures while steering clear of matters relating to substantive patent law. The Colombian delegation at the session submitted a brief document entitled "Protection of Biological and Genetic Resources" that turned out to be quite controversial.

The delegation proposed that the PLT include an article based on two proposals that the document property protection shall guarantee the protection of the country's biological and genetic heritage consequently the grant of patents or registrations that relate to elements of the heritage shall be Subject to their having been acquired legally.

The second was that:

Every document shall specify the registration number of the contract affording access to genetic resources and a copy thereof where the goods or services for which protection is sought have been manufactured or developed from genetic resources of products thereof of which one of the member countries is the country of origin.

This idea of linking patent filing with access and benefit sharing regulations gained the support of Bolivia, Paraguay, China, Namibia, Cameroon, Mexico, South Africa, Chile, Cuba, India, Kenya, Costa Rica and Barbados. Predictably it did not go down well with some of the other delegations including the United States, the European Union, Japan and South Korea all of which argued that the proposed article related to substantive patent law and therefore had no place in the patent law treaty.

As things turned out, Colombia's proposal did not fail completely in that the concerns behind it were given of the opportunities for expression within WIPO.

As a compromise the SCP invited WIPO's International Bureau to do two things. The first was to include the issue of protection of biological and genetic resources of the agenda of that November's meeting of the working group on Biotechnological Inventions. The second was to arrange another meeting specifically on that issue.

This meeting on 'Intellectual Property and Genetic Resources' took place in April 2000 and reached a consensus that "WIPO should facilitate the continuation with the other concerned international organizations through the conduct of appropriate legal and technical studies and through the setting up of an appropriate forum within WIPO for future work".

## **(2) World Trade Organization (WTO):**

The World Trade Organization comes into existence by signing the Marrakesh Agreement in the year 1995. This is the youngest of the international organizations and the strongest today. The WTO is the successor to the General Agreement on Tariffs and Trade (GATT) which was established in the wake of the Second World War.

In the area of patents, TRIP's references the key articles of the Paris Convention and requires members to comply with them. It requires both national treatment and most-favored-nation treatment. It provides that no nation may discriminate in its patent system based on field of technology, a provision extremely important to the pharmaceutical and biotechnology industries whose drugs were not patentable in several member states.

Most importantly it lays down the basic standards for patentability of inventions, establishes the term of patents to be at least twenty years from the time of filing the application, provides for effective enforcement of intellectual property rights both administratively and judicially, and limit the ability of the member states to grant compulsory licenses under patents that they have granted. The TRIP's Agreement is remarkable for not merely stating the rights, which Members must protect, but also defining in great detail the national civil and criminal procedures by which they are to be enforced.

TRIP's is silent on TK and makes no reference to the CBD. But this has not prevented developing countries from referring to the TRIPS – CBD relationship and portraying it in a negative light. Discussions on TK have come up, at the TRIP's council. These initially took place in the context of the review of implementation of Article 27.3(b). The 2001 launching of the Doha Development Agenda has made traditional knowledge and folklore as well as the relationship between TRIP's and the CBD integral to the TRIP's councils work.

In October 1999, twelve developing countries from Asia, Africa and Latin America submitted two Joint papers to the TRIP's general council detailing the implementation issues they were seeking solutions to.

The two papers put forward several TRIP's related proposals. One of these argued that TRIP's is incompatible with the CBD and sought a clear understanding that patent inconsistent with Article 15 of the CBD which vests the authority to determine access to genetic resources in national governments should not be granted, several other proposals were directed to Article 27.3 (b) and the review of its substantive provisions. One proposal was that the subparagraph should be amended in light of the provisions of the CBD taking fully into account the conservation and sustainable use of biological diversity and the protection of the rights and knowledge of indigenous and local communities.

Traditional knowledge has become an especially important element of the debate. On 6th August, 1999 the African group of countries proposed to the WTO general council that in the sentence on plant variety protection in Article 27.3 (b),

A foot note should be inserted stating that any sui-generis law for plant variety protection can provide for (inter alia): (i) the protection of the innovations of indigenous farming communities in developing countries consistent with the Convention on Biological Diversity and the International Undertaking on plant genetic resources.<sup>14</sup>

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<sup>14</sup> Graham Dutfield "Protecting Traditional Knowledge and Folklore: A review of progress in diplomacy and policy formulation, UNCTAD/ICTSD Capacity Building Project on Intellectual Property Rights and Sustainable Development at P 6.

At the fourth meeting of the WTO Ministerial Conference which took place in Doha in November 2001, a Ministerial Declaration was adopted according to which the WTO member states instructed the council for TRIP's in pursuing its work program including under the review of Article 27.3(b), the review of the implementation of the TRIP's Agreement under Article 71.1 and the work foreseen pursuant to paragraph 12 of this Declaration, to examine, inter alia, the relationship between the TRIP's Agreement and the Convention on Biological Diversity, the protection of traditional knowledge and folklore.

As a contribution to this examination, Brazil, China, Cuba, Dominican Republic, Ecuador, India, Pakistan, Thailand, Venezuela, Zambia and Zimbabwe jointly submitted a paper to the council for TRIP's in June 2002.<sup>15</sup>

The paper, noting the relevant provisions of the Bonn Guidelines proposed that TRIP's be amended to provide that WTO member states must require that an applicant for a patent relating to biological materials or to traditional knowledge shall provide, as a condition to acquiring patent rights:

- (i) Disclosure of the source and country of origin of the biological resource and of the traditional knowledge used in the invention;
- (ii) Evidence of prior informed consent through approval of authorities under the relevant national regimes; and
- (iii) Evidence of fair and equitable benefit sharing under the national regime of the country of origin.

### **3) Convention on Biological Diversity (CBD):**

The CBD was signed by some 150 world leaders at the Rio Earth summit in 1992. Today it has 168 signatories the U.S however is a notable exception.

The Convention on Biological Diversity (CBD) which entered into force on 29 December 1993 has as its three objectives, "the conservation of biological diversity, the sustainable use of its

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<sup>15</sup> <http://www.wipo.org/members/convention/con1.html>. at p 20. Visited on 18-08-2007.

components and the fair and equitable sharing of the benefits arising out of the utilization of genetic resources”.<sup>16</sup>

Article 8 (j) requires State parties to:

Respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilization of such knowledge, innovations and practices.<sup>17</sup>

The international negotiations on the CBD that deal with legal solutions to TK protection have considered, among other things the following:

- (i) national and international sui-generis regimes;
- (ii) legally and non-legally binding instruments and agreements including contracts, guidelines and codes of conduct;
- (iii) specific protection measures such as TK databases and disclosure of origin of genetic resources and associated TK in patent applications;
- (iv) principles such as prior informed consent and respect for customary laws; and
- (v) the incorporation of TK protection provisions in the International Regime on Access and Benefit Sharing.

#### **4) Food and Agriculture Organization (FAO):**

In November 2001, the Food and Agriculture Organization of the United Nations concluded an “International Treaty on Plant Genetic Resources for Food and Agriculture” (ITPGRFA) that entered into force on June 29, 2004.

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<sup>16</sup> Art.8.The Convention on Biological Diversity 1992. Text available at <http://www.biodiv.org/doc/legal/cbd-un-en.pdf> (last visited on Sept. 5, 2006).

<sup>17</sup> Kate H.Murashige, Patent Protection Biotechnology 382PLI/PAT 473,476(1994) (Commenting on the Environmental and Socioeconomic impact of biotechnology” innovation ”/Patents).

The objectives of this treaty are the conservation and sustainable use of plant genetic resources for food and agriculture and the fair and equitable sharing of benefits derived from their use, in harmony with the Convention on Biological Diversity, for sustainable agriculture and food security.<sup>18</sup>

No provisions on patent disclosure were included in the treaty, but the treaty notes that no intellectual property rights can be obtained on resources accessed under the treaty “in the form received from the multilateral system”.<sup>19</sup> Indeed, the ITPGRFA is illustrative of efforts recognizing that implementation of benefit-sharing internationally does not require introduction of new requirements in the patent system.

The second meeting of the Contact Group established by the Interim Committee of the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA), held in Alnarp, Sweden on April 24-28, 2006 agreed to a Standard Material Transfer Agreement (SMTA) under the ITPGRFA. This was adopted at the first meeting of the Governing Body of the ITPGRFA, held June 12-16, 2006 in Madrid, Spain.<sup>20</sup> The regime envisions an SMTA governing transactions involving plant genetic resources. In addition, it envisions utilizing international arbitration to settle disputes. Concerns have been raised that the financial provisions are overly burdensome and may negatively affect the use of materials by research entities. However, this approach is consistent with general trends underway to look to more direct and pragmatic solutions to these issues that do not involve patent disclosure requirements, and underscores the central importance of contractual elements of ABS systems.

#### **5) United Nations Conference on Trade and Development (UNCTAD):**

In 2000 the United Nations Conference on Trade and Development (UNCTAD) began its work on TK by holding an

<sup>18</sup> <http://www.fao.org> Visited on 08-11-2006.

<sup>19</sup> Food and Agriculture Organization of the United Nations, International Treaty on Plant Genetic Resources in Food and Agriculture. Available at <http://www.ftp://ftp.fao.org>. Visited on 03-11-06.

<sup>20</sup> Governing Body of the International Treaty for Plant Genetic Resources for Food and Agriculture, Document IT/GB/1-06/Report (June 2006). Available at <http://www.aftp://ftp.fao.org> Visited on 05-01-2007.

expert meeting on National Experiences and Systems for the Protection of Traditional Knowledge, Innovations and Practices.

The meeting which was requested by the member states resulted in a report intended to reflect the diversity of views of experts.<sup>21</sup> The report was taken up in February 2001 by UNCTAD's Commission on Trade in Goods, Services and Commodities. Based upon this report the commission adopted recommendations directed to governments, the international community and to UNCTAD.<sup>22</sup>

The Recommendations to the International Community are as follows:

The issue of protection of TK has many aspects and is being discussed in several forums, in particular the CBD working Group on the Implementation of Article 8 (j) and related provisions the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore and the WTO (both the TRIP's council and the committee on Trade and Environment). There fore, continued coordination and cooperation between inter governmental organizations working in the field of protection of TK should be promoted. The commission makes the following recommendations at the international level:

- Promote training and capacity – building to effectively implement protection regimes for TK in developing countries in particular in the least developed among them:
- Promote fair and equitable sharing of benefits derived from TK in favor of local and traditional communities:
- Encourage the WTO to continue the discussions on the protection of TK;
- Exchange information on national systems to protect TK and to explore minimum standards for internationally recognized sui-generis system for TK protection.<sup>23</sup>

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<sup>21</sup> UNCTAD (2000), Report of the Expert Meeting on National Experiences and Systems for the Protection of Traditional Knowledge, Innovations and Practices [TD/B/COM.1/33; TD/B/COM.1/EM.13/3].

<sup>22</sup> <http://www.unctad.org/en/special/cldos5.htm>.

<sup>23</sup> International Treaty for Plant Genetic Resources for Food and Agriculture, Art 9. Document IT/GB/1-06/Report (June 2006). Available at <http://www.atftp://ftp.fao.org> Visited on 05-01-2007.

## **6) The United Nations Commission on Human Rights (UNCHR):**

United Nations human rights system is an international regime that had devoted increasing attention to intellectual property issues of indigenous peoples. Intellectual property law making is occurring in a variety of different United Nations forums including the Commission on Human Rights, its sub-Commission on the Promotion and Protection of Human Rights, the U.N. High Commissioner for Human Rights, special Rapporteurs appointed by the Commission and the Committee on Economic, Social and Cultural Rights (the ICESCR committee). These bodies adopt non-binding declarations, resolutions, recommendations and reports concerning the internationally recognized rights of individuals and groups, including in particular those referred to in three legal instruments that together comprise the International Bill of Rights, the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural rights (ICESCR).

Beginning in the early 1990's the U.N human rights system began to devote significant attention to the rights of indigenous communities. Among many claims that these communities sought from nation states was, the right to recognition of and control over their culture including traditional knowledge relating to biodiversity, medicines and agriculture. From an intellectual property perspective traditional knowledge was treated as part of the public domain, either because it did not meet established subject matter criteria for protection, or because the indigenous communities who created it did not endorse private ownership rights. By treating this knowledge as un-owned, however intellectual property law made that knowledge available for exploitation by third parties, to be used as an input for innovations that were themselves privatized through patents, copyrights and plant breeders rights. Adding insult to injury the financial and technological benefits of these innovations were rarely shared with indigenous communities.

United Nations human rights bodies intended to close this hole in the fabric of intellectual property law, by commissioning a

working group and a special rapporteur to create a Draft Declaration on the Rights of Indigenous Peoples and Principles and Guidelines for the Protection of the Heritage of Indigenous People. These documents adopt a decidedly skeptical approach to intellectual property protection. On the one hand these documents urge states to protect traditional knowledge using legal mechanisms that fit comfortably within existing intellectual property paradigms- such as allowing indigenous communities to seek injunctions and damages for unauthorized uses. Both the documents also define protect able subject matter more broadly than existing intellectual property laws and they urge states to deny patents, copyrights and other exclusive rights over “any element of indigenous peoples heritage” that does not provide for “sharing of ownership, control, use and benefits” with those peoples.

The Human Rights Commission and Human Rights sub-Commission first considered legal mechanisms to protect the intellectual property of indigenous communities in the early 1990. Work proceeded along two parallel lines. The human Right sub-Commission charged the working group on Indigenous Populations with the task of writing a Draft United Nations Declaration on the Rights of Indigenous People’s (Draft Declaration). The sub-Commission also appointed a special Rapporteur to conduct a study and later to draft Principles and Guidelines for the Protection of the Heritage of the Indigenous People.

The Draft Declaration on the Rights of Indigenous peoples called for the broad recognition and respect for indigenous people’s rights, including cultural and intellectual property rights.

The Draft Declaration recognizes the rights indigenous people to the full ownership, control and protection of their cultural and intellectual property”, and to restitution of such property “taken without their free and informed consent or in violation of their laws, traditions and customs”.<sup>24</sup>

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<sup>24</sup> Draft Declaration on the Rights of Indigenous People’s, as agreed upon by the members of the working group on Indigenous populations at its Eleventh session, August 23, 1993, United Nations Document E /CN.4/Sub.2/1993/29.

## **7) World Health Organization:**

The WHO coordinates a Traditional Medicine Team set up to support countries in developing national strategies on traditional medicine and upgrading the knowledge of traditional medicine practitioners. During an inter regional Workshop on Intellectual Property Rights in the Context of Traditional Medicine (Bangkok, December, 2000) it was recommended that traditional knowledge in the public domain should be documented in the form of digital libraries and exchanged and disseminated through mechanisms related to intellectual property rights. Work in this regard should be coordinated with WIPO.<sup>25</sup>

The World Health Organization's involvement in TK relates to the organizations work on traditional medicine and in response to requests from its members to cooperate with WIPO, UNCTAD and other international organizations to support countries in improving their awareness and capacity to protect knowledge of traditional medicine and medicinal plants, and sharing fair and equitable benefits derived from them pursuant to this undertaking on intellectual property rights in the context of Traditional Medicine in Bangkok in December 2000.

## **8) International Union for the Protection of New Varieties of Plants (UPOV):**

The International Convention for the Protection of New Varieties of Plants comes in to existence on December 02, 1961. Subsequently revised, at Geneva on November 10, 1972, on October 23, 1978 and on March 19, 1991. UPOV stands for the French acronym Union Internationale pour la protection des Obtentions Vegetales (International Union for the Protection of New Plant Varieties. Only fifty countries currently belong to the International Convention for the Protection of New Plant Varieties.

Plant variety certificate mechanism of UPOV is used to protect the rights of breeders of sexually reproducing varieties of plants (reproducing by seed). Breeder's rights protect the commercial interests of the breeder so that economic incentives exist for continued breeding of new plant varieties. Unlike the

<sup>25</sup> <http://www.who.org>

patents, plant variety certificates do not require the authorization of the breeder for use of the variety by others for research purposes.

The criteria for a plant variety certificate are slightly different from those for a plant patent. To meet UPOV requirements, varieties must be:

- Distinct from existing, commonly known varieties,
- Sufficiently uniform,
- Stable
- Novel.<sup>26</sup>

Union Internationale pour la protection des Obtentions Vegetales or the International Union for the Protection of New Varieties of Plants (UPOV) has opined on the issue of disclosure requirements in the context of plant variety protection. The UPOV system is a sui-generis system established for protecting new plant varieties and has its mission to “provide and promote an effective system of plant variety protection, with the aim of encouraging the development of new varieties of plants, for the benefit of the society”.<sup>27</sup> The UPOV council has actively considered disclosure requirements issues under the UPOV Convention in response to requests from the Executive Secretariat of the CBD. In that context, a consensus view was formed that a disclosure of countries of origin or geographic origin of genetic resources should not be introduced as a condition for plant variety protection and that implementation legislation pertaining to access and benefit-sharing is more appropriately implemented outside the system for protection of plant varieties.<sup>28</sup> This is based on many reasons that also appear relevant to the patent context, including that applicants may find it difficult or impossible to identify the exact geographic origin of all material used for breeding purposes, that authorities with competence for grant of breeder’s rights are not in a position to

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<sup>26</sup> “Brief Outline of the Role and Functions of the Union, UPOV, October 2000. Available at [http://www. Upov.int/eng/brief.htm](http://www.Upov.int/eng/brief.htm). Visited on: 27-09-2007.

<sup>27</sup> <http://www.upov.int> last visited 07-11-2006.

<sup>28</sup> UPOV Council, Reply of UPOV to the Notification of June 26, 2003 from the Executive Secretary of the Convention on Biological Diversity, UPOV Document C/37/21 at Annex III. Last visited 10-11-2006.

verify such information and further that legislation on access and benefit-sharing pursues objectives different from that of UPOV and that such items should be in separate legislation that is compatible and mutually supportive.

Plant Variety Protection system comes in to existence for protecting new plant varieties developed by farmers and breeders and has its mission to “provide and promote an effective system of plant variety protection, with the aim of encouraging the development of new varieties of plants, for the benefit of the society. UPOV is one of legal mechanisms to protect new plant varieties.

#### **CONCLUSIONS:**

Till today patenting of traditional knowledge is a burning issue for biodiversity rich countries such as India. The present intellectual property regime is not entirely suitable for protecting traditional knowledge. Some instruments of intellectual property regime such as trademarks, geographical indications, and trade secrets can be adopted to meet the specific features of traditional knowledge, there by protect traditional knowledge. Other instruments of traditional knowledge such as patents and copyright are not entirely suitable for protecting traditional knowledge.

Present patent laws under the WIPO regime and WTO are having certain loopholes. Especially Art 27.3 (b) of the TRIPS agreement of the WTO. By taking undue advantage of this fact multinational companies are patenting existing traditional knowledge. In the same way US drug companies are wrongfully patenting existing Indian ayurvedic treatments.

Undertaking good and more comprehensive prior art searches and fully complying with disclosure requirements are useful tools and mechanisms through which bio-piracy and the patenting of traditional knowledge can be effectively controlled.

#### **SUGGESTIONS:**

I would like to propose few points to be considered as possible measures towards protection of traditional knowledge from patenting. There are several ways in which indigenous knowledge, innovations and practices can be protected so that

informal knowledge systems continue to grow linked with modern science and technology.

- (1) The first step that must be taken towards traditional knowledge protection in India is wide spread education about the availability of present intellectual property laws for this purpose.
- (2) Few Indian citizens are familiar with the most basic concepts of patent, trademark, and copyright law and education would help bring the public greater awareness of the proper and improper uses of all of these, including indigenous traditional knowledge.
- (3) Legislative changes are also needed for truly meaningful protection of TK. Useful TK proactive activity can occur first in the state legislatures.
- (4) Legislature should create publicly funded certification systems, to facilitate indigenous product protection.
- (5) Local funding could be made available for privately-run programs for infrastructure, marketing and advertising efforts, or to otherwise support tribal holders who want to obtain certification and collective marks but lack the means to register and maintain them.
- (6) We have to create pressure on the U.S. to ratify CBD. Until this is done, U.S. officials should be allowed to attend Working Group meetings only as nonparticipating observers.
- (7) Minimum legislative standards must require that all TK contracts contain appropriate safeguards ensuring prior informed consent of contracting parties, equal access to neutral legal counsel, and benefit sharing appropriate to the communities involved. Instituting a geographical indications law for TK and a broader moral rights law would also noticeably expand domestic indigenous TK protection under familiar intellectual property law principles.

- (8) Reforming IPR system to make them accessible for small grassroots innovators.
- (9) Establishing dedicated green venture promotion funds and incubators for converting innovations into enterprises.
- (10) Establishing research development funds to validate and add value to the innovations and to subcontract research studies to other R&D institutions.
- (11) Building up Knowledge Network and institutions (like SRISTI) which will act as a support to the innovators.
- (12) Organizing regional and global exhibitions to give recognition to small scale innovators.
- (13) Rethinking and redefining the role and responsibility of international financial institutions with respect to ethical, institutional and financial support for grassroots innovations and local knowledge systems.
- (14) Only with a deeper understanding and greater practical experience at national or regional level would it be realistic to develop an international system of protection for traditional knowledge.

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## *Prison Reforms in India: Emerging Current Issues and Challenges*

### **Abstract**

The degree of civilization in a society can be judged by entering its prison. A society cannot be recognized as a civilized society unless it treats the prisoners with sympathy and affection. This treatment is not possible till the society recognizes and accepts their basic human rights and fundamental rights. A prisoner, be he a convict or under trial or a detainee does not cease to be a human being. Even when lodged in jail, he continues to enjoy all his basic human rights and fundamental rights including the right to life guaranteed to him under the constitution. On being convicted of crime and deprived of their liberty in accordance with the procedure established by laws, prisoners shall retain in the residue of constitutional rights. The universal declaration of human rights, 1948 stipulate that “no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment “. Article 21 of the constitution of India, which recognizes that the right to life includes a right to live with human dignity and not mere animal existence, strengthens this mandate. Thus, a prison atmosphere can be accepted as civilized only if it recognizes the basic human rights and constitutional right of the prisoners and makes efforts for the effective and meaningful enjoyment of the same by means of prison reforms.

### **Introduction**

All men are born equal and are endowed by their creator with some basic rights. These rights are mainly right to life and liberty, but if any person doesn't comply with ethics of the society then that person is deprived of these rights with proper punishment. Many experts believe that the main objective of prisons is to bring the offenders back to the mainstream of the society. Various workshops had been organized by the State

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Government in collaboration with NGO's to bring reforms in the current prison systems.

Many reforms can be made in jail administration, which are mainly: A- Class prisoners can meet their own expenditure by depositing certain amount fixed by the Government for enjoying special services like tea, newspapers, pillow, and 3 times non vegetarian food in a week and if they are vegetarian they will be served ghee, dhal and buttermilk. Many inmates usually complain about inadequate quality and quantity of food, which is required to be improved. The food is required to be prepared in better hygienic conditions.

Rehabilitation of inmates will be meaningful only if they are employed after release and for that purpose educational facilities should be introduced or upgraded. In many jails, inmates including hardcore criminals and women had joined various courses offered by IGNOU and their respective State Universities. Courses mainly offered by them are BA, MA, MBA & other post graduation courses. The inmates can also join the classes of 10th and +2 for basic guidance. In many jails with a view of imparting vocational training a fully fledged computer training centers has been established. The inmates are also provided training in carpentry and fabric painting. Many jails have also initiated programs for women empowerment by training them in weaving, making toys, stitching and making embroidery items. Wage earning and gratuity schemes and incentives are also used to reduce the psychological burden on the convicts. Recently, the Government of Himachal Pradesh had lifted ban on wearing Gandhi cap in jails. Various seminars are organized by jail authorities to enlighten the prisoners on their legal rights, health and sanitation problems, HIV/AIDS and issues of mental health, juveniles, minorities and steps to reduce the violence in prisons.

The open prison system has come as a very modern and effective alternative to the system of closed imprisonment. The establishment of open prisons on a large scale as a substitute for the closed prisons, the latter being reserved for hardcore criminals shall be one of the greatest prison reforms in the penal system.

Yet several steps have been taken to improve the conditions of prisons, but much more is required to be done. Central Government along with NGO's and prison administration should take adequate steps for effective centralization of prisons and a uniform jail manual should be drafted throughout the country. The uniformity of standards can be maintained throughout all the States. Thus such practices will help in changing the traditional and colonial outlook of the Indian Prison System and also help the prisoners to become more responsible, creative and potential citizen<sup>1</sup>.

### **Rising number of custodial deaths and abuse**

The police repression that has accompanied the past 14 years of free-market economic reforms has caused India's already antiquated and overstretched prison system to descend into an even greater state of chaos and human misery. According to Indian Home Ministry records, deaths while in remand or custody increased from 1,340 in 2002 to 1,462 by the end of 2003. According to an NHRC report, a large proportion of the deaths in custody were from natural and easily curable causes aggravated by poor prison conditions. Tuberculosis caused many deaths, and HIV/AIDS remained a serious health threat among prison inmates<sup>2</sup>.

Non-governmental organizations that deal with prisoner abuse allege that deaths in police custody, which occurred within hours or days of initial detention, often implied violent abuse and torture. The Home Ministry reported that there were 28,765 complaints lodged against police for April 2003 for abuse including deaths. In May of last year in Ambedkar nagar, Uttar Pradesh, police arrested a daily labourer and tortured him when he failed to pay a Rs. 50,000 (US\$1000) bribe. According to media reports, police admitted the victim to the hospital under a false name after injecting him in the rectum with petrol.

Police also threatened to harm his family if he reported the incident. In July 2004, the NHRC requested a report from Punjab's Inspector General of Prisons after a man incarcerated in Amritsar's

<sup>1</sup> <http://www.legalserviceindia.com/article/1174-Prison-Reforms-In-Indian-Prison-System.html>

<sup>2</sup> <http://www.countercurrents.org/hr-zora260805.htm>, Visited on 03-01-2012

Central Jail claimed the Deputy Superintendent and other prison officials branded him on his back when he demanded water and better treatment. Doctors found fresh scars on his back that had been inflicted with hot iron rods. By year's end, no action had been taken.

The rape of persons in custody is also part of the broader pattern of custodial abuse. Prisoner charities argue that rape by police, including custodial rape, was more common than NHRC figures indicate, since many rape incidents go unreported due to the victims' shame and fear of retribution.

A statement from the Asian Legal Resource Centre, on custodial deaths and torture in India, handed to the National Human Rights Commission and to the Sixty-first Session of the UN Commission on Human Rights in Geneva, notes: "Any person, who dares to complain about police officers in India, faces the wrath of the law enforcement agency.

Abhijnan Basu, who was serving his prison sentence at the Presidency Jail, West Bengal, was one such person who was not so lucky. Officers at the prison murdered him because he dared to complain about the inhuman conditions and the poor quality of food. Three prison wardens set him ablaze on November 12, 2004.

"Torture in India is widespread, unaccounted for and rarely prosecuted. It contributes to the state of anarchy and lawlessness in many parts of the country. Torture is used as a cheap and easy method of investigation and also as a tool for oppression. In the hands of the wealthy and influential, Indian law enforcement agencies have also strengthened links with criminal elements. Even the judiciary in India cannot sever this nexus, between police and criminals."

The state of India's penal and justice systems speaks volumes about the true nature of human rights and social equality in a country routinely held up by the Western media as the "world's largest democracy"<sup>3</sup> Bottom of Formby 1835, America was considered to have two of the "best" prisons in the world in Pennsylvania. Astonishingly, reformers from Europe looked to the

<sup>3</sup> <http://www.ushistory.org/us/26d.asp>. Visited on 03-01-2012

new nation as a model for building, utilizing and improving their own systems. Advocates for prisoners believed that deviants could change and that a prison stay could have a positive effect. It was a revolutionary idea in the beginning of the 19th century that society rather than individuals had the responsibility for criminal activity and had the duty to treat neglected children and rehabilitate alcoholics.

In reality it became clear that, despite intervention by outsiders, prisoners were often no better off, and often worse off, for their incarceration. Yet, in keeping with the optimistic spirit of the era, these early reforms had only begun a crusade to alleviate human suffering that continues today.

### **Wednesday, 29<sup>th</sup> October 2008**

More than one in every 100 adults in the United States is behind bars<sup>4</sup>. If the 2.3 million people behind bars were a city, it would be the fourth largest in the country<sup>5</sup>. The US prison system cost tax payers more than \$60 billion per year and it is bursting from the seams, so projections for cost will continue to skyrocket in the absence of significant reforms. Such reforms are needed not only to reduce costs, but also to ensure fairness and human treatment behind prison walls

Because of deeply flawed and discriminatory sentencing policies, our prison holds a disproportionate number of people of color, and people with mental illness and addiction problems. At midyear 2007, the rate at which African- American men were serving sentences was an astounding 4,618 per 100,000. The comparable rates for Hispanic males were 1,747 sentenced prisoners per 100,000 and for white males, 773 per 100,000<sup>6</sup>. This means black males were six times more likely, and Hispanic males

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<sup>4</sup> One in 100: behind bars in America 2008. Pew research center for the people and the press January 2008

<sup>5</sup> See bureau of justice statistics, US, Department of justice, publication No 2219944 inmates at midyear 2007 bulletin, June 2008 available at [http://www.oip.usdoj.gov/bjs/pub/pdf/bureau\\_of\\_justice\\_statistics\\_US\\_Deptments\\_of\\_justice\\_publication\\_No\\_221945\\_jail\\_inmates\\_at\\_midyear\\_2007\\_bulletin\\_june\\_2008\\_available\\_at\\_http://\\_www.oip.usdoj.gov/bjs/pub/pdf/jimo7.pdf](http://www.oip.usdoj.gov/bjs/pub/pdf/bureau_of_justice_statistics_US_Deptments_of_justice_publication_No_221945_jail_inmates_at_midyear_2007_bulletin_june_2008_available_at_http://_www.oip.usdoj.gov/bjs/pub/pdf/jimo7.pdf).

<sup>6</sup> Prison statistics, US department of justice bureau of justice statistics, December 2007, available <http://www.ojp.usdoj.gov/bjs/prisons.htm>

twice as likely, to be held in custody than white males<sup>7</sup>. According to the most recent report by the US department of justice, bureau of justice statistics, 56% of state prisoners, 45% of federal prisoners, and 64% of jail inmates in the united states suffers from mental illness.<sup>8</sup> between 60 and 80 percent of individuals under supervision of the criminal justice system in the US were either under the influence of alcohol or other drugs when they committed an offence, committed the offence to support a drug addiction, were charged with a drug- related crime, or were using drugs or alcohol regularly<sup>9</sup>. Experts also estimate that people with development disabilities may continue as much as 10 percent of the prison population<sup>10</sup>

Grossly deficient medical and mental health care plague prison and jails across the country. In 2005, a federal court found that in California a prisoners dies a needless death due to inadequate medical care or malpractice every six to seven days<sup>11</sup>. Prisoners are also threatened daily by sexual violence, a frighteningly common occurrence in the nations corrections systems. The bureau of justice statistical estimates that there are more than 8,000 reported incidents of sexual assault in prisons nationwide each year. Staff sexual misconduct comprised 42 percent of reported allegations while 37 percent involved prisoners on prisoners violence. The number of sexually violent incidents that goes unreported due to victims fear of reprisal cannot even be estimate<sup>12</sup>

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<sup>7</sup> Sabol. William Jand Heather Couture, prison inmates at midyear 2007, US department of justice bureau of justice statistics, june 2008, available <http://ojp.usdoj.gov/bjs/pub/pdf/pim07.pdf>.

<sup>8</sup> James, doris Jand Lauren E. Glaze. Mental health problems of prison and jail inmates bureau of justice statistics special report 1, department of justice, bureau of justice statistics, December 14<sup>th</sup> 2006.

<sup>9</sup> Substance abuse and the prison population: A three year study by Columbia university reveals widespread substance abuse among the offender population correction today, 60[6] 82-89, belenko, s, peugh J. Califano, JA Usdansky M. And foster S.E. 1998, As cited in integrating substance abuse treatment and criminal justice supervision douglas B. Marlowe. J.D, SCIENCE AND PRACTICE PERSPECTIVES, VOLUME 2. NUMBER 1 SEPTEMBER 2003, <http://www.drugabuse.gov/pdf/perspectives/vol2/02perspectivesintegrating.pdf>.

<sup>10</sup> Leigh Ann Davis, people with mental retardation in the criminal justice system. Available at [www.thearc.org/faqs/crimqa.html](http://www.thearc.org/faqs/crimqa.html).

<sup>11</sup> Gibbons. John and Nichols de B. Katzenbach, confronting confinement, the commission of safety and abuse in Americas prisons, June 2006.

<sup>12</sup> Beck, Allen J and Timothy A H ughes, Sexual violence reported by correctional authorities, U.S Department of justice bureau of justice statistics, july, 2005.

The profound failures of the US prison system defy our common values of human dignity, justice and respect. If Fyodor Dostoevsky is correct when he argues. “A society should be judged not by how it treats its outstanding citizen but by how it treats its criminals” then Americans should truly be ashamed. Dramatic reforms to our prison system are long overdue. This section provides a comprehensive summary of practical policy options to bring about significant improvements to our nations prisons and jail. The prison section priorities focus on needed reforms to return the rule of law to US prison and jails, reduce recidivism and improve transparency in the worlds largest prison system.

### **History of Imprisonment**

In modern conditions care of prisoners coincides with care for those undergoing punishment, since now the withdrawal of liberty is the principal punishment for crime. This idea has developed only gradually. The history of prisons may be divided into three periods: (1) Until the fifteenth century the prison was not a means of punishment. “ Prisons served not for punishment, only for surveillance.” Penalties consisted of fines, proscriptions, and different forms of capital and corporal punishment. (2) During the sixteenth to the eighteenth centuries imprisonment became a form of punishment. The number of cases in which capital punishment and chastisement were applied became so numerous that people asked whether capital punishment was right, and the idea of betterment through punishment gained adherents. But prison conditions were still horrible. (3) In the eighteenth and nineteenth centuries imprisonment came to be regarded as a means of betterment, this coming about especially through the labors of John Howard and Elizabeth Fry (qq.v.). In Germany the old conditions perpetuated themselves longest. There was no division of classes in the prisons (not even always a separation of the sexes), no pastoral care, and neither instruction nor employment, while the personnel was inefficient and the buildings were defective. Theodor Ffiedner (q.v.) gave the first impulse to a betterment of these conditions. But without the influence of Frederick William IV. such reforms would have been impossible. Another laborer in this field was Johann Heinrich Wichern .

### **Theory of treatment of prisoners:**

Present conditions regarding the care of prisoners involve:

(1) Care for the prisoners during the time of their confinement. An important factor here is the prison-pastor. Every large prison has one or more ministers; in smaller places the clergyman of the community has charge of these matters. Every Sunday church services are held at which the attendance of the prisoners is obligatory. But not least important is the teacher, who gives instruction in the elementary branches, criminals being generally without the simplest elements of knowledge. In charge of the teacher a library is found in each prison. The inspector is also a factor. In Germany the military have usually held these positions in spite of the fact that they often lack the necessary qualifications. Wichern tried to introduce specially trained men from his own charitable institution, but failed. Little has been done so far in the direction of training women to care for prisoners of their own sex.

(2) The care of prisoners after their dismissal is also a part of the system. For this purpose there exist protective associations. Neither the State nor individual cities nor churches have done much for this cause. Associations for this purpose are mostly voluntary. An important part of their duties is the care of the family of the prisoner. For the dismissed there is secured employment, if possible, and other aid and assistance are given him though there are only a few asylums for men for temporary lodging, while homes for women are more numerous. It is to be regretted, however, that there is little zeal developed in these protective associations and their success is small, but, of course, the field of labor is a difficult one.

Prison conditions regarding the care of prisoners involve

(1): The care of prisoners during the time of their confinement. The purposes of the deprivation of liberty are (a) punishment, (b) deterrent effects, (c) reformatory effects, (d) the protection of society. These factors are emphasized differently in different countries. In Europe, emphasis has been laid chiefly upon punishment and the protection of society. In the United States, probably more than in any other country, the protection of society and the reclamation of the offender are emphasized. Upon the distribution of emphasis depends the nature of the care of prisoners during their

confinement? European conditions are in general more rigorous and less reformatory in method than American prison conditions. Important factors during imprisonment in prisons generally are the warden and his associates, the prison physician, the prison chaplain, and the prison teacher. Every large prison has one or more chaplains; in smaller communities, correctional institutions are frequently visited by one or more of the clergymen of the community. In most prisons, if not in all, Sunday church services are held with obligatory attendance. Of great importance are prison teachers, giving instruction in the elementary branches of education. Offenders are in large measure lacking even in the simplest elements of knowledge. Libraries are found in most prisons. In some American prisons, the library is as large and as well selected as libraries in small American cities. The lesser prison officials, such as guards and keepers, are gradually becoming of a higher grade. Civil-service requirements are in effect in many American states. Physical exercise, military drill, and industrial training within the prison tend to reconstruct the abnormal man into a normal and useful member of society upon his release. Much attention is paid in the United States to sanitary conditions in prisons and penitentiaries. Lesser correctional institutions are frequently unsanitary and even filthy. The treatment of tuberculosis in prisons has received great impetus during the last decade, largely through the efforts of New York state in establishing in one of the state prisons a separate ward for prisoners afflicted with the "White Plague." The death rate from tuberculosis has been very materially reduced through such segregation.

(2) The care of prisoners after their release is also a part of the system of the treatment of prisoners. In many American states, a more or less effective parole system is carried out. Released prisoners are placed under the supervision of a parole agent for periods of from six months to the period of the maximum sentence. No conclusive statistics are available as to the percentage of permanent reformation of released prisoners. About twenty-five per cent of released prisoners become delinquent before the termination of their parole. The parole system is increasingly considered fully as necessary as the imprisonment of the offenders. The tendency is to place the parole work under the supervision of

the State. In some states, private associations, such as prisoners' aid societies, conduct the parole work. In many states, no parole work is done. An important part of the duties of prisoners' aid societies is the care of the family of the prisoner during his imprisonment. For the released prisoner employment is secured, if possible, and other aid and assistance given him. There are a few homes for discharged prisoners in the United States, the Volunteers of America (q.v.) maintaining several "Hope Halls."

The released or discharged prisoner does not now find it so difficult as formerly to obtain work. The attitude of society toward the released prisoner is materially changing, the principle of the "square deal" making gratifying progress.

### **Penology**

The Greek word *poine*, denoting the satisfaction, pecuniary or otherwise, paid for an injury, passing through the Latin *pana*, "penalty," has become enlarged in later years to signify in "penology" the whole science of penal law, penal administration, the prevention of crime, and the correction of the offender. In each of these departments there is a new recognition of fundamental principles, some of them early discerned but tardily applied, and an infusion of new knowledge and of the humane sentiment. Jesus set aside the retaliatory features of the Jewish law. Modern penal law can hardly be said to have eradicated vindictive features entirely from its codes; but the modern tendency is to make such codes measures of social defense with deterrent rather than vindictive penalties. Fundamental principles of the new penology are the protection of society and the reformation of the offender. In Plato's social system there was recognition of the duty of kindness and pity toward the prisoner; in the New Testament it has a distinct prominence in the teaching of Jesus. In modern times the most important point of departure from the old penal system dates from the publication of the work entitled *Dei delitti e delle pene* ("Crimes and Penalties") in 1769 by Cesare Beccaria Bonesana, an Italian nobleman, and from the personal work of John Howard (q.v.), who began his visitations of prisons in England in 1773 and extended his work and inspections over the continent. Beccaria's influence was felt mainly in the abolition of torture and of capital

punishment, and the reformation of criminal codes. Howard initiated reforms in the physical, moral, and industrial conditions of prison life. The duty of society to the offender was considered in all its aspects. Elizabeth Fry exerted great influence in the last century in Great Britain and Europe, also Mary Carpenter (q.v.), Matthew Davenport Hill, and others. Alexander Maconochie at Norfolk Island, and Sir Walter Crofton in Ireland, enlightened and progressive prison directors, demonstrated the possibility of making new moral and educational appeals to the prisoners with grades and privileges based on the merit system.

### **The Modern System:**

The same principle with independent and original application has borne fruit in the reformatory system in the United States. Juvenile reformatories for boys and girls were established in the first half of the last century; but a new epoch marks the extension of the idea to institutions for those from sixteen to thirty years of age first established in Elmira, New York, in 1876 under Z. R. Brockway and since adopted in Ten American States. A fundamental feature of the reformatory system is the indeterminate sentence. The prisoner is not committed for a definite time to the institution, but is obliged to secure his conditional release by his attainments in school, industry, and deportment. When he has earned his parole he is released tentatively, and after proving by some months of good conduct his ability to live an honest, law-abiding life receives his absolute discharge. If not corrigible, he can be detained for the maximum period fixed by the code as the penalty of the offense for which he was committed. The probation system of treating offenders without imprisonment was first adopted in Massachusetts in 1878 and afterward adopted in France, Belgium, and various American states. Another important American contribution is juvenile courts first established in Chicago in 1899 and soon after adopted in other states and also in Europe. The system of county jails in the United States still remains the worst feature of American prisons. The tendency is now toward state control of prisoners with better sanitation, an improvement in the personnel of prison officials, the introduction of common schools, trade-schools, libraries, prison journals, lectures, and the formation of various societies among the prisoners. In Europe the

system of separate confinement is applied in a number of countries; in the United States the prevailing system is congregate labor by day and separate cells by night. Reduction of sentence is allowed for good behavior, and the parole system is now applied in some thirty states. The abolition of the lease system in Georgia and Louisiana marks a great advance in the South. Educative and productive labor is a fundamental necessity as a moral agent in prison. Other features of modern progress are a better standard of prison construction, the assignment to prisoners of a portion of their earnings; provision for the payment of fines by instalments on probation and the assignment of a portion of the prisoner's wages to his family; an improvement in prison dietaries; new and better principles of classification, the development by finger prints of a scientific method for the identification of prisoners, the separation of accidental from habitual criminals, the humane treatment of the criminal insane, with more effective organization for aid to the discharged prisoner. Under Cesare Lombroso, Enrico Ferri, and others a new impulse has been given to the study of the criminal, his environment, and history, though criminal anthropology has hardly attained yet the rank of a science. Prison associations for improving legislation and aiding prisoners exist in several states. The National (now "American") Prison Association in the United States was first formed in 1870, and immediately after, under the initiative of Dr. E. C. Wines, supported by the government of the United States, the International Prison Congress was formed, and has exercised great influence in Europe and the United States.

### **Samuel J. Barrow**

The Eighth International Prison Congress was held in Washington, U. S. A., in October, 1910, and marked high-tide in the advocacy of modern principles of penology. The congress, composed of representatives of nearly two-score nations, went on record as advocating the principle of the indeterminate sentence, the theory of the reformation of the offender, the use of probation and parole, the development of colonies for tramps and vagrants and inebriates, the productive labor of prisoners and the support, when possible, of prisoners' families from the earnings of the

prisoner, the development and extension of the juvenile court and other important modern principles.

### **Conclusion**

The talk about treatment and training in prison is not rhetoric; it can be real, given the zeal and determination. We cannot afford to fail in this sphere, as a sound prison system is a carrying need of our time in the backdrop of great increase in the numbers of prisons and that too of various types and from different strata of society. Efforts should be to improve our prison system by introducing new technique of management and by educating the prison staff with our constitutional obligation towards prisoners. Rest would follow, as day follows the night. Let the drawing ray of hope see the end of gloom cast on the faces of majority and let a new awakening percolate every prison wall.

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## ***A SOCIO-LEGAL STUDY ON HUMAN CLONING: BOON OR BANE***

### **INTRODUCTION:**

Cloning is a very interesting and new concept developed with the huge technological advancements made in the field of science. The cloning of the animals is becoming common. Dolly, a cloned sheep was the first cloned animal. The questions of bioethics come into picture over here as cloning human beings is the next step to be taken in the field of cloning. Michael Mautner, writing in '*The Futurist*', argues that cloning would freeze evolution and destroy our chances for survival.<sup>1</sup>

A large number of ethical and legal issues regarding human reproductive cloning have been raised. There are arguments for and against human reproductive cloning. There is no consensus among Nations regarding cloning and stem cell research. In India, there is no law governing human cloning and stem cell research but however Indian Council of Medical Research, in the absence of law allows stem cell research but disallows human cloning. The debate regarding 'human cloning' continues. Let us have a look towards some of the cloned animals-

### **Illustrations:**

1. In 1996, 'Dolly' the sheep was the first animal to be cloned in Scotland, since then many other animals have been cloned like mice, monkey and even a cat.
2. India's first cloned animal was Garima the buffalo by scientists at the National Dairy Research Institute in Karnal
3. A lab in Hyderabad is already working to clone the Asiatic Cheetah which went extinct from India in the last century.

The LV Prasad Eye Institute in Hyderabad was the first to create eye tissues from stem cells to cure blindness, later the All

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<sup>1</sup> Michael Mautner, Will Cloning End Human Evolution?, *FUTURIST*, Nov.-Dec. 1997, at 68.

India Institute of Medical Sciences, New Delhi carried out trials for repairing damaged heart muscles using stem cells.<sup>2</sup>

In 2006, the Indian Council of Medical Research formulated some far-reaching guidelines on biomedical research. In 2007 another set of guidelines that regulate stem cell research were issued, this specifically bans cloning of humans. But these are mere guidelines; they lack teeth as the enabling legislation. In absence of specific law, Indian Council of Medical Research allows therapeutic cloning and the use of embryonic stem cells for research proposes<sup>3</sup>. Therefore, as India lumbers into the clone age, the need is to be vigilant and to have effective laws in place so that this new biology can be suitably regulated. This article emphasizes on types of cloning, its benefits as well as proposed dangers

#### **HYPOTHESIS :**

1. Reproductive cloning is against the law of nature, and also immoral as it offends the dignity of human person and will also lead to massive destruction shall be banned whereas therapeutic cloning and the use of embryonic stem cells for research proposes shall be allowed.
2. Human cloning has positive as well as negative aspects. Therefore, in country like India there shall be a good deal of legislation to deal with the issue.

#### **OBJECTIVES :**

1. To study the pros and cons of human cloning.
2. To analyze the impact of human cloning on human society.

#### **MEANING OF CLONING AND HUMAN CLONING :**

Clones are organisms that are exact genetic copies. Every single bit of their DNA is identical. In simple words it means the creation of a genetically identical copy of a human.

Oxford Dictionary it means - “An organism or cell, or group of organisms or cells, produced asexually from one ancestor or stock, to which they are genetically identical”.<sup>4</sup>

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<sup>2</sup> <http://www.ndtv.com/offbeat/should-india-ban-human-cloning-396637>

<sup>3</sup> Cloning Ethical Policies on the Human Genome, Genetic Research and Services, (India), Genetics & Public Policy Center.

<sup>4</sup> <https://en.oxforddictionaries.com/definition/us/clone>

In the words of John Cardinal O'Connor, "the clone is reduced to the level of a product made, rather than a person begotten."<sup>5</sup>

In common terms, cloning is asexual reproduction accomplished by introducing the nuclear material of a human somatic cell into a fertilized or unfertilized oocyte whose nucleus has been removed or inactivated to produce a living organism( at any stage of development) with a human. In biological terms, Cloning is the creation of an organism that is an exact genetic copy of another.<sup>6</sup>

India does not have specific law regarding cloning but has guidelines prohibiting whole human cloning or reproductive cloning. India allows therapeutic cloning and the use of embryonic stem cells for research proposes<sup>7</sup>

#### **TYPES OF CLONING:**

There is couple of ways to do cloning:

##### **1. Artificial Embryo Twinning:**

Artificial embryo twinning is the relatively low-tech version of cloning. As the name suggests, this technology mimics the natural process of creating identical twins. Artificial embryo twinning uses the same approach, but it occurs in a Petri dish instead of in the mother's body. This is accomplished by manually separating a very early embryo into individual cells, and then allowing each cell to divide and develop on its own. The resulting embryos are placed into a surrogate mother, where they are carried to term and delivered. Again, since all the embryos came from the same zygote, they are genetically identical.

##### **2. Somatic Cell Nuclear Transfer:**

**Somatic Cell** -A somatic cell is any cell in the body other than the two types of reproductive cells, sperm and egg. Sperm and egg are

<sup>5</sup> John Cardinal O'Connor, *Diminished Humanity*,

REFLECTIONS (Program for Ethics, Sci., & the Env't, Oregon State University), May 1997, at 13, 13.

<sup>6</sup> Krishnaa, an article entitled " A brief study on Human Cloning and Ethics", in Law Articles - India's Most Authentice Free legal Source Online also available at <http://www.legalservicesindia.com/article/article/human-cloning-and-ethics-1414-1.html>

<sup>7</sup> Cloning Ethical Policies on the Human Genome. Genetic Research and Services (India)" *Genetics & Public Policy Center.*

also called germ cells. In mammals, every somatic cell has two complete sets of chromosomes, whereas the germ cells only have one complete set.

**Nuclear** -The nucleus is like the cell's brain. It's an enclosed compartment that contains all the information that cells need to form an organism. This information comes in the form of DNA. It's the differences in our DNA that make each of us unique.

**Transfer** -Moving an object from one place to another.

For instance- To make Dolly, researchers isolated a somatic cell from an adult female sheep. Next, they transferred the nucleus from that cell to an egg cell from which the nucleus had been removed. After a couple of chemical tweaks, the egg cell, with its new nucleus, was behaving just like a freshly fertilized zygote. It developed into an embryo, which was implanted into a surrogate mother and carried to term.

## **BENEFITS OF HUMAN CLONING:**

### **1. Elimination of defective genes-**

Though genetic illnesses are not a leading killer of people as of yet, there is a huge possibility that it will become one in the future. As humans reproduce continually, there is also an increase in damage to their DNA lines, creating defective and mutated genes, which could be eliminated by cloning healthy human cells.

### **2. Step ahead in Reproductive Technology-**

Identical twins are natural clones; we can regard reproductive cloning as the technological version of the process. When it comes to infertile couples, should not they be granted the opportunity to produce clones of them? For couples who have unfortunately lost their children, should not they be given the chance to replace their loved ones with clones, if possible? Moreover, those who have made significant contributions to science, the arts, music and literature would be ideally cloned to produce more of them to contribute more of their works.

### **3. Faster recovery from serious and life threatening injuries-**

For people who became quadriplegic due to horrific traffic accidents and professional athletes who tore their ACLs, recovery time could be long or it is even impossible for them to get back to their original state. However, cloning one's own cells can lower recovery time and true healing could occur.

### **4. New meaning to genetic modification-**

By cloning humans, it will be possible for potential parents to actually choose particular traits for their children. This means that sex; eye color and other characteristics can be selected and not left up to chance. For many people, this is a huge advantage and a great way to use science in a new light.

### **5. Curing certain disorders by replacing defective tissues-**

The technology can potentially help cure certain disorders, by replacing damaged tissues and organs within the human body. The process of transplanting human organs can become simpler, with an immensely improved success rate. Though the possible medical benefits of cloning humans are still not fully known, it is argued that such a technology can completely transform the ways by which many disorders are being performed.

### **6. Elimination of infertility-**

Infertile couples can experience happiness of having their own children without enduring painful procedures to treat infertility that are common today. With the help of cloned cell a younger twin of a father or a mother can be created.

### **7. New meaning to genetic modification-**

By cloning humans, it will be possible for potential parents to actually choose particular traits for their children. This means that sex, eye color and other characteristics can be selected and not left up to chance. For many people, this is a huge advantage and a great way to use science in a new light.

## **DANGERS OF HUMAN CLONING:**

### **1. Risk of premature death-**

Generally older cells are used to create human clones, therefore, it is possible that their imprinted age could be adopted by the growing embryos, which can then create some premature aging issues and, potentially, even premature death.

### **2. Interference with order of nature-**

Critics are of the opinion that this process is not only artificial but also interfere with the order of Nature which in turn can lead to destruction. If genes are modified to create human beings that are smarter than others, the average person will not have a place in society.

### **3. Social unrest and divide amongst the people-**

One big drawback to cloning humans is its ability to divide people, where clones who are not treated as human beings can lead to social unrest and divide. And since there is already a great deal of gap and difference in the world today, from race to social status, many people feel that human cloning can result to a new difference that will only cause more harm.

### **4. Reduces sense of individuality-**

Though human clones would be a brand new set of life with unique preferences, a loss of individuality is still potential, as clones would be simply twins of someone else, regardless of the age of that other person might be.

### **5. Degrading the dignity and value of natural being-**

With human cloning on the rise, it is greatly possible that human beings would be treated as commodity rather than an individual. For instance It may happen that if parents do not like the children they have got, then they would just go clone another one in the hopes of getting it perfect the next time around. Also, it could create new societal division, where perfect clones would be treated in a different way than those who are naturally born.

## **6. Unacceptable as per religious ethics-**

People who have strong religious beliefs generally oppose the process of cloning humans, as they feel that it would result in man becoming the creator, changing the authority of a supreme being.

## **7. Means for exploitation-**

It is speculated that human cloning could eventually be used as a means to exploit people for other people's vested interests. Though it might seem dramatic that people might use clones for unlawful interests and crime, it is still possible if human cloning takes a common place in society.

## **8. Still an unsuccessful technology-**

Opponents of human cloning feel that is a mute debate, since the technology is primarily unsuccessful. In fact, over 90% of human cloning attempts have been labeled as "failure", which means that the human DNA is only put at risk during the process. As you can see, human DNA can be contaminated, and the chances of success are very rare. Also, the implications of what happens when the process goes wrong are still not fully understood, which is not good and could lead to problems that we will not be able to handle.

## **CONCLUSION:**

After analyzing all the pros and cons of human cloning it can be said that despite of fact that human cloning is not ethically and morally acceptable and may also pose certain dangers to human society but at the same time the blissful nature of therapeutic cloning and embryonic stem cells for the purpose of curing defective genes and elimination of infertility cannot be denied. What is needed to be done is a good deal of legislation which will ensure that all the ethical principles in the conduct of human cloning and stem cell research shall be observed. These principles includes: Principles of essentiality, of voluntariness, informed consent and community agreement, of non-exploitation, of privacy and confidentiality, of precaution and risk minimization, of professional competence, of accountability and transparency,

of maximization of public interest and distributive justice, of public domain and the principle of totality of responsibility and compliance. I , conclude that human beings are wise enough to understand at which point they shall stop so that welfare of people at large can be secured.

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## ***News from States***

### **ANDHRA PRADESH**

**Imparting of 40 Hours training on Mediation to the Judicial Officers and Advocates/ Mediators :** Under the aegis of Supreme Court Mediation and Conciliation Project Committee, 40 hours training programme was conducted to the referral judges and other mediators at Tirupathi from **7<sup>th</sup> to 11<sup>th</sup> January 2016**. 15 referral judges of Chittoor District and 9 other Mediators have participated.

**Video conference with Chairmen and Secretaries of DLSAs:** The Hon'ble Executive Chairman, APSLSA, conducted Video conference with the Chairmen and Secretaries of DLSAs on 5-2-2016 and motivated them for settlement of good number of cases. This resulted in settlement of good number of cases.

**National Lok Adalat for February, 2016 :** National Lok Adalat was conducted on 13<sup>th</sup> February, 2016 for settlement of Bank and N.I. Act cases. In this Lok Adalat, a total number of 28,907 cases were settled awarding compensation of Rs. 86.69 Crores. The settlement of cases includes 14,865 Pre litigation cases and 14,042 pending litigation cases.

**Visit to DLSA, Chittoor :** Hon'ble Executive Chairman visited DLSA Chittoor on **14-2-2016** and interacted with the Panel Lawyers and emphasized the need to update their knowledge. The Chairman and Secretary of DLSA were instructed to conduct panel lawyers trainings and to include the I.T.P Act in curricula. Inspected the accounts of DLSA and directed to send breakup of expenditure incurred on training programmes.

**Visit of District Jail, Chittoor :** Hon'ble Executive Chairman on **14-2-2016** visited the District Jail of Chittoor and interacted with the prisoners and jail authorities. His Lordship enquired with the prisoners about the facilities like food, shelter, drinking water and the inadequacies. His Lordship directed the DLSA to provide Legal Aid to all the Prisoners and also to find out any prisoner released on bail is not released for furnishing

bonds and whether any prisoners are there who have completed half of the sentence.

**Participation in the Review Meeting of Telugu Network for**

**Positive Persons:** The Hon'ble Executive Chairman has participated in the Review Meeting of Telugu Network for Positive Persons on **17.02.2016** at Hyderabad. His Lordship interacted with the participants and the HIV Positive persons. His Lordship informed the HIV positive persons and the representatives of the Community Based Organizations about the availability of legal services for redressal of their grievances. They have been informed to approach the DLSA of their respective Districts.

**Visiting Social Welfare Hostel for Girls at Visakhapatnam:**

The Hon'ble Executive Chairman visited the Social Welfare Hostel for Girls at Jail Road Visakhapatnam on **27.02.2016**. His Lordship interacted with the staff of the hostel. His Lordship enquired from the girl inmates about the inadequacies if any, in the hostel. His Lordship directed the hostel officials to maintain cleanliness in the premises, food and to take care of the health of the inmates. The Chairman DLSA Visakhapatnam has accompanied His Lordship.

**Visiting Social Welfare Hostel for Girls at Araku:**

The Hon'ble Executive Chairman visited the Social Welfare Hostel for Girls at Araku on **28.02.2016**. His Lordship interacted with the staff of the hostel. His Lordship enquired from the girl inmates about the deficiencies if any in the hostel. His Lordship also enquired about their studies and other facilities in the hostel. His Lordship directed the hostel officials to provide amenities and health care to the inmates. The Member Secretary APSLSA and the Chairman District Legal Services Authority Visakhapatnam have accompanied.

**Sensitization Programme on rights of tribals and availability of Legal Services:**

The Hon'ble Executive Chairman participated in "the Sensitization Programme on rights of tribal and availability of Legal Services" on **28-2-2016** at Railway institute open auditorium, Araku. About 500 tribal

persons and others have participated. The Superintendent of Police, Officials of ITDA, Velugu Project, Judicial Officers, Advocates and other stakeholders have attended the programme. His Lordship explained the tribal people about their rights and availability of legal services. His lordship also informed the other stakeholders to provide legal services and other help for empowerment of the tribal people.

**Inclusion of the Member Secretary, APSLSA, as “Special Invitee” for the State Mental Health Authority:** On the persuasion of APSLSA, the Department of Medical, Health and Family Welfare, Government of Andhra Pradesh has re-constituted the Andhra Pradesh Mental Health Authority vide GOMs.No.20, Dated: 9-3-2016 of Health, Medical and Family Welfare Department, including the Member Secretary, APSLSA as the Special Invitee of the A.P. State Mental Health Authority.

**National Lok Adalat for March, 2016 :** National Lok Adalat was conducted on 12<sup>th</sup> March, 2016 for settlement of Civil and Revenue cases. In this Lok Adalat, a total number of 13,737 cases were settled awarding compensation of Rs. 38.33 Crores. The settlement of cases includes 4,092 Pre litigation cases and 9,645 pending litigation cases.

**State Level work shop on Juvenile Justice :** The A.P.State Legal Services Authority, with the Crime Investigation Department, conducted “ ***State level one Day Multi Stake Holder Vertical Interaction Work Shop on Juvenile Justice***” on 13<sup>th</sup> March 2016 at Archarya Nagarjuna University Guntur. Hon’ble Sri. Justice Ramesh Ranganthan Executive Chairman APSLSA, Sri.G.Shayam Prasad Member Secretary, Additional Director General, CID, Senior Government Officials, Secretaries of DLSAs and other participants have attended.

**Completion of I Phase of training to the Panel Lawyers on “Advancing of Lawyering Skills” in all the districts of Andhra Pradesh :** The Andhra Pradesh SLSA has completed panel lawyers training on “**Advancing Lawyer Skills**” in the first phase, in all the 13 districts of the State. A total number of 498 panel lawyers have been imparted training by conducting

training programmes 2 in each month by availing the services of the master trainers. The State Authority has also issued fresh Schedule for Second Phase of training till the end of March 2017. Accordingly 2<sup>nd</sup> Phase training programmes have also been commenced.

**LEGAL AID CLINICS:** During the period, a total number of 29 Legal Services Clinics have been established in the State of Andhra Pradesh including the Clinics in Jails and Law Universities and Colleges. Thus, we have established 83 Clinics in all the jails functioning in the State and 36 Clinics in all the Law Colleges and Universities in the State of Andhra Pradesh.

**State project for the year 2015 -16:** In order to provide legal services and to spread legal awareness among the tribals and also among the victims of trafficking and sexual exploitation, the APSLSA has chosen 2 topics for implementation during the year 2015-16 under State Project. The subjects are : (i) Protection of Rights of Tribals and the availability of Legal Services (ii) Rights of Victims of Trafficking and Sexual Exploitation and availability of Legal Services. On 28-2-2016, Sensitization programme was conducted under State Project on the Rights of Tribals and Availability of Legal Services, at Araku, Visakhapatnam District on 28-2-2016. Hon'ble Sri Justice Ramesh Ranganathan, Executive Chairman, APSLSA, Sri G.Shyam Prasad, Member Secretary, APSLSA, Sri V. Jaya Surya, Chairman, DLSA, Visakhapatnam, Superintendent of Police, Officials of ITDA, Velugu Project, Judicial officers, Advocates have participated. Large number of tribals have attended the programme. His Lordship explained the tribals about their rights and availability of legal services. His Lordship also informed the other stakeholders to provide necessary assistance and help to the tribals for their empowerment.

During the implementation of State Project, in the State of Andhra Pradesh, 76 Legal Awareness Camps were conducted on the Rights of Tribals and on the Rights of Victims of Trafficking and availability of legal services, about 8,432

persons have participated and benefited out of the awareness campaign.

**Periodical training programmes to PLVs:** For upgradation of knowledge and skills of PLVs, periodical training programmes were conducted in various districts in the State of Andhra Pradesh. During the period 21 training programmes were conducted in the state and imparted training to 346 PLVs.

**Awareness Programmes on the Rights of Victims of Trafficking :** In order to create legal awareness among the victims of trafficking, the PRAJWALA NGO has conducted Awareness Programmes under the Caption "SWARAKSHA". During the period, the State Authority in coordination with PRAJWALA NGO, the awareness programmes were conducted in all the districts of Andhra Pradesh as per the schedule. The legal services functionaries of the respective DLSAs and the Mandal legal Services Committees have participated in the said Awareness programmes. About 79 programmes were conducted in the State of Andhra Pradesh during the period.

**Allotment of slot by Doordarshan saptagiri :** The Doordarshan saptagiri Andhra Pradesh, has allotted a slot of half-an-hour, on every Monday from 2.00 PM to 2.30 PM to broadcast the Legal Services Programmes.

**Legal Services Programmes in TV & All India Radio:** Conducting phone-in- programmes "NYAYA SEVA", in ETV-2 Channel on every Saturday from 9.30 AM to 10.00 AM. During the period, we have conducted 18 programmes in ETV-2 covering various subjects such as Multi Level Marketing Cases, Domestic Violence cases, Cheque Bouncing Cases, E-Courts, Muslim Laws, Property Disputes, Hindu Marriage Act, Victim Compensation, Arrest and Bail. Also conducting programmes in All India Radio on every Thursday from 9.00 AM to 9.30 AM.

**Statistical Information :** During the period from January, 2015 to March, 2016, in the State of Andhra Pradesh, a total number of **38,153 cases were settled** through Lok Adalats and **Rs.136.37 Crores** was awarded as compensation. **125 cases were settled**

through Mediation and **817 cases** were settled through Permanent Lok Adalats for Public Utility Services. During this period, **1,431 Legal Literacy Camps** were conducted spreading legal awareness among the public by reaching out the people in villages and tribal areas. We have provided legal aid to **883 persons**.

### **ARUNACHAL PRADESH**

The State Authority during the 30<sup>th</sup> Statehood Celebrations of Arunachal Pradesh had set up a Stall cum Legal Aid Clinic at the festival Ground, Itanagar from 20<sup>th</sup> February, 2016 to 22<sup>nd</sup> February, 2016 The stall was manned by a strong contingent of 07 legal aid counsels who provided on the spot legal counselling and advice to nearly 10 persons who had sought legal assistance and Counselling and that nearly 2000 persons visited the stall and who were provided 09 legal brochures on various topics such as Legal Aid, Plea Bargaining, Lok Adalat, Child Rights, Rights of women, Legal Services Authorities Act, Victim Compensation Scheme, Paralegal Volunteers Scheme and Legal Aid Clinic etc. The State Authority was also awarded the Best Stall award by the Organizers. The stall was visited by prominent citizens of the state which included the Governor of Arunachal Pradesh, Chief Secretary, Govt of A.P., Secretaries and other high level officers of the State ,Central Govt and other Public and Students.

The Arunachal Pradesh SLSA held monthly Lok Adalat on banking matters in various courts in the state of Arunachal Pradesh and disposed off the cases as shown below:

<b>Name of court</b>	<b>Cases listed</b>	<b>Cases disposed</b>	<b>Amount settled in Rs.</b>
Shri Budi Habung, District & Sessions Court, Yupia	14	02	9000,00.00
Shri Nani Grayu, District & Sessions Court, Tezu	146	15	8,17,579.00
Ms Jaweplu Chai, Addl District & Sessions Court, Basar	43	25	16,26,830.00

Shri Hirendra Kashyap, Chief Judicial Magistrate, Yupia	382	65	1,31,54,419.00
5. Shri Habung Tangu, Judicial Magistrate First Class, Yingkiong	49 634	18 125	24,88,797.00 1,89,87,625.00
Rupees One Crore Eighty Nine Lacs, Eighty Seven Thousand, Six Hundred and Twenty Five.			

The Arunachal Pradesh SLSA organized a day long awareness programme at the Don Bosco Youth Centre, Vivek Vihar, Itanagar which was attended by Shri Budi Habung, District and Sessions Judge cum Member Secretary State Legal Services Authority, Shri Dani Belo OSD cum Deputy Secretary, Law and Judicial, Miss Nani Mamung, Associate Professor, ALA, Fr. Cyriac, Director, DBYC, Ms Rosy Taba, Project Coordinator, DOJ and Ms Nani Modi, Project Asst, among others. During the Programme, talks on the role of the Legal services authority in the dispensation of justice, benefits provided under the Act were imparted by Shri Budi Habung, Ms Nani Mamung spoke on the drugs, its effect and penal action, while Shri Dani Belo spoke on A.P, Victim Compensation Scheme. Later on during the interaction programme, various doubts of the students were clarified by the resource persons. Brouchers on Victim Compensation Scheme, Lok Adalat, Plea Bargaining, Child Rights, Fundamental Duties and Rights etc. were distributed to the students.

During the month of March, 2016, monthly Lok Adalat was held and disposed off the cases as shown below:

<b>Name of court</b>	<b>Cases listed (all Banking matters)</b>	<b>Cases disposed</b>	<b>Amount settled</b>
1. Shri Hirendra Kashyap, CJM, Yupia	<b>403</b> (i. Pre-litigation matters-398) (ii. pending matters-05)	<b>36</b> (i. Pre-litigation matters-34) (ii. Pending matters-02)	<b>61,86,872.00</b> (i. in Pre-litigation matters-Rs 23,66,872.00) (ii. in pending matters-Rs 38,20,000.00)

	403	36	<b><u>61,86,872.00</u></b>
Rupees Sixty One Lacs Eighty Six Thousand and Eight Hundred and Seventy Two			

## BIHAR

### 1. Legal Awareness Programme Details

S.N.	Subject	Period	Details of Legal Services Programme	No. of Legal Awareness Programmes in all the DLSAs	Remarks
01	Legal Awareness		Topic on which Legal Awareness Conducted		Topic wise Legal Awareness Programme is being organised by each District
1		Jan,16	<b>i)POCSO ACT</b> <b>ii) Laws against Sexual Harassment</b> <b>iii) Matrimonial Laws</b> <b>iv) Plea Bargaining under Cr. P.C.</b> <b>v) Child Right</b>	Total Awareness In all the DLSAs-170	
2		Feb,16	<b>i) Human &amp; Child Trafficking</b> <b>ii) Juvenile Justice Act</b> <b>iii) RTI Act</b> <b>iv) Rights of Women and Prevention of Witch Practices Act</b> <b>v) Legal Awareness Camps in School &amp; College</b>	Total Awareness In all the DLSAs-170	
3		March,16	<b>i) Law related to Women</b> <b>ii) Succession, Maintenance, Child Custody, Adoption &amp; Poverty rights of Women</b> <b>iii) Prevention of Witch Practices</b> <b>iv) MNREGA &amp; Unorganised Sectors</b> <b>v) Legal Awareness Camps in School &amp;</b>	Total Awareness In all the DLSAs-185	
				<b>Grand Total - 525</b>	

## 2. Mediation Details

S.N.	Subject	Period	Details of Legal Services Programme		Remarks
			No. of Cases disposed of	No. of Mediation Awareness Programme organised in each DLSA on every last Saturday	
01	Mediation Cases	Jan-March,16	94	-	Mediation Awareness Programme organised on every last Saturday of month by DLSA. Altogether 105 Mediation Awareness Programme organised
02	Mediation Awareness Programme	Jan-March,16	-	Total Awareness- 105	

## 3. Lok Adalat Details

S.N.	Subject	Period	Details of Legal Services Programme		Remarks
			No. of Cases disposed of		
01	Continuous Lok Adalat	Jan to March,16	132		National Lok Adalat held in the month of March and Feb,16 in the light of direction of NALSA
02	Mobile Lok Adalat	Jan to March,16	29926		
03	National Lok Adalat	Feb,16	26387		
		March,16	92957		

## 4. Seminar/Training/Workshops organised by BLSA

S.N.	Subject	Period	Details of Programme based on Legal Services		Organising Partner
01	Modern Day Slavery &NALSA (Victims of	17.1.2016	Participants were 58 Panel Advocates from 12 districts of the State of Bihar		Organised in association JVI, a Repute NGO

	Trafficking & Commercial Sexual Exploitation) Scheme, 2015			
02	State Consultation on Social Protection of Children and Adolescents infected & affected with HIV	14.2.2016	The Said programme was organised with association of Bihar State Aids Control Society ( BSACS)	Bihar State Aids Control Society
03	Seminar on NALSA Scheme(Legal Services to the Victims of Drug Abuse and Eradication of Drug Menace)	17.3.2016	Participants were Panel Lawyers, PLVs & Law Students	BIPARD, Govt. of Bihar
04	NALSA Schemes (Child Friendly Legal Services to Children and their Protection)	30.3.2016	Participants were 51 PLVs from each block of Districts viz. Patna, Ara and Hajipur	Organised in association with UNICEF and CNLU

## 5. Legal Aid provided by BSLSA

S.N	Subject	Period	Details of Legal Aid Provided/ Legal Services given					
			Amount of Court Fee exempted	No. of persons to whom Legal aid lawyers were provided	Other Aid given	No. of persons who were given Victim Compensation	No. of persons Helped in preparation of ID Card, Adhar Card, BPL Card etc.	No. of disputes/ cases resolved due to intervention of PLVs
01	Legal Aid provided/ Legal Services given	Jan to March ,16	Rs.1365193	1864	09	83	476	96

### छत्तीसगढ़

- (1) नालसा के निर्देशानुसार वर्ष 2016 में विशेष मामलों पर नेशनल लोक अदालत का आयोजन छत्तीसगढ़ के समस्त न्यायालयों में किया गया है।

इसी अनुक्रम में माह 13 फरवरी, 2016 को बैंक संबंधी मामलों पर नेशनल लोक अदालत का आयोजन किया गया, जिसमें कुल 57552 प्रकरण रखे गये तथा 1980 प्रकरणों का निराकरण हुआ एवं 80208011 रूपये का अवार्ड किया गया। इसी प्रकार 12 मार्च 2016 को सिविल एवं रिवेन्यू मामलों पर नेशनल लोक अदालत का आयोजन किया गया, जिसमें कुल 7398 प्रकरण रखे गये एवं 6087 प्रकरणों का निराकरण तथा 123389361 रूपये का अवार्ड तथा शासन की विभिन्न योजनाओं पर जिला प्राधिकरण द्वारा उपलब्ध कराये गये विधिक सेवा मामलों के तहत कुल 200507 प्रकरण रखे गये, जिनमें से 168889 प्रकरण निराकृत कर कुल 355925048 रूपये का अवार्ड पारित किया गया।

- (2) नालसा के Training Module for Legal Services Lawyers Part-1 के अनुसार पेनल अधिवक्ताओं का दो दिवसीय प्रशिक्षण कार्यक्रम आयोजित किये जा रहे हैं, उक्त अनुक्रम में दिनांक 23-24 जनवरी, 2016 को जिला विधिक सेवा प्राधिकरण जांजगीर-चांपा में (समीपस्थ जिला विधिक सेवा प्राधिकरण कोरबा एवं रायगढ़ के पेनल अधिवक्ताओं को शामिल करते हुये) एवं दिनांक 20-21 फरवरी, 2016 को जिला विधिक सेवा प्राधिकरण दुर्ग में (समीपस्थ जिला विधिक सेवा प्राधिकरण राजनांद गांव एवं बालोद के पेनल अधिवक्ताओं को शामिल करते हुये) पेनल अधिवक्ताओं का प्रशिक्षण कार्यक्रम आयोजित किया गया। माह अप्रैल, 2016 तक कुल 14 जिला विधिक सेवा प्राधिकरणों में पेनल अधिवक्ताओं का दो दिवसीय प्रशिक्षण कार्यक्रम आयोजित किये जा चुके हैं एवं कुल 178 पेनल अधिवक्ताओं को प्रशिक्षण दिया जा चुका है।
- (3) छत्तीसगढ़ राज्य विधिक सेवा प्राधिकरण द्वारा दिनांक 18.03.2016 को जिला बिलासपुर के बाल सम्प्रेक्षण गृह एवं बाल गृह के बच्चों के लिये खेलकूद एवं सांस्कृतिक कार्यक्रम का आयोजन किया गया जिसमें बच्चों के द्वारा मनमोहक नृत्य एवं नाट्य प्रस्तुत किया गया, तत्पश्चात् बच्चों को प्रोत्साहित करने हेतु पुरस्कार वितरण किया गया।
- (4) माह जनवरी में राष्ट्रीय मतदाता दिवस के अवसर पर जिला विधिक सेवा प्राधिकरणों के द्वारा आमजन में मतदान के प्रति जागरूकता लाने हेतु

विभिन्न शिविरों का आयोजन किया गया। माह मार्च में अंतरराष्ट्रीय महिला दिवस के अवसर पर भी जिला विधिक सेवा प्राधिकरण, द्वारा विभिन्न कार्यक्रम एवं शिवर का आयोजन किया गया तथा जिला विधिक सेवा प्राधिकरण बलौदा बाजार में महिला सशक्तिकरण विषय पर भव्य कार्यक्रम आयोजित किया गया, जिसमें माननीय श्री न्यायमूर्ति आई.एस. उबोवेजा, न्यायाधीश, छ0ग0 उच्च न्यायालय द्वारा आमजन को सम्बोधित किया गया।

- (5) माह जनवरी-मार्च 2016 में जिला विधिक सेवा प्राधिकरणों के द्वारा जिले में स्थित केन्द्रीय जेल, जिला जेल, उपजेल का निरीक्षण एवं विधिक साक्षरता शिविरों का आयोजन किया गया।
- (6) अध्यक्ष जिला विधिक सेवा प्राधिकरण जांजगीर-चांपा के द्वारा ग्राम पोर्था में लीगल एड क्लिनिक का शुभारंभ किया गया।
- (7) माह जनवरी से मार्च 2016 में कुल 11103 लोगों को विधिक सहायता एवं सलाह तथा 2791 विधिक शिविरों का आयोजन किया गया।
- (8) राज्य प्राधिकरण में उपलब्ध मल्टीयुटिलिटी वैन के माध्यम से छत्तीसगढ़ के समस्त जिलों एवं तहसीलों में विधिक सेवा का व्यापक प्रचार-प्रचार एवं नेशनल लोक अदालत का प्रचार-प्रसार किया जा रहा है।
- (9) दूरदर्शन पर विधिक सेवा कार्यक्रम का प्रसारण - छ0ग0 राज्य विधिक सेवा प्राधिकरण द्वारा दूरदर्शन केन्द्र रायपुर के माध्यम से "लीगल हिंट" के नाम से प्रसारित लाईव इन फोन विधिक सेवा कार्यक्रम का प्रसारण प्रत्येक माह के द्वितीय एवं तृतीय शनिवार को किया जाता है, इसी अनुक्रम में माह जनवरी से मार्च 2016 में भी प्रत्येक द्वितीय एवं तृतीय शनिवार को विधिक सेवा कार्यक्रमों का प्रसारण दूरदर्शन केन्द्र रायपुर से किया गया है, जिसमें सेवारत न्यायिक अधिकारी/सेवानिवृत्त न्यायिक अधिकारी/वरिष्ठ अभिभाषक, पेनल अधिवक्ता गण द्वारा विभिन्न विषयों पर रिकार्डिंग प्रसारण एवं लाईव प्रसारण दूरदर्शन रायपुर केन्द्र से किया गया है।
- (10) आकाशवाणी पर विधिक सेवा कार्यक्रम का प्रसारण - छ0ग0 राज्य विधिक सेवा प्राधिकरण एवं जिला विधिक सेवा प्राधिकरणों द्वारा छ0ग0 के प्रत्येक

आकाशवाणी केन्द्रों के माध्यम से “कानून की बात” के नाम से प्रसारित विधिक सेवा कार्यक्रम का प्रसारण प्रत्येक माह के प्रत्येक रविवार को सायं को किया जाता है , इसी अनुक्रम में माह जनवरी से मार्च 2016 में भी प्रत्येक रविवार को विधिक सेवा कार्यक्रमों का प्रसारण आकाशवाणी केन्द्रों से किया गया है, जिसमें सेवारत न्यायिक अधिकारी/सेवानिवृत्त न्यायिक अधिकारी/वरिष्ठ अभिभाषक, पेनल अधिवक्ता गण को शामिल किया गया।

## GUJARAT

### National Lok Adalats :-

On **13th February, 2016** on the subject of Bank Matters:- Section 138 NI Act, Recovery suits etc.(pending and pre-litigation matters) first National Lok Adalat of the year-2016 was held through out the State in which total **14039** cases were disposed of by amicable settlement and award of **Rs. 62.89 (Cr)** were made towards settlement.

On **12th March, 2016** on the subject of Civil and Revenue cases Second National Lok Adalat for the year-2016 was held throughout the State in which total **7545** cases were disposed of by amicable settlement and award of **Rs. 132.19 (Cr)** were made towards settlement.

**Lok Adalats & Legal Literacy Camps:** The SLSA has also organized Continuous Lok Adalats and Legal Literacy Camps including National Lok Adalats during the quarter March-2016 through out the State. In all **3905** Lok Adalats were held and **2021** Legal Literacy Camps were organized. In the above Lok Adalats, **35,667 cases** were disposed of by amicable settlement and award of **Rs.364.86 Cr** were made towards settlement including M.A.C.P. Cases.

During the quarter ending on March, 2016, **128 matters** were settled in the ADR/Mediation Centres in the entire State.

**Programmes Organized by the Gujarat State Legal Services Authority.**

**Special Legal Literacy Camps on the rights of HIV/AIDS patients in Collaboration with District Organization of GNSP+ for people living with HIV** : During the quarter January-March, 2016, DLSAs have organized **185** Special Legal Literacy camps on the rights of HIV/AIDS patients in collaboration with District Organizations of GNSP+ for people living with HIV.

**Special Legal Literacy Camps on few areas focused by the SLSA**

**Senior Citizens:** During the quarter January-March, 2016, total **165** Legal Literacy Camps have been organized on the areas to be focused by this Authority and Schemes of Government relating to the benefits of Senior Citizens in various districts of the State by the DLSAs in their respective Districts.

**Mal-nutrition:** During the quarter January-March, 2016, total **154** Legal Literacy Camps have been organized by DLSAs on the subject of Mal-nutrition for creating awareness amongst the adolescent girls, pregnant women, nursing mothers, children etc. During the said Camps, necessary information is provided as to various Schemes framed by the State Government.

**Women's Rights/ Human Rights** : During the quarter January- March, 2016 total **491** LLCs have been conducted by the various District Legal Services Authorities in the State, out of which **331** LLCs have been organized on the subject of women's rights and **160** LLCs on Human rights.

**Mediation Programme :-**

1. A Mediation Awareness Programme was held on 09/01/2016 in Vanthali Taluka wherein Dr. Jyotsnaben Yagnik, Former Principal Judge, City Civil Court, Ahmedabad & Trainer of the Programme imparted training to Advocates and other people. Simultaneously

a Referral Judges' Training Programme was also held on 09/01/2016 at Junagadh wherein Dr. Jyotsnaben Yagnik, imparted training to Judicial Officer participants.

2. A Mediation Awareness Programme was held on 09/01/2016 from 10 am to 12.30 pm in Rajpipla Taluka wherein Mr. Paresh Jani, Advocate and Mediator, City Civil Court, Ahmedabad & Trainer of the Programme imparted training to Advocates and other people. Simultaneously a Referral Judges' Training Programme was also held on 09/01/2016 from 2.00 pm onward at Rajpipla wherein Mr. Paresh Jani, imparted training to Judicial Officer participants.
3. A Mediation Awareness Programme was held on 23/01/2016 in Matar Taluka wherein Mr. Niranjan Bhatt, Advocate, City Civil Court, Ahmedabad & Trainer of the Programme imparted training to Advocates and other people. Simultaneously a Referral Judges' Training Programme was also held on 23/01/2016 at Nadiad wherein Mr. Niranjan Bhatt, Advocate, imparted training to Judicial Officer participants.
4. A Mediation Awareness Programme was held on 23/01/2016 in Songadh Taluka wherein Mr. P.R.Patel, Principal District Judge, Ahmedabad (R) & Trainer of the Programme imparted training to Advocates and other people. Simultaneously a Referral Judges' Training Programme was also held on 23/01/2016 at Vyara wherein Mr. P.R.Patel, imparted training to Judicial Officer participants.
5. Mr. K.K.Makhija (Advocate) and Mr. Surendra Singh (Advocate), trainers of Delhi Mediation Centre, conducted Awareness Coaching and Mentoring (ACRM) programme at Vadodara during 12.02.2016 to 14.02.2016. In this programme 17 Mediators participated.

6. Mr. Rajiv Mehra (DHJS) and Ms. Anupam Dhingra (Advocate), trainers of Delhi Mediation Centre, conducted Awareness Coaching and Mentoring (ACRM) programme at Surat during 26.02.2016 to 28.02.2016. In this programme 33 Mediators participated.
7. A Mediation Awareness Programme was held on 27/02/2016 in Kadi Taluka wherein Mr. Niranjana Bhatt, Advocate, City Civil Court, Ahmedabad & Trainer of the Programme imparted training to Advocates and other people. Simultaneously a Referral Judges' Training Programme was also held on 27/02/2016 at Mehsana wherein Mr. Niranjana Bhatt, imparted training to Judicial Officer participants.
8. A Mediation Awareness Programme was held on 27/02/2016 in Vapi wherein Dr. Jyotsnaben Yagnik, Former Principal Judge, City Civil Court, Ahmedabad & Trainer of the Programme imparted training to Advocates and other people. Simultaneously a Referral Judges' Training Programme was also held on 27/02/2016 at Valsad wherein Dr. Jyotsnaben Yagnik, imparted training to Judicial Officer participants.
9. Hon'ble Patron-in-Chief met all the Chairperson of DLSAs, Principal Judge of Family Courts, President, Labour & Industrial Tribunal, Ahmedabad, Principal Judge of City Civil Court, Ahmedabad etc., through Video Conferencing on 30.03.2016 and His Lordship motivated them to have best result for the next National Lok Adalat.

## **HARYANA**

**SPECIAL LEGAL LITERACY CAMP:** A Special Legal Literacy Camp was held at Government Girls Senior Secondary School Bhiwani on 5.1.2016. An exhibition on Beti Bachao and Beti Padhao was also held at the said School. Ms. Swati Sehgal, CJM-cum-Secretary DLSA, Bhiwani informed the Girls students about the various enactments relating to women.

**AWARENESS CAMP ON NATIONAL YOUTH DAY:** On 12.1.2016, an awareness camp was organized by DLSA, Ambala at Dev Arya Samaj College for girls. Sh. Ravneet Garg, CJM-cum-Secretary, DLSA, Ambala exhorted the students to work for the marginalized sections of our society. He also emphasized the need to imbibe the values enshrined in our Constitution.

**TWENTY HOURS CAPSULE COURSE FOR MEDIATORS:** Twenty hours Capsule Course for Mediators was conducted from 15th to 17th January, 2016 with an objective to refresh and enhance skills of the mediators. Total 14 Advocate Mediators attended the said Capsule Course. Training was imparted by Ms. Shailender Kaur, DHJS and Ms. Pusshp Gupta Trainers deputed by Mediation and Conciliation Committee of Supreme Court of India and Sh. Swarn Sandhir and Ms. Monika Jalota, Advocate-Mediators/Trainers from Mediation and Conciliation Centre of Punjab and Haryana High Court, Chandigarh.

**LEGAL AWARENESS PROGRAMME BY DLSA, KARNAL:** On 21.01.2016, Legal Awareness Programme was conducted by DLSA, Karnal at Dayal College. The students were apprised of the concept of Free Legal Aid. The students were also sensitized to work for the weaker and marginalized sections of society.

**“CONSTITUTION AND I”:** To make school children aware about the importance of our Constitution, symposium on “Constitution and I” was organized on 22 January 2016. Several schools of Gurgaon were invited along with people from different sections of society. The symposium focused primarily on sensitizing the gathering about the importance of the Constitution and how it can play an effective role in forming a better nation. Preamble of the Constitution of India along with the Fundamental Rights and Fundamental Duties and the role of Judiciary in protection of these rights were explained in detail. The role of DLSA for providing free legal aid was also explained.

Interactive session was also held with regard to the provisions of Right to life, Right to equality and Fundamental Duties. A pledge was taken by the gathering that they would discharge the Fundamental Duties as enshrined in the Constitution of India.

**TRAINING PROGRAMME FOR PANEL LAWYERS:**

Training Programme was organized for the Panel Lawyers of DLSA, Ambala and Sub-Divisional DLSC, Naraingarh, on 23.01.2016 and 24.01.2016 with an objective to enhance skills of the Panel Lawyers so that quality Legal Services are rendered to the weaker and marginalized sections of society. In the said programme, training was imparted as per the schedule provided by NALSA in Training Module Part-I. It was conducted by the Master Trainers. Various methods of teaching were used in the said programme such as lecture method, group discussion, quiz method etc. Haryana SLSA has prepared a calendar for organizing such training programmes for panel lawyers in all the Districts of Haryana.

**LEGAL AWARENESS PROGRAMME AT DAV (PG)**

**COLLEGE, KARNAL:** On 25.01.2016, a special programme was organized on 'Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013' for spreading Legal Awareness amongst the students by DLSA, Karnal. It was attended by about 350 students and thirty faculty members. The concept of Free Legal Aid was also explained to the students.

**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. 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, DLSA, 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.

**LEGAL AWARENESS CAMP AT SURAJKHUD:** Suraj Kund International Crafts Mela is held every year from 1st to 15th February in Faridabad. Lakhs of people visit the said Fair. This fair provides a good platform for spreading legal literacy. An awareness stall was displayed from 1st February 2016 to 15th February 2016 in 30th Surajkund International Crafts Mela by Haryana State Legal Services Authority with an aim to create legal awareness amongst the masses and to achieve the objective of Access to Justice for All. Awareness was also spread about the activities being done by District Legal Services Authorities in the State of Haryana and the various schemes of HALSA and NALSA. HALSA stall was beautifully decorated with banners, posters, hoardings and flexes exhibiting the aims, objectives, schemes and achievements of HALSA. The attention of gathering was drawn to the stall through nukar natak, plays, rallies and painting competitions etc. on the different legal topics, in which the students of different schools and colleges participated with full vigour. The dignitaries also appreciated performances of school and college students on main chaupal. The members of Legal Fraternity of the State including District and Sessions Judges of various districts and other judicial officers and the officers of District Administration also visited the stall. Public was also made aware of the Lok Adalat and the benefits thereof. Every day, thousands of people visited the stall and watched the events organized by HALSA. It enlightened them on the issues of social and legal importance including child labour, rights of trans gender, Fundamental Duties, Right to Education and Drug Abuse. Students of different schools and colleges performed different programmes on various socio-legal issues under Students Legal Literacy mission.

The stall was a big crowd puller and general public was very appreciative of the efforts made by HALSA for making

masses aware about different legal issues and different laws and schemes of NALSA and HALSA.

**LOK ADALATS IN JAILS:** Jail Lok Adalats are organised every months in all the Jails of Haryana by Haryana SLISA with an objective to dispose off petty criminal cases of compoundable nature of the undertrials. In the months of February and March, 2016, the total number of the 77 cases were disposed off in the said Lok Adalats.

**LEGAL AWARENESS CAMP THROUGH MOBILE LEGAL SERVICES VAN:** Legal Awareness Camps are being organized by Haryana SLISA through Mobile Legal Services Van throughout the State of Haryana. In the month of February and March, 2016 such camps were organized at the various villages in Districts Kaithal and Karnal. The villagers were made aware of the various important laws. The concept of legal services was explained to the villagers. They were made aware of the various functions of District Legal Services Authority. They were also made aware of the free legal aid helpline number. The idea behind holding of the Legal Awareness Camps through Mobile Legal Services Van is to reach out even to the remotest villages so that legal awareness is spread in every nook and corner.

**LEGAL AWARENESS CAMPS FOR VILLAGERS:** DLSA, Kaithal organized various legal awareness camps at different villages in District Kaithal in the months of February and March, 2016 to reach out to people living in the remotest area to make them aware about the functions of the Legal Services Authorities. The concept of legal aid was explained to villagers. This apart, the rights under the various laws, particularly relating to women and children, were explained in a comprehensible language to the villagers.

**AWARENESS ABOUT FUNDAMENTAL DUTIES:** In the months of February and March, 2016 several camps were held across the State of Haryana to spread awareness about the Fundamental Duties. The copies of the booklet on Fundamental Duties were also distributed amongst the students.

**LEGAL AWARENESS PROGRAMME AT DAV COLLEGE:**

On 08.02.2016, Legal Awareness Programme was held by DLSA, Karnal at DAV College for women. The said programme was attended by about 150 students and faculty members of the college. In the said programme, lectures were given on laws relating to women. Various aspects of Maintenance law and constitutional rights of women were explained. The teacher in charge of the legal literacy club also apprised the gathering about the various activities being conducted by the Legal Literacy Club of the said college. Mr. Ravneet, Secretary District Legal Services Authority, Karnal also apprised the gathering about the need to fulfill the Fundamental Duties as enshrined in the Constitution of India.

**LEGAL AWARENESS PROGRAMME IN GURU NANAK KHALSA COLLEGE, KARNAL:**

On 15.2.2016, a programme for spreading legal awareness amongst college students was organised in the premises of Guru Nanak Khalsa College, Karnal by DLSA, Karnal. About 200 students and 25 faculty members attended the said programme. Lecture on the functioning of DLSA and the schemes run by NALSA and HALSA was given. The queries/questions raised by the students were answered. The teacher incharge of the legal literacy club gave information about the various activities being conducted the legal literacy club.

**LEGAL AWARENESS CAMP AT SARAS MELA:**

Saras Mela from 19th to 28th February, 2016 was held at Karnal. Lacs of people visited the mela. Artisans from 16 states also participated in the Saras Mela. Haryana State Legal Services Authority set up a legal awareness camp at the said Mela to spread legal awareness amongst the public. Pamphlets and booklets prepared by Haryana State Legal Services Authority were also distributed to the public. Panel lawyers and Para Legal Volunteers manned the Legal Awareness Camp. Legal advice was also given to many people during the said period of ten days. Prof. Kaptan Singh Solanki, Hon'ble Governor of Haryana, also visited the Legal Awareness Camp.

**LEGAL LITERACY CAMPS FOR OFFICIALS 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. On 25.02.2016, such camp was organized by District Legal Services Authority, Fatehabad. On 26.02.2016, it was organized by District Legal Services Authority, Faridabad. On 5.3.2016 and 19.3.2016, the said legal literacy camps for officials were held at Gurgaon and Hisar respectively.

**LEGAL AWARENESS CAMPS ON INTERNATIONAL WOMEN'S DAY:** On 08.03.2016, DLSAs under the aegis of Haryana SLSA 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.

**SEMINAR ON INTEGRATED CHILD PROTECTION SCHEME AND THE ROLE OF CHILD WELFARE COMMITTEE:** On 11.03.2016, a seminar on integrated Child Protection Scheme and Role of Child Welfare Committee was held by DLSA in the Conference Hall of District ADR Centre, Sirsa. Shri Anudeep Goel, Member Juvenile Justice Board, Sirsa, Ms. Vijaya Malik, Member Child Welfare Committee, Sirsa, all the functionaries under the ICPS and Child Helpline attended the said workshop. Sh. Akshdeep Mahajan, Secretary, District Legal Services Authority, Sirsa also explained the important provisions of Juvenile Justice Act, 2015 to the participants. The provisions touching the functioning of Child Welfare Committee and functionaries under ICPC were explained quite elaborately.

**SPECIAL AWARENESS CAMP ON THE SEXUAL HARASSMENT OF WOMEN AT WORK PLACES (PREVENTION, PROHIBITION AND REDRESSAL) ACT, 2013:**

On 12.03.2016, a special awareness Camp on The Sexual Harassment of women at Work places (Prevention, Protection and Redressal) Act 2013 was held by DLSA, Gurgaon in association with Local Complaints Committee, formulated under the Act for District Gurgaon to create awareness on The Sexual Harassment of Women at Work place (Prevention, Prohibition and Redressal) Act, 2013. Gathering comprised of Panel Advocates under Model Prosecution Counsel Scheme for victims of rape and other crime against women and children, Police Officials from different Police stations, members of Electronic Media and Print Media officials of various NGOs etc.

Gathering was enlightened regarding the procedure and role of Local Complaints Committee. Measures with regard to the actions which can be taken if the internal complaints committee or the local complaints committee fails to function were amongst some of the queries which were answered. The copies of the booklet on the sexual harassment law were distributed.

**NATIONAL LOK ADALATS ON 13.2.2016 & 12.3.2016:** On 13.2.2016, National Lok Adalat on the Bank matters (Section 138 NI Act, recovery suits etc) was held. In the said Lok Adalat, 4006 cases were settled. Pre-litigation cases as well as pending cases were settled involving an amount of Rs.18,91,58,708/-. Second subject-wise National Lok Adalat was held on 12.3.2016 with regard to civil and revenue cases. In the said Lok Adalat, 8356 cases were settled involving an amount of Rs.4,94,40,256/-

**AWARENESS SESSION ON MEDIATION FOR JUDICIAL OFFICERS:** On 16.03.2016, an awareness session on Mediation was organized by DLSA, Gurgaon for all the Judicial Officers posted at Gurgaon. Sh. Harnam Singh Thakur District & Sessions Judge-cum-Chairman, DLSA, Gurgaon, explained the importance of Mediation in resolving disputes. Judicial Officers were sensitized on the various aspects of Mediation.

They were also instructed to refer appropriate cases to Mediation. In the said sensitization programme, an overview of the procedural aspects, as contained in the Code of Civil Procedure, 1908, as well as of the different methods of Alternative Disputes Resolution with special reference to the judgment of the Hon'ble Supreme Court of India in the case of Afcons infrastructure Limited and another Versus Cherian Varkey Construction Company Private Limited and others 2010(8) SCC24 was given.

**VISIT TO ADR CENTRE:** Hon'ble Mr. Justice Ajay Kumar Mittal, Judge, Punjab & Haryana High Court and Executive Chairman of Haryana SLSA visited the ADR Centre, Panchkula on 22.3.2016. His Lordship checked the various activities carried out at DLSA, Panchkula to achieve the objective of "Access to Justice" for all. It was emphasized by the Hon'ble Executive Chairman that ADR mechanism needs to be promoted more effectively. Effort should be made to ensure that quality legal services are rendered to weaker and marginalized sections of society. His Lordship interacted with panel lawyers.

**TRAINING PROGRAMMES FOR PANEL LAWYERS:** Training Programmes were organized for the Panel Lawyers of DLSA, Kaithal, Kurukshetra and Karnal on 27th & 28th February, 2016, 12th & 13th March, 2016 and 26th & 27th March, 2016. The said programmes were organized with an objective to enhance skills of the Panel Lawyers so that quality Legal Services are rendered to the weaker and marginalized sections of society. In the said programmes, training was imparted as per the schedule provided by NALSA in Training Module Part-I. The training programmes were conducted by the Master Trainers. Various methods of teaching were used in the said programme such as lecture method, group discussion, quiz method etc.

**LEGAL LITERACY CAMP ON RIGHT TO EDUCATION:** On 30.03.2016, Legal Literacy Camp was organized at Government School, Ullawas, Gurgaon by DLSA, Gurgaon to

make students aware of the various important aspects of “Right of Children to Free and Compulsory Education Act, 2009”.

**KANOONI DISHAYEN PROGRAMME:** Kanooni Dishayen programmes are being held by DLSAs in collaboration with the Department of Education in the State of Haryana to sensitize, teachers about the need and importance of spreading legal awareness amongst students. The ways and means to make students legal literacy mission more effective and meaningful are also discussed in the Programme Kanooni Dishayen.

**DIVISIONAL LEVEL COMPETITIONS:** Under Students legal literacy mission, divisional level competitions at college level were held on various socio-legal topics at Government College, Ambala. In the said competitions, students from five districts namely Panchkula, Kaithal, Yamunanagar, Kurukeshtra, and Ambala participated. Students legal literacy mission aims to create a generation for future which is well aware of its constitutional and statutory rights and duties and other issues of socio-legal relevance so as to help in promoting rule of law and social Justice.

**MONTHLY WORKSHOPS OF PANEL ADVOCATES AND PARA LEGAL VOLUNTEERS:** In order to ensure that panel Advocates render quality legal services, workshops for the panel lawyers are held by the DLSA 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 February and March, 2016, various workshops were held for the panel lawyers by DLSAs under the aegis of Haryana SLSA across the State of Haryana.

**AWARENESS ON SECTION 158(6) OF MOTOR VEHICLES ACT, 1988:** The victims of the road accident need the

compensation immediately. The death of the sole bread earner of the family shatters the entire family. Dependents are entangled in an unnecessary, lengthy and costly litigation.

Section 158(6) was incorporated by an amendment in the Motor Vehicles Act in 1994. It provides that two SHOs shall submit an Accident Information Report to the Motor Accident Claims Tribunals within 30 days of the accident and the Claims Tribunal shall treat the said report as a claim petition and conduct an inquiry into the same.

To spread awareness about the compensation of law relating to motor accidents, DLSAs are holding awareness camps. Sensitization programmes are also being organized for the police officials and officials from the Insurance Companies etc. so that the delay in the payment of compensation is avoided and sole spirit of the affected family is saved from destruction.

**HELP DESKS:** Help Desks were set up by Haryana SLSA across the State of Haryana to help the riot victims. Public was made aware of the Help Desks, toll free number and legal helpline numbers of all the Districts through advertisements etc so that the victims of the riots can approach legal Services Authorities for Redressal of grievances.

**LEGAL AWARENESS CAMP AT THE AGRICULTURAL FAIR:** DLSA, Hissar organised Legal Awareness camp the Agricultural Fair. Pamphlets and books published by Haryana State Legal Services Authority were distributed to the villagers. Panel Lawyers gave legal advice to the visitors who sought legal advice.

**SPECIAL LEGAL LITERACY CAMPS ON PC & PNDDT ACT:** 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-1994 were organized in many districts of Haryana. The women were enlightened about their rights and the provisions of free legal aid available to them.

**AWARENESS THROUGH COMMUNITY RADIO:** In the months of February and March, 2016 various legal awareness

programmes were conducted through community radio stations. In the said programmes, various legal topics were covered such as Protection of women from Domestic Violence Act, law on bail, free legal aid, victim compensation scheme etc.

**Lok Adalats:** During the period from **1<sup>st</sup> January to 31<sup>st</sup> March, 2016**, DLSAs and Sub-Divisional LSCs under the guidance of Haryana SLSAs organized **139** Lok Adalats/Special Lok Adalats throughout the State wherein **43,581** cases were taken up out of which **18,583** cases were disposed of by amicable settlement between the parties and an amount of **4,27,41,000/-** was awarded as compensation to the claimants in **125** MACT cases.

**Permanent Lok Adalats pertaining to Public Utility Services:** During the period from **1<sup>st</sup> January to 31<sup>st</sup> March, 2016**, these Permanent Lok Adalats, Public Utility Services settled **10,643** cases out of **51,957** cases taken up therein.

**Daily Lok Adalat:** To make the Lok Adalat a permanent and continuous process, all the District & Sessions Judges-cum-Chairmen, SLSAs were requested that every court in the Session Divisions should convert into a Daily Lok Adalat from 2:00 p.m. to 2:30 p.m., extendable to 3:00 p.m. depending upon quantum of work [4:00 p.m. to 4:30 p.m. extendable upto 5:00 p.m. from March, 2012 onwards]. During the period from **1<sup>st</sup> January to 31<sup>st</sup> March, 2016**, DLSAs and Sub-Divisional LSCs under the guidance of Haryana State Legal Services Authority organized **18,054** Daily Lok Adalats throughout the State wherein **59,746** cases were taken up out of which **41,019** cases were disposed of by amicable settlement between the parties and an amount of Rs. **17,18,04,727/-** was awarded as compensation to the claimants in **382** MACT cases.

**Mediation:** During the period from **1<sup>st</sup> January to 31<sup>st</sup> March, 2016**, **2540** Cases were referred by Referral Judges to the Mediators for mediation and conciliation in the District Mediation and Conciliation Centres in the State of Haryana, out of which **449** cases were settled by the Mediators.

**Legal Literacy/Legal Awareness Camps/Seminars:** During the period from **1<sup>st</sup> January to 31<sup>st</sup> March, 2016**, **2,153** Legal Literacy/Legal Awareness Camps were organized by various DLSAs/Sub-Divisional Legal Services Committees in the State of Haryana with the help of Advocates, retired judicial/executive officers, social workers, law teachers and law students as resource persons and **13,47,234** persons were benefited by these Legal Literacy/Legal Awareness Camps.

**Free Legal Aid:** During the period from **1<sup>st</sup> January to 31<sup>st</sup> March, 2016**, **2,390** persons were provided with free legal services at Sub-Division level by Sub-Divisional Legal Services Committees, District Legal Services Authorities, Haryana State Legal Services Authority and High Court Legal Services Committee.

#### **JAMMU & KASHMIR**

In order to have a birds view of plight of workers in Unorganized sector in the State of J&K, progress made in the implementation of Building and construction workers (Regulation of Employment and condition of services) Act 1996, the unorganized workers social security Act 2008, J & K SLSA organized a Two day Workshop on the "Workers in the Unorganized Sector" their aspirations, challenges and way Forward, in J&K State at Jammu on 27<sup>th</sup> & 28<sup>th</sup> of February 2016. Hon'ble Chief Justice of India (Patron-In-Chief NALSA) inaugurated the workshop being the Chief guest. Hon'ble Executive Chairman, NALSA and Hon'ble Chairman, Supreme Court Legal Services Committee were the Guest of Honour. Three booklets were released by J&K SLSA on this occasion, 1. Performance and Achievements of J&K SLSA 2. Hand Book of different Welfare Schemes 3. Endeavour news letter of J&K SLSA.

As per State Plan of Action 2015-16, 5 Radio Programmes and 16 Doordarshan Programmes were conducted during the said period through out the State of J&K under the Legal Services Programme "Qanoon Aur Insaf Ki Baat" on various laws relating to subjects like **Children issues** (1) Victim of

Trafficking and Commercial Sexual exploitation.(2) Child labour, Children in need of care and protection(foster care adoption, CWC,s role) **Law relating to women** (1) Atrocities on women & remedies available under law (Domestic Violence)(2) Sexual harassment at workplace/rape laws. **Labour laws** (Special provisions for the workers in unorganised Sector) **Accident Claim (1)** MACT(ii) Workmen Compensation Act **Legal Services Authorities and their activities**(i) Structure\_(ii) Eligibility (iii) Modes of Legal Services in litigation.**Crimes:-** (i) Cyber Crimes (ii) E-Governance (iii) Ragging, Alternate Dispute Reslution Mechanism(ADR) (i) Conciliation /Informal Counselling (ii) Mediation (iii) Arbitration (1)Maintenance & Welfare of parents & Senior Citizens Act 2007 (2) Implementation of poverty and Alleviation Schemes. (3) **Victims of Drug Abuse and Eradication of Drug Menace** (4) Consumer Issues (5) Negotiable Instrument Act. **Lok Adalat(i)** Types of Lok Adalats & others Lok Adalats (ii) **Easementary Rights**

**Awareness Programmes :-**138 Legal awareness programmes were organized (i) regarding suitable arrangements for protection of rights of Senior Citizen(ii) Awareness camps regarding workers in unorganized Sector (iii) Consumer rights.(iv) PNDT Act (v) Micro Legal Awareness camps.(vi) Legal awareness camps at School and College level on anti-ragging laws.(vii) International women day(viii) Save the girl child (ix) Juvenile Justice and Child rights (x) Laws relating to women (xi) Child education (xii) Consumer protection laws (xiii) Labour laws. (xiv) World

HIV/AIDS Day (xv) Legal Services day on 9<sup>th</sup> November.(xvi) Rights of women and protection of women from Domestic Violence Act.(xvii) Protection of women and girl child from sexual harassment.(xviii) Bati Bacho Beti Padhao.

**National Lok Adalats:** In national Lok Adalat held in the month of February 2016 regarding **Bank matters** Under Section 138 NI Act and recovery suits etc. 813 number of cases were disposed off and an amount of Rs 7.98 Crore was recovered in

Bank recovery suits. National Lok Adalat regarding **Civil & Revenue matters** was conducted in the month of March 2016 through out the State. In the said Lok Adalat 667 number of cases were disposed of and an amount of Rs 1.27 Crore was settled.

## **KERALA**

Quiz Competition on legal awareness for Higher Secondary School students was organized by Kerala SLSA on the book 'Lessons in Law' at School Level, Taluk Level, District Level and State Level. State level quiz competition was held on 23.1.2016. **Anti Human Trafficking Clubs** Commenced **Anti Human Trafficking Clubs**, a novel concept, where the students group from colleges would act as facilitators to the police in identifying human trafficking cases and rehabilitating victims, simultaneous with ensuring the accountability of prosecuting agencies. The state-wide launch of 'Anti Human Trafficking Clubs' in the joint aegis of Kerala State Legal Services Authority (KeLSA) and the Anti Human Trafficking (AHT) Wing of the Kerala State Police is organized scheduled on 06.02.2016 at 12 a.m. at the Banquet Hall of the High Court of Kerala. **Hon'ble Mr.Justice Ashok Bhushan**, The Chief Justice, High Court of Kerala and the Patron-in-Chief of KeLSA inaugurated the function. **Sri.Ramesh Chennithala**, Hon'ble Minister for Home presided **Hon'ble Mr.Justice Cyriac Joseph**, Acting Chairperson, National Human Rights Commission delivered the Key Note Address.**Hon'ble Mr.Justice Thottathil B.Radhakrishnan**, Judge, High Court of Kerala and Executive Chairman, Kerala State Legal Services Authority made the Introductory Remarks. **Hon'ble Mr.Justice S.P.Chaly**, Judge, High Court of Kerala delivered a Special Address. **Sri.T.P.Senkumar**, the Director General of Police also delivered a Special Address and **Sri.P.M.Nair**, Former Nodal Officer, Anti Human Trafficking, National Human Rights Commission outlined the concept of Anti Human Trafficking Clubs.

## Lok Adalats

### Cases settled in Lok Adalats from January, 2016 to March, 2016

No. of Lok Adalat	Cases Disposed			
	Pre-litigation	Referred Case	Total	Amounts settled
443	4783	3461	8244	28,94,57,619

### Cases settled in National Lok Adalats from January, 2016 to March, 2016

No. of National Lok Adalat	Cases Disposed			
	Pre-litigation	Referred Case	Total	Amounts settled
2	3711	985	4696	49,27,45,465

## JANUARY

1. DLSA, Malappuram on 16.1.2016 and 17.1.2016 conducted the legal awareness programme for women organised under the aegis of National Legal Services Authority in collaboration with National Commission for Women. The co-operation of Social Justice Department was also enlisted. There was overwhelming response from all stakeholders including school Counselors, service providers under the DV Act, Jagratha Samitis, officials of the District Child Protection Units etc. The programme was attended by 116 participants.
2. DLSA, Thiruvananthapuram on 24.1.2016 and 25.1.2016 conducted the legal awareness programme for women organised under the aegis of National Legal Services Authority in collaboration with National Commission for Women. The co-operation of Social Justice Department was also enlisted. There was overwhelming response from all

stakeholders including school Counselors, service providers under the DV Act, Jagratha Samitis, officials of the District Child Protection Units etc. The programme was attended by 154 participants.

3. DLSA, Kozhikode on 16.01.2016 in association with an NGO 'Thidhin Raj Foundation' had arranged an Arts Exhibition of inmates of Govt. Girls Home Kozhikode at Arts Gallery, Kozhikode. This exhibition helped to boost the level of confidence of the children.
4. DLSA, Kozhikode In another Tribal Colony Ponnankayam, death of one Santha was reported due to lack of treatment. The team visited that colony and arranged a medical camp on 22.1.2016 with the help of Senior Officers of Health Department. In order to attract the residents of the colony to the medical camp, cultural programmes were arranged and 100% of the population were drawn to the camp. Follow ups were arranged through local PHC.
- DLSA, Kozhikode on 21-01-2016 started a programme called 'Bala Raksha Yathra' in association with 'Childline, Kozhikode'. Under this project the team visited all the Municipalities in Kozhikode District with legal awareness programmes on various offences against Children. On 21-1-2016 the inauguration was from Ramanattuara Municipality. On 22-1-2016 the team visited Mukkam Municipality, on 25-1-16 Koduvally Municipality, on 28-1-2016 Feroke Municipality, on 29-01-2016 Payyoli Municipality, on 01-02-2016 Koyilandy Municipality and the programme ended on 4-2-2016 at Vatakara Municipality. Secretary was present in all these programmes. Various officials and public were the participants. That was another total literacy campaign on offences against women and children for which also we are rendering assistance to him through our PLVs.
5. TLSC, Peermade - legal awareness classes was held on 9.1.2016 and 28.1.2016.

6. TLSC, Peermade conducted legal awareness class for estate labourers of Pullikanam area on 24.1.2016 based on various laws.
7. TLSC, Devikulam conducted legal awareness classes at Adimaly and Vellathuval on 8.1.2016.
8. TLSC, Devikulam conducted legal awareness classes on 23.1.2016 at Munnar.
9. TLSC, Devikulam conducted Republic Day Celebration.
10. TLSC, Devikulam conducted legal aid clinic in Devikulam Sub Jail on 30.1.2016.
11. DLSA, Alappuzha provided legal aid to 13 persons. Out of which 12 women, 1 from general category.
12. DLSA, Alappuzha conducted the Anti Ragging programme in Government Nursing College, Alappuzha.
13. TLSC, Ranny conducted a legal awareness class on Kutty Mission on 27.1.2016.

## **FEBRUARY**

14. DLSA, Kozhikode - One of the PLVs reported on 23-02-2016 that one Balan who is a resident in Puloorampara - Ponnankayam Tribal Colony is wandering in the locality with his injured legs, without any treatment. Immediately on enquiry with the person it was understood that he sustained grievous burn injury in an acid attack by some unknown persons who took him to an unknown place while he was sleeping under the influence of alcohol, alleging that he used to steal areca nuts from the nearby estates, and poured acid on his legs. He was admitted in Mukkam Govt Hospital. He is now continuing treatment in Medical College Hospital, Kozhikode TLSC, Thiruvalla & Mallappally – special legal Awareness programmes for girl students of selected schools were conducted on 3.2.2016, 4.2.2016, 8.2.2016 respectively. This Committee provided legal aid to five people.

15. TLSC, Ranny – awareness class on ‘Kutty Mission’ was held by the TLSC, Ranny in association with the Bar Association, Kerala Excise Department and VKNMV H.S.S., Vayyattupuzha on 18.2.2016 .
16. TLSC, Ranny - awareness class on ‘Kutty Mission’ was held by the TLSC, Ranny on 25.2.2016.
17. TLSC, Thalassery conducted legal awareness class for Senior Citizens at Pattiyam on 5.2.2016.
18. TLSC, Kannur conducted a Radio Programme by Akashvani on 25.2.2016.
19. DLSA, Kannur conducted a programme on 24.2.2016 and 25.2.2016 on awareness about legal services.
20. DLSA Kannur arranged a Mobile Lok Adalat on 11.1.2016 associating Various Government Department Officials, in Aralam Farm, the Largest Tribal Re-Settlement Colony in Kerala State. In the Adalat various issues of the tribals pending with the Govt. Departments could be solved.
  - The Taluk Supply Officer with the assistance of Grama Panchayat directed to issue 112 ration cards to tribals. The Tahsildar, Iritty scheduled a camp on 5.5.2016 issue voters identity cards to tribals.
  - The issue of non availability of drinking water was solved by K.S.E.B. repairing motor pump set of Review Water Project and assured timely assistance in future.
  - Forest Department deputed more staff in the area for taking effective measures to drive away wild elephants.
  - With the intervention of DLSA a private bus resumed trips to the area.
  - Construction of rail fencing to prevent entry of wild animals was expedited.
  - A Monitoring Committee with various department officials was formed in the Lok Adalat to monitor the actions in the Tribal Colony. The said committee is holding regular meetings.

- District Legal Services Authority, Kannur decided to extend the same activities to other Tribal Areas in the District.
- 21. TLSC, Kannur a camp was conducted on 5.2.2016 and 44 voters identity cards were issued to the residents of Aralam.
- 22. TLSC, Thaliparamba conducted legal awareness programmes on 4.2.2016 and 18.2.2016.
- 23. TLSC, Kochi – 11 legal aid cases were received the office, out of which three cases of women, 8 cases of custody.
- 24. DLSA, Kottayam conducted a legal awareness programme for the Medical students of ANSS Homeo Medical College on 2.2.2016.
- 25. DLSA, Kottayam organized a blood donation camp on 3.2.2016.
- 26. DLSA, Kottayam organized a legal awareness programme on National Trust Act on 10.2.2016.
- 27. DLSA, Kottayam – Jail Welfare Day was observed in the District Jail Kottayam on 13.2.2016.
- 28. DLSA, Kottayam – legal awareness class and blood donation camp were conducted at K.G.College, Pampady on 17.2.2016.
- 29. DLSA, Kottayam – the Dread Project of DLSA “Love Kottayam”, the total literacy mission of the DLSA was launched on 27.2.2016 at K.P.S. Menon Auditorium by Hon’ble Judge of High Court of Kerala Mr.Justice Thottathil B.Radhakrishnan. Sri.Thiruvanchoor Radhakrishnan, Hon’ble Minister for Forest, Sports, Cinema and Transport, Hon’ble Mr.Justice C.K. Abdul Rehim, Judge, High Court of Kerala graced the occasion.
- 30. TLSC, Vaikom has conducted a legal literacy on the subject ‘Panchayat Raj’ for the newly elected members of Panchayats, Municipality and members of Vaikom Block on 12.2.2016 at Vaikom Satyagraha Memorial Hall. More than 120 members participated in the function.

31. TLSC, Vaikom has initiated measures to resume legal aid clinics in Panchayats.
32. TLSC, Vaikom conducted a meeting with Bar Association, Advocate Clerks Association, Presidents of Grama Panchayats and Municipal Chairman, Vaikom on 16.2.2016 as part of 'Love Kottayam' project.
33. TLSC, Adoor – legal aid clinics were conducted in all the 9 Panchayats and two Block Panahcayats.
34. TLSC, Vythiri conducted legal awareness class at Lakkidi on 23.2.2016.
35. TLSC, Vythiri conducted legal awareness class at Muttill Panchayat Hall on 29.3.2016.
36. TLSC, Vythiri conducted legal aid clinics in 6 different centres including Special Sub Jail, Vythiri.
37. TLSC, Sulthan Bathery conducted legal awareness classes on 7.2.2016, 13.2.2016, 25.2.2016 and conducted Police station clinics at different police stations.
38. TLCS, Mananthavady – two legal awareness programmes were conducted for women in Yavanarkulam, Pulinhal ST Colony on 5.2.2016, Tavinhal 44 of Tavinhal Grama Panchayat on 7.2.2016.
39. TLSC, Mananthavady conducted legal awareness programme on 23.2.2016 for Student Police Cadets.
40. TLSC, Mananthavady conducted legal awareness camps from 12.2.2016 to 18.2.2016 at selected places.
41. TLSC, Mannarkkad legal aid clinics inaugurated on 13.2.2016 at Sholayur and Puthur Grama Panchayats.
42. TLSC, Peermade legal awareness class was conducted for members of Jagratha Samithi, Peermade Panchayat on 5.2.2016.
43. TLSC, Peermade conducted legal awareness class in Vagamon on 14.2.2016.
44. TLSC, Peermade conducted Niyamapadaom legal awareness programme on 2.2.2016.

45. TLSC, Peermade conducted legal awareness class on 9.2.2016, in which 117 Anganwadi teachers participated.
46. TLSC, Peermade conducted classes on 11.2.2016 in SUVEM High School, Adimali.
47. TLSC, Peermade conducted Quiz competition on 11.2.2016, in which 56 persons were present.
48. TLSC, Peermade conducted legal awareness class in Devikulam Govt. H.S.S. on 18.2.2016.
49. TLSC, Peermade conducted legal awareness class in Munnar on 23.2.2016.
50. TLSC, Peermade conducted legal aid clinic at Special Sub Jail, Devikulam on 25.2.2016.

### **MARCH**

51. DLSA, Kozhikode on 4-3-2016 received information from PLV that one child who is resident of Odapoyil Tribal Colony was suffering from hernia with his tentacle is enlarged. No medical aid was made available to him either by the Tribal Promoter or anybody else. Immediate hospitalization of the child at IMCH, Kozhikode was arranged and surgery was done on him.
52. DLSA, Wayanad conducted general awareness classes on 2.3.2016, on 21.3.2016 at District Jail, Mananthavady and on 26.3.2016.
53. DLSA, Wayanad observed Women's Day at Kalpetta on 8.3.2016.
54. DLSA, Wayanad conducted legal awareness classes at Nadavayal on 10.3.2016.
55. TLSC, Vythiri conducted legal awareness class on 8.3.2016.
56. TLSC, Vythiri conducted general awareness class with medical camp in connection with 'World TB Day' at Puthumala.

57. TLSC, Sulthan Bathery conducted legal awareness class on 8.3.2016 on the occasion of 'Women's Day' dealing with Protection of Women from Domestic Violence.
58. DLSA, Thiruvananthapuram - awareness classes on plea bargaining was given to U.T.prisoners of different Jails in the district from 11.3.2016 to 29.3.2016.
59. TLSC, Changanacherry, observed Women's Day in association with People's Library, Kurichithanam on 5.3.2016. 80 persons attended the class.
60. DLSA, Kottayam - The District wise launch of "Anti Human Trafficking clubs" in the joint aegis of District Legal Services Authority, Kottayam and the Anti Human Trafficking Unit (AHTU) Kottayam District was conducted on 15.3.2016.
61. DLSA, Kottayam inaugurated the Legal Literacy Club on 21.3.2016.
62. DLSA, Kottayam – visit was conducted in Special Sub Jail, Ponkunnam on 29.3.2016. The grievances of the 73 inmates were heard. Arrangements were made to mitigate the water scarcity there.
63. DLSA, Kottayam conducted a visit to Sub Jail, Pala on 29.3.2016.
64. DLSA, Kottayam organized awareness programme for the Waste Management on 30.3.2016.
65. DLSA, Kottayam organized the training programme for the Master Trainers of the Love Kottayam Project on 30.3.2016.
66. DLSA, Kottayam conducted visit in District Jail, Kottayam on 31.3.2016.
67. DLSA, Kottayam organized Under Trial Jail Review Committee 31.3.2016.
68. TLSC, Kanjirappally - Taluk Level inauguration of the total literacy programme "Love Kottayam" was conducted on 16.3.2016.

69. TLSC, Vaikom - Three Legal Literacy classes as part of Women's Day, two Legal Aid Clinic was conducted. A Taluk monitoring committee was constituted on 22.3.2016 as part of 'Love Kottayam' Project. Legal Aid clinics in 4 Police stations were conducted.
70. DLSA, Thodupuzha observed World Women's Day on 8.3.2016.
71. TLSC, Peermade conducted legal awareness class on 18.3.2016 at Upputhara Grama Panchayat and Peruvanthanam Public Library on various laws on 23.3.2016.
72. TLSC, Devikulam conducted legal awareness class on 19.3.2016.
73. TLSC, Devikulam conducted legal aid clinic at Devikulam Special Sub Jail on 30.3.2016.
74. TLSC, Devikulam Special Sub Jail Welfare Day celebration conducted on 28.3.2016.
75. TLSC, Kochi conducted legal class at Wind Society, Kumbalangi on 1.3.2016. 600 persons attended the class.
76. TLSC, Kochi conducted legal class at CDS, Chellanam in connection with Women's Day Celebrations on 8.3.2016. 400 persons attended the class.
77. DLSA, Kannur introduced the Legal Services Mission Scheme inaugurated at Koothuparamba Municipality on 2.3.2016. Legal awareness class was conducted on 25.3.2016 in Vengad Grama Panchayat. Legal Service Mission Scheme was initiated in Chokli Grama Panchayat on 27.3.2016. The meeting of the Monitoring Committee was held on 16.3.2016.
78. TLSC, Thalassery conducted legal awareness class on 25.3.2016 on the topic Domestic Violence Act and Marriage Laws at Vengad.
79. TLSC, Kannur conducted legal awareness class on 1.3.2016 at Ursulin Senior Secondary School, Kannur.

80. TLSC, Thaliparamba conducted legal awareness programme on 30.3.2016 at Empet.
81. TLSC, Thaliparamba conducted on 17.3.2016 a legal awareness programme for Kudumbasree Unit at Payyannur Municipality.
82. TLSC, Thaliparamba conducted on 19.3.2016 a legal awareness class given to students of Vidya Mandir College.
83. TLSC, Thaliparamba conducted legal awareness class to the Air-Borne Academy, Payyannur on 21.3.2016.

## MADHYA PRADESH

### Settled Cases through Various Camps (January-March 2016)

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	1192	157821	16872	17361	59692
Micro Legal Literacy Camp	81	9119	1069	714	0
MNREGA Camp	26	2781	170	180	0

### Settled Cases through Mediation (January-March 2016)

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
Jan 2016	10885	6360	17245	2376	3592	5968	11277	39.81
Feb 2016	11277	6485	17762	2798	3616	6414	11348	43.62
March 2016	11348	6136	17484	2797	3520	6317	11167	44.28
Total-	10885	18981	29866	7971	10728	18699	11167	42.63

### Settled Cases Through LokAdalat (January-March 2016)

Type of LokAdalat	No. of LokAdalat Held on	Total Taken up cases	Total Disposed off cases	Total Benefitted persons	Total Settlement Amount
Monthly National LokAdalat	1	186020	18791	28187	543461353
Permanent & continuous	332	34654	7215	9467	141671581
Permanent LokAdalat for Public	58	947	56	68	-
MNREGA	18	41	41	41	0
Jail	8	21	18	18	0
Mobile LokAdalat	22	435	56	152	1600
Plea Bargaining	-	69	67	69	0
<b>Total-</b>	<b>439</b>	<b>222187</b>	<b>26244</b>	<b>38002</b>	<b>685134534</b>

Apart from the above mentioned activities, Madhya Pradesh SLSA has also organized a **Mega Legal Literacy Camp** on 30.01.16 at tribal village- Chichli, District- Narsinghpur focused on remote and tribal areas with a view to increase accessibility to justice and creates awareness about various government schemes for women, children and senior citizens. As many as 2118 persons were benefitted through different government schemes. One of the attractive features of above camp was that apart from dispensation of pending dues, medical checkup camps were also held in the same premises where doctors ranging from physicians, eye specialists, all rendered their services for a free health check up and facilitated issuance of disability certificates. In this camp we have provided information related to various schemes of NALSA, SLSA as well as various schemes which are running by Government of Madhya Pradesh.

#### **MAHARASHTRA**

**Legal Awareness Camps** : All the District Legal Services Authorities and Taluka Legal Services Committees organize Legal Literacy Camps in the month of January 2016 on the topics : -

- (1) ADR methods and its benefits
- (2) Government Schemes benefitted for the public at large
- (3) Chief Friendly Legal Services to Children (Juvenile Justice Act)

**Legal Literacy Classes in Jails:** In the month of January, 2016, as per Common Minimum Programme Calendar, the Maharashtra SLSA had organized various programmes in Jails on the following topics : -

- (1) Plea Bargaining
- (2) Rights of Prisoners and Undertrials
- (3) Bail Provisions

**National Lok Adalat in the month of February 2016:** As per directions of NALSA, the Maharashtra SLSA organized Lok Adalat on the subject of Banking matters u/s. 138 of N.I. Act, Recovery Suits.

In the said Lok Adalat, following pending and pre-litigation matters were settled.

Pre-litigation matters	-	8096
Regular matters	-	4429
<b>Total</b>	<b>-</b>	<b>12525</b>

**Organisation of Awareness Camps:** In the month of February 2016, various Legal Awareness Camps were organized on the following topics as per Common Minimum Programmes : -

- (a) Government Schemes beneficial to farmers and Acts relating to the Farmers.
- (b) Protection and enforcement of rights of Tribal people.
- (c) The Maharashtra Prevention and Eradication Human Sacrifice and other Inhuman, Evil and Aghori Practices and Black Magic Act, 2013

**International Women's Day:** On the occasion of "International Women Day" on 8<sup>th</sup> March 2016, the State Legal Services Authority has organized various Legal Awareness Camps throughout the State on the following topic to generate awareness amongst the women on their rights : -

- (a) Protection of women from Domestic Violence Act/Dowery Prohibition Act.
- (b) Sexual harassment of women at work place.
- (c) PC and PNDT Act.

**National Lok Adalat in the March 2016:** As per the directions given by the NALSA, the Maharashtra SLSA had organized Lok Adalat on the subject of Civil Revenue matters.

In the said Lok Adalat, following pending and pre-litigation matters were settled.

Pre-litigation matters	-	340
Regular matters	-	2675
TOTAL	-	3015

**State Level Conference on Mediation and District Legal Services Authorities' Meet** : 'State Level Conference on Mediation and District Legal Services Authorities' Meet was organized by the Maharashtra State Legal Services Authority on 20<sup>th</sup> March 2016 at Maharashtra Judicial Academy, Uttan.

Hon'ble Shri Justice V. M. Kanade, High Court of Bombay and Executive Chairman, MSLSA and Executive Chairman of Main Mediation Centre, High Court, Bombay had inaugurated the said Conference. Hon'ble Shri Justice Anoop V. Mohta, Chairman, Mediation Monitoring Sub-Committee, Nagpur, Hon'ble Shri Justice B. R. Gavai, Chairman, High Court Legal Services Sub-Committee, Nagpur, Hon'ble Shri Justice R. M. Borde, Chairman, Main Mediation Monitoring Sub-Committee, Aurangabad were present. About 400 delegates from all over the Maharashtra were present on the said occasion. In the Conference, first and second working session was chaired by Hon'ble Shri Justice V. M. Kanade, Executive Chairman of Maharashtra State Legal Services Authority and co-chaired by Hon'ble Shri Justice Anoop V. Mohta Hon'ble Shri Justice R. V. More, Hon'ble Shri Justice S. S. Shinde and Hon'ble Shri Justice N. M. Jamdar. The subject of the first session was "Mediation challenges and solutions".

Following subjects were taken for discussion in the second session :

- (1) The Problem faced by the District Legal Services Authorities in achieving the goals in Lok Adalat and its solutions.
- (2) Victim Compensation Scheme and role of Legal Services Authorities.
- (3) Role of Secretaries of District Legal Services Authorities in implementing Schemes of NALSA.

778 Lok Adalat were held during this quarter in which 17529 matters got settled. In the said period 1840. Legal Literacy Camps were held in the State.

## **MANIPUR**

A Meeting of the Chairman & Secretaries of DLSAs along with Advocates, Police, PLVs was held on 6.01.2016 to discuss the provision of legal aid / relief to the affected persons of Manipur Earthquake that occurred on 4<sup>th</sup> January, 2016.

**Training Programmes :** Manipur SLSA Conducted Training Programme for the PLVs of Legal Aid Clinics of Jiribam, Namkanlong, Bishnupur and Imphal East District on 05.01.2016, 07.01.2016, 31.01.2016 and 27.02.2016 respectively.

Manipur SLSA in association with Brain-Drain Exposia-IRE, Wangjing, Thoubal District, Manipur organised 7-Days Residential Painting Camp for school children along with **“Legal Awareness Programmes”** on the topics relating to **“Child Rights”** from 31<sup>st</sup> January to 7<sup>th</sup> February, 2016 at Ire Complex, Wangjing.

Manipur SLSA in association with Manipur Commission for Protection of Child Rights (MCPCR) organised a “One Day Awareness Programme” on “Protection of Children from Sexual Offences (POCSO) Act, 2012 & “Juvenile Justice (Care and Protection of Children) Act, 2016 on 1<sup>st</sup> February, 2016 at Senapati.

Manipur SLSA in association with Legal Aid Clinics at Manipur Central Jail, Sajiwa & Imphal organised a **“One Day Legal Awareness Programme”** at **Manipur Central Jail, Sajiwa** on 22.02.2016 to spread legal awareness and availability of free legal aid to jail inmates/UTPs through legal services institutions.

**“International Women’s Day”** was celebrated on 8.03.2016 at various parts of the State by Manipur State Legal Services Authority in association with DLSAs and various other institutions such as All Manipur Bar Association, Law Colleges, women’s organisations etc. International Women’s Day was also observed at the Legal Aid Clinic opened at Manipur Central Jail, Imphal wherein only the female inmates are lodged.

Manipur SLSA in association with All Manipur Bar Association organised a **“One Day Awareness – cum-Interaction Programme”** of Judicial Officers and Advocates on 14.03.2016 at the Conference Hall, Cheirap Court Complex. The Said programme was graced by Hon’ble Mr. Justice N. Kotiswar Singh, Executive Chairman, MASLSA along with Retired Judicial Officers & President, All Manipur Bar Association. A number of Judicial Officers and Advocates attended the programme.

**“World Consumer Right’s Day”** was observed on 15.03.2016 by Manipur in association with All Manipur Bar Association, The High Court Bar Association of Manipur & DLSAs at various places.

During this period Manipur State Legal Services Authority in association with DLSAs and NGOs have organised a total of **177 Legal Literacy/ Legal Awareness Programmes** in different parts of the State to spread awareness to the masses on various topics such as “availability of free legal aid through legal services institutions”, “Protection of Women From Domestic Violence Act”, POCSO Act, 2012, Juvenile Justice (Care and Protection of Children) Act, 2015, Mob Justice, Consumer’s Rights, Child Trafficking & Child labour, Right to Information

Act, Right to Education Act, Food security Act etc. as well as different welfare schemes of Government such as Food Security Act, MGNREGA, RSBY, JSY, Scheme for unorganised workers, etc.

Manipur SLSA organised **Live Phone-in- Programme at 2 Channels of AIR, Imphal** on 18.01.2016, 15.02.2016 & 21.03.2016 on the topics "Child Rights", "POCSO Act" & "Consumer Rights" respectively as a part of legal literacy programmes through T.V./ Radio.

During the period from January to March, 2016, Manipur SLSA provided free legal services (Panel Advocates) to 31 applicants. Category-wise representation of the persons provided legal aid:

Woman	UTP(in custody)	ST	Children	Total
12	11	6	2	<b>31</b>

Manipur SLSA organised National Lok Adalat in the month of February and March, 2016 as per the calendar issued by NALSA. Data for disposal of cases in National Lok Adalats during the period is as follows:

National Lok Adalat held on	Type of case	No. of cases settled	Amount settled
<b>13.02.2016</b>	Bank cases	323	Rs.30,908,673/-
<b>12.03.2016</b>	(i) Bank cases	67	Rs. 53,05,207/-
	(ii) Civil cases	15	Rs. 25,00,026/-
	(iii) Revenue cases	6	Rs. 1,00,000/-
	(iv) Cases under MV Act.	461	Rs. 77,440/-
	<b>Total</b>	<b>872</b>	<b>Rs.3,88,91,346/-</b>

## **MEGHALAYA**

### **JANUARY, 2016**

1. The Meghalaya SLSA had organized Legal Awareness Programmes on various legal topics at Laitryngew Village, Sohra, East Khasi Hills District on the 16-01-2016 by using the Mobile Lok Adalat cum Legal Services Van.
2. On 16-01-2016 the Meghalaya SLSA conducted a Mobile Lok Adalat by using the Mobile Legal Services Cum Lok Adalat Van for settlement of pending Electricity bills. A total No. of 69 cases were posted and of which 18 were settled.
3. The Meghalaya SLSA had organized a Legal Awareness Programme at Mawlynnong Village, East Khasi Hills District on the 20-01-2016.
4. Review Meeting of the Panel Lawyer's held in the office of District & Sessions Judge, Ri-Bhoi District, Nongpoh on the 29-01-2016.
5. Visit to District Jail, Jowai, West Jaintia Hills District was made by the District Legal Services Authority, West Jaintia Hills District, Jowai.
6. Visit to Psychiatric Homes/Hospitals at Jowai, West Jaintia Hills District was made by the District Legal Services Authority, West Jaintia Hills District, Jowai.
7. The District Legal Services Authority, West Garo Hills District had visited the Observation Homes at Tura, West Garo Hills District for at least 3 times in the month of January, 2016.

### **FEBRUARY, 2016**

1. Visit to the District Jail, Tura, West Garo Hills District on the 05-02-2016 was conducted by the DLSA, Tura.
2. National Lok Adalat for Bank Cases on the 13-02-2016. A total of 5038 of cases were taken up out of which 294 cases were settled and an amount of ' 1,62,37,942.80

paise (Rupees one crore sixty two lakh thirty seven thousand nine hundred forty two and eighty paise) only was settled.

3. Legal Literacy Programme was conducted at School level at Eden Academy Higher Secondary School at Umsning, on the 26-02-2016 by the District Legal Services Authority, Ri-Bhoi District.
4. Legal Awareness Programme was held at Umsohlang Village, Ri-Bhoi District on the 27-02-2016 by the District Legal Services Authority, Ri-Bhoi District.

### **MARCH, 2016**

1. Legal Awareness Programme was conducted through the use of the Mobile Legal Services Van at Mawpat, East Khasi Hills District on the 04-03-2016.
2. Legal Awareness Programme on the ill effects of alcohol was held at Mawlynthoh, Sohiong Village, East Khasi Hills District on the 05-03-2016.
3. Observation of "International Women's Day held at Resubelpara, North Garo Hills District, on the 08-03-2016
4. Legal Awareness Programme was conducted through the use of the Mobile Legal Services Van at Mawlai Mawiong, East Khasi Hills District, on the 11-03-2016.
5. National Lok Adalat for Civil and Revenue cases on the 12-03-2016. A total of 283 cases were taken up out of which 15 cases were settled and an amount of ₹ 7,41,812/- (Rupees seven lakh forty one thousand eight hundred and twelve) only was settled.
6. Meeting of the District Legal Services Authority, East Garo Hills District, Williamnagar was held on the 14-03-2016.
7. Meeting of the DLSA, East Khasi Hills District, Shillong was held on the 17-03-2016.

8. Legal Awareness Programme was conducted through the use of the Mobile Legal Services Van at Umphyrnai, East Khasi Hills District on the 18-03-2016
9. Legal Awareness Programme for People living with HIV was held at Ale lang Hall, Lachumiere, Shillong, East Khasi Hills District, on the 19-03-2016.
10. Legal Awareness Programme was held at Mawbsein Bhoirybong, Ri-Bhoi District, Nongpoh on the 26-03-2016.
11. Legal Awareness Programme on "Drug/substance Abuse" was held at St. John White Hall School, Dum Dum, Nongthymmai, Shillong, East Khasi Hills District on the 29-03-2016.
12. Visit to District Jail Jowai, West Jaintia Hills District, Jowai for the month of March, 2016 was conducted by the DLSA, West Jaintia Hills District, Jowai.
13. Visit to District Jail Jowai, West Jaintia Hills District for the month of March, 2016 was conducted by the District Legal Services Authority, East Jaintia Hills District, Khliehriat.
14. The District Legal Services Authority, West Garo Hills District made four (4) visits to District Jail Tura, West Garo Hills District in the month of March, 2016.
15. One Visit to Children's Home at Jowai, West Jaintia Hills District was made by the DLSA, West Jaintia Hills District, Jowai.
16. One Visit to Psychiatric Homes/Hospitals at Jowai, West Jaintia Hills District was made by the DLSA, West Jaintia Hills District, Jowai.

## **MIZORAM**

**LEGAL AWARENESS CAMPAIGNS:** The MSLSA and 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 such 90 programmes were held at different locations across the state.

The Special days i.e. Women's Day – 08.03.2016 was also observed successfully by all DLSAs.

The MSLSA organized One Billion Rising Day on 27.2.2016 at Millenium Centre, Aizawl.

Mizoram SLSA conducted legal awareness campaigns at Ruallung H/S and Mualpheng H/S on 20.1.2016; Mizoram Institute of Comprehensive Education, Venghlu on 22.1.2016; Khamrang UPS School on 28.1.2016; Lungleng North M/S on 4.2.2016; KM HSS, Aizawl on 5.2.2016; KTP, Damveng on 22.2.2016; Lalthanhawla Auditorium on 8.3.2016; YMA Sub-Hqrs Conference Hall, Lunglei on 9.3.2016; MHIP, Khasi Veng Kulikawn on 10.3.2016; BRC Hall, Kolasib on 11.3.2016; D.C Conference Hall, Serchhip on 11.3.2016; Mizoram English Medium Owners Association on 29.3.2016; MHIP Block Conference, Tualbung on 31.3.2016 .

Aizawl DLSA conducted Training of LAC on 29.1.2016; 12.2.2016 & 18.3.3016.

Champhai DLSA conducted legal awareness campaigns at District Jail on 24.2.2016; Zotlang, Champhai on 20.2.2016; Police Station, Champhai on 17.3.2016; Sub-Hqrs YMA Conf. Hall, Champhai on 23.3.2016; Khuangleng on 28.3.2016

Kolasib DLSA conducted legal awareness campaigns at Kawnpui, Thingdawl, on 11.1.2016; Diakkawn, Kolasib on 19.1.2016; Project Veng, Kolasib on 1.2.2016, Leaflet distribution also conducted at Kawnpui on 30.10.2015 and Vengthar, Kolasib on 8.2.2016, LTM UPS, Project Veng, Kolasib on 22.2.2016.

Lawngtlai DLSA conducted legal awareness campaigns at Kawlchaw W on 3.2.2016; DIET, Thingkah, on 9.2.2016; LADC Hall, Lawngtlai on 12.2.2016; IGM School, Sangau on 22.2.2016; CYLA Hall, Lawngtlai on 24.2.2016; Presbyterian Church, Chawngte on 18.3.2016; YMA Hall, Chawngte on 19.3.2016;

Presbyterian Church, Lungzarhtum on 24.3.2016 and Govt. Lawngtlai College on 28.3.2016.

Lunglei DLSA conducted legal awareness campaigns at Hlimna Run, Zohnuai on 23.1.2016; Holy Faith School, Lunglei on 9.2.2016; Tawipui N on 11.2.2016, UPC Zion Local, Venghlun, Lunglei; Lungsen and KNP Gosen unit on 5.2.2016; Community Hall, Hrangchalkawn on 4.3.2016; YMA Hall, Salem Veng on 6.3.2016; SP Conference Hall on 7.3.2016; Zobawk on 8.3.2016; IQAC, Govt. College on 10.3.2016; Christian Education Centre, Chanmari, Lunglei on 10.3.2016; PYD Electric Veng on 13.3.2016; DC Conference Hall on 14.3.2016; Local PYD, Luangmual on 20.3.2016; KTP, Rahsi Veng on 21.3.2016; 2<sup>nd</sup> Bn MAP, Luangmual on 26.3.2016; Setlangpui Group YMA Conf. on 29.3.2016 and District Jail, Lunglei on 31.3.2016.

Mamit DLSA conducted legal awareness campaigns at Darlak on 15.1.2016; West Phaileng, on 22.1.2016; Luangpawl, Mamit on 8.2.2016; Govt. MS and MHIP, Hmunsam Mamit on 11.2.2016; Pavalai, Hmunsam on 12.2.2016; Zawlnuam Vengpui on 17.2.2016; IKK Kohhran H/S Veng on 18.2.2016; Amosa Group, Hmunsam on 19.2.2016; Dapchhuah on 20.2.2016, Roman Catholic, Mamit on 21.2.2016; Dinthar, Mamit on 23.2.2016; KTP Field Veng on 25.2.2016; Diet Training Hall, Mamit on 3.3.2016; Hreichuk on 4.3.2016; International Womens' Day, Mamit on 8.3.2016; YMA Kumpuan, Venghlun on 10.3.2016; Saikhawthlir on 18.3.2016; Social Front, Dinthar on 19.3.2016; Hmunpui on 22.3.2016; Khawrihnim on 24.3.2016 and Reiek on 30.3.2016.

Saiha DLSA conducted legal awareness campaigns Community Hall, Thingsen on 4.1.2016; Community Hall, Sihatla on 7.1.2016; Court Room No.1 on 12.1.2016; DC conference room on 15.1.2016; Tokalo, on 16.1.2016; CCI (M) Biak In, Meisatla, on 6.3.2016, P/S Council Vaih on 12.3.2016; YMA Hall, New Colony on 28.3.2016.

Serchhip DLSA conducted legal awareness campaigns Hmar Veng, YMA Hall on 7.1.2016; Chhiahtlang Kawn on 10.2.2016;

I&PR Conference Hall, Serchhip on 17.2.2016; DC Conference Hall, Serchhip on 19.2.2016; DC Meeting Room, Serchhip on 22.2.2016; Hmunzawl on 2.3.2016; Hmuntha on 17.2.2016; and Zote South on 31.3.2016.

**TRAINING OF LAWYERS:** Aizawl, Lunglei and Saiha DLSA conducted Training of Lawyers.

**TRAINING OF PLVs:** Lunglei, Mamit and Saiha DLSA conducted Training of Para Legal Volunteers.

**JAIL VISITS:** The 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.

**MISCELLANEOUS:** Lok Adalats were regularly organized by the state and District Authorities. During the quarter, 525 cases were settled. 906 persons were given free legal services.

## **NAGALAND**

**January | 2016 | NSLSA :** Nagaland SLSA organized Orientation-cum-PLV Training Programme in association with all the DLSA venues in the respective Districts, with the introduction and launching of the Seven New Schemes(2015) of NALSA. Guidelines and procedures were conveyed, to be implemented accordingly based on the local context of each district. The Role of Panel Lawyers and Para Legal Volunteers were particularly laid stressed, focusing on the implementation of the New NALSA Schemes.

The Programme was conducted in four Districts during the month of January, 2016:

1. 15<sup>th</sup> January 2016 - Dimapur District Legal Services Authority.
2. 23<sup>rd</sup> January 2016 - Kohima District Legal Services Authority.
3. 28<sup>th</sup> January 2016 - Peren District Legal Services Authority.
4. 30<sup>th</sup> January 2016 - Zunheboto District Legal Services Authority.

**26<sup>th</sup> of January | 2016 | NSLSA** :Setting Up Legal Awareness Stall At The Ceremonial Venue Of Republic Day.In commemorating National Days, Nagaland State Legal Services Authority proposed to the District Legal Services Authority to set up Legal Awareness Stall in all the Districts in collaboration with the District Administration. The main activity was Free Distribution of Booklets/Pamphlets/Flyers on various Legislations and Provisions of Law. For which 11 Numbers of the same was issued to the Districts along with logistics support from the Nagaland State Legal Services Authority.

The three Awardees of the Nagaland State Legal Services Authority Essay Competition on Fundamental Rights and Duties of a Citizen, were awarded memento to each, presented by the Chief Guest of the Republic Day Celebration, wherein **State Best Master Manom K. Konyak of Mon** received his Certificate from Chief Guest, Advisor DUDA LMCP, Shri. Tongwang, **Second Prize Master Lotus Kikonof Wokha** received from Parliamentary

Secretary, Youth Resources & Sports, Music Task Force, Lotteries, Shri. Khriehu Liezietsu, **Third Prize Master Renso Augustine of Tuensang** received from Chief Guest, Minister Health and Family Welfare, Shri. P. Longon.

The following Districts set up Legal Awareness Stall in the main arena of the celebration ground:-

1. Wokha District Legal Services Authority.
2. Mon District Legal Services Authority.
3. Tuensang District Legal Services Authority.
4. Kohima District Legal Services Authority.
5. Dimapur District Legal Services Authority.

The district officials along with the Panel Lawyers/ PLVs took active part in disseminating legal knowledge/ NALSA activities to the public. Nagaland State Legal Services Authority provided the logistic support in the form of special funds/Legal Literacy Booklets/NSLSA Vehicle (Winger) for transportation.

**February | 2016 | NSLSA** :With the introduction and launching of the Seven New Schemes(2015) in four Districts of Nagaland, Nagaland SLSA continued and extended Orientation-cum-Training Programme for PLVs and Panel Lawyers, in association with all the DLSA venues in the respective Districts.

The Programme was conducted in eight Districts during the month of February,2016:

- 10<sup>th</sup> February 2016 - Tuensang District Legal Services Authority.
- 11<sup>th</sup> February 2016 - Phek & Kiphire District Legal Services Authority.
- 16<sup>th</sup> February 2016 - Mon District Legal Services Authority.
- 18<sup>th</sup> February 2016 - Wokha District Legal Services Authority.
- 23<sup>rd</sup> February 2016 - Mokokchung District Legal Services Authority.
- 24<sup>th</sup> February 2016 - Longleng District Legal Services Authority.

**20<sup>th</sup> February | 2016 | Zunheboto DLSA**:Zunheboto DLSA organized a Jail Lok Adalat cum Awareness Programme on “Rights of Prisoners” at District Jail Zunheboto on 20th February 2016.Resource Person Shri Tovi Z. Yeptho, Panel Lawyer ZDLSA delivered the lecture on the topic “Rights of Prisoners” and NSLSA booklets on the subject were distributed to the inmates. Further, 2 (two) nos. of criminal compoundable cases were disposed at the Jail Lok Adalat which was held in the premises of the District Jail.

**18<sup>th</sup> February | 2016 | Tuensang DLSA**: DLSA Tuensang organised a Legal Awareness Programme in association with the SBI Tuensang Branch on 18/02/16 at Phinjang Colony, Community Hall, Tuensang. This joint seminar was conducted to mainly sensitize the colony leaders and their representatives on financial banking and their responsibilities/liabilities as

bankers. Sensing the need to make the defaulters aware and come forward for Lok Adalats in the future, the members present were enlightened on the alternate dispute redressal system. It was a successful programme that ended with meaningful interaction and clarifications from the participants.

**8<sup>th</sup> February | 2016 | Longleng DLSA:** Longleng DLSA conducted a Legal Awareness Programme on the Topic Consumer Rights, RTI, Right to Education and Awareness and Importance of Lok Adalat at Auching Village. On 8<sup>th</sup> February, 2016.

**8<sup>th</sup> February | 2016 | Kohima DLSA:** Kohima District Legal Services Authority organized a Legal Awareness Programme- Inauguration of Legal Aid Clinic at Old ADC Office, Tseminyu, Kohima on 8<sup>th</sup> of February 2016. The Legal Aid Clinic was inaugurated by Mr. Y.M. Imchen, NJS, Chairman, DLSA and District & Session judge, Kohima. During his inaugural speech he thanked the District Administrator for providing a space in the administrative building to open up the Legal Aid Clinic for the needy and down trodden people. He also highlighted the importance of having a Legal Aid Clinic which is like a medical clinic where people go and receive help. He ensured the people of the area that such activities will continue and encouraged them to get the maximum benefit out of these Governmental programmes. The programme was chaired by Mr. Hisinlo Himb, Panel Lawyer who in his opening remark said that the people of Rengma area should make full use of the Legal Aid Clinic and come forward to clarify their doubts on any legal issue and make the best use of the facilities given to them at their door steps. In her welcome address, Mrs. Vikhweno M. Meratsu, Additional Deputy Commissioner (ADC) Tseminyu thanked the KDLSA for taking the effort of opening the Legal Aid Clinic. She mentioned that every citizen need to know the Laws and Regulations of the State because ignorance of laws brings a lot of chaos and disturbance in the society. Two resource persons namely Mr. Kelhriengulie, Retianei§ Lawyer and Miss.

Zheviholi Swu, Advocate HRLN, spoke on the topics Village Council Act and Child Rights respectively where they highlighted the different provisions of law. Interaction followed with members of the Dobashi, Goanburas and village council participating in the discussion.

**8<sup>th</sup> February | 2016 | Kohima DLSA:** Kohima District Legal Services Authority opened a Legal Aid Clinic at Chiephobozou, Kohima District at the Additional Deputy Commissioner's office premises. The programme was chaired by Retainer & Panel Lawyer, Kekhrienulie Thunuo, KDLSA who introduced the purpose of the programmed.

Deputy Commissioner of Kohima, Mr. Rovilato Mor, IAS, who is also the Ex-Officio Member of KDLSA, inaugurated the Legal Aid Clinic. He expressed appreciation to the KDLSA for its initiatives to open up an LAC at Chiephobozou subdivision which will help the villagers to a large extent. While addressing the gathering, he assured that the Legal Aid Clinic or literally interpreted in Angami dialect "Thezhohouba" will help the villagers in redressing their grievances. He said that now people living around the localities and neighboring villagers can get access to justice with the opening of this clinic. There are many provisions of laws, rules, orders which "exist to protect, regulate and control our lives in peace and in harmony" likewise, he stated, there are penalties for breach of these laws. He further advocated that we should perform our duties and enjoy our rights responsibly. Mor also urged the villagers to utilize the Legal Aid Clinic positively and avail free legal advice and services, while requesting the Village Council Member and village leaders and elders present to work together in unity with a sense of responsibility towards the welfare of their villages.

ADC Chiephobozou, Linda Solo, NCS while delivering the welcome note said that Legal Aid Clinic is very much needed in the sub division. She stated that the LAC will definitely help in making the villagers know about their rights and remedies meant for them. She mentioned that the burden of the villagers will be reduced with the LAC and

hopethat free and competent legal services will be provided through the clinic.

Meanwhile, Chief Judicial Magistrate & Secretary, KDLSA, Mezivolu T Therieh, NJS while givingher words of acknowledgement thanked the Deputy Commissioner, Kohima for his zealin always supporting the activities of the DLSA. She also lauded the ADC Chiephobozoufor providing all the logistics and making the inaugural programme a rand success. Shealso appealed them to continue to assist in the promotion of the LAC so that the areapeople are not denied their rights to get access to justice.

Zekuseto Natso, Panel Lawyer wile briefing the crowd on the importance of LegalAid Clinic stated that any eligible person can avail free legal services in the form of legaladvice, getting their application drafted, opening bank account etc. there are instanceswhere many people are unable to afford a lawyer to represent their case and so for suchcases, legal aid clinic can act as medium to connect the people in need of free legal aidsand services to redress their grievances through proper channel. He further stated thatthe clinic will assist in making them understand better the customary laws, in filing RTI,getting to know about the welfare schemes meant for them.

**21<sup>st</sup> March | 2016 | Kohima:** The Nagaland State Legal Services Authority in the service of the common man with the motto 'Access to Justice' inaugurated a legal aid clinic for effective implementation of free legal services at Kohima village by Justice Ajit Singh, the Chief Justice of Gauhati High Court, the High Court of Assam, Nagaland, Mizoram & Arunachal Pradesh and the patron-in-chief of the Nagaland State Legal Services Authority. In his inaugural address, the chief guest said that the legal aid clinic shall be a nerve centre not only for disseminating legal awareness among the poorest and weakest member of the village but it shall be an active machinery for taking justice to their doorstep.

He mentioned that Article 39A of the Constitution has mandated that the State shall ensure that the operation of the legal system promotes justice, on the basis of equal opportunity and shall in particular, provide legal aid, by suitable legislation or schemes in any other way to ensure opportunities for securing that justice is not denied to any citizen due to economic or other disabilities. He further stated that “the people need not be apprehensive that establishment of legal aid clinic in this part shall create any impediment in their customary way of dispensing justice. The customary laws and the institutions shall remain in their own place. The legal aid clinic and the efforts of the Legal Services Authority both at the district as well as the state level shall be only in addition to and not in derogation of the customary institution of the village”.

In the keynote address, Justice Nishitendu Chaudhury, executive chairman, Nagaland State Legal Services Authority & Judge Gauhati High Court expressed joy to receive such a warm welcome and to be part of legal services authority team in inaugurating the legal aid clinic in Kohima village. He clarified that the purpose of opening the legal aid clinic was not to interfere or derogate the practice of old and ancient custom or culture of the village but it is an additional benefits to the people of the village, whereby they would be able to avail benefits as in the rest of the country. He added that the legal aid clinic would be a boon to the villagers and also to the weak, poor and marginalized sectors. Parliamentary Secretary for Youth Resources & Sports, Music Task Force & State Lotteries, Khriehu Liezietsu said that the concern and presence of the Chief Justice was an indication to work with the local people and looking into the problems and grievances at the grass root level by providing basic and inexpensive justice was commendable.

He stated that the Legal AID Clinic has been set up to provide legal services to the poor, marginalized and weaker section of our society in rendering legal services of basic

natures like Legal Advice, Drafting Legal Documents and also for resolving the disputes of the local people by making the parties to see the reasons and thereby preventing the disputes reaching courts. Khriehu also talked about the difficulties one faces in the court case which is expensive, slow & time consuming and also a mental torture meanwhile he assures that with this Legal AID Clinic, the Local people will be educated and also their basic Legal needs will be provided.

### **COMMEMORATING INTERNATIONAL WOMEN'S DAY**

**08<sup>th</sup> March | 2016 | Nagaland:** District Legal Services Authority observed International Women's Day across State under the theme "Pledge for Parity" on 8<sup>th</sup> of march, 2016, in collaboration with various NGOs and Social & Women Organizations.

**Mon DLSA:** International Women's Day 2016 was celebrated in Mon Town under the theme "Pledge for Parity" on March 8. It was jointly organized by Mon District Legal Services Authority (MDLSA) and the Konyak Nyupuh Sheko Khong (KNSK), the apex women's organization of the Konyak.

Delivering the introductory speech on 'Evolution of International Women's Day and Pledge for Parity', Secretary, MDLSA, Mon, Phuleto Yeptho said over the years, the UN has promoted the participation of women as equal partners with men in achieving sustainable development, peace, security and full respect for human rights. He said in different regions, the focus of celebrations ranges from general respect, appreciation and love towards women for their achievements and contribution in the society. He led the pledge for parity of women with men.

Panel Advocate Limasenla spoke on the topic "Domestic Violence Act & Victim Compensation Act" while APP, Mon, Temsu Masen, spoke on "Women & Child Labour Act and Child Trafficking Act". The other resource persons, Panel Advocate Shenyou Walim and Panel Advocate Dominic Kaiba spoke on "Maintenance Act CrPC 125" and "Right to Education (RTE) for Girl Child" respectively.

**Phek DLSA:** Phek District Legal Services Authority and members of the Chakhesang Mothers' Association, Phek Area Mothers' Association and Emmanuel Hospital Association observed International Women's Day in Phek town on March 8. Chairman of the District Legal Services Authority, GH Ramlia addressed the gathering. She said that women should not be 'behind' the initiative for empowerment of women, but should be initiated by them for women, creating awareness to achieve the principle of women liberation. During the program, secretary of Phek District Legal Services Authority Somet C Chang spoke about the significance of International Women's day and women empowerment. Rukuvolu Vero highlighted various statues such as the Protection of Women from Domestic Violence Act 2005. District Coordinator for EMA Kevesa highlighted the social status of women in the society.

**Dimapur DLSA:** Dimapur District Legal Services Authority (DDLSA) observed the International Women's Day at Zutovi Village, Dhansiripar, Dimapur which was chaired by panel advocate, DDLSA, Livika V Sumi. Chairman DDLSA, Neikuo Kanuo who is also the district and session's judge, Dimapur, in his key note address expressed the importance of celebrating women's day. He also appealed to all the women to access their rights provided by law and also to avail the benefits of legal aid which is offered for every woman.

Panel advocates Zacharia M Tetseo, M Glory Sema and Esther K. Aye also spoke on various topic covering Child Rights, Lok Adalat, Women Rights, Right to Information and Motor Vehicle Act.

During the interaction queries were put up relating to adoption and how to avail free legal aid. Vote of thanks was delivered by chairman, Zutovi Village. The program was attended by STH Zutovi village and women from neighboring villages.

**Kohima DLSA:** Kohima District Legal Services Authority (KDLSA) in collaboration with the Mount Olive College, Kohima commemorated the International Women's Day at the College premise with Public Prosecutor & Ex-Officio Member, KDLSA, Imtiakum as the guest speaker.

Imtiakum, highlighted on the brief history of International Women's Day and emphasized on the theme, "Pledge for Parity" and how "we" should work together in unity to create gender equality. He challenged the women folks to stand up for their rights as the present society has changed tremendously. The program was chaired by panel lawyer (KDLA) Sunjib Rana, Chief Judicial Magistrate & Secretary KDLA, Mezivolu T Therieh NJS, welcome address was delivered by vice-principal, Mount Olive College Swede, Nyanbeni Lotha, student of Mount Olive College shared her personal thoughts on the topic "My expectations as a girl child", assistant professor, Mount Olive College, Kughatoli Aye delivered the vote of thanks.

**12<sup>th</sup> March | 2016 | Peren:** International Women's Week cum legal awareness programme was observed by Peren District Legal Services Authority (PDLA) in collaboration with the Jalukie Town Women Welfare Association at Jalukie Town in Peren district with the theme 'Pledge for Parity'. Deputy Commissioner of Peren, Peter Lichamo, in his keynote address spoke on gender equality and child psychology pointed out that Naga society is a patriarchal society, but 90 % of the household is managed by the women; Therefore, it is very important for the women to be educated about child psychology along with legal rights to shape the children's future, he added.

'Pledge for Parity – Women of the Past, the Present, the Future" was read out by Mr. Ajongba Imchen, Secretary, PDLA and Judicial Magistrate 1st Class, Peren, followed by lighting of candle by all the participants. He also highlighted the fundamental duties of every citizen and stated that it is one of the citizens' duties to exercise Right to Information for the betterment of the society and not to misuse RTI. In the 2nd session, Panel Lawyers of PDLA Asungbe, Italang Ramlia, Limasenla Longkumer and Esther K. Aye spoke on various topics like Child Rights, Maintenance under 125 CrPC, various welfare schemes for women and gender equality.

## **NEWS ON NATIONAL LOK ADALAT**

### **Statement of Disposal in National Lok Adalat (Feb, 2016)**

<b>FOR DISPOSAL IN NATIONAL LOK ADALAT HELD ON 13.02.2016</b> (for the cases relating to Banking matters, u/s 138, NI Act and Recovery suits etc.)				
<b>Name of the State Authority:</b>		<b>Nagaland State Legal Services Authority</b>		
<b>Sl. No.</b>	<b>District</b>	<b>Total Taken up Cases</b>	<b>Total Disposal</b>	<b>Total Settlement Amount (Rs.)</b>
1	Dimapur	24	23	20,56,692.00
2	Kiphire	Nil	Nil	Nil
3	Kohima	505	13	14,89,169.00
4	Longleng	40	28	21,29,258.00
5	Mokokchung	8	8	7,84,948.00
6	Mon	11	1	Nil
7	Peren	12	12	5,05,974.00
8	Phek	12	8	1,79,907.00
9	Tuensang	2	Nil	Nil
10	Wokha	17	5	2,24,350.00
11	Zunheboto	5	4	3,37,800.00
<b>Total:</b>		<b>636</b>	<b>102</b>	<b>77,08,098.00</b>

<b>FOR DISPOSAL IN NATIONAL LOK ADALAT HELD ON 13.02.2016</b> (for the cases relating to Banking matters, u/s 138, NI Act and Recovery suits etc.)							
<b>Name of the State Authority:</b>		<b>Nagaland State Legal Services Authority</b>					
<b>Sl. No</b>	<b>District</b>	<b>Pre- Litigation Cases</b>			<b>Pending Cases</b>		
		<b>Taken up</b>	<b>Disposal</b>	<b>Settlement Amt. (Rs.)</b>	<b>Taken up</b>	<b>Disposal</b>	<b>Settlement Amt. (Rs.)</b>
1	Dimapur	24	23	20,56,692.00			
2	Kiphire	Nil	Nil	Nil	Nil	Nil	Nil
3	Kohima	505	13	14,89,169.00			
4	Longleng	40	28	21,29,258.00			
5	Mokokchung	8	8	7,84,948.00			
6	Mon	11	1	Nil			
7	Peren	12	12	5,05,974.00			
8	Phek	Nil	Nil	Nil	12	8	1,79,907.00
9	Tuensang	2	0	0.00			
10	Wokha	17	5	2,24,350.00			
11	Zunheboto	5	4	3,37,800.00			
<b>Total :</b>		<b>624</b>	<b>94</b>	<b>75,28,191.00</b>	<b>12</b>	<b>8</b>	<b>1,79,907.00</b>

<b>Performance of Bank IN NATIONAL LOK ADALAT HELD ON 13.02.2016</b> (for the cases relating to Banking matters, u/s 138, NI Act and Recovery suits etc.)						
<b>Performance of Bank in respect of Pre-Litigative Case</b>				<b>Performance of Bank in respect of Pending Case</b>		
	<b>Name of the Bank</b>	<b>Total No. of Cases disposed</b>	<b>Total Settlement Amount</b>	<b>Name of the Bank</b>	<b>Total No. of Cases disposed</b>	<b>Total Settlement Amount</b>
1	Central Bank of India	6	5,99,000.00	State Bank of India	8	1,79,907.00
2	Bank of Baroda	3	3,70,000.00			
3	State Bank of India	72	52,49,770.00			
4	Vijaya Bank	3	3,80,000.00			
5	Nagaland State Co-operative Bank	7	7,16,421.00			
6	Punjab & Sindh Bank	1	Nil			
7	Allahabad Bank	2	1,43,000.00			
<b>Total:</b>		<b>94</b>	<b>74,58,191.00</b>	<b>Total:</b>	<b>8</b>	<b>1,79,907.00</b>

## Statement of Disposal in National Lok Adalat (Mar, 2016)

FOR DISPOSAL IN NATIONAL LOK ADALAT HELD ON 12.03.2016 (for the cases relating to Civil, Banking & Others)				
Name of the State Authority:		Nagaland State Legal Services Authority		
	District	Total Taken up Cases	Total Disposal	Total Settlement Amount (Rs.)
1	Dimapur	400	187	41,450.00
2	Kiphire	Nil	Nil	Nil
3	Kohima	224	224	26,400.00
4	Longleng	30	16	4,450.00
5	Mokokchung	2	2	1,00,000.00
6	Mon	10	Nil	Nil
7	Peren	7	7	700.00
8	Phek	10	Nil	Nil
9	Tuensang	1	1	25,600.00
10	Wokha	14	9	6,32,173.00
11	Zunheboto	9	2	400.00
<b>Total:</b>		<b>707</b>	<b>448</b>	<b>8,31,173.00</b>

FOR DISPOSAL IN NATIONAL LOK ADALAT HELD ON 12.03.2016 (for the cases relating to Civil & Revenue & Others.)								
Name of the State Authority:			Nagaland State Legal Services Authority					
Sl. No	District	Subject / Nature of the cases	Pre- Litigation Cases			Pending Cases		
			Taken up	Disposal	Settlement Amt. (Rs.)	Taken up	Disposal	Settlement Amt. (Rs.)
1	Dimapur	i). Civil Matter	Nil	Nil	Nil	Nil	Nil	Nil
		ii). Revenue Matter	Nil	Nil	Nil	Nil	Nil	Nil
		iii). Traffic Challan	400	187	41,450.00	Nil	Nil	Nil
2	Kiphire	i). Civil Matter	Nil	Nil	Nil	Nil	Nil	Nil
		ii). Revenue Matter	Nil	Nil	Nil	Nil	Nil	Nil
3	Kohima	i). Civil Matter	Nil	Nil	Nil	Nil	Nil	Nil
		ii). Revenue Matter	Nil	Nil	Nil	Nil	Nil	Nil
		iii). Traffic Challan	224	224	26,400.00	Nil	Nil	Nil
4	Longleng	i). Traffic Challan	30	16	4,450.00	nil	Nil	Nil
		ii). Revenue Matter	Nil	Nil	Nil	Nil	Nil	Nil
5	Mokokchung	i). Civil Matter	Nil	Nil	Nil	Nil	Nil	Nil
		ii). Banking	2	2	1,00,000.00	Nil	Nil	Nil
		ii). Revenue Matter	Nil	Nil	Nil	Nil	Nil	Nil
6	Mon	i). Civil Matter	Nil	Nil	Nil	Nil	Nil	Nil
		ii). Revenue Matter	Nil	Nil	Nil	Nil	Nil	Nil
		iii). Banking	10	Nil	Nil	Nil	Nil	Nil
7	Peren	i). Civil Matter	Nil	Nil	Nil	Nil	Nil	Nil
		ii). Revenue Matter	Nil	Nil	Nil	Nil	Nil	Nil
		iii). Traffic Challan	7	7	700.00	Nil	Nil	Nil
8	Phek	i). Banking	10	Nil	Nil	Nil	Nil	Nil
		ii). Civil Matter	Nil	Nil	Nil	Nil	Nil	Nil
		ii). Revenue Matter	Nil	Nil	Nil	Nil	Nil	Nil
9	Tuensang	i). Banking	1	1	25,600.00	Nil	Nil	Nil
		ii). Revenue Matter	Nil	Nil	Nil	Nil	Nil	Nil
10	Wokha	i). Banking	Nil	Nil	Nil	14	9	6,32,173.00
		ii). Revenue Matter	Nil	Nil	Nil	Nil	Nil	Nil
11	Zunheboto	i). Civil Matter	Nil	Nil	Nil	5	Nil	Nil
		ii). Criminal Compoundable	Nil	Nil	Nil	4	2	400.00
		iii). Revenue Matter	Nil	Nil	Nil	Nil	Nil	Nil
<b>Total :</b>			<b>684</b>	<b>437</b>	<b>1,98,600.00</b>	<b>23</b>	<b>11</b>	<b>6,32,573.00</b>

## PUNJAB

### a. Legal Aid Cases

Number of applications received during the quarter January, 2016 to March, 2016.	2917
Number of Applications disposed of.	1766

### b. Breakup of Beneficiaries:

SC	317
ST	0
Backward Classes	15
Women	861
Children	11
Custody	1582
General/others	671
<b>Total</b>	<b>3457</b>

### c. Legal Literacy Camps/Seminars;

Number of Seminars/Legal Literacy Camps held during the Quarter January, 2016 to March, 2016.	2429
Number of People who attended the Seminar	2,13,960

### d. Monthly Lok Adalats

Number of Monthly Lok Adalats held during the Quarter January, 2016 to March, 2016.	171
Number of Cases entertained	19762
Number of Cases disposed off	14453

### e. Permanent Lok Adalats for Public Utility Services.

Total Number of Cases disposed off in these Lok Adalats during the Period January, 2016 to March, 2016.	4131
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### f. Counselling and Conciliation Centres:

Number of <b>Pre-litigation cases</b> taken up in Counselling and Conciliation Centres during the period January, 2016 to March, 2016.	4
Number of <b>Pre-litigation cases</b> disposed of in Counselling and Conciliation Centres during the period January, 2016 to March, 2016.	2
Number of <b>Post-litigation cases</b> taken up in Counselling and Conciliation Centres during the period January, 2016 to March, 2016.	988
Number of <b>Post-litigation cases</b> taken up in Counselling and Conciliation Centres during the period January, 2016 to March, 2016.	217

**The Major Activities undertaken during the period January, 2016 to March, 2016.**

**National Lok Adalat**

National Lok Adalat were held on 13-02-2016 and 12-03-2016 throughout state of punjab.

**Establishment of Legal Services Clinic/Cell for people from North-eastern states**

Hon'ble Mr. Justice S.S.Saron, Judge Punjab and Haryana High Court-cum Executive Chairman, Punjab Legal Services Authority inaugurated two special Legal services Clinics for people from North Eastern States at Bhai Gurdas Institute of Engineering and Technology, Sangrur and Sant Longowal Institute of Engineering and Technology Longowal, Sangrur on 06th February, 2016.

**Mediation Programmes**

Punjab Legal Services Authority, organized a twenty hours' Capsule Course at Chandigarh judicial academy, from 08-01-2016 to 10-01-2016. This programme was organized as per directions of Mediation and Conciliation Project Committee, Supreme Court of India. This programme was held under the supervision of Hon'ble Mr. Justice S.S. Saron, Judge, Punjab and Haryana High Court-Cum Executive Chairman, Punjab Legal Services Authority. This programme was attended by Secretaries, District Legal Services Authorities, Faridkot, Pathankot, Moga, Patiala and Barnala Besides them, this training was also imparted to Advocates from districts of Rupnagar, Jalandhar, Fatehgarh Sahib and Moga. This training was imparted by Dr. Manmohan Sharma(DHJS), Ms. Anuja Saxena(Advocate Trainer of Delhi) and Advocate Trainers of Punjab, U.T. and High Court namely Ms. Seema Sharma, Ms. Manjit Kaur and Sh. Swarn Sandhir.

## RAJASTHAN

S.No.	Programmes / Activities	Description of Programmes/Activities
01.	Legal Aid	Free Legal Aid was provided to <b>1997</b> persons of different weaker sections of the society.
02.	Legal Literacy Camps	<b>2,637</b> Legal Literacy Camps were organized benefiting <b>3,97,069</b> persons.
03.	Regular Lok Adalat	<b>1334</b> Lok Adalats were organized at High Court, District and Taluka level. Total <b>60462</b> cases were taken up and <b>15221</b> cases were disposed of. Amount of Rs. <b>209170914/-</b> was awarded in <b>779</b> MACT cases.
04.	Special Lok Adalat on 25.01.2016	Special Lok Adalat was organized in all the Courts of the State from Taluka to High Court for pending and prelitigation cases mainly related to Pension matters. In this Lok Adalat <b>750</b> cases were disposed of.
05.	National Lok Adalat on 13-02-2016  National Lok Adalat on 12-03-2016	National Lok Adalat was organized in all the Courts of the State from Taluka to High Court for pending and prelitigation cases related to Banking, Recovery and NI Act Matters. In this National Lok Adalat, <b>17205</b> cases were disposed and claims of <b>Rs. 482208265/-</b> were settled.  National Lok Adalat was organized in all the Courts of the State from Taluka to High Court for pending and prelitigation cases related to civil and revenue matters. In this National Lok Adalat <b>34350</b> were disposed of and claims of <b>Rs. 74703820/-</b> were settled.
06.	Mediation Activities	<b>2639</b> cases were referred for mediation by Hon'ble High Court and subordinate courts, out of which <b>743</b> cases were settled through mediation.
07.	Legal Aid Clinics	<b>8138</b> application were received out of which <b>6730</b> applications were disposed of.
08.	Weekly Programme "Kanoon Ki Baat" on Doordarshan	Doordarshan is telecasting RLSA's weekly programme "Kanoon Ki Baat" on every Saturday from 06.00 pm to 06.30 pm which are prepared with the assistance of the experts from the panel provided by RLSA.
09.	Weekly Programme "Kanoon Ki Baat" on All India Radio and all 7 Community Radios.	RLSA is regularly holding a weekly programme "Kanoon Ki Baat" on every Sunday evening from 5.45 PM to 6.00 PM on All India Radio, which is being broadcast throughout Rajasthan. This Programme gives basic details of Legal issues and citizens welfare schemes through question and answer sessions.
10	Mega Legal Awareness and Public Welfare Camp Scheme	Central and State Government have framed various schemes for welfare of weaker and marginalized sections of society but for illiteracy and lack of awareness, the benefits of these schemes are not reaching to the eligible persons. In this scenario, Rajasthan State Legal Services Authority has launched

		<p>Rajasthan State Legal Services Authority has launched 'Mega Legal Awareness and Public Welfare Camp Scheme' with the object to spread legal awareness and at the same time assisting the weaker and marginalized sections of the society in getting the benefits of various welfare schemes meant for them.</p> <p>In this scheme, DLSA Chairman and District Collector select a village Panchayat or Panchyat Samiti and fix the venue and date of camp. Almost three months time is taken for preparation. All the concerned departments are instructed to ensure that no person entitled of getting benefit of social welfare schemes is left out. Panchayat Secretary, Patwari and local Para Legal Volunteer make survey of the concerned villages and identify the eligible and needy persons related to various Government Public Welfare Schemes. They procure applications from them and also assist them in fulfillment of required formalities. During the camp, besides spreading legal awareness, public at large is also made aware of the welfare schemes.</p> <p>Most of the benefits are given during the preparation of camp and rest of the benefits are given in the camp itself. If some persons are left out for want of the formalities, concerned Govt, officers ensure that the benefits are given in due course of time.</p> <p>From January to March, 2016,17 such Mega Camps have been organized benefiting more than <b>12 lacs</b> persons including <b>1857</b>beneficiaries of tricycle, Jaipur feet, Wheel chair, senior citizen pension to <b>3740</b> persons, houses to <b>38</b> Gadia Luhars (Homeless persons who live in carts).</p>
11.	Legal services and assistance to Senior Citizens	<p>Legal Awareness Teams of Rajasthan State Legal Services Authority visit Old Age Homes, Villages, Night Shelters etc. every month on regular basis and make the senior citizens aware of their rights. It provide legal assistance to such senior citizens who intend to initiate proceedings for maintenance against their kiths and kins. The teams make them aware and ensure that not a single senior citizen is deprived of his rights. From January to March, 2016, to <b>251</b> camps have been organized benefiting <b>12522</b> persons.</p>
12.	Legal services and assistance to	<p>The awareness teams of Rajasthan State Legal Services Authority reach to persons belonging to Scheduled</p>

	Scheduled Caste, Scheduled Tribes and Tribals	Caste, Scheduled Tribes and Tribals and make them aware of their legal rights and schemes for their welfare apart from providing legal aid & assistance. The teams also help them in getting benefits of Government Schemes. From January to March, 2016, total <b>216</b> camps have been organized benefiting <b>12653</b> persons.
13.	Legal services and assistance to Unorganized labour and victims of occupational disease in the mining areas	The awareness teams of Rajasthan State Legal Services Authority visit mining areas and nearby villages. The labours and their families residing in these areas are made aware of the welfare schemes for labours and victims of occupational diseases and assist them in getting compensation and treatment facilities from Rajasthan Environment Health Board. From January to March, 2016, total <b>218</b> camps have been organized benefiting <b>13481</b> persons.
14.	Legal services and assistance for Protection of Child Right	<p>Wide publicity of Child Welfare Schemes is made. Child Marriage restraint campaigns are carried out. The Secretary of District Legal Services Authority and Awareness Teams visit the Children Homes and efforts are made to take on the deficiencies through competent authorities.</p> <p>Stringent penal provisions are available to prevent sexual abuse of children under POCSO Act. With the object to provide legal assistance to victim children, and to ensure child friendly atmosphere in Court, Rajasthan State Legal Services Authority has issued necessary directions. Services of panel lawyers are also made available to child witnesses so that they may depose in court without any fear.</p> <p>District Legal Services Authorities also take effective steps to ensure compensation and rehabilitation under Rajasthan Victim Compensation Scheme to rescued child bonded labour. Criminal Cases are also instituted against erring persons. From January to March, 2016, total <b>427</b> camps have been organized benefiting <b>70031</b> persons. Compensation of Rs. <b>60000/-</b> has been given to <b>12</b> rescued child bonded labours.</p>
15.	Legal services and assistance to inmates and children in conflicts with law	On the days determined by District Legal Services Authority, Legal Awareness Teams visit Jails, Observation Homes and Special Homes to provide services of lawyers to unrepresented persons. All the inmates are provided required legal advice and assistance. During Jail visit efforts are also made to help out those inmates in getting bail who are eligible under Section 436A Cr.P.C.

		In all the Juvenile Justice Boards the services of panel lawyers are made available by Rajasthan State Legal Services Authority to provide Legal Advice and assistance to children in conflict with law. Through panel Advocates, steps are being taken to ensure child friendly judicial system for child victims and child witness. From January to March, 2016, total <b>191</b> camps have been organized benefiting <b>16253</b> persons.
16.	Legal services and assistance to mentally ill persons	Awareness programmes are organized by awareness teams of Rajasthan State Legal Services Authority to dispel the myths of evil eye and witchcraft and to ensure the rights and dignity of mentally ill persons. Awareness teams also take required steps for treatment and rehabilitation of mentally ill persons. From January to March, 2016, total <b>155</b> camps have been organized benefiting <b>9625</b> persons.
17.	Legal services and assistance to Sex Workers	Steps are taken to rescue girls forcefully roped in prostitution and to rehabilitate them. Criminal Cases are instituted against erring persons. Publicity of the rights of sex workers and schemes for their welfare is made. From January to March, 2016, total <b>143</b> camps have been organized benefiting <b>8393</b> persons.
18.	Programmes organized as per Action Plan 2015-16 during January to March, 2016	Special Legal Awareness & sensitization programmes by way of legal literacy camps were organized at District and Taluk Level i.e. to restrain Child Marriage, to stop female foeticide, women empowerment for uplifting the Status of women in Society, Protection of women from Domestic violence, against child and women trafficking, prohibition of use of tobacco, protection of Rights of Disabled persons, maintenance and welfare of parents and senior citizens, protection from child labour, protection of consumer rights, environment law, and to spread awareness about the laws and provisions of MNAREGA through micro legal literacy scheme. During the period, total <b>2637</b> such Legal Literacy Camps were organized.

## SIKKIM

**AWARENESS PROGRAMMES:**As part of Legal Literacy drive under the various Schemes of NALSA and observation of various important days as per the State Plan of Action, 54 Legal Awareness Programmes were held in the Districts and Talukas of Sikkim under the Micro Legal Literacy Scheme, Mahatma Gandhi National Rural Employment Guarantee Scheme including programmes on World Women's Day and

Consumers Day in all the districts by the Judicial Officers in their capacity as Chairpersons of DLSAs/TLSCs.

Various subjects on legal rights and benefits of weaker section of the society, women and children, rights of persons arrested, various provisions contained in the Constitution of India, Indian Penal Code, 1860, the Code of Criminal Procedure, 1973 Anti Ragging Drug abuse were deliberated.

**LEGAL AID STALLS AT MAGHEY MELA:** Legal aid stalls were set up during Maghey Mela from 14<sup>th</sup> to 16<sup>th</sup> January, 2016 in Singtam, East District and Jorethang, South District to disseminate information about free legal aid and services provided by Sikkim SLSA. Pamphlets containing various messages about services published by Sikkim SLSA were distributed to the public. For the South District, Panel Advocates Ms. Mukun D. Tamang and Ms. Prasuna Sharma and PLV Phul Maya Tamang along with the staff of Sikkim SLSA manned the legal aid stall at Jorethang. For the East District, the legal aid stall was manned by the staff of Sikkim SLSA at Singtam.

**REPUBLIC DAY CELEBRATION:** Sikkim SLSA celebrated 67<sup>th</sup> Republic Day in the office premises at Development Area, Gangtok on 26<sup>th</sup> January, 2016. The programme was attended by Member Secretary, Sikkim SLSA, officers and staff of Sikkim SLSA.

**AN OUTREACH PROGRAMME ON MEDIATION:** An Outreach Programme on Mediation was conducted by the District Legal Services Authority, Mangan, North Sikkim on 23.02.2016 at Mangshila Panchayat Ghar, Mangshila, North Sikkim. Trained Advocate Mediators Mr. Sonam Palden Bhutia and Mr. Umesh Gurung were the Resource Persons for the programme. The programme was attended by Shri Jagat Rai, District & Sessions Judge, and Chairman, District Legal Services Authority, North at Mangan, Shri Benoy Sharma, Civil Judge-cum-Judicial Magistrate and Secretary, District Legal Services Authority, North at Mangan, Panchayats, students of Mangshila Senior Secondary School and local people. The

participants were apprised about the disputes pertaining to matrimonial and family and how these disputes can be settled through mediation. They were also explained about the procedure, role of a mediator and the confidentiality of the settling process. The existence of an Alternative Dispute Centre at Mangan where mediation can be conducted was also appraised.

Apart from Mediation, the Resource Persons also spoke on POC SO Act, Domestic Violence Act and Welfare of Parents and Senior Citizens Act.

**OBSERVANCE OF INTERNATIONAL WOMEN'S DAY:** As per 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 8<sup>th</sup> March, 2016 and a week thereafter as Legal Services Week.

### **OTHER ACTIVITIES**

**a. LOK ADALATS:-**

During the quarter January to March, 2016 the following Lok Adalats at various forums were held:-

**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
02	03	01	04	01	NIL	03

**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
25	08	92	100	63	05	32

**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
06	04	49	53	28	NIL	25

**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
05	NIL	89	89	37	48	04

**TALUK LOK ADALAT (SOUTH) AT RAVANGLA**

No. of Lok Adalat held	Previous Pending	No. of Cases received	Total	No. of cases settled	No. of Cases returned	No. of Cases pending
11	02	29	31	21	05	05

**TALUK 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
15	01	30	31	31	NIL	NIL

**TALUK LOK ADALAT (WEST) AT SORENG**

No. of Lok Adalat held	Previous Pending	No. of Cases received	Total	No. of cases settled	No. of Cases returned	No. of Cases pending
02	NIL	25	25	25	NIL	NIL

**TALUK LOK ADALAT (NORTH) AT MANGAN**

No. of Lok Adalat held	Previous Pending	No. of Cases received	Total	No. of cases settled	No. of Cases returned	No. of Cases pending
02	NIL	17	17	17	NIL	NIL

**b. 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 period January to March, 2016 under section 12 of the Legal Services Authorities Act, 1987. The details are placed hereunder:-

MONTHS	S.C.	S.T.	WOMEN	CHILD	UNDER TRIAL/DETAINED BY CUSTODY	GENERAL	DISABLED	TOTAL
January-March, 2016	05	20	88	12	79	36	NIL	240

c. **CASES BEFORE THE MEDIATION CENTRES,  
EAST DISTRICT AT GANGTOK, SOUTH DISTRICT  
AT NAMCHI AND WEST DISTRICT AT  
GYALSHING.**

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 Sikkim SLSA Office, Development Area, Gangtok.	18	13	01	01	11
Mediation Centre (South) at District Court Complex, Namchi, South Sikkim	16	19	04	03	12
Mediation Centre (West) at Civil Court Complex, Gyalshing, West Sikkim	05	01	NIL	01	NIL

**TAMIL NADU**

On **20.01.2016**, at Rameswaram, Ramanathapuram District in Tamil Nadu, Hon'ble Executive Chairman of SLSA had inaugurated a Stall exclusively for Legal Aid to create awareness among the public at large about the services available with the State Legal Services Authority and District Legal Services Authorities in a Festival Mela. Large number of public and visited the stall and got benefited. Hon'ble Dr. Justice P. Devadass Judges of High Court Madras have interacted with the public and let them know about the various Acts. On that day Hon'ble Executive Chairman released a "**Hand book on Disabled Persons**" received by Hon'ble Dr. Justice P. Devadass Judges of High Court Madras

Further, Hon'ble the Chief Justice/Patron-in-Chief of Tamil Nadu State Legal Services Authority Flag hoist on Republic day on **26.01.2016** and Distributed prize for State winners in Essay Competition of Fundamental Duties. The Chennai District Level for Essay Competition

- 1) Tamil
- 2) English
- 3) Hindi
- 4) Telugu
- 5) Urdu

and Drawing Competition was distributed by Hon'ble Executive Chairman of this Authority, Chairman of High Court Court Legal Services Committee and Executive Chairman of Union Territory of Puducherry Legal Services Authority. On the same day a Photo exhibition show causing the various activities of Tamil Nadu State Legal Services Authority and salient features highlighting the schemes of NALSA was also arranged by TNSLSA at ADR Buildings on 26.01.2016 and the Hon'ble Chief Justice/Patron-in-Chief of TNSLSA, Hon'ble Executive Chairman of TNSLSA, Chairman of HCLSC, Hon'ble Executive Chairman of Union Territory of Puducherry Legal Services Authority and Hon'ble Judges of High Court, Madras and all general public visited and observed the photos Gallery.

The Hon'ble Chief Justice/Patron-in-Chief of TNSLSA released **"Hand Book on Child Rights" on 25.02.2016** containing Juvenile Justice (Care and Protection of Children Act 2015), Child Labour (Prohibition & Regulation) Act 1986 Rights of Child to free and Compulsory Education Act 2009 the book was received by Hon'ble Mr. Justice S.Nagamuthu, Judge High Court, Madras. Further Hon'ble Chief Justice released a **"Board on availability of Free Legal Aid for Children"** received by Hon'ble Justice Selvi R.Mala, Judge, High Court, Madras. Further Hon'ble the Chief Justice/Patron-in-Chief released **"Board containing guidelines to Police Officers on Do's and Don'ts relating to Children in Conflict Law"** received by Hon'ble Mr. Justice K.Ravichandrababu, Judge, High Court, Madras. Further Hon'ble the Chief Justice/Patron-in-Chief released **"Legal Awareness Poster showing duties of police officers on apprehension of the Children in conflict with Law (Flow Chart)"** received by Hon'ble Mr. Justice K.K.Sasidharan, Judge High Court, Madras. It is further stated that Hon'ble Chief Justice/Patron-in-Chief released **"Legal Awareness Poster about the orders that could be passed by the Juvenile Justice Board"** received by Hon'ble Dr. Justice P.Devadass, Judge, High Court, Madras. It is further stated Hon'ble Chief Justice/Patron-in-Chief released **"Legal awareness Poster on function of the JJB (Flow Chart)"** received by Hon'ble Mr. Justice

K.Kalayanasundaram, Judge, High Court, Madras. It is further stated that the Hon'ble the Chief Justice/Patron-in-Chief released of "**Legal Awareness poster on functions of the Child Care Institutions relating to children in need of care and protections Children in conflict with Law**" received by Hon'ble Mr. Justice S.Vaidyanathan, Judge High Court, Madras in the presence of Hon'ble Executive Chairman of Tamil Nadu State Legal Services Authority, Chennai.

The Hon'ble the Chief Justice/Patron-in-Chief of TNSLSA released a book "**Nalsa Scheme 2015**" on 23.03.2016 was received by Hon'ble Mr.Justice.R.Sudhakar, Judge High Court, Madras and also released book "**Basics in Law for students**" received by Hon'ble Mr. Justice P.R.Shivakumar, Judge, High Court, Madras.

• **Details of disposal on Monthly National Lok Adalat**

S.No.	Month	Number of Benches	Number of cases Taken	Number of Cases Settled	Amount Awarded Rs.
1	13.02.2016	306	1,27,199	17,226	152,29,28,491/-
2	12.03.2016	242	72,300	13,857	161,00,81,071/-

☞ **Details of Legal Literacy and Awareness Camp Conducted:-**

S.No.	Month	Number of Legal Literacy and Awareness Camp Conducted	Number application received
1	January 2016	310	1,354
2	February 2016	223	1,231
3	March 2016	348	1,587

**TELANGANA**

**1.Settlement of Land Acquisition OPs (PLCs) relating to acquisition of vast extent of land at Kistaram Village of Khammam District by Singareni Collieries:**

The Member Secretary of Telangana State Legal Services Authority and District Legal Services Authority, Khammam

took lead role in getting the land acquisition dispute of **Ac. 94-07 Gts. Of Kistaram village** settled at Pre-litigation stage by conducting frequent meetings with the farmers/claimants and officials of Singareni Collieries. The dispute is resolved amicably, in pre-litigation stage, cheques were distributed to the claimants on 30.01.2016 by the **Hon'ble Sri Justice Gopal Gowda, Judge, Supreme Court of India and Hon'ble Acting Chief Justice and Patron-in-Chief Sri Dilip B. Bhosale**. In all 88 claims were resolved benefiting 168 claimants awarding **compensation of Rs. 12,03,81,977/-** to the claimants.

In continuation of the same spirit the Telangana SLSA is also taking steps to resolve the land acquisition dispute of **Ac. 489.04 of Kommaipalli village** of Khammam district at pre-litigation stage in an amicable manner.

## **2. Opening of Stall i.e. Free Legal Aid and Advice Centre in 76<sup>th</sup> All India Industrial Exhibition :**

In pursuance of our spirited goal of "Access to Justice for all" the Telangana State Legal Services Authority established a stall i.e. **Free Legal Aid and Advice Centre** in 76<sup>th</sup> All India Industrial Exhibition on 08.01.2016 which was inaugurated by **Hon'ble Sri Justice R. Subhash Reddy, Judge, High Court of Judicature & Executive Chairman, Telangana State Legal Services Authority**. Every day one Judicial Officer, one Panel Lawyer, one Advocate/Mediator attended the said stall to render free legal advice to the needy people in an effective manner and was regularly monitored by the Telangana State Legal Services Authority.

The Telangana State Legal Services Authority took up the task of creating legal awareness to the visitors of the 76<sup>th</sup> All India Industrial Exhibition and got published publicity material on various laws, enactments and schemes in the form of pamphlets and brochures including 7 NALSA Schemes, 2015 which facilitated several people who visited the exhibition not only to get clarified their doubts on various legal aspects but also made them to know various laws.

Telangana State Legal Services Authority succeeded in achieving the objective of "Access to Justice for all" by establishing the said stall in the Industrial Exhibition as many visitors had availed legal advice and benefited. As per the status report **1015 visitors** were benefited by the efficient free legal advice given by the nominated Judicial Officers, Panel Lawyers and Mediators. The said stall functioned from 08.01.2016 to 15.06.2016.

Industrial Exhibition Society appreciated the services and manner of functioning of Telangana State Legal Services Authority and awarded "**Special Prize**" for best publicity of **TLSA** on 14.02.2016 in **76<sup>th</sup> All India Industrial Exhibition**.

**3. Creating awareness on Mediation by Audio Visual Means i.e. by exhibiting a short film :**

Telangana SLSA is in the forefront of **creating awareness on Mediation** which is one of the ADR Mechanism by **Audio Visual Means** and got produced a short film on Mediation titled as "**Maro Parishkaram**" for the benefit of the public at large and to encourage the mediation process, **this film is exhibited** every day in **76<sup>th</sup> All India Industrial Exhibition** to spread awareness on Mediation and about the advantages of Mediation and how to avail, which yielded tremendous response and a great deal of awareness is created in public at large.

**4. ACTIVITIES ON MEDIATION :**

**(i) Imparting of 40 hours Training on Mediation in coordination with MCPC :**To strengthen the institutional frame work of Mediation and for its effective implementation, 40 hours training programme on Mediation was conducted in coordination with MCPC for **15 Judges** and Advocate/ Mediators from **07.01.2016 to 11.01.2016** for the districts of **Warangal, Karimnagar and Khammam** (cluster wise). As on today Telangana State Legal Services Authority is having **Judge Mediators** also for settlement of cases through Mediation in an effective manner.

**(ii). Traing of Trainers (TOT) Programme on Mediation :**Three Advocate Mediators from Telangana State viz., 1. Sri K. Venkateshwarlu, 2. Sri Moosa Khasim, 3. Smt. M. Seetha Devi who had undergone 20 Hours Capsule course on Mediation in the month of December, 2015 are nominated for TOT Programme at New Delhi and they were imparted training as **Master Trainers** from 12<sup>th</sup> February to 14<sup>th</sup> February, 2016. As on date Telangana State Legal Services Authority is having its own Master Trainers to impart training on Mediation in the State of Telangana.

**(iii) Inauguration of Mediation Centres at Adilabad & Khammam:**Hon'ble Sri Justice Dilip B. Bhosale, Acting Chief Justice and Patron-in-Chief, Telangana State Legal Services Authority has inaugurated Mediation Centre Building at Adilabad and Khammam on 23.01.2016 & 30.01.2016 respectively with an endeavour to see that most of the cases are resolved by mediation.

**(iv) No. Of cases**

**settled through Mediation from January to March, 2016:**

Total No. of cases Referred :           **1803**

Total No. of cases settled :               **254**

**5. Conducting of National Lok Adalat in the month of February & March, 2016 in respect of particular category of cases :**

As per NALSA Calendar and as per the directions of NALSA, National Lok Adalat in respect of particular category of cases viz., Bank Matters, Section 138 NI Act, Recovery Suits etc. are being conducted on every second Saturdays in the month of February and March, 2016 and disposal of cases are quite progressive resulting in strengthening of ADR Mechanism. In the month of February and March, 2016, **20369** cases are settled and **Rs. 528050388/-** awarded as compensation.

**6. Choosing of New NALSA Schemes, 2015 as Focussed Area for the year 2016 by Telangana State Legal Services Authority:**

Telangana State Legal Services Authority has chosen the following NALSA Schemes as **Focused Area for the year 2016**

- 1. NALSA (Legal Services to the Workers in Unorganized Sector) Scheme, 2015**
- 2. NALSA (Effective Implementation of Poverty Alleviation) Scheme 2015**
- 3. NALSA (Legal Services to the Victims of Drug Abuse and Eradication of Drug Menace) Scheme, 2015.**

Telangana SLSA issued a circular dt: 22.01.2016 to all DLSAs directing to choose the above NALSA Schemes as the focused Area and to conduct Awareness Camps on the above NALSA schemes and to send the implementation reports on or before 8<sup>th</sup> of every succeeding month. Accordingly several Legal Awareness Programmes are conducted by respective DLSAs and implementation of above NALSA schemes is progressive.

**7. Legal Awareness Programmes to the victims of trafficking by Prajwala (NGO) in coordination with TSLSA :**

**Prajwala** (NGO) in coordination with Telangana SLSA organized Human Trafficking Carawan and conducted legal awareness programmes to the **victims of trafficking** in coordination with the legal services functionaries in all the districts in Telangana State commencing from 9<sup>th</sup> January, 2016 for enlightening the victims of trafficking about the rehabilitation measures for their reintegration into the society and it proved to be very successful.

**8. Effective implementation of NALSA (Victims of Trafficking and Commercial Sexual Exploitation) Scheme, 2015 by DLSAs in Telangana State :**

For providing rehabilitation to HIV afflicted women in Medak district, the DLSA, Medak in coordination with Non-Governmental Organization i.e. HIV Positive Network have focused on HIV Positive people and negotiated with DRDA

for providing self-employment to HIV affected women which ended fruitfully and DRDA provided 20 milk yielding cows and buffaloes to self help group women afflicted with HIV and also 2 Acres of Government Land is also allotted for maintenance of cow shed and there by necessary rehabilitation measures are taken for the benefit of HIV affected women for their reintegration into the society and NALSA (Victims of Trafficking and Commercial Sexual Exploitation) Scheme, 2015 is implemented in its true spirit.

Further Solar LED Lamp assemble units worth more than 30 lakhs was established in Medak district with the financial support of DRDA and the said unit is operating from the 1<sup>st</sup> week of March, 2016 wherein persons afflicted with HIV would be trained and absorbed as employees by which they can earn Rs. 5000/- per month. As such NALSA (Victims of Trafficking and Commercial Sexual Exploitation) Scheme, 2015 is effectively implemented by making the HIV affected women self-employed and to reintegrate into the society.

Several Legal Literacy Camps were also conducted by the DLSAs on the above NALSA Scheme by enlightening on the rights of the victims of trafficking and about their rehabilitation measures.

**9. Effective Implementation of NALSA (Child Friendly Services to Children and their protection) Scheme, 2015 by DLSAs in Telangana State:**

DLSA, Medak having found that many children in rural areas in Medak district are not having bus facilities to go to the schools particularly 10<sup>th</sup> class students and on that DLSA, Medak suomoto taken initiative and addressed letters to DEO, met the District Collector and appraised the situation and with the help of various stakeholders got arranged free conveyance facility to 5000 (Five thousand) 10<sup>th</sup> class students from rural areas to reach their examination centres in time and thereby successfully implemented the above NALSA Scheme. So also DLSA, Warangal took initiative and got provided special

services of TSRTC Bus to **orphan girl students** to reach the school in time.

**10. Effective Implementation of NALSA (Mental III and Mentally Disabled Persons) Scheme, 2015 by DLSAs in Telangana State:**

DLSA, Warangal on receiving information that a mentally challenged woman was lying in Warangal Bus Stand in naked condition rescued her on 24.03.2016 and immediately got admitted her in hospital for immediate medical treatment. Consequently that lady recovered from insanity and there by the above NALSA scheme is implemented in its true spirit.

**11. Focus on Woman Prisoner with locomotor disability during jail visit :**

DLSA, Warangal during jail visit noticed that one convicted woman prisoner is suffering with locomotor disability i.e. having only one leg and unable to attend her ordinary pursuits and then DLSA, Warangal responded immediately and with the help of a charitable trust provided artificial leg to enable her to attend her ordinary pursuits without any difficulty.

**12. Observation of Women's Day:**

International Women's Day was observed on 8<sup>th</sup> March, 2016 throughout the State of Telangana. On that occasion, **50** Legal Literacy Camps were conducted in the State of Telangana and about **9550** persons participated in the campaign.

**13. Training programme to Special Juvenile Police Unit in the light of provisions of Juvenile Justice (Care & Protection of Children) Act, 2000 :**

As per the directions of the Hon'ble Supreme Court of India and as per the guidelines of NALSA, Telangana State Legal Services Authority has included the training programme to Special Juvenile Police Units in the State Plan of Action 2015-16 and Calendar Activities and accordingly DLSA, Mahabubnagar and Karimnagar conducted training programme to the Members of Special Juvenile Police Units, JJBs, CWCs and Panel Lawyers on 27.02.2016.

#### **14. Constitution of Pension Lok Adalat Bench:**

When it is brought to the notice of the Telangana State Legal Services Authority that several pensioners in Telangana State are facing lot of hardship for redressal of their pension disputes or grievances, then TSLSA has taken immediate steps for constitution of Pension Lok Adalat Bench by taking necessary permission from the Hon'ble Executive Chairman of TSLSA and accordingly Pension Lok Adalat Bench was constituted on 08.02.2016 for the benefit of pensioners.

#### **15. Legal Aid Beneficiaries from January to March, 2016 :**

**336 persons** were provided legal aid during the period from January to March, 2016.

#### **16. Legal Awareness Programmes / Camps from January to March, 2016 :**

**413 Legal** Literacy camps were conducted during the relevant period.

### **UTTARAKHAND**

#### **Lok Adalat:**

1. During these months, **55 Monthly/National Lok Adalats** have been organized and in these Lok Adalats total **7,102 Cases** were disposed off, a sum of ' **8,38,90,573/-** were awarded as compensation to the litigants, a sum of ' **37,82,655/-** was realized as fine and total **7,100 Persons** were benefitted.
2. In this span of time, **02 Mobile Lok Adalats** were also conducted by the Uttarakhand SLSA in coordination with DLSA, Bageshwar and Tehri Garhwal. **In these Mobile Lok Adalats 205 Cases were referred and 100 Cases were settled amicably**, a sum of **24,050/-** was realized as fine and **129 persons** were benefitted.
3. Total **03 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 Prisoner/Jail Inmates were benefitted.

4. During the month from January to March, 2016 total no. of 222 cases were referred to Mediation Centres out of which **73 Cases** were settled in the **Mediation & ADR Centres** established right from High Court to Outlying Courts of the State.
5. Besides this, **160 Cases** were resolved/settled through **Women/Child Helpline** as per needs & requirements of said cases/complaints.

#### **Legal Aid & Advice:**

In the months of January, February and March, 2016, a total number of **228 persons** were benefited by **providing Panel Lawyers** free of cost to defend their cases right from High Court to Tehsil Courts of the State. Out of which 86 Under Trial Prisoners were benefitted through legal aid. **35 persons** were benefitted by giving legal advice and total **12 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:**

##### **Campaign Under Focused Areas:**

1. Highlighting the issue of **'Missing Women and Children'** total **16** Legal Awareness Camps were organized in the month of January, February and March, 2016. Approx **2285** people including Women, Students, Children and Senior Citizens were informed that the aim of such campaigns is to rescue missing children and reunite them with their near and dear ones. Attendants were also informed about the effective coordination among various departments like police, women and child development.
2. During these months **28** Legal Literacy Camps were organizing, highlighting the issues of **'Drug Menace'** and total **3,582** people were sensitized about the ill effects of drug abuse. The said camps were organized in Schools/ Colleges, Village/Gram Panchayats & at 'Nasha Mukti kendra'. By these camps gatherings were sensitized that massive numbers of addicts are left by the families as

financial costs and HIV is a significant issue for drug addicts. They were also informed about the ill effects of Tobacco and NALSA (*Legal Services to the Victims of Drug Abuse and Eradication of Drug Menace*) Scheme, 2015.

3. A total number of **750** people including disabled persons were sensitized on legal rights to mentally ill and retarded persons in these months by organizing **04** Legal Literacy Camps on the issue of **Mentally Ill & Retarded Persons**. These awareness programmes were conducted at Villages & School/Colleges of rural and urban areas, Nagar Palika Campus. Gatherings were informed that children with moderate retardation show significant delays in development during their pre-school years by which may be identified.
4. In order to protect Child Rights in the State and to sensitize common masses emphasizing '**Protection of Child Rights**' a total **16** Legal Awareness Camps were organized. The campaigns were focused to amplify the voice of children and their rights and on specific issue, influencing child-friendly policies, rehabilitation efforts in disaster/natural calamities, create awareness on the situation of children & POCSO Act etc. Total **1,848** people have attended these camps.
5. For sensitizing the **Under Trial Prisoners** about their legal rights **19** Legal Literacy Camps were organized during these months in District/Sub-Jails. The Under Trial Prisoners were also informed about the provisions of constitution of Under Trial Review Committee constituted U/S 236A Cr.P.C. Total **4,434 under trial prisoners** were sensitized in these Legal Literacy Camps.

**Observation of Occasions:**

1. In order to observe '**National Cleanliness Day**' on 30<sup>th</sup> January, 2016, **16** Legal Literacy Camps were organized throughout the State. These camps were organized with an objective to raise awareness on the importance of clean house as well as surroundings. Further informed that as per

directions of the Hon'ble Executive Chairman, UKSLSA, Nainital total **09 Sensitization Camps** were organized on **Cleanliness** during this period. By these camps a total number of **3,179 persons** of the State were sensitized.

2. On 20.02.2016 on the occasion of "**World Day of Social Justice**" total **09** Legal Sensitization Camps were organized. By which gatherings were informed that social justice is an underlying principle for peaceful and prosperous coexistence within and among villages/districts/states/countries. Also informed that social Justice may be advanced when we remove barriers that people face because of gender, age, race, ethnicity, religion, culture or disability. **02 Seminars** were also conducted on the said occasion. The discussion in the seminar were highlighted that this is a day recognizing the need to promote efforts to tackle issues such as poverty, excluding and unemployment. Total **1,113** persons have attended the said occasions.
3. On 8<sup>th</sup> March, 2016 on the occasion of '**International Women's Day**' total **10** Legal Awareness Camps were organized. The occasions were attended by approx **1,476** who were sensitized in poor parts of the state, women still risk death in the process of giving life. Often, female babies are subjected to genital mutilation and girls are attacked on their way to school. Widows are shunned and impoverished. Attendants were also informed that we can only address these problems by empowering women as agents of change.
4. Observing '**World Water Day**' on 22<sup>nd</sup> March, 2016, on the occasion of Water Day, a total number of **18** awareness camps were organized highlighting water relating issues aiming to inspire people and organizations to take action in order to make a positive difference in the lives of others. The aim of these campaigns was also to access to safe drinking water for all. The occasion was centred on to increase access to clean drinking water and promotes people's right to live a healthy, productive, and dignified live and kids miss less school because they are not sick or

spending their time for collecting water from far away water sources. **02 Seminars** were also conducted during this occasion. These camps were organized at villages, schools, colleges, court campuses and tehsil areas of the State. Total **1,612 people** were present in these programmes.

**Miscellaneous Campaigns:**

1. During this period **02 Mega/Multi Purpose Legal Literacy-cum-Medical Camps** were organized during this period. The said camps were organized highlighting issues, acts, rules and provisions benefiting the common masses in day to day life. Gathering were also sensitized about the Central & State Govt., Village Development Schemes. Certificates relating to Widow Pension, Old Age Pension, copy of Family Register & Handicapped Pension Certificates and BPL Cards were provided to the needy people. Medical check-up were also conducted to the needy and medicines were provided to the attendants as per their requirements. The said camps were attended by 912 persons from different strata of society. Different Department of State Govt., District Administration, elected representatives were also present on the occasion.
2. **07 Legal Awareness Camps-cum-stalls** were organized in the regional **Mela/Fairs/Kumbh Mela** held within the State of Uttarakhand. The said camps were 2 to 4 days long. The stall was visited by approx 7,075 persons of the locality including college students and shares the legal problems which were addressed by the legal services institution officials. Visitors were provided legal informative booklets as per their requirements.
3. During the month of October, November and December, 2015, a total number of **53 General Legal Sensitization Camps** were organized and approx **8,993 people** including women, children, students, senior citizens, Protection/Observation Homes Inmates were sensitized on the issues, rules, acts and provisions of POCSO Act, Uttarakhand Victims Compensation Scheme-2013, Free Legal Services provided by Legal Services Institutions, Compulsory

Education, Lok Adalat, RTI, RTE, Mental Health, Child Labour, Bonded Labour, Anti-Ragging, PWDV Act, FIR, Techniques of self defense of women/girls from sexual harassment, fundamental duties, Traffic Rules, PC&PNDT Act etc. These camps were organized at School/Colleges, Villages areas, Court campuses, Town areas etc.

**Camps on Special issues:**

1. During these months total **11** Legal Awareness Camps were organized for the **Labourers/Workers of Unorganized Sectors**. The programme was attended by **1,461** workers/labourers, common mass, Govt. Officials & others. The labourers were informed about their Legal Rights and also on the Legal Services available to the labourers/workers as per the NALSA's (*Legal Services to the workers in unorganized sector*) Scheme, 2015.
2. Highlighting on the issues of **legal rights to Women & Children** total **20** legal awareness camps were organized. By these campaigns attended people were sensitized on Women Empowerment, Gender Equality, POCSO Act, PC&PNDT Act, Women's Rights, functioning of PLVs, Dowry Act, Child Rights, Right to Compulsory Education etc. A total number of **2,411 women/girls/children** were present in these camps.
3. Highlighting *NALSA (Effective Implementation of Poverty Alleviation Schemes) Scheme, 2015* a total number of **11 Legal Awareness Camps** were held throughout the State. By these camps total **1,350** persons from different strata of society were informed in length on the aforesaid Scheme, 2015 of NALSA.
4. In order to make aware the inmates of Children/Protection/Observation Homes total **12 Legal Awareness Camps** were conducted and total **327 inmates** were sensitized about moral education, legal rights, JJB Act and free legal services provided by the legal services institutions of the State.
5. Highlighting the issues of *Human Trafficking & POCSO Act* total **20 Special Camps** were organized throughout the

State of Uttarakhand. The said camps were attended approx 2,129 people who were sensitized on the Provisions and Acts relating to aforesaid issues.

6. **02 Special Workshops** were also conducted during this period. One workshop was conducted for **Government & Private Doctors** in which doctors were asked to resolve problem-based medical cases and were informed that they cannot deny giving medical help to victims and cannot sell Acid in open market. Other seminar was conducted on **Women Rights and Environment Protection**. During this workshop gathering were informed on women empowerment and importance of clean environment in human life. Total 200 people were present during these workshops.
7. In order to sensitize SC/ST community about their legal rights/obligations, a **Special Legal Awareness Camp** was held in March, 2016. The said occasion was attended by approx 50 persons of SC/ST Community who were informed about Scholarship Schemes, Concessional Loans assessable to SC/ST Community people, Prevention of Atrocities Act to prevent atrocities against SC/STs.
8. **One Camps** was organized by the DLSA-Pithoragarh in coordination with **NSS Cadets**. By this camp NSS Cadets were sensitized about Lok Adalat, Awareness Campaigns and Free Legal Services as provide by the Legal Services Authorities of the State.

#### **Campaign through Mobile Van:**

During this period Mobile Van visited the districts Bageshwar and Tehri Garhwal. The aim of the visit to sensitize the residents/common mass of remote areas/villages of the State on Free Legal Services/ Programmes/ Schemes runs by the Legal Services Institutions of the State. A total number of **31 villages** were covered by the Mobile Van and approx 2,423 persons/villagers were apprised about the aforesaid by displaying documentary films.

**02 Mobile Lok Adalats** were also conducted during the period in which 205 cases were referred out of which **100 Cases were settled** amicably and 129 persons were benefited.

**Visits/Inspection/Meetings/Trainings:**

1. To enhance the working skills and for ensuring accountability of panel lawyers towards the works assigned to them, Uttarakhand SLSA, Nainital have conducted *Training Programmes for Advocates*. Total **268 Panel Lawyers** were imparted training by Member Secretary and 02 Master Trainers.
2. During this period **19 Visits** were conducted to **District/ Sub-Jails & Judicial Lock-ups** of the State by the Secretaries/ Panel Advocates of the Concerned DLSAs. The aim of the visits to secure legal rights of under trial prisoners and detenues confined in the Jails of the State.
2. In these Months of January to March 2016, **08 visits** were conducted to Village Legal Care & Support Centres established in State. During the visit arrangement of such Centres, register of legal aid work/activities were inspected and PLVs were asked to present in such centres as per directions.
3. Total **26 Meetings** were organized with **Para Legal Volunteers** during these months, which the work done by the PLVs was evaluated and were sensitize/mentor on different Rules & Provisions with reference to discharging of their duties.

**WEST BENGAL**

**1. First Tea Garden Lok Adalat for the people of North Bengal - Darjeeling**

The district of Darjeeling with all its might and grace, had been nature's treasure trove for West Bengal. But the magnificence of this northern part of our State had been presenting quite a dismal picture in the recent past owing to the complications of the tea garden labourers who are facing a harrowing experience with the tea garden administration over

various legal issues. There are, by and large several tea gardens extending through vast stretches in the hills. Often their plight had been talked about, printed in several newspapers and many unfortunate consequences involving them had come to light. A public interest litigation had also been filed before the Hon'ble High Court regarding the deaths of two labourers in the tea gardens. Taking note of this unhealthy situation, the Hon'ble Chief Justice, High Court, Calcutta, and the Patron-in-Chief, State Legal Services Authority, Dr. Manjula Chellur and the Hon'ble Zonal Judge, Darjeeling, Hon'ble Mr. Justice Joymalya Bagchi had been keen to address the issue and while inaugurating the National Lok Adalat, at Darjeeling on 12.12.2015 as well as while attending a programme to flag off a project under which a panchayat area was "adopted" for providing legal aid through a Lok Adalat, along with Hon'ble Justice Indira Banerjee, Executive chairperson of the State legal Services Authority, West Bengal organised at Dagapur Tea Estate at the outskirts of Siliguri conducted by a law school IILS in collaboration with the State Legal Services Authority on 13.12.2015, Their Lordships talked about introducing a system of weekly Lok Adalat only for the tea garden labourers to address their various problems and legal issues to be manned by a retired Judge or even sitting judicial officers, so that an honest endeavour may be made to settle the disputes as fast as possible, thus according them the required relief.

The people of Darjeeling welcomed this move and the Darjeeling Legal Services Authority under the Chairmanship of the District Judge and the Sub- Divisional/Taluk Legal Services Committee headed by its Chairman, Mr. Ajoy Das with the active assistance of the State Legal Services Authority and also with the assistance of one Mr. Amit Sarkar, President, Darjeeling District Legal Aid Forum who was the petitioner of the PIL, organised a Lok Adalat at Gungarampur Tea Estate owned by the Duncans Goenka Group on 17.01.2016, the first of its kind, to honour the desire of the Lordships and to base all sincere efforts for settlement of more and more cases relating

to payment of dues and other legal matters by way of this method of alternative dispute resolution mechanism. The Lok Adalat consisted of a three-member Bench of Sri Pradip Kumar Biswas, Retired Judge of Calcutta High Court, and Sri Kanchan Bhadra, a senior lawyer of Siliguri along with Sri Amit Sarkar. The Member Secretary State Legal Services Authority, Sri Abhijit Som was present at the said event. The Lok Adalat Bench heard petitions of 25 workers and gave the management three months to address irregularities regarding their provident fund dues, gratuity and pension. The garden with around 1,700 permanent workers has provident fund dues amounting to around Rs 2.16 crore, along with gratuity dues of around Rs 75 lakh. Although the estate is open, wages and rations have been irregular since February last year. What came to the fore was that the non-payment was because of technical lapses like mismatched signatures, lack of proper documents, like death certificates, authorisation letters and bank account details. About 25 petitioners were given on-spot decrees as documental proof that their petitions have been heard and that these would be used for future references when more such Adalats shall be organised in the tea garden.

The first Lok Adalat flagged off with a great deal of enthusiasm which paved the way for the next Lok Adalat, this time at Panighata Tea Estate, within the sub-division of Kurseong in the district of Darjeeling. Among the 194 applications submitted by the workers, about 50 cases relating to ration cards, pension, 100 days work, provident fund and gratuity had been resolved in the said Lok Adalat held on 20.03.16 under the initiative of Sub-Divisional Legal Services Committee, Kurseong.

## **2. Legal Awareness programmes in collaboration with National Commission for Women, New Delhi under the aegis of NALSA**

The National Commission for Women, New Delhi in collaboration with NALSA had proposed to organize Legal Awareness Programmes for Women in every State focussing

on the districts where the crime rate against women is high on pilot basis. Under such proposal which was widely accepted by NALSA, eight districts of West Bengal had been identified for holding such programmes namely, 24 Parganas South, 24 Parganas North, Kolkata, Murshidabad, Nadia, Hooghly, Jalpaiguri and Uttar Dinajpur. The programmes were accordingly arranged in the districts. The district Hooghly organized its programme in the Destitute Girls Home with the nomenclature 'Unmesh'. The Hon'ble Chairperson-in-charge Hon'ble Justice Indira Banerjee, Judge Calcutta High Court had inaugurated the said programme under the NCW project. The District Judge, Hooghly, Smt. Jayasree Banerjee, the Secretary, DLSA Hooghly, Sri Sounak Mukherjee and other judicial officers had attended the said programme. The Hon'ble Chairperson spoke about the understanding of the general laws and encouraged the inmates of the Home. Amidst generating legal awareness, events like song, dance, essay writing, magic show, and recitation had also been organised to encourage the inmates and make their understanding about the laws easier. Apart from the Hooghly District, other districts like North 24 Parganas, Uttar Dinajpur, Kolkata, Nadia and Jalpaiguri also arranged for such programmes on a widespread measure spreading awareness among the mass about women rights and remedies.

### **3. The Review Meet / Workshop – 'A Leap Forward'**

On 30<sup>th</sup> January, 2016, a Workshop, more of a review meeting, was held with the Full Time Secretaries of all District Legal Services Authorities of West Bengal, Chaired by the Hon'ble Dr. Justice Manjula Chellur, the Chief Justice, High Court, Calcutta and Patron-in-Chief, State Legal Services Authority, West Bengal, Hon'ble Justice Indira Banerjee, Executive Chairperson (In-Charge), State Legal Services Authority, West Bengal and Chairperson, Calcutta High Court Legal Services Committee, and the Honourable Committee Members of the Mediation Committee and the Juvenile Justice Committee, High Court being Hon'ble Justice Soumitra Pal, Chairperson, Mediation Committee, High Court, Calcutta,

Hon'ble Justice Nadira Patherya, Chairperson, Juvenile Justice Committee, High Court, Calcutta, Hon'ble Justice Harish Tandon, Member, Juvenile Justice Committee and Hon'ble Justice Soumen Sen, Member, Mediation Committee and Juvenile Justice Committee of Calcutta High Court.

The working session was held in three phases by the Chairperson of the State Legal Services Authority, West Bengal on implementation of the seven newly launched Schemes of NALSA, the Chairperson, Mediation Committee on ADR Mechanism to spread awareness on Mediation and the Chairperson, Juvenile Justice Committee on status of Governmental Homes including Homes run by the N.G.Os. The seven new schemes formulated by NALSA which broods over every aspect of social and legal rights and responsibilities in the vital sectors of trafficking, juveniles, children related issues, mental health victims, tribal rights, were discussed and all the District Secretaries were asked to generate a great deal of awareness about the schemes so that people may know of their rights and seek assistance before the Legal service Authorities in the State as well as in the Districts for necessary intervention. The Hon'ble Executive Chairman also mentioned the importance of monitoring the functions under the schemes.

#### **4. Legal Literacy / Awareness Stall at the 40<sup>th</sup> International Kolkata Book Fair, 2016**

The State Legal Services Authority West Bengal had set up a Legal Literacy cum Awareness stall in the Kolkata Book Fair held at the Milan Mela Grounds in Kolkata from 27<sup>th</sup> January to 7<sup>th</sup> February, 2016. The Book Fair is the world's largest non-trade book fair unique in the sense of not being a trade fair. It presents the world's third largest annual conglomeration of books after the Frankfurt Book Fair and the London Book Fair. Many Kolkatans consider the book fair an inherent part of Kolkata, The theme of the 2016 Book Fair was Bolivia. The SLSA stall was marked with distribution of free leaflets and pamphlets, free law books and also free legal advice given by the Lawyers, Retired District Judges to anyone

who visited the stall. About 625 persons had visited the stall out of whom 78 persons had different queries which were handled properly by our Panel lawyers and the Retired District judges giving necessary legal advice and information. The rest became aware of the services of our Authority and two books containing the necessary laws and provisions were distributed to each of them.

#### **5. Mediation Training Programme at Siliguri, Darjeeling**

In an endeavour to encourage and inspire mediation within the State, the Mediation Committee, Calcutta High Court and State Legal Services Authority West Bengal had arranged for a training of mediators for the six Districts of North Bengal namely Darjeeling, Jalpaiguri, Cooch Behar, Uttar Dinajpur, Dakshin Dinajpur and Malda from 19/02/2016 to 23/02/2016.

The training programme was held in the Conference Hall at State Guest House (Circuit House), Siliguri in the District of Darjeeling. The training was for a duration of 40 hours in accordance with the schedule fixed by the Mediation and Conciliation Project Committee, Supreme Court of India for the said purpose. A total number of 30 Advocates from six districts mentioned above were chosen to undergo the Mediation Training Programme.

The training was conducted by the Master trainers Ms. Shobha Patil & Ms. Sudha S.N. chosen by the MCPC, Supreme Court. The inaugural session was presided over by the Chairman of Sub-divisional Legal Services Committee namely Sri Ajay Das and Deputy Secretary, West Bengal State Legal Services Authority namely Dr. Moumita Bhattacharya and Shri Arindam Datta, Secretary District Legal Services Authority, Darjeeling, who conducted the session.

The trainee Advocates actively participated in the training session and were extremely responsive during the entire session. They were overwhelmed by the simple behaviour, friendly attitude, erudite lectures and practical approach of the Master trainers who were fair enough to clear all the doubts raised by them during the training session. The

trainee Advocates were satisfied with the training session and all of them were of the unanimous opinion that they had learnt something new about the process of Mediation and they are going to apply the same in the future. The training ended with the distribution of certificates by the Secretary of the Mediation Committee, High Court, Calcutta, Smt. Rai Chatopadhyay.

#### **6. Celebration of International Women's Day**

International Women's Day is celebrated on the 8<sup>th</sup> of March every year. This day marks the achievement of women and their development in the society. In the year 2016, this day had been celebrated upon the theme '**Pledge for Parity**', to take steps for eradicating gender bias, to help women and girls achieve their ambitions, call for gender-balanced leadership, respect and value difference, develop more inclusive and flexible cultures or root out workplace bias. With these principles in focus, the DLSA of different districts of West Bengal celebrated womanhood by holding Legal awareness camps, organising workshops, seminars, etc. to uphold the spirit of the International Women's Day. Some districts organised programmes in Shelter Homes or other Girls Homes, some in schools, colleges involving the students, some in correctional homes involving all inmates (male and female), some arranged seminars, workshops and others also arranged for cultural shows, sports activities, etc. One of the districts Dakshin Dinajpur aired a T.V. programme in a local channel for Women Rights to keep alive the spirit of International Women's Day.

#### **7. Lawyer's Training Programme under the NALSA module**

State Legal Services Authority, West Bengal conducted the Lawyers Training Programme under the NALSA module in the next four phases. The 2<sup>nd</sup> phase of training took place on 16.01.2016 and 17.01.2016 at the Conference Hall of SLSA. The Advocates of Calcutta High Court, the districts of Kolkata, South 24 Parganas, North 24 Parganas and Howrah participated in the said training. The third phase was held on

27.02.2016 and 28.02.2016 also at the Conference hall of SLSA with the Advocates of North and South 24 Parganas, Hooghly, Paschim Midnapore, Nadia and Kolkata. The third phase was held on 05.03.2016 at the ADR Centre Jalpaiguri comprising the Advocates of Districts Darjeeling and Jalpaiguri while the 5<sup>th</sup> phase of training took place at the ADR Centre of Paschim Midnapore comprising the Advocates of Bankura and Paschim Midnapore.

### **8. Legal Aid Camps, Literacy Stalls, other activities**

Throughout the first quarter, all the districts of West Bengal organized and conducted various activities in their districts. The seven newly launched schemes were worked upon and considerable awareness had been created regarding the schemes. The DLSAs had been trying to maintain liaison with all the related Government departments to maintain success of the scheme. Programmes are aired in All India Radio and also in the television to generate necessary awareness about the benefits of the scheme. Apart from this, regular visits had been conducted in various Homes of the district, including Correctional Homes, Observation Homes, etc.

### **Legal aid camps had been organized in all districts.**

<b>Number of Legal Literacy cum Legal Awareness Camps organised &amp; No. of Beneficiaries</b>			
	January, 2016	February, 2016	March, 2016
No. of camps	205	178	147
No. of Beneficiaries	23122	19186	22489

### **1. Lok Adalat**

The National Lok Adalats have been held in the state of West Bengal during the first quarter of the year. The statistics may be presented below :-

<b>Disposal cases of through Lok Adalats including National Lok Adalat (u/s. 19 of the Legal Services Authorities Act, 1987</b>			
	January, 2016	February, 2016	March, 2016
Total No. of cases disposed of	3162	7655	129958

## **CHANDIGARH**

### **I. Performance of Lok Adalats and Mediation Center:-**

1. Two National Lok Adalats **13.02.2016 and 12.03.2016** were organized in the premises of District Courts Complex, Sector 43, Chandigarh. On **13.02.2016** total number of **766 cases** were settled and amount of **Rs.2,74,47,055/-** was settled and on **12.03.2016** total number of **168 cases** were settled and amount of **Rs. 7,95,69,326/-** was settled.
2. During the quarter ending March 2016, Permanent & Continuous Lok Adalat Settled **14 cases** at pre-litigative stage and **05 referred cases** were settled in the District Courts.
3. Permanent Lok Adalat for Public Utility Services disposed of **1029 cases** and an amount of **Rs. 49,45,258.71/-** was awarded as compensation.
4. Mediation and Conciliation Center functional in the District Courts Complex, Sector 43, Chandigarh, during the quarter settled **92 cases**.
5. Three Daily Lok Adalats established in the premises of Hon'ble High Court of Punjab and Haryana, Chandigarh are functioning on all working days. These Lok Adalats have settled **234 cases** and an amount of **Rs. 3,32,45,540/-** has been settled as compensation in Motor Accident Claim Cases.

### **II. 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. 09.01.2016: Talk on Censorship in India by Sh. Jagtar Kureel, Advocate.
2. 16.01.2016: Talk on Legal Services by Sh. Gautam Bharadwaj, Advocate.
3. 20.01.2016: Talk on Article 356 of Constitution of India by Sh. Baljit Singh Saini, Advocate.
4. 27.02.2016: Talk on Sedition by Ms. Manjit Kaur Sandhu, Advocate.

**2. Legal Literacy Camps in Schools of Chandigarh:**

Total **09** 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 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, Sexual harassment at work places, Mediation, Lok Adalats, Drug Abuse, Improvement of Literacy and Life Skills and Empowerment of Children and Women of the disadvantaged sections of society. Para legal Volunteers, Panel Lawyers and Law students interning with Authority were speakers in these camps.

**3. Street Plays:**

State Legal Services Authority in collaboration with Chandigarh Sangeet Natak Academy, Chandigarh presented three shows of Nukkad Nataks, "Jab Jago Tabhi Sawera " in Indira colony, Manimajra on 19.01.2016, Burail on 23.01.2016 and Kaimbala on 31.01.2016. The Authority has video graphed the plays and Nukkad Nataks on various socio legal issues which are played in the Mobile Van of the Authority during the visit to the various villages/Colonies/Schools in awareness programmes conducted by the Authority.

**4. Opening of Village Legal Care and Support Center**

A new Village Care and support centre was inaugurated in Govt. Sr. Secondary school village Kaimbala, Chandigarh on 31.01.2016. Two Para Legal Volunteers have been deputed.

## **5. Celebration of Voters Day**

As per the directions of the National Legal Services Authority, the State Authority observed International Voter's Day in association with Students Legal Literacy Club of D.A.V. Senior Secondary School, Sector 8, Chandigarh. The gathering was addressed on 25.01.2016 by Mr. Rajeshwar Singh, Law Officer, Govt. Model senior Secondary school, Manimajra Town on 28.01.2016 by Mr. Jagtar Kureel, Advocate, Shri Guru Gobind Singh Senior Secondary School, Sector 35 Chandigarh, on 25.01.2016 by Ms. Alka Sharma, Government Model Senior Secondary School, Sector 8, Chandigarh on 25.01.2016 by Ms. MANjit Kaur, Government Model Senior Secondary School, Sector 38(W), Chandigarh on 25.01.2016 by Mr. Rakesh Dahiya, Government Model Senior Secondary School, Sector 19, Chandigarh on 25.01.2016 by Ms. Anupam, Govt. Model Senior Secondary School, Sector 16, Chandigarh on 25.01.2016 by Ms. Bindu Arora, Sri Guru Harkrishan Model school, Sector-38-D, Chandigarh on 25.01.2016 by Mrs. Rajni Mahajan, Govt. Girls Senior Secondary School, Sector 20, Chandigarh on 25.01.2016 by Mrs. Ramnik Kaur, Mrs. Rupinder Kaur and Mrs. Gurmeet Kaur. They told them about the significance of right to franchise Voters Day and its importance.

### **III. Activities of Projects in collaboration with N.G.Os**

#### **A. Kaimbala Project: (Hamari Kaksha)**

The project 'Sakshar Balak-Balika and Saksham Maa' being run in collaboration with N.G.O 'Hamari Kaksha' in Government Senior Secondary School, Kaimbwala. The teaching of Legal literary Skills to the working women has also been taken up among the residents of village. The legal literacy club of the school and the PLVs working in the Legal Service Centre have integrated their activities with the project. Following major activities have been undertaken in this quarter:

1. A Poster making competition was held on 10.02.2016 at Govt. Senior Secondary School, Kaimbwala on the topic

of "Save Water and Save Electricity" under the project "Sakshar Balak Balika and Saksham Maa".

2. On 31.03.2016 'Hamari Kaksha' an NGO, State Legal Services Authority, U.T., Chandigarh and Govt. Sr. Sec. School, Kaimbwala, Chandigarh organized 'Parent Awareness Mela' of the project 'Sakshar Balak Balika and Saksham Maa' in Government Sr. Sec. School, Kaimbwala, Chandigarh.

Different stalls to sensitize the general public and extend helping hand to solve their problems and also to apprise them of various welfare schemes floated by the Government were set up by Social Welfare Department, Narcotics Control Bureau, AIDS Control Society, State Legal Services Authority etc. in the school Cancer Sahayata Society sensitized the mothers regarding the incidence of cancer in women. Students of the school and special training centre presented the cultural programme on this occasion. Several hundred parents and students were present on the occasion.

Hon'ble Mr. Justice Ajay Tiwari, Judge, Punjab and Haryana High Court, Chandigarh, Sh. S.K. Aggarwal, District & Sessions Judge, Chandigarh, Dr. Anuradha Sharma, President, Hamari Kaksha, Sh. Lal Chand, Member Secretary, State Legal Services Authority, U.T., Chandigarh, Sh. Anubhav Sharma, Chief Judicial Magistrate, Chandigarh and Ms. Neelam, Principal, Govt. Sr. Sec. School, Kaimbwala, U.T., Chandigarh were present on the occasion.

#### **B. Indira Colony Project:(Hamari Pathshala)**

State legal Services Authority has started 'Hamari Pathshala' project with N.G.O. Human Social Justice Panel in Indira Colony for improvement of Legal Literacy and Awareness of the people. Following are the activities of this project undertaken by the team of Para Legal Volunteers:

On 20.03.2016 Human Social Justice Panel, an NGO in collaboration with State Legal Services Authority, U. T.

Chandigarh organised 'Parent Mela' of Hamari Pathshala at Govt. Model High School, Pocket No.8, Manimajra wherein a free Medical Check-up camp was held with the help of senior doctors from various fields. Legal Aid Services, State AIDS Control Society, Narcotics Control Bureau, Social Welfare Department, Organ Donation Department PGI put up stalls to sensitize the general public and extended their helping hand to solve their problems and apprised them of various schemes. Participants were given prizes and mementoes were given to doctors, social workers, dignitaries. Hon'ble Mr. Justice Suryakant, Judge Punjab and Haryana High Court and Executive Chairman, State Legal Services Authority U. T. Chandigarh, Mr.Lal Chand, Member Secretary, State Legal Services Authority, U.T, Chandigarh and Mr. Anubhav Sharma C.J.M, Chandigarh were also present on the occasion.

#### **Legal Aid:-**

During the quarter, free Legal Aid was provided to **286 beneficiaries** under Section 12 of the Legal Services Authorities Act, 1987.

#### **IV. 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 given as under:

<b>Date</b>	<b>Topics</b>	<b>Speakers</b>	<b>Participants</b>
29.01.2016	Juvenile Justice (Care and protection Act 2015)	Mr. Jatinder Kumar Kamboj and Ms. Manjit Kaur Sandhu	43
29.02.2016	Senior Citizen and Parents Act	Ms. Manjit Kaur Sandhu	41
31.03.2016	Lawyering Skills	Mr. Jatinder Kumar Kamboj	38

### **I. Visits to Model Jail Chandigarh:**

The Member Secretary of the SLSA visited the Model Jail, Chandigarh regularly during the quarter to monitor the legal aid services to the Jail inmates. Sh. Rajeshwar Singh, Law Officer visited Model Jail, Burail, Sector 45, Chandigarh and interacted with the inmates of each barrack on each Monday of the month. He provided free legal aid to unrepresented inmates.

On every alternate day Advocates deputed by the Authority visited the jail. They interacted with the inmates of each barrack and provided free legal aid to unrepresented inmates. A total number of **66** visits were conducted to Model Jail, Chandigarh during the quarter.

## **DELHI**

### **I. LEGAL AID ACTIVITIES**

#### **(i) Visits to Jails, Observation Homes and Children Homes**

Under the Project started by DSLSA in the year 2013 "Ensuring Expeditious and Effective Legal Services to the Inmates of Jails and Observation Homes" DSLSA has adopted all the 10 Jails and 04 Observations Homes in Delhi. Each Jail and Observation Home has been assigned to one of the Secretary of District Legal Services Authority. They have been directed to visit the Jail/Home once in a week and to supervise the work of Legal Services Advocates. The empanelled Legal Services Advocates of JJBs/CWCs also visit the respective Observation Homes/Children Homes after the court working hours once in a week and devote atleast two hours for providing legal services during such visit. During the visit, they assess the Legal Services requirement of Children in Conflict with Law and Children in need of Care and Protection. The Legal Services Advocates on the panel of Shahdara DLSA pay regular visit to Observation Homes on all working days and hold moral teaching classes for the inmates. Further, DSLSA has also appointed two Lady Legal Services Advocates to visit

Children Homes, Observation Homes, Shelter Homes for Girls located in the Nirmal Chhaya Complex twice a week to provide free legal aid and services under the domain of the DSLSA, to have interaction with the inmates & redress their legal grievances and to report back to DSLSA about the problems faced by the inmates, which requires immediate attention.

**In the abovesaid quarter, the data of visits is as under :-**

Name of the Institution	No. of Visit by Secretaries	No. of Visits by Legal Services Advocates
Jails	21	750
Observation Homes	15	158
Children Homes	-	124

**iv Beneficiaries of Legal Services**

During the quarter January to March, 2016, Delhi State Legal Services Authority has provided legal aid/assistance to following number of persons:

Category	No. of Legal Aid Beneficiaries
Schedule Caste	179
Schedule Tribe	02
Women	1699
Children	34
In custody	3924
General	964
Sr. Citizens	68
Disabled	11
Industrial Workmen/Labour	26
<b>Total</b>	<b>6907</b>

**Further, in the abovesaid quarter, Delhi State Legal Services Authority also dealt with the following:-**

No. of DAR/MACT cases received	396
No. of traced missing children counselled	524
No. of Victims of Sexual Assault counselled	151
No. of Cases in which compensation awarded under Delhi Victim Compensation Scheme, 2011	241 Cases and Total amount of Compensation was Rs. 5,48,90,000/-

## II. ADR ACTIVITIES

### 1. Lok Adalat

During the abovesaid quarter, the relevant information regarding the Lok Adalats organized by DSLSA is here as under:-

- (i) **Monthly National Lok Adalat:-**As per the Calendar of National Legal Services Authority, Delhi State Legal Services Authority organised Monthly National Lok Adalat on 13<sup>th</sup> February & 12<sup>th</sup> March, 2016. DSLSA organized Lok Adalat in District Courts, Permanent Lok Adalats, State Consumer Disputes Redressal Commission, District Consumer Disputes Redressal Forums, Debt Recovery Tribunals & Revenue Courts.
- (ii) **Daily Continuous Lok Adalat:-**DSLSA has also devised a Mechanism/Protocol for organizing the **Daily Continuous Lok Adalats (DCLAs)** in all the 11 Districts. Every District Legal Services Authority is organising 'Daily Continuous Lok Adalat' on all working days from 4 PM to 6 PM.
- (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.

**In the abovesaid quarter, the category-wise number of cases disposed of in Lok Adalats is as under:-**

S. No.	Case Category	Cases disposed of	Settlement Amount	Fine Amount
	<b>Pre-litigation</b>			
1.	Telecom	174	Rs. 17,14,565/-	0
2.	Civil Cases including Recovery Cases	248	Rs. 5,17,96,507/-	0
3.	Other Cases	05	Rs. 42,870/-	0
4.	Electricity cases at Permanent Lok Adalats	1570	Rs. 9,13,21,396/-	0

	<b>Post-litigation</b>			
5.	Traffic	858	Rs. 20,400/-	Rs. 2,33,260/-
6.	Crl. Compoundable	649	Rs. 1,01,66,032/-	Rs. 12,050/-
7.	138 NI Act	378	Rs. 5,35,61,963/-	0
8.	Civil Cases including Recovery Cases	257	Rs. 31,28,717/-	0
9.	Matrimonial	24	Rs. 53,25,000/-	0
10.	Labour/MCD	330	Rs. 2,55,700/-	Rs. 8,900/-
11.	Electricity	182	Rs. 1,01,94,005/-	0
12.	MACT	136	Rs. 6,97,81,000/-	0
13.	Consumer Cases	139	Rs. 1,74,46,307/-	0
14.	Debt Recovery Tribunal	23	Rs. 14,41,08,000/-	0
15.	Revenue Cases	123	Rs. 10,16,400/-	0
16.	Other Cases	241	Rs. 25,700/-	Rs. 38,900/-
<b>Total</b>		<b>5337</b>	<b>Rs. 45,99,04,562/-</b>	<b>Rs. 2,93,110/-</b>

**2. Plea-Bargaining:-** In the abovesaid quarter, 949 cases were also disposed of in the Special Sitzings of Plea-Bargaining held on the day of Monthly National Lok Adalat, in which the settlement amount was Rs. 1,29,250/- and fine amount was Rs. 7,21,950/-.

### **III. LEGAL LITERACY ACTIVITIES**

Delhi State Legal Services Authority organized Legal Literacy Programmes at Gender Resource Centres (GRCs), Non-Governmental Organizations (NGOs), Schools, Colleges, Old Age Homes, Resident Welfare Associations, Jails, Rural Areas, Industrial Areas etc.

During the abovesaid Quarter, the details of the programmes organized is as under:-

S. No.	Name of organization/Mode of Programmes	No. of Programmes	Topics
1.	GRCs/ NGOs	427	Fundamental Rights & Duties under Constitution of India, Protection of Women from Domestic Violence Act, Protection of Women from Sexual Harassment at Workplace, PC & PNDT Act, Women Empowerment, Programmes for Public and Private Sector Institutions on the Rights of HIV Patients relating to employment and related issues, Maintenance and Welfare of Parents & Sr. Citizens Act, Benefits available to Sr. Citizens under various schemes, Awareness Programmes for RWAs pertaining to Prevention of Corruption Act and Prevention of Food Adulteration Act, Delhi Victim Compensation Scheme, Traffic Laws, Environmental Laws etc. In these programmes, the gathering was also apprised about the role of DSLSA and DLSAs in providing free legal aid to various persons covered u/s 12 of Legal Services Authorities Act
2.	Schools	466	Fundamental Rights & Duties under the Constitution of India, Traffic Laws, Cyber Laws, Sexual Harassment at Workplace, Eve - Teasing, Stalking, Maintenance and Welfare of Parents and Sr. Citizens Act, PC & PNDT Act, Protection of Women from Domestic Violence Act, Protection of Children from Sexual Offences Act, Environmental Laws and General Awareness etc.
3.	Essay competition	01	By Shahdara DLSA at Govt. Boys Sr. Secondary School, Vishwas Nagar on the topic "Causes of pollution in Delhi and its possible solution".
4.	Visit of School Students to Courts	27	The DLSAs invited students of 25 different schools at different dates in a group of 30-40 students from each school to observe the proceedings of courts.  The East DLSA also invited Girl Children of Child Welfare Committee (CWC) on 28.03.2016 and Boy Children on 29.03.2016
5	Colleges	22	Sexual Harassment at Workplace, Protection of Women from Domestic Violence Act and Activities of DSLSA, Gender Equality and Child Rights, Immoral Traffic Prevention Act, Techniques of Self-Defence, Rights of People with Disability, Eve Teasing and Stalking, sensitization and awareness programme for North-East girls students, how DSLSA could help in developing a model for enforcement of Right to Education etc.

6	RWAs	02	On 31 <sup>st</sup> January, 2016 at RWA- G & JU, Block (Regd.), Green Park Apartment, Pitampura, Delhi – 34 on the topic Prevention of Corruption Act and on 28 <sup>th</sup> February, 2016 at Tarun Enclave, Pitampura on the topic “Food Adulteration Act”.
7	Aradhna and Sai Sahara Old Age Homes	06	Maintenance and Welfare of Parents and Senior Citizens Act, 2007
8	Training/ Sensitization Programmes for Delhi Police at various Police Stations/ Specialized Training Centre at P.S. Rajender Nagar	65	Missing Children and Victims of Rape - Guidelines and Judicial Direction, Protection of Children from Sexual Offences Act, Laws relating to Women and Children, Victim Compensation, Plea-Bargaining, Investigation and filing of Chargesheet: Judicial Perspective, Domestic Abuse, maintenance by husband, property dispute, social security schemes and Govt. Schemes for Women, How to tender Evidence, conduct of witness before court, Art of examination, non-production of Victim/prime witnesses and result thereof, Role and Responsibilities of Police in dealing with cases of rape victims, Human Rights, Rights of an arrestee particularly women, Sexual Harassment at Workplace, Protection of Children from Sexual Offences Act and Juvenile Justice Act etc.
9	Jails	33	Right of Bail and Plea-Bargaining
10	Govt. Offices	03	On the topic of Sexual Harassment at Workplace at offices of the District Magistrates, Nand Nagri and Shahdara and MCD, Zonal Office, North Rohini.
11.	Radio Programmes	09	Untouchability Preventions and Domestic Violence, Sexual Harassment of Women at workplace, Delhi Victim Compensation Scheme 2011 alongwith sec. 357/357A Cr. PC, 1973, Gender sensitization and Domestic violence, Senior Citizens: Rights and Protection, Consumer Protection, Delhi Witness Protection Scheme, 2015, Protection of Children from Sexual Offences Act and Child Rights
12	TV Programmes	02	Victim Compensation and Witness Protection
13	Industrial Pockets	06	Legal Literacy Programmes in Industrial Areas of Mangol Puri, Lawrance Road, Badli, Wazirpur, Mayapuri, Mangolpuri Auto Market
14	Skit/Steet Plays	04	At Tihar Jail, Rohini Courts, Sangam Park; Bharat Nagar and VSPK School, Sec-13, Rohini on the topic of Rights of Jail Inmates, Protection of Environment

15	Rural Areas	04	Srija, H. No. 280, Gali Kumharwali, Near Union Bank, Bikaner, Village Lampur, Delhi, at Bankner and Lampur Village, Near Narela, at Alipur & Tikri Village and at Libaspur & Siraspur, Village, Narela and Alipur Village
16	New Delhi and Saket Bar Associations	02	DSLSA organized 02 Legal Awareness Programme for lawyers at offices of Bar Associations- On 5 <sup>th</sup> February, 2016 at New Delhi Bar Association on the topic "Forensic and Electronic Evidence" and on 4 <sup>th</sup> March, 2016, at Saket Bar Association on the topic "Legal Services Authorities Act, 1987 and Schemes of NALSA & DSLSA"
17	Training Programmes for Legal Services Advocates	32	Duties of Remand Lawyers and Front Office Lawyers, Protection of Women from Domestic Violence Act, Lawyering skills in Criminal Law, Law of Injunction, Do's and Don'ts for Panel Lawyers, Roles of Legal Services Advocates at Front Office, Lok Adalat, Counselling and Victim Compensation, Criminal Jurisprudence on Bail and General Contract, Juvenile age verification, Rejection of Complaint, Bail, Service Law, labour Law, Consumer Laws, Recording of Evidence through Local Commissioner under the provisions of CPC and Cr. PC, Mediation, Juvenile Justice Act etc.
18	Misc. Awareness Programmes in Community	37	DV Act and issue related to women, Rights of Unorganized Sector Labourers under various laws and the role of DLSA in securing such rights, Labour Laws, Legal Services provided by DSLSA and DLSAs, Gender Base Violence with emphasis to Domestic Violence and Intimate Partner Violence, Fundamental Duties under the Constitution and Damage to Public property Act alongwith Delhi Prevention of Defacement of Property Act, Rights of HIV Patients relating to employment and related issues, Domestic violence, Protection of women from Sexual Offences at workplace, Victim Compensation, Protection of Children from Sexual Offences Act, Laws related to Juveniles and street children, Drugs and substance abuse, Maintenance and Welfare of Parents and Sr. Citizens Act, Role of support person and protection officer, Dowry Prohibition Act, Maintenance u/s 125 Cr. PC, and Prevention of Food Adulteration Act, World Consumer Rights Day & Protection of Consumers, Techniques of Self Defence, Human Rights, Hazards of Smoking & Tobacco etc.

#### **IV. OTHER ACTIVITIES**

##### **1. Winter Internship Programme:-**

DSLISA started its Winter Internship Programme, 2015-16 from 4<sup>th</sup> January, 2016 for the students of various Law Schools/Colleges/ Universities from all over India. 44 students divided into 05 groups did their internship from 4<sup>th</sup> January to 23<sup>rd</sup> January, 2016. On 4<sup>th</sup> January, an orientation programme was organized for them at Central office, DSLISA, Patiala House Courts. The Member Secretary, OSD and Addl. Secretary, DSLISA delivered lectures on the topics "Legal Services Authorities Act, 1987 and Activities and Functioning of DSLISA". During the period of their internship, the interns visited Juvenile Justice Boards, Child Welfare Committees, Observation Homes, Gender Resource Centres, Police Stations, High Court, Tihar Jail, SPYM (Society for Promotion of Youth and Masses), Special Police Unit for Women & Children (SPUWC), Nanakpura, Delhi and Mediation Centres, Family Courts, POCSO Courts and MM Courts at various District Courts Complexes.

##### **2. Visits of Students Referred by NALSA**

From 8<sup>th</sup>-22<sup>nd</sup> January, 2016, 14 students who were referred by NALSA interned with DSLISA in two groups. An Orientation Programme was conducted for them at Central Office of DSLISA at Patiala House Courts. The Officers of DSLISA delivered lectures on Legal Services Laws, functioning and activities of DSLISA. Thereafter the documentary "Nyaya Ki Aur" was also shown to the interns. During the above said period, the interns were taken to various Child Welfare Committees; Permanent Lok Adalats; Juvenile Justice Boards; Police Station Mandir Marg and Central Jail, Tihar and Drug De-Addiction Centre, SPYM, Sewa Kutir Complex, Kingsway Camp for first hand exposure. The interns also visited Mediation Centres at Tis Hazari and Dwarka Court Complexes and MM Courts at Karkardooma Court Complex to watch and observe the working, proceedings and functioning of the office. Internship of 8 more students have been started from 29<sup>th</sup> January, 2016.

### **3. Republic Day Celebrations at Prayas Observation Home for Boys, Delhi Gate:-**

On 22<sup>nd</sup> January, 2016, the New Delhi DLSA organized Sports Meet at Observation Home for Boys, Dilli Gate and on 23<sup>rd</sup> January, also celebrated Republic Day on 23<sup>rd</sup> January, 2016. The Member Secretary and OSD, DSLSA also attended the said programme.

### **4. Training/Sensitization Programmes for Newly Inducted PLVs:-**

In the month of January, 2016, DSLSA conducted Training and Sensitization Programmes for newly trained 58 PLVs from Social Workers and allocated to DLSAs. The Secretaries of DLSAs apprised the new PLVs about the functioning of DLSAs and their role and duties in the same. They were also apprised about working of front office, Khem Chand judgment and their role in the same etc.

### **5. Fifth Annual Trafficking in Persons Conclave at Siliguri:-**

On 12-13 February, 2016, the Member Secretary attended the Fifth Annual Trafficking in Persons (TIP) Conclave organized by Shakti Vahini (NGO) in collaboration with U.S. Consulate General Kolkata in Siliguri, West Bengal. The said programme was organized to bring together organizations and agencies and also to strengthen the fight against human trafficking through coordinated responses. The Civil Society Organisations from Nepal, Bangladesh, Bhutan & Myanmar also participated in this programme. Various Organizations and Media Personnel from North-East India also joined the programme. The theme of the two days conclave was "Working Together to Combat Human Trafficking". A Special Panel Session on the "Role of Legal Services Authority in providing Support to Victims of Human Trafficking" was kept in the conclave.

## **6. Seminar on the Rights of Victims of Crime:-**

On 27<sup>th</sup> February, 2016, DSLSA in association with National Law University, Dwarka organized a "Seminar on the Rights of Victims of a Crime" at National Law University, Dwarka. The topics covered were:

**Session – I: Victim and His Rights** –Chaired by **Hon'ble Dr. Justice S. Muralidhar, Judge, High Court of Delhi** and Co-Chaired by Prof. (Dr.) G.S. Bajpai, Registrar, NLU, Dwarka

**Session – II: Impediments in Realisation of Victim's Rights** – Chaired by **Hon'ble Mr. Justice Siddharth Mridul, Judge, High Court of Delhi** and Co-Chaired by Prof. M. Afzal Wani, Dean, University School of Law & Legal Studies, Guru Gobind Singh Indraprastha University and Sh. Ajay Chaudhary, Joint Commissioner, Delhi Police.

An Open House Discussion was also held, wherein the various facets of rights of victims of a crime were deliberated upon.

## **7. Statutory Meeting of DSLSA:-**

On 26<sup>th</sup> February, 2016, the Statutory Meeting of DSLSA under the Chairmanship of Hon'ble Mr. Justice Badar Durrez Ahmed, Judge, High Court of Delhi and Executive Chairman, DSLSA was held at High Court of Delhi.

## **8. Conference organized by United Nations Environment Programme (UNEP) in collaboration with the Ministry of Environment, Forests and Climate Change, Ministry of Water Resources and National Green Tribunal:-**

The OSD & Addl. Secretary, DSLSA and Secretaries of New Delhi, South-East, East, North-East, North-West, North, Shahdara, South-West and South DLSAs attended a Conference organized by United Nations Environment Programme (UNEP) in collaboration with the Ministry of Environment, Forests and Climate Change, Ministry of Water Resources and National Green Tribunal from 4<sup>th</sup> to 6<sup>th</sup> March, 2016.

**9. Joint Panel Discussion/Legal on the topic “Effective Implementation of the Pre-Conception Pre-Natal Diagnostic Techniques (PCPNDT Act)”:-**

On 5<sup>th</sup> March, the Member Secretary, DSLSA attended a Joint Panel Discussion/Legal Training at India International Centre on the topic “Effective Implementation of the Pre-Conception Pre-Natal Diagnostic Techniques (PCPNDT Act)” organized by Alliance Defending Freedom India at India International Centre Annexe.

**10. Observance of International Women’s Day:-**

In order to celebrate International Women’s Day 2016, the DSLSA/DLSAs organized various programmes for women. The detail is as under:-

<b>Date</b>	<b>Detail of Programme</b>	<b>Venue</b>	<b>Attended by/ Resource Person</b>
08.03.2016	Seminar on Women’s Rights and Access to Criminal Justice System organized by Central DLSA in association with Legal Services Society of Law Centre-I, Faculty of Law, University of Delhi	Faculty of Law, University of Delhi	Secretaries of Central, North-East and West DLSAs
08.03.2016	Legal Literacy-cum-Awareness Campaign on the topics “Legal provisions related to Domestic Violence, Sexual Harassment at Workplace and Victim Compensations Scheme for Women” was organized by East DLSA in association with Delhi RWAs Federation	Inauguration Programme at Siddharth International Public School, Dilshad Garden , Delhi.  Simultaneously the programmes were also organized at 9	Occasion of Inaugural Function was graced by the esteemed presence of District & Sessions Judge (East) and other Judicial officers, Addl. Secretary (DSLSA), DCP & Addl. DCP (NE District), SDM, members of CWC

	Federation	organized at 9 Gender Resource Centres, 12 Resident Welfare Associations and 03 NGOs on the same day.	members of CWC and Legal Services Adv.. Media Coverage of Programme was done by Several Media Agencies such as A to Z News CCN Den, DanikJagran, Samachar Varta and many more.
08.03.2016	"Jan Sabha - Awaz Uthao" by Central DLSA	IMDT-GRC	Legal Services Advocates
14.03.2016	Celebration of International Women Day	Sofia Educational & Welfare Society observed International Women Day	Legal Services Advocates
08.03.2016	Legal Awareness Programme in association with Action India GRC	Basti Vikas Kendra, New Seemapuri	Legal Services Advocates
08.03.2016	Legal Awareness Programme	Save – GRC	Legal Services Advocates
08.03.2016	Legal Awareness Programme	Prayas – GRC	Legal Services Advocates
08.03.2016	Legal Awareness Programme	Saket Courts Complex	The District Judges (South) & (South-East) motivated, sensitized and encouraged women Legal Services Advocates by delivering lecture on the topic "Celebrity Womanhood".

08.03.2016	Legal Awareness Programme	URIDA – NGO at Dayalsar Marg, Uttam Nagar, New Delhi	Secretary, South-West
09.03.2016	Awaaz Uthao Campaign/Legal Awareness Programme	MRYDO – NGO at Prem Nagar, Najafgarh, N.D.	Secretary, South-West DLSA
08.03.2016	Delivered Lecture on the topics “Sexual Harassment at Workplace, Protection of Women from Domestic Violence Act and Other laws related to women”	Mangalam Residents Welfare Associations, Sector -7, Rohini	Secretary, North DLSA
08.03.2016	Cultural event	Technia Auditorium, Madhuban Chowk, Delhi.	Secretary, North-West DLSA

**11. Regional Consultation on strengthening Restoration and Rehabilitation of Children under JJ System:-**

On 12-13 March, the Member Secretary attended the Regional Consultation on strengthening Restoration and Rehabilitation of Children under JJ System organized by Supreme Court JJC & Bombay High Court JJC at Maharashtra Judicial Academy, Uttan. In this regard, a meeting was also held by Member Secretary with all the stakeholders on 23<sup>rd</sup> February, 2016 at Central Office, DSLSA.

**12. Celebration of Consumer Rights Day:-**

On the occasion of Consumer Rights Day on 15<sup>th</sup> March, DSLSA organized a Workshop at Central Office. In this programme the Member Secretary and OSD, DSLSA and Sh. H.S. Kohli, Advocate were the Resource Persons. The topics of the programme were : Role of Legal Aid in Consumer Law,

Role of NGO in Consumer Laws, Consumer Law and the services provided by DSLSA. At the end of the programme, experience was shared with NGOs and Legal Services Advocates. An Open House Discussion was also held. The said workshop was attended by Legal Services Advocates in National Consumer Disputes Redressal Commission & State Consumer Disputes Redressal Commission, Representatives of NGOs and Secretaries of DSLAs.

### **13. Car Free Day:-**

On 22<sup>nd</sup> March, the East DLSA in association with Govt. of NCT of Delhi organized "**Car Free Day**" from Jyoti Nursing Home, DurgaPuri Chowk. The event was graced by the esteemed presence of Sh. Talwant Singh, District & Sessions Judge (East), Sh. Sanjeev Jain, OSD, PHC, Sh. Gopal Rai, Minister, (Transport), MLAs, DM and DCP, NGOs etc. Programme was covered by several News Channels, Newspapers and was published and telecasted accordingly.

### **14. Holi Celebration:-**

On 23<sup>rd</sup> March, the Shahdara and East DLSA jointly organized a cultural programme on the eve of 'Holi' at observation Home, SewaKutir, in association with **Punjabi Academy**. The programme was graced by the esteemed presence of District & Sessions Judge (Shahdara), Member Secretary and OSD, DSLSA, Principal Magistrate (JJB), Assistant Director, Ministry of Women and Child Development, Chairman, CWC and several other High Dignitaries.

### **LAKSHADWEEP**

1. 19.01.2016 – Legal Awareness Programme and formation of Legal Literacy Club at Government Girls Higher Secondary School, Kavaratti, 80 Students participated.
2. 21.01.2016- Legal Awareness Camp and formation of Legal Literacy Club combined with NSS at Government Senior Secondary School, Kavaratti.
3. 25.03.2016- 27.03.2016- Legal awareness Camp and interaction sessions at Suheli Island for Local fishermen

combined with Indian Cost Guard in the Subject Costal Security Laws and Lakshadweep Administration Schemes for Fishermen. 116 Fishermen participated.

Taluk Legal Service Committee, Amini and Androth conducted Legal Awareness Camp for public on the subject NDP Act on 17.05.2016.

### **PUDUCHERRY**

Combined Lok Adalat statistics:

<b>Lok Adalat</b>	<b>Continuous Lok Adalat</b>	<b>Special Lok Adalat</b>	<b>National Lok Adalat</b>
No. of cases settled	567	351	680
No. of MACTOP cases	51	----	-----
Total amount of settlement	Rs. 7,95,80,094	Rs. 2,42,28,137	Rs. 6,61,96,827

### **Legal Aid/Legal Literacy Camps**

No. of camps conducted	12
No. of villages covered	34
No. of persons benefitted	2530

### **Conciliation Cell:**

No. of Conciliation Cells	7
Total No. of sittings	12
Petitions received	469
Petitions disposed of	335

### **Legal Aid beneficiaries:**

SC	49
ST	1
BC	42
Women	123

Children	36
In custody	128
General	22
Others	6
<b>Total</b>	<b>407</b>

On 11.1.2016, the Puducherry Legal Services Authority conducted legal aid programme on the importance of registration of marriage, birth and death, effective ADR mechanism in settling Civil Disputes. Around 300 people participated in the programme. The SLSA in coordination with the forest department planted sapling in the premises of the Government Higher Secondary School in the village of Nonanankuppam and the sapling were distributed free of cost to the villagers.

On 22.1.2016, the UTPLSA conducted legal literacy programme in the Government Higher Secondary School at Kirumpakkam. The teachers and students were sensitized on the POCSO Act, 2012.

On 10.2.2016 the UTPLSA conducted a sensitization programme for the Government School Teachers of the Puducherry Region.

On 27.2.2016 the UTPLSA organized a training programme for police officers on investigation and prosecution of cases under POCSO Act, 2012 and Juvenile Justice Act. More than 70 police officers participated in the training programme.

On 8.3.2016 on the occasion of International Women's Day, the UTPLSA in coordination with Adecam, NGO, organized a training programme for the women police officers and the NGOs and the protection officers of the Social Welfare Department on Prevention of Domestic Violence Act, 2005.

## Statistical Information

### NATIONAL LEGAL SERVICES AUTHORITY

STATEMENT SHOWING THE NUMBER OF PERSONS BENEFITTED THROUGH  
LEGAL AID AND ADVICE HELD BY STATE LEGAL SERVICES AUTHORITIES UNDER  
LEGAL SERVICES AUTHORITIES ACT, 1987, SINCE INCEPTION (AS ON 31.03.2016).

S.No	State	SC	ST	OBC	Women	Children	Incustody	General	Total
1	Andhra Pradesh	7,332	5,768	10,105	13,982	1,687	11,214	32,051	82,139
2	Arunachal Pradesh	172	1,500	78	444	5	92	1,568	3,859
3	Assam	38,278	28,521	8,350	25,591	1,409	988	123,673	226,810
4	Bihar	5,279	1,476	9,144	7,470	2,711	2,438	18,909	47,427
5	Chhattisgarh	52,580	63,776	54,313	40,402	8,597	38,363	38,959	296,990
6	Goa	84	36	315	2,636	91	3,973	1,928	9,063
7	Gujarat	17,023	8,993	1,953	34,691	594	15,116	49,190	127,560
8	Haryana	39,668	109	1,240	13,317	613	44,026	15,652	114,625
9	Himachal Pradesh	1,402	197	140	7,188	165	388	5,710	15,190
10	Jammu & Kashmir	2,041	515	1,292	18,138	803	363	12,886	36,038
11	Jharkhand	1,924	3,039	3,863	4,279	461	4,998	3,928	22,492
12	Karnataka	9,534	2,064	19,938	15,318	178	239	89,605	136,876
13	Kerala	2,726	654	3,596	18,790	979	24,76	166,057	217,568
14	Madhya Pradesh	319,582	272,968	230,016	106,406	11,887	67,227	684,955	1,693,041
15	Maharashtra	50,039	36,306	23,501	102,250	2,399	29,487	3,701,542	3,945,524
16	Manipur	3	33	30	171	16	41	2,363	2,657
17	Meghalaya	369	1,561	66	226	1,899	1,538	192	5,851
18	Mizoram	244	35,242	2,581	5,210	568	5,126	6,503	55,474
19	Nagaland	1,136	6,893	2,136	2,741	872	2,432	589	16,799
20	Odisha	32,841	22,214	1,905	37,852	618	4,768	39,997	140,195
21	Punjab	11,485	588	4,992	18,039	921	45,794	31,363	113,182
22	Rajasthan	20,459	28,665	9,417	18,235	811	25,214	26,119	128,920
23	Sikkim	176	609	49	2,611	291	3,614	864	8,214
24	Tamil Nadu	200,504	24,954	278,312	31,964	3,778	37,839	4,574,989	5,552,340
25	Telangana	149	71	106	1,174	307	1,132	968	3,907
26	Tripura	692	528	138	6,840	434	2,811	4,323	15,766
27	Uttar Pradesh	794,952	102,345	630,007	378,067	140,828	16,923	2,550,117	4,613,239
28	Uttarakhand	3,132	1,625	443	3,844	1,852	1,973	19,126	31,995
29	West Bengal	8,703	4,057	4,247	28,784	1,595	21,229	24,580	93,195
30	Andamanand NicobarIslands	-	-	-	211	-	1,269	404	1,884
31	U.T. Chandigarh	914	10	57	1,737	254	6,219	792	9,983
32	Dadra and Nagar Haveli	-	6	1	483	18	45	1,442	2,162
33	Daman & Diu	1	2	4	72	120	56	214	469
34	Delhi	6,776	340	368	64,410	8,509	127,477	109,684	317,564
35	Lakshadweep	-	2	-	-	-	1	2	5
36	Puducheery	22,296	37	16,178	22,204	4,646	1,047	6,494	72,902
37	S.C.Legal Services Committee	1,256	252	1,795	2,644	23	6,430	11,519	23,919
	<b>TOTAL :</b>	<b>1,653,752</b>	<b>655,956</b>	<b>1,320,676</b>	<b>1,438,421</b>	<b>201,106</b>	<b>556,656</b>	<b>12,359,257</b>	<b>18,185,824</b>

## 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 31.03.2016).

S. No.	State	No. of Lok Adalats held	No. of MACT Cases Settled	No. of Cases Settled (including MACT Cases)	Compensation Awarded in MACT Cases (in Rs.)
1	Andhra Pradesh	216,425	143,721	2,229,375	17,643,776,393
2	Arunachal Pradesh	702	1,054	6,962	42,751,176
3	Assam	4,238	33,010	475,144	3,036,994,807
4	Bihar	29,115	136,206	1,489,611	1,218,065,478
5	Chhattisgarh	18,479	13,345	6,624,401	2,683,848,702
6	Goa	1,165	5,333	18,616	401,633,626
7	Gujarat	164,760	221,057	7,896,181	16,252,581,189
8	Haryana	166,390	41,436	1,922,281	4,723,435,290
9	Himachal Pradesh	10,929	6,766	355,965	1,037,135,568
10	Jammu & Kashmir	5,819	12,105	439,846	2,760,655,672
11	Jharkhand	32,019	6,321	6,037,574	1,004,907,107
12	Karnataka	176,114	167,952	4,684,524	11,035,035,755
13	Kerala	43,184	174,160	753,246	9,522,937,203
14	Madhya Pradesh	40,070	218,435	16,221,764	17,028,755,662
15	Maharashtra	45,249	110,706	2,986,454	20,229,359,318
16	Manipur	126	1,533	7,543	182,341,500
17	Meghalaya	285	1,019	12,480	143,130,406
18	Mizoram	1,525	243	3,869	6,257,080
19	Nagaland	356	1,595	6,668	235,892,117
20	Odisha	17,147	53,301	4,983,718	4,702,594,024
21	Punjab	34,552	19,463	3,390,661	2,210,656,772
22	Rajasthan	204,928	627,601	3,656,418	10,558,816,701
23	Sikkim	2,253	174	8,191	9,646,000
24	Tamil Nadu	266,839	265,407	7,347,027	47,494,245,317
25	Telangana	10,799	11,062	385,889	3,427,059,639
26	Tripura	1,802	11,038	181,278	157,912,198
27	Uttar Pradesh	49,759	97,080	17,731,369	9,961,604,292
28	Uttarakhand	2,047	5,415	391,998	750,002,772
29	West Bengal	25,622	44,115	2,455,168	4,467,128,992
30	Andaman and Nicobar Islands	276	39	9,005	8,033,468
31	U.T. Chandigarh	9,78	20,877	687,836	1,788,718,388
32	Dadra and Nagar Haveli	32	158	2,429	12,147,699
33	Daman & Diu	37	61	2,182	3,099,000
34	Delhi	15,930	23,889	1,614,025	4,113,103,748
35	Lakshadweep	319	11	172	435,000
36	Puducherry	1,305	9,485	63,484	505,374,650
37	SCLSC	8	44	281	-
	<b>TOTAL :</b>	<b>1,600,389</b>	<b>2,485,217</b>	<b>95,083,635</b>	<b>199,360,072,709</b>

## Members of National Legal Services Authority

<b>Hon'ble Mr. Justice J.S. Khehar</b> Chief Justice of India	Patron-in-Chief
<b>Hon'ble Mr. Justice Dipak Misra</b> Judge, Supreme Court of India	Executive Chairman
<b>Ms. Snehlata Shrivastava</b> Secretary, Deptt. of Justice, Ministry of Law & Justice, Govt. of India	Ex-Officio Member
<b>Shri Ashok Lavasa</b> Secretary, Deptt. of Expenditure Ministry of Finance, Govt. of India	Ex-Officio Member
<b>Hon'ble Mr. Justice Navin Sinha</b> Chief Justice, High Court of Rajasthan	Member
<b>Hon'ble Mr. Justice T.B. Radhakrishnan</b> Judge, High Court of Kerala	Ex-Officio Member
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