



NYAYA DEEP

The Official Journal of NALSA

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National Legal Services Authority

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

Phones : 011-23386176, 23382778 Fax : 23382121

Website: www.nalsa.gov.in

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Editorial

'Nyaya Deep' makes a constant endeavour to focus and spread ideas on variety of topics, for it believes in dissemination of information, thoughts and knowledge. The purpose is to involve not only the persons from different walks of life, but also to expand the horizon and encompass contributions relating to various jurisprudence.

Expert evidence in a court of law has been a matter of discussion from manifold spectrums in civil and criminal jurisprudence. Necessity of evidence of technical experts in view of the technical advancements is presently being stressed upon in the context of adjudication of cases pertaining to international tax disputes. The Parliament has enacted certain laws in the recent past relating to taxation which require, in times to come, evidence of the experts. Conferences and workshops are being held to understand the tax disputes in the international field and also to conceive alternative dispute resolution system.

Rule of law which, in its ambit, covers many a principle and engulfs objectives of social and economic justice, equality of status and opportunities, and other values lays emphasis on ethical governance. The instrumentalities of the State are expected to discharge their duties and functions in a fair and just manner. Right to education, right to shelter for weaker sections of the society, right to pollution-free environment and protection of human rights and many other rights come within the conception of such governance which has to have the foundation of constitutional ethicality.

When there is a discussion of rights and ethicality, access to justice and free legal aid have to be thought of within the constitutional and statutory framework. Legal aid conceptually refers to providing help to the people on account of their inability to have access to justice. It also makes an effort to guide the vulnerable section of people to have the benefit of the provisions of law and the Schemes meant for social justice. The National Legal Services Authority and the State Legal Services Authorities under the statutory framework of Legal Services Authorities Act,

1987, have drawn number of schemes to reach to the larger sections of people. The pivotal effort is to provide the benefits of legal process to the impecunious and protect the poor against the injustice. The effort made in praesenti is sanguine but “the thought” is, certain other aspects are to be taken care of to achieve the requisite national goal. The reflection in the write-up is to be appreciated, for the simple reason that in a vast country like ours, the realization of the schemes and reaching to all quarters is bound to take time. It is understandable that the problem is of great magnitude and it has also to be admitted that the effort has been immense.

The fulcrum of democracy rests on freedom of speech and expression. There is no scintilla of doubt that freedom is not absolute, but its significant role in a democratic society can never be marginalised. The social media has come to stay. Impact of internet is undeniable. The internet freedom and use of such freedom has been rightly thought of by giving stress on “need to use in a balanced manner”.

Gender justice, as a facet of justice oriented concept, covers many an arena. Right to equality is respected, but there is immense need for property rights. Right of daughters in ancestral property has been recognized by the Parliament. The Supreme Court has interpreted the provision and the legislative wisdom has been understood. The article in the present issue gives certain suggestions and puts forth certain recommendations. The thought manifestly seems to be timely.

When there is deliberation of equality, the issue of disability and the affirmative steps taken pertaining to the disabled is bound to take the front stage. The thinker has referred to the United Nations Convention on the Rights of Persons with Disability (UNCRPD) and emphasized on the paradigm shift in the approach to disability. The Parliament has enacted laws to protect the interests of the disabled persons and has provided percentage of reservation in certain spheres. The articulation of the thinker has its own perspective.

There are occasions in various fields when articles are written in perceiving the social phenomenon, suggesting changes, describing various concepts and also referring to laws in other countries. Effort has been to acquaint the readers, in brief, with the marrow of thoughts of the thinkers. The thoughts articulated in the articles, I am disposed to think, guide the intellect. Their relevance in today's life is undeniable. The motto is to welcome the balanced thinking and appreciate them having regard to the canvas on which they intend to paint.

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

[Dipak Misra]

Judge, Supreme Court of India

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Current Issues Concerning Expert Evidence in International Tax Cases in India

Preamble

Tax litigation in the Indian judicial system occupies an important and large portion of judicial time. It is divided between adjudicating and appellate authorities as fact finding bodies created under the Income Tax Act, 1961 and the Constitutional Courts are in place for deciding substantial questions of law in twenty four High Courts and the Supreme Court in India. These have laid down a number of judicial precedents for resolving various tax disputes in the country.

However, despite this there has been a recent phenomenon of International Tax Disputes, on which Income Tax Tribunals have rendered many decisions but the Constitutional Courts of India are yet to produce landmark judgments. This is barring a few which are referred to below herein.

Indian Evidence Act

The Indian Evidence Act, 1872 enacted by the British Government, when India was a British colony, is a comprehensive law dealing with production of evidence in the courts of law in India and the principles enacted therein are adopted by the Income Tax authorities also because such authorities are vested with the powers of Civil Court to the limited extent of summoning of witnesses and examining the same while deciding the tax disputes.

Section 45 of the Indian Evidence Act, 1872 deals with the production of expert evidence and talks of admissibility of expert evidence as a relevant fact. It says that when the court has to form the opinion upon a point of foreign law or of science or art, or as to identity of handwriting or finger impressions, the opinions upon that point of persons specially skilled in such foreign law, science or law, or in questions as to identity of handwriting or finger

* Judge, Rajasthan High Court.

impressions are relevant facts and such persons are called Experts.

The emphasis on the words '*persons specially skilled in such subjects*' about which the opinion of Experts is taken as a relevant fact is subject to the examination of such Experts by the court. An Expert is a person who devotes his time and study to a special branch of learning. He might have also acquired such knowledge by practice, observations or careful study.

Actually, the Judge concerned has to form his independent opinion on the advisory or opinion of the Expert upon being satisfied that such Expert has the requisite information & experience of the particular subject and skill and has the adequate knowledge, so that his opinion can be taken as worthy of reliance in the process of judicial determination of such disputes.

One has to be careful in drawing cautious distinction between the Expert Assistance and Expert Evidence and it should be noted that Expert Assistance is not Expert Evidence.

The Court or the authority has to maintain a balance while evaluating the opinionistic evidence of Expert, as there are chances of such Experts giving a biased opinion in favour of the person, who has produced or called them in evidence and has paid for their labour or report.

Therefore, it is ultimately the judgment of the Judge himself and the Expert opinion is only of assistance to the Judge to arrive at the right conclusion weighing the finer aspects on the technical issues before him, as the Judge being a lay man though judicially trained mind does not have the experience & knowledge on that issue & possibly has no other means, but to depend upon such opinion of Expert.

Applicability of Evidence Act to Tax Proceedings

The Indian Supreme Court in 1988 in *Chuharmal vs. Commissioner of Income Tax* (1988) 172 ITR 250 (SC) authoritatively pronounced that the principles of Indian Evidence Act, 1872 while interpreting Section 110 of the Evidence Act, which provides that where a person is found in possession of some property, he will be deemed to be the owner thereof and the onus of proving that he was not the owner was on the person who

affirmed that he was not the owner, the Court held that Section 110 of the Evidence Act, which mandates that statutory principle of common law jurisprudence could be applied while dealing with the controversy arising under the Income Tax Act.

The facts of the case in brief are that in a search of residential house of the assessee, 584 watches of foreign make were found and the assessee denied its ownership and assessee also did not avail the opportunity of cross examination of the authority concerned who seized such foreign goods. The Court upheld the decision of assessing authority that applying the principles of Section 110 of the Evidence Act, the assessee will be deemed to be the owner of such foreign goods, since he failed to discharge the onus of proving, while he affirmed that he was not the owner and the Court held that though the rigor of the rule of evidence contained in the Evidence Act did not apply to the proceedings under the Income Tax Act but that did not mean that the taxing authorities were barred from invoking the principles of the Evidence Act in the proceedings before them.

Apples' Scam case

In *State of Himachal Pradesh vs. Jai Lal & Ors.* (1999) 7 SCC 280, the Supreme Court of India was dealing with an interesting controversy. In the year 1983 on account of wide spread disease known as '*Scab*' affected the apple orchards in the State of Himachal Pradesh and to support the apple growers, the State of Himachal Pradesh framed a *Scheme to reimburse the growers* at a particular rate, if the diseased apples were deposited at the notified centres, where they were destroyed. The scam was discovered by the prosecution and it was found that the quantity of apples much more than the possible production of that area was allegedly brought to such centres and destroyed and the State compensation was paid.

The prosecution was launched against the growers and the colluding Govt. officials and the prosecution relied upon the *Expert Evidence of the District Horticulture Officer, Mr. Panwar* for *assessing the fruit bearing capacity of the Orchards* in question. The Expert, Mr. Panwar claimed to be *B.Sc. (Agriculture) M.Sc. (Hons.)* qualified and having worked as *Research Assistant in*

Agricultural Department. He also stated that he had three months training course in the Apple technology in the University of Tasmania, Australia. He carried out the inspection in November, 1984 and on the basis of sample counts of 'spurs' on the apple trees in Orchards, he estimated the production of apples in the last year 1983.

Ultimately, the matter reached the Hon'ble Supreme Court and the Supreme Court held, *not relying on the expert evidence adduced* by the prosecution, that the *scientific opinion evidence given by an Expert has to give necessary criteria for testing* the accuracy of the conclusions, so as to enable the Judge to form his independent opinion and the Report submitted by the Expert does not go in evidence automatically.

The Court held that since the inspection of the trees in the relevant year 1983 itself was not carried out and merely on the basis of estimation of the produce by the so called Expert, who did not make a *special study of Apple Orchards of Himachal Pradesh itself*, such alleged excess quantity of apples brought to the notified centres and apparently destroyed for claiming State compensation *could not result in conviction of accused persons on the charges of cheating* and, thus, the Court upheld the acquittal of accused persons. This judgment shows that even the opinion of so called Expert has to be very tightly and closely scrutinized for basing the conclusions of the Court on such Expert Evidence.

Imposition of Tax in the hands of tax payers on the basis of such Expert opinion, which makes guesstimates or estimation is not far off from the case of criminal prosecution in the aforesaid judgment as determined by the Supreme Court of India.

French High Court case – Stonemason case

Similar was the case on tort law decided by the French High Court in *Dasreef vs. Hawchar (2011) 277 ACR 611*, where Mr. *Howchar, a stonemason*, claimed damages from the employer Dasreef as he was *diagnosed with disease scleroderma & silicosis*, which he claimed to have suffered on account of he being exposed to *silico dust over a period of six years of working* as stonemason for Mr. Dasreef.

As Expert evidence produced by him besides one of a Pathologist, Mr. Howchar also produced *Dr. Basden, a Chemical Engineer*, who was the founding member of Clean Air Society of Australia and he had conducted many field and laboratory investigations into air pollution & work place atmospheric contamination. It was accepted that Dr. Basden was experienced in the measurement of respirable dust concentration but no such measurements were done for Dasreef's work place. Dr. Basden never measured the respirable fraction of dry ground sandstone, which stone was worked by Mr. Howchar, the stonemason.

The trial Judge, however, relying upon *Dr. Basden's speculative opinion awarded compensation of \$ 131130.43 in favour of Mr. Howchar.*

The French High Court led by Chief Justice by a majority of 7:1 (Hayden, J. dissenting) held that such "*speculative opinion*" or "*guesstimates*" as Dr. Basden himself called them, *ought not to have been admitted in evidence* and the Court also held that even the trial Judge has allowed Dr. Basden to be cross examined as on a *voir dire* (**that is, in order to determine whether his evidence ought to be admitted**) but the Trial Judge did not make any ruling on admissibility, instead reserving the issue and publishing his decision as to admissibility in his final decision. The High Court though upheld the compensation in favour of Mr. Howchar on the basis of evidence of Pathologist produced by him but held that the *evidence of Dr. Basden was not admissible*. The said French decision also draws the fine distinction between the production of & admissibility of the Expert evidence produced before the Court.

Indian Supreme Court – Latest Airlines Co. Case – TDS

In a recent judgment of 4th August, 2015 itself, the Supreme Court of India again decided another interesting point on the basis of Expert opinion in the form of documents and International Trade Agreements.

In the appeals filed by *M/s Japan Airlines Co. Ltd. (JAL) & Singapore Airlines Company (SAL)*, the issue raised was about the rate of TDS (Tax Deduction at Source) from the payments made by them to the Airport Authority of India (AAI). Section 194 I of

the Income Tax Act provides for the rate of 20% of TDS from such payments if the payments are to be taken as 'Rent' for the "use of land" but the rate of TDS under Section 194-C is only 2% if the payments are to be taken for the "package of services" given by the AAI in accordance with the International Protocols for the landing & parking of aircrafts with Passengers Safety Standards.

The Hon'ble Supreme Court of India relying upon the *Expert evidence in the form of Airport Economic Manual (AEM) & International Airport Transport Agreement (IATA)* applicable to all the contracting States on the charges for airport & air navigation services including the *complex system of lighting, landing equipments & signals etc.*, the Court analyzed various services and the Court held that such services provided by the AAI under the International Protocol *cannot be narrowly construed* and the amounts paid are not merely 'rentals' for the 'use of land' but for the 'package of service contract' provided by the AAI, therefore, payments made by JAL & SAL are for the 'package of services' and 'use of land' is only incidental and, therefore, rate of TDS of 2% was upheld in favour of the assessee.

The higher rate of TDS was thus not applied by the Supreme Court only on the basis of services provided by the AAI under the International Protocol and the 'use of land' since the point of time the aircraft touches the ground was held to be merely incidental and the payments were made for the 'package of services' to be provided by the AAI and not merely for the use of land and, therefore, lesser rate of TDS was rightly applied to the assessee. This avoided the huge payment of interest and penalties on the Airline Companies.

Need of Tax Expert Evidence Emphasized by Supreme Court – Airtel Case

The Supreme Court of India emphasized the use of Expert evidence in the form of International Taxation for the first time in *Commissioner of Income Tax vs. Bharti Cellular Ltd – (2011) 330 ITR 239 (SC)* in its decision on 12/8/2010 and emphasizing such need, the Supreme Court set aside the Delhi High Court decision and remanded back the case to the Assessing Authority to first determine whether the *interconnection/access/port charges for*

providing the facility of connecting calls of the consumers from one circle to another was “*fees for technical services*” paid by the *Airtel (Bharti Cellular) to BSNL/MTNL – the Service Providers*. If it amounted to *fees for technical services*, it would require TDS under Section 194 J of the Income Tax Act, otherwise not.

The Delhi High Court on 31/10/2008 held in favour of the assessee that since providing of *interconnection/access/port services did not involve any human intervention*, therefore, the expression ‘*technical services*’ used in Section 194 J read with Explanation (2) to Section 9 (1) (vii) of the Act used in juxtaposition with the expression “managerial, technical, consultancy services” which will have to be read *edjusdem generis & noscitur a sociis* and would refer only to technical services rendered by humans and not by machines or robots and, therefore, Airtel was not required to make any TDS on such payment made to BSNL/MTNL.

The Supreme Court within two years on 12/8/2010 set aside that judgment of Delhi High court and remanded the case back for determination with the help of Expert evidence or by examining Technical Expert in this regard as to whether such interconnection services required human intervention at any stage or not and then only apply Section 194 J of the Act to the assessee Bharti Cellular.

The Supreme Court realized the importance of evidence of Technical Experts in such cases in view of technical advancements made in the world and emphasized the need to examine Technical Expert in such matters involving high revenue stake and, therefore, *issued directions to the Central Board of Direct Taxes (CBDT) that the Department need not proceed* only on the basis of the contracts placed before the adjudicating authority but it should examine the Technical Expert, so that the matter could be disposed of expeditiously and it would further enable the appellate forum/ the Courts of law also to decide the issues based on factual foundation.

CBDT in compliance has issued the *Instruction No.5/2011* on 30/3/2011 directing the Assessing Officers/TPOs to frame assessments only after bringing on record the technical evidence that may be required in a case & initiation of proceedings to obtain technical evidence should be taken up well in advance before the

date of limitation for such assessment and such Expert evidence produced by the Department should be made available to the assessee to provide him a reasonable opportunity of rebuttal thereof.

“The Hon’ble Supreme Court has made the following observations in an order dated 12-8-2010 in the case of CIT, Delhi v. Bharti Cellular Ltd. [2010] 193 Taxman 97 (SC):

1. *“We are directing CBDT to issue directions to all its Officers, that in such cases, the Department need not proceed only by the contracts placed before the officers. With the emergence of our country as one of the BRIC countries and with the technological advancement matters such as present one will keep on recurring and hence time has come when Department should examine technical experts so that the matters could be disposed of expeditiously and further it would enable the appellate Forums, including this Court, to decide legal issues based on the factual foundation. We do not know the constraints of the Department but time has come when the Department should understand that when the case involves revenue running into crores, technical evidence would help the Tribunals and courts to decide matters expeditiously based on factual foundation.”*

2. *The above directions of the Supreme Court may be brought to the notice of all the officers in your region. In view of these directions in all cases that are taken up for scrutiny, the Assessing Officers/Transfer Pricing Officers should frame assessments only after bringing on record appropriate technical evidence that may be required in a case. The process of identification of such cases and initiation of the proceedings to obtain the technical evidence should be taken up well in advance before the date of limitation. The Officer concerned shall bring such cases to the notice of the CCIT/DGIT concerned, who will look into the complexities of the technical issues and monitor the progress of the case and if required assist in obtaining the opinion of the technical experts in the relevant field of expertise and endeavour to arrange for the opinion of the concerned technical expert well within time. Further, the evidence so gathered shall be made available to the assessee and reasonable opportunity provided before the assessment order is passed.*

3. *After a reference is made to an expert in the above manner, intimation must be sent of the Board through Member (IT) in the following proforma:*

<i>Name of case and Assessment year</i>	<i>Brief description of the technical issue involved of the expert</i>	<i>Name and address</i>	<i>Tax effect</i>
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[F.No. 225/61/2011-IT(A-II)]”

Even the Indian judiciary is fully conscious of up taking the various technical issues arising in the realm of tax disputes and duly recognize the need of Expert evidence in such cases and the Tax Department in our country is duly instructed in this behalf to take the help of Expert evidence in such cases.

The Current Legislations in India – for prevention of Tax Evasion

1. The Black Money (Undisclosed Foreign Income & Assets) and Imposition of Tax Act, 2015 (to be enforced from 1st April, 2016)

- ✦ The new law enacted by Indian Parliament on 26th May, 2015.
- ✦ To be enforced from 1st April, 2016.
- ✦ Section 73 of Black Money & Imposition of Tax Act, 2015 authorises Central Government to enter into Agreement with Govt. of any other country for exchange of information for prevention of evasion or avoidance of tax on undisclosed foreign income.
- ✦ The Black Money & Imposition of Tax Act, 2015 provides for time frame for voluntary disclosure of undisclosed foreign income & assets & pay 30% tax & equal amount of penalty thereon. Disclosure before 30th September, 2015 & payment of 60% including penalty before 31st December, 2015.
- ✦ *Afterwards*, penalty of 90% of such undisclosed income or assets with 30% tax i.e. 120% of such income & imprisonment upto 3 to 10 years.

2. The Prevention of Money Laundering Act, 2002.

- ✦ Money Laundering Act, 2002 enacted by Indian Parliament seeks to effectively check money laundering or crime money specially connected with Drugs & Terrorist activity, in consonance with UN Convention against illicit traffic in NDPS & Basel Statement of Principles, 1989.

- ✦ The imprisonment between 3 to 7 years extendable upto 10 years, in case of anti-national activities and confiscation of property acquired out of such tainted money is provided in said Act.
- ✦ Section 56 & 57 authorizes the State to enter into agreement with Foreign Government for exchange of information for prevention of such offence.

3. The Prevention of Money Laundering (Amendment) Act, 2012 (15th Feb. 2013)

- ✦ The India has become a member of the Financial Action Task Force (FATF) & Asia Pacific Group on money laundering.
- ✦ The India has submitted an action plan to the FATF (Financial Action Task Force) to bring anti money laundering legislations of India at par with international standards. Hence, the new Amendment Bill of 2015.

4. Foreign Exchange Management Act, 1999

5. Multilateral Competent Authority Agreement (MCAA) on Automatic Exchange of Information (AEOI) (July 2015).

6. The Benami Transaction (Prohibition) Act, 1988.

- ✦ Benami (without real name) Transactions are those transactions in which property is held by or transferred to one person for a consideration paid or provided by another person.
- ✦ The Act prohibits such transactions. Whoever enters into any benami (without real name) transaction shall be punishable with imprisonment for a term upto 3 years or with fine or with both.
- ✦ There is no right with the real owner to recover back the property held Benami (In the name of other person).

7. The Benami Transaction (Prohibition) (Amendment) Bill, 2015 (Date yet to be notified). (Pending consideration before Parliament).

- ✦ Under the new Bill, upon its enactment would provide for confiscation & vesting of Benami Property in Central Govt., will confer power of civil court in the authorities under the Act, while barring jurisdiction of civil courts & will provide for Initiating Officer to hold property in custody till 90 days, till the Adjudicating Authority decides the objections, if any.

✦ The properties held by a person in fiduciary capacity or held by an individual in the name of spouse or child or if said property is acquired out of known source of income & is held in the joint name of brother, sister or lineal descendant or member of HUF (Hindu Undivided Family) – are excluded from the purview of this Act.

8. *Income Tax Act, 1961* – Search & Seizure Provisions & Additions to be made to disclosed income for unexplained income or expenditure or investments. *Expert Evidence* in the form of evaluation of seized Articles like Gold & Diamond jewelry, valuation of immovable properties is frequently used in India to bring to tax undisclosed income on the basis of such Expert evidence.

But there are certain issues about Experts in International Tax disputes.

CURRENT ISSUES: Shortcomings

1. *Sufficient number of 'Experts'* in the field of International Taxation – Not available.
2. *Sufficient data of comparables* not available in public domain.
3. *Large number of cases/disputes* generating due to increase in international trade & services & simultaneous evolution of Treaties & Tax Policies in this field.
4. Number/Tier of Hierarchies in Tax Disputes determination/ resolution – 5 Tier from AA to SC.
5. Delay/Long time taken in resolution of international tax disputes. Technological developments & adoption of paper less working in tax department/courts not fully operational.
6. Judiciary in India already overloaded/overburdened with civil and criminal case litigation.
7. No specialized Tax Court at HC/SC levels – Though HC/SC have now dedicated Tax benches.
8. Govt./CBDT slow in issuing clear Instructions.
9. Due to Parliament logjams due to party politics – important legislations like GST – Stuck.

Current Issues – Positive steps by Indian Government

1. Government seriously pursuing GST enactment – Likely to be in place before 1st April, 2016.
2. Multilateral Competent Authority Agreement finalized in July, 2015.
3. Black Money Act 2015 enacted – to be enforced from 1.4.2016. Voluntary Disclosure before 30th September, 2015.
4. Providing for automatic exchange of information with Contracting States to prevent evasion of taxes.
5. ADR system in resolution of International Tax Disputes introduced in some DTAA Treaties.
6. Govt. serious in inviting foreign investment by liberalizing policies & therefore needful mechanism will be put in place for that.

CASE STUDY

A moot court problem about the rights of parties in dispute under International Tax Laws as discussed in an International Tax Conference at Basel in 2015 is discussed below for better understanding of the issue involved.

CHOCOLATE GALORE (DOMESTIC) INC

Applicant

DOMESTIC REVENUE AGENCY

Respondent

SOFT DRINK DEVINE PLC

Third Party

1. The Domestic Revenue Agency (“the Revenue”) has assessed *Chocolate Galore (Domestic) Inc* (“the taxpayer”) to tax under the domestic transfer pricing rules. The taxpayer’s assessment has been challenged and is pending for hearing in the Tax Court at IFA sitting in Basel.
2. The Taxpayer is a domestic subsidiary of *Chocolate Galore AG* (“the taxpayer’s parent company”), a multinational Swiss public company which *sells chocolates throughout the world*.

3. The Revenue contends that the Taxpayer's domestic income is impermissibly reduced by excessive amounts charged by its parent for the intellectual property and know-how needed to produce '*Choc N' Roll*' ("*the product*"), a chocolate-infused pop drink that is aimed at the teenage market.
4. The Revenue proposes to rely at trial upon evidence of the internal pricing structure of *Softdrink Devine plc* ("*the third party*"), a soft drink manufacturer incorporated in the United Kingdom, which the Revenue contends is an appropriate comparator.
5. The third party has made agreements with its subsidiaries in North America under which it licences intellectual property and know-how needed by its subsidiaries to produce a soft drink called '*Sugar Hit*'. The Revenue contends that '*Sugar Hit*' is comparable to '*Choc N Roll*'.
6. The internal pricing structure of the third party that the Revenue proposes to rely upon in its assessment of the taxpayer has come to it in the normal course of its investigation into the affairs of the domestic subsidiary of the third party.
7. The information in the possession of the Revenue may include or refer to communications between the third party and its legal advisers, including views on the law expressed by the legal advisers partly in reliance on factual analysis performed by expert analysts to assist the legal advisers to give their advice.
8. The third party has a United States subsidiary called Softdrink Devine (US) Inc.
9. Some of the information available to the Revenue concerns the operations of the group of the third party in the United States which has been explicitly relied on for the United States tax filings of Softdrink Devine (US) Inc.
10. The taxpayer seeks from the tax courts access to the information to be used by the Revenue, to enable the taxpayer to prepare its case. The third party has become aware of that and wants to prevent its internal pricing structure from being disclosed to the taxpayer and from becoming public. The taxpayer has made interlocutory applications to the Court seeking access to

the details of the internal pricing structure of the third party from (a) the Revenue and (b) the third party. The Revenue wants to rely upon the information of the third party's internal pricing structure but is prepared to limit disclosure of that information to the taxpayer's legal advisers and for the information to be otherwise prohibited from being disclosed.

The three parties respectively proposed the following three orders for consideration of the Court.

REVENUE'S PROPOSED ORDERS

The Revenue seeks the following orders:

1. That the evidence it proposes to rely upon of the internal pricing structure of Softdrink Devine plc be received by the tax court in camera and not be disclosed to Chocolate Galore (Domestic) Inc except to its legal advisers upon them giving an undertaking that they not disclose the information to their client.

THE TAXPAYER'S PROPOSED ORDER

The taxpayer seeks the following:

1. That all material to be relied upon by the Domestic Revenue Agency in this proceeding be made available to Chocolate Galore AG, Chocolate Galore (Domestic) Inc and their counsel, legal advisers and experts.
2. That the information possessed by Softdrink Devine PLC of its internal pricing structure be made available to Chocolate Galore AG, Chocolate Galore (Domestic) Inc and their counsel, legal advisers and experts.

THIRD PARTY'S PROPOSED ORDER

Softdrink Devine plc seeks the following orders:

1. A declaration that the information in the possession of the Revenue about the internal pricing structure used by Softdrink Devine plc in connection with the licensing of its subsidiaries of the intellectual property and know-how to produce the soft drink "Sugar Hit" is commercial-in-confidence information.

2. That the information referred to in 1 above not be disclosed to Chocolate Galore (Domestic) Inc and that it not otherwise be used in Court or otherwise be made public.

OPINION OF THE COURT

The three orders placed before the Bench, one by Revenue, the other by Tax Payer and the third one by Third Party present an interesting triangle of conflicting orders sought from the Bench and as all the three parties have their conflicting interests, where Revenue is trying, as in law entitled to do so, to collect the appropriate revenue, using the evidence in the form of internal price structure of the Third Party, a competitor of the Tax Payer producing a similar product, which is an appropriate comparable for determination of Arms Length Price (ALP) for imposition of tax in the hands of Tax Payer.

While the order proposed by the Tax Payer is one for a '*Total Disclosure Order*', the order proposed by the Third Party is one for a '*Total Prohibition Order*' and the order proposed by the Revenue is of a '*Limited Disclosure Order*' in the aforesaid case in hand.

This Court would try to make three lines of the aforesaid triangle meet and remain as near as possible to the centre of justice, which is just and fair interest of all the three parties concerned before us.

It is necessary to maintain the privacy of internal data of the Third Party while its disclosure to the relevant extent to the Tax Payer for rebuttal purposes is also equally necessary to meet with the principles of natural justice and provide the Tax Payer an effective opportunity of hearing. While the Revenue Department is authorised to collect tax in accordance with the relevant provisions of the statute and use the comparable figures for a comparable case.

The solution to this triangular conflict is possible if the following course is adopted:-

- (i) The information of internal pricing structure of the Third Party *should be received in camera* in the absence of Tax Payer and the Revenue authorities be directed to re-present such information

and data in a codified form - in a disguised name or identity, viz. X,Y,Z, instead of real name of the Third Party and place such codified information and data for approval of the court. After such approval by the Court, the codified information can be supplied to the Tax Payer and its authorized Legal Advisers. The codification will require change of name of Company, place & product in question. This is to protect the right of privacy of Third Party and to avoid misuse of the '*commercial-in-confidential*' information of the Third Party.

(ii) The Tax Payer and its Legal Advisers, to whom such codified information is supplied with judicial approval, be given an opportunity of rebuttal in comparison with its own disclosure made in the returns filed before the tax authorities. However, the Third Party will have no right of participation in such substantive hearing of the assessment of the Tax Payer.

(iii) The Tax Payer and its Legal Advisers should furnish a Declaration and Undertaking before the Court, that they will not make any effort to go beyond the codified information and will not misuse such commercial-in-confidential information relating to the Third Party for any other purposes, other than the tax dispute before the Revenue authorities and the misuse of such information for competition purposes will be treated as contempt of the Court and appropriate proceedings under the contempt law and also for imposition of a fiscal liability upon them may be initiated against them.

(iv) The Declaration and Undertaking of the Tax Payer and its Legal Advisers will bind them in case any such a misuse of the codified information is established by the Third Party in subsequently instituted misc. proceedings and will expose the Tax Payer and its Legal Advisers liable for an action under the contempt law and also to pay fiscal damages, either liquidated damages or quantified damages depending upon the loss caused to the Third Party. The share of such fiscal damages will go to the Revenue as an additional tax and another share to the Third Party to compensate the loss caused to it.

In case of breach of confidentiality by the Revenue authorities is also established by the Third Party resulting into the

loss on account of misuse of such information, then the aforesaid fiscal damages will be payable only to the Third Party and can be recovered in part from both the Tax Payer as well as the Revenue authorities responsible for such leakage of information & loss caused to the Third Party.

The aforesaid method & manner of supplying of information relating to the internal price structure of the Third Party in a *codified and disguised form* with the Undertaking for the bonafide use coupled with the condition of invoking the contempt law and fiscal damages, should adequately meet the ends of justice for all the three parties before us.

This is how we intend to resolve the conflict of interest yet meet the ends of Justice.

CONCLUSION :-

India being emerging & fast developing economy and large democracy of the world has an important role to play in the field of International Taxation and its Executives and Judiciary have tightened their belts to provide lead to the world and is certainly in a position to take such lead and guide smaller economies in cooperation with the developed economies of U.S., Europe, China and other G20 countries.

Ethical Governance and Society : A Jurisprudential Study

Abstract

Jurisprudence is the knowledge of law, or more widely expanded, it is the systematized knowledge of any branch of law. The science of law is what is loosely known as jurisprudence. The jurisprudential concept of ethical governance and society is of great significance. It has been the watchword of all major social, economic and political reform movements. All social thinkers, scholars, jurists and reformers from Socrates to Mahatma Gandhi have been making endless efforts in the quest for ethical governance and a society based on it. They wanted to abolish torture, tyranny, tension, injustice and exploitation from governance and society. For this purpose, they took assistance of the general concept of the 'rule of law'. The general principle of 'rule of law' covers in its ambit and scope: health, human rights, education, shelter, environment and a number of other general principles. In India, the Constitution is supreme. The Preamble to the Constitution clearly sets out the principles of the rule of law when it lays down the objectives of social justice, economic justice, equality of status and opportunity, and fraternity and dignity of the individual in India. The framers of the Constitution have incorporated a detailed list of human rights and fundamental freedoms as fundamental rights under Part III (Articles 12-36) of the Constitution. The present study seeks to highlight the basic contours of the 'rule of law' and its relevance with respect to ethical governance and society. A jurisprudential survey of certain leading decisions of the Supreme Court have been carried out in order to see how they recognize the right to health, the right to shelter, the right to education, the right to environment and the protection and promotion of human rights of women.

* Associate Professor, Faculty of Law, University of Allahabad, Allahabad.

1. INTRODUCTION

The primary function of Constitutional law is to ascertain the political centre of gravity of any given State. It announces in what portion of the whole is to be found the 'internal sovereignty,' '*suprema potestas*,' *Staatsgewalt*... In other words, it defines the form of government.

—Sir Thomas Eskrine Holland, K.C.¹

Jurisprudence like law and language develops with the development of society. It is the normative evaluation of basic legal values and ideas which impart validity and recognition to a legal system. It is a conceptual analysis of the theory of law correlated to socio-political goals of a society which provide explanation, justification and meaning to the totality of a legal system. Truly, jurisprudence is not merely a study of abstract ideas which govern human conduct during different periods or a set of concrete rules based on determination and induction, but it is also a value oriented method to resolve varying social interests which call for legal recognition and enforcement.

The concept of ethical governance and society is of imponderable import. It has been the watchword of all major social, economic and political reform movements since time immemorial. All social thinkers, scholars, jurists and reformers from Socrates (Greek scholar and social reformer) to Mahatma Gandhi (Indian thinker and social reformer) and others have been making supreme endless efforts in the quest for ethical governance in society. They wanted to abolish torture, tyranny, tension, injustice and exploitation from governance and society. All their energies whether material, ethical or moral have been devoted to the sole cause of ethical governance and the creation of a civilized society. States whether ancient or modern, capitalist or socialist, democratic or authoritarian have been self-declaring that they are being guided and governed by the yard stick of ethical governance and claim to have established a cultured and civilized society. They take pride in being styled as a just State, with a just law and a just social order in order to establish ethical governance in civil society. They

¹. Sir Thomas Erskine Holland, K.C., *The Elements of Jurisprudence*, (Oxford at the Clarendon Press London: Humphrey Milford, 1924), at p.370.

try to justify their actions on the basis of the rule of law, ethics and morality. The general concept of 'rule of law' has no fixed content. It is a concept that changes with the passage of time, and with a change in its contents, the surrounding facts and circumstances. It covers within its scope health, human rights, education, shelter, environment and a number of other general principles. The concept of 'rule of law' is considered the basis of all culture and all civilizations in the world.

The present study seeks to highlight the basic contour of the rule of law and its relevance with respect to ethical governance and society. It talks about the modern day relevance of the concept of ethical governance and society as taught and propagated by scholars and religious leaders through the ages. A jurisprudential survey of certain leading decisions of the Supreme Court has been made which recognizes the right to health, right to shelter, right to education, right to environment and protection and promotion of human rights of women.

The modern doctrine of 'rule of law' is one of the basic principles of the English Constitution. In the English Constitution, rule of law means the exercise of powers by the government. It shall be conditioned by law and the subject shall not to be exposed to the arbitrary will of a ruler. In other words, it means administration of justice in accordance with law and not the arbitrary will of the ruler. Sir Edward Coke first formulated the doctrine in 1607. He was Chief Justice in the regime of James I (the King in the beginning of the seventeenth century). He was against the arbitrary power of the King. He stated that the King ought not to be under a man (non *debetes sub homine*) but under God and the law set (a *sub reo et lege*). He laid down the idea of supremacy of law against the executive. The Bill of Rights in 1689 firmly laid down that the King was subject to law. Dicey interpreted this principle in his famous work *LAW OF THE CONSTITUTION* which was published in 1885.

Dicey delivered his lectures as Vinerian Professor of English law at Oxford. They were published in 1885 under the title *AN INTRODUCTION TO THE STUDY OF THE LAW OF THE CONSTITUTION*. Since then it has been established as a basic

principle of English Law. The principle is firmly accepted in the American and Indian Constitution. In his book, Dicey has given three meanings to the doctrine of the rule of law:

- (A) Absence of arbitrary power on part of the government;
- (B) Every man is subject to ordinary law administered by ordinary tribunals; and
- (C) General rules of Constitutional law are a result of the ordinary law of the land.

In India, the Constitution is supreme. The Preamble to the Constitution clearly sets out the principle of rule of law when it lays down the objectives of social, economic and political justice, equality of status and of opportunity, and fraternity and dignity of individuals in India. In the leading case of *A.K. Krapack v. Union of India*, the Supreme Court held that the rule of law exists in our Constitution. The Court observed that:

Under our Constitution the rule of law pervades over the anti-field of administration. Every organ of the State under our Constitution is regulated and controlled by the rule of law. In a welfare State like ours it is inevitable that the jurisdiction of administrative bodies is increasing at a rapid rate. The concept of our Constitution would loose its validity if the instrumentalities of the State are not charged with the duty of discharging their functions in a fair and just manner.²

In recent times, the principle of rule of law has received a place of special significance in India in order to establish good governance and civilized society. By interpreting the provisions of the Constitution, the Supreme Court has expanded the ambit and scope of 'jurisprudence' and 'rule of law'. It has given new shape to ethical governance and society. It has included in its ambit the right to health, right to shelter, right to education, right to environment and fundamental rights of women. By enunciating general principles of jurisprudence and legal philosophy it has given new shape to human rights, respect to women and preservation, protection and promotion of natural environment.

² . *A.K. Krapack v. Union of India*, (1971) 1 SCR 457.

2. THE RIGHT TO HEALTH AND ETHICAL GOVERNANCE IN A CIVILIZED SOCIETY

Health is a state of complete physical, mental and social well being and not merely the absence of disease or infirmity. The right to health, medical aid to protect health and vigour of a worker while in service or post retirement is a fundamental right under the Constitution. Economic security and social welfare of the citizens are required to be reordered under the rule of law. Articles 21 and 47 of the Constitution impose a constitutional obligation and primary duty upon the State to secure health to its citizens.

In the leading case of *Consumer Education and Research Centre*³ Justice Ramaswami held that the right to health, medical aid to protect the health and vigour of a worker while in service or post retirement is a fundamental right under Article 21, read with Articles 39 (e), 41, 43, 48-A and all related Articles and fundamental human rights to make the life of a workman meaningful and purposeful with dignity of person.⁴

In this case, the petitioner an accredited organization filed public interest litigation under Article 32 of the Constitution to issue guidelines for the protection of the health of the worker engaged in mines and asbestos industries.

Delivering the judgment of the Court Justice Ramaswami held that in a developing society like ours steeped with unbridgeable and ever widening gaps of inequality in status and of opportunity, law is *calalyst rubican* to the poor etc. to reach the ladder of social justice, He referred the views of Justice K. Subba Rao,⁵ where he stated that “Social Justice is one of the disciplines of justice and the discipline of justice relates to the society”. The learned Judge referred Articles 1 and 25 (2) of the Universal Declaration of Human Rights, 1948, Article 12 (b) of the International Covenant on Economic, Social and Cultural Rights, 1966 and Articles 21,

³ . *Consumer Education and Research Centre v. Union of India*, AIR 1995 SC 922. See also *National Textile Workers' Union v. P.R. Ramakrishnan*, 1983 (1) SCR 922, *M. C. Mehta v. Union of India*, (1987) 4 SCC 463, *Parmanand Katara v. Union of India*, (1989) 4 SCC 286, *Workmen of Meenakshi Mills Ltd v. Meenakshi Mills Ltd.* (1992) 3 SCC 336.

⁴ . The learned Judge relied on *C.E.S.C. Limited v. Subhash Chandra Bose*, AIR 1992 SC 573.

⁵ . The former Chief Justice of the Supreme Court, in his '*Social Justice and Law*', at p.2.

38(1), 46, 39 (e), 42, 43, 48-A of the Constitution of India and observed:

The right to health to a worker is an integral facet of meaningful right to life to have not only a meaningful existence but also robust health and vigour without which worker would lead life of misery. Lack of health denudes his livelihood. Compelling economic necessity The right to health to a worker is an integral facet of meaningful right to life to have not only a meaningful existence but also robust health and vigour without which worker would lead to work in an industry exposed to health hazards due to indigence to bread-winning to himself and his dependents, should not be at the cost of the health and vigour of the workman. Health of the worker enables him to enjoy the fruit of his labour, keeping him physically fit and mentally alert for leading a successful life, economically, socially and culturally. Medical facilities to protect the health of the workers are, therefore, the fundamental and human rights to the workmen.⁶

The learned Judge held that right to health, medical aid to protect the health and vigour to a worker while in service or post retirement is a fundamental right under Article 21, read with Articles 39(e), 41, 43, 48A and all related Articles and fundamental human rights to make the life of the workman meaningful and purposeful with dignity of person. It was held that the right to health, medical aid to protect the health and vigour both during service and after retirement is a Fundamental Right under Article 21 of the Constitution. It is obligation of the State to provide to workmen facilities to reach minimum standard of health, economic security and civilized living. Social justice is a means to ensure life to be meaningful and liveable. Right to life includes right to livelihood, better standard of life, hygienic conditions in workplace and leisure.

3. THE RIGHT TO EDUCATION AND ETHICAL GOVERNANCE

The right to education is a fundamental right included under the right to life and personal liberty under Article 21 of the Constitution. In *Mohini Jain v. State of Karnataka*⁷, the question of

⁶ *Consumer Education and Research Centre v. Union of India*, AIR 1995 SC 922 at p. 940, para 26.

⁷ *Mohini Jain v. State of Karnataka*, AIR 1992 SC 1858.

fundamental right to education, its scope and limitation came for consideration before the Supreme Court. In this case the petitioner was asked by the management of Medical College to deposit Rs. 60,000/- as the tuition fee for the first year and furnishes a bank guarantee respect of the fee for the remaining years of the M.B.B.S. course, for her admission.

The petitioner's father informed the management that it was beyond his means to pay the exorbitant annual fee of Rs. 60,000/- and as a consequence she was denied admission. In the writ petition under Article 32 the petitioner challenged the notification of the Karnataka Government permitting the private medical colleges to charge such exorbitant rate.

A strong issue for consideration before the Court was: Is there a 'right to education' guaranteed to the people of India under the Constitution? If so, does the concept of 'Capitation fee' infract the same?

Speaking on behalf of the Court Justice Kuldip Singh held that the right to education is a fundamental right under Art. 21 of the Constitution which cannot be denied to a citizen by charging higher fee known as the capitation fee. The right to education flows directly from right to life. The right to life under Art. 21 and the dignity of an individual cannot be assured unless it is accompanied by the right to education. In support of the judgment, he referred Preamble, Arts. 21, 38, 39(a) and (f) 41 and 45 of the Constitution. Highlighting the importance of education the learned Judge observed:

The dignity of the man is inviolable. It is the duty of the State to respect and promote the same. It is primarily the education which brings forth the dignity to man. The framers of the Constitution were aware that more than seventy per cent of the people, to whom they were giving the Constitution of India, were illiterate. They were also hopeful that within a period of ten years illiteracy would be wiped out from the country. It was with that hope that Arts. 41 and 45 were brought in Chapter IV of the Constitution. An individual cannot be assured of human dignity unless his personality is developed and the only way to do that is to educate him. This is why the Universal Declaration of Human

rights, 1948 emphasizes “Education shall be directed to the full development of the human personality”. Art 41 in chapter IV of the Constitution recognizes an individual’s right to education.⁸

The learned Judge emphasized the importance of education for the development of personality of the individual. The dreams of the makers of the Constitution towards people of India can be realized only by educating people of the country. He took help from Art. 26 of the Universal Declaration of Human Rights, 1948 which recognizes right to education as a human right for the development of personality of a person. Declaring the right to education as a fundamental right under Art. 21 he observed:

Right to life is the compendious expression for all those rights which the courts must enforce because they are basic to the dignified enjoyment of life. It extends to the full range of conduct which the individual is free to pursue. The right to education flows directly from right to life. The right to life under Article 21 and the dignity of an individual cannot be assured unless it is accompanied by the right to education. The State Government is under an obligation to make endeavour to provide education facilities at all level to its citizens.

4. THE RIGHT TO SHELTER AND WEAKER SECTIONS OF THE SOCIETY

It is a constitutional obligation of the State to provide house site and shelter to the poor houseless and weaker sections of the society. The case of *Chameli Singh v. State of U.P.*,⁹ came before the Supreme Court by special leave petition against the Division Bench order of the Allahabad High Court. Certain lands were acquired by Government of U.P. for public purposes to provide houses to Scheduled Castes (for Dalits). On behalf of the petitioners, it was argued that on account of the acquisition, the appellants would be deprived of their lands which are the only source of their livelihood violating Article 21 of the Constitution.

⁸ . *Ibid.*, at p. 1863.

⁹ . *Chameli Singh v. State of U.P.*, (1996) 2 SCC 549. See also *State of Maharashtra v. Alka B. Hingde*, AIR 1998 SC 2342, *Gainda Ram v. M.C.D.*, AIR 1998 SC 2363. In *B. L. Wadehra v. Union of India*, (2004) 10 SCC 106, the Supreme Court held that it is obligation of the State to provide shelter under Article 21 of the Constitution.

Speaking on behalf of the Court Ramaswamy, J. held that compulsory acquisition of land by State for public purposes does not amount to deprivation of right to livelihood. The learned Judge referred the provisions of Article 25(1) of the Universal Declaration of Human Rights, 1948, and Article 11(1) of the International Covenant on Economic, Social and Cultural Right, 1966 and held that in any organized society, right to live as a human being is not ensured by meeting only the animal needs of man. It is secured only when he is assured of all facilities to develop himself and is freed from restrictions which inhibit his growth. All human rights are designed to achieve this object Right to live guaranteed in any civilised society implies the right to food, water, decent environment, education, medical care and shelter. These are basic human rights known to any civilised society. All civil, political, social and cultural rights enshrined in the Universal Declaration of Human Rights and the Convention or under the Constitution of India cannot be exercised without these basic human rights. Shelter for a human being, therefore, is not a mere protection of his life and limb. It is home where he has opportunities to grow physically, mentally, intellectually and spiritually. Right to shelter, therefore, includes adequate living space safe and decent structure, clean and decent surroundings, sufficient light, pure air and water, electricity, sanitation and other civic amenities like roads etc. so as to have easy access to his daily avocation. The right to shelter, therefore, does not mean a mere right to a roof over one's head but right to all the infrastructure necessary to enable them to live and develop as a human being. Right to shelter when used as an essential requisite to the right to live, should be deemed to have been guaranteed as a fundamental right. As is enjoined in the Directive Principles, the State should be deemed to be under an obligation to secure it for its citizens, of course subject to its economic budgeting. The learned Judge observed:

In a democratic society as a member of the organised civic community one should have permanent shelter so as to physically, mentally and intellectually equip oneself to improve his excellence as a useful citizen as enjoined in the Fundamental Duties and to be a useful citizen and equal participant in democracy. The ultimate object of making a man equipped with a right to dignity of person

and equality of status is to enable him to develop himself into a cultured being. Want of decent residence, therefore, frustrates the very object of the constitutional animation of right to equality, economic justice, fundamental right to residence, dignity of person and right to live itself. To bring the Dalits and Tribes into the mainstream of national life, providing these facilities and opportunities to them is the duty of the State as fundamental to their basic human and constitutional rights.”¹⁰

5. THE RIGHT TO ENVIRONMENT AND ETHICAL GOVERNANCE

The Supreme has given landmarks judgments for the protection, preservation and promotion of natural environment. It has issued effective directions and laid down marvelous principles to protect and preserve environment. In the leading case of *Vellore Citizens Welfare Forum*,¹¹ the Apex Court has dealt with the concept of ‘sustainable development’ and has specifically accepted ‘The Precautionary Principle’ and ‘The Polluter Pays principle’ as part of the environmental laws of the land and included in the expression ‘life and personal liberty’ under Article 21 of the Constitution. The relevant part of the judgment is as under:

During the two decades from Stockholm to Rio ‘Sustainable Development’ has come to be accepted as a viable concept to eradicate poverty and improve the quality of human life while living within the carrying capacity of the supporting eco-systems. ‘Sustainable Development’ as defined by the Brundtland Report means ‘Development that meets the needs of the present without compromising the ability of the future generations to meet their own needs’. We have no hesitation in holding that ‘Sustainable Development’ as a balancing concept between ecology and development has been accepted as a part of the Customary International Law though its salient features have yet to be finalised by the International Law Jurists.

Some of the salient principles of ‘Sustainable Development’, as culled out from Brundtland Report and other international documents, are Inter-Generational Equity, Use and Conservation

¹⁰. *Ibid.*, at p.556.

¹¹. *Vellore Citizens Welfare Forum v. Union of India & Ors*, AIR 1996 SC 2715.

of Natural Resources, Environmental Protection, the Precautionary Principle, Polluter Pays principle, Obligation to assist and cooperate, Eradication of Poverty and Financial Assistance to the developing countries. We are, however, of the view that 'The Precautionary Principle' and 'The Polluter Pays principle' are essential features of 'Sustainable Development'. The 'Precautionary Principle' - in the context of the municipal law - means:

- (i) Environment measures - by the State Government and the statutory authorities- must anticipate, prevent and attack the causes of environmental degradation.
- (ii) Where there are threats of serious and irreversible damage, lack of scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation,
- (iii) The 'Onus of proof' is on the actor of the developer/industrialist to show that his action is environmentally benign.¹²

'The Polluter Pays principle' has been held to be a sound principle by the Supreme Court in *Indian Council for Enviro-Legal Action case*¹³. The Court observed:

We are of the opinion that any principle evolved in this behalf should be simple, practical and suited to the conditions obtaining in this country.¹⁴

The Court ruled that:

Once the activity carried on is hazardous or inherently dangerous, the person carrying on such activity is liable to make good the loss caused to any other person by his activity irrespective of the fact whether he took reasonable care while carrying on his activity. The rule is premised upon the very nature of the activity carried on.¹⁵

6. THE PROTECTION AND PROMOTION OF HUMAN RIGHTS OF WOMEN

The Supreme Court has held that sexual harassment of working women amounts to violation of women's human right of

¹². *Ibid.*, at pp. 2720-2721, paras 10-11.

¹³. *Indian Council for Enviro-Legal Action v. Union of India*, (1996) 3 SCC 212.

¹⁴. *Ibid* at p. 246, para 65.

¹⁵. *Ibid.*

gender equality and protection from sexual harassment and abuse of right to work with dignity. In a landmark judgment *Vishaka v. State of Rajasthan*,¹⁶ a three Judge Bench of the Supreme Court has laid down exhaustive guidelines to prevent sexual harassment of working women in places of their work until legislation is enacted for the purpose.

Speaking on behalf of the Court Chief Justice J.S. Verma held that each such incident results in violation of the fundamental rights of 'Gender Equality' and the 'Right to Life and Liberty'. It is a clear violation of the rights under Articles 14, 15 and 21 of the Constitution. Right to life means life with dignity. The primary responsibility for ensuring such safety and dignity through suitable legislation, and the creation of a mechanism for its enforcement, is of the legislature and the executive. Unless, a law is made this is the duty of the Court to lay down some guidelines to fill the legislative vacuum.

The learned Judge referred Articles 15, 42, 51-A, 51, 253 and Entry 14 of the Union List in Seventh Schedule to Constitution and observed:

In the absence of domestic law occupying the field, to formulate effective measures to check the evil of sexual harassment of working women at all work places, the contents of International Conventions and norms are significant for the purpose of interpretation of the guarantee of gender equality, right to work with human dignity in Articles 14, 15, 19(1) (g) and 21 of the Constitution and the safeguards against sexual harassment implicit therein. Any International Convention not inconsistent with the fundamental rights and in harmony with its spirit must be read into these provisions to enlarge the meaning and content thereof, to promote the object of the constitutional guarantee. This is implicit from Article 51 (c) and the enabling power of the Parliament to enact laws for implementing the International Conventions and norms by virtue of Article 253 read with Entry 14 of the Union List in Seventh Schedule of the Constitution. Article 73 also is relevant. It provides that the executive power of the Union shall extend to the matters with respect to which Parliament has power to make laws. The executive power of the Union is,

¹⁶. *Vishaka v. State of Rajasthan*, AIR 1997 SC 3011. See also *Export Promotion Council v. A.K. Chopra*, AIR 1999 SC 625.

therefore, available till the Parliament enacts legislation to expressly provide measures needed to curb the evil.¹⁷

The learned Judge further observed:

Gender equality includes protection from sexual harassment and right to work with dignity, which is a universally recognised basic human right. The common minimum requirement of this right has received global acceptance. The International Conventions and norms are, therefore, of great significance in the formulation of the guidelines to achieve this purpose.¹⁸

7. CONCLUDING REMARKS

Jurisprudence is an experimental study of legal ideas and ideals and of social philosophy and political ideology in form and content, nature and function which make it a living and dynamic discipline-‘a master science’ of legal thought. The doctrine of ‘rule of law’ propounded by Dicey is based on the working of British system of government, English Common Law and unwritten English Constitution. His theory has influenced the growth and development of administrative law, ethical governance and civilized society in America, India and a number of countries having democratic governments.

The rule of law is necessary in order to provide good governance. It promotes ethics and morality to establish a civil society. It is basic objectives of our constitution. It provides the absence of arbitrary power. It is necessary for effective control of and proper publicity for delegated legislation. It states that when discretionary power is granted the manner in which it is to be exercised should as far as is practicable be defined. It ensures that every man should be responsible to the ordinary law whether he be private citizen or public officer.

The Government of India, the National Human Rights Commission, the Indian Institute of Public Administration (New Delhi) and Non Governmental Organizations are working to improve ‘ethical governance’ and to establish well cultured and civilized society. There is a need to initiate a movement to enrich

¹⁷. *Ibid.*, at pp. 3013-3014, para 7.

¹⁸. *Ibid* at p. 3014, para 10.

and strengthen ethical governance. It is necessary to recognize and enforce human right to health and prevent the dangers affecting public health. For the proper and effective implementation of the concept of ethical governance, it should be made a compulsory subject in competitive examinations. The Union Public Service Commission should recognize 'ethical governance and society' as a compulsory subject in its examinations. In modern times, 'ethical governance and society' should be recognized as a subject of teaching in Universities, higher education and other educational institutions. To build a strong and powerful nation, 'ethical governance and society' should be recognized and implemented properly and effectively. 'Ethical governance and society' must be made a compulsory subject for students, teachers, political leaders, administrative officers and other citizens of the country.

Further, United Nations Organization has made a number of conventions, declarations and norms for 'ethical governance and society'. The provisions of the U.N. Charter, the Universal Declaration of Human Rights, 1948, and number of international instruments have made elaborate provisions for 'ethical governance and society'. It is an obligation of the States to make legislations for 'ethical governance and society'. The Universal Declaration of Human Rights, 1948, powerfully proclaims:

Everyone has the right to work, to just and favourable conditions of work and to protection for himself and his family (and) an existence worthy of human dignity... everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including food, clothing, housing and medical care.

Free Legal Aid as a Fundamental Right in India: Reality or Still a Distant Dream

This article critically analyses the state of legal aid in India, which is a fundamental right of the accused in criminal matters under Article 21 of the Constitution and a means-tested entitlement for the poor in civil cases. While unraveling the role of the Supreme Court in institutionalizing legal aid in India and the various policies and programmes enacted as a result of judicial activism, this paper notes that though significant progress has been made, a lot still remains to be done as the legal aid movement has not yet benefited the vast teeming millions it ought to. This is owing to a host of reasons, such as the tardy implementation of government policies by public authorities, the pathetic ignorance of people about their legal entitlements and the inexperienced and junior legal practitioners being drawn into the system who have little commitment and empathy for the poor. In conclusion, the paper suggests suitable measures for reviving and revitalizing this democratic instrument failing which glorious notions like legal equality and equal access to law would remain a sheer dream for the numerous underprivileged and deprived masses who still live in sub-human conditions and heavily depend on state succor for alleviation from their miseries. The paper is documented in a wholesome manner with authentic references.

Legal aid constitutes an important ingredient of the general notion of equal justice, equality before law and equal protection of law. These notions, though hall marks of a modern society, remain dead letters for the poor who are unable to access the doors of justice and take benefit of the legal system that professes to work for one and all. For the deprived and disadvantaged people, principles of equal justice do not mean anything if they are unable to get the fruits of the legal and judicial systems upholding these basic values. Unless certain mechanisms are devised and established in the legal framework of a country, real justice cannot be secured

* Faculty of Law, Allahabad University

to the disadvantaged people. The issue of access to justice has been a major problem confronting humanity from times immemorial prompting rulers and legal scholars to find ways to dispense justice for own and all, without any barriers. The need for affordable and cheap justice is felt much more in modern times, than at any other times, as people's lives have become full of tensions and problems. Anxieties and worries have gripped almost all walks of human life, including both personal and professional lives. There are increased cases of marriage break ups, family disturbances, domestic violence, loss of jobs, cuts in wages or benefits or discrimination in public life and so and so forth. All these problems have legal dimensions which need effective and prompt remedies. Scholars hold that "legal problems are the problems of everyday life. They occur when people divorce, lose their jobs, migrate, die (inheritance), have an accident (personal injury), buy goods or services that do not work as expected, or see their business cooperation fail". With the establishment of modern liberal democracies beginning 20th Century, the case for equal justice became all the more crucial, particularly in the developing and under – developed world. It was realized that unless nations include equal justice as their constitutional obligation and work towards its realization zealously, equal justice would remain a glorious myth for the poor and the illiterate people. It was because of this that the question of equal justice and its variants as legal aid, prompt justice, cheap justice etc. became serious issues of discussion and deliberation and were ultimately given constitutional or legal status in many countries.

The term legal aid refers to the help provided to people, who on account of poverty or their weak social and economic status or other associated disadvantages, are unable to seek shelter of the court or legal system for protecting their interests and getting their problems resolved. Their vulnerable position in the society prevents them from accessing or affording legal services by themselves due to the disadvantages associated with them. This disadvantage is sought to be removed by providing him the services of a lawyer by the government or any organization that can fight his case and represent him in the court. Thus, legal aid is defined as "a legal assistance provided, as by a specially established

organization, for those unable to afford an attorney”, or ‘ it is a means-tested benefit in the form of financial assistance to persons to meet the cost of advice and representation in legal proceedings’. The Encyclopedia Britannica defines legal aid as a “phrase which is acquired by usage and court decisions, a specific meaning of giving to person of limited means grants or for nominal fees, advice or counsel to represent them in court in civil and criminal matters.”. According to Collins English Dictionary, legal aid is a means-tested benefit in the form of financial assistance for persons to meet the cost of advice and representation in legal proceedings.” Similarly, the Webster’s ne World Law Dictionary defines it as “the free or inexpensive services of an attorney, provided to individuals, typically criminal defendants, who are not otherwise able to afford an attorney.” All these definitions underlie the fact that it is a ‘means’ or a ‘mechanism’ provided to the poor and the weak, by the state or any other organization, who are unable to pay for themselves to seek legal remedy to get justice. It is an instrument which aims to undo their inability by providing them legal services in the form of free advice and representation by a legal counsel. This is done to make them equal before the law and to secure them justice.

While in criminal matters, the state makes provision for assigning a legal counsel to an accused to represent him, in civil matters, an individual, though does not have this right per se, is to be provided free legal assistance by a state if his case falls within the eligibility criterion devised by the state. In this way, efforts are made to provide legal equality so that they do not have to suffer on account of their weak social and economic status. Today, more emphasis is given to alternative dispute resolution mechanism which facilitates the resolution of disputes outside the court, with mutual settlement among the disputing parties. This lessens the burden on courts and saves their valuable time and energy at the same time. The state gives assistance to poor people to take advantage of the ADR mechanism through expert legal advice of the lawyers. In this way, legal aid contributes to the legal emancipation of the weaker classes and ensues legal equality and easy accessibility to the justice system. That’s why legal aid has become part and parcel of most of the legal systems around the

world. Lord Denning describes this development in the post Second World War as a matter of great importance. He observes: "The greatest revolution in the law since the post-second World War has been the evolution of the mechanism of the system for legal aid. It means that in many cases the lawyers' fees and expenses are paid for by the state and not by the party concerned. It is a subject of such importance that I venture to look at the law about costs-as it was-as such it is-and as it should be."

Development of Legal Aid Movement in India

The concept of 'equal justice' or 'justice to all' is not something that originated in modern India rather its roots can be traced to ancient India where the kings were supposed to uphold the *dharma* (righteousness) and *nyaya* (justice) for the common people. The king was under a moral obligation to serve the people with selfless service and dedication, and an unjust king who failed in his duties forfeited his rights to rule and it was legitimate for the people to remove him by force. *Manusmriti* casts a duty on a king to administer justice and treat all his subjects as equal irrespective of their social status or beliefs. The king was bound by his duties to *dharma* and *nyaya* by a set of religious code which constantly guided him in the administration of justice in social, economic and political aspects, whose sanctity has to be preserved and developed. In the medieval era India, the king was guided by the Islamic law in resolving people's disputes notwithstanding the religion of the disputant parties to the case. But even then Hindus were governed by Hindu Law if they were a party to the dispute. It was the Mughal Emperor, Jahangir who was renowned for giving justice to one and all, without any discrimination on grounds of religion, birth or social status. Because of his evenhanded approach to dispensing justice with one and all, he became very popular as a 'just king'.

However, the formal history of legal equality and legal justice in India starts with the adoption of the Constitution of India. Although initially there were no direct legal aid provisions in the Constitution, it was inherent in other provisions of the Constitution, mainly Article 14 which obligates the State to provide equality before law and equal protection to everyone without any discrimination on grounds of race, religion, caste, gender, age or

place of birth. Owing to this obligation, there was sufficient realization in the government and the judiciary that the poor, which then constituted a big part of the Indian population, needed to be provided with legal assistance and legal education. Thus, since 1952, the Government of India started taking initiative to address the problem of legal aid for the poor and destitute through various Ministerial Law Conferences and Commissions. Schemes of legal aid were developed under the supervision of Justice H.N.Bhagwati, of Bombay High Court and Justice Trevore Harris of Calcutta High Court.

Justice Bhagwati's work subsequently led to the setting up of a Law Commission by the Central Government under the chairmanship of eminent jurist, M.C. Setalvad to make recommendations for making legal aid program an effective instrument for rendering social justice. In its report, the Law Commission emphasized that free legal aid is a service which should be provided by the State to the poor. The State must, while accepting the obligation, make provision for funds to provide legal aid. The legal community must play a pivotal role in accepting the responsibility for the administration and working of the legal aid scheme. It owes a moral and social obligation and therefore the Bar Association should take a step forward in rendering legal aid voluntarily. These would include representation by lawyers at government expenses to accused persons in criminal proceedings, in jails, and appeals. "The Commission also recommended that substitution in Order XXXIII, Civil Procedure Code of the word 'pauper' with 'poor persons'".

Based on the recommendations of the Law Commission, a national scheme of legal aid was formulated by the Government of India in 1960 according to which legal aid was to be provided in all courts including tribunals. The scheme envisaged the establishment of committees at the State, District and Tehsil levels. However, owing to the financial constraints, the state did not take much interest in the scheme and consequently the recommendations could not be implemented.

Besides the states' inability, the judicial attitude towards the legal aid too was not encouraging. This became clear in

Janardhan Reddy v. State of Hyderabad and Tara Singh v State of Punjab, in which the court took a narrow view of statutory provisions giving a person the right to lawyer. The judgment said that this was, “a privilege given to accused and it is his duty to ask for a lawyer if he wants to engage one or get his relations to engage one for him. The only duty cast on the Magistrate is to afford him the necessary opportunity (to do so).” Even with regard to cases pertaining to capital punishment, the early judgments of the Supreme Court seemed narrow when it declared that “ it cannot be laid down in every capital case where the accused is unrepresented the trial is vitiated.” These instances establish the perhaps the broader framework of legal aid in the newly independent India was not yet clear and more efforts were required to establish the system in the right perspective.

Taking another initiative in 1973, the Government constituted a committee under the noted jurist, Justice Krishna Iyer to suggest measures for devising and elaborating the legal aid scheme. The committee gave valuable recommendations for setting up of legal aid committees in each district, at state level and at the Centre. It also suggested that an autonomous corporation be set up to effectively implement the legal aid scheme. The committee recommended encouraging the concept of legal aid camps and Nyayalayas (court) in rural areas. It also called for incorporating legal aid provision in the Constitution of India.

The Government accepted the recommendations in 1976 and by the 42nd Constitutional Amendment Act, Article 39-A was introduced in the Directive Principles of State Policy. In September 1980, the “Committee for implementing Legal Aid Schemes” (CILAS) was constituted under the chairmanship of then Chief Justice P.N. Bhagwati to monitor and implement legal aid programs on a uniform basis in all the States and Union Territories. ‘CILAS’ evolved a model scheme for legal aid programs applicable throughout the country by which several legal aid and advice Boards were set up in the States and Union Territories.

Significant change were witnessed in the late seventies particularly with regard to the Maenka Gandhi case in 1978. This case widened the scope and ambit of fundamental rights taking

into account not only the fundamental rights enumerated in part III of the constitution but also including all such rights that became associated or formed part of these rights. Following this, the courts widened their perspective with respect to the civil liberties. While disclosing shocking state of affairs and callousness of our legal and judicial system causing enormous misery and suffering to the poor and illiterate citizens resulting into totally unjustified deprivation of personal liberty, Justice P.N. Bhagwati, made following observations:

“This unfortunate situation cries aloud for introduction of an adequate and comprehensive legal service programmes, but so far, these cries do not seem to have evoked any response. We do not think it is possible to reach the benefits of the legal process to the poor to protect them against injustice and to secure to them their constitutional and statutory rights unless there is a nation-wide legal service programme to provide free legal services to them.”

The negative judicial attitude towards the legal aid showed signs of change that was reflected in the Courts’ recognizing legal aid as a fundamental right under Article 21 in the case *Sunil Batra v. Delhi Administration*. This case defined the scope and ambit of the right to legal aid. The court declared that there can be two situations in which a prisoner would be entitled for legal aid to be given. First, to seek justice from the prison authorities and second, to challenge the decision of such authorities in the court. Thus, legal aid was to be introduced at two levels- in the judicial proceedings and before the prison authorities which were administrative in nature.

At the beginning of the 1980s, two important cases came to the Supreme Court which proved to be crucial in the development of free legal aid in India. In *Hussainara Khatoon* case, a writ of habeas corpus petition was brought on behalf of the large number of men, women, and children, who were detained in jail in the State of Bihar for years awaiting trial for minor offences, which, even if proven, would not have warranted punishment for more than a few months, or perhaps for a year or two. Despite this, they were deprived of their freedom for periods ranging from

three to ten years without even as much as a trial date. The Supreme Court issued a clarion call to the government:

“We may also take this opportunity of impressing upon the Government of India as also the State Governments, the urgent necessity of introducing a dynamic and comprehensive legal service program with a view to reaching justice to the common man. Today, unfortunately, in our country the poor are priced out of the judicial system with the result that they are losing faith in the capacity of our legal system to bring about changes in their life conditions and to deliver justice to them. The poor in their contact with the legal system have always been on the wrong side of the law. They have always come across law for the poor rather than law of the poor. The law is regarded by them as something mysterious and forbidding-always taking something away from them and not as a positive and constructive social device for changing the socio-economic order and improving their life condition by conferring rights and benefits on them. The result is that the legal system has lost its credibility for the weaker sections of the community. It is, therefore, necessary that we should inject equal justice into legality and that can be done only by dynamic and activist scheme of legal services.”

The court further ruled: “it is an essential ingredient of reasonable, fair and just procedure to a prisoner who is to seek his liberation through the court’s process that he should have legal services available to him. Free legal service to the poor and the needy is an essential element of any reasonable, fair and just procedure.” The court invoked Article 39-A which provides for free legal aid and has interpreted Article 21 in the light of Article 39-A. It upheld the right to free legal aid to be provided to the poor accused persons ‘nor in the permissive sense of Article 22(1) and its wider amplitude’ but in the peremptory sense of article 21 confined to prison situations.’

In *Khatri (II) v. State of Bihar*, two prisoners lost their eyesight as a result of police torture while in custody. The court directed the Registrar of the Supreme Court to conduct an enquiry with respect to the torture. He determined that legal representation was not provided to the prisoners because neither requested counsel

when they were brought before the magistrate initially or on remand. The Court directed that unless the accused is not willing to take advantage of free legal services provided by the state, he must be provided legal representation at the cost of state. Justice P.N. Bhagwati, referring to Supreme Court's mandate in *Khatun*, wrote:

“It is unfortunate that though this Court declared the right to legal aid as a fundamental right of an accused person by a process of judicial construction of Article 21, most of the States in the country have not taken note of this decision and provided free legal services to a person accused of an offence. The State is under a constitutional mandate to provide free legal aid to an accused person who is unable to secure legal services on account of indigence, and whatever is necessary for this purpose has to be done by the State.”

The court's commitment to legal aid were reemphasized in the 1986 case of *Sukhdas v. Union Territory of Arunachal Pradesh* in which Justice P.N. Bhagwati, while referring to the decision of *Hussainara Khatun's* case and some other cases made the following observations in paragraph 6 of the said judgment:

“Now it is common knowledge that about 70% of the people living in rural areas are not aware of the rights conferred upon them by law. Even literate people do not know what are their rights and entitlements under the law. It is this absence of legal awareness which is responsible for the deception, exploitation and deprivation of rights and benefits from which the poor suffer in this land. Their legal needs always stand to become crisis oriented because their ignorance prevents them from anticipating legal troubles and approaching a lawyer for consultation and advice in time and their poverty because magnifies the impact of the legal troubles and difficulties when they come. Moreover, of their ignorance and illiteracy, they cannot become self-reliant; they cannot even help themselves. The law ceases to be their protector because they do not know that they are entitled to the protection of the law and the can avail of the legal service programs for putting a end to their exploitation and winning their rights. The result is that poverty becomes with them a condition of total helplessness.

This miserable condition in which the poor find themselves can be alleviated to some extent by creating legal awareness amongst the poor. That is why it has always been recognized as one of the principal items of the program of the legal aid movement in the country to promote legal literacy. It would be in these circumstances made a mockery of legal aid if it were to be left to a poor, ignorant and illiterate accused to ask for free legal service, legal aid would become merely a paper promise and it would fail of its purpose.”

Constitutional Provisions And Legislative Enactments Enabling Legal Aid

These developments, basically judicial in nature, marked a turning point for the institutionalization of legal aid in India. As noted above, though there were no direct provisions on legal aid in the Constitution, the changing attitude of the judiciary had a significant impact in filling this vital gap in the constitution which came by way of 42nd amendment to the constitution in 1976. This amendment inserted a new provision namely Article 39A in part 1V of the Constitution dealing with Directive Principles of State Policy. This provision sought to provide equal justice and free legal aid to the poor and downtrodden sections of the society for achieving social justice. It lays down:

“Equal justice and free legal aid-The State shall secure that the operation of the legal system promotes justice, on a basis of equal opportunity, and shall, in particular, provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities”.

Other provisions concerning legal aid are inherent in several other article of the constitution. For instance, Article 14 guarantees provides for equality before law and equal protection of law. This equality of law is meaningless unless poor litigants are provided adequate legal support free of cost to fight their cases in a court of law. To an economically weak or a socially vulnerable person, legal equality is a myth as he/she is simply unable to access the courts due to his inability to pay for the court's and the lawyer's fees to redress his problems. This want of means to obtain access to courts

renders a person with unequal justice. Unfortunately, this inequality has grown massively over the years due to the enormous growth in state welfare legislation catering to the needs of the socially and economically vulnerable sections of people. The growth in the complexity and the sheer expanse of law, it appears, has confused people about their rights and legal entitlements as they fail to understand the cumbersome legislations and the remedies provided therein in case of infringement by the state. If at all he understands, he is unable to access the courts due to the costly bureaucratic procedures involved. Resultantly, he becomes a victim of unequal justice. Thus, Article 39 A when read with Article 14 ensues equality before law to a person by enabling him to access a court of law irrespective of his weak economic or social status and thus ensure justice on the basis of equality of opportunity to all.

Next to Article 14, Article 21 guarantees the right to life and personal liberty of people. No one can be deprived of this right except by the 'procedure established by law' which, in effect means a procedure which is just, fair and reasonable (Maenka Gandhi Case, 1978). Natural justice is a pre-condition to 'fair procedure' requirement and natural justice involves the 'right to be heard. The right to hearing in jurisprudence means the right to be heard through a counsel. Thus, if the right to counsel is mandatory for a just and fair trial, it involves per se that the accused has adequate means to defend himself. The Supreme Court, on a number of occasions, have observed that where a person who is accused of a crime punishable with imprisonment is entitled to free legal aid as a matter of fundamental right under Article 21 if he/she is unable to afford a counsel on account of his/her extreme poverty. Besides, the court has also declared that the counsel of the accused should also be afforded sufficient time and facility to prepare the defence. The contravention or the non-fulfillment of these legal safeguards would invalidate the trial and even his subsequent conviction irrespective of the fact that the undertrial did not ask for legal aid. Article 22(1) mandates that a person who is arrested shall be informed about the grounds of his arrest as also he shall have the right to consult a lawyer of his choice and be represented in a court of law to defend himself. Further, Article 38 obligates the state to promote the welfare the people by creating a

social order where justice (social, economic and political) shall pervade all the institutions of national life. The above provisions thus make it amply clear that the State has been ordained to secure a legal system, which promotes justice on the basis of equal opportunity. Besides these constitutional provisions, legal aid clauses have also been incorporated in the civil and criminal codes of India.

Legal aid provisions are also contained in Civil Procedure Code, 1908. Order 33 provides for filing of suits by indigent persons. It enables persons who are too poor to pay court-fees and allows them to institute suits without payment of requisite court fees. Likewise the Criminal Procedure Code, 1973 also, through Section 304, provides that where in a trial before the Court of Session, the accused is not represented by a pleader and where it appears to the court that the accused has not sufficient means to engage a pleader, the Court shall assign a pleader for his defence at the expense of the State. This section further empowers the State Government to extend the application of the above provision in relation to any class or trials before other courts in the State.

Legal aid movement in India since the 1950s has had a powerful influence on the government making it feel the acute necessity of enacting legislations to implement the constitutional provisions for realizing legal aid in India. Informed by its own sources, the government itself expressed dissatisfaction with the existing position of justice delivery system. It has acknowledged the fact the poor and underprivileged sections of society have suffered the worst under the present machinery for the regulation and implementation of legal aid scheme through his noted judgment in the 1986 case of Sukhdas v. Union Territory of Arunachal Pradesh. In another case, the Supreme Court observed: "We do not think it is possible to reach the benefits of the legal process to the poor, to protect them against injustice and secure them their constitutional and statutory rights unless there is a nation-wide legal service programme to provide free legal services to them."

These and other similar decisions led to the enactment of 'The Legal Services Authorities Act, 1987' to accomplish the vision of providing legal aid to the exploited masses of this country, and under this Act, bodies such as NALSA and SCLSC were created to ensure free legal aid to poor and under privileged.

Legal Services Authority Act, 1987

Legal Services Authorities Act was passed by the Parliament in 1987. It was enforced in November, 1995 after certain amendments were introduced therein by the Amendment Act of 1994. Passed against the backdrop of the case noted above, the Act gave a statutory base to legal aid programmes throughout the country on a uniform pattern for providing quicker and cheaper means of "access" for the poor. The Act envisaged establishing a nationwide uniform network for providing free and competent legal services and assistance to the weaker sections of the society on the basis of equal opportunity. The Act also ensured that opportunities for securing justice were not denied to any citizen by reason of economic or other disabilities. It provides for the constitution of a National Legal Services Authority and a Supreme Court Legal Services Committee for the Centre, State Legal Services Authority and a High Court Legal Services Committee for each State, District Legal Services Authority and a Taluk Legal Services Committee for every district.

One of the important achievements of the Act was that it established Lok Adalats (People's Courts) whose aim was to make justice accessible to the most common man by resolving disputes by compromise and settlement. It ensured that the operation of legal system promoted justice on the basis of equal opportunity. Lok Adalats have its roots in the history and culture of India. The introduction of Lok Adalats, or public Courts, gave a renewed strength to the justice delivery apparatus of India and gave a new platform to the underprivileged litigants to approach these courts and get their disputes settled.

National Legal Services Authority (NALSA), 1994

Set up in 1994 under the Legal Services Authority Act, 1987, NALSA monitors and evaluates implementation of legal services available under the Act. It is the apex body entrusted to formulate

policies and principles to secure legal services to the needy. It lays down guidelines for the State Legal Services Authorities to implement the legal aid schemes and programmes throughout the country and grants funds for the same. The current Chief Justice of India is the Patron-in-Chief and a senior judge of the Supreme Court of India is the Executive Chairman of NALSA.

The Act provides that in every State, a State Legal Services Authority is to be constituted to give effect to the policies and directions of the Central Authority (NALSA) and to give legal services to the people and conduct Lok Adalats in the State. The head of the State Legal Services Authority is the Chief Justice of the State High Court who is its Patron-in-Chief. A serving or retired Judge of the High Court is nominated as its Executive Chairman.

Each District under the Act shall have a District Legal Services Authority to implement Legal Aid Programmes and Schemes in the District. The District Judge of the District is its ex-officio Chairman. At the Taluk level, there is a Taluk Legal Services Committee which is set up for each Taluk or Mandal or for a group of Taluk or Mandals to harmonize the activities of legal services in the Taluk and to hold Lok Adalats. Every Taluk Legal Services Committee is headed by a senior Civil Judge operating within the jurisdiction of the Committee who is its ex-officio Chairman.

The Central Authority shall constitute a Committee to be called the Supreme Court Legal Services Committee for the purpose of exercising such powers and performing such functions as may be determined by regulations made by the Central Authority. NALSA is laying great deal of emphasis on legal literacy and legal awareness campaign. Almost all the State Legal Services Authorities are identifying suitable and trustworthy NGOs through whom legal literacy campaign may be taken to tribal, backward and far-flung areas in the country. The effort is to publicize legal aid schemes so that the target group, for whom Legal Services Authorities Act has provided for free legal aid, may come to know about the same and approach the concerned legal services functionaries.”

NALSA has also directed the State Legal Services Authorities to constitute legal aid cells in jails so that the prisoners

lodged therein are provide prompt and efficient legal aid to which they are entitled by virtue of section 12 of Legal Services Authorities Act, 1987. The provisions of the Act obligates the central authority, the NALSA to direct the State Legal Services Authorities to set-up committees for evaluation of the actual benefit received by the beneficiaries under Section 12 of the Act in respect of each project and programme, and to send copy of such reports to NALSA. The Act also calls upon the national and state level legal bodies to take necessary steps for ensuring commitment to the provisions in Part-IV of the Constitution.

Eligibility for Legal Aid

Legal aid in criminal cases is a fundamental right under the Constitution, but in civil cases, it is means-tested and is to be provided by the Legal Aid Committees upon satisfying the eligibility conditions as mentioned under Legal Services Authorities Act, 1987. According to Section 2 (1) (a) of the Act, legal aid can be provided to a person for a 'case' which includes a suit or any proceeding before a court. Section 2(1) (a) defines the 'court' as a civil, criminal or revenue court and includes any tribunal or any other authority constituted under any law for the time being in force, to exercise judicial or quasi-judicial functions. As per Section 2(1) (c) 'legal service' includes the rendering of any service in the conduct of any case or other legal proceeding before any court or other authority or tribunal and the giving of advice on any legal matter.

The procedure for obtaining legal aid in criminal and civil cases is little different. In criminal cases, application for free legal aid is directly sent by the accused from the jail to the High Court appealing against the order of a lower court. The judge then forwards it to the legal aid committee for arranging a lawyer for the accused. In civil cases, the litigant directly approaches the legal aid committee, which scrutinizes his application. The Committee then directs the litigant to submit a proof of his income on the basis of which it examines the eligibility criteria of the applicant and the existence of a prima facie case so as to determine whether a person is destitute enough to be given a state lawyer free of cost. The Committee bears all the expenditure including the Court Fee and all incidental expenses in connection with the case. The person

to whom legal aid is provided is not called upon to spend anything on the litigation once it is supported by the Legal Services Authority.

Under The Legal Services Authorities Act, 1987 every citizen whose annual income does not exceed Rs. 25,000 is eligible for free legal aid in cases before subordinate courts and high courts. In cases before the Supreme Court, the limit is Rs. 50,000. This limit can be increased by the State Governments. Limitation as to the income does not apply in the case of persons belonging to the scheduled castes, scheduled tribes, women, children, mentally ill, disabled person, a victim of trafficking in human beings, victim of atrocity, flood, drought, earthquake or industrial disaster, an industrial workman, in custody, including custody in a protective home or in a juvenile home or in a psychiatric hospital or psychiatric nursing home.

Besides provisions of free legal aid, the 1987 Act also provides for Lok Adalats (Peoples' Courts) for dispensing legal aid to the poor litigants. Lok Adalats are bodies set up by the government as mechanisms to encourage consensual resolution of disputes in order to avoid unforeseeable delays, prohibitive costs and uncertain results of litigation in the courts. Lok Adalats have jurisdiction to determine compromise or settlement between the parties to a dispute in any pending case. In addition, they have jurisdiction over any matter not pending before the court for which the Lok Adalat is organized, but for which the court has jurisdiction. Lok Adalats do not have jurisdiction in respect of any case or matter relating to an offence not compoundable under any law. The court may refer a case to the Lok Adalat where the parties agree, or where one party makes an application to refer the case to the Lok Adalat for settlement. If the court is satisfied that there is a possibility of settlement and an appropriate matter for cognizance by the Lok Adalat, then the court shall refer the case to the Lok Adalat. In order to plug certain loopholes in the Legal Services Authorities Act, 1987, the Act was amended in 1994 that paved way for the establishment of permanent Lok Adalats.

Legal Aid and the Role of NALSA

Over the years, NALSA has played a significant role in institutionalizing legal aid in India for the poor and powerless

people. It has formulated a number of schemes to bring the poor people in the mainstream of national life and provide them with easy access to justice. NALSA implemented a 'Legal Aid Counsel Scheme' to enable legal assistance to the under trial prisoners who, due to the want of resources or other disabilities, cannot engage a counsel to defend them. Under the Act, now an under trial will have the right to be provided with a Legal Aid Counsel who will be attached to each Magisterial court. Legal Counsels provide assistance and defend a person who is not able to engage a counsel from the very beginning of the case, that is, from the time he or she is produced in a court. With the amendment of the Legal Services Authorities Act, 1987, now permanent Lok Adalats have been established under Section 19 of the Act in all the districts of the country. Under this scheme, the Lok Adalat, are now organized regularly at designated venues, even away from court complexes and the cases which remain unsettled are taken up in the next Lok Adalat. Lok Adalats have thus acquired permanency and continuity and are no more occasional.

NALSA has enacted a Counseling and Conciliation Scheme to encourage the settlement of disputes by way of negotiation and conciliation. Under this scheme, Counseling and Conciliation Centres are being set up in all the Districts of the country for guiding and motivating the migrants to resolve their disputes amicably. Such Centres have been set up in most of the Districts. NALSA has devised a 'Legal Literacy Programme' to provide basic legal knowledge to the poor people to enable them to understand law so that they are able to claim their rights, fight for their rights and improve their social status, all of which will contribute to usher in social change.

From time to time, NALSA has been holding Legal Aid Camps through State and Taluka Legal Services Authorities in the rural and slum areas for educating the weaker sections as to their rights and for encouraging them to settle their disputes through alternative dispute resolution mechanism. The poor people are informed and educated about their rights, privileges, benefits which are available to them under various government schemes. It has also been organizing seminars, conferences, workshops and meetings with government officials and the academic institutions

concerned with imparting legal services to the people in various parts of the country. It has developed audio visual spots and publicity material to make the common man aware of the various aspects of the legal services programmes. Documentary films have also been prepared and are being screened in the different parts of the country through Directorate of Field Publicity, Government of India.

NALSA has drawn up a scheme for accreditation of Voluntary Social Service Institutions to establish a nation wide network of voluntary agencies in order to spread legal literacy, legal awareness and publicity for legal services throughout the nook and corner of the country. All the State Legal Services Authorities have been urged to identify Social Service Institutions in all Districts and give them accreditation. NALSA has also been involved in employment generation programmes for the vulnerable people. In partnership with the State Legal Services Authorities, it is working on a scheme, 'Supporting the Implementation on National Rural Employment Guarantee Scheme (NREGS) for generating awareness through Legal Literacy and Awareness Campaign and to establish a grievance redressal forum by organizing Lok Adalats to resolve the disputes/complaints or legal problems of any person in respect of implementation of the scheme and employment guaranteed under NREGA. Further, NALSA prepared a Plan of Action for the financial year 2009-2010 to implement the Legal Aid Schemes and Legal Services Programmes of NALSA in accordance with the object of the Legal Services Authorities Act, 1987. Besides, NALSA has also introduced a Para-legal Volunteer Scheme. This scheme aimed at creating a reservoir of volunteers from among the rural people to act as intermediates between the common people and legal services institutions at Central, State, District and Taluka levels.

In addition, NALSA also introduced the concept of Legal Aid Clinics under which these Clinics are sought to be established in the rural areas and in the academic institutions. Among other things, the plan includes establishing Legal Aid Clinics in all Gram Panchayats (similar to primary health centres) by engaging competent lawyers as legal consultants in the clinics and give them wide publicity with the help of local Self-Government

Institutions. This plan also envisaged the setting-up of Legal Aid Clinics in all law colleges and law universities and to encourage students to adopt remote village areas as their area of operation. In urban areas, colonies and slums where economically and socially backward people reside were to be chosen for setting up Legal Aid Clinics. Law students were to be guided by a team of senior Professors/Lecturers including part-time Lecturers. Rapport between the students and the people of the adopted area should be maintained throughout the year. In appropriate cases, senior students and postgraduate students who have already enrolled as lawyers, may be entrusted with the filing and conducting of the litigation in the Courts free of cost. The plan prohibited the collection of any fee from the beneficiaries of legal aid clinic.

Further, the NALSA initiated the Legal Aid Scheme which sought to bring in more competent, well-known and senior lawyers for rendering Legal Services and Legal Aid. To make legal aid a success, the scheme includes payment of better honorarium to the lawyers who proved Legal Aid; inclusion of all designated senior lawyers in the Legal Aid Schemes and requesting them to undertake at least two cases free of charge every year; annual evaluation of the progress of cases in which Legal Aid was given.

Like National Legal Aid Authority, the State Legal Services Authorities also formulated similar schemes in 2009-10 to realize the legal aid for the poor. Among other features, these schemes emphasized the importance of publicity of legal aid schemes. This comprised of developing liaison with the Information and Broadcasting Ministry and Prasar Bharti for timely briefing about the projects and programmes to the Press and Media; using hoardings, producing short-films, skits in CD form and distributing copies to all TLSEc and DLSAs; and printing of publicity materials like posters, pamphlets, booklets and distributing the required quantity of such materials to all States Legal Services Authorities in requisite number, advertisements in newspapers and television (both private and Government owned) etc.

‘Action taken for the implementation of these plans has yielded favourable results. Data available reveals that during the plan period 2009-10, about 7.25 lakh Lok Adalats were held

throughout the country in which more than 2.68 crore cases had been settled. More than Rs. 7593 lakh had been awarded compensation to people in approximately 16.87 lakh motor accident cases. More than 3 crore people had been benefited through legal aid and advice throughout the country in which about 75 lakh persons belonging to Scheduled Caste and 15 lakh people of Scheduled Tribe communities were beneficiaries. More than 18 lakh people were women and about 12 lakh people in custody were also benefited.

As a result of these revolutionary legislation and the consequent policies and programmes formulated under them, there has been positive results. Legal aid in India is now institutionalized and has reached all parts of the country-cities, towns, districts and villages. Tens and thousands of poor people have been benefited by legal aid services. This notable change in the scenario has come about basically due to the shift in the approach of the Supreme Court towards the concept of legal aid from a 'duty of the accused to ask for a lawyer' to a 'fundamental right of an accused to seek free legal aid'.

Realizing the magnitude of poverty and associated disadvantages, the Supreme Court, through its numerous decisions, made it amply clear that the gigantic problems of poverty, illiteracy and exploitation cannot be dealt through traditional judicial means of court and litigation, rather a distinct method has to be adopted to address the deeply entrenched socio-economic problem that has its roots in the deep past. Thus, in one of its judgments, the Supreme Court observed: "We do not think it is possible to reach the benefits of the legal process to the poor, to protect them against injustice and secure them their constitutional and statutory rights unless there is a nation-wide legal service programme to provide free legal services to them. In such a state of affairs it is imperative for state to take steps to keep the confidence of masses in the justice system breathing".

The court, in particular, has played a major role in the institutionalization of legal aid and has ruled that free legal aid is a necessary adjunct of the rule of law. Its strong rulings led to the creation of some very important committees by the government

that recommended the enactment of Legal Services Authorities Act, 1987 through which the national legal aid body, NALSA, and Lok Adalats (People's Courts) were established, whose goals were to accomplish the vision of providing legal aid to the exploited masses of this country.

These measures proved to be milestones in laying a firm foundation of legal aid in India. The national judiciary has constantly exhorted and reminded the government about the pressing need of delivering legal aid which alone can make the poor accessible to the complex and costly legal system. By popularizing the concept of legal aid, the Court has sought to bring legal justice nearer to the poverty-stricken people, establish legal equality and facilitate the easy accessibility of justice to vulnerable and poor people. In pursuance of this goal, the Court has cautioned the government, and pulled up the administration and the legal authorities for their callous attitude and negative approach in implementing the constitutional provisions on legal aid from time to time.

The Actual Scenario

However, despite the best efforts and intentions of the judiciary, and the government contributing by bringing in legislation and creating the national legal aid body, the NALSA, and regularizing the Lok Adalats (People's Courts) for easy dispensation of legal aid services to the poor people, the legal aid movement has not yet achieved its goal in a substantial way. There is still a wide gap between the goals aspired to and actual achievements. The actual scenario defies the optimism as portrayed by official records and statistics.

It is a matter of concern that the objective of legal aid that was spelt out by the Supreme Court in Hussainara Khatoon case v. Home Secretary, State of Bihar (AIR 1979 SC 1369) as being to affect 'distributive justice, effective implementation of welfare benefits and elimination of social and structural discrimination against the poor' still remains a distant dream. Despite twenty three years of the coming into force of the national legal aid act, speedy justice and free legal aid have not yet been achieved. Progress in implementing legal aid

schemes and bringing cheap justice to the poor is still a distant goal due to the many shortcomings and gaps that prevails in the system notwithstanding having one of the best legal aid paraphernalia. The huge number of pre-trial detainees languishing in different jails of India for years together waiting for justice speaks volumes about the state of legal aid in criminal matters. The same is the situation in the civil area where numerous problems abound and poor people are unable to get timely and costless remedy. Although there are several laws and policies for the depressed people and well-established administrative machinery with ample resources, the same is not reaching the targeted sections, else the problem of back log cases would not have been so serious.

In India, as elsewhere, land is an important factor in one's life. It is an important economic, social and psychological capital. Particularly, for the rural masses, it is an important source of livelihood and an asset adding to the security and status to their life. But the deprivation of this important source due to various reasons has resulted in appalling poverty for them. To redress the problem, the Government has enacted several provisions and formulated schemes to protect the right to land of the rural poor. Special courts, special laws and special procedures have been enacted, including the provision of legal aid, to resolve land disputes but they have not been effective in rendering justice and securing their lands.

The issue of land acquisition by the government affecting the poor has become a crucial one in recent years. Land laws are increasingly being framed and reframed to suit more the interests of the market forces than the interests of the poor rural peasants. The market forces represented by the MNCs and big business houses, in collusion with the government, have been involved, in the business of land grabbing belonging to the rural farmers. The government has been accused of selling agricultural lands at throw away prices to the private sector in spite of violent protests by the farmers. Overcome by neo-liberal exhortations, these public and private forces are setting up mega development projects, such as , Special Economic Zones (SEZs), Exclusive Economic Zones (EEZs), housing projects, manufacturing units, multiplexes-all across India

in the name of development, which, though necessary for development, is happening at the cost of the rich agricultural lands belonging to poor farmers, and which defies all norms of sustainable development.

With the increased acquisitions, land has become scarce, resulting in increase pressure on land. Consequently, land disputes have increased together with an increase in land litigation. While the better off farmers have made representations in the court, the poor farmers have suffered in the absence of the legal support and ignorance of legal aid laws thus making them more vulnerable and exploitable. Thousands of cases are pending in various civil and revenue courts, with no possibility of early solutions or remedies. In fact, in recent years, civil disputes have dominated over criminal matters in many states. For instance, out of the total legal aid applications received by the Maharashtra legal aid committee in 2009, a majority of these cases relate to land acquisition proceedings, appeals against orders passed by family courts, battles to get compensation from the state or disputes over ownership of land.

Many of the poor litigants are unaware about the legal aid schemes and even if they do, they are unable to get things done in the complex legal system of India. The number of potential claims for many legal disputes, for example, missing land lease cases (called 'pattas'), for restoration of lands from which they have been ejected illegally, and for receipt of land they have been awarded in the land records but in fact have never possessed-have increased manifold in various courts. According to an estimate, about 2% of lands in rural areas, 5% in urban and 28% in peri-urban areas are affected by land disputes. Land litigants and government authorities spend more than Rs. 750 crores per annum on settling land disputes. These and many more social problems having legal dimensions in areas such as family disputes, property disputes, divorce, domestic violence, child exploitation, human trafficking etc. abound calling for immediate legal assistance to be provided to the poor and weak masses suffering at the hands of exploiters be it the government or private individuals. The Legal Services Authorities Act, 1987, though a landmark enactment providing wide powers to the

legal aid authorities, has not been able to make the desired impact in restoring justice to the poor people who are unable to afford legal services. The strengths of the Act has not yet been harnessed to its optimum giving rise to delay in justice and access to justice still remaining a distant dream for the depressed people.

Obstacles and Remedies

Many factors can be attributed to the unsatisfactory results achieved so far, i.e. since the inception of the Legal Services Authorities Act, 1987. But the prime among them as observed by Justice Bhagwati, the principle architect of legal aid in India is the 'lack of legal awareness' by the poor masses, the main victims, because of which the problem has got aggravated. People are still not aware of their basic rights due to which the legal aid movement has not achieved its goal yet. Ignorance of law has led to deprivation of rights and benefits to the poor. When people in urban areas are not sufficiently aware of their legal rights, one can realize the position at the lower levels, that is, at the village level. Poor farmers and rural labourers have suffered at the hands of the vested elements. They have been deprived of their land, animals and property because of the presence of vested elements who want to keep the rural masses ignorant and isolated from the legal, social and economic developments.

The lack of legal awareness and knowledge among poor people, the prime sufferers, has perpetuated poverty and exploitation in underdeveloped regions of India. This, in turn, has led to the erosion of people's faith in the administration of justice, as more violence can be seen in places where, on the one hand, the legal aid is not effective and, on the other hand, the agricultural lands of poor have been acquired in the name of development without providing any proper legal succor or remuneration. There have been increased instances of clashes between the farmers and the State as their lands, the only source of their livelihood, have been taken away and their approach to the court has also proved too difficult owing to their lack of legal awareness, judicial complexity and the costly legal system. In the absence of effective legal aid machinery, people are resorting to settle their disputes and protect their basic rights out of the court and in the streets,

with more faith in their muscle power than in the rule of law. In backward and underdeveloped states, where the condition of poor is still pathetic and legal system is not effectively working for them, the fear of anarchy arises.

This glaring situation can be stemmed by imparting legal knowledge to the deprived rural masses about their basic legal rights as well as by providing them free legal aid and assistance. They should be educated about their basic rights. This can be done with the help of the NGOs who have a wider reach extending to the villages and greater appeal with the rural people and poor communities. The legal aid movement has to go to the grass root level and help to discover, identify and solve the problems and difficulties of the poor. This process has to be supplemented by a systematic and sustained imparting of legal knowledge and information to the rural people, increasing their legal capacity and equipping them with free legal aid so as to take up their grievances with the state through legal means and channels.

Weak and ineffective implementation of legal aid provisions is another potential source of tension for the poor and suppressed people. As mentioned before, there is no dearth of good judgments and legislation on free legal aid. The only problem is with regard to their implementation. In many cases, these legal provisions have not been implemented at all, besides their weak implementation. As a result, they have proven to be “glorious myths for the poor people.” Thus, the need of the hour is to focus and emphasize on the effective and meaningful implementation of the laws which have already been passed instead of bothering for enacting new laws. The role of legal aid in this direction is of immense significance, as it has the potential to restore the rule of law, people’s faith in the legal administration and exercised only by the rich and powerful but also by the disadvantaged people. The institution of legal aid can thus act as a bridging device between the ‘haves’ and ‘have nots’.

Another important reason for the inefficient delivery of legal aid in India is the role of lawyers. Their less than enthusiastic role

has, among other reasons, acted as barriers to justice for the poor. Their lack of motivation for delivering legal aid has resulted “in a constant backlog of about 2.53 crore cases in civil and criminal courts. Although crores of cases are disposed off every year, there is an influx of atleast 1.42 crore new cases.

As it is not a lucrative field for lawyers, there are not very many lawyers specializing in legal aid. Even lawyers serving on legal aid committees or placed in the lawyers’ legal aid panel, do not take much interest in the case primarily due to the low fees paid to them. They do not have any motivation or the desire to work sincerely and diligently for the case and bring it to a successful end in a reasonable period of time. Rather, the norm has been that legal aid has become a field for the new, inexperienced and junior lawyers whereas it is a specialized field, requiring skills and experience to defend a disadvantaged and poor litigant against his powerful opponent which may be a state or an individual person.

Many a times, lawyers assigned to provide legal aid and paid out of public funds do not faithfully represent their clients, casting serious doubt on the credibility of the scheme of legal aid provided to weaker sections of society. Some lawyers engaged by legal aid committees hold their clients’ cases for ransom by employing delay tactics. These lawyers compel their clients, many innocent, to pay additional amounts of money to them, even though they are supposed to obtain their fee from the legal aid committee. One of the reasons for this is that the remuneration paid to lawyers by the legal aid committee is very low and sometimes does not even meet the lawyer’s incidental expenses. As a result, the quality of legal aid work gets compromised which defeats the whole concept of legal aid.

Thus, what is required, among other things as suggested above, is also to improve the remuneration of the lawyers doing legal aid cases. As is too well known, free service is incompatible with quality. To maintain quality, proper payment to lawyers dealing in legal aid cases must be paid and only this can ensure

greater commitment of lawyers to legal aid delivery and preserve the quality of legal aid. Also, the eligibility of lawyers to be selected for legal aid committees should be enhanced to include only those lawyers who have developed expertise in the fields in which poor persons face problems. Experience and age qualifications should also be incorporated in the selection process. Besides, senior and experienced lawyers should be persuaded and promoted to deliver free legal aid. Further, the law ministry should ensure the senior lawyers do at least ten cases a year free of charge.

The role of the voluntary agencies too has been less than satisfactory. Their performance is marked by a lack of professionalism, absence of committed volunteers, legal experts and advisors. There is no systematic training for the volunteers, no incentive for them to work for the deprived classes and no real involvement of law students, researchers and the teaching faculty in legal aid work that is capable of changing the present scenario to the advantage of the hapless masses who wait endlessly for succor from the government or the voluntary organizations.

Concepts like legal aid clinics and legal aid hospitals, though sounding highly technical and sophisticated, have produced little social capital worthy of solving the pressing social and economic problems of the disadvantaged classes. In all, the legal aid scenario, though have advanced over the years, has yet to travel a great distance before a semblance of an egalitarian society could become visible to an observer or a researcher.

Conclusion

The demand for justice is as vital for the desperate and vulnerable masses as much as it is for the affluent but undoubtedly it is much more for the deprived people who need special assistance from the State to access justice to protect themselves against the misuse of State power or of an individual's power. Thus, if suitable measures can be taken to plug the many gaps, as discussed above, in the existing legal aid delivery system, the situation can be improved to a great extent. The change in the condition of the poor which is very much required and, which unfortunately is

not much visible at the moment, can be effected if sincere and effective steps are taken in right earnest unless this is done, perhaps the glorious legislation and neat plans for the hapless masses will prove futile in realizing the dreams of social justice through the legal aid mechanism.

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Surrogacy in India : The Darker and the Brighter Sides

The advent of new scientific reproductive technologies has conjured up novel and seemingly intractable normative debates about bioethics and contemporary values in the field of family law. Surrogacy, incontrovertibly, is the most controversial of them all.¹ Surrogacy in modern times is a much talked about issue. From a mere reproductive technology it has moved on to becoming a huge money-making industry that has its roots spread all over the world. A wish to have an offspring is the most cherished dream in the lives of most human beings. Literally meaning 'substitute', surrogacy occurs when a woman agrees to give birth to a child and hand it over to a party they have contracted with.

MEANING OF SURROGACY

Surrogacy is an arrangement whereby a person is appointed to act in place of another. More colloquially a surrogate is a thing that acts for, or takes the place of another. A surrogate is a substitute.

Surrogacy is a method of reproduction whereby a woman agrees to become pregnant and deliver a child for a contracted party. She may be the child's genetic mother (the more traditional form of surrogacy), or she may, as a **gestational carrier**, carry the pregnancy.

Surrogate birth is a very controversial issue both ethically and legally. Surrogacy involves conception by a woman using an egg from another woman or using the surrogates own donated egg and the sperm of a donor. This involves bearing the child for another person or couple. Typically, the surrogate is acting for a married couple but is not limited to them and may include gay and lesbian couples or single men or women as well.²

* Assistant Professor, Deptt. of Law, Maharishi Markandeshwar University, Mullana (Ambala) Haryana.

¹ Raghav Sharma, *An International, Moral & Legal Perspective: The Call for Legalization of Surrogacy in India*,

² New reproductive techniques and new parental issues-<http://www.etax.byu.edu/wardel/fundsprintsaml/11newpro.htm>

Understanding different kinds of surrogacies:

A child may be borne by a surrogate mother for an intended person or couple:

- 1) using her own egg and sperm by the intended father
- 2) an embryo fertilised by the egg and sperm of the intended parents
- 3) an embryo fertilised by (a) sperm of intended parent with donor egg from third party (b) egg of intended parent and donor sperm from third party or (c) donor sperm and egg both from third party.

In surrogate birth, there are three important entities –the intended mother, the biological mother and the genetic mother. The intended mother in this respect is the mother who wants the child, the biological mother is the one who gives birth to the child or provides her womb, and the genetic mother is the one whose ovum is used. There may be an overlap between the three in certain cases. If the ovum of the intended mother is used, she herself is the genetic mother but if the biological mother uses her own ovum then she becomes the genetic mother. And this is where the moral and legal questions arise. That is out of the three, who would be the legal mother: the intended mother, who wants the child and for whom the child is brought forth; the biological mother, who carries the child for the gestation period; or the genetic mother, who can be proved to be the mother through DNA tests. The phenomenon of surrogate birth may involve other legal complexities such as the legality of a surrogate contract, the legitimacy of the child, the right of the surrogate mother over the child and parenthood rights.³

Kinds of Surrogacy:⁴

Traditionally, there was only one type of surrogacy that was known. It involved the surrogate becoming pregnant with her own biological child with the intention of giving it up to be raised by others. But the most controversial form of surrogacy which has now emerged is known as gestational surrogacy. In such cases the surrogate becomes pregnant by an embryo transfer with a child she is not biologically related to.

³ Reeta and Basabdutta, "SURROGATE BIRTH" at p.109, AIR 2009, vol.96 Part 8

⁴ www.wikipedia.com

While a few surrogates do not receive any financial reward for the pregnancy (altruistic surrogacy), most surrogate mothers receive money to carry the child to maturity in their wombs known as 'commercial surrogacy'. In countries like Australia, Canada, Japan and in some states of the USA, commercial surrogacy is either illegal or banned.⁵

SURROGACY : BASIC ISSUES INVOLVED⁶

The issue of surrogacy has been the cause of great moral, ethical and legal debate within the community. However, with an increasing demand for infertility treatments and a decline in the number of children available for adoption, it is possible that more people will start to consider surrogacy as an alternative. Commercial surrogacy in particular and surrogacy in general have been at the centre of the storm for quite a long time. The reason for this is very complex. In a traditional society, reproduction has always been the unity of genetic, gestational and biological forces. A child has traditionally had a mother who is both genetic and gestational and a father who is genetic as well as biological. The intrusion of a surrogate in this traditional arrangement deconstructs the unity of the forces of reproduction. A child in such cases often ends up with different biological as well as rearing parents. Conflict created due to this has both legal and moral sides to it. This is because surrogacy involves a set of practices and relationships, in which social meaning, psychological questions and legal rights are not properly defined. Legal conflict surrounding surrogacy arises from the fact that in most countries, the woman giving birth, i.e. the surrogate, is assumed to be the legal mother of the child. In nations like Georgia, France, India, Israel (where gestational surrogacy for heterosexual couples has been legalised), The Netherlands, Belgium and in some states of the USA (where commercial surrogacy has been legalised), there are ample legal provisions to recognise genetic parents as the legal parents of the child. But in countries like Australia, Canada, Japan and in some states of the USA, commercial surrogacy is either illegal or banned.

Arguments

The following points bring forth the pros and cons involved in the issue of surrogacy:⁷

Pros	Cons
<p>Surrogacy is a way to bring the happiness of parenthood to a couple who would otherwise not have been able to enjoy it, either due to biological circumstances (for example infertile or same-sex couples), or due to the unavailability of a child for adoption. The joy of parenthood is something that every couple should be able to experience.</p> <p>There is no need for money payments to ever enter the equation. Even if commercialisation does occur, it would be controlled by strict laws and regulated by independent bodies, as is currently the case in the US. If standard charges were fixed there would simply be no room for a market to develop, thus ensuring that all had access to a surrogate if they wanted.</p> <p>However, surrogacy arrangements could easily be made non-financial by allowing a friend of the family to be the surrogate, thus</p>	<p>Contrary to the assumptions that underlie the proposition, parenthood is not a fundamental human right. Besides, surrogacy is so controversial, and so traumatic for all those concerned that more conventional methods such as adoption should be used instead. Parents should not put their own desire to be parents over the possible damage it might cause to the baby.</p> <p>Surrogacy will eventually and inevitably become commercialised, with mothers 'hiring out' their wombs to the highest bidder. Even if charges are standardised, the high level of such a fee will still ensure that the rich are more likely to benefit than the poor as they are more likely to be able to afford the cost. No case of parenthood should be simply decided by financial factors.</p> <p>This arrangement would in fact create more problems than it solves, as such an unofficial arrangement would be a legal nightmare if the surrogate decided (as has often happened) to keep the baby, as she would</p>

⁷ http://www.idebate.org/debatabase/topic_details.php?topicID=93

<p>avoiding any legal wrangling after the birth, which can often happen when strangers are involved. It would also avoid the situation where a child has a stranger as their natural mother, which has been known to cause them problems.</p> <p>On a practical note, no law against surrogacy could be enforced properly, but would merely lead to the physical impregnation of the surrogate by the would-be father, rather than a clean surgical procedure that avoided the emotional problems caused by an actual sexual act between the surrogate and the would-be father.</p>	<p>of course be the child's legal mother. Important links are formed between mother and baby in the first nine months and to forcibly sever these links would be devastating to all concerned. Also, it would be far more confusing and damaging for the child if their biological mother was someone who from an early age they had known as a friend of their 'parents'.</p> <p>Even if there would be problems in enforcing a ban, we should still lay down the law; such an argument used against, say, growing cannabis at home would not invalidate a ban on drugs. Surrogacy is bad for both the mother and the child, and is beset by emotional problems for all concerned. Parents should not put their own interests above that of their child's.</p>
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POSITION IN INDIA

After the outsourcing of business processes, knowledge processes and legal processes, genetic pool banks of India are the latest industry being outsourced from India. Would be parents from the Indian Diaspora in the US, UK, Canada and foreigners from Malaysia, UAE, Afghanistan, Indonesia, Uzbekistan, Pakistan and Nepal are descending on sperm banks and In-Vitro Fertilisation (IVF) centres in India looking for South Asian genetic traits of perfect sperm donors. Renting wombs is another equally easy and cheap option in India. The relatively low cost of medical services, easy availability of surrogate wombs, abundant choices of donors with similar racial attributes and the lack of any law to regulate these practices is attracting both foreigners and Non-resident Indians (NRIs) to sperm banks and surrogate mothers in India.

India has surreptitiously become a booming centre for the fertility market with its "reproductive tourism" industry reportedly estimated at Rs. 25,000 crores as of today. Clinically termed as "Assisted Reproductive Technology" (ART), it has been in vogue in India since 1978 and today an estimated 200,000 clinics across the country offer artificial insemination, IVF and surrogacy. So much so that in the recent decision of the Supreme Court on September 29 in Baby Manji Yamada's case, it was observed that "commercial surrogacy" reaching "industry proportions is sometimes referred to by the emotionally charged and potentially offensive terms of wombs for rent, outsourced pregnancies or baby farms". It is presumably considered legitimate because no Indian law prohibits surrogacy. But as a retort, it can be seen that no law permits surrogacy either.

However, the changing face of the law is now going to usher in a new rent-a-womb law as India is set to be the only country in the world to legalise commercial surrogacy. India is emerging as a leader in international surrogacy and a destination in surrogacy-related fertility tourism. Indian surrogates have become increasingly popular with infertile couples in industrialized nations because of the relatively low cost. Indian clinics are at the same time becoming more competitive, not just in the pricing, but also in the hiring and retention of Indian females as surrogates.⁸

Clinics charge patients between \$10,000 and \$28,000 for the complete package, including fertilization, the surrogate's fee, and delivery of the baby at a hospital. Including the costs of flight tickets, medical procedures and hotels, it comes to roughly a third of the price compared to going through the procedure in the UK. Of a US\$20,000 package for a gestational surrogate, approximately US\$6,000 will be paid to the surrogate as surrogate compensation. While clinics quote costs of a single successful cycle without complications as \$14,000 to \$25,000, less than 50% of these tries are successful. An unsuccessful cycle will be roughly 1/3 to 1/2 the cost of a successful cycle, incurring IVF, surrogate recruitment and travel costs, without incurring the full surrogate compensation or delivery costs. A successful cycle may require additional costs,

⁸ Business of babies, Spectrum The Tribune, December 14, 2008

especially if the baby is born premature (intensive care costs) or if additional medical testing is required for either the baby or surrogate mother during the pregnancy.

Surrogacy in India is relatively low cost and the legal environment is favorable. In 2008, the Supreme Court of India in *Manji's case* (Japanese Baby) held that commercial surrogacy is permitted in India. That has again increased the international confidence in going for surrogacy in India.

In general, the more complicated issue is working with one's embassy or consulate to gain a passport for the baby. The U.S. consulate in Mumbai has been processing Consular Reports of Birth Abroad for the intended parents of surrogate babies with relatively clear cut rules. While the consulate hasn't formally published the rules, they are available via email and reprinted on some web sites. Other consulates and embassies have not made as much progress.

LEGAL POSITION OF SURROGACY IN INDIA:

In India so far no legislation has been framed legalising or declaring surrogacy as illegal. But in 2008, the Supreme Court of India in *Manji's case* (Japanese Baby) has held that commercial surrogacy is permitted in India.

1. Baby manji's case:

An important decision of the Supreme Court on surrogacy is contained in

Baby Manji Yamada

Vs.

Union of India (UOI) and Anr.⁹ Writ Petition (C) No. 369 of 2008
Decided On: 29.09.2008

In this case Baby Manji Yamada was given birth by a surrogate mother. It is stated that the biological parents Dr. Yuki Yamada and Dr. Ikufumi Yamada came to India in 2007 and chose a surrogate mother in Anand, Gujarat and a surrogacy agreement was entered into between the biological father and biological mother on one side and the surrogate mother on the other side. There was matrimonial discord between the biological parents. The child was

⁹ Writ Petition (C) No. 369 of 2008
Decided On: 29.09.2008

born on 25th July, 2008. On 3rd August, 2008 the child was moved to Arya Hospital in Jaipur following a law and order situation in Gujarat and she was being provided with much needed care including being breastfed by a woman. It was stated by the petitioner that the genetic father Dr. Ifukumi Yamada had to return to Japan due to the expiration of his visa. It was also stated that the Municipality at Anand has issued a Birth Certificate indicating the name of the genetic father. The grandmother of the infant petitioned the Supreme Court challenging the directions given by the Rajasthan High Court relating to the production and custody of baby Manji Yamada.

It was held that commercial surrogacy is permitted in India and that the Commission For Protection of Child Rights Act, 2005 (hereinafter for short 'the Act') has been enacted for the constitution of a National Commission and State Commissions for protection of child rights. It also provides for children's courts that ensure speedy trial of offences against children or of violation of child rights and for matters connected therewith or incidental thereto. Her request to the apex court for permission for the infant to travel with her and for the issuance of a passport under consideration with the Central Government has been directed to be disposed of expeditiously. A Pandora's box has opened with a floodgate of questions and issues related to ethics and legality surrounding surrogacy with Japanese baby Manji's case.

2.Guidelines issued by the Indian Council for Medical Research, pertaining to governance of surrogacy.

The following is the extract from the "Guidelines for Accreditation, Supervision and Regulation of ART Clinics in India, 2005":

3.10.1 A child born through surrogacy must be adopted by the genetic (biological) parents unless they can establish through genetic (DNA) fingerprinting (of which the records will be maintained in the clinic) that the child is theirs.

3.10.2 Surrogacy by assisted conception should normally be considered only for patients for whom it would be physically or medically impossible/undesirable to carry a baby to term.

3.10.3 Payments to surrogate mothers should cover all genuine expenses associated with the pregnancy. Documentary evidence

of the financial arrangement for surrogacy must be available. The ART centre should not be involved in this monetary aspect.

3.10.4 Advertisements regarding surrogacy should not be made by the ART clinic. The responsibility of finding a surrogate mother, through advertisement or otherwise, should rest with the couple, or a semen bank.

3.10.5 A surrogate mother should not be over 45 years of age. Before accepting a woman as a possible surrogate for a particular couple's child, the ART clinic must ensure (and put on record) that the woman satisfies all the testable criteria to go through a successful full-term pregnancy.

3.10.6A relative, a known person, as well as a person unknown to the couple may act as a surrogate mother for the couple. In the case of a relative acting as a surrogate, the relative should belong to the same generation as the women desiring the surrogate.

3.10.7A prospective surrogate mother must be tested for HIV and shown to be seronegative for this virus just before the embryo transfer. She must also provide a written certificate that (a) she has not had a drug intravenously administered into her through a shared syringe, (b) she has not undergone blood transfusion; and (c) she and her husband (to the best of her/his knowledge) have had no extramarital relationship in the last six months. This is to ensure that the person would not come up with symptoms of HIV infection during the period of surrogacy. The prospective surrogate mother must also declare that she will not use drugs intravenously, and not undergo blood transfusion excepting of blood obtained through a certified blood bank.

3.10.8 No woman may act as a surrogate more than thrice in her lifetime.

Drawback of guidelines

These guidelines are nebulous and not friendly to patients and doctors

For instance, Section 3.10 of the ICMR guideline states that "No relative or person known to the couple may act as a surrogate." This, experts believe, is ludicrous as it propels childless couples

needlessly towards commercial surrogacy. In fact, in-vitro fertilization (IVF) experts say that in 90 per cent of the surrogacy cases in India, the mother is related to the childless couple while only in five per cent cases, the surrogacy is altruistic and in the remaining five per cent, commercial. So, infertile couples are forced to think twice before going in for it due to the costs involved, which is unfortunate as India is home to 14 per cent of the world's estimated 80 million infertile couples.

Then there is *ambiguity about a surrogate mother's rights*. The guidelines state that "a surrogate should be younger than 45 years" without mentioning the minimum age. So does that mean an 18-year-old, or someone even younger, can become a surrogate mother?

Also, *what happens after the baby is born?* According to the ICMR guidelines, a child born through surrogacy "must be adopted by the genetic (biological) parents unless they can establish through genetic (DNA) fingerprinting that the child is theirs." Ergo, the only option left open to them is to 'adopt' the baby, which is a very lengthy and cumbersome process in India.

The regulations do not provide legal protection to Indian parents, either. The only legal recognition of the child's parentage is the birth certificate, and it is only the birth mother's name that can be used for this purpose. Consequently, if the birth mother decides not to hand over the baby after birth, there is nothing the intended parents or the doctor can do about it.

3. The Assisted Reproductive Technology (Regulation) Bill & Rules – 2008

In a phenomenal exercise to legalise commercial surrogacy, *The Assisted Reproductive Technology (Regulation) Bill & Rules – 2008*, a draft bill prepared by a 15 member committee including experts from ICMR, medical specialists and other experts from the Ministry of Health and Family Welfare, Government of India was posted online recently for feedback. This 135 page document is meant to be an Act to provide for a national framework or the Regulation and Supervision of Assisted Reproductive Technology and matters connected therewith or incidental thereto as a unique

proposed law to be put before the Indian Parliament. Abetting surrogacy, it legalizes commercial surrogacy stating that the surrogate mother may receive monetary compensation and will relinquish all parental rights. Single parents can also have children using a surrogate mother. Foreigners, upon registration with their Embassy can seek surrogate arrangements.

4. Law Commission's Report on surrogacy:

On 5th August, 2009, the Law Commission of India submitted its 228th Report on the "NEED FOR LEGISLATION TO REGULATE ASSISTED REPRODUCTIVE TECHNOLOGY CLINICS AS WELL AS RIGHTS AND OBLIGATIONS OF PARTIES TO A SURROGACY." The following observations have been made by the Law Commission in its report:

- [1] Surrogacy arrangements will continue to be governed by a contract amongst parties, which will contain all the terms requiring consent of the surrogate mother to bear the child, the agreement of her husband and other family members for the same, medical procedures for artificial insemination, reimbursement of all reasonable expenses for carrying the child to full term, willingness to hand over the child born to the commissioning parent(s), etc. But such an arrangement should not be for commercial purposes.
- [2] A surrogacy arrangement should provide for financial support to the surrogate child in the event of death of the commissioning couple or individual before delivery of the child, or divorce between the intended parents and subsequent willingness of none to take delivery of the child.
- [3] A surrogacy contract should necessarily take care of life insurance cover for the surrogate mother.
- [4] One of the intended parents should be a donor as well, because the bond of love and affection with a child primarily emanates from biological relationship. Also, the chances of various kinds of child-abuse, which have been noticed in cases of adoptions, will be reduced. In case the intended parent is single, he or she should be a donor to be able to have a surrogate child. Otherwise, adoption is the way to have a child which is

resorted to if biological (natural) parents and adoptive parents are different.

- [5] Legislation itself should recognize a surrogate child to be the legitimate child of the commissioning parent(s) without there being any need for adoption or even declaration of guardian.
- [6] The birth certificate of the surrogate child should contain the name(s) of the commissioning parent(s) only.
- [7] Right to privacy of donor as well as surrogate mother should be protected.
- [8] Sex-selective surrogacy should be prohibited.
- [9] Cases of abortions should be governed by the Medical Termination of Pregnancy Act 1971 only.

The Report has come out largely in support of Surrogacy in India, highlighting a proper way of operating surrogacy in Indian conditions. Exploitation of the women through surrogacy is another worrying factor which the law has to address. Also, commercialization of surrogacy is an issue that has been on the mind of the Law Commission.

4. Right Of Foreign Homosexuals To Have A Surrogate Child In India¹⁰

A recent piece of news that has caught everyone's eye is that of a Israeli homosexual couple that had a surrogate child in India. Everywhere, people seem to be pleased about it, but when analyzed legally, it leaves us in a very befuddled state of mind.

Thus, in the future it would be appropriate if the right of foreign homosexuals to have a surrogate child in India is governed by the Assisted Reproductive Technology (Regulation) Bill, 2008 ("Bill"), which, in all likelihood, will become a law in parliament.

In order to draw out the right of homosexuals to have a surrogate child in India, a glance should be directed to the following provisions of the above Act, Section 32(1) of the Bill, the enabling provision, which states that: "Subject to the provisions of this Act and the rules and regulations made thereunder, Assisted Reproductive Technology ("ART") shall be available to all persons including single persons, married couples and unmarried couples".

¹⁰ www.legalserviceindia.com

Therefore, it becomes pertinent to understand how a couple is defined here. Under Section 2(e) of the Bill, a couple means: “Persons living together and having a sexual relationship that is legal in the country/countries of which they are citizens or they are living in”.

This definition is inclusive in nature and covers all kinds of couples, whether they are homosexual or not. Furthermore, the definition does not prevent citizens of a country where homosexual marriage is legal, from having a surrogate child. So, if section 377 of the IPC is amended so as to be in consonance with the scheme of the Bill (as and when it is passed by both the houses to give it legal effect), there will be no impediment in including same-sex couples within the definition of ‘couple’ as defined under Section 2(e) of the Bill. The effect of the definition appears to do away with the legal limitation imposed by Section 377 and is not just a mere coincidence of legal drafting.

As we ponder other definitions in the Bill, an “unmarried couple” is defined under, we see that Section 2(w) defines them to mean: “A man and a woman, both of marriageable age, living together with mutual consent, but without getting married.”

So when these two definitions are read simultaneously, it clearly delineates the fact that for an unmarried couple to have a surrogate child, they have to be heterosexual, but no such conditions are applicable to married couples i.e. they might be homosexual or heterosexual. This leaves us in utter confusion as Section 32(1) is not restricted, but extended to include ‘single persons’, ‘married couples’ and ‘unmarried couples’ as well. There is perhaps a window left open for a foreign married homosexual couple who, according to the two definitions under the Bill, are a ‘couple’ having a valid married status under their jurisdiction. The non-exhaustive language used herein should allow courts to fill the gap.

Thus, foreign homosexual couples can have a surrogate child legally in India.

CONCLUSION

Looking closely, we realise that like any modern discovery, surrogacy also runs the risks of being utilised for the narrow

financial gains of a few. It is very crucial for nations to treat the issue of surrogacy with sufficient sensitivity and care. Nations should use the legal system to see that surrogacy serves the human cause and is not turned into a moneymaking venture. At the same time, rights and interests of surrogates and intended parents should be looked after. The governments of third world countries should ensure that their surrogates are not underpaid or exploited in any way. We should always remember that it is the welfare of people that is the ultimate aim of any scientific discovery, surrogacy or otherwise. And as far as India is concerned, there is growing evidence that surrogacy is very much in practice in India and that the services of women are being marketed for surrogate motherhood. However, the guidelines don't provide clear answers to questions like: "Are babies like any other commodities to be planted and harvested?" and "What role does money play in it?" Before the law is placed on an anvil, these issues and many others need to be seriously debated. Ethically, should women be paid for being surrogates? Can the rights of women and children be bartered? If the arrangements fall foul, will it amount to adultery? Is the new law a compromise insurpassing complicated Indian adoption procedures? Is the new law compromising with reality in legitimizing existing surrogacy rackets? Is India promoting "reproductive tourism"? Does the law protect the surrogate mother? Should India take the lead in adopting a new law not fostered in most countries? These are only some questions which need to be answered before we drape these facts in the curtain of new law. Let us pour our hearts into introspection and decide carefully. Are we looking at a bane or a boon? We should not wait for time to test it. We should decide now. The surrogacy bill needs to be discussed and its issues laid threadbare.

The Criminal Law (Amendment) Act, 2013: An Overview

Introduction:

On the need for a strict law to deal with sex crimes against women was felt after the brutal gang-rape and murder of a 23-year-old Paramedical student in a moving bus in the National capital on December 16, 2012. The victim (officially called Nirbhaya) died 13 days after the incident in a Singapore hospital on December 29, 2012. The brutality of the crime shocked the Nation. Indians protested on the streets to demand better safety measures for women and strict laws to punish the culprits. Under public pressure, Congress-led UPA government at the Centre formed Justice JS Verma panel to come up with strict laws to arrest crime against women. In order to bring a strong law, which is pro-women and will act as a deterrent, it will create a revolution in the country. Ultimately, the Criminal Law Amendment Act, 2013 (Act No.13 of 2013) passed and the Act popularly called The Nirbhaya Act, 2013

Some of the key points in The Criminal Law (Amendment) Act, 2013 -

1. The law maintains life imprisonment for rape as the maximum sentence, yet sets down the death penalty for repeat offenders and those whose victims are left in a “vegetative state”.
2. It also expands the meaning of rape to include penetration of the mouth, anus, urethra or vagina with the penis or any other object without consent.
3. It also defines stalking and voyeurism as crimes with punishments up to seven years.
4. Gang rape has been recognised as an offence, while sexual harassment has been redefined to include unwelcome

* B.Sc., LL.M., Ph.D (Law), Lecturer in Law, MRVRGR Law College, Vizinagaram. I did my Ph.D. as a Full Time Researcher under the esteem guidance of Prof.A.Rajendra Prasad, Dr.B.R.Ambedkar College of Law, Andhra University, Visakhapatnam. Email ids: sailaja.petikam@gmail.com, sp.sailaja@yahoo.com, Mobile # 08500673169, 09441512542

advances with sexual overtures and showing pornography without consent.

5. The age of consent of sex has been kept at 18.
6. The law also punishes police and hospital authorities with imprisonment of up to two years if they fail to register a complaint or treat a victim.

An Overview of The Criminal Law (Amendment) Act, 2013:

Keywords of The Criminal Law (Amendment) Act, 2013 (here in after the Act) are further to amend the Indian Penal Code, 1860,¹ the Code of Criminal Procedure, 1973,² the Indian Evidence Act, 1872³ and the Protection of Children from Sexual Offences Act, 2012.⁴ The Act contains totally 30 sections which are inserted in VI chapters. Chapter-I deals as usual Preliminary contains only one section, i.e. short title and commencement. Chapter-II deals with the provisions of the Amendments to the Indian Penal Code, 1860 under sections 2 to 10, Chapter-III deals with the provisions of the Amendments to the Code Of Criminal Procedure, 1973 under sections 11 to 24, Chapter-IV deals with the provisions of the Amendments to The Indian Evidence Act, 1872 under sections 25 to 28, Chapter-V deals with the provisions of the Amendment to The Protection Of Children From Sexual Offences Act, 2012 (POCSO) under sections 29 and the last Chapter-IV deals Miscellaneous under section 30 i.e. repeal and savings.

Though the Act amended the Indian Penal Code, Law of Evidence, Code of Criminal Procedure and Protection of Children Sexual Offences (POCSO), but this article mainly covers the crimes under The Criminal Law (Amendment) Act, 2013 i.e. mainly Chapters II and V (provisions of Indian Penal Code and Provisions of Protection of Children From Sexual Offences Act) with view to know which acts of the people are to be constitute the crime under The Criminal Law (Amendment) Act, 2013.

¹ Act No. 45 of 1860

² Act No. 2 of 1974

³ Act No. 1 of 1872

⁴ Act No.32 of 2012

Provisions of the Amendments to The Indian Penal Code, 1860:

Right of Private Defence:

As per the Act, section 100 of Indian Penal Code, 1860 is amended and now the right of private defence available of the body extends to causing death if an of throwing or administering acid or an attempt to throw or administer acid which may reasonably causes the apprehension that grievous hurt will otherwise be the consequence of such act.⁵ So previously Indian Penal Code not covers the acid attacks.

Offences by or relating to Public Servants:

New sections 166-A and 166-B are inserted in the Chapter of Offences by or relating to Public Servants of Indian Penal Code, 1860.⁶ So now according to section 166-A of Indian Penal Code, 1860, a public servant, shall be punished with rigorous imprisonment for a term which shall not be less than six months but which may extend to two years, and shall also be liable to fine,⁷ if he-

- (a) knowingly disobeys any direction of the law which prohibits him from requiring the attendance at any place of any person for the purpose of investigation into an offence or any other matter, or
- (b) knowingly disobeys, to the prejudice of any person, any other direction of the law regulating the manner in which he shall conduct such investigation, or
- (c) fails to record any information given to him under sub-section (1) of section 154 of the Code of Criminal Procedure, 1973, in relation to cognizable offence punishable under section 326A, section 326B, section 354, section 354B, section 370, section 370A, section 376, section 376A, section 376B, section 376C, section 376D, section 376E or section 509.

According to section 166-B of Indian Penal Code, 1860, Whoever, being in charge of a hospital, public or private, whether

⁵ Section 2 of the Criminal Law (Amendment) Act, 2013

⁶ Chapter IX of I.P.C., 1860 is amended and inserted two new sections 166-A and 166-B

⁷ Section 3 of the Criminal Law (Amendment) Act, 2013

⁸ Section 3 of the Criminal Law (Amendment) Act, 2013

run by the Central Government, the State Government, local bodies or any other person, contravenes the provisions of section 357C of the Code of Criminal Procedure, 1973, shall be punished with imprisonment for a term which may extend to one year or with fine or with both.⁸

Voluntary Causing Grievous Hurt:

According to this Act, two new sections are inserted in the category of aggravated form of voluntary causing grievous hurt by use of acid attack etc.,⁹ And voluntary throwing or attempting to throw acid¹⁰ under section 5 of the Act.

Assault or criminal force to woman with intent to outrage her modesty:

Section 354 of the IPC¹¹ amended so now punishment for 354 is shall be punished with imprisonment of either description for a term which shall not be less than one year but which may extend to five years, and shall also be liable to fine.¹²

Now four new sections are inserted in the category of outrage modesty of women.¹³ They are

(a) Section 354A: A sexual harassment and punishment for sexual harassment,¹⁴ Section 354 A of IPC, 1860 :

(1) A man committing any of the following acts—

⁹ Section 326 A of the IPC, 1860

¹⁰ Section 326 B of the IPC, 1860

¹¹ Section 354 of IPC, 1860 deals the provision of Assault or criminal force to women with intent to outrage her modesty

¹² Section 6 of the Criminal Law (Amendment) Act, 2013

¹³ Section 7 Ibid

¹⁴ Section 354 A of IPC, 1860: (1) A man committing any of the following acts—

(i) physical contact and advances involving unwelcome and explicit sexual overtures; or

(ii) a demand or request for sexual favours; or

(iii) showing pornography against the will of a woman; or

(iv) making sexually coloured remarks,

shall be guilty of the offence of sexual harassment.

(2) Any man who commits the offence specified in clause (i) or clause (ii) or clause (iii) of sub-section (1) shall be punished with rigorous imprisonment for a term which may extend to three years, or with fine, or with both.

(3) Any man who commits the offence specified in clause (iv) of sub-section (1) shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

¹⁵ Section 354 B of IPC, 1860 : Any man who assaults or uses criminal force to any woman or abets such act with the intention of disrobing or compelling her to be naked shall be punished with imprisonment of either description for a term which shall not be less than three years but which may extend to seven years, and shall also be liable to fine.

- (i) physical contact and advances involving unwelcome and explicit sexual overtures; or
- (b) Section 354B: assault or use of criminal force to woman with intent to disrobe,¹⁵
- (c) Section 354C: Voyeurism,¹⁶ and
- (d) Section 354D: Stalking¹⁷

Trafficking of person:

Previously section 370 of IPC stated that whoever buying or disposing of any person as slave is an offence. But now this section

¹⁶ Section 354C of IPC, 1860: Any man who watches, or captures the image of a woman engaging in a private act in circumstances where she would usually have the expectation of not being observed either by the perpetrator or by any other person at the behest of the perpetrator or disseminates such image shall be punished on first conviction with imprisonment of either description for a term which shall not be less than one year, but which may extend to three years, and shall also be liable to fine, and be punished on a second or subsequent conviction, with imprisonment of either description for a term which shall not be less than three years, but which may extend to seven years, and shall also be liable to fine.

Explanation 1.—For the purpose of this section, “private act” includes an act of watching carried out in a place which, in the circumstances, would reasonably be expected to provide privacy and where the victim’s genitals, posterior or breasts are exposed or covered only in underwear; or the victim is using a lavatory; or the victim is doing a sexual act that is not of a kind ordinarily done in public.

Explanation 2.—Where the victim consents to the capture of the images or any act, but not to their dissemination to third persons and where such image or act is disseminated, such dissemination shall be considered an offence under this section.

¹⁷ Section 354D of IPC, 1860: (1) Any man who— (i) follows a woman and contacts, or attempts to contact such woman to foster personal interaction repeatedly despite a clear indication of disinterest by such woman; or (ii) monitors the use by a woman of the internet, email or any other form of electronic communication, commits the offence of stalking:

Provided that such conduct shall not amount to stalking if the man who pursued it proves that—

- (i) it was pursued for the purpose of preventing or detecting crime and the man accused of stalking had been entrusted with the responsibility of prevention and detection of crime by the State; or
 - (ii) it was pursued under any law or to comply with any condition or requirement imposed by any person under any law; or
 - (iii) in the particular circumstances such conduct was reasonable and justified.
- (2) Whoever commits the offence of stalking shall be punished on first conviction with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine; and be punished on a second or subsequent conviction, with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine.

is substituted by trafficking of person and inserted new sections 370¹⁸ Section 370 of IPC :

(1) Whoever, for the purpose of exploitation,

- (a) recruits,
- (b) transports,
- (c) harbours,
- (d) transfers, or
- (e) receives, a person or persons, by—

First.— using threats, or

Secondly.— using force, or any other form of coercion, or

¹⁸ Section 370 of IPC : (1) Whoever, for the purpose of exploitation, (a) recruits, (b) transports, (c) harbours, (d) transfers, or (e) receives, a person or persons, by—

First.— using threats, or

Secondly.— using force, or any other form of coercion, or

Thirdly.— by abduction, or

Fourthly.— by practising fraud, or deception, or

Fifthly.— by abuse of power, or

Sixthly.— by inducement, including the giving or receiving of payments or benefits, in order to achieve the consent of any person having control over the person recruited, transported, harboured, transferred or received, commits the offence of trafficking.

Explanation 1.— The expression “exploitation” shall include any act of physical exploitation or any form of sexual exploitation, slavery or practices similar to slavery, servitude, or the forced removal of organs.

Explanation 2.— The consent of the victim is immaterial in determination of the offence of trafficking.

- (2) Whoever commits the offence of trafficking shall be punished with rigorous imprisonment for a term which shall not be less than seven years, but which may extend to ten years, and shall also be liable to fine.
- (3) Where the offence involves the trafficking of more than one person, it shall be punishable with rigorous imprisonment for a term which shall not be less than ten years but which may extend to imprisonment for life, and shall also be liable to fine.
- (4) Where the offence involves the trafficking of a minor, it shall be punishable with rigorous imprisonment for a term which shall not be less than ten years, but which may extend to imprisonment for life, and shall also be liable to fine.
- (5) Where the offence involves the trafficking of more than one minor, it shall be punishable with rigorous imprisonment for a term which shall not be less than fourteen years, but which may extend to imprisonment for life, and shall also be liable to fine.
- (6) If a person is convicted of the offence of trafficking of minor on more than one occasion, then such person shall be punished with imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life, and shall also be liable to fine.
- (7) When a public servant or a police officer is involved in the trafficking of any person then, such public servant or police officer shall be punished with imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life, and shall also be liable to fine.

Thirdly.— by abduction, or

Fourthly.— by practising fraud, or deception, or

Fifthly.— by abuse of power, or

Sixthly. — by inducement, including the giving or receiving of payments or benefits, in order to achieve the consent of any person having control over the person recruited, transported, harboured, transferred or received, commits the offence of trafficking.

Explanation 1. — The expression “exploitation” shall include any act of physical exploitation or any form of sexual exploitation, slavery or practices similar to slavery, servitude, or the forced removal of organs.

Explanation 2.—

(1) The consent of the victim is immaterial in determination of the offence of trafficking.

(2) Whoever commits the offence of trafficking shall be punished with rigorous imprisonment for a term which shall not be less than seven years, but which may extend to ten years, and shall also be liable to fine. and 370A¹⁹ for section 370.²⁰

Rape:

Now rape definition is redefined under section 375 of IPC, 1860, punishment for rape also changed under section 376²¹ Section 376 of IPC:

¹⁹ Section 370A of IPC: (1) Whoever, knowingly or having reason to believe that a minor has been trafficked, engages such minor for sexual exploitation in any manner, shall be punished with rigorous imprisonment for a term which shall not be less than five years, but which may extend to seven years, and shall also be liable to fine.

(2) Whoever, knowingly by or having reason to believe that a person has been trafficked, engages such person for sexual exploitation in any manner, shall be punished with rigorous imprisonment for a term which shall not be less than three years, but which may extend to five years, and shall also be liable to fine

²⁰ Section 8 of the Criminal Law Amendment Act, 2013

²¹ Section 376 of IPC: (1) Whoever, except in the cases provided for in sub-section (2), commits rape, shall be punished with rigorous imprisonment of either description for a term which shall not be less than seven years, but which may extend to imprisonment for life, and shall also be liable to fine.

(2) Whoever,—

(a) being a police officer, commits rape—

(i) within the limits of the police station to which such police officer is appointed; or

(ii) in the premises of any station house; or

(iii) on a woman in such police officer's custody or in the custody of a police officer subordinate to such police officer; or

(1) Whoever, except in the cases provided for in sub-section (2), commits rape, shall be punished with rigorous imprisonment of either description for a term which shall not be less than seven years, but which may extend to imprisonment for life, and shall also be liable to fine.

(3) Whoever,—

(a) being a police officer, commits rape—

(i) within the limits of the police station to which such police officer is appointed; or

(ii) in the premises of any station house; or

(b) being a public servant, commits rape on a woman in such public servant's custody or in the custody of a public servant subordinate to such public servant; or

(c) being a member of the armed forces deployed in an area by the Central or a State Government commits rape in such area; or

(d) being on the management or on the staff of a jail, remand home or other place of custody established by or under any law for the time being in force or of a women's or children's institution, commits rape on any inmate of such jail,

remand home, place or institution; or

(e) being on the management or on the staff of a hospital, commits rape on a woman in that hospital; or

(f) being a relative, guardian or teacher of, or a person in a position of trust or authority towards the woman, commits rape on such woman; or

(g) commits rape during communal or sectarian violence; or

(h) commits rape on a woman knowing her to be pregnant; or

(i) commits rape on a woman when she is under sixteen years of age; or

(j) commits rape, on a woman incapable of giving consent; or

(k) being in a position of control or dominance over a woman, commits rape on such woman; or

(l) commits rape on a woman suffering from mental or physical disability; or

(m) while committing rape causes grievous bodily harm or maims or disfigures or endangers the life of a woman; or

(n) commits rape repeatedly on the same woman, shall be punished with rigorous imprisonment for a term which shall not be less than ten years, but which may extend to imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life, and shall also be liable to fine.

Explanation.—For the purposes of this sub-section,—

(a) “armed forces” means the naval, military and air forces and includes any member of the Armed Forces constituted under any law for the time being in force, including the paramilitary forces and any auxiliary forces that are under the control of the Central Government or the State Government;

(b) “hospital” means the precincts of the hospital and includes the precincts of any institution for the reception and treatment of persons during convalescence or of persons requiring medical attention or rehabilitation;

(c) “police officer” shall have the same meaning as assigned to the expression “police” under the Police Act, 1861;

(d) “women's or children's institution” means an institution, whether called an orphanage or a home for neglected women or children or a widow's home or an institution called by any other name, which is established and maintained for the reception and care of women or children.

(iii) on a woman in such police officer's custody or in the custody of a police officer subordinate to such police officer; or (b) being a public servant, commits rape on a woman in such public servant's custody or in the custody of a public servant subordinate to such public servant; or

(c) being a member of the armed forces deployed in an area by the Central or a State Government commits rape in such area; or

(d) being on the management or on the staff of a jail, remand home or other place of custody established by or under any law for the time being in force or of a women's or children's institution, commits rape on any inmate of such jail, remand home, place or institution; or

(e) being on the management or on the staff of a hospital, commits rape on a woman in that hospital; or

(f) being a relative, guardian or teacher of, or a person in a position of trust or authority towards the woman, commits rape on such woman; or

(g) commits rape during communal or sectarian violence; or

(h) commits rape on a woman knowing her to be pregnant; or

(i) commits rape on a woman when she is under sixteen years of age; or

(j) commits rape, on a woman incapable of giving consent; or

(k) being in a position of control or dominance over a woman, commits rape on such woman; or

(l) commits rape on a woman suffering from mental or physical disability; or

(m) while committing rape causes grievous bodily harm or maims or disfigures or endangers the life of a woman; or

(n) commits rape repeatedly on the same woman, shall be punished with rigorous imprisonment for a term which shall not be less than ten years, but which may extend to imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life, and shall also be liable to fine.

Explanation.—For the purposes of this sub-section,—

(a) “armed forces” means the naval, military and air forces and includes any member of the Armed Forces constituted under any law for the time being in force, including the paramilitary forces and any auxiliary forces that are under the control of the Central Government or the State Government;

(b) “hospital” means the precincts of the hospital and includes the precincts of any institution for the reception and treatment of persons during convalescence or of persons requiring medical attention or rehabilitation; and substitution of new sections for 376A, 376B, 376C and 376D.²² New Definition of rape is as follows:

²³A man is said to commit “rape” if he—

(a) penetrates his penis, to any extent, into the vagina, mouth, urethra or anus of a woman or makes her to do so with him or any other person; or

(b) inserts, to any extent, any object or a part of the body, not being the penis, into the vagina, the urethra or anus of a woman or makes her to do so with him or any other person; or

(c) manipulates any part of the body of a woman so as to cause penetration into the vagina, urethra, anus or any part of body of such woman or makes her to do so with him or any other person;

or

(d) applies his mouth to the vagina, anus, urethra of a woman or makes her to do so with him or any other person,

under the circumstances falling under any of the following seven descriptions:—

First - Against her will.

Secondly - Without her consent.

Thirdly - With her consent, when her consent has been obtained by putting her or any person in whom she is interested, in fear of death or of hurt.

²² Section 9 of the Criminal Law Amendment Act, 2013

²³ Section 375 of IPC, 1860

Fourthly - With her consent, when the man knows that he is not her husband and that her consent is given because she believes that he is another man to whom she is or believes herself to be lawfully married.

Fifthly - With her consent when, at the time of giving such consent, by reason of unsoundness of mind or intoxication or the administration by him personally or through another of any stupefying or unwholesome substance, she is unable to understand the nature and consequences of that to which she gives consent.

Sixthly - With or without her consent, when she is under the age of eighteen years.

Seventhly- When she is unable to communicate consent.

Explanation 1- For the purposes of this section, “vagina” shall also include *labia majora*.

Explanation 2 - Consent means an unequivocal voluntary agreement when the woman by words, gestures or any form of verbal or non-verbal communication, communicates willingness to participate in the specific sexual act:

Provided that a woman who does not physically resist to the act of penetration shall not by the reason only of that fact, be regarded as consenting to the sexual activity.

Exception 1.—A medical procedure or intervention shall not constitute rape.

Exception 2.—Sexual intercourse or sexual acts by a man with his own wife, the wife not being under fifteen years of age, is not rape.

Section 376A deals punishment for causing death or resulting in persistent vegetative state of victim, section 376B deals sexual intercourse by husband upon his wife during separation, section 376C deals sexual intercourse by a person in authority, section 376D deals gang rape, and section 376E deals punishment for repeat offenders.

Teasing:

Whoever, intending to insult the modesty of any women, by utters any word or gesture then shall be punished with simple imprisonment for a term which may extend to three years, and also with fine. It means section 509 of IPC amended and enhances the punishment.²⁴

Amendment Provisions of Protection of Children From Sexual Offences Act, 2012:

The amendment to Protection of Children from Sexual Offences Act, 2012²⁵ (POCSO) are as follows under the Chapter of V of The Criminal Law (Amendment) Act, 2013

Substitution of new sections for section 42 of Act No 32 of 2012(POCSO)

For section 42 of the Protection of Children from Sexual Offences Act, 2012, the following sections shall be substituted, namely:—

“42. Where an act or omission constitutes an offence punishable under this Act and also under sections 166A, 354A, 354B, 354C, 354D, 370, 370A, 375, 376, 376A, 376C, 376D, 376E or section 509 of the Indian Penal Code, then, notwithstanding anything contained in any law for the time being in force, the offender found guilty of such offence shall be liable to punishment under this Act or under the Indian Penal Code as provides for punishment which is greater in degree.

42A. The provisions of this Act shall be in addition to and not in derogation of the provisions of any other law for the time being in force and, in case of any inconsistency, the provisions of this Act shall have overriding effect on the provisions of any such law to the extent of the inconsistency.”²⁶

²⁴ Section 10 of the Criminal Law Amendment Act, 2013

²⁵ Act No 32 Of 2012

²⁶ Section 29 of the Criminal Law Amendment Act, 2013

Conclusion:

The Act has been termed by the government as the “single pill” to address all ills (crimes) against women. But, the question is whether the Act can protect women in India. Is having an Act enough to end crimes against women? Or, better implementation of laws, more sensitive police, civil society and change in mind set can tackle the issue of crime against women?! ? ! ?

It is of no use making legislations to protect the rights of women. In fact, a toothless laws encouraging quacks in society. Instead, men should change their attitude towards the fairer sex. Words like women empowerment and safety of women have confined to paper only. Still in our society discrimination against women is continuing unabated.

Gender Justice: Property Rights of Hindu Indian Women with Special Emphasis on Paternal Property

*If all men are born free,
how is it all women are born slaves?*

- Mary Astell

Introduction

Human Rights are essentially rights of an individual and are rights which every human being must have against the State or other public property by virtue of his being a human being, irrespective of any other considerations. During the ancient and medieval period, the concept of human rights was unknown. As India has become increasingly aware of the need for equal rights for women, the law commission is now engaged in studying the changes in Hindu Law to give women a fair deal in the sharing of ancestral property. The property rights have a deep impact on national economy.

Hindu Succession Act 1956 make a new era in the history of social legislation in India. A vigorous attempt has been made to bring some reforms of far reaching consequences in the system of inheritance and succession. The law in these areas needed complete overhauling as some of legal provisions under the old textual law had become absolute. The law in this respect needed some revolutionizing changes so as to recognise long felt right of inheritance of Hindu female at par with male.

Article 2(b) of CEDAW i.e. Convention on the Elimination of All Forms of Discrimination against women enjoins the State parties, to which India is also a party, to pursue by appropriate means, without delay, elimination of discrimination against woman by adopting and applying legislative and other measures including

1. B. Com., LL. B., LL. M., (Teacher-in-Charge of JRSET College of Law, Chakdah, Nadia)

2. B. A. LL. B. (H), LL. M.1st Semester, Haldia Law College, East Midnapore

sanctions; where appropriate, prohibiting all discrimination against women whereas article 14 emphasizes on the problem faced by rural women. It requires ensuring participation of women (rural) in the development programme to organize self-help groups, co-operatives to obtain equal access to economic opportunities through employment or self-employment etc.

Article 15(b) refers to equality of men and women and the laws are in place specially to administer property. These are the aspirations but the reality is different, which is certainly improving but it is not at such a level which could be lauded. The patriarchal set up, son-centered economy, the minimal acquisition of parental or matrimonial property by the daughter and the adverse provisions, especially relating to agricultural property, inheritance laws providing for different ways of devolution of property, especially in relation to Hindu Succession, where it is based on the sex and source of the property; these factors strengthen her economic subordination and force her to live a life of dependency. So, here property rights of the Indian women is being seen through different aspects like constitutional provisions, personal laws, differentiating between intestate and testamentary succession, having a perspective towards property.

As evident from the last two topics under the old Hindu law, property which was held by a female was of two types – stridhan and the woman's estate. After the enactment of the Hindu Succession Act, 1956, the discrepancies in various schools were abolished and so was the concept of a woman's limited estate in respect of property not acquired or possessed under a will, gift, award, document or a decree of the court prescribing limited estate. After the passing of the Act, whatever property was possessed by her in a lawful manner, whether acquired before or after commencement of the Act became her absolute property and she became the absolute owner.

Historical Development

Proposals for reforming the Hindu Personal Law particularly, relating to property, have been before the country in one form or the other since the fourties and the setting up of Rau's Committee to inquire into and suggest reforms in Hindu Law. The

question of codifying Hindu Law of succession engaged the attention of the Government from 1941 when a Committee was formed known as Rau's Committee to report on the desirability of codifying Hindu Law and more particularly to examine the Hindu Women's Right to Property Act, 1937, to remove doubt as to the construction of the Act and so to remove any injustice that might have been done to the daughter. The Committee while suggesting amendments in the existing law recommended that the best course would be to codify the entire Hindu Law in successive stages. Rau's Committee Hindu Code of 1947 was the result of that recommendation.

The draft Hindu Code prepared by Rau's Committee underwent substantial change in the course of its examination by a Select Committee of Provisional Parliament in 1948. But the positive problem of modernization of Hindu Law on important issues could not be dealt with except by a straight legislation. The Hindu Code Bill introduced in the Provisional Parliament based on the recommendations of Rau's Committee was in part a vigorous attempt to incorporate radical reforms.

In pursuance of its accepted policy to codify Hindu Law in gradual stages, the Legislature passed the Hindu Marriage Act in 1955 dealing with the law relating to marriage and divorce among Hindus and it thus facilitated the passage of the Hindu Code Bill. The second of such positive measures is the enactment of the Hindu Succession Act, 1956, which became law on 17th June, 1956. The third instalment of the Code dealing with Minority and Guardianship among Hindus also became law on 5th August, 1956, and the fourth is the Hindu Adoptions and Maintenance Act, 1956, which became law on 21st December, 1956.

Constitutional Provisions

The United Nations General Assembly adopted the Universal Declaration of Human Rights on December 10, 1948 as a common standard of achievement for all the nations and States that all human beings are born free and equal in dignity and rights. The Convention for Elimination of All Forms of Discrimination against woman was ratified by the United Nations organization on December 18, 1979 and the Government of India is an active

participant. On 19th June 1993 the Government of India accepted to Convention for Elimination of All Forms of Discrimination against woman and reiterated that discrimination against woman violates the principles of equality of rights and respect for human dignity of equality. India has an elaborate system of laws to protect the rights of woman like the Hindu Marriage Act, 1955, The Hindu Succession Act, 1956, The Dowry Prohibition Act, 1961, Immoral Traffic Act, 1956, and Equal Remuneration Act which have been enacted from time to time to remove gender discrimination and protect woman's rights.

Indian Constitution under Articles 14, 15(1) and 16 provides for general equality provisions, which are non-discriminatory provisions whereas under Article 15(3), the State is empowered to make special provisions for woman and children. Also, under Articles 39(a), (d), 39A, 42, 46 and under Article 51A(e) Fundamental Duty, provisions are there for upliftment of woman. One important aspect of constitutional provision, regarding gender justice implication of personal law is whether Article 13(1) includes "personal law" or not. One answer of this question, the subjection of such laws to Fundamental Rights is decided, especially Article 14 and 15. But no definite ruling of Supreme Court is there in this regard. In *State of Bombay Vs. Narasui Appa Mali*³, it was held that "Law in Force" implies only laws passed or made by legislature or other competent authority and does not include "Personal Laws". But Supreme Court in *Sant Ram Vs. Labh Singh*⁴ rejected the aforesaid view. Whereas as per Seervai there is no difference between "Existing Laws" and "Law in Force". He says "this consideration is strengthened by the consideration that custom; usage and statutory law are so inextricably linked i.e. mixed up in Personal Laws that it would be difficult to ascertain the residue of personal law outside them". Thus the Supreme Court can by including, with a definitive judgment, "Personal Law" in Article 13(1) of the constitution can solve the problem of gender justice for considerable portion of Indian people, whose personal laws are discriminating significantly. Even in aforesaid cases decided 2-3 decades ago by a liberal approach of Supreme Court,

³ [AIR 1952 Bom84]

⁴ [AIR 1965 SC 314]

this problem could have been solved. The traditional status of a man and a woman was that of a provider and home-maker. This stereo-typing of roles have unfortunately continued unabated, despite the amelioration in the overall status of woman, especially when H.S.A. (Amendment) 2005 has dramatically changed the status of daughter in the Hindu Joint Family. The Supreme Court even saying that we cannot expect that “home is the girl`s prison and the woman`s work-house” but is not liberally construing our constitutional Provisions. constitutional Provisions.

Various Personal Laws Applicable in India

The process of personal laws codification started during the pre-independence era and was carried forward by independent Indian legislature soon after the year 1947. Codification and implementation of Uniform Civil Code was felt desirable, but the legislature could not succeed in its pious gesture.

A sizeable portion of Indian citizen are governed by Hindu Succession Act, 1956 (except domiciled in Jammu and Kashmir, Union Territories of Daman, Diu and Pondicherry and Hindu's being member of ST's enjoying the constitutional protection of their cultures and identities). All these are subject to their distinct laws. Muslims are governed by the Quranic law. While Indian Parsis are governed by special rules meant for Parsi intestate contained in the Indian. Succession Act 1925. Indian Christians, Jews and all those Indians and their issues irrespective of their religion (except two Hindus) who get married under The Special Marriage Act, 1954 are governed by the general provisions of succession laid down in the Indian. Succession Act 1925. Goan Christians are still governed by the provisions of the Portuguese Civil Code, 1867; while The Indian. Succession Act, does not contain any general exclusion of woman, also the Hindu Succession Act 1925 , after amendment in 2005; the Quranic law and the other religion Specific laws do contain objectionable provisions having no logical justification for their continuance in the present day. Thus, based upon the sect within the community, domicile, by birth and sometimes even with the forms of marriage the parties might have undergone through, succession law or family law applicable could be decided.

Hindu Law

The Hindu Succession Act of 1956 introduced some fundamental and radical changes improving the legal position of women. A wife is now entitled to get an equal share with her sons in her husband's property. Likewise a daughter is also entitled to get an equal share whenever there is a partition between her father and his sons. However there is an enormous gap between theory and practice with regard to women getting a share in husband's and father's property. Theoretically a widow has an equal share with her sons in her husband's property, but in practice neither sons nor brothers like to share property with her.

In ancient times, in the Vedic age woman as wife was joint owner with her husband but only securing a number of minor rights, and privileges like enjoying wealth together and having proper provision for maintenance, she had right to own stridhan only. Unmarried daughter has a right to maintenance along with marriage expense. In Smriti period, she also had "Widow Estate", also widow and daughter were included in the list of heirs after a long list of kin and strangers. But her rights were limited and conditional upon chastity, remarriage not conducted, etc. Bombay school had more female heirs in comparison to Mitakshara, whereas Madras School was rigidly following smritis. In 1929, The Hindu Law of Inheritance (Amendment) Act, 1929 gave inheritance rights to women but to very few, like son's daughter's daughter and sister; was limited to Mitakshara only. In 1937, The Hindu Women's Right to Property Act, 1937 was enacted, which had widow, predeceased son's widow and widow of a predeceased son of a predeceased son, as heirs, but only with life interest in the property. Dayabhaga recognized the widow and daughters as heirs but under both, Mitakshara and Dayabhaga, Hindu women could inherit immovable property only under highly restrictive circumstances and enjoyed a limited interest in it. Among the patrilineal tribal communities in the eastern and north-eastern States, Indian women as daughters, wives and widows typically enjoyed only usufruct rights in land; and where it was inherited, it was only in terms of Limited Interest. However, certain locally confined pockets of matrilineal and bilateral inheritance in south-west

India (especially Kerala) and north-east India (especially Meghalaya) where women's property rights were not the exception but the ruler; like Marumakkatayam and Aliyasantana systems.

Formulation of Contemporary Laws

However, 1937 Act gave the Hindu widow a right to intestate succession equal to a son's share in separate property among those governed by Mitakshara and in all property among those governed by Dayabhaga. Also giving, the same interest as her deceased husband in the Undivided Mitakshara Coparcenary, with the same right to claim partition as a male coparcener, but had only a limited interest, passing to heirs of her husband after her death. It was subject to forfeiture on remarriage and explicitly excluded agricultural land, on the ground that after The Government of India Act, 1935 agricultural property came under provincial jurisdiction. Also daughters were not included under this Act.

In January 1944, Rau Committee was reconstituted which prepared draft Hindu Code in which it proposed for abolition of Mitakshara right by birth and principle of survivorship, equal property shares for the sons and widow of the deceased, an absolute estate for the widow but it recommended daughter's share to be half that of son, this time also women's succession to agricultural land was excluded. But the code could not come into existence, and "Charter of Indian Women's Rights" by Hansa Mehta advocated equality between the sexes being basis of citizenship in India.

Hindu Succession Act 1956

The Hindu Succession Act, 1956 has been passed to meet the needs of a progressive society. It removes inequalities between men and women with respect to rights in property and it evolves a list of heirs entitled to succeed on intestacy based on natural love and affection rather than on religious efficacy. The Act has been passed to codify and amend the Hindu Law regarding succession.

Section 6 of Hindu Succession Act 1956.

Devolution of interest of coparcenary property [Section 6]

When a male Hindu dies after the commencement of this Act, having at the time of his death an interest in a Mitakshara coparcenary property, his interest in the property shall devolve by survivorship upon the surviving members of the coparcenary and not in accordance with this Act:

PROVIDED that, if the deceased had left him surviving a female relative specified in class I of the

Schedule or a male relative specified in that class who claims through such female relative, the interest of the deceased in the Mitakshara coparcenary property shall devolve by testamentary or intestate succession, as the case may be, under this Act and not by survivorship.

Explanation 1: For the purposes of this section, the interest of a Hindu Mitakshara coparcener shall be deemed to be the share in the property that would have been allotted to him if a partition of the property had taken place immediately before his death, irrespective of whether he was entitled to claim partition or not.

Explanation 2: Nothing contained in the proviso to this section shall be construed as enabling a person who has separated himself from the coparcenary before the death of the deceased or any of his heirs to claim on intestacy a share in the interest referred to therein.

Hindu Succession (Amendment) Act, 2005

The Hindu Succession (Amendment) Act, 2005 has effected a change of far-reaching importance in the concept of Mitakshara coparcenary. By this Amending Act, daughter of a Mitakshara coparcenary has been made a coparcener in the Mitakshara joint family property with the same rights and obligations, which a male coparcener has, and she is now entitled to dispose of her interest in the Mitakshara coparcenary property by will. The devolution of interest of a Mitakshara coparcener in the Joint Hindu Family property has been done away with by this Amending Act. Moreover, Sections 4(2), 23 and 24 of the Hindu Succession Act, 1956 have been omitted by the Amending Act.

Section 6 on and from the commencement of Hindu Succession [Amendment] Act 2005

Devolution of interest in coparcenary property [Section 6]

(1) On and from the commencement of the Hindu Succession (Amendment) Act, 2005, in a Joint Hindu family governed by the Mitakshara law, the daughter of a coparcener shall,-

- (a) by birth become a coparcener in her own right in the same manner as the son;
- (b) have the same rights in the coparcenary property as she would have had if she had been a son;
- (c) be subject to the same liabilities in respect of the said coparcenary property as that of a son, and any reference to a Hindu Mitakshara coparcener shall be deemed to include a reference to a daughter of a coparcener:

Provided that nothing contained in this sub-section shall affect or invalidate any disposition or alienation including any partition or testamentary disposition of property which had taken place before the 20th day of December, 2004.

(2) Any property to which a female Hindu becomes entitled by virtue of sub-section (1) shall be held by her with the incidents of coparcenary ownership and shall be regarded, notwithstanding anything contained in this Act, or any other law for the time being in force, as property capable of being disposed of by her by testamentary disposition.

(3) Where a Hindu dies after the commencement of the Hindu Succession (Amendment) Act, 2005, his interest in the property of a Joint Hindu family governed by the Mitakshara law, shall devolve by testamentary or intestate succession, as the case may be, under this Act and not by survivorship, and the coparcenary property shall be deemed to have been divided as if a partition had taken place and,-

- (a) the daughter is allotted the same share as is allotted to a son;
- (b) the share of the pre-deceased son or a pre-deceased daughter, as they would have got had they been alive at

the time of partition, shall be allotted to the surviving child of such predeceased son or of such pre-deceased daughter; and

- (c) the share of the pre-deceased child of a pre-deceased son or of a pre-deceased daughter, as such child would have got had he or she been alive at the time of the partition, shall be allotted to the child of such pre-deceased child of the pre-deceased son or a pre-deceased daughter, as the case may be.

Explanation.- For the purposes of this sub-section, the interest of a Hindu Mitakshara coparcener shall be deemed to be the share in the property that would have been allotted to him if a partition of the property had taken place immediately before his death, irrespective of whether he was entitled to claim partition or not.

(4) After the commencement of the Hindu Succession (Amendment) Act, 2005, no court shall recognise any right to proceed against a son, grandson or great-grandson for the recovery of any debt due from his father, grandfather or great-grandfather solely on the ground of the pious obligation under the Hindu law, of such son, grandson or great-grandson to discharge any such debt:

Provided that in the case of any debt contracted before the commencement of the Hindu Succession (Amendment) Act, 2005, nothing contained in this sub-section shall affect-

- (a) the right of any creditor to proceed against the son, grandson or great-grandson, as the case may be; or
- (b) any alienation made in respect of or in satisfaction of, any such debt, and any such right or alienation shall be enforceable under the rule of pious obligation in the same manner and to the same extent as it would have been enforceable as if the Hindu Succession (Amendment) Act, 2005 had not been enacted.

Explanation.-For the purposes of clause (a), the expression “son”, “grandson” or “great-grandson” shall be deemed to refer to the son, grandson or great-grandson, as the case may be, who was born or adopted prior to the commencement of the Hindu Succession (Amendment) Act, 2005.

(5) Nothing contained in this section shall apply to a partition, which has been effected before the 20th day of December, 2004.

Explanation.- For the purposes of this section “partition” means any partition made by execution of a deed of partition duly registered under the Registration Act, 1908 (16 of 1908) or partition effected by a decree of a court.’

JUDICIAL RESPONSE

In PRAKASH & ORS Vs. PHULAVATI & ORS.⁵

Adarsh Kumar Goel, J. says, the Supreme Court has declared that the coparcener rights are applicable to “living daughters of living coparceners as on September 9, 2005, irrespective of when such daughters are born.” The apex court was dealing with various judgments of different High Courts, including from the Karnataka High Court, differing in their views on the applicability of the Hindu Succession (Amendment) Act, 2005.

The amendments of 2005 gave equal right to daughters in coparcener properties by removing the discrimination that existed in the original enactment, the Hindu Succession Act, 1956 against Hindu women on rights over ancestral properties.

The Supreme Court declared that the provisions of the Hindu Succession (Amendment) Act, 2005, are applicable “prospectively” [on and from September 9, 2005, when the Act came into force], and not with “retrospective” effect as held by some High Courts in the country.

The Karnataka High Court had held that daughters would be entitled to equal share even if father had died prior to September 9, 2005, when litigations over partition were pending in courts.

The text of the 2005 amendment, the apex court said, itself clearly provides that the right conferred on a ‘daughter of a coparcener’ is ‘on and from the commencement of the Hindu Succession (Amendment) Act, 2005.’

In the present amendment Act of 2005, the apex court said, “There is neither any express provision for giving retrospective

⁵ Civil Appeal No. 7217 of 2013

effect to the amended provision nor necessary intendment to that effect.”

“We are unable to find any reason to hold that birth of the daughter after the amendment was a necessary condition for its applicability. All that is required is that daughter should be alive and her father should also be alive on the date of amendment,” the apex court said.

In M. Prithviraj Vs. Neelamma N.⁶ laying down that if father of a plaintiff had died prior to commencement of Act 39 of 2005, the amended provision could not apply. It was only the law applicable on the date of opening of succession which was to apply.

In Sheela Devi Vs. Lal Chand⁷ case, this Court observed: The Act indisputably would prevail over the old Hindu Law. We may notice that the Parliament, with a view to confer right upon the female heirs, even in relation to the joint family property, enacted Hindu Succession Act, 2005. Such a provision was enacted as far back in 1987 by the State of Andhra Pradesh. The succession having opened in 1989, evidently, the provisions of Amendment Act, 2005 would have no application. Sub-section (1) of Section 6 of the Act creates an exception. First son of Babu Lal, viz., Lal Chand, was, thus, a coparcener. Section 6 is exception to the general rules. It was, therefore, obligatory on the part of the respondents-plaintiffs to show that apart from Lal Chand, Sohan Lal will also derive the benefit thereof. So far as the Second son, Sohan Lal is concerned, no evidence has been brought on records to show that he was born prior to coming into force of Hindu Succession Act, 1956.

Ram Sarup Vs. Munshi⁸

In *Ram Sarup case (supra)*, the question for consideration was of amendment to the Punjab Pre-emption Act, 1930 by Punjab Act 10 of 1960 restricting the pre-emption right. Section 31 inserted by way of amendment prohibited passing of a decree which was inconsistent with the amended provisions. It was held that the

⁶ ILR 2009 Kar. 3612

⁷ [2006] 8 SCC 581

⁸ [1963] 3 SCR 858

amendment was retrospective and had retrospective operation in view of language employed in the said provision.

Dayawati Vs. Inderjit⁹

In *Dayawati case (supra)*, Section 6 of the Punjab Relief of Indebtedness Act, 1956 expressly gave retrospective effect and made the statute applicable to all

pending suits on the commencement of the Act. The Act sought to reduce the rate of interest in certain transactions to give relief against indebtedness to certain specified persons.

Lakshmi Narayan Guin Vs. Niranjan Modak¹⁰

In *Lakshmi Narayan Guin case (supra)*, the question was of applicability of Section 13 of the West Bengal Premises Tenancy Act, 1956 which expressly provided that no order could be passed by the Court contrary to the scheme of the new law.

Amarjit Kaur Vs. Pritam Singh¹¹

In *Amarjit Kaur case (supra)*, Section 3 of the Punjab Pre-emption (Repeal) Act, 1973 was considered which expressly prohibited the Court from passing any pre-emption decree after the commencement of the Act.

S. Sai Reddy Vs. S. Narayana Reddy¹²

In *S. Sai Reddy case (supra)*, the question for consideration was whether even after a preliminary decree is passed determining the shares in partition, such shares could be varied on account of intervening events at the time of passing of the final decree. In the said case, partition suit was filed by a son against his father in which a preliminary decree was passed determining share of the parties. Before final decree could be passed, there was an amendment in the Hindu Succession Act (vide A.P. Amendment Act, 1986) allowing share to the unmarried daughters. Accordingly, the unmarried daughters applied to the court for their shares which plea was upheld. The said judgment does not

⁹ [1966] 3 SCR 275

¹⁰ [1985] 1 SCC 270

¹¹ [1974] 2 SCC 363

¹² [1991] 3 SCC 647

deal with the issue involved in the present matter. It was not a case where the coparcener whose daughter claimed right was not alive on the date of the commencement of the Act nor a case where shares of the parties stood already crystalised by operation of law to which the amending law had no application. Same is the position in *Prema and Ganduri cases (supra)*.

State of Maharashtra Vs. Narayan Rao¹³

In *Narayan Rao case (supra)*, it was observed that even after notional partition, the joint family continues. The proposition laid down in this judgment is also not helpful in deciding the question involved herein. The text of the Amendment itself shows that the right conferred by the Amendment is on a 'daughter of a coparcener' who is member of a coparcenary and alive on commencement of the Act.

Chameli Singh Vs. State of U. P.¹⁴

It has been held that Right to Shelter is a Fundamental Rights guaranteed under Article 21 of the Constitution. Right to live guaranteed in any civilized country implies Right to food, water, education, medical care and shelter. All the civil, political, social and cultural rights enshrined on Universal Declaration of Human Rights. The Right to Shelter includes right to all infrastructure necessary to enable them to live and developed as a human being.

SUGGESTION

- Increase awareness of laws through education institutions, general awareness and legal awareness programmes.
- Sensitize Judiciary, administrators and legislators about implementation of laws in letter and spirit.
- Consider long pending recommendations for amendments of legal provisions on inheritance.
- There is a need for bridging the gap between making of gender equal laws and their implementation.
- To demand for reform in property laws should be initiated so that women should have equal access to property.

¹³ [1985] 2 SCC 321, paras 8 to 10.

¹⁴ [1996] 2 SCC 549

RECOMMENDATIONS

We always support the latest judgment of Supreme Court on Hindu Succession, but we think that there should be a separate provision for unmarried, deserted, separated, widowed daughter in Hindu Succession Amendment Act 2005. If the provision is not enacted, they will suffer irreparable loss and injury. According to Hindu Succession Amendment Act 2005, if the father of the daughter is died before 9th September, 2005, unmarried, deserted, separated, widowed daughter has no right of residence in the ancestral dwelling house, it would affect Article 14, Article 21, and Article 51-A(e) which is guaranteed by our Constitution of India. When the unmarried, deserted, separated, widowed daughter return in the paternal home, at that time her brothers force her to leave from the ancestral dwelling house so it would be necessary to enact the provision in Hindu Succession Amendment Act 2005. If the brothers of unmarried, deserted, separated, widowed daughter force her to leave from the ancestral dwelling house it would affect on Right to Shelter which is guaranteed under Article 21 of the Constitution of India.

Conclusion

But on the question of ancestral property, it has been noticed that women do not generally assert their statutory rights for fear of wounding the feelings of their male relations and elders. The Law Commission will have to consider whether an inheritance certificate should be taken by all individuals after the death of an individual. Such documents would be needed for mutation in revenue, municipal and other records. A proposal to protect the rights of the mother will also have to be considered. It is being suggested that the family dwelling cannot be “alienated” without her consent in writing where the coparceners are sons and daughters. In any case a satisfactory alternate accommodation should be provided for the widow who agrees to the sale of the dwelling house. A sale without her consent should be void so that she does not have to fight legal battles.

Thus after seeing all personal laws applicable to the sharing of the intestate property we find that women’s right to property has not been taken seriously. Especially their right to agricultural property has been barred even taking shelter to the heinous systems

of Sati, Witchcraft, etc. In the case of Ambika Mishra the Supreme Court took a defensive approach to save the Uttar Pradesh. Imposition of Ceiling on Land Holdings Act, 1960 and held that the Act does not discriminate between man and woman qua man and woman but merely organize a scheme where life's realism is legislatively pragmatized. The court further held that such a scheme may "marginally affect gender justice", but does not abridge ever a wee-bit, the rights of women. Thus the Court hereby took the conservative Approach and observed that "a normal parent will look after an unmarried daughter with an equal eye." Now few of the discriminating provisions of the succession Acts have been deleted or amended but the confusion still lies there as there has not been any positive legal step to fortify the economic situation and proprietary rights of women. Codification of Uniform Civil Code is very much desirable in such context. Even the Section 13(2) of the General Clauses Act may be applied to include 'female descendants' under the term 'male descendants'. Now-a-days we do not need to stereo-type the man and woman's role but need to bring the woman to the upfront level so that she could stand in front of the difficulties of life with sufficient money and property in her hand.

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Disability and Non-discrimination in Constitutional Context : The UNCRPD Way Forward

Abstract

The United Nations Convention on the Rights of Persons with Disabilities, the most recent member of the human rights family has significantly introduced a paradigm shift. It is a shift from a model in which persons with disabilities are treated as objects of medical treatment, charity and social protection, to one which persons with disabilities are recognized as having a standing which is accountable in the human rights era. The Convention mandates State Responsibility for its State Parties to protect the rights of persons with disabilities. India has both signed and ratified the convention. While signature inducts a negative duty with the ratified States, ratification brings in a positive obligation. However, India's first effort to harmonize her laws in tune with the UNCRPD has been diluted by the executive, causing her to stay on the same lines of welfarist approach, a pre-UNCRPD stand. Within this present legal framework, this paper seeks to examine the desirability to incorporate disability with the equality and non-discrimination clause of Indian constitution. This is analyzed in the light of the UNCRPD and the constitutional perspective on equality and non-discrimination.

Introduction

Many International Days of Persons with Disabilities have crossed India, since she had both signed and ratified the universal law on the rights of persons with disabilities, the UN Convention on the Rights of Persons with Disabilities, 2006¹. The Convention was a paradigm shift which brought equal rights and recognition for persons with disabilities on par with all others. Whilst the UNCRPD, recognizes equality and non-discrimination as a non-compromising positive right, the national legislative attempts

* Assistant Professor, Alliance School of Law, Alliance University, Bangalore, smithanizar@gmail.com.

¹ The UNCRPD, together with its Optional Protocol, was adopted on December 13, 2006 and came into force as an international human rights law on 3rd May, 2008.

shows, how hard it is for persons with disabilities to avail their rights, without negotiating with it. It is pertinently pathetic, when the democratic nation has its fundamental law which upholds the principle of non-discrimination as evidenced in its right to equality. This paper seeks to examine the desirability to incorporate disability in India's Constitution as a first step to bring in the rights perspective paradigm shift for persons with disabilities, the stakeholders of UNCRPD.

The UNCRPD and its Paradigm Shift

As the first human rights convention adopted in the twenty first century, the UNCRPD seeks to protect the rights of all persons with disabilities. It identifies the rights of persons with disabilities as well as the obligations of State parties to the Convention to promote, protect and ensure those rights.² The States that become parties to the Convention shall agree to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms to all persons with disabilities, and to promote respect for their inherent dignity. The Convention offers a paradigm shift in its approach to disability. It is a shift from a model where persons with disabilities were treated as objects of medical treatment, charity and social protection to a model where persons with disabilities are recognized as subjects of human rights.³

The UNCRPD 'Code on Equality and Non-discrimination'

The United Nations Convention on the Rights of Persons with Disabilities provide for five main components of equality and non-discrimination:⁴

- (a) equal protection and benefit of law without discrimination;
- (b) prohibition of discrimination and equal and effective legal protection against discrimination on all grounds;
- (c) reasonable accommodation;
- (d) affirmative action and

² Article 4, UNCRPD.

³ Smitha Nizar, "Impact of UNCRPD on the Status of Persons with Disabilities", *IJME*, VII (4) 2011, 223-229, p.227.

⁴ Article 5, UNCRPD.

(e) equal recognition before law.

Herein, the right to equal protection and benefit of law without discrimination is drawn from the non-discrimination provision of the International Convention on Civil and Political Rights. However, the immediate right to get protection against discrimination on all grounds provides a negative obligation on the State to refrain from discrimination and also a positive obligation for equal and effective legal protection against multiple discrimination.⁵ This refers to multiple forms of discrimination suffered by persons with disabilities due to their being part of other marginalized sections of society. This can be extended to India's unique social problems such as caste-based discrimination, along with more generic forms of discrimination based on religion, gender and race.

The other UNCRPD equality rights provide for two major concepts – reasonable accommodation and the recognition that affirmative action for persons with disabilities to recognize them as persons before law. The former is a concept which runs through almost all issues relating to persons with disabilities; whereas the latter is a specific form of positive action which a government needs to undertake to ensure that the right to equality is enjoyed to its fullest ambit by a person with disability. The UNCRPD recognize persons with disabilities as 'autonomous' or complete human beings. At the same time, the reasonable accommodation lays down the right to recognize the autonomy but to also to receive the support to exercise it.

Reasonable Accommodation to reach Equal Status

The question of 'same or different' haunts the UNCRPD negotiation on right to equality for persons with disabilities. Does affirming equality in a rights document entails the right to be availed in its real sense? A negative answer derived from the ground level reality

⁵ UNCRPD has devised a 'twin track approach' to deal with multiple forms of discrimination. UNCRPD tackle it by providing the right in a general provision and to reaffirm it in a separate special provision. For instance, in order to address multiple discrimination on the grounds of both disability and gender, the UNCRPD accords all the rights in its general provisions to women, also reaffirms it in a special provision for women. Thus, in addition to the general provisions, Article 6 casts a special responsibility on the State to ensure the equal enjoyment of all the human rights and fundamental freedoms for women and girls with disabilities.

was the reason for not navigating between ‘same or different’, but opting for both. Thus, whilst persons with disabilities are equal on par with others, reaching the right rather to avail it requires reasonable accommodation. This is essential, because we have designed the society and its infrastructure without acknowledging the presence of disability and persons with disabilities.

For example, the right to freedom of speech and expression guaranteed to all citizens under Article 19(1)(a) of the Constitution of India would be merely a formal, meaningless declaration for a person with vision disability or hearing disability. If there was not an adequate provision of Braille documents or sign language interpreters in government offices, persons with disabilities will not be able to enjoy the full ambit of their freedom of speech and expression. Hence, the UNCRPD affirms a reasonable accommodation within its ‘equality and non-discrimination code’. Thus, apparently a formal declaration of the freedom in Article 19(1)(a) which would normally have a negative connotation, due to its restriction imposed by Article 19(2) in reality, has a positive angle to it as well by the requirement of the state to provide adequate support facilities for persons who cannot without such assistance enjoy such right to its fullest ambit. The need for reasonable accommodation entails within the purview of the right to equality enshrined in Indian Constitution.

The ‘Equality code’ of Indian Constitution

Article 14 of the Constitution of India provides a negative prescription against the State from denying any person: (a) equality before the law, or (b) equal protection of the laws within the territory of India. Prima facie, this is a formal declaration of the right to equality without any textual underpinnings of recognition of difference amongst persons not equally situated. However, the Supreme Court of India has in several occasions interpreted Article 14 to state that it is unjustified to treat “unequals” equally. For instance, in *Onkar Lal Bajaj v. Union of India*,⁶ the Supreme Court has reiterated it very clearly. Furthermore, in *Indra Sawhney v. Union of India*,⁷ the principle of equality encapsulated in Articles 14 to 16 is now recognized as a part of the basic structure of the

⁶ AIR 2003 SC 2562.

⁷ AIR 2000 SC 498.

Constitution. Thus, the Constitutional framework already places equality and as a logical corollary, non-discrimination on a high pedestal. In addition to this, right to equality and non-discrimination has a more enriched entitlement for persons with disabilities. This entitlement is drawn from the 'State Responsibility' of India as a State party to UNCRPD, the universal Law.

'State Responsibility' and India's International Obligation

India has both signed and ratified the Convention. While signature inducts a negative duty with the ratified States, ratification brings in a positive obligation. Article 4 of the UNCRPD requires State Parties to promote the full realization of human rights and fundamental freedoms for all persons with disabilities, without discrimination of any kind by taking the following legal exercise:

1. Adopting legislative, administrative and other measures to implement the rights contained in the UNCRPD.
2. Adopting legislative, administrative and other measures to abolish discrimination against persons with disabilities.
3. Not engaging in any act or practice that is inconsistent with the UNCRPD and ensuring that the public sector acts in conformity with the UNCRPD.
4. Taking measures to eliminate discrimination on the basis of disability.
5. Involving persons with disabilities in developing and implementing legislations and policies and in all decision making process related to persons with disabilities.

Accordingly, as a State Party it is India's obligation to eliminate discrimination on the basis of disability. While, this is an International obligation as a State party to the treaty, the constitution endows a mandate to accord those rights under the national laws. However, India's earnest efforts to harmonize her laws with UNCRPD, has been destructed in the Executive hands. A rights perspective law prepared by the law making committee has been diluted or retuned to the pre-UNCRPD legislative style of welfare approach. However, this would not only divide the first generation and second generation rights⁸, but cause to fail

⁸ International documents have created a division between civil and political rights, the first generation rights and socio-economic rights, the second generation rights. The UNCRPD is a Unique Human Rights Instrument which incorporated both.

India to comply with the constitutional mandate of International Obligations.

The Constitutional Mandate

The Constitution of India has provisions that obligate the compliance with international treaties and conventions. Article 51 (c) of the Constitution states that the State shall endeavour to foster respect for international law and treaty obligations in the dealings of organized people with one another. Article 253 further provides for the power to make any law to fulfill our international obligations. It states that:

“Notwithstanding anything in the foregoing provisions of this Chapter, Parliament has power to take any law for the whole or any part of the territory of India for implementing any treaty, agreement or convention with any other country or countries or any decision made at any international conference, association or other body.”

In this lime light, what is the best option for India to initiate affirming the rights of persons with disabilities, as accorded under UNCRPD, the universal law? Can it be an explicit recognition or adding disability in ‘equality and non-discrimination’ in her fundamental law? This can be analyzed in the light of the India’s practice to render such international obligations.

Gender Discrimination and the Spade of International Obligation

Being a female is not an appreciable identity in India, an extremely patriarchal society. However, the burial of such disparity has been thought, only by adding ‘sex’ or gender as an explicit ground for non-discrimination in the constitution. The post-constitution development in the legal scenario has later proved the power of law to affirm equality and non-discrimination into a non-comprising norm for women. In *Vishaka vs Union of India and Others*⁹, the Supreme Court relied on the provisions of Convention on Elimination of Discrimination against Women, an International law. This was to recognize her dignity and right to life at workplace.

⁹ (1997) 6 SCC 241.

The Supreme Court has gone so far as to recognize the concept of legitimate expectation of the observance of the international obligations and if there is a void in the domestic law.¹⁰ It is remarkable, because this judicial stand was taken in absence of a domestic law in tune with the above International document on Women's rights. However, such widened application of international law was possible, since the domestic fundamental law has in advance incorporated women as a party to avail the right to equality and non-discrimination. It brings a case for a legislative effort to encompass disability into the equality code of Indian Constitution.

Explicit Recognition of the UNCRPD Equality Code in Indian Constitution

A legislative effort to incorporate "disability" in Article 15 which prohibits discrimination on grounds of religion, race, caste, sex or place of birth will be a systematic plan to bring the UNCRPD paradigm shift to India. Inclusion of "disability" in Clauses (1) and (2) of Article 15 will secure an explicit prohibition on discrimination based on the fact that a person is disabled by the State and by citizens. This would also save the State laws to provide reservations to persons with disabilities in the sphere of education and employment.

This will be in compliance of Article 5 of the United Nations Convention on the Rights of Persons with Disabilities which specifically provides that affirmative action taken for the benefit of persons with disabilities by State parties would not be considered discriminatory as against persons without disabilities. Furthermore, this would discourage rampant litigation against positive measures taken by the State for the provision of substantive equality to persons with disabilities. This legislative effort would support the concept of substantive equality already well-placed in the Indian Constitution, by protecting reasonable affirmative action in order to secure the fullest ambit of the right to equality in all aspects of

¹⁰ Smitha Nizar, "The New Human Rights Paradigm: Convention on the Rights of Persons with Disabilities and its Implementation in India", *Christ University Law Journal*, 4, 1 (2015), 49-69, p.63.

life to persons with disabilities. This would also break the silence surrounding the pending new Disability Rights Bill.

Conclusion

The convention is a binding international articulation of disability human rights. UNCRPD accords equal status for persons with disabilities on par with all others. It recognizes the inherent human dignity, individual autonomy and full participation for persons with disabilities. UNCRPD accords respect to difference and considers disability as an integral part of human condition. India should reaffirm the significance of the right to equality and non-discrimination as against the other civil and political rights to persons with disabilities, the holders of rights as envisaged under the CRPD. This is one of the major State Responsibility, in a nation where there are several categories according to which marginalization occurs. Furthermore, the fundamental law should fortify the concept of reasonable accommodation and recognize its link to equality and the fact that its denial can effectively amount to discrimination. State responsibility, cannot be condensed without enumerating the desirability to incorporate disability in the equality and non-discrimination clause of the constitution. This unprecedented legislative exercise will set India as a sparkling example for other nations to emulate further to bring the paradigm shift of rights perspective of the UNCRPD.

Role of Freedom of Internet and Social Media in Indian Democracy (An Analysis)

ABSTRACT

In democracies all over the world especially in India, the concept of Internet freedom and social media need to be given importance. There should be a clear balance between freedom of speech and expression guaranteed by our constitution as a fundamental right and freedom of expressing views on Facebook and Twitter. This article is an attempt to understand Internet freedom and how people should utilize this type of freedom in a positive way. Utility of Internet can only be achieved when there is availability, affordability and accessibility to the Internet in addition to computer literacy.

Key words: Internet Freedom, Social Media, Democracy, Computer Literacy, Governance.

In India, a large section of society is still not familiar with the internet, social media and its multi-purpose usage. India is the second largest populated country of the world with a population of over 1.25 billion. Computer literacy is sparse especially in rural areas. Thus, this makes the concept of 'internet freedom' and social media a subject for discussion.

Common man and government authorities both do not have enough awareness and skill to demarcate the actual line between Internet freedom and the view of people on social media sites like Facebook and Twitter. In society, there are different perceptions about the usage of Internet and social media and their implications on society in a democracy. In a democracy, there should be a clear demarcation between Internet freedom and social media.

In December 2011, Aseem Trivedi's website cartoonagainstcorruption.com was blocked following a complaint from the Mumbai Police stating that the website was used to display texts and objectionable pictures related to Indian Flag and Emblem.

* Assistant Professor , Shri Ram College of Law Muzaffarnagar

Later in September 2012, he was arrested on charges of ‘sedition’ though later on, he was released. Nevertheless, this incident raised several questions about the prospect of ‘internet freedom’ in India.

In India, due to the technological revolution the Internet has become a phenomena and this phenomena was further accelerated after the introduction of smartphones. However, the Internet still remains limited to certain demographic constituencies. The issue of Internet governance should not be overshadowed by the need for large debates on availability, accessibility and affordability of this.

Rebecca Mackinnon in her book ‘Consent of the Governed’ says that, “It is time to stop debating whether the internet is an effective tool for political expression, and to move on to the much more urgent question of how digital technology can be structured, governed, and used to maximize the good it can do in the world, and minimize the evil.”¹

Role of Social Media in Democratic Societies:

At the present time, social media plays a very important and significant role in democratic societies. For example, In India in 2011 Anna Hazare’s movement against corruption saw as much success as it did because the media, especially social media played a pivotal role in mobilizing people. Similarly, social media played an important role in the ‘Arab Springs’ by showcasing and broadcasting revolutionary waves of demonstration, protest, and movements that began in December 2010 in the Arab world. Social media acts in both horizontal and vertical ways in democratic societies. Horizontal methods are movements among citizens and vertical ways are between citizens and the state. These network are an extraordinary asset. Habermas’s concept of public sphere is important in making sense of this contribution of social media.²

There have been many implications to the concept of ‘public sphere’ in modern societies ever since the 17th and 18th centuries. In this matter, the mode of communication is very important. At present, the internet and social media play an important role in the public sphere. This is called cyber transformation.³ As the times

¹ Mackinnon R. (2012), *Consent of the Networked: The Worldwide struggle for Internet Freedom*, Basic Books, New York, p xx.

² Habermas, J. (1992), *The Structural Transformation of the Public Sphere: An inquiry into a category of Bourgeois society*, Translated by, Thomas Burger, Polity Cambridge.

change, oral culture has been replaced by print and then been replaced by electronic communication in quick succession.⁴

In democracies, awareness of the Internet and social media is increasing day by day. Large sections of the society especially the youth have become more aware about their rights, duties and are more informed about the functioning of the elected government and the issue of governance. Through the Internet and social media, citizens who feel disengaged and disturbed (the sense of powerlessness and helplessness) have been given a voice to express their views about the functioning of the government and bureaucracy. As more and more people are inclining themselves towards social interaction based on electronic devices, the status of social interaction has also changed.⁵ Due to this change the government machinery also ensures that it takes steps to improve governance.

Now a days, we see all over the world an important shift from a group based to a network based society that is developing community and geographic propinquity.⁶ There is no doubt that technology has transformed not only societies but also the lives of individuals. But one should understand that technology does not change basic human nature. So, there is always a possibility of a 'bad civil society' and its attempt to create discourse in counter public spheres cannot be denied.⁷ Now a days, internet and social media influence democracy in a significant way. There is more transparency on the working of government departments and a practice in clarity has also started in the policy making process. On the contrary, this has not made much of a difference in the ideological political landscape. There is a lot of traditional institutionalization and people who are non-netizens are not mobilized by social media.⁸

In 21st century India, one cannot deny that the Internet and social media have entered discourse and are significantly impacting it. In India, there is very minimal computer literacy.

³ Dahlgren, P. (2005) 'The Internet, Public spheres and Political Communication : Dispersion and Deliberation' Political Communication, Vol. 22 (2), pp 147-162.

⁴ Poster, M. (1990) The mode of Information, Polity, Cambridge.

⁵ Poster, M. (1985), Foucault, Marxism and History, Polity Cambridge, P. 168.

⁶ Wellman, B. (2000), 'Physical and Cyber Place : The Rise of Networked Individualism' International Journal for Urban and Regional Research, Vol. 25(2), pp 227-252.

⁷ Chambers, S. and J. Kopstein (2001), 'Bad Civil Society' Political Theory, Vol. 29(6), pp 837-865.

The actual number of real users as compared to the total population is still very low and the penetration rate of Internet and social media is also very slow. But as it is becoming popular, it has started changing lives. It is very essential to change the mind set of people in realizing the importance of Internet and social media in democracy, especially its power to create alternative politics.⁹

Impact of the Internet on Indian Society:

The Internet has a huge impact on Indian society. Services in banks, schools and hospitals have considerably improved with the introduction of the Internet in the functioning of the government. But there are some serious challenges faced by the Internet. There is an extraordinary gap between and a resultant 'technological overdevelopment and social underdevelopment'. The way it prevents the equitable flow of benefits in society has been a major cause of worry for developing countries.¹⁰ In India, there are some divides which are multifaceted and explicitly visible. These are based on region, language education, gender and disability.

- a) **Region:** According to the Internet and Mobile Association of India (IAMAI), 25% of the Indian population (266 million) live in cities and approximately 20% are active Internet users (52 million). In contrast, of the 75% population in rural areas only 4.18 million are active users and what is disturbing is the fact that out of the non-users, 78% are not even aware of the existence of the internet.¹¹
- b) **Language:** In India, the English speaking population is 125 million which is 12.16% of the total population and English is the ex-officio language of cyberspace.¹² So language also creates a barrier in the spread of internet facilities in India.
- c) **Education:** When we talk about literacy in India, according to the 2011 census our literacy rate is 74.04%, with a huge gap between urban areas (84.98%) and rural areas (68.9%).

⁸ Wilhem, A.G. (2000), *Democracy in the Digital Age*, Routledge, London.

⁹ Duggal, P. (2003), 'Internet and Democracy in India : A Report in Indrajit Banerjee (ed.) *Rhetoric and Reality : The Internet Challenge for Democracy in Asia*, Times Media Academic Publishing, Singapore, pp 61-98.

¹⁰ Castells, M. (1998), *End of Millennium*, Vol. III of *The Information Age : Economy, Society and Culture*, Blackwell, Cambridge, Oxford, p 359.

¹¹ Deibert, R.J. Palfrey, R. Rohozinski, and J. Zittroin (ed) (2012), *Access Contested : Security, Identity and Resistance in Asian Cyberspace*, MIT Press, Cambridge, p 300.

¹² The Times of India, 14 March, 2010

- d) **Gender:** In India, the literacy gap between the male and female population is also very huge. The national average is 74.04%, but literacy rate amongst the male population is 82.14% as compared to the female population where it is at 65.46%.¹³
- e) **Disability:** There also exist disabilities in Indian Society such as economic, cultural and psychological disabilities which curtail the benefits of the Internet where availability, accessibility and affordability are concerned.

In recent times, democratic countries of the world face an important challenge. Due to the introduction of basic Internet facilities and with the advent of Facebook and Twitter, people are expressing their views freely. But things really become difficult when it is not just freedom of speech and expression that is at stake, but lives as well. The issues of liberty and national interest come in direct conflict and pose a new kind of challenge for the state to intervene and yet try and create a balance.

Evegeny Morozov (2011) in his work, *The Net Delusion: The Dark Side of Internet Freedom* condemned 'cyber-utopianism' and Internet centric views. Cyber utopianism, he argued is dangerous because it fails to recognise that the Internet "penetrates and shapes all walls of political life, not just the ones conducive to democratization."¹⁴

Law and the Scope for Internet Freedom in India:

India is the largest democracy in the world. Our Constitution has granted freedom of speech and expression to all the people of India. But to control the misuse of the freedom of Internet, authorities have adopted two different methods: direct and indirect. The direct way is by making laws through legislations. These include legislations for 'users' and legislations for 'intermediaries and Internet Service Providers (ISPs)'. In the indirect method, there is a concept of consultation of the intermediaries or Internet companies where they are asked to act guided by the government on the blacking or removing of some content from the domain.

¹³ <http://www.censusindia.gov.in/2011-provresults/indiaatglance.html>).

¹⁴ Morozov, E. (2011), *The Net Delusion : The Dark Side of Internet Freedom*, Public Affairs, New York.

The laws passed in the field of Information and Technology are the Information Technology Act of 2000, the Information Technology (Amendment) Act of 2008, and the Information Technology (Intermediaries Guidelines) Rules of 2011. The IT Act was passed in an era when the country was transitioning to an electronic age. E-commerce was the topmost agenda in the minds of policymakers. The Act of 2008 was passed in the wake of the terrorist attack in Mumbai. National security and intelligence were key issues and some people questioned some of the provisions of the law.

These laws posed a serious threat on freedom of speech and expression, which is one of the fundamental rights of citizens in India. The example of the blocking of the website of Aseem Trivedi's 'cartoon against corruption' and also the arrest of Aseem Trivedi is clear evidence of the above mentioned law. Another example is when in April 2012, Ambikesh Mohapatra, a professor from Jadavpur University in West Bengal was arrested on charges of circulating 'offensive' cartoons of Chief Minister Mamta Bannerjee on the web.

Regulation of the Internet Freedom:

In India, there is a clear discourse and debate about 'regulation versus control'. On the one hand, some participants are convinced that neither the libertarian nor the authoritarian model can operate in the vastly complex Indian society. On the other hand, there is still no consensus on how much freedom is too much freedom. Lack of knowledge is also a very important factor in the regulation of Internet freedom. The line between regulation and control is blurred. Any misuse of the Internet can pose a serious threat to national security and communal harmony in the country.

In the Googlization of Everything, Siva Vaidyanathan (2011) warned that Google in particular, represents a new ideology that he calls 'techno-fundamentalism'. This, he believed, encourages a dangerously 'blind faith in technology' by people who use Google services.¹⁵ Such blind faith, he added could be harmful for the whole society and leads to them developing a biased approach. Also due to the absence of net neutrality law, an alliance

¹⁵ Vaidyanathan, Siva (2011), The Googlization of Everything And why We should worry, University of California Press, California.

between companies and governments may be much easier to implement and much less publicly visible. It is very essential that in a democracy the digital rights of citizens need to be safeguarded against violations by governments and corporations.

Conclusion:

There is a need to fully analyse Internet freedom, the role of social media and its effect on democracy. We should look at the issue of Internet freedom beyond the constructs and constraints of law. There should be availability, affordability, and access to Internet by all people and a conducive environment where this freedom can be enjoyed by each and every citizen. Internet freedom requires a change in the mindset of people and the right to freedom of speech and expression should be used in a balanced manner. Once this is achieved, only then can Internet freedom and social media proliferate a democratic country like India.

News from States

ANDHRA PRADESH

Monthly National Lok Adalat : The Monthly National Lok Adalat was organized in the entire State of Andhra Pradesh by various District Legal Services Authorities and Mandal Legal Services Committees. The Hon'ble Acting Chief Justice and Patron-in-Chief Hon'ble Sri Justice Dilip B.Bhosale was pleased to guide and motivate the Legal Services Institutions from time to time for settlement of good number of cases in the National Lok Adalat. The Monthly National Lok Adalat was organized in July 2015 for settlement of Electricity, Water, Telephone and Public Utility disputes. About 24,368 cases were settled and settlement amount was Rs. 35.36 Crores. In August 2015 Bank Cases, Section 138 N.I Act cases were taken up in the National Lok Adalat and about 9,375 cases were settled and settlement amount was Rs. 56.53 Crores. In September 2015, in the National Lok Adalat, Criminal Compoundable cases were taken up and 14,459 cases were settled and settlement amount was **Rs. 33.17 Crores.** In October 2015, Traffic cases, Petty matters and Municipal matters were taken up for settlement in the National Lok Adalat. In this Lok Adalat, about **32,834 cases** were settled and settlement amount was **Rs. 33.38 Crores.**

Mega Lok Adalat:- The DLSA, Krishna has conducted Mega Lok Adalat on 22nd August, 2015 at Vijayawada. Hon'ble Sri Justice G.Chandraiah, Judge, High Court of Judicature at Hyderabad and the Administrative Judge of Krishna District inaugurated the Mega Lok Adalat. The Metropolitan Sessions Judge, Vijayawada, Judicial Officers, Advocates, litigant public have participated in the Mega Lok Adalat. On the same date, the Mega Lok Adalats were also conducted in various Mandals in the district. A total number of **919 cases** were settled in the Mega Lok Adalat and the settlement amount is **Rs.3,19,69,062/-** in the entire district of Krishna.

Legal Aid Clinics : During the quarter, 11 Clinics were established, 10 in different villages and one in Jail. While reviewing the functioning of Clinics, 28 Clinics were found non-productive in various districts. Thus those Clinics were closed. Thus, there are 835 clinics are functioning in the State including 85 clinics in Jails in various districts.

Legal Awareness :Legal Awareness programmes are being conducted regularly covering Rural, Tribal, Urban and other remote areas. The public are being explained about various Welfare Legislations including Legal Services Authorities Act, Mediation, ADR methods, various Legal Services Schemes, DV Act, POCSO Act, Welfare of Parents and Senior Citizens Act, Juvenile Justice Act, PNDT Act etc. The Judicial Officers, Full time Secretaries, Advocates and other Legal Services functionaries have created Legal Awareness among the public including Women, Children, Senior Citizens and other target groups. During the quarter 1478 Legal Literacy Camps were conducted where in about 2,03,561 persons have participated.

Legal Aid :Legal Aid is being provided through the Panel Lawyers, Retainer Lawyers and Legal Aid Counsel attached to Magistrate Courts, to all the eligible persons. During the quarter 773 persons have been provided Legal Aid for conducting and defending their cases. The particulars are as follows:

- Scheduled Caste 42 persons are provided Legal Aid
- Scheduled Triable 19 persons are provided Legal Aid
- 42 Children are provided Legal Aid
- 223 women are provided legal Aid.
- 163 persons in custody are provided legal aid.
- 54 persons of backward classes are provided legal aid
- 230 other persons are provided legal aid.

Permanent Lok Adalat for Public Utility Services : In the State of Andhra Pradesh 4 Permanent Lok Adalats for Public utility Services are functioning at Chittoor, Kadapa, Visakhapatnam and Guntur. During the quarter the Permanent Lok Adalats have settled 470 cases pertaining to various Public Utility Services as follows :

- Postal, Telegraph or Telephone service – 462 cases settled.
- Banking and Other Financial Institutions - 7 cases settled.
- Insurance – 1 case settled.

Mobile Lok Adalat : The State Legal Services Authority is having five (5) Mobile Vans which are being used by all the DLSAs on rotation basis one in each month. During the quarter, using the Mobile Vans, the DLSAs have settled 70 cases in 14 Mobile Lok Adalats and also organised 189 legal literacy Camps in various

districts and created legal awareness among the public on various aspects and also about the concept of Mobile Lok Adalat.

Training to the Legal Services Panel Lawyers : The State Legal Services Authority has conducted Legal Services Panel Lawyers Training Programme at Kurnool on 5th and 6th September 2015 through the Master Trainers who have been imparted training by NALSA. In the said training Programme, total number of **50** Panel Lawyers have been imparted training. They are **14** from Kurnool District, **13** from Anantapur District, **10** from Chittoor district and **13** from Kadapa District. The training was conducted for two days in 8 sessions a day. The training was commenced with formal inauguration and concluded with valedictory. The trainers have also been given Participation Certificates.

The Plan of Action 2015-2016: The Legal Services institutions in the State have organized various programmes and Awareness Campaign spreading Legal Awareness among the public as per the Plan of Action 2015-16 and Calendar of Activities.

U T Prisoners Review Committees : Pursuant to the directions of Hon'ble Supreme Court Of India in Writ Petition No 406 in the cases of (in human conditions in 1382 Jails), the Secretaries of DLSAs have been included in the UT Prisoners Review Committees in all the Districts in the State. The UT Prisoners Review Committees are taking steps in connection with the prisoners who have been granted bail but not released for want of bail bonds. About 328 UT prisoners (who have been granted bail but not released) have been acquitted/ released during the period from 01-05-2015 to 25-9-2015 in 13 districts of Andhra Pradesh. In about 262 cases of U.T.Prisoners have been settled as compoundable cases from 01-05-2015 to 25-9-2015 in various districts in the State.

Juvenile Justice : As per the directions of Hon'ble Supreme Court of India in WP(C) No. 473 of 2005 in the cases of Sampurna Behrua vs Union of India and Others, the Hon'ble Juvenile Justice Committee of High Court has conducted meetings and passed resolutions and suitable directions were given to the stakeholders.

Training to the Special Juvenile Polices Units and Others : During the quarter the District Legal Services Authorities of East Godavari, Prakasam, Srikakulam and Nellore have conducted Training Programmes to the Special Juvenile Polices Units, Panel

Lawyers attached to the Juvenile Justice Boards, Child Welfare Officers and Other stake holders. About **287** participants have been imparted training in those 4 districts in this quarter. The advocate trainers and other Judicial Officers were acted as the resource persons.

Statistics :

During this quarter, in the entire State of Andhra Pradesh comprising of 13 districts, **2,802 Lok Adalats** have been conducted and **47,318 cases** were settled and the settlement amount was **Rs.122.80 crores**. The Permanent Lok Adalat for Public Utility Services have settled **470 cases** pertaining to various public utility services. In Mediation Centres, **79 cases** have been settled. In the 14 Mobile Lok Adalats conducted, 70 cases were settled and 189 Legal Literacy Camps were organised. **773 persons** including **223 women** were provided legal aid during the quarter. 1478 Legal Literacy Camps were conducted wherein about Two Lakhs persons have participated. 189 Legal Literacy Camps were also conducted using the Mobile Vans.

GOA

The District Legal Services Authority, North Goa had organized Legal Literacy Programmes at Ponda, Pernem, Bicholim, Panaji and Mapusa Talukas on the subject of Maintenance of Hygienic condition during puberty & Gynecological problems, Right of Women and need of Care and protection, protection of Acid attack, benefits of Free Legal Aid, different schemes of the Government, Domestic Violence Act, Victim Compensation Scheme, Beti Bachao, Beti Padhao, Rights of Senior Citizens and about their welfare, Drug Trafficking & Drug abuses & Constitution of India and Fundamental Rights of Girl Child.

During the quarter July-September, 2015, the DLSA, North Goa has conducted in all 12 Legal Awareness Camps/Programmes on various topics in which 864 peoples were benefited.

As regards, District Legal Services Authority, South Goa Margao have organised legal aid programmes/Camps in respect of Free Legal Aid, Human Organ Donation, Scheme for Welfare of SC/OBC, Scheme for Disabled & Social Defence, Awareness of blood donation, Treatment of Acid attack, Fundamental duties, Good habits & Good manners, late birth and death registration, HIV/

AIDs, etc. During the above period in all 10 Legal awareness programmes were organised in which 491 people were benefited.

Other than Legal Literacy Camps, the District Legal Services Authorities at District level and Taluka legal Services Committees at Taluka levels also had organized Lok Adalats as well as permanent and continuous Lok Adalats. At District and Taluka Levels there were total 5914 cases, placed before the Lok Adalats, out of which 1034 cases have been settled under the Lok Adalat Scheme and the compensation awarded is Rs.1,54,16,927/- including compensation awarded in MACT cases. The Goa State Legal Services Authority had also organized National Lok Adalat at High Court level during the said quarter. Total 137 matters were placed before Lok Adalat and out of which 2 matters were settled and the compensation awarded is Rs.24,11,002/-.

In the said period, Legal Aid beneficiaries were as follows:-

LEGAL AID BENEFICIARIES DURING THE QUARTER.

In custody	: 101
Women	: 98
Child	: 10
SC/ST	: 5
Disabled	: -
Other eligible persons	: <u>55</u>
Total	: <u>269</u>

HARYANA

SPECIAL LEGAL LITERACY CAMPS FOR OFFICIALS AT GRASS ROOT LEVEL

Under the aegis of Haryana SLSA, special camps for officials working at grass root level are organized in the various districts so that the officials working at the grass root level get sensitized about the need to remove the barriers to access to justice. Such camps were organized on **4.7.2015** at Narnaul and Palwal by the DLSAs. On 6.6.2015, it was also organized at Karnal by DLSA, Karnal. In Jind also camp was organized by DLSA, Jind. Such camps were organized on **29.8.2015** by DLSAs Panchkula and Panipat. On 19.9.2015, the camps were organized by District Legal Services Authorities Rewari and Rohtak.

SPECIAL LEGAL LITERACY PROGRAMME

On **06.07.2015**, a Special Legal Literacy programme was organized at the Government Senior Secondary School, Village Jalbera, District Ambala. It was attended by about one hundred students. In the said programme, lectures were given on the RTI Act, 2005 and the Right of Children to Free and Compulsory Education Act, 2009. The students were also explained in detail the objective of opening the Legal Literacy Clubs in the schools. The functions of the DLSA were also explained to the students.

ANTI RAGGING CAMPAIGN

The DLSA, Faridabad organized Anti Raging Campaign from **06.07.2015 to 08.07.2015** in collaboration with Manav Rachna University at University campus, Arravali Hills, Faridabad with the objective to curb the menace of ragging. Ms Jasmine Sharma, Chief Judicial Magistrate-cum-Secretary, DLSA, Faridabad gave a lecture on “Ragging and Law” to the students of the different departments of the University. The participants were sensitized about the need to curb the menace of ragging. The participants were also explained the important provisions of law and the judgments given by the Hon’ble Supreme Court on ragging. The students were urged to join hands to make the campus ragging free. Panel lawyers also participated in the Anti Ragging Campaign.

SPECIAL LEGAL LITERACY CAMPOON “JUSTICE DISPENSATION THROUGH ADR MECHANISM”

On **07.07.2015**, DLSA Jind organized a Special Legal Literacy Camp on “Justice Dispensation through ADR Mechanism” with the purpose to spread awareness about the ADR Mechanisms amongst the masses. The advantages of ADR Mechanisms were explained to the participants in comprehensible language.

SENSITIZATION PROGRAMME FOR THE POLICE OFFICIALS

On **09.07.2015**, a sensitization programme was organized by DLSA, Kaithal for the police officials with a view to sensitize the police officials about the importance of conducting investigation effectively and fairly. Various aspects were explained to the police officers and they were told about the need to have humanistic touch while dealing with the victims of crime, particularly women

and children. Shri Rajan Walia, learned Additional District and Sessions Judge, Kaithal acted as a resource person for the aforesaid programme.

NATIONAL LOK ADALAT

On **11.7.2015**, the monthly National Lok Adalat on Electricity/Water/Telephone Public Utility Services was held across the State. Pre-Lok Adalats were also held to identify suitable cases for settlement in the Lok Adalat. In the said Lok Adalat, 7,209 cases were settled involving an amount of Rs.1,30,89,057.

AWARENESS ON PC AND PNDDT ACT

On **12.07.2015**, an awareness camp on PC and PNDDT was held by DLSA, Sirsa with a view to make students aware of the menace of female foeticide. The students were also made aware about the law relating to female foeticide. DLSA, Gurgaon also held awareness camp on PC & PNDDT Act at village Badshapur.

SPREADING AWARENESS ABOUT FUNDAMENTAL RIGHTS AND FUNDAMENTAL DUTIES

On **13.07.2015**, a Legal Awareness Camp was organized by DLSA Jind with the sole objective to educate the participants about the Fundamental Rights as well as the Fundamental Duties provided in the Constitution of India. The concept of Fundamental Duties was explained to the participants in comprehensible language.

INTERNSHIP PROGRAMMES

Under the aegis of Haryana SLA, internship programmes are being conducted by DLSAs in the State of Haryana. The idea behind the said internship programmes is to familiarize law students about the problems of weaker and marginalized section of society. The students are made aware, during the said internship programmes, about the various barriers to access to justice. They are sensitized about the socio-legal problems prevailing in the society. They are also made familiar about the various activities which are being done by the Legal Services Authorities to achieve the objective of access to justice for all. Under this internship programme project, 12 days internship programme for 23 law students from the Department of Laws, Maharishi Markandeshwar University, Mullana was conducted.

Similarly, internship programme was also organized at the DLSA, Gurgaon from **6th July to 30th July, 2015**. During the said internship programme at Gurgaon 40 students from different universities namely K.R. Mangalam, ITM University, UILMS Institute were registered. Sh. Harnam Singh Thakur, Ld. District and Sessions Judge-Cum-Chairman, DLSA, Gurgaon explained to the students various schemes and the activities of NALSA, HALSA and DLSA.

LEGAL AWARENESS CAMPS ON RAAHGIRI DAY

On **15.07.2015**, Raahgiri Day was held at Galleria Market Gurgaon. A lot of people had gathered, on the said occasion, at Galleria Market. The same provided the forum to spread awareness amongst the gathering about the acid attack victims and the victim compensation law with regard to the acid victims. Hence, a special legal awareness camp was held at the Galleria Market on the said day. The gathering was made aware of the order dated 10.04.2015 passed by the Hon'ble Supreme Court of India in the case of Laxmi Versus Union of India. The gathering was also made aware of the Haryana Victim Compensation Scheme, 2013. Nukkar Natak was also performed to convey the message more effectively.

On 19.07.2015, also Raahgiri Day was held at Galleria Market. On the said day also legal awareness camp was held to apprise the gathering about the Regulation of the University Grants Commission on anti ragging. The important judgments of the Hon'ble Supreme Court were also explained to the gathering. The youths were sensitized to restrain from indulging in ragging. Nukkar Natak was also performed by the students doing internship with District Legal Services Authority, Gurgaon.

On **06.09.2015**, also Raahgiri Day was held at Gurgaon. The panel advocates explained to the public about the benefits of Permanent Lok-Adalat for Public Utility Services. They explained to the public that the disputes with regard to the Public Utility Services as covered under the Legal Services Authorities Act, 1987 can be filed in the PLA (PUS). No court fee is required to be paid. The public was also informed that in the Permanent Lok-Adalat Public Utility Services (PUS) efforts are made for conciliation. If the conciliation fails then the award is passed. The case is speedily disposed off.

LEGAL AWARENESS THROUGH BOLERO JEEP

Haryana SLSA sent Bolero Jeep in District Ambala to conduct awareness programmes from **16.06.2015 till 15.07.2015**. Accordingly, a schedule covering various Village Gram Panchayats, Schools and Colleges was prepared, and a total of 25 awareness camps were held from 16.06.2015 till 15.07.2015. Various topics such as Senior Citizens, Food Adulteration Act, Fundamental Duties & Flag Code of India and Process of Mediation etc. were discussed in the said camps. In the said 25 Camps a total of 1911 persons were benefitted out of which 462 were males, 325 were females and 1124 were children.

LEGAL AWARENESS CAMPS THROUGH MOBILE VAN

Legal Literacy Camps through Mobile Van were organised in Jind w.e.f. **16.7.2015 to 24.7.2015** at villages Biroli, Jhanjh Kalan, Rajpura Bhain, Jai Jai Wanti, Dhigana, Ramkali, Katwal and Durana. On the request of DLSA, Jind wide publicity was given through news papers by the District Public Relation Officer, Jind. The District Development & Panchayat Officer, Jind was also requested to provide necessary assistance for holding the camps. Advocates on the Panel of DLSA and Para Legal Volunteers were asked to make the general public aware about various topics entrusted to them. Accordingly, they visited the aforementioned villages and informed the gathering about various provisions of the various Acts. The publicity material published by HALSA was distributed in all the camps. The said van was deputed to Sub Division, Narwana w.e.f. 27.7.2015 to 04.8.2015 and thereafter Sub Division, Safidon w.e.f. 05.8.2015 to 14.8.2015.

AWARENESS REFERRAL COACHING AND MENTORING (ACRM) PROGRAMME AT KARNAL

On **18.07.2015 and 19.07.2015**, Awareness Referral Coaching and Mentoring programme was organized by Haryana SLSA in collaboration with Mediation and Conciliation Project Committee (MCPC), Supreme Court of India. In the said ACRM programme, Ms. Nisha Saxena, Member Secretary, MCPC was the resource person along with Shri Harish Bhardwaj and Ms. Vandana Aggarwal, the Advocate Master Trainers. On the first day, in the first three sessions, Trainers from MCPC and Mediators from District Mediation Centre at Karnal conducted live mediation in which the litigants also participated quite enthusiastically. A

total number of 66 cases were taken up for settlement through mediation. Out of the same, 10 cases were settled. On 18.07.2015, the concluding session was presided over by the Hon'ble District & Sessions Judge-cum-Chairman, District Legal Services Authority, Karnal. In the said concluding session, para legal volunteers, teachers, anganwari workers and journalists also participated. The concept of mediation was explained to the audience.

On the next day i.e. 19.07.2015, as per the schedule, two simultaneous sessions were conducted. A critiquing programme was conducted with the mediators of District Mediation Centre, Karnal, and they were coached on the basis of previous days experiences by the Master Trainers. In another session, awareness-cum-refresher Programme for referral Judges was chaired by District & Sessions Judge-cum-Member Secretary HALSA, Shri Vikram Aggarwal and Ms. Nisha Saxena, Member Secretary, MCPC, New Delhi. In this session, the role of referral judges was explained. The important points of the judgment given by the Hon'ble Supreme court in the case of Afcons Infrastructure Limited and another Versus Cherian Varkey Construction Company Pvt. Limited and others were explained to the participants.

GUMRAH - AWARENESS PROGRAMME CHILDREN

On 19.7.2015, a special legal awareness camp was organised by DLSA, Gurgaon at the Government School at village Farukhnagar with an objective to make children aware about the importance to stay away from the commission of crime. Important aspects of the Juvenile Justice (Care and Protection of Children) Act, 2000 were also explained to the students. They were also explained the importance of being a law abiding citizen. A skit was also performed to raise awareness amongst the students.

SPECIAL AWARENESS CAMPS ON MGNREGA

Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) aims at enhancing livelihood security of households in rural areas by providing at least 100 days of guaranteed wage employment in a financial year to every household whose adult members volunteer to do unskilled manual work. It is quite significant to raise awareness about the MGNREGA amongst workers and rural population to ensure that the workers know their right to demand wage, employment and exercise their right by applying for such employment as per their

need. Keeping in view the same, awareness camps were organized on **26.07.2015** across the State of Haryana to spread awareness about MGNERGA amongst workers and rural population by District Legal Services Authorities under the aegis of Haryana State Legal Services Authority. In these camps, important provisions of MGNERGA were explained to the workers, and they were also informed about free legal aid.

SPECIAL SEMINAR-CUM-WORKSHOP PROGRAMME ON VICTIM COMPENSATION LAW

The Haryana Victim Compensation Scheme aims at providing funds for compensating victims or their dependants who have suffered loss or injury as a result of crime and who require rehabilitation. The Legal Services Authority plays a pivotal role in the scheme. The awareness of the said scheme is also quite important amongst police officials and other officers of the departments of district administration. Keeping in view the same, a special Seminar-cum-Workshop was organized by DLSA, Bhiwani on Victim Compensation Scheme, 2013 on **29.07.2015**. It was attended by police officials of all police stations at Bhiwani, sub divisions of Bhiwani i.e. Tosham, Dadri, Siwani and Loharu as well as by the members of CWC, District Child Protection Officer, Social Welfare Officer and Protection Officer. In the said seminar-cum-workshop, various aspects of the Haryana Victim Compensation Scheme were explained to the officers and officials, and emphasis was also laid on the role which they can play in helping the victims of crime. A special legal awareness camp was organized on 28.07.2015 for the officers and officials of District Administration and Police Department to make them aware of the Haryana Victim Compensation Scheme, 2013 by DLSA, Ambala. Police officials were told to make victims aware of their rights as and when they come to the police stations for reporting crime against them. On 29.7.2015, it was held by DLSA, Jhajjar for the officers and officials of District Administration and Police. On 30.07.2015, awareness camp was held by DLSA, Kaithal for the police officials at New Police line, Kaithal.

A Special Legal Literacy Camp was organized by the District Legal Services Authority, Jind under the aegis of Haryana SLSA on **31/8/2015** to spread legal awareness for officers and officials of District Administration as well as for the Police

Department with respect to “Haryana Victim Compensation Scheme”. A detailed knowledge was given about the relevant provisions under the Code of Criminal Procedure as well as about Haryana Victim Compensation Scheme (VCS) 2013. It was emphasized that the scheme is formulated to provide funds for purposes of compensation to the victim or his dependants, who have suffered loss or injury as a result of crime and who require rehabilitation. The gathering was informed about the eligibility criteria as well as the procedure for grant of compensation. A detailed knowledge was also given about the clauses of the Victim Compensation Scheme, including the right to appeal. The “Schedule-I” attached with the HVCS 2013 was also highlighted stating the maximum limit of compensation that can be awarded in a particular case.

SEMINAR ON ANTI DRUG ABUSE

On **30.07.2015**, a special literacy seminar-cum-awareness programme on Anti Drug Abuse was organized by DLSA, Ambala. In the said programme, Dr. K.S. Rana, Medical Officer/ Psychiatrist, Civil Hospital, Ambala City gave a lecture on the causes and consequences of drug abuse. The students were also apprised about of the role they can perform in curbing the menace of drug abuse. Dr. Vivek Sheel Malhotra, Deputy Chief Medical Officer, Ambala also motivated and enlightened the students. At the end of the programme, all the participants also took pledge to stop drug abuse.

AWARENESS THROUGH COMMUNITY RADIO

Haryana SLISA is spreading legal awareness through community radio. In the months of June and July, 2015 various legal awareness programmes were conducted through community radio stations.

In the months of August and September, 2015 various legal awareness programmes were conducted through community radio stations at Faridabad, Rohtak, Mewat and Sirsa. In the said programmes, various legal topics were covered such as Protection of women form domestic violence act, law on bail, free legal aid, victim compensation scheme etc.

LEGAL AWARENESS PROGRAMME AT THE LAW DEPARTMENT, MAHARISHI MARKANDESHWAR UNIVERSITY, MULLANA

Chief Judicial Magistrate-cum-Secretary, DLSA, Ambala delivered a lecture at the Department of Law, Maharishi Markandeshwar University, Mullana. The said lecture revolved around the role of lawyers in the legal aid programmes. The concept of legal aid was explained to the law students with reference to Article 39-A of the Constitution of India and Legal Services Authorities Act, 1987. The students were encouraged to spread legal awareness and work to remove barriers to access to justice.

CHILDREN HOMES, SHELTER HOMES, OBSERVATION HOMES

To ensure proper legal protection to the vulnerable and marginalized section, the Chairmen cum District and Sessions Judges alongwith Chief Judicial Magistrates cum Secretaries have been making visits regularly every month to Children Homes, Shelter Homes, Observation Homes and Old age homes across the State of Haryana under the instructions and guidance of the Haryana SLSA. Deficiencies are taken up with the concerned authorities. Legal aid is also provided in appropriate cases.

WORKSHOPS FOR PANEL LAWYERS

In order to ensure that panel Advocates render quality legal services, workshops for the panel lawyers are held by the DLSAs 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 July, August and September, 2015, various workshops were held for the panel lawyers by DLSAs under the aegis of Haryana SLSA across the State of Haryana.

INAUGURATION OF ALTERNATIVE DISPUTE RESOLUTION CENTRES AT JIND AND PANIPAT

On **8.8.2015**, ADR Centre at Jind was inaugurated by Hon'ble Mr. Justice Satish Kumar Mittal. On the said occasion,

Hon'ble Mr. Justice Fatehdeep Singh, Administrative Judge Jind was also present. The construction of the centre was completed within a record time under the monitoring and guidance of Hon'ble Mr Justice Satish Kumar Mittal, who also heads the Haryana Subordinate Courts Building and Maintenance Committee. Hon'ble Mr. Justice Satish Kumar Mittal addressed the gathering consisting of Judicial Officers, Panel Advocates and Para-Legal Volunteers. His Lordship emphasized the need to strengthen alternative dispute resolution mechanism.

Hon'ble Mr. Justice Fatehdeep Singh also addressed the gathering. His Lordship also emphasized the need to promote ADR processes.

On **5.9.2015**, ADR Centre at Panipat was inaugurated by Hon'ble Mr. Justice Satish Kumar Mittal. On the said occasion, Hon'ble Mr. Justice Tejinder Singh Dhindsa, Administrative Judge Panipat was also present. Hon'ble Mr. Justice Satish Kumar Mittal addressed the gathering consisting of Judicial Officers, Panel Advocates and Para-Legal Volunteers. His Lordship elaborated the concept of "Access to Justice for All". His Lordship also emphasized the need to strengthen alternative dispute resolution mechanism. Justice Tejinder Singh Dhindsa also addressed the gathering.

LEGAL AWARENESS CAMP AT TEEJ FAIR

On **17.08.2015**, DLSA, Gurgaon organized a special legal awareness camp for Women and Children on Teej fair at Kamla Nehru, Gurgaon. Teej fair provided an opportunity to spread awareness amongst women and children about the law related to women and child. Panel advocates participated and imparted knowledge about the woman and child related laws. Various booklets published by the Haryana SLSA were distributed amongst the gathering. The role of legal services authorities was explained to the public.

REFRESHER-CUM-ORIENTATION COURSE FOR ASSISTANTS OF DISTRICT LEGAL SERVICES AUTHORITIES

On **26.08.2015**, a refresher-cum-orientation course was organized for the Assistants working in the DLSAs in the state of Haryana with the objective to enhance skills of the Assistants so

that day to day activities are carried out effectively in the DLSAs. Lectures were given on maintenance of accounts, preparation of salary and related aspects, office management and preparation of noting and proper maintenance of record pertaining to mediation. Sh. Vikram Aggarwal, Member Secretary, Haryana SLA emphasized the need to remain updated and abreast with the best methods and ways of doing work. Sh. Ravneet Garg, CJM-cum-Secretary DLSA, Ambala, Ms. Harshali Choudhary, CJM-cum-Secretary DLSA, Gurgaon and Sh. Hemraj Mittal, CJM-cum-Secretary DLSA, Panchkula gave lectures on the aforesaid topics to the Assistants.

LEGAL AWARENESS CAMPS FOR VILLAGERS

DLSA, Kaithal organized various legal awareness camps at different villages in the months of August and September 2015. The idea behind organizing camps at villages was to reach out to the people living in the remotest area to make them aware about the functions of the Legal Services Authorities. The villagers were explained in detail the concept of legal aid. This apart, the rights under various laws, particularly relating to women and children, were explained in comprehensible language to the villagers. On **20.08.2015**, legal awareness camp was organized at village Julani Khera. It was organized at village Lamba Kheri on **27.08.2015**. On **29.08.2015**, it was organized at village Nand Karam Majra. On **01.09.2015**, it was organized at village Jaswanti.

“JIGYASA” 2015- ‘A LEGAL LITERACY FEST’

DLSA, Ambala has started a legal literacy programme ‘Jigyasa 2015’ to apprise the students about the various socio-legal issues, and to instill in them the consciousness to perform fundamental duties, as mentioned in the Constitution of India, and abide by the law of this country. The inaugural programme of the said project was chaired by Sh. Deepak Gupta, District & Sessions Judge-cum-Chairman, DLSA, Ambala and Sh. Vikram Aggarwal, District & Sessions Judge-cum-Member Secretary, Haryana SLA. Sh. Vikram Aggarwal explained to the Principals of the schools the various activities which are being done by the Legal Services Authority in the state of Haryana to achieve the objective of Access to Justice for All. The competitions which are being organized under this programme are as follows:-

1. Quiz - “ Battle of Brains “
2. Cartoon Making Competition
3. Family Quiz “Knowledge of Legal aspects”
4. Skit Competition
5. Power Point Presentation Competition
6. Interschool Painting Competition
7. ‘Legal Treasure Hunt” A knowledgeable fun game Competition.
8. Street Play/Nukkad Natak to sensitize/acknowledge society about legal aspects of citizens of India.

Under this awareness programme, quiz competition was held for schools on **21.8.2015**. In the said competition, 33 schools participated. The questions were framed in such a manner as to make students aware of the various important laws and to instill in them consciousness to discharge the fundamental duties and remain away from the evils of drug abuse and ragging. The cartoon making competition was held on **22.8.2015**. The children expressed their views on various socio-legal topics.

It is quite important to sensitize the parents of the school children to discharge their responsibility towards their children effectively and to imbibe in children good qualities so that children become law abiding citizens of the country. Hence, under this awareness programme, family quiz was organized on 28.8.2015.

LEGAL LITERACY CELL OPENED IN WOMEN POLICE STATION SEC-51, GURGAON

On **28.08.2015**, on the occasion of Raksha Bandhan, Women Police Station was opened in district Gurgaon. District Legal Services Authority, Gurgaon in association with Gurgaon police has taken a step forward by opening a Legal Literacy Cell in the said Women Police Station on 28.8.2015 for giving legal assistance to victims and raising awareness amongst them.

On this occasion, a legal awareness camp was organized. Ms Suruchi Atreja, Chief Judicial Magistrate-cum-Secretary, Gurgaon explained to the gathering about the nature of assistance which would be provided in the Legal Literacy Cell by a panel female advocate. Panel advocate, from DLSA, Gurgaon would be available from 3:00 to 6:00 PM on all days except Sunday and holidays in the said legal literacy cell.

TRAINING FOR PARA LEGAL VOLUNTEERS

On **31.08.2015**, DLSA, Gurgaon conducted a training programme for PLVs. In the said programme, Sh. Harnam Singh Thakur, District & Sessions Judge-cum-Chairman, DLSA, Gurgaon alongwith Ms. Surchi Atreja explained in detail the role of para legal volunteers. The PLVs were exhorted to discharge their duties sincerely at the grass root level.

LEGAL AWARENESS PROGRAMMES ON INDEPENDENCE DAY

On the occasion of independence day, DLSAs across the State of Haryana held various legal literacy programmes/camps under the aegis of Haryana SLSA for spreading legal awareness. Various booklets published by Haryana SLSA were distributed amongst the public. Panel Advocates also explained the role of Legal Services Authorities and the concept of legal aid.

SEVEN DAYS AWARENESS CAMP FOR SEVEN DIFFERENT CATEGORIES OF WORKERS IN UNORGANIZED SECTOR

The Indian economy is characterized by the existence of a vast majority of unorganized labour employment. Unorganized or informal sector constitutes an important part of Indian economy. The prominent features of the sector are lower real wages and poor working /living conditions. Further, the unorganized sector is characterized by excessive seasonality of employment, preponderance of casual and contractual employment, negation of social standards and work rights, denial of minimum wages and so on. The insecurities and vulnerabilities of this unorganized sector labour are on the rise. Workers in the unorganized sector are usually subject to indebtedness and bondage as their meager income cannot meet with their livelihood needs. The unorganized labour, by and large, remains unaware of the various welfare labour laws and welfare labour schemes meant for them. The District Legal Services Authority, Faridabad organized awareness campaign for the unorganized sector with the objective to spread maximum awareness amongst the workers of unorganized sector. This campaign was organized with the assistance of Labour Department. In the said campaign, the workers consisting of Mason, Carpenters, Electricians and workers such as Rickshaw pullers, Brick Kiln workers etc. were made aware of the various

welfare laws and schemes meant for them. They were also explained the concept of free legal aid. The Haryana State Legal Services Authority has made compilation of the welfare schemes related to unorganized worker in vernacular language.

SPREADING LEGAL AWARENESS AT THE AGRICULTURE FAIR

Agriculture fair was held on **9.9.2015 & 10.9.2015** at CCS Haryana Agricultural University, Hissar. In the said fair, large number of farmers gathered. To spread legal literacy, DLSA, Hissar put a stall in the said fair. Various booklets published by the Haryana SLSA were distributed amongst the masses. Panel advocates also apprised them about the eligibility criteria for legal aid under the Legal Services Authority Act, 1987 read with the Haryana SLSA Rules, 1996.

MEDIATION AWARENESS SESSION FOR REFERRAL JUDGES

DLSA, Gurgaon, in order to sensitize the referral Judges, organized a Mediation Awareness Session on **09.09.2015** under the guidance of Sh. Harnam Singh Thakur, District & Sessions Judge-cum-Chairman, DLSA, Gurgaon. In the said session, different aspects of the mediation process, particularly the types of cases which can be referred for mediation were discussed. The judgment given by the Hon'ble Supreme Court in the matter of Afcons Infrastructure limited and another Vs. Cherian Working Construction Company Private Limited and others 2010 (8) SCC 24 was also discussed. The copies of the booklet published by Haryana SLSA on ADR Mechanism were also given to the Judicial Officers.

WORKSHOP ON LEGAL LITERACY MISSION

A workshop on Legal Literacy Mission was conducted at DAV Girls College, Yamuna Nagar on **10th September, 2015**. The workshop was presided over by Ms. Sarita Gupta, District & Sessions Judge-cum-Chairman, DLSA, Yamuna Nagar.

On this occasion, Ms. Sarita Gupta, Chairman, District Legal Services Authority, Yamuna Nagar exhorted the students that they should neither tolerate injustice nor should themselves do injustice to anyone and should try to become self-reliant as they are the future of the society who can bring drastic positive

change in the society. Ms. Anupamish Modi, Chief Judicial Magistrate cum Secretary, DLSA also addressed the students and apprised them as to why the knowledge of law is necessary for them in every sphere of life.

Sh. Bhupinder Kumar Shandilya, Panel Advocate delivered lecture on Women Empowerment covering the basic laws relating to Women. Sh. Yashpal Sharma, Panel Advocate delivered a lecture giving detailed knowledge to the students regarding Anti Ragging Laws. Latest CD released by Haryana SLA 'RISE UNTO THE LAST', showing the activities which are being conducted by the Haryana SLA, was also shown to the students.

In the end, a question hour session was also conducted in which the students asked their queries which were answered by the Learned District & Sessions Judge, CJM and the Panel Advocates. The entire workshop was held in interactive manner which was attended very attentively by all the students resulting in the huge success of the function. About 200 students attended this camp.

JUVENILE TRAINING PROGRAMME FOR POLICE OFFICERS

Police have to act with utmost responsibility while dealing with the juveniles in conflict with law. The police must have complete knowledge about juvenile justice law and the rights of children who come in conflict with the law. Lack of knowledge on the part of police can defeat the very purpose of the enactment on Juvenile Justice. With this object in view, DLSA, Gurgaon organised a training programme for the police officers designated as Juvenile Welfare Officers from each police station in the District Gurgaon on 10/9/2015.

Ms. Suruchi Atreja Singh, Chief Judicial Magistrate and Secretary, DLSA, Gurgaon explained to the police officers that the objectives of the Juvenile Justice (Care and Protection of Children) Act, 2000, are to ensure the care and protection of children and to provide for their development and rehabilitation. Different aspects of the Juvenile Justice (Care and Protection of Children) Act, 2000, were elaborated quite eloquently. Ms Nazneen Bhasin, Deputy Commissioner of Police, Gurgaon also touched upon the important aspects of the Juvenile Law in her

lecture. Ms Dharana Yadav, ACP, Gurgaon, dealt with practical aspects of Juvenile law. A documentary , 'Rise Unto the Last', prepared by Haryana SLISA, was also shown to the police officers.

NATIONAL LOK ADALAT

On **12.9.2015**, monthly National Lok Adalat on Criminal Compoundable matters was held across the State of Haryana. Pre-Lok Adalats were also held to identify suitable cases for settlement in the Lok Adalat. In the said Lok Adalat, 1365 pre-litigation cases as well as pending cases were settled involving an amount of Rs.96,97,750.

MEDIATION TRAINING PROGRAMME FROM 04th TO 06th SEPTEMBER, 2015 (1ST PHASE) AND 18th TO 20th SEPTEMBER, 2015 (2ND PHASE)

Forty hours Mediation Training Programme for the Advocates of Haryana was conducted at Chandigarh Judicial Academy in two phases i.e from **4/9/2015 to 6/9/2015** and **18/9/2015 to 20/9/2015**. The resource persons were Sh. Manmohan Sharma, Delhi Higher Judicial Services, Sh. Harish Bhardwaj and Sh. N.K.Saini, Trained Mediators. The basic mediation training was also interactive process which introduced the participants to the concepts and skills relative to the practice of mediation. Participants participated in extensive role-plays and exercises. On the concluding day, certificates were given to the participants by the Haryana State Legal Services Authority.

ACTIVITIES CARRIED OUT BY HARYANA STATE LEGAL SERVICES AUTHORITY DURING THE PERIOD FROM 1ST JULY TO 30TH SEPTEMBER, 2015.

(i) Lok Adalats

During the period from **1st July to 30th September, 2015**, DLSAs and Sub-Divisional Legal Services Committees under the guidance of Haryana State Legal Services Authority organized **200** Lok Adalats/Special Lok Adalats throughout the State wherein **44,140** cases were taken up out of which **15,529** cases were disposed of by amicable settlement between the parties and an amount of **3,08,20,462/-** was awarded as compensation to the claimants in **110** MACT cases.

(ii) Rural/Mobile Lok Adalats

During the period from **1st July to 30th September, 2015**, DLSAs and Sub-Divisional Legal Services Committees under the guidance of Haryana State Legal Services Authority organized **52** Rural/Mobile Lok Adalats at village level for providing justice to the common man at his door step. In these Rural/Mobile Lok Adalats **1,252** cases pending in the courts as well as at pre-litigative stage of the concerned village and adjoining villages were taken up, out of which **984** cases were settled.

(iii) Permanent Lok Adalats pertaining to Public Utility Services

At present the PLA(PUS) are working in all the 21 districts of Haryana. During the period from **1st July to 30th September, 2015**, these Permanent Lok Adalats, Public Utility Services settled **9,954** cases out of **49,616** cases taken up therein.

(iv) Daily Lok Adalat

To make the Lok Adalat a permanent and continuous process, the State Authority requested all the District & Sessions Judges-cum-Chairmen, DLSAs of Haryana to hold daily Lok Adalats. They were further requested that every court in these 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 **1st July to 30th September, 2015**, DLSAs and Sub-Divisional Legal Services Committees under the guidance of Haryana SLSA organized **17,826** Daily Lok Adalats throughout the State wherein **61,171** cases were taken up out of which **41,498** cases were disposed of by amicable settlement between the parties and an amount of Rs. **6,51,95,731/-** was awarded as compensation to the claimants in **366** MACT cases.

(v) Mediation

During the period from **1st July to 30th September, 2015**, **3010** 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 **516** cases were settled by the Mediators.

(vi) Legal Literacy/Legal Awareness Camps/Seminars

During the period from **1st July to 30th September, 2015**, **2538** Legal Literacy/Legal Awareness Camps were organized by various District Legal Services Authorities/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 **9,72,959** persons were benefited by these Legal Literacy/Legal Awareness Camps.

(vii) Free Legal Aid

During the period from **1st July to 30th September, 2015**, **2,852** 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.

JHARKHAND

Orientation & Induction Training Programme of the Para Legal Volunteers of Hazaribagh, Giridih & Koderma under NALSA Scheme for PLVs (Revised) At Koderma on 21st -25th July, 2015

DLSA, Koderma under the aegis of Jharkhand SLSA organised an Orientation & Induction Training Programme of the Para Legal Volunteers of Hazaribagh, Giridih & Koderma under NALSA Scheme for PLVs (Revised) at Koderma on 21st -25th July, 2015 to impart training to the fresh batch of para legal volunteers. The trained PLVs to be deputed at front offices, legal aid clinics (village legal care & support centre) at panchayat/sub-division level, police stations, jails and also at block offices to provide legal access and aid to the needy at the grass root level.

Hon'ble Mr. Justice Virender Singh, Chief Justice, High Court of Jharkhand-cum-Patron-in-Chief, JHALSA, Hon'ble Mr. Justice D.N.Patel, Judge, High Court of Jharkhand & Executive Chairman, JHALSA, Hon'ble Mr. Justice R.R.Prasad, Judge, High Court of Jharkhand & Chairman, HCLSC, Ranchi, Hon'ble Mr. Justice Prashant Kumar, Judge, Jharkhand High Court, Member Secretary, JHALSA also attended the valedictory session of the training programme on 25 July, 2015.

On the said occasion, the specially manufactured and designed jackets for PLVs were distributed amongst the trained

PLVs by Hon'ble Mr. Justice Virender Singh, Chief Justice, High Court of Jharkhand-cum-Patron-in-Chief, JHALSA.

Inauguration of Zila Nyaya Sadan (ADR Centre) Koderma (Jharkhand) on 25th July, 2015

On 25.07.2015 the newly constructed building of Zila Nyaya Sadan (ADR Centre) Koderma was inaugurated by Hon'ble Mr. Justice Virender Singh, Chief Justice, High Court of Jharkhand-cum-Patron-in-Chief, JHALSA, in the benign presence of Hon'ble Mr. Justice D.N.Patel, Judge, High Court of Jharkhand & Executive Chairman, JHALSA, Hon'ble Mr. Justice R.R.Prasad, Judge, High Court of Jharkhand & Chairman, HCLSC, Ranchi, Hon'ble Mr. Justice Prashant Kumar, Judge, Jharkhand High Court. The new building of Zila Nyaya Sadan (ADR Centre), Koderma consist of office of DLSA, Koderma, Front Office, Mediation Centre, Lok Adalat etc. which effectively provide the needy "Access to Justice". On the occasion Principal District Judge-cum-Chairman, DLSA, Koderma, Judicial Officers, Advocates, Member Secretary, JHALSA were also present.

Colloquium on Commitment of State for Child in Need of Care and Protection on 23rd August, 2015

Jharkhand SLISA in association with the Department of Social Welfare, Women & Child Development, Government of Jharkhand and UNICEF, Jharkhand organised a Colloquium on Commitment of State for Child in Need of Care and Protection on 23rd August, 2015. Hon'ble Mr. Justice Virender Singh, Chief Justice, High Court of Jharkhand-cum-Patron-in-Chief, JHALSA, Hon'ble Mr. Justice Navin Sinha, Chief Justice Chhattisgarh High Court, Ms. Dr. Louis Marandi, Hon'ble Minister of Social Welfare, Women and Child Development, Government of Jharkhand, Hon'ble Mr. Justice D.N.Patel, Judge, High Court of Jharkhand & Executive Chairman, JHALSA, Hon'ble Mr. Justice R.R.Prasad, Judge, High Court of Jharkhand & Chairman, HCLSC, Ranchi, Hon'ble Judge of High Court of Jharkhand, Dr. Madhulika Jonathan, Chief Field Officer, UNICEF, Jharkhand, Sri Vinay Kumar Choubey, IAS, Secretary, Dept. of Social Welfare Women & Child Development, Govt. Of Jharkhand, Ranchi, Shri Amitabh Kaushal, IAS, Dy. Commissioner, Jamshedpur, Ms. Sampat Meena, IPS, IG (Organised Crime) CID Judicial Officers, Advocates and Law Students attended the programme.

The participants of the said colloquium were the Secretaries of DLSA/SDLSC, Principal Magistrate and Member of J. J. Board, Chairpersons & Members of CWCs, District Child Protection Officers, Incharge Special Juvenile Police Unit (SJPU), recognised NGOs, Children Home, Observation Home and Shelter Home by State Government. On the occasion Hon'ble Dignitaries were expressed their views regarding trafficking of children and effective implementation of Juvenile Justice system in the State. The colloquium was a grand success. On the occasion a 15 point action plan called "**Ranchi Declaration**" was also released by the Hon'ble Dignitaries.

Training of Legal Services Empanelled Lawyers on Violence against Women and Children on 19-20 September, 2015 at Jamshedpur

A Training programme for Legal Services Empanelled Lawyers on Violence against Women and Children was organised by Jharkhand SLA in association with Lawyers Collective Women's Rights Initiatives (LCWRI), New Delhi and DLSA, Jamshedpur on 19-20 September, 2015 at Civil Court, Jamshedpur (Jharkhand). The target group of the aforesaid programme was the Legal Services Empanelled Lawyers. In the said training programme 70 selected Empanelled Lawyers of District Legal Services Authorities of Jamshedpur, Seraikella & Chaibasa have been participated.

Hon'ble Mr. Justice R.R. Prasad, Judge, High Court of Jharkhand & Chairman, HCLSC, Ranchi and Hon'ble Mr. Justice D.N. Upadhyay, Judge, High Court of Jharkhand, Principal District Judge-cum-Chairman, DLSA, Jamshedpur Member Secretary, JHALSA, Deputy Secretary, JHALSA, Smt. Kiran Sharma, Director, LCWRI and other Members of LCWRI, New Delhi also attended the programme.

The sensitization and training programme helped in the capacity building of the panel lawyers. The said training was especially focused on the different laws/topics related to violence against Women and Children as such:

- The Protection of Women from Domestic Violence Act, 2005
- The Protection of Children from Sexual Offences Act, 2012

- The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013
- The Criminal Law (Amendment) Act, 2013
- Guidelines for CWC's support persons and health professionals - Monitoring Guidelines for NCPCR / SCPCR for Roles and Functions of Various Stakeholders, NCPCR - LCWRI (2013).
- Recommendations for Police and Judiciary - Monitoring Guidelines for NCPCR / SCPCR for Roles and Functions of Various Stakeholders, NCPCR - LCWRI (2013).
- LCWRI "Standard Practice Directions for Implementation of PWDVA"
- Case Laws related to the Violence against women and children

Convention –cum-Advanced Training Programme

On 26th -27th September, 2015 at Dumka

As per direction of Mediation & Conciliation Project Committee (MCPC), Supreme Court of India, Jharkhand SLISA under the aegis of MCPC and in association with DLSA, Dumka had organised a "Convention-cum-Advanced Training Programme" for accredited Mediators of Jharkhand State on 26th -27th September, 2015 at Dumka (Jharkhand). The Target Groups of the said Training Programme were the accredited Advocate Mediators who have completed at least 50 successful mediation. On the aforesaid basis altogether 36 trained Advocate Mediators of different Districts of Jharkhand State were nominated by the Mediation Monitoring Committee of Hon'ble Jharkhand High Court. However two mediators one from Garhwa district and one from Hazaribagh district could not participated. In the said training programme, two Master Trainers namely **Ms. Nisha Saxena** (DHJS), Member Secretary, MCPC and **Ms. Nagina Jain**, Advocate Mediator have been nominated by Mediation & Conciliation Project Committee (MCPC), Supreme Court of India, New Delhi for imparting training to the participants.

Hon'ble Mr. Justice Virender Singh, Chief Justice, High Court of Jharkhand –cum-Patron-in-Chief, JHALSA, Hon'ble Mr. Justice D.N.Patel, Judge, High Court of Jharkhand & Executive Chairman, JHALSA-cum-Chairman, Mediation Monitoring Committee of Jharkhand High Court and Hon'ble Mr. Justice P.P.Bhatt, Judge, High Court of Jharkhand-cum- Zonal Judge,

Dumka inaugurated the Inaugural ceremony of aforesaid programme on 26.09.2015. During the Inaugural Session Hon'ble Dignitaries addressed the participants and delivered the memorable speeches on the subject matter and also impresses upon the participants to come in the leading role to make the Mediation a most successful tools of ADR.

Sri Rajeev Ranjan, Chairman, State Bar Council, Jharkhand, Sri R.D.Yadav, Principal District Judge-cum-Chairman, DLSA, Dumka, Sri Navneet Kumar, Member Secretary, JHALSA, Sri Rahul Kumar Sinha, Deputy Commissioner, Dumka, Sri Rajesh Kumar, Deputy Secretary, JHALSA, Judicial Officers, Advocates of Dumka Civil Court, Officers of District Administration also attended the Inaugural Session.

The training programme was designed for two days. On the first day i.e. on 26.09.2015 the training session was started from 10:00 AM after the Inaugural Session at Conference Hall of D.C. Office, Dumka in which different topics were discussed in different sessions as per the following schedule. The first day training session was over at 05:00 PM.

On second day the training Session was started at 10:00 AM in which topics were discussed in different sessions as per the following schedule. The second day training session was over at 01:30 PM

After successful completion of 2 days Training Programme, the valedictory session was also being organised after 1.30 p.m. In the said valedictory session all the participants have shared their experience of 2 days Training Programme and have expressed the benefits of the programme for making them equipped with better knowledge of mediation skills. Several queries were being settled by the TOT of MCPC. The Pr. District Judge-cum-Chairman, DLSA, Dumka has addressed the valedictory session whereas the Member Secretary, JHALSA has expressed is concluding remarks regarding the Training Programme and has appealed all the accredited Mediators joined the 2 days session to implement the practical knowledge acquired by them in this Training Programme in their mediation proceedings and enhance the rate of success of mediation.

In a nutshell the 2 days Training Session held by the Trainers of MCPC was very successful. The participant Mediators have gained

very successful information and techniques of mediation rules as well as the process of mediation for better implementation of mediation activities by them in their respective Mediation Centre and this way Jharkhand State Legal Services Authority is obliged to Hon'ble MCPC of Hon'ble Supreme Court of India for honour the Jharkhand for organising first Convention-cum-Advanced Training Programme for Mediators.

MADHYA PRADESH

Settled Cases through Various Camps (July-Sep 2015)

Type of Camps	No. of Camps			No. of Persons Benefitted					No. of Persons Benefitted		Total Expen- diture
	Camps held in District (A)	Camps held in Tehsil (B)	Total (A+B)	In District (A)		In Tehsil (B)		Total (A+B)	SC	ST	
				Male	Female	Male	Female				
Legal Literacy Camp	136	168	304	12624	5999	12041	4751	35415	3630	2698	6598
Micro Legal Literacy Camp	6	12	18	442	342	407	39	1230	42	27	2000
MGNRE GA Camp	3	6	9	75	35	150	75	335	20	30	0

Settled Cases through Mediation (July 2015-Sep 2015)

Months	Opening Balance Of Month	No. of Cases Referred During the month	Total no. Of Cases	Successful Settled Cases	Unsuccessful Settled Cases	Total considered Cases	Total No. of Pending Cases
July 2015	6567	3869	10436	936	1872	2808	7628
Aug 2015	7628	3758	11386	960	2429	3389	7997
Sep 2015	7997	5117	13114	1388	2333	3721	9393
Total-	6567	12744	19311	3284	6634	9918	9393

Settled Cases through LokAdalat (July 2015-Sep 2015)

Type of LokAdalat	No. of LokAdalat	Referred Cases	No. of Settled cases	Benefitted persons	Award amount	Remark
Permanent & continuous	450	105112	45735	53592	352664977	-
Public utility services	66	3410	228	476	0	-
MNREGA	16	67	67	91	0	-
Jail	6	18	18	24	0	-
Plea bargaining	-	107	99	179	0	-
Monthly National LokAdalat	3	598944	187823	281735	1474909122	-
Total-	541	707658	233970	336097	1827574099	-

Apart from this on 17.10.15 newly built ADR centre at District Mandla was inaugurated by Hon'ble Shri Justice Rajendra Menon, Administrative Judge High Court of Madhya Pradesh and Executive Chairman MPSLSA constructed in District Court Premises of Mandla. Thereafter, a **Mega Legal Literacy and Awareness Camp** was organized at village Dewgav sangam, District Mandla in which Hon'ble Shri Justice Rajendra Menon was the Chief Guest and Shri Ravish Agrawal, Advocate General State of MP, Shri Purushendra Kaurav and Shri K.S. Badhawa, Add. Advocate General, Shri Dinesh Naik, Member Secretary MPSLSA, Shri R.K.Singh, District and Session Judge and Chairman DLSA Mandla, Shri Lokesh Jatav Collector Mandla, Shri A.P. Singh Superintendent of Police, Mandla alongwith the other Special guest who were present in the Camp.

In this Camp Judges, Administrative Officers of Mandla District and village folk where present in a large number. In Camps various stalls were installed to provide the informations about the various schemes of public welfare by the various departments of State Government. Benefits of various public welfare schemes of various departments were provided then and there to the identified persons, which are as below-

No.	Department	Alloted Benefits	No. of Benefits
1	Department of Public Welfare	Wheel Chair	5
		Beshakhi	6
		Trycycle	7
		Shravan Yantra	5
2	Horticulture Department	Mini keet Tamatar Beej	5
		Mirch mini keet	3
3	Department of Women & Child Development	Ladli Laxmi Yojna	4
		Bal vivah se mukti	1
4	Agriculture Department	Sprey pump	2
		Chana bill keet	2
		Dawa vitran	2
		Sarso mini keet	2
5	Ajiwika Mission	Amardeep Swasahayta Smooh	10000/-
6	Veterinary Department	Allotted Certificates	87
		Nandi Shala Yojna	1
		Bakrilkayi	1
		Samunat Pada Yojna	1
		Approved cases	1
		Bakra Praday Yojna	1

KARNATAKA

1. Lok Adalats: In the quarter July, 2015 to September 2015, KSLSA has organized Monthly National Lok Adalat at all the DLSAs, TLSCs and also at High Court level. The category wise detail of cases disposed off in Monthly National Lok Adalat is as shown under:-

Sl. No	Monthly National Lok Adalat held on	Nature of cases	No. of cases disposed off			Settlement Amount
			Pending cases	Pre-litigation cases	Total	
1.	11-07-2015	Electricity/Water/Telephone/Public Utility Disputes Matters	5,891	2,56,802	2,62,693	33,88,51,530
2.	08-08-2015	Banking Matters, u/s NI Act, Recovery suits etc.,	18,424	13,214	31,638	3,21,95,24,692
3.	12-09-2015	Criminal Compoundable Matter Cases	54,606	2,65,696	3,20,302	96,91,73,175

**Details of Monthly National Lok Adalat Organised and
Cases settled from July 2015 to September 2015**

Month	No. of Lok Adalat organized	Total No. of cases settled	No. of Cases Disposed of					Compensation paid in MVC Cases Rs.	Compensation paid in LAC Cases Rs	Pre-litigation cases	Total of (Col 3 & 12)
			Civil	Criminal	LAC	Bank	MVC				
1	2	3	4	5	6	7	8	9	10	11	12
July-2015	1,832	15,238	2,084	12,415	104	33	602	10,51,20,400	3,71,35,712	1,21,467	1,36,705
August-2015	1,654	17,594	2,295	14,283	222	129	665	8,50,99,937	4,57,32,092	3,004	20,598
Sept-2015	1,453	22,186	2,136	19,040	145	63	802	9,88,50,363	1,42,63,482	9,954	32,140
Total	4,939	55,018	6,515	45,738	471	225	2,069	28,90,70,700	9,71,31,286	1,34,425	1,89,443

Besides the above, the Regular Lok Adalats were conducted by all DLSAs/TLSCs and High Court in the State. The details of these Lok Adalats are as shown under:

Details of Lok Adalat Organised and Cases settled from July 2015 to September 2015

2. Permanent Lok Adalat: 2,683 cases were disposed of by seven Permanent Lok Adalats, in which settlement amount was **Rs. 1,08,22,29,674/-**.

Sl. No	Month	Total No. of sittings held	Transport	Postal, telegraph or Telephone service	Supply of power, light or water	Public Conservancy or Sanitation	Service in hospital or dispensary	Bank	Insurance Service	Total no. of Case settled
1.	July- 2015	133	0	475	47	0	0	375	11	908
2.	August- 2015	126	0	416	5	0	2	680	2	1,105
3.	Sept- 2015	113	1	152	18	2	0	492	6	670
	Total	372	1	1,043	70	2	0	1,547	19	2,683

**Details of Cases Settled by PLA under Different Categories
from July 2015 to September 2015**

3. Mediation Centres & ADR Centres: Total 273 Cases were settled in the Mediation & ADR Centres. The details of referred and settled cases in the Mediation Centres is as shown under:

**Details of Cases Settled in Mediation Centres from July 2015
to September 2015**

Sl.No	Month	No. of Cases referred	No. of Cases Compromised
1.	July- 2015	1,853	102
2.	August- 2015	1,837	119
3.	Sept- 2015	1,301	52
	Total	4,991	273

4. Free Legal Aid and Advice: During the quarter July to September 2015, Karnataka State Legal Services Authority has provided Legal Aid & Advices to the following number of persons:

**Details of Legal Advice and Legal Aid Beneficiaries from
July 2015 to September 2015**

Sl.No	Month	No. of Legal Aid given				Legal Advice given
		SC/ST	Women	Others	Total	
1.	July- 2015	57	107	206	370	4,826
2.	August- 2015	66	138	189	393	5,038
3.	Sept- 2015	25	46	140	211	5,281
	Total	148	291	535	974	15,145

5. Free Legal Advice given: During the quarter, free legal advice was provided to 913 persons CDPO, 1,828 persons were benefitted in Village Legal Care Support Centres, 10,619 persons were benefitted in Legal Aid Clinics, 460 Under Trial Prisoners were provided free legal aid and 66 persons were benefitted in NIMHANS and DIMHANS.

6. Victim Compensation Scheme : Under Karnataka Victim Compensation Scheme, 2012, compensation awarded in **45** cases, in which awarded amount was **Rs. 48,97,000/-**.

7. Legal Literacy camps conducted through Chariot bus:

582 Legal Awareness programmes were conducted through the Chariot buses in **194** villages in which legal awareness lectures on many legal aspects of law were conducted.

Sl.No.	Month	Camps conducted by Legal Literacy Chariot
1.	July-2015	582
2.	August-2015	
3.	September-2015	
	Total	582

8. Legal Literacy/Legal Awareness Camps: During the quarter July to September 2015, **1,773** programmes were organised by all District Legal Services Authorities and Taluka Legal Services Committees in the State. In which **3,04,456 beneficiaries** were empowered on various aspects of Law.

Details of Legal Awareness/Literacy Camps Organised from July 2015 to September 2015

Sl.No	Month	Total No. of Legal Awareness/Literacy Camps Organized	Total No. of Persons Benefitted
1.	July- 2015	635	1,01,925
2.	August- 2015	495	85,248
3.	Sept- 2015	643	1,17,283
	Total	1,773	3,04,456

1. Observation on “World Suicide Prevention Day:

On 10-09-2015, Legal Literacy Camps were organised in all the DLSAs and TLSCs in the State. Lecturers were delivered to create awareness about the various laws providing for the benefit of farmers.

2. Tree Plantation:

District Legal Services Authority, Bengaluru Urban in co-ordination with the Kendriya Vidyalaya, Bengaluru organized a

programme “Tree Plantation and Legal Literacy” on 04-07-2015. The programme was organized in CRPF Bhavan, CRPF Campus, Yelahanka, Bengaluru. Hon’ble Sri. Justice N.K. Patil, Judge, High Court of Karnataka & Executive Chairman, KSLSA & President, Arbitration Centre- Karnataka inaugurated the programme. Sri Gunaki Narendra kumar Basavaraj, Prl City Civil & Sessions Judge & Chairman, DLSA, Bengaluru Urban, Sri Ashok G. Nijagannavar, District & Sessions Judge and Member Secretary, KSLSA Bengaluru, Sri. Mustafa Hussain S.A. District & Sessions Judge and Special Officer, KSLSA, Bengaluru, Sri. K.L. Ashok, Senior Civil Judge & Deputy Secretary, KSLSA, Bengaluru and Sri. Ron Vasudev, Senior Civil Judge & Member Secretary, DLSA, Bengaluru presided over the function. Smt. Kamaladevi, Vice Principal, Kendriya Vidyalaya, Yelahanka, Bengaluru participated the function.

District Legal Services Authority, Bidar, Plantation of Saplings on the eve of World Environment Day by Sri Hanchate Sanjeev Kumar, Hon’ble Prl. District & Sessions Judge Bidar / Chairman District Legal Services Authority Bidar held on 02-07-2015 at Government I.T. College Bidar.

District Legal Services Authority, Dharwad in co-ordination with Social Welfare Department, Forest Department, Bar Association, Dharwad & Morarji Desai Residential School, Hebballi organized “Planting of saplings & Awareness on Environment” on 07-08-2015. The programme was arranged in Morarji Desai Residential School, Hebballi, Dharwad. Hon’ble Sri. Justice Ram Mohan Reddy, Judge, High Court of Karnataka & Administrative Judge of Dharwad District and Member, National Legal Services Authority, New Delhi, inaugurated the programme. Sri. M. Ramesh Rao, Hon’ble Prl. District & Sessions Judge & Chairman, District Legal Services Authority, Dharwad, presided the function. Sri. G.V. Agnihotri, Deputy Conservator of Forest, Social Forest Division, Dharwad, Sri. V.D. Kamaraddi, President, Bar Association, Sri. B.S. Sangati, Senior Advocate, Smt. Prafulla S. Naik, Advocate and Mediator participated as Guest.

Besides these, the tree plantation programmes was organized in the following District Legal Services Authorities and Taluka Legal Services Committee:

Sl.No.	Name of the DLSAs/TLSCs	Date of the programme	Programme conducted at	Inaugurated & Participated by
1	Bengaluru Rural	20-06-2015	Govt.High School, Singanayakana Halli, Doddaballapura Road, B'lore Rural.	1. Sri S.R. Somashekar, District & Session Judge. Chairman DLSA, Bengaluru Rural. 2. Sri K.C. Sadanand Swamy, M.S. Bengaluru Rural.
		18-07-2015	Govt.School, B.M. Kaval, Kanakapura Road, B'lore.	1. Sri S.B. Vasavmath, 1st Addl. Dist. & Session Judge. B'lore. 2. Sri M.H. Annayanavar, 1st Addl. Chief Magistrate 3. Sri Nagaraj, Forest Officer, KaggalipuraForestRange, B'lore.
		20-07-2015	B.V.AcharyaEngineeringCollege, Chikkabanavara, Hesaraghatta Road, B'lore.	1. Sri S.B. Vasmavmath, 1st Addl. Dist. & Session Judge. B'lore. B.V. Principal of AcharyaEngineeringCollege.
		22-07-2015	Krishana Krupa Nidi, College, Varthuru, B'lore.	1. Sri S.B. Vasmavmath, 1st Addl. Dist. & Session Judge. B'lore. 2. Principal of KrishnaKrupanidiCollege. B'lore.
		23-07-2015	Kadagodi Industrial Area, Kadagodi, B'lore.	1. Sri M.H. Annayanavar, 1st Addl. Chief Judicial Magistrate. 2. Police Inspector, Kadagodi.
		24-07-2015	Govt.High School, Thalaghatapura, B'lore.	1. Sri Santhoshkumar Shetty, 2nd Addl. Chief Judicial Magistrate.
		25-07-2015	BannerughattaNational Park, Bannerughatta, B'lore.	1. Sri S.R. Somashekar, Prl. Dist. & Session Judge, Chairman, B'lore. 2. Sri K.C. Sadanandaswamy, Chief Judicial Magistrate, B'lore. R. 3. Sri Nagaraj, Forest Officer, KaggalipuraRange,
2.	Ballari	19-07-2015 to 25-07-2015	Court Complex, Ballari.	Sri C.V. Maragur, Prl. District & Session Judge & Chairman, DLSA, Ballari. Smt. M.H. Shantha. Sri M.L. Raghunath Sri V.S. Dharwadkar,
	H.B.Halli	12/6/2015		Sri Nitin Yeshwantrao, Civil Judge, TLSC, H.B. Halli. Smt. S.H. Vishlakshi, President, Bar Association.
	Kudligi	23-07-2015	Court Complex,	Sri B.S. Honnaswamy, Senior Division, Civil, Judge Smt. Thayaba Sultan. Junior Division, Civil, Judge. Sri H.M. Pandith Aradya, Chairman, Bar Association.
3.	Belagavi	5/6/2015	Advocate Association.	Sri P.Krishna Bhat, Prl. District & Sessions Judge & Chairman, DLSA, Belagavi. Sri Vinay B. Mangalekar,

		21-07-2015	Anath Ashrama, Complex, Belagavi.	
		22-07-2015	Shanthayi Rudrashrama Premises, Piranavadi.	
		23-07-2015	Public School Premises, Sindolli, Belagavi.	
		24-07-2015	KSRPGovt.High School, Machhe.	
		25-07-2015	Kumaraswamy Area.	
	Bailahongal	5/6/2015	Court Premises.	Sri Balakrishna, Senior Judge. Bailahongal. Sri M.Y. Somanna, Chairman, Bar Association. Smt. Shirin J. Ansari, Prl. Civil Judge & JMFC, Bailahonga. Sri J.C. Hiremath, Deputy Chairman, Bar Association.
	Raibag	21-07-2015	AmoghaSchool Premises, Raibag.	Sri Ramakhanth Chowhan, Chairman, TLSC, Raibag.
		30-07-2015	Bhudihal Grama.	Sri Ramakhanth Chowhan, Chairman, TLSC, Raibag.
	Sankeshwar	5/6/2015	Newly Construction Court Premises	Sri C.F. Mohammed Arifulla, Member Secretary, TLSC, Sankeshwar. 2. Sri P.S. Nesari, President, Bar Association.
4.	Bagalkote	23-07-2015	Girls Govt. 1st GradeCollege, Bagalkote.	Smt. S. Mahalaxmi Nerale, Prl. Dist. & Session Judge & Chairman, DLSA, Bagalkote. 2. Sri Ravi M.R.2nd Addl. Dist & Session Judge, Bagalkote.
5	Bidar	5/6/2015	Govt.MedicalHospita l	
		2/7/2015	Governmentl.T.IColle ge Bidar.	
	Aurad	5/6/2015	BasaveshwaraD.Ed.C ollege,	Sri G.V. Kulkarni, Member Secretary, TLSC. 2. Sri Manmathapp, Secretary, BasaveshwaraD.Ed.College.
	Basavakalyan	5/6/2015	Court Complex. B. Kalyan.	
	Bhalki	1/6/2015	ShivajiCollege, Bhalki	
6	Chitradurga			
	Hosadurga	5/6/2015	Newly constructed court and Fire brigade office	Sri. Sunil S. Hosamani, Principal Civil Judge & Member Secretary, TLSC, Hosadurga.
		20-07-2015		Sri. Sunil S. Hosamani, Principal Civil Judge & Member Secretary, TLSC, Hosadurga.
7	Chikkaballapura	5/6/2015	St. Joseph Convent and Girls P.U.College premises	Sri. N.S. Bellunke, Prl. District & Sessions Judge & Chairman, DLSA, Chikkaballapur. Sri.C.R. Manjunath,

		19-07-2015	Court Complex, Chikkaballapura.	Sri A.S. Bellunki, Prl. District & Session Judge & Chairman. Sri Prakash, President, Bar Association, Chikkaballapur. Sri G.V. Thuramari, Addl. District & Session Judge.
		24-07-2015	1st Aid Centre, Manchenahalli Office Premises.	Dr. K.N. Chandramohan.
	Bagepalli	20-07-2015 to 25-07-2015	Court Complex, N.H. Road, Tollgate Near, RTO Office, ITP College & Govt. 1st Grade Primary College near.	Sri B. Delip Kumar, Civil Judge. Sri Mohamad Khaja. Sri A. Nanjundappa, Chairman, Bar Association.
	Chintamani			
	Gowribidanur	19-07-2015 to 20-07-2015	Court Complex, Gowribidanur.	1. Sri B.K. Ravikanth, Judge, Gowribidanur.
	Gudibande			
	Shidlaghatta	5/6/2015	Premises of Proposed court building	Smt. G. Anitha, Member Secretary, TLSC, Shidlaghatta. Sri M. Papireddy, President, Bar Association
8	Davanagere	5/6/2015	Thungabhadra Area, Karnataka Housing Board Colony, Bypass Road, Dvg.	
	Chennagiri	5/6/2015	Court Complex.	
	Harappanahalli	12/6/2015	Tharalabalu Pre-University College.	
		6/6/2015	New Court Complex,	
	Honnali	5/6/2015	Court Complex.	
9	Dharwad	27-07-2015	Karnataka University, Dharwad.	Sri M. Ramesh Rao, Prl. Dist & Session Judge, and Chairman, DLSA, Dharwad. 2. Sri P.B. Gaya, Kulapathi, Karnataka University, Dharwad. 3. H.C. Sabhakath Hussain, Forest Officer, Dharwad.
		27-07-2015	RLS High School.	Sri M. Ramesh Rao, Prl. Dist & Session Judge, and Chairman, DLSA, Dharwad.
		7/8/2015	Murarji Desai Residential School, Premises, Heballi.	Sri Ram Mohan Reddy, Judge, Karnataka Hck, B'lore. Sri G.V. Agnihotri, Deputy Conservator of Forest, Social Forest Division, Dharwad. Sri V.D. Kamaraddi, Senior Advocate, Dharwad & Member, KSLSA, B'lore.
10	Gadag	24-07-2015	DLSA, Court Complex, Gadag.	Sri Mahadevegowda, Prl. Dist & Session Judge, Gadag. Sri Kulkarni Ambhadas, 1st Addl. & Session Judge. Gada.

	Laxmeshwar	19-07-2015 to 25-07-2015	Shirahatti Taluka Residential . Govt.High School, Ramageri & Residential Forest Office Premises.	
11.	Haveri	5/6/2015		Sri V. Sreeshananda, District & Sessions Judge & Chairman, DLSA, Haveri. Sri K.B.Asode, I Addl.District & Sessions Judge
	Hangal	25-07-2015	Court Complex, Hangal.	Sri J.D. Mahavarkar, Senior Civil Judge, Chair, TLSC, Hangal. Smt. Renuka D. Raykar, Civil Judge & Member Secretary, TLSC, Hangal.
	Savanur	5/6/2015	NeeralagiDyamavva deviTemple.	Sri R. Raghavendra, Civil Judge & Member Secretary, TLSC, Savanur. Sri P.R. Kalal, President, Bar Association.
12.	Hassan	23-07-2015	L.V.PolytechnicCollege. Diary Circle.	Sri R.J. Satish Singh, Prl. District & Session Judge, & Chairman, DLSA, Hassan.
	Channarayapatna	5/6/2015	Govt. 1st GradeCollege	Sri H.C. Shyam Prasad, IV Addl. District & Sessions Judge, Sri S.T. Devaraj, Chairman, TLSC, Channarayapatna
		19-07-2015	ChannarayapatnaTalukBaraguruHandPostVillage.	Sri S.T. Devaraj, Chairman, TLSC & Senior Civil Judge & JMFC, C.R. Patna. Sri N.K. Natarajan. Sri Mruthyunjaya. Sri Thimmayya, ACM, Sri Vishwanth, RFO
		20-07-2015	Anekere Gramada Govt. High Premises.	
		21-07-2015	DandiganahalliGramadaMurarjiHigh School, Premises.	
		22-07-2015	ThagaduruGramada Govt.High School Premises.	
		23-07-2015 to 24-07-2015	Vaddarahalli Gramada Govt Residential School Premises.	
		25-07-2015	Satenahalli Gramada Govt 1st GradeCollege Premises.	
13.	Kalaburagi			
	Afzalpur	6/6/2015		Sri S.L. Chauha, Senior Civil Judge & Sri N. Subramanya, Member Secretary.TLSC Afzalpur.
14.	Kodagu (Madikeri)	5/6/2015	Newly constructed court campus.	Sri Master RKGMM Mahaswamiji, Prl. District & Sessions Judge &

	Somwarpet	23-07-2015	Govt.Primary School, Kiragandur.	Sri Abdul Khadar, Prl. Civil Judge & Member Secretary, TLSC, Somwarpet. Sri Karyappa, Forest Officer. Sri D.K. Thimmayya, Chairman, Bar Association. Somwarpet.
15.	Karwar			
	Siddapur	5/6/2015		Member Secretary, TLSC, Siddapur.
16.	Mysuru	19-07-2015 to 25-07-2015		Judicial Officer, Forest Range Officer, Advocates
		27-06-2015	Sarajeya Monastery	Hon'ble Sri Justice N.K.Patil, Judge, High Court of Karnataka and Executive Chairman, KSLSA. Smt. K.S.Mudagal, Prl. District & Sessions judge & Chairperson, DLSA, Mysuru Sri Mustafa Hussain S.A, Special Officer, KSLSA
	H.D.Kote	19-07-2015 to 25-07-2015		Judicial Officer, Forest Range Officer, Advocates
	Hunsur		Govt.High School.	Judicial Officer, Forest Range Officer, Advocates
	K.R.Nagar			Judicial Officer, Forest Range Officer, Advocates
	Nanjanagud			Judicial Officer, Forest Range Officer, Advocates
	Piriyapatna			Judicial Officer, Forest Range Officer, Advocates
	T.N. Pura			Judicial Officer, Forest Range Officer, Advocates
17.	Mangaluru	5/6/2015	District Prison	Sri. B. Ganesh, Senior Civil Judge & Member Secretary, DLSA, Mangaluru. Sri B.T.Obaleshappa, Superintendent of District Prison
	Puttur	19-07-2015	Govt. 1st Grade College.	Sri C.K. Basavaraj, Senior Judge.
		21-07-2015	High school. Kedambadi.	Sri C.K. Basavaraj, Senior Judge.
		22-07-2015	Higher Secondary School.	Sri C.K. Basavaraj, Senior Judge.
		24-07-2015	Grama Aranya Samiti.	Sri C.K. Basavaraj, Senior Judge.
		25-07-2015	Mediation Centre, Puttur.	Sri C.K. Basavaraj, Senior Judge.
18.	Raichur	5/6/2015		Sri.P.G.M.Patil, District & Sessions Judge & Chairman, DLSA, Raichur. Sri Banuraj, President, Bar Association, Raichur
	Sindhanur	25-07-2015	Higher Primary School, T.B.P. Camp, Sindhanur.	
19.	Shivamogga	5/6/2015		Smt. J.M.Khaji, Prl.District & Session Judge & Chairperson, DLSA, Shivamogga. Sri N.

		19-07-2015	Dist. Court Complex, Shivamogga	Smt. J.M. Khaji, Prl. Dist & Session Judge & Chairman, DLSA, Shivamogga. 2. Sri Kuruvatti, 1st Addl. Dist & Session Judge. 3. Smt. B.G. Rama, 2nd Addl. Dist & Session Judge. 4. Sri Devendrappa, Advocate Association. 5. Sri Subramanya, Forest Officer.
		20-07-2015	Suvarna Samskruthi Bhavan, (Helipyad), Shivamogga.	Sri Jaishankar, Prl. Senior Judge & Member Secretary, DLSA. Sri Jayaprakash, 2nd JMFC, Judge, Sri Ravikumar, Forest Officer. Sri Devendrappa N. Chairman, Bar Association. Shivamogga.
		22-07-2015	Rural Police Station Premises, Shivamogga.	Sri Gururaj G. Shirol, 1st Addl. Senior Judge & CJM, Court, Shivamogga. Sri K.N. Nagesh, 1st Addl. Civil Judge. Sri Vishwanth Muguthi, 2nd Addl. Civil Judge. Sri Devendrappa N. Chairman, Bar Association, Shivamogga.
		23-07-2015	B.H. Road, GovtGirlsHigh School Premises.	Smt. Shyamala, 2nd Addl. Senior Judge & JMFC Court. Shivamogga. Smt. Anupamalaxmi B. 4th Addl. Judge. Sri Devendrappa N. Chairman, Bar Association.
		23-07-2015	District Teacher Training Centre, B.H. Road, Shivamogga.	Smt. Shyamala, 2nd Addl. Senior Judge & JMFC Court. Shivamogga. Smt. Anupamalaxmi B. 4th Addl. Judge. Sri Devendrappa N. Chairman, Bar Association.
		24-07-2015	Child Nayamandali, Premises. Shivamogga.	Sri Jaishankar, Prl. Senior Judge & Member Secretary, DLSA. Sri Charan, Superintendent, Balanayamandali, Shivamogga. Smt. Rekha, Member, Balanayamandali, Shivamogga. Smt. Manjula Aradya, Member, Balanayamandali, Shivamogga. Sri Devendrappa N. Chairman, Bar Association.

		25-07-2015	Judges Guest House Near Vivekanand Area, Shivamogga.	Smt. J.M. Khaji, Prl. Dist & Session Judge & Chairman, DLSA, Shivamogga. 2. Sri Kuruvatti, 1st Addl. Dist & Session Judge. 3. Smt. B.G. Rama, 2nd Addl. Dist & Session Judge. 4. Smt. K.G. Shanti, 3rd Addl. District & Session Judge. 5. Sri Ravikumar, Forest Officer.
20.	Tumakuru			
	Sira	19-07-2015	Taluk Office, Sira.	
		20-07-2015	Govt. Secondary and Primary School, Sira.	
		21-07-2015	Social Welfare Office, Sira.	
		22-07-2015	Govt. Primary School, Ranganath Nagar, Sira.	
		23-07-2015	Govt. Urdu High School, Sira.	
		24-07-2015	Govt. First Grade College, Sira.	
		25-07-2015	Govt. Girls First Grade Co llege, Sira.	
	Turuvekere	20-07-2015	Polytechnic College, Kodigi Halli,	1. Sri K.M. Puttaswamy, Member Secretary & Chairman (I/c) 2. Sri N. Krishnappa, Principal,
		21-07-2015	Govt. 1st Grade College, Guddenahalli,	1. Professor Krishnappa. 2. Sri K.M. Puttaswamy, Civil Judge & Member Secretary & Chairman (I/c)
		22-07-2015	Turuvekere Court Complex,	1. Sri K.M. Puttaswamy, Civil Judge & Member Secretary & Chairman (I/c). 2. D.P. Nandeesh, Police.
		23-07-2015	Kitturu Rani Channamma Residential School, Aremallanahalli, New Building Premises.	Teachers Sri Lokesh & Paranna, Sri K.M. Puttaswamy, Civil Judge & Member Secretary & Chairman (I/c).
		24-07-2015	T.B. Cross, Mayasandra, Tumakuru Road, Rudrashrama Garden Premises.	Sri K.M. Puttaswamy, Civil Judge & Member Secretary & Chairman (I/c). Sri C. Shankar, President, Advocate Association & Secretary.
		25-07-2015	Turuvekere Town World Vijaya Institution, School Premises.	Sri H. Vishwanath. Sri K.M. Puttaswamy, Civil Judge & Member Secretary & Chairman (I/c).
21.	Udupi	20-07-2015	Vidya Samudra Thirtha High School, Kidiyuru.	Smt. Nagajyothi K.A. Prl. Senior Civil Judge & CJM, Udupi.
		21-07-2015	Christain High School, Udupi.	Smt. Nagajyothi K.A. Prl. Senior Civil Judge & CJM, Udupi.
		22-07-2015	T.A. Pay. English Medium School, Kunjibettu.	Smt. V.N. Milana, Addl. Civil Judge & JMFC, Udupi.
		23-07-2015	Govt. High School, Indiranagar.	Smt. Sunitha, Prl. Civil Judge & JMFC, Udupi.
		24-07-2015	Anantheshwara English Medium High School, Udupi.	Sri Chandrashekar P.S. Addl. Senior Civil Judge & JMFC Udupi.
		25-07-2015	St. Sisilis High School,	Sri Manjunath M. 2nd Addl. Civil Judge &

	Kundapura	10/6/2015		Sri Srinivasa Suvarna, Senior Civil Judge & Chairman, TLSC, Kundapur Sri A.B. Shetty, President of Bar Association.
22.	Vijayapura			
	B.Bagewadi	23-07-2015	Sri Govindapavar Sarvodaya, High School, B. Bagewadi.	1. Sri Nagesh K. Moggera, Civil Judge, B. Bagewadi. 2. Sri N.S. Kulakarni, Senior Civil Judge, B. Bagewadi.
23.	Yadgir	5/6/2015	Mahatma Gandhi school	Sri Ravindra Karabari, Member Secretary, DLSA, Yadgir

3. Legal Literacy Programmes held by DLSAs and TLSCs in the State on various topics is as shown under:

Sl. No	Date	Name of the DLSA/TLSC	LLP regarding / Subject	Beneficiaries
1	25-07-2015	Koratagere TLSC, Tumakuru District	General Law	--
2	27-07-2015	Shivamogga DLSA	Rights of Children	--
3	28-07-2015	Mangaluru DLSA	Rights of arrested persons	--
4	01-08-2015	Raichur DLSA	Prevention of farmers suicide	--
5	01-08-2015	Sindagi TLSC, Vijayapura District	Prevention of farmers suicide	400 persons
6	03-08-2015	-do-	-do-	350 persons
7	04-08-2015	Mangaluru DLSA	Breast feeding awareness	--
8	05-08-2015	-do-	-do-	350 persons
9	05-08-2015	Muddebihal TLSC, Vijayapura District	Prevention of farmers suicide and Tree Plantation Program	350 persons
10	05-08-2015	B.Bagewadi TLSC, Vijayapura District	Prevention of farmers suicide	200 Persons
11	07-08-2015	-do-	-do-	235 persons
12	07-08-2015	Sedam TLSC, Kalburgi District	Breast feeding awareness	--
13	07-08-2015	B.Bagewadi TLSC, Vijayapura District	Prevention of farmers suicide	--
14	06-08-2015	Sira TLSC, Tumakuru District	Breast feeding awareness	100 persons
15	06-08-2015	Gudibande TLSC, Chikballapur District	-do-	---
16	06-08-2015	Bagepalli TLSC, Chikballapur District	-do-	60 persons
17	06-08-2015	Raibagh TLSC, Belagavi District	Breast feeding awareness	150 persons
18	06-08-2015	Haveri DLSA	-do-	90 persons
19	06-08-2015	Savanur TLSC, Haveri District	-do-	70 persons
20	06-08-2015	Shivamogga DLSA	-do-	100 persons
21	07-08-2015	Raibagh TLSC, Belagavi District	-do-	150 persons
22	07-08-2015	Muddebihal TLSC, Vijayapura District	Prevention of farmers suicide	150 persons
23	07-08-2015	Chikballapur DLSA	Breast feeding awareness	300 persons

24	08-08-2015	Kollegala TLSC, Chamarajanagar District	Domestic Violence Act	100 persons
25	08-08-2015	Nippani TLSC, Belagavi DLSA	Breast feeding awareness	--
26	08-08-2015	Ankola TLSC, Uttara Kannada District	Anti Ragging Laws	100 persons
27	09-08-2015	Udupi DLSA	LLP regarding Mental Health	500 persons
28	10-08-2015	Muddebihal TLSC, Vijayapura District	Prevention of farmers suicide	200 persons
29	11-08-2015	Raibagh TLSC, Belagavi District	Breast feeding awareness	100 persons
30	11-08-2015	Maddur TLSC, Mandya District	Prevention of farmers suicide	--
31	11-08-2015	Hanagal TLSC, Haveri DLSA	Domestic Violence Act	200 persons
32	12-08-2015	Chikballapur DLSA	Domestic violence Act	200 persons
33	12-08-2015	Raibagh TLSC, Belagavi District	Breast feeding awareness	200 persons
34	13-08-2015	-do-	-do-	250 persons
35	14-08-2015	-do-	-do-	200 persons
36	14-08-2015	Savanur TLSC, Haveri District	Domestic Violence Act	200 persons
37	14-08-2015	Mangaluru DLSA	Literacy Program for women	--
38	19-08-2015	Mundaragi TLSC, Gadag District	Breast feeding awareness	--
39	19-08-2015	Mangaluru DLSA	Prevention of Ragging	--
40	20-08-2015	Shirahatti TLSC, Gadag District	One day workshop for women	--
41	20-08-2015	Belagavi DLSA	Motor Vehicle Act	--
42	21-08-2015	C.N.Hally TLSC, Tumakuru District	Breast feeding awareness	--
43	22-08-2015	Muddebihal TLSC, Vijayapura district	LLP regarding General Law	300 persons
44	22-08-2015	Naragunda TLSC, Gadag District	Prevention of malnutrition in children	--
45	22-08-2015	Hosadurga TLSC, Chitradurga District	Awareness program for PDOs	--
46	22-08-2015	B.Bagewadi TLSC, Bijapur District	Domestic Violence Act	250 persons
47	24-08-2015	Yadgir DLSA	Consumer law	250 persons
48	25-08-2015	Bagalkot DLSA	Aims and Objectives of legal services authority	100 persons
49	25-08-2015	Kadur TLSC, Chickmagalur District	Fundamental rights	150 persons
50	26-08-2015	Raibagh TLSC, Belagavi District	Breast feeding awareness	200 persons

51	26-08-2015	C.N.Hally TLSC, Tumakuru District	Domestic violence Act	--
52	26-08-2015	Turuvekere TLSC, Tumakuru District	Property rights of Women	80 persons
53	27-08-2015	Madhugiri TLSC, Tumakuru District	Domestic violence Act	--
54	27-08-2015	Udupi DLSA	Rights of arrested persons	109 persons
55	28-08-2015	Bhalki TLSC, Bidar District	Domestic violence Act	--
56	29-08-2015	Gadag DLSA	Domestic violence Act	--
57	29-08-2015	Kollegal TLSC, Chamarajanagar District	Water for life	--
58	31-08-2015	K.R.Pet TLSC, Mandya District	Breast feeding awareness	470 persons
59	02-09-2015	Shiggao TLSC, Haveri district	Plea bargaining	09 persons
60	03-09-2015	Chikkanayakanahalli TLSC, Tumakuru District	Senior Citizens Day	--
61	05-09-2015	Nippani TLSC, Belagavi District	Teachers day	--
62	05-09-2015	Hunsur TLSC, Mysuru district	Prevention of malnutrition	150 persons
63	05-09-2015	Bagalkot DLSA	-do-	120 persons
64	05-09-2015	Mysuru DLSA	Teachers Day	1000 persons
65	05-09-2015	Haveri DLSA	-do-	900 persons
66	05-09-2015	Hoovinahadagali TLSC, Ballari district	----- ----- --	200 persons
67	05-09-2015	Puttur TLSC, Dakshina Kannada district	POCSO Act	85 persons
68	05-09-2015	Gokak TLSC, Belagavi District	Motor Vehicle Act	--
69	07-09-2015	-do-	Prevention of malnutrition	120 persons
70	07-09-2015	Madhugiri TLSC, Tumakuru district	PC & PNDT Act	--
71	07-09-2015	Muddebihal TLSC, Vijayapura District	Teacher's Day	250 persons
72	08-09-2015	Shiggao TLSC, Haveri district	International literacy day	
73	08-09-2015	Kadur TLSC, Chikmagalur district	Observation of teachers day	200 persons
74	08-09-2015	Puttur TLSC, Dakshina Kannada district	General law	130 persons
75	08-09-2015	Mysuru DLSA	Senior Citizens Day	250 persons
76	08-09-2015	Savanur TLSC, Haveri District	Teacher's Day	120 persons

77	08-09-2015	Koppa TLSC, Chikkamagalur TLSC	Prevention of mal-nutrition	50 persons
78	10-09-2015	Udupi DLSA	LLP for building construction labourers	100 persons
79	10-09-2015	Belthangady TLSC, Mangaluru District	Prevention of farmers suicide	--
80	10-09-2015	Sullia TLSC, Mangaluru District	Prevention of farmers suicide	--
81	10-09-2015	Puttur TLSC, Mangaluru District	Prevention of farmers suicide	--
82	10-09-2015	Bantwal TLSC, Mangaluru District	Prevention of farmers suicide	--
83	10-09-2015	Dakshina Kannada DLSA	Prevention of farmers suicide	--
84	10-09-2015	Muddebihal TLSC, Vijayapura District	Prevention of farmers suicide	300 persons
85	10-09-2015	Kanakapura TLSC, Ramanagara District	Prevention of farmers suicide	--
86	10-09-2015	Raichur DLSA	Prevention of farmers suicide	--
87	10-09-2015	Puttur TLSC, Dakshina Kannada district	Prevention of farmers suicide	60 persons
88	10-09-2015	Basavakalyana TLSC, Bidar district	Prevention of farmers suicide	200 persons
89	10-09-2015	Badami TLSC, Bagalkot district	POCSO Act	100 persons
90	10-09-2015	Ramanagara DLSA	Prevention of farmers suicide	--
91	10-09-2015	Madhugiri TLSC, Tumakuru district	General Law	--
92	10-09-2015	B.Bagewadi TLSC , Bijapur District	Prevention of farmers suicide	200 persons
93	10-09-2015	Athani, TLSC, Belagavi District	-do-	--
94	10-09-2015	Raichur DLSA	-do-	--
95	10-09-2015	Gundlupet TLSC, Chamarajanagar District	-do-	--
96	10-09-2015	Chittapur TLSC, Kalburgi District	-do-	--
97	10-09-2015	Sankeshwar TLSC, Belagavi District	-do-	--
98	10-09-2015	Kalburgi DLSA	-do-	60 persons
99	10-09-2015	Hosadurga TLSC, Chitrdurga District	-do-	80 persons
100	10-09-2015	Yadgir DLSA	-do-	120 persons
101	10-09-2015	Harihara TLSC, Davanagere District	-do	--
102	10-09-2015	K.R.Pete TLSC, Mandya district	Prevention of farmers suicide	600 persons

103	10-09-2015	Shiggaov TLSC, Haveri district	Prevention of malnutrition	200 persons
104	10-09-2015	Shivamogga DLSA	Prevention of farmers suicide	--
105	10-09-2015	Sullia TLSC, Dakshina Kannada District	Prevention of farmers suicide	150 persons
106	11-09-2015	Badami TLSC, Bagalkot district	Free & compulsory education	200 persons
107	12-09-2015	Kadur TLSC, Chikmagalur district	Prevention of malnutrition	150 persons
108	12-09-2015	Hoovinahadagali TLSC, Ballari district	General law	50 persons
109	16-09-2015	B.Bagewadi TLSC, Vijayapura District	Compulsory Education	250 persons
110	18-09-2015	Badami TLSC, Bagalkot district	Prevention of malnutrition	50 persons
111	19-09-2015	Turuvekere TLSC, Tumakuru District	Prevention of farmers suicide	180 persons
112	28-09-2015	Jewargi TLSC, Kalaburagi District	Prevention of farmers suicide	100 persons
113	29-09-2015	Raichur DLSA	Regarding mediation	-
114	30-09-2015	Kadur TLSC, Chikmagalur district	Prevention of farmers suicide	500 persons

RAJASTHAN

Special Schemes of RSLSA to provide legal services to Weaker and Marginalized Sectors of Society

Keeping in view the limited role of Legal Services Institutions, limited resources and to avoid the criticism of interference in the jurisdiction of other Departments, in 2015, RSLSA has launched following welfare schemes to provide socio-legal services to the weaker and marginalized sections of the society-

1. Legal Services to Senior Citizens

- Legal Awareness Teams regularly visit the old age homes, villages, Night Shelters (Rainbasera) etc. to make senior citizens aware of their rights.
- If they intend to initiate legal action against their successors, free legal aid is provided to them.
- Assistance to the senior citizens to ensure the fruits of various welfare schemes launched for them.
- Object is to ensure that no senior citizen is left without free legal aid and advice, which he deserves and needs.

Under this scheme, during the quarter, **244** camps were organized thereby benefiting 43-48 Senior citizens. This includes the visits of Old Age Homes.

2. Legal Services to Inmates and children in conflict with law

- On stipulated days, legal awareness teams visit Jails, observation homes and special homes to ensure that no inmate or child in conflict with laws is deprived of legal aid and advice.
- It is being ensured through these visits that no under-trial remains in Jail any more against the provisions of Section 436-A Cr.P.C.
- At each Juvenile Justice Board, the services of Panel Lawyers are available to ensure legal aid and advice to all the children in conflict with law.
- The services of Panel Lawyers are also made available to Child Victims to ensure child friendly judicial system.

During the quarter, 180 camps were organized for inmates thereby benefiting 1296 persons.

3. Legal Services for Protection of Child Rights and effective implementation of Children Welfare Schemes

- RSLSA has launched a scheme for protection and enforcement of Child Rights through public awareness programmes and sensitization against child marriages, child labour and child abuse and to -
- improve the conditions of various children home.
- ensure compensation and rehabilitation to rescued Child Labour under Victim Compensation Scheme.
- assist the children and their parents in getting benefits of various welfare schemes.

Under this scheme, during the quarter, 318 camps were organized thereby benefiting 7304 persons.

4. Legal Services to Labours including victims of occupational disease in mining areas

- Scheme for legal services to labours in unorganized sector through Legal Awareness Teams on the lines of NALSA Scheme.
- The Legal awareness teams visit the mining areas and neighbouring villages to make labours aware of their rights and to assist the labour suffering from occupational disease like Silicosis, Asbestoses, Tuberculosis etc. to get benefit of compensation and the facility of treatment through Rajasthan Environmental Health Board.

During the quarter, 160 camps were organized for Labours to make them aware of their rights and other welfare schemes launched by Government. 4238 persons were benefited.

5. Legal Services to Tribals

- Regular Visits by Awareness Teams in Tribal Areas for Legal awareness amongst Tribals of their rights and privilege under different laws and to make Tribals available legal aid, advice to get the benefits of various welfare schemes made for them.

During the quarter, 171 camps were organized to provide legal aid and assistance to the Tribals and persons belonging to Scheduled Caste thereby benefiting 10707 persons.

6. Legal Services to Mentally ill persons

- RSLSA has taken effective measures to ensure effective compliance of NALSA scheme for Mentally ill persons.

During the quarter, 108 camps were organized to benefit mentally ill persons. 1707 persons were benefited.

7. Legal Services to Sex Workers

- Launched Scheme to provide legal aid and advice to the sex workers through Awareness Teams including taking care of the aspect of rehabilitation by resorting the Victim Compensation Scheme.
- If any sex worker is found to be dragged in this area and willing to be rescued, free legal aid and advice would be

provided to initiate appropriate criminal action against the perpetrator.

In this scheme, during the quarter, 128 camps were organized thereby benefiting 3381 persons.

8. Special Child Marriage Restraint Campaign through Mobile Vans

To sensitize the rural public towards the ills and aftermaths of child marriage, RLSA has launched a special Child Marriage Restraint Campaign through its 8 Mobile Vans in 16 Child Marriage Prone Districts (Special Child Marriage Campaign through Mobile vans in 16 Child Marriage Prone District (Ajmer, Alwar, Bhilwara, Baran, Bundi, Chittorgarh, Dausa, Jhalawar, Karauli, Jhoshpur, Sawai Madhopur, Merta City, Churu, Pali, Tonk, Udaipur). In this campaign, from 01.07.2015 to 31.08.2015, 1869 camps were organized benefiting 1,16,448 persons.

9. Effective Implementation of Victim Compensation Scheme

Rajasthan State Legal Services Authority has prepared simple guidelines to ensure effective implementation of Victim Compensation Scheme. It helped the scheme to get momentum and an amount of Rs. 2,07,78,194/- was disbursed as compensation only in this quarter (July to September, 2015) whereas in whole year 2014+15, the compensation was less than Rs. 2 crore.

MAJOR CONFERENCES, MEETINGS, SEMINARS, LITERACY CAMPS & OTHER LEGAL SERVICE PROGRAMMES OF RAJASTHAN STATE LEGAL SERVICES AUTHORITY FROM JULY TO SEPTEMBER 2015

S.	No. Date	Place	Particular
01	04.07.2015	Doordarshan Jaipur	Programme 'Kanoon Ki Baat' was telecast on Doordarshan on the Subject Property Rights and Legal Remedies. Participants were Sh. Kamal Raj Singhvi, Retired District Judge and Shri R.K. Daga, Advocate
02	05.07.2015	All India Radio Jaipur	Programme 'Kanoon Ki Baat' on Rajasthan Excise Act was broadcast on all Channels of All India Radio across the State. Speaker was Ms Meghna Jain, Full Time Secretary, DLSA Jaipur District. The programme was further broadcast on various Community Radios.

03	09.07.2015	National Lok Adalat across State	National Lok Adalat was organized in all courts across the State for cases related to Public Utility Services such as Telephone, Water, Electricity, Sanitation, Housing, LPG and Banking services. In this Lok Adalat 1351 cases were settled involving an amount of Rs. 11,71,9078/-
04	10.07.2015	Meeting at Udaipur	Mega Legal Awareness & Public Welfare Camp was organized at Banswara. This camp was participated by Hon'ble Mr. Justice Ajit Singh, Acting Chief Justice, Rajasthan High Court & Hon'ble Mr. Justice Ajay Rastogi, Executive Chairman, RLSA. In this camp 433 persons in all were benefited under various Govt. Welfare Schemes including tricycles, wheel chair, Jaipur Foot, Sr. Citizen & Widow Pension houses to Gadia Luhars, Palanhar Scheme etc.
05	11.07.2015	Mega Legal Awareness & Public Welfare Camp Banswara	Programme 'Kanoon Ki Baat' on POC SO Act was broadcast on all Channels of All India Radio across the State. Speaker was Dr. Shakti Singh Shekhawat, Deputy Secretary, RLSA. The programme was further broadcast on various Community Radios.
06	12.07.2015	All India Radio, Jaipur	Mega Legal Awareness & Public Welfare Camp was organized at Kotda, Udaipur. Kotda is a remote tribal area of Udaipur. This camp was participated by Hon'ble Mr. Justice Ajit Singh, Acting Chief Justice, Rajasthan High Court & Hon'ble Mr. Justice Ajay Rastogi, Executive Chairman, RLSA. In this camp 2912 persons in all were benefited under various Govt. Welfare Schemes including tricycles, wheel chair, Jaipur Foot, Sr. Citizen & Widow Pension, houses to Gadia Luhars, Palanhar Scheme etc.
08	12.07.2015	Mega Legal Awareness & Public Welfare Camp Kotda, Udaipur	Programme 'Kanoon Ki Baat' on Negotiable Instruments Act was broadcast on all Channels of All India Radio across the State. Speaker was Sh. Vikas Singh Chaudhary, Judicial Officer. The programme was further broadcast on various community Radios.
09	19.07.2015	All India Radio Jaipur	Programme 'Kanoon Ki Baat' was telecast on Doordarshan on the Subject Consumer Rights. Participants were Sh. U.C. Barupal, Retired District Judge. Smt. Shikha Kamboj, Associate Professor, Law and housewives Smt. Anita

			Singh, Meghna Kumawat and Meghna Agarwal.
10	23.07.2015	Video with Chairman & Full Time Secretaries, DLSAs.	Programme 'Kanoon Ki Baat' on Consumer Protection Act was broadcast on all Channels of All India Radio across the State. Speaker was Dr. Shakti Singh Shekhawat, Deputy Secretary, RLSA The programme was further broadcast on various Community Radios.
11	25.07.2015	Doordarshan, Jaipur	Programme 'Kanoon Ki Baat' on Human Rights was broadcast on all Channels of All India Radio across the State . Speaker was Dr. Shakti Singh Shekhawat, Deputy Secretary, RLSA The programme was further broadcast on various Community Radios.
12	26.07.2015	All India Radio, Jaipur	National Lok Adalat was organized across the State in all Courts for Bank & Financial Institution recovery cases and Cheque dishonour cases. In this Lok Adalat 14116 cases were disposed of and claims of Rs. 28,04,60,719/- were settled.
13	31.07.2015	Meeting at Jaipur	Programme 'Kanoon Ki Baat' on Fundamental Rights was broadcast on all Channels of All India Radio across the State . Speaker was Dr. Shakti Singh Shekhawat, Deputy Secretary, RLSA The programme was further broadcast on various Community Radios.
14	02.08.2015	All India Radio, Jaipur	For effective implementation of Victim Compensation Scheme, 2011 and to ensure compensation to child victims in particular, a State Level Seminar was organized in the Auditorium of Agriculture Management Institute, Durgapura, Jaipur. Hon'ble Mr. Justice Sunil Ambwani, the then Chief Justice of Rajasthan High Court was the Chief Guest of the occasion. The Seminar was graced by Hon'ble Mr. Justice Ajay Rastogi, Executive Chairmen, RLSA and other Hon'ble Judges of Rajasthan High Court. All the Chairmen, DLSAs, all Chairman, TLSCs, all Secretaries of DLSAs, Government officials and representatives of NGOs were delegates in the Seminar.
15	08.08.2015	National Lok Adalat Across the State	Programme 'Kanoon Ki Baat' on Independence Day was broadcast on all Channels of All India Radio across the State. Speaker was Ms. Meghna Jain, Full Time Secretary, Jaipur District. The programme was further broadcast on various Community Radios.

16 09.08.2015	All India Radio, Jaipur	Programme 'Kanoon Ki Baat' on Constitution of India was broadcast on all Channels of All India Radio across the State. Speaker was Dr. Shakti Singh Shekhawat, Deputy Secretary, RSLSA. The programme was further broadcast on various Community Radios.
17 16.08.2015	State Level Seminar at Jaipur	Programme 'Kanoon Ki Baat' on Fundamental Duties was broadcast on all Channels of All India Radio across the State. Speaker was Sh. Vikas Singh Chaudhary, Judicial Officer. The programme was further broadcast on various Community Radios.
18 16.08.2015	All India Radio, Jaipur	Programme 'Kanoon Ki Baat' was telecast on Doordarshan on the Subject Equal opportunities of Education for all. Participants were Sh. K.C. Jat, Retired District Judge, Shri Hari Krishna Advocate, Dr. Ved Prakash and Smiti Padi.
19 23.08.2015	All India Radio, Jaipur	Programme 'Kanoon Ki Baat' on Lokayukta was broadcast on all Channels of All India Radio across the State. Speaker was Sh. Vikas Singh Chaudhary, Judicial Officer. The programme was further broadcast on various Community Radios.
20 30.08.2015	All India Radio, Jaipur	About Public Utility Services National Lok Adalat May be organised and 2020 Cases may be settled in this Lok Adalat in all Rajasthan.
21 05.09.2015	Doordarshan, Jaipur	Programme 'Kanoon Ki Baat' was telecast on Doordarshan on the Subject Good Behaviour with Women. Participants were Dr. Chetna. FTS, RHCLSC, Sh. Sudhir Kumar Tiwadi and Sh. Om prakash Singhhvi, Advocates.
22 06.09.2015	All India Radio, Jaipur	Mega Legal Awareness & Public Welfare Camp was organized at Bassi, District Jaipur. This camp was participated by Hon'ble Mr. Justice Ajit Singh, Acting Chief Justice, Rajasthan High Court & Hon'ble Mr. Justice Ajay Rastogi, Executive Chairman, RSLSA. In this camp 8906 persons in all were benefited under various Govt. Welfare Schemes including tricycles, wheel chair, Jaipur Foot, Sr. Citizen & Widow Pension, houses to Gadia Luhars, Palanhar Scheme etc.
23 12.09.2015	National Lok Adalat Across the State	Programme 'Kanoon Ki Baat' on Mediation was broadcast on all Channels of All India Radio across the State. Speaker was Sh. Surendra Purohit, Judicial Officer. The

			programme was further broadcast on various Community Radios.
24	12.09.2015	Doordarshan, Jaipur	Hon'ble Mr. Justice J.K. Ranka, Judge Rajasthan High Court inaugurated the ADR Centre Building at District Jhunjhunu. Sh. Satish Kumar Sharma, Member Secretary, RSLSA was also present on the occasion. About Public Utility Services Nation Lok Adalat May be organised and 2020 Case may be settled in this Lok Adalat in all Rajasthan.
25	13.09.2015	Mega Legal Awareness & Public Welfare Camp At Bassi, Jaipur	Programme 'Kanoon Ki Baat' was telecast on Doordarshan on the Subject Good Behaviour with Women. Participants were Dr. Chetna, FTS, RHCLSC, Sh. Sudhir Kumar Tiwadi and Sh. Om prakash Singhvi, Advocates.
26	13.09.2015	All India Radio, Jaipur	Mega Legal Awareness & Public Welfare Camp was organized at Bassi, District Jaipur. This camp was participated by Hon'ble Mr. Justice Ajit Singh, Acting Chief Justice, Rajasthan High Court & Hon'ble Mr. Justice Ajay Rastogi, Executive Chairman, RSLSA. In this camp 8906 persons in all were benefited under various Govt. Welfare Schemes including tricycles, wheel chair, Jaipur Foot, Sr, Citizen & Widow Pension, houses to Gadia Luhars, Palanhar Scheme etc.
27	19.09.2015	Inauguration of ADR Centre Building Jhunjhunu	Programme 'Kanoon Ki Baat' on Mediation was broadcast on all Channels of All India Radio across the State. Speaker was Sh. Surendra Purohit, Judicial Officer. The programme was further broadcast on various Community Radios.
			Hon'ble Mr. Justice J. K. Ranka, Judge Rajasthan High Court inaugurated the ADR Centre Building at District Jhunjhunu. Sh Satish Kumar Sharma, Member Secretary, RSLSA was also present on the occasion.
28	19.09.2015	Doordarshan, Jaipur	Programme 'Kanoon Ki Baat' was telecast on Doordarshan on the Subject Fundamental Rights. Participants were Smt. Sunita, Sr. Advocate, Sh. Chandrabhan Gupta and Sh. Vijay Kumar Mishra Advocates.

29	24.09.2015	All India Radio, Jaipur	Programme 'Kanoon Ki Baat' on Directive Principles for States was broadcast on all Channels of All India Radio across the State, Speaker was Dr. Shakti Singh Shekhawat, Deputy Secretary, RSLSA. The programme was further broadcast on various Community Radios.
30	24.09.2015	Inauguration of ADR Centre Building, Jodhpur, Metro	ADR Centre Building of Jodhpur Meropolitan was inaugurated by Hon'ble Mr. Justice Ajit Singh, Acting Chief Justice of Rajasthan High Court. Hon'ble Mr. Justice Ajay Rastogi, Executive Chairman, RSLSA also graced the occasion.
31	26&27.09.2015	Lucknow, U.P.	Hon'ble Mr. Justice Ajayu Rastogi, Executive Chairman, RSLSA and Hon'ble Dr. Justice Vineet Kothari, Judge, Rajasthan High Court and Judge-in-charge mediation, Rajasthan High Court, Jodhpur attended the Regional Mediation Conference of Zone-2 comprising of States of Madhya Pradesh, Utter Pradesh, Delhi, Rajasthan and Gujarat at Lucknow. Sh. Satish Kumar Sharma, Member Secretary, RSLSA also participated in the conference.
32	26.09.2015	Doordarshan, Jaipur	Programme 'Kanoon Ki Baat' was telecast on Dooradarshan on the Subject Fundamental Duties of Citizens. Participants were Sh. J. D. Sharma, Retired District Judge, Smt. Urmila Sharma and SH. Anit Mittal, Advocates.
33	27.09.2015	All India, Radio, jaipur	Programme 'Kanoon Ki Baat on Legal Aid and Legal Literacy was broadcast of all Channels of All India Radio across the State. Speaker was Dr. Chetna, FTS, RHCLSC. The programme was further broadcast on various Community Radios.
34	30.09.2015	Orientatin Programme For Child Marriage Prohibition Officer At Jaipur	In Rajasthanm Tehsidars are nominated as Child Marriage Prohibition Officer. To acquaint these newly appointed Tehisldar Child Marriage Prohibition Officers with their role and duties in prevention of child marriages, one day orientation programme was organized at Jaipur in association with NGO 'Save the Children'. The programme was participated by 68 Child Marriage Prohibition Officers.

S. No. Programme/Activites		Remarks
01	Mediation & Conciliation Activities from July 2015 to September 2015	During July 2015 to September 2015, total 4618 cases were referred for mediation by Hon'ble High Court and subordinate courts, out of which 679 cases were disposed of successfully by mutual consent of the parties.
02	Regular Legal Services Activities from July 2015 to September 2015	<p>Lok Adalat Under Section 19 (including conventional Lok Adalat)</p> <p>Taluka Level, 2,21,045 cases were taken up and 1,26,489 cases 3814 Lok Adalats were organized at High Court District and disposed of An amount of Rs. 14,77,94,409/- was awarded n 898 MACT cases.</p> <p>Legal Literacy Camps</p> <p>From July 2015 to September 2015, 2,295 Legal Literacy Camps were organized and total 2,16,271 person were benefited through these Legal Literacy Camps.]</p> <p>Legal Aid</p> <p>From July 2015 to September 2015, 1674 Persons were benefited through Legal Aid during the said period</p> <p>Legal Aid Clinic</p> <p>From July 2015 to September 2015, 10296 Received application 5363 applications were disposed of.</p>
03	National Lok Adalat On 11.07.2015, National Lok Adalat on 12.09.2015	National Lok Adalat was organized in all the Courts of the State from Taluka to High Court for pending and prelitigation cases related to Public Utility Services and other Categories etc. In this National Lok Adalat 1351 cases were disposed and Awards of Rs. 11,71,91,078/-
		<p>National Lok Adalat was organized in all the Courts of the State from Taluka to High Court for pending and prelitigation cases related to Bank Recovery Suits etc. In this National Lok Adalat. 14,116 cases were disposed and Awards of Rs. 28,04,60,719/-</p> <p>National Lok Adalat was organized in all the Courts of the State from Taluka to</p>

		High Court for pending and pre litigation cases related to Criminal Cases etc. in this National Lok Adalat, 2020 cases were disposed and Awards of Rs. 2,25,85,730/-
04	Programmes organized as per action Plan 2015-16 during July 2015 to September 2015	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 feticide, 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 2295 such Legal literacy Camps were organized
05	Weekly Programmed "Kanoon Ki Baat" on Radio.	RSLSA is regularly holding a weekly programme "Kanoon Ki Baat" on every Sunday evening from 5.45 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.
06	Mega Legal Awareness and WelfareCare 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 'Mega Legal Awareness and Public Welfare Camp Scheme' with the object to organize Legal Literacy camps to spread legal awareness and at the same time with the help of concerned Govt. Departments. Legal service institutions facilities the benefits of various welfare schemes to the needy and deserving persons.

		<p>In this scheme, DISA Chairman and District Collection select a village Panchyat to Panchya Samiti and fix the venue and date of camp Almost three months time is taken for preparation. All the comcerned departments are instructed ot 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 needly 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 our for want of the formalities, concerned Govt. officers ensure that the benefits are givin in due course of time.</p> <p>Since inception of this Scheme in June 2015, than 5 Lac People been benefited.</p>
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UTTER PRADESH

During the quarter July-September, 2015, Monthly National Lok Adalats (MNLAs) were organised on 11th July, 2015 , 8th August, 2015 and 12th September, 2015 focused on the specific subject matters relating to Electricity/Water/Telephone/Public Utility disputes, Bank matters- Section-138,NI Act, Recovery suits etc. (pending and pre-litigation matters) and Criminal compoundable matters can be taken up for settlement through the mode of Lok Adalats. During the quarter ending September,2015 in the 370 Lok Adalats that were organized and 3,54,656 cases including 1,38,108 Petty Criminal Cases; 24,663 Revenue Cases; 5,695 Civil Cases; 07 land acquisition; 3,234 Matrimonial Disputes; 30,469 Bank Loan Disputes; 51 Labour Cases; 957 Motor Accident Claim Petitions and 1,51,472 Other Cases were decided. Compensation of Rs. 22,38,14,521/- was

awarded /paid to the victims/claimants in the Motors Accidents Claims Petitions. Besides total amount of Rs. 1,80,67,550/-was imposed and realized as fine in Petty Criminal Cases.

Regional Conference on Mediation

The Mediation and Conciliation Project Committee of Hon'ble Supreme Court of India was pleased to choose Lucknow as the host of the Regional Conference on Mediation of Zone -2, comprising the States of Uttar Pradesh, Delhi, Gujarat, Madhya Pradesh and Rajasthan. The 02 days low budget conference was organized at the Judicial Training and Research Institute (JTRI), Lucknow on 26 -27 September, 2015. The conference was attended by Hon'ble Mr. Justice Madan B. Lokur, Judge, Supreme Court of India and Member, Mediation & Conciliation Project Committee, Supreme Court of India; Hon'ble Mr. Justice R.K. Agrawal, Judge, Supreme Court of India; Hon'ble Dr. Justice D.Y. Chandrachud, Chief Justice, High Court of Judicature at Allahabad & Patron-in-Chief, UPSLSA; Hon'ble Mr. Justice Rakesh Tiwari, Senior Judge, High Court of Judicature at Allahabad and Executive Chairman, UPSLSA; Hon'ble Judges of the Mediation Committees of the participating High Courts; Member Secretaries of the participating State Legal Services Authorities; Mediators; Coordinators and other participants.

The conference was organized with the objective of identifying the challenges in the implementation and management of mediation activities; the solution to overcome the challenges and to spread awareness and popularize mediation as an effective tool of dispute settlement.

The 02 days conference started with inaugural session presided over by Hon'ble Mr. Justice Madan B. Lokur. There were two working sessions, the first of which, focused on the reports by the participating High Courts on the achievements of the mediation efforts in the respective States, Challenges in the implementation and management of mediation activities, Solutions to overcome the challenges faced in the implementation of the mediation programmes and Implementation of plan for the year 2015-2016. The second working session covered presentation by the break out groups.

The conference ended with the valedictory session, wherein Hon'ble Mr. Justice Madan B. Lokur summed up the discussion and the various issues and concerns that were raised in the earlier sessions. Hon'ble Dr. Justice D.Y. Chandrachud concluded the conference by proposing the vote of thanks.

Legal Awareness / Publicity on Programmes / Schemes Related to Legal Aid, ADR and Law Pertaining to Women, Children & Marginalized Sections through AIR, DD and Community Radio.

Under the directions of the Hon'ble Executive Chairman, NALSA and the decisions taken in the 13th All India Meet of State Legal Services Authorities at Ranchi, Jharkhand, the UPSLSA in all earnestness has started the awareness programmes on issues of social, legal and those that are important from the perspective of ensuring access to justice; rights and entitlements of the common people and for protecting the rights and interests of women and children. In this context, such programmes are being broadcast on regular basis through AIR and Community Radio. The programme on Doordarshan under the title ' Kanoon ki Batein' though are not being telecast on regular basis, but so far during the last three months, programmes covering subjects on 'Domestic Violence'; 'Acid Attack & Rights of Victims subjected to such Inhuman Act'; 'Mediation'; 'Laws protecting Women' etc. have been covered, where the officers of the UPSLSA participated. The Legal Awareness Programme through the Lucknow Centre of AIR, which is broadcast from all the centres in the State of Uttar Pradesh, goes on air at 8:00 pm every Sunday. The programme starting in the month of February, 2015 has been broadcast without break every Sunday. The speakers / resource persons in the programme have been mostly the judicial officers, posted on deputation at the Authority. On few occasions, resource persons / experts have been outsourced to provide a better perspective on the issues under discussion. In the programmes that have been recorded and broadcast till date, almost all the areas / topics that were suggested by NALSA have been covered. Specifically during the July to September, 2015 quarter issues related to mediation, Public Interest Litigation, Acid Attack, Protection of children from Sexual Offences Act, 2012, ADR, Ill effects of tobacco and liquor consumption, Lok Adalats etc. have been covered. A special live

phone in programme on issues pertaining to women was also organized. In coordination with the City Montessori School, Lucknow the legal awareness programme on community radio run by the school has been started.

Visits of the Hon'ble Executive Chairman

With the objective of imparting pace to the legal activities being carried out by the legal services institutions at the district level, the Hon'ble Executive Chairman, UPSLSA has been visiting the DLSAs throughout the State. The purpose of the visit is to take stock of the ground realities, analyse & identify the shortcomings and accordingly determine the steps to be taken for improving the conditions. During the months of July, August and September the Hon'ble Executive Chairman has visited the districts of Saharanpur, Gorakhpur, Varanasi, Lucknow, Faizabad and Meerut.

Inspection of Mental Hospitals

The Member Secretary, UPSLSA in compliance of the directions of the Hon'ble Supreme Court of India, visited the mental hospitals in the districts of Agra, Bareilly and Varanasi for making an assessment of the conditions of the inmates in the mental asylum, the medical facilities being provided, the existing physical infrastructure, quality of food being provided, hygienic conditions etc. The report prepared on this basis has been duly communicated to all concerned so that the adverse conditions may be rectified at the earliest.

Utilization of Mobile Lok Adalat Van

During the second quarter of the financial year 2015-16, the mobile lok adalat van available at the disposal of the UPSLSA has been extensively used for legal awareness and conduct of Mobile Lok Adalats. Accordingly the mobile van has visited the districts of Mathura, Meerut, Gautam Budh Nagar, Ghaziabad, J.P. Nagar, Moradabad, Rampur, Bareilly, Shajahanpur, Sitapur, Unnao, Kanpur Nagar and Lucknow.

The U.P. State Legal Services Authority has been at the fore front of taking initiatives for protecting the rights and interest of the juveniles in conflict with law and the child in need of care and protection. Taking cue from the experiment of Lok Adalats, the UPSLSA has been regularly organizing '**Bal Samwad Adalats**'

for settling the matters regarding juveniles in conflict with law, who have been implicated in criminal matters, which entails punishment up to 7 years for adult offenders. The initiative has established itself as a harbinger of great relief for such children. During the current financial year i.e. April to October, 2015 total of 325 matters pertaining to juveniles in conflict with law were settled through the bal samwad adalats.

In addition to providing legal awareness to the people through legal awareness camps organized from time to time, the UPSLSA to provide legal assistance to persons looking for legal advice and counsel, started the **toll free number** in April, 2009. The services are provided for a caller from anywhere in the country, through 3 lawyers having experience of the application of law and working of the High Court and the District Court. During the quarter ending on 30th September, 2015 a total of 618 persons have been provided legal assistance through this facility.

CHANDIGARH

A. Lok Adalats and Mediation Centers:-

1. Under the guidance of Hon'ble Mr. Justice Hemant Gupta, Judge Punjab & Haryana High Court, Chandigarh, and Executive Chairman SLSA, U.T., Chandigarh **three National Lok Adalats 11.07.2015, 08.08.2015 and 12.09.2015** were organized in the premises of District Courts Complex, Sector 43, Chandigarh. On **11.07.2015** total number of **361 Public Utility Services cases** were settled and amount of **Rs. 2,10,78,000/-** was settled and **08.08.2015** total number of **260 Consumer Disputes** cases were settled and amount of **Rs. 35,16,583/-** was settled and **12.09.2015** total number of **123 Criminal Cases** were settled and amount of **Rs. 18,00,422/-** was settled. During these Lok Adalats **700 summary cases** were settled, fine of **Rs. 84,000/-** was recovered.
2. During the quarter ending September 2015, Permanent & Continuous Lok Adalat Settled **19 cases** at pre-litigative stage and **09 referred cases** were settled in the District Courts.
3. Permanent Lok Adalat for Public Utility Services disposed of **900 cases** and an amount of **Rs. 15,43,046.08/-** was awarded as compensation.

4. Mediation and Conciliation Center functional in the District Courts Complex, Sector 43, Chandigarh, during the quarter settled **59** 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 **235 cases** and an amount of **Rs. 2,76,53,300/-** has been settled as compensation in Motor Accident Claim Cases.

B. Legal Aid:-

During the quarter, free Legal Aid was provided to **322 beneficiaries** under Section 12 of the Legal Services Authority Act, 1987.

C. 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. Regional Meet on Mediation:

On 22nd and 23rd August, 2015 a Regional Meet on Mediation was organized by Hon'ble Mediation Committee of Punjab and Haryana High Court under the aegis of MCPC Supreme Court of India in Judicial Academy, Chandigarh. 13 Mediators alongwith the Law Officer, Rajeshwar Singh attended the two days Meet.

2. Two days Workshop cum Training Programme on Drugs Abuse :

The two days workshop-cum-training programme for teachers of colleges and schools of Chandigarh was held at Chandigarh Judicial Academy, Chandigarh by State Legal Services Authority, UT Chandigarh in partnership with SPYM and Don Bosco Research Centre, Mumbai with the help of NSS Cell, Education Department, Chandigarh. The teachers from 20 colleges and 42 schools of Chandigarh, who are the NSS Programme Officers attended the workshop.

On the first day, Dr. Yatan Pal Singh from All India Medical Institute, New Delhi, spoke about the basics of drug abuse and elaborated about its harm and consequences. He also

underlined dangers of drug abuse and detailed the signs and symptoms of drug addiction.

On the second day of the workshop discussed the measures to prevent the drug abuse including facilitation skills and development of plan for dissemination of information amongst students in the schools and colleges of Chandigarh by the trained teachers.

The purpose of the training was to orient the school and college teachers to equip them with necessary skills to carry messages of substance use prevention to students along with enabling them to identify early stages of addiction and risky behavior and facilitate students with ways to deal with such situations.

3. 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 Punjab University Chandigarh. The following programmes were aired on different topics and dates:

1. 01.08.2015 Talk on death Penalty By Sh Jatinder Kumar Kamboj, Advocate
2. 7.08.2015 Talk on Anti Ragging By Sh Jagtar Kureel, Advocate
3. 22.08.2015 Talk on Reservations By Ms Vijayta Sharma, Advocate
4. 29.08.2015 Talk on Transgender by Mr Jatinder Kumar Kamboj , Advocate
5. 05.09.2015 Talk on Labour Laws by Sh Jatinder Kumar Kamboj
6. 12.09.2015 Talk on Banking Laws by Ms Vijayta Sharma, Advocate

4. Legal Literacy Camps in schools of Chandigarh:

Total 53 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 and Law students interning with Authority were speakers in these camps.

5. Awareness Camps and Surveys :

On 23.09.2015 and 30.09.2015 in colony no. 4 and Khuda Jassu respectively two Nukkad Nataks was conducted with the help of students of University Institute of Legal Studies, [Punjab University, Chandigarh](#), Para Legal Volunteers and Mentors of Legal Aid Clinics on the topics 'Drug abuse and [Preserving Environment](#)'. The Mobile Legal Awareness Camps cum surveys were organized with the help of the Law students/interns pursuing internship on 10th to 12th July, 2015 in [Burail, Ramdarbar, Bupudham colony, D.M.C, Maloya, Palsora and Indira colony](#). The people were also told about their rights, duties and Government Welfare Schemes.

6. 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:

Date	Topics	Speakers
30.07.2015	Juvenile Justice (Care and Protection) Act 2000 and Protection of Children from Sexual offences Act 2012 (POCSO), Women and their Rights , Alternate Disputes Redressal Mechanism, Working and duties of Para Legal Volunteers, Schemes of Social welfare	Sh. Jatinder Kumar Kamboj, Mrs. Manjit Kaur Sandhu, Sh. Rajeshwar Singh, Sh. Jagtar Kureel and Sh. Sanjeev Gulati,

31.07.2015	Charge and Notice.	Mrs Kanchan Bala Chandel and Mrs. Neelam Sandhu Kohli.
31.08.2015	Transgenders and AIDS/HIV	Mrs. Manjit Kaur Sandhu, Mr. Jatinder Kumar Kamboj and Mr. Sandeep Mittal Deputy Director of Chandigarh State AIDS Control Society, Chandigarh
29.09.2015	Protection of Women from Domestic Violence Act 2005	Ms. Manjit Kaur Sandhu and Sh. Jatinder Kumar Kamboj

D. Project in collaboration with N.G.Os :

New Project 'Hamari Pathshala':

After the survey of Indira colony, the problems were discussed with residents of the area and a project to solve these problems was prepared on behalf of the NGO 'Human Social Justice Panel'. The project has been approved by the SLSA, U.T. Chandigarh for the residents of Indira Colony. This project has been started on 15th August 2015 . The following activities are being undertaken by this project:

The following activities are being undertaken by this project:

- a) Running of preparatory classes for children in the groups of 20 -25 students for different age groups. Each group is taught for 2 to 3 hrs daily as per convenient time to them. They are being prepared for admission in school during next session. Volunteers from his NGO and PLVs teach these students.
- b) Some students though, they are admitted in local govt. schools but they are not performing well in the classes. Reason being classes are overcrowded and teachers cannot give additional attention to these weak students. The team of PLV has collected the names of such students from class teachers. They have started

special classes for these students after school hours to help them in home work and to bring them at par with other students

c) The team teaches adults, ladies and gents who are willing and they are preparing them so that they are at least able to read simple Hindi and Counting etc.

d) The team have started skill development classes for ladies such as stitching, cutting, embroidery etc so that they can earn something in their spare time.

e) The team is running counseling sessions for alcoholics and drug addicts and seeing good results. They are pursuing chronic cases of drug addicts who have been got admitted in de-addiction centre in Govt. Hospital, Sector 32 Chandigarh. Two boys aged 14 to 22 have been admitted in De-addiction Centre in July 2015 with the help of SLSA, U.T. Chandigarh.

E. Visits to Model Jail Chandigarh:

Sh. Lal Chand, Member Secretary, State Legal Services Authority, U.T. Chandigarh 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 every Monday of the week. He provided free legal aid to un represented 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.

DAMAN& DIU

The District Legal Services Authority, Daman organized the Monthly National Lok Adalat under the direction of Hon'ble State Legal Services Authority Diu & Daman held on 11/07/2015. Civil, Criminal and Pre-Litigation Cases were kept in the said Lok Adalat for mutual settlement before two panels consisting of Member Judge, Member Advocates, and Social workers. Total 03 Civil Cases were disposed off out of 08 civil cases and settlement amount of rupees 2,29,351. Total 21 Criminal cases deposed off out of 26 and settlement amount rupees 7,64,000/-

The District Legal Services Authority, Daman organized the Monthly National Lok Adalat under the direction of State Legal Services Authority Diu & Daman on 08/08/2015. Civil, Criminal and Pre-Litigation Cases were kept in the said Lok Adalat for mutual settlement before two panels consisting of Member Judge, Member Advocates, and Social workers. Total 01 Civil Cases disposed off out of 02 civil cases and 14 Criminal cases disposed off out of 15.

The District Legal Services Authority, Daman organized the Monthly National Lok Adalat on 12/09/2015. 19 Criminal cases disposed off out of 23.

DELHI

The Legal Services Programmes/Activities of Delhi State Legal Services Authority has been divided into four parts viz. Legal Aid, LokAdalat, Legal Literacy and Others.

I. LEGAL AID

(i) Visits to Jails and Observation 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 Observation Home has been assigned to one of the Secretary of DLSA. They have been directed to visit the home once in a week and to supervise the work of Legal Services Advocates. In the quarter July – September, 2015, the Legal Services Advocates made **942 visits to Jails and 91 visits to Observation Homes, while Ld. Secretaries made 30 visits to Jails and 16 visits to Observation Homes in Delhi.** During the visit, they assess the Legal Services need/requirement of Juveniles in Conflict with Law. **In the abovesaid quarter, the empanelled Legal Services Advocates of JJBs made 60 visits to Observation Homes.**

(ii) Visits to Children Homes

Vide office order dated 20th July, 2015, the empanelled Legal Services Advocates of CWCs have been directed to visit the respective Children Homes after the court working hours once in a week and put atleast two hours of services on each such visit. During the visit, they assess the Legal Services need/requirement of Children in need of Care and Protection. **In the abovesaid**

quarter, the empanelled Legal Services Advocates of CWCs made 46 visits to Children Homes in Delhi.

Besides the above, 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 the DSLSA about the problems faced by the inmates and which need to be immediately addressed.

(iii) Beneficiaries of Legal Services

During the quarter July to September, 2015, Delhi State Legal Services Authority has provided legal aid/assistance to following number of persons:

Category	No. of Legal Aid Beneficiaries
Schedule Caste	195
Schedule Tribe	03
Backward Class	Nil
Women	2393
Children	40
In custody	4321
General	991
Others	121
Total	8064

Further, in the abovesaid quarter, the Delhi State Legal Services Authority also dealt with

- 391 cases of DAR/MACT Cases.
- 819 cases of Missing Children.
- 189 cases of victims of sexual assault
- Under Delhi Victims Compensation Scheme, 2011, compensation was awarded in 97 cases and the total amount of compensation was Rs. 1,73,75,000/-

II. LOKADALAT

During the abovesaid quarter, the LokAdalats organized by DSLSA are as under:-

(i) Monthly National LokAdalat:-

As per the Calendar of National Legal Services Authority, Delhi State Legal Services Authority organised Monthly National Lok Adalats on Second Saturday of every month for the types of cases specified. However, other types of cases were also taken up by DSLSA in these LokAdalats. DSLSA organized LokAdalats in all the 11 Districts, Permanent Lok Adalats, Central Administrative Tribunal, State Consumer Disputes Redressal Commission, District Consumer Disputes Redressal Forums, Debt Recovery Tribunals, Company Law Board & Revenue Courts.

(ii) Daily Continuous LokAdalat:-

DSLSA has also devised a Mechanism/Protocol for organizing the **Daily Continuous LokAdalats (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 LokAdalats:-

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 LokAdalats is as under:-

S. No.	Category	No. of cases disposed of	Settlement Amount (in Rs.)	Fine realised (in Rs.)
Pre-litigation				
1	Traffic	109571	2,100	1,77,540
2	Telecom	127	10,82,076	
3	Electricity	1117	3,92,70,743	
4	Matrimonial	1		
5	Bank	377	5,30,23,041	
6	Electricity cases at PLAs	2480	98630267	

Post-litigation				
7	Traffic	2741	2,98,240	7,20,770
8	Crl. Compoundable	600	1,51,28,902	54,500
9	U/S 138 NI Act	815	95,84,15,447	-
10	Civil cases	160	43,58,676	-
11	Matrimonial cases	36	91,95,000	
12	Electricity cases	998	6,58,96,246	31,77,940
13	MACT	245	6,66,76,625	-
14	Bank cases	05	3,84,630	
15	Recovery Cases	50	3,30,910	
16	Consumer cases at District Consumer Disputes Redressal Forums	101	2,10,21,658	
17	Debt Recovery Tribunal	87	2,13,63,85,458	
18	Company Law Board	34	33,70,000	
19	Revenue cases	05	11,78,900	
20	Other cases	438	5,43,800	57150
	Total	1,19,988	3,47,51,92,719	41,87,900

Besides the above, **1562 cases were also disposed of in special sittings of plea-bargaining** held on the day of Monthly National Lok Adalat, in which settlement amount was Rs. 15,72,902/- and fine realized was Rs. 7,69,350/-.

III. LEGAL LITERACY

(1) Legal Literacy/Awareness Programme at GRCs/NGOs

During the abovesaid quarter, DSLSA organized 569 Legal Awareness Programmes at Gender Resource Centres/NGOs on the topics of “Fundamental Rights & Duties under Constitution of India, Maintenance and Welfare of Parents & Sr. Citizens Act, Benefits available to Sr. Citizens under various schemes, Protection of Women from Domestic Violence Act, Dowry Prohibition Act, Awareness Programmes for Socially and Economically weaker sections of Society with special reference to SC & ST/Minorities, Awareness Programmes on Unorganized Workers Social Security Act, 2008 in association with Labour Department, Govt. of NCT Delhi, Awareness Programmes for RWAs pertaining to Damage to Public Property Act 1984 along with Delhi Prevention of

Defacement of Property Act, 2007, Prevention of Environmental Laws with focus of Trees Act, Drugs and Substance Abuse, Protection of Women from Domestic Violence Act, Dowry Prohibition Act, Awareness Programmes for Socially and Economically weaker sections of Society with special reference to SC & ST/Minorities, Protection of Women from Sexual Harassment at Workplace, Delhi Victims Compensation Scheme etc.

(2). Legal Literacy Programmes for School Students

During the abovesaid quarter, the DLSAs organized **1272 Legal Literacy/Awareness Programmes** for Schools students on the topics of Fundamental Rights & Duties under the Constitution of India, functioning of Police Stations and Set up of Judicial System in India, Drugs and Substance Abuse, functioning of Police Stations, Set up of Judicial System in India, Maintenance and Welfare of Parents and Sr. Citizens Act, Sensitization and Awareness about acid attack, Delhi Victim Compensation Scheme, 2011 etc.

Besides the above, on 7th July, 2015, DSLSA held a Legal Literacy Class and also opened a Legal Literacy Club at Presentation Convent Sr. Sec. School, Delhi, in which Sh. Dharmesh Sharma, Member Secretary, DSLSA and Ms. Neena Bansal Krishna, ASJ were the resource persons and on 12th September, 2015, the New Delhi DLSA organized a Legal Awareness Programme for the Parents of Mentally Challenged Persons at Aanchal Special School, Chanakya Puri.

(3) Essay Competition in Schools

The ShahdaraDLSA, in the month of July, 2015, conducted essay competitions in 69 schools on the topic of “Environment” and in the month of August, 2015, conducted essay competitions in 50 schools on the topic of “Drugs and Substance Abuse.”

On 9th September, 2015, the North-East DLSA organized a Prize Distribution Programme for the students who participated in inter-school essay competition on “Fundamental Duties” held on 28.04.2015. The programme was held from 10:00 a.m. to 12:30 p.m. at S.K.V. C-2, YamunaVihar, Delhi. Deputy Director Education, Education Officer of Zone - 4 and Teacher In-charge of Legal Literacy Clubs of North-East District attended the same.

(4). Legal Literacy Programmes for College Students

- On 20th August, Ld. Member Secretary, DSLSA and Ld. Secretary, South-West DLSA delivered lectures to 5th Year Students of NLU, Dwarka on Clinic-III Paper.
- On 8th September, Ld. Member Secretary delivered a lecture to the 1st & 2nd Year Students of Vivekananda Institute of Professional Studies (VIPS), Pitampura.
- On 17th September, 2015, Ld. Member Secretary interacted with and sensitized 1st Year Law Students of Jamia Millia Islamia on the topic “The Justice Delivery System & Legal Aid Services”.

(5). Legal Literacy/Awareness Programme at Health Fitness Trust, NGO:-

During the abovesaid quarter, 02 Legal Awareness Programmes on 4th July & 1st August, 2015, were addressed by Sh. S.S. Tandan, Counsellor of DSLSA at Health Fitness Trust, NGO and the beneficiaries were counselled/sensitized on various topics such as Protection of Women from Domestic Violence Act, Benefits available to Socially and Economically weaker sections of society especially SC/ST/Minorities, Functioning of Police and set up of Judicial System, Maintenance and Welfare of Parents and Sr. Citizens Act; 2007 etc.

(6). Legal Literacy/Awareness Programmes at RWAs

During the abovesaid quarter, the following programmes were organized for RWAs:-

On 30th July, 2015, the North-East DLSA organized a programme for RWAs pertaining to Prevention of Environmental Laws with focus on Trees Act at 11:00 AM, SoniaVihar, Gali No. 14, Block-A, Pocket-4, Delhi

The North-East DLSA also organized a Four Days' Awareness Programme for RWAs pertaining to Prevention of Environmental Laws with focus on Trees Act. The programme was started on 29th October, 2015 from 04:00 p.m. to 05:00 p.m. at Zero Pushta, SoniaVihar, near RadhaKrishnaPark, Delhi, in which Sh. Kulanand Joshi, Member Secretary DPCC, Environment Officer Sh. Sidharth Gautam, Sh. Rajesh Singh (Senior Executive Engineer) Department of Flood and Deputy Director Horticulture MCD were invited as Resource Persons. The

participants were made aware about environmental laws. With the help of RWA and volunteers members of YuvaParivartan, the awareness programme was continued till 2nd October and on 2nd October, 2015 plantation was done at RadhaKrishanPark.

The South-WestDLSA organized **47 Programmes** for RWAs pertaining to Damage to Public Property Act 1984 along with Delhi Prevention of Defacement of Property Act, 2007 and Prevention of Environmental Laws with focus on Trees Act.

(7) Training Programme for Officers/Officials of Delhi Police

In the abovesaid quarter, the DLSAs held 32 Legal Literacy Programmes for Officers/Officials of Delhi Police at various Police Stations, DCsP Offices and Specialized Training Centre, RajenderNagar on the topics of “Plea-Bargaining, Juvenile Jurisprudence, Children in need of Care and Protection, Juveniles in Conflict with Law and Role of Police”.

Besides the above, in the month of August, 2015, the Central and East DLSAs participated in 06 “JanShikayatNidan” Programmes organized at Police Stations. Besides the above, on 1st August, the East and Shahdara DLSAs also sent Legal Services Advocates in Help Desk Programme organized by concerned DCsP for settlement of the applications at Police Stations Mandawali, PandavNagar, Farash Bazar and Madhu Vihar .

(8) Awareness Programmes at Jails

A part from the awareness programmes held by Ld. Secretaries of DLSAs during their jail visits, in the abovesaid quarter, the DLSAs organized **62 programmes** at Jails on the topics of “Rights of Accused regarding Bail, Plea-Bargaining Sec. 436A Cr.P.C. and Sec. 437(6) Cr. PC.01 Legal Awareness Camp was also held by Legal Services Advocates on the panel of **High Court Legal Services Committee** on 7th August, 2015 at Jail No. 8 and 9.

(9) Legal Awareness Programme for Senior Citizens at Old Age Homes

During the abovesaid quarter, the New Delhi DLSA organized **06 awareness programmes** for Senior Citizens at Old Age Homes on the topic”Maintenance and Welfare of Parents and Senior Citizens Act, 2007”.

(10) Awareness Programmes for Public Prosecutors (PPs):-

In the month of August, 2015, 03 programmes were organized by DLSAs for PPs on the topic “Victims of crime and use of Section 357, 357A Cr. P.C”.

(11) Legal Literacy Programmes in Govt. Offices on Protection of Women from Sexual Harassment at Workplace :-

In the abovesaid quarter, the DLSAs organized following Legal Literacy Programmes in Govt. Offices on the topic of Protection of Women from Sexual Harassment at workplace:-

- On 19th August, 2015, the Central DLSA in association with Delhi State AIDS Control society also organized a programme for Legal Services Advocates at Room No. 327, THC
- On 21st August, 2015, the East DLSA organized a programme for various

Departments in association with Child Welfare Committee.

- On 27th August, 2015, the North DLSA organized a programme at Delhi State AIDS Control Society, Govt. of NCT of Delhi, Dr.BabaSahebAmbedkarHospital, DharamshalaBlock, Rohini, Sector-6, Delhi.
- On 27st August, 2015, the East DLSA organized a programme at CDMO, Department of Health, GNCTD, SurajmalViharDispensaryBuilding
- On 3rd September, 2015, the North-East DLSA organized a programme at District Institute of Education and Training (DIET), North-East, J&K Pocket, DilshadGarden, Delhi-110095.

(12) Radio/TV Programmes:-

In the abovesaid quarter, the DSLSA addressed following radio/TV Programmes:-

- In July, 2015, Ld. Secretary, South DLSA addressed a radio programme on the topic of Consumer laws.
- On 1st August, Ld. Member Secretary visited DoordarshanKendra regarding recording of a programme at 12.00 PM.
- On 8th August, 2015, Ld. Member Secretary visited for a Nyaya Manch Programme on Juvenile Justice (Care and Protection) Act, 2000 at 12.00 noon.

- On 22nd September, the Ld. Secretary, South addressed a radio programme on the topic “KanooniSalah”.

(13) Awareness Programmes under My Delhi Safe Delhi Campaign:-

Under **My Delhi Safe Delhi Campaign**, the West DLSA organized **08 programmes** in jurisdiction of West District and 02 other programmes were also organized under Public Redressal Forums in the areas of P.S. Rajouri Garden, Punjabi Bagh, Nangloi and Vikas Puri on 1st and 22nd August, 2015.

(14) Training Programmes for Legal Services Advocates

- **Induction Training cum Sensitization Programme:-** On 4th July, 2015, DSLSA organized an Induction Training and Sensitization Programme for newly empanelled Legal Services Advocates of JJBs, CWCs and All India Legal Aid Cell on Child Rights at Central Office, PHC, New Delhi.
- **Workshop for stakeholders of CWCs:-** On 1st August, DSLSA held 4th Workshop for the stakeholders of CWCs at Conference Hall, DSLSA from 2.00 PM to 5.00 PM.
- **Training Programme organized by NALSA:-** 10 Legal Services Advocates from the panel of each of the 11 DLSAs attended TOT programme organized by NALSA at Indian Law Institute, New Delhi on 11th July, 2015.
- **Training Programme organized by Shakti Vahini (NGO):-** 02 Lady Legal Services Advocates from the panel of each of the 11 DLSAs attended the training programme organized by Shakti Vahini (NGO) at Hotel Taj Palace, Dhaua Kuan, New Delhi from 29th – 31st July, 2015.
- **Training & Sensitization Programme for Law Officers & Public Prosecutors:-**

On 19th September, 2015, the Ld. Member Secretary attended a Training, Orientation & Sensitization Programme organized by Delhi High Court Legal Services Committee for Law Officers of Govt. of NCT of Delhi and Public Prosecutors at Indian Law Institute, Bhagwan Das Road, New Delhi. Hon’ble Ms. Justice Mukta Gupta and Hon’ble Justice Dr. S. Muralidhar, Judges, High Court of Delhi were the Resource Persons.

Besides the above, in the abovesaid quarter, the DLSAs organized **32 Training Programmes** for Legal Services Advocates on the topics of “Order XIV CPC/Onus, Update on Landmark Judgments, Bails, Remand, Stopping of Proceedings” etc.

(15) Awareness Programmes at different places:-

- On 4th July, 2015, the East DLSA conducted a **Legal Awareness Programme** at Idgah, Idgah Road, BholaNathNagar, Shahdara, Delhi regarding Functioning & Services being provided by DLSA (East).
- On 31st July, 2015, the North-East DLSA organized a **Legal Aid & Literacy Camp** at Maa Jawala Ji Darbar Dharmarth Trust, A-216, Gali No. 3, Mahalaxmi Enclave, KarawalNagar, Delhi-94.
- On 8th September, 2015, the Ld. Secretaries North-East and New Delhi DLSAs as Resource Persons attended an **awareness programme on the topic of “Missing Children”** organized by APR(NGO) at Hindi Bhawan, ITO, New Delhi.
- On 27th September, 2015, the East DLSA in association with Delhi Tamil Sangam organized an Awareness Programme/**Free Legal Aid Camp** at Janak Puri Delhi.

IV. OTHER ACTIVITIES

(1) Summer Internship Programme 2015:-

DSLISA already started its Summer Internship Programme, 2015 from 1st June, 2015 for the students of various Law Schools/ Colleges/ Universities from all over India. In 2nd Batch, 89 students divided into 10 groups did their internship from 6th July to 27th July. On 6th July, an orientation programme was organized for them at Conference Hall, Central Office, DSLISA. During the period of their internship, the interns visited Supreme Court of India, High court of Delhi, Debt Recovery Tribunal, JJBs, CWCs, Children Homes, Tihar Jail, Police Stations, IHBAS, SPYM, Mediation Centres, GRCs, various courts i.e. MM Courts, POCSO Courts at District Courts Complexes.

(2) Visit of NALSA Interns:-

20 students referred by NALSA interned with DSLISA from 7th July to 17th July, 2015. On 7th July, an orientation programme was organized for them at Central Office, DSLISA. During the

period of their internship, the interns visited PLAs, CWCs, MM Courts, JJBs, High Court, P.S. Mandir Marg and Tihar Jail.

(3) Visit of Delegation from Vietnam:-

On 8th July, 2015, a delegation consisting 05 members from Vietnam Lawyers' Association visited DSLSA Central Office to get information on various steps taken by DSLSA to provide legal aid.

(4) Visit of Trainee Judicial Officer from Delhi Judicial Academy:-

A trainee Judicial Officer (DJS), who was undergoing training at Delhi Judicial Academy was sent to DSLSA from 13th – 17th July. On 13th July, an Introductory Session on various Legal Services Activities and Programmes was held by Ld. M.S. and Ld. OSD. During this period, the Ld. Officer to gain practical experience, also visited New Delhi, East, North-East, West DSLAs, High Court Legal Services Committee, CAW Cell Nanakpura, Office of All India Legal Aid Cell on Child Rights at Kalkaji, CWC-Nirmal Chhaya and Legal Services Clinic at Jail No. 3.

(5) National Consultation Meeting on Prospects of Decriminalization of Drug Use:-

On 15th July, 2015, the Ld. Member Secretary, DSLSA chaired a Session on the topic “Criminalization of Drug Use: A Human Rights Perspective” in a National Consultation Meeting held by “The Ministry of Social Justice and Empowerment, Govt. of India” in collaboration with “Federation of Indian Non-Governmental Organization for Drug Abuse Prevention” at India Habitat Centre, New Delhi.

(6) Sensitization Programmes regarding Children in Need of Care and Protection (CNCP):-

In the month of July, 2015, the East DLSA conducted 04 Programmes at various places i.e. Bhola Nath Mandir, Idgah Road on 6th July; Sanatan Dharm Mandir, 71, Guru Angad Nagar, Extn. Laxmi Nagar, Delhi on 15th July; Shri Sankat Mochan Hanuman Shani Mandir, Shri Girdhari Dham, Seema Puri on 16th July and 4th at Gurudwara Gur Sabha, west Guru Angad Nagar, Extn. Laxmi Nagar, Delhi on 16.07.2015 and sensitized the public about CNCP (street children).

(7) Celebration of Independence Day

On 14th August, the Shahdara DLSA celebrated **Independence Day** at Observation Home for Boys-II, Sewa Kutir, Delhi and East DLSA also celebrated Independence Day in association with Manav Adhikar Sangathan and the North-East DLSA also organized an **Independence Day Programme** for students and people from community on activities of Legal Services Authorities at C-1 Yamuna Vihar, Delhi.

(8) Para Legal Training Programme:-

DSLISA in collaboration with State Council of Educational Research & Training (SCERT) organized Legal Education & Para Legal Training Programme for B.ED Trainees, DIET Principals, Faculty Members & Staff of SCERT on 14th & 15th September, 2015 at SCERT Auditorium, Varun Marg, Defence Colony, New Delhi.

(9) 40 Hours Mediation Training Programme:-

From 18th - 20th and 25th - 27th September, 2015, DSLISA conducted a 40 Hrs. Mediation Training Programme for 17 advocates having more than 10 years of practice, empanelled with DSLISA/DLSAs or otherwise practicing with the Bar and retired Bureaucrats having proficiency in Company Law, Service Matters, Banking Laws as also trademarks, Intellectual Property Rights,

(10) Celebration of Anti-Tobacco Day and Awareness about availability of Health Care Facilities:-

- In order to celebrate the Anti Tobacco Day on 11.09.2015, the East & Shahdara DLSAs conducted a **Two Days' Anti-Smoking and Anti-Tobacco Drive** in and around the Karkardooma Courts Complex on 10.9.2015 & 11.9.2015 in coordination with the Shahdara Bar Association (Regd), office of CDMO (East) and office of CDMO (Shahdara). A large number of people were made aware about the hazards of Smoking & Tobacco and so many violating people were challaned. The move was appreciated by the Authorities and covered by the Media. Such drive shall be conducted on regular intervals.
- On 27th September, 2015, the East DLSA in association with Department of Health, Govt. of NCT of Delhi conducted an awareness Programme on HIV related issues at at

Goshala School, Near Babu Ram School, Bhola Nath Nagar, Shahdara, Delhi-32.

- The North-East DLSA organized 05 days Legal Awareness Programmes from 22-26 September, 2015 at Gokal Puri & Khajuri Khas Dispensary. The programme was attended by Asha workers and Aneems. The resource persons from Department of Health and DLSA/North-East. They made the people aware about various health schemes and also offences against women. Each day they visited their area to have practical experience so that they can come and share their experience on the next day meeting.

Besides the above, on 20th July, 2015, the West DLSA in association with Delhi State AIDS Control Society also organized a meeting on topic of HIV/AIDS at Room No. 135, First Floor, THC, Delhi.

(11) Report on the Project of the Year - "Rehabilitation of Street Children":-

A Pilot Project on "Identification, Welfare and Rehabilitation of Street Children" has already been initiated by North-East DLSA in the areas falling in North-East District which has brought out appreciable tangible results in ameliorating the condition of street children by providing them basic care, education, health care and hygiene. DLSA through its North East DLSA has launched similar project in New Delhi District.

In the abovesaid quarter, the following activities were undertaken by DLSAs:-

- On 8th September, 2015, the Ld. Secretaries North-East and New Delhi DLSAs as Resource Persons attended an awareness Programme on the topic of "Missing children" held at Hindi Bhawan, ITO, New Delhi.
- On 24th September, 2015, the Ld. Secretary, North East DLSA also held a meeting in the DCP Office with regard to missing children.
- On 30th September, 2015, the Ld. Secretary, North-East DLSA also attended a meeting on the Issue of "Tackling child Beggary" and designing a practical project on "Prevention & Rehabilitation of Children Involved in Begging" held at

Conference Hall No.3, Level 2, C wing (C-210), Delhi Secretariat, I.P. Estate, New Delhi.

- On occasion of Independence Day on 15th August, 2015, DLSA North-East organized a programme at Humane People to People India, (Homeless Citizen Resource Centre), at Mansarovar Park, Night shelter, Lal Bagh, Shahdara with street children who were mostly beggars and indulged in begging in streets of North-East Delhi with their parents. Parents were counselled to come out of begging and also to send their children to schools.

In the month of August, 2015, the East DLSA organized 09 awareness programmes in community on Laws related to Street Children and measures for their rehabilitation.

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 30.09.2015).

S.No	State	SC	ST	OBC	Women	Children	Incustody	General	Total
1	Andhra Pradesh	7,223	5,720	10,012	13,349	1,538	10,891	31,557	80,290
2	Arunachal Pradesh	168	1,461	78	387	5	73	1,554	3,726
3	Assam	38,242	28,490	8,331	25,473	1,397	777	123,585	226,295
4	Bihar	5,175	1,467	8,927	7,275	1,228	2,058	18,661	44,791
5	Chhattisgarh	49,689	59,773	49,080	38,522	8,322	36,075	35,726	277,187
6	Goa	81	27	315	2,408	88	3,815	1,775	8,509
7	Gujarat	16,347	8,799	1,618	33,096	580	14,068	46,107	120,615
8	Haryana	39,600	105	1,211	12,146	587	41,309	15,069	110,027
9	Himachal Pradesh	1,302	189	103	6,820	155	325	5,551	14,445
10	Jammu & Kashmir	1,924	458	1,052	17,938	799	356	12,726	35,253
11	Jharkhand	1,755	2,529	3,299	3,939	415	4,747	3,527	20,211
12	Karnataka	9,328	2,064	19,938	14,888	178	239	88,638	135,273
13	Kerala	2,399	585	3,077	16,679	835	22,387	161,645	207,607
14	Madhya Pradesh	316,085	269,566	228,021	88,010	10,721	62,661	681,260	1,656,324
15	Maharashtra	49,807	36,249	23,443	100,867	2,310	28,245	3,700,883	3,941,804
16	Manipur	3	24	29	155	15	22	2,363	2,611
17	Meghalaya	348	1,364	66	192	1,519	993	151	4,633
18	Mizoram	233	33,232	2,556	4,914	544	4,811	6,415	52,705
19	Nagaland	1,128	4,893	2,120	2,041	690	2,312	547	13,731
20	Odisha	32,636	22,037	1,782	37,253	605	4,667	39,630	138,610
21	Punjab	10,935	588	4,962	16,402	904	42,900	30,097	106,788
22	Rajasthan	19,975	28,205	8,908	17,911	796	24,149	25,517	125,461
23	Sikkim	154	564	37	2,434	270	3,464	780	7,703
24	Tamil Nadu	198,966	24,421	257,065	427,496	3,345	35,968	4,574,596	5,521,857
25	Telangana	126	56	71	934	278	844	800	3,109
26	Tripura	667	506	136	6,298	393	2,584	4,241	14,825
27	Uttar Pradesh	793,367	101,922	629,979	376,95	140,681	16,786	2,545,586	4,605,271
28	Uttarakhand	3,096	1,618	430	3,735	1,847	1,807	18,987	31,520
29	West Bengal	6,724	2,987	2,959	26,141	1,430	17,465	21,562	79,268
30	Andaman and Nicobar Islands	-	-	-	211	-	1,269	404	1,884
31	U.T. Chandigarh	856	10	55	1,521	229	6,016	696	9,383
32	Dadra and Nagar Haveli	-	4	-	445	185	44	1,280	1,958
33	Daman & Diu	1	2	4	72	120	40	214	453
34	Delhi	6,467	336	368	61,065	8,436	120,683	105,778	303,133
35	Lakshadweep	-	2	-	-	-	1	2	5
36	Puducherry	22,242	3	16,091	22,011	4,586	919	6,464	72,349
37	Supreme Court Legal Services Committee	1,256	252	1,795	2,644	23	6,430	10,156	22,556
TOTAL :		1,638,305	640,541	1,287,918	1,392,622	196,054	522,200	12,324,530	18,002,170

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 30.09.2015).

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	210,757	140,192	2,096,523	16,310,849,122
2	Arunachal Pradesh	676	1,052	6,465	42,751,176
3	Assam	4,217	31,542	430,585	2,725,276,427
4	Bihar	28,118	135,963	1,413,700	1,160,604,238
5	Chhattisgarh	17,486	12,310	5,608,015	2,124,289,344
6	Goa	1,090	5,310	16,785	393,650,626
7	Gujarat	157,867	215,960	7,801,780	15,327,380,677
8	Haryana	131,699	40,390	1,799,014	4,358,468,289
9	Himachal Pradesh	10,279	6,543	300,389	990,634,730
10	Jammu & Kashmir	5,472	11,598	353,500	2,594,973,349
11	Jharkhand	29,895	6,065	5,376,948	916,484,312
12	Karnataka	165,849	162,507	3,398,063	10,180,017,599
13	Kerala	40,844	165,261	546,849	8,246,747,207
14	Madhya Pradesh	39,460	207,040	13,876,716	15,585,559,911
15	Maharashtra	43,261	107,108	2,830,446	18,750,378,778
16	Manipur	106	1,500	5,535	177,008,000
17	Meghalaya	238	991	11,122	134,112,406
18	Mizoram	1,486	240	3,049	6,094,080
19	Nagaland	296	1,492	4,799	198,117,023
20	Odisha	16,452	53,171	4,906,590	4,629,252,274
21	Punjab	32,333	18,849	1,904,394	2,062,282,843
22	Rajasthan	199,346	624,201	3,560,843	9,636,877,133
23	Sikkim	2,101	172	7,709	9,101,000
24	Tamil Nadu	264,414	249,071	6,567,524	43,078,129,319
25	Telangana	7,775	7,576	252,251	2,101,137,608
26	Tripura	1,504	10,974	148,483	150,713,938
27	Uttar Pradesh	49,360	92,960	15,091,270	9,731,510,216
28	Uttarakhand	1,948	5,188	375,822	689,946,260
29	West Bengal	23,826	41,343	1,756,291	3,921,815,011
30	Andaman and Nicobar Islands	276	39	9,005	8,033,468
31	U.T. Chandigarh	9,301	20,450	675,309	1,714,915,623
32	Dadra and Nagar Haveli	28	158	2,355	12,147,699
33	Daman & Diu	32	61	2,139	3,099,000
34	Delhi	15,397	23,323	1,425,055	3,919,368,357
35	Lakshadweep	319	11	172	435,000
36	Puducherry	1,253	9,394	58,660	491,201,826
37	SCLSC	8	44	281	-
	TOTAL :	1,514,769	2,410,049	82,624,436	182,383,363,869

