

SAMANVAYA

(Counseling Facility Extended by the Kerala State Legal Services Authority)

Mission Statement

The scheme aims to foster understanding, unity, and healing through professional counseling, facilitating reconciliation and integration among individuals and communities with diverse perspectives. It further aims to create a safe space where dialogue thrives, differences are respected, and common ground is cultivated for peaceful coexistence, thereby assisting participants or litigants to reach a logical conclusion to their disputes.

Core Objectives:

1. Promote Understanding and Empathy:

Encourage open conversations that nurture mutual respect and foster deep listening among diverse individuals and groups.

2. Facilitate Reconciliation:

Provide structured mediation and counseling services to resolve conflicts and mend relationships, thus enabling participants/litigants retrospect and identify their emotional disorders, if any, and guide them to resolve them with sobriety and to make mature decisions.

3. Strengthen Community Bonds:

Design programs that promote inclusivity and social cohesion, bridging gaps between different backgrounds and belief systems.

4. Offer Professional Counseling Support:

Utilize trained counselors to guide individuals and communities

through emotional healing and constructive dialogue, thus enabling participants or litigants to attain holistic solutions to their issues and rapprochement of their family by extending counseling to their family members if found necessary.

5. Encourage Constructive Conflict Resolution:

Empower participants with nonviolent communication skills and problem-solving strategies to address disputes effectively.

6. Support Personal and Collective Growth:

Enhance personal resilience and collective well-being by addressing emotional and psychological barriers to unity and thus equip litigants with enhanced life skills.

7. Promote Cultural and Ideological Integration:

Respectfully bring together diverse viewpoints to form a harmonious, enriched society through collaborative dialogue.

8. Ensure Confidentiality and Ethical Standards:

Uphold professional integrity, ensuring a safe and respectful environment for all participants by providing emotional support and guidance to the litigants or participants.

TARGET BENEFICIARIES

(A) REFERENCE FROM HIGH COURT OF KERALA AND COURTS OF DISTRICT JUDICIARY THROUGHOUT THE STATE OF KERALA.

(B) REFERENCE FROM LEGAL SERVICES INSTITUTIONS (LSIs) THROUGHOUT THE STATE OF KERALA.

(C) REFERENCE FROM MEDIATION CENTRES THROUGHOUT THE STATE OF KERALA

(D) REFERENCES UNDER VARIOUS SCHEMES OF NALSA AND KeLSA.

HUMAN RESOURCES REQUIREMENTS:

1. STEERING COMMITTEE

A Steering Committee headed by a Honourable Judge, High Court of Kerala, and consisting of a practicing lawyer and a subject expert (Psychology) will provide guidance and strategic assistance to KeLSA for the proper implementation of the scheme. The Chairman and Members of the Steering Committee will be nominated by the Executive Chairman, KeLSA. The Member Secretary, KeLSA shall convene the meetings of the Steering Committee as and when directed by the Chairman of the Steering committee.

2. NODAL OFFICER

- (a) An officer authorized by the Member Secretary, KeLSA, not below the rank of Section Officer, will be the Nodal Officer of Samanvaya in Ernakulam District, located at the Head Quarters of KeLSA.
- (b) The section officer, DLSA or any Officer authorized by the Chairman, DLSA shall be the Nodal Officer in each District for 'Samanvaya. '

3. STATE CO-ORDINATOR

The Lawyer member in the Steering Committee shall be the State coordinator of the Scheme.

SUPPORT SYSTEM

- 1. 'Samanvaya' in the High Court of Kerala shall have a minimum of five consultant Psychologists/counselors.

2. Each District centre of 'Samanvaya' shall have a minimum of two qualified consultant Psychologists and/or counselors.

IMPLEMENTATION METHOD

1. The Nodal Officer of each category of beneficiaries shall receive the reference and maintain the correspondence from/with the High Court of Kerala, Courts of District Judiciary, Mediation centers, and the Legal Services Institutions (LSIs) and categorize and schedule the references and allot it to counselors at 'Samanvaya.'
2. Honourable Judges of the High Court/Presiding Officers of the District Judiciary/Mediators/Nodal officers of Legal Services Institutions shall refer the parties for counseling either on the same day the case is posted or on any another day subject to the availability and convenience of the parties. The Court Officer/Bench clerk/Sheristadar/Junior superintendent/ nodal officers of Mediation Centres and LSIs concerned shall share the details of the case referred with the Nodal Officer, 'Samanvaya.'
3. The Nodal officer, 'Samanvaya,' on referring a case/party to a counselor, shall ensure that the same counselor continues to deal with the case/counsel the parties to the extent possible.
4. The counselor on being allotted a case shall maintain proceedings of the case on each session attended by her and shall send it by e-mail to the Nodal officer, 'Samanvaya' and the Court officer/Bench clerk/Sheristhadar/Junior Superintendent/nodal officer of mediation centres/LSIs concerned in their official mail ID in matters referred.
5. Reports of the counselor shall be confidential. It shall be retained by the counselors in their respective private folder in the official system maintained by the 'Samanvaya.' The hard copy/soft copy of the counselor's report shall be provided to the Judge/Presiding Officer/Mediator /Secretary, DLSA in a sealed cover in the case of

hard copy and by e-mail to the mail ID provided by the Judge/presiding officer/mediator/Secretary, DLSA in the case of soft copy.

6. In no case shall the DLSA provide a copy of the report to any parties or strangers.
7. The counselor may meet the Judge/presiding officer as the case may be if the Judge/presiding officer so opines in order to clarify or explain the contents of the report.
8. The counselor shall have a period of up to 21 days from the date of the first consultation to give the final report to the respective Courts of law/mediators/LSIs concerned who referred the matter to 'Samanvaya.' The counselor can give an interim report if required. If the counselor is of the opinion that more than 21daystime is necessary for making a proper assessment of the parties referred or if counseling for more than 21 days is likely to give a positive result, the counselor can give an interim report with a request for extension of time to the respective Courts of Law/authorities concerned who have referred the parties for counseling. Such an extension given shall not be beyond a further period of 14 days. In a case referred by a Mediation Center, an interim report with a request for an extension of time can be given by the counselor to the Nodal officer of the Mediation Center. Such a request shall be placed before the Court concerned, and an order of extension of time beyond 60 days for filing the mediation report shall be obtained by the mediator concerned.
9. The counselor shall not disclose confidential information concerning the parties to any of the parties attending the counseling in that particular case or to their respective lawyers or third parties.
10. Counseling sessions shall be held private and attended only by

the parties concerned. The counselor and parties shall maintain confidentiality in respect of events that transpired during counseling and shall not rely on or introduce the said information in any proceedings. However, mediators may attend counseling sessions along with the parties, and both mediators and counselors can extend mutual help and expertise to reach a logical conclusion.

11. Counselors can hold as many sessions as necessary within the time limit prescribed in clause 7 above and can extend counseling to the family members of the parties if in the opinion of the counselor such counseling is good for the emotional well being of the parties and/or would help them take appropriate decisions to settle the dispute/ litigation.
12. There shall be no stenographic or audio or video recording of the counseling.

OFFLINE COUNSELING

1. Offline counseling for 'Samanvaya' will take place on six working days in a week at Samanvaya Centre at the Headquarters, KeLSA, for Ernakulam District and on any number of working day/s as decided by the Executive Chairman, DLSA in other Districts.
2. A counselor shall be assigned for each working day of Samnvaya in a week.
3. Offline Counseling will take place in the 'Samanvaya' Centre in Niyama Sahaya Bhavan, the headquarters of KeLSA, for matters referred by the High Court of Kerala, Courts of District Judiciary, Mediation centres, and LSIs of the Ernakulam District. In other Districts, the Offline counseling will take place in the 'Samanvaya' District Centres in the space identified/allotted by the respective

DLSAs. Lawyers of both parties may/can accompany the parties to the Counseling Centre and briefly explain the particulars of the litigation to the counselor. The lawyers shall not be present at the time of counseling.

4. The counselor can conduct counseling of the parties who have opted for offline counseling on virtual mode depending on the convenience of the counselor and the parties after the initial offline session(s).

ONLINE COUNSELLING

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2. Online counseling can take place at any time decided by the counselor and the parties concerned after considering their convenience and time zone pattern in case of parties residing abroad. The Nodal officer of 'Samanvaya' shall provide the necessary arrangements for online counseling and shall coordinate the same. The meeting will be hosted by the LSI concerned, and the online counseling services shall not be recorded.
3. The lawyers of both parties may log in and identify/introduce their respective parties to the counselor, briefly explain the particulars of the litigation to the counselor, and log off, leaving the parties with the counselor for purposes of counseling. Lawyers can thereafter log in only on request of the counselor.
4. The counselor can conduct counseling of the parties who have opted for online counseling in offline mode if the counselor is of the opinion that personal interaction would be more helpful for

effective counseling and/or if the parties so wish after the initial online session(s).

CODE OF CONDUCT

1. The counselors can share their contact details, phone numbers, and email IDs to the parties/clients allotted to them for counseling and can also collect the contact phone numbers of the parties/clients allotted to them and that of their respective lawyers.
2. The counselors shall not share contact details, including the mail IDs of the staff of the Legal Services Institutions, court officers/bench clerks/Sheristadars/Junior superintendents, with the parties/clients allotted to them and their lawyers.
3. The counselors shall maintain the confidentiality of the counseling report and shall share them only as per the guidelines mentioned above, and the counseling report pertaining to the evaluation and assessment by the counselors should never be shared with lawyers and parties.
4. The counselors shall follow and observe these guidelines strictly and with due diligence and shall not carry on any activity or conduct which could reasonably be considered as conduct unbecoming of a counselor.
5. The counselors shall uphold the privacy and fairness of the counseling process.
6. The counselors shall ensure that the parties involved in the counseling are fairly informed and have an adequate understanding of the details regarding the counseling.
7. The counselors shall disclose any interest or relationship with the parties referred for counseling which may affect impartiality or cause bias on the part of the counselor.

8. The counselors shall avoid, while communicating with the parties, any impropriety or appearance of impropriety and shall be faithful to the relationship of trust and confidentiality expected from a counselor.

SKILL ENHANCEMENT PROGRAMS

The KeLSA shall impart Skill enhancement programs, including periodical training and orientation to the counselors for the capacity building. The counselors shall mandatorily attend the programs conducted by KeLSA and the LSIs.

FINANCIAL OUTLAY

The expenses incurred, including the honorarium payable to the counselors for implementing the Scheme, shall be met in accordance with the guidelines of NALSA and KeLSA from time to time. The honorarium for Counselors under the Scheme shall be fixed by the Executive Chairman of KeLSA from time to time.
