



JHARKHAND STATE LEGAL SERVICES AUTHORITY

Access to Justice for all...

...न्याय सबके लिए



ANNUAL ISSUE - 2012

न्याय डगर NYAYA DAGAR



His Excellency The Governor of Jharkhand
Dr. Syed Ahmed addressing the litigants at First
University Case Lok Adalat at Nyaya Sadan,
JHALSA (13.05.2012)

"I had learnt the true practice of law. I had learnt to find out the better side of human nature, and to enter men's hearts. I realised that the true function of a lawyer was to unite parties riven as under. The lesson was so indelibly burnt unto me that the large part of my time, during the twenty years of my practice as a lawyer, was occupied in bringing about private compromises of hundreds of cases. I lost nothing, thereby not even money, certainly not my soul."

Mahatma Gandhi

Hon'ble the Chief Justice of India inaugurating the
Second University Case (Special) Lok Adalat
at Nyaya Sadan, JHALSA (22.05.2012)



A Newsletter of Jharkhand State Legal Services Authority



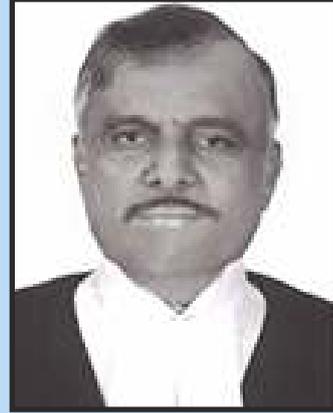
NATIONAL LEGAL SERVICES AUTHORITY

PATRON-IN-CHIEF



**Hon'ble Mr. Justice
Altamas Kabir**

EXECUTIVE CHAIRMAN



**Hon'ble Mr. Justice
P. Sathasivam**



JHARKHAND STATE LEGAL SERVICES AUTHORITY

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**Hon'ble Mr. Justice
Prakash Tatia**

EXECUTIVE CHAIRMAN



**Hon'ble Mr. Justice
D. N. Patel**

NYAYA DAGAR

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**A NEWS LETTER OF
JHARKHAND STATE LEGAL SERVICES AUTHORITY**



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A NEWS LETTER OF JHARKHAND STATE LEGAL SERVICES AUTHORITY

PATRON-IN-CHIEF

Hon'ble Mr. Justice Prakash Tatia

Chief Justice of Jharkhand High Court, Ranchi

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Judge, Jharkhand High Court and Executive Chairman
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Justice Prakash Tatia

Chief Justice
Jharkhand High Court
-cum-
Patron-in-Chief, JHALSA

Message

Legal Services is basic to Human Rights and essential for survival of healthy democracy founded on the Principle of Justice, liberty, Equality, Dignity and Fraternity. The Constitution under Article 39-A enjoins upon the State to bring Equality amongst the Citizens of the Country eliminating the financial and caste barriers, which of course will bring in reality, the concept of Rule of Law at every level of the Society.

Of course the Principles of Natural Justice i.e. audi alteram partem rules the concept of Legal Services, which should not perhaps become the hollow version, rather it should be transformed through the measures of Legal Aid. In the last 10 years of its inception, Jharkhand State Legal Service Authority (popularly known as JHALSA) has been able to meet the challenges of natural Justice and to make available the fruits of Rule of Law to every Citizens of the State. Over a period of 10 years, we have been able to reach to the people, particularly the Marginalized Sections of Society to cater to their needs by way of resolution of their matters through various modes of ADR including Lok Adalat, Mediation and Mega Lok Adalats. As informed, a total of around 63,000 cases have been disposed of during 5 Mega Lok Adalats in the recent past organized simultaneously across the State. It is also a fact that about 1/3rd of such cases comes under the category of pending disputes. Likewise, we have constituted Permanent Lok Adalats (PLAs) in all

Districts which have been able to dispose of a total of around 4,500 cases relating to Public Utility Services like Transport, Postal, Power, Sanitation, Insurance etc. A team of dedicated lawyers of Jharkhand State Legal Services Authority. District Legal Services Authorities and Judicial Officers with the Coordination of local NGOs and Public Administration are trying to generate awareness amongst the people at the ground level with a view to arm them with legal provisions so as to ensure Access to Justice to them at all level.

Jharkhand State Legal Services Authority has started with too many new Projects and Schemes to render Justice to every section of the society, particularly the marginalized people. In this Newsletter, we have tried to compile information about the Projects/Schemes we have undertaken in the recent past. Care has also been taken to supply information on development of Law in the related field through various pronouncements of the Supreme Court of India on the matters touching the core issue of legal aid and fair trial which are the two strong pillars of Access to Justice.

No doubt, Jharkhand State Legal Services Authority has travelled a long way in the field of "Legal Access" and "Legal Awareness". but we must remember the popular extract of Robert Frost:

*The woods are lovely, dark and deep,
But I have promises to keep,
And miles to go before I sleep,
And miles to go before I sleep.*



Justice D. N. Patel

Judge
Jharkhand High Court
-cum-
Executive Chairman, JHALSA

Message

The role of Legal Services Authority has been in the process of expanding areas of freedoms that the people of the country must enjoy without any discrimination.

*The Constitution of India under **Article 39A** reminds us as to how we can ensure Justice: Social, Economic and Political, Liberty of Thought, Expression, Belief, Faith and Worship, Equality of Status and of opportunity and fraternity amongst all individuals irrespective of financial or cast barriers.*

The legal service Institutions have been developed under the aegis of National Legal Services Authority as a tool, as a mechanism to translate the above objective of the preamble of the Constitution of India into a reality so that the real concept of Rule of Law can be said to have prevailed in the Indian society.

***JHALSA in its short journey of 10 years** has been thriving hard to secure to all the citizens of the land the above rights-based objectives. Should I express that we have adopted the rights-based approach to the development of the society by developing an express linkage with the people and the legal services institutions, by effecting participation of select groups in empowering the marginalized ones like: women, children, mentally challenged people and differently abled persons by ensuring Human Rights irrespective of Cast, Race or Financial barriers.*

I should not hesitate to mention few steps that has been undertaken by JHALSA to ensure 'Access to Justice' through the legal services to any section of the Society and in particular the marginalized ones.

- 1) *Opening of Legal Aid Clinics in all jails of the State including 5 Central Jails by **deputing 4 lawyers for each jail**. This helps the prisoners in securing their rights including the Right of Appeal against the judgement of Trial Court.*
- 2) *Opening of Legal Aid Clinics at **294 places** in the villages **by deputing Para Legal Volunteers** who are helping the grass root level people in resolving the disputes at their level as well as ensuring basic rights at the level of local District Administration.*
- 3) *Opening of **Legal Aid Clinics at all Observation Homes/Probation Homes/Children Homes/Special Homes by deputing 2 legal aid lawyers** who will regularly and periodically visit the Homes to ensure that none at the Home is left unrepresented at any forum and everyone gets justice.*
- 4) *Opening of **Mediation Centres in all 22 Districts** and in the High Court with all necessary infrastructure, physical and soft, both.*
- 5) ***Conducting 6 Intensive Mediation Training preparing 133 Advocate Mediators** with the help of 6 excellent Trainers of MCPC.*
- 6) *Introducing **different Trophies for high ranker Mediators in Jharkhand**.*
- 7) ***Enhancement of fee structure** for the Advocates for legal services and mediation which of course has attracted the lawyer's pool towards JHALSA to a maximum.*
- 8) ***5 Mega Lok Adalats** organized across the State have **disposed of about 63000 cases** including **pending cases in the fraction of 1/3rd**.*
- 9) ***Opening of front offices at DLSAs with deputation of able Para Legal Volunteers.***

The focus is not on enumeration of the steps that we have taken, but, is the way JHALSA has been trying to reach to every section of the marginalized particularly those as are set out in the criteria fixed by NALSA.

- 10) *The women and children too are attracting much attention of our Authority. We in coordination with **UNICEF, UNDP, State Women Commission, State Human Rights Commission** have been able to reach to every woman who has some sort of grievances may be in the nature of matrimonial dispute or the service matter or any gender based violence. Likewise for the children our focus is to create a child friendly environment by generating in all stake holders a human approach.*

We have taken care to compile all details of the activities that have been undertaken in the recent past under the aegis of NALSA. We hope that our team of Judicial Officers shall employ more novel techniques to make the legal services a parallel alternative forum of providing justice to the common man.

IMPORTANT CASE LAWS

Sampurna Behrue vs. Union of India and Other**(12.10.2011)****IN THE SUPREME COURT OF INDIA CIVIL ORIGINAL JURISDICTION
WRIT PETITION (CIVIL) NO. 473 OF 2005**

Sampurna BehruePetitioner

Versus

Union of India and OthersRespondents

(Justice R. V. Raveendran & Justice A. K. Patnaik)**ORDER**

In this Writ Petition under Article 32 of the Constitution, the Court has been monitoring the implementation of the Juvenile Justice (Care and Protection of Children) Act, 2000 (for short 'the Act'). The Court has already passed several orders for constitution of Juvenile Justice Boards under Section 4 of the Act and Child Welfare Committees under Section 29 of the Act in different States and Union Territories and most of the States and Union Territories have taken steps to constitute the Juvenile Justice Boards and the Child Welfare Committees. As there were complaints that in many districts Child Welfare Committees were not operational or functional and even Juvenile Justice Boards had not been constituted in the manner provided in the Act, in our order dated 19.08.2011 we have requested the State Legal Services Authorities to coordinate with the respective Child Welfare Department of the States to ensure that the Juvenile Justice Boards and Child Welfare Committees are established and are functional with the required facilities.

2. We think that we must now monitor the implementation of the provisions of the Act relating to Special Juvenile Police Unit. Section 63 of the Act is quoted hereinbelow:

"63. Special juvenile police unit.-

- (1) In order to enable the police officers who frequently or exclusively deal with juveniles or are primarily engaged in the prevention of juvenile crime or handling of the juveniles or children under this Act to perform their functions more effectively, they shall be specially instructed and trained.
- (2) In every police station at least one officer with aptitude and appropriate training and orientation may be designated as the 'juvenile or the child welfare officer' who will handle the juvenile or the child in co-ordination with the police.
- (3) Special juvenile police unit, of which all police officers designated as above, to handle juveniles or children will be members, may be created in every district and city to co-ordinate and to upgrade the police treatment of the juveniles and the children."

3. The Home Departments and the Director Generals of Police of the States/Union Territories will ensure that at least one police officer in every police station with aptitude is given appropriate training and orientation and designated as Juvenile or Child Welfare Officer, who will handle the juvenile or child in coordination with the police as provided under sub-

section (2) of Section 63 of the Act. The required training will be provided by the District Legal Services Authorities under the guidance of the State Legal Services Authorities and Secretary, National Legal Services Authority will issue appropriate guidelines to the State Legal Services Authorities for training and orientation of police officers, who are designated as the Juvenile or Child Welfare Officers. The training and orientation may be done in phases over a period of six months to one year in every State and Union Territory.

4. The Home Departments and the Director Generals of Police of the States/Union Territories will also ensure that Special Juvenile Police Unit comprising of all police officers designated as Juvenile or Child Welfare Officer be created in every district and city to coordinate and to upgrade the police treatment to juveniles and the children as provided in sub-section (3) of Section 63 of the Act.
5. The matter be listed in the first week of January, 2012 when the State Governments and the Union Territories will file an affidavit stating steps taken by them pursuant to this order.

New Delhi,

October 12, 2011.



Bar Council of India vs. Union of India**IN THE SUPREME COURT OF INDIA ORIGINAL JURISDICTION
WRIT PETITION (CIVIL) NO . 666 OF 2002**

Bar Council of India Petitioner

Vs.

Union of India Respondent

(Justice R. M. Lodha & Justice Anil R. Dave)**JUDGMENT****JUSTICE R.M . LODHA**

Bar Council of India by means of this writ petition under Article 32 of the Constitution of India has raised challenge to the vires of Sections 22-A, 22-B, 22-C, 22-D and 22-E of the Legal Services Authorities Act, 1987 (for short, '1987 Act') as inserted by the Legal Services Authorities (Amendment) Act, 2002 (for short, '2002 Amendment Act').

2. By 2002 Amendment Act, in Section 22 of the 1987 Act, the words "Lok Adalat" were substituted by "Lok Adalat or Permanent Lok Adalat" and a new Chapter VI-A entitled "Pre-litigation Conciliation and Settlement" comprising of Sections 22-A to 22-E came to be inserted. In Section 23 of the 1987 Act, the words "members of the Lok Adalats" were substituted by the words "members of the Lok Adalats or the persons constituting Permanent Lok Adalats".
3. The challenge is principally on the ground that Sections 22-A, 22-B, 22-C, 22-D and 22-E are arbitrary per se; violative of Article 14 of the Constitution of India and are contrary to the rule of law as they deny fair, unbiased and even-handed justice to all.
4. We have heard Mr. Manoj Goel, learned counsel for the petitioner and Mr. T. S. Doabia, learned senior counsel for the Union of India. After oral arguments were over, Mr. Manoj Goel, learned counsel for the petitioner has also filed written submissions. Elaborating the vice of arbitrariness in the impugned provisions, in the written submissions, it is submitted that Section 22-C(1) read with Section 22-C(2) provides that a dispute before Permanent Lok Adalat can be raised by moving an application to it unilaterally by any party to the dispute (before the dispute is brought before any court for settlement). The public utility service provider, thus, can play mischief by pre-empting an aggrieved consumer from going to the consumer fora or availing other judicial process for redressal of his grievance and enforcement of his rights. Permanent Lok Adalats have been empowered to decide dispute on merits upon failure between the parties to arrive at a settlement under Section 22-C(8). While deciding the case on merits, the Permanent Lok Adalat is not required to follow the provisions of the Civil Procedure Code or the Evidence Act. Section 22-C(8) prevents the courts and the consumer fora to examine the deficiencies in services such as transport, postal and telegraph, supply of power, light or water, public conservancy or sanitation, service in hospital, etc. and renders the provisions under challenge arbitrary and irrational.
5. It has been submitted on behalf of the petitioner that award of the Permanent Lok Adalat on merits is made final and binding and cannot be called in question in any forum or court of law under Section 22-E(1) and (4). No right to appeal has been provided for against the

award in any court of law. Since all the public utility services basically relate to the fundamental right to life provided under Article 21 of the Constitution, any adverse decision on merits by Permanent Lok Adalat would immediately impinge upon fundamental right of an aggrieved citizen and, therefore, even absence of one right of appeal makes these provisions unconstitutional as it is against the fundamental principles of fair procedure. To say that an aggrieved person can approach the High Court under Articles 226/227 of the Constitution against awards given by the Permanent Lok Adalats on merits and, therefore, absence of right of appeal does not matter, is completely misplaced. The writ jurisdiction under Articles 226/227 is extremely limited and is no substitute of the appellate jurisdiction.

6. An argument was raised that though Permanent Lok Adalat supplants the civil court, consumer court or motor accident claims tribunal yet its mechanism and delivery of justice are not as effective as the above fora as the Permanent Lok Adalat is not required to follow the procedure contemplated in the Code of Civil Procedure and the Evidence Act. Moreover an award given on merits by Permanent Lok Adalat has to be by majority and since Permanent Lok Adalat consists of one judicial member and two administrative members, there is preponderance of administrative members which is against fundamental principles of justice enshrined in the Constitution.
7. It was strenuously submitted on behalf of the petitioner that the jurisdiction conferred upon Permanent Lok Adalat can not oust the jurisdiction of the fora created under specialized statutes dealing with the services referred to in Section 22-A(b). In this regard, the provisions contained in three specialized statutes, namely, the Consumer Protection Act, 1986, The Telecom Regulatory Authority of India Act, 1997 and the Insurance Act, 1938 were referred. By relying upon a decision of this Court in *The Premier Automobiles Ltd. v. Kamlekar Shantaram Wadke of Bombay and Others*¹, in the written arguments it has been submitted that the consumer fora as well as specialized courts/tribunals under the Telecom Regulatory Authority of India Act, 1997 and the Insurance Act, 1938 have exclusive jurisdiction as far as enforcement of rights under these 1 (1976) (1) SCC 496 statutes are concerned and their jurisdiction can not be taken away by Permanent Lok Adalat. Particularly, with reference to the provisions contained in the Consumer Protection Act, it is submitted that compensatory remedies available under this law are in addition to and not in derogation of any other law and since Permanent Lok Adalats have no jurisdiction to grant compensatory relief, the jurisdiction of the consumer fora remains intact. Reliance has been placed on the decisions of this Court in *Fair Air Engineers Pvt. Ltd. and another v. N.K. Modi*², *SkypakCouriers Ltd. v. Tata Chemicals Ltd.*³, *Trans Mediterranean Airways v. Universal Exports and another*⁴ and *National Seeds Corporation Limited v. M. Madhusudhan Reddy and another*⁵. National Seeds Corporation Limited⁵ was also pressed into service in support of the submission that consumer protection laws were enacted pursuant to the solemn international obligations of our country and, therefore, the Permanent Lok Adalats cannot oust the jurisdiction of the consumer courts. It is also submitted that the jurisdiction of the consumer courts is protected unless it is expressly barred even in cases where some disputes can be adjudicated in different fora. Two decisions of this Court in this regard, namely, *Secretary, Thirumurugan Cooperative Agricultural Credit Society v. M. Lalitha (Dead)*

1 (1976) (1) SCC 496
 2 (1996) 6 SCC 385
 3 (2000) 5 SCC 294
 4 (2011) 10 SCC 316
 5 (2012) 2 SCC 506
 6 (2004) 1 SCC 305
 7 (2007) 4 SCC 579

through *LRs. and Others*⁶ and *Kishore Lal v. Chairman, Employees' State Insurance Corpn.*⁷ have been relied upon.

8. Mr. T.S. Doabia, learned senior counsel for the Union of India, on the other hand, submitted that the issues raised in the writ petition have already been decided by this Court in *S. N. Pandey v. Union of India* (Writ Petition (Civil) No. 543/2002; decided on 28.10.2002) and the writ petition deserves to be dismissed on this ground alone. He submitted that the impugned provisions are in conformity with the objectives of Article 39A and intended to provide an affordable, speedy and efficient mechanism to secure justice.
9. As regards decision of this Court in *S.N. Pandey* (supra), the counsel for the petitioner in rejoinder would submit that the dismissal of the earlier writ petition was in limine and would not be a binding precedent. The decisions of this Court in *B. Prabhakar Rao and others v. State of Andhra Pradesh and others*⁸, *Union of India and others v. Jaipal Singh*⁹ were relied upon. Learned counsel for the petitioner also submitted that in the earlier writ petition, there was no law declared under Article 141 of the Constitution since points now raised in the present writ petition were neither argued nor discussed. In this regard, the learned counsel referred to the two decisions of this Court in *B. Shama Rao v. Union Territory of Pondicherry*¹⁰, *Municipal Corporation of Delhi v. Gurnam Kaur*¹¹ and *State of Punjab v. Baldev Singh*¹².
10. Article 39-A came to be inserted in the Constitution by Constitution (42nd Amendment) Act, 1976 with effect from 3.1.1977. It enjoins upon the State to secure that the operation of the legal system promotes justice on the basis of equal opportunity and in particular to provide free legal aid by suitable legislation or schemes or in any other way and to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities. Equal justice to all and free legal aid are hallmark of Article 39-A. Pursuant to these objectives, the 1987 Act was enacted by the Parliament to constitute legal services authorities to provide free and competent legal services to the weaker sections of the society to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities, and to organize Lok Adalats to secure that the operation of the legal system promotes justice on a basis of equal opportunity. The statement of objects and reasons that led to enactment of 1987 Act reads as follows :

“Article 39-A of the Constitution provides that the State shall secure that the operation of the legal system promotes justice on the 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.

2. With the object of providing free legal aid, Government had, by Resolution dated the 26th September, 1980 appointed the “Committee for Implementing Legal Aid Schemes” (CILAS) under the Chairmanship of Mr. Justice P.N. Bhagwati (as he then was) to monitor and implement legal aid programmes on a uniform basis in all the States and Union territories. CILAS evolved a model scheme for legal Aid programme applicable throughout the country by which several legal aid and advice boards have been set

8 1985 (Supp) SCC 432
 9 (2004) 1 SCC 121
 10 AIR 1967 SC 1480
 11 (1989) 1 SCC 101
 12 (1999) 6 SCC 172

up in the States and Union territories. CILAS is funded wholly by grants from the Central Government. The Government is accordingly concerned with the programme of legal aid as it is the implementation of a constitutional mandate. But on a review of the working of the CILAS certain deficiencies have come to the fore. It is, therefore, felt that it will be desirable to constitute statutory legal service authorities at the National, State and District levels so as to provide for the effective monitoring of legal aid programmes. The Bill provides for the composition of such authorities and for the funding of these authorities by means of grants from the Central Government and the State Governments. Power has been also given to the National Committee and the State Committees to supervise the effective implementation of legal aid schemes.

3. For some time now, Lok Adalats are being constituted at various places in the country for the disposal, in a summary way and through the process of arbitration and settlement between the parties, of a large number of cases expeditiously and with lesser costs. The institution of Lok Adalats is at present functioning as a voluntary and conciliatory agency without any statutory backing for its decisions. It has proved to be very popular in providing for a speedier system of administration of justice. In view of its growing popularity, there has been a demand for providing a statutory backing to this institution and the awards given by Lok Adalats. It is felt that such a statutory support would not only reduce the burden of arrears of work in regular Courts, but would also take justice to the door-steps of the poor and the needy and make justice quicker and less expensive.”
11. For about a decade and half, the operation of the 1987 Act was closely watched. It was felt that the system of Lok Adalats provided in the 1987 Act sometimes results in delaying the dispensation of justice where the parties do not arrive at any compromise or settlement in Lok Adalat and the case is returned to the court of law or the parties are advised to pursue appropriate remedy for redressal of their grievance. Accordingly, amendment in the 1987 Act was felt by the Parliament to be necessary. The statement of objects and reasons of the 2002 Amendment Act, inter alia, reads as under:
- “The Legal Services Authorities Act, 1987 was enacted to constitute legal services authorities for providing and competent legal services to the weaker sections of the society to ensure that opportunities for securing justice were not denied to any citizen by reason of economic or other disabilities and to organize Lok Adalats to ensure that the operation of the legal system promoted justice on a basis of equal opportunity. The system of Lok Adalat, which is an innovative mechanism for alternate dispute resolution, has proved effective for resolving disputes in a spirit of conciliation outside the Court.
2. However, the major drawback in the existing scheme of organisation of the Lok Adalats under Chapter VI of the said Act is that the system of Lok Adalats is mainly based on compromise or settlement between the parties. If the parties do not arrive at any compromise or settlement, the case is either returned to the Court of law or the parties are advised to seek remedy in a Court of law. This causes unnecessary delay in the dispensation of justice. If Lok Adalats are given power to decide the cases on merits in case parties fails to arrive at any compromise or settlement, this problem can be tackled to a great extent. Further, the cases which arise in relation to

public utility services such as Mahanagar Telephone Nigam Limited, Delhi Vidyut Board, etc., need to be settled urgently so that people get justice without delay even at pre-litigation stage and thus most of the petty cases which ought not to go in the regular Courts would be settled at the pre-litigation stage itself which would result in reducing the workload of the regular Courts to a great extent. It is, therefore, proposed to amend the Legal Service Authorities Act, 1987 to set up Permanent Lok Adalats for providing compulsory pre-litigative mechanism for conciliation and settlement of cases relating to public utility services.

3. The salient features of proposed legislation are as follows :-

- (i) to provide for the establishment of Permanent Lok Adalats which shall consists (sic) of a Chairman who is or has been a District Judge or Additional District Judge or has held judicial officer (sic) higher in rank than that of the District Judge and two other persons having adequate experience in public utility services;
- (ii) the Permanent Lok Adalat shall exercise jurisdiction in respect of one or more public utility services such as transport services of passengers of goods by air, road and water, postal, telegraph or telephone services, supply of power, light or water to the public by any establishment, public conservancy or sanitation, services in hospitals or dispensaries, and insurance services;
- (iii) the pecuniary jurisdiction of the Permanent Lok Adalat shall be up to Rupees Ten Lakhs. However, the Central Government may increase the said pecuniary jurisdiction from time to time. It shall have no jurisdiction in respect of any matter relating to an offence not compoundable under any law;
- (iv) it also provides that before the dispute is brought before any Court, any party to the dispute may make an application to the Permanent Lok Adalat for settlement of the dispute;
- (v) where it appears to the Permanent Lok Adalat that there exist elements of a settlement, which may be acceptable to the parties, it shall formulate the terms of a possible settlement and submit them to the parties for their observations and in case the parties reach an agreement, the Permanent Lok Adalat shall pass an award in terms thereof. In case parties to the dispute fail to reach an agreement, the Permanent Lok Adalat shall decide the dispute on merits; and
- (vi) every award made by the Permanent Lok Adalat shall be final and binding on all the parties thereto and shall be by a majority of the persons constituting the Permanent Lok Adalat."

12. With the above objectives, 2002 Amendment Act was enacted by the Parliament and thereby Chapter VI-A (Sections 22-A to 22-E) was brought in with few other consequential amendments elsewhere.

13. The title of Chapter VI-A is "Pre-litigation Conciliation and Settlement". Section 22-A(a) defines "Permanent Lok Adalat" to mean a Permanent Lok Adalat established under sub-section (1) of Section 22-B. "Public utility service" is defined in Section 22-A(b). It means (i) transport service for the carriage of passengers or goods by air, road or water; or (ii) postal, telegraph or telephone service; or (iii) supply of power, light or water to the public by any

- establishment; or (iv) system of public conservancy or sanitation; or (v) service in hospital or dispensary; or (vi) insurance service. If the Central Government or the State Government declares in the public interest, any service to be a public utility service for the purposes of Chapter VI-A, such service on declaration is also included in the definition of 'public utility service' under Section 22-A(b).
14. The establishment of Permanent Lok Adalat is done under Section 22-B. The Central Authority and every State Authority, as the case may be, have been mandated to establish Permanent Lok Adalats at such places and for exercising such jurisdiction in respect of one or more public utility services and for such areas as may be notified. The composition of Permanent Lok Adalat is provided in Section 22-B (2). Accordingly, every Permanent Lok Adalat shall consist of (a) a person who is or has been a District Judge or Additional District Judge or has held judicial office higher in rank than that of a District Judge and (b) two other persons having adequate experience in public utility service to be nominated by the Central Government or by the State Government, as the case may be on the recommendation of the Central Authority or by the State Authority (as the case may be). The judicial officer, namely, the District Judge or Additional District Judge or the Judicial Officer higher in rank than that of a District Judge shall be the Chairman of the Permanent Lok Adalat.
 15. Section 22-C provides for the procedure for raising dispute before the Permanent Lok Adalat. Sub-section (1) provides that any party to a dispute may make an application to the Permanent Lok Adalat for the settlement of dispute before the dispute is brought before any court. However, Permanent Lok Adalat has no jurisdiction to deal with any matter relating to an offence not compoundable under any law. The second proviso puts a cap on the pecuniary jurisdiction inasmuch as it provides that the Permanent Lok Adalat shall not have jurisdiction in a matter where the value of the property in dispute exceeds ten lakh rupees. The Central Government, however, may increase the limit of ten lakh rupees in consultation with the Central Authority by notification.
 16. Sub-section (2) of Section 22-C puts an embargo on the parties to a dispute after an application has been made by any one of them under sub-section (1) in invoking jurisdiction of any court in the same dispute.
 - 16.1. Sub-section (3) of Section 22-C provides for the procedure to be followed by the Permanent Lok Adalat once an application is made before it by any party to a dispute under sub-section (1). This procedure includes filing of a written statement by each party to the application stating therein the facts and nature of the dispute and highlighting the points or issues in such dispute and the documents and other evidence in support of their respective written statement and exchange of copy of such written statement together with copy of documents/other evidence. The Permanent Lok Adalat may require any party to the application to file additional statement before it at any stage of the conciliation proceedings. Any document or statement received by Permanent Lok Adalat from any party to the application is given to the other party. On completion of the above procedure, the Permanent Lok Adalat proceeds with conciliation proceedings between the parties to the application under sub-section (4) of Section 22-C. During conduct of the conciliation proceedings under sub-section (4) of Section 22-C, the Permanent Lok Adalat is obliged to assist the parties in their attempt to reach an amicable settlement of the dispute in an independent and impartial manner. Every party to the application has a duty to cooperate in good faith with the Permanent Lok Adalat in conciliation of the dispute relating to the application and to comply with the direction of the Permanent Lok Adalat to produce evidence and other related documents before it.
 - 16.2. On satisfaction that there is likelihood of settlement in the proceedings, the Permanent Lok Adalat may formulate the terms of possible settlement of the dispute and give to the parties

- for their observations and where the parties reach at an agreement on the settlement of the dispute, they shall sign the settlement/agreement and Permanent Lok Adalat then passes an award in terms thereof and furnishes a copy of the same to each of the parties concerned.
17. Upto the above pre-litigation conciliation and settlement procedure, there is no problem or issue. The petitioner is seriously aggrieved by the provision contained in Section 22-C(8) which provides that where the parties fail to reach at an agreement under sub-section (7), the Permanent Lok Adalat shall, if the dispute does not relate to any offence, decide the dispute. This provision followed by Section 22-D which, inter-alia, provides that while deciding a dispute on merit the Permanent Lok Adalat shall not be bound by the Code of Civil Procedure, 1908 and the Indian Evidence Act, 1872 and Section 22-E which accords finality to the award of Permanent Lok Adalat under sub-section (1) and the provision made in sub-section (4) that every award made by the Permanent Lok Adalat shall be final and hence shall not be called in question in any original suit, application or execution proceedings form mainly bone of contention. Are these provisions violative of Article 14 of the Constitution of India and contrary to rule of law, fairness and even-handed justice? are the questions to be considered.
 18. Chapter VI-A inserted by the 2002 Amendment Act in 1987 Act, as its title suggests, provides for pre-litigation conciliation and settlement procedure. The disputes relating to public utility service like transport service for carriage of passengers or goods by air, road or water or postal, telegraph or telephone service or supply of power, light or water or public conservancy system or sanitation or service in hospital or dispensary or insurance service, etc., in the very scheme of things deserve to be settled expeditiously. Prolonged dispute in respect of the above matters between the service provider and an aggrieved party may result in irretrievable damage to either party to the dispute. Today, with increasing number of cases, the judicial courts are not able to cope with the heavy burden of inflow of cases and the matters coming before them. The disputes in relation to public utility service need urgent attention with focus on their resolution at threshold by conciliation and settlement and if for any reason such effort fails, then to have such disputes adjudicated through an appropriate mechanism as early as may be possible. With large population in the country and many public utility services being provided by various service providers, the disputes in relation to these services are not infrequent between the service providers and common man. Slow motion procedures in the judicial courts are not conducive for adjudication of disputes relating to public utility service.
 19. The statement of objects and reasons itself spells out the salient features of Chapter VI-A. By bringing in this law, the litigation concerning public utility service is sought to be nipped in the bud by first affording the parties to such dispute an opportunity to settle their dispute through the endeavours of the Permanent Lok Adalat and if such effort fails then to have the dispute between the parties adjudicated through the decision of the Permanent Lok Adalat. The mechanism provided in Chapter VI-A enables a party to a dispute relating to public utility service to approach the Permanent Lok Adalat for the settlement of dispute before the dispute is brought before any court.
 20. Parliament can definitely set up effective alternative institutional mechanisms or make arrangements which may be more efficacious than the ordinary mechanism of adjudication of disputes through the judicial courts. Such institutional mechanisms or arrangements by no stretch of imagination can be said to be contrary to constitutional scheme or against the rule of law. The establishment of Permanent Lok Adalats and conferring them jurisdiction upto a specific pecuniary limit in respect of one or more public utility services as defined in Section 22-A(b) before the dispute is brought before any court by any party to the dispute is not anathema to the rule of law. Instead of ordinary civil courts, if other institutional mechanisms are set up or arrangements are made by the Parliament with an adjudicatory

- power, in our view, such institutional mechanisms or arrangements cannot be faulted on the ground of arbitrariness or irrationality.
21. The Permanent Lok Adalats under the 1987 Act (as amended by 2002 Amendment Act) are in addition to and not in derogation of Fora provided under various statutes. This position is accepted by the Central Government in their counter affidavit.
 22. It is necessary to bear in mind that the disputes relating to public utility services have been entrusted to Permanent Lok Adalats only if the process of conciliation and settlement fails. The emphasis is on settlement in respect of disputes concerning public utility services through the medium of Permanent Lok Adalat. It is for this reason that sub-section (1) of Section 22-C states in no unambiguous terms that any party to a dispute may before the dispute is brought before any court make an application to the Permanent Lok Adalat for settlement of dispute. Thus, settlement of dispute between the parties in matters of public utility services is the main theme. However, where despite the endeavours and efforts of the Permanent Lok Adalat the settlement between the parties is not through and the parties are required to have their dispute determined and adjudicated, to avoid delay in adjudication of disputes relating to public utility services, the Parliament has intervened and conferred power of adjudication upon the Permanent Lok Adalat. Can the power conferred on Permanent Lok Adalats to adjudicate the disputes between the parties concerning public utility service upto a specific pecuniary limit, if they do not relate to any offence, as provided under Section 22-C(8), be said to be unconstitutional and irrational? We think not. It is settled law that an authority empowered to adjudicate the disputes between the parties and act as a tribunal may not necessarily have all the trappings of the court. What is essential is that it must be a creature of statute and should adjudicate the dispute between the parties before it after giving reasonable opportunity to them consistent with the principles of fair play and natural justice. It is not a constitutional right of any person to have the dispute adjudicated by means of a court only. Chapter VI-A has been enacted to provide for an institutional mechanism, through the establishment of Permanent Lok Adalats for settlement of disputes concerning public utility service before the matter is brought to the court and in the event of failure to reach any settlement, empowering the Permanent Lok Adalat to adjudicate such dispute if it does not relate to any offence.
 23. The difference between “courts” and “tribunals” has come up for consideration before this Court on more than one occasion. Almost five decades back, this Court in *M/s. Harinagar Sugar Mills Ltd. v. Shyam Sundar Jhunjhunwala and others*¹³ stated that by “courts” the courts of civil judicature is meant and by “tribunals” those bodies of men who are appointed to decide controversies arising under certain special laws. All tribunals are not courts though all courts are tribunals. It was further observed that in the exercise of judicial power, a clear division was noticeable between courts and tribunals, particularly, certain special matters go before tribunals, and the residue goes before the ordinary Courts of Civil Judicature. Their procedures may differ, but the functions are not essentially different. Both courts and tribunals act “judicially”.
 24. In *Associated Cement Companies Ltd. v. P. N. Sharma & Anr*¹⁴, the Constitution Bench of this Court observed that under our Constitution, the judicial functions and powers of the State have been primarily conferred on the ordinary courts; the Constitution recognises a hierarchy of courts and they are normally entrusted to adjudicate all disputes between citizens and citizens as well as between the citizens and the State. The powers which the courts exercise are judicial powers, the functions they discharge are judicial functions and

13 1962 (2) SCR 339

14 (1965) 2 SCR 366

the decisions they reach and pronounce are judicial decisions. The tribunals decide special matters entrusted to them for their decision. The procedure which the tribunals have to follow may not always be so strictly prescribed but the approach adopted by both the courts and tribunals is substantially the same; it is State's inherent judicial function which they discharge.

25. In *Kihoto Hollohan v. Zachillhu & Ors.*¹⁵, it has been stated by this Court that where the authority is called upon to decide a lis on the rights and obligations of the parties, there is an exercise of judicial power. The authority is called a tribunal if it does not have all the trappings of a court.
26. In a comparatively recent decision in *Union of India v. R. Gandhi, President, Madras Bar Association*¹⁶ (Civil Appeal No. 3067 of 2004); decided on May 11, 2010, a Constitution Bench of this Court was concerned with the matters wherein the constitutional validity of Parts I-B and I-C of the Companies Act, 1956 inserted by Companies (Second Amendment) Act, 2002 providing for the Constitution of National Company Law Tribunal and National Company Law Appellate Tribunal was under challenge. The Court while examining the difference between the courts and tribunals, inter alia, referred to earlier decisions of this Court, some of which have been noted above. The Court summarized the legal position as follows:
- “(a) A legislature can enact a law transferring the jurisdiction exercised by courts in regard to any specified subject (other than those which are vested in courts by express provisions of the Constitution) to any tribunal.
 - (b) All courts are tribunals. Any tribunal to which any existing jurisdiction of courts is transferred should also be a Judicial Tribunal. This means that such Tribunal should have as members, persons of a rank, capacity and status as nearly as possible equal to the rank, status and capacity of the court which was till then dealing with such matters and the members of the Tribunal should have the independence and security of tenure associated with Judicial Tribunals.
 - (c) Whenever there is need for ‘Tribunals’, there is no presumption that there should be technical members in the Tribunals. When any jurisdiction is shifted from courts to Tribunals, on the ground of pendency and delay in courts, and the jurisdiction so transferred does not involve any technical aspects requiring the assistance of experts, the Tribunals should normally have only judicial members. Only where the exercise of jurisdiction involves inquiry and decisions into technical or special aspects, where presence of technical members will be useful and necessary, Tribunals should have technical members. Indiscriminate appointment of technical members in all tribunals will dilute and adversely affect the independence of the Judiciary.
 - (d) The Legislature can re-organize the jurisdictions of Judicial Tribunals. For example, it can provide that a specified category of cases tried by a higher court can be tried by a lower court or vice versa (A standard example is the variation of pecuniary limits of the courts). Similarly while constituting Tribunals, the Legislature can prescribe the qualifications/eligibility criteria. The same is however subject to Judicial Review. If the court in exercise of judicial review is of the view that such tribunalisation would adversely affect the independence of the judiciary or the standards of the judiciary, the court may interfere to preserve the independence and standards of the judiciary. Such an exercise will be part of the checks and balances measures to maintain the separation of powers and to prevent any

15 1992 Supp (2) SCC 651

16 (2010) 11 SCC 1

encroachment, intentional or unintentional, by either the legislature or by the executive.”

27. The competence of the Parliament to make a law creating tribunals to deal with disputes arising under or relating to a particular statute or statutes or particular disputes is, thus, beyond question.
28. *Sine qua non* of taking cognizance of a dispute concerning public utility service by the Permanent Lok Adalat is that neither party to a dispute has approached the civil court. There is no merit in the submission of the petitioner that the service provider may pre-empt the consideration of a dispute by a court or a forum under special statute by approaching the Permanent Lok Adalat established under Chapter VI-A of the 1987 Act and, thus, depriving the user or consumer of such public utility service of an opportunity to have the dispute adjudicated by a civil court or a forum created under special statute. In the first place, the jurisdiction of fora created under the Special Statutes has not been taken away in any manner whatsoever by the impugned provisions. As noted above, the Permanent Lok Adalats are in addition to and not in derogation of fora provided under Special Statutes. Secondly, not a single instance has been cited where a provider of service of public utility in a dispute with its user has approached the Permanent Lok Adalat first. The submission is unfounded and misplaced.
29. The alternative institutional mechanism in Chapter VI-A with regard to the disputes concerning public utility service is intended to provide an affordable, speedy and efficient mechanism to secure justice. By not making applicable the Code of Civil Procedure and the statutory provisions of the Indian Evidence Act, there is no compromise on the quality of determination of dispute since the Permanent Lok Adalat has to be objective, decide the dispute with fairness and follow the principles of natural justice. Sense of justice and equity continue to guide the Permanent Lok Adalat while conducting conciliation proceedings or when the conciliation proceedings fail, in deciding a dispute on merit. 30. Insofar as composition of Permanent Lok Adalat is concerned, Section 22-B(2) provides that every Permanent Lok Adalat shall consist of a person who is or has been a District Judge or Additional District Judge or has held judicial office higher in rank than that of a District Judge and two other persons having adequate experience in public utility service to be nominated by the Central Government or the State Government, as the case may be, on the recommendation of the Central Authority or the State Authority, as the case may be. Of the three members, the judicial officer is the Chairman of the Permanent Lok Adalat. The Central Authority under Section 3 of the 1987 Act, inter alia, consists of the Chief Justice of India, a serving or retired Judge of the Supreme Court to be nominated by the President in consultation with the Chief Justice of India and the other members to be nominated by the Central Government in consultation with the Chief Justice of India. The Chief Justice of India is the Patron-in-Chief of the Central Authority while a serving or retired Judge of the Supreme Court is the Executive Chairman. Similarly, the State Authority under Section 6 consists of the Chief Justice of the High Court, a serving or retired Judge of the High Court to be nominated by the Governor in consultation with the Chief Justice of the High Court and such number of other members to be nominated by the State Government in consultation with the Chief Justice of the High Court. It would be, thus, seen that the two members other than the judicial officer of a Permanent Lok Adalat can be appointed by the Central Government or the State Government, as the case may be, on the recommendation of the Central Authority or the State Authority only. The composition of Central Authority and the State Authority has been noted above. In the above view, it is misconceived to say that the judiciary has been kept out in the appointment of members of the Permanent Lok Adalats. The independence of Permanent Lok Adalats does not seem to have been compromised at all as even the non-judicial members of every Permanent Lok Adalat have to be appointed

on the recommendation of a high powered Central or State Authority headed by none other than the Chief Justice of India or a serving or retired Judge of the Supreme Court where the nomination is made by the Central Government or by the Chief Justice of the State High Court or a serving or retired Judge of the High Court where the nomination is made by the State Government.

31. It is not unusual to have the tribunals comprising of judicial as well as non-judicial members. The whole idea of having non-judicial members in a tribunal like Permanent Lok Adalat is to make sure that the legal technicalities do not get paramountcy in conciliation or adjudicatory proceedings. The fact that a Permanent Lok Adalat established under Section 22-B comprises of one judicial officer and two other persons having adequate experience in public utility service does not show any abhorrence to the rule of law nor such composition becomes violative of principles of fairness and justice or is contrary to Articles 14 and 21 of the Constitution of India.
32. It is true that the award made by the Permanent Lok Adalat under 1987 Act has to be by majority of the persons constituting the Permanent Lok Adalat. In a given case, it may be that the two non-judicial members disagree with the judicial member but that does not mean that such majority decision lacks in fairness or sense of justice.
33. There is no inherent right of appeal. Appeal is always a creature of statute and if no appeal is provided to an aggrieved party in a particular statute, that by itself may not render that statute unconstitutional. Section 22-E(1) makes every award of the Permanent Lok Adalat under 1987 Act either on merit or in terms of a settlement final and binding on all the parties thereto and on persons claiming under them. No appeal is provided from the award passed by the Permanent Lok Adalat but that, in our opinion, does not render the impugned provisions unconstitutional. In the first place, having regard to the nature of dispute upto a specific pecuniary limit relating to public utility service and resolution of such dispute by the procedure provided in Section 22-C(1) to 22-C(8), it is important that such dispute is brought to an end at the earliest and is not prolonged unnecessarily. Secondly, and more importantly, if at all a party to the dispute has a grievance against the award of Permanent Lok Adalat he can always approach the High Court under its supervisory and extraordinary jurisdiction under Articles 226 and 227 of the Constitution of India. There is no merit in the submission of the learned counsel for the petitioner that in that situation the burden of litigation would be brought back on the High Courts after the award is passed by the Permanent Lok Adalat on merits.
34. The challenge to the validity of the impugned provisions came up before this Court in S.N. Pandey (supra). A three-Judge Bench of this Court was not persuaded by the challenge and held as under:

“We have gone through the provisions of the said Chapter which contemplated the setting up of permanent Lok Adalats, for deciding disputes in which public utility services is one of the matters involved. It is quite obvious that the effort of the legislature is to decrease the work load in the Courts by resorting to alternative disputes resolution. Lok Adalat is a mode of dispute resolution which has been in vogue since over two decades. Hundreds of thousands of cases have been settled through this mechanism and is undisputedly a fast means of dispensation of justice. The litigation is brought to a quick end with no further appeals or anguish to the litigants. The constitution of the permanent Lok Adalats mechanism contemplate the judicial officer or a retired judicial officer being there alongwith other persons having adequate experience in the public utility services.

We do not find any constitutional infirmity in the said legislation. The act ensures that justice will be available to the litigant speedily and impartially. We do emphasis that the persons who are appointed on the Permanent Lok Adalats should be person of integrity and

- adequate experience. Appropriate rules, inter alia in this regard, no doubt will have to be framed, if not already in place. We upheld the validity of the said Act and hope the Permanent Lok Adalats will be set up at an early date. The Lok Adalats are enacted to Primarily bring about settlement amongst the parties. The parties are normally required to be present in person and since the impugned provisions are in the interest of the litigating public, the Lok Adalats shall perform their duties and will function; even if members of the Bar choose not to appear.”
35. Learned counsel for the petitioner submitted that the disposal of the writ petition filed by S.N. Pandey was in limine and the order passed therein cannot be construed as a binding precedent. It was also submitted that the said decision does not declare any law under Article 141 of the Constitution since points now raised in the present matter, were neither argued nor discussed.
 36. We are not persuaded by the submission of the learned counsel for the petitioner. Although the disposal of writ petition in S.N. Pandey was in limine and the order is brief but the court has disposed of the same on merits. In B. Prabhakar Rao⁸ , O. Chinnappa Reddy ,J. did observe in para 22 that the dismissal in limine of a writ petition cannot possibly bar the subsequent writ petitions but at the same time he also observed that such a dismissal in limine may inhibit the discretion of the Court. V. Khalid, J. in his supplementing judgment in para 27(6) expounded the position that normally this Court would be disinclined to entertain or to hear petitions raising identical points again where on an earlier occasion, the matter was heard and dismissed. Not that this Court had no jurisdiction to entertain such matters, but would normally exercise its discretion against it. We are in complete agreement with the above view of V. Khalid, J. It is against public policy and well defined principles of judicial discretion to entertain or hear petitions relating to same subject matter where the matter was heard and dismissed on an earlier occasion.
 37. Independent of the view of this Court in S.N. Pandey, for the reasons that we have indicated above, we find no merit in the challenge to the impugned provisions of Chapter VI-A brought in the 1987 Act by 2002 Amendment Act.
 38. We, accordingly, dismiss the writ petition with no order as to costs.

NEW DELHI.

AUGUST 3, 2012.



Rajoo @ Ramakant vs. The State of Madhya Pradesh

IN THE SUPREME COURT OF INDIA CRIMINAL APPELLATE JURISDICTION CRIMINAL APPEAL NO . 140 OF 2008

RAJOO @ RAMAKANTAppellant
Versus
THE STATE OF MADHYA PRADESHRespondent
(Justice A. K. Patnaik & Justice Madan B. Lokur)

JUDGMENT

Justice Madan B. Lokur

After hearing arguments in this appeal, we had reserved judgment. While preparing the judgment, it was noticed that the appellant (Rajoo) was not represented in the High Court.

The issue that arises, therefore, is whether Rajoo was entitled, as a matter of right, to legal representation in the High Court. Our answer is in the affirmative.

The facts:

On 06.12.1998, seven persons including Rajoo are alleged to have gang-raped 'G'. The Trial Court convicted all of them for the offence and sentenced each of them to 10 years rigorous imprisonment and a fine of Rs. 500/-. In default thereof they were required to undergo rigorous imprisonment for a further period of 3 months.

Appeals were filed by all the convicted persons before the High Court. By its judgment and order dated 05.09.2006, the High Court set aside the conviction in respect of five of the convicts, but upheld the conviction in respect of Rajoo and Vijay. We have been informed that Vijay has accepted the judgment of the High Court. Only Rajoo has appealed against his conviction and sentence. Before us Rajoo was represented by learned counsel who took us through the material on record and made his submissions.

Constitutional and statutory provisions :

By the 42nd Amendment to the Constitution, effected in 1977, Article 39-A was inserted. This Article provides for free legal aid by suitable legislation or schemes or in any other manner, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities. Article 39-A of the Constitution reads as follows:-

39A. 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.

Subsequently, with the intention of providing free legal aid, the Central Government resolved (on 26th September, 1980) and appointed the "Committee for Implementing the Legal Aid Schemes". This committee was to monitor and implement legal aid programs on a uniform basis throughout the country in fulfillment of the constitutional mandate. Experience gained from a review of the working of the committee eventually led to the enactment of the Legal Services Authorities Act, 1987 (for short, the Act).

The Act provides, inter alia for the constitution of a National Legal Services Authority, a Supreme Court Legal Services Committee, State Legal Services Authorities as well as Taluk Legal Services Committees. Section 12 of the Act lays down the criteria for providing legal services. It provides, inter alia, that every person who has to file or defend a case shall be entitled to legal services, if he or she is in custody. Section 13 of the Act provides that persons meeting the criteria laid down in Section 12 of the Act will be entitled to legal services provided the concerned authority is satisfied that such person has a prima facie case to prosecute or defend.

It is important to note in this context that Sections 12 and 13 of the Act do not make any distinction between the trial stage and the appellate stage for providing legal services. In other words, an eligible person is entitled to legal services at any stage of the proceedings which he or she is prosecuting or defending. In fact the Supreme Court Legal Services Committee provides legal assistance to eligible persons in this Court. This makes it abundantly clear that legal services shall be provided to an eligible person at all stages of the proceedings, trial as well as appellate. It is also important to note that in view of the constitutional mandate of Article 39-A, legal services or legal aid is provided to an eligible person free of cost.

Decision s of this Court :

Pending the enactment of the Legal Services Authorities Act, the issue of providing free legal services or free legal aid or free legal representation (all terms being understood as synonymous) came up for consideration before this Court.

Among the first few decisions in this regard is *Hussainara Khatoon (IV) v. Home Secretary, State of Bihar, (1980) 1 SCC 98*. In that case, reference was made to Article 39-A of the Constitution and it was held that free legal service is an inalienable element of "reasonable, fair and just procedure for a person accused of an offence and it must be held implicit in the guarantee of Article 21 [of the Constitution]." It was noted that this is "a constitutional right of every accused person who is unable to engage a lawyer and secure free legal services on account of reasons such as poverty, indigence or incommunicado situation." It was held that the State is under a mandate to provide a lawyer to an accused person if the circumstances of the case and the needs of justice so require, subject of course to the accused person not objecting to the providing of a lawyer.

The essence of this decision was followed in *Khatri (II) v. State of Bihar, (1981) 1 SCC 627*. In that case, it was noted that the Judicial Magistrate did not provide legal representation to the accused persons because they did not ask for it. This was found to be unacceptable. This Court went further and held that it was the obligation of the Judicial Magistrate before whom the accused were produced to inform them of their entitlement to legal representation at State cost. In this context, it was observed that the right to free legal services would be illusory unless the Magistrate or the Sessions Judge before whom the accused is produced informs him of this right. It would also make a mockery of legal aid if it were to be left to a poor, ignorant and illiterate accused to ask for free legal services thereby rendering the constitutional mandate a mere paper promise.

Suk Das v. Union Territory of Arunachal Pradesh, (1986) 2 SCC 401 reiterated the requirement of providing free and adequate legal representation to an indigent person and a person accused of an offence. In that case, it was reiterated that an accused need not ask for legal assistance – the Court dealing with the case is obliged to inform him or her of the entitlement to free legal aid. This Court observed that it was now "settled law that free legal assistance at State cost is a fundamental right of a person accused of an offence which may involve jeopardy to his life or personal liberty and this fundamental right is implicit in the requirement of reasonable, fair and just procedure prescribed by Article 21 [of the Constitution]."

Since the requirements of law were not met in that case, and in the absence of the accused person being provided with legal representation at State cost, it was held that there was a violation of the

fundamental right of the accused under Article 21 of the Constitution. The trial was held to be vitiated on account of a fatal constitutional infirmity and the conviction and sentence were set aside.

We propose to briefly digress and advert to certain observations made, both in *Khatri (II)* and *Suk Das*. In both cases, this Court carved out some exceptions in respect of grant of free legal aid to an accused person. It was observed that there “may be cases involving offences such as economic offences or offences against law prohibiting prostitution or child abuse and the like, where social justice may require that free legal services need not be provided by the State.” We have some reservations whether such exceptions can be carved out particularly keeping in mind the constitutional mandate and the universally accepted principle that a person is presumed innocent until proven guilty. If such exceptions are accepted, there may be a tendency to add some more, such as in cases of terrorism thereby diluting the constitutional mandate and the fundamental right guaranteed under Article 21 of the Constitution. However, we need not say anything more on this subject since the issue is not before us.

The above discussion conclusively shows that this Court has taken a rather pro-active role in the matter of providing free legal assistance to persons accused of an offence or convicted of an offence.

Another view:

A slightly different issue had recently arisen in *Clark v. Registrar of the Manukau District Court, (2012) NZCA 193*. The issue before the Court of Appeal in New Zealand was whether legally aided defendants in criminal proceedings are entitled to choose or prefer the counsel assigned to represent them. The discussion in that case centered round the New Zealand Bill of Rights Act, 1990 and the issue was answered in the negative.

However, in the course of discussion, the Court observed that the right of a fair trial is guaranteed by the Bill of Rights Act and it is an absolute right. A fundamental feature of a fair trial is a right to legal representation under the Bill of Rights Act. Reference was made to the decision of the Supreme Court of New Zealand in *Condon v. R, (2006) NZSC 62* wherein it was concluded that representation by a lawyer is nearly always necessary for a trial for a serious offence to be fair. An accused person must have legal representation or at least should have been afforded a reasonable opportunity of attaining it when charged with a serious offence. But, the Supreme Court held that:

“An accused has the right to employ a lawyer, but the state does not guarantee to provide the lawyer’s services – in this respect its role is passive, in the sense that it must not impede the exercise of the right by the accused. The exception is under s 24(f) [of the Bill of Rights Act], when the accused does not have sufficient means to provide for legal assistance. Even in such a case, however, it is the accused who must take the necessary steps to obtain assistance under the Legal Services Act.”

It was noted that the Supreme Court agreed with the High Court of Australia in *Dietrich v. R, 1992 HCA 57* that, other than in exceptional circumstances, “an accused who conducts his or her own defence to a serious charge, without having declined or failed to exercise the right to legal representation, would not have had a fair trial.” A conviction obtained in such circumstances would be quashed unless the prosecution is able to satisfy the appellate Court that the trial was actually fair.

That there is a right of legal representation available to an accused is undoubted, even in New Zealand and Australia. The only point of disagreement appearing from *Condon*, as far as we are concerned, is whether the accused should be asked whether he or she requires legal assistance or not. The Supreme Court in New Zealand appears to have taken the view that the role of the State (and indeed of the Court) in this regard is passive. The view taken by this Court on issues of legal representation, on the other hand, is pro-active and an obligation is cast on the Court to enquire of the accused or convict whether he or she requires legal representation at State expense.

Conclusion:

Under the circumstances, we are of the opinion that neither the Constitution nor the Legal Services Authorities Act makes any distinction between a trial and an appeal for the purposes of providing free legal aid to an accused or a person in custody. We are also of the view that the High Court was under an obligation to enquire from Rajoo whether he required legal assistance and if he did, it should have been provided to him at State expense. However, since the record of the case does not indicate any such endeavour having been made by the High Court, this case ought to be re-heard by the High Court after providing Rajoo an opportunity of obtaining legal representation.

We dispose of this appeal by setting aside the judgment and order dated 05.09.2006 passed by the High Court of Madhya Pradesh at Jabalpur in Criminal Appeal No.3 of 1991 and remit the case records back to the High Court for a fresh hearing. We request the High Court to expedite hearing the appeal.

New Delhi;

August 9, 2012



Medha Kotwal Lele and Others vs. Union of India and Others

IN THE SUPREME COURT OF INDIA ORIGINAL/APPELLATE JURISDICTION WRIT PETITION (CRIMINAL) NOS . 173-177 OF 1999

Medha Kotwal Lele and Others Petitioners

Vs.

Union of India and Others Respondents

WITH

T.C . (C) NO . 21 OF 2001, CIVIL APPEAL NO . 5009 OF 2006, CIVIL APPEAL NO . 5010 OF 2006

(Justice R.M. Lodha, Justice Anil R. Dave & Justice Ranjan Gogoi)

JUDGMENT

Justice R. M. Lodha

The *Vishaka*¹ judgment came on 13.8.1997. Yet, 15 years after the guidelines were laid down by this Court for the prevention and redressal of sexual harassment and their due compliance under Article 141 of the Constitution of India until such time appropriate legislation was enacted by the Parliament, many women still struggle to have their most basic rights protected at workplaces. The statutory law is not in place. The Protection of Women Against Sexual Harassment at Work Place Bill, 2010 is still pending in Parliament though Lok Sabha is said to have passed that Bill in the first week of September, 2012. The belief of the Constitution framers in fairness and justice for women is yet to be fully achieved at the workplaces in the country.

2. This group of four matters – in the nature of public interest litigation – raises principally the grievance that women continue to be victims of sexual harassment at workplaces. The guidelines in *Vishaka*¹ are followed in breach in substance and spirit by state functionaries and all other concerned. The women workers are subjected to harassment through legal and extra legal methods and they are made to suffer insult and indignity.
3. Beijing Declaration and Platform for Action, inter alia, states, “Violence against women both violates and impairs or nullifies the enjoyment by women of human rights and fundamental freedoms..... In all societies, to a greater or lesser degree, women and girls are subjected to physical, sexual and psychological abuse that cuts across lines of income, class and culture”.
4. *Vishaka* guidelines require the employers at workplaces as well as other responsible persons or institutions to observe them and ensure the prevention of sexual harassment to women. These guidelines read as under :
 - “1. Duty of the employer or other responsible persons in workplaces and other institutions: It shall be the duty of the employer or other responsible persons in workplaces or other institutions to prevent or deter the commission of acts of sexual harassment and to provide the procedures for the resolution, settlement or prosecution of acts of sexual harassment by taking all steps required.

1 *Vishaka and Others v. State of Rajasthan and Others*; [(1997) 6 SCC 241]

2. **Definition:**

For this purpose, sexual harassment includes such unwelcome sexually determined behaviour (whether directly or by implication) as:

- (a) physical contact and advances;
- (b) a demand or request for sexual favours;
- (c) sexually-coloured remarks;
- (d) showing pornography;
- (e) any other unwelcome physical, verbal or nonverbal conduct of sexual nature.

Where any of these acts is committed in circumstances whereunder the victim of such conduct has a reasonable apprehension that in relation to the victim's employment or work whether she is drawing salary, or honorarium or voluntary, whether in government, public or private enterprise such conduct can be humiliating and may constitute a health and safety problem. It is discriminatory for instance when the woman has reasonable grounds to believe that her objection would disadvantage her in connection with her employment or work including recruiting or promotion or when it creates a hostile work environment. Adverse consequences might be visited if the victim does not consent to the conduct in question or raises any objection thereto.

3. **Preventive steps:**

All employers or persons in charge of workplace whether in the public or private sector should take appropriate steps to prevent sexual harassment. Without prejudice to the generality of this obligation they should take the following steps:

- (a) Express prohibition of sexual harassment as defined above at the workplace should be notified, published and circulated in appropriate ways.
- (b) The rules/regulations of government and public sector bodies relating to conduct and discipline should include rules/regulations prohibiting sexual harassment and provide for appropriate penalties in such rules against the offender.
- (c) As regards private employers steps should be taken to include the aforesaid prohibitions in the standing orders under the Industrial Employment (Standing Orders) Act, 1946.
- (d) Appropriate work conditions should be provided in respect of work, leisure, health and hygiene to further ensure that there is no hostile environment towards women at workplaces and no woman employee should have reasonable grounds to believe that she is disadvantaged in connection with her employment.

4. **Criminal proceedings:**

Where such conduct amounts to a specific offence under the Indian Penal Code or under any other law, the employer shall initiate appropriate action in accordance with law by making a complaint with the appropriate authority.

In particular, it should ensure that victims, or witnesses are not victimized or discriminated against while dealing with complaints of sexual

harassment. The victims of sexual harassment should have the option to seek transfer of the perpetrator or their own transfer.

5. **Disciplinary action:**
Where such conduct amounts to misconduct in employment as defined by the relevant service rules, appropriate disciplinary action should be initiated by the employer in accordance with those rules.
6. **Complaint mechanism:**
Whether or not such conduct constitutes an offence under law or a breach of the service rules, an appropriate complaint mechanism should be created in the employer's organization for redress of the complaint made by the victim. Such complaint mechanism should ensure time-bound treatment of complaints.
7. **Complaints Committee:**
The complaint mechanism, referred to in (6) above, should be adequate to provide, where necessary, a Complaints Committee, a special counsellor or other support service, including the maintenance of confidentiality.
The Complaints Committee should be headed by a woman and not less than half of its members should be women. Further, to prevent the possibility of any undue pressure or influence from senior levels, such Complaints Committee should involve a third party, either NGO or other body who is familiar with the issue of sexual harassment.
The Complaints Committee must make an annual report to the Government Department concerned of the complaints and action taken by them.
The employers and person-in-charge will also report on the compliance with the aforesaid guidelines including on the reports of the Complaints Committee to the Government Department.
8. **Workers' initiative:**
Employees should be allowed to raise issues of sexual harassment at workers' meeting and in other appropriate forum and it should be affirmatively discussed in employer-employee meetings.
9. **Awareness:**
Awareness of the rights of female employees in this regard should be created in particular by prominently notifying the guidelines (and appropriate legislation when enacted on the subject) in a suitable manner.
10. **Third-party harassment:**
Where sexual harassment occurs as a result of an act or omission by any third party or outsider, the employer and person-in-charge will take all steps necessary and reasonable to assist the affected person in terms of support and preventive action.
11. The Central/State Governments are requested to consider adopting suitable measures including legislation to ensure that the guidelines laid down by this order are also observed by the employers in private sector.
12. These guidelines will not prejudice any rights available under the Protection of Human Rights Act, 1993."

5. In these matters while highlighting few individual cases of sexual harassment at the workplaces, the main focus is on the lack of effective implementation of *Vishaka* guidelines. It is stated that the attitude of neglect in establishing effective and comprehensive mechanism in letter and spirit of the *Vishaka* guidelines by the States as well as the employers in private and public sector has defeated the very objective and purpose of the guidelines.
6. In one of these matters, *Medha Kotwal Lele*, this Court has passed certain orders from time to time. Notices were issued to all the State Governments. The States have filed their responses. On 26.4.2004, after hearing the learned Attorney General and learned counsel for the States, this Court directed as follows :

“Complaints Committee as envisaged by the Supreme Court in its judgment in *Vishaka’s* case will be deemed to be an inquiry authority for the purposes of Central Civil Services (Conduct) Rules, 1964 (hereinafter called CCS Rules) and the report of the complaints Committee shall be deemed to be an inquiry report under the CCS Rules. Thereafter the disciplinary authority will act on the report in accordance with the rules.”

This Court further directed in the order dated 26.4.2004 that similar amendment shall be carried out in the Industrial Employment (Standing Orders) Rules. As regards educational institutions and other establishments, the Court observed that further directions would be issued subsequently. 7. On 17.1.2006, this Court in couple of these matters passed the following order:

“These matters relate to the complaints of sexual harassment in working places. In *Vishaka vs. State of Rajasthan, (1997) 6SCC 241*, this Court issued certain directions as to how to deal with the problem. All the States were parties to that proceedings. Now, it appears that the directions issued in *Vishaka* case were not properly implemented by the various States / Departments / Institutions. In a rejoinder affidavit filed on behalf of the petitioners, the details have been furnished. The counsel appearing for the States submit that they would do the needful at the earliest. It is not known whether the Committees as suggested in *Vishaka* case have been constituted in all the Departments/Institutions having members of the staff 50 and above and in most of the District level offices in all the States members of the staff working in some offices would be more than 50. It is not known whether the Committees as envisaged in the *Vishaka* case have been constituted in all these offices. The number of complaints received and the steps taken in these complaints are also not available. We find it necessary to give some more directions in this regard. We find that in order to co-ordinate the steps taken in this regard, there should be a State level officer, i.e., either the Secretary of the Woman and Child Welfare Department or any other suitable officer who is in charge and concerned with the welfare of women and children in each State. The Chief Secretaries of each State shall see that an officer is appointed as a nodal agent to collect the details and to give suitable directions whenever necessary.

As regards factories, shops and commercial establishments are concerned, the directions are not fully complied with. The Labour Commissioner of each State shall take steps in that direction. They shall work as nodal agency as regards shops, factories, shops and commercial establishments are concerned. They shall also collect the details regarding the complaints and also see that the required Committee is established in such institutions.

Counsel appearing for each State shall furnish the details as to what steps have been taken in pursuance of this direction within a period of eight weeks. Details may be furnished as shown in the format furnished by the petitioners in the paperbooks. A copy of this format shall form part of the order. The above facts are required at the next date of hearing. A copy of this order be sent to the Chief Secretary and Chief Labour Commissioner of each State for taking suitable action.”

8. From the affidavits filed by the State Governments the following position emerges in respect of each of these States:

GOA The amendments in the Civil Services Conduct Rules and the Standing Orders have not been made so far.

GUJARAT No amendments in the Civil Services Conduct Rules and the Standing Orders have been made so far. It is not stated that all Complaints Committees are headed by women. There is no information given whether in such committees NGO members have been associated.

NCT OF DELHI The amendments in the Civil Services Conduct Rules have been made. The position about amendments in the Standing Orders has not been clarified. It has not been specified that all Complaints Committees are headed by women.

HIMACHAL PRADESH There is nothing to indicate that the State of Himachal Pradesh has made amendments in the Civil Services Conduct Rules and the Standing Orders. No details of formation of Complaints Committees have been given.

HARYANA The amendments in the Government Employees (Conduct) Rules, 1966 have been made. However, it is not specified that the amendments in Standing Orders have been made.

MAHARASHTRA Necessary amendments in Maharashtra Civil Services (Conduct) Rules, 1974 have been made. The Labour Commissioner has taken steps for amending Mumbai Industrial Employment (Permanent Orders) Rules, 1959.

MIZORAM The State of Mizoram has amended Civil Services Conduct Rules and also constituted Central Complaints Committee to look into complaints pertaining to cases of sexual harassment of working women at all workplaces for preservation and enforcement. A notification has been issued giving necessary directions to all private bodies.

SIKKIM The amendments in the Civil Services Conduct Rules have been carried out and a notification has been issued for constitution of complaints committees by departments/institutions with 50 or above staff to look into sexual harassment of women at workplaces.

UTTARANCHAL The State of Uttaranchal has carried out amendments in Civil Services Conduct Rules as well as the Standing Orders. The District Level and State Level Complaints Committees have been constituted.

WEST BENGAL The amendments in the Rules relating to duties, rights and obligations of government employees have been made. The amendments in the Standing Orders have been carried out. Out of 56 departments of Government of West Bengal, Complaints Committees have been formed in 48 departments and out of 156 Directorates under the Government, Complaints Committees have been formed in 34 Directorates. Of 24 institutions under the Government, Complaints Committees have been formed in 6.

MADHYA PRADESH Although State of Madhya Pradesh has made amendments in the Civil Services Conduct Rules but no amendments have been made in the Standing Orders. The

Complaints Committees have been constituted in every office of every department right from the Head of the Department level to the District and Taluka level. The District Level Committees have been constituted under the chairmanship of the District Collector. The steps taken by the District Committees are monitored by the nodal departments.

PUNJAB The State of Punjab has carried out amendments in the Civil Services Conduct Rules as well as the Standing Orders. 70 Complaints Committees have been constituted at the headquarters of different Directorates and 58 Complaints Committees have been constituted in various Field Offices.

ORISSA No amendments in the Civil Services Conduct Rules and the Standing Orders have been made.

ANDHRA PRADESH Amendments in the Civil Services Conduct Rules and in the Standing Orders have been made.

KARNATAKA The amendments in the Civil Services Conduct Rules have been made by the State of Karnataka but no amendments have been made in the Standing Orders. It is stated that in most of the committees, the number of women members is above 50%. The Chairpersons are women and in most of the committees, an outside member, i.e., an NGO has been associated.

RAJASTHAN The State of Rajasthan has carried out amendments in the Civil Services Conduct Rules but no amendments have been carried out in the Standing Orders.

BIHAR The State of Bihar has made amendments in the Civil Services Conduct Rules but there is nothing to show that amendments in Standing Orders have been made. However, only one Complaints Committee has been constituted for the entire State.

MEGHALAYA The State of Meghalaya has neither carried out amendments in the Civil Services Conduct Rules nor in the Standing Orders.

TRIPURA The State of Tripura has carried out the amendments in the Civil Services Conduct Rules. There are no Standing Orders applicable in the State. 97 Complaints Committees have been constituted in most of the state government departments and organisations.

ASSAM Amendments in the Civil Services Conduct Rules have been made but no amendments have been carried out in the Standing Orders.

MANIPUR The State of Manipur has carried out amendments in the Civil Services Conduct Rules, but no definite information has been given regarding amendments in the Standing Orders. Only one Complaints Committee has been formed for the entire State.

UTTAR PRADESH Amendments both in the Civil Services Conduct Rules and the Standing Orders have been carried out.

JAMMU AND KASHMIR The State of Jammu and Kashmir has carried out amendments in the Civil Services Conduct Rules. It is stated that steps are being taken for amendments in the Standing Orders.

NAGALAND The amendments have been carried out in the Civil Services Conduct Rules by the State of Nagaland but no amendments have been carried out in the Standing Orders.

ARUNACHAL PRADESH The State of Arunachal Pradesh has neither carried out amendments in the Civil Services Conduct Rules nor in the Standing Orders. There is only one State Level Committee for the entire State of Arunachal Pradesh.

KERALA Amendments in the Civil Services Conduct Rules and in the Standing Orders have been carried out. There are 52 Complaints Committees in the State. All such committees are headed by women and 50% members of these committees are women and there is

representation of NGO members in these committees.

TAMILNADU The State of Tamil Nadu has carried out amendments in the Civil Services Conduct Rules. However, no amendments in the Standing Orders have been made so far.

JHARKHAND The State of Jharkhand has carried out amendments in the Civil Services Conduct Rules. However, no amendments in the Standing Orders have been made so far.

9. From the affidavits filed by the State Governments, it transpires that the States of Orissa, Meghalaya, Himachal Pradesh, Goa, Arunachal Pradesh and West Bengal have amended the Rules relating to duties, public rights and obligations of the government employees but have not made amendments in Civil Services Conduct Rules. Similarly, the States of Sikkim, Madhya Pradesh, Gujarat, Mizoram, Orissa, Bihar, Jammu & Kashmir, Manipur, Karnataka, Rajasthan, Meghalaya, Haryana, Himachal Pradesh, Assam, NCT of Delhi, Goa, Nagaland, Arunachal Pradesh, Jharkhand and Tamil Nadu have not carried out amendments in the Standing Orders. These States appear to have not implemented the order passed by this Court on 26.4.2004 quoted above. The States which have carried out amendments in the Civil Services Conduct Rules and the Standing Orders have not provided that the report of the Complaints Committee shall be treated as a report in the disciplinary proceedings by an Inquiry Officer. What has been provided by these States is that the inquiry, findings and recommendations of the Complaints Committee shall be treated as a mere preliminary investigation leading to a disciplinary action against the delinquent.
10. The States like Rajasthan, Meghalaya, Himachal Pradesh, Assam and Jammu and Kashmir seem to have not formed Complaints Committees as envisaged in the Vishaka guidelines. Some States have constituted only one Complaints Committee for the entire State.
11. The Union Territories of Andaman and Nicobar Islands, Daman and Diu, Lakshadweep, Dadra and Nagar Haveli and Puducherry have not made amendments in the Standing Orders. The Union Territory of Chandigarh does not seem to have carried out amendments in the Civil Services Conduct Rules. Some of the Union Territories like Dadra and Nagar Haveli and Chandigarh are reported to have not yet formed Complaints Committees. Daman and Diu have formed one Complaints Committee for the Union Territory.
12. While we have marched forward substantially in bringing gender parity in local self-governments but the representation of women in Parliament and the Legislative Assemblies is dismal as the women represent only 10-11 per cent of the total seats. India ranks 129 out of 147 countries in United Nations Gender Equality Index. This is lower than all South-Asian Countries except Afghanistan. Our Constitution framers believed in fairness and justice for women. They provided in the Constitution the States' commitment of gender parity and gender equality and guarantee against sexual harassment to women.
13. The implementation of the guidelines in Vishaka has to be not only in form but substance and spirit so as to make available safe and secure environment to women at the workplace in every aspect and thereby enabling the working women to work with dignity, decency and due respect. There is still no proper mechanism in place to address the complaints of sexual harassment of the women lawyers in Bar Associations, lady doctors and nurses in the medical clinics and nursing homes, women architects working in the offices of the engineers and architects and so on and so forth.
14. In *Seema Lepcha*² this Court gave the following directions:
 - “(i) The State Government shall give comprehensive publicity to the notifications and orders issued by it in compliance of the guidelines

2 *Seema Lepcha v. State of Sikkim & Ors.* [Petition for Special Leave to Appeal (Civil) No. 34153/2010 decided on 3.2.2012]

framed by this Court in Vishaka's case and the directions given in Medha Kotwal's case by getting the same published in the newspapers having maximum circulation in the State after every two months.

- (ii) Wide publicity be given every month on Doordarshan Station, Sikkim about various steps taken by the State Government for implementation of the guidelines framed in Vishaka's case and the directions given in Medha Kotwal's case.
 - (iii) Social Welfare Department and the Legal Service Authority of the State of Sikkim shall also give wide publicity to the notifications and orders issued by the State Government not only for the Government departments of the State and its agencies/instrumentalities but also for the private companies."
15. As a largest democracy in the world, we have to combat violence against women. We are of the considered view that the existing laws, if necessary, be revised and appropriate new laws be enacted by Parliament and the State Legislatures to protect women from any form of indecency, indignity and disrespect at all places (in their homes as well as outside), prevent all forms of violence – domestic violence, sexual assault, sexual harassment at the workplace, etc; — and provide new initiatives for education and advancement of women and girls in all spheres of life. After all they have limitless potential. Lip service, hollow statements and inert and inadequate laws with sloppy enforcement are not enough for true and genuine upliftment of our half most precious population – the women.
16. In what we have discussed above, we are of the considered view that guidelines in Vishaka should not remain symbolic and the following further directions are necessary until legislative enactment on the subject is in place.
- (i) The States and Union Territories which have not yet carried out adequate and appropriate amendments in their respective Civil Services Conduct Rules (By whatever name these Rules are called) shall do so within two months from today by providing that the report of the Complaints Committee shall be deemed to be an inquiry report in a disciplinary action under such Civil Services Conduct Rules. In other words, the disciplinary authority shall treat the report/findings etc. of the Complaints Committee as the findings in a disciplinary inquiry against the delinquent employee and shall act on such report accordingly. The findings and the report of the Complaints Committee shall not be treated as a mere preliminary investigation or inquiry leading to a disciplinary action but shall be treated as a finding/report in an inquiry into the misconduct of the delinquent.
 - (ii) The States and Union Territories which have not carried out amendments in the Industrial Employment (Standing Orders) Rules shall now carry out amendments on the same lines, as noted above in clause (i) within two months.
 - (iii) The States and Union Territories shall form adequate number of Complaints Committees so as to ensure that they function at taluka level, district level and state level. Those States and/or Union Territories which have formed only one committee for the entire State shall now form adequate number of Complaints Committees within two months from today. Each of such Complaints Committees shall be headed by a woman and as far as possible in such Committees an independent member shall be associated.
 - (iv) The State functionaries and private and public sector undertakings / organisations/ bodies/institutions etc. shall put in place sufficient mechanism to ensure full implementation of the Vishaka guidelines and further provide that if the alleged

harasser is found guilty, the complainant – victim is not forced to work with/under such harasser and where appropriate and possible the alleged harasser should be transferred. Further provision should be made that harassment and intimidation of witnesses and the complainants shall be met with severe disciplinary action.

- (v) The Bar Council of India shall ensure that all bar associations in the country and persons registered with the State Bar Councils follow the Vishaka guidelines. Similarly, Medical Council of India, Council of Architecture, Institute of Chartered Accountants, Institute of Company Secretaries and other statutory Institutes shall ensure that the organisations, bodies, associations, institutions and persons registered/affiliated with them follow the guidelines laid down by Vishaka. To achieve this, necessary instructions/circulars shall be issued by all the statutory bodies such as Bar Council of India, Medical Council of India, Council of Architecture, Institute of Company Secretaries within two months from today. On receipt of any complaint of sexual harassment at any of the places referred to above the same shall be dealt with by the statutory bodies in accordance with the Vishaka guidelines and the guidelines in the present order.
17. We are of the view that if there is any non-compliance or nonadherence to the Vishaka guidelines, orders of this Court following Vishaka and the above directions, it will be open to the aggrieved persons to approach the respective High Courts. The High Court of such State would be in a better position to effectively consider the grievances raised in that regard.
18. Writ petitions (including T.C.) and appeals are disposed of as above with no orders as to costs.

NEW DELHI.

OCTOBER 19, 2012.



K. Srinivas Rao Vs. D.A. Deepa**IN THE SUPREME COURT OF INDIA CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 1794 OF 2013**

(Arising out of Special Leave Petition (Civil) No. 4782 of 2007)

K. Srinivas Rao Appellant

Vs.

D.A. Deepa Respondent

(Smt. Ranjana Prakash Desai, J.)

JUDGMENT

1. Leave Granted
2. This appeal, by special leave, has been filed by the appellant-husband, being aggrieved by the judgment and order dated 8/11/2006 passed by the Andhra Pradesh High Court in Civil Miscellaneous Appeal No.797/03, setting aside the decree of divorce granted in his favour.
3. The appellant-husband is working as Assistant Registrar in the Andhra Pradesh High Court. The marriage between the appellant-husband and the respondent-wife was solemnized on 25/4/1999 as per Hindu rites and customs. Unfortunately, on the very next day disputes arose between the elders on both sides which resulted in their abusing each other and hurling chappals at each other. As a consequence, on 27/4/1999, the newly married couple got separated without consummation of the marriage and started living separately. On 4/10/1999, the respondent-wife lodged a criminal complaint against the appellant-husband before the Women Protection Cell alleging *inter alia* that the appellant-husband is harassing her for more dowry. This complaint is very crucial to this case. We shall advert to it more in detail a little later. Escalated acrimony led to complaints and counter complaints. The respondent-wife filed a petition under Section 9 of the Hindu Marriage Act, 1955 for restitution of conjugal rights before the Family Court, Secunderabad. The appellant-husband filed a counter-claim seeking dissolution of marriage on the ground of cruelty and desertion under Section 13(1)(i-a) and (b) of the Hindu Marriage Act, 1955.
4. The Family Court while dismissing the petition for restitution of conjugal rights and granting decree of divorce *inter alia* held that the respondent-wife stayed in the appellant-husband's house only for a day, she admitted that she did not have any conversation with anyone and hence any amount of oral evidence adduced by her will not support her plea that she was harassed and driven out of the house; that the story that the appellant-husband made a demand of dowry of Rs.10,00,000/- is false; that by filing false complaint against the appellant-husband and his family, alleging offence under Section 498-A of the IPC in the Metropolitan Magistrate Court, Hyderabad and by filing complaints against the

- appellant-husband in the High Court where he is working, the respondent-wife caused mental cruelty to the appellant-husband and that reunion was not possible. The Family Court directed the appellant-husband to repay Rs.80,000/- given by the respondent-wife's father to him with interest at 8% per annum from the date of the marriage till payment.
5. By the impugned judgment the High Court allowed the appeal carried by the respondent-wife against the said judgment and set aside the decree of divorce granted in favour of the appellant-husband. The High Court *inter alia* observed that the finding of the Family Court that lodging a complaint with the police against the appellant-husband amounts to cruelty is perverse because it is not a ground for divorce under the Hindu Marriage Act, 1955. The High Court further held that the appellant-husband and the respondent wife did not live together for a long time and, therefore, the question of their treating each other with cruelty does not arise. According to the High Court, the conclusion that the respondent-wife caused mental cruelty to the appellant husband is based on presumptions and assumptions.
 6. Mr. Jayanth Muth Raj, learned counsel for the appellant husband assailed the conduct of the respondent-wife and submitted that it disentitles her from getting any relief from this Court. Counsel took us through the complaint lodged by the respondent-wife with the Superintendent of Police, Women Protection Cell, Hyderabad, making defamatory allegations against the mother of the appellant-husband and drew our attention to the various legal proceedings initiated by her against the appellant-husband and his family. Counsel submitted that she also lodged complaints with the High Court asking for the removal of the appellant-husband from his job. Counsel submitted that by lodging such false complaints the respondent-wife caused extreme mental cruelty to the appellant-husband. Counsel submitted that the High Court fell into a grave error in observing that because the respondent-wife did not live with the appellant husband for long she could not have caused mental cruelty to him. Counsel submitted that this observation is erroneous and is contrary to the law laid down by this Court. False and defamatory allegations made in the pleadings can also cause mental cruelty. Counsel submitted that the marriage has irretrievably broken down and, therefore, it is necessary to dissolve it by a decree of divorce. In support of his submissions counsel placed reliance on ***G.V.N. Kameswara Rao vs. G. Jabilli¹, Parveen Mehta vs. Inderjit Mehta², Vijayakumar R. Bhate vs. Neela Vijayakumar Bhate³, Durga Prasanna Tripathy vs. Arundhati Tripathy⁴, Naveen Kohli vs. Neelu Kohl⁵ and Samar Ghosh vs. Jaya Ghosh⁶***
 7. Mr. D. Rama Krishna Reddy, learned counsel for the respondent-wife, on the other hand, submitted that the father of the respondent-wife had given Rs.80,000/- and 15 tolas of gold as dowry to the appellant-husband's family. However, they demanded additional cash of Rs.10,00,000/-. Because this demand could not be met, the respondent-wife and her family was humiliated and ill-treated. Therefore, the parents of the respondent-wife had to return to their house along with her immediately after marriage. The father of the respondent-wife made efforts to talk to the appellant-husband's family, but, they did not respond to his efforts. They persisted with their demands and, therefore, the respondent-wife had no alternative but to lodge complaint against them under Section 498-A of the IPC before the Metropolitan Magistrate, Hyderabad. The appellant-husband thereafter gave a false assurance that he will not harass her and, therefore, she withdrew the complaint and went

1 (2002) 2 SCC 296
 2 (2002) 5 SCC 706
 3 (2003) 6 SCC 334
 4 (2005) 7 SCC 353
 5 (2006) 4 SCC 558
 6 (2007) 4 SCC 511

to the matrimonial house. However, the approach of the appellant husband and his family did not change. She had to therefore renew her complaint. Counsel submitted that only because of the obstinate and uncompromising attitude of the appellant-husband and his family that the respondent-wife had to take recourse to court proceedings. Counsel submitted that the respondent-wife values the matrimonial tie. She wants to lead a happy married life with the appellant-husband. She had, therefore, filed a petition for restitution of conjugal rights which should have been allowed by the Family Court. Counsel submitted that after properly evaluating all the circumstances the High Court has rightly set aside the decree of divorce and granted a decree of restitution of conjugal rights. The High Court's judgment, therefore, merits no interference.

8. The matrimonial dispute started with a quarrel between the elders of both sides in which initially the appellant husband and the respondent-wife were not involved. The ego battle of the elders took an ugly turn. Parties were dragged to the court and the inevitable happened. The relations between the two families got strained. With a fond hope that we could bring about a settlement we requested the counsel to talk to the parties and convey our wishes that they should bury the hatchet and start living together. We also tried to counsel them in the court. The respondent-wife appears to be very keen to go back to the matrimonial home and start life afresh, but the appellant-husband is adamant. He conveyed to us through his counsel that by filing repeated false complaints against him and his family the respondent-wife has caused extreme cruelty to them and therefore it will not be possible to take her back. In view of this we have no option but to proceed with the case.
9. The High Court has taken a view that since the appellant-husband and the respondent-wife did not stay together, there is no question of their causing cruelty to each other. The High Court concluded that the conclusion drawn by the Family Court that the respondent-wife caused mental cruelty to the appellant-husband is erroneous. We are unable to agree with the High Court.
10. Under Section 13(1)(i-a) of the Hindu Marriage Act, 1955, a marriage can be dissolved by a decree of divorce on a petition presented either by the husband or the wife on the ground that the other party has, after solemnization of the marriage, treated the petitioner with cruelty. In a series of judgments this Court has repeatedly stated the meaning and outlined the scope of the term '*cruelty*'. Cruelty is evident where one spouse has so treated the other and manifested such feelings towards her or him as to cause in her or his mind reasonable apprehension that it will be harmful or injurious to live with the other spouse. Cruelty may be physical or mental.
11. In ***Samar Ghosh*** this Court set out illustrative cases where inference of '*mental cruelty*' can be drawn. This list is obviously not exhaustive because each case presents its own peculiar factual matrix and existence or otherwise of mental cruelty will have to be judged after applying mind to it. We must quote the relevant paragraph of ***Samar Ghosh***. We have reproduced only the instances which are relevant to the present case.

"101. No uniform standard can ever be laid down for guidance, yet we deem it appropriate to enumerate some instances of human behaviour which may be relevant in dealing with the cases of "mental cruelty". The instances indicated in the succeeding paragraphs are only illustrative and not exhaustive:

- (i) *On consideration of complete matrimonial life of the parties, acute mental pain, agony and suffering as would not make possible for the parties to live with each other could come within the broad parameters of mental cruelty.*

- (ii) *On comprehensive appraisal of the entire matrimonial life of the parties, it becomes abundantly clear that situation is such that the wronged party cannot reasonably be asked to put up with such conduct and continue to live with other party.*
- (iii) xxx xxx xxx
- (iv) *Mental cruelty is a state of mind. The feeling of deep anguish, disappointment, frustration in one spouse caused by the conduct of other for a long time may lead to mental cruelty.*
- (v) *A sustained course of abusive and humiliating treatment calculated to torture, discommode or render miserable life of the spouse.*
- (vi) *Sustained unjustifiable conduct and behaviour of one spouse actually affecting physical and mental health of the other spouse. The treatment complained of and the resultant danger or apprehension must be very grave, substantial and weighty.*
- (vii) xxx xxx xxx
- (viii) xxx xxx xxx
- (ix) xxx xxx xxx
- (x) *The married life should be reviewed as a whole and a few isolated instances over a period of years will not amount to cruelty. The ill conduct must be persistent for a fairly lengthy period, where the relationship has deteriorated to an extent that because of the acts and behaviour of a spouse, the wronged party finds it extremely difficult to live with the other party any longer, may amount to mental cruelty.*
- (xi) xxx xxx xxx
- (xii) xxx xxx xxx
- (xiii) xxx xxx xxx
- (xiv) *Where there has been a long period of continuous separation, it may fairly be concluded that the matrimonial bond is beyond repair. The marriage becomes a fiction though supported by a legal tie. By refusing to sever that tie, the law in such cases, does not serve the sanctity of marriage; on the contrary, it shows scant regard for the feelings and emotions of the parties. In such like situations, it may lead to mental cruelty."*

It is pertinent to note that in this case the husband and wife had lived separately for more than sixteen and a half years. This fact was taken into consideration along with other facts as leading to the conclusion that matrimonial bond had been ruptured beyond repair because of the mental cruelty caused by the wife. Similar view was taken in ***Naveen Kohli***.

12. In ***V. Bhagat v. D. Bhagat*** in the divorce petition filed by the husband the wife filed written statement stating that the husband was suffering from mental hallucination, that his was a morbid mind for which he needs expert psychiatric treatment and that he was suffering from '*paranoid disorder*'. In cross-examination her counsel put several questions to the husband suggesting that several members of his family including his grandfather were lunatics. This court held that these assertions cannot but constitute mental cruelty of such a nature that the husband cannot be asked to live with the wife thereafter. Such pleadings and questions it was held, are bound to cause immense mental pain and anguish to the husband.

- In **Vijaykumar Bhate** disgusting accusations of unchastity and indecent familiarity with a neighbour were made in the written statement. This Court held that the allegations are of such quality, magnitude and consequence as to cause mental pain, agony and suffering amounting to the reformulated concept of cruelty in matrimonial law causing profound and lasting disruption and driving the wife to feel deeply hurt and reasonably apprehend that it would be dangerous to live with her husband. In **Naveen Kohli** the respondent-wife got an advertisement issued in a national newspaper that her husband was her employee. She got another news item issued cautioning his business associates to avoid dealing with him. This was treated as causing mental cruelty to the husband.
13. In **Naveen Kohli** the wife had filed several complaints and cases against the husband. This Court viewed her conduct as a conduct causing mental cruelty and observed that the finding of the High Court that these proceedings could not be taken to be such which may warrant annulment of marriage is wholly unsustainable.
 14. Thus, to the instances illustrative of mental cruelty noted in **Samar Ghosh**, we could add a few more. Making unfounded indecent defamatory allegations against the spouse or his or her relatives in the pleadings, filing of complaints or issuing notices or news items which may have adverse impact on the business prospect or the job of the spouse and filing repeated false complaints and cases in the court against the spouse would, in the facts of a case, amount to causing mental cruelty to the other spouse.
 15. We shall apply the above principles to the present case. Firstly, it is necessary to have a look at the legal proceedings initiated by both sides against each other. The facts on record disclose that after the marriage, due to some dispute which arose between the elders, both sides abused and virtually attacked each other. The respondent-wife was taken by her parents to their house. According to the respondent-wife, her father made efforts to bring about an amicable settlement but the other side did not respond favourably and, therefore, on 4/10/1999 she lodged a complaint with the Superintendent of Police, Women Protection Cell against the appellant-husband and members of his family. In our opinion, this complaint is, to a large extent, responsible for widening the rift between the parties. In this complaint, after alleging ill-treatment and harassment for dowry, it is alleged that mother of the appellant-husband asked the respondent-wife to sleep with the father of the appellant-husband. When she was cross-examined in the Family Court during the hearing of her petition for restitution of conjugal rights the respondent-wife admitted that she had lodged the complaint. PW-2 her mother, in her cross-examination stated that though they had asked her not to lodge the complaint, the respondent-wife lodged it. She told them that she had lodged the complaint because the appellant-husband was not listening to her. Thus, it appears that this complaint was lodged out of frustration and anger and was a reaction to the appellant-husband's refusal to live with her. It was, perhaps, felt by her that because of the pressure of such a complaint the appellant-husband would take her back to his house. Far from helping the respondent-wife, the complaint appears to have caused irreparable harm to her. It increased the bitterness. Perhaps, the respondent-wife was misguided by someone. But, such evidence is not on record. Even in this court, this complaint appears to us to be a major factor amongst others impeding settlement. Pursuant to the said complaint, Crime No.8/2000 was registered by C.I.D., Hyderabad, in the Metropolitan Magistrate (Mahila Court), Hyderabad against the appellant-husband and his family under Section 498-A of the IPC. It is the respondent-wife's case that the appellant husband gave an assurance before the police that he will not harass her. She, therefore, withdrew the complaint. The police then filed a closure report. According to the respondent-wife, the appellant-husband did not abide by the promise made by him and, therefore, she filed a

- protest petition. The Magistrate Court, Hyderabad, then, took cognizance of the case and renumbered the case as C.C.No.62/2002.
16. In the meantime, the respondent-wife filed O.P.No.88/2001 in the Family Court, Secunderabad, for restitution of conjugal rights. The appellant-husband filed a counter claim for divorce on 27/12/2002. The Family Court dismissed the petition for restitution of conjugal rights and allowed the counter claim for divorce filed by the appellant husband. The respondent-wife challenged the Family Court judgment in the High Court. On 8/12/2006 the High Court reversed the Family Court's order and allowed the petition for restitution of conjugal rights. The present appeal is filed by the appellant-husband against the said judgment.
 17. According to the respondent-wife, on 17/9/2007 when she, along with her mother, came out of the court after a case filed by her against the appellant-husband was adjourned, the appellant-husband beat her mother and kicked her on her stomach. Both of them received injuries. She, therefore, filed complaint for the offence punishable under Section 324 of the IPC against the appellant-husband (C.C.No. 79/2009). It may be stated here that on 19/10/2009 the appellant-husband was acquitted in this case.
 18. On 24/6/2008 the judgment was delivered by Additional Chief Metropolitan Magistrate, Hyderabad in C.C.No. 62/2002. The appellant-husband was convicted under Section 498-A of the IPC and was sentenced to undergo six months simple imprisonment. He and his parents were acquitted of the offences under the Dowry Prohibition Act. His parents were acquitted of the offence under Section 498-A of the IPC. After this judgment the respondent-wife and her parents filed a complaint in the High Court saying that since the appellant-husband was convicted he should be dismissed from service. Similar letters were sent to the High Court by the maternal uncle of the respondent-wife.
 19. On 14/7/2008 the appellant-husband filed Criminal Appeal No.186/2008 challenging his conviction under Section 498-A of the IPC before the Metropolitan Sessions Judge. It is pertinent to note that the respondent-wife filed Criminal Appeal No.1219/2008 in the High Court questioning the acquittal of the appellant-husband and his parents of the offences under the Dowry Prohibition Act and also the acquittal of his parents of the offence punishable under Section 498-A of the IPC. This appeal is pending in the High Court. Not being content with this, the respondent-wife filed Criminal Revision Case No.1560/2008 in the High Court seeking enhancement of punishment awarded to the appellant-husband for offence under Section 498-A of the IPC.
 20. According to the appellant-husband on 6/12/2009 the brother of the respondent-wife came to their house and attacked his mother. His mother filed a complaint and the police registered a complaint under Section 354 of the IPC. The brother of the respondent-wife also lodged a complaint and an offence came to be registered. Both the cases are pending.
 21. On 29/6/2010 Criminal Appeal No. 186/2010 filed by the appellant-husband challenging his conviction for the offence under Section 498-A of the IPC was allowed by the Metropolitan Sessions Judge and he was acquitted. The respondent-wife has filed criminal appeal in the High Court challenging the said acquittal which is pending.
 22. We need to now see the effect of the above events. In our opinion, the first instance of mental cruelty is seen in the scurrilous, vulgar and defamatory statement made by the respondent-wife in her complaint dated 4/10/1999 addressed to the Superintendent of Police, Women Protection Cell. The statement that the mother of the appellant-husband asked her to sleep with his father is bound to anger him. It is his case that this humiliation of his parents caused

- great anguish to him. He and his family were traumatized by the false and indecent statement made in the complaint. His grievance appears to us to be justified. This complaint is a part of the record. It is a part of the pleadings. That this statement is false is evident from the evidence of the mother of the respondent-wife, which we have already quoted. This statement cannot be explained away by stating that it was made because the respondent-wife was anxious to go back to the appellant-husband. This is not the way to win the husband back. It is well settled that such statements cause mental cruelty. By sending this complaint the respondent wife has caused mental cruelty to the appellant-husband.
23. Pursuant to this complaint, the police registered a case under Section 498-A of the IPC. The appellant-husband and his parents had to apply for anticipatory bail, which was granted to them. Later, the respondent-wife withdrew the complaint. Pursuant to the withdrawal, the police filed a closure report. Thereafter, the respondent-wife filed a protest petition. The trial court took cognizance of the case against the appellant-husband and his parents (CC No. 62/2002). What is pertinent to note is that the respondent wife filed criminal appeal in the High Court challenging the acquittal of the appellant-husband and his parents of the offences under the Dowry Prohibition Act and also the acquittal of his parents of the offence punishable under Section 498-A of the IPC. She filed criminal revision seeking enhancement of the punishment awarded to the appellant husband for the offence under Section 498-A of the IPC in the High Court which is still pending. When the criminal appeal filed by the appellant-husband challenging his conviction for the offence under Section 498-A of the IPC was allowed and he was acquitted, the respondent-wife filed criminal appeal in the High Court challenging the said acquittal. During this period respondent-wife and members of her family have also filed complaints in the High Court complaining about the appellant-husband so that he would be removed from the job. The conduct of the respondent wife in filing a complaint making unfounded, indecent and defamatory allegation against her mother-in-law, in filing revision seeking enhancement of the sentence awarded to the appellant-husband, in filing appeal questioning the acquittal of the appellant-husband and acquittal of his parents indicates that she made all attempts to ensure that he and his parents are put in jail and he is removed from his job. We have no manner of doubt that this conduct has caused mental cruelty to the appellant-husband.
24. In our opinion, the High Court wrongly held that because the appellant-husband and the respondent-wife did not stay together there is no question of the parties causing cruelty to each other. Staying together under the same roof is not a pre-condition for mental cruelty. Spouse can cause mental cruelty by his or her conduct even while he or she is not staying under the same roof. In a given case, while staying away, a spouse can cause mental cruelty to the other spouse by sending vulgar and defamatory letters or notices or filing complaints containing indecent allegations or by initiating number of judicial proceedings making the other spouse's life miserable. This is what has happened in this case.
25. It is also to be noted that the appellant-husband and the respondent-wife are staying apart from 27/4/1999. Thus, they are living separately for more than ten years. This separation has created an unbridgeable distance between the two. As held in *Samar Ghosh*, if we refuse to sever the tie, it may lead to mental cruelty.
26. We are also satisfied that this marriage has irretrievably broken down. Irretrievable breakdown of marriage is not a ground for divorce under the Hindu Marriage Act, 1955. But, where marriage is beyond repair on account of bitterness created by the acts of the husband or the wife or of both, the courts have always taken irretrievable breakdown of marriage as a very weighty circumstance amongst others necessitating severance of marital tie. A

- marriage which is dead for all purposes cannot be revived by the court's verdict, if the parties are not willing. This is because marriage involves human sentiments and emotions and if they are dried-up there is hardly any chance of their springing back to life on account of artificial reunion created by the court's decree.
27. In **V. Bhagat** this Court noted that divorce petition was pending for eight years and a good part of the lives of both the parties had been consumed in litigation, yet the end was not in sight. The facts were such that there was no question of reunion, the marriage having irretrievably broken down. While dissolving the marriage on the ground of mental cruelty this Court observed that irretrievable breakdown of marriage is not a ground by itself, but, while scrutinizing the evidence on record to determine whether the grounds alleged are made out and in determining the relief to be granted the said circumstance can certainly be borne in mind. In **Naveen Kohli**, where husband and wife had been living separately for more than 10 years and a large number of criminal proceedings had been initiated by the wife against the husband, this Court observed that the marriage had been wrecked beyond the hope of salvage and public interest and interest of all concerned lies in the recognition of the fact and to declare *defunct de jure* what is already *defunct de facto*. It is important to note that in this case this Court made a recommendation to the Union of India that the Hindu Marriage Act, 1955 be amended to incorporate irretrievable breakdown of marriage as a ground for the grant of divorce.
28. In the ultimate analysis, we hold that the respondent-wife has caused by her conduct mental cruelty to the appellant-husband and the marriage has irretrievably broken down. Dissolution of marriage will relieve both sides of pain and anguish. In this Court the respondent-wife expressed that she wants to go back to the appellant-husband, but, that is not possible now. The appellant-husband is not willing to take her back. Even if we refuse decree of divorce to the appellant-husband, there are hardly any chances of the respondent-wife leading a happy life with the appellant-husband because a lot of bitterness is created by the conduct of the respondent-wife.
29. In **Vijay Kumar**, it was submitted that if the decree of divorce is set aside, there may be fresh avenues and scope for reconciliation between parties. This court observed that judged in the background of all surrounding circumstances, the claim appeared to be too desolate, merely born out of despair rather than based upon any real, concrete or genuine purpose or aim. In the facts of this case we feel the same.
30. While we are of the opinion that decree of divorce must be granted, we are alive to the plight of the respondent-wife. The appellant-husband is working as an Assistant Registrar in the Andhra Pradesh High Court. He is getting a good salary. The respondent-wife fought the litigation for more than 10 years. She appears to be entirely dependent on her parents and on her brother, therefore, her future must be secured by directing the appellant-husband to give her permanent alimony. In the facts and circumstance of this case, we are of the opinion that the appellant-husband should be directed to pay a sum of Rs.15,00,000/- (Rupees Fifteen Lakhs only) to the respondent-wife as and by way of permanent alimony. In the result, the impugned judgment is quashed and set aside. The marriage between the appellant-husband - K. Srinivas Rao and the respondent-wife - D.A. Deepa is dissolved by a decree of divorce. The appellant-husband shall pay to the respondent-wife permanent alimony in the sum of Rs.15,00,000/-, in three instalments. The first instalment of Rs.5,00,000/- (Rupees Five Lakhs only) should be paid on 15/03/2013 and the remaining amount of Rs.10,00,000/- (Rupees Ten Lakhs only) should be paid in instalments of Rs.5,00,000/- each after a gap of two months i.e. on 15/05/2013 and 15/07/2013

respectively. Each instalment of Rs.5,00,000/- be paid by a demand draft drawn in favour of the respondent-wife "D.A. Deepa".

31. Before parting, we wish to touch upon an issue which needs to be discussed in the interest of victims of matrimonial disputes. Though in this case, we have recorded a finding that by her conduct, the respondent-wife has caused mental cruelty to the appellant-husband, we may not be understood, however, to have said that the fault lies only with the respondent-wife. In matrimonial disputes there is hardly any case where one spouse is entirely at fault. But, then, before the dispute assumes alarming proportions, someone must make efforts to make parties see reason. In this case, if at the earliest stage, before the respondent-wife filed the complaint making indecent allegation against her mother-in-law, she were to be counselled by an independent and sensible elder or if the parties were sent to a mediation centre or if they had access to a pre-litigation clinic, perhaps the bitterness would not have escalated. Things would not have come to such a pass if, at the earliest, somebody had mediated between the two. It is possible that the respondent-wife was desperate to save the marriage. Perhaps, in desperation, she lost balance and went on filing complaints. It is possible that she was misguided. Perhaps, the appellant-husband should have forgiven her indiscretion in filing complaints in the larger interest of matrimony. But, the way the respondent-wife approached the problem was wrong. It portrays a vindictive mind. She caused extreme mental cruelty to the appellant-husband. Now the marriage is beyond repair.
32. Quite often, the cause of the misunderstanding in a matrimonial dispute is trivial and can be sorted. Mediation as a method of alternative dispute resolution has got legal recognition now. We have referred several matrimonial disputes to mediation centres. Our experience shows that about 10 to 15% of matrimonial disputes get settled in this Court through various mediation centres. We, therefore, feel that at the earliest stage i.e. when the dispute is taken up by the Family Court or by the court of first instance for hearing, it must be referred to mediation centres. Matrimonial disputes particularly those relating to custody of child, maintenance, etc. are preeminently fit for mediation. Section 9 of the Family Courts Act enjoins upon the Family Court to make efforts to settle the matrimonial disputes and in these efforts, Family Courts are assisted by Counsellors. Even if the Counsellors fail in their efforts, the Family Courts should direct the parties to mediation centres, where trained mediators are appointed to mediate between the parties. Being trained in the skill of mediation, they produce good results.
33. The idea of pre-litigation mediation is also catching up. Some mediation centres have, after giving wide publicity, set up "Help Desks" at prominent places including facilitation centres at court complexes to conduct pre-litigation mediation. We are informed that in Delhi Government Mediation and Conciliation Centres, and in Delhi High Court Mediation Centre, several matrimonial disputes are settled. These centres have a good success rate in pre-litigation mediation. If all mediation centres set up pre-litigation desks/clinics by giving sufficient publicity and matrimonial disputes are taken up for pre-litigation settlement, many families will be saved of hardship if, at least, some of them are settled.
34. While purely a civil matrimonial dispute can be amicably settled by a Family Court either by itself or by directing the parties to explore the possibility of settlement through mediation, a complaint under Section 498-A of the IPC presents difficulty because the said offence is not compoundable except in the State of Andhra Pradesh where by a State amendment, it has been made compoundable.

Though in *Ramgopal & Anr. v. State of Madhya Pradesh & Anr.*⁹, this Court requested the Law Commission and the Government of India to examine whether offence punishable under Section 498-A of the IPC could be made compoundable, it has not been made compoundable as yet. The courts direct parties to approach mediation centres where offences are compoundable. Offence punishable under Section 498-A being a non-compoundable offence, such a course is not followed in respect thereof. This Court has always adopted a positive approach and encouraged settlement of matrimonial disputes and discouraged their escalation. In this connection, we must refer to the relevant paragraph from *G.V. Rao v. L.H.V. Prasad & Ors.*⁹, where the complaint appeared to be the result of matrimonial dispute, while refusing to interfere with the High Court's order quashing the complaint, this court made very pertinent observations, which read thus:

"12. There has been an outburst of matrimonial disputes in recent times. Marriage is a sacred ceremony, the main purpose of which is to enable the young couple to settle down in life and live peacefully. But little matrimonial skirmishes suddenly erupt which often assume serious proportions resulting in commission of heinous crimes in which elders of the family are also involved with the result that those who could have counselled and brought about rapprochement are rendered helpless on their being arrayed as accused in the criminal case. There are many other reasons which need not be mentioned here for not encouraging matrimonial litigation so that the parties may ponder over their defaults and terminate their disputes amicably by mutual agreement instead of fighting it out in a court of law where it takes years and years to conclude and in that process the parties lose their "young" days in chasing their "cases" in different courts."

In *B.S. Joshi & Ors. v. State of Haryana & Anr.*¹⁰, after referring to the above observations, this Court stated that the said observations are required to be kept in view by courts while dealing with matrimonial disputes and held that complaint involving offence under Section 498-A of the IPC can be quashed by the High Court in exercise of its powers under Section 482 of the Code if the parties settle their dispute. Even in *Gian Singh v. State of Punjab & Anr.*¹¹, this Court expressed that certain offences which overwhelmingly and predominantly bear civil flavour like those arising out of matrimony, particularly relating to dowry, etc. or the family dispute and where the offender and the victim had settled all disputes between them amicably, irrespective of the fact that such offences have not been made compoundable, the High Court may quash the criminal proceedings if it feels that by not quashing the same, the ends of justice shall be defeated.

35. We, therefore, feel that though offence punishable under Section 498-A of the IPC is not compoundable, in appropriate cases if the parties are willing and if it appears to the criminal court that there exist elements of settlement, it should direct the parties to explore the possibility of settlement through mediation. This is, obviously, not to dilute the rigour, efficacy and purport of Section 498-A of the IPC, but to locate cases where the matrimonial dispute can be nipped in bud in an equitable manner. The judges, with their expertise, must ensure that this exercise does not lead to the erring spouse using mediation process to get out of clutches of the law. During mediation, the parties can either decide to part company on mutually agreed terms or they may decide to patch up and stay together. In either case for the settlement to come through, the complaint will have to be quashed. In that event, they can approach the High Court and get the complaint quashed. If however they chose not to

9 (2000) 3 SCC 693

10 AIR 2003 SC 1386

11 (2012) 10 SCC 303

settle, they can proceed with the complaint. In this exercise, there is no loss to anyone. If there is settlement, the parties will be saved from the trials and tribulations of a criminal case and that will reduce the burden on the courts which will be in the larger public interest. Obviously, the High Court will quash the complaint only if after considering all circumstances it finds the settlement to be equitable and genuine. Such a course, in our opinion, will be beneficial to those who genuinely want to accord a quietus to their matrimonial disputes. We would, however, like to clarify that reduction of burden of cases on the courts will, however, be merely an incidental benefit and not the reason for sending the parties for mediation. We recognize 'mediation' as an effective method of alternative dispute resolution in matrimonial matters and that is the reason why we want the parties to explore the possibility of settlement through mediation in matrimonial disputes.

36. We, therefore, issue directions, which the courts dealing with the matrimonial matters shall follow:
- (a) In terms of Section 9 of the Family Courts Act, the Family Courts shall make all efforts to settle the matrimonial disputes through mediation. Even if the Counsellors submit a failure report, the Family Courts shall, with the consent of the parties, refer the matter to the mediation centre. In such a case, however, the Family Courts shall set a reasonable time limit for mediation centres to complete the process of mediation because otherwise the resolution of the disputes by the Family Court may get delayed. In a given case, if there is good chance of settlement, the Family Court in its discretion, can always extend the time limit.
 - (b) The criminal courts dealing with the complaint under Section 498-A of the IPC should, at any stage and particularly, before they take up the complaint for hearing, refer the parties to mediation centre if they feel that there exist elements of settlement and both the parties are willing. However, they should take care to see that in this exercise, rigour, purport and efficacy of Section 498-A of the IPC is not diluted. Needless to say that the discretion to grant or not to grant bail is not in any way curtailed by this direction. It will be for the concerned court to work out the modalities taking into consideration the facts of each case.
 - (c) All mediation centres shall set up pre-litigation desks/clinics; give them wide publicity and make efforts to settle matrimonial disputes at pre-litigation stage.
37. The appeal is disposed of in the aforestated terms.

□□□

NYAYA DAGAR

ANNUAL ISSUE 2012

**LETTERS & GUIDELINES
OF
NALSA & JHALSA**



NYAYA SADAN

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PATRON-IN-CHIEF

Hon'ble the Chief Justice
Jharkhand High Court

EXECUTIVE CHAIRMAN

Justice D.N. Patel
Judge, Jharkhand High Court

MEMBER SECRETARY

B.K. Goswami
(Principal District Judge)

Ref No: JHALSA/ 1882

Dated : 23/02/13

To,

All the Principal District Judges –cum-Chairmen
District Legal Services Authorities
including the Principal Judicial Commissioner-cum-Chairman
DLSA, Ranchi
Jharkhand

Sub: **For constitution of District Level and Sub Divisional Level Committee**

Sir,

While enclosing herewith the copy of the National Legal Services Authority (Free and Competent Legal Services) Regulation, 2010 Notification dt. 9th of September, 2010, I am directed to request you that Hon'ble the Executive Chairman, JHALSA has been pleased to approve for Constitution of District Level as well as Sub Divisional Level Committee as per the mandate of Regulation 7 of the enclosed Regulation. The Committee shall be constituted by the Chairman of the Legal Services Institution consisting of :

1. *Secretary of the Legal Services Institution as Chairman*
2. *One Judicial Officer (preferably having working experience in the Legal Services Institution)*
3. *One Legal Professional having at least 15 years standing at the Bar or Govt. Pleader or an Assistant Govt. Pleader or Public Prosecutor or Assistant Public Prosecutor as the case may be.*

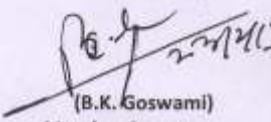
The duty and functions of the Committee have been prescribed in the enclosed Regulation for consideration, compliance and further needful.

You are thus requested to constitute the above referred Committee as per Regulation 7 of the NALSA Regulation, 2010 and inform the undersigned of the compliance by 5th of March, 2013.

Further, the said Committee shall hold Fortnightly Meeting on the subject matter as well as steps taken under Regulation-7 of the NALSA Regulation, 2010.

Thanking you.

Yours faithfully


(B.K. Goswami)
Member Secretary

Encl: As above



NYAYA SADAN

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PATRON-IN-CHIEF
Hon'ble Chief Justice
Jharkhand High Court

Ref No: JHALSA/ 348
Dated: 17/04/13

Fax/Speed post

EXECUTIVE CHAIRMAN
Justice D. N. Patel
Judge
Jharkhand High Court

To,
The Principal District Judges cum Chairmen
Jamshedpur, Daltonganj, Dumka, Hazaribagh,
And Principal Judicial Commissioner, Ranchi

MEMBER SECRETARY
B.K Goswami
(Principal District Judge)

Sub: For deputation of new Legal Aid Counsel at Legal Aid Clinic of concerned Central Jail.

Sir,
The Hon'ble Executive Chairman, JHALSA has been kind enough to feel that there is urgent need of deputation of new Legal Aid Counsel in the Legal Aid Clinics of Central Jails to render free legal services on day to day basis to the jail inmates.

Thus as directed, you are requested to depute two Legal Aid Counsels in such big Central Jails to work on day to day basis visiting the jail on rotational basis i.e. one Legal Aid Counsel shall visit first fortnight while the other shall visit for the next fortnight. Such Legal Aid Lawyer shall be deputed in Legal Aid Clinic in Central Jail for providing free legal services like filing of bail application, for appearing on behalf of UT prisoners/sentenced prisoner not assisted by any legal practitioner, for timely filing of appeals, preparing application for remission, parole etc. Free legal assistance may also be given to the family of the accused to initiate or defend cases of civil nature on behalf of accused lodged in the prison.

The DLSAs shall instruct such lawyers to have acquaintance with the jail manual and other rules and regulations relating to prisons for rendering effective legal aid services to the prisoners.

The DLSA shall on receipt of information from the concerned counsel shall immediately take steps for appointing a panel lawyer or direct the retainer lawyer to appear on behalf of the prisoners.

The DLSA is requested to ensure the compliance of the above instructions by 25-4-13 and further to send the information regarding deputation as aforesaid to JHALSA for placing the same before Hon'ble Executive Chairman for his Lordships kind information and needful.

Thanking You.

Yours faithfully
(B.K Goswami)
Member Secretary



NYAYA SADAN

JHARKHAND STATE LEGAL SERVICES AUTHORITY (JHALSA)

NEAR A.G. OFFICE, DORANDA, RANCHI- 834002

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PATRON-IN-CHIEF
Hon'ble Chief Justice
Jharkhand High Court

Executive Chairman
D.N. Patel, Judge,
Jharkhand High Court

MEMBER SECRETARY
B.K. Goswami
(Pr. District Judge)

Ref No: JHALSA/ 349
 Dated : 17/04/13

From,
The Member Secretary
Jharkhand State Legal Services Authority
Ranchi

To,
All the Pr. District Judges-cum-Chairmen
District Legal Services Authorities
State of Jharkhand-including
The Pr. Judicial Commissioner-cum-Chairman
District Legal Services Authority, Ranchi

Sub.- Information for introduction of Trophies for Advocate Mediators.

Sir,
 I am pleased to inform that Hon'ble the Executive Chairman has been pleased to introduce different Trophies for different Mediators and Para Legal Volunteers based on their performance for making resolution of cases through ADR mode of mediation as well as rendering free legal services in the Legal Aid Clinics in Village and Panchayat. The brief account of the Trophies introduced by JHALSA is as follows:-

- 1) Trophies shall be awarded to 1st 3 high ranker Mediators (both male and female) in respect of resolution of cases through mediation in entire Jharkhand.
- 2) Two Trophies to be awarded to 2 District Mediation Centres having respectively scored high rank in respect of resolution of disputes through mediation. The Trophies shall rotate for 2 years amongst the 1st 2 high rankers in resolution of cases through mediation while in the 3rd year the Trophy shall remain permanently with the respective high ranker Mediation Centres.
- 3) Two Trophies have been introduced for 2 lady Advocate Mediators respectively having achieved highest rank in resolution of cases through mediation.
- 4) One individual Trophy with special approval and discretion of Hon'ble Executive Chairman shall be awarded to a lady Advocate/Mediator whose efforts have been appreciated irrespective of the number of matters settled by her.
- 5) Two Trophies have been introduced for 2 Para Legal Volunteers in the State having rendered excellent legal services in their respective Legal Aid Clinics in the villages and panchayats.
- 6) The period 1.4.12 to 31.3.13 shall be the starting year for assessing the achievement and disposal of above awardees which shall henceforth continue as such.

Thus, as directed, I am pleased to request your goodself to communicate to all the Advocate Mediators those having been trained and those having been enrolled to work as Mediator in the District Mediation Centres as well as to all Para Legal Volunteers as attached to respective Legal Aid Clinic in the village or panchayats.

Thanking You.

Yours Sincerely

(B.K. Goswami)
Member Secretary



NYAYA SADAN

JHARKHAND STATE LEGAL SERVICES AUTHORITY (JHALSA)

NEAR A.G. OFFICE, DORANDA, RANCHI- 834002

Phone: 0651-2481520 (O), 2482392, Fax: 2482397, E-mail - jhalsa_ranchi@yahoo.co.in, jhalsaranchi@gmail.com

PATRON-IN-CHIEF

**Hon'ble Chief Justice
Jharkhand High Court**

Ref No: JHALSA/ 353

Dated : 17-4-13

Executive Chairman

**D.N. Patel, Judge,
Jharkhand High Court**

From,

**The Member Secretary
Jharkhand State Legal Services Authority
Ranchi**

To,

**The Pr. District Judges-cum-Chairmen
District Legal Services Authorities
Bokaro, Chaibasa, Chatra, Dhanbad, Dumka, Garhwa, Giridih, Gumla,
Hazaribagh, Jamshedpur, Jamtara, Koderma, Latehar, Pakur & Palamau**

MEMBER SECRETARY

**B.K. Goswami
(Pr. District Judge)**

Sub:- Regarding deputation of Para Legal Volunteers at different offices of DLSAs and engagement of Retainer Lawyers

Ref:- JHALSA letter No.-2101/21.3.13

Sir,

Kindly refer to above JHALSA letter No.- 2101/21.3.13 whereby names and details of 6 trained Para Legal Volunteers and 6 panel lawyers were earlier sought from all DLSAs and SDLSCs. NALSA Free & Competent Legal Services Regulation, 2010 (Section 4 & 8) enjoin upon the Legal Services Institutions to depute Para Legal Volunteers at different offices of DLSAs and SDLSCs as well as to depute Retainer Lawyers to deal with legal aid cases.

The Hon'ble Executive Chairman, JHALSA after considering the names of 6 Para Legal Volunteers and 6 DLSA panel Lawyers sent by respective DLSA has been pleased to approve 2 names of Para Legal Volunteers and 2 names of DLSA panel Lawyers to be so deputed at front offices of DLSA and to act as Retainer Lawyers in DLSAs to deal with legal aid cases (the approved list of such 2 PLVs and 2 Retainer Lawyers is attached herewith).

You are, therefore, requested to depute 2 PLVs at front offices of DLSAs on rotation basis giving 3 working days to each of them in a week for example: if PLV 'A' works on Monday, Tuesday and Wednesday then PLV 'B' shall work on Thursday, Friday and Saturday and in case of any intervening holiday or vacation, then 3 days calculation shall continue.

Copy of NALSA (Free and Competent Legal Services Regulation) 2010 is attached herewith for your perusal, guidance and necessary compliance in the above matter

Your requested to send the compliance report in the above matter by 30th of April 2013 for placing the same before Hon'ble Executive Chairman, JHALSA for his Lordship's kind information and further needful.

Thanking You.

Yours Sincerely

(B.K. Goswami)
Member Secretary

Encl:- As above

Panel Lawyers and PLVs for Legal Aid Clinic

Sl. No.	Name of District	PLVs	Panel Lawyers
1	Bokaro	Sanjay Kumar Chalak Janmenjoy Kumhar	Vijay Kumar Yadav Baby Kumari
2	Chaibasa	Jitendra Jyotishi Sandhya Pingua	Thomas Antony Balajee Barik
3	Chatra	Rahul Kumar Gupta Naresh Prajapati	Sujit Kr. Ghosh Md. Jamal Ahmed
4	Dhanbad	Rohit Kumar Singh Anamika Singh	Mithilesh Kr. Mishra Subodh Kumar
5	Dumka	Dinesh Kumar Raut Onima Murmu	Raghwendra Nath Pandey Mritunjay Narayan Prasad
6	Garhwa	Rakesh Kr. Chaudhary Raushan Ara	Devendra Prajapati Mritunjay Tiwari
7	Giridih	Praveen Kumar Dillip Kumar	Kamleshwar Shiv Murti Awadh Kishore Tiwari
8	Gumla	Joseph Kindo Pushpa Kumari Singh	Bimla Kumari Kujur Raj Kumar Ohdar
9	Hazaribagh	Monalisa Lakra Yogesh Kr. Sao	Prakash Kumar Md. Aftab Alam
10	Jamshedpur	Md Mohsin Usha Kumari	Bidesh Sinha Dipendra Nath Ojha
11	Jamtara	Priti Kumari Satyaprakash Katyan	Mukesh Kr. Singh Bimlendu Biswas
12	Koderma	Gajendra Ram Indramani Sao	Dhiraj Kumar Joshi Kumar Raushan
13	Latehar	Shiv Prasad Yadav Pawan Kumar Vaidya	
14	Pakur	Alok Anand Ranjana Kumari Shrivastava	Shiv Shankar Kewat Rajiv Kumar Jha
15	Palamau	Kumari Neelkamal Suchitta Ekka	Md. Manauwar u Zaman Khan Ramesh Kumar

17/11/13



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PATRON-IN-CHIEF
Hon'ble Chief Justice
Jharkhand High Court

Executive Chairman
D.N. Patel, Judge,
Jharkhand High Court

MEMBER SECRETARY
B.K. Goswami
(Pr. District Judge)

Ref No: JHALSA/ 472
 Dated : 6/05/13

From,
 The Member Secretary
 Jharkhand State Legal Services Authority
 Ranchi

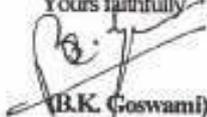
To,
 All the Pr. District Judges-cum-Chairmen
 District Legal Services Authorities
 State of Jharkhand-including
 The Pr. Judicial Commissioner-cum-Chairman
 District Legal Services Authority, Ranchi

Sir,

This is to bring to your kind notice that to fulfill the object of legal services Institutions and Access to Justice to the citizens of the State particularly the marginalized people as enshrined in Article 39A of the Constitution of India, JHALSA is committed to provide easy, inexpensive, quick and qualitative justice to them. In the recent past, JHALSA has introduced too many schemes for the justice seekers as also brining in some amendments providing new fee structure to the legal aid counsels so that quality justice is ensured to these justice seekers. Hence, it has become a bounden duty of the legal services Institutions as well as the lawyers who are showing commitment for the legal services that the Legal Services Institutions should make continuous effort as a follow-up action to evaluate the progress of each case entrusted to the legal aid counsels.

Keeping in mind the above object, JHALSA under the guidance of NALSA hereby issues a format to be filled in by individual legal aid counsel providing the information about the progress of the each case handled by the concerned legal aid counsel. Enclosing herewith the said format I would request you to kindly make it available to the legal aid counsel in each case while entrusting any case of the justice seekers to the legal aid counsel. The Legal Services Institutions shall obtain in the prescribed format the information from the concerned legal aid counsel to be kept in the file of the legal aid persons and which shall be periodically laid before the District Legal Aid Committee with a view to observe the steps taken by the legal aid counsel in the matter. The Legal Services Institutions shall send the report of each case to the District Legal Aid Monitoring Committee for its periodical monitoring and review. The DLSAs are requested to observe and implement the above guidelines sincerely and effectively.

Thanking You.

Yours faithfully,

 (B.K. Goswami)
 Member Secretary

Encl:- As above

A SPECIMEN OF THE LEGAL SERVICES CARD

	<p>.....Legal Services Authority/Committee</p> <p>Reg.No. _____</p>				
<p>Name of the Legal Aided Persons: _____</p> <p>Plaintiff/Defendant/Petitioner/Respondent/ Appellant/Accused: _____</p> <p>Title of the Case: _____</p> <p>Nature of the Case: _____</p> <p>The Court in which the case is pending: _____</p> <p>Name of the Legal Aid Counsel: _____</p> <p>Contact no. and address of the Counsel: _____</p>					
Sl.No.	Date.	Proceedings taken place.	Next hearing date.	Nature of proceedings on the next posting date and instructions to the party (legal aided person).	Signature of Secretary, DLSA/TLSC with seal.

**GUIDELINES ISSUED BY NATIONAL LEGAL SERVICES AUTHORITY (NALSA)
FOR LEGAL SERVICES IN JUVENILE JUSTICE INSTITUTIONS IN CONNECTION
WITH THE COMPLIANCE OF THE ORDER DATED 19.08.2011 OF
HON'BLE SUPREME COURT OF INDIA IN
SAMPURNA BEHRUA V. UNION OF INDIA & ORS. W.P.NO. (C) NO. 473/2005
TO ESTABLISH LEGAL AID CENTRES ATTACHED TO JJBS.**

1. When a child is produced before Board by Police, Board should call the legal aid lawyer in front of it, should introduce juvenile / parents to the lawyer, juvenile and his/her family/parents should be made to understand that it is their right to have legal aid lawyer and that they need not pay any fees to anyone for this.
2. JJB should give time to legal aid lawyer to interact with juvenile and his/her parents before conducting hearing.
3. Juvenile Justice Board should mention in its order that legal aid lawyer has been assigned and name and presence of legal aid lawyers should be mentioned in the order.
4. Board should make sure that a child and his parents are given sufficient time to be familiar with legal aid counsel and get time to discuss about the case before hearing is done.
5. Juvenile Justice Board should make sure that not a single juvenile's case goes without having a legal aid counsel.
6. Juvenile Justice Board should issue a certificate of attendance to legal aid lawyers at the end of month and should also verify their work done reports.
7. In case of any lapse or misdeed on the part of legal aid lawyers, Board should intimate the State Legal Services Authority and should take corrective step.
8. Juvenile Justice Board and the legal Aid lawyers should work in a spirit of understanding, solidarity and coordination. It can bring a sea-change.
9. Legal Aid Lawyer should develop good understanding of Juvenile Justice Law and of juvenile delinquency by reading and participating in workshops/trainings on Juvenile Justice.
10. Legal Aid Lawyer should maintain a diary at center in which dates of cases are regularly entered.
11. If a legal aid lawyer goes on leave or is not able to attend Board on any given day, he/she should ensure that cases are attended by fellow legal aid lawyer in his/her absence and that case is not neglected.
12. Legal Aid lawyer should not take legal aid work as a matter of charity and should deliver the best.
13. Legal Aid Lawyer should raise issues/ concerns/ problems in monthly meeting with District Legal Services Authority.
14. Legal Aid Lawyer should maintain file of each case and should make daily entry of proceeding.
15. Legal Aid lawyer should not wait for JJB to call him/her for taking up a case. There should be effort to take up cases on his/her own by way of approaching families who come to JJB.
16. Legal Aid Lawyer should inspire faith and confidence in children/ their families who cases they take up and should make all possible efforts to get them all possible help.
17. Legal Aid lawyer should abide by the terms and conditions of empanelment on legal Aid Panel.
18. Legal Aid lawyer should tender his/her monthly work done report to JJB within one week of each month for verification and should submit it to concerned authority with attendance certificate for processing payments.
19. Legal Aid Lawyer must inform the client about the next date of hearing and should give his/her phone number to the client so that they could make call at the time of any need.

**Member-Secretary,
National Legal Services Authority.**

September, 2011

NATIONAL LEGAL SERVICES AUTHORITY ISSUES GUIDELINES FOR LEGAL AID IN JUVENILE JUSTICE BOARDS AND FOR TRAINING OF POLICE ON JUVENILE JUSTICE

In compliance with the orders of Supreme Court in Sampurna Behrua Versus Union of India, National Legal Services Authority has issued detailed guidelines for running Legal Aid Centers in Juvenile Justice Boards and for conducting training programmes for Special Juvenile Police across the country. Sampurna Behrua Case was filed in year 2005 by HRLN in Supreme Court seeking implementation of Juvenile Justice Act and since then it is going on and has resulted into tremendous progress in implementation of JJ Act nationwide.

Guidelines for Legal Aid in Juvenile Justice Boards have been issued on 12.09.2011, in compliance of Supreme court Order dated 19.08.2011 whereby all the State Legal services Authorities have been directed to create Legal Aid Centers attached to Juvenile Justice Boards in all capital cities. These guidelines further go into the details as to how these centers will be created and run, detailing role and responsibilities of Juvenile Justice Board and Lawyers in order to ensure that legal aid is accessible, effective, accountable and is of good quality.

Second set of guidelines pertains to the training of Special Juvenile Police Units. These guidelines have been issued on 09.12.2011 in compliance of Supreme Court order dated 12.10.2011 by which Supreme Court had directed National and State Legal services Authorities to train Police about their role and responsibilities under Juvenile Justice Act. These guidelines have clearly specified the roles which have to be played by State and District Level Authorities for conducting such trainings and have suggested a curriculum for such training, specifically mentioning the crucial aspects on which Police officers need to be trained and sensitized.

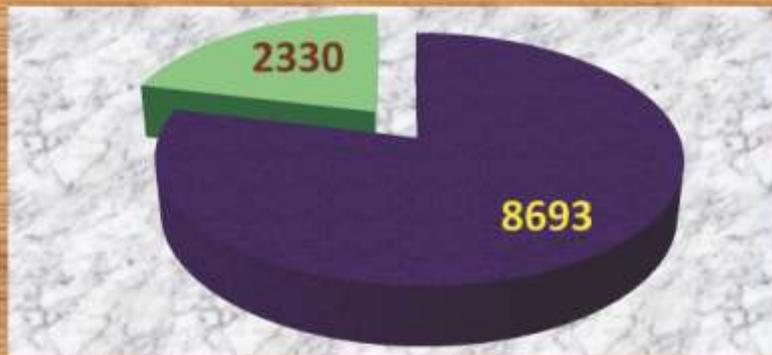
NYAYA DAGAR

ANNUAL ISSUE 2012

MEDIATION ACTIVITIES



MEDIATION Till December 2012



■ No. of Referrals so far (till dec 2012) ■ No. of cases settled

JHALSA/D.N. TIWARI

TRAINING OF MEDIATORS

Jharkhand State Legal Services Authority has undertaken all necessary efforts regarding the training of the Mediators and the criteria of their selection and their fee structure in the light of the Vision Document of NALSA under the Aegis of Mediation and Conciliation Project Committee of Supreme Court of India.

MEDIATION TRAINING

Six 40 Hours Intensive Mediation Training programme have been organized by JHALSA in the year 2012.

Sl. No.	Date	Duration of Course	No. of Trained Judicial Officers	No. of Trained Advocates
1	28.01.2012 to 01.02.2012	40 Hrs. Intensive Mediation Training	8	15
2	26.02.2012 to 01.03.2012	40 Hrs. Intensive Mediation Training	3	22
3	17.04.2012 to 21.04.2012	40 Hrs. Intensive Mediation Training	0	23
4	13.05.2012 to 17.05.2012	40 Hrs. Intensive Mediation Training	3	22
5	17.07.2012 to 21.07.2012	40 Hrs. Intensive Mediation Training	0	25
6	22.08.2012 to 26.08.2012	40 Hrs. Intensive Mediation Training	0	24
TOTAL - (145)			14	131

TRAINING OF REFERRAL JUDGES

Four Referral Judges Training Programmes have been organized by JHALSA in the year 2012.

Sl. No.	Date	Duration of Course	No. of Participants (Judicial Officers)
1	02.02.2012	3rd Referral Judges Training Programme	48
2	22.04.2012	4th Referral Judges Training Programme	49
3	12.05.2012	5th Referral Judges Training Programme	49
4	22.07.2012	6th Referral Judges Training Programme	49
TOTAL			195

**1ST REFRESHER COURSE ON MEDIATION
22ND JANUARY, 2012**

Jharkhand State Legal Services Authority under the auspices of 'Mediation and Conciliation Project Committee (MCPC) of Supreme Court of India organized First Refresher Course on Mediation" on 22nd January, 2012 at Nyaya Sadan, Ranchi.

The said refresher course programme was organized for the Trained Mediators (Judicial Officers and Advocates) who have already gone under 40 hrs. Intensive Mediation Training Programme.

Hon'ble Mr. Justice R.K.Merathia, the then Judge, Jharkhand High Court and Executive Chairman, JHALSA, Hon'ble Mr. Justice D.N. Patel, Judge, Jharkhand High Court & Chairman, Monitoring Committee for Mediation Activities, Jharkhand High Court attended the programme and addressed the Participants.

Sl. No.	Participants	No. of Participants
1	Trained Mediator Judicial Officers	14
2	Trained Mediator Advocates	29
TOTAL		43

**MEDIATION AWARENESS PROGRAMME ORGANISED
DURING THE YEAR 2012**

SI.No.	Date	District	Participants
1	16.06.2012	Jamshedpur	Bar Members, Judicial Officers & Common Public
2	17.06.2012	Seraikella	Bar Members, Judicial Officers & Common Public
3	30.06.2012	Deoghar	Bar Members, Judicial Officers & Common Public
4	04.08.2012	Koderma	Bar Members, Judicial Officers & Common Public
5	05.08.2012	Hazaribagh	Bar Members, Judicial Officers & Common Public
6	20.02.2013	Nyaya Sadan Jhalsa	Orientation Programme for Advocate Mediators
7	09.03.2013	Nyaya Sadan Jhalsa	Orientation Programme for DLSA Secretaries
8	09.03.2012	Nyaya Sadan Jhalsa	Refresher Course for Advocates Mediators

SETTING UP MEDIATION CENTRES

Following the directives of NALSA, JHALSA has taken imitative for establishing Mediation Centres in all the Districts of the State of Jharkhand as per mandate of sec. 89 of the Code of Civil Procedure. JHALSA has established Mediation Centres in the Jharkhand High Court and in the Civil Courts of all 22 Districts across the State. The status of Mediation Centres is as under:

Mediation Centres Functional After Formal Inauguration:

- 1) Jharkhand High Court Mediation Centre
- 2) Ranchi Mediation Centre
- 3) Jamsshedpur Mediation Centre
- 4) Hazaribagh Mediation Centre
- 5) Bokaro Mediation Centre
- 6) Dhanbad Mediation Centre
- 7) Latehar Mediation Centre
- 8) Palamau Mediation Centre
- 9) Gumla Mediation Centre
- 10) Lohardaga Mediation Centre
- 11) Chaibasa Mediation Centre
- 12) Pakur Mediation Centre
- 13) Sahebganj Mediation Centre
- 14) Chatra Mediation Centre
- 15) Giridih Mediation Centre
- 16) Koderma Mediation Centre
- 17) Godda Mediation Centre
- 18) Seraikella Mediation Centre
- 19) Deoghar Mediation Centre
- 20) Simdega Mediation Centre
- 21) Dumka Mediation Centre
- 22) Jamtara Mediation Centre
- 23) Garhwa Mediation Centre

ESTABLISHMENT OF DISTRICT ADR CENTRE

JHALSA has taken initiative for establishment of ADR centres in all the Districts of the State of Jharkhand as per the guidelines of 13th Finance Commission.

As per the 13th finance Commission a total amount of Rs29.89 Crore has been allotted to the State of Jharkhand for 2010-2015 for establishment of ADR Centre in the State.

Accordingly the State Authority has prepared an Action Plan for establishment of 22 ADR Centres during the period 2010-2015 . In the first phase it has been proposed to establish ADR Centres in 5 (Five) Districts of the State namely **Jamshedpur, Seraikella, Deoghar, Koderma and Hazaribagh**. Recently the foundation stones of ADR Centres of above said five Districts have been laid which has received tremendous response from the Bar and Common Public. JHALSA has released Rs. 4,36,07,200 to Building Construction Department for ADR at Jamshedpur, Deoghar and Hazaribagh and construction has already started in these districts.

Sl. No.	Name of District	Date of Foundation Laying Ceremony	Foundation Laid by
1	Jamshedpur	16.06.2012	Hon'ble Mr. Justice Prakash Tatia, Chief Justice, Jharkhand High Court-cum-Patron-in-Chief, JHALSA in presence of Hon'ble Mr. Justice R.K.Merathia, the then Executive Chairman, JHALSA & Hon'ble Mr. Justice D.N.Patel, Judge, Jharkhand High Court & Chairman, Mediation Monitoring Committee, JHC
2	Seraikella	17.06.2012	Hon'ble Mr. Justice Prakash Tatia, Chief Justice, Jharkhand High Court-cum-Patron-in-Chief, JHALSA in presence of Hon'ble Mr. Justice D.N.Patel, Judge, Jharkhand High Court & Chairman, Mediation Monitoring Committee, JHC
3	Deoghar	30.6.2012	Hon'ble Mr. Justice Prakash Tatia, Chief Justice, Jharkhand High Court-cum-Patron-in-Chief, JHALSA in presence of Hon'ble Mr. Justice D.N.Patel, Judge, Jharkhand High Court & Chairman, Mediation Monitoring Committee, JHC & , Hon'ble Mr. Justice N.N.Tiwari, Judge, Jharkhand High Court & Member, Mediation Monitoring Committee, JHC, Hon'ble Mr. Justice Aparesh Kumar, Judge, JHC
4	Koderma	04.08.2012	Hon'ble Mr. Justice Prakash Tatia, Chief Justice, Jharkhand High Court-cum-Patron-in-Chief, JHALSA in presence of Hon'ble Mr. Justice D.N.Patel, Judge, Jharkhand High Court & Chairman, Mediation Monitoring Committee, JHC & , Hon'ble Mr. Justice R.R.Prasad, Judge, Jharkhand High Court & Member, Mediation Monitoring Committee, JHC.
5	Hazaribagh	05.08.2012	Hon'ble Mr. Justice Prakash Tatia, Chief Justice, Jharkhand High Court-cum-Patron-in-Chief, JHALSA in presence of Hon'ble Mr. Justice D.N.Patel, Judge, Jharkhand High Court & Chairman, Mediation Monitoring Committee, JHC & , Hon'ble Mr. Justice R.R.Prasad, Judge, Jharkhand High Court & Member, Mediation Monitoring Committee, JHC.

LIST OF ADVOCATES TRAINED AS MEDIATORS

Present Place of Practice	Sl.No.	Name of Advocate	Mediation Course No.	Date of Course
Jharkhand High Court	1	Mr. Kaushalendra Prasad	11th	28.01.2012 to 01.02.2012
	2	Mrs. Nitu Sinha	11th	28.01.2012 to 01.02.2012
	3	Mr. Pradeep Kr. Deomani	11th	28.01.2012 to 01.02.2012
	4	Sri Rajesh Kr. Mahata	11th	28.01.2012 to 01.02.2012
	5	Sri Bishram Bhagat	11th	28.01.2012 to 01.02.2012
	6	Sri Suraj Kumar	12th	26.02.2012 to 01.03.2012
	7	Sri Lalan Kumar Singh	12th	26.02.2012 to 01.03.2012
	8	Sri Jitendra Pandey	12th	26.02.2012 to 01.03.2012
	9	Mrs. Mahua Palit	12th	26.02.2012 to 01.03.2012
	10	Sri Tapas Roy	12th	26.02.2012 to 01.03.2012
	11	Ms. Vandana Bharti	12th	26.02.2012 to 01.03.2012
	12	Sri Satish Kumar Deo	12th	26.02.2012 to 01.03.2012
	13	Mr. Ramawatar Chaubey	13th	17.4.12 to 21.4.12
	14	Mr. Sudhir Kumar Mahto	13th	17.4.12 to 21.4.12
	15	Mr. M. Jalisur Rahman	13th	17.4.12 to 21.4.12
	16	Mr. Mahavir Prasad Sinha	13th	17.4.12 to 21.4.12
	17	Mr. Shubha Jha	13th	17.4.12 to 21.4.12
	18	Mr. Lakhan Sharma	13th	17.4.12 to 21.4.12
	19	Mr. Prabir Chatterjee	13th	17.4.12 to 21.4.12
	20	Mr. Dilip Kumar Chakraverty	13th	17.4.12 to 21.4.12
	21	Mr. Amrendra Kumar	13th	17.4.12 to 21.4.12
	22	Ms. Alpana Verma	16th	22.08.12 to 26.08.12
	23	Mrs. Ruby Pandey	16th	22.08.12 to 26.08.12
	24	Sri Ramjit Satender	11th	28.1.12 to 1.2.12
Ranchi	25	Sri Bishram Bhagat	11th	28.01.2012 to 01.02.2012
	26	Sri Rakesh Kr. Jha	13th	17.4.12 to 21.4.12
	27	Mr. Madhusudan Ganguly	16th	22.08.12 to 26.08.12
	28	Ms. Kumari Sheela	16th	22.08.12 to 26.08.12
	29	Md. Imteyaz Ashraf	13th	17.4.12 to 21.4.12
Khunti (Ranchi)	30	Sri Dhanik Guria	15th	17.07.12 to 21.07.12
	31	Miss Anita Verma	15th	17.07.12 to 21.07.12
Bokaro	32	Sri P.C. Agrawal	11th	28.01.2012 to 01.02.2012
	33	Sri Aftab Alam	12th	26.02.2012 to 01.03.2012
	34	Sri Ashok Kumar Ray	13th	17.4.12 to 21.4.12
	35	Ms. Renu Kumari	16th	22.08.12 to 26.08.12
	36	Mr. Barun Kumar Pandey	16th	22.08.12 to 26.08.12

Present Place of Practice	Sl.No.	Name of Advocate	Mediation Course No.	Date of Course
Tenughat (Bokaro)	37	Mrs. Mohua Karak	15th	17.07.12 to 21.07.12
	38	Sri Hari Shankar Prasad	15th	17.07.12 to 21.07.12
	39	Sri Rajiv Kumar Tiwari	15th	17.07.12 to 21.07.12
	40	Mr. Ram Ballav Mahto	16th	22.08.12 to 26.08.12
Chaibasa	41	Sri Santosh Kumar Gupta	12th	26.02.2012 to 01.03.2012
	42	Sri Pranab Kumar Daripa	12th	26.02.2012 to 01.03.2012
	43	Sri Augustine Kullu	14th	13.05.2012 to 17.05.2012
	44	Sri Amar Bakshi	14th	13.05.2012 to 17.05.2012
	45	Sri Subhash Chandra Mishra	15th	17.07.12 to 21.07.12
	46	Sri Thomas Antony	15th	17.07.12 to 21.07.12
Chatra	47	Sri Subodh Kr. Mishra	11th	28.01.2012 to 01.02.2012
	48	Sri Indu Bhutan Kumar	12th	26.02.2012 to 01.03.2012
	49	Sri Ashok Sahu	14th	13.05.2012 to 17.05.2012
Deoghar	50	Smt. Kanta Singh	12th	26.02.2012 to 01.03.2012
	51	Sri Rajeev Ranjan Mahto	13th	17.4.12 to 21.4.12
	52	Sri Sanjay Kumar Pandey	13th	17.4.12 to 21.4.12
	53	Smt. Nutan Singh	15th	17.07.12 to 21.07.12
	54	Sri Bam Shankar Prasad Singh	15th	17.07.12 to 21.07.12
	55	Mr. Deepak Kumar	16th	22.08.12 to 26.08.12
	56	Mr. Mukesh Kumar Pathak	16th	22.08.12 to 26.08.12
Dhanbad	57	Smt. Manisha Mukherjee	12th	26.02.2012 to 01.03.2012
	58	Smt. Meena Kumari Sinha	13th	17.4.12 to 21.4.12
	59	Sri Raj Kumar Singh	13th	17.4.12 to 21.4.12
	60	Ms. Sonal Worah	16th	22.08.12 to 26.08.12
	61	Mr. Sanjiv Kumar Singh	16th	22.08.12 to 26.08.12
Dumka	62	Sri Bhim Prasad Mandal	12th	26.02.2012 to 01.03.2012
	63	Sri Mantu Murmu	13th	17.4.12 to 21.4.12
	64	Smt. Kiran Tiwari	15th	17.07.12 to 21.07.12
	65	Sri Kumar Prabhat	15th	17.07.12 to 21.07.12
Garhwa	66	Sri Ram Krishna Shukla	11th	28.01.2012 to 01.02.2012
	67	Sri Direndra Kumar Choubey	12th	26.02.2012 to 01.03.2012
	68	Sri Rakesh Kr. Tripathi	13th	17.4.12 to 21.4.12
	69	Sri Sanjay Kumar Singh	15th	17.07.12 to 21.07.12
	70	Sri Sanjay Kumar Bharti	15th	17.07.12 to 21.07.12

Present Place of Practice	Sl.No.	Name of Advocate	Mediation Course No.	Date of Course
Giridih	71	Sri Shyam Deo Rai	12th	26.02.2012 to 01.03.2012
	72	Smt. Urmila Sharma	13th	17.4.12 to 21.4.12
	73	Sri Ram Ratan Sharma	13th	17.4.12 to 21.4.12
	74	Mrs. Vibha Rani Prasad	16th	22.08.12 to 26.08.12
	75	Mrs. Renu Verma	16th	22.08.12 to 26.08.12
Godda	76	Smt. Reena Dey	11th	28.01.2012 to 01.02.2012
	77	Sri Raj Kumar	14th	13.05.2012 to 17.05.2012
	78	Sri Ugresh Kumar Jha	14th	13.05.2012 to 17.05.2012
	79	Sri Ajay Prasad Sah	15th	17.07.12 to 21.07.12
Gumla	80	Sri Om Prakash	11th	28.01.2012 to 01.02.2012
	81	Sri Chhatra Pal Sahu	14th	13.05.2012 to 17.05.2012
	82	Sri Rajendra Sahu	14th	13.05.2012 to 17.05.2012
	83	Sri Sanjay Prasad Sahu	15th	17.07.12 to 21.07.12
	84	Mr. Pradip Kumar Pandey	16th	22.08.12 to 26.08.12
Hazaribagh	85	Sri Bhaiya Mukesh	12th	26.02.2012 to 01.03.2012
	86	Md. Moazzam	13th	17.4.12 to 21.4.12
	87	Sri Gourav Sahay	13th	17.4.12 to 21.4.12
	88	Mr. Vijay Kumar Singh	16th	22.08.12 to 26.08.12
	89	Mr. Krishna Kumar Verma	16th	22.08.12 to 26.08.12
Jamshedpur	90	Smt. Nisha Sharma	13th	17.4.12 to 21.4.12
	91	Sri Kameshwar Mahato	14th	13.05.2012 to 17.05.2012
	92	Mrs. Moon Moon Nanda	14th	13.05.2012 to 17.05.2012
	93	Mr Kamal Kant Sinha	16th	22.08.12 to 26.08.12
	94	Mr. Shiv Shankar Prasad	16th	22.08.12 to 26.08.12
Ghatsila (Jamshedpur)	95	Smt. Nisha Sharma	15th	17.07.12 to 21.07.12
	96	Sri Rabindra Pradhan	15th	17.07.12 to 21.07.12
	97	Sri Raj Mal Tudu	15th	17.07.12 to 21.07.12
	98	Mr Dashrath Mahto	16th	22.08.12 to 26.08.12
	99	Mr. T.C. Dash	16th	22.08.12 to 26.08.12
Jamtara	100	Sri Soumitra Sarkar	15th	17.07.12 to 21.07.12
	101	Sri Trilochan Pandey	11th	28.01.2012 to 01.02.2012
	102	Sri Suresh Prasad Singh	14th	13.05.2012 to 17.05.2012
	103	Sri Koushik Kumar Mishra	14th	13.05.2012 to 17.05.2012
	104	Md. Sufian	16th	22.08.12 to 26.08.12

Present Place of Practice	SI.No.	Name of Advocate	Mediation Course No.	Date of Course
Koderma	105	Sri Uday Shanker Pd. Sinha	12th	26.02.2012 to 01.03.2012
	106	Sri Jagdish Saluja	14th	13.05.2012 to 17.05.2012
	107	Sri Sanjay Kumar Singh	14th	13.05.2012 to 17.05.2012
	108	Sri Suresh Kumar	15th	17.07.12 to 21.07.12
	109	Sri Bhuneshwar Rana	15th	17.07.12 to 21.07.12
Latehar	110	Sri Pankaj Kumar	12th	26.02.2012 to 01.03.2012
	111	Sri Sanjay Kumar	14th	13.05.2012 to 17.05.2012
	112	Sri Lal Arbind Nath Sahdeo	14th	13.05.2012 to 17.05.2012
Lohardagga	113	Sri Sanjay Kr. Suman	11th	28.01.2012 to 01.02.2012
	114	Md. Nasim Ansari	14th	13.05.2012 to 17.05.2012
Pakur	115	Smt. Saleha Naz	12th	26.02.2012 to 01.03.2012
	116	Md. Nukimuddin Shaikh	14th	13.05.2012 to 17.05.2012
	117	Sri Samir Kumar Mishra	15th	17.07.12 to 21.07.12
Palamau	118	Sri Dinesh Chandra Pandey	12th	26.02.2012 to 01.03.2012
	119	Smt. Veena Mishra	14th	13.05.2012 to 17.05.2012
	120	Mr. Hussain Warris	14th	13.05.2012 to 17.05.2012
	121	Sri Satyendra Kumar Singh	15th	17.07.12 to 21.07.12
	122	Sri Satish Kumar Dubey	15th	17.07.12 to 21.07.12
	123	Mr. Kumar Shivaji Singh	16th	22.08.12 to 26.08.12
Sahebganj	124	Sri Arvind Goya	12th	26.02.2012 to 01.03.2012
	125	Sri Devendra Kumar Singh	14th	13.05.2012 to 17.05.2012
Rajmahal (Sahebganj)	126	Sardar Anand Gopal Singh	15th	17.07.12 to 21.07.12
	127	Sri Niraj Rameshwaram	15th	17.07.12 to 21.07.12
Seraikella	128	Sri Debashish Jyotish	11th	28.01.2012 to 01.02.2012
	129	Sri Sanjay Kumar Choudhary	14th	13.05.2012 to 17.05.2012
	130	Mr. Asit Kumar Sarangi	16th	22.08.12 to 26.08.12
	131	Mr. Rajesh Bihari Sahay	16th	22.08.12 to 26.08.12
Simdega	132	Sri Paduman Singh	11th	28.01.2012 to 01.02.2012
	133	Sri Prabhat Kumar Srivastava	14th	13.05.2012 to 17.05.2012

NYAYA DAGAR

ANNUAL ISSUE 2012

**LOK ADALAT
FOR
PRE-LITIGATION
UNIVERSITIES CASES**

FIRST UNIVERSITY CASE (PRELITIGATION) LOK ADALAT

13th May, 2012 (Sunday) at Nyaya Sadan, Ranchi

A **Legal Awareness Camp-cum-Lok Adalat** was organized on **13th May, 2012** in the premises of the Nyaya Sadan, JHALSA, Ranchi. This was the 20th Lok Adalat in the series conducted at the High Court level. This was the first ever Lok Adalat conducted by High Court Legal Services Committee and JHALSA in which only University cases for all 5 Universities were taken up for disposal on amicable basis. The vision for holding such Lok Adalat for University cases was given by **His Excellency Dr. Sayed Ahmad, the Governor of Jharkhand**. The Legal Awareness Camp-cum-Lok Adalat was inaugurated by His Excellency the Governor of Jharkhand. **Hon'ble Mr. Justice M.Y.Eqbal**, Chief Justice, Madras High Court, was the Special Guest to the function. **Hon'ble Mr. Justice Prakash Tatia**, Chief Justice, Jharkhand High Court and Patron-in-Chief, JHALSA, **Hon'ble Mr. Justice R.K. Merathia**, Judge, Jharkhand High Court and Executive Chairman, JHALSA, **Hon'ble Mr. Justice D.N. Patel**, Judge, Jharkhand High Court and Chairman, HCLSC and other **Hon'ble Judges** of the Jharkhand High Court attended the Lok Adalat.

Inaugurating the Lok Adalat **His Excellency** reminded the University authorities and the concerned Govt. Department to play better role in resolving the disputes of Officers and employees of Universities through Lok Adalat system. **Hon'ble Mr. Justice Prakash Tatia**, the Chief Justice, Jharkhand High Court was pleased to announce for organizing more number of such Lok Adalats exclusively for Teachers and Staffs of all 5 Universities of Jharkhand so that the academic pool is not involved in unnecessary litigation with the Government and that their matter can be resolved through ADR mechanism.

Hon'ble Mr. Justice R.K. Merathia, the then Judge, Jharkhand High Court and Executive Chairman, JHALSA assured the common litigants as well as the University authorities for taking up their cases on day to day basis in the **continuous Lok Adalat** at Nyaya Sadan, JHALSA.

A total of 149 cases including post-litigation cases were taken up for disposal at 3 Benches of the Lok Adalat out of which 131 cases of Teachers and Staffs of all 5 Universities were settled involving an amount of Rs. 3.85 crore. The **Hon'ble Executive Chairman, NALSA, Hon'ble the Chief Justice, Jharkhand High Court** and **other Distinguished Judges of the Jharkhand High**



SECOND UNIVERSITY CASE (SPECIAL) LOK ADALAT

*(For Pre-Litigation Cases of Universities of Jharkhand)
22nd May, 2012 (Tuesday) at Nyaya Sadan, Ranchi*

A second **Special Lok Adalat** for University cases on pre-litigation basis was organized on **22nd May, 2012** in the premises of the Nyaya Sadan, JHALSA, Ranchi. In the Lok Adalat 130 cases of the Teachers and Staffs of all 5 Universities were taken up for disposal on amicable basis. A total of 2.49 crore amount was disbursed amongst the beneficiaries.

This second University cases Lok Adalat was inaugurated by **Hon'ble Mr. Justice Altamas Kabir, Judge, Supreme Court of India and the Executive Chairman, National Legal Services Authority, New Delhi**. **Hon'ble Mr. Justice Prakash Tatia**, Chief Justice, Jharkhand High Court and Patron-in-Chief, JHALSA and **Hon'ble Mr. Justice R.K. Merathia**, Judge, Jharkhand High Court and Executive Chairman, JHALSA addressed the august gathering. Other **Hon'ble Judges of Jharkhand High Court** also actively participated in the Lok Adalat.

Hon'ble Mr. Justice Altamas Kabir, Judge, Supreme Court of India and the Executive Chairman, National Legal Services Authority, New Delhi said that the Lok Adalat has drawn on the success of the last week's effort (of the 1st University cases Lok Adalat). **Hon'ble Mr. Justice Kabir** said the need of the hour was speedy redressal of grievances of litigant without indulging in long drawn legal battles.

Hon'ble Mr. Justice Prakash Tatia, Chief Justice, Jharkhand High Court and Patron-in-Chief, JHALSA also addressed the need of resolving the dispute relating to retiral benefits etc. of the Teachers outside the Court.

Hon'ble Mr. Justice Altamas Kabir and Hon'ble the Chief Justice, Jharkhand High Court



NYAYA DAGAR

ANNUAL ISSUE 2012

SUCCESS STORIES

SUCCESS STORIES OF HIGH COURT REFERRED CASES

SUCCESS STORY 1



SUCCESS STORY 2



SUCCESS STORY 3



मध्यस्थता एक मंत्र, विवादों का अंत तुरन्त ।

SUCCESS STORIES THROUGH PRELITIGATION EXERCISE

SUCCESS STORY 1

CONSORTIUM OF SENIOR PENSIONERS, RANCHI

President
Prem Shankar
Sita Sadan
Ratu Road, Ranchi Near
Popular Nursing Home
Ranchi-834001
Ph: 0651-2282106
Mob: 9430342134ssss

Vice-President
Prof N.C. Das
'Nilayam'
6/7 Dak Bungalow Rd.
Deputy Para,
Ranchi 834001ssss
Mob: 9431352858

Secretary
Dr. R.S. Prasad
Ananday
Block-Veterinary Road
P.O. - Kanke,
Ranchi- 834006
Mob: 9430751546

Treasurer
Prof. S.S.P. Gupta
House No.: 47
RAC Lake Road
Near BAU Computer
Centre, Kanke,
Ranchi- 834006
Mo.: 9470902314
9006815815

Jt. Secretary
Dr. Ramjee Prasad
Ananday, Opposite
Kanke block P.O. Kanke,
Ranchi - 834006
Mob: 9955456251

Coordinator: Ranchi
Dr. R.P. Gupta
Anandam, RAC Lake
Road, Near BAU
Computer Centre, Kanke
Ranchi-834006
Mob: 9431354482

Coordinator: Bihar/Patna
Dr. R.P. Sinha
Vyasnagar: Asiana Road
Patna-800021
Ph.: 0612-2583369
9431648734

Ref.....*Ab 26 / Assembly* Date.....*22/10/2012*
To,
Hon'ble Sri B.K. Goswami
Hon'ble Member Secretary
Jharkhand High Court: Legal Services Committee
Nyaya Sadan, Doranda, Ranchi-834002

Subject: Implementation of G⁷ Pay & Pension revision in Birsa Agricultural University, Kanke with effect from 01.01.2005

Hon'ble Your Lordship

We, the members of Consortium of senior pensioners of Birsa Agricultural University take this opportunity with immense pleasure to express our profound sense of gratitude and indebtedness to Jharkhand State Legal Services Authority (JHALSA). We also express immense pleasure and gratitude to His Lordship Hon'ble the Chief Justice and Executive Chairman of JHALSA without whose guidance and immense interest we could not perhaps get the victory. His Lordship Hon'ble Mr. Justice D.N. Patel and the Member Secretary Sri B.K. Goswami were kind enough always to spare their valuable time and give patient hearing to our grief and grievances in the light of statutory provisions.

It is the commendable efforts of JHALSA because of which we could not get justice only but justice with human touch.

We are highly obliged for the high reason, endeavors, efforts and wisdom of Member Secretary, JHALSA on application of Law to safe guard the interest and legitimate right of the common mass, because nearly 800 pensioners of B.A.U. have got their claim, on account of such action on his part.

We also express our gratitude, to all the team members of Nyaya Sadan who stood to help us at every occasion of our request.

Thanking You Sir.

Yours faithfully

Dr. Ramjee Prasad
SECRETARY

CONSORTIUM OF Sr. PENSIONERS
RANCHI-834006
DR. RAM JEE PRASAD
AT ARSANDAY, VETERINARY ROAD
P.O. KANKE, RANCHI-834006

Prof. S.S.P. Gupta
22.10.2012
VICE-PRESIDENT
Consortium of Sr. Pensioners
Ranchi - 834006

SUCCESS STORY 2

Mob. : 09431940873
09939281148

UGRATARA WELFARE SOCIETY
(Registered No. 1456/2010-2011 under Jharkhand Govt.)
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E-mail : ugratarawelfaresociety@ymail.com

Ref. No. U.W.S. I Date

सेवा में,
सचिव,
झाखण्ड उच्च न्यायालय विधिक सेवा समिति,
न्याय सदन, राँची ।

महाशय,
निम्न व्यक्तियों द्वारा दिये गये आवेदनों पर झालमा के प्रयास से उन्हें पूरा न्याय मिल चुका है । आपको सूचनार्थ प्रेषित :-

क्र०	नाम / पता	मुकदमा का विवरण (प्रीलिटिगेशन)	मोबाईल नं०	हस्ताक्षर / अंगूठे का निशान
1.	बाबू राम मांझी, ग्राम-करीमटिया, पो०-बंजी (घाटो) जिला-रामगढ़ ।	सी०सी०एल० में पिता की मृत्यु के बाद नौकरी ।	92631- 32622	बाबू राम मांझी
2.	रमेश कुमार मांझी, ग्राम-करीमटिया, पो०-बंजी (घाटो) जिला-रामगढ़ ।	रैयती जमीन सी०सी०एल० के द्वारा कोयला खनन के लिए लेना जिसके एवज में मुआवजा एवं नौकरी देना।	8969581544	रमेश कुमार मांझी 18/05/2012
3.	सचेत साव, ग्राम-चन्दवा(कंचन नगरी) पो०-चन्दवा, थाना- चन्दवा, जिला-लातेहार	पैतृक संपत्ति बँटवारा ।	94319 40873	सचेत साव
4.	महेश कुमार, सी०सी०एल० सौदा, पो०-सौदा, जिला-रामगढ़	कार्यरत पिता के मृत्यु के आधार पर सी०सी०एल० में नौकरी ।	993992 9968	महेश कुमार
5.	प्रभु ठरॉव, ग्राम-छातावार, पो०-शिवला, थाना-बालूमाथ, जिला- लातेहार ।	सी०सी०एल० पेशन विवाद निवारण ।	960810069	



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6.	सुरेन्द्र उराँव, ग्राम-रेहड़ा, पो0 - लातेहार, थाना-लातेहार, जिला-लातेहार ।	रैयती आदिवासी जमीन बंदोबस्ती विवाद ।	7250239736	सुरेन्द्र उराँव
7.	शांति देवी पति स्व0 बंशराज लोहरा ग्राम-जमीरा टोला-दुबी, पो0-रोल, थाना-चन्दवा, जिला-लातेहार ।	जमीन संबंधी निपटारा ।	9470972 385	
8.	मदिया उराईन, घाटो (टिस्को) बंस्ट बोकारो कोलियरी, जिला- रामगढ़ ।	रैयती जमीन के बदले बंस्ट बोकारो कोलियरी घाटो (टिस्को) द्वारा मुआवजा एवं नौकरी ।		
9.	रामदेव उराँव, ग्राम-जमीरा टोला-पिपराही पो0-रोल, थाना-चन्दवा, जिला- लातेहार ।	जमीन विवाद रामदेव उराँव बनाम् कईला उराँव ।	76778 18258	रामदेव उराँव
10.	जगन्नाथ उराँव, ग्राम-बसिया, पो0-बालूमाथ, थाना - बालूमाथ, जिला-लातेहार	रैयती जमीन विवाद ।	9798392836	
11.	ज्योतिष मुण्डा ग्राम-पतराटोली, पो0- चन्दवा, थाना- चन्दवा, जिला-लातेहार	रैयती जमीन विवाद ।	9798712602	ज्योतिष मुण्डा
12.	एतवरिया देवी ग्राम-धाधु, पो0-भैसादोन थाना-बालूमाथ, जिला- लातेहार ।	रैयती जमीन विवाद ।	99057 72035	



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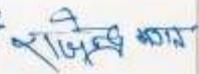
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13.	रंजीत राम ग्राम-डेमटोली, चन्दवा पो0+थाना-चन्दवा, जिला-लातेहार	मोटर दुर्घटना के उपरान्त मुआवजा ।	9608378 660	
14.	स्व0 मन्दु कुमार पिता कपिलदेव ठाकुर ग्राम-महुआमिलान, पो0+थाना-चन्दवा, जिला-लातेहार	मोटर दुर्घटना के उपरान्त मुआवजा ।		
15.	मंगरी देवी पति राजेन्द्र भगत ग्राम-धाधु, पो0-भैसादोन थाना-बालूमाथ, जिला - लातेहार	आदिवासी जमीन बंदोबस्ती।	8521622257	

“उग्रतारा वेलफेयर सोसाईटी” गैर सरकारी संस्था द्वारा निम्नलिखित व्यक्तियों को निःशुल्क विधिक सहायता प्रदान की गई । भविष्य में भी वचन देता हूँ कि निःशुल्क विधिक जागरूकता, सहायता प्रदान किया जायेगा ।

सचिव
उग्रतारा वेलफेयर सोसाईटी
Kumal Amit
सचिव
उग्रतारा वेलफेयर सोसाईटी

SUCCESS STORY 3



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 09939281148

Ref. No. ...U.W.S. II...

Date

सेवा में,
 (ललित)
 आसक्त उच्च न्यायालय विधिक सेवा समिति
 न्याय सेवन (ललित)।
 महाराष्ट्र,
 निम्न व्यक्तिगत रूप से दिए गए आवेदन पर शामिलता के
 प्रयास में गैरमजदूरी जमीन की व्यवस्था करि देना और व्यक्ति
 को दुकान। आपको धन्यवाद देते हैं।

M.No - 7250239736

क्र०सं०	नाम / पता	मुकदमा का विवरण	हस्ताक्षर / अंगुठा का निशान
1.	निर्मला देवी पति रामचंद्र उरावं ग्राम रेहड़ा पोस्ट कुरा थाना +जिला लातेहार मो०नं० 7250239736	गैरमजदूरी जमीन की बन्दोबस्त 3.05 एकड़	निर्मला देवी
2.	दिलिप उरावं पिता स्व० सुकू उरावं	1.13 एकड़	दिलिप उरावं
3.	नरेश उरावं पिता स्व० पाण्डु उरावं मो०नं० 9798625770	0.70 एकड़	नरेश उरावं
4.	सहबु उरावं पिता स्व० पाण्डु उरावं	1.02 एकड़	सहबु उरावं
5.	सुरेश उरावं पिता स्व० पाण्डु उरावं	0.50 एकड़	सुरेश उरावं
6.	लालदेव उरावं पिता हरी उरावं	0.47 एकड़	लालदेव उरावं
7.	हरी उरावं पिता स्व० भोला उरावं	0.72 एकड़	
8.	नागेन्द्र उरावं पिता मलुआ उरावं	0.26 एकड़	नागेन्द्र उरावं



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9.	रातो देवी पति स्व० मलुआ उरांव	0.75 एकड़	
10.	फुनु भूईया पिता स्व० प्रमू भूईया	0.70 एकड़	फुनु भूईया
11.	कारू भूईया पिता स्व० प्रमू भूईया	0.55 एकड़	कारू भूईया
12.	गिजू उरांव पिता स्व० बैजनाथ उरांव	0.55 एकड़	
13.	बाना उरांव पिता स्व० किसुन उरांव	0.62 एकड़	
14.	ललित उरांव पिता बाना उरांव	0.23 एकड़	ललित उरांव
15.	बदरी उरांव पिता लहसन उरांव	0.43 एकड़	
16.	शिला देवी पति सुरेश उरांव	0.21 एकड़	शिला देवी
17.	मुंगिया देवी पति मुनी उरांव	1.02 एकड़	
18.	जमुना उरांव पिता स्व० मंगलू उरांव	0.83 एकड़	
19.	जमनी उराईन पति स्व०	0.51 एकड़	



UGRATARA WELFARE SOCIETY

(Registered No. 1456/2010-2011 under Jharkhand Govt.)

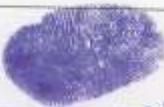
HEAD OFFICE : Chandwa (Kanchan Nagari), P.O. : Chandwa, Dist. : Latehar (Jharkhand) PIN - 829203

E-mail : ugratarawelfaresociety@ymail.com

Mob. : 09431940873
09939281148

Ref. No.

Date

20.	पहलु उरांव पिता देवलाल उरांव	0.92 एकड़	
21.	सिताराम उरांव पिता देवलाल उरांव	0.50 एकड़	सिताराम उरांव
22.	रामदेव उरांव पिता बुधु उरांव	0.35 एकड़	
23.	फुलदेव उरांव पिता कोईली उरांव	1.40 एकड़	फुलदेव उरांव

Kumal Amit
सचिव

उग्रतारा वेलफेयर सोसाइटी



SUCCESS STORIES THROUGH PLV, LEGAL AID CLINIC

SUCCESS STORY 1


 20/04/2013

सेवा में,
 सादस्य सचिव महोदय,
 शा.क.ए. जिला विधिक सेवा प्राधिकार राँची।
 मैं सीता देवी, पति स्व० कलेश्वर साहू
 ग्राम + पी० - मुड़मा, थाना - माण्डर,
 जिला - राँची (झारखण्ड) की गरीब
 महिला हूँ। मैं ब्लॉक में अज्ञित प्रमाण-
 पत्र के लिए एक साल से परेशान थी।
 लेकिन अज्ञित प्रमाण-पत्र नहीं बन
 पाया। तभी मुझे मित्रगुल्क विधिक
 सहायता केन्द्र के जारे में पता चला
 और मैं अज्ञित प्रमाण-पत्र का आवेदन
 दिनांक 8/04/2013 को पारा लीगल कॉन्सेलर
 श्रीमती सुमन ठाकुर के माध्यम से
 ब्लॉक में जमा किये। जो कि मुझे दिनांक
 15/04/2013 को अज्ञित प्रमाण-पत्र प्राप्त
 हो गई।

अतः इस उपकार के लिए मैं
 सीता देवी आपलोगों को दिल से शुक्रिया
 अदा करती हूँ।

धन्यवाद।

दिनांक:-
 18/4/13

आपका विश्वासी
 सीता - सीता देवी
 ग्राम + पी० - मुड़मा
 थाना - माण्डर
 जिला - राँची।

SUCCESS STORY 2

सेवा में,
 सशरभ स्वयं मदौदम
 वरारखण्ड राज्य विधिक सेवा प्राधिकार, रांची
 में ननका उरांव, पिता-स्व. हरबु उरांव, ग्राम +
 पोस्ट-मुडमा, थाना-भाण्डर, जिला-रांची (झारखण्ड)
 का गरीब निवासी हूँ, मैं दिनांक 22/07/12
 P.L.V श्री मति - सुमन ठाकुर के माध्यम से
 जिला विधिक सेवा प्राधिकार, रांची में शंकर
 आवास का आवेदन दिया था। जो कि मुझे
 दिनांक मार्च 2013 को ब्लॉक से शंकर
 आवास मिल गया।

अतः इस शुभ कार्य के
 लिए मैं ननका उरांव आप सभी को दिल
 से शुक्रिया अदा करता हूँ।

धन्यवाद

आपका विश्वासी
 नाम - ननका उरांव
 ग्राम + पोस्ट - मुडमा
 थाना - भाण्डर
 रांची

NYAYA DAGAR

ANNUAL ISSUE 2012

**NEW
AMENDMENTS
&
NOTIFICATIONS**

**THE JHARKHAND STATE LEGAL SERVICES AUTHORITY
(AMENDMENT) REGULATION, 2013
NOTIFICATION NO. 12 DATED 21/02/13**

In exercise of the powers conferred under the provisions of Section 29A of the Legal Services Authorities Act, 1987 (Act No. 39 of 1987) as amended by Legal Services Authorities (Amendment Act No. 59 of 1994) and in consultation with Hon'ble the Chief Justice, Jharkhand High Court, wherever necessary to give effect to the provisions of the Act, Jharkhand State Legal Services Authority is pleased to make the following amendments in the Jharkhand State Legal Services Authority Regulation, 2002.

1. **Short Title and Commencement-** These Regulations may be called the Jharkhand State Legal Services Authority(Amendment)Regulation 2013 and they shall come into force at once.
2. **Insertion of new Sub- Regulation 13** - After Sub Regulation 12 of **Regulation 18**, the following shall be inserted namely-

13. The expenditure incurred on any single Legal Awareness Camp/Legal Literacy Camp/Programmes etc. organized by District Legal Services Authority shall not exceed Rs. 5,000/-.
3. **Amendment of Regulation 25 -**

(1) In Regulation 25 (a), for the words and figures “Rs. 600/- (Rupees Six Hundred only)” the words and figures “ Rs. 5000 (Rupees Five thousand only)” shall be substituted.

and

for the words and figures “Rs. 200/- (Rupees Two Hundred only)” the words and figures “ Rs. 2000 (Rupees Two thousand only)” shall be substituted;

(2) In Regulation 25 (b), for the words and figures “Rs. 400/- (Rupees Four Hundred only)” the words and figures “ Rs. 3000 (Rupees Three thousand only)” shall be substituted.

(3) In Regulation 25 (c), for the words and figures “Rs. 250/- (Rupees Two Fifty only)” the words and figures “ Rs. 2000 (Rupees Two thousand only)” shall be substituted.

(4) In Regulation 25 (d), for the words and figures “Rs. 150/- (Rupees One hundred and Fifty only)” the words and figures “ Rs. 1000 (Rupees One thousand only)” shall be substituted.
4. **Omission of Regulation 29** -Regulation 29 shall be omitted.
5. **Amendment of Regulation 35 (a) Regulation 35- Composition of the Lok Adalat;** Existing Sub Regulation 1, 2 and 3 shall be substituted as follows:

(1) **At State Authority Level.-** The Member-Secretary organizing the Lok Adalat shall constitute benches of the Lok Adalats, each bench comprising of a sitting or retired Judge of the High Court or a serving or retired judicial officer and anyone or both of the following:

 - (i) a member from the legal profession; and
 - (ii) a social worker of repute who is engaged in the upliftment of the weaker sections of the people, including the Scheduled Castes, the Scheduled Tribes, women, children, rural and

urban labour and interested in the implementation of legal services schemes or programmes.

(2) **At High Court Level.**- The Secretary of the High Court Legal Services Committee organising the Lok Adalats shall constitute benches of the Lok Adalats, each bench comprising of a sitting or retired Judge of the High Court or a serving or retired judicial officer and anyone or both of the following:

(i) a member from the legal profession;

(ii) a social worker belonging to the category as mentioned in item (ii) of sub-para (i) above.

(3) **At District Level.**- The Secretary of the District Authority organising the Lok Adalats shall constitute benches of the Lok Adalats, each bench comprising of a sitting or retired judicial officer and anyone or both of the following:

(i) a member from the legal profession;

(ii) a social worker belonging to the category as mentioned in item (ii) of sub-para

(i) above or a person engaged in para-legal activities of the area, preferably a woman.

(4) **At Subdivision Level.**- The Chairman of the Subdivisional Legal Services Committee organising the Lok Adalats shall constitute benches of the Lok Adalat, each bench comprising of a sitting or retired judicial officer and anyone or both of the following:

(i) a member from the legal profession; and

(ii) a social worker belonging to the category as mentioned in item (ii) of sub-para (i) above or a person engaged in para- legal activities of the area, preferably a woman.

(b) Existing Sub-Regulation '4' shall be renumbered as '5'.

6. Amendment to Regulation 37

(1) In Regulation 37 para (1) for the words and figures "Rs. 500/- (Rupees Five Hundred only)", the words and figures "Rs.5000/- (Rupees Five Thousand Only)" shall be substituted.

(2) **Insertion of New Para:** The following new para shall be inserted after Para I of Regulation 37.

However, DLSA shall be competent to spend an amount not exceeding Rs.25000/- (twenty five thousand only) for Mega Lok Adalat to be organized under guidelines of **13th Finance Commission**. However, this shall be operational only till the **13th Finance Commission** guidelines remain in force.(co-terminus with the period of 13th Finance Commission)

7. Omission of Regulation 45. Regulation 45 shall be omitted.

8. Amendment of schedule after Regulation No.49.

Existing Schedule I, II, and III upto para (a) and (b) shall be omitted and substituted by new schedule A,B,C,D and E as follows:-

(a)	Writ petition contempt, LPA, First Appeal, Second Appeal Cr. Revision Civil Revision	Up to admission stage Rs. 3000/- Drafting fee Rs. 1000/-	For final hearing Rs. 3000/-
(b)	B.A., A.B.A. Quashing matter, CMP, Transfer Petition, Misc. Appeal IA and any other similar application	Rs. 1500/- (One Time)	

Consolidated fee for Legal Aid Counsel for cases before State or Central Level Tribunal or Commission, Board of Revenue, Divisional Commissioner or other like Forum

(a)	For matters like original application, appeal etc.	Up to admission stage Rs. 2500/- Drafting Fee Rs. 1000/- shall be admissing	For final hearing Rs. 25,000/-
(b)	For interlocutory application, restoration, misc. or other like matter	Rs. 1000/- (one time)	

Schedule B

Fee for Legal Aid Counsels in Subordinate Court

Civil Cases

(1) Before District Judges including MACT, Family Court, Labour Court

(a)	For civil appeal	Up to admission stage Rs. 1000/-	After final disposal Rs. 2000/-
(b)	For original Civil, Labour, Matrimonial, , Probate, Succession, Letter of Administration, Arbitration, Land Acquisition, Insolvency or any other original proceeding	Rs. 4000/-	Rs.1000/- on framing of issues or points, Rs. 1500 on closure of evidence and Rs. 1500 on final disposal
		Drafting fee Rs. 500/- for (a) & (b)	
(c)	For Misc. appeal, restoration application, Transfer application, misc. application etc.	Rs. 500/-	Rs. 1000

(2)	Before Civil Judge (Senior or Junior Divisions)	
(a)	For original suit	Rs. 4000/- (Rs. 1000/- at the stage of framing of issues or point, Rs. 1500/- after the closure of evidence and Rs. 1500/- on final disposal)
		Drafting fee Rs. 500/-
(b)	For Execution application	Rs. 2500/- (one time payment)
(c)	For any other application or proceeding	Rs. 1500/- (one time payment)

Criminal Cases		
(1)	Before Sessions Court	
(a)	For cases involving sentence of death or life imprisonment or imprisonment exceeding 7 yrs.	Rs. 6000/- (1/3 on framing of charge, 1/3 on conclusion of evidence and 1/3 on final disposal)
(b)	For all other Sessions Cases including cases under Spl. Acts	Rs. 5000/- (1/3 on framing of charge, 1/3 on conclusion of evidence and 1/3 on final disposal)
(c)	Criminal Appeal or Criminal Revision	Rs. 2500/- (one time)
		Drafting fee Rs. 500/-
(d)	Bail or ABP	Rs. 1500/- (one time)
(e)	Any other application, IA etc requiring hearing in the case.	Rs. 500/- per case
(2)	Before CJM/ ACJM, JM 1st Class or any Judicial Magistrates under Special Act (Be it GR, Public or Private Complaint or the like)	Rs. 3000/- (1/3 payment at the stage of framing of charge, 1/3 at conclusion of evidence, 1/3 on final disposal)
	Bail application or any other application requiring hearing in the case	Rs. 500/- (one time)

Schedule - C

For cases before District Level Revenue Court or Executive Court i.e. Deputy Commissioner, Addl. Commissioner, DCLR, SDO/SDM, City Magistrates			
1.	Appeal or original proceeding	Up to admission stage Rs. 1000/-	For final hearing Rs. 2000/-
2.	Misc. appeal, restoration proceeding or other misc. proceeding	Rs. 800/-	Rs. 1700/-

Expl.

1. In batch matter with substantially similar pleading or nature or arising out of same FIR, order or common judgement one extra fee of Rs. 500/- for a set of three persons/cases shall be admissible subject to a maximum of 3 times of original fee
2. The court fee, clerkage (10% of the fee), Tying charges, photo copy and other misc. expenses shall be admissible on actual on production of genuine bill
3. Court fee through Legal Aid shall be payable by way of judicial stamp.
4. The Executive Chairman, JHALSA, Chairman, (HCLSC) or Chairman (DLSA or SDLSC) may in appropriate cases approve for availing the services of any Legal Practitioner other than those on the panel of JHALSA/HCLSC/DLSA or SDLSC.
5. Likewise, he may in appropriate cases approve for any Special Fee different from the above prescribed fee or remuneration in any special case to be paid to any legal Practitioner or Legal Aid Counsel.

**SCHEDULE-D
Fee for Mediation**

A. Honorarium/fee payable at the Level of High Court, JHALSA or HCLSC	
1. For successful Mediation/ Conciliation	Rs. 2000 per case
2. For unsuccessful Mediation/Conciliation	Rs. 500 per case
B. Honorarium/ fee at the District or Sub Division Level.	
1. For successful Mediation/Conciliation	Rs. 1400 per case
2. For unsuccessful Mediation/Conciliation	Rs. 350 per case
As the idea of enhancement of Mediation Fee was under consideration from Jan., 2010, we hereby fix the Mediation Fee for the Period from Jan., 2010 till Notification of the above, which is as follows:	

<p>A. Honorarium/Fee payable at the level of JHALSA/HCLSC 1. For Successful Mediation or Conciliation, per case 2. For un Successful Mediation or Conciliation, per case</p>	<p>Rs. 600 Rs. 200</p>
<p>B. Honorarium/Fee payable at the District level or Sub Division Legal Services Authority Level 1. For Successful Mediation or Conciliation, per case 2. For un Successful Mediation or Conciliation, per case</p>	<p>Rs. 500 Rs. 200</p>
<p>Note:1. Any Mediation or Conciliation proceedings in pre-litigation matters at any level of the Legal Services Authority or Committee shall be treated as taking place at the level of District Legal Services Authority. 1. The newly amended fee structure as above shall be made effective after the Notifications of the Resolution of this General Body Meeting</p>	

**Amended title Schedule - 'B' to be substituted by Schedule - 'E' SCHEDULE E
 Honorarium/Fee Payable**

<p>1</p>	<p>Honorarium/Fee Payable a. to Presiding Officer (Retd.) of the Lok Adalat held U/s 19 of Legal Services Authorities Act, 1987 at the District or Sub Divisional Level.</p>	<p>Rs. 2000/- per sitting of Lok Adalat</p>
	<p>b. Payable to other Members</p>	<p>Rs.1000/- per sitting of Lok Adalat.</p>
<p>2</p>	<p>Honorarium/Free Payable a. to Presiding Officer (Retd.) of the Lok Adalat held U/s 19 of Legal Services Authorities Act, 1987 at the District or Sub Divisional Level.</p>	<p>Rs. 100 per case subject to maximum of Rs. 500 per sitting of Lok Adalat</p>
	<p>b. Payable to other Members</p>	<p>Rs.75 per case subject to Rs.375 per sitting of Lok Adalat.</p>
	<p>3. Honorarium/Fee payable to Retd Judicial Officers, Legal Aid Counsels or Panel lawyers attached to Legal Aid Clinics, to jails, Juvenile Justice Board, Remand Home, Observation Home, Probation Home, Shelter Home, if deputed by JHALSA, DLSA, HCLSC, SDLSC</p>	<p>Rs. 500/- per visit with detailed report of minimum of 5 cases or 5 inmates + expenses. *</p>

4.	Honorarium/Fee payable to Legal Aid Counsels/ Panel lawyers other advocates, legal experts, social workers, law students, attending the Legal Aid Clinics, Literacy awareness, or mobile awareness camps in colleges, universities and other places if deputed specially by JHALSA, DLSA, HCLSC, DLSA.	Rs. 350/- per visit +expenses*
5.	Honorarium/ Fee payable for utilization of specific services of the trained Para Legal Volunteers	Rs.250/- per visit +expenses*
6.	a. Honorarium /Fee payable to outstation lawyers, other legal experts as Resource Person approved by JHALSA/ HCLSC/ DLSA/ SDLSC for imparting training of legal services.	Rs.1000/- per day +expenses*
	b. Honorarium /Fee payable to local lawyers and other legal experts as Resource Person approved by JHALSA/ HCLSC/ DLSA/ SDLSC for imparting training of legal services. Provided also that in appropriate cases with prior approval of the Hon'ble Executive Chairman of JHALSA, special honorarium/ remuneration/ fee and other expenses may be sanctioned in favour of any person being invited as Resource Person for any National, State or district Level Conference, Seminar, Workshop, Symposium etc.	Rs.500/- per day+expenses*

***Expenses:** 1. On actuals on production of Tickets by rail or by bus or on production of vouchers or Rs. 5/- per Km, whichever is less.

2. Rs.150/- would be paid for Local traveling within the jurisdiction of DLSA

3. With the prior approval of Executive Chairman, JHALSA; Chairman, HCLSC; Chairman, DLSA and SDLSC respectively; above expenses including bills for any other expenses may be sanctioned and passed by the Member Secretary or Secretary as the case may be.

4. For organizing Awareness camps, Seminars, literacy programmes etc, or supervising any other activity, DLSA can arrange transport by hiring vehicle on need base locally with ceiling of 60 ltrs. Fuel per month. The Chairman of the DLSA/SDLSC may approve extra fuel not exceeding 20 ltrs. in special case for such purposes the expenses to be met out of State Legal Aid fund of the DLSA/SDLSC as the case may be. The DLSA or SDLSC shall maintain proper Log Book for the same. Actual incidental expenditure including typing misc. charges incurred by the legal aid advocate will be reimbursed provided it is supported by the vouchers and a certificate is given to that effect by such Legal Aid advocates. Single set of honorarium shall be payable in cases in which more than one person is involved.

This has concurrence of the Finance Department, Govt. of Jharkhand.

**By order and in the name of
Jharkhand State Legal Services Authority**

Sd/-
(B.K Goswami)
Member Secretary
(Principal District Judge)

JHARKHAND STATE LEGAL SERVICES AUTHORITY
NOTIFICATION NO. 02/2013
DATED : 04.05.2013

SI. No.	Name of	Designation	Post
1.	Bokaro	1) Pr. District & Session Judge-cum- Chairman, DLSA, Bokaro	Chairman
		2) Secretary, DLSA, Bokaro	Member
		3) Sri Rakesh Kumar Roy, Advocate	Member
2.	West Singhbhum at Chaibasa	1) Pr. District & Session Judge-cum- Chairman, DLSA, Chaibasa	Chairman
		2) Secretary, DLSA, Chaibasa	Member
		3) Sri Setudhar Behra, Advocate	Member
3.	Chatra	1) Pr. District & Session Judge-cum- Chairman, DLSA, Chatra	Chairman
		2) Secretary, DLSA, Chatra	Member
		3) Sri Rajendra Kumar, Advocate	Member
4.	Deoghar	1) Pr. District & Session Judge-cum- Chairman, DLSA, Deoghar	Chairman
		2) Secretary, DLSA, Deoghar	Member
		3) Sri Falguni Marik, Advocate	Member
5.	Dhanbad	1) Pr. District & Session Judge-cum- Chairman, DLSA, Dhanbad	Chairman
		2) Secretary, DLSA, Dhanbad	Member
		3) Sri Swapan Kumar Mukherjee, Advocate	Member
6.	Dumka	1) Pr. District & Session Judge-cum- Chairman, DLSA, Dumka	Chairman
		2) Secretary, DLSA, Dumka	Member
		3) Sri Akhileshwar Pd. "Akhil", Advocate	Member

Sl. No.	Name of District	Designation	Post
7.	Garhwa	1) Pr. District & Session Judge-cum- Chairman, DLSA, Garhwa	Chairman
		2) Secretary, DLSA, Garhwa	Member
		3) Sri Petrush Minz, Advocate	Member
8.	Giridih	1) Pr. District & Session Judge-cum- Chairman, DLSA, Giridih	Chairman
		2) Secretary, DLSA, Giridih	Member
		3) Sri Nitya Nand Prasad-1, Advocate	Member
9.	Godda	1) Pr. District & Session Judge-cum- Chairman, DLSA, Godda	Chairman
		2) Secretary, DLSA, Godda	Member
		3) Sri Ugresh Kumar Jha, Advocate	Member
10.	Gumla	1) Pr. District & Session Judge-cum- Chairman, DLSA, Gumla	Chairman
		2) Secretary, DLSA, Gumla	Member
		3) Sri Radheshyam Sahi, Advocate	Member
11.	Hazaribagh	1) Pr. District & Session Judge-cum- Chairman, DLSA, Hazaribagh	Chairman
		2) Secretary, DLSA, Hazaribagh	Member
		3) Miss Kavita Mishra, Advocate	Member
12.	East Singhbhum at Jamshedpur	1) Pr. District & Session Judge-cum- Chairman, DLSA, Jamshedpur	Chairman
		2) Secretary, DLSA, Jamshedpur	Member
		3) Mr. M. P. Banerjee, Advocate	Member
13.	Jamtara	1) Pr. District & Session Judge-cum- Chairman, DLSA, Jamtara	Chairman
		2) Secretary, DLSA, Jamtara	Member
		3) Sri S. N. Mondol, Advocate	Member
14.	Koderma	1) Pr. District & Session Judge-cum- Chairman, DLSA, Koderma	Chairman
		2) Secretary, DLSA, Koderma	Member
		3) Miss Kiran Kumari, Advocate	Member

Sl. No.	Name of District	Designation	Post
15.	Latehar	1) Pr. District & Session Judge-cum- Chairman, DLSA, Latehar	Chairman
		2) Secretary, DLSA, Latehar	Member
		3) Sri Sanjay Kumar, Advocate	Member
16.	Lohardagga	1) Pr. District & Session Judge-cum- Chairman, DLSA, Lohardagga	Chairman
		2) Secretary, DLSA, Lohardagga	Member
		3) Sri Pramod Kumar Pujari, Advocate	Member
17.	Pakur	1) Pr. District & Session Judge-cum- Chairman, DLSA, Pakur	Chairman
		2) Secretary, DLSA, Pakur	Member
		3) Sri Samir Kumar Mishra, Advocate	Member
18.	Palamau	1) Pr. District & Session Judge-cum- Chairman, DLSA, Palamau	Chairman
		2) Secretary, DLSA, Palamau	Member
		3) Sri Madan Tiwari, Advocate	Member
19.	Ranchi	1) Pr. District & Session Judge-cum- Chairman, DLSA, Ranchi	Chairman
		2) Secretary, DLSA, Ranchi	Member
		3) Dr. Prakash Jha, Advocate	Member
20.	Sahibganj	1) Pr. District & Session Judge-cum- Chairman, DLSA, Sahibganj	Chairman
		2) Secretary, DLSA, Sahibganj	Member
		3) Sri Ramanan Prasad, Advocate	Member
21.	Seraikella	1) Pr. District & Session Judge-cum- Chairman, DLSA, Seraikella	Chairman
		2) Secretary, DLSA, Seraikella	Member
		3) Sri Ashish Kumar Patro, Advocate	Member
22.	Simdega	1) Pr. District & Session Judge-cum- Chairman, DLSA, Simdega	Chairman
		2) Secretary, DLSA, Simdega	Member
		3) Sri Komal Das, Advocate	Member

NYAYA DAGAR

ANNUAL ISSUE 2012

**IMPORTANT
ACT & SCHEME**

JHARKHAND VICTIM COMPENSATION SCHEME, 2012

NOTIFICATION

The 03.08.2012

No. 5 Misc. (01)-81/2010 3785 :- In exercise of the powers conferred by section 357A of the Code of Criminal Procedure, 1973 (Act 2 of 1974), the Governor of Jharkhand hereby frames the following scheme for providing funds for the purpose of compensation to the victim or his dependents who have suffered loss or injury as a result of the crime and who require rehabilitation, namely :-

Short title :-

1. This scheme may be called the Jharkhand Victim Compensation Scheme, 2012.

Definitions :-

2. In this scheme, unless the context otherwise requires :-
 - (a) "Act" means the Code of Criminal Procedure, 1973 (2 of 1974);
 - (b) "Schedule" means Schedule appended to this Scheme;
 - (c) "State" means State of Jharkhand;
 - (d) "Victim" means a person who himself has suffered loss or injury as a result of crime and require rehabilitation and includes dependent family members.
 - (e) "District Legal Services Authority" means a authority constituted under the Chairmanship of the Principal District and Session Judge of the District constituted under the Legal Services Authorities Act 1987.
 - (f) The "State committee" means a Committee constituted under the Chairmanship of the Director, Prosecution of the State to be notified by the State Government.

Victim Compensation Fund :-

3.
 - (1) There shall be constituted a fund namely Victim Compensation Fund from which amount of compensation under this scheme shall be paid to the victim or his dependances who have suffered loss or injury as a result of the crime and who require rehabilitation.
 - (2) The State Government shall allot a separate budget for the purpose of the scheme every year.
 - (3) The Fund shall be operated by the Director, Prosecution, Government of Jharkhand.
 - (4) The fund at the district level shall be placed by the Director, Prosecution and to be operated by the respective District Magistrates.

Eligibility for compensation:-

4. A Victim shall be eligible for the grant of compensation if, -
 - (a) the offender is not traced or identified, but the victim is identified, and where no trial takes place, such victim may also apply grant of compensation under sub section (4) of section 357-A of the Act;
 - (b) the victim/claimant report the crime to the officer-in-charge of the police station within 48 hours of the occurrence : or any senior police officer or Executive Magistrate or Judicial Magistrate of the area provided that the District Legal Services Authority, if satisfied, for the reasons to be recorded in writing, may condone the delay in reporting;
 - (c) the victim/claimant cooperate with the police and prosecution during the investigation and trial of the case.

Procedure for grant of compensation:-

- (1) Whenever a recommendation is made by the Court or an application is made by any victim or his dependent under sub section (2) of section 357-A of the Act to the District Legal Services Authority, the District Legal Services Authority shall examine the case and verify the contents of the claim with regard to the loss or injury caused to victim and arising out of the reported criminal activity and may call for any other relevant information : necessary in order to determine genuineness. After verifying the claim, the District Legal Services Authority shall after due enquiry award compensation within two months, in accordance with provisions or this Scheme.
- (2) Compensation under this Scheme shall be paid subject to the condition that if the Trial court while passing judgement at later date, orders the accused persons to pay any amount by way of compensation under sub-section (3) of section 357 of the Act, the victim/claimant shall remit an amount ordered equal to the amount of compensation, or the amount order to be paid under the said sub-section (3) of section 357 of the Act. whichever is less. An undertaking to this effect shall be given by the victim/claimant before the disbursement of the compensation amount.
- (3) The District Legal Services Authority shall decide the quantum, of compensation to be awarded to the victim or his dependents on the basis of loss caused to the victim, medical expenses to be incurred on treatment, minimum sustenance amount required for rehabilitation including such incidental charges as funeral expenses etc. The compensation may vary from case to case depending on fact of each case.
- (4) The quantum of compensation to be awarded to the victim or his dependents shall not exceed the- maximum limit as per schedule-1.
- (5) The amount of compensation decided under the scheme shall be disbursed to the victim or his dependents as the case may be, from the Fund.
- (6) Compensation received by the victim from the State in relation to the crime in question, namely, insurance, ex-gratia and/or payment received under any other Act or State-run scheme, shall be considered as part of the compensation amount under these rules and if the eligible compensation amount exceeds the payments received by the victim from collateral sources mentioned above, the balance amount shall be paid out-of Fund.

- (7) The cases covered under Motor Vehicle Act, 1988(59 of 1988) wherein compensation is to be awarded by the Motor Accident Claims Tribunal', shall not be covered under the Scheme.
- (8) The District Legal Services Authority, to alleviate the suffering of the victim, may order tor immediate first aid facility or medical benefits to be made available free of cost on the certificate of the police officer not below the rank of the officer-in-charge of the police station or Magistrate of the area concerned or any other interim relief as it may deem fit.

Order to be placed in record:-

6. Copy of the order of compensation passed under this Scheme shall be mandatorily placed on record of the trial Court to enable the court to pass order of compensation under sub-section (3) of section 357 of the Act.

Limitation:-

7. No claim made by the victim pr his dependents under sub section (4) of section 357A of the Act shall be entertained after a period of six months of the crime:
Provided that the District Legal Services Authority, if satisfied, for the reasons to be recorded in writing, may condone the delay in filing the claim.

Appeal :-

8. Any victim aggrieved of the denial of compensation by the District Legal Services Authority may-file an appeal before the State Committee within a period of ninety days:
Provided that the State Committee, if satisfied, for the reasons to be recorded in writing, may condone the delay in filing the appeal.



THE PROHIBITION OF CHILD MARRIAGE ACT, 2006
No.6 of 2007

[10th January, 2007.]

THE PROHIBITION OF CHILD MARRIAGE ACT, 2006
No. 6 of 2007

[10th January, 2007.]

An Act to provide for the prohibition of solemnisation of child marriages and for matters connected therewith or incidental there to.

BE it enacted by Parliament in the Fifty-seventh Year of the Republic of India as follows:-

- | | |
|---|--|
| <p>1. (1) This Act may be called the Prohibition of Child Marriage Act, 2006.</p> <p>(2) It extends to the whole of India except the State of Jammu and Kashmir; and it applies also to all citizens of India without and beyond India:</p> <p style="padding-left: 40px;">Provided that nothing contained in this Act shall apply to the Renoncants of the Union territory of Pondicherry.</p> <p>(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint; and different dates may be appointed for different States and any reference in any provision to the commencement of this Act shall be construed in relation to any State as a reference to the coming into force of that provision in that State.</p> | <p>Short title, extent and commencement.</p> |
| <p>2. In this Act, unless the context otherwise requires,-</p> <p>(a) "child" means a person who, if a male, has not completed twenty-one years of age, and if a female, has not completed eighteen years of age;</p> <p>(b) "child marriage" means a marriage to which either of the contracting parties is a child;</p> <p>(c) "contracting party", in relation to a marriage, means either of the parties whose marriage is or is about to be thereby solemnised;</p> <p>(d) "Child Marriage Prohibition Officer" includes the Child Marriage Prohibition Officer appointed under sub-section (1) of section 16;</p> <p>(e) "district court" means, in any area for which a Family Court established under section 3 of the Family Courts Act, 1984 exists, such Family Court, and in any area for which there is no Family Court but a city civil court exists, that court and in any other area, the principal civil court of original jurisdiction and includes any other civil court which may be specified by the State Government, by notification in the Official Gazette, as having jurisdiction in respect of the matters dealt with in this Act;</p> | <p>Definitions</p> |

- (f) "minor" means a person who, under the provisions of the Majority Act, 1875 is to be deemed not to have attained his majority.
- 3. (1) Every child marriage, whether solemnised before or after the commencement of this Act, shall be voidable at the option of the contracting party who was a child at the time of the marriage:

Child Marriage to be voidable at the option of contracting party being a child

Provided that a petition for annulling a child marriage by a decree of nullity may be filed in the district court only by a contracting party to the marriage who was a child at the time of the marriage.

 - (2) If at the time of filing a petition, the petitioner is a minor, the petition may be filed through his or her guardian or next friend along with the Child Marriage Prohibition Officer.
 - (3) The petition under this section may be filed at any time but before the child filing the petition completes two years of attaining majority.
 - (4) While granting a decree of nullity under this section, the district court shall make an order directing both the parties to the marriage and their parents or their guardians to return to the other party, his or her parents or guardian, as the case may be, the money, valuables, ornaments and other gifts received on the occasion of the marriage by them from the other side, or an amount equal to the value of such valuables, ornaments, other gifts and money:

Provided that no order under this section shall be passed unless the concerned parties have been given notices to appear before the district court and show cause why such order should not be passed.
- 4. (1) While granting a decree under section 3, the district court may also make an interim or final order directing the male contracting party to the child marriage, and in case the male contracting party to such marriage is a minor, his parent or guardian to pay maintenance to the female contracting party to the marriage until her remarriage.

Provision for maintenance and residence to female contracting party to child marriage

 - (2) The quantum of maintenance payable shall be determined by the district court having regard to the needs of the child, the lifestyle enjoyed by such child during her marriage and the means of income of the paying party.
 - (3) The amount of maintenance may be directed to be paid monthly or in lump sum.
 - (4) Incase the party making the petition under section 3 is the female contracting party, the district court may also make a suitable order as to her residence until her remarriage.
- 5. (1) Where there are children born of the child marriage, the district court shall make maintenance an appropriate order for the custody of such children.

Custody and maintenance of children of child marriage

 - (2) While making an order for the custody of a child under this section, the welfare and best interests of the child shall be the paramount consideration to, be given by the district court.
 - (3) An order for custody of a child may also include appropriate directions for giving to the other party access to the child in such a

manner as may best serve the interests of the child, and such other orders as the district court may, in the interest of the child, deem proper.

- (4) The district court may also make an appropriate order for providing maintenance to the child by a party to the marriage or their parents or guardians.
- 6. Notwithstanding that a child marriage has been annulled by a decree of nullity under section 3, every child begotten or conceived of such marriage before the decree is made, whether born before or after the commencement of this Act, shall be deemed to be a legitimate child for all purposes. Legitimacy of children born of child marriages.
- 7. The district court shall have the power to add to, modify or revoke any order made under section 4 or section 5 and if there is any change in the circumstances at any time during the pendency of the petition and even after the final disposal of the petition. Power of district court to modify orders issued under section 4 or section 5.
- 8. For the purpose of grant of reliefs under sections 3, 4 and 5, the district court having jurisdiction shall include the district court having jurisdiction over the place where the defendant or the child resides, or where the marriage was solemnised or where the parties last resided together or the petitioner is residing on the date of presentation of the petition. Court to which petition should be made.
- 9. Whoever, being a male adult above eighteen years of age, contracts a child marriage Punishment shall be punishable with rigorous imprisonment which may extend to two years or with fine for male adult which may extend to one lakh rupees or with both. Punishment for male adult marrying a child
- 10. Whoever performs, conducts, directs or abets any child marriage shall be punishable with rigorous imprisonment which may extend to two years and shall be liable to fine which may extend to one lakh rupees unless he proves that he had reasons to believe that the marriage was not a child marriage. Punishment for solemnising a child marriage.
- 11. (1) Where a child contracts a child marriage, any person having charge of the child, whether as parent or guardian or any other person or in any other capacity, lawful or unlawful, including any member of an organisation or association of persons who does any act to promote the marriage or permits it to be solemnised, or negligently fails to prevent it from being solemnised, including attending or participating in a child marriage, shall be punishable with rigorous imprisonment which may extend to two years and shall also be liable to fine which may extend up to one lakh rupees: Punishment for promoting or permitting solemnisation of child marriages.
 Provided that no woman shall be punishable with imprisonment.
- (2) For the purposes of this section, it shall be presumed, unless and until the contrary is proved, that where a minor child has contracted a marriage, the person having charge of such minor child has negligently failed to prevent the marriage from being solemnised.
- 12. Where a child, being a minor-
 - (a) is taken or enticed out of the keeping of the lawful guardian; or
 - (b) by force compelled, or by any deceitful means induced to go from any place; orMarriage of a minor child to be void in certain circumstances.

- (c) is sold for the purpose of marriage; and made to go through a form of marriage or if the minor is married after which the minor is sold or trafficked or used for immoral purposes, such marriage shall be null and void.
- 13.
- (1) Notwithstanding anything to the contrary contained in this Act, if, on an application of the Child Marriage Prohibition Officer or on receipt of information through a complaint or otherwise from any person, a Judicial Magistrate of the first class or a Metropolitan Magistrate is satisfied that a child marriage in contravention of this Act has been arranged or is about to be solemnised, such Magistrate shall issue an injunction against any person including a member of an organisation or an association of persons prohibiting such marriage. Power of court to issue injunction prohibiting child marriages.
 - (2) A complaint under sub-section (1) may be made by any person having personal knowledge or reason to believe, and a non-governmental organisation having reasonable information, relating to the likelihood of taking place of solemnisation of a child marriage or child marriages.
 - (3) The Court of the Judicial Magistrate of the first class or the Metropolitan Magistrate may also take *suo motu* cognizance on the basis of any reliable report or information.
 - (4) For the purposes of preventing solemnisation of mass child marriages on certain days such as Akshaya Trutiya, the District Magistrate shall be deemed to be the Child Marriage Prohibition Officer with all powers as are conferred on a Child Marriage Prohibition Officer by or under this Act.
 - (5) The District Magistrate shall also have additional powers to stop or prevent solemnisation of child marriages and for this purpose, he may take all appropriate measures and use the minimum force required.
 - (6) No injunction under sub-section (1) shall be issued against any person or member of any organisation or association of persons unless the Court has previously given notice to such person, members of the organisation or association of persons, as the case may be, and has offered him or them an opportunity to show cause against the issue of the injunction: Provided that in the case of any urgency, the Court shall have the power to issue an interim injunction without giving any notice under this section.
 - (7) An injunction issued under sub-section (1) may be confirmed or vacated after giving notice and hearing the party against whom the injunction was issued.
 - (8) The Court may either on its own motion or on the application of any person aggrieved, rescind or alter an injunction issued under sub-section (1).
 - (9) Where an application is received under sub-section (1), the Court shall afford the applicant an early opportunity of appearing before it either in person or by an advocate and if the Court, after hearing the applicant rejects the application wholly or in part, it shall record in writing its reasons for so doing.

(10) Whoever knowing that an injunction has been issued under sub-section (1) against him disobeys such injunction shall be punishable with imprisonment of either description for a term which may extend to two years or with fine which may extend to one lakh rupees or with both:

Provided that no woman shall be punishable with imprisonment.

14. Any child marriage solemnised in contravention of an injunction order issued under section 13, whether interim or final, shall be void ab initio. Child marriages in contravention of injunction orders to be void
15. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, an offence punishable under this Act shall be cognizable and non-bailable. Offences to be cognizable and non-bailable
16. (1) The State Government shall, by notification in the Official Gazette, appoint for the whole, State, or such part thereof as may be specified in that notification, an officer or officers to be known as the Child Marriage Prohibition Officer having jurisdiction over the area or areas specified in the notification.
- (2) The State Government may also request a respectable member of the locality with a record of social service or an officer of the Gram Panchayat or Municipality or an officer of the Government or any public sector undertaking or an office bearer of any non-governmental organisation to assist the Child Marriage Prohibition Officer and such member, officer or office bearer, as the case may be, shall be bound to act accordingly.
- (3) It shall be the duty of the Child Marriage Prohibition Officer-
- (a) to prevent solemnisation of child marriages by taking such action as he may deem fit;
 - (b) to collect evidence for the effective prosecution of persons contravening the provisions of this Act;
 - (c) to advise either individual cases or counsel the residents of the locality generally not to indulge in promoting, helping, aiding or allowing the solemnisation of child marriages;
 - (d) to create awareness of the evil which results from child marriages;
 - (e) to sensitize the community on the issue of child marriages;
 - (f) to furnish such periodical returns and statistics as the State Government may direct; and
 - (g) to discharge such other functions and duties as may be assigned to him by the State Government.
- (4) The State Government may, by notification in the Official Gazette, subject to such conditions and limitations, invest the Child Marriage Prohibition Officer with such powers of a police officer as may be specified in the notification and the Child Marriage Prohibition Officer shall exercise such powers subject to such conditions and limitations, as may be specified in the notification.

- (5) The Child Marriage Prohibition Officer shall have the power to move the Court for an order under sections 4, 5 and 13 and along with the child under section 3.
17. The Child Marriage Prohibition Officers shall be deemed to be public servants Child Marriage Prohibition Officers to be public servant
Child Marriage within the meaning of section 21 of the Indian Penal Code.
18. No suit, prosecution or other legal proceedings shall lie against the Child Marriage Protection of Prohibition Officer in respect of anything in good faith done or intended to be done in action taken in good faith. Protection of action taken in good faith
19. (1) The State Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act. Power of State Government to make rules.
(2) Every rule made under this Act shall, as soon as may be after it is made, be laid before the State Legislature.
20. In the Hindu Marriage Act, 1955, in section 18, for clause (a), the following clause shall be substituted, namely:- .
" (a) in the case of contravention of the condition specified in clause (iii) of section 5, with rigorous imprisonment which may' extend to two years or with fine' which may extend to one lakh rupees, or with both".
Amendment of Act No. 25 of 1955. Repeal and savings.
21. (1) The Child Marriage Restraint Act, 1929 is hereby repealed. Repeal and savings.
(2) Notwithstanding such repeal, all cases and other proceedings pending or continued under the said Act at the commencement of this Act shall be continued and disposed of in accordance with the provisions of the repealed Act, as if this Act had not been passed.



बाल विवाह प्रतिषेध अधिनियम, 2006 (एक संक्षिप्त परिचय)

बाल विवाह प्रतिषेध अधिनियम, 2006 जम्मू कश्मीर को छोड़कर संपूर्ण भारत में लागू है।

इस कानून के अनुसार किसी भी 21 वर्ष से कम आयु के बालक तथा 18 वर्ष से कम आयु की बालिका का विवाह निषिद्ध है। किन्तु यदि ऐसा विवाह संपन्न भी हुआ हो तो वह शून्यकरणीय होगा तथा अवयस्क बालक या बालिका अपने अभिवाहक या वाद मित्र की मदद से विवाह को रद्द करने या शून्य घोषित करने हेतु परिवार न्यायालय या सक्षम न्यायालय में मुकदमा दायर कर सकेगा / सकेगी।

अवयस्क का विवाह शून्यकरणीय है।

वयस्कता प्राप्ति के दो वर्षों के भीतर भी ऐसा वयस्क पति या पत्नी अपने विवाह को शून्य घोषित करने हेतु मुकदमा दायर कर सकता है। न्यायालय विवाह को शून्य घोषित करते समय दोनों पक्षकार को विवाह समय दिये गये धन, आभूषण उपहार तथा अन्य मूल्यवान वस्तुएँ एक दूसरे को वापस करने का आदेश देगा।

न्यायालय उपरोक्त डिक्री पारित करते समय वयस्क पति को या अवयस्क पति की दशा में उसके माता-पिता को बालिका को उसे पुनर्विवाह होने तक समुचित भरण पोषण तथा निवास हेतु आदेश दे सकेगा।

संतान की वैधता एवं अभिरक्षा

दो अवयस्क बालक एवं बालिका के विवाह के शून्य घोषित होने के बावजूद भी उनसे उत्पन्न शिशु उनकी वैध संतान मानी जायेगी।

सक्षम न्यायालय ऐसे बच्चे के हित को ध्यान में रखते हुए उसके अभिरक्षा हेतु उचित आदेश पारित कर सकेगी।

उपरोक्त मुकदमों यहाँ दायर हो सकेंगे।

- जिला जहाँ विपक्षी रहता हो, या
- जहाँ विवाह संपन्न हुआ हो, या
- दोनों पक्ष जहाँ अंतिम बार निवास किये हो या।
- जहाँ मुकदमा दायर करते वक्त वादी रह रहा हो।

दण्ड

बाल विवाह कराने, उसे उकसाने या अन्यथा मदद करने या उसमें शामिल होने, उसे रोकने में विफल रहने या इसे प्रोत्साहित करने हेतु कोई भी अभिभावक या संगठन का कोई भी व्यक्ति 2 वर्ष तक के सश्रम कारावास या एक लाख रुपये तक के जुर्माने से या दोनो से दंडित किया जाएगा। उपरोक्त अपराध संज्ञेय तथा गैर जमानतीय है।

जबरन विवाह शून्य

यदि किसी अवयस्क का उसके विधिक अभिरक्षा से उठाकर या फुसलाकर या धोखे में लाकर दबाव देकर तशकरी या बेचकर विवाह कराया जाता है तो ऐसा विवाह शून्य माना जायेगा।

स्थगन आदेश परिणाम एवं दण्ड

बाल विवाह निषेध अधिकारी के द्वारा या किसी एन0 जी0 ओ0 या व्यक्ति द्वारा परिवाद दाखिल करने पर या किसी अन्य विश्वसनीय सूचना पर प्रथम श्रेणी का मजिस्ट्रेट बाल विवाह को रोकने हेतु किसी भी व्यक्ति या संगठन के विरुद्ध स्थगन आदेश पारित कर सकेगा। जिसकी अवहेलना करने पर किसी व्यक्ति को 2 वर्ष का सश्रम कारावास या एक लाख रुपये या दोनों का दण्ड दिया जा सकेगा। स्थगन आदेश के बावजूद किया गया बाल विवाह प्रारंभ से ही शून्य माना जायेगा।

अक्षय तृतीया जैसे महत्वपूर्ण अवसरों पर सामूहिक बाल विवाह रोकने हेतु जिला दण्डाधिकारी (डी0 एम0) के पास बाल विवाह निषेध पदाधिकारी की सारी शक्तियाँ होगी। तथा इनका प्रयोग वह न्यूनतम बलप्रयोग के साथ बाल विवाह रोकने हेतु करेगा।

बाल विवाह निषेध पदाधिकारी (सी0 एम0 पी0 ओ0) बाल विवाह रोकने के लिए सक्षम पदाधिकारी होगा। समाज के प्रतिष्ठित व्यक्ति, ग्राम पंचायत, म्युनिसिपैलिटी, सरकार या एन0जी0ओ0 के अधिकारियों को जिम्मेदार होगी कि वे बाल विवाह निषेध पदाधिकारी को बाल विवाह रोकने में मदद करे। इस हेतु सरकार सी0 एम0 पी0 ओ0 को पुलिस अफसर की शक्तियाँ प्रदान कर सकेगी।

बाल विवाह प्रतिषेध पदाधिकारी के कर्तव्य।

- उचित कदम उठाकर बाल विवाह रोकना
- प्रभावशाली अभियोजन हेतु साक्ष्य एकत्र करना।
- व्यक्ति विशेष या स्थानीय लोगो को बाल विवाह के विरुद्ध परामर्श देना एवं जागरूक बनाना।
- निर्देशानुसार सरकार को संबंधित आंकड़ें भेजना।



THE PROTECTION OF CHILDREN FROM SEXUAL OFFENCES ACT, 2012

**MINISTRY OF LAW AND JUSTICE
(Legislative Department)**

New Delhi, the 20th June, 2012/Jyaishta 30, 1934(Saka)

The following Act of Parliament received the assent of the President on the 19th June, 2012, and is hereby published for general information:—

**THE PROTECTION OF CHILDREN FROM SEXUAL OFFENCES
ACT, 2012
[No. 32 of 2012]**

[19th June, 2012]

An Act to protect children from offences of sexual assault, sexual harassment and pornography and provide for establishment of Special Courts for trial of such offences and for matters connected therewith or incidental thereto.

WHEREAS clause (3) of article 15 of the Constitution, *inter alia*, empowers the State to make special provisions for children;

AND WHEREAS, the Government of India has acceded on the 11th December, 1992 to the Convention on the Rights of the Child, adopted by the General Assembly of the United Nations, which has prescribed a set of standards to be followed by all State parties in securing the best interests of the child;

AND WHEREAS it is necessary for the proper development of the child that his or her right to privacy and confidentiality be protected and respected by every person by all means and through all stages of a judicial process involving the child;

AND WHEREAS it is imperative that the law operates in a manner that the best interest and well being of the child are regarded as being of paramount importance at every stage, to ensure the healthy physical, emotional, intellectual and social development of the child;

AND WHEREAS the State parties to the Convention on the Rights of the Child are required to undertake all appropriate national, bilateral and multilateral measures to prevent—

- (a) the inducement or coercion of a child to engage in any unlawful sexual activity;
- (b) the exploitative use of children in prostitution or other unlawful sexual practices;
- (c) the exploitative use of children in pornographic performances and materials;

and whereas sexual exploitation and sexual abuse of children are heinous crimes and need to be effectively addressed.

Be it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

**CHAPTER 1
PRELIMINARY**

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| 1. | (1) | This Act may be called the Protection of Children from Sexual Offences Act, 20 1 2. | Short title, extent and commencement. |
| | (2) | It extends to the whole of India, except the State of Jammu and Kashmir. | |
| | (3) | <i>It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint,</i> | |
| 2. | (1) | In this Act, unless the context otherwise requires, — | Definitions. |
| | (a) | "aggravated penetrative sexual assault" has the same meaning as assigned to it in section 5; | |
| | (b) | "aggravated sexual assault" has the same meaning as assigned to it in section 9, | |
| | (c) | "armed forces or security forces" means armed forces of the Union or security forces or police forces, as specified in the Schedule; | |
| | (d) | "child" means any person below the age of eighteen years; | |
| | (e) | "domestic relationship" shall have the same meaning as assigned to it in clause (f) of section 2 of the Protection of Women from Domestic violence Act, 2005; | 43 of 2005 |
| | (f) | "penetrative sexual assault" has the same meaning as assigned to it in section 3; | |
| | (g) | "prescribed" means prescribed by rules made under this Act; | |
| | (h) | "religious institution" shall have the same meaning as assigned to it in the Religious Institutions (Prevention of Misuse) Act, 1988; | 41 of 1988 |
| | (i) | "sexual assault" has the same meaning as assigned to it in section 7; | |
| | (j) | "sexual harassment" has the same meaning as assigned to it in section 1 1 ; | |
| | (k) | "shared household" means a household where the person charged with the offence lives or has lived at any time in a domestic relationship with the child; | |
| | (l) | "Special Court" means a court designated as such under section 28; | |
| | (m) | " Special Public Prosecutor" means a Public Prosecutor appointed under section 32. | |
| | (2) | The words and expressions used herein and not defined but defined in the Indian Penal Code, the Code of Criminal Procedure, 1973, the Juvenile Justice (Care and Protection if Children) Act, 2000 and the Information Technology Act, 2000 shall have the meanings respectively assigned to them in the said Codes or the Acts. | 45 of 1860
2 of 1974
56 of 2000
21 of 2000. |

**CHAPTER II
SEXUAL OFFENCES AGAINST CHILDREN**

A.— PENETRATIVE SEXUAL ASSAULT AND PUNISHMENT THEREFOR

3. A person is said to commit "penetrative sexual assault" if—
- (a) he penetrates his penis, to any extent, into the vagina, mouth, urethra or anus of a child or makes the child to do so with him or any other person; or
 - (b) he inserts, to any extent, any object or a part of the body, not being the penis, into the vagina, the urethra or anus of the child or makes the child to do so with him or any other person; or
 - (c) he manipulates *say* part of the body of the child so as to cause penetration into the vagina, urethra, anus or any part of body of the child or makes the child to do so with him or any other person; or
 - (d) he applies his mouth to the penis, vagina, anus, urethra of the child or makes the child to do *so to* such person or any other person.
4. Whoever commits penetrative sexual assault shall be punished with imprisonment of either description *fora* term which shall not be less than seven years but which may extend to imprisonment for life, and shall also be liable to fine.

Penetrative sexual assault

Punishment for penetrative sexual assault.

B.—AGGRAVATED PENETRATIVE SEXUAL ASSAULT AND PUNISHMENT THEREFOR

5. (a) Whoever, being a police officer, commits penetrative sexual assault on a child—
- (i) within the limits of the police station or premises at which he is appointed; or
 - (ii) in the premises of any station house, whether or not situated in the police station, to which he is appointed; or
 - (iii) in the course of his duties or otherwise; or
 - (iv) where he is known as, or identified as, a police officer; or
- (b) whoever being a member of the armed forces or security forces commits penetrative sexual assault on a child—
- (i) within the limits of the area to which the person is deployed; or
 - (ii) in any areas under the command of the forces or armed forces; or
 - (iii) in the course of his duties or otherwise; or
 - (iv) where the said person is known or identified as a member of the security or armed forces; or
- (c) whoever being a public servant commits penetrative sexual assault on a child; or
- (d) whoever being on the management or on the staff of a jail, remand home, protection home, observation home, or other place of custody or care and protection established by or under any law for the time

Aggravated penetrative sexual assault.

being in force, commits penetrative sexual assault on a child, being inmate of such jail, remand home, protection home, observation home, or other place of custody or care and protection; or

- (e) whoever being on the management or staff of a hospital, whether Government or private, commits penetrative sexual assault on a child in that hospital; or
- (f) whoever being on the management or staff of an educational institution or religious institution, commits penetrative sexual assault on a child in that institution; or
- (g) whoever commits gang penetrative sexual assault on a child.

Explanation.—When a child is subjected to sexual assault by one or more persons of a group in furtherance of their common intention, each of such persons shall be deemed to have committed gang penetrative sexual assault within the meaning of this clause and each of such person shall be liable for that act in the same manner as if it were done by him alone; or

- (h) whoever commits penetrative sexual assault on a child using deadly weapons, fire, heated substance or corrosive substance; or
- (i) whoever commits penetrative sexual assault causing grievous hurt or causing bodily harm and injury or injury to the sexual organs of the child; or
- (j) whoever commits penetrative sexual assault on a child, which—
 - (i) physically incapacitates the child or causes the child to become mentally ill as defined under clause (b) of section 2 of the Mental Health Act, 1987 or causes impairment of any kind so as to render the child unable to perform regular tasks, temporarily or permanently; or ^{14 of 1987}
 - (ii) in the case of female child, makes the child pregnant as a consequence of sexual assault;
 - (iii) inflicts the child with Human Immunodeficiency Virus or any other life threatening disease or infection which may either temporarily or permanently impair the child by rendering him physically incapacitated, or mentally ill to perform regular tasks; or
- (k) whoever, taking advantage of a child's mental or physical disability, commits penetrative sexual assault on die child; or
- (l) whoever commits penetrative sexual assault on the child more than once or repeatedly; or
- (m) whoever commits penetrative sexual assault on a child below twelve years; or
- (n) whoever being a relative of the child through blood or adoption or marriage or guardianship or in foster care or having a domestic relationship with a parent of the child or who is living in the same or shared household with the child, commits penetrative sexual assault on such child; or

- (o) whoever being, in the ownership, or management, or staff, of any institution providing services to the child, commits penetrative sexual assault on the child; or
- (p) whoever being in a position of trust or authority of a child commits penetrative sexual assault on the child in an institution or home of the child or anywhere else; or
- (q) whoever commits penetrative sexual assault on a child knowing the child is pregnant; or
- (r) whoever commits penetrative sexual assault on a child and attempts to murder the child; or
- (s) whoever commits penetrative sexual assault on a child in the course of communal or sectarian violence; or
- (t) whoever commits penetrative sexual assault on a child and who has been previously convicted of having committed any offence under this Act or any sexual offence punishable under any other law for the time being in force; or
- (u) whoever commits penetrative sexual assault on a child and makes the child to strip or parade naked in public is said to commit aggravated penetrative sexual assault.

6. Whoever, commits aggravated penetrative sexual assault, 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 and shall also be liable to fine. Punishment for aggravated penetrative sexual assault.

C.—SEXUAL ASSAULT AND PUNISHMENT THEREFOR

- 7. Whoever, with sexual intent touches the vagina, penis, anus or breast of the child or makes the child touch the vagina, penis, anus or breast of such person or any other person, or does any other act with sexual intent which involves physical contact without penetration is said to commit sexual assault. Sexual Assault.
- 8. Whoever, commits sexual assault, shall be punished with imprisonment of either description 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. Punishment for sexual assault.

D.—AGGRAVATED SEXUAL ASSAULT AND PUNISHMENT THEREFOR

- 9. (a) Whoever, being a police officer, commits sexual assault on a child— Aggravated sexual assault.
 - (i) within the limits of the police station or premises where he is appointed; or
 - (ii) in the premises of any station house whether or not situated in the police station to which he is appointed; or
 - (iii) in the course of his duties or otherwise; or
 - (iv) where he is known as, or identified as a police officer, or
- (b) whoever, being a member of the armed forces or security forces, commits sexual assault on a child—
 - (i) within the limits of the area to which the person is deployed; or

- (ii) in any areas under the command of the security or armed forces; or
- (iii) in the course of his duties or otherwise; or
- (iv) where he is known or identified as a member of the security or armed forces; or
- (c) whoever being 8 public servant commits sexual assault on a child; or
- (d) whoever being on the management or on the staff of a jail, or remand home or protection home or observation home, or other place of custody or care and protection established by or under any law for the time being in force Commits sexual assault on a child being inmate of such jail or remand home or protection home or observation home or other place of custody or care and protection; or
- (e) whoever being on the management or staff, of a hospital, whether Government or private, commits sexual assault on a child in that hospital; or
- (f) whoever being on the management or staff of an educational institution or religious institution, commits sexual assault on a child in mat institution; or
- (g) whoever commits gang sexual assault on a child.

Explanation,—when a child is subjected to sexual assault by one or more persons of a group in furtherance of their common intention, each of such persons shall be deemed to have committed gang sexual assault within the meaning of this clause and each of such person shall be liable for that act in the same manner as if it were done by him alone; or

- (h) whoever commits sexual assault on a child using deadly weapons, fire, heated substance or corrosive substance; or
- (i) whoever commits sexual assault causing grievous hurt or causing bodily harm and injury or injury to the sexual organs of the child; or
- (j) whoever commits sexual assault on a child, which—
 - (i) physically incapacitates the child or causes the child to become mentally ill as defined under clause (f) of section 2 of ^{14 of 1987} the Mental Health Act, 1987 or causes impairment of any kind so as to render the child unable to perform regular tasks, temporarily or permanently; or
 - (ii) inflicts the child with Human Immunodeficiency Virus or any other life threatening disease or infection which may either temporarily or permanently impair the child by rendering him physically incapacitated, or mentally ill to perform regular tasks; or
- (k) whoever, taking advantage of a child's mental or physical disability, commits sexual assault on the child; or
- (l) whoever commits sexual assault on the child more (ban once or repeatedly; or
- (m) whoever commits sexual assault on a child below twelve years; or

- (n) whoever, being a relative of the child through blood or adoption or marriage or guardianship or in foster care, or having domestic relationship with a parent of the child, or who is living in the same or shared household with the child, commits sexual assault on such child; or
- (o) whoever, being in the ownership or management or staff, of any institution providing services to the child, commits sexual assault on the child in such institution; or
- (p) whoever, being in a position of trust or authority of a child, commits sexual assault on the child in an institution or home of the child or anywhere else; or
- (q) whoever commits sexual assault on a child knowing the child is pregnant, or
- (r) whoever commits sexual assault on a child and attempts to murder the child; or
- (s) whoever commits sexual assault on a child in the course of communal or sectarian violence; or
- (t) whoever commits sexual assault on a child and who has been previously convicted of having committed any offence under this Act or any sexual offence punishable under any other law for the time being in force; or
- (u) whoever commits sexual assault on a child and makes the child to strip or parade naked in public, is said to commit aggravated sexual assault.

10. Whoever, commits aggravated sexual assault shall be punished with imprisonment of either description 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. Punishment for aggravated sexual assault.

E.—SEXUAL HARASSMENT AND PUNISHMENT THEREFOR

11. A person is said to commit sexual harassment upon a child when such person with sexual intent.— Sexual harassment.

- (i) utters any word or makes any sound, or makes any gesture or exhibits any object or part of body with the intention that such word or sound shall be heard, or such gesture or object or part of body shall be seen by the child; or
- (ii) makes a child exhibit his body or any part of his body so as it is seen by such person or any other person; or
- (iii) shows any object to a child in any form or media for pornographic purposes; or
- (iv) repeatedly or constantly follows or watches or contacts a child either directly or through electronic, digital or any other means; or
- (v) threatens to use, in any form of media, a real or fabricated depiction through electronic, film or digital or any other mode, of any part of the body of the child or the involvement of the child in a sexual act; or
- (vi) entices a child for pornographic purposes or gives gratification therefor.

Explanation.—Any question which involves "sexual intent" shall be a question of fact

12. Whoever, commits sexual harassment upon a child shall be punished with imprisonment of either description for a term which may extend to three years and shall also be liable to fine. Punishment for sexual harassment.

CHAPTER III

USING CHILD FOR PORNOGRAPHIC PURPOSES AMP PUNISHMENT THEREFOR

13. Whoever, uses a child in any form of media (including programme or advertisement telecast by television channels or internet or any other electronic form or printed form, whether or not such programme or advertisement is intended for personal use or for distribution), for the purposes of sexual gratification, which includes— Use of child for pornographic purposes.
- (a) representation, of the sexual organs of a child;
 - (b) usage of a child engaged in real or simulated sexual acts (with or without penetration);
 - (c) the indecent or obscene representation of a child, shall be guilty of the offence of using a child for pornographic purposes.

Explanation.—For the purposes of this section, the expression "use a child" shall include involving a child through any medium like print, electronic, computer or any other technology for preparation, production, offering, transmitting, publishing, facilitation and distribution of die pornographic material.

14. (1) Whoever, uses a child or children for pornographic purposes shall be punished with imprisonment of either description which may extend to five years and shall also be liable to fine and in the event of second or subsequent conviction with imprisonment of either description for a term which may extend to seven years and also be liable to fine. Punishment for using child for pornographic purposes.
- (2) If the person using the child for pornographic purposes commits an offence referred to in section 3, by directly participating in pornographic acts, he shall be punished with imprisonment of either description 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.
 - (3) If the person using the child for pornographic purposes commits an offence referred to in section 5, by directly participating in pornographic ads, he shall be punished with rigorous imprisonment for life and shall also be liable to fine.
 - (4) If the person using the child for pornographic purposes commits an offence referred to in section 7, by directly participating in pornographic acts, he shall be punished with imprisonment of either description for a term which shall not be less than six years but which may extend to eight years, and shall also be liable to fine.
 - (5) If the person using the child for pornographic purposes commits an offence referred to in section 9, by directly participating in pornographic acts, he shall be punished with imprisonment of either description for a term which shall not be less than eight years but which may extend to ten years, and shall also be liable to fine.

15. Any person, who stores, for commercial purposes any pornographic material in any form involving a child shall be punished with imprisonment of either description which may extend to three years or with fine or with both. Punishment for storage of pornographic material involving child.

CHAPTER IV

ABETMENT OF AND ATTEMPT TO COMMIT AN OFFENCE

16. A person abets an offence, who— Abetment of an offence

First.— Instigates any person to do that offence; or

Secondly.—Engages with one or more other person or persons in any conspiracy for the doing of that offence, if an act or illegal omission takes place in pursuance of that conspiracy, and in order to the doing of that offence; or

Thirdly.—Intentionally aids, by any act or illegal omission, die doing of that offence.

Explanation I.—A person who, by wilful misrepresentation, or by wilful concealment of a material fact, which he is bound to disclose, voluntarily causes or procures, or attempts to cause or procure a thing to be done, is said to instigate the doing of mat offence.

Explanation II.—Whoever, either prior to or at the time of commission of an act, does anything in order to facilitate the commission of that act, and thereby facilitates me commission thereof, is said to aid the doing of that act

Explanation III.—Whoever employ, harbours, receives or transports a child, by means of threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power or of a position, Vulnerability or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of any offence under this Act, is said to aid the doing of that act

17. Whoever abets any offence under this Act, if the act abetted is committed in consequence of the abetment, shall be punished with punishment provided for that offence. Punishment for abetment.

Explanation.—An act or offence is said to be committed in consequence of abetment, when it is committed in consequence of the instigation, or in pursuance of the conspiracy or with the aid, which constitutes the abetment.

18. Whoever attempts to commit any offence punishable under this Act or to cause such an offence to be committed, and in such attempt, does any act towards the commission of the offence, shall be punished with imprisonment of any description provided for the offence, for a term which may extend to one-half of the imprisonment for life or, as the case may be, one-half of the longest term of imprisonment provided for Hut offence or with fine or with both. Punishment for attempt to commit an offence

CHAPTER V

PROCEDURE FOR REPORTING OF CASES

19. (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, any person (including the child), who has apprehension that an offence under this Act is likely to be committed or has knowledge that such an offence has been committed, he shall provide such information to.— Reporting of offences.
2 of 1974

- (a) the Special Juvenile Police Unit; or
 - (b) the local police.
- (2) Every report given under sub-section (1) shall be—
- (a) ascribed an entry number and recorded in writing;
 - (b) be read over to the informant;
 - (c) shall be entered in a book to be kept by the Police Unit.
- (3) Where the report under sub-section (1) is given by a child, the same shall be recorded under sub-section (2) in a simple language so that the child understands contents being recorded.
- (4) In case contents are being recorded, in the language not understood by the child or wherever it is deemed necessary, a translator or an interpreter, having such qualifications, experience and on payment of such fees as may be prescribed, shall be provided to the child if he fails to understand the same.
- (5) Where the Special Juvenile Police Unit or local police is satisfied that the child against whom an offence has been committed is in need of care and protection, then, it shall, after recording the reasons in writing, make immediate arrangement to give him such care and protection (including admitting the child into shelter home or to the nearest hospital) within twenty-four hours of the report, as may be prescribed.
- (6) The Special Juvenile Police Unit or local police shall, without unnecessary delay but within a period of twenty-four hours, report the matter to the Child Welfare Committee and the Special Court or where no Special Court has been designated, to the Court of Session, including need of the child for care and protection and steps taken in this regard.
- (7) No person shall incur any liability, whether civil or criminal, for giving the information in good faith for the purpose of sub-section (1).
20. Any personnel of the media or hotel or lodge or hospital or club or studio or photographic facilities, by whatever name called, irrespective of the number of persons employed therein, shall, on coming across any material or object which is sexually exploitative of the child (including pornographic, sexually-related or making obscene representation of a child or children) through the use of any medium, shall provide such information to the Special Juvenile Police Unit, or to the local police, as the case may be. Obligation of media, studio and photographic facilities to report cases.
21. (1) Any person, who fails to report the commission of an offence under sub-section (1) of section 19 or section 20 or who fails to record such offence under sub-section (2) of section 19 shall be punished with imprisonment of either description which may extend to six months or with fine or with both. Punishment for failure to report or record a case.
- (2) Any person, being in-charge of any company or an institution (by whatever name called) who fails to report the commission of an offence under sub-section (1) of section 19 in respect of a subordinate under his control, shall be punished with imprisonment for a term which may extend to one year and with fine.

- (3) The provisions of sub-section (1) shall not apply to a child under this Act.
22. (1) Any person, who makes false complaint or provides false information against any person, in respect of an offence committed under sections 3, 5, 7 and section 9, solely with the intention to humiliate, extort or threaten or defame him, shall be punished with imprisonment for a term which may extend to six months or with fine or with both. Punishment for false complaint or false information.
- (2) Where a false complaint has been made or false information has been provided by a child, no punishment shall be imposed on such child.
- (3) Whoever, not being a child, makes a false complaint or provides false information against a child, knowing it to be false, thereby victimising such child in any of the offences under this Act, shall be punished with imprisonment which may extend to one year or with fine or with both.
23. (1) No person shall make any report or present comments on any child from any form of media or studio or photographic facilities without having complete and authentic information, which may have the effect of lowering his reputation or infringing upon his privacy. Procedure for media.
- (2) No reports in any media shall disclose, the identity of a child including his name, address, photograph, family details, school, neighbourhood or any other particulars which may lead to disclosure of identity of the child:
 Provided that for reasons to be recorded in writing, the Special Court, competent to try the case under the Act, may permit such disclosure, if in its opinion such disclosure is in the interest of the child.
- (3) The publisher or owner of the media or studio or photographic facilities shall be jointly and severally liable for the acts and omissions of his employee.
- (4) Any person who contravenes the provisions of sub-section (1) or sub-section (2) shall be liable to be punished with imprisonment of either description for a period which shall not be less than six months but which may extend to one year or with fine or with both.

CHAPTER VI

PROCEDURES FOR RECORDING STATEMENT OF THE CHILD

24. (1) The statement of the child shall be recorded at the residence of the child or at a place where he usually resides or at the place of his choice and as far as practicable by a woman police officer not below the rank of sub-inspector. Recording of statement of a child.
- (2) The police officer while recording the statement of the child shall not be in uniform.
- (3) The police officer making the investigation, shall, while examining the child, ensure that at no point of time the child come in the contact in any way with the accused.
- (4) No child shall be detained in the police station in the night for any reason.

- (5) The police officer shall ensure that the identity of the child is protected from the public media, unless otherwise directed by the Special Court in the interest of the child.
25. (1) If the statement of the child is being recorded under section 164 of the Code of Criminal Procedure, 1973 (herein referred to as the Code), the Magistrate recording such statement shall, notwithstanding anything contained therein, record the statement as spoken by the child:
Recording of statement of a child by Magistrate
- Provided that the provisions contained in the first proviso to sub-section (1) of section 164 of the Code shall, so far it permits the presence of the advocate² of 1974 of the accused shall not apply in this case.
- (2) The Magistrate shall provide to the child and his parents or his representative, a copy of the document specified under section 207 of the Code, upon the final report being filed by the police under section 173 of that Code.
26. (1) The Magistrate or the police officer, as the case may be, shall record the statement as spoken by the child in the presence of the parents of the child or any other person in whom the child has trust or confidence.
- (2) Wherever necessary, the Magistrate or the police officer, as the case may be, may take the assistance of a translator or an interpreter, having such qualifications, experience and on payment of such fees as may be prescribed, while recording the statement of the child.
Additional provisions regarding statement to be recorded
- (3) The Magistrate or the police officer, as the case may be, may, in the case of a child having a mental or physical disability, seek the assistance of a special educator or any person familiar with the manner of communication of the child or an expert in that field, having such qualifications, experience and on payment of such fees as may be prescribed, to record the statement of the child.
- (4) Wherever possible, the Magistrate or the police officer, as the case may be, shall ensure that the statement of the child is also recorded by audio-video electronic means.
27. (1) The medical examination of a child in respect of whom any offence has been has not been registered for the offences under this Act, be conducted in accordance with section 164 A of the Code of Criminal Procedure, 1973.
- (2) In case the victim is a girl child, the medical examination shall be conducted by a woman doctor.
Medical examination of a child.
- (3) The medical examination shall be conducted in the presence of the parent of the child or any other person in whom the child reposes trust or confidence.
2 of 1974
- (4) Where, in case the parent of the child or other person referred to in sub-section (3) cannot be present, for any reason, during the medical examination of the child, the medical examination shall be conducted in the presence of a woman nominated by the head of the medical institution.

**CHAPTER VI
SPECIAL COURTS**

28. (1) For the purposes of providing a speedy trial, the State Government shall in consultation with the Chief Justice of the High Court, by notification in the Official Gazette, designate for each district, a Court of Session to be a Special Court to try the offences under the Act: Designation of Special Courts.
 Provided that if a Court of Session is notified as a children's court under the Commissions for Protection of Child Rights Act, 2005 or a Special Court designated for similar purposes under any other law for the time being in force, then, such court shall be deemed to be a Special Court under this section. 4 of 2006
- (2) While trying an offence under this Act, a Special Court shall also try an offence [other than the offence referred to in sub-section (1)], with which the accused may, under the Code of Criminal Procedure, 1973, be charged at the same trial.
- (3) The Special Court constituted under this Act, notwithstanding anything in the Information Technology Act, 2000, shall have jurisdiction to try offences under section 67B of that Act in so far as it relates to publication or transmission of sexually explicit material depicting children in any act, or conduct or manner or facilitates abuse of children online. 2 of 1974
21 of 2000
29. Where a person is prosecuted for committing or abetting or attempting to commit any offence under sections 3, 5, 7 and section 9 of this Act, the Special Court shall presume, that such person has committed or abetted or attempted to commit the offence, as the case may be unless the contrary is proved. Presumption as to certain offences.
30. (1) In any prosecution for any offence under this Act which requires a culpable mental state on the part of the accused, the Special Court shall presume the existence of such mental state but it shall be a defence for the accused to prove the fact that he had no such mental state with respect to the act charged as an offence in that prosecution. Presumption of culpable mental state.
- (2) For the purposes of this section, a fact is said to be proved only when the Special Court believes it to exist beyond reasonable doubt and not merely when its existence is established by a preponderance of probability.
- Explanation.*—In this section, "culpable mental state" includes intention, motive, knowledge of a fact and the belief in, or reason to believe, a fact
31. Save as otherwise provided in this Act, the provisions of the Code of Criminal Procedure, 1973 (including the provisions as to bail and bonds) shall apply to the proceedings before a Special Court and for the purposes of the said provisions, the Special Court shall be deemed to be a Court of Sessions and the person conducting a prosecution before a Special Court, shall be deemed to be a Public Prosecutor. Application of Code of Criminal Procedure, 1973 to proceedings before a Special Court.
32. (1) The State Government shall, by notification in the Official Gazette, appoint & Special Public Prosecutor for every Special Court for conducting cases only under the provisions of this Act. 2 of 1974

- (2) A person shall be eligible to be appointed as a Special Public Prosecutor under sub-section (1) only if he had been in practice for not less than seven years as an advocate. Special Public Prosecutors.
- (3) Every person appointed as a Special Public Prosecutor under this section shall be deemed to be a Public Prosecutor within the meaning of clause (u) of section 2 of the Code of Criminal Procedure , 1973 and provision of that Code shall have effect accordingly.

CHAPTER VIII 2 of 1974
PROCEDURE AND POWERS OF SPECIAL COURTS AND RECORDING OF EVIDENCE

33. (1) A Special Court may take cognizance of any offence, without the accused being committed to it for trial, upon receiving a complaint of facts which constitute such offence, or upon a police report of such facts. Procedure and powers of Special Court.
- (2) The Special Public Prosecutor, or as the case may be, the counsel appearing for the accused shall, while recording the examination-in-chief, cross-examination or re-examination of the child, communicate the questions to be put to the child to the Special Court which shall in turn put those questions to the child.
- (3) The Special Court may, if it considers necessary, permit frequent breaks for the child during the trial.
- (4) The Special Court shall create a child-friendly atmosphere by allowing a family member, a guardian, a friend or a relative, in whom the child has trust or confidence, to be present in the court
- (5) The Special Court shall ensure that the child is not called repeatedly to testify in the court.
- (6) The Special Court shall not permit aggressive questioning or character assassination of the child and ensure that dignity of the child is maintained at all times during the trial.
- (7) The Special Court shall ensure that the identity of the child is not disclosed at any time during the course of investigation or trial:
 Provided that for reasons to be recorded in writing, the Special Court may permit such disclosure, if in its opinion such disclosure is in the interest of the child.
Explanation. — For the purposes of this sub-section, the identity of the child shall include the identity of the child's family, school, relatives, neighbourhood or any other information by which the identity of the child may be revealed.
- (8) In appropriate cases, the Special Court may, in addition to the punishment, direct payment of such compensation as may be prescribed to the child for any physical or mental trauma caused to him or for immediate rehabilitation of such child.
- (9) Subject to the provisions of this Act, a Special Court shall, for the purpose of the trial of any offence under this Act, have all the powers

- of a Court of Session and shall try such offence as if it were a Court of Session, and as far as may be, in accordance with the in the Code of Criminal Procedure, 1973 for trial before a Court of Session. 2 of 1974
34. (1) Where any offence under this Act is committed by a child, such child shall be dealt with under the provisions of the juvenile Justice (Care and Protection of Children) Act, 2000, 56 of 2004
- (2) If any question arises in any proceeding before the Special Court whether a person is a child or not, such question shall be determined by the Special Court after satisfying itself about the age of such person and it shall record in writing its reasons for such determination. Procedure in case of commission of offence by child and determination of age by Special Court.
- (3) No order *trade* by the Special Court shall be deemed to be invalid merely by any subsequent proof that the age of a person as determined by it under sub-section (2) was not die correct age of that person.
35. (1) The evidence of the child shall be recorded within a period of thirty days of the Special Court taking cognizance of the offence and reasons for delay, if any, shall be recorded by the Special Court Period of recording of evidence of child and disposal of case.
- (2) The Special Court shall complete the trial, as far as possible, within a period of one year from the date of taking cognizance of the offence.
36. (1) The Special Court shall ensure that the child is not exposed in any way to the accused at the time of recording of the evidence, while at the same time ensuring that die accused is in a position to hear the statement of the child and communicate with his advocate. Child not to see accused at the time of testifying.
- (2) For the purposes of sub-section (1), the Special Court may record the statement of a child through video conferencing or by utilising single visibility mirrors or curtains or any other device.
37. The Special Court shall try cases *in camera* and in the presence of the parents of the child or any other person in whom me child has trust or confidence:
- Provided that where the Special Court is of die opinion that the child needs to be examined at a place other than the court, it shall proceed to issue a commission in accordance with the provisions of section 284 of the Code of Criminal Procedure, 1973. Trials to be conducted in camera.
2 of 1974
38. (1) Wherever necessary, the Court may take the assistance of a translator or interpreter having such qualifications, experience and on payment of such fees as may be prescribed, while recording the evidence of the child. Assistance of an interpreter or expert while recording evidence of child.
- (2) If a child has a mental or physical disability, the Special Court may take the assistance of a special educator or any person familiar with the manner of communication of the child or an expert in that field, having such qualifications, experience and on payment of such fees as may be prescribed to record the evidence of the child.

CHAPTER IX
MISCELLANEOUS

39. Subject to such rules as may be made in this behalf, the State Government shall prepare guidelines for use of non-governmental organisations, professionals and experts or persons having knowledge of psychology, social work, physical health, mental health and child development to be associated with the pre-trial and trial stage to assist the child. Guidelines for child to take assistance of experts, etc.
40. Subject to the proviso to section 301 of the Code of Criminal Procedure, 1973 the family or the guardian of the child shall be entitled to the assistance of a legal counsel of their choice for any offence under this Act: Right of child to take assistance of legal practitioner.
Provided that if the family or the guardian of the child are unable to afford a legal counsel, the Legal Services Authority shall provide a lawyer to them. 2 of 1974
41. The provisions of sections 3 to 13 (both Inclusive) shall not apply in case of medical examination or medical treatment of a child when such medical examination or medical treatment is undertaken with the consent of his parents or guardian. Provisions of sections 3 to 13 not to apply in certain cases.
42. Where an act or omission constitute an offence punishable under this Act and also under any other law for the time being in force, 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 only under such law or this Act as provides for punishment which is greater. Alternative punishment.
43. The Central Government and every State Government, shall take all measures to ensure that— Public awareness about Act.
- (a) the provisions of this Act are given wide publicity through media including the television, radio and the print media at regular intervals to make the general public, children as well as their parents and guardians aware of the provisions of this Act;
- (b) the officers of the Central Government and the State Governments and other concerned persons (including the police officers) are imparted periodic training on the matters relating to the implementation of the provisions of the Act.
44. (1) The National Commission for Protection of Child Rights constituted under section 3, or as the case may be, the State Commission for Protection of Child Rights constituted under section 17, of the Commissions for Protection of Child Rights Act, 2005, shall, in addition to the functions assigned to them under that Act, also monitor the implementation of the provisions of this Act in such manner as may be prescribed. Monitoring of implementation of Act.
4 of 2006.
- (2) The National Commission or, as the case may be, the State Commission, referred to in sub-section (1), shall, while inquiring into any matter relating to any offence under this Act, have the same powers as are vested in it under the Commissions for Protection of Child Rights Act, 2005. 4 of 2006
- (3) The National Commission or, as the case may be, the State Commission, referred to in sub-section (1), shall, also include, its

activities under this section, in the annual report referred to in section 16 of the Commissions for Protection of Child Rights Act, 2005.

4 of 2006

45. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act Power to make rules.
- (2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:—
- (a) the qualifications and experience of, and the fees payable to, a translator or an interpreter, a special educator or any person familiar with the manner of communication of the child or an expert in that field, under sub-section (4) of section 19; sub-sections (2) and (5) of section 26 and section 38;
 - (b) care and protection and emergency medical treatment of the child under sub-section (5) of section 19;
 - (c) the payment of compensation under sub-section (8) of section 33;
 - (d) the manner of periodic monitoring of the provisions of the Act under sub-section (7) of section 44.
- (3) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.
46. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to it to be necessary or expedient for removal of the difficulty: Power to remove difficulties.
- Provided that no order shall be made under this section after the expiry of the period of two years from the commencement of this Act.
- (2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

THE SCHEDULE**[See section 2(c)]****ARMED FORCES AND SECURITY FORCES CONSTITUTED UNDER**

- (a) The Air Force Act, 1950 (45 of 1950);
- (b) The Army Act, 1950 (46 of 1950);
- (c) The Assam Rifles Act, 2006 (47 of 2006);
- (d) The Bombay Home Guard Act, 1947 (3 of 1947);
- (e) The Border Security Force Act, 1968 (47 of 1968);
- (f) The Central Industrial Security Force Act, 1968 (50 of 1968);
- (g) The Central Reserve Police Force Act, 1949 (66 of 1949);
- (h) The Coast Guard Act, 1978 (30 of 1978);
- (i) The Delhi Special Police Establishment Act, 1946 (25 of 1946);
- (j) The Indo-Tibetan Border Police Force Act, 1992 (35 of 1992);
- (k) The Navy Act, 1957 (62 of 1957);
- (l) The National Investigation Agency Act, 2008 (34 of 2008);
- (m) The National Security Guard Act, 1986 (47 of 1986);
- (n) The Railway Protection Force Act, 1957 (23 of 1957);
- (o) The Sashastra Seema Bal Act, 2007 (53 of 2007);
- (p) The Special Protection Group Act, 1988 (34 of 1988);
- (q) The Territorial Army Act, 1948 (56 of 1948);
- (r) The State police forces (including armed constabulary) constituted under the State laws to aid the civil powers of the State and empowered to employ force during internal disturbances or otherwise including armed forces as defined in clause (a) of section 2 of the Armed Forces (Special Powers) Act, 1958 (28 of 1958).

V. K. BHASIN,
Secretary to the Govt. of India.

NYAYA DAGAR

ANNUAL ISSUE 2012

**AUDIT
&
ACCOUNTS**

**DETAILS OF BUDGETARY ALLOCATION, EXPENDITURE AND UNUTILISED
AMOUNT RECEIVED FROM THE STATE GOVERNMENT FOR THE FINANCIAL YEAR 2011-12**

Heads	Opening Balance	Allotment (Rs.)	Interest Received/ Others (cost) (Rs.)	Expenditure (Rs.)	Unutilised Balance Amount (Rs.)
Pay		8,500,000.00		6,575,154.00	1924846.00
D.A.		3,300,000.00		2,468,903.00	831097.00
Office Expenses		650,000.00		514,649.00	135351.00
Electricity		500,000.00		469,047.00	30953.00
Library		500,000.00		147,294.00	352706.00
Telephone		300,000.00		245,726.00	54274.00
T.A.		450,000.00		110,316.00	339684.00
Motor Vehicle (Fuel & Repair)		400,000.00		398,134.00	1866.00
L.T.C.		250,000.00		-	250000.00
Liveries		30,000.00		30,000.00	0.00
Generator (Fuel)		175,000.00		44,166.00	130834.00
Permanent Lok Adalat	-	26,000,000.00	-	18,892,273.00	7107727.00
State Fund (BOI)	3,933,088.95	-	157,510.63	955,201.00	3135398.58
Total	39,33,088.95	4,10,55,000.00	1,57,510.63	3,08,50,863.00	1,42,94,736.58

RECEIPT & PAYMENT ACCOUNT OF NALSA FUND FOR THE YEAR ENDED 31ST MARCH 2012

RECEIPT	AMOUNT	AMOUNT	PAYMENT	AMOUNT	AMOUNT
To, Balance b/d			By, Payments for Legal Awareness Programme		1
Balance with SB A/c with SBI			Sub-allotment to DLSAs for set up of Law Library	40,000.00	
For Legal Awareness	97,92,462.14		Sub-allotment to DLSAs for Legal Aid Clinic	1,10,55,000.00	
For Mediation Centre	6,25,375.00		Conciliator Remuneration	3,00,000.00	
For MLLC (Micro Legal Literacy Camp)	7,105.00		Printing of Newsletter, Bulletin, Booklets, Pamphlets, Folders, Table Calendar, etc.	10,71,260.00	
For NREGS	-		Certificate fee	4,412.00	
" Fund Received from NALSA		1,04,24,942.14	State Level Seminar on "Child Rights & Realities	4,45,901.00	
For :			Legal Awareness Camp at Women Probation Home, Namkum Ranchi	13,300.00	
Legal Awareness	1,50,10,596.00		Legal Awareness Programme at Women Probation Home, Namkum	8,100.00	
Mediation Centre	-		Effective Juvenile Justice System	7,674.00	
MLLC (Micro Legal Literacy Camp)	-		Conference on Law and Morality with Special Reference to Surrogacy	76,324.00	
NREGS	-		Conference on "Legal Awareness and Role of ADR"	1,98,181.00	
" Interest Received from SBI			Training Programme for the Staff of DLSAs, Jharkhand	15,022.00	
			Seminar on "Case Management & Plea Bargaining" organised by Jhalsa	4,12,003.00	
			Registration Charges and Purchase of Accessories of Bolero Van	44,146.00	
			RLEK Fund transferred to NALSA	1,37,462.00	
		1,50,10,596.00	Payment made to TATA Motors Ltd. & SIGMA Auto	12,80,000.00	1,51,08,785.00
			Craft for purchase of Mobile Van		248.00
			Bank Charges		
			Balance c/d		
		5,14,794.00	For Legal Awareness	1,02,08,819.14	
			For Mediation Centre	6,25,375.00	
			For MLLC (Micro Legal Literacy Camp)	7,105.00	1,08,41,299.14
			For NREGS		
		2,59,50,332.14			2,59,50,332.14

for Jharkhand State Legal Services Authority
 Member Secretary
 Place : Ranchi,
 Date :

As per our report on the even date
 for R.K. Bittu & Co. CHARTERED ACCOUNTANTS
 (Punam Kumari) Partner
 Mem. No.-410710 F.R.N.-01290SC

STATEMENT OF AFFAIRS OF NALSA FUND AS ON 31.03.2012

FUND & LIABILITIES	AMOUNT	AMOUNT	ASSETS & PROPERTIES	AMOUNT	AMOUNT
General Fund from NALSA Opening Balance	2,01,80,605.81		Fixed Assets Motor Vehicle (As per Schedule:A)		6,57,413.75
Add : Excess of Income over Expenditure	1,27,47,720.00		Advance Payment for purchase of Mobile VAN		12,80,000.00
Less : RLEK Fund transferred to NALSA	1,37,462.00	3,27,90,863.81	Current Assets, Loans & Advances Cash at Bank		
			Balance with SB A/c with SBI (Rajbhawan Extn. Counter, Ranchi) For Legal Awareness For Mediation Centre For MLLC (Micro Legal Literacy Camp) NREGS	1,02,08,819.14 6,25,375.00 7,105.00 -	1,08,41,299.14
			Advances Balance with DLSAs For :		
			Legal Awareness Mediation Centre MLLC (Micro Legal Literacy Camp) NREGS	1,75,16,106.92 5,54,699.00 9,32,144.00 10,09,201.00	2,00,12,150.92
		3,27,90,863.81			3,27,90,863.81

for Jharkhand State Legal Services Authority
Member Secretary
Place : Ranchi,
Date :

As per our report on the even date
for R.K. Bittu & Co. CHARTERED ACCOUNTANTS
(Punam Kumari) Partner
Mem. No.-410710 F.R.N.-01290SC

INCOME & EXPENDITURE ACCOUNT FOR NALSA FUND FOR THE YEAR ENDED 31ST MARCH 2012

RECEIPT	AMOUNT	AMOUNT	PAYMENT	AMOUNT	AMOUNT
To, <u>Expenses for Legal Awareness Programme</u> Expenditure made DLSAs for set up of Law Library & Legal Aid Clinics (Schedule B)	2,04,385.00		By, Fund Received from NALSA for;		
Conciliator Remuneration	3,00,000.00		Legal Awareness Mediation Centre	1,50,10,596.00	
Printing of Newsletter, Bulletin, Booklets, Pamphlets, Folders, Table Calendar etc.	10,71,260.00		MLLC (Micro Legal Literacy Camp)	-	
Certificate Fee	4,412.00		NREGS	-	1,51,10,596.00
State Level Seminar on "Child Rights & Realities"	4,45,901.00		To, Interest Received from SBI		5,14,794.00
Legal Awareness Camp at Women Probation Home, Namkum, Ranchi	13,300.00		To, Interest accrued from DLSA (Schedule B)		1,02,649.00
Legal Awareness Programme at Women Probation Home, Namkum	8,100.00				
Effective Juvenile Justice System	7,674.00				
Conference on Law and Morality with Special Reference to Surrogacy	76,324.00				
Conference on "Legal Awareness and Role of ADR"	1,98,181.00				
Training Programme for the Staff of DLSAs, Jharkhand	15,022.00				
Seminar on "Case Management & Plea Bargaining" organised by Jhalsa	4,12,003.00	27,56,562.00			
Expenses for Mediation Programme					
Expenditure made by DLSAs by Mediation infrastructure (As per Schedule:C)					
Expenses for MLLC Programme					
Expenditure made by DLSAs by MLLC (As per Schedule : C) infrastructure					
Expenses of NREGS Programme					
Bank Charges		7,005.00			
Depreciation on Fixed Assets		490.00			
To Excess of Income over Expenditure		248.00			
"		1,16,014.00			
"		1,27,47,720.00			
"		1,56,28,039.00			
					1,56,28,039.00

for Jharkhand State Legal Services Authority
Member Secretary
Place : Ranchi,
Date :

As per our report on the even date
for R.K. Bittu & Co. **CHARTERED ACCOUNTANTS**
(Punam Kumari) Partner
Mem. No.-410710 F.R.N.-01290SC

SCHEDULE : A CALCULATION OF DEPRECIATION ON FIXED ASSETS (FOR THE FINANCIAL YEAR 2011-12)

PARTICULARS	OP. BAL AS ON 1.4.2011	ADDITION	DELETION	RATE (%)	DEP. DURING THE YEAR	CL. BAL AS ON 31.3.2012
Motor Vehicle (Qualis)	1,73,526.75	-	-	15%	26,029.00	1,47,497.75
Bolero Van	-	5,99,901.00	-	15%	89,985.00	5,09,916.00
Total	1,73,526.75	5,99,901.00	-		1,16,014.00	6,57,413.75

UTILISATION STATEMENT FOR GRANT-IN-AID RECEIVED FROM THE NALSA FOR NREGS FINANCIAL YEAR 2011-12

PARTICULARS	AMOUNT (Rs.)	AMOUNT (Rs.)
Opening Balance (01.04.2011)	-	-
Grant Received during the year		
Total Grant Received during Financial Year 2011-12		-
Less : Fund utilised towards :	Amount (Rs.)	
Fund Utilised during the year		-
Closing Balance (31.03.2012)		-

UTILISATION STATEMENT FOR GRANT-IN-AID RECEIVED FROM THE NALSA FOR MEDIATION CENTRE FINANCIAL YEAR 2011-12

PARTICULARS	AMOUNT (Rs.)	AMOUNT (Rs.)
Opening Balance (01.04.2011)	-	6,25,375.00
Grant Received during the year		-
Total Grant Received during Financial Year 2011-12		-
Less : Fund utilised towards :	Amount (Rs.)	
Fund Utilised during the year		-
Closing Balance (31.03.2012)		6,25,375.00

UTILISATION STATEMENT FOR GRANT-IN-AID RECEIVED FROM THE NALSA FOR MLLC FINANCIAL YEAR 2011-12

PARTICULARS	AMOUNT (Rs.)	AMOUNT (Rs.)
Opening Balance (01.04.2011)	-	7,105.00
Grant Received during the year		-
Total Grant Received during Financial Year 2011-12		-
Less : Fund utilised towards :	Amount (Rs.)	
Fund Utilised during the year		-
Closing Balance (31.03.2012)		7,105.00

BANK RECONCILIATION STATEMENT AS ON 31.03.2012
NALSA Fund

Particulars	Amounts (Rs.)	Amounts (Rs.)
Balance as per Cash Book		
NALSA Fund		1,02,08,819.14
Mediation		6,25,375.00
MLLC		7,105
Total		1,08,41,299.14
Add : Interest receivedhar	5,14,749.00	
Less : Bank Charges	198.00	
Total Balance as per Cash book		1,08,41,299.14
<u>Add: Cheque issued but not debited in pass book</u>		
Date	Cheque No.	Amount(Rs.)
26.03.12	746931	9460.00
26.03.12	746932	1400.00
26.03.12	746934	6760.00
26.03.12	746935	8000.00
26.03.12	746937	80000.00
26.03.12	746941	5000.00
26.03.12	746942	40365.00
26.03.12	746945	25000.00
		1,75,985
Balance as per Pass book as on 31.03.2012		1,10,17,284.14

Utilisation Statement of Grant-in-Aid received from
the NALSA (NALSA Fund) for financial year 2011-12

Particulars	Amount (Rs.)	Amount (Rs.)
Opening Balance (01.04.2011)		1,04,24,942.14
Grant Received during the year		
For legal Awareness	1,50,00,000.00	
For setting up of Law Library in the 4 Sub-Divisional Committee in State of Jharkhand	10,596.00	
Total Grant Received during F.Y.2011-12		1,50,10,596.00
Interest Received from SBI	-	5,14,794.00
Total Receipt during F.Y.2011-12		2,59,50,332.14
Less: Fund utilised towards:	Amount (Rs.)	
Sub-allotment to DLSAs for set up of Law Library	40,000.00	
Sub-allotment to DLSAs for Legal Aid Clinic (for payment of PLV)	1,10,55,000.00	
Conciliator Remuneration (From April 2011 to March 2012)	3,00,000.00	
Printing of Newsletter, Bulletin, Booklets, Pamphlets, Folders, Table Calender etc during the year	10,71,260.00	
Certificate fee	4,412.00	
State Level Seminar on "Child Rights & Realities" on 30.04.11	4,45,901.00	
Legal Awareness Camp on 19.05.11 at Women Probation Home, Namkum, Ranchi	13,300.00	
Legal Awareness Programme on 30.09.11 & 19.11.2011 at Woman Probation Home, Namkum	8,100.00	
Effective Juvenile Justice System on 23rd & 24th June 2011	7,674.00	
Conference on Law and Morality with Special Reference to Surrogacy on 28.06.11	76,324.00	
Conference on "Legal Awareness and Role of ADR" on 27.08.11	1,98,181.00	
Training Programme for the Staff of DLSAs, Jharkhand on 5.09.11	15,022.00	
Seminar on "Case Management & Plea Bargaining" held on 17.03.12 organised by JHALSA	4,12,003.00	
Registration Charges and Purchase of Accessories of Bolero Van bearing No. JH01AN-1818	44,146.00	
RLEK Fund of Rs. 127500 transferred to NALSA with interest of Rs. 9962/-	1,37,462.00	
Payment made to TATA Motors Ltd. & SIGMA Auto Craft for purchase of Mobile VAN out of fund of Rs. 1200000/- plus interest accrued of Rs 80000	12,80,000.00	
		1,51,08,785.00
Less: Prior Period Items(Differences in total of Pass Book in F.Y. 2008-09)		50.00
Bank Charges		198.00
Closing balance (31.03.2012)		1,08,41,299.14

Utilisation Statement of Grant-in-Aid received from
the NALSA for Legal Awareness F.Y. 2011-12

Particulars	Amount (Rs.)	Amount (Rs.)
Opening Balance (01.04.2011)		97,92,462.14
Grant Received during the year		
For legal Awareness	1,50,00,000.00	
For setting up of Law Library in the 4 Sub-Divisional Committee in State of Jharkhand	10,596.00	
Total Grant Received during F.Y.2011-12		1,50,10,596.00
Interest Received from SBI		5,14,794.00
Total Receipt during F.Y.2011-12		2,53,17,852.14
Less: Fund utilised towards:	Amount (Rs.)	
Sub-allotment to DLSAs for set up of Law Library	40,000.00	
Sub-allotment to DLSAs for Legal Aid Clinic (for payment of PLV)	1,10,55,000.00	
Conciliator Remuneration (From April 2011 to March 2012)	3,00,000.00	
Printing of Newsletter, Bulletin, Booklets, Pamphlets, Folders, Table Calender etc during the year	10,71,260.00	
Certificate fee	4,412.00	
State Level Seminar on "Child Rights & Realities" on 30.04.11	4,45,901.00	
Legal Awareness Camp on 19.05.11 at Women Probation Home, Namkum, Ranchi	13,300.00	
Legal Awareness Programme on 30.09.11 & 19.11.2011 at Woman Probation Home, Namkum	8,100.00	
Effective Juvenile Justice System on 23rd & 24th June 2011	7,674.00	
Conference on Law and Morality with Special Reference to Surrogacy on 28.06.11	76,324.00	
Conference on "Legal Awareness and Role of ADR" on 27.08.11	1,98,181.00	
Training Programme for the Staff of DLSAs, Jharkhand on 5.09.11	15,022.00	
Seminar on "Case Management & Plea Bargaining" held on 17.03.12 organised by JHALSA	4,12,003.00	
Registration Charges and Purchase of Accessories of Bolero Van bearing No. JH01AN-1818	44,146.00	
RLEK Fund of Rs. 127500 transferred to NALSA with interest of Rs. 9962/-	1,37,462.00	
Payment made to TATA Motors Ltd. & SIGMA Auto Craft for purchase of Mobile VAN out of fund of Rs. 1200000/- plus interest accrued of Rs 80000	12,80,000.00	
		1,51,08,785.00
Less: Prior Period Items(Differences in total of Pass Book in F.Y. 2008-09)		50.00
Bank Charges		198.00
Closing balance (31.03.2012)		1,02,08,819.14

SCHEDULE : B EXPENDITURE MADE BY DLSAs AND HCLSC (2011-12) LEGAL AID/AWARENESS

Name of District Legal Services Authority	Opening balance as on 1.04.11	Sub-allotment	Sub-allotment	Sub-allotment	Total Sub-allotment	Interest accrued on/ others receipt DLSAs A/C	Expenditure (Rs.)		Closing Balance as on 31.03.2012
							NALSA Fund	NALSA Fund	
Bokaro	149950.00	10,000.00	NALSA fund for Legal Aid clinic	1,675,000.00	1,685,000.00	0.00	0.00	1,834,950.00	
Chatra	217042.00	-	-	402,000.00	402,000.00	0.00	23148.00	595,894.00	
Chaibasa	31909.00	-	-	-	-	0.00	29740.00	2,169.00	
Dhanbad	304734.00	-	-	1,206,000.00	1,206,000.00	14534.00	3501.00	1,521,767.00	
Dumka	50277.50	-	-	1,072,000.00	1,072,000.00	0.00	2121.00	1,120,156.50	
Deoghar	412154.00	-	-	-	-	0.00	31173.00	380,981.00	
Godda	906706.00	-	-	-	-	34352.00	0.00	941,058.00	
Garhwa	321905.00	-	-	-	-	0.00	-	321,905.00	
Gumla	165904.00	-	-	603,000.00	603,000.00	10284.00	280.00	778,908.00	
Giridih	300000.00	-	-	1,809,000.00	1,809,000.00	0.00	0.00	2,109,000.00	
Hazaribag	163006.00	-	-	268,000.00	268,000.00	0.00	3842.00	427,164.00	
Koderma	394531.00	-	-	670,000.00	670,000.00	-188.00	7501.00	1,056,842.00	
Jamshedpur	1316953.00	10,000.00	-	603,000.00	613,000.00	0.00	9898.00	1,920,055.00	
Jamtara	401171.00	-	-	-	-	0.00	2472.00	398,699.00	
Lohardaga	181333.00	-	-	268,000.00	268,000.00	0.00	4500.00	444,833.00	
Latehar	156339.00	-	-	-	-	8666.00	19069.00	145,936.00	
Palamau	14884.00	-	-	536,000.00	536,000.00	0.00	835.00	550,049.00	
Pakur	57723.42	-	-	1,005,000.00	1,005,000.00	5042.00	0.00	1,067,765.42	
Ranchi	303332.00	10,000.00	-	536,000.00	546,000.00	0.00	22203.00	827,129.00	
Simdega	339232.00	-	-	402,000.00	402,000.00	16665.00	13819.00	744,078.00	
Seraikella	97051.00	-	-	-	-	0.00	3607.00	93,444.00	
Sahebganj	250000.00	10,000.00	-	-	10,000.00	0.00	26676.00	233,324.00	
HCLSC	0.00	-	-	-	-	0.00	0.00	-	
Total	6,536,136.92	40,000.00	11,055,000.00	11,095,000.00	11,095,000.00	89,355.00	204,385.00	17,516,106.92	

SCHEDULE : C EXPENDITURE MADE BY DLSAs (2011-12) MLLC, NREGA AND MEDIATION CENTRE

Name of DLSAs	Opening balance as on 1.04.11			Sub-allotment			Interest accrued on			Expenditure (Rs.)			Closing Balance (Rs.)		
	MLLC	NREGA	Mediation Centre	MLLC	NREGA	Mediation Centre	MLLC	NREGA	Mediation Centre	MLLC	NREGA	Mediation Centre	MLLC	NREGA	Mediation Centre
Bokaro	40,893	60,000	663	-	-	-	-	-	-	-	400	-	40,893	60,000	263
Chatra	16,326	31,627	5,519	-	-	-	-	-	-	-	-	-	16,326	31,627	5,519
Chaibasa	48,870	36,939	41,550	-	-	-	-	-	-	-	-	-	48,870	36,939	41,550
Dhanbad	44,836	43,834	9,470	-	-	-	-	-	-	600	-	-	44,836	43,834	8,870
Dumka	62,000	58,500	1,439	-	-	-	-	-	-	-	-	-	62,000	58,500	1,439
Deoghar	33,265	40,242	72	-	-	-	-	-	-	-	-	-	33,265	40,242	72
Godda	25,342	58,410	3,097	-	-	-	963	2,216	393	-	-	-	26,305	60,626	3,490
Garhwa	53,660	60,000	24,384	-	-	-	-	-	-	-	-	-	53,660	60,000	24,384
Gumla	37,028	53,075	10,384	-	-	-	-	-	-	-	-	-	37,028	53,075	10,384
Giridih	39,650	55,275	15,935	-	-	-	-	-	-	-	-	-	39,650	55,275	15,935
Hazaribagh	37,878	54,525	95,140	-	-	-	-	-	-	-	-	-	37,878	54,525	95,140
Koderma	28,434	34,350	22,036	-	-	-	-	-	779	-	3,000	-	28,434	34,350	19,815
Jamshedpur	34,765	20,600	6,585	-	-	-	-	-	-	-	1,655	-	34,765	20,600	4,930
Jamtara	39,143	34,562	-	-	-	-	-	-	-	-	-	-	39,143	34,562	-
Lohardaga	42,750	60,000	12	-	-	-	-	-	-	-	-	-	42,750	60,000	12
Latehar	41,308	-	70,941	-	-	-	-	-	-	-	-	-	41,308	-	70,941
Palamau	48,286	50,310	-	-	-	-	-	-	-	-	-	-	48,286	50,310	-
Pakur	47,221	32,356	8,003	-	-	-	2,693	1,845	443	-	-	-	49,914	34,201	8,446
Ranchi	50,998	60,000	-	-	-	-	-	-	-	-	-	-	50,998	60,000	-
Simdega	61,445	40,535	102,379	-	-	-	-	-	3,962	-	-	-	61,445	40,535	106,341
Seraikella	47,690	60,000	100,000	-	-	-	-	-	-	-	-	490	47,200	60,000	100,000
Sahebganj	47,190	60,000	38,518	-	-	-	-	-	-	-	1,350	-	47,190	60,000	37,168
Total	928,978	1,005,140	556,127	-	-	-	3,656	4,061	5,577	490	7,005	-	932,144	1,009,201	554,699

NYAYA DAGAR

ANNUAL ISSUE 2012

**PICTORIALS OF
LEGAL AID SERVICES
ORGANISED**

FIRST UNIVERSITY CASES LOK ADALAT (PRELITIGATION) 13.05.2012



His Excellency Dr. Syed Ahmed, Governor of Jharkhand addressing the Retd. Teachers, Professors etc.



His Excellency Dr. Syed Ahmed, Governor of Jharkhand distributing cheque to the Beneficiary

LEGAL AWARENESS CAMP AT WOMEN PROBATION HOME 20-05-12



Hon'ble Mr. Justice Altamas Kabir, Chief Justice of India and Hon'ble Judges of Jharkhand High Court at Probation Home, Ranchi



Hon'ble Mr. Justice Altamas Kabir, Chief Justice of India addressing the inmates.



Hon'ble Mr. Justice Prakash Tatia, Chief Justice, Jharkhand High Court addressing the inmates of Probation Home, Ranchi



Inmates and Office Bearers of the Probation Home

**SECOND UNIVERSITY CASES (SPECIAL) LOK ADALAT
(PRELITIGATION) 22-05-2012**



Hon'ble Mr. Justice Altamas Kabir, Chief Justice of India
inaugurating the Special Lok Adalat



Dr. L.N. Bhagat, Vice Chancellor, Ranchi University presenting bouquet to **Hon'ble Mr. Justice Altamas Kabir, Chief Justice of India**



Hon'ble Mr. Justice Altamas Kabir, Chief Justice of India
visiting the Lok Adalat Bench

APPRAISAL OF DLSAs THROUGH VIDEO CONFERENCING 22.05.2012



Hon'ble Mr. Justice Altamas Kabir, Chief Justice of India holding conference; Hon'ble Mr. Justice Prakash Tatia, Chief Justice, Jharkhand High Court, Hon'ble Mr. Justice R.K. Merathia, the then Executive Chairman and other Hon'ble Judges of Jharkhand High Court reviewing activities of DLSA through Video Conferencing.

CONFERENCE ON JUDICIAL EXCELLENCE 13.10.12



Hon'ble Mr. Justice Altamas Kabir, Chief Justice of India and other Hon'ble Judges, Supreme Court of India at the dais.

Hon'ble Mr. Justice Altamas Kabir, Chief Justice of India inaugurating the Conference on Judicial Excellence.



Hon'ble Mr. Justice Altamas Kabir, Chief Justice of India addressing the Conference

Judicial Officers at the Conference.

**FREE LEGAL AID CLINIC AT RANCHI INSTITUTE OF
NEURO-PSYCHIATRY & ALLIED SCIENCES 10-10-2012**



**Hon'ble Mr. Justice Prakash Tatia, Chief Justice, Jharkhand High Court with other
Hon'ble Judges, Jharkhand High Court inaugurating the Legal Aid Clinic at RINPAS**



**Hon'ble Mr. Justice Prakash Tatia, Chief Justice,
Jharkhand High Court and other Hon'ble Judges of Jharkhand High Court
interacting with cured patient working on computer**



**Hon'ble Mr. Justice Prakash Tatia, Chief Justice,
Jharkhand High Court distributing sweet to patient**

PICTORIALS OF MEDIATION TRAINING PROGRAMME

4TH REFRRAL JUDGES TRAINING ON 22.04.2012



Hon'ble Mr. Justice R.K. Merathia,
the then Executive Chairman, addressing the Referral Judges.



Smt. Anuja Saxena, Trained Mediator
of Delhi Mediation Centre giving training to the Referral Judges.

TOT PROGRAMME UNDER JUVENILE JUSTICE ACT AS PER DIRECTION IN SAMPURNA BEHRUA CASE (23-28 APRIL, 2012)



16TH MEDIATION TRAINING PROGRAMME (22-26.08.2012)



Hon'ble Mr. Justice D.N. Patel, Judge, Jharkhand High Court addressing the Participants, Advocates.



Seen in the photograph is Hon'ble Mr. Justice D.N. Patel, Executive Chairman, JHALSA with Trainer Mediators Dr. Sudhir Kumar and Ms. Anuja Saxena, Member Secretary and participants.

WELCOME OF MENTALLY ILL PATIENTS FROM KERALA (06.08.2012)



All 19 patients were admitted at RINPAS for treatment.

NYAYA DAGAR

ANNUAL ISSUE 2012

**PUBLICATIONS
OF
JHALSA**

झारखण्ड राज्य विधिक सेवा प्राधिकरण

डाउन प्रथा प्रतिषेध अधिनियम, 2001

प्रधान न्यायाधीश के अधीन कार्यवाही करने के अर्थ में डाउन प्रथा को रद्द करने के लिए डाउन प्रथा अधिनियम, 2001 को संशोधित करने का उद्देश्य है।

1. डाउन प्रथा को रद्द करने के लिए डाउन प्रथा अधिनियम, 2001 को संशोधित करने का उद्देश्य है।
2. डाउन प्रथा को रद्द करने के लिए डाउन प्रथा अधिनियम, 2001 को संशोधित करने का उद्देश्य है।
3. डाउन प्रथा को रद्द करने के लिए डाउन प्रथा अधिनियम, 2001 को संशोधित करने का उद्देश्य है।
4. डाउन प्रथा को रद्द करने के लिए डाउन प्रथा अधिनियम, 2001 को संशोधित करने का उद्देश्य है।

संशोधित न्याय, विचार एवं प्रशासन -

1. डाउन प्रथा को रद्द करने के लिए डाउन प्रथा अधिनियम, 2001 को संशोधित करने का उद्देश्य है।
2. डाउन प्रथा को रद्द करने के लिए डाउन प्रथा अधिनियम, 2001 को संशोधित करने का उद्देश्य है।

संशोधित न्याय - इस अधिनियम में संशोधित करने के अर्थ में डाउन प्रथा अधिनियम, 2001 को संशोधित करने का उद्देश्य है।

1. डाउन प्रथा को रद्द करने के लिए डाउन प्रथा अधिनियम, 2001 को संशोधित करने का उद्देश्य है।

झारखण्ड राज्य विधिक सेवा प्राधिकरण

3. डाउन प्रथा को रद्द करने के लिए डाउन प्रथा अधिनियम, 2001 को संशोधित करने का उद्देश्य है।
4. डाउन प्रथा को रद्द करने के लिए डाउन प्रथा अधिनियम, 2001 को संशोधित करने का उद्देश्य है।
5. डाउन प्रथा को रद्द करने के लिए डाउन प्रथा अधिनियम, 2001 को संशोधित करने का उद्देश्य है।

संशोधित न्याय - इस अधिनियम में संशोधित करने के अर्थ में डाउन प्रथा अधिनियम, 2001 को संशोधित करने का उद्देश्य है।

6. डाउन प्रथा को रद्द करने के लिए डाउन प्रथा अधिनियम, 2001 को संशोधित करने का उद्देश्य है।
7. डाउन प्रथा को रद्द करने के लिए डाउन प्रथा अधिनियम, 2001 को संशोधित करने का उद्देश्य है।
8. डाउन प्रथा को रद्द करने के लिए डाउन प्रथा अधिनियम, 2001 को संशोधित करने का उद्देश्य है।

संशोधित न्याय - इस अधिनियम में संशोधित करने के अर्थ में डाउन प्रथा अधिनियम, 2001 को संशोधित करने का उद्देश्य है।

संशोधित न्याय - इस अधिनियम में संशोधित करने के अर्थ में डाउन प्रथा अधिनियम, 2001 को संशोधित करने का उद्देश्य है।

झारखण्ड राज्य विधिक सेवा प्राधिकरण

मि.शुल्क विधिक सहायता

डाउन प्रथा को रद्द करने के लिए डाउन प्रथा अधिनियम, 2001 को संशोधित करने का उद्देश्य है।

विधिक सेवा के अन्तर्गत प्रदान की जाने वाली सेवाएँ

1. डाउन प्रथा को रद्द करने के लिए डाउन प्रथा अधिनियम, 2001 को संशोधित करने का उद्देश्य है।
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मि.शुल्क विधिक सेवायामें के हकदार

डाउन प्रथा को रद्द करने के लिए डाउन प्रथा अधिनियम, 2001 को संशोधित करने का उद्देश्य है।

विधिक सेवा कहां से प्राप्त कर सकते हैं और प्राप्त करने का तरीका

डाउन प्रथा को रद्द करने के लिए डाउन प्रथा अधिनियम, 2001 को संशोधित करने का उद्देश्य है।

CONTACT DETAILS OF DISTRICT LEGAL SERVICES AUTHORITIES, JHARKHAND

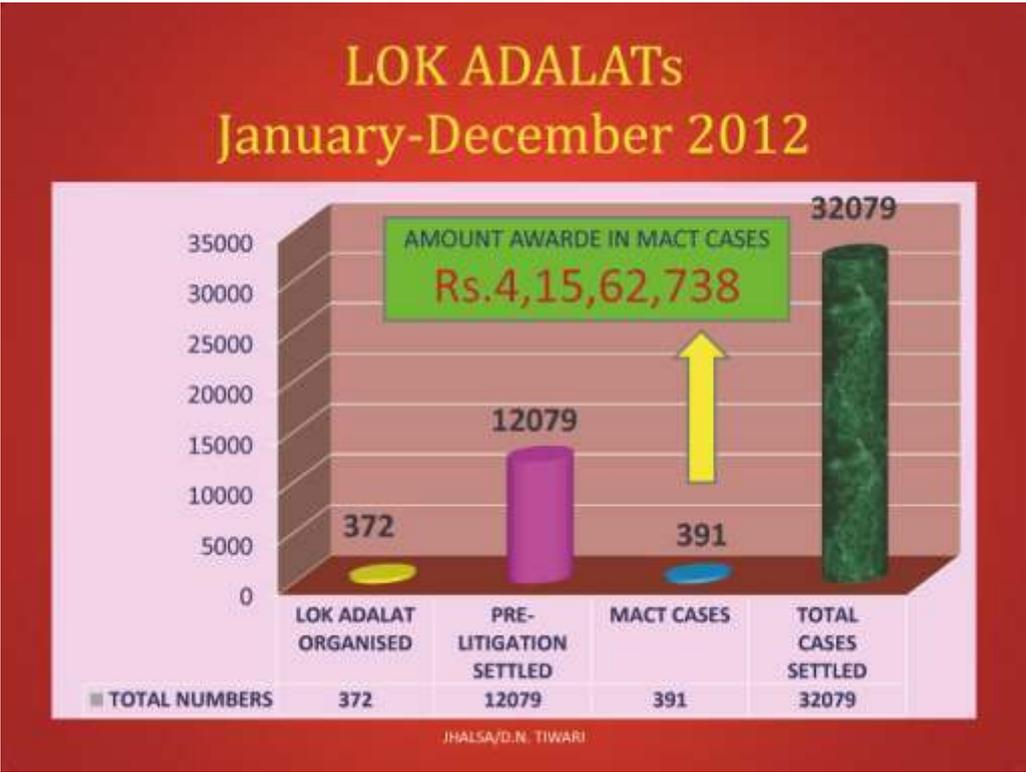
क्र. सं.	जिला विधिक सेवा प्राधिकरण	सुपरीचीटी कार्यालय	फोन नंबर	फैक्स
1.	बोकारो	3842	22448 अ. 22417 अ.	22453 अ.
2.	बुधशिवपुर	3882	28848 अ. 28849 अ.	28828 अ.
3.	दुमका	3841	22341 अ. 22340 अ.	22432 अ.
4.	झाड़वा	3812	22348 अ. 22347 अ.	22348 अ.
5.	जमशेदपुर	3236	22366 अ.	22173 अ.
6.	पासा	3824	22321 अ. 22322 अ.	22323 अ.
7.	पलामू	3801	22348 अ. 22342 अ.	22331 अ.
8.	राँची	3811	22111 अ.	22021 अ.
9.	साँखर	3812	22348 अ. 22349 अ.	22349 अ.
10.	सिपडी	3813	22148 अ. 22149 अ.	22118 अ.
11.	सुपौल	3845	22348 अ. 22343 अ.	22028 अ.
12.	उदुमपिड़ा	3811	22148 अ.	22138 अ.
13.	उरुईया	3843	22317 अ. 22303 अ.	22307 अ.
14.	वाराणसी	3824	22111 अ. 22103 अ.	22103 अ.
15.	वसुंधरा	3805	24714 अ.	24628 अ.
16.	वसुंधरा	3824	22348 अ. 22349 अ.	22307 अ.
17.	बलसोर	3845	22348 अ. 22349 अ.	22133 अ.
18.	बलसोर	3802	22348 अ. 22343 अ.	22133 अ.
19.	बलसोर	3801	22348 अ. 22344 अ.	22133 अ.
20.	बलसोर	3801	22348 अ. 22344 अ.	22133 अ.
21.	बलसोर	3801	22348 अ. 22344 अ.	22133 अ.

संशोधित न्याय - इस अधिनियम में संशोधित करने के अर्थ में डाउन प्रथा अधिनियम, 2001 को संशोधित करने का उद्देश्य है।

संशोधित न्याय - इस अधिनियम में संशोधित करने के अर्थ में डाउन प्रथा अधिनियम, 2001 को संशोधित करने का उद्देश्य है।

**STATISTICAL DETAILS OF
LEGAL AID SERVICES
ORGANISED IN 2012
(JANUARY TO DECEMBER 2012)**

LOK ADALAT



LEGAL AID BENEFICIARIES



LEGAL AWARENESS CAMPS



PERMANENT LOK ADALAT



DATA WITH RESPECT TO JAIL ADALAT ORGANISED & UNDER TRIAL PRISONERS RELEASED UNDER 'MISSION MODE PROGRAMME' TO REDUCE PENDENCY OF UNDER TRIALS

January 2012 to December 2012

DLSAs Sub-DLSC/HCLSC	Total no. of Lok Adalat organised in the jail	Total no. of Cases settled in Lok Adalat	No. of under trial Prisoners release/benefited
Bokaro	13	48	53
Chaibasa	5	14	4
Chatra	8	13	27
Deoghar	5	5	5
Dhanbad	5	62	65
Dumka	2	7	7
Garhwa	8	9	18
Giridih	5	2	2
Godda	5	7	7
Gumla	7	27	37
Hazaribagh	11	16	15
Jamshedpur	6	61	71
Jamtara	4	12	17
Koderma	7	12	12
Latehar	5	4	4
Lohardagga	5	1	2
Pakur	5	22	22
Palamau	10	66	60
Ranchi	3	10	9
Sahebganj	12	23	31
Seraikella	3	6	2
Total	139	435	492

DATA WITH RESPECT TO LOK ADALAT ORGANISED & LEGAL AID PROVIDED TO UNDER TRIAL PRISONERS

January 2012 to December 2012

DLSAs Sub-DLSC/HCLSC	Total no. of Lok Adalat organised in the jail	Total no. of Cases settled in Lok Adalat	Legal Aid provided to undertrial prisoners (Nos.)
Bokaro	3	4	57
Chaibasa	1	0	153
Chatra	8	13	12
Deoghar	5	0	0
Dhanbad	0	0	0
Dumka	0	0	0
Garhwa	8	9	18
Giridih	4	127	16
Godda	5	7	0
Gumla	0	0	0
Hazaribagh	1	0	31
Jamshedpur	6	61	61
Jamtara	0	0	0
Koderma	7	12	12
Latehar	5	4	3
Lohardagga	0	0	7
Pakur	1	0	0
Palamau	0	0	6
Ranchi	8	61	193
Sahebganj	3	10	17
Seraikella	4	12	34
Simdega	0	0	6
Total	69	320	680

**FOR PROVIDING ADDITIONAL INFORMATION ON
UNDER TRIAL PRISONERS (UTs)**

January 2012 to December 2012

District	No. of UTs on the start of the month				No. of UTs completing 50% of the prescribed punishment				No. of UTs completing the entire prescribed period of punishment				No. of UTs in bailable cases beyond one week				No. of UTs against women charge sheet not filed within the prescribed period of 60/90 days			
	Less than 2 yrs	2-10 yrs	10-20 yrs	Above 20 yrs	Less than 6 months ago	6 months -2 yrs	2-4 yrs	More than 5 yrs ago	Less than a month	1-2 months	2-6 months	More than 6 months	Less than a month	1-2 months	2-6 months	More than 6 months	Less than a month	1-5 months	6 months -1 yrs	More than 1 yrs
Bokaro	4406	47	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Chaibasa	12179	1350	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Chatra	3960	53	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Deoghar	4616	557	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Dhanbad	10534	2488	14	0	948	639	292	4	0	0	0	0	0	0	0	0	0	0	0	0
Dumka	3883	117	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Garhwa	8221	543	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Giridih	4094	373	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Godda	3834	683	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Gumla	7329	759	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Hazaribagh	9129	3011	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Jamshedpur	10153	1173	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Jamtara	957	14	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Koderma	1656	0	0	0	8	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Latehar	3610	127	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Lohardagga	2033	1240	0	0	0	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Pakur	1651	72	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Palamau	5166	2276	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Ranchi	14493	3138	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sahebganj	2668	65	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Seraikella	3646	1663	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Simdega	3813	133	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	122031	19882	17	0	956	643	292	4	0	0	0	0	0	0	0	0	0	0	0	0

DISTRICT WISE DATA ON UNDERTRIAL PRISONERS

January 2012 to December 2012

District	No. of under trials as on the start of the month		No. of under trials added during the month		No. of Under trials whose case finalised during the month								No. of Under as on the end of the month	
	Urban	Rural	Urban	Rural	Convicted		Released on Bail		Discharged		Adjourned		Urban	Rural
					Urban	Rural	Urban	Rural	Urban	Rural	Urban	Rural		
Bokaro	1407	3061	696	1311	52	65	494	1093	77	93	19	5	1425	3101
Chaibasa	2000	11059	139	616	8	61	130	389	26	132	0	0	1990	11074
Chatra	327	3610	100	731	4	35	67	579	8	62	0	0	348	3665
Deoghar	2293	2880	384	2095	3	71	349	1918	135	85	2124	2828	2349	2828
Dhanbad	7136	5912	2909	2509	133	99	2650	2263	99	62	0	0	7163	5997
Dumka	533	3494	63	644	2	22	67	520	3	80	465	3389	524	3465
Garhwa	597	7520	305	2517	2	45	238	1872	22	242	8	151	632	7727
Giridih	149	4318	9	941	1	23	9	882	0	103	147	4255	147	4255
Godda	603	3914	72	729	1	35	133	739	5	77	0	0	536	3788
Gumla	0	8088	0	1371	0	44	0	550	0	634	0	3996	28	8096
Hazaribagh	3493	8618	1838	2353	31	38	1729	2093	91	101	40	39	3440	8640
Jamshedpur	7099	4230	2486	945	64	45	2246	782	94	53	0	0	7181	4295
Jamtara	0	971	0	405	0	37	0	183	0	188	0	61	0	968
Koderma	462	1211	102	431	5	33	66	339	23	84	424	1146	437	1222
Latehar	170	3481	84	726	9	32	35	483	25	186	182	3491	182	3491
Lohardagga	440	2848	118	629	13	56	70	283	40	274	435	2864	425	2864
Pakur	59	1546	39	540	1	23	11	140	1	57	108	1833	69	1673
Palamau	3059	4129	955	1671	33	83	1065	1441	54	116	3178	4264	3178	4264
Ranchi	11313	7414	2735	2665	194	195	2321	1929	115	149	2762	4037	11326	7208
Sahebganj	486	2529	105	852	11	40	83	555	24	167	437	2511	465	2620
Seraikella	1973	3422	528	770	38	101	376	507	85	147	969	1479	2001	3410
Simdega	23	3920	9	465	1	35	6	201	2	253	0	20	23	3869
	43622	98175	13676	25916	606	1218	12145	19741	929	3345	11298	36369	43869	98520

DETAILS OF CASES SETTLED THROUGH MEDIATION

January 2012 to December 2012

Cases Received	5013
Cases Settled	918
Cases Unsettled	2439
Percentage of Success	18.31%

MEDIATION TRAINING PROGRAMME

Total No. of 40 Hours Intensive Mediation Training Organised	16
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TRAINED MEDIATORS

1	No. of Trained Judicial Officer	14
2	No. of Trained Advocates	131
3	No. of Trained Mediators	145

REFERRAL JUDGES TRAINED

1	No. of Referral Judges Training organised	4
2	No. of Trained Judicial Officers	195

MONTH JANUARY 2013

District	No. of para legal volunteers trained till date					No. of Legal Aid Clinics established	No. of Para Legal Volunteers whose services are being utilized in the Legal Aid Clinics and Front Offices
	Women	Teachers	Long Term prisoners	Others	Total		
Bokaro	46	0	0	58	104	39	38
Chaibasa	35	1	10	55	101	7	5
Chatra	18	0	4	102	124	12	12
Deoghar	54	1	0	29	84	12	19
Dhanbad	15	0	5	39	59	12	12
Dumka	23	4	2	82	111	29	29
Garhwa	24	0	4	79	107	11	75
Giridih	68	0	0	672	740	30	30
Godda	7	0	0	49	56	1	0
Gumla	23	1	0	69	93	17	17
Hazaribagh	31	0	10	85	126	7	7
Jamshedpur	24	0	0	66	90	12	12
Jamtara	4	0	0	29	33	12	0
Koderma	44	0	0	47	1	29	7
Latehar	17	11	10	24	62	9	12
Lohardagga	10	0	0	9	19	3	2
Pakur	59	23	0	123	205	27	27
Palamau	27	3	0	69	99	9	8
Ranchi	323	29	10	195	557	9	6
Sahibganj	9	14	0	27	50	4	0
Seraikella	115	0	0	86	201	2	0
Simdega	37	12	0	48	97	16	10
Total	1013	99	55	2042	3209	309	328

**DATA OF LEGAL LITERACY CLUBS/LEGAL AID CLUBS
FUNCTIONING IN THE DIFFERENT DISTRICTS OF
JHARKHAND AS ON 31-12-12**

Sl No.	Name of District	No. of Legal Literacy Clubs/Legal Aid Clubs functioning
1	Bokaro	24
2	Chaibasa	1
3	Chatra	3
4	Deoghar	31
5	Dhanbad	10
6	Dumka	51
7	Garhwa	22
8	Giridih	8
9	Godda	7
10	Gumla	10
11	Hazaribagh	6
12	Jamshedpur	30
13	Jamtara	30
14	Koderma	8
15	Latehar	0
16	Lohardagga	5
17	Pakur	39
18	Palamau	40
19	Ranchi	56
20	Sahibganj	4
21	Seraikella	20
22	Simdega	3
Total		408



छात्राओं को किया जागरूक

राजस्थान विधिक सेवा अधिनियम, 1987 के अन्तर्गत कार्य करने वाले अधिवक्ताओं की एक बैठक में छात्रों को जागरूक किया गया।

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निशक्तों को मिले निशुल्क जानकारी

पिठौरिया में मजदूरी विधिक साधकता दिवस का आयोजन

पिठौरिया : साधारण वाम विधिक सेवा अधिनियम के अन्तर्गत राज्य विद्यालय में मजदूरी विधिक साधकता दिवस का आयोजन किया गया।

दिवस में न्यायिक दूरदर्शन की सहायता से, विद्वान पंडित डॉ. चंद्रन वर्धमान सिंह। मजदूरों ने कहा कि 'कानून में अनुपस्थित व्यक्ति, जमानगी, मोहलस, बंधन, माफीका योग्य, निराश्रित व्यक्ति एवं निराश्रित विधिक सेवा देने का प्रावधान किया है।

कानून ने बताया कि 'कानून में समाज और विधि की भी आवश्यकता है। विधिक सेवा जमानगी, मोहलस, बंधन, माफीका योग्य, निराश्रित व्यक्ति एवं निराश्रित विधिक सेवा देने का प्रावधान किया है।

यही कार्यक्रम उन लोगों में संपन्न होता है जिसके तहत कानून में 7 वर्षों का सेवा



लोक अदालत व सूक्ष्म विधिक जागरूकता शिविर का आयोजन किया गया
दिनांक 23/12/12

लोक अदालत में 42 मामले निपटे

साहिबगंज/समलापुर | प्रतिनिधि



दामसा की ओर से 22 दिवस का कार्यक्रम आयोजित किया गया। लोक अदालत व सूक्ष्म विधिक जागरूकता शिविर का आयोजन किया गया। इस मौके पर दो मजदूरों का निराकरण हुआ।

कार्यक्रम की अध्यक्षता प्रभाविका साहिबगंज के अध्यक्ष ने की। उन्होंने बताया कि जिले में सूक्ष्म विधिक जागरूकता कार्यक्रम 27 फरवरी से तीन महीने तक किया जाएगा। लोक अदालत व सूक्ष्म विधिक जागरूकता कार्यक्रम का आयोजन साहिबगंज के अध्यक्ष ने किया। उन्होंने बताया कि जिले में सूक्ष्म विधिक जागरूकता कार्यक्रम 27 फरवरी से तीन महीने तक किया जाएगा। लोक अदालत व सूक्ष्म विधिक जागरूकता कार्यक्रम का आयोजन साहिबगंज के अध्यक्ष ने किया। उन्होंने बताया कि जिले में सूक्ष्म विधिक जागरूकता कार्यक्रम 27 फरवरी से तीन महीने तक किया जाएगा।

दिनांक 23/12/12

विधिक साक्षरता शिविर आयोजित

साहिबगंज, विंश: जिला विधिक सेवा प्राधिकरण साहिबगंज के तत्वावधान में गुरुवार को पंचगढ़ स्थित लालकोठी के समीप सूक्ष्म विधिक साक्षरता शिविर का आयोजन किया गया। जिसकी अध्यक्षता मुख्य न्यायिक दंडाधिकारी मुकेश कुमार श्रीवास्तव ने की। इस मौके पर श्री श्रीवास्तव ने बताया कि समाज के अंतिम पंक्ति के लोगों को भी अब सरल एवं सुलभ व मुफ्त न्याय दिलाने की व्यवस्था की गई है। प्राधिकरण के सचिव महेंद्र प्रसाद ने भी सुलह समझौता कर न्यायालय में लोक अदालत से लंबित छोटे मुकदमों को निष्पादित करने की सलाह दी। इस अवसर पर महिला विकास समिति की सचिव गीता देवी के अग्रवादा महिला पुरुष उपस्थित थे।

मोजपुरी पंचायत मजद में विचार गोष्ठी का आयोजन, एसीजेएम ने किया संबोधित

घरेलू हिंसा से डरे नहीं, प्रतिकार करें

साहिबगंज | प्रतिनिधि



मजदूरों को प्रतिकार करने के लिए प्रतिकार करने की सलाह दी। इस अवसर पर महिला विकास समिति की सचिव गीता देवी के अग्रवादा महिला पुरुष उपस्थित थे।

मजदूरों को प्रतिकार करने के लिए प्रतिकार करने की सलाह दी। इस अवसर पर महिला विकास समिति की सचिव गीता देवी के अग्रवादा महिला पुरुष उपस्थित थे।

लोक अदालत व माइक्रो विधिक साक्षरता शिविर

दिनांक 23/12/12

कानूनी जानकारी जनोपयोगी

साहिबगंज/समलापुर | प्रतिनिधि



लोक अदालत में 48 मामलों का निष्पादन हुआ। कार्यक्रम का आयोजन साहिबगंज के अध्यक्ष ने किया। उन्होंने बताया कि जिले में सूक्ष्म विधिक जागरूकता कार्यक्रम 27 फरवरी से तीन महीने तक किया जाएगा। लोक अदालत व सूक्ष्म विधिक जागरूकता कार्यक्रम का आयोजन साहिबगंज के अध्यक्ष ने किया। उन्होंने बताया कि जिले में सूक्ष्म विधिक जागरूकता कार्यक्रम 27 फरवरी से तीन महीने तक किया जाएगा।

दिनांक 23/12/12

जागरूकता शिविर

साहिबगंज। झालसा की ओर से गुरुवार को बड़ा पंचगढ़ (समलापुर) लालकोठी में सूक्ष्म विधिक जागरूकता शिविर लगा। महेंद्र प्रसाद व एमके श्रीवास्तव ने जानकारी दी। आयोजन महिला विकास समिति की गीता देवी ने किया था।

18/12/12 - 19/12/12
हिंसा के खिलाफ बच्चों को दी जानकारी
Karkuseta Gaudli Gada H.S.

सहायकेला : कर्तूरबा गांधी बालिका आवासीय विद्यालय में मंगलवार को माइक्रो विधिक साक्षरता का आयोजन कर छात्राओं को शिक्षा के अधिकार और हिंसा के विरुद्ध अधिकार के प्रति जागरूक रहने की सलाह दी गई। जिला विधिक सेवा प्राधिकरण के तत्वाधान में आयोजित किए गए शिविर में प्राधिकरण के सचिव रंजीत कुमार, सदस्य जलेश कवि एवं अधिवक्ता पार्थो सारथी दास ने कानूनी जानकारी दी।

Balikaal H. 20.12.12
मौलिक अधिकारों की मिली जानकारी
Gilaha Karketa

सहायकेला : शारीरिक और मानसिक प्रताड़ना के साथ किया जाने वाला रैपिंग अपराध है। इसके लिए कानून में कठोर दंड का प्रावधान है। सहायकेला स्थित बाल विकास शिक्षा निदेशन में माइक्रो विधिक जागरूकता शिविर का आयोजन कर यह जानकारी दी गई। जिला विधिक सेवा प्राधिकरण के तत्वाधान में स्थित प्रताड़ना प्रतिकार विभाग पर आयोजित किए गए शिविर को संबोधित करते हुए प्राधिकरण के सचिव रंजीत कुमार ने कहा कि कुराह हो चुकी रैपिंग के निरोधन के लिए एंटी रैपिंग सेल का गठन किया गया है। उन्होंने शिक्षा के अधिकार, शोषण के विरुद्ध अधिकार सहित अन्य मौलिक अधिकारों की जानकारी दी। शिविर को न्यायिक दंडाधिकारों व

Place:- Gaudli Gada Uppada H.S. Gaudli
दहेज मागन पर मिल सकती छह माह की सजा
Date: 21.12.12

सहायकेला : नगर पंचायत राजनगर कल्या मध्य विद्यालय में गुरुवार को जिला विधिक सेवा प्राधिकरण के तत्वाधान में माइक्रो विधिक जागरूकता शिविर का आयोजन किया गया। इस मौके पर जिला विधिक सेवा प्राधिकरण के सचिव रंजीत कुमार ने कहा कि दहेज लेना और देना दोनों अपराध है। इसके प्रति सचेत जागरूक हो पाएँ इस बुराई को जड़ से मिटाया जा सके। दहेज प्रतिरोध अधिनियम 1961 के अन्तर्गत विरत जानकारी दी। दहेज मागने पर छह महीने की कैद व 10 हजार रुपये जुर्माना की सजा सुननी पड़ सकती है। बाल विवाह अधिनियम 1929 के अन्तर्गत भी जानकारी दी। इस अवसर पर न्यायिक दंडाधिकार अरविंद सावंत, प्राधिकरण के सदस्य जलेश कवि व अधिवक्ता सावंतसारी दास सहित अन्य थे।

Date: 20.12.12
मौलिक अधिकारों से अवगत हुए बच्चों

सहायकेला : जिला विधिक सेवा प्राधिकरण के तत्वाधान में माइक्रो विधिक जागरूकता का आयोजन स्थानीय बाल विकास विद्यालय में किया गया। जिसकी अध्यक्षता प्राधिकरण के सचिव रंजीत कुमार ने की। इस मौके पर उन्होंने मौलिक अधिकारों के बारे में बच्चों को जानकारी दी। बताया गया कि हमारे संविधान में सभी नागरिकों समानता का अधिकार प्राप्त है। इसमें किसी के साथ भेदभाव पर कानून कार्रवाई का भी प्रावधान है। शिक्षा के अधिकार, शोषण व रैपिंग के विरुद्ध कानूनी पक्ष की जानकारी भी बच्चों को दी गई।

मंडल कारा में विधिक साक्षरता शिविर
Date: 23/12/12 (B.V. Tal. S-Gaulla)

सहायकेला (विशेष) : मंडल कारा के मंडल कारा में विधिक सेवा प्राधिकरण के तत्वाधान में माइक्रो विधिक जागरूकता शिविर का आयोजन किया गया। इस मौके पर जिला विधिक सेवा प्राधिकरण के सचिव रंजीत कुमार ने कहा कि दहेज लेना और देना दोनों अपराध है। इसके प्रति सचेत जागरूक हो पाएँ इस बुराई को जड़ से मिटाया जा सके। दहेज प्रतिरोध अधिनियम 1961 के अन्तर्गत विरत जानकारी दी। दहेज मागने पर छह महीने की कैद व 10 हजार रुपये जुर्माना की सजा सुननी पड़ सकती है। बाल विवाह अधिनियम 1929 के अन्तर्गत भी जानकारी दी। इस अवसर पर न्यायिक दंडाधिकार अरविंद सावंत, प्राधिकरण के सदस्य जलेश कवि व अधिवक्ता सावंतसारी दास सहित अन्य थे।

**DETAILS OF CASES DISPOSED DURING 3RD 5-DAY MEGA LOK ADALAT
Organised From 21.02.2012 to 25.02.2012**

Cases pending in the Civil Court Naturewise as	Bokaro	Chaibasa	Chatra	Deoghar	Dhanbad	Dumka	Garhwa	Giridih	Godda	Gumla	Hazaribagh	Jamshedpur	Jamtara	Koderma	Latehar	Lohardagga	Pakur	Palamau	Ranchi	Seraikella	Sahebganj	Simdega	Khunti	Total
Title Suit	3	-	-	1	1	-	1	3	1	-	6	-	1	2	-	7	-	1	6	1	-	1	-	35
Money Suit	7	-	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-	1	-	1	-	-	-	7
Any other suit	-	2	-	-	-	-	-	1	1	-	3	1	1	2	-	-	-	1	1	-	-	1	-	14
Misc. Case	1	-	-	-	-	55	-	-	-	-	-	-	-	-	-	2	-	-	2	-	-	-	-	60
Title Appeal	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	1
Misc. Appeal	-	-	-	-	3	-	-	-	-	-	2	-	-	-	-	-	-	-	-	-	-	-	-	5
Execution Case	-	-	-	-	15	3	-	-	-	-	54	-	-	-	-	1	-	-	-	1	-	-	-	74
Matrimonial Suit	2	-	-	10	-	-	-	2	2	-	4	3	5	1	2	2	3	2	2	1	4	-	-	43
Maintenance	3	1	-	-	-	2	-	3	6	1	6	4	-	1	2	2	2	-	1	3	2	-	-	37
Criminal Revision	-	-	-	-	-	-	-	-	-	-	-	4	-	-	-	-	-	-	-	-	-	-	-	4
MACT claim	2	2	9	-	8	16	1	1	-	2	6	8	-	2	6	5	-	4	7	2	-	3	-	84
CR Compoundable Case	430	10	297	8	28	66	232	308	124	30	101	517	39	38	10	22	6	5	43	19	42	3	8	2386
Complaint Cases like	18	-	-	-	-	-	7	3	10	-	25	-	6	-	-	-	-	4	-	48	-	-	-	121
NI Act	6	-	-	-	3	1	-	-	-	-	2	60	2	2	-	-	-	-	20	2	1	-	-	99
Sec. 498A	15	-	-	-	-	30	-	1	1	1	3	14	9	4	-	3	-	-	2	5	3	-	-	91
Other Cases	326	1	-	106	535	43	-	-	21	-	42	23	-	-	11	51	215	-	-	-	98	4	-	1476
Forest Cases	446	3	5	6	7	75	25	24	1	3	178	1	5	28	17	13	2	4	54	2	5	-	12	916
Excise Cases	21	1	-	-	6	9	8	3	-	-	9	59	9	58	-	-	-	-	33	13	2	-	-	231
MV Act	6	-	-	-	-	-	-	-	-	-	-	1	9	25	-	1	-	65	3	2	1	84	-	197
Railway Act	-	209	-	139	53	-	-	-	-	-	-	-	-	-	-	-	-	-	35	-	174	-	-	610
Shop Act	-	-	-	-	-	-	-	-	-	-	-	2	-	-	-	-	-	-	-	-	-	-	-	2
WM Act	53	1	-	-	-	-	0	-	-	7	13	57	23	8	-	1	-	-	-	13	13	5	-	194
Electricity	57	32	-	77	57	22	9	55	-	23	38	208	8	2	16	-	2	5	180	50	12	0	4	857
Any other Cases	108	64	-	-	-	129	-	-	-	57	316	8	23	270	-	229	-	-	1884	286	110	109	73	3666
Total	1501	326	311	347	716	451	283	404	168	124	808	970	140	443	49	299	70	303	2321	401	467	210	98	11210

DETAIL OF PRE-LITIGATION CASES DISPOSED DURING 3RD 5-DAY MEGA LOK ADALAT

Districts	No. of Pre Litigation Cases Disposed off
Bokaro	675
Chaibasa	163
Chatra	129
Deoghar	63
Dhanbad	455
Dumka	94
Garhwa	NIL
Giridih	NIL
Godda	NIL
Gumla	35
Hazaribagh	281
Jamshedpur	116
Jamtara	10
Koderma	113
Latehar	NIL
Lohardagga	230
Pakur	31
Palamau	7
Ranchi	268
Sahebganj	27
Seraikella	89
Simdega	2
Khunti	1
TOTAL	2789

DETAILS OF OTHER CASES DISPOSED DURING 3RD 5-DAY MEGA LOK ADALAT

Total	1202	30	361	584	2177
Khunti	-	-	6	12	18
Simdega	49	-	-	-	49
Seraikella	28	6	10	-	44
Sahebganj	26	-	88	-	114
Ranchi	288	-	45	-	333
Palamau	160	-	-	-	160
Pakur	23	-	85	26	134
Lohardagga	23	-	23	224	270
Latehar	-	-	12	52	64
Koderma	-	-	-	-	0
Jamtara	56	-	19	19	94
Jamshedpur	66	21	7	1	95
Hazaribagh	0	2	2	51	55
Gumla	42	-	13	178	233
Godda	95	-	-	21	116
Giridih	102	1	14	-	117
Garhwa	107	-	1	-	108
Dumka	-	-	35	-	35
Dhanbad	-	-	-	-	0
Deoghar	-	-	1	-	1
Chatra	39	-	-	-	39
Chaibasa	23	-	-	-	23
Bokaro	75	-	-	-	75
Cases otherwise than pending in the Civil Court Naturewise as	Cases of Executive Courts				
	Labour				
	Certificate Case				
	Any other Case				
Total	1202	30	361	584	2177

**DETAILS OF CASES DISPOSED DURING 4TH 5-DAY MEGA LOK ADALAT
Organised From 12.12.2012 to 16.12.2012**

Cases pending in the Civil Court Naturewise as	Bokaro	Chaibasa	Chatra	Deoghar	Dhanbad	Dumka	Garhwa	Giridih	Godda	Gumla	Hazaribagh	Jamshedpur	Jamtara	Koderma	Latehar	Lohardagga	Pakur	Palamau	Ranchi	Seraikella	Sahebganj	Simdega	Khunti	Total	
Title Suit	6		1	2		1		3	1		8	4		4		3		2	1	1	1	2	1	1	40
Money Suit	2															1									3
Any other suit								3			1	2	1	1		1			1						10
Misc. Case					2							2													4
Title Appeal				1						2			1												5
Misc. Appeal											1														1
Execution Case	2	4			1			4	2		25	14	2	4											58
Matrimonial Suit	1		1		12			2	3			5	1	3		1			3		4				36
Maintenance	1				2			12	2		3	5	7	1		1	4	1	3		6				48
Criminal Revision											2	3													5
MACT claim		1	4	3	14	2		6		5	2	14		2	4	6		2	5	5					77
GR Compoundable Case	255	18	17	23	246	125	23	178	80	8	91	403	37	27	25	63	1	32	116	89	50	3	7		1917
Complaint Cases like:	18						6	15	4		10	19	16				1				34	1			124
NI Act	5	2			8	1		2			8	113	1	3	1	2			46						192
Sec. 498A	5					1			11			7	18			1			1	1	4				49
Other Cases	55	1	3	196	5	73	88				9	11	122			8	28	5	112		42				758
Forest Cases	12	1	22	31	25	3	40	7		7	80	86	2	41	10	2	2	7	26	7	5	6	102		524
Excise Cases	24	4		5	12	17	8	27	2		6	48	8	4			1		24	35	11				236
MV Act	2	1					1					2	1	58	1		1		4		217	68	5		361
Railway Act		288		75	145													64	126						698
Shop Act	1																								1
WM Act	4			9							3	75	12										1		104
Electricity	13	30	1	58	71	17		22	32	6	36	71	11	9	4	14	14		140	14	7		4		574
Any other Cases	118	84	63			27	163		1	21	269	35	17	349	1	13			861		65	9			2096
Total	524	434	112	403	543	267	329	281	138	49	554	919	257	506	46	117	52	113	1469	152	447	89	120	7921	

DETAIL OF PRE-LITIGATION CASES DISPOSED DURING 4TH 5-DAY MEGA LOK ADALAT

Districts	No. of Pre Litigation Cases Disposed off
Bokaro	232
Chaibasa	73
Chatra	17
Deoghar	88
Dhanbad	173
Dumka	-
Garhwa	145
Giridih	-
Godda	-
Gumla	63
Hazaribagh	128
Jamshedpur	61
Jamtara	76
Koderma	72
Latehar	-
Lohardagga	32
Pakur	31
Palamau	-
Ranchi	342
Sahebganj	56
Seraikella	129
Simdega	14
Khunti	-
TOTAL	1732

DETAILS OF OTHER CASES DISPOSED DURING 4TH 5-DAY MEGA LOK ADALAT

Total	1284	13	149	1496	2942
Khunti	-	-	2	82	84
Simdega	331	-	-	2	333
Seraikella	-	-	31	3	34
Sahebganj	83	12	-	-	95
Ranchi	-	-	-	770	770
Palamau	25	-	-	-	25
Pakur	17	-	41	35	93
Lohardagga	13	-	2	142	157
Latehar	47	-	-	45	92
Koderma	180	-	-	-	180
Jamtara	38	-	15	-	53
Jamshedpur	150	-	4	-	154
Hazaribagh	10	-	1	183	194
Gumla	46	-	-	190	236
Godda	57	-	2	21	80
Giridih	36	1	-	-	37
Garhwa	-	-	1	-	1
Dumka	66	-	18	23	107
Dhanbad	-	-	-	-	0
Deoghar	9	-	17	-	26
Chatra	65	-	4	-	69
Chaibasa	47	-	5	-	52
Bokaro	64	-	6	-	70
Cases otherwise than pending in the Civil Court Naturewise as	Cases of Executive Courts				
	Labour				
	Certificate Case				
	Any other Case				
Total					

SUMMARY OF CASES DISPOSED AND AMOUNT SETTLED/REALIZED DURING 3RD AND 4TH 5-DAY MEGA LOK ADALAT

Mega Lok Adalat	Date of MLA	Cases pending in the Civil Court	Cases otherwise than pending in the Civil Court	Prelitig -ation Cases	Total No. of Cases Settled	Total Amount Settled	Total Amount Realized
Third 5-Day Mega Lok Adalat	21st Feb. - 25th Feb. 2012	11,210	2,177	2,789	16,176	67,202,661.55	67,200,182.55
Fourth 5-Day Mega Lok Adalat	12th Dec. - 16th Dec. 2012	7,921	2,942	1,732	12,595	55,532,619.00	56,103,889.00
	Total	9,131	5,119	4,521	28,771	1,22,735,280.55	12,33,04,071.55

STATISTICAL DATA OF MOBILE LOK ADALAT CUM LEGAL AWARENESS VAN IN THE STATE OF JHARKHAND DURING THE YEAR 2012.

Mobile Lok Adalat

District	Month	No. of Lok Adalats	Application Received	Disposed
Lohardaga	Jan	12	-	-
Ranchi	Feb	14	-	-
Bokaro	March	18	81	-
Giridih	April	18	5073	3112
Pakur	May	29	15438	3349
Godda	June	22	62	62
Sahibganj	July	18	0	0
Deoghar	Aug	5	0	0
Jamtara	Sep	15	338	338
Simdega	Oct	11	1437	1433
Gumla	Nov	14	404	404
Palamau	Dec	18	443	443
Total		194	23276	9141

Mobile Legal Awareness Camps

District	Month	No. of Awareness Camps	Persons Benefited
Lohardaga	Jan	12	-
Ranchi	Feb	14	-
Bokaro	March	18	-
Giridih	April	18	6643
Pakur	May	29	25874
Godda	June	22	2000
Sahibganj	July	18	1714
Deoghar	Aug	21	2190
Jamtara	Sep	15	1700
Simdega	Oct	11	10000
Gumla	Nov	14	1200
Palamau	Dec	18	1540
Total		210	52861

DETAILS OF JUVENILE JUSTICE BOARD RELATED INSTITUTION

S.N.	Name of the District	JJB	CWC	Observation Home	Special Home	Children Home	SJPU	CWO
1	Bokaro	YES	YES	YES			YES	34
2	Chaibasa	YES	YES	YES			YES	27
3	Chatra	YES	YES				YES	13
4	Deoghar	YES	YES	YES			YES	13
5	Dhanbad	YES	YES	YES	YES		YES	53+15=68
6	Dumka	YES	YES	YES			YES	17
7	Garhwa	YES	YES				YES	14
8	Giridih	YES	YES				YES	20
9	Godda	YES	YES				YES	14
10	Gumla	YES	YES	YES			YES	13
11	Hazaribagh	YES	YES	YES			YES	18
12	Jamshedpur	YES	YES	YES		YES	YES	34+8=42
13	Jamtara	YES	YES				YES	9
14	Khunti	YES	YES				YES	7
15	Koderma	YES	YES				YES	8
16	Latehar						YES	9
17	Lohardaga	YES	YES				YES	7
18	Pakur	YES	YES				YES	8
19	Palamau	YES	YES				YES	23
20	Ranchi	YES	YES	YES			YES	44
21	Sahebganj	YES	YES				YES	12
22	Seraikella	YES	YES				YES	13
23	Simdega	YES	YES	YES			YES	10
24	Ramgarh		YES				YES	12
	Total	22	23	10	1	2	24	455

**DETAILS OF CASES DISPOSED OF IN 5-DAY
MEGA LOK ADALATS OUT OF TFC FUND**

PENDING IN CIVIL COURTS (NATURE WISE)

Sl.No.	Nature of Cases	1st Mega Lok Adalat	2nd Mega Lok Adalat	3rd Mega Lok Adalat	4th Mega Lok Adalat	5th Mega Lok Adalat	Total
		From 23.08.11 to 27.08.11	From 18.10.11 to 22.10.11	From 21.02.12 to 25.02.12	From 12.12.12 to 16.12.12	From 27.02.13 to 03.03.13	
1	Civil Cases	191	64	196	121	124	696
2	Matrimonial	97	75	80	84	48	384
3	MACT	141	49	84	77	119	470
4	NI Act	330	97	99	192	141	859
5	Criminal Cases	10347	7630	10751	7447	7059	43234
	TOTAL	11106	7915	11210	7921	7491	45643

REVENUE & EXECUTIVE CASES

1st Mega Lok Adalat	2nd Mega Lok Adalat	3rd Mega Lok Adalat	4th Mega Lok Adalat	5th Mega Lok Adalat	TOTAL
From 23.08.11 to 27.08.11	From 18.10.11 to 22.10.11	From 21.02.12 to 25.02.12	From 12.12.12 to 16.12.12	From 27.02.13 to 03.03.13	
7107	3759	2177	2942	4899	20884

PRE-LITIGATION CASES

1st Mega Lok Adalat	2nd Mega Lok Adalat	3rd Mega Lok Adalat	4th Mega Lok Adalat	5th Mega Lok Adalat	TOTAL
From 23.08.11 to 27.08.11	From 18.10.11 to 22.10.11	From 21.02.12 to 25.02.12	From 12.12.12 to 16.12.12	From 27.02.13 to 03.03.13	
1921	2551	2789	1732	2750	11743

Tentative dates of Calendar for Lok Adalats and Legal Awareness Camps from January- 2013 to December- 2013 for all the District Legal Services Authorities, SDLSC and Labour Courts of Jharkhand State

Tentative Dates of Lok Adalats	Tentative Dates of Legal Awareness Camps
24.1.13 Thursday	26.1.13 Saturday Republic Day
26.1.13 Saturday	17.2.13 Sunday
	13.4.13 Saturday Sarhul
17.3.13 Sunday	19.5.13 Sunday
	12.6.13 Wednesday World Day against Child Labour
30.3.13 Saturday	16.6.13 Sunday
27.4.13 Saturday	21.7.13 Sunday
24.5.13 Friday	15.8.13 Thursday Independence day
16.6.13 Sunday	22.9.13 Sunday
29.6.13 Saturday	10.10.13 Thursday World Mental Health Day
15.8.13 Thursday	9.11.13 Saturday National Legal Literacy Day
31.8.13 Saturday	14.11.13 Thursday Children Day
28.9.13 Saturday	15.11.13 Friday Bhagwan Birsa Jayanti
2.10.13 Wednesday	26.11.13 Tuesday Law Day
	1.12.13 Sunday World AIDS Day
26.10.13 Saturday	3.12.13 Tuesday World Disability Day
21.12.13 Saturday	10.12.13 Tuesday Human Rights Day

Schedule of Mega Lok Adalats to be organized by DLSAs:

27th Feb to 3rd March 2013
24th July to 28th July 2013
27th Nov to 1st Dec 2013

Notes

- On the occasion of Women's Day on 8th March, Legal Literacy Camps on Women Problems may be organised during 8th to 14th March.
- 1st May- On the occasion of Labour's Day a Lok Adalat has to be organised by all Labour Courts in the State of Jharkhand.
- 10.7.13: The DLSAs of the Judgeship observing holiday for Rath Yatra shall organize Legal Awareness Camps in the Rath Yatra Mela.
- 15.9.13: The DLSAs of the Judgeships observing holiday for Karma Puja shall organize the Legal Awareness Camp in the Mela.
- 14th November, Children's Day to be observed by organizing Legal Literacy Camps related to Juvenile problems.
- The Chairman, DLSA, Dumka has to organize Legal Awareness Camp in "Hizla Mela".
- The Chairman, DLSA, Deoghar and Dumka have to organize Legal Awareness Camps on the occasion of Shrawani Mela at Deoghar and Basukinath respectively.
- Legal Awareness Camp may be organised preferably on/at all important occasions and festivals like fairs, mela, haat, bazaars, rehabilitation centers, Observation Home, Probation Home etc or at other places of public importance.
- Identification and training of Para Legal Volunteers.
- 10. Calendar for the monthwise Legal Literacy Classes and Camps:-**
Jan : Government beneficial Schemes e.g MNREGA, Children Laws, Juvenile Justice, Benefits of ADR
Feb : Maintenance and welfare of parents and senior citizens, Anti smoking, Anti ragging, Plea Bargaining, Victim Compensation.
Mar : Protection of Rights of Women and Children, Trafficking of women and children, Female feticide, Dowry harassment/Witch Crafting.
Apr : Child marriage, women empowerment /gender justice and equality, SC ST Laws
May : Right employment, Motor accident cases Labour laws, Rights of unorganized laborers Minimum Wages Act, Workmen compensation Act
June : Right to Education, Basic Laws and Constitutional empowerment, Right to information Act
July : Cyber crimes, Cyber laws, Children Laws
Aug : Execution of sureties, warrants Non bailable warrants, right to competent counsel for trial, right and duties Bail provision, Prohibition Act, Probation of Offenders Act
Sep : Mediation, Family dispute counseling, importance of institution of marriage, Marriage laws fundamental duties and other socio-legal issues etc.
Oct : Psycho social issues like Mental Health Act, Wards and Guardianship Act Property rights,
Nov : Accident cases, Traffic rules and grievances.
Dec : HIV/AIDS General laws, Disability Laws, Human Rights
DLSA shall involve the students, law students in the camps/classes/activity programmes in coordination with the Head of their institution.
- DLSA shall organize on last Sunday a Lawyers Orientation Programme for Panel Lawyers.
- Legal Literacy Classes shall be organized by a DLSA in consultation with the Institutional Head in school, colleges, women's colleges, law colleges, universities on the 2nd Saturday or on an intervening holiday.
- It shall be highly appreciated if the active participation of print and electronic media people is ensured in all the above said legal services activities in order to give a wide coverage and message to the people at large and to ensure distribution of pamphlets, Brochures, handbills on the topics above, to the masses.

Member Secretary
JHAIASA



"NYAYA SADAN"

Jharkhand State Legal Services Authority

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