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VERBATIM REPORT

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Table of Contents

Session No: 1: Schemes and objectives of SLSA in different States.....	1
Resource Person: Alok Agrawal, in/charge Member Secretary, NALSA, Delhi	1
Session No: 2: Problems faced by SLSA in achieving goals & objectives set out in various schemes	23
Resource Persons: Alok Agrawal, U. Sarathchandran, & Justice R. C. Chavan	23
Session No: 3: Compensation to the victims: The role of SLSA	45
Resource person: Justice Ravi R. Tripathi	45
Session No: 4: Selection and training of para-legal volunteers	59
Resource person: Prof. Dr. M. R. K. Prasad., Mr. U. Sarathchandran	59
Session No 5: The role of NGOs	77
Prof. Jane Schukoske.....	77
Session No: 6: Legal literacy camps and the coordination of Law Colleges	97
Resource Person: - Prof. Dr. M. R. K. Prasad.....	97
Session No 7: Engagement of full-time trained Advocates by the SLSA.....	123
Resource Person: Justice R. C. Chavan.....	123
Session No 8: Lok Adalats organisational issues.....	143
Resource Person: Justice Ravi R. Tripathi	143
Session No: 9: Budget Management.....	159
Resource person: Yashwantkumar	159
Session No: 10: Organisational Skills	179
Resource Person: Prof. Parul Rishi.....	179

Session No: 1: Schemes and objectives of SLSA in different States
Resource Person: Alok Agrawal, in/charge Member Secretary, NALSA, Delhi

Prof. Dr. Geeta Oberoi: - Very Good morning to all of you. so welcome back to your own Judicial Academy now a first of all about this...before we actually go towards a technical session and find out things I would like to have introduction self-introduction from all of us we can begin with sir I just want you to tell, while sitting only not to get up from your sit tell us your name which jurisdiction you are from and what designation you hold and if possible then because this is also this schemes if your State Legal Service Authority and if you are implementing some schemes then we would like to know one or two things about those schemes only. No problems nothing to be identified but what schemes you are implementing just that

I am, Ashok Mishra District Judge now on OD Member Secretary Karnataka State Legal Service Authority for the past two and half year that since nineteen.....2013 I am discharging duties as Member Secretary. Last year we had a project of the year irradiation of the malnutrition of the children and bringing back children to the school. this we have a project of the year save water considering the drought situation in the State we have taken up the project save water every drop of it and we have been interactive with all Government Department to educate create legal literacy among the people. I mean prevention of pollution of water and judicious use of water by the farmers and to prevent farmer's suicide in the State. We have been creating some welfare measures in fact with the Government agencies see that the farmers do not resort to an act of committing suicide in the State. this year we have taken basically a save water project Madam because in State of Karnataka 22 Districts there is a drought situation this year it has not rained well and we have taken this project specially for farmers which constitutes large chunk in the State and because of a lack of rain and that problems, they are not being able to repay the loans sometimes timely and this all, the several problems which has pushing the farmers for committing suicide. more than 700 suicidal deaths have taken placed in the State and that reason we are interacting with all government Departments to take up....even we had filed a Public Interest Litigation before the Hon'ble High Court recently Lordship has passed direction to the concerned Departments to take up all these welfare measures at the war footing to see that that ...all government schemes are properly implemented for the welfare of the farmers

My Lord I am Mridualkumar Saikia Member Secretary Assam State Legal Service Authority...

Good morning everyone I am Dharmes Sharma I am Member Secretary Delhi Legal Service Authority I am there in this Authority for the last more than a one and half years. There are various schemes which we are running we have adopted all the jails there are ten jails in Delhi and observations homes two observation homes and one observation homes for girls and besides child care homes. So we have adopted all these where we have our Legal Services clinics and we have our panel Lawyers who visit there every day from 2 to 4 2 to 7 sorry and...and...and I mean we keep a kind of rotation panel and rotation wise we you know we send Lawyers giving each one a chance to go and interact with inmates and provide legal services another thing that we have done is that there is a prison management software we have accessed from each court complex we have six courts complex in Delhi and the cases which pertain to thewhere the accused persons are in Judicial custody. there the entire orders and the charge-sheet are uploaded on the server, we have our own server and from there it is accessible in the jail by way of a E-Kiosk that is one thing that we have done yes we have, we have worked along with NIC but there are various projects of course we will, as we go from session to session that could unfold but more important now a days the Delhi Government has you know accepted our scheme which Witness Protection scheme which is a very landmark scheme for the first time coming up in India and there are various issues which are cropping up in regard to witness protection like we have a past orders of relocation of witness say there is a case of a gang-rape victim so from her home she was shifted to working women's hostel giving private number providing PSO and normally we associate PSO somebody who is travelling you know along with a VIP in a car but supposing some common person...some common person is there who is travelling in a bus or a metro so how to provide PSO so now I am working with the Delhi Police to jot down some SOPs also how to protect common people, because most of the things are in the name of VIP, you know VIP security so witness protection is one arena which is very, very challenging we are working on that thank you sir.

Good Morning everyone I am Sanjeev Jain Additional District and Session Judge presently posted as special Secretary in the Delhi Legal Service Authority. I recently joined in October our Member Secretary Mr. Dharmesh Sharma has explained almost all the important Schemes barring few we have taken up of a street children recently as a project in two Districts and it is picking up in last six months the whole arrangement is that near the intersections we have created some arrangements

like tent and temporary arrangements with television sets and foods and extra and first aid arrangements and whenever the street children and the children cross borders are coming to these streets then we are helping them in the process we are gaining confidence and in this process we have located few children and they have been handed over to their parents who does not belong to Delhi and were from the outside Delhi Legal Service Authority has prepared a some of the SOPs one of them is a one stock shop arrangement which is pertaining to basically to victims of sex offences the whole idea is that in three tire system may be created where these victims may get all the facilities from all the concerned stake holders at one point primarily these are created in Hospital. There are many other schemes our emphasis is also on the trainings of PLVs Advocates and now a to...not only to the legal services advocates but to the Advocates of the Bar also thank you, thank you...thank you very much

Good morning....yes our purpose is that when first time Police authorities or the stake holders interact with them most of the time truth does not come by this project generally when you gain confidence of the children when they visit you get the truth where they belong, who has brought them in Delhi where are their parents otherwise in most of the cases it becomes difficult.

May I just add, you see the first time idea is to have a census also give a friendly environment to the children also inquire...many time what happen these are children who are probably missing children or who have been abducted or put into trafficking so that is another angle to it but we are not separating the children from their parents the idea is that they should be driven towards basic education also the Right to education should also brought in to play at least they should know how to read and write basic alphabets and other things there is a whole set of objectives which are behind it.

Good morning I am Abhihit Som Judicial Officer from West Bengal now I am posted as member secretary State Legal Authority West Bengal actually we try our best to implement all schemes which NALSA provided now NALSA has introduced seven new schemes like child friendly Legal Services to the Children etc...so we are concentrating on those seven schemes and from our own perspective we got popularity in the scheme of empowerment of girl students actually legal literacy to see to school children is our motto and our DLSA Secretaries along with Judicial Officers, Panel Advocates go to schools and they show legal literacy film on child marriage prohibition and legal

literacy and in other ways we etc...in different ways to interact with the students so this is the project we are, this is our main project, legal literacy to girl students empowerment of girl students in several schools and it is report that child marriage prohibition in West Bengal, child marriage rate in West Bengal has gone down. I don't know whether it is a benefit of this Legal literacy campaign or not than you.

Good morning I am Mr. B. Palit Judicial Officer and presently posted as Member Secretary of Tripura State Legal Services Authority. In our State we are having two District Services Legal Authorities and we are subjected to our Legal Services Committees and apart from that there is a State Legal Service Authority. in our state practically we are trying to implement all the schemes of the NALSA time to time so we are...this year also NALSA has launched some new schemes and we have started a arranging the sensitization programmes so that the PLVs panel lawyers and others stake holders who are attaché to the system who should be sensitised first so that these schemes can be implemented properly apart from that a... specifically in our state we have atwo projects and one is for senior citizens and one is for the children those old parents those who are deprived in the family and fortunately specifically street children and children who are abused in sexual matters we are also trying to give protection through the awareness camps and providing Legal Aid from time to time so different Legal Service Authorities and we are also bring so many Legal Panthers for the special awareness of the people of the States specifically in the remotest tribal areas because for tribal people they are this year NALSA has launched a new scheme will try to implement all those schemes properly so that the tribal peoples where the Legal service activity could not be reached up to that level so we are trying to expand our Legal Services activities awareness programme, campaigns everything to the vulnerised sections particularly the tribal people who are residing in the far remotest areas so that they can get the legal benefits this much. Thank you. I am from Tripura.

Good morning I am Swapna Joshi Member Secretary Maharashtra Legal Services Authority I am also working as a secretary for the High Court Legal Services Authority so also I am working as a coordinator for a Mediation...Mediation monitoring Committee in Maharashtra and basically we are following all the schemes which are to be implemented and directed by the NALSA. last year our scheme was a programme to combat exploitation of children and this year we had taken the scheme that is a project for tackling the problems of farmers and preventing the farmers from

committing suicides as we know that the objective of this programme is to provide legal aid services to the farmers who are adversely affected by bankruptcy resulting from natural disasters such as drought, heavy rain, floods etc...and that leads to the commission of suicides by the farmers the major reason as we know for the farmers suicides is the crop failure the exorbitant rate of interest of loans abet, irregularity in the weather that is the main reason, threats and harassment from private money lenders so these are some of the reasons as we know we are conducting various programmes the....we provide services to train para legal volunteers to execute these schemes and some programmes for...to spread awareness regarding issues relating to the farmers problems and its solutions in all the villages. We assist the villagers for getting relief as per the packages declared by the government. we provide legal aid to stop harassment to the farmers by the private money lenders, necessary programmes we also organise for farmers collectors, insurance companies, state government, central government, judiciary, media, schools as well as the colleges and the strategies adopted for the awareness programmes are street plays, documentaries, posters, banners, media talk shows print media T.V and all that address to the stakeholders, farmers and the family, psychiatrists, doctors, nurses, staff of the collector office also, staff from the tehsil office insurance companies, judicial officers, community at large and all the NGOs of course we take assistance from the NGOs for that. Thank you.

Namaskar main Rajasthan vidhik Pradhikaran ko represent kar rahi hu. Dr. Chetana aur presently legal secretary High Court Legal Services Committee chairman ka kaam dekh rahi hu. hamare yaha Mgeha Vidhik Chetana avam Lok kalyankari Yojana naam se ek nava yojana prarambh ki gai hai jiska uddeshya hai ki jo garib vyakti jiske liye sarkar ne poverty alleviation ke liye schemes chaalyi hai unka ka labh unak pahunche to hum DLSA me har DLSA me isko har teen mahine se organise karte hain government officials ke saath aur jo hamare PLVs hain, panel lawyers hain wo unko help karte hain is schemes ke forms fill karne main aur unka benefit prapat karne main. Is ke alava humne saare vidhik seva kendro ka punargathan kiya hain. Har taluka level par humne vidhik seva kendra chalu kiya hain aur jaaha par ek ek PLV niyukt kiya hain jo dus se paach vahha rahta hain aur logonko legal awareness karta hai, unko beneficial schemes ki jaankari deta hain aur unka laabh pane me unkin madat karta hain. iske alava jo NALSA ke schemes wo to hum kar hi rahe hain. Thank you very much.

Good morning to all of you sir, myself is Navneet Kumar I am Member Secretary....

Good morning everyone I am R. K. Memcha the Member Secretary Manipur State Legal Services Authority. I am very fortunate indeed to be here, because I just joined this office on second November 2015. for Manipur we have twenty five legal aid clinics in Manipur we have two jails exclusively for male and other for female we just opened a legal aid clinic in jail and we are sending PLVs during the office hours and I am also working as mediation coordinator and now it is because of the awareness campaigns like legal awareness camps in schools, colleges and remote hill areas people came to know about this legal aid so people started coming for legal aid now. we just had a festival in Manipur biggest festival from 20th November to 30th November we just opened a stall there we kept resource person there from 10 a.m. to 8 p.m. and there were quiz programme also so there was a hit success for a Manipur Legal Service Authority. people came to know about the various provisions of law and people started coming for legal aid, and the State of Manipur is a appointed three members, non-official members of Legal Services Authority so we are planning to convey a meeting on 13th January to implement the newly launched NALSA Schemes and we are doing this mass legal awareness programme in school, colleges, universities and hill areas and other schemes also. Thank you.

Good morning I am member secretary Arunachal Pradesh Legal Service Authority. so in Arunachal Pradesh of course a apart from carrying out all the schemes as directed by the NALSA like organising legal literacy classes in the schools and colleges and for the women's and for the all people and even we have organised a legal awareness camp for the Gaonguras, we have the Gaonguras who as a authority in a village we thought that they are not acquitted with the present law so earlier it was justice delivery system by the Gaonguras so now also we have also imparted legal training to the Gaonguras also and then we have also Gaonguras, they are the village authorities in... as per the local law they have been empowered to deal with the civil case, and the petty criminal cases also, so they used to settle the cases in the village so we thought we needmake them aware about a presence of the legal approach and new law also, so we organised for them and we contemplate, contemplating to impart training to these Gaonguras, because in almost all the Districts this Gaonguras system are there still. and we are also implementing victim compensation scheme Arunachal Pradesh 2011 and opened a legal aid clinic in the jail and in the college also, in law college also, in the jail we are providing aid to the jail inmates and also of course organised...because in Arunachal Pradesh earlier there were deputy commissioner were

there actually the Magistrate were...Magistrates were given the power of the District Judge and as well as also the Legal Service Authority also. Now we have vested...constituted this judicial officers as the member secretary and chairman of legal services authority. Thank you.

A very good morning to you all I am Mrs Nino Iralu Member Secretary from the State of Nagaland, because of the shortage of offices like my other colleagues I also hold the dual charge of being special Judge in the State vigilance commission and also the tribunal for Disciplinary proceeding of the State of Nagaland so umm...everywhere and I like to learn...we are...the State of Nagaland so well stepped in our customary laws and practices so this concept of free legal aid is a totally a new concept for the State of Nagaland like my neighbouring state so our main thrust is on creating awareness to the unreached and the methods that we adopts are slides shows on the various system like juvenile system, the mediation system, the Lok Adalat system and various such activities we also have, street plays by the Law colleges and publications of books in English and local dialect the official language of the State is English so we sort of a published in a book a small...in sort of booklets and pamphlets and which is freely distributed to the people that we do or else primarily the function of the legal services authority which is set up we have a District legal authority in all the eleven districts so I primarily deal functions are those common action plane a set of by NALSA we are actively trying to follow those directives and those common action plane and our State in 2013 we could also under a...active initiative of leadership of the legal services authority we could also bring out Nagaland victim compensation Act 2013 wherein our District legal Authorities could availed facilities then then the State has hornbill festival starting from 1st December to the 10th of December every year which a nationally and internationally very famous so our executive chairman Justice Chaudhary it is his brain child, it started 10 days legal awareness has start from last year and we are very successful in this because in this we could adopt all those methods of creating awareness besides that the participation of the Lawyers and the Judges in this activity is very encouraging and that how we feel that the legal authority could also spread awareness both to the residents as well as to the others who come from nearby and all that's are activities we are doing...thank you

Good morning this is Yashwant Singh Chogal Member Secretary H. P. State Legal service Authority beside implementing all the schemes of NALSA mainly we are teaching lessons in law to the 9th and 11th class students in all the schools in the State of H. P. we have published two

books bilingual lessons in law and we distributes these books to the school students. pardon I have not brought because, but I will send it to the...later on to this NJA besides this we have also started teaching fundamental duties to the students and for this purpose we have trained about twelve thousand teachers in the school and they regularly teach these fundamental duties in the school. Thirdly we have adopted a forest protection Act as an environmental issues as a project and in this project we sensitize the school children about this deforestation issues especially garbage plastic disposal issues. and we take them some students said at the time of plantation and make them...sensitize them our Judicial officers also accompany sometime and sometime the forest officials and forest education teachers from the forest education department they tell the teachers about the garbage and plastic disposal because this is a big challenge in the State of H. P. and we have also started this awareness programme on radio on Kanoon ki Baat which is telecast, which is telecast every Monday at 8: 30 a.m. and our Judicial officers, senior Judicial Officers they go and tell about the various schemes about the various schemes of NALSA and other law relating topics which are useful for the common man these are basically our main projects. Thank you very much.

Good morning to all of you I am Lalchand member secretary U.T. Legal Service Authority, Chandigarh. Chandigarh is a very small city and it is called city beautiful it is basically a education hub attracting students from all the surrounding States Punjab and Haryana Chandigarh Himachal although it is a high income group city but on the surrounding and outskirts there are so many migrant labour and slums actually 18 villages surrounding the city has turned in to slum virtually and the underprivileged people living there are actually not in the actual planning of the Administrators or the persons who are managing the state of affairs and here our authority which is implementing all the NALSA schemes like Jails, PLV training, Mediation Centre and all that has identified certain villages certain areas for wanted implementation of these schemes we have opened about twelve legal aid clinics in theses slum areas which are manned by our para legal volunteers and panel lawyers and another major our effort endeavour was to identify the children who dropped out from the schools and who need care and protection because of their underprivileged condition we started a project there called Sarkshar Balika and Saksham Maa, with an NGO hamari Kaksha, this NGO helps us in educating all the slum children who are either never been to the school or are the dropped out children and we on our part our para-legal

volunteers and panel lawyers gather these....mothers of these children and these mothers are taught some basic literacy skills and also taught as to how send their children to the schools and to do their daily course and spare time for their children actually the male people men in these areas although working but they are also infested with alcoholism and drugs and particularly in this area we have started this project that was a vegetable market and these children used to pick some vegetables from the trucks and sell them in the market and these...the proceed were shared by their parents and their father used to purchase liquor and these children are also used to enjoy on those proceeds and it was actually spoiling these entire area and the juvenile offences were on a rise when we found from the FIR and the inquiry of these police stations we found that this area was mostly prone to it, therefore, we chosen this area and are... we kept our project for two years and now it appears that we have been able to mainstream about four hundred children in these two years they were put in to cultural activities, they were given a chance to perform on the stages, songs, dances, plays etc...Songs and now many of them have joined regular classes in the schools and the mothers were also given some lesson in their vocational trades etc...and some of the NGOs has also provided sewing machines etc...and now they are working on this. now after this we extended this project to another area it is called gangwala it is also a similar colony and we have also started another project in a another area which is Indira colony which is also a big slum having five hundred zhuggis and social justice NGO has collaborated with us and similar project almost all on similar lines and in fact in that area the maximum children were in drugs and we have identified those children and about ten or twelve has been sent to rehabilitation centres for drug addiction but his project is quite on initial stage besides that we have, as I already mentioned that Chandigarh is a education hub and we have lakhs of students there we recently held a workshop on, workshop come training session of two days for school and college teachers and we identified and choose the programme officer of the NSS because they were having direct interaction with the most of the students and we have trained teachers of sixty four schools and colleges who in turn will visit to the other schools and colleges and to the schools and colleges of each other to trained the students as well as the teachers for preventing them from drug abuse these are our main programmes, thank you very much.

Morning everyone I am Tejinder Bir, Member Secretary Punjab Legal Services Authority apart from implementing all these schemes at various stages as communicated to us by NALSA recently

we have achieved success in one aspect that is for the benefit of the workers of the unorganized sector with the help of NGO we got a public interest litigation filed in the honourable Punjab and Haryana High Court and the directions have been given by the High Court to all the labour department to register all the workers who are working in the unorganised sector the one appreciable direction that have been given is that any input which the labour department has to give any affidavit they have to file before the Court that would be verified by the Secretary District Legal Service Authority so we will verify the ground on whether that thing have been done if they are just making a wrong statement. we have managed to register more than a lakh unorganised workers during this campaign and they will be off-course entitled to all the benefits of the they are entitled to and we have crores of rupees which is taken as cess for the construction project and that would be utilized for the benefits of the workers of the unorganised sector apart from that apart from that due to irregular whether in Punjab we had a major crop loss during the last season so with the intervention of our Executive Chairman the Chief Secretary was kind enough to disburse about thirty crores of rupees as compensation to the crop victims apart from that we are also taking up matter of drug eradication we...in every district almost once a week we hold a nkkud natak in remote villages which are infested by drugs problems and that also is a major success is well visited. now the next project we are undertaking is that we will facilitate the family partitions of the cultivable land because it was seen that so many disputes and the criminal disputes and the civil disputes erupting due this and we have a created a blueprint of along with the executive and to undertake this on monthly basis we will having special Lok Adalats for the family partition matters and would try to dispose them off as much as possible, thank you.

Good morning my lord and other dignitaries on the dais My Lord I am Mridulkumar saikia member secretary Assam State Legal Services Authority My Lord our State three points, that is three, that is Legal Aid, Legal Service, and Lok Adalat we are implementing in Assam My Lord regarding the Legal Awareness, presently the top priority in our State My Lord is on trafficking, because trafficking is very big problem in Assam and other is witch hunting and again one top most priority that we are now going to give is that My Lord this getting the ADR mechanism, third pending cases My Lord. My Lord we are getting the witch haunting My Lord even in Assam there is a problem of witch haunting therefore what we are doing right now is that My Lord we are giving training to the gaonguras so that they can prevent by themselves the cases any witch haunting. My

Lord regarding the trafficking problem both children and women taken out from Assam to other states so looking at these problems also we taking the help of the Para-legal volunteers and My Lord a District Administration as well as from the capital also. what we are doing in this regard My Lord as soon as a child misses from a place they go to police but some it happens police do not gave much importance I do not blame them at all. so we have given them our phone numbers, my phone numbers is give them directly it is published in the Local Newspapers as well as also in the vernacular media main English also. So receive responses like somebody misses from some place they immediately ring us we have this number and we help them through Para-legal volunteers and also we talk to the Police directly we have with the process and we are taken the assistance and cooperation from the NGOs also. so in this process my Lord we are successful because we have already rescued more than one hundred children and women also from Haryana, Chandigarh, and other places My Lord and we continue the ADR mechanism in turn, because now a days there are so many cases that is why a top priority My Lord Executive Chairman has told me to give importance to mediation process in this mediation process My Lord we are giving training to the students of Law Colleges also, because tomorrow they will become lawyers they may become Judges also that is why we have given training and there is one My Lord subject in Guwahati University My Lord I was not a student of Guwahati University I was in Delhi University still My Lord in Guwahati University there is one paper on mediation so lest day before yesterday when I came before, I went to Guwahati University and we imparted training on mediation there. And it was a very good response. again My Lord there is one problem in Assam that ragging problem that is why we are in anti-ragging awareness programme in the schools not only in the schools colleges and mainly the other institutions and Universities My Lord we are getting....this is no My Lord this is no My Lord this is LL.B My Lord, this is second semester My Lord and My Lord we are getting Legal Aid, we are providing Legal Aid everyone is providing legal aid in state legal service authority we have panel lawyers they used to visit jails. panel lawyers there is one My Lord one circular is there I have which I have which I can show you and, so yes My Lord, yes My Lord it is with me Assam we have Assam we have so you My Lord and the My Lord so that the panel lawyer they become more active, we get them training also, otherwise the all objective will be fail My Lord, and panel lawyers training how to handle cases My Lord and what to do? sometimes what happen My Lord, even the Panel Lawyers if somebody comes for his help, we, actually give a we give a case to a panel lawyer sometimes when the clients comes My Lord, what happens they

used to, My Lord it happens sometimes My Lord there, they demand something My Lord, but we have told them that, this kind of training is given no, nothing should be taken from them all should be given them My Lord.

Alok Agrawal(/C Director NALSA): for Lawyers training NALSA has developed a Module Skills training for Legal Services Lawyers we conducted for all States, for all the Member Secretaries almost all of them along with panel lawyers and retired Judicial officers from the States and it was expected that everybody would start the master trainers would start training of lawyers and for all the state so I hope that we have got the calendars from some of the states what i hope everybody is doing that.

The same participant continues: and the last My Lord we are holding Lok Adalat in our State there was also a National Lok Adalat and we have disposed lakhs of cases in this year My Lord, last year we disposed off lakhs of cases through Lok Adalat, than you My Lord.

Good morning My Lords and all the dignitaries on the dais and my dear colleagues I am Navneet Kumar Member Secretary Jharkhand state legal service authority. keeping in mind access to Justice for all and particularly vulnerable and weaker section of the society NALSA recently launched seven schemes and we have been doing to the victims of such a schemes and implement, but with the implementation of...with the commencement of such schemes our job has become challenge and the seven schemes and I just repeat, because of the seven schemes our target...

Prof. Geeta Oberoi: We don't have much time. I want to know from Legal Services Authority apart from NALSA schemes if your are implementing something which is very peculiar to your jurisdiction for example Punjab and Chandigarh it's the drug abuse, like that kind of there, creating awareness on those local issues. I want to know for Jharkhand apart form NALSA is there something very local.

Same participant continues: yes actually our all our local problems are covered in the second schemes for example trafficking, for trafficking, trafficking is the major problem for the Jharkhand one of the major problem....are there some schemes implemented?

yes this, this, this, we are happening to addressing trafficking issues in Jharkhand by coordinating with the State government skill development schemes now which has been launched by the central government so we are cooperating, we are just coordinating the labour department social welfare department and when the provision has been created for the victims of trafficking now we are coordinating to give them skill development so that we rehabilitate them and to reintegrate them in to their society. Similarly the tribal welfare protection scheme has been launched so have been doing this tribal schemes in the Jharkhand by, by, by, producing the legal services clinics in the Kasturba Gandhi vidyalaya. that is Kasturba Gandhi Vidyalaya is exclusively ment for the tribal girls all over the state so we have been opened the legal services, legal services clinics in all Kasturba Gandhi Schools that is for the girls and similarly Eklvya Vidyalaya is there for the men's tribal, for the boys tribal, so we have been opened there all the welfare schemes and the rights of the tribal. similarly child friendly schemes are there, has been just launched by NALSA we have been doing the child friendly services to the Juveniles by creating observation homes by connecting them under the corporate social responsibility with so many companies are there like CCN is there central coalfield is there, SEL authority is there to, to, to... the children who are living in the observation homes they go to the training, vocational training, like computer, electricity, whatever it may be, skill development has been launched Government of India is funding to the State Government the skill development Scheme and there is one nodal officer in each State for a skilled development, so we are coordinating with them to give training to the observation home children, similarly the another field in which we are working is a poverty alleviation scheme poverty...we are coordinating with the two department particularly the department of labour and the department of social security for the workers in the unorganised sectors and the entire schemes we are taking in DLSA is given and they make them awareness to all their schemes and also to ensure that these schemes are implemented, the another important aspect, a para-legal volunteers which has become a boon for the Legal Services this concept has been introduced. in just wanted to point out the member of the then Member Secretary Mr. U. Sarthchandran the para-legal volunteers and we are giving 250 rupees, now in order to implement all these schemes we have made entire District Legal Service authority there are 24 district Legal Services Authorities across the State. We had prepared a team there seven team to implement the seven schemes. Now we have done it. A standard operating procedure has also been introduced, and in one team there are para-legal volunteers, very trained lawyers, legal services empanelled

lawyers executive officials and Judicial officers and some another person's and each team is taking care of implementing these schemes like poverty alleviation scheme, child friendly schemes, trafficking schemes the other disabilities schemes the all these schemes are implemented year wise and one...the chief secretary has also been, been contacted by our Honourable Executive Chairman to provide the entire team the schemes related to, the schemes related to all these vulnerable groups of the society. So that because of awareness they don't get the benefit the scheduled tribes are there the unorganised workers are there but they don't know their benefits. So entire schemes are started.

Others are also there, otherwise we will go on.....Oh. Thank you....

Good morning I am from Mizoram I am member secretary, in Mizoram we found that there are lots of mentally ill people, people disabled because of mental illnesses, but unfortunately we don't have a mental hospital or a nursing home as we should have it under Mental Health Act 1987, so are preparing to work on this the other thing is the lots of people who are entitled to the relief from the Government in the form of assistance for them there are various schemes like old age pensions they are not getting this money because, the State Government doesn't have a funds, the central government provides some money and the state should have a matching share I think only ten percent of the people who are entitled to reliefs they should be brought under these schemes we even not ten percent so this is a difficult task for us because we have these schemes but we are not been able to implement it, because of lack of funds. state like, like Mizoram hardly had any revenues, it becomes very difficult to get this relief to the people who really need it so are trying to do something on this, thank you, not only because of drugs, it could be congenital sometime it could be drugs, depression so there are various reasons, because we don't have mental health, mental hospital you know this not been real assessment of all this people who are suffering from illnesses they just kept informing homes run by NGOs so even the exact cause of these illnesses are not really known to the full extent, we have seen at least about two thousand people but they all in homes run by NGOs or the church or other districts also there is large number of the them. The whole spectrum from very young to very old people, than you.

Good morning I am Sandeepkumar Member Secretary of union territory of Pondicherry Legal Services Authority, two months back only I joined as Member Secretary recently we are creating awareness among the workers in the unorganised sector by stating their....presently we are creating

awareness amongst the workers in the unorganised sectors, recently we have issued pamphlets and brochures at different places besides we are...I am the Member Secretary of Pondicherry Legal Service Authority, presently we are creating awareness amongst the unorganised sectors besides we are implementing all schemes of NALSA, thank you My Lord.

Prof. Geeta Oberoi: I have one question for you is that that Pondicherry is also affected by rain? So is Legal Services Authority doing something there?

Same participant continues: - Definitely, Mam, we are doing many works. The persons who lost their certificates ration cards we are doing services.

Main Rajnish Shrivatav Member Secretary Chhatisgarh Legal Service Authority hamare State main witchcraft ko lekar bahot probles hain, jisko pratarna, nishedh adhiniyam hamare State ne abhi lagu kiya hain, isko like cases ki sanhkya hamne pure State me humne idntify ki, 310 cases humko mile. Fir hamne un villages ko identify kiya jahan, jahan, par ye incidents huve the, un villages main special mega legal literacy camp lagaya gaya, un districts main lagbahg 16 districts main ye problem bahot jyada thi une sabhi jilo main specially ek workshop jitne stake holders unko milakar workshop oraganised kiya gaya iska thik thik analysis to ho nahi paya hain, ke hamare in pryaso ke baad unki sankhya kitani kum aai hai, lakin nishit rup se ye baat hume mahsus ki hain, ki ab cases ka jo registration ho raha hain wo kuch, kuch to kami aai hain, exact hamare paas abhi figure nahi hain, iske alawa mental ill person ko lakar humne kaphi abhiyan pur State main chalaya hain, algbhag 95 homeless mentally ii person ko humne DLSA ke through hamre mental hospital jo Bilaspur mai hain, State Mental Hospital akela ek hospital hain, 100 beded, wahaan humne unka treatment karaya hai, aur wo tik hokar apne ghar ja chuke hai, thank you.

Good morning I am Shashikant Mishra Member Secretary Odisha State Legal State authority apart from the NALSA schemes we have also taken up cases of mental ill patient we have a opened legal aid clinic in the Mental health institute of the civil medical hospital which is very large hospital at Cuttack, there we provide Para-legal volunteers to man's that clinic, we try to facilitate, we actually work as a link between the beneficiary and the Government in the sense that whatever benefits are available to mentally challenged people the para-legal volunteer tries to facilitate, tries to ensure that they are given to them, then in addition to that our authority took a decision of

opening legal aid assistance of to open legal aid clinic in all the District head-quarters hospital and sub-divisional head-quarter hospitals with the active cooperation of the government there also the government of Orissa has some schemes like free medicines to poor and all that there was a general feeling that these things are not been achieved and properly implemented at the ground level so now very recently we have started this scheme of legal assistance booths in all the hospitals which are also manned by para-legal volunteers there also in cases of the rape victims the medical examination and all that lodging of FIR they are also ensuring those things apart from this we have also taken up cases of workers in the unorganized sectors because in Orissa we found huge amount is collected as cess like around one thousand crores but hardly anything out of it was being spent so we also filed a PIL in the Hon'ble High Court of Orissa and the Hon'ble High Court has issued direction to the...actually asked to the labour department to file their response. We have taken up 15 districts as pilot where we plan to....our idea is actually three fold we identify the workers, we facilitate the registration and then we ensure that the benefits that are available to them are given to them. So these are basically activities apart from the schemes of NALSA, that we are doing. We have a target of around 1.5 lakh registered workers we are working on it. So this is all that we are doing apart from NALSA schemes, thank You sir.

Good morning to all the dignitaries on and off the dais I am Tejpratap Tiwari presently working as Secretary in U. P. state legal service authority. besides the schemes which are assigned by NALSA from time to time locally for our state and keeping in view the particular situation of the State, we have adopted five projects, they are, Save the Girl child, suicides in Jails, communal harmony, child trafficking and malnutrition. Out of these on particularly save the girl child as we all know the state of declining child sex ratio in our country keeping this in view in...with the help of our accredited NGO Vatsya they are doing very good job in our state we have adopted, we have organised two rounds of CJM's sensitisation programme and we have distributed the pamphlets also through AIR and Durdarsahan every week we send our Judicial officers from our state authority, from District Legal Service Authority to make people aware about this provisions, about the stringent law and about the effect which there, since U. P is very vast State having 71 DLSAs functional at present, there are other things also, with this I would like to finish my talk, than you.

Good morning to one and all, apart from....I am vikram Aggarwal, Member Secretary Haryana State Legal Services Authority, apart from implementing the schemes of NALSA we are

implementing students Legal Literacy mission. under this students literacy mission we have open legal literacy clubs, almost around three thousand schools, more than three thousand schools, particularly the objective is to spread legal awareness amongst the students to sensitize them on various socio-legal issues we put special emphasis on spreading awareness about Fundamental Duties, we have published booklet about the same, in English and Hindi language, that apart we have booklets, around twenty five booklets on legal topics, we have published, we have internship programme for the Law students, just to sensitize the law students about the concept of the legal services and we have 25 legal services clinics in Law Colleges, we have a legal care centres in all the 21 districts and 31 sub-divisions of Haryana, we are working on....we are spreading legal awareness apart from holding...,we are spreading legal awareness, through community radio, we have model prosecution schemes, particularly this scheme is for women and children who are victims of offences, under this scheme what we do, we provide legal aid from the very beginning, that is right from the police station itself, we have panel lawyers, allotted to each police station and with regard to the same, similarly month we hold jail Lok Adalat, our Chief Judicial Magistrate they go to the jails to hold that Lok Adalat sir. We have made compilation of all the corner schemes we have made special compilation of the schemes relating to the unorganised sector and we are working on that sir. And in we hold legal awareness camps. Apart from spreading legal awareness in these stoll's we do appoint panel lawyers, and the legal aid is also provided, legal advice and all. So we are doing everything possible to achieve the objective of access to justice for all also, than you.

Good morning I am Punish Jindia I am posted as Registrar of Punjab and Haryana High Court at Chandigarh, I am also looking after, work of High Court Legal Service committee, as secretary of the committee. high Court of Punjab and Haryana being Common for Punjab, Haryana and U.T. the entire legal aid to the persons, who are eligible from these three States is being provided by the High Court Legal Services Committee and the criteria which is there as per the NALSA guidelines is being followed but, High Court Legal Service Committee is looking after the entire Legal Aid work, that apart though like whatever I heard from my friends who are present here everything is that most of the schemes are for the downtrodden High Court Legal Service Committee at Chandigarh we have recently started a scheme for the middle income group people because middle income group is...is....is...is a group which is neglected from all the sides so for them we have

started a special scheme, and in which is a person who is having income not exceeding sixty thousand per month is eligible to avail the benefits of the said scheme and to achieve the target we have a like this scheme was launched in the third week of November only and we are in the process of finalising and launching it formally, but in this scheme there will be a dedicated panel of lawyers and apart from the regular lawyers and there will be senior designated lawyers also whose services can be availed by the person who will come under this scheme, thank you.

Alok Agrawal (NALSA I/C MS):- Just my query middle income group scheme is it self-funding or what is the mode of funding?

Same participant continues: So far because this scheme was launched as per the request and direction from the Supreme Court Legal Services Committee and since in Supreme Court it is like there is a corpus, but at Punjab and Haryana we started it as a self-funding, there is no corpus so far.

Alok Agrawal (NALSA I/C MS):- Because there could be some issues on you know, the legal services fund would for those who are entitled for under section 12 so here not....there could be some issues,...

Same participant continues: In fact we are aware about that and that is why we are not utilising funds of the legal services, this is High Court legal Services Committee.

Prof Geeta Oberoi: We have only four minutes left, I think we should start. Sir...you start...

Good morning everybody I Ajay Gupta I am from Jammu and Kashmir, I am secretary High Court Legal Service Committee as everybody knows that last year our state has affected by the floods and our Hon'ble High Court has passed a landmark judgment that without the survey the insurance company will pay the claim to the claimants 90 percent of the claim to the claimant and that judgment has been upheld by the Hon'ble Supreme Court, but the people in the state are facing great difficulties for getting their claim settled our, state, our High Court Legal Service Committee as well as the High Legal Service Authority has framed a scheme that people should not face difficulties in getting the claim and for that our para-legal volunteers were going to nook and corner to state and the people have been benefited by the schemes and almost all the people have got their

claim settled and we have also achieved the other...the other schemes which have been, provided by the NALSA, thank you, thank you very much.

Good morning sir I am Venkateswara Reddy Member Secretary Telangana State Legal Service Authority, and also holding High Court Legal Service Committee I took a charge in the month of September 2015, recently joined I am fortunate enough to be amongst all our joint family members, we have been implementing all the NALSA schemes effectively and recently we have also started prevention of ragging in education institutes because we have more than 200 engineering and medical. colleges in and around Hyderabad ragging is rampant there to prevent it we have published pamphlets poster and posters and we have trained the para-legal volunteers in that aspect with the help of panel lawyers, para-legal volunteers we have been conducting. Recently Hon'ble acting chief Justice has taken up initiative for protection of rights of unorganised sector workers and migrant workers on 17th of this month a meeting of both the Telangana and Andhra Pradesh State senior functionaries of that department scheduled in the chambers of the Hon'ble acting Chief Justice of the to work out modalities we have completed one round of lawyering skills training by, in all the ten districts to improve the lawyering skill of our panel Advocates and recently we have also started a every Saturday from 9.30 to 10 a.m. on E-TV Nyayaseva in programme we talk on specific subject we and we create awareness and we receive the questions from the audience one Judicial officer, one panel advocate or the MCPC training mediator will be sitting in the show. we have also started radio talk on every Thursday 9 a.m. to 10 a.m. live show we receive question from the audience online we have been conducting jail Lok Adalat since long time, every fourth Saturday we go to jails, our CJM will go to the jail and dispose of the matter of the prisoners, thank you for giving this opportunity.

Good morning, I am H. S. Mulia Member Secretary Gujarat State Legal Services Authority, over and above NALSA schemes, we have introduced one new idea as far as legal services are concerned free legal services are concern, as far as my side is concern I posted in Surat as Additional District Judge and Surat is heavily loaded with criminal matters and my experience is that panel lawyers are not good enough they do not know the intricacies of cross examination, and therefore the serious cases get undefended or Judges do not get the material to get the benefit of law which is available to the accused. Therefore we have introduced one scheme that is pro-bono legal services, by the senior lawyers in the district courts, so what we have planned is that we are

not going to pay anything to the senior lawyers who are practicing in the district court but the chairman that is the principal district Judge is going to request the senior judges, senior lawyers to help poor and in this way senior lawyers will be honoured they don't need money they want respect, so according to me pro-bono legal services by senior lawyers would help poor whose cases are required to be defended in proper way. over and above I would just take a half a minute we are also planning online divorce mediation, this scheme yet not implemented yet, I had a talk with my Hon'ble patron in chief but in metro cities as far as Surat, Ahmadabad, Baroda are concerned we are going to introduce online divorce mediation cases, online mediation, as far as mediation in divorce cases are concerned, so people, according to me husband and wife after separation are not staying mostly not staying in the same city, therefore, if this scheme is implemented they need not to come to the mediation centre and sitting at home they can take advantage of mediation, thank you.

Very good morning to all of you I am Anantkumar Tiwari, presently posted as deputy secretary Madhya Pradesh State Legal Services Authority, Jabalpur, all the schemes launched by the SALSA is being implemented but apart from that which the dais expects from us is that our main focus is on implementation. what we do is that, we identify the persons and the places we request the State Government to launch their scheme, to implement their scheme in fact, and we have involved the office of Advocate General in this scheme. the members of the Advocate General office of the M.P. State legal services authority the responsible revenue officials of the state government they participate in the mega legal camp and what they there is a person who is living below poverty line, like the person who are disabled, the persons who are mentally ill, whether they are old age persons children or the person of middle age group, they then and there they give effect, by implanting artificial legs, hands, hearing instruments many of the schemes which is the state government have. the issue which we....the felt is this that the people are not...even we are not aware of the schemes of the State government, so we are trying to implement this and we have done so by one year we have organised five to six mega camps, and in our coming calendar year we are going to do it and Bhopal is also one of the identified cities, might be possible that on the lase Saturday of January or February the mega legal camp would be conducted in Bhopal. M. P. state legal services has also taken up the issue about the implementation of the decisions rendered by the Hon'ble Supreme Court and even for example one of the decision which apart from the

Sambhu Baruwa and others one of the decision in which NALSA was petitioner concerning about the third gender. In my previous participation I had mentioned that these, this section of society has been marginalized and they are not able to be familiar to our society. we have, in Bhopal we conducted legal literacy camp, at Jabalpur we conducted, we are doing so even at the taluka level, so what we have seen that, now they are participating and they are coming up and they are trying to come out from that, their original group and some transgender, some third gender have started to living with their families, now again the next our project is that we are trying, that we have sufficient numbers of PLVs, para-legal service volunteers. We are arranging refresher courses for them, and preparing individual data of each para-legal volunteers the work done by them and the para-legal volunteers who are not participating, or giving no contribution to the social cause, we are trying to eliminate them, and bring fresh para-legal volunteers, than you.

I am Omprakash Member Secretary Bihar State Legal Services Authority. My Lord apart from implementing the schemes of NALSA we have focused on two, three issues this year, firstly we try to associate with the Panchayat representatives in our legal awareness campaign. This is a major legal awareness camp in each district and our executive chairman also participated and we invited the legal representatives of government, social welfare, labour department, panchayat raj department, the officers of these departments, we are also asked to join this legal awareness programme and the panchayat representatives we are to address this programme, and in this way the major schemes of government and the schemes of NALSA also, the very purpose of giving Legal service authority is working all these things going to panchayat representatives and they are requested to explain it their jurisdiction and in this manner we try associate them. the other thing which we did in this year is a we did a massive survey in all the 58 regions of Bihar, of these we took assistance of a human right activists from and we requested her to visit each and every prison of Bihar and to communicate with each and every prisoner by entering into each and every ward, she interacted with about thirty thousand prisoners and submitted a report to us, a report has been recently published and copy of it I will send NALSA also and all SLSA also and the focus of this survey was a access to justice, what is the legal position of access to justice to these prisoners and what is the position of human right aspect about the prisoners right in Bihar, in this way the survey and inspection of all the prisons has been completed and now we are in process of implementing it, there are several, there are several, several infirmities has come out after this inspection now so

far as the prisoners were found not properly represented the report has been sent to DLSAs with a direction to approach these prisoners, and provide them panel lawyer and do the legal assistance. we also found that there is a some infrastructural defends in various prisons on which we are hold a meeting with a prison administration, one meeting has been arranged and the other meeting will be held soon, and we have also found that there health issues also in prisons, there are some prisoners who are suffering with mental ailments and these issues have also been there we have found something where there are no regular doctor when a prisoner is ill the they call a doctor from a city hospital, there are no regular doctors. The position of human prisoners in jail are found very.....not proper.

Prof Geeta Oberoi: Will share that report with you, but anything else that's been done apart from that.

The same participant continues:- Apart from, the third thing which we did is strengthening the DLSAs, we focused on these issues also, because various committee and various panel has been prepared in DLSA but unless they are properly trained, and unless the regular meetings of these committees have done it will be useless, so we try to focus on DLSAs and apart from training of panel lawyers through the mediators trained by NALSA we have taken assistance of UNICEF and women Development corporation are training the panel lawyers and as well as PLVs on specific laws also. Recently from fifteenth this month we have prepared a calendar for training the PLVs on domestic violence the matters are domestic violence with the resource persons, with the assistance of a woman development corporations the resource person are employed by women Development Corporation and we are training our PLVs on domestic violence matters. Likewise we are training, we had made a calendar for, for training the panel lawyers about the juvenile Justice Act with assistance of resource person provided by the UNICEF, we are trying to train the panel lawyers about the juvenile matters, likewise we are.....

Prof Geeta Oberoi: - We end over here.....O. K. thank you....

Prof Geeta Oberoi:-It's ten twenty six, we take short tea break. We come back at ten forty five then we hear, from Mr. U. Sarathchandran who also been like you all Member Secretary of NALSA and he has a huge experience he share his experiences and the problem that he faced in implementing various schemes, and then you can also, if time permits voiced out your problems, so we come back at ten forty five sharp.

Session No: 2: Problems faced by SLSA in achieving goals & objectives set out in various schemes

Resource Persons: Alok Agrawal, U. Sarathchandran, & Justice R. C. Chavan

Justice R. R. Tripathi: - Before our learned speaker takes up, may I request the, the Judges sitting at back to come forward please come. You can also come forward. I can assure that there is no firing from this side so you all are safe, so don't worry about it, you all are safe there is nothing like infantry division in army who has to take the front of the attack, so don't worry about that. Please come as closer as possible you people can also shift yes, yes. we will have a more close discussion and we have Mr Sarathchandran with us who is having good experience he will be sharing with us and will be telling us that what is the thing which taken during this time, correct, please.

Good morning to everyone, to start.....

Just a minute again sorry for interruption we don't get response to our good morning. We must get response to our good morning at least, right, so please.

Mr U. Sarathchandran:- so let me first of all start with seeking the blessings of Justice Tripathi, and his Lordship was been sitting in Judicial review about my decisions, when I was judicial member CAG Ahmadabad. I am extremely glad to see that, the different authorities are doing extremely well after listening to each one of you I was, I am quite impressed, and I am sure legal service authority is no longer a crumbling institution this on the other hand progressing very well and their very aim goals really set forth in the statute and the framers of the law. See soon after our legal services were, legal service authority were established, we were in an uncharted waters really. People really did not know what to do, because we are all judges, suddenly first of doing the legal services, we were not trained for that. We were trained initially in lawyering and later on judging and not giving services to the needy people. See as member secretary of a legal services or any legal service function its s soft skill. it's actually deployment of soft skills one has because you are directly interacting with the common people, not with the clients before you, there you need to be impartial, and to have the you face of fins, here you need to have a very pleasant face, you have to interact with so many people, aggrieved people, peoples suffering from the wounds and quite of undeserved wants, as our constitution says. and see a...I was blessed with a good

number of ideas put in by my learned predecessor, and hon'ble chief Justice and the executive chairman before I joined NALSA, still I felt that our act is confined to legal literacy classes and Lok Adalats, it's just like, I told you that we were travelling in uncharted waters like a ship and anchoring like that first of all and hoisting the flags of convenience, to use the tomorrow the language of you know the maritime law, well so that is not what was prepared by the framers of a law, no. the aim was actually to give the constitutional protection to guarantees assured by the constitution to the people. Our guideline and our bible is the Constitution. so what were we do we test it in accordance with the constitution and the objectives enshrined in the constitution, this is what is needed, then when I joined NALSA I met Professor Madahv Menon was the first Director of this institute he said Mr Sarathchandran you must have a vision first, don't focus the Member Secretary for the sake of the official discharge of the functions of a Member Secretary. You must have a vision whatever you do, you make a vision statement. That's how we were, in fact we few people sat together, because some of my friends in Delhi judiciary also help me a lot. we sat together and drew up that vision, a quinquennial vision that is vision statement, that is fortunately or unfortunately going to a...get closed for by this year, it was for a five year, from 2010 to 2015 so justice Sinha said we must stick to the vision statement and that vision statement according to Justice Sinha is strictly in terms of the ideals of the constitution, the social justice is contemplated in the constitution so we have to work for the social justice. This was the aim. Then the problem we faced was that we are still sitting our offices wearing a suite like this and we have not reaching out to the common people, without reaching out to the common people there cannot be any legal service sitting inside the office. You see imagine, you take a case of a common villager, a poor agricultural labour when he comes to, suppose he is having a problem and he comes to our office in quite often out of the court. he cannot have a access to our office once he gets in what he see, oh...wearing a tie coat sitting there, this man poor man will forget about , he will immediately either collapse or he will not be able to open his mouth. this is one problem, I notice when I joined, as Member Secretary State first then at national level then I thought that we must have something to do, to do, do away with the problem, so we must reach out to the people, couldn't we reaching out which was that time immediately perceptible to me was NGOs. NGOs of course they are in constant mingle with common people but again I found that that's not an ideal for it. Of course there are ideal NGOs actually doing very good services but many are not like that. I need not to explain to you in detail, what are their motives, some of them are really, and they are not doing

any legal services. But of course there are very good NGOs so must see the good side and see good NGOs and take their assistance. then again I said no this again is an organized way of doing things, you must go to the roots, grassroots level, then I thought why to have someone to assists from the villages or from the common people themselves then the idea struck a mentioned panchayat locally elected representatives they are the immediate contact with the people dealing with the day to day course of the common people. So why not invite then again I found that again there is a problem they are all highly political they work according to the dictas of their political bosses. I think it is not, then finally I thought that why would we invite young volunteers from the colleges. NSS was working in all the colleges at that time. National Service Scheme, so I thought we will train them ask them to find out a problems of the people of their own locality and bring them to us to act as a bridge between the common man and the legal services authority. Then again I found that these college students after finishing their courses they are eager to get job and settle down in life. Then came the idea from Andhra Pradesh one of my friend Member Secretary there, unfortunately he is no more now. He sent me a letter state legal Service authorities going to introduce a para-legal volunteers schemes. so that idea of para-legal, this is not my own innovations, no, I gathered everything from all of as just travelling and getting to touch each one of it, I know, I know, have visited almost all the whenever you speak I suddenly.

I have visited almost all of...whenever you speak I suddenly remember the environment of your office, then sit then Member Secretary was occupying, so I got ideas from this and had this the member secretary from Andhra Pradesh he said we are going to introduce a para-legal volunteers system to...we will train them and they will in turn act as a bridge between a common man in the neighbourhood and the legal services authority. I said this is exactly we wanted because siting in our office we are not doing any legal service to anyone its only peripheral thing, theoretical things, legal literacy is only a theoretical. Here you are giving a practical, then this we drafted a scheme of-course in consultation with the then Executive chairman and the chief justice, I fortunately worked with six executive chairman's in the supreme court and the former chief justice of India. so all of them, they never showed any displeasure about any of these schemes, that was my good fortune, that was always whole heartedly welcoming the projects we presented so, this para-legal volunteer scheme was presented to the then chief justice and then we placed it in the National body with a national, meeting of the national authority and every one of it approved it and then we

started implementing it throughout the state. So there is a small story also in Madhya Pradesh I have been there for inaugurating a para-legal volunteer training programme at Khandwa, where I had my first degree of law, I had my first degree of law from Khandwa, its three hundred kilometres from Bhopal. So wanted to see that place also, so fortunately I get that programme arranged there on the way there is a temple of Omkareshwar, when I was a student at Khandwa I used to go there, I had gone there, at the time we had crossed Narmda River in a boat that too only country boats were there. at that particular place where the temple is located that water is infested with fish, the very huge fish these country boats will not proceed further unless they are beaten away really, so huge, such a huge fish. It was with the great difficulty we crossed the river and went to the temple and this time when I went there, a...I found a bridge there with Narmada dam authority just for reaching a temple. There was no hustle for...hustle of traveling by the country boat and fighting with the fish nothing, no such problem was there. So in Khandwa they were all...the district judge selected the place we have....there real villagers as para-legal volunteers, educated of-course up to 10th standard. They did not had any idea, what is this para-legal volunteer is? After all it is an English term. I don't understand any way since some people say hum sunege, kya usme....one of the audience stood up and asked me what is...kya hai ye...para-legal volunteer hum kya karna hai. Then I narrated this story to them. This imaginary term was given to that a...earlier I had to struggle and go to the temple for darshan but this time it was very easy because, there is a bridge. So then I told them in simple hindi langauge nya maange wale aur nya denewale ke bichme aap ek pul ki tarh kaam karna padega, yahi hai para-legal volunteer so that conveyed the whole message to them, what they have to do. See the imagery, because this is the common man's understanding this is not the IPC or Cr P C or what we deal with. Justice a perceptible justice given to them. I will tell one more small...I will not take much time. I was in Jharkhand after finishing work at Ranchi I had a days' time before I could catch the next flight to Delhi. That in Mr Navneets suppose...his successor Mr Goswami was there Member Secretary. I would like to see the villagers, so let us go to village. By that time para-legal volunteer programme actually was going on there. so we reached a village about thirty kilometres from that place Dosa....Dosa....Dosa....Dosa....that village there so remote village I was told that since last two and half year there was not a drop of rain in that area, past dried up lands, paddy fields, all fields were dried up, people are very, without any proper dressing, then on the road I saw a girl with carrying a bunch of flowers perhaps she may have got the information that we are coming there, so I asked this Mr Goswami, who is this girl, he said she

is a para-legal volunteer o.k. we received a bouquet from her she took us to her house, the other side of the road, she said, she insisted if you come before the sitting of the villagers why don't you...we will have some tea...you please come to my house, I said o.k. we will. Then I saw a small gathering....the inquisitive villagers have come and they come who are these coat and suite people from the town Ranchi, anyhow after having tea when we entered there was a foul smell coming a very dirty smell then I thought that it must be from the cowshed or from the hen cage, ducks and hens were there, foul smell....this girl para-legal volunteer said few ladies...some people are waiting for you...they have some complaints I said o.k. you bring them we will hear them. Mr Goswami was with, he was a district judge then the first lady, she was telling that sir my only son was murdered, he in the night went out to some temple a nearby temple and did not returned and in the morning he body was found hanging with tree, there were lot of bruises on his body and of course police registered a case but no action was taken, nothing progressed. Then she said I know who are the people but nobody will speak against them. I said o.k. you will do one thing are you ready to file a private complaint and then I explained to her what is the module of private complaint is to be lodged before a Magistrate. Then she said yes sir I can do that....then...will there be witnesses who have seen the incidence. it was done in front of so many people so there are few people who will vouched for it o.k. I asked Mr. Goswami, why don't you help her to file a criminal complaint, he agreed. And was told that later that case was registered of course that was to be registered before the session's court finally. Anyway I did not know what had happened thereafter. i thought that I gave her proper legal aid. Then the next lady was having some problem with the renewal of ration card that also we solved. I said Mr. Goswami you make a call to the city...I mean rationing officer of the Taluka he will immediately do it, when he will get called from the district judge certainly. Not in your capacity as district judge but as the Member Secretary of Legal Services Authority this is the power of law which we are using. We have blessed with that power we are entrusted with the services for utilizing this power in the hand. then we came out, and this lady...this girl told me sir this man has some problem that he was a man covered with blanket and he said I have some problem around my legs, then this girl show it...sahab ko dikhawo and he said don't look at that feet sir have some very serious problem. I said don't worry you show me the problem you have. I looked at his legs both the legs were full of bruises with morgets revelling out of it. I said why don't you getting any treatment. then said he said no sir, idhar sarkari doctor bola katneke liye amputation karne ke liye bola and he asked me to bring five thousand rupees, i dont

have money, fasal bhi nahi hai fir hum kaise paanch hazar rupaya banayega this was because he asked me. then I told Mr. Goswami, Mr. Goswami you must do a...something very, very, very quickly you go to your office and file a public interest litigation before a High Court, he did it. State legal service authority versus state of Jharkhand. The next the hon'ble bench issued notice to the state government. Next day an ambulance came to that village and took him to the Ranchi institute of Medical sciences there he was treated with some skin grafting treatment, no amputation nothing. See why legal services we could change the life of a man. This is what is needed, out of any legal aid functionary. There are so many people who cannot get help. this is...perceptibly this not a Indian Penal Code or a the criminal procedure code, with legal aid, no. this is the legal aid which can, which can, which can invoke the principles...the guiding principles our constitution and the fundamental rights provided in the constitution. This is what I would because all my friends to keep in mind always while sitting in the seat of member secretary. sir this is how I gradually entered you know legal services and real integrity of legal services then, rest of the things will all are spontaneous, the all these things which are now before you all the product of this thought and this you know the process we undertook in NALSA with the assistance, with the help of all blessings of Chief Justice the executive chairman then you see...another one more incidence I would like to share. once I was called to attend a consultation meeting by the U. N. on transgender their idea was something different they were organizing that programme for preventing HIV, AIDS because they thought that transgender are the medium of spreading this disease it was there idea, on that day I was interacting with forty transgender real transgender most of them were educated also. during the hearing I was told that about the miseries they had to face, starting from their own houses then in the schools then in the colleges then the society they are not getting any job, then finely they will be forced to do prostitution or some other anti-social activities then I came to the Supreme Court and gave a brief note to the Executive Chairman, his Lordship immediately laughed at me he said what are you doing, for Hijaras, you are doing legal services for Hijaras, what is there. I said no my Lord they are the worst sufferers of human rights, violation of human rights, and the fundamental rights then I explained, one by one what I gather from them. his Lordship said Mr. Sarathchandran I am sorry that I laughed at you at the beginning it is something very, very important it is often forgotten by the society but the theses individuals are in need of assistance, but we are not giving them, then I took the step of filing writ petition, that is what is referred by one of our friends in the morning, it was filed by me and another one was similarly was about the

Vridavan widows. These were not my own ideas, no, the ideas we gathered from different meeting, different contacts with people and only thing that we were keep our eyes open, ears open. Things will come to us on its own we can, and always open your eyes, open your minds towards the guiding principles of the constitution, this would be excellent legal services I am sure. Anyhow I did not want to tell my own experience, I would like to....here what are the real problems you face, now we are expected to discuss that today.

Thank you, Mr. Sarathchandran, before we open the discussion, Mr Agrawal also has something to share with us, then will proceed for the discussion.

Although I have taken over this capacity only three days back, but I am fortunate to be associated with office and therefore I am interacting with you all. It's a very good opportunity given to me by the NJA, to have such an early interaction and so many inputs that I got. So my purpose here would be, get the inputs from here and convey them back, the there is a chain of top also. New executive chairman would be very much willing and anxious and to know what is being done in the field and what are the problems. so opportunity I got and Mr Sarthchadran has related the experience now we know, what has gone into to make such a document that, we all have seeing in the compilation, but it's all his conceiving the things and drafting is so well that most of the schemes the core areas of the schemes, the scheme for legal aid the scheme for Lok Adalat, there will work like this of a long time, the very good, very well drafted schemes taking care of all the thing in future. From my side what just said, this year NALSA priority would be on improving the quality of legal services? we have launched seven new schemes they are all we take under the preventive and strategic legal aid programmes and the core schemes the, four broad categories we discussed, the four broad categories are like legal aid and awareness and Lok Adalat and preventive and strategic, we target, we have a focused target on, particular target groups and all the schemes provide for the prevention as well as strategies for, strategies for remedies to those groups. Now this year the focus will be the mainly on quality and off-course going to the integrity of how we work, the newly launched seven schemes. we all the service providers, we have a whether individual or the corporation of the....what they need and what they are doing a variety of services to the different target consumers, a marketing and publicity and quality control of services, professional management and may be professional and high class management including budgeting and all and the profit motive. profit in our case will not be a revenue, but will be number

of people that we can reach, the number of people that we can benefit, with our services the aspect of quality as you will see in the core areas, I will mention two things because, the idea of this session is mainly to have issues on this. But in the...you see the quality of the panel lawyers that

I would like to flag, right from the joining of the service we have been, there is much change in the perception probably still, may be in the individual pocket and sates there but still there is perception that legal aid lawyers are...I mean o.k. that kind of mediocre kind of thing, this has to change, what I can perceive as the, what the remedies for this good terms and conditions, now NALSA has referred a committee of lawyers to formulate and recommend the minimum fees. you all have different fees structures in different state, may be uniform, totally uniform fee may not be advisable also but then NALSA will be recommending a minimum, minimum fee, see what is the thinking right now is that, philanthropic and charitable feeling and intentions are all rare and it doesn't work only with that. Everybody has good intention but to have a professional, being a professional service provider will probably have to work out that. Just having good intention, and that doesn't by itself a quality of-course like a person we are requesting that senior advocates to work as pro-bono is a very good thing. apart from that this medium level to have a good fee structure and what is needed is a careful selection which probably all of us are doing once again, not only, not only the good intention, of course three years factors norm is there, but maybe we can ask suggestion that, the judicial officers lawyers are appearing who are the good lawyers, some good lawyers need persuading on legal aid panel, it not that everybody will go, many of them would not be wanting because it cuts in to their other professional terms and condition is one and a little persuasion and a counselling for the good lawyers to come on the panel, then it will come to monitoring, of the lawyers performance, Delhi is probably developing a case tracking system, E-case tracking system so we may be adopting that in NALSA, so by personal interactions with the lawyers, at may be discussing each case that secretary himself will do everything, maybe we can have a committee of some Judge once a month. Interact with the lawyers and then give a feedback to the secretary, so that there can be a guided process. the training module prepared by NALSA is a general one, first phase training that is the induction training for two days, that module has been prepared and two more phases, specialised training of the specific laws and particular jurisdiction they are in the making and Mrs Manju Goel is at committee worked on that probably it will come soon. there can be other types of informal training, I mean informal interaction with

the lawyers so that we really changed this perception having a mediocre kind of, it's not that legal aid is that kind of mediocre it's not that at all but the perception is there. So this will come only, hardly professional and skilled service known as a highly professional skills also. Lok Adalat if you see that and by the congratulation and then you for contributed so much to the national Lok Adalat on this Saturday we have sound results. Lok Adalat regulation as Mr. Sarthchandran has envisaged, they care of every, they take care of every aspect pre-litigation Lok Adalat we are doing pre-litigation cases it's not a single person's mind there is a bench of lok adalats only thing is some places that the issues that have come across, is mainly one that we are probably not following that lok adalat each lok adalat has to be constituted by the secretary or the member secretary, it's is not just that every judicial officer sitting, he is holding a lok adalat of his cases that was never the idea. cases are to be collected by the, by the, gathered by the at the legal services and they are allocated to you don't need to have every judicial officer working on every Sunday or every second Saturday also for holding the lok adalat, see how many benches are required, constitute the benches and pay honorium to the lok adalat members, we have recently pass a central authority and sent to you. once again that is the minimum off the, the minimum recommendation one day basic salary for the presiding officer, in fact we have proposed one day salary with all allowances but since many of the states are not making any payments so the hon'ble executive chairman is of the view that we recommend a minimum and it is up to you Delhi probably have five thousand rupees for the presiding officer in the lok adalat and for the other states also this recommendation is come from there, but there is no bar to paying that may not be exactly, other members would be lawyers or the doctors in MACT cases and there could be other social workers, anybody can be another member of the lok adalat. So the state authority fix some honorium for them, Delhi has fixed that, what exactly.....for officer of the higher judicial services, three thousand five hundred for the civil judges and seven thousand five hundred for high court judges or retired high court judges. high court judges also conduct the lok adalat especially the national lok adalat, so unless we actually get in to this, I mean that, some finances are also going in to it, the things are really not giving good impression on quality, lawyers in the lok adalat.....

in my state we don't get a single penny for sitting judges, Mr, Jha this is, these are NALSA regulation, there is no bar for paying from them from NALSA fund, we can work out, where you

can work out proportion lok adalat, is a NALSA activity so that national legal aid fund, that is given for you all...sir if you send a circular that effect to all the states it will be easy for our

If you want me to send such circular, I will talk there and we see....but then the thing is that there are certain things that the State authority the members of the State authority are hon'ble chief justices or the patron in chief in every state. you have the finance secretary is the other member all you , social justice secretary as member and there is no bar from anywhere to have a good remuneration and on honorium pattern....so but then....this is just...this is just I am putting just a thought here, there may be we will see my lords guidance on how to tackle the issues but this is a thought the you need suggestions from all of you, may not all be here but on email, or by any other means and then anything that will come, will be put forth before the hon'ble executive chairman. (43 min) that what the lok adalat also.....yah.....and that is the minimum it's not following our this thing, two hundred and fifty rupees is long back, and that is the minimum, the beauty of the, the, the of Mr Sarthchandran that it has a scope for all the future advancements, this is the minimum, transportation you can pay that's written in there itself, transportation and other incidental expenses and what else, what are the incidental expenses you can define. So there is no bar....

I noticed that in many states, the legal aid rules have been framed this is under the state legal services authority rules and regulation whatever it may be there, there some fees structure is fixed, so that way it may deter you from invoking the NALSA rules, so, but when a direction comes from NALSA you can start working it and ask the authorities to change the rules....

All regulations these are given by regulation and all regulations are made by that state authorities so it is, within the states but in some states what has happened in Karnataka, more than fifteen judges held the sitting and they have disposed of one thousand and sixty cases day before yesterday and they are not inclined to receive the fees, that one side, but they are on the opinion that even the sub-ordinate judiciary and the lower staff should not insist for it and let us approve....and because some of the subordinate judicial express openly as to regarding payment of honorium but still they expect, if there is uniform practice in all states,

in NALSA central authority is recommendations has been forwarded, where it was discussed and it was specifically said that because Lok Adalats are being held on holidays there nothing like you know all the mediation activities, the mediation trainers can go alone.....

just one query...your.....NALSA regulations relates to payment of special duty allowance to the presiding judges and members and who are a.....and the staff members who are engaged in Lok Adalat, if it falls on a holiday, what about the DLSA secretary if he is a full time officer and his staff of DLSA or similarly even the stat authority like in national Lok Adalat everybody was engaged still mid-night, does it applied that is....

I will check up....personal view same honorium should be paid, thank you....personal view....and thank you very much we have to have session on the issues that, actually you are facing.....

Thank you Mr Agarwal and now we will have review of the participants, if they have anything the session you must have seen problems faced by SLSA in achieving the goals and objectives set out in various schemes. So you will have to, voiced out try to be as precise as possible and don't repeat it if the predecessor has already conveyed that particular difficulty, yes.....

Sir I would like to draw the kind attention of the respected Dr. Chandran.....Sarthchandran ji, on the point of Vrindawan widow as secretary I have visited the place several times. what had come to my notice that hon'ble Apex Court is still monitoring the matter and as per the directions of the hon'ble apex court from time to time, the things are not like that, there we are having, a almost seven hundred widows there, in five homes there run by government support and other by the private NGOs. I have seen personally widows residing there, comes there, in the end of the month, they take away the money provided by the NGOs say Sulabh and the other NGOs and after that they went away to their respective homes or whatever they feel like. So the intent behind the orders or the pious thought of the hon'ble apex court, it not been implemented in true spirit. and my second question to the hon'ble chair that in recent Lok Adalat there was a circular issued by NALSA pertaining to the cases which are to be disposed under section 258 of Cr P C which provides about, the stopping of the criminal proceedings whether it would be the case of Lok Adalat, because in our state, lots of queries were made to us so one clarification on this point is requested, thank you...

See I have visited the Vrindawan widows shelter homes, and I found that most of them are discarded women, they are dejected from their families on account of being a widow and there are some cases of forced ousting from the family and they are forced to remain there, they are dropped their and the relatives go back. only very few people, I have interacted with them at the time closely and most of them are aged, but they speak Hindi as such they say that during some festivals like Durga puja etc....they like to go and visit their family perhaps the earnings they have they may be carrying and but they will come back eventually but whatever the salient feature of each is that she is a destitute. Not coming for earning money and living there no.....this is not...most of them...and some people were seen beginning also, but it is very rare. So we need not to worry about that, if they go home and whatever they have accumulated, after all their families are equally poor that is why they cannot support this women. And I saw one lady she was crying and she said this is the phone number of my son he said o.k. mother you remain here I have to go abroad for some time and I will come back. he dropped her and she was waiting for one year whenever visitors comes she handovers that phone number, I immediately dialled but number was nobody was speaking. is that purpose of the direction given by the apex court if a son goes abroad....why apex court intervene.....his parents in his home.....sorry....I am saying sir, hon'ble apex court didn't mean any time I had calculated, that is my opinion, if a person goes away somewhere abroad he can keep his mother or father at his home...it doesn't matter this was purpose dropping...hon'ble executive chairman hon'ble justice Rakesh Tiwari sahab his lordship has visited that place and I was also with his lordship we had seen even the kamble, the blankets which are provided to the widows they take from every NGOs who so ever comes and gives and they take away all the kambles and blankets in the end of the month and sell in the market...sorry for interruption....what is your suggestion...so I just wanted to know the solution of this problems....

Justice R. R. Tripathi:- see there are no readymade solutions for this, if that way you are ask me there are moral crisis in the entire society in this country, but that should not deter us from implementing the bona-fide schemes there are all possibilities, if you remember Rajiv Gandhi said that, when we send one rupee it is not even the ten paisa...right lordship...right lordship....that does not mean that centre will stop giving anything to the people, your worry is right then you should try to find out some solution to that. and my personal perception is that even for the cremation of the dead body of those widows there was nobody and the harijan of that particular area was asked

to have cremation of that body that too by collecting funds at street standing, saying I have to go for the cremation of this dead body please help me. Now suppose he collects five hundred rupees and he spent three hundred rupees for cremation and keeps three hundred rupees in pocket the donor does not say that no.....no.....I donated for the cremation of the dead body therefore you should not carry it with you. So these are the crisis, in fact that is the trouble of this country that is the reason we need to do so many things to be done.

So I think this is not a problem this is something that if you feel that no....here is the particular problem and here is the particular solution, you should come out with that particular suggestion. See because Supreme Court from there will not be able to see that some body is misusing that particular fund. Mr Sarthchandran is absolutely right those old women they still have the feelings for their family and their grandchildren specially and I am sure if she has been given one full bread she will try to save half of the bread form that and as and when she is able to visit that particular place of her family she like to share something with her grandchildren. I think there is hardly any vary important irregularity in this we need not worry on that. We should try to focus that how best we...I mean help her out. now say for example giving of blankets and all that you will find many philanthropic people in the big cities, who come out in the morning and see those who are on the foot-path sleeping without any blanket, they give a blanket but then they don't count that yesterday I gave and the same person is again is there...so I will not give him a blanket. These things are not possible to regulate or supervise accordingly. If you have any particular suggestion how to handle it better, we can give these suggestions to the hon'ble Supreme Court to incorporate in their future directions if at all they have. So see, these are things which are, very, very difficult to be regulated and they cannot be regulated by the regulation so, please don't engage yourself much on that. You try to find out either some solutions or some better mode of helping those people. I tell you if you really go there you will find such a destitute conditions of these widows that you will be all in tears. You all be in tears. Such a.... such...you can see that they are in inhuman conditions in which they are living, inhuman conditions.

See I will tell you one more incidence regarding that story of these people. see when I visited there, I found that the toilet was just unthinkable and most of them, because of their old age, there these charpoy bed, not cots were not having a proper support, you know they use bricks for support and you see these women are very particular they don't need somebody to cook food, so they cook

themselves...that is there tradition and if they are too ill they will the neighbour, neighbour means the next bed the person on the next bed they will cook something give it to her. You see the DLSA at that time did a marvellous job. the district legal service authority Vrindawan....Mathura....the district judge at that time he sent send his para-legal volunteers and NGO also and he send a camera team also, but of course but they said don't show cameraman when we speak about, the money givers will stop giving us funds so one lady covered her face, she was telling a story what is happening to a dead body when somebody....some old woman dies there is no money for cremation the body will be kept just outside the shelter home and in the night a chowkidar will come with a thela and he will put that body in the gunny bag and throw it in the river, if that body doesn't fit in to that gunny bag he cuts with a chopper and does it, this is the story of you know, told to our DLSA members and the para-legal volunteer by one lady. So this actually we reported this fact to the Supreme Court, Supreme Court was immediately horrified, and say there must be a public interest litigation and justice Lokur and justice Jain they started giving orders, that writ petition is still pending.

May I just comment something on it....yes?

the present position is that the DLSA is being now by supreme court orders, which has given a plane to shelter homes to manage the registration of these widows and to supervise the all the aids and grants whatever is given to them, so there DLSA they are involving the DLSA in fulfilled manner, making it a full all agencies to coordinate with them. So that's happening there....

Justice R. R. Tripathi: - I tell you the, another ugly face of the society this year again we had kumbh at Nasik, I have not read about this kumbh this year so far, but last time when the kumbh was there the government gave a figure about sixty thousand old aged parents were just left at the kumbh to survive at their own. And they were the people who did not know even their own village name. They were just left there. Kumbh is known for that, you know. hindi movies so many movies on that you know that do bhai kumbh me bichad gaye our fir thisare kumbh me after thirty six years then again met, after twenty four they met, that is the ugly face of our society and we are just trying to find out something by which, otherwise why should we all be here if every things goes right, and if there are all shravans and no Duryodhan in the society then nothing is required we all can go home and take rest there is no difficulty, but the difficulty is we have not so many shrawans,

we have so many characters in the society which makes us to feel about it and try to find out some solutions to that. the figure was very disturbing in the Nasik kumbh as they were published, it is just not the Nasik, it is in all Kumbh it is happening like that, or even it may not be like a kumbh also, it may be a grand collection, gathering of the people, where people just live and go away and if that person has gone to USA then also the parent in a destitute condition and we are not worried about that son we are worried about that destitute, otherwise we are going to have inhuman life on the streets, that why we are here and that is why we are trying to.....and that is why Sarathchandran rightly said that we want you people to have a special sympathetic approach for the public at large. Keeping the constitutional goals in your mind. You will say that we are disagreeing with you, we are not saying that you are not doing your duties. we only want something more to be added in that, something more to be added to that, and one of the participant rightly said that my mobile number is given to people and they can phone me at any time as against that we have an experience that the numbers which are given they are never picked up. the panel lawyers or somebody they give their numbers, alright sir....I will be on the panel and my number is this but when you only make a trace call they don't pick up the phone, these are the difficulties we have to then find out, if this thing is repeatedly done then we have to find out, whether he is yet to be continued on the panel or we have to find out some other alternative or substitute for that particular person you know that is the main difficulty and these are the genuine difficulties of the society. And today I am really, you know educated our country is so vast and problems are you know such as vast you start from Tripura and come to Chandigarh you find a variety of problems so different from each other. You can't have a strait jacket formula for all NALSA is just trying to you know bring out something so that you people can start working on that. initially the theory was you are the state legal services authority so you must not poke your nose in the government welfare schemes your are supposed to discharge on your duty, but then we found that those benefits of those schemes are not reaching to those people, and therefore he rightly said that you are a bridge so that the benefits reach to the ultimate people. And I will tell you one more thing, of course Dr. Mohan Gopal used to refer to it, we still have babu dome in this country, what is babu dome? No sir...a little educated person treat others, I mean citizens of this country as peasants, usko ye lagta hai ke ye kide makode kyo aagaye, main to educated hun....and that is why they call it babu. he is little educated more than the other masses of the country, he treats them as ye....agar bus main kahi saathme baith gayana try to see that earliest possible movement he is away and he is able to occupy the sit aap

log nahi karte honge, I am not saying every one of us is doing it, no certainly no, I am not accusing any one of that, what I am saying is that this is the general perception, and that is why remember that in one of the lok adalat, one of the participant from Maharashtra said ke sir lok adalat main ek buddha admi baitha huwa tha, usko hume ne jaake pucha aap ko kya hai, bole kuch nahi hai, ye tumchi nayyapalika hai na is something, something, doing so I don't know what it is doing. Until we are being able to bring to those people aamchi nayyapalika concept we are not successful. Sir aap, log ek khali baat sochiye

In this huge population how many people are blessed like you people are blessed by God? How many of us? What will be the percentage of it in the total population of the country? Aap log ye tho sochiye, aap logoko, possibly you are the very few selected, chosen people by the God, and you have this opportunity to server those masses. just don't think about them, try to find out something and of course one thing, it should not be directly against the law, but otherwise you should have your own innovative ways of doing it, innovative ways and that is why we want all of you here, to discuss about, kisso ko ek idea iya, it could be very useful to other person also, that is why we are here. We are having discussion. Ab ye inhone bataya ke Chandigarh aas paas wala, that I visited at least twice or thrice, but I did not noticed this. Chandigarh otherwise is considered to be you know very beautiful city and very educated and very high income group people living there. Lekin uska surrounding jo hai wo chara taraf se jhuggi zopadi wala hai, that is a problem, which is brought to our notice and that way we are conscious about it. Sorry for being for being little sentimental, but then really this is painig us. This is what is painig us. Aap logone notice kiya ke nahi pata, aap logone kabhi flight me kabhi apne bagalwale aadmi ko aapse baat karte deha. kyo nahi karte. aapne kiya hoga. I am not on generalization. Ninety nine percent people jab plane me baithte hai, to pata nahi wo kya ho jate hai, are pata nahi kya ho jate hai, wo bilkul ek taraf dekhana pasand nahi karte, usse baat karna pasand nahi karte. kya bhai train me jab baithe ho to bade aarmse uske sath mugfalli baatke kha sakte hai aap. aur specially smokers wo to fauran somake karenge aur baat karan shuru ho jata hai. lekin palne me jab aap abithenge, you will find people, oh....they take their seat, ek seat pe ek upar baiththe hai, kya bhai kya problem hai, wo itna bhi nahi puchte ke sir aap kis kaam se jaa rahe ho. I am not on that, but that is the cultural of some other countries not of this country. yaha to mile aur muskurahat se baat shuru huwi aur fir hum log saathme gaye. I said they are some, different real problems of this you know....I don't know

particular class of the people. Airport pe aate hai to lagta hai ke mai akela hi airport pe aanewala hu, baki to pata nahi kaise chale aaye, inko sabko bahgadana chahiye, unko subko, main akela hi plane me rahunga, tum chale jao. What is that? and he is absolutely right agar aap tie coat pahenke baithe aur agar aapke cabin me kisiko bulaya gaya to sir aap ko, inki muskil sunni hai, uska muh hi nahi khulega bahi, uska muh hi nahi khulega, kyo ki use pata hai, ye saab patani kya sunenge, kya samzenge, aur uske badme kya karenge, kya inke samne apna roan, apana dukh rone ki kya jarurat hai, they are not able to tell anything, and there is many time you have to go down to their level and then talk to them. Therefore I always tell my judicial officers, ke aap ke court me koi aata haina, to usse thodasa aise bhi puch lijiye, is saal barish acchi hui na and he will be just flat, aur fir wo apne grandchildren ko batyega, mai court me gaya tha waha ek saab baithe the, wo puch rahe the barish acchi hui, fasal, acchi hui, fasal acchi hai, aur usko khasi aagai aur aapne peon se kaha ise ek glass pani dedo, finish, finish, it is that country we are living in. And I am really happy to learn many thing about, north-east areas. I was in impression that witchcraft is the problem only with the Chhattisgarh, but in Assam and all other places, may be because of Kamakya temple same, same problems. Gaon ke andar aurat ko jinda jala dete ye kahe ke ye jo haina, ye witch hai, pure gaon ke samne, aur koi usko bachane wala nahi hai. Agar hum log kahise bhi thodasa bhi, inroad karke, aur agar ek bhi aadmi ki life bach gai that will be achievement of our goal. I remember one anecdote, ke aadmi jo hai na sea shore pe morning walk karne nikla to usne dekha bahot sari machliya kinare pe aai hui hai, he started to picking them and throwing them back in the water, to mare jaisa ek hoshiyar aadmi uske piche piche aaraha tha, usne kaha kya farak padta hai, they are lakhs of them, usne kaha sir, inko to mai nahi bacha sakta lekin jisko ek ko bacha diyana uskao to fark padgayana, jo ek machali maine samunder me uthake fek di, wo to bach gaina, that is what we are just trying to and we are all here only with that purpose, ke aap logaon ka thodasa jyada sensitise kare, thodasa jyada ignite kare, aur thodasa jyada appeal kare, ke aap log jo kar rahe hai, usko thodasa aur badha dijiye, may be by ten percent, aap jo bhi kar rahe hai, usko ten percent bdhaye, aur goal is achieved our Saturday, Sunday, Monday, whatever we are spending here at NJA, that sara wasul ho gaya, and specially I am from Gujrat so we term everything in business, ha hamara monday jo hai, it is utilised, we are always business mind people, you know, he said that everything you can't count in terms of profit, but this is the profit, if you are able to you know, help one individual, and his life is changed. Us aadmiki kitani duwaye Mr. Sarthchandran ke saath hogi jiske pair ka treatment karneke liye dusare din jab ambulance gaon

me pahuchi hogi, muze nahi lagta ke wo inka photo puja me rakhkar, puja karta hoga. he must be thinking ke wah, ek devdut aaya tha, aur usne mera ye jo hai na, uske to doctor ne kah diya tha, iske pair katdo aur muze paanch hazar dedo, very good, actually hum log aisi blessed position me hai, ki humko ninety nine percent problems nahi pata hai, aap ko kabhi ye mauka pada kya ke aap police station jaye, aur police wala aap se badi rudely aapse kahe, ye andar aaraha hai, bahar khada rahe, kabhi aisa huwa aapke saath, agar huwa hai to that experience must benefit you further, that experience must benefit you further, aur isiliye jab mere relation wale jab kah rahe the ki aare, ye to bahot acche hai, police wale saab hai, agar unki, sacchi pahchan karni haina toh, jab wo police station me apni kursi pe baithe hoge, tab jaake dhekhana, bina pahchan ke, tab pata chalega ke wo kaise hai. It's really, really pathetic, lekin bus ye hai, aap ko aapke aankh aur kaan dono khule rakhne hai, aur off-course aapki jo logic hai, usko bandh nahi karni hai, I am not sayin that jobhi aata hai, aap usko, gospel truth maankar, aap uspe kaam shuru karo, no, you apply your logic, you apply your reasoning, and then start thinking and then take action on that. Sir...sir I did not noticed you're....

I reached here because, what is said to going to the police station there is a story of Justice Vivien Bose, you all must have read about it. Viven Bose was the chief Justice of Nagpur, he was travelling from Nagpur to Jabalpur or somewhere, shivani, and he was driving his own car, as he used to be the practicing those days, then the constable stopped the car, and he said kaha jarheho, shivani, hamare sahab aane wale hai, then the sub inspector came, and the chief justice was asked you sit in the other side something like that, and sub inspector sat behind, and the car was driven he was dropped at the police station and then chief justice went to the circuit house, then the fellow had come there, no to guard, then he realised, what he had done, chief justice said don't bother about this but, henceforth be courteous. There is another story of chief justice, justice, Vivien Bose, after his retirement, he was a Ngapurian. His bungalow was just opposite the district courts and he had some work with the tahsildar, therefore he went to the tahsil office, then he was waiting on the bench outside because, the peon said that sahab busy hai baitho, toh baharke bench pe Vivien Bose was sitting, then one advocate came and saw that, Vivien Bose was sitting outside, he said what is the matter, you could have told. He said I had some personal problem with the tahsildar with the revenue matter, I came...so I came, so the lawyer went inside and said do you know whom you have kept waiting outside, a former judge of the Supreme Court, and then the tahsildar realised,

this is how, all government officers treat common man. From whose hard earn money we get our faith. Vivien Bose, how many Judges are like Vivien Bose? I am thankful to you for raising this question, as justice Tripathi said while travelling us sit like this. The moment one become a judge, forget High Court judge, a Magistrate he start feeling as if he is walking few inches above the ground and the moment he reaches the High Court, then you can't imagine. See this problem, this problem is solvable by all of us only, you pin that, you put up that ego and the ego will come down. So again nothing....

I can add only one thing it is Chavan is, brother justice Chavan is of that group of Justice Vivien Bose, and brother Justice Chavan always says, when we talk about the difficulties of the High Court. He says whose High Court, your are the High Court, you run it properly amongst us we have got so many problems, castes, religion, direct recruitee's , promotee this and that, therefore there is will be....and destroy the institution, who is responsible, for the situation today we are responsible, isn't it. Manipulating even High Court judges, because they don't know many things. Ninety percent of the work of the High Court is done by the registry.

So sorry for the little away from the real discussion, in fact we want to know many things from you people, the problems faced by you people. But we will be having that, again, no difficulty. Now we are breaking for tea....one problem I want to highlight my lord. In Delhi it is stated that on an average about five thousand trafficked you persons are brought, every month, which includes girls also and children, you know who is put to be you know in child labour, various NGOs are working in Delhi we have a direction from the Supreme Court of...for creating all India legal aid for child rights. That we have already set up, we have already functional with the bachpan bacho andolan, with Kailash Sathyrthi that is one part. Now it is function and our advocates there. the point that I want to make is that most of these trafficked children are coming from the Assam, Bihar, Jharkhand and Chhattisgarh, but majority of them, girls are coming from north eastern states Nepal also and like that, the difficulties that somewhere NALSA may think of a scheme, how to create a kind of hot line, this is a problem not for Delhi also other metropolitan cities also, Mumbai and Bangalore and other places you know they have commercial market for them, so how to create a kind of a network where when the children are rescued, they are you know restored to their parents and send back to the native places, not only that, but also working through a NGOs or state legal service authorities and district legal service authorities, how to create a network and then

even the parents you know are, are briefed, sensitised, usko dubara bech denge bacchon ko, to ek network creat karne ki jarurat hai, particularly with these few states jahanse bahot trafficking ho rahi hai. This is very important thing which I am going to divulge with you. See now a days we are in the mobile phone era, you know my suggestion is that you should have the mobile phone number of each one of your colleague that is state district judges, and outside the state all member secretaries. It should be necessarily there on your mobile phone, so that will be helpful in these circumstances. See for example I used to visit the mental health centres that is what is called, asylums, psychiatric hospitals, whatever name we may call it. See when I was member secretary in Kerala, I have good rapport with all the member secretaries outside the Kerala, when I visited the women's section, I saw good number of women not belonging to Kerala. All are either from Assam, Karnataka, or some other place, because the Kerala is the southernmost part of India. What they do is, if a woman gets mentally ill, she will be seated in train that land at Kanyakumari or Kerala, she will be wondering around and the police will catch them and send them, bring them before the magistrate, magistrate will of course will ask the mental health centre, nobody comes even if they are cured. So I decided to speak to each one of them, what I did was, which language you speak I can understand most of the languages in India, except few like Bengali and this telgu also I can follow little bit, so when I understand it, she is speaking telgu or kannada, what we do is I immediately ring the member secretary, and hand over the phone and to her. Sir you speak to her, and find out where from she is. She will tell all....rest of the staff members in the hospital all her fellow patients they may not be knowing that language, language barrier is there. So this can be solved and the member secretary can immediately find out where she belong to. Where her parents are and the member secretary will be requested fax immediately on the same day I will send fax these are the things, you just find out. In Karnataka a lady from Karnataka that, then I spoke to member secretary, he was tagadi or something, then he arranged the legal aid panel lawyers and family members at the expense of the legal service authority they were sent by trained to Kochin, and they were taken to that hospital and she was received back. Now the same job is done by Shrikant Mishra sir, o.k. one lady from Karnataka she was from.....this you can helpchildren who are street children out of their fancy they run out from their home and they dumped in the children's home, that is also possible. Such cases we can tackle in this way.

My lord what Mr Dharmensh Sharmaji was discussing about that trafficking of child and the problem in capital most of the children as per the study suggest that, they are brought or they came in Delhi by long distance train. In almost all distance trains there are police persons for checking now a days. It comes to my mind that if some project is taken with railways, because they have to check the luggage or for security purposes, if they are sensitised which is already on duty, i hope at initial level some children may be identified with the authorities they may not going back. the same problem in Bangalore not less 20 to 25 boys are girls are brought from the northern states for child labour and they are rescued by saathi and other NGOs and these NGOs immediately that call to the CWC, child welfare committee or JJB or other concerned authorities after getting order from them, they put them in the observation homes, by the time they are brought home their parents are contacted and they are intimated about their child being brought to Bangalore by some mediators. Some of the parents are not ready to accept the children because they have sold them. All right friends we will go for a quick cup of tea, but before that the problems which are prepared by our research person, he will be handing over to you and according to the problem they are four in numbers, you will be going to according that particular group in a group discussion and then we will come back, right. We will have four groups with a four different problems and this fish bowl method is applied to have a random groups. So according to the number of a chit which you have, you have to go that room. We have four rooms and according to that chit you have to go to that room, thank you.

By what time we are supposed to come back?

fifteen minutes for tea and then for discussion....another fifteen minutes, thirteen minutes o.k. so fifteen minutes for tea and thirty minutes for discussion and after forty five minutes we are meeting back at one O'clock here...right.

Session No: 3: Compensation to the victims: The role of SLSA

Resource person: Justice Ravi R. Tripathi

Justice Ravi R. Tripathi:- Welcome back so, after this group breaking all you have chosen one group leader, that group leader will come here and will talk on this problem what was there views, how to reach out to these victims and to provide them compensation, though there may be legal hurdles in to, their way to provide compensation to the victim, but how to overcome these things and that way whatever suggestion you have come across please...we will start sir, with group no one in continuation group two and three.

Participant: - Good afternoon, the facts of the case I don't want to go into details. a three year old child had been gang raped by unknown person the complaint has been filed, under section 200 Cr. P. C and she was also not medically examined only for state was given on 7th of June, rape was took placed on 7th of June. So the first thing is whether that direction should be given by the trial court for ordering compensation under section 357-A of the code of criminal procedure? As far as section 357 is concerned although with the induction of section 357 paradigm shift took place, in the concept of compensation as state funded compensation the concept of state funded compensation is must. The question is whether direction should be given by the trial court for ordering compensation under section 357-A, quantum of compensation is determined always by the legal service authority, it cannot be determined by the trial court. Trial court can make recommendation where the trial is taken place or if the trial does not take place of the finders are not traced out, but the victim is identified then, in that case the victim can straight away move an application to the district legal services authority. So in nutshell the compensation aspect, can be...the quantum of compensation can be determined and paid by the legal services authority. so if we go straight to...the question is whether that direction should be given by the trial court the trial is taking place then the trial court can only make recommendation to the DLSA, for conducting enquiry this is the first thing. Second is whether the trial court can give direction for conduct of...one thing I forgotten. Trial court can also make recommendation for the payment of interim compensation if we read section 357-A with the judgement of hon'ble Supreme Court given in Sureshkumar v. State of Haryana on 20th Nov 2014. Second question is whether that trial court can give direction for conduct of a proper and fair e=investigation? This is a case of complaint. If it is a pre-cognizance stage then obviously section 156 (3) can be invoked, but the facts are not clear, whether it is pre-cognizance or not, if it is post cognizance it is obviously section 356 (3)

cannot be invoked and if the trial...complaint is proceeding then investigation...the question of investigation does not emerge in a private complaint, that is second question. the third is whether the trial court can give directions to the chief medical officer to personally monitor the progress of the treatment and to place a status report, now section 357 (C) of code of criminal procedure, it says all hospitals public or private, whether run by central government or state government, local bodies or any other person immediately provide the first aid or medical treatment free of cost to the victims of any offences covered under section 326 A, 376 A to 376 D. there is a provision, this can be invoked by the trial court, but it cannot be said to...but it cannot give the directions to the chief CMO to personally monitor the progress of that case, progress of the treatment, fourth what should be the role of DLSA? Now DLSA can provide the counsel to the victim to represent her case before the court, that is one thing, secondly as I said earlier can determine the amount of compensation if the recommendation is made by the trial court, if the offender is untraceable, then obviously the victim can also file directly an application before the DLSA and it can determine the amount of compensation and that apart, if there is any other scheme formulated by the State government then in filling up...in filling of the form or doing all formalities to get the compensation and under any other compensation scheme apart from the victim compensation scheme framed under section 357-A DLSA can do that role also, thank you...

you tell that the victim was a child...yes child...age....there is provision under rule seven of PCSO Act...may I make a little...I disagree with humbly speaking to the I think the answer that has come to point number one. In my opinion my lord under the PCSO Act section 33 I think it is sub-section 8, it is the prerogative of the POCSO court to award interim compensation that is rule seven. The POCSO court sup moto, it can also sue-moto decide the quantum of compensation that prerogative should not be left to the DLSA this is what happen, you know whenever we are having discourse with the judicial officers who have been advocating, that POCSO court sue-moto take cognizance of the matter and may award compensation, decide the quantum amount as well. It should not this task should not be left upon the DLSA, but even if they are recommending then we are passing orders.

Sir I would like to respond, with the kind permission of the chair, sir the question is whether the direction should be given by the trial court for ordering compensation under section 357-A? The question is not under section 357-A or any other law, they have confined the question to section

357-A only. Otherwise, there is no prohibition for the trial court to order interim compensation under section 357 also it can do so, because Sureshkumar v. State of Haryana is there and there is one more judgment....Possibly we can do one thing, you can say so far as this question is concerned, this is the answer but otherwise, this can also be the certainty...right...right...so you are also right not on that anecdote haa....you are also right, you are also right...so who is right...so both of you are right...I am not on that, but you can say that so far as this question is formulated in that, this is the answer, but this too can be.....One more thing can be added that is under section 357 itself, right....interim compensation can be awarded...o.k...Right....yes group two.

Participant: -With permission of my lord...yes....this is a case...that is the case given to us is very simple case. Case of murder. The wife of the deceased went to the police station to lodge FIR in dead of the night, but the constable on duty refused, said you come in the morning. On the next morning the lady went the register...the FIR was registered. Thereafter the charge-sheet was submitted by the police almost a year after the occurrence. the trial took place in the trial, during the trial the accused admitted a to killing...of killing the victim but did not adduced any evidence basing on the evidence adduced by the prosecution and the other materials the additional session's judge held the person guilty, convicted him under section 302 and sentenced him to life imprisonment, but no fine or compensation was awarded. On this backdrop the question...the first question is whether there is lapse on the part of the trial court judge concerning the compensation to the dependents of the victim. Our group has decided that, the answer is yes, there is a lapse, firstly...it is on two part, firstly it failed to exercise jurisdiction under 357 (3) since no fine was imposed so section 357 (3) could have been invoked to award some compensation secondly this is a case where the occurrence place in 2012, the FIR was registered in 2012, the charge sheet was submitted in 2013, the trial was completed in 2015 all these years the victims has gone without any compensation. So at the first stage the trial court should have recommended to the district legal service authority for awarding...for considering the question of compensation under section 357 - A.

So I think there is a lapse on the part of the trial court. The second question is under which provision of law the compensation should have been granted by the trial court? As i already said it is section 357(3). Third question whether accused can be asked to pay compensation to the dependents of the victim? Here normally the accused can, here particularly no fine has been

imposed so section 357 (3) compensation accused can be asked to pay. What should be the amount of compensation to the dependents of the victim which should be ordered by the trial court? This compensation as...according to us it should be, I mean it depend on facts and circumstances of the case, which includes the capacity of the accused to pay as well as the status of the victim, the loss sustained by the...the fourth question is whether court can order an inquiry against the police functionaries who refuse to register FIR when the wife the victim approach the police station? Our answer is there is no provision to order an inquiry to the lapse of the police at the initial stage, but there is no bar, I mean for the trial court to make appropriate observations in its judgment, reflecting the conduct of the investigating agency. Now the second part of the question is what should have been an ideal response of the police, towards the wife of the victim, when she approached the police station? Obviously it should have been...have been that the FIR should have been promptly registered so that has not been done so she was asked to come to the police station again, which is certainly not an ideal scenario. Now the first question, the last question is, that little attention has been focused by courts on victims of crime as persons deserving protection of administration and the society for the rehabilitation in an honourable and in dignified manner. Yes experience shows that of...of late it has been I, the courts are now very anxious to award compensation but, as previous speaker was just referring to the mind-set that was more towards penology than victimology. Of-course there has been a paradigm shift now. We are thinking in terms of victims...victimology but, most in a traditional mind-set it was, that victimology was there, here in this particular case three years has passed and the lady has not got any compensation. Even though she could have, law provides that she could have, given some compensation at least at the initial stage. So this is our response. Very good, very good...thank you....

Anybody would like to add to this a....or we can go to the third group? Right...

Participant: - Thank you, with your lordship's permission on behalf group number three the facts of the case given in this exercise are, that is there was a labourer in a factory, whose death was caused. who was buried by the kith and kin and other persons, without informing the police, then....you just adjust a mike so that everybody can listen it....you better address the audience, then the inquest report was made, case was registered ultimately three accused were sent for the trial, witnesses did not support the prosecution and accused was acquitted. In these facts certain questions were posed, first question was whether the trial court has legal duty to award

compensation to the parents of the victim, irrespective of the conviction or acquittal of the accused persons? During discussion it was surfaced that, in view of section 357 A victim compensation scheme has been made by the all representing states. In Delhi there is victim compensation scheme 2011 in place. Another victim compensation scheme 2015 is pending for the consideration for the central government, but as per, if we read 357, 357-A and victim compensation schemes as per the discussions in our group, in view of the 357-A (3) and (4) trial court is duty bound to give compensation to the parents. The second question was whether the interim compensation to the parents of victim ought to be given at the earliest, in this case? As per our discussion and in the opinion of the members of this group, yes interim compensation should have been given. The third question was what material should have been called by the court to assess the situation of parents of the victim for determining the amount of compensation? The material questions are the...the economic position of the accused persons, and the position of the victims, that is the parents or the other dependents. so the economic...the documents relating to the conditions of the dependants victims and the accused persons along with the age of the parents and other documents should have been called, for guidelines in these cases under victim compensation schemes, because it has a criteria and limitation, it is not open like MACT cases but for guidelines the criteria in MACT cases may be broadly taken. Fourth question was, do you think that at present entire focus of the criminal system is on the offender that is to punish him, to seek his reformation, rehabilitation and ignore the rehabilitation of the victims or his or her dependents. There was unanimity on this question yes, as per the traditional approach, the victims have been ignored, but now the things are changing with the leading judgments of the superior courts and with the amendments in Cr.P.C and victim compensation schemes. As per our experience is concerned in about last one year in Delhi, at least 650 cases victim compensation has been given and an amount of about nine crore has been disbursed to the victims. The fifth question was that, majority victims of crime having poor economic capacity, can go to the civil courts to have the ordinary civil action to recover compensation in the form of monetary damages? The opinion of the group after a discussion is that victims are poor it is very difficult for them to afford and to approach the civil courts, though there are both the remedies are available in such cases, if victim wants they may also go to the civil courts, in addition to the compensation granted under this schemes, thank you very much.

The purposes of the compensation under section 357-A the capacity of the accused is not at all in question. Here in this case there was....the capacity of the, accused is not at all material it is for the state, state has to pay compensation under section 357-A hence other things are not material....see that court can defiantly can award compensation if as 357 fine only or imprisonment or fine and fine and out of fine compensation or imprisonment only, in that case also, compensation can be awarded, now some determine factors had to be ascertained, itemisation is one part then you have to see, whether the accused if actually, a person who has the financial capacity to pay that compensation, supposing they have a case of a labourer who is committing murder of another person. Now the labourer who is having hardly three thousand rupees and all that, where the money can get. You can pass an order of five lakhs rupees but whether it is executable, it would be practicable to give...you know pass such order, definitely I think financial aspects of the convict, I think that should be also taken into consideration.

Sir I am not sure, but I suppose the funds...these funds comes from the state and state also recover a part of wages which are paid to the prisoners towards the victim compensation fund. This is pool, to which money comes from various sources, therefore we have to compensate the victim rehabilitate the victim, so if you are to rehabilitate the victim you have to bring him to the position which was prevailing before the offence took place, how it is relevant whether the accused has mean.....funds If the money is coming from the victim compensation scheme then it is O.K., but when the court is awarding compensation and directing the convict to pay that compensation, there arises a question, whether the convict also has that financial capacity to pay that compensation....he is talking about 357, under section 357 the capacity of the accused has to been see, because the accused has to pay the compensation, but what under section 357-A it is the State, who is...and compensation can be awarded even those cases also where final report has been submitted.....

This is based on the concept of the State responsibility, state is supposed to protect the, you can present your views, just a minute Mr Sarathchandran has something to say.....law of torts, see there the let the heavier purse pay, that is the principle of all the tortious acts, so here if the accused is not having that much funds for paying the compensation, let the state pay, state is the heavier purse that a simple thing. Suppose the accused has the capacity to pay, under the victim compensation scheme what would be the situation sir whether the liability can be imposed on the accused? Sir that is the answer...that is the answer the capacity of the accused has to be considered

then orders can be passed. It means, I mean to say that, he does not has the capacity to pay this has to be determined, because the amount of compensation awarded under section 357-A has to be amalgamated under the victim compensation scheme. On behalf of the victim compensation scheme, what has been said, the district legal service authority, what so ever compensation is paid to the victim out of a state fund, the order is placed on records of the court, and the DLSA has been given liberty to realise from the accused, now from the time of paying the compensation the capacity of the accused is not at all material, it is for DLSA, district legal service authority to think, if the accused is in a position to, it may reimbursed from the accused if he is convicted. yes you want to say something else.....sir regarding this presentation by group number three this is a case of acquittal, in acquittal section 357 cannot be invoked, but....so this is the case of section 357-A so first thing is whether the trial court has legal duty to award compensation to the victim, under section 357-A trial court cannot award compensation, why, because it can only make recommendation in case of acquittal also. The compensation is to be determined by the DLSA, one thing sir. Secondly as learned member secretary was saying that the capacity of the offender is very immaterial thing that is only case of section 357 (3) as held by Supreme court in Ankush Shivaji Gaikwad v. State of Maharashtra on third of May 2013, that is not in case of section 357-A. third question was whether the material should be called by the court to assess the situation of the parents of the victim, court cannot do anything under section 357, neither assess nor hold inquiry, so court cannot do anything so here also a....I differs.

Sir...sir the entire scheme of compensation is now in three parts. First is, compensation under section 357, second is compensation under section 357-A, third is compensation scheme legislative in view of section 357 the whole philosophy is to my understanding is that every citizen has right of life and liberty. State has a duty to protect the life and liberty. Crime is against that principle, if State cannot protect the life and liberty against the crime then State also has the responsibility to compensate. Just a minute...just a minute...let...let...let me complete, I am not going in 357. No sir in the scheme the first duty is, if compensation can be paid by the accused, State should not be burdened because primarily he is the person who has committed the crime. If he has the financial capacity he can adequately pay or he partly pay. Responsibility should be fasten on him only, but in every situation it is not possible, if responsibility is to be fasten on him trial court has to determine, trial court has to pass order, trial court has to pass or impose to grant the compensation

and for that purpose the trial court has to assess the material to decide the quantum at that stage. But if accused cannot pay, convict cannot pay then, situation comes that under victim compensation scheme or section 357 or State has to pay. then that line and that procedure has to be followed, in those situations also, if material is collected by the court, that may be a guiding factor for the district legal service authority or State legal service authorities to determine the whole situation, so in our opinion material should be collected and if some observations are given by that court that is always beneficial, and the next, the last point, there may be the situation, where trial court thinks that at least think that at least ten lakhs compensation for example should be given in a given case, but in the opinion of the trial court that is the maximum, accused may pay only two lakhs, according to his income group. Then partly responsibility may be imposed on the accused and for rest it has given a....again in the victim compensation scheme through the State. So mechanically the entire responsibility should not be burdened on the State. It is case to case, first upon the accused, if he cannot pay then the accused, then the State or partly, thank you my lord....

Sir this is a case of acquittal, in case of acquittal how can we burden the accused, section 357 will not come into operation?

My lord I may also answer this query. As I was explaining, it is...it is a question of life and liberty and State has the responsibility, suppose there is hit and run case of an accident, whereas person has dies, and the accused is never arrested. Under victim compensation scheme at least of Delhi there is a situation, that in such cases also, State has the responsibility to pay the compensation, only thing is what we have to ascertain that some offence is committed, accused may be arrested, accused is arrested...Firstly he is saying is that when the accused was there before court, he is acquitted in that situation can accused possibly liable....I am coming to this question, my lord, acquittal may be in three situations here it is a rare position is not clear, first observation of the court may be that no offence was committed, or case is false, or the accused is false, or there is benefit of doubt, due to technical reasons or evidence, there in the opinion of the court, no offence is made out no compensation. When case is false in the opinion of the court, there cannot be any question of any compensation, but there accused is acquitted on account of benefit of doubt, then offence has been committed and as per the scheme. It should be interpreted in a way that victims should be compensated. Every State government in coordination with the central government has prepared a scheme for providing funds for the purpose of compensation. The scheme for a purposes

of awarding funds not for the purpose of fixing the liability on the accused. 357 has nothing to do about the liability of the accused for providing.....All right so we had a good discussion, let Mr. Mulia also present, so in lunch time you can have more discussion on the you know.....

Participant: - The case which I am having victim was thirty five years, having aged mother two children and young wife. He was fighting against the drug dealers and was brutally murdered by the gundas and the activities carried out by the drug perpetrators he was brutally murdered by six accused and the at the conclusion of the trial six persons were convicted and ordered to undergo life sentence and fifty thousand as fine. The questions which I am supposed to answer is, first question is whether the trial court should have recommended compensation under section 357 Cr.P.C or under section 357-A Cr.P.C to the dependents of the victim in the case. Now according to me under section 357, according to our discussion in our group, 357 (3) learned judge cannot award three sentences to three others, one is to undergo imprisonment fine third one is the compensation. Therefore either he can award either compensation or fine or fine can be recovered as a compensation. So according to us learned judge could not awarded compensation or else he could have awarded compensation and fine as rightly pointed out by my learned friend and there is a judgement of hon'ble Supreme Court Baby's case, so this is the first question. Second is whether.... what are the major obstacles before the trial court in awarding interim compensation under section 357-A Cr. P. C....I am sorry my lord....what are the major obstacles in awarding interim compensation under section 357-A Cr.P.C to victim or his dependents. If we read section 357-A, there is no provision whereby court can award interim compensation, court can only recommend as far as section 357 (6) is concerned court cannot order as far as interim compensation is concerned, it is to be paid by the district or the legal State legal service authority or the district legal service authority that too on a certificate issued by the concerned police or the magistrate, therefore as far as interim compensation is concerned the court has no role to play. As far as third question is concerned do you think that the compensation awarded by the trial court reflects retributive justice and there is no remedy based on the.....I am sorry.....justice which required compensation by wrongdoer to the victim or his family member. In fact learned trial judge has miserably failed as far as the case which we were having if we...we as a part if we say...as far as my group is concerned we could have awarded more compensation, we could have awarded more compensation instead of awarding sentence of fine. Fourth question is that, do you think that

judicial attitude has reflected in the sentencing also should appear to be responsive to the personal factors and character of the victim. According to our discussion yes, our answer is yes.

And sir one problem what our legal services authority is facing is these all these schemes are come in the year of 2012 or 2015, all are prospective in nature, but in criminal appeal and vote matters whenever there are judicial pronouncements, the judicial orders to pay the compensation, we are being compelled to pay the compensation without...because whenever this money is being by the State government by the home department when we ask for the queries they flatly refuse that, I mean stating that these schemes are prospective in nature, and the compensation cannot be paid for the offences which are been...committed ten or fifteen years back.

Just a minute, just a minute....you know this is what we want to understand properly. In absence of schemes the court could not ordered any compensation, could not have recommended any compensation to be paid, in absence of the schemes? That is the answer.....357....may be...as far as the victim compensation scheme is concerned...you are right....so far as the scheme is concerned, definitely say that it is prospective, so forget about the scheme. We independent of the scheme we are. we are passing that order...sir I do endorse your opinion sir....but as far as the payment of compensation to the victim compensation scheme is concerned....you are right...no difficulty....see actually....that is why I did not like that term....no...no the court is totally helpless, court is not supposed to pass that order, you are right, it is not supposed to ordered you are hereby directed to pay the compensation but at the same time, you are always having a power that you can recommend the compensation. See we are just talking about change of mind set and mind frame. We are talking about, change of mind set and mind frame, and I tell you if you are bonafide are clear, you can always find out the way to help the poor victim. Just a minute....this is again my personal opinion. It is very fashionable to talk about, human rights of the offenders...oh... sir police wale usko danda mara....I am not endorsing that police wala should give him beating, but at the same time nobody talks about the victimology and the victims that has started. So we should also try to change our mind frame in that line, that no, victims are also to be looked into. Possibly in the entire criminal jurisdiction what is forgotten is victim. You have no right to come in the court, wait outside, whatever we are decided, it will come to you. What is that? He is the poor person who has suffered and look at this last case which is given. The poor fellow was fighting against those drug mafias and you know they are having the better armaments than even the police people. Police wale ke

pass AK 47 nahi hogi, drug mafia ke pass AK 47 hosakti hai....Now in that situation we are only trying to think about to change of mind set or mind frame you will have to find out some way, and I told in the morning also we don't want you to go directly contrary to law, but if it is permissible find out the way and help the poor person, that's the only idea. My lord I just want to add one thing...it is not in respect to the question which I was supposed to answer. This is a suggestion to hon'ble Agrawal saahab, according to me my lord there are victim compensation scheme. Every State is paying different amount, say just for example Gujrat is paying one point five lakhs to the person who has been murdered to the legal heir of the person who has been murdered suppose in Delhi, Delhi people is paying 2.5 lakhs, I am not sure but may be paying 2.5 lakhs, somebody is paying one lakh, so according to me there would be discrimination a person who has been murdered and his legal representative would be getting and would end up getting 1.5 lakhs, a person who has been murdered in Delhi would be getting 2.5 lakhs, what is the difference, I just want to suggest that there should be a national scheme where a person who has been murdered or the legal representative of the person who has been murdered all the injured should be awarded equal amount of compensation....uniformly and State should not....my lord I want to say one thing....there is a national victim compensation scheme already formulated by the ministry of home affairs. It has come into force or not, I am not sure today, that is also recommendatory and does not have a good compensation criteria, it was...something was to be discussed with the....because the States have their own funds and so the....so what we are told is that a match able fund provided what they call Nirbhya fund. Initially....whether this can be in addition to the state funds or not, I am not sure. I just want to add, I have gone through that scheme issued by the central government. My lord if we carefully examine that scheme, corpus of about two crore has been made a committee of six to eight joint secretaries has been made, who will take up these issues. What procedure has been made annually every legal service authority will give a statement and demand. A

formula has been given in that to claim that reimbursement, first State legal service authority or district legal service authority will pay to the victims, that on annual basis, they may seek the reimbursement, and that committee will decide it, how much it has to be reimbursed or not reimbursed? The formula for reimbursement has been given at least, Delhi is not going to get even rupees five, from the central government sir. question is if State government has already paid, state

legal service authority , from where state legal service authority will pay, either from the funds of the State government or other funds, then central government will always say according to that scheme, that you have enough funds and you don't need. So, me my lord that is useless scheme, when the States are not going to get anything.....

We may not be going to that, because that is not the possibly the discussion area within our discussion part. see we are here basically for the purpose of having a change a set of mind that, that you should some concern for the victim also, that is right, now ultimately see if you talk technically, brother rightly used the term harden earn money of the tax payers, which goes to the corpus of the government. Now the central government may be in left pocket or right pocket, state government may be the other one and ultimately the compensation should reach to the victim that is more important, they are very technical things and they will be taken care as and when those issues raised with the people those who are you know in the charge of the policy making. We are not on that. idea is only simple that you should have a mind frame that victim is present in your mind and should try to see that how best we can help, that's all, and, and so far as uniformity part is concerned I am not agree personally on that, because that is not possible, if you bring uniformity in everything possibly the whole, purpose may be lost, because the person living in that particular area those local surroundings, local circumstances and all that, they are always going to have something you know, if I get in Ahmadabad potatoes for 20 rupees per kg in farookabad where it is grown up it is available for two rupees per kg. Now you will say, it is central government duty, that it should be made available to me in Ahmadabad also at two rupees that may not be very workable. It could be ideal situation when you think you know in AC room you may think that no, no uniformity should be there everywhere. if it comes in future we will welcome it, but for the present only ideas is we want to say, you should have victim present in your mind, when you are discharging any part of your duty, tomorrow you may not be a member secretary, tomorrow you may go back to the judicial office you should have that particular concept in your mind present that is the....

One of the participant: - The question whether a person....in a case, when a offence took place as just before passing of the scheme. Whether the compensation to be paid to the victim or not, it came in an appeal in Bihar, victim compensation appeal, it was the....and the executive chairman, while deciding the appeal...he give this finding that, victim at the time of occurrence doesn't cease

to be a victim at the time of passing of the scheme. He still remains victim at the time of passing of judgement, and we are paying compensation even to those.....

That is why the terminology is used is activism in judicial pronouncements, that is the term used activism and that activism is welcomed by me personally.

There is no question of prospective or retrospective operation of the scheme, the victim is victim at the time of passing of the judgement also.

that is very good answer, but what he is referring to possibly may be those government root in objections now this scheme is prospective, how you can give compensation under that, so he will take the answer home and will answer it in that particular, there is no difficulty , yes and will not arise any question against it...

Now we will part for lunch, but before that very important announcement that we are going for a group photograph with all the resource persons, just a minute before lunch and we will gather back after thirty minutes, but that.....after thirty minutes we will gather back.

Session No: 4: Selection and training of para-legal volunteers
Resource person: Prof. Dr. M. R. K. Prasad., Mr. U. Sarathchandran

Programme Coordinator (Milind Gawai):- Welcome back now we will proceed towards session no four, which deals with selection and training of para legal volunteers.

Prof. M. R. K. Prasad: - Good afternoon to everyone, I know this is a difficult task after such a good lunch, to keep the eyes open....any I am not a judge or a lawyer, but I am a law teacher, so let's have some kind of interaction when we are presenting these are my thoughts purely as an academician and also had worked about fifteen in a running legal aid clinics in Goa. The Salgaoskar Law College runs thirty five legal aid clinics in the community then we also has done research done law schools based legal aid clinics in seven states. The report is already given in the memorials, the written things that are supplied to you. So.....few things I could....some silly questions which just to stimulate you. So one thing is, though we are discussing several times what is legal aid I feel that there is no problem in understanding what the legal aid is so let me ask few simple questions, they look very silly but because you are being the judges, so do people need legal service to defend I, think we don't have any problem with that. Everybody knows that they need, but what about this question, do we give only for litigation or non-litigation services? Both mostly if you look at the statutory provisions regarding legal aid, they talk about only litigation except the legal service authority talks about the legal advice also, and some extent legal literacy. What about this do we need to give any simple things also a legal....simple problems....that's the question I am asking. Yaa...it is simple for you to answer, because being a judge for so many years for example a filling of a application, or filling of an RTI form its very simple for every one of us, but it's a big task for a new person and I don't know if you ask your children to fill a D. D form to get a demand draft from a bank, probably they struggle, because they never did that, even they are literate. So even for a simple matters, I don't think that the people would be able to defend themselves. So therefore I think there is yes....yes....I think it is not completely coming, so it looks like the vast majority of the experiences are the requirements of the community actually, doesn't require you to go to the courts. It is mostly outside the courts, that the legal services are required. That's why I divided them in to two kinds one inside litigation services other one is outside litigation services. Inside litigation services although we have so many legislation including C. P. C Cr. P. C then the constitution etc...where you provide a lawyer to defend their disputes, whereas

the outside litigation services is where these are the disputes that it may not go to the court or it is unlikely to be involved in any court in those matters. So the purpose of inside litigation service is of course this you know, I am just concentrating on the outside litigation, this is where you need to assist the legal matters where the legal matters where litigations are not unlikely to be involved. So for example if I want to sign an agreement, whether I should I sign or not doesn't require to go to the court, it's only an advice. Suppose I am going to sign for a surety for my friend, what would be my responsibilities if that person doesn't pay? If I want to know, if I want to make an affidavit I don't require to go to the court, but I need an affidavit, so these are the areas where we need the outside litigation services. so these all are including providing the documents letters, telephone calls, I think...I like the idea of member secretary Sarathchandran sir said that, you are a bridge, so you are...so we need somebody between the community and the court system. Who would assists them to go the court, to the police, I think today's four problems that have given, in two problems they have mentioned, that FIR is not registered properly. What would have happened, if that person is going alone go with a PLV to the police station can the police constable will say the same thing to the PLV? May not. That's the difference the PLVs could make. so while looking at these, generally when we say that the components of the legal aid what comes to our mind, one is the litigation, what else could be the legal aid, legal advice second, assistance in court cases that is legal representation, O.K. legal representation, legal awareness, counsel facilitation, so now you could see the whole the idea of legal aid is not confined only the court. It is much more, it is much beyond the court, so these are the seven components which are recognised as part of the legal aid not by me, but by the justice Krishna Iyer committee on legal aid. There are three committee on legal aid reports that came in 1970's and early 80's, so they identified the seven components of legal aid. One is legal representation that is what generally we look as a legal aid, to some extent legal advice is covered by....legal advice is covered but legal awareness of course first time when Manmohan Singh came as Prime Minister, he started it as a....I don't know, whether it Manmohan Singh, it is 2005. The legal literacy mission was started, but unfortunately if you type legal literacy mission in India in google, it will come only one page information on that. In 2005 I remember that it was started but unfortunately it is not taken off. But only with the legal service authority Act yes legal awareness is much more meaningfully conducted. Then the para-legal services that is where our PLVs are coming to picture, assisting the people in the getting affidavits done filing applications social welfare schemes etc. Then the fifth one is public interest litigation is another

method of providing legal aid to large section at one case and so effective the public interest litigation I will give you a small story, when we started our legal aid cell, we started to go to prison and visit the prison. so for two years we are struggling to get the permission to visit the prison they are giving some kind of a obstruction this problem that problem we didn't get, but once what happen is that...justice Frdin Rvelo he is judge of the high court Bombay he has given a judgement that all the prison should have a legal aid clinic operated by the law students with a Panel lawyer and it shall be the duty of the district judge to look in to this matter, the moment that order was passed we received a letter from the district judge asking us to come and he called the prison authorities and told them, this is the order of high court you have to provide the facility. now earlier when we want to go they were not allowing us to go, now the prisoners authorities sends the vehicle to take the students there and arrange their travail food everything and allowed us to interact with the prisoners. So that's the power of the public interest litigation, if the court is willing to support, I think anything can happen.

Professor could class action be also comes under the public interest litigation, class action is something different, it is new to Indian jurisprudence. it's a fancy....I think class action litigation mostly I think a....Jane could be able to tell you that, it's mostly used in US but I public interest litigation is much far easier than class action litigation, is much easier than the class action litigation and the last one is the law reform that is where you look into the audit of the law, whether the law is properly working, if you need any changes to support...you gave a changes with a lobby with the government and bring the desired changes. so these are the seven components of the legal aid and then....of course I am building to my next presentation tomorrow also, so that the same understanding so now let's go to the para-legal the problem with the word para-legal because, I think it is mostly popular in US. The par-legal are the peoples who are working with the lawyers giving the support services, but that not the idea when we say para-legal...para-legal are like para-medics they are...they are not going to give any advice. Nor they are going to represent the client, and in fact they are not supposed to do it. So they are not lawyers they are not supposed to represent the client, nor giving any advice to the clients. Then what they are supposed to do. this is what their expected role...they are expected to help the people whatever the manner any they guide them, they empower the community they provide the referral services, for example there is a need for filing a case. Para-legal is not going to file a case they will refer to the legal service authority, and

guide them how to apply to the legal service authority. That is what they do, and the bridge concept that link between the community and the state. The state gives you so many facilities, benefits but it won't reach to the community, so this is a para-legal is the link between the community and the state. And they act mostly like a facilitators. So if I have some problem, I don't where to go then the para-legal service volunteer would tell me that

Your problem is like this, this the place you should visit, for example if I want to give a complaint to a police station, I don't know which police station to go, I don't know how the police is going to behave with me. The PLVs will be helping to do that. of course in 2009 it has also given the whole scheme, I am just browsing through the scheme, most of you have the idea, I just run through....the aim of the para-legal is to provide to make the legal aid available to all the sections of the people. You could imagine I don't know, who many of you have keenly observed section 12 of national legal service authority Act. If the list is actually followed, more than 70 to 80 percent of the Indian population is under the legal aid....a....legal service scheme. Women 49 percent is covered is there, then the children, SCs, STs, person's affected with the disasters, so it's a huge task, one point two billion people if asking to cover 70 percent under legal service authority Act, it is impossible task. So that is where the more PLVs will come in to picture, and what are we looking at the PLVs they are supposed to have compassionate their supposed to have sympathy, they are should have genuine concern to work. so these are the qualities we are looking at the PLVs I think morning we have heard the judges speech, an inspiring speech that is the mind-set that is required, so that is what are looking in the PLVs. and the PLVs are not supposed to be registering for the purpose the two hundred and fifty rupees that we are going to provide for every sitting, every sitting they are sitting.....and of course they are supposed to be trained to be with the basic laws that are applicable to the grassroots level, with reference to their day to day life. This is the most important thing. What are we going to trained them, I am not going to trained them in Cr P C, CPC, IPC and evidence Act and all. we are supposed to trained them what are the day to day life the grass-root level what the people are going to face the problem, for example, I am not going to talk fully about Cr P C but I will tell them, if the police is going to arrest, what should be the minimum requirement the police should follow, if there is arrest, this kind of things that we are going to trained the PLVs. so therefore the moment when we are saying that they are the link between the society and the state, they need a training, PLVs need a training, and the training

should be an effective training and an effective training. So they...because they are going to like act like a primary health centres. You know what happens in case of a medical emergency, first you will go to the primary health centre, they do the first aid and then send to the proper hospital. The same thing the para-legal service going to act. So therefore they should know what is their role. A PLV should not be under an impression that he knows everything or he can handle the cases, he is not supposed to handle the cases, he is only a link, so that information and that idea should be brought in mind of PLVs that their roles are limited one. now this is where the, modalities the scheme says that in each taluka level you should have minimum 25, that we should train about a 50 and 25 should be at a given point of time. Now imagine how many talukas are there in India, I just browse through, about ten minutes back, it says about six thousand talukas and six thousand into fifty is one lakh fifty thousand para-legal are to be trained. At district level, there are about six hundred districts, in to hundred sixty thousand para-legal, its....it's a gigantic task, I don't say that it is impossible, but it's a gigantic task, to train so many PLVs and imagine even if you trained hundred people at time, which is impossible, the ideal number would be thirty to forty, but even if you take hundred persons in one training session, how many training sessions will required to train them. And who are the PLVs....PLVs are some literacy should be there, minimum ten standard, that is what we are looking and they should have a mind-set, again they are saying that unflinching commitment towards the cause of the marginalised people. which is very difficult to gauge who are committed right, and from whom we could take the PLVs, these are some of the catchment areas they are the teachers, they are the retired government servants, MSW students and teachers, anganwadi workers, doctors students of law, members of Non-political, NGOs clerks etc.....then women self-help groups even educated prisoners could be PLVs in the prison...in addition to that whatever the DLSA think about that. These are of course....these are not the problems for us, the catchment area is not a problem. The training is the problem, that first thing that we are trying to train them is training modules for the PLVs this is what the scheme says, this is not what I am saying. the scheme is a uniform training modules shall be prepared by NALSA which shall be applicable to the entire country and the module shall have a special emphasis on the conduct and behaviour of PLVs. the module shall be prepared shall be translated in the regional language. The one problem is the manual, I don't know, it's a very big task. But I think I was told that some of the manuals are already ready. but again a uniform training module again that would be a problem for the NALSA, because what is the aim is to provide day today problems in the community in the

local level, so each state, each region may have different problems. I don't know how far it would be possible, it could be possible to the basic foundation courses, yes manuals can be, otherwise you need to have a manuals separate manuals for each one, for example how are you going to have PLVs trained, for women how do you train, child rights how do you train, there is a n-numbers of modules we need to prepare, so it's a very, very big task. So therefore what we need first one is to we need to identify the core areas, if you want to train them. Now how do we identify, these are few my thoughts, one is, it should be based on the locality, and what the most common needs in the community, and then some basic foundation courses which like fundamental rights what is the court system, how does the court system works, these are the few things that everybody should know. But mostly the PLV training should be local oriented. Now this is one of the problem where we look at, when you have a set topics on this we should teach them, some of them may not apply, for example somebody tells me the domestic violence Act is main, prime focus of the NALSA it may not work in Goa, I am not saying that there is no domestic violence, but glaring thing, may be consumer rights may work, may be property rights works, tourism related issues may work, but not other things it all depends on the locality. then when you are developing the manuals first you need to look into the contains, this the simple thing the content and how much content we have to give, that's a very, very important, and the content has to be very simplified it should have flow charts, probably one method we look in to some of the modules developed by the IGNOU, IGNOU has developed some modules, very simple thing, we could take the help of so many NGOs who are actually train people. Then what substantive that you will have to discuss how much procedural law you are going to discuss and the most important the state machinery, what I mean state machinery is in case of the violation who are the first contact persons. Some places it's a police, some places it's a labour commissioner, some of them are BDOs some of them are Sarpanches and then the child welfare commissioner, there are so many machineries are there, so that information has to be there in the manual. and of course language is another issue it has to be in the local language, it may be one in English, that could be translated, that is not the big problem, and also, I look at it that the manual should contain the basic doctrines, at the basic formulas of the documents, like if it is an affidavit, a simple affidavit, how do you make a simple affidavit, a RTI form a basic, RTI form, application of various schemes the citizens charters.....no the bail application is, how the bail application is looks like, they are not going to apply for bail. It is just for the PLV, PLV should understand how the bail application looks like. No...No...that is

what....where I am saying....for example RTI, there is no standard RTI application, what generally we did, we manage is we put a general things, this looks like this, so that where the PLV has to change, but the PLV should have some kind of a bare instructions. I heard some of the bail application were in printed forms are available? that's what I heard, they are available, so see....for example contract, each contract is different, but we have a standard contract, form, where they can little bit change here and there, this is not the PLV automatically give it to them, this is just to get the PLV understand what are the basic documents looks like. Because the affidavit, the affidavit could be affidavit for the different reasons, but if keep you one affidavit, so they can have some idea how the affidavit look like. then the most important one is the last one the standard operative procedures, for example SOPs we generally call as, the moment, suppose a PLV receives a complaint of child abuse, what should be the immediate reaction from the PLV, they should have the formula, the moment you receive, this is this the procedure to be followed, if that is there it will be very handy for the PLVs and they don't get panic. And the most important aspect of the training is what methods we are going to apply. And we all know how boring is the lecture method and predominantly it is a lecture method always, it is always a lecture method. Say for example the last session they could have, one person could have read the problem and give the answer, instead of that they ask them to work in a group, so that's make a lot of difference, it generates the debate, you learn you understand then you don't forget it. So therefore the method of training it should be a active learning and it should be learning and it should be a learning by doing and experiential learning, these are the three methods which are mostly employed for the PLV training. What I have seen some of the PLV trainings which I have seen, one of my teachers went as a trainer of the trainers, somebody comes tell them about, what is domestic violence Act. form two hours a good lawyer and a judge or a teachers comes and tell them, that is just giving an information it's not a training, that's not we are supposed to teach them, so therefore you need to have a proper training method for the PLVs. the most important thing in the training method is....I don't know how many of you actually will agree with that, but my experience as a teacher is that it should, the material should be created both by the PLVs and the trainers and most of the time it happens like it. so when you are teaching the PLVs, the PLVs comes with so many questions they don't understand, or they may contribute something, so it's a collaboration between the facilitators and the receiver, with that that only the proper training would take place, and also you look at that any person can remember only twenty percent what they hear, it goes up to forty percent when they

see like a slide movie, or something, but you remember eighty percent when you do it, therefore make the PLVs do something which is important then they will remember, otherwise, they attend, like you know most of the law colleges, they teach to law students and, what is the product which come from the law colleges because of that, only the twenty percent they remember because we use only method is the lecture method and how do we do it we need do it through

We need to use role plays, in last session what they had given you is a problem method, but if the same thing is given to you as a role play may be one person come as a victim another person act as a judge another person act as an accused and then have a role play. this is one method, simulations we used a lot, if you want to train properly, storytelling I thing Sarathchadran sir has given you two three stories how, his experiences transformed. The problem method we already used, case studies is another method, you give a case study and ask them to study and the films etc...There are many different methods. I will quickly go through the role play and simulation that we will come to the problems, the role play is a collaborative learning aptitude, that means you learn both of them, all of them will not be the role play, it is not only the participants but also the trainer would be learning from that. Of course for PLVs, the PLVs assume the role, like a victim, like a police officer, so they understand the roles they played. So when they are playing they, they plan, and because they plan it, they fill the role, when they feel the role, the learning takes place. the experience that they get by acting it, it gives a much better learning, based on the experience, and the people who observed the role, that they played by others also get an experience, so we actually see the some play in acting in front of us, role play is a very powerful module, for example when we go to the movie, a touching movie automatically tears comes out, though we know that it is not a real thing, so that's the power of role play. Then it could be easily...easy to introduce the domestic violence, rather than teaching the domestic violence. for example a husband and a wife, where a husband beating wife seen depicted is much easier to grind in to their mind, what the domestic violence is. and the advantage is that, you can ask the PLVs to judge the reactions, for example if the role play over some PLVs we can ask how do you react for that, what measures you will take for that and they came up with a wonderful solutions, because they are the one who are actually....I learn from the north east state when we had one programme in Goa, they have the ring the bell project. When there is a domestic violence going on when you hear that somebody is beating in the house, these people will go on calling, press the calling bell, knock the door, till they open. it's....what is that project....bell bajao...correct so it's an innovative thing, it's a simple thing

you knock it till they open, once a husband opens, then at least calm down, may not be a complete solution for that, so they come up with greater solutions, because they are working in the community. and it breaks the monotony, that is the most important, otherwise a....we will be sleeping moving....it's very difficult, and also you could teach ethics, because what PLVs can do, what PLVs cannot do how do they learn, they learn only in the simulation, or the role play. the simulation is also another effective method a little difference between the role play and the simulation, in role play you assign the roles, in simulation they try to participate in that, this is the ideal method for PLV training again it is a collaborative learning, for example if I ask you as a ADR, for example we all are in to the litigation, how difficult for us to think about win, win situation. we always think that one person will win another person will lose in a dispute, but it is very difficult for us to think about a win, win situation, but that we will do when I gave a simulation, that you will learn. The challenges are the identification of the topics all the topics may not be possible to do, through simulations and role plays etc....so therefore you need to carefully look in to what topics we choose. And the choice of contents specific context and in what context, this simulation should be used and the most thing is the time. it may take time, simulation takes times, role plays takes time what you convey by lecture method in ten minutes it make more than half an hour in simulation. and then preparation of materials, you can't simply do simulations, it requires a lot of preparation that's why most of the peoples don't do because it requires a lot of effort, before you present it, because once I try a simulation I desire a simulation, first I will make a trial and see whether it is working or not, then you have to do it. then determining how to assign the roles that's a very, very difficult task, many times what happens when you assign the role, if the PLV is not in a position to act that role properly =, it would be difficult, your simulation may not work properly. now for example what we did is a police officer, a person, a police officer is supposed to use harsh words, abusive words, that is a role given to a person who is very soft spoken and he couldn't do it, it is very difficult for him, so you have to be very careful when you choose a person for the roles. and preparing instructions for the participants very clear instructions has to be given, how to use simulation, and the number of participants, you may not have big number to have a simulation it would not be possible. then you may need infrastructure proper infrastructure, the ability of the PLV is very important, then the most important thing is the availability of the trainers, the trainers, the trainers should have the ability to create simulation, but if you take that hard work, if you do that work PLVs learns best not what they hear, but what they see, but what

they do, that is the most important. So it has its incentives, then the another thought that has come up to me is that can we train the PLVs the specialised PLVs, like PLVs only working for the prisoners. PLVs mostly working on right to education area. Kind of socialisation n, so that the PLVs should be familiar with that, juveniles, for the children like I think now a Nirbahya center is compulsory according to the new rules, each state has to suppose to create a Nirbhay centre. so like this if you could think, for example in Chennai there is a disaster management, some PLVs are working on the disaster management like the certificates and then people who died how do you get for their insurance etc....if somebody has experienced in that, I think that set of PLVs could really work well. And the biggest problem that we for this is the trainers. Now who would be the trainers for this? The trainers while selecting. should have a good communication skill, that's the most important, now this is where, you could see, I don't see that the teachers are the best communicators because we also have a worst communicators in the teachers, so you have to....you have to look into good communicators for the training and their knowledge on the subject of course, I prefer those people, who have some community engagement, so the trainers will have some community engagement then their training process would be different, and if they have some community engagement then only that motivational skill will be there for them, so how inspiring speech that you give, speech for that, because the PLVs needs to be inspired, and of course the local language, most of the time we are thinking that look, look like the PLVs we are taking from the community so they should know the local language, therefore one trainer in one state may not be able to train in another state, because he may not be able to speak the language, so these are the challenges, we are have with the trainers. And the training there is a place convenient for the PLVs we need to identify for the training, you can't ask for the community member to travel all the way from a remote village to the state head quarter. So probably the Panchayats are the better place where we could have a training PLVs, if you are bringing them, we need to go to then, the community has to be trained in the community. I think Jane you may be talking tomorrow, about Mewar experience....and the time, what time you are giving them, what is the duration because sometimes the community members also, for example they are, say he is also a farmer can we call them when they are working, for example you take a teacher, whether that teacher would be able to come when there is a class...so that thing we have to think about it, and the thing is on how the PLVs are working, that is very important, how they are working, what are the shortcoming we have and also we need to have a need based assessment. whether PLVs are requirement in

particular area you require, you need to know, you would know only when you conduct a need based research and the monitoring mechanism, I hope that there is a monitoring mechanism I think PLVs has to report every month and all those things are there but the PLVs are asked to sit in a place to provide the legal aid....whether any monitoring mechanism is there to see that they are sitting there or they are simply they are charging two fifty rupees, per sitting that is another issue that we need to see, and of course place, date and timing I think now that is not really a big issue mostly the panchayats are the suitable places if you want to have these PLVs to sit. I think that's it, any question, I will be happy, these are my few reflections.

Mr Sarthchadran: - Request for the hon'ble member's start putting questions to professor Prasad, I would like to add something. Thank you Mr Prasad for an excellent presentation, it is simple but very effective, I must admit. You see...I told you in the morning that it all start with a venture by one of the member secretary in Andhra Pradesh, his name is late. Mr. Vidyaprasad. See after that we are working on that how to develop it, so then suddenly we start....information started pouring from different materials from different countries, from different persons who visited our office all were focusing on the para-legal system which is prevailing in the US, United States. You might have heard about system there or if you are familiar with the Jon Vishan novels you will find quite a lot of mention of para-legal

there, in the district attorney's office he is a paid employee of the government, to assist the person who seek the legal aid in criminal matters that's the concept of para-legals there, unfortunately due to the influence of the west in our educational system all over Indian academics are focusing their attention on para-legal service, they get ideas from them only. So that's the whole bane of our, you know academics, I am sorry what happens there, their ideas are shaped in the view, they get from the western media or western system. see when I was in NALSA and we were working on this, there was call from IGNOU the registrar then, he started firing at me who are you to start this para-legal volunteers schemes, I said who are you, I am the registrar of Indira Gandhi, IGNOU, what are you to do? Why did you called me? I am doing my statutory functions in the National legal service authority. No....no....para-legal volunteers is our project, our project we are having national wide jurisdiction, IGNOU is having nationwide jurisdiction, so don't touch this field. I said who are you to say this. This is part of my function to give legal aid, I am trying to bring in a system on the basis of need of our country not based on any other, this thing. Then I talked to chief justice

of India, he said ignore such calls, don't entertain that, you go ahead with our programme, because our aim is to act in accordance with the constitution and then statute. Then we were searching for you know inputs from other people, and Prof. Madhav Menon also called me and said Mr Sarthchadram don't interfere with IGNOU. I said I am not doing like that, I am trying to introduce a para-legal system, unfortunately we don't have a suitable word, so we just borrowed the same word, but our system is, our aim, our object is totally different. I said see, my idea not mine our NALSA's idea is to have a somebody to act as bridge, some body from the same neighbourhood, so that a person who comes to help a person who need a legal aid, will be a shoulder to cry on, shoulder....for example a domestic violence, a women....he doesn't want to come a lawyer get in to her kitchen and ask what you want? she don't want a trained para-legal personals, if somebody neighbour, a preferably a woman gets in to her kitchen, oh...didi...she can start to cry, she will find a shoulder to cry on, this is the type of PLV we want and that person, who is there to cancel her, should bring her views to us. This is exactly we want. We don't want a I said IPC qualified person or Cr.P.C qualified person, no, this is what we wanted, then justice...Prof.Madhav Menon also kept quite anyway, then he understood our idea is totally different. Then we were trying for more and more information and we studied the para-legal system prevailing in other countries also. Then while I was going through the materials from Africa, African countries, we found that the legal aid required is somewhat similar, because both...most of the African countries were colonies, colonial system, British. They were facing the same type of oppression by the colonial rulers and the most of them were in jails, just like our independence freedom fighters, so even now, even after the colonial system is gone, dead and gone from Africa still many of them, many of them prisoners detained by the colonial rulers are still in jails. They don't have anybody to assists. No lawyers, there were no qualified lawyers, so in such cases, some NGOs took initiative and created para-legal volunteers to. With the permission of the government they are permitted to go the prisons and give legal assistance and the legal aid board of that particular state of the country, so we sent teams to South Africa. I mean in the African from our NALSA, we sent to different, different teams on to Malvi and another one was Railun another South Africa so all these places we gathered the information and we saw, how the system worked. They all reported back and said that we must shape our own par-legal system in this way. That's how we finally accepted this schemes. So.....this is how....as I said, a para-legal we want a person to act as bridge, a person who understand the other persons problems, needs that if a person going

from a town or from a different locality goes there, you will not get that information. How so ever trained he may be, but if such a person, neighbourhood person is available with a proper training, this training programme, which Mr.....Prof. Prasad was telling it's an excellent programme a very good programme, but is too much.....slightly academic, but still it can be made practical. So you can think of it. Anyway this can...of course he can put....one more thing in Madhya Pradesh I found that, unfortunately some lawyers were also made para-legal that is against the policy, that is not.....that is because the district judges who were charged if a DLSA were indulgent towards lawyer, that'so.k...o.k.....fine...I was talking about my experience on those days....

Justice R. C. Chavan: - Before you put questions to the panellist, I have a question for you. The subject is selection and training of the para-legal volunteers. How do you select the para-legal volunteers? so applications interview...correct....letter of Panchayat, must have a representatives as para-legal volunteers this is the....my question was how do you select that applications, interviews O.K.....anything else....no....anybody.....so that is a requirement in the application.....how it is working.....after you select. How this system of selection is working just like the system of selection of judges which is not working according to the Supreme Court itself...or...not working....

Participant: - After training, and after sensitising to them then they are useful for us....

Another participant: - Sir this is not the general condition that the para-legal volunteers are not working. because they are bare foot helpers and we are very....we are very....there are some para-legal volunteers who are genuine and yes...because it is in a nascent state, it has been recently introduced and now we are making them a rigorous training....

How many years it is going to be in a nascent state? For how many years this child is going to go under the gestation. What is this? What nascent state?

nascent state I mean sir, recently it has been introduced and the scheme by the NALSA has been revised and the training is being given, training in three stages are being given, number one.....selection processes there is no hard and fast rule, because it varies from locality to locality and also from state to state and the district service authorities are making selections on the basis of the interview seeing the back-ground also, the.....the....the three factors, the compassionate, the

honesty, willingness to work and participation and there are some para-legal volunteers who are really helpful to the legal service institution and they are doing well....

let me...let me...and the no selection processes is full proof, even our selection process is not full proof as....most of the...most of the....most of us are failure...most of us are...some of them are disposing of the cases hundred cases per month some of us are disposing only twenty five cases per month, so there is....sir in Karnataka we had entered in to memorandum of understanding with the law colleges....wherein we have been interacting with the course teachers and the final years students who are working in all ninety four law colleges in Karnataka, they have those students who have no inclination to serve the community in the villages, the course teachers are collecting the information and considering the active... I mean what kind of response the students give. It's basically a voluntary, we don't compel them....sir.

That's clinical education....there are three class of them, in each category...initially when the total strength is 15 or 20 five of them will the final year students to guide as far as legal literacy is concerned and two categories the first year and second year students will conduct the surveys in the villages to collect the information about the people have got the ration card or not, whether they have got the civic amenities or not....possibly that is why brother is saying that this should be a short term engagement...whether it should be local, will be available to the victims of that particular locality for all time to come.....generally....generally....say I am from Himachal when the NALSA introduced this scheme the target was to achieve that this much of the para-legal volunteer would be there in the district and this much would be there in some regions...what happened haphazardly DLSA picked up some persons of their choice or whatever it may be and they were trained and their liability is on us. My lord I am from Assam my lord...in Assam the para-legal volunteers are doing their jobs very well, this is very encouraging I do not believe that para-legal volunteers are being useful anything...no.....no.....just wait, let me clarify one thing....just a minute, just a minute...let me clarify this, we are not here to criticizing the performance of the para-legals, what information we are gathering is that is not working satisfactorily. We want your response we are not critical about anybody's selection process, we are just discussing so that we can find out that your selection process is good others can follow. so don't take it personally that as if we are criticizing your selection procedure and your selection method and we found it very objectionable therefore we are here we are not doing that, we are only trying to find out, how did

you select, how did you select,....which one is good, if this is good you can follow the other one, that is the only idea, we are not saying that in Assam para-legal volunteers are not working properly, we are not saying for it anything.

Justice R. C. Chavan: - I have very doubt, therefore this...trouble to your brain, we have got medical social workers, aaganwadi sevikas etc.....as target group for para-legal workers, Asha-workers etc...that is the mid-wives o.k. now this is just putting one more hat on their head, they are doing all sorts of things you train them, how much sinks in their minds, do they really work, can they work, have you ever thought of the condition in which these workers are actually working in the field what type of pressures they are undergoing, no we say just say that we put one more hat your head, your are now PCOSO judge, you put one more hat on his head and now you are the special judge under the prevention of corruption Act, same thing we do with them, we criticise, when sitting in the High Courts and the Supreme Court we criticise that the teacher should not be given this job, that job and what about us we keep. we like to people to wear many hats naa....so therefore this I seen group which has not worth, what you are talking about is another group, third group as you say students whose engagement is short term, they are not available to the community for long time, second is that their geographical distribution, he said about, every nook and corner of the districts, so these students they are not distributed geographically even across the districts, these are the problems, and he said and rightly said that they are liability, once you train them accept them, they are the para-legal volunteers and they displays the certificate everywhere go to all sorts of places creates nuisance, misuse their authority and that is the problem. So I just wanted to point this out to you that things are not hunky dori, let us not a boast or let us not pat our backs that is the system is working properly as he said, some are working many are not, that is the trouble.....

sir and also to comparative to the mid-wives and all, where in a medical profession you don't find with a state, but you are providing a facility, but when it comes to the para-legals most of the cases are against the government if the police is not registering the FIR, there must be some reason, if PLV is to register that case, may be against the MLA or MLA's son, there will be lot of pressure on the PLVs. So PLVs will be much more under pressure politically, socially comparative the para-medics, para-medics only protecting the life, so there would be much more difficulty in this.....

Participant:- sir....sir they are given very pity amount....sir actually the approach of the NALSA is as well as the authorities have changed, recently, earlier our approach was to induct as many as para-legal volunteers, than induct them....because there were not clear guidelines or anything with us, how to induct them or to select them and ...we were taking all and sundry with us, putting them in training session and out of them few of them were working we deputed them on some legal aid clinics and some jobs and whoever was working well he were and others were automatically weeded out. but recently since the last national meet, it was pointed out that, sources of our NALSA and our funds are misused for this wasteful training on such a large number of para-legal volunteers and we must have to restrict ourselves to the targeted PLVs only as to how much PLVs are required, in a particular state or a district and we must restrict to that only and must train the people....we must not waste our funds and I think many of the legal aid clinics, which were not working properly where the PLVs were not working have already been shut down by the several legal service authorities and district legal service authorities which was also noted with the last national meet, and at present we are more focusing on this issue and it has got the attention of the authority and we are in the process of evolving some sort of process for selection of the PLVs but till now no workable suggestion has come forward, so many methods have been adopted or tried by the different authorities, but I think none of them has worked well and we are in the process of the thinking and on this platform today also as we have seen a confusion in this, no one is clear about, how to select them and how to go about it. previously also there were several suggestions also, that there must be an advertisement in the newspapers and what we see one advertisement is given for fifteen or twenty para-legal volunteers the , thousands of application will come in and there....it will become a problem in itself, to short list these para-legal volunteers so in...This is very serious matter and it is very serious problem which we are facing at present all the legal service authorities and we are already thinking on it but we are not finding any way out, that is why.....the confusion is here.....

Justice R. C. Chavan: - see now I come to the next part, this training of para-legal workers, he said we are spending a lot of money on this. Did we ever think of focused training, by use of technology? could we not prepare CDs videos, could we not engage good communicators, or communicating the content which we want to as professor said, half of what is heard, not half three fourth of what is heard is forgotten, but there are other methods, audio visuals role play everything

can be prepared, training material can be prepared, if you pull our resources to gather, it is not costly, it is not very expensive, now video conferencing, now you are using video desktop, which is provided by NIC, video conferencing or for that purpose webinars can be held via video desktop. You don't have to go in to session everywhere. Prepare material at the central place at the state headquarters have it be across the state, there can be open discussion also. Did we think of this? I saw all your websites after your programme were announced I saw the websites many of the websites are not updated. this training for advocates, trainers, master trainers, master trainers training the trainers and the trainers are going on training the advocates, this in nowhere found on the websites. Why are we not using the technology which is available for training? We have talented judicial officers who can provide this programme. We can invite professors, who can deliver contents, who can prepare slides, why not do this this is not expensive. But no when the training programme are held, people are invited like you, and I am invited here. we get to spend money faster, we get to show brochures, we get to of have the photograph published in newspaper, inauguration ribbon cutting traditional lamp, this...that isn't it? is it more important, than actually delivering the content, but is seems we are more interested to see a stage for dance upon it, rather than to deliver the content, content takes the second place, inaugural session, felicitation of persons takes half an hour, one hour, thereafter the give guest....and nobody knows the training session was actually was conducted with all seriousness or not. Even at the district place would go, I have done this, because this comes in his ACRs that he has done this, he has done that, can we not stop this, this is my earnest request to you, please consider the use of technology it is inexpensive it delivers the content right at the place, where it is required. Gone are the days of the broad spread of the anti-biotic now treatment is localised, where there is a problem, give the shot there why don't we do that. Please think of this, thank you....

Participant: sir for that purpose, when we speak of course, when I speak, the immediate reaction will be that it is academics, but generally what I am trying to tell you is this we don't look at the numbers first. we always look at...Indian are fascinated with the numbers, big visionaries but poor implementation, so at least you start with thirty para-legal train them properly well, then see how they are working, so start as pilot project and then look at what are the fall-outs, what, what...needs to be improved and these para-legal who are really working could be in turn becomes the trainers later and that is most important, for example the law students I do understand that the law students

time may be two years or three years, but it if the law college is given as legal aid clinic. Continuously the students will be coming but the clinic could be running.

Sarthchandran: - Students I had been personally to his college, Salgaoskar Law College. I could see that, the students could be sent to villages and they do village level programmes sit together with villagers, I saw some photographs and said excellent programme, one of the.....fourth year students were there, see tomorrow we are discussing about legal aid clinics also by law colleges where I would like to share the experience of the south Africa, there in a place a...near Johannesburg it's a black, which almost all occupied by blacks it's called sweeto...sweeto occupied by blacks, just like us you were telling about Chandigarh, slum areas....people are living in shanties, and there is a university, it's an extension of a Johannesburg university there, there is a legal aid department, legal aid clinic was there, then when we went there, when i was there, Justice Binakichandra Ghose was also was with me, there we could see, students besieging in different cubical, just not stage managed, see them working very hard. So I ask one boy what you are doing. Sir I am preparing a substituted service, I am preparing the documents for the substituted service. I asked in which level of LL. B you are studying. I am in the first year. Look at...we know what is substituted service. so he got a case, these are all free legal aid services for the blacks only, because they cannot afford a lawyer so there the teachers are qualified barristers two teachers were they represent the cases, because students cannot go there, so that is the model group, what is needed in our country also, so this students in the first year only gets the handsome experience in substituted service, how to prepare that application, how to...what is format for that, everything he gets familiarised by the time he comes out, he is fit enough to straight away enter in the court, whereas look at our state, our law students we know, when we were students after how many years we came to know about the forms of summons etc...Just casually mentioning....

Programme Coordinator: - Thank you so much. Now we will have a short tea break and movie is arranged at six thirty, at auditorium for all of you. "Well-done Abba" named well-done Abba, movie name at six thirty at the auditorium. And for next two days the session will start at 10 O'clock at in the morning, tomorrow onwards, tomorrow 10O'clock morning. Movie is today at sis thirty and tomorrow the session will start at 10 O'clock.

Session No 5: The role of NGOs

Prof. Jane Schukoske

Justice R. R. Tripathi:- good morning friends, that's good better than yesterday, that' really good but still one thing remains, still I find the LL. B there, lords of the last benches.....I am referring to these lords who are still sitting on the back, I don't know why they are afraid of occupying the front seat. Please come forward, sharmaji aap aage aaiye, aap bhi aaiye, Patna se yaha tak aaye hai to yaha bhi thoda aage aaiye. Please come....aare no I will take more close discussion rather than spread over the whole room. Sir....sir....very good...thank you....I will be joining you soon there.

friends good morning to all of you, we have Dr Prasad and he will be telling us about the legal literacy camps and coordination's of the law colleges.....o.k....o.k....she will be taking over....no problem....we will have session no six first and then we will go to session no five, right. Role of NGOs and Professor Jane is with us...please.

Prof. Jane Schukoske:- I am delighted to be with you this morning and for our conversation, I am invited to speak on the role of NGOs and actually I think it's the roles of NGOs so I would like to set out some goals that I am shared, first of all yesterday's conversation I know some of you are working with...legal services authorities are working with NGOs, so it is really delighted to hear, about ways which you find very effective so what are the legal services authorities NGO collaborations particularly from my perspective I am working in the area, which is particularly very hard, so I welcome stories I would like to emphasis on the...I think many of you are aware of the that is central to our own work, it's a Sahegal foundation, which is the....what are the legal rights, they are really most pressing and for poor people in India. so all of us studied in Moscow with ten on two contract stories states and many different subject areas the issues with the poor often once the.....over our law school classes, but things like having water and schools functions health services the many government schemes that are intended to help to alleviate the poverty those are typically except where places where some other people are have picked this up. There is no enough talk about the government programmes that help to alleviate the poverty so that the whole process can be accelerated. There is a huge population that needs the support, there is legislation, there is money for it, but what is the access to it? I work...our team works which is Mewar in Haryana, Rajasthan and some part of the Bihar agriculturist main activity and so agricultural subsidies actually become a government entitlement this is important to people to

know about, So when we held legal literacy camps, we includes agricultural subsidies one of the topics. also I would like to hear form here about the resources you using that are particularly effective to reaching people or there are headlines, how are you using community media and I will give some example so community media that you are using. what kind of reference material either for the para-legals and also for the lawyers, that we let the property law topics and if they are not in place, or if the other kind of reference materials that will make more effective we can think about, how that can be disseminated or put on line. I know, I have seen in Haryana website materials on government schemes and lastly what kind of research would actually need is.....for the last night.....Mr Agrwal was speaking with me about doing need assessment of women legal needs in Mewar, Haryana and that kind of research is really very important. about my staff about they.....that rape is a huge issue and nobody is ready to talk about it, so the people will talk about the need for water, they will talk about the need for ration system should work properly but....o.k....sorry...so any way people will talk about the need for water, they talk about the need for.....water and ration are issues you can talk about, rape is not one you can talk about, so actually getting the focused group discussions will be needed for that kind of information to come out, it's a very sensitive issue, hopefully our NGO can help with that. So I would like to start to question to you and I jot it down few things about what NGO.....NGO roles can be...certainly raising awareness about the rights and building the capacity of the people to talk about, to approach mine department to apply for the benefits to approach the police, when a criminal complaint what is the skills people need to that. also yesterday somebody talked about NGOs being service providers, they are training to them for help with the trafficking victims and for shelter homes and to help for the mentally ill so service provision is very important role for NGO, in the reading material that we had with this session there was a reminder that either Andolan or NGO can be a party in Public interest litigation raising important issues that are difficult for individuals to raise. And of course there are NGOs doing research rather than the legal aid and working on law reform, what are the roles of the statutes local practices so in your legal services authority work or there other examples of ways with the working with the NGOs.

Participant: initially are tracked with the railway stations itself. with the help of railway police, there are NGOs like SAATHI, Don Boscow, and there are other NGOs, every day they are tracking these children and immediately once they come to know that this child have been, children have

been brought by middle man or they are being trafficked for the child labour or for the ulterior motives of for sexual harassment or sex trade and all, immediately they will be placed before us CWC and most of the time the state legal service authority had given a helpline number to them, to have interaction with other from, wherever, which ever states those children are tracked, we try to trace the addresses of their parents from where, from whose custody they have been brought there. And in few cases the parents themselves are the party to the trafficking.

right either willing or unwilling sometimes peoples are told that their child will get a job or something you know depending on age, o.k.....tracking and media help to clients.....any other example you would like to share about NGO collaboration you have.

I come from Orissa, in Orissa there was an NGO which was there, actually they were working against the alcoholism, in the rural areas as well as in the urban areas, there are many directions of the Supreme Court as well as hon'ble High Court that the liquor shop should remain, should not be open within such and such distance from the road it should not be there in proximity with the temples, educational institutions, so a particular NGO they approach us the state legal service authority, now we refer the matter to the hon'ble High Court. It was registered as PIL and certain directions has been issued, but it is still pending. so this is one area, the other area in Orissa particularly, some NGOs are with whom we are actually associated, particularly in there are aspects like witch haunting in certain districts, they are working very hard, we have prepared a telly play a sort of the thing, which shows thing in a very, in a colloquial language very easy to understand....they are also, we are actually associated with them, they are moving around the rural pockets, particularly where witch haunting is rampant in those districts, and they are doing a wonderful job and as my brother from Karnataka said we are also working with migrant labour, there are some NGOs like Action aid, Aided action, who are working specifically problems relating to migrant labours, they are also doing a wonderful job and we are also lending a helping hand wherever there is necessary. the legal services authority we rescued more than sixty migrant labours who were engaged as, treated as bonded labourers, child labours the district legal....we instructed the district legal services authority, one of the district from where these migrant labours were brought, all children were all also involved in that, and we able to provide shelter to them we rescued them, and manage to send them to their parents state. I wanted to add something here, in Assam we are working with BBA, Bachpan Bacho Andolan that is. they have their worked there

in Assam also and as my senior sir has told like, they rescued and children and all, that is happening in Assam also, the children rescued in other states are sent to Assam through some NGOs and they have also handed over to BBA and then they are produced before the a....this juvenile or somewhere like...they helped a lot. At the same time I want to share one more thing particularly with this shelter homes, in Guwahati, I belong to Guwahati and ours was not ever, I was born and brought up in Guwahati but I was not aware about this shelter home.

so when I was posted as judge in other district, Shivasagar, may be then chief justice Guwahati high court sent me a letter a confidential letter saying me to check two shelter homes, so I immediately went to Guwahati and I was roaming around finding out these shelter homes, I was surprised to see that, the NGO people that they are really. really doing very hard work, they are doing something to the, actually for the needed people shelter homes those are full of some people, old people who actually like beggar they used to come to the places to the market store and all, and in the evening they go out, I was surprised that those people they are taking care of them, what we are not doing anything, we are getting handsome salary, but we are not doing anything those NGO people, from that time onward my experience took me to the other level

Under the juvenile justice....I am from Jharkhand, under the Juvenile justice system and JJ Act the NGOs play a very important role, and particularly the child in need of the care and protection are placed in the children home or it is in the shelter home. So these two shelter home and children home are....are....have got the.....the NGOs have to be recognised under the JJ Act. So in Jharkhand particularly capital Ranchi, there are so many homes there are so....who were running the children home and the shelter home, so after having a meeting with the CWC we came to know that they are not recognised by the department of government which is the statutory requirement, so after connecting the...after getting the in contact with all the police station there are fifty three police stations in Ranchi only, we hold a meeting with the superintendent of the police and we took the list the list about the NGOs who were running the shelter home and the children home so and only four hundred fifty children home there and shelter home including and only twenty five were recognised by the government, so we take up the matter with the government, the principal secretary of the social, women, child and social security department was contacted a meeting was held with the hon'ble executive chairman and after getting the....the....the pre-requisite

requirement under the JJ Act, these all children home and shelter home run by the NGOs were recognised and acknowledge gradually.

right that the good example, how legal help can regularised the people.....no government is in a position to without taking help of NGO the implementation of the JJ Act is very difficult, because this is....this Act is enacted by the Parliament and NGOs have been inserted in so many provisions of the JJ Act...the juvenile justice Act.....a statutory requirement....

yesterday I referred about our project in Chandigarh, recently we have started our project with NGO for the children who are never been to the school and we have targeted mainly the children, who are red...red dickers who are actually their parent particularly, their father were not ready to spare them for these classes which we started there. in a temporary shed, in the slum itself, that temporary shed was built there in the slum itself, for them as they were not ready to go to anywhere else, but even there also, there was resistance from the families to send the children, because they were supplementing by income of their families by red dicking and though the children was not ready to come there because, they were getting something out of that income, which was spent by them on their recreation. their families, particularly their mothers were gathered as a first instance they were for one week, they were regularly given lectures and other presentations and even the elders from their families who are sitting in their houses, they were interacted with, many of them who were eligible for some benefits like old age pension or handicap, then the disability pension, they were encouraged to apply for that, and thus that NGO was connected with them with the help of our para-legal volunteers and they were persuaded to join these classes, now twenty to twenty five students in two batches on in a morning and one in the evening we have started there. And in this course some of them were detected to be...being drug addicted and they have been shifted to the rehabilitation centre and now they are being treated there.

Right it's a good example about the one programme can be in connection with the community and then you find out what are the needs, what are their legal problems and you know just building the relation with the community even through the NGO get the word out and connects the people to your legal services authority, yes sir...

previous experience of SALSAs and NALSA with NGO is not good, because there is no credible formula to assess their performance, whether they are good or bad and NALSA has constituted a committee and the matter is under consideration, till that the decision is taken by NALSA we are not engaging....right....

so far as our state is concerns let me bring this, I am from Uttar Pradesh, what happens as we all know that this welfare activities can't be possible with the solitary efforts of the government so U. P SALSA is keeping the vision of NALSA we are accredited two NGOs and they are working with us one is Sahyog Legal Cell and the other one is Vatslya, deals with the decline child sex ratio. we are working on these two things with these two NGOs on the topics and the matter is ki...since last two years lots of sensitisation programmes has been conducted of Judicial officers and other stake holders but even then we are not getting the desired results, that is the thing, there should be as brother, Chogal Saab has said that there should be some parameters and NALSA is still under process to formulating some parameters for that....

We in Delhi we are working with some of the NGOs. Particularly in the field of domestic violence, recently with the help of Delhi commission for women we are trying to sensitise some of the NGOs. about fifteen....collaboration of about fifteen NGOs was made there and that three days sensitisation programme and workshop was conducted and recently out of fifteen NGOs we are trying to train about sixty five para-legal volunteers from these NGOs, we have allocated these particular para-legal volunteers to district legal service authority four five to each, with the particular mandate that may be further sensitised and trained then may be utilised in the field of domestic violence, sexual abuse child rape, POCSO cases and even in legal literacy programmes, so our experience with NGOs in Delhi is quite good...

I was reading an article other day, there are thirty one lakhs of NGOs in India, so yes there going to be some good ones and yes there could be some bad ones and you need to figure out the difference. Yes mam....

There are many NGOs in Manipur working with children and women, but two NGOs are associated with MSLSA, Manipur state legal service authority, recently in the month one woman allegedly a victim of domestic violence came to MSALSA seeking for, seeking for help and

providing for shelter, so I personally went to one NGO that is EMA, that is a shelter home for women, then I send the woman there, then I saw the working of that NGO, it has been working very well, they have got legal counsellor, legal advisers etc.....etc.....and one NGO is there that is human right network they are working with...in many field but sometime in the month of October last year, a newspaper a material comes up that some commercial sex workers have been picked up by the police then I took the cognizance of the case and then I referred the case to, the NGO, to make the inquiry about that thing then the NGO has filed a PIL to the High Court because that is not the protected home in the state of Manipur and the PIL is still pending. In Maharashtra also many NGOs are working the Prayas organisation is also doing a very nice work, all the trafficked children as well as the old persons to rehabilitate them, to take them to the shelter homes so this is the work done by NGOs in Maharashtra.

So far as juvenile Justice Act children in need of care and protection is concerned, some are credible NGOs like a UNICEF, Saathi, Prayas they are associated with us, apart from this, the area of labourers one NGO Nidan in Bihar, working in Bihar particularly about the street vendors they come to our contact in a case of Motihari district where a vending zone was created by the government, but it was encroached by some muscle men, they came to us and told us, and we assisted them and writ was filed in the High Court for providing the vending zone to the vendors and thereafter we took their help in identifying the, we are taking their help in identifying the and for the other stations...but when the scheme about the unorganised sector has been recently launched, we are taking help of that NGO Nidan. Apart from this, human rights law networks it is a....it is assisting us in matters of HIV, AIDS patient. A PIL about the matter of HIV, AIDS patient has been filed in Patana High Court for providing different kind of relief to them, this way they are associated with us. So, some of them are really doing quite good...

.thank you very much, I think with this point I am glad for the participations of that you have so many connections with NGOs and many of you have found once they are really helpful to you. I will mention briefly what we are doing and we are trying to spare good governance work in overall India. Our foundation is called as S. M. Sahegal foundation, S. M. Sahegal was born in unified India, migrated to India during partition, lost everything in partition got educated, become a...got a Ph. D from Harvard in pantinuics and made money and hybrid seed and had pro-agro group companies and when he sold those companies, he put half of his wealth in to a trust in United

States and started in 1999 a trust in India, so registered a trust in India and receive some support from the US from the, Sahegal foundation there we also have funding from, Coca-Cola, CSR support from coca cola which is formally, nutrients branch there supports former education, science and technology has supported some hard work in water, they are supporting our work with a community radio NABARD supports us, and any way there is a wide range of supporting, even Mewar development authority supported some of our work. So our mission is to strengthen the community development so our donors, our main donors includes, we are not to be activist, so for me as a former law professor it's is interesting to be in this role where the value of the of being able to work with wide range of people, governments, corporates as well as community, they are highly placed in so we are directed not be activist, but we are working with grassroots to encourage the people at the grassroots to develop the skill to speak up for themselves, so their rights are, so the development is actually lead by the community not by the NGO. Our focus is on rural in India and as I mention, Mewar, Haryana and Rajasthan and some parts of Bihar. We have three main activates, agricultural development, working with farmers in Mewar, it the male farmers and as far as women are supporting the farmers, working on waters and I am come back with legal services authority actually. Mewar seventy three percent of the village's salt water underground so you can use it for sanitation but you can use it for irrigation, you cannot use it for drinking. So our emphasis is on rain water harvesting, including water coming from the Aravali and rain water harvesting in schools and homes for storage and use, during this part of the year. Otherwise, people will be will buy water by tankers, it is not of quality and it is expensive and.....the..... It's not the ideal. Otherwise we have a wing, a community media, you see some example of that, in community media includes radio station. An NGO was allowed only one licence, we have our one licence for radio called a fuzzy Mewar, in Mewar, Haryana, but we network with other stations, so that the benefit about the work is reaching other localities, those localities have to ask questions locally, how can help them in their task. We recently, we have a research wing.....our Radio station is in Kgaaz, a village in Mewar, Haryana, so which is an hundred and eighty three small places and small villages in Haryana in...In Mewar. Our research wing is based in Gurgaon, a laid by an agricultural economist and he has team working with him, that is baseline...baseline studies needs assessment and baseline studies so we can learn from our work. I am sure you are familiar with statistic like this somewhere in your.....many other states at least, but this is just a snapshot of Mewar, so low female literacy still few number of girls are married age eighteen, large family size,

not enough institutional deliveries of babies, not enough toilets and use of toilets and the children are lacks a.....twenty seven percent is the vaccination. so if you look at, challenges regarding access to justice in Mewar, the fact that there is low literacy rate both in men and women, but particularly women's, means a you have to be particularly clever to get the word out the, because we do have newsletters but if people cannot read, that's not that much help. People often lack documentation, which means in order to get anything on...they are not.....many people really insist on this. They have not necessarily had positive contact with the government or with the police, or with the courts and there is lot of corruption, bias, locally leads to control access to the things. So that is the peoples hope and there anything toward law...it not wrong actually if we look at similar situation they are living in.....

As far as I know Mewar, there is a peculiar problem in that particular area and that is, relating to the communal divide that is very sensitive area that way, and this dimension in Mewar, has created many problems relating to education, awareness and other things, because of the communal tension and fear factor of different communities, generally women's are kept in homes, they not allowed, they are not given freedom. Whether your NGO is also taking some steps to defuse that communal tension or to work.....

Right...as you have rightly pointed out that women are isolated in a home, they have a...in Mewar particularly, we also work in other part of Rajasthan, where women are in self-help groups there are very much empowered and they are out in public in so you know.....But I imagine in Mewar is the only pocket in India, where run across this kind of combination of factors. I have a first-hand experience with that area, I lives in Delhi and I have visited some of the places like, nooh etc...Sometimes, it is a part of Gurgaon, Gurgaon is a very advanced city, if we will move from Gurgaon to the Mewar, twenty kilometres the things start changing, that in other borders, if we enter in Rajasthan, the things are not like that. this particular pocket of Mewar has peculiarities and I try to answer few time, that why this particular pocket has these peculiarities though there are similar problems and communal divide across the border in Rajasthan, why this problem is not in Gurgaon, though it is a part of Gurgaon, this particular pocket has some peculiar problem, which I try to understand but could not find the answer.

Mewar is part of Gurgaon but...in the month of April 2005, it was declared as 20th district of Haryana open thing. Secondly there is lot of backwardness, education is not there particularly amongst women, and health factor is not in good state, public transport system is very bad, drinking water, potable water is not there, but communal tension is there, as learned member secretary has said, but it is not so grave as to be the sole reason for the backwardness of the women and the entire population, that is not the only thing...I want to add one thing that this area of Haryana has remained backward historically and there are so many historic factors, you must have studied all those. The mind-set of the rest of Haryana towards this area and is also at variance, and unfortunately this feeling has percolated in the administrative actions also. Like our colonial masters we have also treated this area like that for so many years. of late we have changed out attitude we have amended and now it has seen some welcome, but that history of hundred years or two hundred years cannot be make off in short time....thank you....so I would like to tell what kind of things we do, in the given situation everybody admits it's, quite dire, so a good role governance programme has to parts to it, one is working with village level institutions so there is a Panchayat, schools management committees, village health sanitation and nutrition committees and in particular working with women who are elected officials since they have least education, but they have some opportunity for leading community and they get informed and get some skill we have a team network and had worked with women's through that level some of the time, so firstly we were working village by village, but then people are limited to the view of the neighbours, so working at the block level you can learn from other villagers they are progressive than our own....we found that very effective thing to do. So in quite they work village level institutions involves mine officials, so that rather than a asking them, there is a dialogues going on. one thing that is common is that the meetings are not conveyed regularly and so the our presence in all our reminders are help people to realize how important too the committee meetings regularly to address these issues and gets some momentum change, so change can come, one of that skill that is thought is how to budget, so that in order to access the government funds the Panchayat and the community need to submit the budget request so we help people to learn that again some people have some skills to write out that others amount, but there should be really pressed for those submissions to be made. so some results we see, is our better access to government schemes building leadership amongst the people and getting women participated and in meaningful way and not just sitting. Well see that school management committee

are checking things like the mid-day meal, there is I mean it's infinite monitoring is necessary, because mid-day meal, the food can get substituted the amount can be too low, it's can be not cooked properly, there is everything requires a close eye, and helping the mothers in particular, no what they are supposed to look for, can improve that. another team of ours team works with citizens, individual citizens to build a awareness, there is a demand for the government schemes and we something in I think hundred and fifty village now calls village leaderships schools to teach about the government schemes as a device for getting people's attention to the functioning of the systems...typically what happen is the two meetings in a month, meeting one we talk about MANREGA, we talk about how are supposed to work and in what ways somebody would monitor it. the assignment after day one is to your village and check it out, does the.....you know does the Sarpanch hang on to the job cards instead getting them out, our people are getting work, our people getting paid, is the....is the Panchayat using equipment, because you are not supposed to use mechanical equipment's so there is various preliminaries that people need to check, the second meeting of the month, they talk about what they found, and they can strategies how to seek the changes, which were needed. I asked because our conversation yesterday was about how did you pick para-legal volunteers, I asked my head of the governance programme, how this picking I mean generally, but I wanna to hear about it from him. To be reminded, how did we pick our sushasan champions, the people in the villages who are not paid they are trained and they are the one raising these questions, keeping things moving in the villages. so the training approach to the village, leadership schools that's the capacity building of course community monitoring tools are given and after the school there are good governance group formed again, no money, its local people getting to gather knowing how to check, what's happening in the village. So in terms of the selection of these local sushasan champions, who of course could be para-legal volunteers? there are enough views to see are they trustworthy or they are honest or they active in the community, are they able to communicate, how long they have been in the community, when they are long enough to have good reputation and are they keen to learn, so actually for our sushasan champions we are checking literacy, we hoped to have a good process, where people who are regular, but actually where we are, for this role, specifically in active caring community role, leadership.... so I mention everything there. I like to share we have various community, many other to reach people and what I am told is, even in older people children can convinced some other things to be done. Before how the good governance, newsletter there are stories from Mewar about the governance

success. we do about the wall paintings, because it is public, it's a great way to communicate actually so this is a wall painting in the school, when they have a mid-day meal, many of us supposed to, how many grams or supposed to be there makes much harder to someone to sight of food, wrong food, and we reminds people, that they have a monitoring role, we are supposed to name these school management committee members so we can find out and speaks with them. Because of the literacy problem, we too use the graphics, graphic posters so, in the upper left hand corner there is picture of this....the functional depot, how there's a ration shop, and below there is the elements that are showing in orderly shop with proper distribution of rations. we are supposed to use RTI which you can better understand than I can, then Aganwadi, and any other right....of course there is last year Aganwadi and the idea there should be order leadership and the earning, there should be happy children well therefore lunch coming. We also work with the district legal service authority wall painting, actually to contrast this with our posters this is so good, I am so happy there, but probably we can work on something that would be easier to people to understand. So this is the good thing they have, mine also work also on something that has graphics that with help people know working in a villages. we are....promote.....we promote village camps as well as information on legal literacy, agricultural aid from the radio station, and water as well as general information, we have programme for children, we have programmes on local cultures and music and actually Kanoon ki baat started with us and, gaon ki awaz and we are Mewar, so I very happy about that also, so I so happy that yesterday other states Rajasthan and others have kanoon ki baat. We work with other radio stations to help them ask the right questions locally on issues like PDS and right to education. Another programme we have is governance by us sushasan, and here you can see this officer came into and talked the people and answer the questions. Many of the government schemes have social audit, programme, and though they are not much implemented social audit is really a good idea, in the form of monitoring captures, some of the Articles. Legal literacy camps. our legal literacy camps which we were doing even before the actually.....there used to be the district legal services authority camps and our camps and now we collaborate and our camps are...seems like the Indian wedding we set up a tent, we set up a number of tables instead of foods we have information, so the different tables, now you can imagine having one thing one thing what we do is a.....we have table for MANREGA, table for the pensions, tables for agricultural subsidies and like that, so there is a variety of tables with those graphic pictures on the wall, what's happening where, and people comes with their questions. What we have done

is....there are staff girls with....our staff is local people trained, they do have good basic education and they come with carbon paper and paper and they help the literate people write out what they are asking for, so that they can carry it to the lawyer department and have some chance of communicating properly, what they need, often they know, nowhere to go for exactly having asked for what they are seeking. The other thing that happens in these camps, is that local officials will come especially if somebody from MANREGA services authority is there, with one want to share and was the secretary, he would come to these camps and when the judge is there, then the local officials show off.

Participant:- Madam what would be the, when you conduct a parallel literacy programmes like this, since you admitted that the involvement of the judicial officer of the DLSA in these literacy camps would definitely create an impact.

Absolutely, people see there is important, when a judge comes, then also very important, and if the judge comes the Sarpanch comes and if the Sarpanch comes they can sign the pension forms and things moves....that is what I wanted to know, leaving apart this DLSA or the Taluka legal services committee, if you NGO or any other NGO does this legal literacy camps, does it really give any effective solution to the people over there.

Absolutely, because six hundred come, will write down three hundred applications which are batched and hundred pension application can be submitted once, soon you follow upon them to make sure that they got processed, so yes....again if you go through the, legal services authority or you go on your own.

as I said, secretary general of the legal services, is it right title secretary of the legal services authority for the district, yes we cooperate and Mr Agrwal and I talked about the next step in cooperation, which is probably needs assessment in the area, and as I pointed out earlier, this the district legal services authority and Sehgal foundation having wall paintings, they explains the rights, to the legal aid, so we very much work closely with the legal services authority. Thank you. so I just want to mention couple of things, we have couple of minutes, one is something that really helpful we do have the village information and support centre with the hotline, so people can call, I don't know how many of you have hot lines for that, but you know it helps. Secondly is the

simple thing of having a booklet. You can suggest the NGOs, have a booklet of district phone numbers so if you can call about, pensions, so you can call on this number. It's so hard for the people to find out who to call about what, so a simple sheet, with that information, is helpful. It is interesting to track who is calling the toll free number.

all legal services authority in all districts they have got toll free numbers, that's wonderful, who is calling them, and is it people all over the state or is a....so that's the study to go you....figure out if you need anything further. So as I mentioned I would ask you something about what are the ends. so we constructs rain water harvesting systems for schools, they are paid for, donors, by kids and community groups and ILO, we demonstrated this model and there was a moment in time where the education department of Haryana, was going to implement rain water harvesting, the model we have in five hundred schools. they lost the money at the end of the budget year, and it doesn't happen, so that's a kind of issue very tough issue because, the school officials all reported with the government, there all the schools have water and all the schools have toilets. but frankly you and I know, that is not actually the case, so it's a delicate thing for my staff has surveyed Mewar and they can say, whether there is water or there is not, they are worried about the approaching the government because when you object to the government figures, they immediately brand as activist you are a problem and they worth you less, it is very important for us for the government to work with us. so we are very careful in having collecting the information, but I think the legal services authorities, when you know that there is not water in places otherwise, there could be helped. We connect the peoples on the ground we have data about whether there is data about it or not, there is not so what can this legal services, do try to do is really an important need that is for NGOs for address. Documenting community findings we are doing we can provide information to the legal services authority and Mr Agarwal and I talked about doing needs assessment. Although my staff responded quickly last night, they said the point that I made earlier that if you convenience women, there will change, they will celebrate and nobody will say publicly. the last point that here you probably law tools development again I come back to this I think, you know when I was young lawyer in United States, as legal Aid lawyer, and what we saw was young lawyers makes mistakes and I know you have a three year experience requirement for the panel lawyers the...what is....we can do to increase the capacity of lawyers, help them perform better, so one of the thing that happened in US was there were consumer law students housing a lot of research and centre camp

up and they prepared practice manuals so you can see the sample of pleadings you can see samples, and the questionnaires for property law issues, the people may be had not that much exposure to the law school, so I just raised ideas something these might be adventurous in India. So we have three minutes left and since we resorted this in the beginning so I guess to part with, but as when I ask you if there are....we did have three minutes, is there any story about your connection with the NGOs that you would like to share, in the last three minutes. We just help the people working on agricultural right now, but I will come to you as we try to expand that. We are working on solar water pumps there.

Participant: - While working with NGOs the experience is, instead of experience I will say the perception is that few NGOs are working very good as you said, few are working very badly. My point is different, basically there is popular perception in part of the society, that from where the particular NGOs are getting funding, and then funding is particularly form countries and corporates, the question is more grave, because a popular perception is, that foreign institutions and corporates want main funding's only for the public benefits and there is always a question of suspicion, about the NGOs, what is the agenda behind the scene. on the scene good, but they are working for the education, for the poor and different programmes, unless these perceptions are expelled, and credibility and trustworthiness of the NGOs are created, these NGOs cannot give its best results, and conflict situation cannot be avoided. What is your take, I don't know?

Justice R. C. Chavan: - NGO is big problem in India. Do you know that we have maximum, highest number of NGOs in the world it's in India, highest number? What has happened is, because some NGOs started getting funds foreign countries particularly US. Philanthropist started giving money, NGOs spring up as mushrooms, and these are, many of the NGOs are just eating up funds, getting money from there, publishing glossy brochures, making publicity and other. They are not really NGOs, but this is for us to decide, untimely in every field you will find this. Good are always, this has been traditional or historical truths, that five Pandvas have always been fought against hundred Kauravas, you have to find out those five Pandavas. so get catch hold of NGOs others who are not working properly, we have got the public trust department, this also...we will not expand the scope of our activates but you can just, needle the charity commissioner or whom so ever is looking after this NGOs, who treat them properly so they also, start utilising the funds which they receive from the foreign countries appropriately. since this suspicion about foreigner there is a perception, in

some part of India, some part of intellectuals also that these foreign NGOs are, or NGOs funded with foreign funds, are out to ensure that India remains country at a lower enable of development, we don't match, so that they can go on pumping money. They can experiment with us, isn't it? This is not always true , maybe there are some companies, may be there may be some power corporation, which may be interested in, stalling a particular project, they fund an NGO, but we can always find and NGO *vis-a-vis* we can find out, what is the motive behind this, and forget the motive whatever motive...their motive may be bad in finding a particular activity, but we can use that, activity or use that fund for something better no....I will give you one old example, which may not be very apt but nothing better strikes my mind right now. When Nehru died, and the question of successor aroused, ti was battle against Moraji Desai and Lal Bahadur Shastri. You remember Krishan Menon and his...V. K. Krishna Menon and gang of his supporters in congress who were socialist. they voted for Morarji Dessai agaisnt Shastri knowing that Morarji is ranked capitalist, why with the object that if Morarji comes, becomes the Prime Minister revolution could be easier, people will revolt, so this is...let anybody come with any idea, let anybody come with any motive, it is for us to turn that motive, turn that energy into something which is useful to us, isn't it? Therefore and NGO what you say is correct and in fact, both of us, looking at your interventions and finding that this whole group is taking lot of interest that's very good, NGOs, don't look at foreign NGOs with suspicion all the time, and even if you are suspicion, as I said, turn them to your use, their motived remains unfulfilled, but the money gets spent.

What is being written by top intellectuals of this country and what is being percolated to this, then this wide perception is being created, that why funding by US? What is there interest?

Justice R. R. Tripathi:- You know the real difficulty is, wo hindi main kahte hain ke jo dudh se jal jaata haina, garam dudh pike, wo mattha pita hina to fuk fuk ke pita hai, if you understand that, if you...you know if you have a bad experience with the milk, you will start with the butter milk also, with morcation, mere paas ye information hai ke, kitani sahi hai, kitani galat hai muze nahi pata hai, ek state hai jaha pe ek minister apni ladki shhadi mai, NGOs dowery me deta hai. NGO dowry mai deta hai, aur kaunsa minister kis rank hai, uske upar number of NGOs will depend, that is all right, he is cabinet rank minister, see will donate fifty NGOs to his daughter in her marriage, if he is State level minister, he will donate thirty NGOs and if he just a worker, then he may donate one or two NGOs, what is that donation of NGOs in dowry, brother rightly referred, that there are

government schemes, to take benefit of that particular scheme, there will be an NGO created and that NGO will be getting that particular subsidy or the income from the government, that will now will going to the daughter, who I snow going to be daughter in law somewhere. this is a position, right no difficulty on that, but does it mean that we can totally deny and bring the situation that there will be no NGOs existing, is it possible, and therefore, work becomes more high, that you have to find out and you will have to you know, make a difference between the real NGOs and the NGOs which are created for such purpose. there are hidden agendas possible, I don't say that they are never there, they are there in many cases, and that is why you will have to be keep your eyes and ear open and outright reject anything, don't right.....I mean outright accept anything. That is the best solution possible, I was asking my brother, what interest she has to work in Mewar, why she should she come here in India and should work in Mewar, why she work, I don't know.

does she requires any appreciation from all of us, all right Jane has done very good work, and therefore three claps you have, is she requires? Is it that we are having so handsome that she is not able to resists that temptation to get that handsome amount, she has come all the way from, away from her country, away from her family, away from her children, I don't know any back ground of Miss Jane, I don't know anything, but I was just thinking, again one bad experience, but then that bad experience must be utilised for the purpose of putting ourselves on that, that's all, nothing beyond that, nothing beyond that, yesterday's movie, possibly very similar situation, she shown me her pamphlets. which is going to be published it is some appreciation about her NGO which is working and it is pertaining to plot allotments, yesterday it was a body allotment, this was a plot allotment and number of plot allotment, number of plots were allotted and nobody received the possession of that, because all plot committee members they usurps those particular plots, and then there was a huge agitation sort of thing and after five years, they were able to get the possession of their plots, which were hundred square meter. but then collectively they were too many, and, the land was huge and therefor people were intrested in doing that, you are absolutely right and I am really very happy with this particular group, participation is very wonderful, participation is really wonderful, and that what we want you people to be you know, when you go back, you know, you are what you call sensitised, your mind are ignited, aur aapko dil me kahi jalan honi chahiye, anything wrong you see, you must be disturb with that, you must feel disturb. and if you are start doing that, our job is over, all collectively we have one hour session, you know one hour job, you

know, you know we have no difficulty on that, aap jab wapas jayenege ana to pahle jo karte the use thoda alag karenge, something little different, and that is end of it, see there are NGOs who are really doing good work, we have an NGO in Ahmadabad, known as SEVA, it is self-employed women association or something, the self-employed women association, and the lady Ela Bhat, she is today I think eighty plus or something, eighty plus and still she is in the office from morning eight O'clock till evening eight O'clock, assi saal ki umar me, why, what does she need, and she belongs to a very good family, very good family may be multi-millionaires, some of the millionaires family may be, but she is doing wonderful job, and that comes of your own nobody can imbibe that, I was asking somebody possibly Milind I was asking, koi medicine naya nikala hai kya, bole sir kis chij ke liye, maine kaha wo honesty, I want to inject to everyone, bole sir kya baat karte hai, maine kaha accha chodo honesty main nahi hai to koi baat nahi hai, integrity ka koi injection nukala kya, sir you are so this thing no....really it is....absolutely....absolutely.....absolutely....absolutely....absolutely abhi movie ka jo channel balte haina to koi na koi movie bich me aajati hai, tejab naam ki movie bahot purani hai, aur usme wo puchta hai court ke andar, the argument agasinst him is by the public prosecutor sir ye tejab hai, agar isko aap ne chod diya na to ye pura samj jala dalega, and then that hero comes forward, matlab wo hindi picture mai hi hota hai, aur court me aisa kabhi nahi hota, I have never seen at least in my sixteen years, court me kabhi aisa nahi hota, he start you know giving lecture, and he sir, mai tejab paida huwa tha kya? I was not born as tejab. The society made me a tejab, and now the society must suffer for it, absolutely we are all born honest, but there was nothing like that, but in the difficulties now that we have realised that there is some sort of difficulties coming forward, we just have to find out, some way out, coming out of that. Aur maine pahli baar bhi kaha tha aapse aur abhibhi kahraha hu, jab ssab bolte hai to aisa lagata hai ke you know he is judge, inside speaking, not as a criticism I am telling you, but then that shows that, he wants know further and that is why you are always used to tell my advocate's when they are arguing before me, say I speak something against, it doesn't mean that I am totally against you, I made up my mind and going to decide against you. When I tell you something I mean you should be get me more better material you are having inside your papers, which you might not have looked into properly, you tell us so that we can decide properly. now he said that we are doing like this, we are doing like that, absolutely right, but then can we do better, and that is the only search we are here in and we are doing it, thank you very much. Sir

A very small instance, few months back, justice Gopalgowada sir, called me from Delhi, he was reading a newspaper, that news was that a patient was thrown up from a government hospital, without giving a proper treatment, he said that case was that, the patient was attacked by a bear in his village and he could not get a proper treatment, in the government hospital, Victoria hospital like Bangalore, see that he again readmitted to that hospital, when we went to the hospital, that patient was already thrown out of hospital and sent to his village, and we along with...since it was a bear attack...wild animal attack we took that DFO along with us district legal services secretary and immediately they paid....the government scheme was there, interim compensation of fifty thousand was given, when we again took him back to the government hospital, the doctors confirms that, he was a HIV patient, that's why we did not continued the treatment. sometimes it so happens, when right things are brought to the notice, of the state legal service authority or any....all of have done a wonderful job, as far as our state and all states are concerned, thank you.

Session No: 6: Legal literacy camps and the coordination of Law Colleges

Resource Person: - Prof. Dr. M. R. K. Prasad

Welcome back, for this is on legal literacy camps and the coordination of the law colleges, which has a key role to play in to the legal services and for this session we have professor. Dr. M.R.K.Prasad, who is principle of Salgoskar Law College at Goa, so I request sir.

so good morning to everyone, I think yesterday my session and with Jane session we have some kind of foundation about the legal aid clinics and the work of the district legal service authorities, today I am going to talk on...please is nothing to do of finding fault with anyone the purpose of this discussion would be sharing of my experiences with all of you because this is the first time I have an opportunity to address many legal service authorities here. I had studied about seven State in 2010 regarding the legal aid clinics how the law schools are running the legal aid clinics and I am going to talk briefly on little later. first we will look at what is legal literacy camps how do you conduct then I will look into why law colleges should be partner with legal service authority and I am going little beyond the topic, it's not only for the legal literacy camps but also for the other aspects of the legal aid why legal aid clinics in the law colleges as well as the district legal services authority, state legal service authority and the national legal service authority should have a meaningful collaboration for the purpose of providing access to justice India. Therefore I am not only sticking to the...this topic will be going little beyond that, and last part I just show some of the initiatives taken by my college and again it's not the purpose to show that this is the way to do it. Is one of the method of course Jane has shown you one method, I am showing you another method what we are doing. And it is again right from the beginning I am trying to tell you that the legal aid is for the local community therefore it need to be different in each state and each region. So what works in Goa may not work in Haryana, what works in Haryana may not work in Rajasthan, so it depends on the locality and the local needs. So being the teacher I always has this habit of asking questions, so let us answer that one why we give the legal literacy, what would be the object? Quick response, o.k. make aware, to educate people, so why are you educating them...to remove the barrier of.....correct, we understand the need of legal literacy, but by giving legal literacy, what is the object that you want to achieve, to mover the barrier of legal illiteracy...o.k. one you want to give the legal literacy to because they want to know the rights, to ensure the rights to the right holders, o. k ensure that the rights to be implemented are secured for the right holders,

so you are going to tell them that this is your right if this happen this the right you have these are the people you could approach, so therefore, basically we are looking legal literacy to improve the access to justice, right. So therefore when we are looking for that is the object, so the first question comes to us is how to assess, how to select the topics. why we...because if I look at legal service authorities, the national legal service authority and the list of topics to the state legal service authorities, then it goes to the district legal service authorities and then it goes to taluk level, these are the areas you should do the legal literacy right, the topics, but are we looking at, whether that the topic would be useful that area. That should be kept in mind, so what I mean by the selection of the topic is first we need to assess the community, what is the area that is required to be tough to the public. so that is the way the legal service authorities could assess the local needs for example in Goa, yesterday I spoke to you, and we want to do on domestic violence, the effect, may not be that much, the community is the French, but if it is on consumer rights, it may be effective more, or if it is on property right, which is a very different law a unique law. Then yes, there would be lot of property issues the people may be interested in it. for example we have a...if you have a connect in Goa, in your land minimum 300 square meter should be sold to the tenet at a fixed by Government there is a lot of issues on that, so the selection of the topic is very, very important aspect for the legal literacy, because most of the time what happens these legal literacy camps many public don't turn, of course again in Haryana and other places it may be different, there so many people coming, but in Goa, it is very difficult to get the people because, it depends on what topics you are going to speak, unless it is helpful for them, they won't turn, of course the other area may be you make the sarpanch and of course if the district judge or some other judge are coming what they usually do is they tell the Sarpanch to bring the people, and they bring the people and they speak and go, but when we go as law colleges, then we need to go to the community and voluntarily the community has to come, which is difficult, because we don't have any authority to tell the sarpanch to bring them, and many time we get the request from the legal service authority, that send some students to the legal literacy, which is not required, the students need not have legal literacy, because they learn from the law colleges. then the next important thing is the speakers that is the another area in which we have a lot of trouble, speakers who can speak on the issue, they should have an expertise of that subject but generally the legal services authorities use the panel lawyers, sometimes these panel lawyers, of course again without looking in to their expertise, some lawyers are experts in certain issues, speaker should be well versed in that area, particularly

when the judges are not attending, because I don't think that the judges would be attending every legal literacy programme, it may not, and also the recipients. Whom we are going to give, it is only the community, sometimes we go to the schools, if you are going to the schools at what level of the school children are and what kind of legal literacy you are going to give. see, we did legal literacy for the students of second standard third standard children, for them we are talking about the sexual abuse, what is bad touch, what is good touch, so under the POCSO Act you want to tell them but the person who is speaking should have that capability to come down to the level of a child of a five years old, to tell them what is a good touch what is the bad touch, obviously they don't know what is the law, so similarly if you are going to target, may be a tenth standard student it may be different case. So the selection of the recipients, whom you are giving the legal literacy have to be carefully designed and carefully select. suppose a women issue you should call a women groups, or men also know the women rights, but when you are talking about the consumer rights I cannot go the fourth class students and tell them what is a consumer rights, and for example we had the another issue of the younger the adolescents the age of fourteen to seventeen falling in love and running away and then when they come back, usually the parents of the girls would put the case of abduction against the boy and it becomes the statutory right, because the girl is fourteen or fifteen years, but actually both of them voluntarily left, so these are the areas , when you are talking to the adolescent that you need to speak, so therefore the selection of the speakers and the identification of the recipients is very important for the successful legal literacy camp. then of course organisation you don't have problem with that you have sufficient machinery to organise but the problem again is the, if you are going to talk with the community, the programme would be in the community and we don't expect them to come, my experience in urban areas legal literacy is not very successful, whereas in the rural areas it is much more successful, because of the close links with the community and the biggest problem is the people don't want to come it's only a speech, so of course literature is another issue, whether we are going to give them any kind of literature in their own local language, I think there are there are sufficient literature available in every aspect is developed by several NGOs and legal service authority is developed and then UNDP has developed another set of rule, I think there is lot of overlap in the literature, sometimes law schools do that, sometimes legal service authority does that sometimes government of India does that,

so there is a lot of overlap on the same thing, so there is repetition of the same thing many times, there is another area where we are wasting lot of money, because if there is already a set of material is available we just need a translation, but the most important thing is the last one, suppose you talk about the domestic violence you call the people and you deliver a speech, eloquent speech on domestic violence suppose three women stand up and says that, my husband is beating me, my brother is beating me, then what, then you would say this is according to the law , this is you are supposed....and go, is that sufficient or is there a kind of a follow up, so the legal literacy programmes would be more successful, if you have a fall back system, where you give somebody comes with a problem, you should be able to advise them and guide them where to meet, so for example now we have PLVs earlier you don't have, suppose you bring the PLVs to that legal literacy programme, then direct them to the PLVs and say them these are the PLVs who are going to work with you, so and then they follow, so that's the most important aspect, and also if it is a legal literacy particularly dealing with any schemes, the person who is address to grant those scheme, if they are present, then the legal literacy programme is works very well. that is what exactly what I am saying is.....I understand, I am not asking to help them, what you have to do is, you tell them, but if there is PLV available there.....to go to the office of the DLSA that much we can say, or the concern taluk office, that is where, what happens that go to taluk office, it doesn't work, if you have a PLV there you tell them you go to the PLV, PLV will follow up your case, it works. MY experience, when we are doing this kind of legal literacy programmes, the legal aid cell which is working in that area would organise the programme and the legal aid cell member would be available there and the moment somebody raises issue first the speaker would tell them what to do, and the members will approach them and say that they collect the information from them, if the documentation is required they will tell them this is the thing you have to do, you come so and so place and we are there and they follow up. That is what I am, expecting....yes sir....

I would like to quote two small examples in Chandigarh, in one case in a school our para-legal volunteers were there for awareness programme for sexual offences and POCSO, there a ninth class girl told that she was....actually the panel lawyer were also accompanying them....told confided one of the women PLV, she told that her father was abusing her and she told the PLV the it must not disclose to this anyone even to her teachers or to her family, because she may be victimised, she noted her particulars and the PLV came to me and with the intervention of the

place, immediately she was.....FIR was registered on our statement, and the man was arrested and she was taken to the protection home, and thereafter with the help of another NGO her studies were continued. in another case our law student volunteers went to a school for a programme there a 11th class girl, confided that the fiancée of her elder sister was trying abuse her and he molested her and we, with the help of our PLVs intervene and told her sister about that and she was prevented in that manner and that may be helpful.

in Mumbai also one incidence happened, that....regarding the sexual abuse that was reported to the teacher by the student, she felt comfortable to tell that teacher so immediately then called her parents and then the offence was registered so in this manner the schools various programmes are organised from time to time.

therefor my humble request to all of you is that, you are not going to settle the case there and there, but you would have somebody to help you, for example when we do ration card, many people come there with their problems with the documents, many times when we are organising, we tell them if anybody has any problem, you tell us in our literacy programme, with the documents what they have, then we call the official in Goa we call them as mamltadar, a kind of BDO, who actually issues these ration cards, so the resource person is the officer himself, so the officer comes and tells them how you can get a ration card and the people are raising the objections saying that these are the things that I don't have, I don't have a residence certificate, what should I do, them may say that you need an affidavit say that....so these things that the legal aid cell members of my students will note down from each person and they follow it up. so this is very easy for the PLV to work with the government but not directly with the community members, if the community members goes to the BDO, they may not be able to enter the office, yesterday they were telling how a supreme court judge was made to wait, but as a PLV or as a legal aid cell member, from my college they have a better access to the government so they act as a link, that's why all legal literacy programmes could be having a wonderful impact, if some kind of a follow up....that is what I am saying....

One of the instance like why the PLV may not be required, because in one of the legal literacy camps held in Karnataka, a minor girl who is bare enough to tell the magistrate that her parents are forcing her to marry so marriage was arranged, so that point of time Magistrate directing the

PLV and taking the...or convincing the parents may not be work out, depending on the problems what are those to be raised, sometimes the legal service authority shall guide, in some cases it may be a legal advice, in some cases there may be intervention of the legal services authority itself and in some cases, giving a legal aid taking people to the court, for enforcement of the rights.

I am not saying that everything should be referred to the PLV, but sometimes you requires action immediately you call the police and give a protection, what we used to do we in legal literacy camp. we invite the advocates legal aid counsel are with us and immediately either upon that base, this for the advocate, we instruct the legal aid advocate to make an application for on her behalf and she gets assistance and the....and even to the PLVs also when they raise, NGOs, when they are not getting any funds, we have also provided a PLV that to apply for the RTI and get all the information and go to the legal aid clinic. I am glad that some of you are really following that,

sir I am from the Tripura, in our State earlier when the legal literacy campaign started, initially the judicial officers and the senior officers used to attend the legal aid camps and the programmes, thereafter as per the guidelines of the NALSA the system of the PLV introduced, so right now we are having around four hundred PLV throughout the State and they are attend the legal aid clinic,, presently what we are doing, one clinic is for two or three cluster of villages although we could not cover but we are trying to expand the mission in the interior areas, we are trying to that level, so in our State the PLVs are conducting legal awareness camps in consultation of the local Sarpanch and in our state in Gram panchayat, they are conducted legal awareness camps and the legal awareness camps subject to the approval of the legal service authority, so the...sometimes the retired judicial officers, sometimes our secretary, are holding the programmes and in that programmes what we are doing we....first of all we are introducing the PLV as you told earlier, because the recognition of the PLVs is also necessary, sometimes the confusion arises, because since there are village panchayats so naturally in most of the cases the system is that, whenever any programme is arranged the common people used to go to the gram panchayat or the gaon Pradhan, for the discussion about the legal rights and the problems now days in the panchayat office in consultation with the BDO and the local CJMs we are taken one room, we are requested to the local administration to provide one room for inauguration and for as on today we are having 85 clinics in our States, and the PLVs are conducting programmes and in the legal awareness camps our officers are attending sometime the panel lawyers or some senior lawyers are also

attending the programmes, in the programmes they are discussing about the legal issues, we are having to get legal pamphlets on different topics, so those pamphlets legal provisions are being discussed and after the programmes we used to invite the questions from the participants, whether they have any problem, in that if any small problem arises, immediately we are trying to solve the problem, but if we are.....we find that he or she should be given some sort of legal interest, in that case we are introducing the PLVs, that you do the right things, be in touch with you and he is referring the matter to the legal aid authority and apart from that every Wednesday and Sunday our clinics are open, they are....that's what we are expecting....

So now the question is why Law Colleges? Legal service authority can do it on their own, why you want Law College, because you have already trained the PLVs and fixed the number of PLVs there? So here because I am being the principal, I advocates for the law college involvement. If you look at the share numbers of the law college, now....first why we need to involve the law college? The lawyer's judges are come from the law colleges. so it's a building ground, law schools train to become a lawyer, to become a judge, imagine the law colleges putting in to the students head that legal aid is necessary, so the people who are coming to become a judges, lawyers, will have that mind-set, that's most important. I think mine is the very conservatives' numbers I had given, I heard about more than twelve hundred law schools but I am taking twelve hundred law colleges in India. and more than one lakh law students pass every year, this is the final year students, but if you take from the first year, at least five to eight lakhs students studying law in a given point of time, and I think we have crossed America, in number of lawyers, either we are the second, we are the first in the number of lawyers, now if you imagine that five lakhs students, in India, could be used to channelized their energy in to providing in some basic legal needs to the community that could be great help. so it's not my words, there are three important legal aid committees, headed by Justice Bhagwati, Justice Krishna Iyer, those are in 1973 the other one 1977 and the another is in 1981, these are the three important documents on the legal aid. It is beautifully written reports, whereas in 1973 they argued that the law college's students should be involved, and then of course 184th law commission report also talks about, the law college's involvement. what they say, I just summarised all the reports, it says the law students can extend the legal aid to the remote villages, because many colleges also rural based so that they can reach the villages much easier than any other, they can provide legal aid and at much lower cost, because

we don't pay them. Legal aid cells are excellent means of teaching professional responsibilities so students who are involved in the legal aid, learn what is professional responsibility much better, than teaching legal ethics for one semester in the law college. and they provide an ideal platform to the students to learn the practical things, I think all of you have the problem of new lawyers coming to your court, absolutely no skills, they don't know how to argue, they don't know how to write, all those things could be learnt to the students. They are effective instruments for community education and preventive legal services programmes, see this very important thing as a lawyer you want a case, but as a law student they don't want cases, they want prevent something, so therefore for preventive litigations the law schools are better situated comparative to the lawyers, and law schools involvement improves the reputation of the legal profession, which I agree, because I have seen my students involving in last fifteen years, the number of students that are coming from the law schools from rural area has greatly increasing, because the students they see, parents they see the law students not even completed law, they come to their village, they try to do something, so there is fascination towards becoming a lawyer. And there is no substitutes for learning while doing. and they if properly channelled law schools can meet the demands for the modern society and in fact help the transform the society and reach desirable goals , so therefore the law schools are the birth place of legal professions, we need to emphasis that the legal aid is part of the lawyers duty, I think the Bar Council rule also, I think rule 45, it says that with the view of the economic capacity you are supposed to provide the legal aid, so it is not only the state, it is also the professional obligation, so how do you imbibe that two the students is allowing the law college to have a collaboration with the legal service authorities. of course these are the two my best quotes one came from America one came from India, so the Kanegi report, where they introduced so many law students, one of the law students say, law schools in America creates smart people without any purpose, so when you join in the law college, or a law school in America you become a smart but no purpose. the same thing we are discussing in India in one of my free legal aid cell, in one of my student said we have all the way to move but we have a problem in crossing a road to talk to the neighbour, so the students able to talk to the neighbours is itself an indication, I think yesterday the....one of the judge telling about the mentality in the aeroplane, we don't talk to others, so that mentality is going more and more with the flat culture in the cities, we don't know who is my neighbour, I don't know who is my neighbour, we don't talk with each other, so that is where the barriers comes. I think we have done in last session, so we know these are the elements of the

legal aid and how the law could be meaningfully involved. so now I am coming to the law part, the bar council circular in 1997 said that every law college, must teach legal aid as practical subject, its compulsory, but that was changed in 2008, when the Bar council of India revised the rules and says that its compulsory that every law college should have a legal aid cell and all the final year students must be the members of that, its mandatory, its mandatory for all law colleges but I don't think that even 10 percent of the law colleges have the legal aid clinics. There are many, plenty of reasons for that. Actually the Bar council can de-recognise the college degree, if they don't do that, but does the Bar council has that much mechanism, and forget about the law colleges, National law schools themselves don't have, sir there is a scheme with respect to this, NALSA scheme....not all some of them have, but again it is not compulsory. I am happy that some national law schools are making it compulsory, otherwise most of the national law schools , it is optional and some of the national law schools....of course I will come to that, when my presentation....in pursuance of this NALSA scheme is there, I am coming for that also sir, the legal services authority Act Section 4 (k) it says it's a duty of the legal service authorities to develop in consultation with bar council of India and programmes on clinical legal education and programmes and promote the guidance and establishment of the legal aid clinic in universities, law colleges, other institutions, first of all the bar council absolutely has no idea as to how the legal aid clinics works, they are thoroughly useless. When we in 199 sorry in 2004, sorry 2005 we asked to professor Menon, we ask the bar council to fund us to at least to train the law colleges, to establish legal aid cell, they have not even replied. They don't want to spend anything on the legal aid, legal education, they will collect money form the legal education.

sir recently I NALSA has issued certain guidelines in this.....I am not talking about the NALSA, I am talking about the Bar council, now this is clear guideline for the NALSA to the district legal service authority or the NALSA to talk to the Bar council and help the law colleges establishing the legal aid clinics, and I won't say some of you may be doing it, some of you may not be doing it. For providing grants in specific schemes to various voluntary social service institution, Law College can be fit into that, but I doubt that how many law colleges received any financial support from the legal service authority. When I studied seven states, not even a single law college has received. and most of the DLSA....most of the DLSA and the state legal service authority without spending money they are sending it back to the national legal service authority for various reasons,

I am not saying that you are doing bad service or good service, there are several reasons for the money is going back, but ...

As per the NALSA scheme university grants commission is supposed to pay from the grant given UGC is supposed to pay to the student legal services committees, so are giving grant to the UGC...no...no...I am sorry it is some portion of the grant has to be from the UGC and district legal services authority are supposed to pay ten thousand rupees per month, it is in the scheme sir.....

There is a provision for making ten thousand to each legal aid clinic in the law college, per year and to take accounts of whatever the expenditure that has been done by the law colleges, the legal aid clinics students.

so any of the legal service authority has done, in fact with the sanction order issued by the NALSA, there is a provision that no funds can be transferred even for the same purpose to any institution, there is a specific guideline of NALSA that no funds can be transferred to any institution, even for the purposes for which those have been allocated to the state authority and those are to be utilised to the other institutions for the same purposes or the same objects.

So that means that you are not going to fund any law college or any institution?

not at all.....then sir I think there is a serious lapse, sorry Delhi we are working with the some of the law colleges, directly we are not funding, but we are funding their specific programmes like in CLC we organised a...recently we organised a debate, we are contemplating to organise a panel debate with four five law colleges of Delhi, it is a programmed based and....

at least one thing that I want to add here, as per the NALSA's guideline I believe, that they say that we can work with the law colleges and help them in setting up legal services clinics, meaning thereby what we provide in Delhi , we provide a basic furniture like a table, few chairs and a computer and also wall paints and other things, which displays the kind of activities which are there, and then we engage with the law colleges the legal aid societies in charge and then they are supposed to carry on their activities, so we are very clear that the legal service authority is no way is going to help, except some may a programme based support, now the programme based support, now conducting the debates all law colleges can do, but when they go to the community there are

so many other things that required and again the collaboration is not only for funding, for funding I will come to that and show you, without funding how legal service can work in Law Colleges, most important thing as a knowledge partner, because when you go with the legal training, they the authenticity to get certain things to be done, I will come to it little later. Let us....

Actually sir we take assistance of the law college students to organise the programme that is where I have also my reservations. What do you mean by taking the assistance of the law students? They are going to work as cheap labour? In many places, I have some experience, they ask my students to come to give the invitations arrange the room, give the refreshments, that's not we are looking for a meaningful collaboration. You may be....you are having them, that's a very good thing,

You put it very bluntly and rightly, cheap labour...

I am not asking to pay, what I am asking you is.....running a clinic requires a lot of money, not a very huge amount, but a little amount, for example if you want to conduct a legal literacy programme how much you spend for the legal literacy? How much you pay? Answer this....for a legal literacy programme how much you pay? How much you spend? Six to ten thousand will cost, right....are you paying any one...no....now let me explain I will come to you madam, so what we are asking is. We are not asking you to pay to the students, but when they go for, campaigning at least their travel, at least some snacks for them, a water bottle, do you think that, this is required? See I am charging my law students five thousand rupees a year, because it is a government institution. We don't have funds, but of course I will show you how we did it, we collect student's money from the students, I collect three hundred rupees as membership for the legal aid society, and that money is spent.

In Manipur there are two law colleges, Manipur legal services authority is giving three thousand per month to a law college, to their legal aid clinic...

I firmly believes, when the money comes to the legal aid, legal aid will not happen. what I need is simple, basic needs that money need to be spent, for example some places, panchayat give you the hall free, some time they have the sound system no problem, we need to hire it, suppose there is hall but no chairs, I need to hire the chairs, so those are the things I am asking, I am not asking students to get paid. now establishment of legal aid clinics under the regulations you all know that

there need to be established a legal aid clinics, if not necessary for the law colleges, but in the villages I think you are doing, then what are the legal services that you should provide in legal aid clinic is mentioned and most of them can be meaningfully can be done by the students along with your PLVs, the applications of the job cards and all these things, these are not much training is required, may a day training they would know how to do it. Identity cards, licenses with the government offices, this is where I have a lot of advantage of my students. If an ordinary villager goes to the government, they will may not treat, but the law college goes under the banner of legal aid clinic of Salgaoskar Law College, the respect is different. these are all legal services now the regulation shall how.....this is a very interesting part, one side you don't want to give any kind of assistance to the law colleges, but you want to put the same conditions for the law colleges run clinics. This is an irony, one side you don't want to be involved in that and the other side when the law colleges are running the legal aid clinic, you want to put the same condition what you are running with the PLVs. and the question is whether the legal service authority has that much time? see all you all are basically judges, the my problem is if a college is going to run so many legal aid clinics in each college, where is the man is the man power for to monitor, you don't have and the regulation also says that adopting of a village, now adoption of the village, the students has to travel the village, you will pay for that.

Why NGO should there? Therefore if a law college is goes to a company, or the law college go to a NGO, or DLSA authorizing asking somebody to help the students

There is a lot of difference, what I am trying to tell you is, if you have a collaboration with the law college, you tell a company or a NGO to work with them, but when we that can happen. That can happen, that's what I am trying to tell, you are in a power to do it. You can do it. I just share just one experience, we adopted a village in a Bihar, and they requested us, they provided us legal literacy volunteers. We also went there like several legal literacy programmes, we went, one legal problem was there placed by the villager, and we provided the legal assistance to them.

Actually in Orissa, the ministry of law and justice, government of India and UNDP there are running a project called access to justice, now they have linked up with the National law university of Orissa, we have a also role to play in it, they have identified three remote areas, where they opened clinics, these clinics they have their own people to manage it, but the law students also go

there, they directly, it like another village, legal aid clinic which we run, they obtain the applications, they go around the community, they listen to the people's problems directly and we act as a set of a buffer, when they, if supposing there is a problem which, they can't immediately solved, they refer it to district legal service authority. and I believe the students were given the incentives by way of some additional, some points something like that, in point of credit, some credit, we don't have to spend any money, all we need to we are giving sort of moral support. yes I will come to that...because they come to go up for the training, the UNDP and Government of India has given us one crore for the national law school of Orissa, so they don't give and similar thing was done when done with the national law university in Delhi, there is specifically UNDP, has given to them to run, a for the benefit of the construction workers. and they ran for one year and they stopped because one crore is over and with due respect to all of you, and may be some students who are, from the national law school, legal aid will not work with the national law schools. It could work with only with Law Colleges, the government, private whatever you talk, it is a local college, national law schools works only as long as you give funds, and most of them are happy to grind crores of rupees to the national law schools, and just look at the work they have done, and I will come to that, I have...

national law school in Bihar, at Patna is giving so much assistance to us, in organising the national Lok Adalats, volunteers are sent by them...no....I will come to that, sir....just.....I am not against the national law schools.

let me clear all these things legal aid clinics in the national law schools, monitoring you know, let me come to my report, this was done 2010-2011. we have studied seven states, a particularly the legal aid clinics, now the findings in a nutshell most of the legal aid clinics, because it is mandatory, they just start for a name sake and you will have a board in the law college, where there is a legal aid clinic and they are not, running properly and they have no proper functional structure, place policy, kind of service nothing, they simply said and the go to one legal literacy camp in a year, and then that's it. most of the colleges and the, reasons are many, plenty, there is no workload for the faculty who is looking after the legal aid clinic and also no academic credit was given to the students, so when there is no academic credit to the students, naturally the students, would not be very interested in it. Most of the activities are purely legal literacy camps not more than that, no legal literacy that's it. Then the sis national law schools that I have studied, there is no importance

given to the legal aid, they have a different focus and none of the national law schools at that time offer legal aid as a compulsory subject. And particularly when we came to Bhopal, national law school, university, they refused to lead us, that's the different issue. And in Jodhpur they said that they closed the legal aid cell because the faculty went on maternity leave. Of course, Orissa it just started at the time so we couldn't expect much from national law school Orissa. The Raipur is another issue, where, if you want to enter in to Raipur, national law school campus, it's like a fortress, you can't enter that, unless some idea or something is that. So and the legal aid cell is inside the campus, the community cannot enter unless, you know how difficult, inaccessible campus, absolutely inaccessible campus. Assam we didn't come, that time Assam was not part it, that's why I said, we went to Rajasthan, U. P., Madhya Pradesh, Chhattisgarh, and two more states, Bihar...ya...Bihar was there, Jodhpur is coming under Rajasthan, there is one more state, Jharkhand, may be at that time, I am not sure, and the best thing is National law school Bangalore, when it was started, it has a very vibrant legal aid clinic, unfortunately is completely gone down and they are on the name of the legal aid cell, students are training, the prospective students to join the national law school in English and the legal aptitude, that is there, mostly the legal aid clinic, and students and the faculty lacks skills, even teachers cannot teach them, what is legal aid, because none us practiced before joining the law college, we don't have a practical experience, and sorry to say there is no involvement much from the bench, little involvement is there from the bench and absolutely no involvement from the bar. In none of the law colleges, and of course, the most important thing is there is no connection between the legal aid services authorities and the law colleges, because we have, actually in six law colleges, seven states we have got more than four hundred law college, so we wrote to everyone and hardly thirty forty law colleges responded out of four hundred and the latest, information given by the bar council was taken and we started calling each and every law college at least fifty percent of the phone numbers are fake, what they have given, some of them are residential numbers, some of them are different person, so it is impossible even to contact law colleges. Forget about the service, so that's the state of legal education we have. So therefore I don't mind, most of the legal services authorities are apprehensive about having a tie up with such law colleges. that is also there, because ultimately your reputation also depends upon, what kind of legal aid clinic they are going to run, so therefore we asked the law colleges whom we could meet at about forty law colleges from seven states we able to contact, physically visited there. And asked the questions to the faculty and some other

students, so what are the.....why legal aid is not working in the law colleges. First they said that there is a lack of financial support and then they said the restriction on the faculty to practice, absence of the academic credit etc...But when we asked in a different manner you could see the contrast, I will just go back, when I asked shortcomings, everybody said that there is no money for running the legal aid cell. that is the basic problem for them, but when I asked what support you need to run a good legal aid cell, money is not the first one, first one is the mandatory collaboration with the legal services authority, second one is the involvement of the bench, third one is the financial matters, of course all the three are the major issues look at the numbers they are very close to 135, 133, 132 that is closely connected.

Professor you have missed out one thing, very important, it is the inter-se rivalry animosity amongst the faculty members also.....that's true.....probability more than internal rivalry, the problem is the faculty don't want to do because, one they don't know how to do it, number two if somebody involved in the legal aid, it is an extracurricular activity for them, they have to take their classes and then do it, punishment, there is no benefit, benefit in the sense teaching benefit, not money they are asking, the teaching benefit, suppose I teach eighteen lectures a week, if i do legal aid, legal aid takes lot of time sir, it takes more time, so it will never be able to do every day three lectures I teach and then go for the legal aid, then it's not possible, and legal aid requires the people to travel, teachers to travel beyond their teaching hours, which requires a lot of commitment from the teacher, which teacher wanted to do that, very few, those few will run for one year, two year, then said enough is enough, others are getting the same money without doing anything, why should I do, this is the problem, o.k. then we ask the colleges what activities you can easily do it, as a legal aid clinic. As usual the legal literacy is the first one, they can do meaningfully legal literacy than the legal advice for the legal services, these are the three top most agenda in the legal aid agenda, and they want to do it, which I don't think requires a lot of money. so what we expect, at least, if you want to, suppose somebody, some legal service authority wanted to take law colleges, you need the regional training programmes and identify in your state, how many law colleges have better record, I am not saying that every law college start legal aid, that is why the bar council one find is everybody to start, that doesn't happen. Identify the five law colleges from your state, ten law colleges from your state, which is, which are supposed to be serious about it, you could gauge that, which college is good college, which college is not serious, train them and see how it is

working, tell them I am not going to give you money, I will only train them, I will give assistance in technical matters etc...How many of you are interested you find out, that's easy. and develop a meaningful collaboration with the clinic, if you, of course, now you are saying the budget allocation is not possible, but budgetary allocation can be given like a programme wise, so you conduct five legal literacy programmes, we are going to stuck in and give this much to them, not to the law college, because anyway you spend on organising, so you could ask them, then the legal aid clinics in the prison and other correctional homes, I think that is the easiest thing that you could do. You send the students, send them to the prison, they can be easily managed, because it doesn't require much money because the jail has their own transport system and they can send the vehicle to the law college, to pick up the students that's fine. then you could even empower the law college, with your lawyers because basic problem for the law collages for us is we have absolutely lack of idea about how the system work in court, because we are academicians, we never practised, because I am a teacher I cannot practice, unlike in America, when I am in U. S. when I was studying a LL.M programme, a life case was brought by my professor, to the class, and we were able to represent the client in the court, they are allowed, the moot is useless, it's useless and most of the colleges, moot court is the end of it, moot court is the most useless thing that can happen in a law college. No....I will tell you sir, moot court comes only when the clients comes to you, but how the client will come to you...did you teach them how to interview the client, how to advise the client,....no not necessary, at least by simulation, but legal aid cell yes, my students gets the original clients, we run consumer clinic, we run consumer clinic, we won five cases, which lawyer allow to sit you next to him when he is interviewing the client? I am very happy, when I went to some districts courts they were not very happy, because the high court has to be there, directions allowing the students to run. But, now answer me sir, question...does the court, teach us....

In Delhi also we are organising summer and winter internship programmes, I know that, Delhi is very vibrant. In Chandigarh also we are organising internship....

O.K. let's come back to the things o.k. now....why I am saying the moot court is the most useless thing is, because there is no, the client the students has, absolutely no fear of winning and losing, there is no human element involved, because, they are not....it is a hypothetical case any moot court they give judgement, you won or lost, they don't. o.k. the way forward identify the places, of course, what I do is, I just quickly run what just we do, that is the Goa, map, wherever you see

the round circles those are areas my legal aid service work, we got 32 legal aid clinics working in the community, they are not in the law college, they are off campus, clinics they are set up either in the Panchayat, some of them are in the panchayats, some of them are in churches, some of them are in temples, some of them are in clubs, the lions clubs etc...so some of them are in schools, and they work every Saturday evening three to five, two hours, we sit in that place, we don't have any problem with the furniture, because whatever the furniture available in the that room, given by them that's sufficient. I will come to that, so how do we do that? we charge students three hundred rupees, every student has to pay three hundred rupees as a fee, as a membership fee for the legal aid society we started with fifty rupees in 1998, each students, so now we charge three hundred rupees, so we get around, three to four lakhs, for a year and all these premises are free, they give free of cost, of course sometimes we have a problem with the panchayat, when we work against the panchayat, panchayat will tell us get out, we go to the next, the schools, church, whoever give us free, allows us free, and the students about fifteen students in each legal aid cell sit, and students are selected form that locality who are coming from that area, so therefore we have a better connectivity with the community, and these cells works only two hours a week, fixed time and during the examination they closed, but they put the notice that the cell will be closed, because one thing we should remember, legal aid clinics run by the law college students have a limitations, we should understand the limitation, we should not....I am not going to give the legal aid to every one every time, it's not possible, twenty four into seven is not possible. then what they do, they do legal literacy camps, they do street plays, para-legal services, we have....what we did is we took the citizen charters find out how many, what are the social welfare schemes, we go to the community and try to implement those social welfare schemes. They are working amazingly. so first the community is not ready to believe us, so what we did is very simple scheme, a scheme called, senior citizen card, if you turn sixty and above, you get a card, identity card issued by the government, with that card we get one third of concession in all government transport, plus you need not wait in a queue, in any government hospital, straight away you can walk to the doctor. it is very simple, it does have any extra income from the government, so we took first trial. then what we did is we collected the information we, send the students to the door to door and collected the information there and then not asking them to come to the clinic, because we need to establish credibility, we collected the form, we submitted with the government, collected the cards from the government and went back and issue it, so that created a good will in the society now it will come

to the clinics. we have welfare programmes, public forums jail visits, we have a consumer clinic, where the students represent the case, it is in the college, we have already won five cases, the students represent them with the help of the teachers, because you need not be a lawyer in a consumer forum, so that's the advantage, but in the regular court we may be. unless we take a permission from the court, because you have to represent somebody, no we are arguing the other persons cases, authorisation is required, you need an authorisation, for that, then we of course, the child right clinic is going to start from January it is going to work with the children's court Goa, Goa is the first State to start a separate court, Goa, as children's court. of course drafted by the college, the prison clinic is working now we are under the project of prisoners who are completed already ten years, if they want to be released on conditional release, what should be the parameters, so we are developing that para-meters to various to release them, and the public interest litigation college, of course the students has filed nineteen public interest litigation all are successful, for the various issues, the human right commission, state human rights commission was established of my students filling a public interest litigation. Then they do bay surveys they associated with NGOs, so these are some of the photographs, Justice Ahmedi was there for the exhibition for the legal aid. The other initiatives we have taken we train the students to make the posters for the communication of the socio-legal issues, so they were trained, the students were trained. This was trained by NGO, now these peoples becomes the trainers of the trainers. Now my students goes to train other colleges to make the posters and you could see the exhibition that we conducted and some of them pasted next to schools etc...These are all the students' initiation, so they started the association called Goyenka the change makers, that's the association formed by my students, and they are going on everywhere. This is the typical legal aid clinic where there they have the discussion with local community, this side right side, those are the students with the white dress are the students. This is a street play in a schools. And this is the para-legal services where they are filling the forms. This is the clinic actual legal aid clinic where they are addressing the clients. legal literacy, the community involvement, they visit the old age homes they assess the needs, they go to door to door campaign, before they start legal literacy, they have to go to door to door, of course we don't compete with the lawyers, and the thing is that, why it work in the law college, Salgaoskar law college is the, one is we are self-sufficient we don't ask anybody to give a fund, we run with whatever fund we have and all the faculties are involved in the legal aid. We brought the legal aid in to, the credit system, students gets the credits for doing this earlier it was

a hundred marks paper now it is a fifty percent, fifty marks they get for the legal aid and the teachers were given a credit of teaching also, so that means the teachers who are involved in the legal aid will be given some relaxation in the teaching, so we brought that thing in to the teaching plane, so that the teachers has no complaints, of course still the teachers will have a complaint, because all the programmes happens in the Saturday evening or the Sundays, so the teachers has to travel there for the programme, for example the legal literacy programme, the teacher has to be there with the programme, so that difficulty is there but the teachers may not grumbles much because they are getting the credits in the teaching, so in addition to that, there is a student in charge in each legal aid cell who would be....of course we had kept records, the students has to mark the attendance, every Saturday they attend the cell and on Monday they will bring the journal to the teacher for the signature, and the teacher would verify sometimes we go for inspection without informing the students we go there and see whether the students are coming or not as usual as you said there are good cells there are bad cells, some cells are good because some students are motivated, they want to do, some places the some students dodge, that's always happens, so when my around three hundred students were involved with legal aid even hundred students are interested it could be done a great job. So what I am requesting you is, you don't require to give to give a big amount of money, but if you guide them, because most of the law colleges has absolutely no idea how to do it. and particularly some of the students they have enthusiasm actually this system started by some five students, when bar council 98 they said we want to have a legal aid cell, we don't know what to do, so five students came and said I know the Sarpanch, we will start legal aid cell there, I said o.k. then they started fanfare, they called the local MLA big inauguration was there, and for one month nobody came, students were dejected, what is this nobody is coming, then we said, if they are not coming, why not we go there, of course we have an absolutely no idea what to do, we took white papers and went door to door and said nay legal problem you have, they said no. so they said that there is no legal problems. then I think what we asked is wrong, then we went back again and ask do you have any problems, we removed the word legal, then the problem started pouring, water problem is there, transport problem is there, so many problems are there, then the students said that this doesn't look like a legal problem, if the public transport is not coming, that's not a legal problem, why should we bother, that's not a legal problem, I said, no.....no....something is wrong, any problem is a legal problem, let us take it, so we went asked the bus owners why are you not running, they are supposed to run four times,

they are running only two times, particularly the remote village it is. so this I am talking about 1999 so we asked why you are not running the bus, they said it is not financially viable for us sir, it is difficult for us to run more than two times, because nobody comes, then we went to the transport office and then they said no, no they have to run minimum four times if they don't run four times we can cancel their licensee, the students said o.k. we will make a complaint, then we discussed on that, then if we make a complaint what will happen, they will cancel the bus, so at least two times it is coming, that will also not come. Then the villagers will curse us. so what we did is we call them for a meeting on a Sunday so we told the RTO to issue a letter to them that all the bus should run, so they came to the village and the RTO came, villagers were came, so the students made a dialogue between them and then they agree to run three times instead of four times. So that is where the students were encouraged and confident that they can. And from there onwards we never look back. so it's all the commitment it is all learning by doing, we all make mistakes, we learn from the mistakes, we share experiences, from there onward we had from one legal aid cell we had thirty three legal aid cells, working, particularly in the north Goa, because the law college is in the north Goa, south we have a few, so it can be done. You don't require lot of money to do these activities. It requires some kind of a pat on the back of the students and the college from the legal service and the bench that would suffice. So now if we have any problem we can go to the district legal service, they are happy to help us. But for that we need to establish so much. So now they come along with that, but if you start this initiation it would be much easier, even the law colleges, that's what I expects. I am not asking to give money to them, but identify and tell the law colleges, start legal aid cell. And if they start legal aid cell what are they going to do, you guide them, and then they will do it. I think I will take a leave.

sir we compliment you for giving the compete scenario about the legal literacy to law colleges, and I wish that the NALSA should have been here to today to discuss this problem, because when we want to take this legal literacy to the greater heights. we have entered in to the memorandum of understanding with the Karnataka Law University, which has got affiliation of ninety two, ninety four law colleges, and two other Christ university and Alliance university who are got law colleges, they are being doing the fantastic work, by going to more than sixteen villages around Bangalore, and one should not expect other.....NALSA should not expect the students to do the legal literacy work free of cost or by contributing their money, its high time we will have to think

over that and at least to provide the basic infrastructure for those students to do the legal literacy job.

Because Karnataka and Tamil Nadu has this advantage that one university controls the whole legal education in the state, if that university tell that everybody that these are the things to be done, it could be done. whereas in other states each university has a different, even the other two university, the Christ university and the Alliance university got law colleges and they have got sixteen villages in or around Bangalore and every week they are visiting the villages and doing the social work and they take their own bus, they have got college buses. And those colleges may not face the problem, but what about the other colleges....

sir the other advantage the local law colleges have and the national law school doesn't have is, national law schools get the students from all over India, so they have a terrific problem of a language, connectivity with the community, that's why I am saying that, National law schools, could be with the policy making and that they can work with the legal aid, whereas the local law colleges can work with the community, that's the best place for the local law colleges. Sir they can have a legal clinics for the corporates also?

yaa...even that is not bad, see for national law schools can come up? No...I am happy for that, even national law school can come with small scale business people, how to help these small scale people to register a company. These all the students from the law schools have become the assets to the big corporate, not for to the legal fraternity, that is what I am saying.....

Do you have any such parameters to stop the students, who are not the local area?

I am not saying, we can't stop, what I am saying is suppose Madhya Pradesh, sorry Bhopal,

The time has come.....Indians are going abroad and getting knowledge.

you are not getting my point, what I am trying to tell you is, suppose you imagine from a.... a person who don't know Hindi comes here and joined the National law school, Bhopal, difficult for him to connect to the community, he requires somebody to interpret, whereas the community

colleges, local colleges have this benefit, so they are in a better position I am saying, I am not stopping from the National Law school.

With kind permission of the Hon'ble chair let me ask to my brothers and sisters who are sitting almost throughout the country, we have any communication problem amongst us....obviously not....

No...No...Sir you are not understanding....if you want to communicate, I think if you want to communicate language is no bar at all.....

That is not the problem.... I am not negative about them, what I am trying to tell is, national law schools are better equipped with certain things, which they can do in better manner, like public interest litigations, policy decisions these are the areas that the national law schools can really contribute....so therefore let them focus on that the ground the grass root level let the other colleges also step in.....that is what I am trying to tell national law schools should take the leadership to develop the local law colleges, ask the national law schools to develop the local law colleges, in doing the legal aid, for example in Bhopal, National law school is good with the legal aid they cannot reach to the remote are, you need to travel, in that area the law college, if you could guide them, they would be able to do it, under your guidance, that's what I am asking,, what i am trying to tell is that they have a different roles,

Justice R. C. Chavan:- Communication is a problem, what you say is not correct, communicating amongst us, because we are at a particular level, law students are just passed 12 and the student from Bangalore goes to Jodhpur law school, that student is not able to understand the language in Rajasthan...no.....connecting with people, for me also, to connect with Goa, connect the people in Goa is difficult, because they speak in a different dialect, which they call as a separate language as Konkani, but Marathi speaking people find it difficult to understand Konkani, so therefore there is a problem, and when you have to connect with the community with the common man, you have to know, his language dialect.

My humble submission before your lordship also, that we can, we can do it with the affiliation of the local law colleges, but we can't bar them....

No.....No.....there is no bar.....just a minute....there is lot of....I mean.....there is a very grave possibly the miscommunication on his part. he is not saying even for a minute that the national law schools are devoid of having any legal clinic, we are not saying that, our experience tells us, that they are never interested, they are never interested sir...and that is the hard reality, and I tell you further, that national law schools are good only for the corporate sector and not even for the practical litigation side, they are not coming, except their farther happens to be either High Court judge or happens to be a senior advocate in the High Court itself, they are not coming

That is another aspect my lord that is another aspect my lord...

No that is an aspect because, because they are not having any connection with the local people. They are not able to understand what they are saying in local language, aap usski kaha baat karte hai,

hindi bhi dhang se samz me nahi aata, and I have an experience National law schools ke oadhe huwe bacche Hindi me numerical words nahi padh sakte hai, unko sixty nine nahi pata hai, when it comes they read sixty nine, they don't ask us only read it, in English and they don't read it in Hindi, when the entire document is in Hindi, or in Gujarati for that reason, I am sorry for being disturbed, but it is very, very important that this national law colleges are made only to cater the corporate houses sir.

Sir excuse me, with due respect, I want to ask my colleagues how many judges are sitting here from national law school? None.....none

I am sorry, I am sorry...but at the same time they may have their own problems, because to get admission in national law school, is again a big problem, to find that particular studies again a problem, students are taken loans, repayment of those loans is again a problem. I am not just criticising them, I am telling only my heard real experiences on the dais and off the dais, we have been telling the students of law schools whenever we visit them, that please try to come on the practice side and then gradually they may join the judiciary also, for the present, this generation may not be from the national law schools, no difficulty on that, and in future also you will find, that judges will not be coming from the national law schools, they were not be coming, because they are not coming to the practice, they are not appearing for the higher judiciary, or lower

judiciary examinations, they are not going to be there, so for good reason again, I don't want to go into all that, we had in earlier days, term brain drain in India, there was a very popular, I mean a term and it was a very big problem for this country, because we used to get all brains to USA, that was a big problem and every corner it was discussed, say sir we spent so much money that is again a taxpayers money to train the particular doctor to educate a doctor and then doctor goes to USA, sir in Gujarat we have an experience aap unke paase ek lakh rupaye ka bond bahrayenge na, wo jis din aapna third MBBS ka saal pura karenge, they will pay that one lakh rupees in cash and they will fly back to....they will fly away. Us ek lakh se kuch nahi hota sir, and we are not able to take our doctors to the villages, sir aapke paas to pata nahi ye information hai ke nahi, hamare kinten primary health centres aise hai, jine ke undar train nurses nahi hai, we don't have trained nurses. Are sir kaise karenge. kaise karenge wo, fir wo AC to think hai sir, uska laon repayment kaun karega, so no problem, I want to congratulate Dr. Prasad for this reason, possibly is consisting than more than twenty four hours, and possibly he is not a man, from this planet, my brother Chavan joins me and tells me, that Goa itself is a different planet and he is from Goa and possibly he is having a different zeal. I tell you again or aap thodasa isko introspection kar ke batana, how many are friendly with the academicians? How many of us? How many of us? Itna nahi hai, sir, itna nahi hai, jab High Court judges ka koi judgement koi academician criticize karta hai to High Court judge Sahab ko Hindi me kahu to mirchi lagti hai, mirchi lagti hai, America jaisa system yaha hai hi nahi, jahape wo freely criticize karskte hai, aur wo judge bhi usko positively padhta hai, aur kahta hai ke accha, sahi me meri yaha pe mistake ho sakti hai, this is a very second possible view taken by me?

Prof. M. R. K. Prasad:- I want to turn this into national law schools and other law colleges, because the national law schools are required the national law schools are the one who brought the prestige back to the legal education I had a lot of respect for that, and for respect for Menon and others who had done a good job, for the national law schools, what I am trying to tell is that I don't mind that national law schools students going to corporate, even corporate requires a better lawyers. what we are saying that please along with the national law schools develop the other colleges, because the rest of ninety percent of the law colleges are the one who is going to supply to the major junk of legal professionals, judges lawyers, every one, therefore what my request is, national law schools get money everything, because they already had reached to that level of competency, fine

but there are other colleges who can do that. They have a severe crunch of expertise, infrastructure and even the finance, see if you go to anybody visited Lucknow national law school, is kind of a five star hotel. So how much money was pumped in to that is not even received by the Lucknow University. Lucknow university has more than fifty departments, so Lucknow national law school got five hundred crores, so you give them, I am not saying don't give, but fund others, let them raise, sir I have seen with my own eyes that there are many college they can do, but they don't know how to do it, that is where I am requesting all of you, help them. biggest last one sentence, the biggest problem for me, whenever I call a judge, or a greater lawyer to my college, to ask them to talk to my students, the first thing they talk is that we never attended the law college, we are successful, please don't do that, the legal education in your time is different, the legal education today is different. Those days remember how many years you took to practice? today for the children they don't have that much time, the moment you joint the bar today, within a year they have to become a lawyer, for you must have taken five years, six years, seven years, I don't know how many? Even.....and to go and stand up before the judge and say something it must have taken a year, now these students are, the moment you are passed, you are expected to raise your stand and argue it, so the time has changed, education has changed, please don't tell them, we did not tell that we did not come to the law college particularly, but your are successful.

Participant: - sir I have a small point to made, from all the deliberations, basically when we comes to the legal aid by the students, they are many aspects, broadly one aspect is legal aid, in community, where students has to work at ground, second is legal advice, they have to find out, third is research, research may be in two fields broadly one is when we conduct surveys of facts, another is legal research pertaining to the law, legal aspects. fourth the reformation, so it has to be drafted, the planning legal aid, with different colleges, including national law college has to be drafted, very wisely by the legal state authorities, in collaboration with bar council and administration of the policies. national law colleges apart from others activities and legal aid, may contribute well in legal research, and legal research, sir I always believe that legal research is very important in every field and we are lacking in the research. Unless there is a research, there cannot be exact assessment. Like we are acting, being judges in courts we are acting on assumptions and presumptions but we write, because accidents are rising so he deserves a higher punishment, but I don't have any empirical studies to say so. It is only example, so different factual aspects, we need

legal research, that will help the entire legal system as well as the legal aid, so we have to rope in the students, in that way.

Justice R. C. Chavan:- so professor, we are done no....so about your last sentence, accidents are increasing and all that, once two judges were given the tickets for rash driving, both of them came to the court since there was no one else to first said, let us finish this business fast, I said o.k I will sit as a judge and you will stand as an accused. the judge said that I plead guilty, the presiding judge said that o.k ten rupees, the second judge decided over, the fellow said, that I plead guilty, he said twenty rupees these cases are increasing day by day the second case which has come up before the court to discuss....Thank you so much, now we will disburse for lunch and we will come back at 1.45. Fifteen minutes cut short.

Session No 7: Engagement of full-time trained Advocates by the SLSA
Resource Person: Justice R. C. Chavan

Welcome back, now we will start with the next session, so I request Justice R. C. Chavan sir to start the session.

Justice R. C. Chavan: - Our friend has prepared a power point presentation, I request him to run it. He has joined the Academy just today, correct no and we had just a five minutes interaction in which I gave him some idea, and I think he has done a wonderful job. So this is about, the topic today is engagement of full time trained advocates by legal service authorities. Please go ahead, next slide, since it is readable so I will not comment on it just now, after this is over, o.k. he will give you a copy. next, chota hai, thik hai, fat se I suggested to you to use technology in imparting training online training so technology difficult no. we need the help of professor Prasad here. See what I suggested, here is a.....not necessary something which confirms to the schemes formulated by the national legal service authority or the state legal service authority so the first reaction is bound to be that, well this is not possible, this is not in our schemes, schemes don't permit this, so to this my answer is this that, because we are lawyers and judges we seek solution of every problem in law, or the rules, where is the rule, this is an area not related to adjudication, you are not deciding a dispute between two parties, you are basically doing an executive function, you are administering something, when you are administering something, there can't be a rule or law, for every aspect of administration. Because new problems are thrown up they require new solutions. therefore first is that don't seek solutions in law rules, law or rules as we all know creates more problems than they solve, because there is a question of interpretation all sorts of problems arises, best practices is the best way of dealing with all these things, and the earlier the NALSA or SALA dumps rules and regulations for best practices, the better you know. because best practices are flexible and they are not mandatory, you can follow that, if you don't want to follow, you can make out an exception, it becomes easier, so therefore don't feel restricted by absence of rules and laws, the field is in fact open, if there no law, you can initiate action and the courts will uphold it. so here what I am trying to suggest is that, we are thinking of having engagement of full time trained advocates by SLSA, by SLSA, full time advocates, because the present system of panel lawyers is assigned briefed has not worked satisfactorily. People are not happy with the advocates assigned to them, sometimes we are also not happy with the performance of the advocates, and therefore we want

full time advocates. Now yesterday we discussed with professor Prasad, that the students from the law colleges act as PLVs in the last year of their studies, there after they are disassociated with the legal aid scheme. In course of our previous session we also find out that in fact none of us invests anything on the law students in their association of law students with PLVs, we don't fund the legal aid clinic run by the law schools, so we could say that we have not spent anything, so we are not bothered what happens to the law students, this is one thing which should be bothering us, as leaders of the system, as leaders of this judicial system, legal system, you should be bothered about this, what has happened is India has one thing in abundance that is human resource therefore we feel that we are free to splurge it, the way we like, human resource management is the last priority in India, if a person is picked up for doing something, we should not use it as a dangling participle, the thread should be complete, there should be continuity on the thread, it should not be broken thread, if the boy or the girl comes to us in the fifth year of his law course, or the fourth year of his law course, to know something about the legal aid clinic and the legal aid as such why do we give it up, give him up, give him that resource after he has cleared his law examination, after that there is a bar, he can't be PLV no issue, he can't be a PLV because he can't be an advocate, but as an advocate since he has not put in three years or five years of practice, he can't be assigned the brief, no issue but he can be given some other work. He can be put under the senior, who will pay, the bar council has demanded as you might have seen in newspaper, suppose Uttar Pradesh has already started to give some stipend to lawyers, not yet, so....see there is a demand by the bar council that new entrance to the bar need to be paid something, in their early days and I support that demand. What happens is a young boy comes to the bar in the expectation of having some livelihood. He doesn't get that type of money there, he doesn't even get, enough money to have his tea or snacks in the day of court, he doesn't have even work, empty mind and empty pocket is an evils workshop. What starts is, he gets in to bad practices, toutism, seeking briefs by foul means, or taking money in the name of judges. getting associated with the wrong persons, if we are really interested, I don't say that every new intern to the bar need be given this treatment, but if you are interested, ensuring that the quality of bar as such improves in course of time, not today, it will not....time cannot be turned back in one day, but if you start inducting good persons, if we start inculcating good values at least in a part of the bar, may be in ten, twenty years, things will be change. Because the things will change in ten, twenty years or may not change ten, twenty years, we don't know. We should not be saying that we should not make an attempt to do that. There is

story of a Brahmin from south India, who always want to take bath in Ganges. he started from the south, first he came across Kaveri, it was a big river and everybody was taking bath there saying Gangech, Yamunech, Godavarich, Narmade, he thought that this is Ganga, har har Ganges, Bhagirathi, so he went on taking bath there, till somebody told him that this is not Ganga this is Kaveri, you have to travel north wards, he started travelling north, crossed Krishna, then Godavari and then Narmada, etc., every time he would spend some time there and somebody would tell him that this is not Ganga, by the time he reach the Ghats of Ganga, he was worn out old, and he died without taking a dip in the Ganges. He was produced before Yama, all of us are not in Vishnu's seat, but Yama's seat, isn't it? So and Chitragupta, read his parchi and said that well he is not a pious soul, he has not taken bath in Ganges. Yama said no, every day he took dip in wherever he was, that was dip in the Ganges, because he wanted to go there, whether he reach there or not, is not material, in what direction he travelled is material, therefore where we reach, is not material, let us start the journey, let us take the first step. This step is not just towards, providing legal service. This is a step towards inculcating good values in the Bar. We have all been suffering, because of bad inbuilt in the bar, if that is so, let us at least assure that not us but the next of the judges, would not suffer bad bar, correct. therefore what I suggest is that let us start a project, boys who come out of the law colleges and enrolled as members of the bar at your place, at each of the taluk places, find out what is there contribution as PLVs in the law colleges. What is their performance? Get their records and then if the records are good, if they have shown some commitment, you also or your predecessors might have watch them working, if you find that this is useful material, on which we may invest time and money, engage him, any way we want to start a scheme of the full time lawyers, instead of having a three year old or five year old as a full time lawyer, engage this new intern as full time lawyer and say a stipends of rupees two thousand to five thousand, depending on the place, because if a place is very small where the scale of fees is five rupees, twenty rupees per day for a lawyer paying him a big amount will create disparity in the bar, on the other hand in place like Mumbai, if you pay him rupees two thousand nobody will come, he will say good-bye. so therefore depending on each place and depending on funds of the district legal service authority, we impose cost, cost commence fund, so the every authority has his own pool of money, from that we give this stipend and internship allowance to the lawyers for first year only, not for the second year, and in the first year what type of work we give to him. apart from attending to legal aid briefs, with tut age of his senior, he goes to the prisons he goes to

the lock ups, he goes to the hospitals not just public hospitals casualty department of public hospitals, he also visits, gynaecological clinics, PCPNDT angel, so everywhere he goes, he or she goes, he comes naturally she is may not object o.k. in fact she includes he, so let them go the various places, acquaint themselves to the work, and all are seasoned even the district, secretary of this district legal service authority, is a seasoned as a senior division, and what is the work that he is doing, organising seminars, workshops, Lok Adalats and processing application for legal aid, not much of work in my view. So he could or she could, even guide this fellow in conducting a case before the court but in Maharashtra we have got full time secretaries, part time secretaries, any way they get credit for this work, the judicial work is reduced accordingly, say another thing for a busy man there is lot of time, for a lazy man time is not enough, Professor Prasad has twenty eight hour in his twenty four hours day, Chavan has only eight hours, because he wants to relax, so therefore it depends, it depends on what sort of persons you have selected, many times what happens is, a person not wanted to work, he is dumped as a secretary of...there is a trouble....this is a human resource problem.

My lord may I,....yes of course.....it is a very good suggestion that full time secretary are needed, in spite the creation of.....I am not making such a suggestion, but it should be recommended from NJA, to all the High Court, I will come to that, at the end of this....I will come to that aspect I am in fact opposed to that, I will come to that aspect at the end. so right now we have got, some senior division judges as secretaries and they could also guide these boys, or could find good seniors, tell them that, this is what I want, I want at least say every year, if say ten intern, ten good boys enter the bar, you look after them, may be in course of time they will qualify for judgeship, they will come in judicial service, may be they continue at bar, but in the first year at least they will not be at least dependent on their parents for pocket money, that problem may be solved. So bar council would support this, government is ever willing to support this, because, they don't have money this is a demand, so with a token fund from the government, government may say that we are adopting this scheme, of giving internship allowance to the lawyers and may give a token amount to the legal service authority for this purpose, you run the scheme, they take the credit politically, we get the benefit of having opportunity of shaping at least ten twenty young minds. Preventing them from going astray. Now what comes immediately to my mind is a lawyer who was punished, for malpractices. a senior advocate was punished for malpractices, and what did the Supreme Court

ultimately said, do some legal aid work, this is eye wash, any way forget this, that jolly LLB, forget this, so what we can do, find out these young boys, now this young boy will be serving, may be studying in law college in Goa, but may be from Bihar, so you need to start working on it right now, December, so by that time come in June you know how to locate them, because you can't have too many persons at place, you may not have that type of work them, so therefore try this as pilot, if anyone of you wants to take advantage, to take the credit of floating this idea, you can, but if you feel the idea is too dangerous to be floated or owned I will do that job, I will write to the executive chairman of the National legal services authority, that please try this, because this serves three purposes, one the question of internship of young lawyer is taken care of, two we don't give any dangling participles or loose threads, after the boy comes out of the law college, he is...he is again continued to do legal aid work. we inculcate good values in him and the problem of having a full time lawyers also take care of, we don't have to have seniors as full time lawyers, now tell me seriously tell me, if a lawyer after three years or five years of practice offers to you, to work full time, as a trained advocate, full time, because this is full time trained advocates, subject is full time trained advocates, what would we charge, do we have that type of money to pay him. are you going to pay him are you going to pay him the salary, which is a prosecutors gets, assistant public prosecutor gets, no then assistant public prosecutor is also a one who has put threes of practice, a civil judge is also one who has put three years of practice, if you are not going to pay them at par with these persons, how do you say that the money is not a problem, you can't, you can't, money is a problem.

My lord I have a small suggestion with the kind permission, instead of a full time legal aid advocates, if their nomenclature may be changed and may be called as legal researchers or something else, they will do the same work, purpose will be the same, that then there will be no technical hitch to engage them for a limited time.

Correct, therefore where there is a will there is a way, you can find the way out....

perhaps in Delhi we are already contemplating on this scheme, right go ahead....so where there is a will there is a way, you can always circumvent rules.... ultimate purpose is to engage them...the good stuff....who may also assists, what is in a name, you call rose by another name, it has the same fragrance.....yes....

at present there is a NALSA scheme, under which we are engaging, the trained lawyers and the cost of at district level, five thousand per month and at High Court level seven thousand five hundred per month...what is their standing, the standing is five years or ten years....yes....thereafter.....this is retainers.....this is a fee for the retainers.....the nomenclature is different, but they are on the call of the concerned legal authority, but for each case they get paid separately. If five thousand rupees they....apart from that....apart from that...they get paid for every appearance in the court. correct.....no....no.....they are the retain lawyers to help in legal awareness camps, or advised....they sit in the front office of the District legal service authority....so for organising camp etc....you have services of five year or ten years....lawyers of five or ten years of practice....no issue.....as a retainer.....whatever it is.....see NALSA may not have scheme, NALSA may float a scheme NALSA may reject the scheme, that is not the issue, my point is this that first, we don't leave those boys who have done good work in the Law colleges, to fend for themselves, after they come out, to with.....to pick up those boys put them to work so that, we have at least say point zero one percent of contamination, in this polluted bar, contamination of disinfectant, in this polluted bar, we start this slowly and maybe we will be able to push the tide back....

my lord the government is paying the stipend to the economically and socially backward class lawyers, I mean internship, and the majority of them are not doing the work up to the standard, right...fortunately your State has this scheme...therefore what you do is, you ask the law secretary or the social welfare secretary to tie up this scheme this legal service authority, so that these boys comes to you, so the funds is not a problem, now you take care of those persons, isn't it, and they do all sort of theses duties not just organising just legal aid camp or other activities, they also go to clinics they also go to lock-ups they also go to hospitals

They go to various places on your behalf, they get an experience, now as they get this exposure they also get clients, eventually, so next years on wards they can survive on their own. no it will not work, that is what Mr. Tiwari wants to say.....very good thank you.....so now this is easier said than done , implementation is not so easy, because in implementation there will be lot of problems, as yesterday many of us agreed that this selection of this PLVs is itself is a big problem. Selection of advocates also becomes a problem, fortunately so far, there are no writ petitions, challenging the selection of PLVs or law colleges or this advocates on the panel, but that possibility can be there but therefore.....

Justice Thakur Sahab two years back said, it in the Delhi meet, one lawyer in Jammu or Kashmir or had filed a writ petition to continue as a front office lawyer.....forever no.....so therefore these things can happen, therefore selection will be a problem, you will have to fix the criteria, which will be transparent which will be answer the tests judicial scrutiny, should it be challenged, then another problem will be, you can't have too many people at a small place, even if they are ten qualifying persons at that place, you can't have all of them, you have to decide how many such persons will be able to work at a particular taluk court or a particular district court, and then decide, how you take them, now boy from that area may be actually studying in some other law college, you have to tie up with those law colleges, get information from them, for that public notices could have put up in advance etc....and for doing all this as usual we have to seek the blessings of the Lord no...lordships no....so if you are either....if you are serious you can start working on the scheme from tomorrow, and then may be in the course of time we may overcome this as far as engaging, my lord may I have a suggestion.....yes.....yes.....

I mean this idea seems to be quite workable but I mean somewhere, my lord you are putting too much upon our shoulders, I mean for a interim period for a certain period this may work, what I want to say here is, two third of the judges in the High court they are appointed from the Bar, why bar people are not engaged as devise a scheme, a self-financial scheme to support young and budding lawyers, who are coming out of the law colleges, I mean there is a so many senior advocates are there, who are elevated from the bar, probably good offices can be used to work out the numbers of the bar and then devise a self-financial scheme, why put the onus on the state legal service authority....this is my point.....

this is a very good point, you have come from the bar, I joined as a Municipal judge.....so but....but you are from the bar.....you are basically the member of the bar, suspended membership.....yes...yes....anybody who is not a member of bar.....nobody.....I am not a member of a bar. I have never been the member of the bar, so what argument you are advancing no....it fits in my mouth, rather than your mouth.....that the bar should be doing something.....but I won't say this, I won't say this because I know that they won't do it...why they won't do it, because of economic interest, no ustad would teach his chela....all the tricks in the wrestling....isn't it, and they don't have any tricks also.....forget they don't have any tricks to be taught also, they are most of them are out dated, most of them are out of scene of reality they manipulate they bit, they engage

witnesses and winning cases, that way.....that is,.....that is to be reversed, you have to change....we would have lawyers who would have skills to draft petitions properly cross properly, examination in chief, because of that foolish amendment to the civil procedure code it has gone now, in fact the best way to test the veracity of the witness is, examination in chief, you can't lead no he has to remember the things, so somebody will give....that affidavits would be good, all affidavits will speak some different times, forget this, so bar won't do it and, because it is bar's baby we should not doing that we have that type of attitude, Bangalore and Kerala people are taking care of lunatics from Bihar and other places, why because whether it is his baby or my baby, its baby that is crying for attention, and that baby must give.....receive attention from us. second thing easiest way for doing anything, rather not doing anything is to say that Parliament should pass an Act, this problem can be solved, by amendment to CPC and Cr.P.C, this problem can be solved by amendment to the legal service authority Act, this problem can be solved by making rules and regulations, easiest way. Next most easiest way is to say that Professor Prasad should be doing this, after all it is he is teaching law no.....he should be doing this. I was told by a professor, about a judge whose child was in a Law college the judge went there and gave a lecture to the law teachers, he said that well my son is my only son so we have to fulfil his demands, somewhat....somewhat spoiled, but you are teachers, you must teach them, you must discipline the children, why because I am parent abducted the file, now performed my duty, now you do it. Any way passing the buck is not going to help. We are going to do it, not as a part of our duty, not as a part of the secretaries of the legal service authorities. We are going to do it, because this system has given us esteem, so this esteem has given us, our sustenance, this system has given us respect, in the society and therefore, when we pass on the baton to the next generation of the judicial officers we make things better for them. may not be hundred percent, but even in a pond of a water, if a glass is poured at least the colour will change no.....so let us try to do that, pour a glass of milk in this polluted pond. Therefore if we try to do this? things will be easy, now I agree that, it will be too much to expect from secretaries of the district authorities to look after the court, look after the all this clerical work, which they are doing and in addition train this fellow, to attend to a case, no issue, but you can always find, good senior, in the bar, good seniors not necessary ke presidents or the secretaries of the bar that elected officers are they are worst, but you can find people, who are motivated to do something good, about motivation I will tell you one thing. It is not always necessary that the person is bad at all times. It depends on with whom he is reacting, or interacting. supposed you are

good no, sometimes you are a bad man behaves nicely with you, because he knows that this man I will not do this mischief, though I have been doing it all along, after you go again he may start the same thing, but with you he will be good. It depends on how you used the keys, how you find out the persons, and put him to work. even bad have their own utility in the system, you can put them to use, and you are not doing is for personal gain no.....suppose you fails, what happens, you have at least tried, tried to reach the Ganges nothing bad, so unfortunately at my age my still continue to dream, so this is a dream, may not come true, but there is no harm in dreaming also, it keeps the hope alive, so all that I suggest, is if you feel that this is workable, in fact many of you have said it is workable, at least for the sake of not disappointing me, so start tomorrow, if you are not going to, if you feel that this idea is to wired to be put through your signature I will do it, no issue. But then the president of the executive chairman of the National legal service authority asks you at least support this. tell your executive chairman of your high courts, that please sir this is something, which has been said, let us try to support it, so that this thing may get by the next year, this is idea of engaging full time trained advocates with three or five years of practice is a disaster. try it going to create more problems, you are going to create one more person with a full salary, with passage of time demands will come up, that our salary must be at par with this etc....agitation this that, this has to be avoided, we....I am against it....not you.....no.....no....this is a topic.....this is a topic for discussion, I am against it. Retainers are see, you are retaining those persons for organising legal aid camps and other things....

Participants: - For any kind of legal services activities.....correct, but what are you engaging actually them, actually engaging them for..... Handle the front office.

do you engage them to represent the client in the court, wait....wait.....wait....wait.....one by one....you engage them for this, you pay them any special fee for appearance in the court.....yes....in addition to retainer's fee, now because this has not worked well, there is a thought of having a full time advocate and which is not going to work.

full time advocates would have to be paid a substantial salary, which may put a drain on our resources, If you have money spend it on good cause no, nurturing this young boy is better than, spending money on this person who have not been able to make it in the practice, even after three years he needs this roles from you, five thousand rupees a month.

this engagement of full time trained advocate is a suggestion, which is been put for discussion today, and I am opposing this suggestion, I say, if this has to be implemented, let it be a internship allowance to a young lawyer who comes?

Sir I would like to add one this, sir, if I haven't understood your lordship correctly, your Lordship wanted to say, as far as full time lawyers are concerned, there should not be any lawyer who is having any experience but instead you may employ any intern or the fresh graduate. My lord my reservations are that, they might not be having the practical experience, they will not be able to deliver and therefore according to me, according to me, this is my personal view, a person who is having a minimum practice of three years, five years shall be appointed, because the person who is working, the person who has just passed out from the college would not be in a position to advice properly.

My lord legal aid cases cannot be you know, a sort of practice session for the young and the budding lawyers.

you are right, the person who is seating before you, the person who is seating before you, has not practised, at the age of 23 I started presiding over a court, without a days practice, I will tell you two things, one is when a young man comes he wants to prove himself, because, he has blank slate, his slate is clean, therefore he want to prove himself, he will do better than a person who has put three years, only for the sake of some money, this fellow wants to establish himself, if you fire off his engines properly he will do better than a ten year old lawyer, experience at bar, yes there is a problem, he may be inexperienced, but in that case you may also tell your judicial officers, that when we sent such persons to you, or when they appear in the court, it is also the duty of the bench to shape the bar, just as it is the duty of the bar to shape the bench, it is also the duty of the bench, experienced judges to shape these boys, now again you can be discriminating, you don't send this young boy to the magistrates court like Chavans court, who himself does not have any experience, you may send him for a, for conducting a case before a senior judge. Yes....yes....

My lord now a days the, system of having the practice at the bar for three years has been done away. and in all the states we are getting all fresher's from the university direct to their court and they not even in many cases a single day experience, and this would be a disaster there, and even....

This has been the disaster I admit, that this is the disaster, but I will tell you why....please let me interrupt you here itself, you can continue after I tell you. this has been a disaster, when this scheme was drafted that is allow the young law graduates to the courts, I was the president of our association in Maharashtra, and Shetty commission was pondering over this issue, I pressed for this, that I have come not the, like me some other side also come and we have done, we have not done badly. This was accepted, why today the system has failed, is because of indiscriminate assignment of these young boys to judges, who have absolutely no interest to shape human material. I agree that these young boys are creating a problem, there is some ego issue, there is some problem in not understanding insulting seniors etc....there are these things, but why this has happened, because of faulty socialisation, any other organisation except the judiciary, in any other organisation, there is a session on socialisation, every new recruit, new intern, is socialised in the system, what do we have for that? Nothing, who is to blame? Beta sunta nahi, fault is not with the child, fault is with the parents, that they have not been able to see the reason, fault has been with us serious in the system. We have allowed the system to spoil. Now go ahead, tell me....these observations of my lord are quite realistic, and we are all, aware of it. But the attitude of our courts towards the legal aid lawyers in general has been not very kind, this is our experience, they are taken to be as incompetent and not up to the mark, in fact we are already lacking in this to provide this competent, legal aid...

let us again take a pause here, I am interrupting you, because I want to deal with every argument of yours, one by one, now see, you said the attitude of our courts towards the legal aid lawyers is not good, correct? Who is at fault, we are at fault as the system. Now what I suggest is therefore when you have these young boys sent to the court, send them to the court of seasoned judges. Talk to the judge in advanced, but the system to talk with each other has broken down. So therefore the seasoned judge is one who understand people, who condone their mistakes, who tries to correct the people rather than frown at them, laugh at them, make a mockery of them.

I don't know, if you know the concept of the seasoned wood....this is a terminology, which is not having direct effect of rain, winter or summer, same thing may apply to the judges also,

may I add your lordship....Mr. Lachand has pointed out the they made the mockery of the themselves, the panel lawyers, the first reason is that the worst of come as a panel lawyers, the

mode of selection is so faulty, that you can't select a good lawyer to be on the panel, what is the panel like the district and session judge, the president bar association and one secretary of the district legal services authority. the chairman that is the district judge cannot antagonised the president of the bar association, so invariably I will say, in almost ninety nine percent of cases all the favourites of the executives of the bar are taken and they are all those lawyers who don't have work otherwise, if we select permanent lawyers, permanent lawyers, panel lawyers like a it is a public prosecutor, it would be one financially much better your lordship, much better, why because depending on the work the legal services authority or free legal aid, we can assigned four five six courts to one panel lawyer who is permanently on the role, it amount much cheaper, your lordship, secondly, we can monitor the cases in a much better way your lordship, because no lawyer tells you that at what stage the cases, whether he is handling it properly or not, secondly there would be a check on the quality your lordship, there would be check on the quality that person would be answerable to the chairman of the legal services authority, plus I have calculated your lordship during we had an exercise at Punjab level, it came out to be much cheaper proposition your lordship, you can get a permanent lawyer for thirty forty thousand a month. and that's a faire good amount for a lawyer who has completed five years of service, he will be barred to practice for another case, he is available to you for, to run your front offices, to go for seminars to spared the legal awareness and I think it is a much better proposition, as compare towith due respect to lordship.

I have one question, you have got the public prosecutors in your court? Yes....yes your lordship, how are they performing? Lordship that's a permanent government job, but those who are on contract, they are performing much better your lordship, we also proposed that there should be put on a contract basis your lordship,

Persons on contract basis now, please on persons on contract basis, you appoint a person on contract basis for how many years, your proposal, for how many years you are going to appoint him?

It depends your lordship, it depends your lordship, on the performance of the person,

Initially for three years, maximum three years your lordship,

Subject to extensions of three years or whatever it may be, correct, very good very good is a very good thing. now a person who has put in three years or five years of practice, gets himself disconnected from the practice, and take up your job of thirty or forty thousand rupees for a period of three years, he cannot practice, he cannot take up other cases, correct, he cannot take up, other cases, after three years, how does he gets the briefs, and if he doesn't gets the briefs after three years is it not likely to indulge in corruption. See, what.....wait. wait.....there should not be any bar to take personal briefs....haan.....some relaxation is required so therefore what happens is.....we are back to.....the moment you say that you can take your briefs, he will pay attention to his briefs and not to the legal aid briefs, this is one thing, see I will tell you one very bad thing, very bad experience of my in the consumer commission I had the misfortune of being the president of the consumer commission for two years, we have got a scheme of appointing advocates of ten years practice as the president of the consumer forum. After ten years, this fellow comes in the consumer forum for a maximum two terms of five years. What does he do after ten years? He is disconnected from the practice, he cannot get his briefs back, what happens to him, therefore he mints money here, and he mints money here. This is the stark reality, therefore any scheme, just and you said about the contract basis, I am coming to that also, contract basis and selection of as you have the public prosecutors in the session's court. Now the public prosecutors in the sessions court, there selection is also is a big mess. Do you always get the public prosecutors with quality in the session's court? no in Punjab particularly in Punjab and Haryana High Court, there is a scandal about the additional advocate generals, advocate generals I don't think anything, any number of additional advocate generals in Punjab and Haryana, lot of things are said about that, how does this person get selected? This is political patronage. everywhere, everywhere, everywhere, once I was a member of the committee to select this public prosecutors and we would suggest the government would turn it down, because their favourite was not suggested, so ultimately I wrote to them, that out of this mud, I cannot find any new gems, saying in Marathi, ya galatan ankhi ratna kadahne mala shakya nahi, out of this slush of mud, I cannot find any new gems, so this is the situation, therefore I agree, I agree that this has its own inherent difficulties, this may put greater strain on you, but take it up no, this is your commitment to the system, if you have to improve the system, if you have to live the house in same disorder, in which we receive it, in legacy from our predecessors also, then its o.k. but if you want to give something better to our next generation of judges, let us start this.

Sir I just want to add one thing, my lords we are, what we are going to give, we are supposed to give legal aid, legal advice, free legal aid, and free legal advice. My lords I want the answer from your Lordship whether we would be able to give free legal aid or advice, proper free legal aid and free legal service, if a new person is appointed, or fresh law student is appointed is appointed in the front office or as a panel lawyer.

Yes my answer is positive and emphatic yes, if you have a good student at your hands, I am sorry, all of you may put pulse in your ears, unfortunately recently there was a splurge in the newspapers, what was official secrets came out in public. A judge of Delhi High Court had to admit that intern had written 37 paragraphs out of the Judgement, isn't it? This was happening all the, all along this was happening interns were scripting the judgements, but this came in public. It's not that young people they do research, but they need tutelage, but they needs some guidance, yes.

With your kind permission of your lordship, discussion is going on, my lord I will put a simple question to all of my colleagues, who are criticising the proposal, two students from the same school, with same academic career, and almost same capability, passed out, there is no bar to become a judicial officer. Within three months or six months after passing LL. B one student, 'A' student may become a judicial officer. He does not have any experience. he is going to be in part of training, and we expect him that first day on his first day he will perform, he is duty bound, then why does student of same calibre, after some training cannot perform here as an advocate, he can perform. question is how we depute the duties to him, if we give a duty, if suppose first day judicial officer is given a duty of a sessions court, it will be a dangerous preposition, that high court gives the duties according to the seniority and the experience. does it, anyway presume.....yes my lord I say with the sense of responsibility.....my lord like in Delhi....a civil judge has a limited jurisdiction, on criminal side he can take up the matters with certain extent, he cannot take all the matters, similarly a new advocate who has, who is a new intern, who is taken for one year or six months by legal service authority, may be given the work according to his experience. But we cannot say that out rightly that he cannot perform, because he is inexperienced. And unless system will give the experience to these young persons, from where they will get the experience, experience will come only from the experience, so this criticism is not fair, and this scheme in my humble opinion may be tied at some point of time and should be tried.

Justice R. C. Chavan:- Most of you have children I suppose, it's very difficult to bring up a child, it's easy to grow seed in a field, and see whether it grows or not, isn't it? But it is difficult to nurture a garden, if you have garden in there you have to plant there, you have to first sow the seed it germinates and then you have to plant it, it takes time, it takes human efforts. what we are doing is, we have this scheme, throwing the seeds in the expectation that god is great and God has been grate and very kind to India, in spite of all over mismanagement, the country still works miracle no....so now what I am asking you to do is not just throwing seed or sowing seeds in the wield but.....

My lord I want to say one thing, whenever a student of law, what will be his priorities, in future, whether it will be his priority to do practice in lower court, his first priority will be to join the judicial service or go to High Court or other places, then his priority is, he will not get any such legal service also or some then he will start practice, this is one. Now we are talking from our side we are viewing the problem from our angle, what about, that this person will really recruits, whether this person will really represent the client before the court, whether he will continue with that lawyer? now practicing in lower court is not only knowledge it is drafting of some pleading also, it is a part of cross examination also, now a new student can he cross examine without experience, whether he can draft the plaint, or WS in the same manner, whether or not, so all these are questions, the entire panel should not be, some of the new interns made the mess....but then the entire panel cannot be....

you have just ten new intern, just ten new intern, that's good enough, tell me how long you have been serving in a judiciary, how long? possibly you are the senior most person here, I am thirty nine, you are thirty two years, so in this thirty two your of your practice, how many good cross examination do you recall, having conducted cases before you,? How many good cross examiners you recall having conducted cases before you? I am just asking numbers, this is cross examination you have to answer my question, you can't say....

I am just answering the question, I can't answer in the same manner in which you expect? I will answer then you will be a good cross examiner, but I can't answer the things which you expect from....

You are under the cross, how many good cross examination....

One of the basic principle is that the witness should not know why I am asking this question? Correct, this is the one of the basic principle of cross examination that if the witness knows why have asked this question, you will not answer the same ...I have gone through a number of that....i can't count, but I have gone through number of that....

even with seasoned lawyers, it's very difficult to find good cross examination, because that art is now dying, if a poor fellow comes to legal aid clinic or to DLSA or is a....and new lawyer is appointed, and if he loses his case, he will curse us, but if a seasoned lawyer, or a senior lawyer is appointed, who wins the case, then he will say that my case was.....i am not saying that, new generation should not be given opportunity I am not saying this.

first part of your suggestion I have accepted, yes let them mix with the seniors and juniors...no issue, no issue....o.k. but don't bar the juniors, in fact they are the ones who make the future, and secondly our cross examination also no....see if you teach now you have to give some training to lawyers also, now this training for lawyers could be shaped by using technology, we could have webinars, programmes actual live cross examinations, not moot courts where arguments are advanced, but actual cross examination conduct, we could display all that, and ask these juniors to participate in that, in fact just now I received a call that Bar council of India is staring, is contemplating to start a programme on clinical legal education for young lawyer after they enrol at the bar, and this, may be in few months, I may be associated with that, therefore it's not that young lawyer cannot be trained, it's not that we can train them, I say that those persons have interest has interest in proving themselves. A lawyer with three years practice may not have any interest, because it's a matter of.....yes....yes, but this fellow.....This is one side of the picture, but see the picture from the side of that poor fellow, that is also required....Therefore that part is accepted, mixture of seniors and juniors....

Participant: - sir we have appointed some junior, lawyers in Rajasthan, and simultaneously we requested the senior counsels to assists them.....the junior lawyer.....,correct, you can do this and again, you find out proper person no.....the proper senior to train the proper junior, then things will.....this is a question of human resource, see all human beings are not similar and therefore this

takes a lot of time, in understanding people and matching the pairs, it's not like a.....matching pairs in a mechanical way.....

yes my lord, as I said earlier also the idea seems to be workable, and legal knowledge, cross examination may come later, but the first thing I think, we should look in a new lawyer the quality of being humane compassionate, you know, here you have a situation that when legal aid beneficiary, they come with certain expectations, they come with certain expectations about their lawyers about the quality of services they also have in mind a certain image of a lawyer at the bar, you know, when they are confronting, they are interacting with a new lawyer there might be situation so we also need to take care of these aspects also,

Justice R. R. Tripathi: - Friends I have been listening to brother justice Chavan and your interaction on the point, possibly we are not able to receive brother justice Chavan in a right spirit. that is my perception again, so you need not joining issue on that also, this is my perception, possibly brother justice Chavan is the one, who has maximum affinity to the system, and that is why he is just asking us to try, one idea which is occurred to him, that to see that, the new interns do not go haywire they do not fall prey to the you know the irregular and illegal practices, if we can help them out, by having a joint or mix sort of solution problem, solution to the problem, that there will be put to the seniors and initially he said that they will be visiting all around, not only hospitals or any jail, but they will be also visiting to other places by that they will be gathering some experience and that experience will be shared by the senior advocates will be with them and then there will be picking up. And initial financial assistance will stop them from going to those you know irregular or illegal methods of earning livelihood. this is, this is something possibly what is passing in the mind of brother is Justice Chavan and that is why he is just asking to give a thought to this particular system, whether we can protect and could make it workable, if possible.

and it's not just this much, in addition to giving some stipend we want to keep them busy, that is more important, empty mind is devils workshop, so don't let these young minds go to wrong places, keep them busy throughout the day, keep them busy for twenty four hours, so that they train themselves and for this ten person in a district I say we have achieved everything, if you have then persons every districts no....you can pat your backs, see...everybody has to have a mission in the life, we just don't give because we are alive, we just don't give because we are waiting for death,

that is the only certainty in life. we live for a cause, and what is that cause, from me the cause is this system, which has given me bread and butter, this system which has given respect me in life, this system which has given so many things in life, I should be at least trying to remove some dirt from the system, I should be at least trying to inject some fresh air in the system, I should be able to try to put something new, something good in the system. If all of us decides that, we have achieved, what more is wanted, now one thing, no, no this is not possible, this won't happen, don't think of that, first because the Ganges example, second is do you ever say that unless I have a full plate, a full meal, which will fill my belly, I will not eat, that's not so, if you are said that position of Om Bhavati Bkshisham Dehi, in fact it's always, good to place yourself, in a position of a person who seeks alms, alms....when he goes to the house Om Bhavti Bhiksham Dehi, the lady in the house says I have just half bread to give to you, does he says that no lady, I eat four chapattis, if have four chapattis, otherwise I will not going to accept your bread, he will be hungry, throughout the day. so let us accept whatever we get, let us put ourselves in the position of a person, who is seeking alms, and then waise bhi....waise bhi, waise bhi wahi hai, toh.....

Justice R. R. Tripathi: In Bombay there is a practice, on a particular spot at traffic signal, the beggar is there and if you give two rupee coin, he will give you back, he says, kya sahab, ye kya aapne, Yaha pe do rupaye ka...yaha dus rupaye kam se kam hota hai....but that is not the position we will not, be...we will not be....

Justice R. C. Chavan: I am thankful to all of you, for a very vigorous participation contesting everything, that is the spirit with which, we must work, that is a spirit with which we work, and will write to the, executive chairman of the national legal service authority, now I am a common man I am free to write, even the president of India, so....

sir one idea....we can also request, every senior lawyer, legal aid lawyer to assists that particular junior lawyer, so there will may be just like a jodi.....yes....yes....of course, of course.....

Participant: - in fact in Chandigarh for this, Punjab and Haryana litigation, because High Court legal services committee looking after the litigation arising out of, Punjab, Haryana, as well as UT. Now recently we have started again to it, like we have a mixture of young and senior lawyers, who are on our panel, now for the young lawyers since, like we all know the way they are inducted,

sometime we have to, as part of panel. so in order to make it sure that the pleadings are correct, because most of the, most of the litigation is pertaining to criminal nature, though civil matters are also cropping up, but as far as the young lawyers are concerned, like who are having practice of three year or five years, now recently we have started, a scheme, which is absolutely unwritten that whenever a young lawyer will prepare a case we have prepared a panel of two lawyers, we have named them as a retainers, who are senior advocates, the drafting will go to them, whatever he has prepared the. the young layer will prepare, the petition will go to those lawyers who will be available for two hours as per their convenience and place of his choice and whatever the corrections are necessary he will make incorporate that and then the petition will be filed by the young lawyer and indirectly he will get assistance of senior, without being roped in them with the senior.

Justice R. C. Chavan: Ab galat mat samziye muze, aur gussa mat hoye.....in the High Courts and the Supreme Court pleadings are worst, worst.....that is why this was started.....just call for pleadings in which say Harish Salve or this Kapil Sibbal or Chidambaram is appearing and you will be shocked. Call for the pleadings from the High Court, Bombay High Court is most notorious, you know what works.....therefore.....

Participant: - Then I should also take liberty on behalf of all of us, if this is the scenario then in those cases the pleadings are not seen, I am sorry....

Justice R. C. Chavan: Pleadings are seen, now where Salve and Kapil Sibble are appearing.....pleadings are seen, because every judge presumed to come to the court, after reading the briefs which are sent. may be hundred cases, judges says that I handle a court of hundred cases per day, ninety are dismissed, or ninety are adjourned, so this is.....see the problem is that the pleadings are not carefully drafted even by seniors, they are not settled properly. High Court...Supreme Court in fact has system of advocate on record, but you see English, you see English in these pleadings you will be shocked. so therefore this saying that, seniors draft are proper and all that, I don't believe, even a junior may be good in draft pleadings properly and again this....in this, in this area I supposed professor Prasad, I heard something like that, saying that, you said that some database of standard pleadings have been prepared by someone....they are available, they are available on the net, anybody who wants, who is curious enough he can get it....even now

what happens is you go to a senior lawyer, you go to a senior lawyer, briefly does he draft or dictate the pleadings in your presence no.....he tell the stenographer mostly of a court, who is working in the court, but even in part time works with a lawyer, keeps the judgement pending, but does this work first. he tell that aisa aisa writ petition banana hai bhai jara deklo, service ka matter hai, NCERT, vagera...vagera....papers bhj deta hun.....so therefore the pleadings are not drafted by lawyers, But the difficulty start with, when the judgements start get dictated in that matter. Therefore...it's good that all of you participated all of you have taken on this, and all of you also try to understand, the....you must have....noticed that I have some speech disability also....in spite of this you heard me properly. affidavits are done away with, in fact the central government has issued a.....everything is there, therefore, let us try this experiment, it works, it works, if it doesn't works you can blame me, there is no problem, but we are starting, this clinical legal education for the young lawyer, not me, not me, bar council is starting, and I will associate with that, should the bar council so desire. so a young man has prepared a PPT which we have not seen, so, so you have seen, thank you...thank you for understanding me, in the very first meeting and prepared a very nice PPT and thank you all for this vigorous dialogue, every time I come here I go back with many ideas, in fact it is such an enriching experience, that I thank the NJA and I thank all of you for this, thank you...

Thank you sir, now we will disburse for a tea break, and will assemble back at 3.20, or shall we ask for the tea to serve here, will it be comfortable.....choice is yours, we can make the tea available here only, and anyhow you have to stay here up to five O'clock. That may be here in this hall or in the library....so we are breaking for tea...so shall we continue here only....I will ask the.....so we will come back at 3.20.

Session No 8: Lok Adalats organisational issues

Resource Person: Justice Ravi R. Tripathi

Justice R. R. Tripathi: - Good afternoon to all of you, I think the tea was really stimulating, very good. Friends the last session of the day is Lok Adalats organisational issues. I am just trying from the research, person here Milind, what does it mean the organisational issues. Before I tell you the, what did he tell me, I want you to tell me what do you understand by this organisational issues, Organisational issues, pertaining to Lok Adalat.

My lord it includes the identification of the suitable cases, type of cases that can be taken in Lok Adalat, then arranging all the necessary infrastructures, the benches, and issuing notices to the parties all this come under the broad heading of organisational issues. Another important is the trust and confidence of the people in the Lok Adalat, trust and confidence, like regular court of law. Publicity to the people also, so that they know that we are organising Lok Adalats, publicity.

Justice R. R. Tripathi: - If I go stepwise, then you says, that the identification of cases then you said issuing notices to the parties, then you said that, constitution of benches, for the holding of Lok Adalats, then any other...coordination, that we may include in these issues notices to the parties, right. So we will say coordination along with that, you are right, then. One more issue my brother has already said, that the publicity, because we...o.k. Publicity...honorarium... honorarium to the members....willingness of the litigants to....

So all this will be collectively the organisational issues of Lok Adalat and possibly you people are the right people those who will be facing these issues every time, when there is a Lok Adalat to be organised, participation of bar, no but let me understand, is it that there has to be an order from the Court to put the case to the Lok Adalat, then only it will be placed. no pending matter is o.k....but....pre-litigation of course we are not talking about, we are talking about only pending matters, but is it that, in every pending matter that there has to be an order from the court that, it is to be placed before the Lok Adalat, yes your lordship it is mandatory under section 89...so then the what will be left for the purpose of the identification of cases, pre-sittings with the parties. You undertake that, pre-sittings, o.k...the referral of cases it also involve training, orientations of the referral judges also, as to what type of cases, be referred and after taking the parties into confidence or after making parties aware that they have an alternative to you know, settle their disputes in

amicable manner, sitting across the table and guiding so that they reach Lok Adalat and more and last, very important issue is, which to my mind is the methodology which is adopted, the processes which is adopted, while you know having interaction with the parties, the whole approach, what it should be like, pro-active or what, you know.....that

So approach coupled with the processes, and the approach together, my lord meeting with the judicial officers also and the other stake holders also becomes important, because sometime there are some policy issues, for example in national Lok Adalat, when we were interacting with the Banks, right...there was a question, whether the matters, which are likely to be partly settled, like EMIs matters, whether those matters can be taken in Lok Adalat, our view was, yes they can be taken and in Lok Adalat matters may be partly settled, so matters were taken, so these clarifications are necessary, some from the judges, sometime from the litigant organisations. Policy matters especially from the organisations, who are the parties in the litigation cases.....o.k.....anything left out of this..... nomination of.....nodal officer.....o.k....o.k.....the most important factor is to, make the parties understand the benefits of the Lok Adalats, because they may understand there will be no appeal and no further litigation my lord, that is also one of the very important factor. alright I mean, parties must understand, what are the benefits of coming to the Lok Adalat.....selection of the conciliators who have.....and the willingness to.....advice of expert councillors, can you elaborate it, can you elaborate it little further....

Suppose there is some expert in the marriage councillor, between the husband and wife, because so many family disputes are there. So counselling is the, and the adoption process is also is done by the family courts. Is it your suggestion that those experts should be, as one of the counsel....conciliator, my lord yes.....and there will be matters replaced before them, when we hold the pre negotiations, at that stage, and the expert advice of the councillor is needed, in these type of cases? suppose there are two builders they are, they are contesting among the so the experts of the engineers are needed, and the psychologist are needed, so expert advice must be give, must be introduced, in the process of Lok Adalat. Mr Kumar is saying there, but he feel it should be introduced so that the parties are aware of their rights. The success rate of the Lok Adalat should be....will definitely go high in such type of cases. sir I have my reservations as far as.....so his suggestions seems to be that expert form of conciliators and when the matter is discussed, before the panel, those experts will be giving them advice that all right, that these are your rights, these

are your rights and this is how you are, settlement will be beneficial, possibly that, yes Mr Mulia....My lord I have my reservations as far as my learned friend, my learned friend has suggested, my as far as matrimonial disputes coupled with complaint under section 498-A itself shall not be referred to the Lok Adalat, right....the proper forum is different, as far as family courts are concerned, there are consultants who are doing the job as far as settling the matrimonial disputes are concerned. As far as issues varies, serious questions of laws are involved, that can also not be referred to the Lok Adalat. So I have my reservations as far as what my learned friend has suggested, Lok Adalat cases are simple cases, touch and go, no.....

now after the decision of the Supreme Court, in every and each matrimonial under section 498A it is now mandatory to send to the Lok Adalat or the mediation centre and we are doing this, in all cases of anticipatory bail applications, we will request you one by one, I know that you are real advocates, spirit has come up....in all anticipatory bail applications, or in the regular bail applications, we are sending the matter to the Lok Adalat or the mediation centre to reconcile, mediation centre basically, mediation centres....Lok Adalat is not the proper forum. My lord as per section 95, non-compoundable cases cannot be referred to the Lok Adalat, 498- A is a non-compoundable offence, therefore it cannot be referred to the Lok Adalat suppose, it cannot decide it and normally our experience is, in every matrimonial cases 498A would be a common factor, therefore it can't be.

Learned friend from Bihar and learned from Gujarat they are entering into arena like tug war which is going on mediation versus Lok Adalat, and this is happening everywhere. My lord, my learned has make a point, I have some reservations, in fact before section 89 in C. P. C. legal services authority Act was there, in order to refer the matter to Lok Adalat, in my humble submission, we draw the powers from, two sources one is 89 which gives four options, four areas, mediation, conciliation, arbitration and Lok Adalat. Lok Adalat is one option in that, if we have to refer the matter in section 89 then we have to follow that procedure, otherwise there is independent powers, Lok Adalat under legal service authority Act, so under legal services authority Act Lok Adalat is option independent of section 89 so in my humble submission it should not be clubbed, the other two points are when we organise mega Lok Adalat, or national Lok Adalat, logistics are very important, because if there is a foot fall about 40 thousand people, thirty thousand people at a place that, logistics like drinking water canteens eating's, parking's space, security and other

things becomes important, so these things needs to be coordinated, if there is a mess then it will give bad name. then third point is that in Delhi, in recent Lok Adalat we have....what will happen to odd numbers and even numbers cars no...half of the parties will not be able to come, anyway.....sorry sir please continue.....my lord then Lok Adalat is taken in respect of the pending matters of quasi-judicial bodies like consumer, or revenue matters or central administrative tribunal matters, who are holding the Lok Adalats for the first time then training and orientation at the first time is very important and we did it, in this Lok Adalat we took the matters of revenue matters so Dharmesh Sharmaji had a meetings of all the ADMs and SDMs in Delhi and in that he sensitisation programme was, it gives good results around seventy, eighty matters of revenue were settled and the revenue matters were taken for the first time. Similar is the position with the DRDA or consumer and all, so training and orientation were first is also important. You were saying something. one more thing to give it a very frankly approach is that judges should not be on the dais I mean the presiding officers they should be on the, ground level as lordship.....so we are party in Lok Adalat. Anybody wants to add in that, so I think hardly any organisational issue is left so Milind our term I mean our session is over. permanent Lok Adalat, mobile Lok Adalat, yes you were saying something, my suggestion is this that the paying capacity of the litigants should be considered, I mean to say that in a State where, which is dominated mostly by the agriculturists, so if there is some business transection or any sort of monetary dispute or transection between the litigant parties there are not in a situation to pay during the monsoon period. So we should be practicle in our approach, in fixing the date of Lok Adalat. this is the organisational issues....Mr. Tiwari or Tripathi, Tiwari, one and the same thing, no difficulty any way the question is when we are talking about organisational issues of Lok Adalat, necessarily we have to talk about the organisational issues of permanent Lok Adalat also, and mobile Lok Adalat also, vaad-samvad, o.k.....that is one alright anybody else, you were saying something that mobile Lok Adalat, right, jail Lok Adalat, lord ship there is another mega Lok Adalat, my lord pension Adalat, special Lok Adalat, Lok Adalat under the appeals under the right to information Act. Adalats for appeals pertaining to RTI, My lord selection of judges is the important thing in Lok Adalat, that is why say in the beginning, our friend from Orissa, he is said that, when you are talking about this identification of cases, issue notices and the constitution of benches for the Lok Adalats, that has to be taken care of, anything else is left out now. No fabrication that is also an organisational issue. there is no entered in the judicial courts, there is no change in data, no manipulation the records

are there just to create the statistics, data is not changed by the judicial officers, it may be in the scheme of the...I am not able to get you, what does it mean executives, sir I mean to say that for the purpose of the statistics, or....any illustration of that so that the things becomes very clear, supposing only ten cases have been disposed of in a particular Lok Adalat and the data has been said that twenty cases has been settled, suppose, fabrication of data, I may not be having a proper nomenclature for that, but I mean to say that judicial course this is never done, no....no....it is never done and it can't be done also, because there are records we have to pass the particular order in accordance with law. this is about fabrication only....yes....with due respect to what happened as far as Gujarat is concerned, what judges are doing is the movement the case is settled, supposed Lok Adalat is on 12 of December and suppose the case is settled and if it is, settled on eight of December case is placed on 12th of December, so case is not disposed of on the day of Lok Adalat in fact it was settled on the 8th of December, the Judge was supposed to refer the settlement and pass the appropriate order, decree whatever it is, but just with a view to get, disposal in Lok Adalat, judge is used to refer the case which is already settled, shall we say it is a manipulation, inflated figures, manipulation so on....so that as far as Gujarat is concerned my lord judges are getting twenty percent of the case which he could have just a case is, the case is settled through the Lok Adalat, that point system at least to take that advantage, case is referred to Lok Adalat, so inflated figures are there....if he would have disposed the case as on 8th December as his own case he will not get that 20 points.

parties may not get refund of their court fees, but if it is disposed on 12th the party will get the refund of that court fee, there is a another matter sir, in mega Lok Adalat on one day, thousands of persons has to come, settling on 8th may be a pre-sitting, but where there is a regular Lok Adalat, regular bench of Lok Adalat cases are referred and the mediation is done and the Lok Adalat itself, negotiation is done in the Lok Adalat but in mega Lok Adalat, we can't expect that the members if bench of Lok Adalat, will charge between the parties and settle the dispute. So prior sitting is necessary in the cases of mega Lok Adalat. But in Lok Adalat if the case is settled and referred to regular Lok Adalat then it is fabrication of data.

My lord, here what learned from Bihar, said in Orissa only for national Lok Adalat as learned brother has said, it is very difficult to dispose of lakhs of cases on one day, so our High Court has permitted special sittings of Magistrates, after, usually after the court hours one week prior to

the Lok Adalat, with a rider that if you disposed of those cases they will be included in the final tally, so there is no question of manipulation my lord.

another important, recently NALSA had made the distinction between the cases which are really going to be settled in the form of executable decree is a one thing, and the cases which are only in the form of service, providers are to be distinction has to be done and it should not be a misinterpretation or confusion regarding the settlement of cases giving the service or providing the service should not be confused with the Lok Adalat.

this is a distinction at pre-litigation stage, not for the post litigations, pre-litigations, NALSA has divided the resolution of the disputes at pre-litigation stage in two parts, number one is a executable decree and other is under the legal services, suppose income certificate, income certificate of a deprived sections of the society are pending for a long period of time, for the vested interest of the concerned authority they are not issuing the income certificate, so in such type of cases like birth certificate, death certificate or there are....BPL certificate like that yesterday's movie, so there are so many services of course these are not executable decree but our, our secretary after collecting the, after come into contact with the concerned executive authorities, they ensure that such type of certificates are issued, such type of, so these categories of cases are covered the legal services, not under executable decree. ...

My lord in the March meet which was held at Ranchi, the last years national Lok Adalat results were discussed and I think he has elaborated this point, that even blood donation camps the number of footballs were included, and sulabh sauchyalayas were.....these are not the services or the items should be included.....presently.....it is one of the legal services, because anything which is illegal hon'ble this morning were discussing about the definition of the legal services, the legal services, it is not confined only to the matters of adjudication or...so according to you blood donation also comes under the Lok Adalat.....no, no I do not say it so....I am only trying to understand, don't say that I am not saying that....no....no...I mean.....no...no....may I complete.....may I...Mr Kumar I want to understand.....creating awareness is one our basic legal services, no....you are right....I just want to understand, that you pursued somebody to donate blood, is a disposal of case, and should be included in Lok Adalat, services.....service to the society....pre-litigation stage the entire legal scheme.....legal services institutions have been directed or have come to conceive this concept,

that at pre-litigation stage we have divided our services in two parts, number one suppose pre-litigation stage a borrowers comes, and the Bank also comes, then we resolved the disputeforget about the dispute, I want to understand first this, blood donation part, it comes under legal services, suppose even Adhar card there is a, there is a....my lord there is a there is a complaint, for issuance of the Adhar card, the executive officials are taking money. Mr Kumar please don't mix-up two things I want to understand one simple thing that blood donation will be included in the figures of Lok Adalat under the disposal of cases? no....no....legal services....what are they known.....so in so many cases legal services was provided to the persons that will be the figure, my lord the very object of legal services is....we had yesterday what Mr Sarthchandran was illustrated that a person suffering with a.....PIL was filed and he was given treatment, now it is a legal service, it is not a disposal in Lok Adalat, Lok Adalat is one of the work of DLSA or the legal services.....there are so many works, sir in the past sir all these statistics were included in the Lok Adalat that's why his lordship Justice Thakur commented, that is why I want to understand, that do the figures contain of the National Lok Adalat, I want to understand that, what you say so many cases settled in so many cases services provided, isn't it? It did not happened, now it is happening, lordship last year, I was sitting in the video conference, which was going on throughout the country, Justice Thakur was sitting, he was holding the chair of the conference, the figures were coming from different states, for example J and K one lakh seventy five thousand disposal, Jharkhand two lakh disposal, if we calculated the figure it came to forty lakhs cases, but the disposal, for example the pendency, throughout this country was eighty lakhs, it should come to forty lakhs, if the forty lakhs is the disposal, the pendency was still eighty two lakhs, disposal was forty lakhs and the pendency was eighty two lakhs, this was the situation, lordship said that when the pendency is of three crores, how the disposal can be of six crores, that the lordship questioned last year.

we have divided on the legal services because whenever the Lok Adalat is held in any of the districts, it look like a festival, and so many rural and underprivileged sections of the society come of course their grievances could not be resolved in the Lok Adalat, but through legal services we can resolve their grievances. it should not be a wrong signal to the society, but then necessarily the figure should be divided that in so many cases we provided legal services and not disposal of the cases, my lord, my lord may I. yes, yes, there is one mail dated 5/10/2015 from NALSA, as far as my learned friend from Jharkhand, is concerned I am again, you know I am not going agreeable

with my learned friend, my lord as far as pre litigation cases are concerned, in pre-litigation cases, where, in pre-litigation cases, where executable decree is passed or the order which is executable, by way of execution, can only be treated, as case disposed of in Lok Adalat, in the head of pre-litigation, and other orders which are not executable shall be placed under the head of legal services provided by the district services authority no my lord this is only with respect to pre-litigation, this is pre-litigation, pre-litigation word is altogether different from the blood donation and the services provided, this is concerning litigation with respect to litigation but, yet not reached to the court, Sir Pre-litigation services, pre-litigation services one at Lok Adalat and

my lord there is a judgment by the Supreme Court I think it is Madhya Pradesh State legal services authority v Union of India, Justice Sikri has written that order and there was a, there was a very categorical pronouncement, that say that there should be genuine intervention by the presiding officers, participation of the parties, and then only those figures should only come as disposal in the Lok Adalat. The judgment was, that if the parties have settled the cases outside the court that data should not be part of something as case is disposed of in the Lok Adalat, the idea is presiding officers they should participate, a genuine participation, should be there, involvement should be there, discussion should be there and then there should be a settlement which should be passed on as a Lok Adalat disposal, that judgment pertains with the cases of the negotiable instruments act, cheque bounce matters, where in the issue of the Damodar case was also involved and the, the ratio in that judgment has been laid down that if the settlement can be compromised or can be done, in the court itself, prior to Lok Adalat, then that matter should not be referred to the Lok Adalat. Now it is, no cases of pre-litigation has been discussed in that judgement. In Pratik jain case held be such, in damoraran's cases it was held, in Damodaran's cases it was held that a case under the negotiable instruments Act is settled at the initial state, there should not be any order of cost, if the case is disposed of at the later stage, the court has to impose a cost, payable to the legal services authority. if the case is compromised at the stage of appeal in the High Court, then there shall be a position....fifteen percent of the cheque amount, the question in that case, was that, a case is settled in Lok Adalat, whether the cost should be imposed or not? the court held that, normally the cost would be imposed in the matters of settlement in Lok Adalat also, but Lok Adalat has jurisdiction may, may reduce the cost amount to zero, but a normal court cannot reduce this amount, this one benefit of the Lok Adalat, this is the main issue which was, decided in that, my

brothers will agree that it was a case of, it was a case of a.....we can go through the definition of the legal services from, the legal services authorities Act, it is section two sub section "c" sir, legal services includes the rendering of any service in conduct of any case or other legal proceeding before any court or other authority, or tribunal and the giving of advice on any legal matter, that's it. Mr Kumar, I remember there is a saying in English, facts are stranger than fiction, facts are stranger than fiction, we are not here to discuss we are not here to pronounce, whether those figures which were submitted, were rightly submitted or not, that is not for those authorities to look in to them and decide, we are not concerned, with that, but at least. it does not appeal to layman's mind that blood donation will fall Lok Adalat....forget, now even legal service, it is good that Sanjay Gandhi is not here, otherwise all those camps would have been included in the legal services. no difficulty on that, Mr Kumar, you have the sky is the limit, you don't allow us to speak, that's the problem, that is why I always complaining to the advocates now I am complaining to my judges also, see sky is the limit to render services to our fellow citizens, sky is the limit, do it, no difficulty on that, only thing is, brother has rightly said, I that write up which is given to you all, yesterday some write up is given to you all, I don't know that you have taken trouble to read it. I had a benefit of reading it, and he says that the difficulty is we have obsession of figures, not border organisation figures, border organisation roads they also use, shakers and what not, not those figures I am talking about, but then we do have obsession of these numbers and this is close door discussion therefore I am telling you, initially Lok Adalat started from Gujarat nobody will dispute that, because I am not making any doll play, even Mr Gujarat will have to agree to this that Lok Adalat started in Gujarat, initially it was in justice Bhagwati's brain child, then it was nurtured by justice M. P. Thakkar, and then ultimately it reached to, the national stage and it got the statutory format now. Lok Adalat and it was rightly said by one of the chief justices of India, on a dining table that, if you tell that in one day I have disposed of three hundred cases, at list the shirastedar should take up a file, he should read the name, and then give it to the hon'ble judge and the hon'ble judge say allowed or rejected then, the next matter, then three hundred cases cannot be read out in day, three hundred cases, names cannot be read out, for about the order beyond rejected or allowed, rejected allowed, only that much. But anyway we are not going to that, there are few things which are very, you know, I mean I can say, I liked them, therefore I want to have just a glance towards them. This is 2006 and like Gandhiji was relevant at that time, is more relevant today, this write up is more relevant today, even then it was relevant in 2006. the first paragraph

says Lok Adalat are more successful on in motor accident claim cases or cases where one party is virtually obliged to make compensation to other party. that was the scope felt by brother that this is the rightful scope of Lok Adalat, and then in the second stage it was about the family disputes, and of course the third was the case where the parties should have amicable relations, rather than you know, having a flag of having won, or having lost, those are the areas wherein the Lok Adalat were very successful and not in all other areas. then you come to page number two, paragraph number two, on that paragraph, on that page the first paragraph as judicial administrators it is necessary for us to restore the strength of bar as a movement and also consider it's numerical strength, in a democratic state based on rule of law, a strong bar is strength of an independent judiciary. you will say, what it has to do with the organisational issues of Lok Adalat, it has nothing to do directly with the organisational issues of Lok Adalat but at the same time, whether you to see that your obsession, when I say your, I am not meaning, XYZ no, no individuals, I am talking about the system as whole, and if our obsession to those numbers goes down, possibly this things can be taken care of, go to the last line in that, unless we ensure that fees of lawyers do not become a propaganda issue in popularising Lok Adalat resistance from bar cannot not be wished away. it must be your experience also and of course it is mine also, that if you tell in a function of, Lok Adalat or the, look at present, and if you tell the people that no, no if you come to the Lok Adalat, you will be able to save the fees of the advocates, the advocates are bound to react to it in a negative manner, rather than in positive manner and therefore brother justice Chavan, has suggested that you should see it to that, that is not the terminology in which you should propagate for the Lok Adalat and at this juncture I would like to add the propagating method or manner which was done by late shree S. B. Majumdar, he was then judge Supreme Court, and he was the first chairman of our Lok Adalat committee in the High Court, in the time of justice M. P. Thakkar, he used to say that Lok Adalat are not going to deprive you of your earrings of your fees because in entire country you must be coming across the medical camp is held no....eye check-up, then something, something but you never come across a figure that so many doctors have closed down their clinics and they are not having any work, so advocates are also not going to be affected by this because he used to say, that by settling some of the matters you will be able to pay more attention to the more important matters, that is how he always used to say about the Lok Adalat and in his time the Lok Adalat movement become very popular in Gujarat, and in fact we had in the High Court level, there being any statutory provision. We had a team of conciliators at high court and they

used to visit the places where the Lok Adalat are arranged, and the things were moving very well. But of course again, it is a close door, I am disclosing this initially it used to happen that hundred cases are placed before the Lok Adalat. in the evening you will find out that how many cases are disposed of, say sir ten....oh...out of hundred ten, not a very happy figure so alright do one thing, in how many cases both the parties remained present, say sir in fifty cases only, so effectively out of fifty only ten cases are disposed of, because in other fifty cases parties did not turn up so the result is twenty percent, say twenty percent is also not very effective, so in how many cases could you take up the effective discussion, say sir only in fifteen cases, oh...out of fifteen cases ten cases are decided under the figure were statistically given, and therefore I told Mr Milind that it is saying in statistic, there are three kinds of lies, lie, deem-lie, and the statistic, so out of fifteen ten cases are disposed of, they are compromised in Lok Adalat, that is how the figures or that love to numbers that started, but we have to be very cautious about this that, I am not saying that aap jo haina kal subah janda leke khade ho jayaie aur Gandhiji ke trah apana sisna taan ke and somebody comes and fires at you, no I don't want you to that, but at the same time I want you people to see that at least at your personal level, aap jitana positive kar sakte hai, utna karye, mai aap mese kisiko khona nahi cahhata, wo kal fourth case thana jisme wo activist tha, he was trying to fight for the people and then he was murderd, I don't want any one of you to be marker, no not at all, but at the same time, thoda joi kuch bhi positive aap kar sakte haina usko kariye, agar agali baar jab aap ka executive chairman aap se kahata hai, how many of bottles of blood donation are collected, including the Lok Adalat figures, you can say sir, we cannot give, aur firbhi agar wo kahata hai to kar dijiye, haan, firbhi wo kahata hai ke nahi, nahi, ye to karnahi padega, toh kardijiye, there is no problem, isi liye to mai kaharaha hoon, ke wo insist karta hai to kardijiye humko koi problem nahi hai, lakin aap aapni tarafse ek bar, jarur kahiye ke sir blood donation isme nahi aata sir

Itana jaraur kahiye, and our purpose is achieved in that, anyway we go the next one. on the third page it is paragraph starts with since a Lok Adalat by its very nature akin to fair, where a large number of people come and settle their disputes in a few minutes, appearing before the panel, there is a latent hope for deliberative settlement which would remove the cause of discord, it is because of this the Lok Adalat have not been very successful, in areas of bilateral discord, the language his lordship used is very found it so effective that I thought of reading this to all of you. then comes a paddle part, you will find in continuation there about third line from the areas of bilateral discord,

while constituting permanent Lok Adalat, mind it, while constituting permanent Lok Adalat at a few places, care has been taken to people with persuasive skills. and let me tell you and you will have to agree, people cannot be taught persuasive skills, they can be improved upon they can be polished no difficulty on that but you cannot impart persuasive skills to the people, no same is the case with the teachers also, our Professor was rightly saying, say sir jo NET karke aate haina, unko class me khada hona nahi aata, and they are not able to stand in front of the students, aur jo net nahi kiye huwe hai, they are excellent teachers, they are able to teach the classes very nicely, that difficulty is always there but we can't help it, this is equally applicable to those PLVs selection, it is equally applicable to our those permanent you know full time lawyers and all that, that is there again aap log kahenge ke sir aap humko quyon lecture de rahe hai. Aap ye purchase na..... sir, ye sab tik hai aap lecture kyo de rahe hai, main sirf lecture iss liye de ra hun, while remaining in the law, try to find out something innovative aur uspar kuch dhundhiye that how you will be able to find out the right stuff and that why brother was rightly emphasising, that the district level just wanted ten percent to be founder, usme jo aapki procedure hai, kana padi to kariye, otherwise you should find out the right people. and tell you, you are able to select ten right people at the district level, well there will be very good result, very good results, so this is about empanel those people those, with persuasive skills, in that very paragraph, the sentences idea of training such people in skills of mediation may not be easily acceptable, if they don't have the persuasive skills training them as mediators or you will find that purpose as a conciliator is not very acceptable. therefore it may be difficult to devise, uniform methods of exposing them to the mediation skills, difficult to devise, he talks only difficult, he don't say impossible and therefore don't try, we are saying that, and the next page, you will find, a very nice sentence, it is about...first we will go to the third line it would be necessary to contemplate having bare foot mediators and conciliators providing their services at the cost, which would be fraction of that a litigant is required to speak in courts in order to persuade the litigant to accept that mode in rural areas. this is while he found the ground he is writing this, we try to follow the models which are very you know, prevalent in USA, air condition chamber, cosy chairs and then the people are coming there is mediation, there is Lok Adalat, whatever it is. we have to contemplate that there are going to be bare footed mediators, similarly the conciliators, and until they are from the same community the community people are not going to receive their suggestions, only to give authenticity to their suggestion, there should be an outsider or there should be a person from judiciary who will give authenticity to their suggestion

telling them, yes what your legal saying probably the man is saying is right and you should accept it, otherwise they will be understand, only their level and not our level and I remember that we had been in a village named Talaja, Talaja is a place nere bahvnagar, and the Lok Adalat were having so many criminal cases but, of petty offences, so the difficulty was that how to compromise, he said, no...no...usne muze us din thappad mardiya tha, he said o.k..thappad mardiya tha lekin ab kya karnge,look at the you know, unki simplicity dekhiye, to bole tik hai to aisa kariye, is aadami ko bola ek man jwar, wo jo haina kabootar ko choone ne ke liye dal de, I am ready to compromise, if there is graver he will say isko bolo paanch man dalana padega. so its o.k. we don't...all right another day he will be putting one man of....one man there is twenty kg not forty kg, there in Gujarat, so he will be doing that, so then I ask my local, conciliator I say what is the assurance that this man will be doing it? Bole sir ye adami mar jayga bhukha rahega lekin jo yape bola haina, wo bis kilo dalega, wo pakki baat hai. Uska aap koi....this the standard of simplicity of our local folk people. and it is very high time that we all must know this, abhi in tea time we were talking to somebody, that sir if all judicial officers are supposed to be secluded from the society then every time you said that no...no....they must know about the society, I said to know about the society and to mix with the people and intern-mingle with the people are two different cases, society ko jaanne ke liye aap ko society ke itana andar jaane nahi hai, itana mix nahi hona hai ke logo ko aap ki integrity pe shak hone lage. Itna aap ko mix nahi hona hai, but you can know about the society very well, you have to keep your eyes and ears open then you will know about the society very well. and that is why I have a habit, of reading local news pare rather than times of India, Indian express, Hindustan times, I don't read those newspapers, I read the local newspaper, because in local newspaper you will find the local news, and something very interesting and sometime I go to the tabloids, local languages they give a very good idea about the people, and I remember my law professor, was Dr Natarajan, and one day he came to the class and started crying, he was very old man, after some government job he accepted that teaching assignment and he came to class and he stated crying, so we all were worried, why, why professor is crying, then he took out that newspaper usme likha huwa tha ek gaaon ke andar ek aadmi ke yaha chori huwi, to usko jiske upar doubt tha, ke aap aake aur bioling oil ke ander aapna haath dalo, agar aapne chori nahi ki hai to aap ka haath nahi jalega, agar chori ki hai to haath jalega, reading this news item, he was Natrajan from south states he was crying in that class. you know that sort of affinity we want to develop with the you know our own people, only then we can be successful, so that, this is all

about a bare footed mediators I am telling you and then we says further, the sentence which brother has written, we must not forget that India has within itself not only one entire Europe but also the Africa. We must not forget that India within itself not only entire Europe but also the whole of Africa. sky is the limit for diversity in India, I don't know aap logone bhi suna hoga aap logon ki langauge bhi hoga wo kahana, har chah kos pe boli badal jati hai, har chah kos pe, and I have been asking people why aapke paas koi reply hai to bataiyega aur nahi hai to dhudhiyega, just try to find out, kya wjah hai, kyon badal jaathi ha, Delhi proper rahene wala jab Gudgaon jaata hai to boli me fark aapta hai, ustaraf plaval ke taraf chalajata hai, I don't know, ek hi direction me ahi ya alag alag hai, agar dusre direction me jaayega to boli badal jayagi, agar east ke tarf chala jayga, meerut ya uski taraf toh fir boli badal jaaygi, every six kilometres means about twelve miles and twelve miles is equal to about eighteen, twenty kilometres. Every eighteen, twenty kilometres, the accent to hundred percent change ho jata hai, accent to hundred percent change ho jata hai. aur Gujarat is considered to be very small state, likin north Gujrat ka adami jab bolta hai to humko pata cahalta hai, ke he is from north Gujarat region, aur kahii wo kathiwada, yaa saurashtra region se huwa to you will find that it's a sound so sweet, its sounds very sweet, because they don't have hard consonants, they will speak very sweet, and if you go to south, you will find altogether different language and U. P. of course very well Bhojpuri se leke kahha tak aap jaa sakte hai that is the limit, no limit in that, this is all what we have and therefore brother says that we have not only an entire Europe but entire Africa also. He is rightly referring to the Europe and Africa, because resources wise, education wise, development wise Europe and Africa are the two contrast regions and he has rightly selected them.

very good line just in that below four five lines, to illustrate even at place like Thane which is near Bombay, many of you might be knowing, Thane and Bombay very, very close by, and which itself is a big metro police there are sizable junks of tribal population, what follows is important, who are as yet untouched by the evils of civilisation, what a nice you are saying....evils of civilisation and we all are suffering from those evils of civilisation, and specially that civilization goes to our head and we are walking more particularly when we travel in planes you know, airport jaate hi ekdam upar chalte hai hum, fir apta nahi kya lagjata hai bich me air break aajata hai pura, anyway, then we comes to his lordships views about the alternate dispute resolution, beautifully written article I loved it and therefore I thought reading some of the things, in this particular, before this

gathering, friends you have already spelt out the organisational issues, the only idea is that you, yourself compile them and try to see that, how many of them are applicable to you and do you overcome on that. Thank you very much.

I am extremely grateful to justice Ravi Tripathi, we have been chairing sessions here, and quite often possibly we are the only two judges from two different high courts to form a bench outside our states. maybe we have sat together, more than fifty occasion, I am thankful to him for reminding me of what I had written, this is published in form of a book, this was published in January, and Bar council has also printed some two thousand copies of it and distributed and all law colleges, I have sent the copies, law colleges High Courts etc.....so you can find it in your High court library. there is another article appended to that, that is about the disaster management, before we part, I want to ask you one question, have you any personal plane of disaster management, have you ever given a thought, to your personal disaster management, suppose you are flying, it should not happen, and the plane has to land at a uncomfortable place, what have ever thought of? Have you ever given a thought to this? What happens? You are travelling, the link is cut off, what will you do? There are so many things, give a thought to disaster management at personal level, at the level of your office, at the level of the state also. It was unfortunate that the article was written after tsunami in Tamil Nadu. Again we had a disaster in Chennai, and we are at the same place, where we were. National legal service authority did, frame some rules about the disaster victims, yes it had a scheme about a disaster victims. Who is from Chennai, not come o.k...so...I have made some suggestions, in that article, this is also a 2006...2005...2006, I suggest that legal service authority should be asking the Municipal authorities everyone, give us the plans. What plans you have, they must be with us, if an authority ask no...they will give you the plane, and then you will have something to act upon, as far as Chennai is concerned, it is my sinister thought, I am not going to pass it on to the, international insurers, but there should be insurance subrogation, ultimately thousands of poor will have to be paid by the insurance companies to this victims in Chennai disaster. they should be invariably filing suits against the insurance companies, should be filing suit against the government of Tamil Nadu and India, this is not entirely a natural calamity, this is not entirely a natural disaster, this is manmade, and for which, State is responsible, ninety percent of this disaster is because of activities of the State, diverting the....you recall the old law of riparian rights, you can't change a water course, we have done all that, therefore, please think

of this we have to have, some proactive action this disaster management, this is very, very necessary, this is my earnest request, to all of you to do that, and for wonderful as usual, justice Tripathi I get many ideas in the evening also, we have a long chat and it was wonderful to get, you to speak out openly and this blood donation and all that, it was very new to me. Sir may I just ask one question sir.....thank you all.

I think today's resource persons deserves a big hand, isn't it? thank you so much sir, I am really grateful to both of you and all the resource persons Dr, M. R. K. Prasad Sir, Jane Schokoske Mam, Justice R. C. Chavan, Justice Ravi Tripathi, I am really thankful to all of them, to have this kind of wonderful, discussion and to you also, you also participated so enthusiastically in this programme. So we will have a break, and tea and then to the library up to five O' clock. At 6.30 there is a Movie Khosala Ka Ghosla and a special dinner. Tomorrow we will gather here at 10 o'clock

Session No: 9: Budget Management

Resource person: Yashwantkumar

Good morning all the participants and the dignitaries, now we will have a session on the budget management, there are several issues on the budget, from your side, so those issues can be raised and Yashwantkumar sir is here to give some suggestions on those issues. I request Yashwantkumar sir to continue.

We will have some introductory concepts on budget. Budget is a document which has been provided in our constitution. It is an account of receipts and expenditure of government at each level, central government, state government and the local bodies also. It contains the revenue in the coming year, assessment of revenue in the coming year and estimates of expenditure under various heads in the coming year, the coming financial year. the accounts of income and expenditure of any government, central as well as the state government are kept in three, heads of account, three broad heads of account, one is consolidated fund of India or of a State, contingency fund of India or of State and public accounts of India and State. Consolidated fund of Government contains all revenue and expenditure of government, it also contains, the loans taken by the government as well as the loans and the advances given by the government. All the expenditure of the Government from consolidated fund of India as per the constitutional provision shall be done only after the approval by the legislature of the government of India or legislature of the state government. Without any approval by the legislature not a single rupee can be spent from the consolidated fund of India or consolidated fund of state, as per our constitutional provision. The second account is contingency fund of state or India, this is like an emergency fund, any emergent expenditure which has not been provided in the Budget is prepared for the consolidated fund and for the contingency fund and for public account, and budget is prepared. any new expenditure on which emergency has raised, and it has not been provided in the regular budget, there is contingency fund account created in which certain amount is provided transferred from consolidated fund to the contingency fund, say two hundred crore or five hundred crore, depending upon the provision made in the budget and the amount is transferred from the consolidated fund to contingency fund and this fund is kept and the disposal of president in case of Government of India and Governor in case of the state. Any emergency arising any expenditure for that emergency can be done out of this contingency fund given, when it has not been provided for in the budget,

at the time of the budget, at the time of the budget emergency is known that will be provided in the budget, it is during the year, when budget session is not there. We are not doing.....

Participant: - Suppose at the time of the budget, five hundred crore rupees kept for contingency fund, and there is a need and there is an emergency for about rupees one thousand crore, after the budget session. What will be the provision?

Mr Yashwantkumar: - it means you need more than the amount kept in the contingency fund, then the amount only provided in the contingency fund can be spent and then the balance of the amount...a special session of the Parliament or the legislature will be called for, if it has not been provided in the regular budget. so we have seen like in states.....recently in M. P. government, before winter session, there was seven days special session of a state legislature, and this was called for the supplementary budget for distribution of drought affected farmers, the amount, certain amount was required to give immediate relief to drought affected farmers, and that purpose this special session of legislature was provided so the Governor can or the President can call the special session of the legislature in case of emergent need, which has neither....nor been provided in the budget and the amount required is more than the amount available in the contingency fund. So only the amount available in the contingency fund can be spent by the Governor or President or if requirement is more for that, then a special session has to be called. All planned expenditure is provided in the regular budget, which is provided out of the consolidated fund of State or India.

Participant: - My question from this side, I am from Assam, my question is as my first experience shows that the funds are allocated, the funds are allocated in the month of, in the month of March only, the last month of March, why this happens actually?

Mr Yashwantkumar: - It should not be there in normal course.....

It is happening because we, received the funds may be twenty two to twenty fifth of March, so we do not have enough time to spend the funds,

Mr Yashwantkumar: - you are right, the month.....the amount is released in the last week of March, it is due to our lack of proper estimation of the funds, which will be available in the month of March, sometimes it happens that the government of India released the funds suddenly in the

middle of the March or the last week of the march, and the State government has to release that in the last week of March. so it happens because of our deficiencies in estimation of our revenue, total revenue, what amount will of revenue of fund is the available, say on the fifteenth of March or the 20th of March or the last week of March, so this is due to our estimation errors.

the thirteenth finance commission, funds are given for the construction of mediation centres phase wise, ADR centres, alternative dispute resolution, for construction of centres the financial commission gave the amount, but it was given phase wise, the last instalment of, whether it is ten crores or twenty crores given in the month of February and we were expected to construct the building before 30th March and if the amount is not utilised, it was remitted back to the government.

Mr Yashwantkumar: - that is our lacuna in our budgeting process, budget management procedure, a fund was already provided by 13th finance commission, for this scheme, so this should have been released earlier. It is a long process, minimum one year is required to do any capital expenditure.

Participant: - Now can I put the question to you, can I put the question to you, like whether 13th finance commission, whether 13th finance commission, has skip to 14th finance commission.

Mr Yashwantkumar:- That fund, it has not been, shifted but what has been done is that the amount which has not been spent under 13th finance commission, now will be provided by the State government depending upon the scheme which is put up to the government and after approval of that scheme the fund will be provided.

Participant: no, excuse me, I just want to one question, 13th finance commission was over on 31st march of 2015 thereafter actually we stopped using that utilising that fund, subsequently we received a letter from our law department, which encloses some guidelines from the government of India, that you are free to use that fund till, for one more year. I mean till the end of 2016.

One request is there, I am requesting all of the participants. Let him finish his presentation.....no it's all right...it's all right....it's all right no their query should be solved first. the questions may go on during the.....let it continue like this....otherwise they may forget the questions,....so you are

saying that the 13th finance commission fund can be utilised for one more year.....no.....that can be done if that fund has been kept in the K deposit, has that fund been kept in the K deposit....public deposit account....PD account....that account we don't understand. But the finance.....but once issued....if you are not utilising that this amount before 31st of March, it will have to be returned back to the government as such.

Mr Yashwantkumar: - so the fund has.....it is not available in the PD account.....then it have to be.....approval has to be taken again. it cannot be, every find has been lapsed and not kept in the PD account of the Registrar of the High Court or the PD account of the Secretary law department, then it has to be provided again the current year budget, then again only it can be spent, that is how the....our administrative department is the law department.

Participant: - I am from Orissa, in Orissa the administrative department the state legal services authority I believe, it is everywhere is the same thing. so they have on their own, they have issued this circular that, you can use it till 2015-16 because its, actually it was the earmark for the construction of India, standards, and India standards are.....it's an ongoing process, it means they have made provision of that amount in the 15-16 budget, only for 15-16 so we will have to submit the final UC by the end of 16 right, right,

Mr Yashwantkumar: - it means they have provided, that you have received, you can utilise this amount up to 31st march 2016, it means in the budget of 15-16 that amount has been provided.

participant: now one year has been extended, by the competent authority, on this analogy cab it be extended further, because.....what is happened in the Orissa it doesn't happened in other states , we have been categorically told to spend a single penny from.....of the...out of 13th finance commission after 31st March 2015, and unlike 13th finance commission, in 14th finance commission like in 13th finance commission five thousand crores were given to the judiciary, but in fourteenth finance commission no such amount has been, there is no such allocation.....in everywhere, they vary from state to state, how could it happen, when it was a central fund.....state has no power, central fund, it is not like this, it is not like this, let me.....I can answer your query and it's not that, it is only that the centre has to take the call, like in Punjab and Haryana, what happened, like this surpluses fund of this 14th finance commission, since the, since the 13th finance

commission, says the term was ending on 31st of March so what happened like fifteen short of that period, we received a communication that, some money, because there were different, different heads like infrastructure, non-infrastructure there were many heads, so like around 15th of March we received a communication that you can like spend some money, in various heads, but since again the time was short and, again one stipulation was that the UC was to be sent within that period only, that means only end of the 13th finance commission was expiring. since practically it was not possible to spend such huge amount by that time, then the matter was taken up with the respective state governments and immediately like the chief secretary and the finance secretary both the states they came to the High Court and like one monitoring committee is there, so the matter was taken up there and in turn, both the finance secretaries they took up the matter with the central government, and what happened since you are saying that it is a central policy so it should be uniform, it was not like that. since we took up the matter through state government, state governments took up the matter with the centre and as a special case I do not know, as a special case or whatever, but one year we have been permitted to spend the money just for infrastructure head and as you have said that, that is the part of next budget no....it is not part of next year's financial budget, it is the extension of 13th finance commission's term or money which we can utilise till 31st of March 2016.

Justice R. C. Chavan: - may I intervene, 13 finance commission or for that matter any finance commission, makes recommendations to the government. Expenditure which is authorised by the finance commission which is recommended by the finance commission, again pipes, placed in the budget, in the budget which is passed by the parliament. Every year the amount is earmarked, and that is spent and finance commission provides for the distribution of grand's between the state and centre. Finance commission distributes.....recommends that these are the recommendations, this should be the distribution and that is again provided for in the budget, finance commission is not something above the parliament or the state legislature. therefore if the funds are not spent, they can be re-allocated in the next budget, but that is done, so that is.....because the parliament must have done this no.....law department, ministry of justice must have included that, this fund was not spend, secondly it's not that central government has some chest of money from which it goes on spending. ultimately in the last week of March, you said money comes, this is because very surrenders the funds, and fact this surrender....because they also don't know, what sort of

contingencies arise, or what sort of expenditure will crop up, suddenly, therefore every department, gives money, including judiciary. and the tendency to spend at the last moment is there everywhere, so when there is a surrender, or when there is.....when the financial adviser.....the economic adviser of the government finds that these are money, which are not spend, or this is the revenue, which is now likely to come to me, because when many institutions would pay amounts in the last week, the revenue in the last week, so if the revenue is going to come, and then money is there, that has to be allocated because, government budget is not something which spills over.....that is not a saving bank account no.....every money which comes, is to be spent, 90 percent budgets are deficit budgets, therefore what is....what happens is the rest of money comes from the printing of currency, which is absurd, all this is very complicated things, as far as 13th finance commission is concerned, or 14th finance commission is concerned, don't be under an impression that, the finance commission is above the Parliament or the legislature.

Mr Yashwantkumar: - sir has rightly said and I have also made this statement, not a single rupee can be spent unless it has been provided in the budget. so when we are saying that, the amount recommended by the 13th finance commission can be spent in the year 15-16 either in Orissa or in your state it means that amount has been provided in the current year, budget, otherwise there will be no fund available from the expenditure head....

Participant: but they expect us to submit the UC certificate before the 31st March. When you have not made a construction at all, how can we give the utilisation certificate, sir.....that utilisation certificate you will give in 31st march 2016 not before that. It is not like that we cannot spend.....it all depend ki....when it was released, when we have taken action to spend that money. Two things are required to spend the money in time that the funds should be released in time and the planning and action should be taken also.

Justice R. C. Chavan: - one more intervention see as far as this, utilisation certificate is concerned, don't be too vague, ultimately, it come from the PDW. PWD can give a certificate of a building which is not at all ready, you don't have to bother, this is...this is normal phenomenon in the government. This is normal phenomenon, we don't have to bother about that.

Participant: - what happened in Haryana state, Haryana state, Haryana state legal services authority, wrote a letter to the finance department, finance department of the state, they said that it is now 31st March is over you cannot spend it, then what we did, we wrote a letter to the ministry of finance, central government, then we got a written reply, that no it can be utilized, it can be utilized it can be spent for one more year.

Mr. Yashwantkumar:- There is a confusion that I will clarify, that we 13th finance commission fund has, is allocated by the central government, that allocation has, have been received by the state government, money has been received by the state government, released by the central government received by the state government, then central government has power to extend the period for its spending, the states which have received that fund from the central government, then those state governments have given.....taken permission from the central government to utilise that in...For one more year. Like in Orissa has received that fund. Which is your state sir....Punjab, so your state might have also received that, when money has already been received then permission may be given by the central government, utilise that money for another one more year. That is within power and that is....the money has been received to utilise that in the year 15-16, it will be provided in the budget. When it has been provided then there is relaxation to some UC after.

Participant: - I request all the member secretaries, such type of arrangement is done and we just communicate to another state also, see because we are deprived of this. We didn't spend....we didn't spend. sir one clarification from your side.....next time you be careful....Punjab and Haryana experience and next time be careful...that before it lapses you just get that similar permission or the communication with the central government...that can be done.....sir we didn't seek the permission we just sought the clarification, next time you can do that....we didn't seek the permission, we just sought the clarification from the ministry of finance, and the ministry of finance of the central government clarify that there is no need of permission, it can be utilised for one year. It was not a case of permitting for.....

Justice R. C. Chavan: - government commits that next five year, we are going to provide this amount to the judiciary that does not mean that finance commission has override the Parliament. Ultimately see....ultimately the money only come for project and the government would

appropriate that amount, government would put that in the budget, supplementary demands or something like that.

Participant: Sir NALSA funds are extended to.....are lying with us and they are.....the permission is granted to utilise the same, the next year also. Without providing in the next budget, can this amount be utilised.

Justice R. C. Chavan: - NALSA.....see NALSA is not strictly.....NALSA is not strictly a part of government, not strictly a part of NGO, it's something hybrid. So that is....

sir....sir....may I say one thing, my lord....sir we received one mail from NALSA and this is the sanction order, in sanction order, the relevant portion I am reading, hon'ble executive chairman of the state authority shall be vested with discretion to switch heads as per the exigencies excluding aforesaid, advisory during the current financial year 2015-16. Discretion is vested with the hon'ble executive chairman Saab, he can allow us to switch over the heads. Suppose we are having grants under head of rupees five hundred, and we could not utilise one hundred rupees and only forty rupees have been spent, we can utilise sixty rupees for head B, provided it has been sanctioned by the executive chairman. Now in the second paragraph, it is mentioned the funds allotted would be utilised only for the purpose and object, as specified in paragraph number one above, during the current financial year. Both of them are contradictory. Yes it is. You may read it sir, at one place, at one place discretion is vested with the hon'ble executive chairman sir.

you may change the head, but ultimately the purpose is the same....but then there would not be any point of switching over the head, what is the point, suppose one crore rupees has been given by NALSA, to six heads, within those six heads with the permission and the sanction of the executive chairman you may switch over, but you cannot spend it for the seventh head, which is not there. no we are not saying that, it should be utilised for the seventh head, I am saying that, if there are six heads A, B, C, D, E, F and unutilised fund as far as head A is concerned, I want to utilise it for head B, still no sir, you may read the, the exception given in the sanction order, it is strictly prohibited, it reads contrary to each other. Apart from the question which is being asked for...generally government of India and the state governments.

Mr Yashwantkumar: - here we are talking about re-appropriations of the funds and re-appropriation can be done by the competent authority, here the executive chairman of the NALSA as... and within parameters, like if there are six heads, within....from one head to another head it is possible. If it is allowed by the circular, so it is re-appropriation and within the parameters of the circular it is possible. Ya....your query,

Participant: Apart from the questions being asked, generally with the central government and the state government, there home town planes, which requires the expenditure, particularly to roads, buildings and others. What provisions are made in respect of those particular projects, whether sections are given in lump sum or budgetary allocations are made, year to year? Suppose a building has to be completed within next five years, estimated expenditure is five hundred rupees, five hundred crore rupees, how it is managed

Mr Yashwantkumar:- we have three stages or capital expenditure one is administrative sanction, so the administrative authorities or the competent administrative authorities, provide the administrative sanction, for doing the capital expenditure, second stage is the financial stage, that is also given by the competent authority, say five hundred crore is required to construct some new building, o.k. and indeed D. P. audited project report, say it will take a three years, so that sanction is also given by the competent authority, but to spend money end of the year also it takes three years, so annual expenditure is also provided, say in first sixty crore, second year 150 crores like that, that the schedule of the expenditure is also approved by the competent authority, and according to the schedule of expenditure it is sent to the budget controlling authority, budget controlling authority, according to the schedule of expenditure may use that particular year budget, of capital expenditure also. So according to the schedule of expenditure year wise budget is provided by the legislature of a state or centre. The third account is a public account and this is also relevant to understand, here some quires were asked, in Public account the amount, which does not arise in normal course of the business of the government are kept, so what are those amounts like our GPF savings, the GPF which is deducted from our salary is kept in EPF fund that fund belongs to the particular employee who has contributed. that does not belong to the government, so that fund is kept in public account another amount which we have indirect discussed that say a rupees ten crore have been sanctioned for a scheme, for the justice now say construction of building etc., that money has been released in the current year that is given to the

CPWD office of the state. So that fund has been transferred to the CPWD of the State immediately by the competent authority. now PWD that money is transferred to the PWD account and then competent authority CPWD it is transferred to that authority which is responsible to that expenditure and build that....or it is kept in the account of the that authority of the PWD that authority will spend that money during the year and supposed some of the amount is.....say could not be spent....say one crore or two crore, now it is the responsibility of that authority, who take a permission from the competent authority say Secretary law or registrar of the High Court, that the PWD has not spent one crore out of that, whether they can keep that one crore in public deposit account, if permission is given by the competent authority then that fund will be transferred to the public account of that authority and that public account becomes a part of this public account of the State. after it is transferred from the consolidated fund to the public deposit which is the part of this public account, the third type of account of the centre or state then next year also that amount can be spent, because it has been transferred from the consolidated fund to the public account, so for...to spend money out of the public account the budget is not prepared and permission of the legislature is not taken. so the amount which has been left, the amount any amount transferred by the central government to the state authority and the state authority, has spent that money in that year, then the permission can be sought from the central government or authority which has a transferred that money, to spend that in the next year that amount can be transferred to this account, public account under PD account or K deposited account and if permission has been given then next year also that amount can be spent, without taking the fresh approval from the legislature, because of fresh approval to spend money from this account is not required only for the consolidated fund, fresh approval is required. what K stands for, K stands for the amount kept in name of the person of a....the spending authority, say as such PWD, to ACPWD the funds has been transferred it means it is transferred in his personal account kept in the treasury. "K" stands for the classification this PD account list of major minor head, come in a classification for....classification start from A, B, C, D, E, F, G, H, and in K PD account comes, K is a classification of head of the account and that is public account. Assembly authorisation of the payments of public account is not required, which we have discussed. The legislature approval is not required to spend money, from this account. These are the sources of resources, this is example. Sir has discussed, he was talking about, deficit so there are three kinds of deficits, appropriation for spending any money out of the consolidated fund appropriation bill is presented in the legislature and after passing that bill,

it becomes appropriation Act. An appropriation Act is the act which authorises the executive to spend that money out of the consolidated fund. that includes....it has three parts, one is total expenditure sanctioned out of the consolidated fund and repayment of loan taken by the authority which is repaid in the current year, and then recoveries received or loan given by the authority to the other authorities, all come in the appropriation account. there are three kinds of deficits one is revenue deficit it is difference, this is excess of revenue expenditure over revenue receipt, total expenditure, both revenue and the capital minus revenue receipt and the capital receipt, so capital receipt may be the recovery of loans given during the....given by the authority in the previous years, if that is received in the current year, that is capital receipt so total expenditure minus revenue receipt as well as capital receipt the difference is called the fiscal deficit. Where from these deficits, revenue deficit will be of course will be final by the capital receipt, fiscal deficit, were from the fiscal deficit final. So sir was saying that printing of note is one of the method, by printing notes we can generate funds that is very.....that is not the way in which we can find out the solution. the way of the financing of deficit is borrowings the state government or the central government resort to the borrowings from the market, financial institutions, external borrowings, or borrowings from the RBI, once sir was referring that if the government borrow from the RBI and RBI is not having readily available cash with it, then within the permission limits given according to the rules they can print the currency within the limit permitted and that currency can be used to by the RBI to give loan, that is a loan but the RBI cannot give any grant to any government RBI invest that funds in the bonds issued either by the central government or bonds of the state government, so that is the loan given by RBI to the government.

Participant: Sir what is the formula or criteria to fix the limit to bring new currency notes by the RBI.

That is very complex blend of the.....don't bother about it, it will take lot of time. Let us not bother about the public finance right now, you can talk to me afterwards, I will tell you....so security he was talking, security in the form of the bonds of the central governments or foreign countries bonds or foreign currency or gold in these four forms the security is to be provided either gold or foreign exchange or foreign bonds of the government of India, if these four things are available, then only currency can be printed. We were talking about the consolidated funds, so these are the heads of the account in which receipts are deposited in consolidated funds and the expenditure is run out of

the consolidated fund. so first we have a....for deficit accounts then revenue expenditure account, then capital expenditure account then loans and advances accounts, so these are the funds under which the money is accounted for and the receipt is accounted for and any expenditure is accounted for revenue as well as capital. We talked about the public account also, so public account our GPF is small saving funds of the public the deposits of the authorities like PWD deposit or K deposit etc....then advances given by the government to the employees or autonomous bodies are also kept in this. Suspense account means the transitory account.

Participant: Sir, regarding the deposits, whether the grants given by the government to the either national legal service authority or state legal services authority, or the NALSA, whether there can be kept be kept in the fixed deposits.

Yashwantkumar: - Yaa.....that can be kept with the permission of the competent authority. Only when, a permission is given.

Justice R. C. Chavan: - the amounts allotted in the budget must be spent, they are not be meant to be kept in the fixed deposits. But there may be a contingency, where you may be required to keep the amount in the fixed deposits for expenditure, which is going to spill over, that can be done only with the permission of the authority, budgeting authority. Never ever a....indulge in a financial irregularity which will make you stand before the public accounts committee, so....

Participant: the people who are coming for the auditing of our accounts, made a observation that, you are simply wasting the money, when the NALSA has given you two crore rupees to spend, for one year....you have to spend that, you have to spend that, at least you can keep that amount in, you are going to spend the entire this within one month.

Justice R. C. Chavan:-this perception is not correct, money has come means, it is not that, somebody has to come with the brief cases to you with money. An allocation is made, from which you can spend, if you don't spend the money, the money goes back, it lapses, it goes back to the government. Correct....correct....correct therefore, no.....no.....you are see, see this is again something.....you have to give the utilisation certificate. No.....no.....no.....that's not correct, part utilisation can be given. part utilisation can be given, anyway what I suggest is, what I suggest

is....don't ever indulge in to any financial indiscipline, in this matter be very, rigid, very strict, fix deposits etc....don't make fix deposits from amounts given by the budget, they are to be spent.

Participant: - what my learned friend from Karnataka is actually trying to point out, say suppose there is a allocation of one crores by NALSA, now we know that this money has been coming in our account, and this is going to be utilised over a period of time, now we can make an estimate that in the first six months, probably only forty lakhs could be utilised in a next eight months probably seventy five lakhs will be utilised, what the auditor say is, if you have this kind of estimate with you, probably for the first six months, you can have a FD of fifty lakhs so that you earn interest on the same, its matter of not financial indiscipline but financial prudence, sir it is a matter of financial prudence also.

FD can be take only with the due authority. Without authority it would not take any....spending authority.

sir one thing, tell me one thing, you are earning interest on that amount, are you crediting it to the government, it has to be credited to the government, the government credits to the public funds... you are going to spend that interest without authorisation, whose authorisation, or else the money goes to the consolidated fund, unless the money goes to consolidated fund, unless it is appropriated it is sanctioned in the appropriation bill, you can't spend it, this is a very serious thing, which is happening with many authorities, particularly courts because, first we think that we are above law. nobody is going to touch us, to we feel that, we don't need to know the rules because we are judges, this, financial matters, we don't bother to read the rules, because we have no time, and then we feel that, we done it, what is there. The auditors don't object only because they look at the courts, but tell me one thing, now you have earned an interest, fifty crores you have deposited in fixed deposit, in some bank, you have earned interest on that amount, this amount has come from budget, and it had been allotted, granted to you for a particular purpose. you earn interest say five crores on that, whether this money you are crediting to the government in receipts, miscellaneous receipts, no....one....one.....two who is going to pay, this is income earn by the authority....how do your account for, how do your account for, who pays tax on this. There are many problems.

just allow me....so far as Delhi is concerned, what we have done is.....we have been given....we sought....we took up the matter with the income tax authorities, so far as Delhi legal services authorities concerned, it has been exempted, it has been declared that, it is a non-profitable organisation, so far as interest part is concerned we are not paying any income tax....but this interest has come from an amount from, amount allotted to you by the appropriation, in the appropriation bill, therefore income which is earned also must go the consolidated fund of the union or the State.

Sir this has been occurring for the first time, no.....no.....no.....no.....you have been noticing it for the first time but this is occurring, in judiciary for a long time, and, this is occurring in judiciary for long time because it is chief justice or because it is authority of the court, the auditors don't object that's all.

Mr Yashwantkumar: - beside the financial, prudence provisions in the constitution of India, there are general financial rules of the central government as well as the treasury rules of each state.

Participant: My lord section 16 of the legal service authorities Act, which provides a state legal aid fund, so over there it's a district legal funds consists of, apart from others, any other amount received by the State authority under the orders of any court or from any other source, so that's.....

Another participant: what we are supposed to do, as far as unutilized funds are concerned,

Unutilized fund from the budget, lapses if it is not utilized, it lapses, you can get it again allotted in the next budget by requesting, making a request, it can be carried forward by, getting an appropriation again.

Mr Yashwantkumar: - there is no automatic carry forward there is general financial rules, this all the budget, all the provisions made in the budget, if that remains unutilized, automatically lapses on 31st March of each year. If it has to be spent in the next year fresh provision has to be made.

As I read out advisory has been provided there are six heads. We are supposed to spend particular percentage of amount for a particular aid, but the carry forwarded amount we want to utilize for particular aid....

Mr Yashwantkumar: -the background of the advisory, advisory has been given, because of the provision made in the budget, advisory cannot be beyond the provision made in the budget...

but sir for that, there should be some clarification.....in every financial year, in every financial year we receive a new carry forward letter from NALSA, and NALSA make the provision in the budget, by the competent authority, right, right you are right.....any way let us carry forward the discussion time is running out, yes, yes.

Mr Yashwantkumar: -one more clarification conceptual clarification is required based upon the quires, I have received so far, what I have talked about three type of accounts, consolidated funds, contingency funds and public account. These are the accounts for making accounting entries of receipt and payment. The other concept which is need to be understood, is the money. Where is the money kept? Either by the central government or by the state government, where a....which is the.....where the money, the currency kept for.....under each account. so for central government the money is kept with the RBI in the account, central government account will be RBI, so all money which has been provided under the budget, received under the budget is kept in that account of the central government, which is there with the RBI. So the banker of the central government is RBI. For the state Government also, all the money received is also kept in the State government account, with the RBI, so the banker of the State government is also is the RBI. when we were talking about, whether money can be kept in the commercial bank or etc....or any other bank, that means, we are withdrawing the money from the government account with the RBI and taking it out from that account and diverting it to commercial bank, which in the normal course is not allowed, by the financial rule of the central government as well as the state government. only with due permission with proper authority that can be done in the end of the financial year, if it is provided and that too under PD account of the special authority, in normal course this permission is not given, because the banker is RBI of the central government as well as the state government. So we should understand that all monies is in the bank account of the government is with the RBI. so as per financial rules two draw that money out of that account and keeping it to another bank account is not permitted in the normal course of.....in the normal course. Only under special circumstances.....

what happens like a, please correct me if I am wrong, the allocations which are made from the NALSA that are deposited, that come and credited in the State legal aid fund, so it is in our account as a matter of fact, it's not laying with the RBI, it's not lying with the central government in their account. The payments are made through our offices, so that's why I was pointing out, since the money is in our accounts.....

General financial rules of the states government GFR 1990 of central government, and treasury rules of respective state government. general financial rules 1990 of central government, sir this is the finance account and audit, this section sixteen of the state legal services authorities Act, it provides about the state legal aid, a state legal authority shall establish a fund to be called a state legal aid fund and there shall be credited thereto, all sums of money paid to it or any grants made by the central authorities for the purposes of this Act. And said B any grants or donations that may be made to the State authorities, by the state government or by any person for the purpose of this Act. "C" any other amount received by the state authority as per the orders of any court, or from any other source a, state legal aid fund shall be applied for the meeting the cost of legal services provided by High Court legal service committee any other expenses which are required to be met by the state authority and.....again as provided under section seven, thus these all the funds are amalgamated in this state legal fund and once these are merged in this, they are one entity may be utilised for the purposes given in the.....

13th finance commission funds judiciary has committed a lot of mistakes diverting money from head to another, diverting money from one purpose to another. Laptops in Delhi judiciary I supposed.....

state legal aid fund and, ultimately it is public fund, so these are kept in separate bank account, they can, they can, this ultimately because public fund, they should not be keep it like that, about even suitors money that also can't be kept in bank but, the courts are regularly doing that.....article 284 you can't keep even suitors money in Bank, but they do it, separate bank account.

these three funds are being created other funds national legal aid fund, state legal aid fund and the state legal aid fund the amount which has been credited in these funds, once amount has been credited, it can be utilised, even after the lapse of the year, because the amount, these legal aid

funds national legal aid fund, state legal aid fund and district legal aid fund, they are the part of the public accounts the third part, these are not part of consolidated, once amount has been transferred, from consolidated fund to the legal aid fund, these become part of the public account, the third account, which I am talking about, and for this public account, the fresh budget provision is not required. So amount which is there in the credit of legal aid fund can be spent even after the close of the financial year.

After taking permission or suo-moto.....permission has been granted, when money has been given to you in the fund the permission of the competent authority has been granted. So there is no need for the fresh.....it depend upon the sanction under which the money has been given. the sanction order under which the money has been transferred to the legal aid fund, the spending will be....right, the money is transferred in those legal aid fund, and sanction has been given which the circular which you were referring, based upon that circular.

The confusion is respect to the heads and purpose what is the point, in switching over of head from head A to head B if we are not in a position to utilise for particular purpose. Two more sir,

Justice R. C. Chavan:- Friends, let me share one thing with you, it's not that I know something more than you, it's a question is how the person is brought up what happens in his life that trains him. first I have the good fortune, to serve as soon as I graduated in the reserve bank of India, and not just in any other section, but in the section consult with keep of government accounts, government account sanction, and again to my good fortune my officers saw that I could, say govern, the areas which were not govern by others, and therefore whenever there was a discrepancy, problem I could to sort it out. therefore I could, all sorts of government accounts, so this public finance business, how government money comes, how it is accounted for, debts, public debts then wages and advances, ratio of currency printing etc....all become a part of my study. then I become, when I took over as Judge and say civil judge controlling some sort of budget, district judge, I had all sorts of pressures with authority and then as the registrar general I spent twenty seven crores possibly exceeding the limits put by the legislature and there was a occasion, there was a possibility that I would have stand before the public accounts committee, it was averted, because, state government sanctioned the balance of amount and brought it to the supplementary grants. but then I realised that there is a big area of rules, which we are not aware of, which we

don't read, if I concentrate with that, how would I deal with my court work, but there is a big area and as far as Gujarat is concerned, Gujarat and possibly Karnataka, we have got same rules, financial rules originally Bombay financial rules or which may be Gujarat financial rules, Maharashtra financial rules, same budget manual we have, they read out all sorts of restrictions on in financial matters. Which we are supposed to follow. o.k. we are.....

Participant:- May I read one question, as per GFR 158, performance security is to be obtained from the contractor but in some short term contracts, contractors do not pay security and ends that contract more over they demand for advanced payment which, cannot be paid under the provisions of the GPFR, GFR except to some extent. Whereas we have no other alternative, but to make advanced payment for to getting the work done from a particular firm or a person, which is contrary to the provisions of GFR and is liable to be audit objection. again as per GFR 146, purchase of goods costing above rupees fifteen thousand up to rupees one lakh, may be made out, on the recommendation of a duly constituted Local Purchase committee, but the goods costing above rupees one lakh, may be made by following the slandered method of obtaining the bids in tender inquiry, whereas in some case, while organising a seminar, such as hiring of vehicles, catering services etc....for the participants and tenting etc...It became difficult to adopt the said procedure of GFR and we have to face the audit objection. Any answer....

Justice R. C. Chavan: - what is the question but, see the problem is these are exceptions carved out, not for us but for themselves, because they indulge in all these things. In PWD instead of obtaining a security and, there is a prohibition on giving advances, every time you will find the executive engineer making advance for purchase of cement, purchase of steel, even purchase of heavy equipment's, like rollers, then go on, then audit objection were bound to be there, because it is against rules, isn't it. If you breach rules, there will be audit objection, when there is a procedure prescribed, follow it, it is an exception, there is an exceptional situation, condonation can be made only by the government in that case the objection will be overruled. Have faced the audit, yes they give a memo, which has to be complied within 24 hours. Now if you don't comply that objection comes in your audit note, ultimately you have report to the government, and the government may condone it, if the government does not condone, you face the consequence, stand before the PAC. PAC is supreme, public account committee is supreme, ultimately, because it report back to the legislature. They send the report back to the legislature and legislature then may

take appropriate action, cautioning etc.....so this....the circular which you read no.....this is happening....rampant in every state, particularly PWD is guilty of all this. Objections are bound to be raised, why you behave like in this fashion? As far tender amount are concerned, they are deposits, they have to go in that public deposit account.

I wish that there should be a discussion on the tenders. Tenders is also one area, which is very, very complicated and we.....the CVC guidelines are such my personal experience, that it is very difficult, if we follow all those things you know, in a meticulous manner, it will be difficult to award a single contract. We know that.....

We are circulating feedback from to all of you in that you can put those remarks that it can be done in the next programme, therefore I was asking you to have the limitations on the discussion. Otherwise there is no use, sir the things which we have discussed, or sent across a mail to NALSA. NALSA is not at all replying it is one and half months back, NALSA is not replying, they know that there is a mistake....

Understand one thing, what is NALSA, executive chairman, see.....no....no....you don't seek clarifications, you don't seek clarification, it is just like you and me. who don't.....who have not taken the trouble of going through all these rules, that is the trouble as far as confusing circulars, they are confusing circulars by the finance department are deliberate. Because the government departments every now and then want to override their powers and avoid the audit objections, but this department is very meticulous, they will raise objection to everywhere, and that is their duty, that is why....as per the constitution there is an auditors. See the directions as per the law and report that...CJ is there, there is some sort of control otherwise.....

Thank you sir, now we disburse for tea, and we will come back at 11.30 and we are also distributing the feedback form to all of you, after filling those forms, return it back to me. It may be after the tea break, don't spend this time for filling the feedback form. Have a tea break.

Session No: 10: Organisational Skills

Recourse Person: Prof. Parul Rishi

Welcome back, now professor Parul Rushi, is going to deal with organisational skills, when we are handling various programmes, organisational issues from this management and time management issues are there, so on these point we will have some good feedback and opinions so I request Professor Parul Rushi mam to continue.

Professor Parul Rishi: - Good morning to all of you, I prefer close to you, rather than going on the dais and delivering a common lecture, because when we are talking about organisational skills, distances matters, and the more close we are to the people, the distance between that side of the table and this side of the table that makes a huge difference. so keeping that in mind we are starting our session, I know this is the last session of your programme so everyone is in exit mood, so to extend that exit mood a little further, some interesting stories and some instances, related to my little experience in the field of organisational behaviour that I have been teaching since last twenty four years....yaa.....

Some of us will leave tomorrow, oh.....that's great, o.k. that's grate, so you have motivated me that some people still want to hear me. Organizational skills.....if we talk about the organizational skills, it start with organisational behaviour. Organisational behaviour, when we use the term organisational behaviour, can an organisation behave, that is the first question? Can an organisation behave? How can an organisation behave? Is it possible, how? So.....O.K...o.k....so the very pertinent point that coming up that an organisation is nothing, it not just the infrastructure, what makes an organisation, if we see the first question, they are the people who make up the organisation not just the infrastructure, the building, the chairs and so on.....so the more able you are able to connect with the softer part of the organisation, there are two aspects of an organisation, one is the hardware and the other is the software. Like we are having everything, so for organisation software is people, and people are important if we are able to understand people, if we are able to understand their concerns, definitely our organisational behaviour improves, and for that we need organisational skills, about which we are going to talk today. So first question we have discussed what makes an organisation. Second how can an organisation behave? That also we have discussed, organisations can behave with the help of people. what is ultimately important

in an organisation, what makes an organisation successful, if we talk about this, people are there to make an organisation, successful, but people with what? What are different skills within the people which make an organisation successful or which can just make a system or mar a system, what we say? People with their personality. We all have a different types of personalities within us, will just have a small discussion after that. Their motivations, how motivated, we are to work in an organisation, not just we, the whole system of which we are part of it. For working under us, directly or indirectly associated with the work profile that is attached with us. so their motivations, how motivated they are, their way of leading the team, we all work in teams, we have people working under us, so how they are leading a particular team. Then how they communicate, these are all the skills on which we are going to talk about. of course time is very limited forty minutes for discussing all those things is very difficult, but in nutshell we will give you a brief idea about all these, the way of communication, the way of decision making, you all are very senior people holding the prepositions where decision making plays a very important role, so how you take a decision, whether it is consultative process or its through your own judgment that you are going to make, whatever it is, this is all makes the difference. We are handling the crisis, we all working in the organization where many time there are lots of crisis, which we come across. So what is our style of handling those crises that also makes a difference? This is also one of the skill. Then managing the conflicts. If there are people, there will be conflicts. Conflicts are indispensable part of our lives. So how we handle the conflicts, how we handle the crisis which are coming to the short period, conflicts are having a long term, duration that certain things remain at the latent part of our mind and they continue at conflict. So in that way all these are basically organizational skills. We have to handle the, we can resolve, we can manage both ways. There are two types of conflicts one are functional conflicts other is dais functional conflicts, if there are dais functional conflicts, this is not a session on the conflicts so I am not going to details of that, but otherwise functional conflicts are desirable for an organization, they make an organization going, they provide the energy challenged to move ahead, while there are certain dais functional conflicts, which hamper the performance of the organization, they are to be resolved, they are to be managed, otherwise they will create a difficult situations, so in that way both ways, fine. so these are all.....let me tell you all sir once again, these are single topics within itself to be dealt with another one and half hour, so we are just going to have an overview, so that must be kept in mind, otherwise I can speak for hours on any topic, because this is my core area. Please distribute the sheets to you, so

will start with the personality and first of all and we will have a very brief exercise, it will hardly take five minutes of you. Different people have different type of personalities and that's makes a difference how they handle the people around them, how they communicate with them, how they handle the crisis, what kind of boss they are, when they are working in an organisation, so all these things are basically linked with our personality which is an outcome of our socialisation process that we have.....please wait for ten more minutes.....please wait for ten more minutes, then at least from the personality point of view you will know what kind of person you are o.k. so your search of last twenty, twenty five years will end, at least form that perspective. so this is a small scale, when you have got it, just read the two, there are two...there are.....this is bi-polar scale there are two ends to it, one end is talking about there are only seven items. One end is talking about, you are casual about appointments that are given to you. and you are not so much sticking to that, and the other end is number seven, which says you are never late in your life, you are too much concerned about that cannot tolerate a single minute late, being in your life so, there are two extremes one is casual appointment and the seven is never late, but you can place yourself at any number in between, depending upon what you feel, you are most of the times, not always but most of the time, the kind of behaviour you have you can accordingly, place it, similarly the second item is about, that you are not competitive, you are o.k...You are easy going kind of person, but seven number you are very, very competitive, you just can't imagine any one going ahead of you, that kind of tendency. In between any number, so you have to circle the respective numbers, similarly never feel rushed, always rushed, take things one at a time, try to do so many things together, do multi-tasking, you are slow in doing things, you are very fast, eating, walking whatever, anything you are doing, you are able to express your feelings, when it is needed, or you are keeping your feelings within you, you don't want anyone to know about what's going on inside you, so if it is like that, so you have to circle seven, you can able to express, number one you have lots of interest, you have very low interest, it means, lots of interest outside work or few interest outside work. work of course we all do and we are concerned about it, let me tell you it's just an exercise, small way of short time assessment of personality otherwise, there are lots of personality assessment techniques, but due to paucity of time we are using the smallest one, but if anyone interested, please be in touch with me, we can have a in depth assessment of the personality over email and we can just continue it further, so circle the numbers respective numbers which you feel are

relevant for you most of the times, to its total and multiply it by three, do its total and multiply it by three. Sir...seven is the last number, all right, you can circle on to seven.

If this the score, how to see ourselves that....no.....no.....you have divided it is to be multiplied. Total that you will get, that should be keep with you I will tell you, later on at the end of the class, this is casual about appointment, and this is never late, if you are on the time of the appointment you have to circle one, if are never late in your life you have to circle seven, in between any number which you find relevant for you, you can circle for that. o.k. Then you can multiply it by three and note down the, the category some of your friends are still doing, so that it self-shows the personality, many of you are quite fast in doing things when you take time, so this is all, please at the end of the session I will tell you. Never feel rushed means, you are just take your time to do things, you are not rushing all the time and it's opposite to that, you are not rushed at all this is always rushed means all in hurry, you want to do all the things, or you never rushed you take your time to do the things in your own way. So please hold on for your friends to complete it. Yes you are able to get your category. Yes no divide, please remember it's not to be divided, it is to be multiplied, so that your score is coming within the range that is given from ninety to one twenty pulse a little to less than ninety to one twenty pulse. Few more minutes just to hold on for, your friends to complete. After multiplying what is to be done, you can see your category, it is type 'B'. Then I will tell what type A, B is all about. So we want to note down the score for your reference, further you can note down in your note book, because we will be collecting the sheet back, before we extend further. So how many of you are still doing, all of you completed, multiply it, fine. So this is the category chart which was given to you. People have different type of personalities, some people have type A, personality, some people have type B personality, some people have a mixed kind of personality, rather most of us have a mixed type of personality, that is what the distribution says, so the features of type A personality, people who have the highest score towards higher that means, if your score is around 99 and above hundred and hundred nineteen or 120 and above, these are basically the higher scores, which denote that, such type have type urgency to do the things all the time they are always rushing, they are quite competitive, some time, even they are aggressively competitive, they have a kind of perfectionist style of working, they can't bear with that, things are not done in the perfect order, they can restless, they can find people not doing things properly, very precariously, very meticulously, that kind of tendency such people are. you can laugh on your

personality later on but just few minutes listen to that, or if you want to discuss before, its o.k.....with disturbance it's a difficult for me.....o.k.....such people are, they get restless people, type A personality, please excuse me for few minutes, then you can discuss, no problem. so such people get restless with pace others are working in their office, they want, because they are very fast workers, they can't tolerate any one working very slow, any one not working in a perfect order anyone not doing the things in a meticulous manner, that kind of things make them restless, they are the difficult bosses to handle many time, because their subordinates are sometime face a tough time, because their temperament, so it's o.k....and but nothing wrong in it, they are very productive for the organization at the same time, they have a strong commitment for their work, they have a means they are hardworking, they are workaholic to some extent. I just request you to please bear with me for few minutes. they are workaholic kind of people, they just live for work, that kind of tendency, they have, they don't have the work to do at particular day, they sometimes gets restless, what to do, they can't fill up their leisure time in a constructive manner, because for them the work is everything, and they can't just think beyond work they are doing, but there is an option to everything, if you have type A. personality and if you are not happy with it, that is the most important thing. If you are happy with your personality, your work is going on fine, people under you are not facing the tough time, no need to bother about that, but if you feel that some difficulties you are facing because of your personality, then you can do something, I will just share with you a American Psychological Association's Rogan Wright's statement that, before to that, to believe that type A, behaviour increases your risk to ordinary problems, this is basically type A personality, particularly the hard A type of personality score above, 110 particularly, they reach to a kind of, they are basically stress prone personality, they take stress easily such kind of people and they are prone to executive distress that's what we say, that susceptible to cardio vascular disorder, they are susceptible to gastric intestinal disorders that kind of stress induce problems, they may come across, at very higher score, not the score within the hundred and ten, beyond that particularly, 120 rather I should say. So do believe any type of behaviour increases your risk to so many problems. So answer of A is it will never happen to me. they will say o.k.....everything is fine, these people, they don't want to work, that's why they are making such kind of statements, they will not agree that, anything can happen to me, then it happens, so that's what Logan Wright's says, that prior to occurrence of heart attack, type A people are notorious for denying for their tendencies, and refusing to alter their life style. so it's basically a life style, problem, if have a particular personality

that is quite extreme in your work behaviour, it's a life style problem, and it can lead to life time disorders so we have to little bit concerned about it, what can we do, awareness, if are able to do, understand right today, that o.k.....I am not supposed to be hurry all the time. o.k. if I have the leisure time I can relax, I can just have fun, I can just participate in any sport, without any tendency to win for that, I can just have a free time, with some small children who are underprivileged. without forget about my status and everything, and just, a simple time spending with them, helping them out, if that kind of things, I can spend my time enough once in a month. if I can do that with patience, without getting restless, oh...what could have done during this pressure, I am wasting with these kids, if you can do that you can definitely change your life style, so you should have the awareness of went to rush, when to

When to back off, when you see the situation out of control, you can't do much about it, o.k.....let the things take their own way I can't do much in that, so if that kind of awareness can help you put, developing alternative believes and gaining confidence in that, this is briefly for this session it's enough, rest of course I am available on e-mail, if some of you want to have further discussion on it, I will be happy to do that, so imaginations, we are coming back to because from people we have to move to organisations, we have just thirty five minutes, so we have to organise the time also. Organisation is a process, and organisation also works as a property. when we talk about organisation as a process, there are people, I don't know in your set up may be little different, because you are from the services, but from the judiciary point of view, the court the subordinate staff, the chief justice, the judges, the Registrar, and secretary you also, so this is basically the whole process in which, we operate and we have to interact with all the parts of the system, we cannot just.....personality B is just opposite of type A, personality, such people are having a relaxed outlook in their life. they can work when there is a pressure, when there is a deadline, they can definitely push to work towards that, but when they have a time for relaxation, they can relax without any, guilt feeling within them, that they are wasting their time, they can enjoy their life, they can have leisure time used very productively and with the relaxed attitude also, they have the capacity for going slow sustain work for a longer period of time, without getting restless. However type A personality people they are burn out, their carrier start with a peak, but it goes down, if they are not able to manage their life style properly, but type B people they start with the moderate level of carrier and they continue and gradually it moves up and up and up and their stage of peak

performance is for a longer duration in their life. They are able to do qualitative in-depth committed kind of work for a longer period of time, but if they are pushed in to some kind of deadline, sometime it becomes difficult for them to work.....and their work like the balances quite good. I can't say rather A, or B is better than everything, when there is a mixed style of personality when there is need for deadline, you can work with that, with some features of type A personality, and on the other hand, there is time for relaxation, you can relax also. so if you are able to shift your personality from A to B and B to A as per the need of the situation, that is the idealistic situation, people who are hard core type B are also not very good workers in the organisation, they are very good in research kind of work, but deadline driven works, office works, such kind of works they become some time they are not as productive as they are supposed to be, hard core I am talking about, moderates scores are very good, when you are having the capacity to switch from one style to another style.

Is it o.k....that the husband is type A and the wife is type B?

it's a tough time.....it's a tough time for the wife particularly, if it's reverse many times adjustments are o.k.....but still it is difficult both ways it is difficult. o.k....so never mind it's not easy, I am also type A, I am happy, my husband is also happy, no problem. If we are able to make life style adjustments we can bear with each other by having some specific adjustments, its o.k...All personalities are basically, we can't say that everything is bad, the only thing is that how you are able to use your personality, in your work in family life, in a way that it is not hampering the life of the other people. If have that awareness its fine, just go ahead with that. o.k.....so if your o.k.....with that I can take one session on personality leaving rest of the things, I have no issues, but organisational process basically talks about non-coercive influence, non-coercive influence means, people are listening to you, not because you are holding a position not because, you are trying to control them, not because if they don't obey something wrong can happen to them, they are accepting your influence in a natural way, natural manner, in a spontaneous manner, because they trust in you, because they believe that you are a person to be trusted and you will always take good about them. That kind of influence they have, that is what the organisation skills is that we should develop within us, not because of our position, because there are people even after the retirement, I just cite the case of my father-in- law was in forest services and he is right now eighty seven years of age, and he is suffering from Parkinson diseases in a very bad shape, but when he

used to work I go in, and I go in Indian institute of forest management although I joined quite late, so I go in the field, when I interact with people, they don't remember any one after so many years after retirement in 86 long back, still they cherish his memories that he was a person, so they will come and start touching my feet, although I have nothing to do with its long back, that kind of regard they have. So this is natural influence, if a person is having in the field, its difference, it's that what leadership is all about. Some people have that kind of charisma, so they don't need the position, people do everything for them, without saying without speaking any single word, so that's what the leadership is all about. you are able to and coordinate the activities of the organised group, without any official control that you are going to exercise, if you have to exercise the official control for that, it's a different story, you will be able to manage the group, you're a good manager for the group but not a leader in the genuine sense at all. However this varies from the group which is being late. There are certain people to whom it doesn't matter, what kind of person you are, they will just behave in their own way. So we have to switch from one style of leadership to another depending upon the situation. so when we talk about organisation as a property, organisation is basically like an iceberg, no....all of you know the ice-burg, so how the organisation can have the analogy with the....the.....an ice-burg? What is a tip of an ice-burg in organisation?

So what is visible in an organisation, top officials or the top persons, the most important activity are governed by them, like the ice-burg, though the basic man power is behind the work. o.k.....that is not visible, besides the infrastructure is visible, chairs are visible, tables are visible, structures are visible, people who are holding higher positions they are visible, but what goes on at the back drop many times we are able to realise that, but that backdrop is so important, that backdrop decides how the top fifteen percent is going to perform. Their performance is dependent on that base. But we forget about that base, and we just try to focus on growth and development of that fifteen percent leaving beside sometimes not always, but some time we forget about those important person. I will share with you a small incident of past President Abdul Kalam ji, regarding the launch of the....launch of a....missile he was working on that, many of you must have heard about it, it's an animation movie that is, that is, made to teach people, what kind of leadership, he experienced during that launch, he share his experience, that when he was working on it, and there was a day of the launch of the satellite and everything was well set, and he was very happy that now we are just going to show the world, that we are on that top, of few percentage of people who

can have their, satellites in the space, and satellite was launched, and after few minutes it crushed, it came down and, he was in a very terrible situation, he was not able to maintain his mental balance, what kind of reply I will give to the public, and Satish Dhawan was his boss, who was working.....he was working under him, and they have to address a press conference, and they just narrate that, in the press conference, our past President Kalamji was very much worried, what we will say to the public, that this much money I have just wasted and I was sole person, who was working on that and rest of the people were working under me so when he goes over there, his boss is able to assess, Satish Dhawanji is able to assess that he is not mentally in a condition to respond to the questions and he takes a mike from him and he says that these kinds of projects are very, very ambitious and sometimes such mistakes happens, that never means that we are going to end this project right now, within one year, I just give you the full commitment, that we are going to come ahead with the same project and that time, when we will be successful, you will see there are the mistakes and we will just rectify them and we will just do it once again, in next coming year. In that way he comes back and just pats on the back of President Abdul Kalam and he says that, you are the person, who will take it ahead, even further, in-spite of the fact that, major mistake happen at whatever level he don't know, he has not taken the work from him, just because the mistake was committed. He said that you are the person who know that why the person, why the mistake has happened and how it can be rectified, if I am inserting a new person in the system saying o.k...You go ahead and you could do it, then next person will start from the start and the same mistake will be repeated once again. and they worked on it and on the next year, again the time of the launch of the satellite came up and it was launched successfully over there and they become very happy and they were lifting Kalamji on their shoulders and having a great time, and then also there was a press conference, and he goes to the press conference with Satish Dhawan as his boss and at that time he give the mike to Satish Dhawan and just speak to the press and, the boss refuses and says that you have done a lot of efforts on this work, I know, so this time you will reply to the questions.....so he says that it is the task of a leader to give credit for the success to the followers and take the discredit on his head and that is the quality of a good leader and it has been very nicely narrated then that small animation movie that it is available on you tube, I don't have it right now, otherwise I would have shown you. So organisations are like an ice-burg they are dynamic, keep on changing, you can't just imagine that a particular organisation static over a period of time. Broader perspective clarity and focus, they are all the organisation's property. Social

sensitivity something is very important, many times when we hold higher positions, we forget about in what way the people are working at the lower levels, or the public or the clients or whomsoever we are dealing with. What kind of issues, social issues must be there, hampering them, how they can be addressed and what role you can be playing in that regard, so that social sensitivity is something very important, about the long term orientation what is ahead not just, what we are going to do right now. Ability to influence people through proactive initiative without pressure, something very important these days, because we all work in lot and lots of pressures and, we must have that ability, besides adaptability, every time you are not able to change the system, you have to change yourselves, most of the time rather you have to change yourselves. So your adaptability also plays a very important role and of course taking decisions. So we have already talked about what we can see in an organisation and what we cannot see in an organisation. So this is an ice-burg in front of you, the visible part is, how you behave, how you act, how you see people, everything that is visible, but not visible, perceptions, attitudes, values, believes based on which your behaviour is built upon. You can see a person talking badly to you in an office, you can see that, that is the tip of the ice-burg, but why that person is behaving like that, that you can't make out, and rather you do not bother to make out that. Why...what happen? if you can just imagine, you can understand for a moment that he is talking badly, he never used to do that, so will just try to talk to that person for a while and ask him what happened today and in few minutes you will get, may be somebody was very sick in the house and he was told that please don't go to the office today and he said that I have to go any and there was a some verbal tussle with somebody and he bloods out and later on he realises that, I should not have done like this and, but you are missing that, bottom of the ice-burg, could have issued a charge sheet for misconduct, so in that way organisational skills makes a huge difference not only in your life but in the life of the people whose livelihood is dependent on you, that is something very important. So what are your major fears while dealing with the people who are working under you? We talk about that, when we deal with the people, we have certain fears, first fear start with, what is role prepared and time or meeting notes in time or they are not doing the work properly. What if they take leave on a crucial date? That is another fear that is there in our mind, what will we do? Everything is dependent on them, what if they don't keep the records properly and at the very crucial moment I am not getting a paper that is designed for me, for particular meeting. but if the case notes are not properly prepared, these all, different kinds of fears, that we have in our mind, while dealing with different

people, and how do we come out of this fears, these fears are there because we are not able to find that the people who are working for us, their behaviour is predictable. If their behaviour becomes predictable, you know, X will take leave on a crucial date, Y can't never take, so better for some crucial task, depend on Y and not on X. X is a serious worker will keep on doing the things, but can back out at any time, so you have to monitor his work continuously, what he is doing, how much he has done, how much is left out, so monitor him continuously to see the progress so that on the last date, you do not have to say sorry for his taking the leave or he is saying that I couldn't do it. So that kind of difference in dealing with, you, with the understand the organisational skills and human skills you can make a lot of difference like that. so judicial organisation they are much more than, only providing the goods and services to the public, they are more than that, they create the settings in which, most of the people spend their lives, struggling for justice, so your role becomes more important then you are having organisational skills. Organisation has to be profound influence on the behaviour, when we talk about an organisational as a system it starts with the inputs that, go into the system then, through process, the behaviour and the processes, related to the purpose of the organisational culture, the technology that you used the hierarchical structure that is existing in your system, so all these interact with each other and as a result output comes. if we go further and see, in puts what are the inputs for you all case related records are basically the witness, the money that is going to system, that is also a kind of a input through, the process of hearing in the court and in your case whatever, processes you follow, for just resolving the issues, and output in the form of decisions and judgements or whatever the case may be and feedback goes in the form of judicial reviews further appeals, whatever review processes there that as a feedback, so we are not only concerned about the input and output, our major concerned is through put, how this process of through put is going on, and feedback gives a kind of vision to you through which you are able to redesign your inputs, redesign your through put process, so that you're output is coming up in a way that is desirable for the society. now few more questions, you must have seen some people, working very hard, or everything very sincerely, very hard, by others try to work as little as possible, they try to avoid the work as much as possible, they will be absent, they will be taking lots of leaves, they are not working sincerely, that kind of thing, so how you can include the performance of a person who are working for you. Can you make as a head of the institution as a Secretary or whatever the position you are have, how you can just use your influence to improve the performance of such people, who are not genuinely interested in work.

There is a difference, it is well accepted that there is a difference in the people in the way they are taking interest for work, some people are genuinely interested, some people are under pressure some people are just trying to fill the gap, like that different people are there, so what kind of strategies practically you people used, I just want to have some information from you.....

You start putting hundred percent yourself. o.k....role modelling you are trying to present yourself as a role model, in front of such people, that if I am able to do like that, they will also get some idea, very good.....something else.....inspiring the staff or motivating the staff, it's almost the same thing, to take up the job, yaa.....appreciation of their work.....I am just coming to that, how we can inspire, that was my question, so he has given the answer.

Participant: - Reward for the good work, and punishment for the bad work. Charenestic approach, is it good charenestic approach,

Sometimes it works....o.k...depend on case to case basis, fine every lock has a different key, very valuable wisdom is coming to us.....continuous monitoring of their work, o.k....suppose imagine a person he is a very good worker, and you are day to day minute to minute trying to monitor his work. What will be the likely response? he may get fed-up, so too much monitoring is also bad, that is also come as.....o.k....o.k.....give a side to everything and see what are the reasons for that, why people show late in the work and try to mess up entirely, the first answer is they don't know the work, they have the lack of capacity, lack of task relevance, they are not able, they are not having the experience they are not having the knowledge, because of which they are not able to work. o.k...the second....response they don't have a proper opportunity, they lack the opportunity, they lack proper facilities they lack the infrastructure, their system is not working properly, n, number of problems may be there because of which that person is not having not able to work in the way you are expecting, you are not able to do the hard work. Something else. sure the third one they don't want to which is something very important that everything is there, they know how to do the work, they are....they have knowledge, they have the experience, they have the infrastructure, still they are not working, so that is overloaded with the work but, that people who are overloaded they stop working, they are the kind of people who will still keep on taking work and doing it. the only problem is that is the mind-set is not there, if they have lack of willingness to exert efforts, to do a particular task, that makes them lazy, that just they try to avoid work, they

are not trusted in doing the work, so determinates of the job performance, everything is important, if there is a lack of capacity, you can train them, it's very simple, you train them.....so you sent them to some training to you just monitor, them, explain the work to the counsel them, they will be able to do it well. If there is some lack of opportunity, you can provide these days' opportunities and facilities are not a big thing all organisations have, the resources to provide the adequate facilities for their staff. But if there is a lack of willingness to perform, that is the most challenging task for us.....for all of us, that people are not willing to work, so what to do in that case, so that as sir is taking some times the appreciation works, sometimes close monitoring works, sometimes punishment works, so there are different strategies every lock has a different key, different locks have a different key so in that way we have to just work with that, and I will take you to your back to your child hood days now, where we used to read small, small stories, so we have a very small story of three poor animals not poor animals, three animals in forest management, every animal is part of bio diversity and we give huge value to them, so you can see a crow, sitting on the tree doing nothing all the day. Small rabbit that comes to the crow and says, can I also sit like you doing nothing, for the whole day and crow answers, sure why not, you can also sit, I am sitting like that, and the rabbit is sitting on the ground, below the crow, that all of a sudden a fox comes, eats up the poor rabbit, and goes away. What is the moral of the story?

Participant: You must be sitting on the top to take rest,

You must be sitting on the top to take rest, so what do you think, was crow a good leader, will come to that, it's a very interesting point, was crow a good leader? Another question was crow a good leader, no why crow was not a good leader, what mistake crow committed? What was the mistake of the crow?

Participant: The crow was supposed to tell the rabbit that the fox is coming....crow should have alerted the rabbit, crow mislead, o.k....So your lesson to he is sitting and doing nothing, you must be sitting very higher (laugh)but this is the mockery of the....but it is not like that, but was crow a good leader? That's what we were talking about. What you do when, you are sitting very, very higher, which others are not able to do. Now we are coming to the point. You have a big picture of the organisation. You can view around what's going on, at what level, what's wrong, what's, good, how to balance the things. You are able to assess the risk and save your employees.

Which poor employees they are like the rabbits, they are not able to understand what kind of the risk may be there because of the small mistakes that they are committing. So you can have a sorry face, because then you are able to assess risk, save your employees as well as yourselves, both ways. You communicate well with the employees, alerting that's what you are saying, if you could have alerted that just ran away from this place, fox is coming, so that lack of communication, you treat everyone as per their potential. Not always equally, this is something very important skill which is very important skill which is coming up from this small story, that you can't treat everyone equally, although in general it is said, that in justice everyone should be treated equally, but it's not like that. Equal should be treated equally. So you have to see, you have to treat everyone as per their potential, so crow was not able to treat rabbit as per the potential, because he not a good leader. If he could have been a good leader, he could have understood that poor rabbit can be eaten away, if sitting and nothing doing, so he could have told him that o.k.....you can sit, but keep your eyes open, keep on watching, what's going on around you, but that caution was not given to him, so you take right decisions, based on that judgement, something more important, so with that, we are coming to the model that, we study in the organisational behaviour, which is very relevant to what we were talking about, theory X and theory Y, if you are knowing about it, it is fine otherwise I will just say. some people are having, these are basically about the attitude, this is not about the kind of theory as such, these are the attitudes, some people have X work attitude, theory work X attitude these are not related to the chromosomes, they are something completely different, employees with X work attitudes indicates that employees are inherently lazy. They will not work until they are forced to do so. so for that charenestic approach is required, so as the Sir was saying, using special key for special lock ,so the same thing is there, you have to observe, whether the employees working under you are having the X work attitudes or Y work attitudes, and accordingly use motivational approach, or charenestic approach, whatever it, may. prefer directly to be in control, close supervision, sir what you are saying, close supervision is required if people are having a theory X based attitude they are to be monitored, controlled supervised closely otherwise they will not work. On the other hand I must say, and again it has nothing to do with the designations. You will find the person at the level of peer also have the theory Y attitude. but if you consider that treating all person equally that also will be demoralising for a particular, who himself is committed, people with Y attitude they find work as natural as play, even if organisation conditions are appropriate, they only want the organisation.....appropriate

organisation conditions should be given to them. Unsatisfactory work experiences, can lead to the negative attitude towards life and emphasis the self-direction to self-control. Such people work with self-direction with self-control, no need for close monitoring, no need for all the time telling them do this do this, do that, they will be able to do that. So your task as a senior is, to classify people as per X and Y attitudes in accordingly adopt the respective style so that they are also happy and you are also getting timely work as per your requirements. This is a hypo model, in every organisation there are certain people, who are high performance, who are very good in performance so this is the hypo category, such people are very high aspirations, very high in organisational engagement, they are the connected with the system, and they have a great amount of talent and ability also. so engagement, aspiration ability, these three trades make a person a high performance employee and if you are able to identify them, and the challenges to identify them, if are able to identify them, you have to use them in the constructive manner for important task for which you feels others are not able to do that, assignment of work, distribution of the work responsibility is delegation if you are able to do as per their classification in a particular category, so that will make you quite a good leader for managing that organisation, so this the era of situational leadership, everything is customised, you see, in systems we also want customised based approach, we should be able to customise what we want. Rest we should discard that. So leadership is also these days is to be customised, and for customising the leader, leadership we have to follow the situational leadership model. Where leadership should vary as per the situation. We know that if you find somebody nervous, you don't shout that person, you go.....o.k.....the first day the person is coming, so that person is bound to nervous on a particular day, so we won't say much, that if we find that somebody is habitually, doing like that, we chase up some people more than others, because we know that.....we forget....they will not work so we have to closely supervise that. This is what the situational model is all about. People are distributed as per their ability as per their willingness, when we talk about the ability it includes the skill and as well as knowledge so accordingly we have to monitor the amount of guidance and direction that we have to give them. we have to change our task behaviour as per the ability level of the people, similarly willingness talks about the confidence and the commitment level of the employee, and accordingly we have to change our relationship behaviour as a leader, we show two types of behaviours one is the task behaviour to get the work done, another is relationship behaviour to provide the emotional support and we have to balance. but what this balancing task something most crucial which is indicted in this particular

matrix, that will indicate at one side there is an ability at other side there is a willingness, so you will find certain people, who have the high ability, but they are not willing to work. The same in the beginning that we were talking about, that they know the work but they will not do it. No matter whatever you do, so such people are counterproductive to the organisation, another category unwilling and unable. they neither have the ability nor they are willing to do the work, so they are the passive and inactive people although we can't get rid of them in the government system, but we have to just keep them in some Monday kind of work so that they are engaged also, but they are not hampering some important work that you are doing, you have to just classify them. Another category is willing but unable, they want to work a lot, highly motivated but don't know what to do, so this is the third category, this is a reactive category, and they are the hypo employees the high star performers, who are having high level of motivation as well as highest level of ability to do a task. so let us see what should we do.....the first one able but not willing, there is a need for motivation through appreciations, through counselling whatever we do we have to just push them, so that they are happy, so they are engaged with the organisation, because they already know that they have the ability so we can't lose such people, who are having high amount of ability, so their counter productiveness is in the hand of leader to convert it in to a productive behaviour then, able and willing high performers, you have to prepare them, you have to groom them for the higher performance, responsibilities, you have to delegate work to them. unable and unwilling they are obsolete, if possible not to be retained, otherwise engage them on Monday work, that's what I have told, willingness and unable they have a motivated train them so that they can shift from this place to displaced, a little amount of ability that is generated within them, through training so these are the readiness level and these are the behaviours of the leaders. if the person is R one, readiness level one we used the lowest level unable unwilling this is leader directed behaviour, you have to tell, you have to guide, you have to direct, you have to provide specific instructions, you have to closely supervise them. If they are R 2 unable but willing, so train, explain, monitor, explain your decisions, provide opportunity for clarification that they move ahead. third if they are able but unwilling, understand, encourage, collaborate, find out why they are reluctant, why they are not working, share your ideas, help them in decision making, like that you can groom them and convert them in to high star performers, delegation, turn over the responsibility and look for execution, so in these days we talk about the leadership. I will just tell you two example, like a new person is joining a team and you are asked to help him out for the first few days and you are just sitting with

him, with piles of case files which are to be processed on a particular day, and you just say that o.k. you just process these files and you are just off to your work, leaving in like that, what have you done. That person is R one level, he just joined, he was neither motivated nor willing, he was nor having the ability so you adopt S4, you delegated everything, so in that way a person is helpless and demotivated and he is not able to do the work. His work is not done. on the other situation, you are handing over the work to an experienced colleague, you are going out for a holiday and you have to hand over that work to that colleague, and you have listed all the task, which are to be done in your absences and instructions for carrying out each and every task in a very meticulous manner, so what you have done that person was at R 1 level, able as well as willing but you adopted S 1, style one which was to be used for people who are neither able nor willing, so your work may be done but that person is unhappy that you are treating like an idiot, giving so much of instructions although he is having lot of experience, so in that way, if you are swapping both the situations, the person will be very happy with you, because you are helping him out, with the detail instructions and the other person is highly motivated that I have been given a responsible task and was believes that I am able to do it, without detailed instructions and I am sure that I am able to do that, So with the greater amount of motivation he will be doing that. So these are all the qualities of a head, the last and my favourite style, which I show most of the sessions. we have the tables in front of us, we all are tables in our system, and they are different shapes and sizes, different colours, different largest in the bottom, these are the tables which we are seen smallest at the top, but all connected, balanced on each other, something more important, so lesson one people come across from diverge, different types of personalities, different types of attitudes, different types of value system, beliefs, there is a need to balance the interest of all the people. with fairness and impartiality, more coming the individual attitude, we all have the individual attitudes, we all are human beings, but how we can overcome those attitudes and think about something which is that people are different so they are to be treated differently, largest soul has the largest stone in the system, we are acting as a base for the judicial services or whatever services you are in to that, we have the responsibility to keep all the people down the line connected with the process and make sure that the smallest one is at the top, is not failing down, because of the balance, that much care we have to start with the smallest unit in your system, if that person, if that person in that place, balanced that means I am happy I am able to do my task with justice, if they are standing strongly connected no one can roll out, out of their way, one is rolling out, everyone is going to be distracted, so as registrar, or

secretary, or as judicial as judges as whatever position you have, the role of balancing of all the sub-system and keeping them in place that is very crucial and important for the effective functioning of the system. Thank you.....I am sorry I am few minutes late.....

Prof. Geeta Oberoi: It's time to say good bye, right and there are two sheets....Milind might have given to you, evaluation sheet also, post programme, so kindly take this time five, six minutes to fill that form and give it to us, because that, written evaluation is very necessary. Yes...yes.....

Justice R.C. Chavan: we have a very good time for last for three days, I thank you all for, your wonderful interaction, I have one request as you go back as you travel back to your places, just think over the time which we spent together for these last three days. find out what part of the time, was helpful for your future, your own personal future as well as the institutions future and what was the time which was, not really meaningfully spent, so Dr. Parul Rushi will object to auditing of every minute. If you can convey, yes this could have been done differently, you try it to do differently, with ultimately everybody's style is to be respected, and sometimes a wrong expression or wrong digression takes time of everyone, so let us, because we have are....this is a continuing process, we go on talking every month there is some programme, in order to help me and other panellist to make their performance more focused, if you have any suggestions, you can e-mail them to the professor, thank you.

yes of course justice Chavan, deserves a big round of applause, no doubt about that, so you have all given your....returned performance, that evaluation form, O.K. then its good bye and thank you very much and till we meet next time, yes, thank you very much,

Justice R.C. Chavan: and wish you all a very happy new year....

Prof. Dr. Geeta Oberoi: yes...bye then.....and also please give big round of applause to Milind, he is a programme co-ordinator, thank you.....