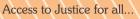


JHARKHAND STATE LEGAL SERVICES AUTHORITY



...-च्याय सबके लिए



रुरास डगर NYAYA DAGAR ANNUAL ISSUE - 2013



A Newsletter of Jharkhand State Legal Services Authority This Newsletter is also available on the official website of JHALSA, www.jhalsa.org



JHARKHAND STATE LEGAL SERVICES AUTHORITY

is committed & determined to





A NEWSLETTER OF JHARKHAND STATE LEGAL SERVICES AUTHORITY





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A NEWSLETTER OF JHARKHAND STATE LEGAL SERVICES AUTHORITY

PATRON-IN-CHIEF Hon'ble Mrs. Justice R. Banumathi Chief Justice, High Court of Jharkhand

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Judge, High Court of Jharkhand & Executive Chairman, JHALSA

EDITOR

Hon'ble Mr. Justice N.N. Tiwari Judge, High Court of Jharkhand & Chairman, HCLSC

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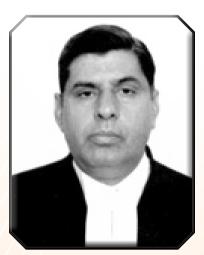
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Hon'ble The Chief Justice and Hon'ble Judges of High Court of Jharkhand



Hon'ble Mrs. Justice R. Banumathi Chief Justice, High Court of Jharkhand -cum-Patron-in-Chief, JHALSA



Hon'ble Mr. Justice D. N. Patel Judge, High Court of Jharkhand & Executive Chairman, JHALSA



Hon'ble Mr. Justice N. N. Tiwari Judge, High Court of Jharkhand & Chairman, HCLSC

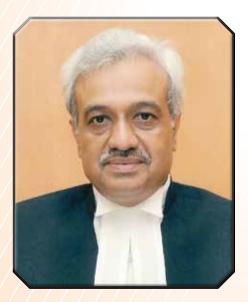




Hon'ble Mr. Justice R. R. Prasad Judge, High Court of Jharkhand



Hon'ble Mr. Justice Prashant Kumar Judge, High Court of Jharkhand



Hon'ble Mr. Justice P. P. Bhatt Judge, High Court of Jharkhand



Hon'ble Mr. Justice H. C. Mishra Judge, High Court of Jharkhand





Hon'ble Mr. Justice D. N. Upadhyay Judge, High Court of Jharkhand



Hon'ble Mr. Justice Aparesh Kumar Singh Judge, High Court of Jharkhand



Hon'ble Mr. Justice S. Chandrashekhar Judge, High Court of Jharkhand



Hon'ble Mr. Justice Amitav Kumar Gupta Judge, High Court of Jharkhand



Justice R. Banumathi Chief Justice, High Court of Jharkhand & Patron-in-Chief, JHALSA



MESSAGE

It is gratifying to note that Jharkhand State Legal Service Authority (JHALSA) is going to publish new issue of its newsletter "Nyaya Dagar".

It is well known by now that JHALSA has been very actively putting forward the policies, aims and objectives of National Legal Services Authority, New Delhi. It has been able to meet the challenges of providing legal services to the persons in need, especially, the marginalized sections of the Society. Moreover, JHALSA has also been undertaking activities for bringing awareness in common people and sensitizing them towards such sections of people who need special care and protection, viz. women, children, senior citizens and differently able persons of the society. So far alternative dispute resolution is concerned, it is remarkable to note that in the National Lok Adalat held on 23rd of November, 2013 more than one lakh cases comprising pre-litigation and court matters were disposed of involving settlement of claims of more than Rs.100 crores.

I congratulate and extend my best wishes to the Jharkhand State Legal Services Authority for every success in future in each and every field of its activities.

Date : 25th April, 2014

small.

R. Banumathi Chief Justice, High Court of Jharkhand & Patron-in-Chief, JHALSA



Justice D.N. Patel Judge, High Court of Jharkhand & Executive Chairman, JHALSA



MESSAGE

- 1. It gives me immense pleasure that Jharkhand State Legal Services Authority is coming up with the annual issue of Nyaya Dagar, an official newsletter of Jharkhand State Legal Services Authority.
- 2. JHALSA has always remained in the forefront in implementing the various schemes floated by NALSA in not only creating awareness amongst the common masses and marginalized people, but, also taking effective measures for the proper implementation of the same so that the benefit thereof be reached to the people for whom the same is targeted for.
- 3. JHALSA in the year 2013 has undertaken several steps to ensure "Access to Justice" through legal services to the needy sections of the society and particularly the marginalized ones. The following are some of the activities undertaken by the JHALSA during the year 2013.
 - Appointment of full time DLSA Secretaries.
 - Deputation of Para Legal Volunteers (PLVs) at 47 Police Stations.
 - Engagement of PLV and retaining Lawyer in every front office of all 22 DLSAs and Front Office of JHALSA.
 - Implementation of Social Welfare Schemes floated by the Central and State Government in general and the implementation of various schemes under the Unorganized Workers Social Security Act, 2008.

- > Introducing trophies for high ranker mediators in the State of Jharkhand.
- Opening of village legal care and support centre in each sub-division of the State of Jharkhand.
- Visit of different central jails by deputing a team of JHALSA panel Lawyers.
- Organizing National Lok Adalat on 23rd November, 2013 in which 1,06,041 cases, both pre and post litigation were disposed of and claim to a sum of Rs. 1,39,06,51,924/- was also settled between the parties.
- 5th and 6th Mega Lok Adalats were organized across the State in which more than 26,000 pre-litigation cases and court annexed cases were disposed of and amount more than Rs.15,00,00,000/- were also settled.
- 2nd Mobile Lok Adalat-cum-Legal Awareness Van Justice on wheels was also inaugurated on 12.05.2013 by Hon'ble Mr. Justice M.B. Lokur, Judge, Supreme Court of India which has further given an impetus to the Jharkhand State Legal Services Authority in reaching out to the masses throughout the State of Jharkhand.
- Under the PLV Scheme of NALSA, JHALSA has trained altogether 2877 PLVs consisting of women, teachers, long term prisoners and others throughout the State. 252 legal aid clinics are functional at Panchayat at Level in the State in which 224 PLVs are engaged. Front offices at all the DLSAs and JHALSA and village legal care and support centre in all 38 revenue sub-divisions of Jharkhand have also been established and managed by trained PLVs and panel lawyers.
- Legal Aid Clinic has also been opened at Ranchi Institute of Neuro-Psychiatry and Allied Sciences (RINPAS), Kanke, Ranchi and PLVS and Panel layers have been engaged there to deal with specific requirements of differently abled persons and their family members.
- Appointment for the vacant posts of Chairman and Members, PLA has been made, after inviting applications and after their interview and the public utility services matters are being successfully resolved through the Permanent Lok Adalat.
- JHALSA under the directives of the Hon'ble Court has taken photography/ videography in the 5 districts of Jharkhand to find out the callous manners under which the bio-medical waste are being disposed of by the hospitals, dispensaries, nursing homes, pathological laboratories etc. in utter violation of the Bio-

medical Waste (Management and Handling) Rules, 1998. This has resulted in creating awareness and sensitivity amongst the health services dispensers for taking proper care and handling of the hazardous bio-medical waste.

- Another milestone, JHALSA under the directives of the Hon'ble Court has facilitated in payment of arrears of salary to the workers of 5 sick industrial units of Bihar State Industrial Development Corporation. Altogether 918 workmen/ dependents of workmen were benefitted and thus bringing much relief to the deprived families.
- JHALSA has further been in the forefront in taking up the menace of eve teasing of young girls/women which of late has become alarming and with the full cooperation and involvement of DLSAs and other stake holders the masses are being made aware of the ill effects of eve teasing and the trauma it brings to the sufferers.
- Visit by Executive Chairman of JHALSA with other officers of JHALSA at different types of Homes under Juvenile Justice Act, 2000, resulted in lots of improvement in the conditions of the Homes. Necessary Circulars have also been issued for sending, promptly, the papers of chargesheet from Sessions Court to Juvenile Justice Board, which is a main obstacle for delay in trial before Juvenile Justice Board. Video Conferencing facility is also going to be installed to connect one Observation Home with deferent Juvenile Justice Board, situated in different districts.
- > JHALSA has also undertaken the implementation of schemes relating to claims of compensation and Government employment as per the Government Schemes for civilian deaths that might have occurred in the course of violence between the state Security Forces and the Naxalites by creating awareness by holding intensive legal awareness camps through the DLSAs.
- 4. An attempt has been made to compile the various activities that have been undertaken in the year 2013 by the JHALSA. I hope that JHALSA with its dedicated officials and other stake holders will leave no stone unturned, to fulfill, the objectives of Legal Services Authority.

Maded

(Justice D.N. Patel) Judge, High Court of Jharkhand & Executive Chairman, JHALSA



Contents

1.	Jhalsa Activities	1
	Orientation Workshop for Stakeholders under PC & PNDT Act	
	Training Course of Secretaries of DLSA & SDLSC	6
	Inauguration of 2nd Mobile Lok Adalat –cum- Legal Awareness Van	7
	Seminar on the Role of Police Personnel in Motor Vehicle Accident Cases	8
	Legal Awareness Camp	11
	Orientation Programme for Lawyers	11
	Awareness Programme	12
	Awareness Programme on "Human Rights Day"	13
	Cycle Yatra	14
2.	Activities for Implementation of NALSA	
	Para Legal Volenteers Scheme	15
	Sensitization Workshop for Para Legal Volunteers	
	Orientation Programme for Para Legal Volunteers	
3.	Mediation Activities	
	2 nd Refresher Course on Mediation	
	Discussion Programme on Mediation	
	Pilot Mediation Programme	27
	PILOT MEDIATION PROJECT - Its Impact	
	Mediation Awareness & Refresher Programme	32
4.	National Lok Adalat	35
	Mega Event-National Lok Adalat	
5.	Five Day Mega Lok Adalat	55
	Fifth and Sixth 5-Day Mega Lok Adalat	
6.	Case Laws	
	Bachpan Bachao Andolan Vs. Union of India & Ors	
	Gopi Nath Ghosh Vs. The State of Jharkhand & Anr	
	Court on its own Motion Vs. The State of Jharkhand & Ors	
	Jharkhand Human Rights Conference-JHRC Vs. The State of Jharkhand & Others	85
	National Domestic Workers Welfare Trust, Ranchi Vs. The State of Jharkhand & Othe	rs87
	Jinda Oraon Vs. The State of Jharkhand	94
	Mahadev Gope & Ors Vs The State of Jharkhand	
	Mahadev Gope & Ors Vs. The State of Jharkhand	102
	Mahadev Gope & Ors. Vs. The State of Jharkhand	113
	Bahadur Pahan Vs. The State of Jharkhand	
7.	Notification & Orders	119
8.	Audits & Accounts	127
9.	Statistical Details (From January 2013 to December 2013)	133



Jhalsa Activities

Orientation Workshop for Stakeholders under PC & PNDT Act.

at Nyaya Sadan, Ranchi on 9th March, 2013

Jharkhand State Legal Services Authority (JHALSA) organized a day-long **Orientation Workshop on PC & PNDT Act** for Chief Judicial Magistrates at JHALSA premises on Saturday. Around 22 CJMs, 22 Public Prosecutors and 20 Appropriate Authorities participated in the programme. The workshop was organized in association with **Jharkhand Rural Health Mission and Plan India**.

Inaugurating the workshop Hon'ble Justice D. N Patel, Judge, Jharkhand High Court &



Executive Chairman, JHALSA said that the CJMs, the Additional Public Prosecutors and Appropriate Authorities should be made aware of the Act and its provisions. He added that it is high time that values and morals of people have to be enhanced.

Sri B.K. Goswami, the then Member Secretary, JHALSA, made the opening remarks by citing some provisions of the PC & PNDT Act and the measures that the Authorities have to take for preventing the female foeticide.

Principal Secretary, Jharkhand Health Department, **Mr. K Vidyasagar** said that although Jharkhand's sex ratio is better than the national figure yet initiatives like strict implementation of PC-PNDT is to be taken to improve the sex ratio.

Mission director of Jharkhand Rural Health Mission, **Mr. Abu Bakar Siddiqui** said that the state is not performing satisfactorily in terms of implementation of PC-PNDT. Explaining the challenges that might surface in the future if the male-female ratio was not balanced, he said that abiding by the law was very necessary to stop female foeticide.

Advocate **Mr. Uday Warunjikar**, High Court, Mumbai explained to the participating CJMs the provisions under the PC-PNDT Act



and helped them through case studies on how to deal specific cases under the Act.

Principal Secretary, Jharkhand Health Department, Mr. K Vidyasagar said that



although Jharkhand's sex ratio is better than the national figure yet initiatives like strict implementation of PC-PNDT is to be taken to improve the sex ratio.

Ms. Varsha Deshpadey, member of **National Inspection and Monitoring Committee** said that implementation of PC-PNDT is yet to be made by the society and law implementing agencies with high spirit. Sharing her experiences from the inspections conducted across the nation, she said that there were no ultrasound clinics which follow the rules in letter and spirit. If the inspection teams constituted at the District Level ask for the documents and check them with accuracy faults would be found with every clinic. The intention of Legislature is not to seal each and every clinic under the Act but the pious object of the Law is to generate awareness among the people and to make the running clinics abide the rules sincerely and rigorously to save the female foeticide

Dr M. N Lal, State Nodal Officer, PC-PNDT, JRHM informed the participants that Jharkhand's sex ratio as projected by the 2011 Annual Heath Survey report as well as the Census report shows that the sex ratio has gone down. He said that in Districts like Hazaribagh, Giridih and Deoghar the figures were disturbing.

Debjani Khan, Project Manager, of Plan India said that sex-ratio projected through the recent studies and surveys is alarming. Giving a comparative presentation of state's situation



in 2001 and 2011 she said it is high time to adopt preventive measures to stop female foeticide and stringent implementation of PC-PNDT Act.

Sri Satya Prakash, the then Deputy Secretary, JHALSA BN Baijal, Arshd Hussain Member of State Supervisory Committee, Rafat, ARSH coordinator, JRHM and Puravi Pal of Shramjivi Mahila Samiti were present during the programme.





















Training Course of Secretaries of DLSA & SDLSC

at Nyaya Sadan, Ranchi on 10th March, 2013

Jharkhand State Legal Services Authority under the auspices of National Legal Services Authority organized a **"Training Course of Secretaries"** of District Legal Services Authorities and Sub-Divisional Legal Services Committees of Jharkhand on 10th March, 2013 at Nyaya Sadan, Ranchi.

Hon'ble Mr. Justice Prakash Tatia, Chief Justice, Jharkhand High Court and Patron-in-Chief,

JHALSA, (since retired) **Hon'ble Mr. Justice D.N. Patel**, Judge, Jharkhand High Court and Executive Chairman, JHALSA, Hon'ble Judges of Jharkhand High Court attended the said programme and addressed the Participants.

The Secretaries of all 22 District Legal Services Authorities and 4 Sub-Division Legal Services Committees across the State were present in the programme. During the said programme Hon'ble the then Chief Justice - cum - Patronin Chief, JHALSA and Executive Chairman, JHALSA interacted with the Secretaries and also gave them necessary directions for implementing all Legal Aid Services Schemes at the grassroot level in their districts and for providing effective and quick Legal Aid Service to the needy and vulnarable class of the society. Hon'ble the Chief Justice Jharkhand High Court reminded the Secretaries of all DLSAs to be sensitive towards grievences of common litigants and in particular the marginalised & vulnurable class of the society.









Inauguration of 2nd Mobile Lok Adalat – cum-Legal Awareness Van

Organized by Jharkhand State Legal Services Authority on 12th May, 2013



To facilitate legal awareness among the common masses of the remote and backward area of the State of Jharkhand. Jharkhand State Legal Services Authority had launched first Mobile Lok Adalat cum Legal Awareness van on 5.07.2009 to reach the remotest region of the State of Jharkhand. The output of the said Mobile Lok Adalat has been very encouraging and it has become a grand success.

In continuation to provide Legal Services at the doorstep the 2nd Mobile Lok Adalat –cum-Legal

Awareness Van (Justice on Wheels) was inaugurated by Hon'ble Mr. Justice Madan B. Lokur, Judge, Supreme Court of India in benign presence of Hon'ble Mr. Justice D.N.Patel, Judge, Jharkhand High Court and

Executive Chairman, JHALSA, Hon'ble Mr. Justice N.N.Tiwari, Judge, Jharkhand High Court & Chairman, HCLSC, Hon'ble Mr. Justice R.R.Prasad, Judge, Jharkhand High Court on 12.05.2013 at Nyaya Sadan, Ranchi

These Mobile Legal Services Vans have in fact brought the popular Slogan "Justice at the door of the poor" into reality through accessibility and empowerment making the concept of "Access to Justice" meaningful. In all these camps a number of



booklets/pamphlets/brochures in local languages related to the basic rights are being distributed and a large chunk of rural people are getting benefited with their rights and remedies. The visual documentary films related to benefits of resolving disputes through Mediation and Conciliation and eradication of local social menace such as witch craft, child labour, liquor problem, child labour, labour migration.





Seminar on the Role of Police Personnel in Motor Vehicle Accident Cases

at Nyaya Sadan, Ranchi on 23rd March, 2013

Jharkhand State Legal Services Authority under the auspices of National Legal Services Authority organized a **"Seminar on Role of Police Personnel in Motor Vehicle Accident Cases**" on 23rd March, 2013 at Nyaya Sadan, Ranchi.

The Target group of the seminar included the Judicial Officers, Police Officers and Officials of Insurance Companies.

The occasion was graced by **Hon'ble Mr. Justice M.Y.Eqbal**, Judge, Supreme Court of



India, Hon'ble Mr. Justice Prakash Tatia, Chief Justice, Jharkhand High Court and Patron-in-Chief,



JHALSA, (since retired) **Hon'ble Mr. Justice D.N.Patel**, Judge, Jharkhand High Court and Executive Chairman, JHALSA, and Hon'ble Judges of Jharkhand High Court. The Hon'ble Judges highlighted the specific provisions of MV Act viz. Sec 140, 158(6), 166 so that the benefits of the Act could be availed by the beneficiaries without any delay.

Hon'ble Mr. Justice M.Y. Eqbal, Judge Supreme Court of India speaking at the Seminar called upon the Police and Insurance Companies as





well as owners of the vehicles to be equipped with all legal papers regarding the ownership and insurance of the vehicle so that in case of unfortunate accident, the kith and kin of the deceased or the calimants are able to pursue their compensation case effectively. His Lordship reminded the Police Officers as well as Insurance Companies to make best use of the provisions of Section 158(6) and Section 166 (4) of the Motor Vehicle Act, 1994 so that the Motor Accident Claims Tribunal can take cognizance of the grievances of the beneficiaries under the Act and make speedy disposal of such claim petitions.



Hon'ble Mr. Justice Prakash Tatia, the then Chief Justice, Jharkhand High Court stressed that there is need of sensitizing the Police, the Insurance Companies, owners as well as the common public so that they can learn how to mitigate the risk of accident as also how to be cautios towards claiming their due under the Act.

Hon'ble Mr. Justice D.N. Patel, Executive Chairman, JHALSA called upon the Police to try to arrange for immediate medical aid to the victims of road accident and thereafter they should make sincere efforts in helping the victims get their claims decided by MACT in speedier way.



Paper Clippings of Seminar on the Role of Police Personnel in Motor Vehicle Accident Cases





Legal Awareness Camp

at Women Probation Home, Namkum, Ranchi on 27th July, 2013

Jharkhand State Legal Services Authority has organized a Legal Awareness Camp at Women Probation Home, Namkum, Ranchi on 27.07.2013.

The occasion was graced by Hon'ble Mr. Justice Prakash Tatia, the then Chief Justice, Jharkhand High Court & Patron-in-Chief, JHALSA, Hon'ble Mr. Justice D.N. Patel, Executive Chairman, JHALSA & Hon'ble Mr. Justice N.N. Tiwari, Chairman, High Court Legal Services Committee.

The programme was attended by Hon'ble. Judges of Jharkhand High Court, Judicial Officers, Advocates and inmates of women probation home.



Orientation Programme for Lawyers

at Nyaya Sadan, Ranchi on 21st February, 2013

Jharkhand State Legal Services Authority has organized an **"Orientation Programme for Lawyers"** on 21.02.2013 at Nyaya Sadan, Ranchi.

The target group of said programme was Panel Lawyer of Jharkhand High Court Legal Services Committee and trained Advocate Mediators of High Court and Ranchi Civil Court.

On the occasion **Hon'ble Mr. Justice D.N. Patel**, Judge, Jharkhand High Court and Executive Chairman, JHALSA, addressed the participants and also had an interaction with the participant Advocates with regard to implementation of Legal Aid Services Schemes and Mediation as a tool of ADR Mechanism in Jharkhand.

The programme was a grand success and very valuable for the participants.

Awareness Programme

At Observation Home, Dumardaga, Ranchi on 31st October, 2013

Jharkhand State Legal Services Authority organized an "Awareness Programme" on 31st October, 2013 at Observation Home, Dumardaga, Ranchi in association with Antarashtriya Manavadhikar Sangathan.



The occasion was graced by, **Hon'ble Mr. Justice D.N.Patel**, the then Acting Chief Justice, High Court of Jharkhand and Executive Chairman, JHALSA, **Sri S.H. Kazmi**, Principal Judicial Commissioner, Ranchi, and **Sri S.K. Dubey**, Member Secretary, JHALSA. The Hon'ble Judges highlighted the specific provisions of law so that the benefits of the Act could be availed by the beneficiaries without any delay. On the occasion **Hon'ble Mr. Justice D.N.Patel** the then Acting Chief Justice, High Court of Jharkhand distributed sweets and crackers among the inmates of Observation Home on the eve of Diwali. Dr. M.S. Pathak, President Antarastriya Manavadikar, New Delhi and its members were also present on the occasion.



Awareness Programme on "Human Rights Day"

Organised by Jharkhand State Legal Services Authority at Delhi Public School, Ranchi on 10th December, 2013

Jharkhand State Legal Services Authority under the auspices of National Legal Services Authority organized a **"Awareness Programme on Human Rights Day"** on 10th December, 2013 at Delhi Public School, Ranchi

The Target group of the programe included the faculty and students of DPS, Ranchi

The programme was attended by Sri S.K. Dubey, Member Secretary, JHALSA, Sri Manoj Srivastava, Secretary, HCLSC, Ms. Ranjana



Asthana, Deputy Secretary, JHALSA. Quiz and elocution competition comprising the subject of Human Rights were also held and the successful quiz team and participants were awarded prizes / shields. The dignitaries present on the occasion gave speechs on Human Rights and its application on common people. The programme was a grand success.









Cycle Yatra

Antarrashtriy Manavadhikar Sangthan, Delhi, an organization working in the field of legal awareness and development of common masses and accredited by JHALSA organized a legal awareness cycle yatra from Ranchi to Delhi with the cooperation of JHALSA.



The legal awareness cycle yatra was flagged off from Nyaya Sadan, Doranda, Ranchi, the office of JHALSA on 12/02/2013 by the then Member Secretary, JHALSA Sri B.K. Goswami and Sri Satya



Prakash, Deputy Secretary, JHALSA. The legal awareness cycle yatra passed through State of Bihar & U.P. and culminated at New Delhi on 18/03/2013. Hon'ble Mrs. Justice Gyan Sudha Mishra, Judge, Supreme Court of India welcomed and felicitated the participants of Legal Awareness cycle yatra on their successful completion of yatra on 18/03/2013 at Jantar Mantar, New Delhi and also addressed the gathering on this occasion. Throughout the route the participants spread legal awareness among the common masses and marginalized people.

Success Story of National Lok Adalat at DLSA, Dhanbad Case no. - TMV-85/08, Sachinder Kaur Vs. M/s Bajaj Allianz and others

Sachinder Kaur, aged about 53 years lost her husband late Sardar Kartar Singh in a road accident on 21.08.2006. The incident shattered the hopes and aspirations of the lady as the unfortunate incident took away the company of her husband and the only earning member at the fag end of her life. She filed the instant claim case on 01.05.2008. The matter was pending before the Tribunal for more than 7 years and she had to attend the Tribunal during this long period. Considering the fact that the claimant was a woman approaching 60 years of age, the matter was referred to Bench No. 6 of the National Lok Adalat and the claimant and opposite party appeared before the Bench and with the best effort and persuasion of the members of the Bench, the matter could be amicably settled and a sum of Rs. 4,20,000/- by way of cheque was paid to the claimant and the long drawn litigation came to a happy end through the ADR mechanism of Lok Adalat.