

BRIEF ON ON-LINE LEGAL AWARENESS PROGRAMME & INAUGURATION OF MEDIATION CENTRE, DALTONGANJ

On 6th May, on-line legal awareness programme and inauguration of Mediation and Conciliation Centre and renovation of old building for Zila Nyaya Sadan at Civil Court, Palamau at Daltonganj and inauguration of Legal Aid Clinic at District Jail, Palamau at Daltonganj was done by the Hon'ble Mr. Justice M.Y. Eqbal, Acting Chief Justice-cum-Patron-in-Chief and Executive Chairman, JHALSA in presence of Hon'ble Mr. Justice Amareshwar Sahay, Judge, Jharkhand High Court and Chairman, High Court Legal Services Committee and all other Distinguished Hon'ble Judges of Jharkhand High Court.

On the occasion, he apprised that today is a big day and for the first time, JHALSA has been able to come up with a system to provide **online** legal service Activities. For this he extend his heartiest thanks to the Members of Jharnet and NIC.

Such **online** inauguration is indeed the testimony of revolution in the IT sector in this country under which online legal awareness programme in DLSA, Daltonganj from JHALSA, Ranchi has been done. The entire civilization of Jharkhand will take a huge advancing leap through the use of such modern Techniques for Protection of Rights of the under privileged and marginalized class.

In fact Mediation is a very powerful tool in Alternative Dispute Resolution under which disputes can be resolved not only "**legally**" but also "**morally**" and "**ethically**" through amicable settlement. It's a really long time, the people of India, have been entangled in the intricacies of law. Now it is the time to overcome all the technicalities and device better methods of dispute resolution.

Alternative Dispute Resolution is now a world wide accepted means of settling dispute on the basis of compromise between the parties. However, in the State of Jharkhand it is still at beginning stage. This is the mandate of National Legal Services Authority, New Delhi (NALSA) to open Mediation Centre in all the Districts of the State and in this context JHALSA has provided funds to all the District Legal Services Authorities in all the Districts of the Jharkhand State within limited resources for creating adequate infrastructure to open the Mediation Centres. The Mediation Centre in Daltonganj was ready for a long time but it will start functioning in the newly constructed building of Mediation Centre from 6th May, 2010.

In fact **Sec. 89** of the Code of Civil Procedure will become redundant if the Mediation Centres are not functioning in each District Civil Court. The Advocates and Judicial Officers must be acquainted with the mandatory legal provisions to try to get disputes settled amicably by referring the case to the Mediation Centre. The Jharkhand State Legal Services Authority and Judicial Academy Jharkhand have been able to impart

training to Advocates and Judicial Officers under the guidance of Mediation and Conciliation Project Committee (MCPC) of Supreme Court of India with a total no. of 139, in which there are 48 Advocates and 91 Judicial Officers all over the State. Now in every District there are qualified mediators either Advocates or Judicial Officers who have undergone 40 hrs. training under the supervision of the MCPC of Supreme Court of India.

Apart from this the full-fledged Secretaries of all the District Legal Services Authorities are also qualified Mediators who have undergone 40 hrs. training by MCPC of Supreme Court of India. Now it is the obligation of all the Secretaries of the District Legal Services Authorities to convince the people to settle their dispute through Mediation by giving suitable advice and counseling. The family dispute including 498A and 139 of NI Act, all kinds of civil suits including partition suit, loan recovery bank disputes etc. are supposed to be the fit case for mediation where there is a win-win situation for both the parties.

It is the general tendency among the common people and the general public to shy away from the courts as they receive the litigation procedure to be costly, time consuming and complicated. These drawbacks of the Court proceedings are eliminated in Mediation. The results of the Mediations are just and its process is speedy and swift. The Process of Mediation is inclusive of identifying issues, reducing misunderstandings, Qualifying priorities, exploring areas of compromise and general options to solve the dispute. Mediation can prove to be panacea to sort out issues dealing with the relationship of all kinds including personal business, contractual or social.

The Members of Judicial Fraternity are trying to sow the seeds of Alternative Dispute Resolution so that it can spread its branches all across the State and become deep rooted system.

The dream of Mediation Centre at Daltonganj became reality on 6th May, 2010 and it is hoped that it will prove to be useful tool in the hands of poor, needy, under-privileged to get their disputes settled in an inexpensive manner and the people are looking forward to the efficient and effective working of Mediation Centres so established in every and each District of Jharkhand. Mediation is a wonderful means for settlement of disputes wherein all grievances of the parties are settled in a very amicable manner.

Legal Aid Clinic:

On the occasion of inauguration of Legal Aid Clinic at District Jail, Palamau at Daltonganj, Hon'ble the Acting Chief Justice observed that the inauguration of Legal Aid Clinic in the District Jail is another component of the Judicial Reform and the obligation of the Legal Services Authorities to help the under-trial prisoners and convicts to extend all kinds of legal help to ensure Access to Justice for Prisoners.

Each Legal Services Authority will constitute a team consisting of Judicial Officers and Legal Aid panel lawyers involving the Chairman and Members of Permanent Lok Adalat to go there in the appointed days in a week and hear the grievances of the inmates and do advice and counseling as per the need and requirement and to ensure Access to Justice for each one of them.

Zila Nyaya Sadan:

At the time of on-line foundation laying ceremony for renovation of old civil court building as Zila Nyaya Sadan, the Hon'ble the Acting Chief Justice observed that in order to strengthen the functioning of Legal Services Authorities we need an important infrastructure with adequate manpower. He also observed that like Rajya Nyaya Sadan at State Level at Ranchi there should be a suitable "**Zila Nyaya Sadan**" in every District so that all the functions of the District Legal Services Authorities like Legal Aid Clinic, office of DLSAs, Continuous Lok Adalat, Permanent Lok Adalat, Mediation Centre, Legal Awareness Hall, Training Centre be available in every and each Zila Nyaya Sadan in the State of Jharkhand. It is the dream and earnest desire of Hon'ble the Acting Chief Justice that like Rajya Nyaya Sadan of JHALSA, every District should have a Zila Nyaya Sadan in order to make Justice Delivery System of this state more stronger and meaningful.

Hon'ble the Acting Chief Justice wished a grand success of Judicial Reform in the administration of justice in the state of Jharkhand.

On the said occasion, Hon'ble Mr. Justice Amareshwar Sahay, Judge, Jharkhand High Court and the Chairman, High Court Legal Services Committee in his on-line welcome speech speaking about Justice Eqbal observed that ***the greatest achievement of the human spirit is to live up to his opportunities and make the most of his resources.***

Justice Sahay also observed that "Who knows this better than the one man in our midst today in whose honour I am to speak here before you" i.e. Hon'ble Mr. Justice M.Y. Eqbal, the acting Chief Justice of Jharkhand High Court-cum-Patron-in-Chief and Executive Chairman, JHALSA.

He further added that ***Some are born great, Some achieve greatness and some have greatness thrust upon them.***

It is the second category into which he would like to place Justice Eqbal.