

Legal Literacy Mission 2005 A New Aspect of Legal Awareness in District – Bijnor



Narendra Kumar Bindra
Assistant Professor,
Dept. of Law,
Swami Vivekanand Law College
Majhawali, Chandausi, Sambhal,
U.P., India

Abstract

The Indian judiciary deems it a matter of privilege and pleasure, participating with explicit enthusiasm, in the launching of National Legal Literacy Mission 2005-2010 by Dr. Manmohan Singh, the Hon'ble Prime Minister of India.

By today, the Indian Republic has lived 65 years of independence. We, the people of India, gave ourselves the Constitution with a promise to secure to all its citizens Justice, Liberty, Equality and Fraternity. In 'Justice' the framers of the Constitution included social, economic and political justice. 'Fraternity' carried assurance for the dignity of the individual and the unity of the nation. If the constitutional imperatives are to be implemented and the constitution goals are to be achieved, we cannot afford to overlook the Preamble to the Constitution which emphasizes the dignity of the individual as much as the unity of the nation. 'Dignity' is a word of moral and spiritual import which implies an obligation on the part of the Government to respect the personality of a citizen and to create conditions in which every citizen would be delivered social, economic and political justice.

Keywords: Fraternity, Dignity, Campaign, Popularizing, Ignorance, Conferral

Introduction

India today continues to survive amongst paradoxical forces. We are proud of our accomplishments in the field of science and technology, social and economic reforms, education and prosperity. At the same time, the Indian society has yet not fully got rid of adverse forces where poor continue to be poor and a sizeable section of Indian people continue to be illiterate and ignorant, and consequently living below poverty line and subjected to all forms of exploitations. We are still a caste-ridden society and divisionary forces, based on language, religion and socio-economic factors, continue to haunt us. Conferral of 'one-man-one-vote' right is not by itself political freedom. Contradictions, failing which, generation of immense wealth would not be able to eliminate exact

Object of Mission

The major obstacles, in the way of securing justice for all, are ignorance and illiteracy, apart from poverty. The Legal Literacy Mission aims at striking at the root of these malaise which afflict our masses. Ignorance is not innocence; it is a sin. We have to fight a battle against it. Today is the day, lit with one of the rays, assuring us of a bright future ahead. National Legal Literacy Mission is a project in which the three wings of governance namely, the Legislature, the judiciary and the Executive have joined hands to reach out to the most marginalized and vulnerable sections of our society and tell them what their rights are. If the democracy has to live, we shall have to learn the constitutional values.

Effect of Mission

It is a five-year program which proposes to launch a door-to-door campaign reaching out to the remotest villages to educate the people and enlighten them into awareness. The target groups or beneficiaries on its prime list include women, children, minority communities, victims of militancy, crime, disasters and disease, child and bonded labour, landless farmers, downtrodden and tribal especially in the North-East, victims of sex exploitation, farmers hit by natural calamities such as drought and floods and so on. The effect of Legal Literacy Mission in Bijnor, DALSA is organized the many camps in the area to aware the people for Legal aid rights.

Awareness Programme in area

The year 2005 is the 'Year of Excellence' in judiciary. A culture based on values has commenced imbibing itself into justice delivery system and also the judges in person. National Judicial Academy at Bhopal has in this year, on having become functional, held 17 programmes of judicial training and education matching any international standards. Planning in the direction of introducing effective and modern alternate dispute resolution system in our country has commenced. Hopefully, it will shortly take a concrete shape. An ambitious plan for total blending of information technology in judiciary and for judicial reforms is in the pipeline and the Central Government is releasing a fund of about Rs. 1500 crores for the purpose.

The road ahead is long and may be strewn with hurdles. Yet, a concrete creative step towards the empowerment of powerless is being taken this day with the whole-hearted support of Hon'ble the Prime Minister of India.

Under the legal literacy mission 2005 a mediation center should be opened in district Level which work to help for settlement of cases in the guideline of NALSA? According to the report of Uttar Pradesh state legal service authority performance of mediation centre and work of it's such as following-

Mediation Performance Report of the State of Uttar Pradesh

According to report of Uttar Pradesh State Legal Service Authority that in the light of the mandate of Section 89 of the Code of Civil Procedure, 1908 and under the guidance and consistent monitoring of the Supreme Court Mediation & Conciliation Project Committee (MCPC), the State of Uttar Pradesh has been making significant progress in popularizing the process of mediation as an effective, easy, inexpensive and congenially quick mode of settlement of disputes. In this process, the lead was taken by the Hon'ble High Court of Judicature at Allahabad in that the Allahabad High Court mediation and Conciliation Centre (AHCMCC) was inaugurated by Hon'ble Mr. Justice Markenday Katju, Judge, and Supreme Court of India on 6th October, 2006. The AHCMCC became functional from 16th October, 2006.

The Beginning

A report of UPSLSA that the mediation movement at the level of the districts saw its beginning on 1st February, 2009 where under the direction & supervision of the MCPC, mediation centers became operational in eleven (11) of the largest districts of the State. To give the requisite impetus to the mediation process in those eleven (11) districts of Aligarh, Meerut, Moradabad, Kanpur Nagar, Gorakhpur, Varanasi, Allahabad, Jhansi, Bareilly, Agra & Lucknow, a two days Mediation Training & Awareness Programme for Judicial Officers and Advocates was organized at the Institute of Judicial Training & Research, Lucknow on 7th & 8th March, 2009.

Advocate Mediators

Regarding to advocate mediators UPSLSA that through experience, it has come to be realized that

Trained Advocate Mediators are most important factors in the success of this initiative. The first batch of Advocates from the districts of Allahabad & Lucknow was imparted training in February, 2010 by the Master Trainers from the Delhi Mediation Centre. The process which continues unabated has seen Advocates with a minimum of 15 years of experience of practice at the Bar from thirty (30) districts being trained in the skill and methodology of Mediation. The training is provided by the master trainers generally identified and deputized by the MCPC. Presently, at the level of the High Court of Judicature at Allahabad there are 208 trained mediators who have undergone 40 hours of mediation training. From those 208 trained mediators 166 trained mediators are in AHCMCC & 42 trained mediators are in Mediation and Conciliation Centre, High Court, Lucknow Bench Lucknow (MCCAHL). At the district level there are 208 trained Advocate mediators who have been imparted training under support of the MCPC plus 88 Mediators who have been given training through in-house means.

To date eight (8) Referral Judges Programmes/Awareness Programmes through the Master Trainers from Delhi and Chennai Mediation Centres have been conducted. In addition to this similar such programmes have been conducted through out the State by the Master Trainers of the Allahabad High Court Mediation & Conciliation Centre (AHCMCC).

Activities during the year (April 2011 to 31st May, 2012)

The U.P. State Legal Services Authority motivated by the guiding directions of Hon'ble Mr. Justice Dalveer Bhandari, Judge, Supreme Court of India, organized the Central Zone Regional Conference on 25th February, 2012 at Lucknow. It was really pleasant to welcome large number of judicial officers from two guest States of Chhattisgarh and Madhya Pradesh who had come to participate in the Conference. It is sincerely trusted that the deliberation in the Conference would go a long way and grant indispensable vigor to the mediation instrumentality.

Type of Cases Referred for Mediation

The judicial officers in the district judiciary refer matters pertaining to petty criminal cases, as also under distinct sections of the Indian Penal Code in particular pertaining to Sections 498A, 323, 504, 506 I.P.C. Matters involving Domestic Violence, Matrimonial Disputes, Maintenance to wives/children/parents, Cheque bouncing (Section 138 of the Negotiable Instruments Act) etc.. Civil property matters are also referred. Pre-Litigation settlement of matrimonial dispute particularly pertaining to section 498A I.P.C. has got a new dimension particularly after a landmark & celebrated judgment of the Hon'ble High Court of Judicature at Allahabad, as made on 30.09.2011 in Criminal Misc. Writ Petition No.-3322 of 2010.

District ADR Centers

UPSLSA (Uttar Pradesh State Legal Service Authority) has been making all out efforts to ensure

that an ADR Centre, which is going to function as a hub of all ADR activities in each session division, along with legal services activities comes into physical existence in all the districts of the State. Utilizing the funds provided under the 13th Finance Commission, ADR Centers are under construction/establishment in 15 districts of the State. Further, report regarding availability of land in 14 more district judgeships has been recently received, and in all probability, construction work in those 14 districts is likely to begin in the upcoming months.

Performance of the Mediation Centers in Uttar Pradesh

The Mediation Centers in the State Uttar Pradesh, at the institutional level, can be said to be working at three distinct branches i.e. Allahabad High Court Mediation and Conciliation Centre (AHCHCC); Mediation and Conciliation Centre, High Court, Lucknow Bench, Lucknow (MCCAHL) and Mediation Centers operational in all 71 Session Divisions of the State of Uttar Pradesh.

Epigrammatic statistics as below might speak about the performance of the AHCMCC:

1	Number of Mediators	166
	Mediator with 40 hours training to their credit.	166
	Others	Nil
2	Number of cases referred and registered at the Centre.	17,342
3	Number of cases settled.	3,739
4	Number of cases not settled.	4,164
5	Number of cases pending	767
6	Number of cases returned as not fit for mediation (parties did not agree for mediation)	8,672
7	Percentage of success	47.31%

The Mediation and Conciliation Centre, Allahabad High Court, Lucknow (MCCAHL) has been formed by the High Court of Judicature at Allahabad, Lucknow Bench, Lucknow to promote and facilitate Court referred mediation and conciliation. Hon'ble the Chief Justice is its Patron and a supervisory committee comprising Hon'ble Mr. Justice Devi Prasad Singh, Hon'ble Mr. Justice Shri Narayan Shukla, Hon'ble Mr. Justice Shabihul Hasnain, Hon'ble Mr. Justice Anil Kumar, & Hon'ble Mr. Justice Ritu Raj Awasthi, oversees the working of the

MCCAHL. The MCCAHL also *interalia* actively indulges in creating public awareness, identification and training of mediators to mediate the cases referred by the Court, implementation of scheme for the conduct of mediation and conciliation as envisaged by Section 89 of the Code of Civil Procedure, holding workshops and seminars for the Bar and Bench to promote mediation and conciliation as approved methods of dispute resolution. Pithy facts as below might articulate the achievement of the MCCAHL:

1	Number of Mediators	86
	(a) Mediator with 40 hours training to their credit.	42
	(b) Others	24
2	Number of cases referred and registered at the Centre.	1,280
3	Number of cases settled.	407
4	Percentage of success	32.37%

A	Number of Mediation Centers in the District Judgeships	70
1	Number of Mediators.	
	(a) Advocate Mediators with 40 hours training to their credit through MCPC	299
	(b) Others	39
	(c) Judges sensitized to act as Mediator.	95
2	Number of cases referred and registered at the Centre.	16,063
3	Number of cases settled.	2,431
4	Number of cases not settled	13,632
5	Percentage of success (% of the cases settled as against the cases referred)	15.13%
6	Number of Referral Judges' Training Programme.	19
7	Number of awareness programmes	278

Thus DASLA Bijnor has a mediation centre in the court campus (Judgee). In this mediation centre some judges and senior advocate are members who advice to parties for settlement their cases by the mediation and lok Adalat.

Mediation Center (Family) In Bijnor

A Mediation center is opened by the DALSA Bijnor on May 2012, which was inaugurated by sh. S.K. mishra District Judge Bijnor. The family Disputes are settled by mediation in this center. The organisation of this mediation center is as follow:-

Shri S.K. Mishra	District Judge	Chairman
Shri S.K. Shrivastav	ADJ	Secretary
Shri Praveen Deshwal	Advocate	Member
Shri Iqwal Jaidi	Advocate	Member
Shri Ishrar Ahamad	Advocate	Member
Smt. Alka Vishnoi	Advocate	Member

Problems which effect to Mission

It is indeed a happy augury for the future of democracy and rule of law that the Prime Minister of India, Chief Justices and Judges of High Courts and many experts in the field of legal aid and legal literacy have assembled today to launch the Legal Literacy Mission.

Democracy and rule of law can thrive only when people have effective access to justice, for nothing rankles more in the human heart than a brooding sense of injustice.

The concept of right to access to justice has undergone a radical change and has been recognized as the basic human right in all democratic societies. There is a greater realization now that legal aid is an essential component of justice. Equality before law and equal protection of law seem to be illusory in the absence of organized and effective legal aid network in the courts for the benefit of the exploited and disadvantaged sections of society. Similarly the rule of law will be meaningless if such sections of the community are barred from access to justice on account of their poverty or social or economic disability, there is a likelihood of their taking resort to extra-legal methods to ventilate their grievances.

NALSA was enacted in 1987 to spread the legal aid programme in more organized and systematic way, so that the mandate of Article 39-A is implemented in letter and spirit. No doubt a lot of useful work has been done over the years, but we are far behind the objective. The suffering of the exploited and the poor has not ended and they are looking for help.

The Legal Literacy Mission is the beginning of yet another movement blessed by the Prime Minister of India, the Chief Justice of India, and the Judges of the Supreme Court, Chief Justices of High Courts and the Chairpersons of the Legal Services Authorities of various States. It is my sincere hope that in the years to come this movement will spread so that all the deserving people get the benefit of legal aid for enjoyment of their rights and have full access to justice.

Legal Literacy & Legal Aid for Social Justice & Equality Through mission 2005

Firstly, we need to examine the governance of existing people's welfare schemes where thousands of crores of rupees are spend but the deprived class is still living below the poverty line, citizens are homeless, child labour continues, parents force their children to beg or sell them for fulfilling basic needs – why? It is because substantial part of benefits of these schemes fails to reach the beneficiaries. Only providing legal aid to settle a dispute is not the solution. The solution lies if we can grant these people a window of social justice by way of monitoring and ensuring that the benefits are

delivered to them, if benefits are not delivered, to identify causes thereof and persons who may be responsible for such lapse and, thereafter, take immediate appropriate steps so that such a lapse is not repeated. We need to set examples of accountability. No legal aid or awareness would reach empty-stomach.

Any amount of negligence in the matter of access to justice, which is a basic human right, can undermine the fundamental rule of law and impair the edifice of our Constitution. Let all of us from the realm of both Executive and Judiciary, measure the quantum of neglect of basic needs of the poor. We must all remember that the law has to serve the common man. Law is not an antique to be taken down, dusted, admired and put back on the shelves. It must be a living reality, something which affects widely the lives of the people. Our whole system of justice is based on two postulates – self identification of injuries and self-selection of remedies – unless a person knows that a legal injury has been done to him, unless he realizes legal grievances can be redressed by law, he can never think of going to court. And then also, even if he comes to know of his legal rights, he finds difficult to go to the courts because of self-selection of remedies. He does not know what remedy to pursue, what to do, where to go, whom to approach. Unless, a person is aware of his rights, he will not even know that a wrong has been done to him. He will take it as a part of his daily set back and resign to his fate. So, it is very essential that a person should know, should be aware of his or her legal rights.

It is necessary to put the frame of governance in a correct format which first examines what we have for have-nots, not what we can create new, not merely to acquire an emotional satisfaction of doing it.

Conclusion

As Stated at the Very outset, this study makes an attempt to ascertain the effect of significant psychological and socio-legal variables to regarding the legal change. The effects of these variables have been more in the negative direction, and as such, these have been described as obstacles or barriers. To the planned legal change in rural area initiated by the government (NALSA).

The main aim behind this extensive scheme of legal aid of sure reconstruction is top change the enduring organizations of emotional and motivational. Perceptual and Cognitive aspect of Rural Personality so that the state of legal change in rural may be satisfactory. But yet, the planners have failed to bring about a change in the beliefs and attitudes of rural people which are deeply rooted in their culture and constitutes in important place in their lives, before encouraging new technology. No systematic attempt

appears to have been made to professional diagnose the beliefs and attitudes of rural people.

A Characteristic father of rural society is the blending of agricultural activity and handicraft Trades, the Tastes of the People their institutions, habits Tradition, attitude, norms and values have been found to geld a very positively influence on activities concerning agriculture But three have not their interest in legal issues and their legal rights they do not know what is their legal sights and woman sights and what are the policies which are seeming for them by the government (NALSA) regarding to free legal aid and legal literacy.

The existing beliefs, attitudes and prevalence of superstition are in compatible with the programmers of Legal Change in rural area. Legal change in the villages very of thinking and his level of expectations have to be brought about to ensure the success of these rural development schemes of legal aid. Values prevalent in the rural areas have not been given their due place in planning this is perhaps one of the main reasons for the failure of legal aid programmes of legal change in rural.

References

- A Hand book of "Clinical Legal Education (1998) Eastern Book.
Asian Development Book 2001, "Legal empowerment. Advancing good governance and poverty Reeducation" overview Report ADB.
Agrawal S.K. (ed.) Legal education in India (1973)

Desai, A.R: *Rural Sociology in India*" Indian Society of agricultural Economics, Bombay, Page 120-122.

Bently Duncan and John wade. "Special methods and tool for educating the transnational lawyer" *Journal of legal education* 55 (2005) 479-85
High Brayal Nigal Duneam and Richards, company Lucknow, crimes clinical, legal education; active learning in yours law school 1998. Blackstone pres Ltd. London.

International Human Rights Law group 2002. Making Human Right Real, "A legal literacy Programmers for women in moreoco" (IHRLG),

Rai Dr. Kailash "Public Interest Lawyering, legal aid and paralegal services, central law publication (2005)

The International centre for criminal law perform and criminal justice Policy 1999, "The responsibility of states to provide legal aid (ICCLR).

Vane kalsen, L, 1992 "Women's Legal rights organizing political in Participation in African legal literacy: tool for women's empowerment just associates.

Internet References

- www.nlsa.com
www.upslsa.up.nic.in
www.upslsa.up.nic.in/mediation