

Fiat justitia , ruat coelum : Let Justice be done though Heavens fall

Goa Nyayadeep

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The High Court of Bombay at Goa

Goa State Legal Services Authority

High Court Complex, Altinho, Panaji – 403001 (Goa) Tel:(0832) 2431910,2420531(Fax)

Honourable the Chief Justice: **Shri C.K. Thakker**, Pattorn-in-Chief

Honourable Shri Justice **P.V.Kakade** -Senior Most Judge Sitting at Panaji,excutiveChairman

Shri S.R. Khanzode, - Member Secretary

H.J.S.

Shri A.N.S. Nadkarni, Advocate
General of State of Goa
Ex- Officio Member

Shri V.P. Shetye, Secretary in the
Dept. of Law, Govt. of Goa,
Ex-Officio Member

Shri Shaikh Hassan Haroon, Member

Shri Antonio Gaonkar, Member

Smt. Rina Ray, Secretary in the
Dept. of Finance, Govt of Goa.,
Ex-Officio Member

Chairman, State Sheduled Castes
& Sheduled Tribes Commission.

Shri Amrut Kansar, Member

Shri Uday Bhembre Member

Shri G.S.Sandhu,Director
General of Police,
Ex-Officio Member

Shri A.D.Salkar,District Judge
& Chairman of North Goa
DLSA, Ex-Officio Member

Smt. Ines Cota Carvallho, Member

Shri Shambu Bandekar Member

Shri N.A. Britto, District Judge &
Chairman of South Goa DLSA,
Ex-Officio Member.

Shri Leo Velho, Member



The right to legal aid is one of the fundamental and human rights. The history of concerted endeavour on the part of the State to provide legal service to the indigent and needy in countries like ours has ancient roots.

In a developing country like ours where problems like illiteracy, ignorance, poverty and backwardness are existing, providing of legal awareness and giving of legal help is much more important. Unless people of the country are made conscious of their rights and dues, the rule of law may not be effective as desired. Therefore, we can translate the Constitutional mandate of Article 39-A into reality by providing effective legal service to the indigent, downtrodden and illiterate persons.

A lot remains to be done. More emphasis has to be laid on the day-to-day disputes like labour matters, matrimonial matter and rights of citizens involving landed properties, especially those who are illiterate and poor. Something also has to be done for the senior citizens in order to redress their grievances like pension,

etc. For this, the Authority requires co-operation of all concerned. I am happy to note that now there is a perceptible change in the attitude of the lawyers and Judicial Officers towards the legal aid and Lok Adalats movement. The Judicial Officer are also working hard and holding Lok Adalats on weekends and holidays.

The importance of this newsletter can be realised inasmuch as it is the only medium through which the activities of the authority at different levels can be viewed and the information disseminated. It will also help us to realise as to what more remains to be done to achieve the goal. Therefore I invite the suggestions from all the readers of the newsletter to improve the working of the authority and to strengthen the legal aid movement.

P. V. KAKADE, J.

P.V. KAKADE, J.

Lok - Adalat

Lessening the piling up of cases of regular courts

Oaring as a catalyst for adhering and adopting the system

Kindling and affirming the trust and confidence of indigents

Affording the instrumentality of the system for cheap justice

Dawning the cardinal principles of cheap and swift justice

Ameliorating the viability of the system by salutary results

Liberating the litigants from hatred, vengeance and cost

Avowed Avant-grade invigorating future solidarity of the system

Tailoring to prove itself an inescapable need of the day.

C.P. MEHTA

8, Unnati Apartment,
Hinglaj Wadi,
Behand NCC Office,
Bhuj-Kutch
Phone No. 02832-20808

Permanent Lok Adalat/Legal Aid Clinics inaugural Function



Justice V.C. Daga, Chairman H.C.L.S.C., Lightning the Traditional lamp at the inauguration



Hon'ble the Acting Chief Justice delivering inaugural address L. to R. Justice P.V. Hardas, Justice V.C.Daga (Chairman, High Court Legal Services Committee), Justice G.D.Patil the Acting Chief Justice, Sr. Advocate Surendra Desai (President Goa High Court Bar Association)

Mr. S. R. Khanzode, H.J.S., Member Secretary GSLSA- proposing vote of thanks.



Justice V.C.Daga heading Lok Adalat Panel (20th July 02) along with Advocate Mr. Mahesh Sonak and Advocate Mrs. Norma Alvares.



Hon'ble the Acting Chief Justice (G.D. Patil, J.) and Justice P.V. Hardas taking information from legal aid panel headed by Sr. Adv. Surendra Desai, People came for advice looking on (July 20th 02)



Sr. Advocate Mr. Manohar S. Usgocar at Legal Aid clinic (31st Aug., 02)



Touch Screen I.T.
Kiosk inauguration at
High Court of Bombay
at Goa, Panjim.



Justice G.D.Patil,
Sr. Administrative Judge
Launching I.T. Kiosk by
Operating touch screen.



Justice G.D. Patil
Lightening the traditional
lamp marking inauguration
of IT Kiosk

Touch Screen I.T Kiosk launched in the High Court premises on 28th October 2002, at the hands of Honorable Shri Justice G.D. Patil, Senior Administrative Judge and Executive Chairman, Maharashtra State Legal Service Authority. Following facilities are available on it.

- Legal Service Authority Act, 1987
- Goa State Legal Service Authority Rules, 1996
- The Goa State Legal Service Authority Regulation, 1998
- The Goa Lok Adalat Scheme
- Court Fees Act (as amended by Goa Amendment)
- Various information as to activities including Lok Adalats and legal aid camps/clinics of various Legal Service Authorities functioning in Goa
- Bombay High Court Appellate Side Rules, 1960
- Judgments/Daily Orders of High Court of Bombay at Goa
- Orders/Proceedings copy
- Goa State Legal Service Authority plus High Court of Bombay at Goa : Web site information
- Case status
- Cause list
- Information relating to Supreme Court and other High Courts available on the internet
- Information relating to Former High Court Judges from Goa
- Subordinate Judiciary in Goa
- Historical aspects of Judiciary in Goa

GIVING LOK ADALAT A CHANCE



By adv. Norma Alvares

On 20th July 2002 at the first sitting of the Permanent Lok Adalat of the Bombay High Court at Goa, 24 of the 67 cases listed for the day were amicably settled in the presence of the parties and their lawyers. 17 matters showed promise of settlement and were directed to be placed before the next Lok Adalat. In only 12 cases did the parties express unwillingness to compromise and the fate of another 10 remained unknown as one or another party was absent.

Most of these cases comprised appeals arising out of land acquisition awards or company application against defaulters of loans.

What was clearly visible in the cases that were eventually settled was a willingness on the part of the authorities to attempt to make realistic offers to the litigant that a bird in the hand is worth two in the bush. To this end the authorities, be they government, insurance companies or banks, had deputed senior personnel to attend or to be on call, so that compromise deals could be finalised within the space of the four hours that the Lok Adalat panel was in session. Clearly the Lok Adalat was taken in the right spirit that day.

When one considers that most of these cases in normal course would take at least a day each for disposal – and I am being optimistic about the time frame -- it is easy to see why available Alternate Dispute Resolution procedure must be promoted as an effective mechanism for resolving such matters. Not only are case disputes settled within a reasonable period of time, they are settled in a spirit of conciliation as well.

In his welcome address at the inaugural function of the Permanent Lok Adalat, Justice V.C.Daga, Chairman of the High Court Legal Service Commission referred to Lok Adalat as “a swadeshi method of administering justice”, adopted by our forefathers before the modern court system was set up by the colonial powers.

We are returning thus to tried and tested indigenous forms of delivering justice to people for whom the modern judicial system has become a very traumatic experience. All too often even people who have “won” a case feel a sense of denial of justice or loss as they have had to wait sometimes for quarter of a century before all appeals and reviews have exhausted themselves. Alternate Dispute Resolution procedures on the other hand have the following advantages: they save time and money, they are more creative and flexible, they allow direct participation of litigants, they encourage mutual communication between parties thus preserving relationships and finally, they permit mutually acceptable

solutions that the Court may not have power to otherwise direct.

Alternate Dispute Resolution forums are already recommended procedures in law, particularly in family dispute cases. Order XXXII-A (inserted by C.P.C. Amendment Act 1976) of the Civil Procedure Code states that in every suit or proceeding in matters concerning the family, an endeavour shall be made by the court to assist the parties in arriving at a settlement, even adjourning the proceeding for such period as it thinks fit to enable attempts to be made to effect such a settlement. Courts are also advised to secure the services of professional counsellors, preferably women if available, to assist the court in the discharge of its duties. Thus, even when parties resent themselves in adversarial litigation in matrimonial disputes, a duty is cast on the court to make efforts for amicable settlement.

The C.P.C. Amendment Act 1999, -- which has come into force on 1st July 2002 -- has added a new section which further emphasizes the need for settlement of disputes outside the conventional judicial framework, making it clear that such efforts are recommended legal procedures. The newly added S.89 states that where it appears to the court that there exist elements of a settlement which may be acceptable to the parties, the court shall formulate the terms of settlement and refer the same for arbitration, conciliation, judicial settlement through a Lok Adalat or mediation.

The law that governs us therefore clearly recommends that the judges, lawyers and litigants make sincere efforts to perceive alternative forms of dispute resolution as equivalent to obtaining a judgement on merits. After all, the system also makes it clear that if parties are not able to arrive at a consensus, the matter can always be heard in the appropriate forum on merits.

Why then do courts still fight shy of involving social workers, family counsellors, retired professionals and senior citizens who have talent and expertise, as part and parcel of the judicial system? The referral of disputes to family counsellors is not yet routine procedure but depends on the inclination of the judge and the lawyers. It is often a loosely examined option, when in fact it should be a mandatory procedure in the first instance, particularly in family matters involving delicate sentiments and minor children who through no fault of theirs are victims of parental disagreements

EVENTS

On 20th July 2002 Permanent Lok Adalat and Legal Aid Clinic were established in the High Court of Bombay at Goa, Panaji at the hands of Honorable Shri Justice G.D.Patil, the Acting Chief Justice of High Court of Judicature at Bombay. Legal Aid Clinic as per the calendar will have sitting on first, third and fifth, Saturday if any excluding Court Working Saturdays. Panel of Advocate to render legal advice in those Clinics consists of a Senior Advocate assisted by two other advocates. During this span July September 2002 ten successful clinic were held and 36 people have taken advantage of it.

Literacy Camps

North Goa

1. Legal Literacy camp was held at Raikar Farm Nagueshi, Ponda, on 20.7.2002. Advocate Shri K.L. Goankar and Advocate Miss C. Parab spoke on "The benefit of Entitlement of Legal Aid" & "Your right as a consumer".
2. On 17.8.2002 Legal Literacy Camp was held at Panchayat Hall Agarwada, Pernem and Advocate Shri Hunumanth Gawamdo spoke on "your right as a consumer"
3. On 21.9.2002 Legal Literacy Camp was held at Panchayat Hall Honda in Sattari Taluka and Advocate D.G.Pal and Advocate Mukund R. Malik spoke on above mentioned topics.
4. On 19.10.2002 Legal Literacy Camp was held at Panchayat hall Maulingam, Sattari and Advocate Sagar V. Gawas spoke on "Your right as a consumer and Advocate Shri A. Naik spoke on "The benefit of Entitlement of Legal Aid"
5. On 16.11.2002 Legal Literacy Camp was held at Sateri Temple, Siridao, in Tiswadi Taluka. Advocate Somnath Patil spoke on "The benefit of entitlements of Legal Aid" and Advocate Mr. Vassu Shirodkar spoke on "Your Right as consumer".

South Goa

1. On 17.8.2002 Legal Literacy Camp was held at Caunrem, Quepem School Advocate Shri U.Aude spoke on "Entitlement of legal aid" and advocate Victor Diniz spoke on "Environment of protection Act"
2. On 21.9.2002 Legal Literacy Camp was held at St.Jacinto island ad Advocate N.S. Karmali spoke on "Entitlement of legal aid and advocate Mmario p. almeida spoke on your right and duties under the constitution.
3. On 19.10.2002 camp was held at municipal hall canacona, Advocate S.N. Karmali spoke on "Entitlement of Legal Aid and Advocate Mario p. almeida spoke on "your right and duties under the constitution.

Lok Adalats:

Permanent Lok Adalat are established at High Court and both District Courts.

Permanent Lok Adalat for Public Utility Service as contemplated under Section 22B of legal Services Authorities Act 1987 (as newly amended) would be set up as soon as the central Government frames the rules setting up condition of service for chairman. The lok Adalat are regularly held in Goa. The following table would present picture at glance of this activity from 1st July 2003 to 15th December 2003: -

<i>District Court</i>	<i>No. of Cases Taken including MACT</i>	<i>No of cases disposed including MACT</i>	<i>Aggregate Compensation paid in MACT Cases</i>	<i>Remarks</i>
HIGH COURT	67	24	1,50,000/-	
NORTH	456	62	54,69,500/-	
SOUTH	662	116	34,28,000/-	
	1185	202	90,47,500/-	

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