

HANDBOOK

2018



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ABOUT NYAYA CHAUPAL

Satisfactory resolution of disputes between persons is essential for maintaining harmony and order in society. One of the major challenges that our country is facing today is the extreme pressure which our justice-delivery system finds itself under. The adversarial system of dispute resolution culminates in the decision of a dispute and does not necessarily redress the grievance of the parties – with at least one of the parties remaining wholly dissatisfied. Multiple channels of remedies not only add to the woes of the litigants by resulting in huge costs – both of time and expense, but also mount a heavy load on the overburdened courts. All this result in justice becoming illusory, and often, denied. The disputing parties have frittered away considerable amounts of time and money, which could have been utilised in a better manner in national interest. Apart from this, stands harden with time and persons who are engaged in litigation develop bitterness and enmity against each other, thus resulting in disrupting harmony in society. Therefore, apart from Court adjudication being a lengthy and tedious process, it also has grave costs, which can be avoided – at least in a large number of disputes between private persons.

In order to explore the possibility of such a mechanism, a group of persons convened several sessions. Various eminent persons having rich experience in social life, from various fields, came together to participate in these discussions. These discussions were held in New Delhi on January 8, 2017; March 5, 2017; May 8, 2017 and September 10, 2017. In order to lead the discussions, a “Green Paper” was prepared and circulated among the participants of the meeting, for the purpose of discussing the objectives, challenges and methodology.

Apart from this, a workshop for sensitising people from the Delhi and Faridabad regions, with the broad methodology which may be adopted for such informal and out-of-court resolution of disputes, was conducted on February 26, 2017. During the course of the workshop, Dr. Krishna



Gopal ji, Sah-Sarkaryavah of the Rashtriya Swayamsewak Sangh, gave direction to the group, by giving two important addresses to the delegates on the need for such a mechanism and the various possibilities.

Thereafter, steps were taken to incorporate this group of persons as a not-for-profit society. It was thus registered as a society by the name of “Nyaya Chaupal” under the Societies Registration Act, 1860 on June 30, 2017, with the Registrar of Societies, New Delhi. The constituent documents, such as the Registration Certificate, Memorandum of Association and the Rules and Regulations, are also being included in the present Handbook.

A periodical titled “Nyaya” which contains instances of informal dispute resolution gathered from various parts of the country, is also being circulated by the society on a regular basis, and two issues of the said periodical have already been released.

Philosophy & Motto

“Nyaya Chaupal”, as the name indicates, has its focus on utilising community spaces for the purpose of resolving disputes and imparting justice. In rural life, “chaupal” conveys a very special meaning, since it is the common place where people can sit, talk freely, celebrate, share their griefs



and problems and sort out their differences and disputes in a cordial and informal atmosphere. Since the entire objective of the group is to resolve disputes through social and community efforts, it seemed fitting to call it “Nyaya Chaupal”.

The image in the motto of Nyaya Chaupal represents people coming together, helping people to resolve their disputes by mutuality (signified by the shaking of hands). The epithet “बिवाद नहीं, सम्वाद” (vivaad nahi, samvaad), which literally translates into “dialogue, not dispute”, further makes it clear that discussion and dialogue can help resolve a difference and prevent it from assuming the shape of a dispute or a police/court-case.

Litigation and Nyaya Chaupal compared

The present system of formal dispute resolution comprises a network of courts and tribunals. In this formal system of courts and tribunals, cases are filed and conducted by trained professionals (lawyers) and adjudication is done by judges. Proceedings in adjudication are adversarial in nature



– i.e. both sides present their respective versions and the presiding officer of the court/tribunal hands down his decision. A party which is dissatisfied with the decision can resort to remedies before a higher forum, and two or three such remedies are usually available in the concerned law, acknowledging the possibility of error by a court/tribunal. In all these places, the parties are required to engage advocates to present their case in legal terminology. The formal dispute resolution system is full of legal technicalities making it difficult for laymen to cope up with the procedural requirements as well as to put their case forward in legal terms. All this increases the gap between the justice-seeker (litigant) and the justice-provider (court) and the litigant is often left with little say in many matters pertaining to his own case.

Adjudication in courts thus presents the following problems:

❖ Delay

By its very nature, adjudication by courts is a time-consuming process. Laws of procedure lead to frequent delays, and despite legal reforms, justice dispensation has not become swift. On the contrary, with the increase in population and consequently, the increase in disputes, decision-making in courts has only become slower. As per the latest data available on the National Judicial Data Grid¹, nearly 2.61 crores cases are pending in our subordinate courts (out of which nearly 80 lakh cases are civil in nature). Statistics further reveal that nearly 25% of all cases have been pending for more than five years, and 53.5% for more than two years. In this situation, delay must be accepted as an inevitable part of adjudication.

❖ Expense

Since advocates are essential for representing the litigant in court, engaging them involves expenditure. In the absence of any fixed remuneration/fees, market forces determine the fees that an advocate charges. Like all personal services, litigants flock to advocates who are competent, as a consequence of which some advocates are busier than others. Busier and more well-known lawyers charge heavily and litigants often incur heavily on engaging advocates to represent them in courts. Apart from that, there is heavy documentation, court-fee and ancillary expenditure which have to be borne by the litigant. All this means that even to get a petty dispute resolved through court, the litigant has to spend a lot of money. That apart, delay and procedural complexities add to the expense, since the longer the case is pending with the advocate, the more opportunities the lawyer takes to charge further fees in the form of refresher, etc.

¹ http://njdg.ecourts.gov.in/njdg_public/index.php (as on January 4, 2018).



❖ Acrimonious social relations

It is often seen that in the formal legal system, stands of the rival litigants harden with time. The dispute is eventually closed by a third person giving a judgment, often after a prolonged legal battle where both parties have been fiercely asserting that their position is the only correct position. Therefore, even though the dispute has been closed, it is difficult to say that it has been resolved. At the end of the court case, the relationship between the parties usually breaks down completely. What could have been resolved long ago by merely sitting together on a table, has precipitated to such an extent that the rival parties have become sworn enemies of each other – so much so that the dissatisfied party resorts to finding extra-legal methods, such as committing crime against the winning party, in order to wreak revenge. At the end of the long ladder of litigation, at least one, and in many cases, both the parties find that their grievance has not been redressed. Cases are decided, in a formal mechanism, as per the record and not by a comprehensive appreciation of the viewpoints of the parties by empathising with them. Parties find themselves in a competitive and confrontational atmosphere all the time, and there is no mutuality or brotherly feeling.

❖ Litigation multiplies disputes

Litigation leads to further litigation. E.g., if there is a dispute between a married couple and the wife deserts the husband, the husband approaches the court for restitution of conjugal rights. The wife may then file a complaint alleging cruelty against her husband and a case seeking divorce on the basis of cruelty. There is litigation regarding maintenance, custody of children, criminal case alleging misappropriation *stridhan*, etc. In this manner, one dispute leads to several cases.

❖ Unequal Playing Field

Illiteracy and backwardness are rampant in our society. The rich and resourceful citizen is not only capable of engaging heavily priced best lawyers, but is also usually aware of his rights, while engaging a competent lawyer may be a pipedream for a poor and illiterate litigant who is completely unaware of his legal rights. Since the court system is adversarial, it may be that due to lack of good legal counsel, the poor litigant may be unsuccessful. This gap has not been bridged even with the availability of free legal aid. This therefore, leads to severe inequality and hampers the enforcement of rights that a welfare State is obliged to ensure.



❖ Lack of Confidentiality

Court proceedings are public in nature, except for a few category of cases such as crimes against women where in-camera proceedings are held. This leads to court cases being heavily publicised and taking a case to court may certainly lead to washing the dirty linen in public. Cases are fought vigorously in courts and there may even be occasions where unsavoury allegations are leveled by the parties against each other in full public gaze, which may hamper their reputation and respect in society. In certain cases of sensational nature, media trials can also prevent justice from being handed down. Sometimes, excessive publication of court proceedings causes irreversible harm to even innocent whose involvement is alleged or suspected due to some error or foulplay. On the contrary, resolving dispute through informal means, avoids these problems, as the dispute is resolved with complete confidentiality, and the honour and respect of both the parties remains intact.

Why Nyaya Chaupal?

Nyaya Chaupal can overcome all these problems, as it attempts to resolve disputes through an informal community mechanism. At the same time, Nyaya Chaupal is not inclined to intervene in issues having widespread public and social impact such as crimes of heinous nature, and complicated legal issues, which courts are better equipped to decide. The focus of Nyaya Chaupal is to prevent disputes of a private nature (typically between members of a family, neighbours, businessmen, etc.) from aggravating and entering the court. It is the strident belief of Nyaya Chaupal that disputes between individuals could more conveniently be attempted to be resolved through social and community methods of informal nature. It must be remembered that in an informal system of dispute resolution, there are no winners and no losers – the effort is to bring together an outcome which is favourable to both the parties in some way.

Types of disputes

The nature of disputes which can be immediately subjected to an informal dispute resolution process of Nyaya Chaupal, are indicated below:

- ❖ **Family disputes** – disputes of matrimonial nature, those relating to custody of child upon separation, disputes between family members such as brothers, father and son, disputes of succession/inheritance



- ❖ **Property disputes** – disputes relating to specific performance of agreements for sale of property, those relating to *rasta* or passage, relating to share in property, tenancy/eviction matters
- ❖ **Contractual disputes** – disputes relating to payment of outstanding dues/money, cheque dishonourment, violation of contractual terms, economic offences such as cheating/breach of trust
- ❖ **Labour disputes** – disputes between workmen and management relating to termination, dues, strikes, etc.
- ❖ **Compensation matters** – disputes pertaining to award of compensation, such as on account of motor accidents, injuries and accidents of workmen
- ❖ **Other disputes** – defamation/libel and minor compoundable criminal offences

Cases such as those pertaining to grave crimes, some disputes of public nature with the Government or cases relating to public policy or public interest, may not be possible to be settled through an informal dispute resolution process of Nyaya Chaupal, and they may be left to the adjudicatory process of courts.

Causes of disputes

The above types of disputes which may be taken up by Nyaya Chaupal usually arise for one or more of the following underlying causes:

- ❖ **Disharmony**

A large number of disputes occur due to the lack of harmony between members of the family or of the society. Differences between people assume the shape of disputes on account of jealousy, anger or ego. Often, such disputes get aggravated because neither party is willing to take the initiative to talk and settle the matter, and in such circumstances, Nyaya Chaupal may provide a common forum where their disputes can be put to a mutually acceptable closure.



❖ **Genuine difference in perspectives**

Each person is entitled to his/her own perspective, and there are often situations when there may be a genuine difference in these perspectives, without either person being wrong in holding such a perspective. Such difference in perspective may well lead to a dispute in certain cases, and the role of Nyaya Chaupal can be to foster mutual respect between such persons in order to bring them to a solution agreeable to both.

❖ **False claims**

Due to the increasing ill-wills in society, falsehood and treachery have assumed enormous proportions. A large number of disputes which are pending in courts, and which are routinely instituted in courts, arise out of a completely false claim by one side. It is not easy to determine the truth and civil courts balance the probabilities of both contradictory versions put forth by the parties before them. Nyaya Chaupal can evolve ways and means to foster honesty and truthfulness in people by adopting methods such as holding sessions between parties at places of belief and reverence considered sacred, or by instilling the fear of God. In this manner, such disputes can also be resolved by making the false party accept that his/her version is false.



METHODOLOGY FOR RESOLUTION OF DISPUTES

Identification of Disputes

Disputes can be identified before they reach the courts by a multi-pronged process. Influential people in the community or locality are already associated with Nyaya Chaupal in the form of facilitators. Cooperation of elected representatives, such as Municipal Councilors, Village Panch/Sarpanch, etc. can also be sought for gaining information regarding a dispute which occurs. Local police and court staff can also be taken into confidence to alert the facilitators in case petty disputes of a private nature, such as those relating to family or contract, are brought before them. Most colonies in urban areas have Residents' Welfare Associations (RWAs) and Shopkeepers' Associations, whose cooperation can also be sought for the purpose of getting information as to disputes. Social organisations who have a well-knitted network, such as Rotary Club/Lions Club or Bharat Vikas Parishad, are another channel by which information about escalating disputes can be obtained. Also, since many disputes which are ideally suited for being resolved through informal method, pertain to family and matrimonial nature, it is likely that the support of Mahila Mandals/Nari Niketans in the matter of gaining information, can be useful.

Apart from getting information as to the pre-litigation disputes, it is also crucial to collect information relating to the disputes pending in courts, which can be resolved. One method can be to visit door-to-door and collect data of households with pending litigation. Thereafter, such disputes which can be subjected to informal dispute resolution process, can be attempted at being resolved.



Another method can be to collect data of the above-mentioned categories pending in various courts, from the concerned court itself.

It has been the experience of Nyaya Chaupal that people are generally reluctant to disclose information regarding their disputes or court-cases to others. Initially, when volunteers of Nyaya Chaupal visited villages in Delhi and Faridabad and enquired as to the existence of disputes and pendency of court-cases, the general response received was that there were no disputes and people sorted out the disputes themselves. However, when a rapport was established carefully and systematically, with volunteers extending aid to local people by undertaking efforts such as a free medical checkup camp, people were more forthcoming and revealed that there were indeed disputes. It is thus essential that a good understanding be established in the area, and only after that would people feel comfortable to repose their trust and confidence in the volunteers for settlement of disputes.

Dispute Resolution Process

The process of settling disputes by informal method must be adopted systematically. The first step is to identify the nature of the dispute and complexity involved in it. The complexity of the dispute can be usually measured on the basis of the straining of relations between the parties, and their willingness to arrive at a settlement. Cases where relations between the parties have become severely acrimonious or where parties are not interested in conserving cordiality in their relationship, will require greater effort in persuading them to settle the matter outside court.

At a preliminary stage, in order to ascertain the nature of the dispute, it is usually better to talk to the parties either at a joint sitting, or if they are unwilling to come together, separately. If the dispute is aggravated, a wider-ranging harmony committee comprising some senior and respected persons of the locality, 4-5 in number, may try and bring the dispute between the parties to an amicable solution.

In routine cases, two or three facilitators should be sufficient to resolve the dispute by following the step-by-step process indicated below. Ideally, no dispute should be attempted to be resolved by a single facilitator as that may affect the credibility of resolution.

The process can be conveniently divided into six stages:

- 1) Introduction
- 2) Joint Session
- 3) Separate Session(s)
- 4) Resolving the deadlock
- 5) Closing
- 6) Follow-up



STAGE 1: INTRODUCTION AND OPENING STATEMENT

The objectives of this stage are to:

- Establish neutrality
- Create an awareness and understanding of the process
- Develop rapport with the parties
- Gain confidence and trust of the parties
- Establish an environment that is conducive to constructive negotiations
- Motivate the parties for an amicable settlement of the dispute

Introduction

- To begin with, the facilitators introduce themselves by giving information such as his name, areas of specialization if any, and number of years of professional experience.
- The facilitators must declare that they have no connection with either of the parties and they have no interest in the dispute.
- They also express hope that the dispute would be amicably resolved. This will create confidence in the parties about the facilitators' competence and impartiality.
- Thereafter, the facilitators request the parties to introduce themselves. They may elicit more information about the parties and may freely interact with them to put them at ease.

Opening Statement

The opening statement is an important phase of the process. The facilitators explain in a language and manner understood by the parties why it is better to avoid litigation and resolve their differences outside court. The facilitators should take all possible steps to make the parties comfortable, and create an environment in which parties can share their grievances with utmost confidence and without the apprehension of being judged. The facilitators may also indicate their past experience in resolving disputes outside court, and having absolutely no personal interest or affiliation with any of the parties. This will help in generating confidence in the parties.

In particular, the facilitators shall highlight the following important aspects about the process:

- **Voluntary**
- Self-determinative
- Non-adjudicatory
- Confidential
- Good-faith participation



- Time-bound
- Informal and flexible
- Direct and active participation of parties
- Party-centred
- Neutrality and impartiality of facilitator
- Finality
- Possibility of settling related disputes
- Need and relevance of separate sessions

The facilitators shall explain the following **ground rules**:

- Ordinarily, the parties may address only the facilitators
- While one person is speaking, others may refrain from interrupting
- Language used may always be polite and respectful
- Mutual respect and respect for the process may be maintained
- Mobile phones may be switched off
- Adequate opportunity may be given to all parties to present their views

Finally, the facilitators shall confirm that the parties have understood the process and the ground rules and shall give them an opportunity to get their doubts if any, clarified. At this stage, the facilitators may also request the parties to submit a consent form drafted by Nyaya Chaupal, agreeing to extend their cooperation to the facilitators of Nyaya Chaupal.

STAGE 2: JOINT SESSION

Objectives

- Gather information
- Provide opportunity to the parties to hear the perspectives of the other parties
- Understand perspectives, relationships and feelings
- Understand facts and the issues
- Understand obstacles and possibilities
- Ensure that each participant feels heard

Procedure

- The facilitators should invite parties to narrate their case, explain perspectives, vent emotions and express feelings without interruption or challenge.
- The facilitators should encourage and promote communication, and effectively manage interruptions and outbursts by parties.



- The facilitators may ask questions to elicit additional information when they find that facts of the case and perspectives have not been clearly identified and understood by all present.
- The facilitators would then summarize the facts, as understood by them, to each of the parties to demonstrate that the facilitators have understood the case of both parties by having actively listened to them.
- Parties may respond to points/positions conveyed by other parties and may, with permission, ask brief questions to the other parties.
- The facilitators shall identify the areas of agreement and disagreement between the parties and the issues to be resolved.
- The facilitators should be in control of the proceedings and must ensure that parties do not 'take over' the session by aggressive behaviour, interruptions or any other similar conduct.
- During or on completion of the joint session, the facilitators may separately meet each party with his counsel. The timing of holding the separate session may be decided by the facilitators, having regard to the productivity of the ongoing joint session, silence of the parties, loss of control, parties becoming repetitive or request by any of the parties. There can be several separate sessions. The facilitators could revert back to a joint session at any stage of the process if he feels the need to do so.

STAGE 3: SEPARATE SESSION

Objectives

- Understand the dispute at a deeper level
- Provide a forum for parties to further vent their emotions
- Provide a forum for parties to disclose confidential information which they do not wish to share with other parties
- Understand the underlying interests of the parties
- Help parties to realistically understand the case
- Shift parties to a solution-finding mood
- Encourage parties to generate options and find terms that are mutually acceptable

Procedure

(i) RE - AFFIRMING CONFIDENTIALITY

During the separate session each of the parties would talk to the facilitators in confidence. The facilitators should begin by re-affirming the confidential nature of the process.



(ii) GATHERING FURTHER INFORMATION

The separate session provides an opportunity for the facilitators to gather more specific information and to follow-up the issues which were raised by the parties during the joint session. In this stage of the process:-

- Parties vent personal feelings of pain, hurt, anger etc.,
- The facilitators identify emotional factors and acknowledges them;
- The facilitators explore sensitive and embarrassing issues;
- The facilitators distinguish between positions taken by parties and the interests they seek to protect;
- The facilitators identify why these positions are being taken (need, concern, what the parties hope to achieve);
- The facilitators identify areas of dispute between parties and what they have previously agreed upon;
- Common interests are identified;
- The facilitators identify each party's differential priorities on the different aspects of the dispute (priorities and goals) and the possibility of any trade off is ascertained.
- The facilitators formulate issues for resolution.

(iii) SUB- SESSIONS

Separate session is normally held with all the members of one side to the dispute and other members who come with the party. However, it is open to the facilitators to meet them individually or in groups by holding sub- sessions with only the party or any member(s) of the party. If there is a divergence of interest among the parties on the same side, it may be advantageous for the facilitators to hold sub- session(s) with parties having common interest, to facilitate negotiations. This type of sub-session may facilitate the identification of interests and also prevent the possibility of the parties with divergent interests, joining together to resist the settlement.

STAGE 4: RESOLVING THE DEADLOCK

(i) HARMONY BUILDING

The entire effort during the joint and separate sessions to be carried out by the facilitators are to bring about a situation and atmosphere where both parties agree to give up some part of their claim. One of the ways in which this can be done is by creating harmony between the disputing parties. Often, disputing parties are known to each other, or are related to each other, and they are in dispute on account of anger, jealousy, pain, hurt, ego, etc. In such situations, the facilitators



must strive to gradually dissolve these negative feelings and produce optimism and positivity in the disputing parties for each other.

Nyaya Chaupal has found that there are at various ways by which this can be made possible. One such way can be by conducting facilitation sessions at a revered place/diety. Often it is seen, especially in rural areas, that there is a place, spot, diety, book or any other object, which is so revered and respected that people who repose belief in such a place/diety submit completely and abandon all their ego. Nyaya Chaupal can identify such places/dieties with the help of local population, and can bring about a mutually acceptable solution dissolving the dispute, and preventing it from escalating.

Another way of building harmony, especially when the disputing parties have known each other for long, can be to elicit from each side, the positive aspects of the other person's character or positive moments in their relationship. When relatives or friends quarrel, it is often seen that they only see the negative side of the other person. It is important to transform this frame of mind, thus softening their stands to open a window for a mutual settlement.

(ii) REALITY - TESTING

Although harmony building exercise may result in parties agreeing to a settlement, it often happens that it is necessary to challenge or test the conclusions and perceptions of the parties and to open their minds to different perspectives. The facilitators can, in order to move the process forward, engage in reality-testing. Reality-testing may involve any or all of the following:

- (a) A detailed examination of specific elements of a claim, defense, or a perspective;
- (b) An identification of the factual and legal basis for a claim, defense, or perspective or issues of proof thereof;
- (c) Consideration of the positions, expectations and assessments of the parties in the context of the possible outcome of litigation;
- (d) Examination of the monetary and non-monetary costs of litigation and continued conflict;
- (e) Assessment of witness appearance and credibility of parties;
- (f) Inquiry into the chances of winning/losing at trial; and
- (g) Consequences of failure to reach an agreement.

Techniques of Reality-Testing

Reality-Testing is often done in the separate session by:

1. Asking effective questions,
2. Discussing the strengths and weaknesses of the respective cases of the parties, without breach of confidentiality, and/or



3. Considering the consequences of any failure to reach an agreement (BATNA/WATNA /MLATNA analysis).

(i) Asking Effective Questions

Facilitators may ask parties questions that can gather information, clarify facts or alter perceptions of the parties with regard to their understanding and assessment of the case and their expectations.

Examples of effective questions:

- **OPEN-ENDED QUESTIONS** like 'Tell me more about the circumstances leading up to the signing of the contract'. 'Help me understand your relationship with the other party at the time you entered the business'. 'What were your reasons for including that term in the contract?'
- **CLOSED QUESTIONS**, which are specific, concrete and which bring out specific information. For example, 'it is my understanding that the other driver was going at 60 kilometers per hour at the time of the accident, is that right?' 'On which date the contract was signed?' 'Who are the contractors who built this building?'
- **QUESTIONS THAT BRING OUT FACTS:** 'Tell me about the background of this matter'. 'What happened next?'
- **QUESTIONS THAT BRING OUT POSITIONS:** 'What are your legal claims?' 'What are the damages?' 'What are their defenses?'
- **QUESTIONS THAT BRING OUT INTERESTS:** 'What are your concerns under the circumstances?' 'What really matters to you?' 'From a business / personal / family perspective, what is most important to you?' 'Why do you want divorce?' 'What is this case really about?' 'What do you hope to accomplish?' 'What is really driving this case?'

(ii) Discussing the strengths and weaknesses of the respective cases of the parties

The facilitators may ask the parties for their views about the strengths and weaknesses of their case and the other side's case. The facilitators may ask questions such as, 'How do you think your conduct will be viewed by a Judge?' or 'Is it possible that a judge may see the situation differently?' or 'I understand the strengths of your case, what do you think are the weak points in terms of evidence?' or 'How much time will this case take to get a final decision in court?' Or 'How much money will it take in legal fees and expenses in court?'

(iii) Considering the consequences of any failure to reach an agreement (BATNA/WATNA /MLATNA Analysis).

BATNA : Best Alternative to Negotiated Agreement

WATNA : Worst Alternative to Negotiated Agreement

MLATNA : Most Likely Alternative to Negotiated Agreement



One technique of reality-testing which can be used is to consider 'the best', 'the worst' and 'the most' likely outcome if a dispute is not resolved outside court. As part of reality-testing, it may be helpful to the parties to examine their alternatives in litigation so as to compare them with the options available outside it. It is also helpful for the facilitators to discuss the consequences of failing to reach an agreement e.g., the effect on the relationship of the parties, the effect on the business of the parties etc. While the parties often wish to focus on best outcomes in litigation, it is important to consider and discuss the worst and the most likely outcomes also. The facilitators solicit the viewpoints of the party about the possible outcome in litigation. It is productive for the facilitators to work with the parties to come to a proper understanding of the best, the worst and the most likely outcome of the dispute in litigation as that would help the parties to recognize reality and thereby formulate realistic and workable proposals.

If the parties are reaching an interest-based resolution with relative ease, a BATNA/WATNA/ MLATNA analysis need not be resorted to. However if parties are in difficulty at negotiation and the facilitators anticipate hard bargaining or adamant stands, BATNA/ WATNA/ MLATNA analysis may be introduced.

By using the above techniques, the facilitators assist the parties to understand the reality of their case, give up their rigid positions, identify their genuine interests and needs, and shift their focus to problem-solving. The parties are then encouraged to explore several creative options for settlement.

(iv) Brain Storming

Brain Storming is a technique used to generate options for agreement.

There are 2 stages to the brain storming process:

1. Creating options
2. Evaluating options

1. Creating options:- Parties are encouraged to freely create possible options for agreement. Options that appear to be unworkable and impractical are also included. The facilitators reserve judgment on any option that is generated and this allows the parties to break free from a fixed mind set. It encourages creativity in the parties. Facilitators refrain from evaluating each option and instead attempts to develop as many ideas for settlement as possible. All ideas are written down so that they can be systematically examined later.

2. Evaluating options:- After inventing options the next stage is to evaluate each of the options generated. The objective in this stage is not to criticize any idea but to understand what the parties find acceptable and not acceptable about each option. In this process of examining each option



with the parties, more information about the underlying interests of the parties is obtained. This information further helps to find terms that are mutually acceptable to both parties.

Brainstorming requires lateral thinking more than linear thinking.

Lateral thinking: Lateral thinking is creative, innovative and intuitive. It is non-linear and non-traditional. Facilitators use lateral thinking to generate options for agreement.

Linear thinking: Linear thinking is logical, traditional, rational and fact based. Facilitators use linear thinking to analyse facts, to do reality testing and to understand the position of parties.

STAGE 5: CLOSING

- Once the parties have agreed upon the terms of settlement, the parties re-assemble and the facilitator ensures that the following steps are taken:

1. Facilitators orally confirm the terms of settlement;
2. Such terms of settlement are reduced to writing;
3. The agreement is signed by all parties to the agreement;
4. Facilitators also may affix their signatures on the signed agreement, certifying that the agreement was signed in his/her presence;
5. A copy of the signed agreement is furnished to the parties, and one copy is retained by Nyaya Chaupal;
6. The facilitators thank the parties for their participation in the mediation and congratulates all parties for reaching a settlement.

Nyaya Chaupal has devised a form for memorandum of settlement, which can be utilised for reducing the agreement into writing. This format is only indicative, and can be suitably modified to suit the need of the situation. A memorandum of settlement should typically:

- a. clearly specify all material terms agreed to;
- b. be drafted in plain, precise and unambiguous language;
- c. be concise;
- d. use active voice, as far as possible. Should state clearly WHO WILL DO, WHAT, WHEN, WHERE and HOW (passive voice does not clearly identify who has an obligation to perform a task pursuant to the agreement);
- e. use language and expression which ensure that neither of the parties feels that he or she has 'lost';
- f. ensure that the terms of the agreement are executable in accordance with law;
- g. be complete in its recitation of the terms;
- h. avoid legal jargon, as far as possible use the words and expressions used by the parties;



- i. as far as possible state in positive language what each party agrees to do;
- j. as far as possible, avoid ambiguous words like reasonable, soon, co-operative, frequent etc.

In this manner, an organised structure of facilitators may marshal their experience, learning, wisdom and credibility to identify disputes and interact with disputing parties for striking a mutually acceptable resolution of dispute.

STAGE 6: FOLLOW-UP

Although the dispute is resolved, and the parties leave with the feeling of having successfully avoided the tedious and tiring process of litigation in court, it is advisable that the proceedings and details of such a dispute, are recorded so as to serve as a guidance and inspiration for future disputes of like nature. At the same time, care must be taken to maintain confidentiality of parties and personal details, wherever avoidable, should be left out of such record.

The entire emphasis of Nyaya Chaupal through this effort is to bring about social harmony by providing a forum for people in society to prevent differences from escalating into disputes or court cases. The endeavour is to avoid the natural fallouts of formal dispute resolution, such as acrimony in relations. Therefore, as a follow up to the successful dispute resolution, Nyaya Chaupal aims to bring about cordiality in relations of the erstwhile disputants. Parties who have successfully resolved their disputes can also be felicitated in public functions or festivals, so as to encourage them in maintaining cordial relations as well as to inspire others in society to embrace informal dispute resolution methods, as opposed to litigating in courts. Such settlements can go a long way in improving the general level of cohesion and contentment in society, and utilising the energies of people for common good, besides ridding the judicial system of avoidable litigation.



THE JOURNEY SO FAR

Meetings and Deliberations

The seeds for Nyaya Chaupal were sown when a group of legal experts met in New Delhi on January 8, 2017 under the chairmanship of Justice R.C. Lahoti (former Chief Justice of India). Thereafter, several deliberations resulted in Nyaya Chaupal becoming a registered society and working extensively in Faridabad, Delhi and Gurugram for informal resolution of disputes.

In the first meeting held on January 8, 2017, which witnessed the participating of former Chief Justice and Judges of the High Courts, the feasibility and desirability of carrying out informal dispute resolution at the grassroot level, was explored. It was observed that the task, though not impossible, is beset with numerous challenges.

On February 26, 2017, a day-long workshop to sensitise nearly thirty people from Delhi and Faridabad was conducted under the guidance of Dr. Krishna Gopal ji, Sah-Sarkaryavah, Rashtriya Swayamsewak Sangh. In the two addresses delivered by him on that day, the philosophy and vision of Nyaya Chaupal was laid forth. Emphasis was laid on improving social relations, which are often destroyed due to litigation in courts. This handbook contains the transcript of those two addresses, as well as links to the audio.

The next meeting of the Working Group was held on March 5, 2017, where extensive deliberations took place as to what should be the organisational structure of the group and what should be methodology of achieving the objectives of the group. Participants put forth the various social and community efforts which are already going on in the area of informal dispute resolution, in order to evolve a suitable strategy for organising the group and methodology for resolving disputes.



The Working Group met again on May 8, 2017. In the said meeting, it was decided to give the group the shape of a society and get the same registered under the Societies Registration Act at Delhi. As a beginning, efforts to identify and attempt resolution of disputes may be made in Faridabad, Gurugram and Delhi. The first issue of the periodical “Nyaya”, which compiles instances of informal dispute resolution from across the country, was also released at the meeting.

In the meeting held on September 10, 2017, the National Level Working Group took stock of the developments in Faridabad, Gurugram and Delhi. It was informed that the first successful resolution of dispute had taken place by the team at Faridabad, which also found mention in the second issue of “Nyaya” circulated during the said meeting.

Disputes identified by Nyaya Chaupal

I) **MATRIMONIAL – FARIDABAD (KOLKATA) – RESOLVED**

A matrimonial dispute between a couple which had been married for 27 years and blessed with two sons. The said dispute had aggravated to such an extent that the husband and wife had started living separately, and the husband had stopped paying the maintenance to his wife and college-going sons. The entire genesis of the dispute lay in the wife suspecting her husband of infidelity, which was baseless. Facilitation was carried out by Nyaya Chaupal and eventually, both the sides agreed on resuming cohabitation, thus bringing the entire family together, and preventing a protracted litigation.

II) **SUCCESSION – FARIDABAD – RESOLVED**

A succession dispute between four brothers as to their shares in the family property. The dispute had reached the court and had remained pending for several years. With the effective and strategic intervention of Nyaya Chaupal by taking the help of several eminent persons of the village, as well as a respected lawyer, a long-pending dispute has been successfully resolved and cordial relations been established in the family. The court cases which were pending between the parties have been agreed to be withdrawn.

III) **MATRIMONIAL – FARIDABAD – RESOLVED**

A matrimonial dispute arose between a couple which had been married for 24 years and was blessed with two daughters. The couple had been having regular quarrels for the last 4-5 years, when eventually they started living separately. Matters precipitated



when they initiated police and legal action against each other. The dispute was resolved with the efforts of Nyaya Chaupal, thus avoiding the family from breaking up.

IV) PROPERTY – FARIDABAD – RESOLVED

A dispute came into existence between relatives in respect of their share in residential property, which also reached the civil court. One side was claiming a much greater share by exerting political pressure. The other side approached Nyaya Chaupal and requested intervention. The volunteers of Nyaya Chaupal, through their consistent efforts, brought the other side on the negotiating table, and by constant attempts and meetings at neutral places and in the presence of local influential people, the negotiations were successful and it was agreed to distribute their shares as per their entitlement. An application for withdrawal of the civil case has also been filed in the civil court, and the matter has thus been peacefully resolved with the efforts of Nyaya Chaupal.

V) MATRIMONIAL – FARIDABAD – RESOLVED

A dispute arose between a couple which had been married for less than two years. Both the husband and wife were employed in Faridabad. The wife was pregnant, and due to their differences and quarrels, the situation had worsened and she had gone to her parents' home. When the dispute was identified by Nyaya Chaupal, meetings were held by the facilitators at a neutral place, in the presence of other family members. The husband and wife both were heard individually also. It so transpired that the wife had revealed some private matters to her relative, which had resulted in a petty matter becoming a full-fledged dispute and threatening to break up the family. Constant deliberations were undertaken and the wife realised her mistake and she promised to be careful in future. The couple was re-united and the wife went with her husband.

VI) MATRIMONIAL – FARIDABAD – PENDING

A matrimonial dispute between a couple blessed with a minor daughter. The wife claims that she had been turned out by her husband and she suspects him of infidelity. The husband and in-laws claim that she had left of her own free will. The wife has initiated proceedings for maintenance and has been granted interim maintenance. Nyaya Chaupal has taken up this dispute for resolution, and is exploring both options equally, viz., of reconciliation and peaceful end to relationship.

VII) OTHER – FARIDABAD – PENDING

A dispute between two rival groups relating to management of a temple in rural Faridabad has been identified by Nyaya Chaupal, and all efforts are being made to



bring both sides on the negotiating table in order to work out a mutually acceptable solution.

VIII) MATRIMONIAL – GURUGRAM/LUCKNOW – PENDING

An aggravated dispute between a couple, which has cases pending at initial stage in courts of Gurugram and Lucknow, has been identified by the Nyaya Chaupal team at Gurugram. If resolved amicably, it is likely to end at least three court cases, and prevent several others from being initiated.

IX) COMPENSATION – GURUGRAM – PENDING

A matter relating to compensation for motor accident against an auto driver, is pending in the court of Gurugram. The auto driver is on bail, and resolution of this case is likely to result in a swift end to their dispute.

X) MATRIMONIAL – GURUGRAM – PENDING

A dispute between a separated couple, in which the Family Court has granted divorce by holding cruelty by the wife, and is now pending in the High Court. Resolution of this dispute outside the court is likely to bring about a peaceful closure between the parties.

XI) MATRIMONIAL – GURUGRAM – PENDING

A dispute between a married couple pending in the Family Court of Gurugram. Mediation proceedings conducted under the aegis of the court have failed, and Nyaya Chaupal is making efforts to bring about a peaceful resolution to the case.

XII) MATRIMONIAL – GURUGRAM – PENDING

A dispute between a married couple pending in the Family Court of Gurugram. Mediation proceedings conducted by the court have failed, and Nyaya Chaupal is making efforts to bring about a peaceful resolution to the case.



GREEN PAPER

Introduction

Satisfactory resolution of disputes is *sine qua non* for an orderly society. One of the most commonly resorted methods of dispute resolution is adjudication by courts, which inherently brings about several undesirable outcomes. Owing to the adversarial nature of litigation, the process is both lengthy and expensive besides resulting in acrimony between the disputants and fissures within the society. Parties to the litigation deplete vast amounts of financial resources in fighting their case in a court. Due to the uncertainty of outcome in litigation and the common law procedures, often litigation is treated as a game where procedural considerations may not necessarily lead to justice. What makes litigation really deterrent in our country is the vast amounts of arrears pending in courts, due to which disputes take years, sometimes even decades, to get resolved through the institution of courts. Coupled with these costs of money and time, the social costs are also damaging.

All these inherent ills of litigation lead to the question as to whether court adjudication is the only method of resolving disputes and whether resolution of disputes through that process is most satisfactory and conducive to the well being of society? Can some other mechanism be evolved so as to effectively resolve disputes without resulting in the same pitfalls as in litigation? It is this which is one of the primary objectives of this group.

Ancient Indian Conception

It is useful to hark back to our ancient literature, which contains an answer to nearly all human woes. Our ancient legal system comprised a framework for resolution of disputes with a hierarchy of bodies². It is reasonably established that apart from formal courts appointed by the King and the King himself, who were primarily confined to adjudicate upon criminal cases involving corporal punishment, most of the civil disputes used to be resolved by family gatherings (*kula*), members of the same craft, profession or trade (*shreni*), and members of Village Panchayats or assembly (*gana*). Such disputes which could not be satisfactorily resolved by the aforesaid, could be taken to a court presided by an officer appointed by the King and then by way of an appeal to the King himself.

In this manner, very few civil disputes resulted in acrimonious adversarial after-effect. In fact, the hallmark of an evolved civil dispute resolution system is how best to avoid bad blood and

² Kautilya 82.496 and Brihaspati 2.3.16.36-14-15, as quoted in M. Rama Jois *Legal and Constitutional History of India* Volume I, p. 490-492



promote the feeling of mutual satisfaction. Comity among individuals can be contrasted with the interdependence of individuals in society. Indian philosophy envisages a social system which views individuals as favourable to each other in society, in contradistinction of their being competitors and neither adversary nor interdependent. Pt. Deendayal Upadhyay aptly sums up this essential feature of Indian social set-up in the following words:

“A system of mutual dependence, or to call it more appropriately, mutual favourableness, was evolved in India. Thus, a highly scientific pure social order came to be developed in India...This mutual favourableness is the hallmark of Indian philosophy. In a social order where people are mutually favourable to each other and also towards society, the freedom and respect of an individual is secure...This itself will be dharma that we be favourable to each other...A conduct, behaviour, thought and system which is based on mutual favourableness is the best...when we perform our duties mutually favourable to each other, all derive satisfaction, and one partakes a part of that common satisfaction. We ourselves will also prosper. Individual and society both will be content.”³

International Experience

The primary reasons underlying the drive to adopt alternative dispute resolution systems such as voluntary and professional mediation, conciliation, negotiation etc. in various jurisdictions across the world, are that these mechanisms save money⁴ and time⁵. Moreover, when disputes are settled through these methods, there is no likelihood of further appeal or revision, nor are the decisions required to be executed through court process. Although not a driving force behind the move to find alternatives to litigation, yet it is recognised that dispute resolution through negotiation, mediation and conciliation brought about much larger satisfaction to the litigants and protects cordial relationship between the litigants *inter se* as compared to the resolution of disputes by way of adjudication.⁶ A World Bank study also summarised other indirect benefits, such as improving trust in the legal system which can increase foreign investment and improving effectiveness of courts by reducing bottlenecks. In its conclusion, the study observes:

³ Deendayal Upadhyay, *Complete Works* Chapter 9 (Vol. 15), p. 59, 62-63 [Prabhat Prakashan, New Delhi: 2016]

⁴ International Finance Corporation, “Evaluation of the PEP SE ADR Projects in Bosnia and Herzegovina, Serbia and Macedonia” Washington, DC. 2006. This study in several countries found that the cost of mediation was about 50% of the cost of litigation. In Latin American countries, the cost of resolution of disputes was even 3 to 18% of the cost of litigation. In the U.S., savings in terms of the cost of resolution of the dispute by means of mediation and conciliation vis-à-vis cost of litigation was about \$500 per party.

⁵ The report indicated that where the tenant eviction case in court was taking 15 months, it was getting resolved within 4 months by adopting the process of conciliation.

⁶ Inessa Love, “Settling Out of Court” [World Bank, Note Number 329, Washington, DC. October 2011, available at <http://siteresources.worldbank.org/FINANCIALSECTOR/Resources/282044-1307652042357/VP329-Setting-out-of-court.pdf>, last accessed on Jan 15, 2017].



“ADR could alleviate courts’ case backlogs and improve their effectiveness...ADR programs compliment state dispute resolution: better quality of courts is associated with more frequent use of ADR services.”⁷

The perception of alternative dispute resolution methods has also been conceptualised by Prof. Sander through a multi-doored courthouse, by which a courthouse is not merely a forum for litigation, but an arena where the disputant enters and is suitably guided to one or the other several forms of dispute resolution, which may not necessarily be litigation.⁸ Although Prof. Sander has called this to be an institutional mechanism, this system can be effectively incorporated through private and social means as well, thus reducing the tendency to institute litigation.

Existing Legal Framework and the Way Ahead

Litigation-free society has been envisaged as role model for comprehensive and all round development of social and community model with Gram Swaraj as the underlying idea.⁹

Some Legal Services Authorities have worked towards achievement of the objective of resolving the disputes at the door step of the people and have been able to realise the dream of litigation free villages¹⁰. Some other efforts¹¹ at individual levels are striving to rid litigation but the efforts are mostly sporadic and far in between. Keeping in view the vastness of the country and the enormity of the task, the effort required is of much larger scale across the country.

Laws have been amended to empower the court to refer disputes to methods for an amicable settlement. Section 9 of the Family Courts Act, 1984 makes it incumbent upon the family court to make efforts to persuade parties to arrive at a settlement. Similarly, Rule 3 of Order XXXII-A of the Code of Civil Procedure contemplates a similar duty of the court hearing a matter concerning the family.¹² Section 89 and Order X Rule 1-A of the Code of Civil Procedure now contemplate settlement of disputes through various means including arbitration, conciliation, settlement and mediation.¹³ The Legal Services Authorities Act, 1987 contemplates the constitution

⁷ *Id.*

⁸ Frank E.A. Sander, “The Multi-Door Courthouse: Settling Disputes in the year 2000”, 3 Barrister 18 (1976). See also: Judith Resnik, “Many Doors? Closing Doors? Alternative Dispute Resolution and Adjudication”, 10 Ohio St. J. on Disp. Resol. 211 (1994-95).

⁹ This model has been inspired by the philosophy and ideology of Pt. Deen Dayal Upadhyay, Mahatma Gandhi and Nanaji Deshmukh.

¹⁰ Lingapuram in Andhra Pradesh was declared litigation free by the High Court Chief Justice [“Lingapuram declared first ‘litigation-free’ village”, The Hindu dated Jan. 26, 2013, available at <http://www.thehindu.com/todays-paper/tp-national/lingapuram-declared-first-litigationfree-village/article4346704.ece>, last accessed on Jan. 17, 2017]. Similarly, a literate village in Kerala has been made litigation free on account of the coordinated effort between the State Legal Services Authority and the implementing agency, Jananeethi, a non-Governmental organization [“Litigation-free, legally literate village”, available at <http://www.thehindu.com/2004/08/15/stories/2004081505660500.htm>, last accessed on Jan. 17, 2017]

¹¹ ‘Uthhan’ in Rajasthan and the State Legal Services Authority of Himachal Pradesh have also ventured in this area.

¹² Inserted by Act 104 of 1976

¹³ Inserted by Act 46 of 1999



of a National Authority, State authorities, District authorities and Taluk authorities. The Act also contains other provisions in respect of Lok Adalats and pre-litigation settlement.

Apart from these statutory interventions, various administrative efforts have also been attempted – to name a few – providing computerisation, improving infrastructure, increasing judicial manpower, setting up alternative fora such as specialised tribunals and courts for adjudicating specific class of disputes.

Despite all these legislative and administrative efforts, it seems that the pendency problem has continued to aggravate. While there were nearly 2 crore cases pending in subordinate courts in the year 2000¹⁴, the number is now 2.81 crore in subordinate courts alone.¹⁵ This is the situation at the lowest pedestal of judiciary and there are likely to be further rounds of appeals, revisions and execution etc. thus making the actual realisation of justice a pipedream.

Therefore, there is a need to undertake an in-depth study of the problem and explore various alternatives so as to remedy the situation. The objective of the contemplated hypothesis is to resolve disputes amicably and reduce the inflow of litigation in order to tackle pending litigation. Disputes can be settled both in cases where litigation is pending in courts and where it is yet to be instituted. In this manner, the burden on courts will be significantly reduced as either the institution of cases is reduced, or parties may settle their cases and then withdraw their pending cases. The contemplated mechanism is to involve voluntary public spirited and *pro bono* persons who have a high moral standing in society. Such a group may thus consist of retired legal experts, public servants, educationists, etc. at all levels starting from the grassroots to the national level.

Objectives

An illustrative list of objectives of the group is given below:

- i. To study the existing judicial framework responsible for dispensation of justice, identify various deficiencies and try to find their remedies;
- ii. To study and examine the mechanism for justice delivery in ancient times, and attempt to adapt them to suit the present times;
- iii. To study and analyse various alternatives for resolution of disputes other than adversarial adjudication through courts and tribunals;

¹⁴ Law's Delays : Arrears in Courts, 85th Report, Department-related parliamentary standing committee on Home Affairs, Parliament of India, Rajya Sabha, http://rajyasabha.nic.in/book2/reports/home_aff/85threport%20.htm.

¹⁵ As per the recent Supreme Court report, subordinate courts in India have 2.81 crore pending cases as on 30.6.2016 out of which two-third cases, i.e. 1,96,06,826 cases are criminal cases and the remaining 85,42,347 are civil cases. While about 2 crore cases were filed from 1.7.2015 to 30.06.2016 (1,61,19,756 criminal cases and 38,02,235 civil cases), 1,52,51,621 criminal cases and 36,52,606 civil cases were disposed of during the said period, thereby leaving total pendency as on 30.6.2016 at 2,81,49,173. Out of these pending cases, 20,56,895 cases are chronic and are more than 10 years old. [Indian Judiciary: Annual Report 2015-16, published by the Supreme Court of India, available at <http://sci.nic.in/annualreport/annualreport2015-16.pdf>, last accessed on Jan. 15, 2017].



- iv. To study and analyse various modes of resolution of disputes adopted in other countries and explore their relevance and applicability to Indian conditions;
- v. To undertake in depth study and research regarding contemporary legal and judicial issues and evolve expert policy and strategies for the improvement of legal and judicial system.

Suggested Methodology

For achieving the aforesaid objectives, working groups comprising retired legal experts, civil servants, educationists and social activists etc. can be set up at the District level. Persons who are to be identified for this purpose must be individuals of high moral authority in the society, and must be public-spirited individuals, ready to work *pro bono*.

The primary aim of such a group is to bring about satisfactory resolution of disputes in a cordial manner so that disputes are no longer required to be taken to court for adjudication and, if already taken to litigation, are withdrawn pursuant to amicable settlement. The techniques which may be adopted by this group may include negotiation, mediation and conciliation, and other such conversational methods. For this purpose, the group may first identify the nature of disputes pending in local courts which can possibly be resolved on the basis of mutuality and can start with matters such as matrimonial disputes, intra-family cases such as those relating to succession, simple money and contractual matters within the same vicinity, and minor compoundable criminal offences. At some stage, the group may also coordinate with the local judiciary or the District Legal Services Authority to enable the group to play a more pro-active role in preventing institution of cases and for an amicable resolution of pending cases.



SPEECHES DELIVERED BY DR. KRISHNA GOPAL JI ON FEBRUARY 26, 2017

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Transcript

Keynote Address

हम लोग मिलकर के चर्चा करने के लिए यहां पर उपस्थित हैं और इसलिए मैं आप सभी को यहां पर बधाई देता हूं नमस्कार करता हूं। मित्रों, सारे देशभर में ऐसे जो मुकदमें हैं जो न्यायालय में लम्बित हैं उनकी संख्या करोड़ों में हैं। जो लड़ते हैं वह दोनों ही पक्ष बर्बाद हो जाते हैं। बड़ी संख्या में पैसा तो लगता ही है लम्बी अवधि में न्याय मिलता है। दस साल, पन्द्रह साल, बीस साल कोई सीमा नहीं है। न्याय मिलने के बाद भी, समाधान नहीं होता स्थाई कटुता, शत्रुता, वैमन्सय बन जाता है और कभी-कभी एक फैंसला दूसरे नये case को जन्म देता है। तो भारत की जो न्याय पद्धति जो पिछले सौ, सवा-सौ वर्षों में विकसित हुई है, क्या वह न्याय पद्धति हमारे देश की जो सामाजिक, सांस्कृतिक, ऐतिहासिक, पारिवारिक पृष्ठभूमि है उसके अनुकूल है? क्या वह सच में न्याय देती है? क्या इसका कोई दूसरा विकल्प हो सकता है? यह बड़ा प्रश्न है। और जैसे सारे समाज की सामाजिक, आर्थिक, सांस्कृतिक और पारिवारिक स्थिति हमारे देश की है उसमें यह न्याय व्यवस्था कितनी कारगर सिद्ध हो पा रही है। यह एक मूल मुद्दा चर्चा का है। तो इसमें सबसे पहले तो हम लोग इस पर विचार



करते हैं कि भारत में जो present जो judicial system है, हमको उसकी चर्चा नहीं करनी। हम उसमें कोई reform लाना और उस सिस्टम को बदलना, उसमें सुधार लाना, उसकी चर्चा के लिए हम यहां पर नहीं बैठे। चर्चा का मुद्दा यह है कि जो बड़े ही छोटे-छोटे से cases आते हैं छोटे-छोटे से झगड़े होते हैं, बड़े petty conflicts हो जाते हैं, वह धीरे-धीरे न्यायालय में पहुंच जाते हैं, थाने पहुंच जाते हैं, पुलिस पहुंच जाते हैं, वहां के पुलिस केस बन जाता है कभी दूसरा केस बन जाता है। क्या वह सच में ऐसे झगड़ें हैं कि जो न्यायालय में ही जाने चाहिए? क्या उसकी ओर कोई व्यवस्था हो सकती है? यह बड़ा प्रश्न है। उदाहरण के लिए एक परिवार में छोटा सा विवाद हो जाता है, पति-पत्नी का विवाद हो जाता है तो कोर्ट केस बन जाता है फिर वो लड़की जो है वह पांच-सात case इनके उपर लगा देती है सास-ससुर सबको जेल भिजवा देती है वे रोते गाते जमानत करवाते हैं, केस चलता है अन्त में क्या फैसला होता है वो छोड़ दीजिए। कुल मिलाकर के दोनों ही परिवार परेशान होते हैं। क्या समाधान क्या है इसमें? तो दोनों परिवारों को बिठाकर चर्चा करके इनके साथ चर्चा उनके साथ चर्चा, करते-करते कोई एक solution निकल सकता है?—कोर्ट के इलावा भी? परिवार को कोर्ट में जाना पड़े जरूरत क्या है? कई जातिगत संस्थाएँ ऐसी होती हैं उदाहरण के लिए, मानो एक हमारे गांव में समाज है उनकी एक बिरादरी है। उस बिरादरी में कोई झगड़ा हो गया परिवार में ऐसा कोई case आ गया तो उस बिरादरी की जो पंचायत होती है उसके चार बुजुर्ग लोग बैठ सकते हैं। दोनों पक्षों से बार-बार बात करते हैं एक राउंड दो राउंड तीन राउंड चार राउंड इसको समझाना लड़की की मां को समझाना लड़के की मां को समझाना, दोनों के पिता को समझाना लड़का लड़की को समझाना और बाद में दोनों को बुलाकर वो जो पंचायत का प्रमुख है इस लड़की को सौ रुपये दे देता है दक्षिणा में या भेंट या gift में देता है बेटा तू जा अच्छे से रहना। थोड़ा सा इस लड़की को समझाता है थोड़ा सा लड़की की मां को समझाता है। लड़के को समझाता है। लड़के के परिवार वालों को समझाता है। कैसे छोटे-छोटे से जो मुद्दे और एक परिवार न्यायालय में जाने वाला था यह बच जाता है। यह कोर्ट के बाहर का समाधान होता है। दो भाईयों में विवाद हो जाता है, तीन भाईयों में विवाद हो जाता है property को लेकर और किसी बात को लेकर विवाद हो जाता है। तो उन्हीं के कुल-खानदान के लोग बैठ जाते हैं इसके बहनोई बैठ जाते हैं। इसके फूफा बैठ जाते हैं। कोई चाचा-ताउ बैठ जाते हैं। मिलकर के बैठ के बात को समझकर वे दोनों तीनों चारों को समझाकर के वो फैसला कर देते हैं। हमने भी ऐसे बहुत फैसले देखे भी हैं। बिठाते हैं समझाते हैं इसको समझाते हैं उसको ज्यादा गुस्सा आता है उसको समझाते हैं जो थोड़ा सा ज्यादा चतुराई करता है उसको समझाते हैं। और फैसला कर दे देते हैं, लेकिन कोर्ट में नहीं जाते हैं। यह जो न्याय व्यवस्था इस देश में सामाजिक परिवेश में, सांस्कृतिक परिवेश में चली आ रही है। लेकिन जहां ऐसे लोग नहीं मिलते वे न्यायालय में जाते हैं। और फिर दो साल, तीन साल। अभी थोड़े दिन पहले ही एक ऐसा हो गया एक प्रदेश में एक परिवार में विवाद हो गया। अभी शादी हुई थी, अभी एक साल भी नहीं हुआ था। अच्छे बड़े पढ़े-लिखे लोग थे दोनों। तो वह लड़का जेल भेज दिया और उसकी मां भी जेल चली गयी। अब रो रहे बेचारे क्या करें कहां जाये जैसे-तैसे करके दो, चार, पांच लाख रुपये लगाकर जमानत कराकर बाहर आते हैं वो अपनी कथा कहते हैं और वो अपनी कथा कहते हैं। क्या सच है कहना कठिन होता है, कुल मिलाकर के झगड़ा विवाद। प्रश्न यह है कि वर्तमान में इस देश में जो करोड़ों मुकदमों हैं—कुछ बहुत गम्भीर भी होंगे अलग बात है। बड़ी संख्या ऐसी है जिनका कि जो character है, जो स्वरूप है, बहुत छोटा सा मान्य है। इनको कैसे हल कर सकते हैं? अभी एक कुछ साल पहले हम लोग गए थे जरा कर्नाटका में जो धर्मस्थल नाम की जगह है वो सर्ईब



तीर्थ है लेकिन उस सर्इब तीर्थ के प्रमुख एक जैन है, हैगड़े साहब हैं। बहुत सारे शिक्षण संस्थान भी वह चलाते हैं। तो उनके यहां ही एक मिटिंग थी। बैठे बातचीत हुई पता चला आसपास के कोई 3-4 हजार गांवों के लोग इनके पास न्याय के लिए आते हैं ये सुनते हैं सुनने के बाद न्याय देते हैं। न्याय मिलने के बाद वे लोग उन्हें प्रणाम करते हैं। मानते हैं और चले जाते हैं। हमने उनसे पूछा कि आप जो महाराज जी न्याय देते हैं आपकी बात को सब लोग मानते हैं इसका आधार क्या है? तो बड़े मुस्कराकर बोले कि इसका आधार हम नहीं बता सकते हैं। इसका आधार वो लोग बता सकते हैं जिनको न्याय मिलता है। हम नहीं बता सकते। हमारे पास कोई ऑथिरिटी नहीं है। सरकार ने सविधान ने, हमको कोई authority दी है ऐसा नहीं है। कुल मिलाकर यह आथिरिटी क्या है। हजारों गांव के लोग आये इन्होंने सुनाया उन्होंने सुनाया 2 बार 3 बार सुना और सुनने के बाद भी फैंसला किया। वो मान गए। हजारों केस करते हैं वैसे निपटाते हैं। सरकार भी उनको recognize करती है वहां का न्याय भी कानून भी सभी उनको मान्यता देता है, आधार क्या है? आधार है उनकी निष्पक्षता। आधार है उनका कोई स्वार्थ न होना। आधार है दोनों ही दलों के साथ इनका प्रेम का व्यवहार। निष्पक्षता लोगों को मालूम है यह न्याय करेंगे। हमारी गलती होगी तो हमको बताएं। इनकी गलती होगी तो इनको बताएं। इतना विश्वास जो है, वहां का इसके कारण से इनको न्याय मिलता है। एक पैसा भी खर्च नहीं करते, बल्कि इनके यहां तो यह भी व्यवस्था है बहुत बड़ी-बड़ी धर्मशालाएं हैं हजारों लोगों के रहने की निःशुल्क व्यवस्था है। जो वहां रहेगा उसको कोई पैसा देना ही नहीं है। न निवास का न भोजन का। न जलपान का न वस्त्र का। आईए रहिए। सात दिन रहिए चले जाईए। फिर आ जाईये एक बार सात दिन फिर रह सकते हैं। ये जो एक व्यवस्था उन्होंने बनाई ऐसी व्यवस्था अभी भी आज के समय भी देश भर में हजारों स्थान पर छोटे बड़े रूप में मौजूद है। अभी मैं इन्द्रेण जी से एक दिन बात कर रहा था उन्होंने हिमाचल के कई गांव बताए, उन गांवों में व्यवस्था है कोई मुकदमा है ही नहीं कोई केस पुलिस में जाता ही नहीं, छोटे मोटे dispute खड़े होते हैं वहीं के लोग बैठकर फैंसला करते हैं, सब मान जाते हैं गांवों में उन्होंने व्यवस्था की है। उनके पास जाएंगे व्यवस्था दे देंगे। कोई मुकदमा तो नहीं जाता कोर्ट में कचहरी में नहीं जाते पुलिस में कोई FIR तो नहीं होता है कैसे हो गया ऐसा। बुलन्दशहर में एक हमारे कृष्ण कुमार जी उपाध्याय एक एडवोकेट थे criminal के। तो वे एक बेलोण की बड़ी देवी है उस देवी के महंत परिवार के भी थे तो कभी कभी उनके यहां का मुकदमा उनके पास आता था। तो इनके घर में बुलन्दशहर में नीचे एक 5-7 कमरे अच्छी गउशाला नीचे थी यह परिवार उपर रहता था। जो मुकदमा लेकर आते थे उनको कहते थे नीचे ठहर जाओ, नीचे ठहर जाते थे, शाम को कचहरी से/court से आने के बाद उनको बुलाते थे। हां वकील साहब हमारा case लड़ लीजिए। नहीं नहीं मैं तुम्हारा case नहीं लड़ूंगा मेरे बैलोण के पास जो दस गांव है इन 10 गांवों का मुकदमा नहीं लड़ता मैं, तुम्हारा फैंसला करता हूं दोनों parties को अपने यहां ठहराते थे दोनों parties को कहते थे गांव का दूध मेरे यहां है अपने लिए नीचे खाना पीना बनाओ खाओ चिंता मत करो रहो यहां, 2 दिन, 3 दिन 4 दिन तक दोनों parties को रूकाते थे बाद में फैंसला करते थे। विदा करते थे। कोई पार्टी जिद्द करती तो कहते थे-नहीं नहीं हमारा केस लड़िए आप तो कहते थे वकील बहुत है चले जाइये, जाओ यहां से वकीलों की क्या कमी है मैं तो इन 10 गांव का मुकदमा नहीं लड़ूंगा। तुम्हारा पंचायत करवाउंगा फैंसला करवाउंगा हजारों केस उन्होंने निपटा दिये, अब तो आज नहीं हैं। गुजर गए मेरा कहने का भाव ऐसा है समाज में ऐसे लोग रहते हैं जो वकील भी हो सकते हैं, वकील नहीं भी हो सकते हैं। लेकिन समाज में, गांव में, शहर में उनकी बड़ी प्रतिष्ठा है जिनके प्रति लोगों का भरोसा है। विश्वास



है। निष्पक्षता के बारे में लोगों को कोई संदेह नहीं है। प्रमाणिकता के बारे में कोई भेदभाव करेंगे ऐसा बिल्कुल नहीं। ऐसे लोग जहां पर है वह लोग अच्छी प्रकार से वहां के disputes को solve करने में समर्थ होते हैं। हमारा यह विचार है बहुत बड़े बड़े मुकदमें हम छोड़ दें। जो सामान्य बिल्कुल ऐसे स्तर है, घर का परिवार का, छोटा मोटा झगड़ा ऐसे हैं। इसकी भैंस हमारे खेत में घुस गई थी, हमारा खेत खा गई, इससे मार-पीट हो गई फिर फौजदारी हो गई दोनों तीनों तरह के case लग गए चल रहा है। वो जमीन जिस जमीन पर भैंस खा गई वह जमीन भी बिक गई। अब कुछ नहीं बचा वहां केस बचा है लेकिन, ऐसे मामलों को क्या हम अपने moral authority से वो प्रतिष्ठा जो वहां के समाज ने हमको दी है जो विश्वास वहां का समाज हमारे प्रति रखता है, उस विश्वास के आधार पर, अपनी moral authority के आधार पर निष्पक्षता के आधार पर वहां के लोगों के इन issues को सुलझा सकते हैं क्या? यह मुद्दा है बस। Court में न्यायाधीश कम है के procedure ऐसे किया जाए कि अरदली को ऐसा किया जाए, संविधान में संशोधन किया जाए, यह विषय नहीं है हमारा, वह जो करना है, वह करेंगे हम उसमें फंस जाएंगे तो हम समाधान भी कोई नहीं दे सकते कुछ भी। सुधार क्या होगा। भगवान जाने वह हमारे बस का काम नहीं है। और हम दो बार बैठे थे, श्रीमान Lahoti जी के साथ, भाईसाहब भी बैठे थे दोनों बार, एक बार हम 5-7 बन्धु बैठे, एक बार उनके घर पर जाकर बैठे। और भी अनेक लोगों से बातचीत हुई तो उनका मत यह था कि यह बहुत अच्छे से हो सकता है। सब तो नहीं लेकिन 15-20-25 प्रतिशत केस ऐसे हैं जो इस condition के हैं, इस nature के हैं इनको हम वहीं समाधान दे सकते हैं। ऐसा सब जो बड़े-बड़े न्यायाधीश लोग हैं, Supreme Court के retired Judges हैं, High Court के retired Judges हैं न्यायाधीश महोदय उन्होंने ही बताया। हां 30-35 प्रतिशत तक केस ऐसे हैं जिनकी प्रकृति ऐसी है जो बैठाने से, सुलझा सकते हैं लेकिन उसके लिए ऐसे ही लोग चाहिए जैसा हमने बताया। कोई authority नहीं हैं, Constitutional Authority हमारे पास नहीं है लेकिन वहां के क्षेत्र का एक, नैतिक हमारा एक आधार है। तो हमारी colony में 10-20-25 लोग हमें जानते हैं, मानते हैं हमारे पर श्रद्धा रखते हैं। हम उसको बुलाकर के समझाएंगे बात करने की कोशिश करेंगे। एक sitting में नहीं होगा, 2 sitting में 3 sitting में उसका Modus Operandi क्या होगा यह तो तय करेंगे बाद में लेकिन क्या यह संभव है? यह पहला प्रश्न है। क्या ऐसी छोटी-छोटी सी बातें आती हैं Court में चलता है उसको अपने मोहल्ला, गांव, शहर वहीं के वहीं बैठकर दो तीन लोग बैठ गए एक-एक, दो-दो, तीन-तीन लोगों को group बैठ गया। समूह बैठ गया। दो-दो लोगों की टीम बन कर बैठ गई दोनों ने सुना अलग अलग सुना, मिलकर सुना। बाद में सहमति के साथ कोई एक अच्छा सा सुझाव निर्णय जैसा दे दिया। हमारा जो होगा सुझाव ही होगा निर्णय क्या होगा, वो सुझाव को निर्णय मान लेंगे तो अच्छी बात है। तो पहला प्रश्न यह है क्या यह संभव है? कई बार हम कलोनी में गांव में छोटी बात को लेकर मारपीट हो गई। बहुत छोटी सी बात है, इसके दो बच्चे वहां चले गए, या वो हो गया, यह हो गया। मारपीट कई बार बढ़ जाती है, बस FIR lodge हो गई उसमें यही बात प्रमुख रहती है कि इसको कैसे मैं जेल भिजवा दूं। तो जेल भिजवाने के लिए दरोगा की भी पैसा देकर आता है पुलिस के officers को पैसा दे आता है, Constable को भी पैसा दे आता है। पर जब पैसा देकर जेल भिजवाए तो दूसरे की स्थिति ऐसी हो जाती है, पहले जमानत हो फिर इसको सबक सिखाऊं। इसका बदला भी लेना है इसको। यह कठिन बात है। हमारे सुरेश सोनी जी ने एक case बताया हमको M.P. का पुराना case था, किसी बात को लेकर वहां के ठाकुर साहब थे, उनके उपर 14 रुपये का जुर्माना हो गया। यही कोई 30-35 साल पुराना case है। जुर्माना हो



गया तो पूरे गांव में वो जुर्माना वाला आया तो उनका गांव में घोषणा कर गया। 14 रुपये का जुर्माना हो गया है जाकर के जमा करिये। यह बात ठाकुर साहब को खराब लगी पूरे गांव में *insult* हो गया। बेईज्जती हो गयी। वह आए अपने Gwalior के एक अच्छे वकील थे Sehjwalkar जी थे उनके पास आए वकील साहब हमारा केस है, क्या केस है, जुर्माना हो गया, क्या जुर्माना हो गया। 14 रुपये जुर्माना हो गया। तो भर दीजिये। नहीं नहीं भरेंगे नहीं। भरेंगे कैसे। जुर्माना भर देंगे तो क्या बेकार रहा साहब, केस लड़िये। अरे क्या फालतू इस में पड़ गए आप, नहीं नहीं लड़िये आप। हम फीस देंगे। फीस तो 500/-रुपये होगी। 500 रुपये जमा करेंगे न हम। 500 फीस जमा करे। Case शुरू हो गया। 2-3-4 साल केस चला। हम केस जीत गए। वकील साहब को मालूम ही नहीं जीतने का *information* भी उनके पास पहुंच गया जुर्माना माफ हो गया। एक बड़ी बैल गाड़ी में वे बड़े रथ सजा करके बड़े गाजे बाजे के साथ वकील साहब के घर आ गए, वकील साहब ने देखा कौन 100-200 लोग आए हैं। कहां वकील साहब के घर, क्या बात है। आपका स्वागत करने के लिए, हम उस गांव से, हम केस जीत गए कौन सा केस जीत गए आप? वो 14 रुपये जुर्माने वाला। तो अब करना क्या है इसका अब। माला वाला लेकर आए हैं। अरे इसका क्या जरूरत था। फिर 14 हजार रुपये लेकर आए हैं। 1 रुपये का एक हजार रुपया ईनाम में देंगे हम आपको। चांदी का सिक्का 14000 उस बैलगाड़ी में भर कर के लाए हैं देने के लिए। यह क्या है? लोगों को ऐसा लगता है कि हमारी प्रतिष्ठा का प्रश्न है। तो यहीं तक सीमित नहीं रहता है, पूरे भिंड के जो दसयू लोग थे, हमें सौभाग्य प्राप्त हो गया उनके साथ रहने का, आपातकाल के समय वह जेल में थे। माधोसिंह वगैरह थे, हम लोगों के साथ जेल में थे। तो वह 6'3" का लंबा माधोसिंह, अच्छी *personality* थी, जेल में था। बातचीत होती थी, सन 75 की बात है। हमने पूछा ठाकुर साहब क्या हुआ जेल में कैसे आ गये। अरे जेल में कैसे आ गये, थे तो फौज में हम लोग। लेकिन यहां के बदमाश लोग क्या बताएं हमारी जमीन ऐसा कर दिया वैसा कर दिया फिर हम वापस आए और हमने भी दो मार दिये और ठीक कर दिया हमने फिर। फिर क्या हुआ उन्होंने मारे दो फिर हम बाहर निकले फिर हमने मार दिये दो। अब क्या 53 मुकदमें हमारे उपर हैं अब इस समय। अभी जिंदा है, अभी जीवित है अभी मैं गया था भिंड तो पता लगा जीवित है वो आयु तो थोड़ा 80-82 साल की है उनकी। प्रतिष्ठा वो प्रतिष्ठा का स्वरूप ऐसा होता है जीवन जेल में निकल जाए उसकी चिंता नहीं है इसको ठीक दिशा देने का काम कौन कर सकता है? और इसलिए ऐसे जो बंधु इन मुकदमों में फंस जाते हैं वो स्वभाव के कारण, व्यवहार के कारण झूठी प्रतिष्ठा के कारण या असहनशीलता के कारण कोई बात सहन हो नहीं पाती इसके कारण या ईर्ष्या द्वेष के कारण, कारण कोई सा भी हो बाद में चर्चा करेंगे पहला प्रश्न यह है क्या हम लोग अपने इसी समाज में अपने समाज बंधुओं को जो किसी भी कारण से ऐसे मुकदमों में फंस जाते हैं जीवन बर्बाद करते हैं पैसा भी बर्बाद करते हैं मानसिक अशान्ति आ जाती है समय तो लगता ही है। सारी वो *creativity* है वो धीरे-धीरे नष्ट होती जाती है। *Ultimately, this is National Loss.* यह राष्ट्रीय क्षति है। करोड़ो मुकदमें हैं, कितना 3 करोड़ है कितना है गोयल साहब, टोटल मुकदमें कितने हैं। 2½ करोड़ हैं 2½ करोड़ - यह तो *courts* में हैं उसके अलावा *Tribunal* में, *Arbitration* में, सब 3 करोड़ से उपर हैं। तो ये एक मैंने सोचा कि गोविन्द जी को बात करूं तो एक 3-4 महीने पहले गोविन्द जी के साथ बैठे उन्होंने बड़ा गंभीरता से विचार किया अध्ययन भी किया एक-दो छोटी सी *sitting* हम लोगों ने किया। तब पहले चरण में हम लोगों ने विचार किया कि दिल्ली और फरीदाबाद बस दो *spot* लेते हैं। दो *spot* और छोटा-छोटा स्थान लें लेंगे। वहां के कुछ ऐसे बन्धु जो इस प्रक्रिया में सहयोगी भूमिका निभा सकते हैं समाधान



की भूमिका में समाज में आ सकते हैं ऐसे कुछ नामों का चयन किया ऐसे कुछ नाम आप लोग हैं तो इस बात को हम आगे बढ़ाते हैं तो पहला प्रश्न मेरा यही है कि क्या यह सम्भव है कोर्ट के बाहर समाज के ऐसे विवादों को निपटाना समाधान के इस स्तर पर ले आना या हमारे इस नैतिक शक्ति के आधार पर यह संभव है क्या? समाज की नैतिक शक्ति के आधार पर हम छोटे-छोटे से कम गम्भीर मामलो को हम वहीं के वहीं समाधान दे सकते हैं क्या? ऐसी कोई procedure निकल सकती है क्या? हम इस पर विचार करते हैं दस मिनट के लिए आप लोगों का क्या अभिमत है यह संभव है या नहीं? इसी पर चर्चा करेंगे।

Concluding Address (समारोप)

हम सभी ने बहुत अच्छे सुझाव दिए हैं और बड़े अनुभव के आधार पर दिए हैं। धीरे-धीरे एक system develop हो उसी के लिए है। कोई पहले से कोई well thought रखा है ऐसा नहीं है। इसलिए सभी के सुझाव ऐसे हैं जिसमें से कुछ न कुछ ऐसा निकलेगा उस system के develop होने में, विकसित होने में काम आएगा। कुल मिलाकर के कुछ बातें जो यहां ध्यान में आईं मैं उनको बिन्दुवार आपके सामने रखने की कोशिश करता हूं जिससे की न्यायालय के बाहर हम लोग consensus से सहमति से कम से कम सरल न्याय लोगों तक पहुंचा सकें। लोगों के बीच में जो घृणा, द्वेष, ईर्ष्या, झूठ, बेईमानी ये बड़ा कारण है ही है इसमें कोई दो राय नहीं हैं। और ये सब जब एक fix system में ये चीज घुस जाती है तो फिर वहां emotions है इसका कोई अर्थ नहीं बचता। संवेदनाओं का कोई मतलब नहीं बचता। उसमें एक system फस गया पूरा। तो इसलिए मैंने प्रारम्भ में ही कहा था वो system है वो कब सुधरेगा कैसे सुधरेगा एक अलग बात है। पूरा एक बड़ा chapter है। पिछली बार हम लोग सर्वोच्च न्यायालय के जो सर्वोच्च न्यायाधीश थे उनके साथ लम्बा 2-3 बार हम बैठे थे तो उन्होंने भी कहा कि उसको आप छोड़ दीजिये। मैं तो चीफ जस्टिस रह चुंका हूं भारत का, लेकिन मैं भी यह मानता हूं कि वहां कुछ भी करना बहुत कठिन है। इसी Hall में पिछली बैठक थी उनकी। तो हम लोग जो चर्चा के बाद जिस conclusion पर आ रहे हैं 2-4 बिन्दु मैं बताता हूं। सबसे पहले बात स्थान-स्थान पर ऐसे लोग खड़े हों जिन लोगों के प्रति वहां के समाज में भरोसा है विश्वास है उन लोगों के जो गुण हैं हम कह सकते हैं उनके अन्दर कोई virtues है उसके कारण से वो भरोसा विकसित होता है। बड़े impartial है वो समय भी देंगे वे socially थोड़ा aware भी है वो अपना निहित स्वार्थ कोई personal agenda, घर का परिवार का अपनी जाति का नहीं रखेंगे किसी political party से कोई सदस्य, चुनाव नहीं लड़ते वे ही लोग विश्वास अर्जित कर सकते हैं। और जो विश्वास अर्जित कर लेते हैं जिनके प्रति लोगों की कोई श्रद्धा जम जाती है तो फिर वो हमारे विपरीत निर्णय को भी मान लेते हैं। नहीं भई अब इन्होंने बोला है तो मान लो मान लो। क्योंकि एक पक्ष के थोड़ा सा ऐसा निर्णय आता है उसको वो मन से स्वीकार नहीं करता आसानी से लेकिन जब देखता है इस व्यक्ति ने दिया है तो मान लेता है। तो पहली बात तो यह है कि चाहे Faridabad, चाहे Gurgaon, चाहे दिल्ली ये तीन जगह की बात चल रही है जहां पर हम लोगों ने थोड़ा पहली एक process चलाई है तो ऐसे लोगों को ढूंढना/तलाशना। हो सकता है वो स्वयं से नहीं आएंगे जा करके उनसे निवेदन



करना पड़ता है और कभी-कभी क्या होता है वहां पर रहने वाला गांव में प्राइमरी स्कूल का अध्यापक, प्रधान अध्यापक वो ज्यादा respectable होता है क्योंकि वों वहां के बच्चों का जितनी निष्ठा से पढ़ाया है उसको देखकर पूरा गांव उनके प्रति श्रद्धावान हो जाता है। तो ये जो है व्यक्ति का चयन। हो सकता है ये जानकार थोड़ा कम होगा law नहीं जानता, jurisprudence नहीं जानता है। IPC, Cr. PC कम जानता है, हो सकता है! ये बहुत बड़ी महत्व की बातें नहीं है वो समाज को समझता है सच और गलत को समझता है इतना पार्ष्ण है। समाज के प्रति उसकी धारणा अच्छी है सर्वेदनशीलता है और समाज इसके प्रति श्रद्धा रखता है ऐसे लोगों का चयन करना। ये लोग समय दें ये दूसरी आवश्यकता है। क्योंकि इसमें धैर्य से सुनना पड़ता है हर दिन घंटा, 2 घंटा, 3 घंटा चाहे चार घंटा कोई न कोई जब बात बढ़ेगी तो समय देना पड़ेगा। समय दें ये लोग patience वाले हो। इनको धैर्य चाहिए। क्योंकि जो सामने जो व्यक्ति अपनी बात बताता है वो इतना बुद्धिमान नहीं होता। बहुत व्यवस्थित ढंग से बात रखना उसको नहीं आता है। कई बार, बार-बार repeat भी करता है ये भी करता है वो भी करता है। इसका धैर्य टूट जाता है तो उसका लगता है बात ही नहीं सुनी आपने, आप फैसला क्या करेंगे आप हमारा। यह बात सच है कि हमको बात तुरन्त समझ आ जाती है। जो जितना intelligent है, जो जितना अनुभवी है वो बोलते ही बात समझ जाता है। हां समझ गये आगे बढ़ो। उसका समाधान नहीं हुआ तो वो पूरी A to Z पूरी बताता है घटना कई बार, बार-बार repeat करता है तो इसको तो धैर्य चाहिए सुनने का। हां ठीक है हां ठीक है हमें समझ में आ रहा है आगे बताओ आगे बताओ। धैर्य से सुनना। बहुत patience वाला आदमी चाहिए। तब उसका विश्वास अर्जित होता है। इसमें अगला यह कि इसको गुस्सा नहीं आना चाहिए। कई बार अपने-अपने गांव में लोग रहते हैं इमानदार हैं, प्रमाणिक हैं लेकिन शीघ्रकोपी हैं। बहुत जल्दी गुस्सा करता है। यह नहीं चाहिए।

जो बात सुनी उसको दूसरों को नहीं बताये यहां सुनी कहीं बाहर। नहीं ये नहीं चाहिए। बिल्कुल जैसे doctor होता है सुनता है दूसरे को कुछ नहीं बताता इसको क्या बीमारी है, क्या कष्ट है, नहीं बताता। इससे भी ज्यादा चाहिए वो भरोसे में सारी बात हमको बता दिया कोई बात कहीं चली गई तो उसी दिन भरोसा टूट गया। अरे मैंने तो आपके लिए बताया था आपने वहां क्यों बता दिया बात बिगड़ जाएगी। किसी भी प्रकार से इसका भरोसा गया तो खेल खत्म हो गया। और इसीलिए इस सुनने वाले व्यक्ति को मन में गहराई चाहिए। सुनकर के अपने पास रखे जितना आवश्यक है उतना ही बाहर निकालेगा बाकी को फैसला करना है।

ये न्यायाधीश नहीं। पक्की बात है। न्यायाधीश बिल्कुल पक्का तराजू की तरह कर देता है। नहीं-नहीं ये social worker है। इसको दिल जीतना है यहां भावनाओं का खेल है यहां श्रद्धा उसने develop की है विकसित की है अर्जित की है। आंख पर पट्टी बांध कर निर्णय नहीं देगा ये और इसलिए बहुत धैर्य से शान्त होकर सुनने वाला समझने वाला तब समझाने वाला ऐसा व्यक्ति चाहिए जो दोनों के दिल को जीतता है। जज के हाथ से कुछ भी नहीं इसके जीवन में कोई सगा नहीं होता सब इसके दुश्मन हो जाते हैं। ये जो हमारा व्यक्ति होगा, दोनों इसके होंगे। दोनों इसके हैं तभी ये निर्णय दे सकता है। इसलिए selection में बहुत सावधानी बरतनी है बहुत धैर्य से ध्यान से बात करना है इसके लिए बहुत बड़ा नम्बर एकदम इक्ठठा करना ऐसा नहीं है थोड़ा-थोड़ा नम्बर करिये छांट करके आगे उनको विकसित करिये। ये जो हो जाएंगे तो इनका लम्बा अच्छा workshop चलना चाहिए।



काम करना कैसे है केस कैसे आएंगे, सुनना कैसे है, decision देते समय कौन-कौन सी बातों का ध्यान रखना। तो जहां-जहां ऐसे हो रहे हैं। तो इसलिए जैसे मैंने प्रारम्भ में कहा दो प्रकार से कमांक एक जो कुछ संस्थाएं देशभर में कहीं न कहीं develop हो गयी है। सामाजिक होगा, या किसी के जाति का बिरादरी का होगा किसी के व्यापार से related होगा धार्मिक होगा कोई भी होगा वो न्याय निर्णय करता हैं लोग मानते हैं तो मैंने मान साहब को कहा, Baltej जी को अपने 2-3 लोगों की यूनिट बना लें। देशभर में ऐसे गोविन्द जी ने भी कुछ इक्ठ्ठा किया है ऐसे 40-50, 100-200 जो भी इक्ठ्ठा करिए फिर उसको केस स्टडी करिए वो संस्था कैसे निर्णय देती है क्या करती है कैसे सुनते है कैसे निर्णय देते हैं कैसे लोग मान लेते हैं इसका एक अच्छा अध्ययन Baltej जी हमारे Doctor साहब करेंगे। दूसरा जैसे कई लोगों ने अपने-अपने जीवन से बताया है कि उन्होंने केस वहां सुने उसको अच्छे से resolve किया अच्छा निर्णय दिया दोनो पक्षों ने स्वीकार किया, माना ऐसे individual, अच्छे cases है इनका भी compilation अच्छी प्रकार से उनका editing कहीं हो जाए कहीं इनको सम्भालकर कहीं रखें। जो वर्कशॉप में इसमें से ऐसे जो leading केस हो सकते हैं हमारे purpose से leading कोई constitutional leading नहीं, हमारे मतलब से ऐसे केस हैं, हम सामने रखते हैं तो इस केस को कैसे रिसोल्व किया फिर इनसे बात किया, फिर उनसे बात किया और फिर से उनसे थोड़ी बात किया। यह थोड़ी बात से सहमत हुआ—फिर दोनों ने मिलकर एक और आदमी appoint किया। कोई तरीका होगा कोई फिर similar तरीके तो सब जगह नहीं होते। अलग-अलग लोगों ने डवेलप किये हैं। Flexible है हमारा तो उद्देश्य है दोनों पक्ष सहमत हो करके झगड़ों को निपटा लें। कौन से तरीके से निपटाया। श्रीनाथ जी में चले गए मन्दिर में मत्था टेक के निपटा दिया बहुत अच्छी बात है, गुरुद्वारा जा के निपटाया—ठीक बात है। रामचरितमानस रख करके निपटाया—ठीक बात है—गंगाजल रख के निपटाया—श्रद्धा से निपटाया। बैर भूल गया, दुश्मनी भूल गया कम हो गई। हमारा उद्देश्य यह है कि डिसिजन की बजाए दोनों का समन्वय हो। Decision में तो क्या डिसिजन आता है भगवान जाने उससे तो दोनों पक्ष नाराज भी रह सकते है। जिसकी favour में मिलता है वो भी जरूरी नहीं सन्तुष्ट हो जाए लेकिन यहां दोनो पक्षों को धीरे-धीरे अपने को सन्तुष्टि की ओर लाना। इसलिए individual cases के बारे में कौन ये कर सकते हैं इसकी भी। छोटी सी 2-3 लोगों की टीम बनेगी तो अच्छा रहेगा—कौन कर सकते हैं—जिनकी रुचि हैं—क्यों? गोविन्द जी हां—1,2,3,4,5 आप देख लीजिए—कौन कौन हाथ खड़े कर रहे हैं—इस बैठक के बाद तुरंत उनको बुलाकर। उनका नाम लिख कर के हां और आपका कोई टेलीफोन नं०—मेल आई डी (mail id) सबको भेज दिया जाएगा ओर सब के पास कोई न कोई केस हो सकते हैं उनको भेजिए। अगले वर्कशॉप में वो लोग भी आएंगे। ऐसे जो model case हैं 2-3 presentation करने की कोशिश करेंगे तब जो वर्कशॉप में जो आते हैं नये लोग—उनको ध्यान में आयेगा—जमीन का किस्सा कैसे सुलटाया—वो नाली का किस्सा कैसे सुलटाया—उसने महल जोत दी, उसकी भैंस चरने चलीगई—उसको कैसे सुलटाया ये कैसे solution निकला। हर अलग अलग प्रकार के 4-5 केस सामने आयेंगे तो मैं समझता हूं अच्छा रहेगा—और इसलिए यह एक दूसरा पक्ष रहेगा। तीसरा—एकदम बड़े-बड़े मुकदमें, बड़े बड़े केस हैं ऐसा लेना है—ऐसा नहीं है जो petty छोटे मुद्दे हैं उनको हल करते-करते आगे बढ़ना है एक सिस्टम का evolution है कोई established सिस्टम नहीं है। जब कोई चीज evolve होती है तो बहुत छोटे से evolve होती है। तो इसे अपने क्षेत्र में, मुहल्ले में, गांव में, कोलोनी में—बहुत छोटे छोटे से किस्से जो हैं—वो कैसे हल हो सकते हैं—तो उसी type के केस अभी हम लेंगे। जो बड़ी बड़ी companies का झगड़ा—वो बड़े केस



छोड़ दीजिए। अभी हमारा उतना सामर्थ्य नहीं है। अभी बहुत छोटे छोटे से मुद्दे हैं वो अपना selection है तो वहीं तक हम लोग रखेंगे तो शायद अच्छा रहेगा। इसलिए अपने अपने क्षेत्र में देखना ढूँढना कौन से प्रकार के मुद्दे हम लोग ले सकते हैं—तो वह ठीक रहेगा। Mechanism तो कौन सा mechanism रहेगा workshop में तो आयेंगे, चर्चा करेंगे लेकिन उसके पहले अपने अपने विचार करके देखें कैसे सुना जाएगा। कौन दो लोग बैठेंगे कि 3 लोग बैठेंगे। कई बार मैंने देखा है कि दो पार्टी—दोनों पार्टीस में एक एक व्यक्ति तय किया। एक हमारा—एक उनका—दोनों ने मिलकर एक तीसरा व्यक्ति तय किया—इनका A इनका B-A और B ने मिलकर एक C तय किया A, B, C—तीनों ने मिलकर के निर्णय करते हैं और वो मान्य होता है।

और भी कोई तरीका, system, mechanism हो सकता है—इस सबके बारे में कौन सा mechanism हो सकता है हम लोग एक बार देख लेते हैं। फरीदाबाद और दिल्ली—दो के बारे में चर्चा हुई है और गुड़गांव के बारे में बताया है—गोविन्द जी देखेंगे एक बार कैसे करना है—क्या करना है लेकिन तीनों स्थान अगर तय करते हैं तो पहले एक बार गोविन्द जी को दुबारा जाना पड़ेगा या किसी को यह भेजेंगे तो वर्कशॉप लगने के भी पहले वहां पर जो लोग हम लोगों ने ढूँढे, तलाशें—select किए हैं—उनके 2—3—4 घंटे की बैठक उनसे individually मिलना, बात करना—क्या वह समय दे सकेंगे। उनकी और भी जो बातें होंगी—उनके बारे में भी पता करना—तो हर एक व्यक्ति का एक छोटा सा profile तैयार हो जाएगा। बाद में उसी से नगर की—फरीदाबाद की या दिल्ली की जो 2—4—5 की Top Team है वो Teams select कर लेंगी।

यह बहुत important issue है महत्वपूर्ण मुद्दा है कि selection ऐसे लोगों का उसमें कोई किसी भी प्रकार की controversy नहीं चाहिए और जो लोग select होंगे वो बहुत ही dignified हों—बड़े महत्व के लोग हों वो बड़ा, अच्छा स्थान समाज में रखते हैं और जैसा वो बता रहे थे— General साहब — कि जो past है जो बीत गया उनके जीवन का वह इतना महत्वपूर्ण और प्रतिष्ठित रहा है। यह सब बातें देखकर के तो फरीदाबाद में, दिल्ली में और गुड़गांव में 3—4—5 ऐसे कुछ, ऐसी छोटी टीम बन जाए—इस प्रकार का हमारा selection भी पूरा कर लेगी तो अच्छा रहेगा। तीनों जगह पर एक regular बैठक प्रारम्भ करनी पड़ेगी—हर महीना कम से कम या 15 दिन में एक बार बैठना चर्चा करना—क्या क्या होगा—क्या आगे हो सकता है इसका हम लोग एक बार देख लेते हैं।

अन्तिम बात—मित्रो हम लोग जानते हैं कि यह कानूनी प्रक्रिया का एक अंग है, लेकिन जिस प्रकार से ये केस बढ़ रहे हैं और केस सुलटते नहीं—इसके पीछे की कुछ मौलिक समस्या भी है। जैसे उन्होंने कहा ना Hieun Tsang के समय कुछ नहीं था, Hieun Tsang के समय से नहीं, Megasthenes के समय से—300बी सी से लेकर के Macaulay तक—भारत में कोई जो tourist इस बात पर एकमत रहते थे—भारत में लोग झूठ नहीं बोलते, भारत के लोग धोखा नहीं देते, युद्ध में भी धोखा नहीं देते, लड़ाई में भी धोखा नहीं देते, भारत के लोग संधि तोड़ते नहीं हैं ऐसी बहुत सी बातें। ये common बात है जो Megasthenes 300 बीसी जो मगध dynasty के समय आया था, उससे जो 19th Century में आया 2300 वर्ष का समय है—कोई dispute नहीं: इस वजह से कि सामान्य जन उदार था, सामान्य जन सहनशील था। सामान्य जन बुराई से डरता था। सामान्य जन सत्यनिष्ठ था। महिलाओं की प्रतिष्ठा करता था। दूसरे का धन मिट्टी से भी बदतर समझता था। तो एक general देश के बारे में impression—कोई एक आघा घटना छोड़ दीजिए—लेकिन जो सारे यात्रियों ने जो



लिखा है वे इसमें चीज common है—बाकी तीज है त्यौहार है सड़क है यह है वो है वर्णन अलग अलग है—लेकिन सभी ऐसे पचासियों यात्रियों का यह वर्णन पक्का है—इस देश में ऐसे लोग हैं और छोटा मोटा कोई dispute होता भी था, तो न्याय जो था यह निःशुल्क था। जैसे शिक्षा निःशुल्क थी वैसे न्याय भी निःशुल्क था। लेकिन धीरे धीरे समाज जीवन में जो moral degradation आया—अवमूलन हरण हो गया—क्या कारण, वो तो अलग बात है—लम्बा विषय है—लेकिन ये हुआ—ये सच बात है। वेल्यूज थे, ethics थे, या जो हमारे philosophical aspects थे या हमारे virtues थे, wisdom थे—वो कहीं न कहीं कम हुई और अकारण झूठ बोलना, या स्वार्थ के लिए झूठ बोलना, ईर्ष्या करना, द्वेष करना, लालच करना, झगड़ा करना—जो ऐसी बातें थी आ गई इनको कानून दूर नहीं कर सकता, कोई भी सविधान कितना भी सुन्दर बना लीजिए, ये virtues को develop नहीं कर सकता। मुकदमा लड़ सकता है, इतना मोटा निर्णय दे सकता है, हजारों पेज का decision तो दे सकता है, बहुत से इसमें से arguments दे सकता है, ढेर सारी citations दे सकता है, लेकिन क्या मनुष्य के हृदय को बदल सकता है? क्या व्यक्ति के मन की, हृदय की गहराई को पढ़ सकता है? नहीं पढ़ा जा सकता, कोई कानून ले आइए, नहीं पढ़ सकता। वो कौन पढ़ता है? वो व्यक्ति पढ़ता है, जिस व्यक्ति के प्रति उसकी श्रद्धा होती है। वह गीता पर शपथ रखकर झूठ बोलता है, स्वामी जी के सामने सच बोलता है। स्वामी जी के पास जाता है—उनका शिष्य है, उनसे मंत्र लिया हुआ है, महाराज जी के पास जाकर बैठ जाएगा, वहां सच बोलेगा—महाराज जी मैं तो वहां झूठ बोला, गवाही भी झूठी दे दी—सब बोलेगा। वो गीता पर हाथ रखकर झूठ बोलके आता है—कारण क्या है? यह बहुत बड़ा कारण है—ये सब करते करते कहीं न कहीं।

अपने को इन दोनों पक्षों में जिसमें हम लोग समझौता करा रहे हैं उनके इस भाव का जगाना ये बहुत आवश्यक होता है। कानून अपने को नियम बताता है, लेकिन जो हृदय की भावनाएं हैं बहुत गहराई से अपने को पीछे ले जाती हैं aggressiveness जो उसके कम करती हैं। जो भरत का उदाहरण सुनता है, देखो कैसे भरत ने राज्य को ठोकर मार दिया—तुम कहां छोटी-छोटी बात को लेकर के झगड़ा कर रहे हो। भारत में राम कथा क्यों चली आ रही है अब तक? दुनिया की सब कथाएं खत्म हो गई—Greek की कथाएं खत्म हो गई, Romans की बड़ी-बड़ी बात कथाएं खत्म हो गई, Egyptians की, Persians की कथाएं खत्म हो गई, कोई नहीं बोलता उनको आज। भारत की कोई कथा खत्म नहीं हुई—चाहे राम कथा है, बुद्ध की कथा है। चाहे वह कृष्ण की कथा है। चाहे भागवद् की कथा है। ये कथाएं हम समय के अनुसार बदलते भी हैं। उसका presentation भी अच्छा करते हैं। हर घर में हर व्यक्ति कहीं न कहीं भरत को, राम को, कौशल्या को, सीता को, जनक को, दशरथ को, कृष्ण को—सबको याद रखता है और उनमें से कुछ बातें सीखता भी है। ऐसा नहीं है सब कुछ नष्ट हो गया। ऐसा मैं मानने को तैयार नहीं। कोई मानने को तैयार नहीं है। हां—गड़बड़ तो हुआ है। तो धीरे धीरे अपने को इस पक्ष की ओर भी चलना है। उसके भाव को जगाना। भावों को जगाते ही एकदम ठीक हो जाता है। एक स्थान पर ऐसे एक मुकदमा था आपके के परिवार का झगड़ा था। लड़की वाली भी कहती हमको divorce चाहिए, लड़के वाले भी कहते हमें divorce चाहिए जो समझौता कराने वाले हमारे वकील साहब थे। “ठीक हैं करेंगे, करेंगे। उन्होंने लड़की को बुलाया। बेटा आप बैठो। बातचीत किया घंटा, दो घंटा, तीन घंटा। लड़की अंत में बोलती है—“चाचाजी, मेरी तो divorce करने की इच्छा नहीं है, मैं नहीं चाहती।” क्या कारण है, हमारे घर के, मायके के लोग इतना adamant हो गए हैं—यह समस्या है। फिर लड़के को बुलाकर पूछा—यह बहुत बदतमीज लड़की है—ऐसा है, वैसा है—मेरी मां को ऐसा बोलती है, वैसा बोलती है। ठीक है। “नहीं, मैं कर सकता हूं समझौता,



लेकिन हमारे घर के लोग इससे परेशान हो गए।” झगड़ा इन दोनों में नहीं है, झगड़ा कहीं ओर है—वो झगड़ा आ कर के इन दोनों के घर को नष्ट कर रहा है थोड़े दिनों बाद ये तो मर जाएंगे बड़े-बूढ़े, इन दोनों के घर को *separate* कर जाएंगे। तो कहीं और है झगड़ा—उनके मन को ठीक समझाकर के, उनके मन को थोड़ा बड़ा करते हुए ऐसे झगड़ों को निपटाना होता है कई बार। ये सब बातें हम लोगों को मालूम भी हैं। तो इसलिए एक नये प्रकार का यह कार्य है। बिल्कुल नया है। लेकिन कहीं कहीं लोगों ने किया जरूर है। ऐसे नहीं है कि बिल्कुल *creation* है, ऐसे नहीं है। लेकिन एक अच्छे *systematic* ढंग से, व्यवस्थित ढंग से इसको विकसित करने का प्रयत्न ये हम लोग कर रहे हैं। क्योंकि सारे देशभर में इसको लेकर मैंने चर्चा किया, तो सभी लोगों ने कहा—हां भाईसाहब होना चाहिए बहुत कष्ट हैं समाज में, अनावश्यक झगड़ा, अनावश्यक मुकदमा। मैं क्या बताऊं—मैं जहां का रहने वाला हूं वहां बहुत झगड़े होते थे। उत्तर प्रदेश में कुछ जिले ऐसे हैं जिसमें लोग फसल बेचते ही 25 प्रतिशत पैसे बंदूक वाले के यहां रखके आते हैं गोलियां खरीदने के लिए। 10—15—20 प्रतिशत पैसा वकील साहब के लिए। शेष 50 प्रतिशत में घर चलता है उनका। ऐसे इलाके हैं, लेकिन धीरे धीरे उनको भी समझ में आ रहा है—ये नियति नहीं है। ये बदल सकता है। ठीक है कि वर्तमान की न्याय व्यवस्था में बहुत समस्या होगी लेकिन कोई छोटी सी आशा की किरण हमने दी और इसमें से आगे बढ़ा।

तो सभी ने बहुत अच्छे सुझाव दिए हैं। Lok Adalat का सुझाव भी अच्छा दिया है। आपने कहा *judiciary* का वो *system* है वह भी सुझाव बहुत अच्छा है। लेकिन अभी इतना *initial stage* पर है कितना क्या कर सकते हैं इसको आप लोग देखिए हम लोग भी मिलकर के देखेंगे। सभी सुझावों का मैं सम्मान करता हूं और गोविन्द जी भी सम्मान करते हैं लेकिन बहुत यह *initial stage* में होने के कारण इसे धीरे धीरे सभी को *incorporate* कर सकते हैं इसमें। लेकिन पहले चरण में व्यक्तियों का चयन। दूसरे चरण में वर्कशॉप। तीसरे चरण में *workshop* के साथ साथ जो *modus operandi* होगा केंसों को निर्धारित करने का जो तौर तरीका होगा। उसको चौथे चरण में स्थान स्थान की एक रेगुलर *systematized* बैठकें प्रारम्भ हों और इसको करते करते जो बहुत महत्वपूर्ण भाग है भाव जाग्रण लोगों के मन का लोगों के हृदय की भावनाओं का उन्मूलन। अपने हक से हट जाता है अपने आप वो *withdraw* कर लेता है और अपने आप मान जाता है और इसीलिए उनके अन्दर का क्रोध है, ईर्ष्या है, द्वेष है, लालच है, झूठ है, फरेब है, बेइमानी, भ्रष्टाचार इन सबका कारण उसका अध्यात्मिक भाव कम हो गया जो Megasthenes के समय से चलता आया। क्यों अध्यात्मिक भाव अच्छा था वर्तमान में इसका नष्ट हो गया यह सच्ची बात है और भी कारण रहे होंगे छोड़ दिजिये लेकिन न्याय प्रक्रिया ओर साथ साथ उनके मन को अच्छा करना है हृदय का विकास करना है इसलिए मैंने कहा देशभर के अच्छे अच्छे उदाहरण हम सबके पास जब आ जाएंगे तो उन उदाहरणों को सामने रखके हम लोग अपने यहां के इन *cases* को मुकदमों को या *disputes* को हम *resolve* कर सकते हैं। ठीक है आपने समय दिया इसके लिए बहुत बहुत धन्यावाद लेकिन जैसे मैंने प्रारम्भ में बताया और अभी भी बताता हूं कि भई मैं इस विषय का जानकार नहीं हूं। मैं Law का कोई बड़ा व्यक्ति नहीं हूं। मैं science का, विज्ञान का विद्यार्थी रहा हूं लेकिन फिर भी आप लोगों के सहारे कोई छोटी छोटी बातें मैं सीख जाता हूं, की जानने की कोशिश करता हूं, इतना ही।

आप सबका बहुत बहुत धन्यवाद।



CERTIFICATE OF REGISTRATION

	
CERTIFICATE OF REGISTRATION UNDER SOCIETIES REGISTRATION ACT XXI OF 1860	
Registration No. S/ND/ 857 /2017	
I hereby certify that "NYAYA CHAUPAL" Located at 16, Todar Mal Road, Bengali Market, New Delhi-110001 has been registered* under SOCIETIES REGISTRATION ACT, 1860.	
Given under my hand at Delhi on this day of June Two Thousand Seventeen.	
Fee of Rs. 50/- Paid-	
	 (AMAN GUPTA, IAS) REGISTRAR OF SOCIETIES GOVT. OF NCT OF DELHI DELHI
Registrar of Societies New Delhi District <i>The Area of operation is DELHI.</i>	
<i>* This document certifies registration under the Society Registration Act, 1860. However, any Govt. department or any other association/person may kindly make necessary verification (on their own) of the assets and liabilities of the society before entering into any contract/assignment with them.</i>	
NOTE: The society shall not be entitled to use its translated/abbreviated/acronym name and shall use the original name only, it shall show the name with the caption that it is governed by private body/society and not by government and name of the society shall not be used for any commercial purpose or trade or business or profession, certification/affiliation/recognition to other organization etc.	



MEMORANDUM OF ASSOCIATION

1. **Name of Society:**

The name of the Society shall be 'NYAYA CHAUPAL'

2. **Registered Office:**

The Registered Office of the Society shall remain in the National Capital Territory of Delhi as may be decided by the Governing Body of the Society from time to time and at present is at the following address:

'16, Todar Mal Road, Bengali Market

New Delhi 110 001'

3. **Work Area:**

The Society shall work in the National Capital Territory of Delhi and in such other areas as the Governing Body may decide from time to time.

4. **Aim and Objects:**

The aims and objects of the Society are as under:-

- a) to undertake a systematic study of the framework for dispensation of justice and resolution of disputes prevalent in India and outside;
- b) to study the deficiencies and limitations of the present day justice-delivery system and to suggest appropriate reforms;
- c) to evolve a long-term methodology for undertaking dispute resolution at their earliest stages without the involvement of Court process;
- d) to promote fraternity and peaceful social relations by avoiding acrimonious resolution of disputes;



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- e) to make available an effective, reliable and trustworthy mechanism which can be utilised by the general public, in place of having to resort to litigation;
- f) to strive to reduce pendency and arrears in the Court system, by bringing out pending disputes and resolving them through a trustworthy and effective mechanism amicably agreed by the litigating parties;
- g) to undertake systematic study of informal disputes resolution mechanism based on consensus and mutuality;
- h) to study and analyse individual and organised dispute resolution initiatives operated voluntarily by the Government, Non-Governmental Agencies/organizations and by other persons;
- i) to study and analyse the methodology of identification of disputes at their nascent stage and resolve them by involving various individuals, groups and organisations for bringing about amicable and satisfactory resolution of disputes;
- j) to study and analyse the working of various Governmental and semi-governmental initiatives for resolution of disputes on the basis of settlement, mediation and conciliation, as distinct from the mechanism of adjudication;
- k) to undertake programs in villages, localities, towns and cities, so as to develop litigation-free villages/localities;
- l) to coordinate and cooperate with various initiatives being undertaken by individuals, non-governmental organisations and governmental or



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semi-governmental bodies, wherever deemed appropriate, for making informal dispute resolution a nationwide movement;

- m) to undertake study and research of the efforts being taken by governmental or non-governmental bodies, from time to time, across the globe;
- n) to publish reports, periodicals and publications and disseminate information regarding resolution of disputes outside the Court;
- o) to promote and propagate advantages of amicable and mutual settlement of disputes instead of pursuing adjudication in the adversarial system for delivery of justice;
- p) to evolve a mechanism for amicable settlement of disputes on the basis of consensus and mutuality and to inculcate harmony and fraternity among disputing parties;
- q) to appreciate and evaluate the hardship of disputing parties in the matter of redressal of grievances;
- r) to strive for amicable, wholesome and comprehensive mechanism for resolution of disputes to the satisfaction of all concerned;
- s) to constitute bodies at various levels for identification of disputes and their resolution;
- t) to promote and motivate disputing parties to resolve their disputes and differences outside the Court regardless of the stage of dispute or difference and withdraw the pending litigation upon arriving at a mutually agreeable solution;



Grand Kumbh



37/c

- u) to propagate the advantages of dispute resolution outside the Court in terms of saving, expense, time, energy and social relations of parties;
- v) to motivate disputing parties to resolve their disputes at the threshold and save expense, time and energy and utilise the same for constructive purposes of national building;
- w) to prevent drainage and wastage of expense, human energy and human relations and harness them for larger public good;
- x) to realise the ultimate goal of justice as a virtue to promote social order;
- y) to use social checks and balances in order to promote justice and truth;
- z) to direct the functioning of this Society in such a manner as to minimise disputes in society and establish a litigation-free society;
- aa) to develop and inculcate a belief in people that disputes are best resolved without the aid of Court;
- bb) to realise and promote the feeling that Courts can best utilise their time and infrastructure for adjudicating complex questions of law, or matters of criminal or public law character;
- cc) to discuss, deliberate, research and publish on issues relating to and ancillary to the settlement of disputes;
- dd) to discuss, deliberate, research and publish on issues concerning the justice-delivery system and how it can be improved;
- ee) any other aims and objectives ancillary or incidental to the above.



Gaurid Kaur



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All the income, earnings, movable, immovable properties of the Society shall be solely utilized and applied towards the promotion of its aims and objects set forth in this Memorandum of Association and no profit thereof shall be paid or transferred directly or indirectly by way of dividend, bonus, profits or in any manner whatsoever to the present and past members of the Society or to any person claiming through any or more of the present or past member.

No member of Society shall have any personal claim on any movable or immovable property(ies) of the Society or make any profit, whatsoever by virtue of his membership.

5. **Governing Body:**

The names, addresses, occupations and designations of the members of the Governing Body to whom the management of the Society is entrusted as required under Section 2 of the Societies Registration Act, 1860 are as follows:



S. No.	Name	Address	Occupation	Designation in the Society
1.	JUSTICE R. C. LAHOTI	B-56, Sector 14, NOIDA	Chief Justice of India (Retd)	President <i>R. C. Lahoti</i>
2.	SH. GOVIND GOEL	16, Todar Mal Road, Bengali Market, New Delhi – 110001	Advocate	General Secretary
3.	SH. RAM BAHADUR RAI	5/118 Rachana Vaishali Ghaziabad Uttar Pradesh 201010	Journalism	Member

Govind Kumar



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4.	SH. ALOK KUMAR	605, Gobind Apartments, Vasundhara Enclave, Delhi 110096	Advocate	Member
5.	SH. SANTOSH TANEJA	A-287 Derawal Nagar Delhi 110 009	Social Work	Member
6.	SH. S. S. MITTAL	92, New Moti Bagh, New Delhi - 110021	Senior Advocate	Treasurer
7.	SH. RAJ KUMAR	H. No. E-148, Sector 11, Faridabad	Business	Member
8.	SH. AJAY GUPTA	25, Sector 21, Faridabad (Haryana)	Business	Member

6. **Desirous Persons:**



We, the undersigned are desirous of forming a Society namely '**NYAYA CHAUPAL**' under the Societies Registration Act, 1860 as applicable to the National Capital Territory of Delhi in pursuance of the Memorandum of Association of the Society:

S. No.	Name & Address	Address	Occupation	Signature
1.	JUSTICE R. C. LAHOTI	B-56, Sector 14, NOIDA	Chief Justice of India (Retd)	
2.	SH. GOVIND GOEL	16, Todar Mal Road, Bengali Market, New	Advocate	



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		Delhi – 110001		
3.	SH. RAM BAHADUR RAI	5/118 Rachana Vaishali Ghaziabad Uttar Pradesh 201010	Journalism	211.4
4.	SH. ALOK KUMAR	605, Gobind Apartments, Vasundhara Enclave, Delhi 110096	Advocate	
5.	SH. SANTOSH TANEJA	A-287 Derawal Nagar Delhi 110 009	Social Work	
6.	SH. S. S. MITTAL	92, New Moti Bagh, New Delhi – 110021	Senior Advocate	
7.	SH. RAJ KUMAR	H. No. E-148, Sector 11, Faridabad	Business	
8.	SH. AJAY GUPTA	25, Sector 21, Faridabad (Haryana)	Business	

PRESIDENT

GENERAL SECRETARY

TREASURER

CERTIFIED COPY



RULES AND REGULATIONS

1. **NAME OF THE SOCIETY:**

'NYAYA CHAUPAL'

WORK AREA:

The Society shall work in the National Capital Territory of Delhi and in such other areas as the Governing Body may decide from time to time.

MEMBERSHIP:

The membership of the Society is open to all Citizens of India, living in the National Capital Region of Delhi and possessing the qualifications stated in these Rules.

ADMISSION AND QUALIFICATION FOR MEMBERSHIP:

Every Citizen of India who has completed 18 years of age and is of sound mind and subscribes to the objects of the Society shall be qualified to become a member of the Society.

The membership of the Society shall also be opened to the Institutions including the NGOs, Public Charitable Societies, Trusts, Association of Persons, Private Limited Non-Profit Companies registered under Section 8 Company under the Companies Act, 2013, RWAs, Village Panchayats and such others.



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Any person/Institution desirous to become a member of the Society shall apply to the Governing Body for admission to the membership on the prescribed form along with the prescribed subscription fee and shall

Gaurid Kumar



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become a member upon the receiving the approval of the Governing Body of the Society. However, if the Governing Body declines to admit any applicant as a member of the society, the reasons for refusing shall be recorded.

CATEGORIES OF MEMBERSHIPS

A. LIFE MEMBERSHIP

B. MEMBERSHIP BY INVITATION: This Membership shall be for the persons who have made substantial contribution towards fulfilling the objects of the Society and who are invited by the Governing Body of the Society to become its members.

SUBSCRIPTION FOR MEMBERSHIP:

The subscription for the admission to the membership of the Society shall be fixed by its Governing Body from time to time and at present is:

- A. Rs. 1,100/- for Life Members as a one time payment
- B. No fee shall be payable by the members made by invitation by Governing Body of the Society.



CESSATION OF MEMBERSHIP:

The membership of a member shall be terminated by: (a) death of a person or dissolution of an institutional member (b) resignation (c) if any member fails to attend 3 consecutive meetings without leave of absence (d) if the member is expelled by a Two-Third majority in the Governing Body.

Reasons for cessation shall be communicated.

APPEAL AND RE-ADMISSION OF MEMBERSHIP:

Ganesh Kumar



31/1

An appeal against the dismissal of a member from the membership of the Society shall lie before the General Body. The expelled member shall be required to make such appeal within 30 days of the communication of cessation of membership to him. The appeal shall be sent to the Head Office of the Society by Speed Post. If the General Body resolves against the dismissal of such Appellant, he shall be re-admitted to the membership of the Society.

RIGHTS AND PRIVILEGES OF MEMBERSHIP:

The members shall have the right and the privilege to:

- (a) attend the Annual General Meeting, participate in it and vote;
- (b) to elect the President of the Society every second year;
- (c) to receive and vote on the General Secretary's report, balance sheet, auditor's report and budget for the ensuing year;

2. GENERAL BODY:

The General Body consists of all the members of the Society.

POWER AND DUTIES/FUNCTIONS OF GENERAL BODY:

The General Body shall be the supreme body of the Society and shall have the following duties and corresponding powers:



- (a) to receive and consider the General Secretary's report every year;
- (b) to receive and consider the Annual Returns and Balance Sheet of the Society after the conclusion of the each financial year;
- (c) to receive and consider the budget for each ensuing year;
- (d) to elect the President and General Secretary every two years;

Amir Khan



- (e) and such other powers, duties and functions as the General Body by a 3/4th majority of the members present and voting assign for the Society.

QUORUM:

The Quorum for a meeting of the General Body shall be 10 members or 10% of the total membership whichever is more. If no quorum is present within half an hour of the meeting, the meeting shall stand adjourned.

The adjourned meeting shall take place after one hour of the adjournment. No quorum shall be required for adjourned meeting.

NOTICE OF MEETINGS:

The notice for Annual General Meeting shall not be less than 7 clear days. The Extraordinary General meeting and the requisitioned meetings may be called with 3 days clear notice.

A requisitioned meeting of the General Body may be called upon the request in writing by one-third members of the Society served upon the General Secretary of the Society or sent by speed post to the head office of the Society. The General Secretary shall call a requisitioned meeting on a date fixed in consultation with the President and within 45 days of the receipt of request for such a meeting.

PERIODICITY OF MEETINGS:

There shall be an Annual General Meeting every year. Such meeting shall be called within 6 months from the close of every financial year. All other



Ganesh Khanal



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meetings including the Extra Ordinary General Meeting may be called as and when necessary.

3. **GOVERNING BODY:**

Governing Body shall mean the Office Bearers and such other members as are nominated to it by the President in accordance with the rules framed hereafter.

3.1 **MINIMUM AND MAXIMUM STRENGTH OF THE GOVERNING BODY:**

Unless otherwise decided by the General Body, the minimum strength of the Governing Body including the office bearers shall not be less than 7 and the maximum including the office bearers shall not exceed 21.

3.2 **COMPOSITION:**

The Governing Body shall include the President, not more than 2 Vice Presidents, the General Secretary, not more than 2 Secretaries, the Press Secretary, the Treasurer, 1 Office Secretary and such other Office-Bearers and members as are designated by the President from amongst the members of the Society.

The General Body of the Society may vary the numbers of the Office-Bearers from time to time.

ELECTION AND ITS MODE:

The President of the Society shall be elected bi-annually in the Annual General Meeting of the Society by show of hands. However, on demand being made by any member(s), the election shall be held by secret ballot.



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Conrad K. K. K.



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The other office bearers and members of the Governing Body shall be nominated by the President.

3.4 TERM OF THE OFFICE OF THE GOVERNING BODY:

The members of the Governing Body including the office bearers shall hold office for two years.

3.5 POWERS AND DUTIES OF THE OFFICE BEARERS:

PRESIDENT:

The President shall be the head of the Society. He shall have the powers to nominate the office bearers and other members of the Governing Body. He shall preside over the meetings of the Society and sign minutes. In case of tie on any matter the President shall have an extra casting vote.

GENERAL SECRETARY:

The General Secretary shall be the Executive head of the Society. He shall issue notices of all meetings, record the minutes and have the custody of the records of the Society. The General Secretary shall be responsible for implementing the decisions of the Governing Body and the General Body.



TREASURER:

The Treasurer shall hold the funds of the Society preferably with a scheduled bank and shall be responsible for the maintenance and audit of its accounts.

3.6 NOTICE OF THE GOVERNING BODY MEETING:

Sanjay Kumar



27/c

The notice of the meeting of the Governing Body shall not be less than 3 days. However, emergency meeting may be called in 24 Hours. The notice of the meeting may be sent by SMS, email or any other mode.

3.7 QUORUM:

The quorum for the meeting of Governing Body shall be one-third members.

3.7 FILLING UP OF CASUAL VACANCIES:

The Casual vacancies occurring in the Governing Body shall be filled up by nomination by the President.

The Casual Vacancies in the office of President shall be filled up by the members of Governing Body by way of a simple majority vote.

4. SUB-COMMITTEES, FORMATION, DUTIES AND FUNCTIONS:

The President in consultation with the General Secretary may nominate and form such sub-committee(s) for such purposes as deemed desirable from time to time and assign them such duties and functions as they consider it.

SOURCE OF INCOME:

The Society shall derive its funds from: (a) subscription, (b) donations, (c) sale of publicity and other gift materials (d) loans whether on furnishing securities or otherwise (e) such other sources as the Governing Body may approve from time to time.

6. UTILIZATION OF FUNDS:

David Khan



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The funds of the Society shall be utilized to achieve the objects of the Society and in accordance with the budget as approved in a General Body meeting.

Expenses on any unforeseen items/programmes shall be made with the approval of the General Body.

The Trust monies which are not required to be applied immediately or at any early date shall be invested only in accordance with the relevant provisions in the Income Tax Act prevalent at the time of such investment.

7

AUDIT OF ACCOUNTS:

The accounts of the Society shall be got audited each year by a qualified Chartered Accountant and his report shall be placed before the members at every Annual General Meeting.

8.

FINANCIAL YEAR:

The financial year of the Society shall be from 1st of April of the each year to 31st of March of the succeeding year.



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OPERATION OF THE BANK ACCOUNT:

The bank account(s) of the Society shall be operated by the signatures of any members of the Governing Body from amongst its members nominated by the Governing Body for the purpose.

10.

ANNUAL LIST OF GOVERNING BODY:

Handwritten signature: Gauri Kaur



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Once in every year a list of the office bearers and members of the Society shall be filed with the Registrar of Societies, Delhi as required under Section 4 of the Societies Registration Act, 1860.

11. **LEGAL PROCEEDINGS:**

The Society may sue or be sued in the name of the General Secretary as per provisions laid down under Section 6 of the Societies Registration Act, 1860 as applicable to the National Capital Territory of Delhi.

12. **AMENDMENT:**

Any Amendment in the Memorandum of Association and Rules will be made in accordance with procedure laid down under Section 12 and 12A of the Societies Registration Act, 1860.

13. **DISSOLUTION AND ADJUSTMENT OF AFFAIRS:**

If the Society need to be dissolved it shall be dissolved as per provisions laid down under Section 13 and 14 of the Societies Registration Act, 1860 as applicable to Union Territory of Delhi.

14. **APPLICATION OF THE ACT:**

All the provisions of the Societies Registration Act, 1860 as applicable to the Union Territory of Delhi shall apply to this Society.



ESSENTIAL CERTIFICATE:

Certified that this is the correct copy of rules and regulations of the Society.

CERTIFIED COPY


PRESIDENT


GENERAL SECRETARY


TREASURER



FORM 1: CONSENT FORM



समाधान हेतु विवाद सौंपन पत्र

विवादित पक्षों का विवरण :

क्रम संख्या	नाम	पता	फोन नंबर

पक्षों के पारस्परिक रिश्तों का विवरण (कृपया सही विकल्प चुनें) :

	पड़ोसी/एक ही गांव के		भाई-बहन		पति-पत्नी		अन्य पारिवारिक सम्बंध
	मालिक-कर्मचारी		अन्य				

क्योंकि उपरोक्त हम लोगों के बीच कुछ ऐसे मतभेद और विवाद हैं जो हमारे यथासम्भव प्रयासों के बावजूद अभी तक नहीं सुलझ पाए हैं। वह विवाद निम्न प्रकार के हैं :

I. विवाद का प्रकार (कृपया सही विकल्प चुनें) :

	जमीनी		वैवाहिक		चेक की अस्वीकृति/व्यापार सम्बंधी		पारिवारिक
--	-------	--	---------	--	----------------------------------	--	-----------



	आपराधिक		अन्य	
--	---------	--	------	--

II. सम्बंधित पक्षों का दृष्टिकोण/मतभेद/विवाद :

प्रथम पक्ष का दृष्टिकोण /बयान	दूसरे पक्ष का दृष्टिकोण /बयान

III. दोनों पक्षों के बीच लम्बित मुकदमों का विवरण :

क्रम संख्या	कोर्ट/फोरम जहां विवाद लंबित है	लंबित विवाद का विवरण और मामले की स्थिति/स्तर/चरण

सभी परिवारजनो, शुभचिंतकों एवं मित्रों के सुझाव पर एवं मुकदमों में होने वाले अत्याधिक धन एवं समय के खर्च तथा अनिश्चितताओं और दोनों पक्षों के पारस्परिक रिश्तों के बिगड़ने की संभावनाओं को ध्यान में रखते हुए हमने अपने विवादों और मतभेदों का समाधान आपसी बातचीत एवं सद्भाव से 'न्याय चौपाल' की सहायता से करने का निर्णय लिया है। इस सम्बन्ध में हमने स्वेच्छा से 'न्याय चौपाल' से सम्पर्क किया है एवं निवेदन किया है कि 'न्याय चौपाल' हमारे मतभेदों और विवादों के सन्तोषजनक समाधान हेतु उपयुक्त व्यक्तियों का चयन कर ऐसे सौहार्दपूर्ण समाधान का प्रयास करे जो हम सबके लिए कल्याणकारी हो एवं संतोषजनक और पारस्परिक रूप से स्वीकार्य हो। अतः हम स्वेच्छा से 'न्याय चौपाल' को हमारे विवाद में सहयोग करने, जांच करने और समाधान करने के लिए हर प्रकार से पूर्णतः अधिकृत करते हैं ताकि हमारे विवाद का पारस्परिक स्वीकार्य एवं सन्तोषजनक समाधान बिना किसी न्यायिक प्रक्रिया के तत्काल एवं व्ययहीनता से हो सके एवं हमारे पारस्परिक सम्बन्ध व रिश्ते ज्यों के त्यों सुदृढ़ रह सकें।

'न्याय चौपाल' द्वारा नियुक्त किए गए सलाहकारों/मध्यस्थों का हम पूरी तरह से सहयोग करने का वचन देते हैं एवं उनके सुझावों व प्रस्तावों पर सकारात्मक रूख अपनाते हुए विचार करने की प्रतिबद्धता का अश्वासन देते हैं। इस मध्यस्थता के परिणामस्वरूप निकले समाधान को हम सच्चे मन से स्वीकार कर क्रियाप्वित करने का वचन देते हैं। हमें यह ज्ञात है कि हम इस मध्यस्थता के परिणामस्वरूप निकले समाधान से हुए पंचायती फैसले से बाध्य होंगे। हम इस मध्यस्थता से निकले समाधान के समझौते के पालन करते हुए उपरोक्त सभी मुकदमों में सौहार्दपूर्ण तरीके से वापस लेने/खत्म करने के लिए भी वचनबद्ध हैं एवं 'न्याय चौपाल' का आभार प्रकट करते हैं।

विवाद से जुड़े पक्ष :

गवाह :

1.

1.

2.

2.

दिनांक :

स्थान :



FORM 2: MEMORANDUM OF SETTLEMENT



विवाद समाधान का शपथ पत्र

हम(प्रथम पक्ष का नाम और विवरण)..... और(द्वितीय पक्ष का नाम और विवरण)..... ने(विवाद का संक्षिप्त विवरण) से सम्बंधित विवाद/मतभेद के समाधान के लिए न्याय चौपाल (पंजीकृत) के सहयोग का आवेदन किया था। इसके परिणामस्वरूप न्याय चौपाल द्वारा चयनित सहायकों/मध्यस्थों की सहायता से हमारे बीच सुलह की प्रक्रिया संपन्न हुई।(मध्यस्थों के नाम और विवरण)..... द्वारा आयोजित सुलह की प्रक्रिया के बाद हम पारस्परिक स्वीकार्य एवं सन्तोषजनक समाधान पर पहुंचे हैं जिसकी शर्तें निम्नानुसार हैं :

- 1.
- 2.
- 3.

(सम्बंधित पक्षों के बीच समझौते की शर्तें - उनके अधिकार और दायित्व)

4. उपरोक्त समझौता निर्णय नहीं बल्कि पारस्परिक सहयोग एवं सौहार्दयता के सिद्धांत पर आधारित है और हमने अपने मतभेदों और विवादों को हमेशा के लिए समाप्त करने का फैसला लिया है।
5. हमारे बीच यह उपरोक्त समझौता बिना किसी जबरदस्ती, दबाव या अनुचित प्रभाव के हुआ है और हमने पूरी तरह स्वेच्छा एवं हृदय से इसे स्वीकार किया है।
6. हमारे बीच न्यायालय में लंबित पड़े मामले, जिनका विवरण नीचे दिया गया है, तत्काल प्रभाव से वापस ले लिए जाएंगे जिसने उन्हें दायर किया था और इस सम्बन्ध में कोई भी पक्ष सम्बन्धित न्यायालय को आवेदन दे सकेगा एवं न्यायालय इस सम्बन्ध में औपचारिक आदेश पारित कर सकेगा।



क्रम संख्या	न्यायालय/फोरम जहां विवाद लंबित है	लंबित विवाद का विवरण

या

हम पारस्परिक रूप से इस बात से सहमत हैं कि सौहार्दपूर्ण समाधान को ध्यान में रखते हुए कोई भी पक्ष न्यायिक प्रक्रिया का सहारा नहीं लेगा।

- हमें ज्ञात है कि यह समाधान एवं समझौता मध्यस्थता और सुलह अधिनियम 1996 की धारा 73 के तहत हुआ एक समझौता माना जाएगा एवं सब प्रकार से अंतिम एवं सर्वमान्य होगा। यह सिविल न्यायालय की डिक्ली के तौर पर सभी पक्षों पर बाध्यकारी है और मध्यस्थता और सुलह अधिनियम 1996 के प्रावधानों, विशेषकर धारा 74 और धारा 30, के अनुसार लागू होगा एवं इसी प्रकार क्रियान्वित किया जा सकेगा।
- यह समाधान समझौता उपरोक्त नामित सहायकों/मध्यस्थों द्वारा विधिवत रूप से प्रमाणित किया गया है।
- हम उपरोक्त समझौते का पालन करने और उससे बाध्य होने के लिए वचनबद्ध हैं। इसके लिए हमने अपने मत एवं विश्वास के अनुसार अपने भगवान/देवी अथवा श्रद्धापात्र के सामने इस समझौते एवं समाधान के अनुपालन की प्रतिज्ञा की है।
- हम आपस में एक-दूसरे के साथ मधुर सम्बंध रखेंगे और इस समझौते एवं समाधान के अतिरिक्त हम एक-दूसरे के खिलाफ अपने सभी कानूनी अधिकारों और दावों को खारिज करते हैं। हम इस समाधान एवं समझौते को पूरी प्रामाणिकता एवं वचनबद्धता से अनुपालन करने की शपथ लेते हैं।

पक्ष

प्रमाणीकरण

मध्यस्थ

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दिनांक :

स्थान :

तीन प्रतियों में, प्रत्येक पक्ष को एक प्रति सौंप दी गई है।
एक मूल प्रति न्याय चौपाल द्वारा अपने पास सुरक्षित रखी गई है।

(सोसायटीज़ रजिस्ट्रेशन एक्ट, 1860 के अन्तर्गत पंजीकृत एक गैर-लाभकारी संस्था)



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