



न्याय Nyaya

Dispute Resolution Outside Court

SPECIAL ISSUE

e-baithak series

Finding a Solution to Present day Problems



न्याय Nyaya

SPECIAL ISSUE

Contents

	<i>Pages</i>
Foreword by Justice R.C. Lahoti	(i-ii)
Message by Justice Anil R. Dave	(iii)
Message by Justice Kurian Joseph	(iv)
Message by Sh. Ram Bahadur Rai	(v-vii)
Message by Sh. J. Nanda Kumar	(viii-ix)
E-BAITHAK SERIES	
INTRODUCTION & BACKGROUND	1-5
INAUGURATION (MAY 17, 2020)	6-11
PART 1: EMPLOYMENT RELATED ISSUES (MAY 24, 2020)	12-25
PART 2: IMPACT OF LOCKDOWN ON FAMILY SYSTEM AND MENTAL HEALTH (MAY 31, 2020)	26-37
PART 3: EDUCATION RELATED ISSUES (JUNE 7, 2020)	38-47
PART 4: CONSUMER RELATED ISSUES (JUNE 14, 2020)	48-56
PART 5: LITIGANT RELATED ISSUES (JUNE 28, 2020)	57-66
INSTANCES OF DISPUTE RESOLUTION	67-77

Foreword
by Justice R.C. Lahoti



Nyaya Chaupal is an innovative unique endeavour aiming at fostering an informal way of dispute resolution. Its ultimate aim is to attempt at evolving a litigation free society. Nyaya Chaupal encourages private parties to take benefit of its services. The methodology is to bring around the disputants, make them understand each other's point of view, counsel them and apply peer pressure, if necessary, to settle the disputes. Primarily, Nyaya Chaupal is addressing family disputes, property disputes, matrimonial disputes and even criminal offences between private parties if the offences be compoundable. Nyaya Chaupal is receiving very encouraging response from the people, villages and societies. Even the matters which have been pending in courts for quite some time have been resolved by the intervention of Nyaya Chaupal.

However, the nationwide lockdown triggered due to COVID-19 made the task of Nyaya Chaupal very difficult. Virtual meetings with the disputants were reported to be proving not so effective as the physical meetings.

Nyaya Chaupal volunteers felt the need of retaining Nyaya Chaupal active by holding such virtual *Baithaks* where class disputes such as between employers and employees, consumers and traders, students and educators and so on could be so discussed and dealt with as to generate an atmosphere wherein such disputes would not emerge and even if they emerge then they would be settled. Webinars were held wherein learned speakers having expertise in different fields of human activity agreed to address different sections of the society on virtual platform and thereby

propagating such ideas as would enable nipping in the bud of the likely disputes. Such *e-Baithaks* have been held from time to time. The participation has been very encouraging and enthusiasm building. The proceedings of the *e-baithaks* have been uploaded on YouTube and they are circulating more and more.

Still need was felt to publish the thoughts delivered during such *e-baithaks* and also place on record some successful endeavours and experiments. The feedback received by Nyaya Chaupal is that such *e-baithaks* have enabled the differences between adversarial classes settling down both at the level of individuals and at the level of groups by promoting understanding.

I express my sincere gratitude to all the guests who spared time generously and shared their expertise, experience and wisdom with the audience and Nyaya Chaupal volunteers. I also acknowledge the gratitude of all those who have participated in such *e-baithaks* as listeners and enriched themselves by learning.

Vijayadashmi
25th October, 2020

Justice R.C. Lahoti (Fr. CJI)
Chairman, Nyaya Chaupal



Justice Anil R. Dave

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MESSAGE

Justice by senior, respected, wise and impartial persons was the noble tradition of our country. In our glorious past, the work with regard to doing justice in small villages was done by the Village Panchayats consisting of some senior, wise and respected persons of the village. Without any fear or favour, the members of the Panchayats used to do the work of present-day judiciary.

'Nyaya Chaupal' has tried to revive that noble system to avoid litigation and most of the time with sincere efforts of the service oriented people and the members of Nyaya Chaupal, several disputes get resolved at its threshold and that results into amicable relationship among the parties without burdening their pockets and even lot of time of the parties is saved by avoidance of court litigation.

Unfortunately, in the calendar year 2020, we all came across a horrible pandemic – but without being deterred by it, Nyaya Chaupal continued to render its services through its sincere service-oriented soldiers by organising e-baithaks and thereby rendered assistance to several segments of the society.

Nyaya Chaupal not only helps hapless people by giving them justice in an amicable manner by proper persuasion to all concerned but it also reduces burden of our overburdened judiciary by resolving several problems before they take form of court litigation.

I am sure that sincere efforts of the office bearers of Nyaya Chaupal would continue to render their services to the society and I wish a grand success to the mission taken up by them.

Anil Dave

(Anil R. Dave)

New Delhi
November 03, 2020.



*Justice (Retd.) Kurian Joseph
Former Judge
Supreme Court of India*

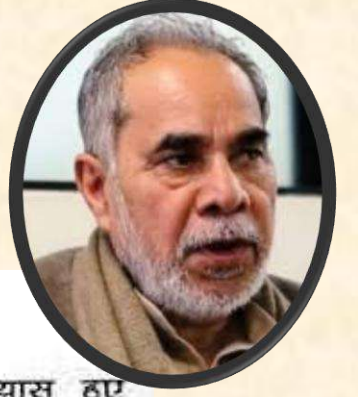
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30th October, 2020

MESSAGE

Inter disciplinary dialogue so as to avoid disputes shaping to litigation, is the moto of Nyaya Chaupal. To my knowledge, it is the brain child of Senior Advocate Mr. Govind Goel. Differences are quite normal. But all differences need not necessarily lead to disputes. And definitely, all disputes are not to be litigated in courts of law. The process of litigation is time consuming and quite expensive. Therefore, it is the bounden duty of all well-meaning members of the society and particularly law men and civil society organisations to handle the differences and disputes at the appropriate stage and in an appropriate manner so that the disputes do not land up in courts. The lockdown was fruitfully utilised by Nyaya Chaupal in educating and sensitising people both on the need and efficacy of settlement of disputes outside Courts. Hearty Congratulations to the harbingers of peace. God bless you.

Justice (Retd.) Kurian Joseph



Message by Sh. Ram Bahadur Rai*

इसे 'ई-उपनिषद' कहना चाहिए

कोरोना काल में नवाचार और अनुसंधान के अनेक प्रयास हुए हैं, हो रहे हैं और इसका कम बना रहने वाला है। असाधारण समय जब कोई चुनौती उपस्थित करता है तो नवाचार ही उसका उत्तर होता है। अनुसंधान से समाधान होता है। हालांकि न्याय चौपाल एक श्रेष्ठ उद्देश्य से गठित कुछ साल पुराना मंच है, लेकिन यह जिस तरह अपने जन्मकाल से ही अनूठा बना हुआ है उसी तरह कोरोना काल में इसका प्रयास उन सबसे भिन्न और बेहतर है जो इस काल की सामाजिक समस्याओं के निवारण के लिए किए जा रहे हैं। न्याय चौपाल अपने नाम से ही यह ध्वनित करता है कि इसका लक्ष्य है- 'नैतिक, सामाजिक और सामूहिक न्याय की संवाद से संभावना उत्पन्न करना और उसे पीड़ितों को उपलब्ध कराना।' यह कार्य राज्यतंत्र और न्यायतंत्र का है। लेकिन न्याय चौपाल तो इन तंत्रों की औपचारिक-संवैधानिक परिधि से परे स्थित है। फिर यह कैसे अपना लक्ष्य पूरा कर सकेगा ?

इस प्रश्न के उत्तर में ही न्याय चौपाल की विशेषता और प्रासंगिकता निहित है। इसको इस तरह से भी कह सकते हैं कि न्याय चौपाल भारतीय सामाजिक चिंतन की भाव-भूमि पर वर्तमान स्थिति में समाज की नैतिक सत्ता की एक नवीन पहल है। भारतीय समाज में सत्ता का अपना स्थान रहता आया है। लेकिन सत्ता चाहे जितना व्यापक हो, गहरी हो, वह सर्वव्यापक होने का लक्ष्य रख सकती है परंतु होती नहीं है। ऐसी स्थिति में ही सामाजिक पहल का महत्व हमेशा रहता है। आज की संवैधानिक परिस्थिति में विचार करें तो पाएंगे कि दो तरह की व्यवस्थाएं समानांतर चल रही हैं। संविधान से उत्पन्न राज्य व्यवस्था एक है तो भारत की प्राचीन समाज व्यवस्था के कुछ सांस्कृतिक प्रवाह को दूसरा कह सकते हैं। न्याय चौपाल दूसरे में आता है।

न्याय चौपाल ने लाकडाउन के दौरान 17 मई से 28 जून तक दोहरी भूमिका निभाई, आग बुझाने और प्राथमिक उपचार करने की। उसका वर्णन गोविंद गोयल जी ने जो लिखा है वह अपने आप में पूर्ण कथन है। इसमें मैं यह जोड़ना चाहता हूं कि गूगल मीट,

* Sh. Ram Bahadur Rai is a senior journalist and is presently President of the Indira Gandhi National Centre for Arts, New Delhi. He was bestowed with the prestigious Padma Shri Award in 2015. He is also one of the founding Members of Nyaya Chaupal.

बेविनार और फेसबुक के जरिए गहन मंथन चले हैं और वे आज भी चल रहे हैं। इसमें विश्वविद्यालय, मीडिया, शोध संस्थान और अनेक प्रकाशन संस्थान तो शामिल हुए ही, कई ऐसी संस्थाएं भी सक्रिय रही जो राज्य व्यवस्था के प्रयासों में सहायक बन सकीं। इस तरह की कई संस्थाओं के बेविनार और फेसबुक के कार्यक्रम में मुझे रहने और बोलने का अवसर मिला। जिसमें एक संस्था तो बहुत पहले से पंचायत प्रणाली के सुधार में सक्रिय है। उसके बेविनार 15 राज्यों में हुए। एक राष्ट्रीय बेविनार हुआ। इन बातों का उल्लेख मैं इसलिए कर रहा हूं कि ज्यादातर आयोजकों ने मुझसे कहा कि वे अपने आयोजन का उचित समय पर दस्तावेज बनाकर प्रकाशित करेंगे। हो सकता है वे करें भी। लेकिन न्याय चौपाल ने उन सब लोगों को एक राह दिखाई है कि जो आप कर रहे हैं उसे प्रकाशित किस तरह करना चाहिए।

न्याय चौपाल ने एक आदर्श उपस्थित किया है। विवाद नहीं, यह स्पष्ट है। लेकिन संवाद किस लिए, क्यों और कैसा होना चाहिए इसका एक उदाहरण इस न्याय चौपाल की 'ई बैठक' में प्रस्तुत किया गया है। अगर पुराने शब्द पर नए अर्थ की मैं कलम लगा दूं तो यह 'ई बैठक' वास्तव में कोरोना काल की 'ई-उपनिषद' है। थोड़े में यानी सूत्र में समस्या और समाधान का प्रयास। अक्सर बोला बहुत कुछ जाता है, लेकिन जब उसे जांचते हैं, यह देखते हैं कि उसमें सार तत्व कितना है तो अक्सर निराशा होती है। न्याय चौपाल ने दूसरा आदर्श इस रूप में उपस्थित किया है कि जो बोला गया उसका सार प्रस्तुत किया है और यह सचमुच स्थाई महत्व की सामग्री है। मान लीजिए कोई शोध छात्र कोरोना काल में किए गए स्वैच्छिक-सामाजिक-नैतिक कार्यों पर अध्ययन करना चाहे तो उसके लिए यह एक आधारभूत सामग्री होगी। जिन व्यक्तियों ने ई बैठक में हिस्सा लिया है, वे अनुभव और ज्ञान के उसी तरह जीते-जागते कोष हैं जो कभी भारत में ऋषि होते थे। इस दृष्टि से भी ई बैठक वास्तव में 'ई-उपनिषद' है। ये लोग किताबी नहीं हैं। पर किताबों के ज्ञान से वंचित भी नहीं हैं। वे किताबों तक सीमित नहीं हैं। उसके पार समाज में जो ज्वलंत प्रश्न हैं उसे सुलझाने में सक्रिय भूमिका अदा करते हैं। श्रमण परंपरा का निर्वाह करते हैं। इस परंपरा के पुरुष को प्रकृति स्वयं ज्ञान के प्रकाश से आलोकित करती है।

इस ई बैठक के दस्तावेज को उस श्रेणी में भी रख सकते हैं जिसमें मेटाकाफ का दस्तावेज आता है जिसे भारत की प्राचीन पंचायत व्यवस्था के लिए प्रामाणिक माना जाता है। उसके एक अंश को डा. भीमराव अंबेडकर ने 4 नवंबर, 1948 को संविधान सभा में पढ़कर सुनाया था। विदेशी पर्याटकों ने जो लिखा है वह इस श्रेणी में नहीं आता। लेकिन भगिनी निवेदिता, एनी बेसेंट और मीरा बहन ने जो लिखा है उससे उस कालखंड का परिचय मिलता है। ऐसा ही यह भी है। मेरी जानकारी में यह पहला दस्तावेजीकरण है। इससे दूसरे सीख सकते हैं। जहां यह दस्तावेज तात्कालिक है वहीं इसमें दीर्घकालिक समस्याओं की दृष्टि है। जिन्हें समझकर न्याय व्यवस्था में दूरगामी परिवर्तन किए जा सकते हैं।

राम
रामबहादुर राय



Message by Sh. J. Nanda Kumar Ji*

Pending cases in Indian courts have been a cause of massive worry. People wait for years which turn into decades, waiting for justice to be delivered. Situation reminds us the age-old dictum 'Justice delayed is justice denied.'

Union Law Minister Ravi Shankar Prasad, in November 2019, said there are 59,867 cases pending before the Supreme Court, and 44.75 lakh cases in various high courts of the country. A whopping 3.14 crore cases are pending at district and subordinate level courts.

Since then several thousand cases must have been added to the list. This is a serious issue that needs to be resolved. Lakhs of innocent under-trials are languishing in jails, for their cases are pending in courts. The situation doesn't bode well for a democracy. To find a solution to the issue, all stakeholders and all pillars of democracy should get their act together. For this can we learn something from our past? In India, we had a rich tradition of dispute resolution at local level. Despite its many shortcomings, this system is alive and ticking in many parts of the country. Much-maligned Khap is one of such systems where village elders resolved disputes amicably. The system needs to be reformed to meet the challenges posed by the complexities of the modern times.

In olden times, Nyaya used to be delivered to the parties concerned through Chaupals, I must say Nyaya Chaupal. Some nationalist minded legal luminaries, retired judicial officers came together and thought about the necessity of

* Sh. J. Nanda Kumar Ji is a senior Pracharak of the RSS and Member of its National Executive. He is also the National Convenor of Prajna Pravah.

initiating such a movement. As Justice Lahoti puts it, the effort is not to put in place a parallel judicial system. “The aim is not to connect with the judiciary or interact with them. We don’t aim to run a parallel system. The aim is to build an environment in our surroundings where there will be no disputes,” he says.

Lot of meaningful programs with this view were organised by Nyaychaupal and hundreds of disputes resolved too. More than that, a congenial atmosphere in societal life has evolved in scores of villages due to the regular visits and chaupal proceedings undertaken by Nyaychaupal activists. I would like to congratulate Team Nyaychaupal for bringing together general public as well as legal experts to find a solution to this serious national issue.

During the lockdown period, Nyaychaupal had organised an eBaithak. In one of the baitaks, I was also invited and had the privilege to interact with the legal luminaries. It was an enriching experience for me.

I do congratulate all the workers of Nyaychaupal and wish all the success to their future projects as well.

J. Nanda Kumar
October 22, 2020

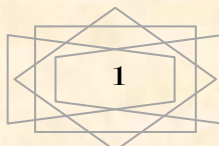
Introduction & Background

आपदामपहतरं
दातारां सर्वसम्पदाम्।
लोकाभिरामं श्रीरामं
भूयो-भूयो नामाम्यहम्॥

[Who removes all types of adversity and agony of Jiva (living beings); Who bestows all types of favour, honour and wealth; By looking at whom, the world feels very pleased; to that Shri Rama, I bow again and again.]

As the world came to terms with the pandemic of Novel Coronavirus (Covid-19), India with its massive population had to prevent the pandemic from wreaking havoc. The Government of India announced a nationwide total lockdown from March 24, 2020 and the stage-wise unlocking began only on June 1, 2020. The disruption which took within it almost every sphere of human activity and human relations, continues to have widespread impact till date.

The outcome of this disruption resulted in several macro-level issues. Due to shutdown of business in large industrial centres, labour could not afford staying in the cities and began migrating to their homes in villages. The situation became compounded because of no public transport. Students lost precious academic time, their dreams of beginning their career began to appear distant. Families started to break down due to several mental health issues with everyone stuck at home and economic issues resulting in frustration and depression. Instances of consumers becoming prey to exploitation by traders became commonplace. Litigants, either those who had been waiting for justice for several decades now, or those who craved immediate judicial help, suffered on account of access to justice being elusive.

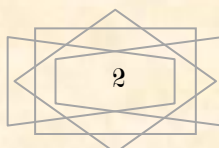


All these issues, and many more such, have the potential of causing deep fissures in our society. If not attempted to be redressed at some common platform, they can cause irreparable damage to the social fabric of our country.

Nyaya Chaupal made its own humble attempt in these times to prevent such breakdown of the social fabric. Nyaya Chaupal, being an organisation with the motto of “विवाद नहीं, सम्वाद” (*dialogue, not dispute*), initiated a series of e-baithaks for addressing each of these issues. These virtual meetings brought the representatives of the disputants to indicate their respective grievances and eminent personalities such as retired Judges, former bureaucrats, domain experts and persons of high social standing, to give their inputs on how to prevent such differences in society. The e-baithaks saw the rich judicial experience of Justice R.C. Lahoti, former Chief Justice of India, who is the President of Nyaya Chaupal; Justice Anil R. Dave and Justice Kurian Joseph, former Judges of the Supreme Court; Justice Permod Kohli, former Chief Justice of Sikkim High Court and Justice K.Kannan, former High Court Judge, coming to the fore. The vast social experience of Smt. Maneka Gandhi; Ma. Shri Indresh Kumar Ji, Ma. Shri Ram Lal Ji, Ma. Shri Anirudh Deshpande Ji, Ma. Shri J. Nandakumar Ji, Ma. Shri Alok Kumar Ji, Shri Gopal Arya Ji and Shri Shrikrishna Singhal Ji, provided a unique context to the e-baithaks, and their much-needed views aimed to fill the moral and ethical void in our society today.

Apart from these eminent persons, national-level office-bearers or key persons associated with various representative organisations engaged with each other. To indicate a few:

- Bharatiya Mazdoor Sangh and
- Trade Union Coordination Committee (*for placing the viewpoint of labour*)
- Mahratta Chamber of Commerce, Industries and Agriculture
- FICCI Confederation of Micro, Small and Medium Enterprises and



- National Employers' Federation (*for explaining the management perspective*);
- Akhil Bharatiya Vidyarthi Parishad (*for projecting the difficulties of students*)
- Usha Martin University and
- Manav Rachna Group of Institutions (*for explaining the educators' concerns*)
- Laghu Udyog Bharati (*representing the cottage industries*)
- Akhil Bharatiya Grahak Panchayat (*indicating the plight of consumers*)
- Confederation of All India Traders and
- Bharatiya Udyog Vyapar Mandal (*for placing the perspective of traders*).

The e-baithaks were also honoured to have the valuable experience of eminent persons who are presently or have been associated in the past with various prestigious organisations such as:

- Planning Commission of India
- National Institute of Mental Health and Neuro-Sciences (NIMHANS)
- National Board of Accreditation
- National Assessment and Accreditation Council (NAAC)
- Centre for Consumer Studies
- National Legal Services Authority (NALSA)
- Supreme Court Bar Association (SCBA)
- Indian Law Institute (ILI)

These weekly e-baithaks were conducted from May 17, 2020 to June 28, 2020. All the e-baithaks were recorded, and are freely available on the YouTube channel of Nyaya Chaupal. It was heartening to see that each of the e-baithaks witnessed an attendance of more than 100 people from all walks of life. One could see the common enthusiasm and zeal in everyone to find ways to reduce litigation, and at the same time, ensure that justice reaches the last man in the queue.

The enriching experience that these e-baithaks have provided, acts as a beacon for Nyaya Chaupal and its volunteers to evolve techniques for providing greater access to justice, and as far as possible, to prevent disputes from landing in court.

BRIEF OVERVIEW OF THE E-BAITHAKS



(Clockwise from top):

Justice R.C. Lahoti; Justice Kurian Joseph; Justice Anil R. Dave;
Ma. Shri J. Nandakumar Ji; Shri Govind Goel;
Smt. Maneka Gandhi; Ma. Shri Indresh Kumar Ji

The Inaugural e-baithak was held on May 17, 2020 and the primary objective of this e-baithak was to explain the need for Nyaya Chaupal, its aims and to provide an outline for the upcoming e-baithaks.

The first e-baithak on May 24, 2020 was on “Employment Related Issues” and representatives from both the trade unions and the industry gathered to discuss their points of view and how each can resolve the problems of the other side.

The e-baithak on “Impact of Lockdown on Family Related Issues and Mental Health” on May 31, 2020 was preceded by a brief survey conducted by Nyaya Chaupal in order to present the problems which families have faced during the lockdown period. The e-baithak witnessed eminent social workers, and mental health experts, giving suggestions on how to preserve the family system.

The third e-baithak was on the crucial “Education Related Issues” on June 7, 2020, where the student representatives highlighted their concerns regarding admissions, examinations and classes. Eminent educational administrators shared their solutions and Justice Dave also stressed on the need for examinations, albeit at a later stage.

“Consumer Related Issues” were discussed on June 14, 2020 and with the consumer body launching an attack on the exploitation by the traders, the traders’ organisations set up a stout defence for the local trader, who has been the backbone during lockdown times, and has stood with the consumer despite all disruptions in the supply chain.

In the concluding e-baithak on “Access to Justice” on June 28, 2020, the litigant related issues were elaborately discussed. With the courts becoming virtually out of reach for the citizen on account of the lockdown, concerns of litigants with regard to approaching courts and delay in resumption of courts leading to further delay in disposal of their cases, were highlighted. Deliberations were conducted on the response of the judicial system in these times, and how technology could be used to address these issues.

E-Baithak Series Inauguration (May 17, 2020)

न्याय चौपाल

विवाद नहीं, संवाद

Nyaya Chaupal
presents
e-baithak series

वर्तमान मतभेदों के समाधान की ओर
Finding a Solution to present day issues

INAUGURATION

SUNDAY - MAY 17, 2020 5:00 PM IST



MANNIYA RAM LAL JI
AKHIL BHARATIYA SAH
SAMPARK PRAMUKH, RSS



SH. JUSTICE R.C. LAHOTI
FORMER CHIEF JUSTICE OF INDIA
& PRESIDENT, NYAYA CHAUPAL



SH. ALOK KUMAR JI
INTERNATIONAL WORKING PRESIDENT
VISHWA HINDU PARISHAD

To join e-baithak: <https://meet.google.com/siv-qojc-wep>

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Banner for the Inaugural e-baithak

JUSTICE R.C. LAHOTI

JUSTICE R.C. LAHOTI, former Chief Justice of India (2004-2005), is one of the most renowned faces of the Indian judiciary. After retirement, he has remained actively involved in contributing to the cause of justice through alternative dispute resolution.

He is the founder President of Nyaya Chaupal, and has been the guiding force behind the organisation.

Justice Lahoti highlighted the features of Nyaya Chaupal in his inaugural address. He said that Nyaya Chaupal is inspired by the thought of great thinkers of our nation like Mahatma Gandhi and Nanaji Deshmukh. The aim of Nyaya Chaupal is to establish a litigation-free society in the country. He stressed that Nyaya Chaupal is not a parallel justice delivery mechanism – it does not seek to replace the established judicial system in the country. The objective of Nyaya Chaupal is to cooperate with courts in the justice delivery process and to reduce the burden on these institutions.

Explaining the working of Nyaya Chaupal, he said that peer pressure of local community and society of the disputants is utilised for understanding and dissolving the dispute. In such a way, the dispute is dissolved before it reaches the court, and it is all the more effective when disputes which could go to court, are dissolved before they reach that level of misunderstanding. He spoke about the Nyaya Chaupal magazine “Nyaya” which contains interesting, inspiring and encouraging instances of dispute resolution, which serve as lighthouses in the journey of Nyaya Chaupal, providing a fervent hope to providing justice and dissolving disputes outside court.

The pandemic of corona is one of the surprises of life – it is sudden and completely unpredictable. The present circumstances require us to maintain physical distancing and we have to change our role and working. It has already been a month and a half since the courts are closed down.

The disputes which are being taken up for discussion in these e-baithaks are inter-group – one group vis-a-vis other group. For instance, what can be the role of employers in resolving the problems of workers, particularly the migrant workers. Similarly, educational institutions as well as the parents are

facing problems during this period. School fees is being charged inspire of no physical classes where the student can be taught. Teachers are expected to conduct classes without access to the school infrastructure.

Justice Lahoti concluded his inaugural address by flagging important issues for deliberation – is it possible for Nyaya Chaupal to play some role? What can be the possible methodology?

SHRI RAM LAL JI

Taking forward the views of Justice Lahoti, Ram Lal ji explained the contours of the disputes between students and educators, and issues relating to domestic violence and mental health. At the outset, he underlined the significance of education. All our revered personalities who we even worship, had been educated in *gurukuls*, along with other ordinary people of the society. Education had never been a business activity, and was always meant to inculcate *samskar* (culture). Unfortunately, education has now been conflated with information or knowledge. As per UNESCO, education should be rooted in culture and committed to progress, without which education will be incomplete. Macaulay Report notices that several people used to gather to gain education in gurukuls. Sadly, education is no longer of such level. Education should develop the skill of learner, it should bring about values of life and utilisation of these values and virtues in life. Former President APJ Abdul Kalam talked about the nationalisation of man. Patriotism is the first category which involves sacrifice. Education should sensitise the society, promote patriotism. This will lead to reducing disputes based on language, water, territory, etc. since the feeling of “nation first” will be instilled. The problems of education providers can dwindle if we view the institution as a family. The staff, teachers and all those associated with the school are engaged in the common objective of providing education. The problems

SHRI RAM LAL Ji is a senior Pracharak of the Rashtriya Swayamsewak Sangh, and presently the Akhil Bharatiya Sah-Sampark Pramukh.

Before his present role, he was the longest serving National General Secretary (Org.) in the Bharatiya Janata Party (2006-2019).

of students, teachers, school management, etc. can be addressed by looking at each other's concern and issues in a family. We can evolve ways to address the issues of fees, salary to teachers and staff, concerns of students, etc.

The second issue which will be deliberated upon in the e-baithak series is of domestic violence and mental health. India is well-known for its family system. The institution of family finds mention in the Vedas, and each institution in our culture is compared to a family. A gotra is a family, janpad (state) is a family, nation is a family, and even the world is a family (वसुधैव कुटुम्बकम्). Initially, the caste system was also brought about to act as a deterrent for someone who treads on the wrong path, although subsequently it developed ills and later became politicised. But the essence of community living was that it fostered patience for others; concern for others in the family. Domestic violence can also disappear if we keep in view the concern for others. Mother's role in a family is to keep in mind interests of everyone in the family. In such households, distress or domestic violence does not enter.

Nyaya Chaupal's role can be to perform this role of mother to some extent – we have to solve disputes in a family like a mother without legal technicalities. Symptoms of discord appear due to failure to adhere to the system. Margaret Thatcher expressed desire to understand the family system of India. Family system unites and preserves the cultural values. In many families abroad, there are different fathers and different mothers due to increase in divorce rates. The positive result of the Covid pandemic is that families are together. Lockdown is a challenge and opportunity of living together, having better understanding. Nyaya Chaupal should involve common persons and resolve disputes. While concluding his address, Ram Lal ji suggested that the notes of these e-baithaks should be prepared and a study group can also be constituted.

SHRI ALOK KUMAR JI

At the outset, Alok Kumar ji explained that small individual disputes can foment into large community or class disputes in society. He outlined three issues to be taken up in the future e-baithaks. As per a survey, 42% people have no source of income due to lockdown. It was found that there will be food riots as food will end in a week's time. Nobelist Amartya Sen also supported such a view. In Indian culture, "*anna-daan*" is the most significant of all charities. Not only RSS and its sister organisations, but the entire society including temples, trade associations, gurudwaras, resident welfare associations, everyone ensured that no one should remain hungry and despite 42% of our population left with no earning, we have collectively ensured that hunger is avoided in India.

SHRI ALOK KUMAR JI is the International Working President of the Vishwa Hindu Parishad.

He is Advocate at the Delhi High Court, and is also one of the founding members of Nyaya Chaupal. He is also Sah-Prant Sanghchalak Delhi RSS and Patron, Dadhichi Deh Dan Samiti.



People have a certain sense of emotional confidence in their own village, and that is one of the reasons people started migrating to their villages. I could not understand Bhagini

Nivedita's views that in India, food, clothing and shelter (roti, kapda and makaan) are also not essential needs. But we witnessed that lakhs of people travelled hundreds of kilometres on foot – they have a lot of grit and stamina. There was no arrangement, but society has taken care. But charity cannot exist for all times. Factory owner feels that full wages are not possible. Security of tenure, wages etc. may be issues of importance. Management and workers have to understand each other's view, not as adversaries but as complementaries. Nyaya Chaupal can play a significant role in addressing this vital issue of employment.

Similarly, concerns of stakeholders of the legal system also need to be addressed. Courts have remained closed for such a long duration. No one knows when courts will work normally because it involves lack of physical distancing, collection of unspecified number of people in a closed space. Caseload will increase. We can deliberate on what can be done in this system so that litigants can participate and have confidence in the system.

Another issue of vital importance is of traders and consumers. Prime Minister has exhorted them in the context of "Aatmanirbhar Bharat". Consumer will insist on swadeshi goods and entrepreneur's insistence to provide excellent product. Then Alok Kumar ji highlighted the issues which may crop up for traders and consumers. Traders are bound to face difficulty in trade – what happens to their employees, what should be the arrangements to facilitate coordination between traders and the government, should there be a relook at the taxation structure. The need for mediation is of prime importance in ensuring justice to consumers – it results in quick and inexpensive justice.

The possible way of addressing these issues is to take them up as a family. Nyaya Chaupal can harmonise the differences so that disputes do not arise. It can hear the problems of different segments and evolve a via media. Nyaya Chaupal can lend a helping hand in these challenging times that the society faces.

E-Baithak Series Part 1 Employment Related Issues (May 24, 2020)

Nyaya Chaupal e-baithak series

वर्तमान मतभेदों के समाधान की ओर
Finding a Solution to present day issues

Part 1



न्याय चौपाल
विवाद नहीं, संवाद

SUNDAY - MAY 24, 2020 3:00 PM IST
EMPLOYMENT RELATED ISSUES

ROUND TABLE DISCUSSION

JUSTICE KURIAN JOSEPH	FORMER JUDGE SUPREME COURT OF INDIA
JUSTICE PERMOD KOHLI	FORMER CHIEF JUSTICE, SIKKIM HIGH COURT
JUSTICE M. RAMCHANDRAN	FORMER JUDGE, KERALA HIGH COURT
JUSTICE K. KANNAN	FORMER JUDGE, PUNJAB & HARYANA HIGH COURT
SH. SHANKAR AGGARWAL	FORMER SECRETARY, GOVT. OF INDIA
SH. ALOK SINHA	FORMER CHAIRMAN, FOOD CORPORATION OF INDIA
SH. SURESH KUMAR	CHIEF PRINCIPAL SECRETARY TO PUNJAB CM
PROF. V. NAGARAJ	CHAIR PROFESSOR, NLSIU, BANGALORE
SH. ARUN MAIRA	FORMER MEMBER, PLANNING COMMISSION OF INDIA

WORKERS' PERSPECTIVE	MANAGEMENT PERSPECTIVE
SH. C.K. SAJI NARAYANAN PRESIDENT, BHARATIYA MAZDOOR SANGH	SH. PRADEEP BHARGAVA PRESIDENT, MICCA
SH. VIRJESH UPADHYAY GENERAL SECRETARY, BHARATIYA MAZDOOR SANGH	SH. R.K. JOSHI SECRETARY, NATIONAL EMPLOYERS' FEDERATION
SH. S.P. TIWARI GENERAL SECRETARY, TRADE UNION COORDINATION COMMITTEE	SH. RAJEEV DUBEY INDIA REPRESENTATIVE TO ILO
SH. UMI DANIEL SOCIAL ACTIVIST	SH. SANJAY BHATIA PRESIDENT, FICCI CIMSME

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Banner for e-baithak on Employment Related Issues

The COVID-19 lockdown posed a unique set of challenges to labour on account of complete suspension of industrial activity. In the wake of the mass migration of the workers, and several States announcing suspension of labour laws, issues of widespread importance were required to be discussed. For this purpose, this meeting involved representatives from both the labour as well as industry to come together and discuss these various issues. In order to give independent perspectives, the e-baithak witnessed the experience of former Judges and administrators coming to the fore, leading to a meaningful discussion.

SHRI C.K. SAJI NARAYANAN,
Advocate, is the All India
President of the Bharatiya
Mazdoor Sangh.

He has been member of the
trade union delegation at the
International Labour
Organisation (ILO).

SHRI C.K. SAJI NARAYANAN

Representing the country's largest trade union, the Bharatiya Mazdoor Sangh, Shri Saji Narayanan elaborately listed the challenges and problems being faced by the labour and employees on account of the sudden disruption caused by the pandemic lockdown. At the outset, he put forth the various problems being faced by migrant labour.

Despite the Migrant Workmen Act, employers and contractors deserted the workers leaving them at the mercy of social organisations. To repair this situation, efforts should be made to incentivise the migrant labour for coming back. Incentives such as free transport facilities, cash incentive, wage advance, etc. can be given to facilitate their returning quickly, because eventually the home states are not in a position to provide adequate employment opportunities to these workers. In order to avoid such a situation, he suggested that there should be a National Register of Migrant Workers, and the unorganised

sector should also be covered by the Employees' State Insurance, since the unorganised sector has sufficient surplus to subscribe to the ESI scheme.

Shri Narayanan then brought up the issue of suspending labour welfare legislations in some States. He opined that such wholesale burial of labour laws will result in complete deprivation of rule of law, as workers will be left with no social security, no working hours, no associative rights, etc. While overtime is good for the already employed, it will result in increase in unemployment. Such ordinances suspending labour laws must be immediately withdrawn. Labour reforms are capable of being discussed amicably, as industry and investment has to progress with labour welfare. Shri Narayanan also underscored the importance of developing skills and prevent international migration of skilled labour.

SHRI UMI DANIEL

Shri Daniel presented his views on what problems the migrant labour faces. He began by stating that even prior to the pandemic induced lockdown, migrant workers faced a plethora of problems, particularly in the informal and unorganised sectors. As per the Census of 2011, there are 140 million migrant workers in the country. Their identification, documentation and registration has not been carried out. Barring the State of Odisha, no other State is implementing the Inter-State Migrant Workers Act, 1979. Odisha has signed a Memorandum of Understanding with its neighbouring State of

SHRI UMI DANIEL is the Director of Migration at the prominent NGO, Aide et Action International. He is a well-known social activist working on issues relating to poverty and distress migration.

Andhra Pradesh (pre-reorganisation) to regulate migrant workers and to help them. Destination States are not carrying out the exercise of registering these migrant workers. In Tamil Nadu, the police registers migrant workers, which is undignified and leads to criminalisation. Nearly eight crore migrant workers are being registered for providing food, since the first focus is on food security. Odisha, Jharkhand, Chhattisgarh and Uttar Pradesh are the main supplying States of migrant workers. People need to be rescued, they are to be provided relief and the stigma they have undergone requires to be healed. Key is the road to recovery of these migrant workers. A National Board for Migrant Workers is required for providing relief. There is large-scale discrimination in the wages of migrant women and adolescents, and they face hazardous work conditions. The building and construction industry has the majority of migrant workers. Industry-wise identification of these migrant workers can enable in relief operations. After all, the contribution of this vast migrant workforce is of immense relevance to the economy.

SHRI S.P. TEWARI

SHRI S.P. TEWARI is the all India General Secretary of the Trade Union Coordination Committee (TUCC).

Reiterating the views of Shri Saji Narayanan, Shri Tewari, who is the Secretary of the Trade Union Coordination Committee, also strongly criticised the suspension of labour legislations and termed such a suspension as not being in anyone's interest. He further stated that reverse migration should be converted into circular migration.



(clockwise): Sh. C.K. Saji Narayanan (Kerala);
Sh. Umi Daniel (Odisha); Sh. S.P. Tewari (Bengal)

SHRI PRADEEP BHARGAVA

Shri Bhargava, who is a well-known industry's voice, stressed on the need for Covid Impact Management. He stated that the majority of migrant workers were completely hand to mouth – and did not have the capacity to even last a week in these times, which is a result of exploitation by the industry and trade unions. 70% of Surat's and 40% of Pune's workforce

SHRI PRADEEP BHARGAVA is the President of the Mahratta Chamber of Commerce, Industries and Agriculture. MCCIA is an important Chamber of Commerce going all the way back to 1934.

He has previously held important positions in Confederation of Indian Industries (CII) and the Employers Federation of India.

is migrant workers. They have no voter cards, no ration cards, and are not on anyone's agenda, including the leaders, since they have no franchise. But in these times what the industry can do is to incentivise them. We should provide them better facilities and formalise them. Regular workers have not gone to their houses. Trade unions should take up their cause and we should indulge in skill development and skill mapping of such workers. Government should give them identity and dignity, and provide them access to benefits.

SHRI SANJAY BHATIA

SHRI SANJAY BHATIA is the President of the FICCI Confederation of Micro, Small and Medium Enterprises and Managing Director of the Hindustan Tin Works Ltd.

In the past, he has remained President of All India Organisation of Employers (an allied body of FICCI) and President of PHD Chamber of Commerce.

Shri Bhatia termed the migrant labour crisis a humanitarian tragedy. The dichotomy of life versus livelihood, employment versus enterprise is what needs to be resolved. The State has an important responsibility in this context, when employers are struggling to resettle their lost businesses, struggling for liquidity. Additional credit is not sufficient liquidity support. The need of the hour is to bring back the migrant labour and to equip them. There needs to be a grievance redressal mechanism for them. In micro, small and medium enterprises, there will be challenges in respect of social distancing. The economic

aspect of migrant labour must be addressed and they must be given confidence that the system cares for them.

SHRI RAJIV DUBEY observed that the biggest hurdle in returning to normalcy is the shortage of workforce. It is not merely humanitarian, but a hardcore economic issue, since it is of vital importance for the survival of industry. Issue of trust deficit and fear has to be handled.

SHRI RAJIV DUBEY recently retired as the Group President (HR & Corporate Services) of Mahindra & Mahindra Ltd. He has represented India as an employer's delegate at the International Labour Organisation.

SHRI R.K. JOSHI noted that there is a need to bring back industry as due to coronavirus itself, more than one crore jobs have been lost. Industry cannot come back unless trade union agrees and supports. Suspension of labour laws is a correct step except the wages factor.

SHRI R.K. JOSHI is Secretary of the National Employer's Federation, an allied body of the PHD Chamber of Commerce.



(clockwise from left)

Sh. Sanjay Bhatia;

Sh. Pradeep Bhargava;

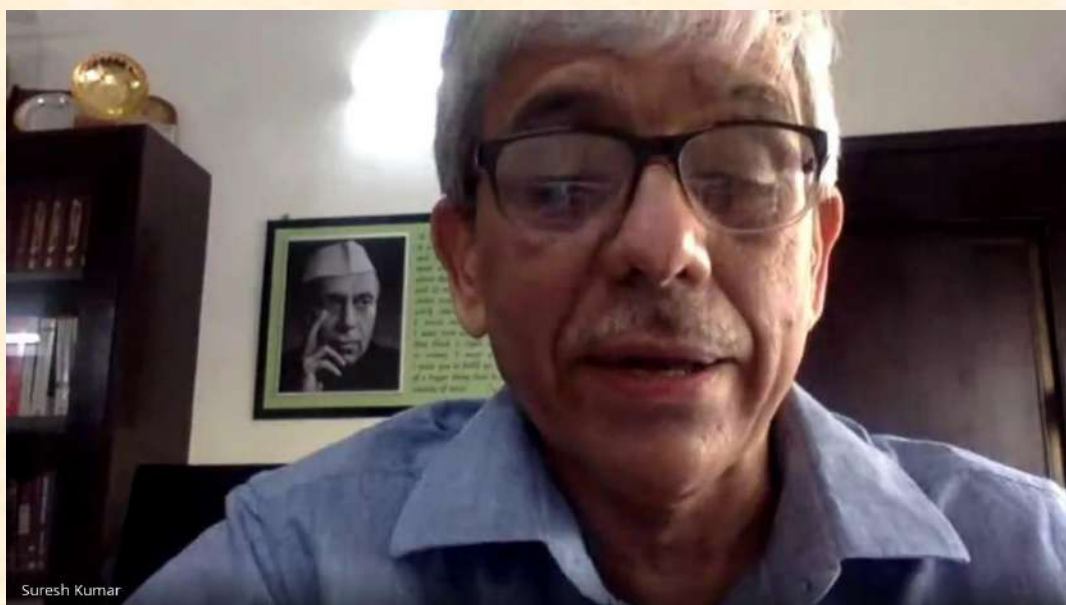
Sh. Rajiv Dubey;

Sh. R.K. Joshi

SHRI SURESH KUMAR

SHRI SURESH KUMAR is a retired IAS officer of the 1983 Batch. After retirement, he is presently the Chief Principal Secretary to the Chief Minister of Punjab.

Shri Kumar placed the situation in the State of Punjab from a policymaker's perspective. He stated that there was no such unrest or issue of management versus employees. The issues arising out of the Covid pandemic pertain to migrant workers besides some issues being faced by local labour such as joblessness, lack of money, poverty, hunger, etc. There are about 2.5 million migrant workers in the State of Punjab, primarily in the agricultural and industrial sectors. Out of this, about 1.3 million have registered to go back, which is perhaps at the instance of their contractors, who had brought them in the first place. The State has paid nearly 30 crore rupees for travel and food arrangements for these migrant workers, and has also paid for bringing them back. More than 300 trains have already been sent, and now a labour shortage is being faced by the industry. The industry should step up and pay extra wages for extra work, and should motivate the workers to return. There are 92 lakh workers in the unorganised sector. There is a need to revamp the Inter-State Migrant Workmen Act. Shri Kumar echoed the sentiments of Shri Daniel by suggesting that there needs to be a National Board of Migrant Workers, but the States should be



allowed to set up separate migrant worker boards for their health, social security and mobilisation of funds.

JUSTICE K. KANNAN

Justice Kannan began by posing the question – are all the migrant workers in the unorganised sector? The problems of migrant workers are unconnected with the labour laws and their suspension. He termed the suspension of labour laws as worrisome, and such suspension may or may not be constitutionally valid. Be that as it may, the industry should come forward and concede that they would not dilute the labour laws even if Government brings about such suspension and assure their workers to this extent.

JUSTICE K. KANNAN is a former Judge of the Punjab and Haryana High Court, and former Chairperson of the Railway Claims Tribunal.

He is a renowned author of several law books, and is also a Trained Mediator.



JUSTICE KURIAN JOSEPH

JUSTICE KURIAN JOSEPH is a former Judge of the Supreme Court of India. He is known for his proactive approach in resolving disputes and made substantial contribution during his tenure as Chief Justice of the Himachal Pradesh High Court in trying to take justice to the doorstep of the litigants.

Praising the initiatives of Nyaya Chaupal, Justice Kurian expressed agreement with Justice Kannan that issues need to be tackled from a non-legal perspective. It is not the question of employees alone, it is also the question of employers. We must be in a position to understand the issue from both perspectives, since rights cannot be understood without understanding the other side's perspective. While evolving an amicable solution, it is not necessary to see what is legal, but the need is to find a human solution which is acceptable to both sides but also in consonance with law. A solution is

possible when the problem is viewed not just from a legal angle, but from various other standpoints – such as emotional, social, etc.



JUSTICE PERMOD KOHLI

Justice Kohli expressed his opinion that we must strive towards class conciliation rather than class conflicts. If both sides stick to their



agenda, it would lead to chaotic conditions in the country. Covid

pandemic has provided an opportunity to dedicate ourselves for the national welfare. In the industrial town of Jamshedpur, there has not been a single strike since 1928, because the Tata group takes care of its employees and the employees reciprocate. Employers must

ensure the return of migrant labour for running their factory and trade, for which they must provide them social security, health, shelter and decent income. Crores of unaccounted money is lying in the ESI and provident funds, which could be used to meet immediate needs.

JUSTICE PERMOD KOHLI is former Chief Justice of the Sikkim High Court, and former Chairperson of the Central Administrative Tribunal.

SHRI ALOK SINHA

For the good of industry and economy, both the employer and the employees need to coexist. If employer has to revive the economy and take it forward, he needs to take it forward



for the employee also. Suspension of labour laws brings about unnecessary conflict and does not benefit anyone. It might even be unconstitutional.

SHRI ALOK SINHA is a former IAS officer, and retired from the position of Chairman-cum-Managing Director of the Food Corporation of India.

SHRI RAMAKANT BHARDWAJ

SHRI RAMAKANT BHARDWAJ is the General Secretary of Laghu Udyog Bharti, an organization of micro and small industries since 1994, having membership in more than 400 districts of the country.

Shri Bhardwaj agreed with the other panelists that we should leave aside the legal aspects, and look at the issues from a family perspective in consonance with our culture. Industry deserves to be viewed as a family, where problems faced by one are problems of all. Employer-employee relationship is the umbilical cord in this relationship, and they cannot survive without each other. Employers

in the large, small and micro sectors have different perspectives. A micro and small entrepreneur is like a self-employed worker – he works with his employees. After the initial lockdown and its extension in April, full salary was paid by most employers. Workers claimed salary without working even in sectors (such as pharma sector) where working was possible. Such suggestions (to continue paying salary even without working) created distrust between employers and employees. The ILO and labour laws presume that one class is exploited and the other the exploiter. But such presumption does not suit our culture, which is based on family. Nyaya Chaupal is culturally suited to address the issues of our country, be it the employment related issues.



SHRI ARUN MAIRA

Shri Maira began by putting forth the example of Tata Group which has in every department, councils comprising workers and management in equal number. These councils resolve issue and this good consultative mechanism prevents any dispute from precipitating. In fact, Tata encourages strong workers' unions so that there is least amount of discontent, since it is of prime importance for rights to be asserted. In present times of the pandemic, both sides need government's support. We need to find ways to address the conditions of workers in our country. In some industries, workers are collecting huge funds for charity as they are so well paid. But all these usually happen in well-organised enterprises. We need to think of how to help the workers in the unorganised sector.

SHRI ARUN MAIRA is a former member of the Planning Commission of India. He is an internationally renowned Management Consultant, having spent 25 years in the Tata Group.



The meeting was ably conducted
by **SHRI DEEPAK MALHOTRA**.



SHRI DEEPAK MALHOTRA AND SHRI SATYAVEER SINGH are Advocates practicing at the Punjab and Haryana High Court. They are actively involved in the affairs of Nyaya Chaupal at Chandigarh.

The e-baithak concluded with a Vote of
Thanks by **SHRI SATYAVEER SINGH**.



E-Baithak Series Part 2 Impact of Lockdown on Family and Mental Health (May 31, 2020)

Nyaya Chaupal e-baithak series
वर्तमान मतभेदों के समाधान की ओर
Finding a Solution to present day issues
Part 2

THE IMPACT OF CORONA LOCKDOWN ON FAMILY SYSTEM AND MENTAL HEALTH
SUNDAY - MAY 31, 2020 5:00 PM IST

ROUND TABLE DISCUSSION

SHRI ALOK KUMAR
INTERNATIONAL WORKING
PRESIDENT, VHP

SHRI INDRESH KUMAR
NATIONAL EXECUTIVE
MEMBER, RSS

JUSTICE G.S. SINGHVI
FORMER JUDGE, SUPREME
COURT OF INDIA

DR. B.N. GANGADHAR
DIRECTOR, NIMHANS

SMT. MONIKA ARORA
SUPREME COURT LAWYER

Nyaya Chaupal
28 May at 4:25 pm • 3

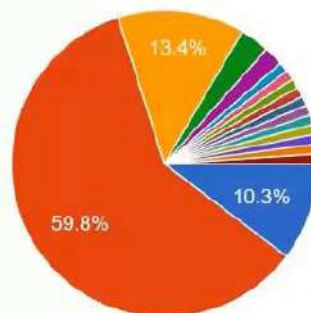
In the forthcoming e-baithak on May 31 at 5:00 PM, we are delighted to welcome Smt. [Maneka Gandhi](#) to share with us her invaluable insights.

Facebook post for e-baithak on
The Impact of Corona Lockdown on Family System and Mental Health

Family disputes has been a focus area for Nyaya Chaupal right from its inception. With the lockdown, not only did access to police and justice become impaired, severe financial and social issues began to take their toll on the families. It therefore became imperative for Nyaya Chaupal to conduct an e-baithak solely to discuss family issues and mental health.

Prior to the conduct of e-baithak, a brief survey form had been circulated, which showed that nearly 64% people feel that family issues need to be resolved by sitting in the family and external agencies like police or court are brought in only when issues remain unresolved despite family intervention. Introducing the e-baithak, Shri Govind Goel underlined the importance of preventing family disputes from exacerbating.

If you are the victim, where will you report?
97 responses



- NGO
- Family Members
- Police
- Court
- Solve at home.
- All concerned including above all
- None
- Mediators

▲ 1/2 ▼

SMT. MANEKA GANDHI

Sharing her experiences during the lockdown, Smt. Gandhi began by saying that although we had earlier hoped that lockdown will provide a unique opportunity to spend more time with family, it has in fact become a difficulty. Harassment to animals, women, helpless and weaker sections of society have come to the fore.

SMT. MANEKA GANDHI is former Union Minister of Women and Child Development. She is an animal rights activist and environmentalist. She has authored a number of books on etymology, law and animal welfare.

She is presently Member of Parliament (Lok Sabha).

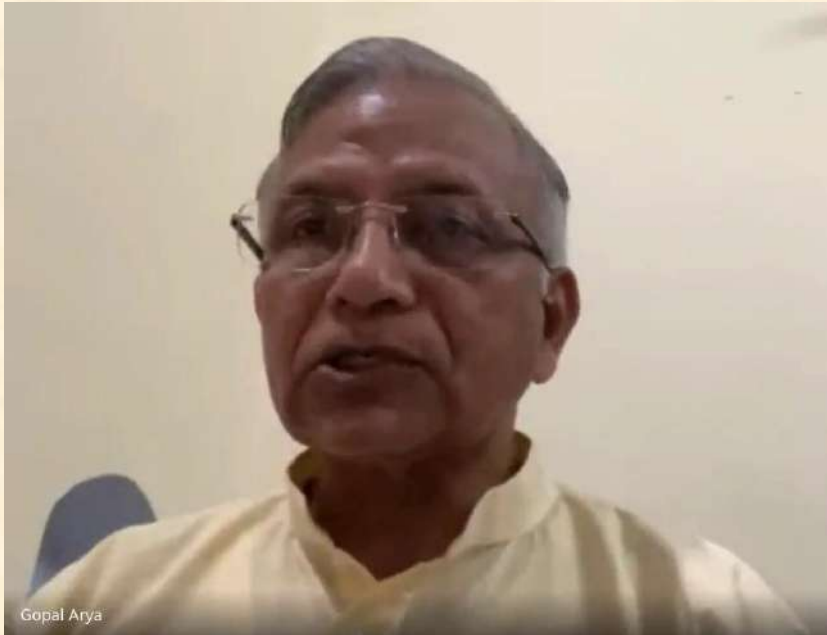


Unnoticed crimes have increased. Instances of resident welfare associations (RWAs) and social activists harassing women have also emerged. All these problems arise due to lack of discipline. If a disciplined schedule is followed, depression and discord will disappear. In family, we should try to educate children, to develop their skills, to keep them engaged and to inculcate moral values.

SHRI GOPAL ARYA

SH. GOPAL ARYA is a senior Pracharak, Rashtriya Swayamsewak Sangh. He is presently National Convenor of RSS Paryavaran Vibhag.

Family system promotes togetherness, co-existence, community living and *samskara*. Family bonding has strengthened during this lockdown period. Listing the positive effects of lockdown, Shri Gopal Arya expressed the view that personal health and food habits have improved. Family health and bonding in the family has also improved.



In order to avoid unnecessary expenditure, there is sustainable consumption, thus economic health has also improved. We have become more sensitive towards others, and have started opening our resources towards all beings (including animals), hence improving social health. Finally, environmental health has also improved as pollution has drastically dipped and polluted rivers such as Ganga and Yamuna have also become purer.

SHRI INDRESH KUMAR JI

Reminding all that lockdown is ending today after 70 days, Shri Indresh Kumar ji explained that the virus is man-made, partly living and scientists and political persons are involved in creating this. Highly evolved civilisations with vast resources have fallen prey to this virus, and civilised society will be redefined in this era. In over 4000 years, for the first time, new forces have been created. The forces to fight are the medical and paramedical individuals, along with the *safai* force. Security forces are the paramilitary and the police. PM Cares Fund brings the economic aid and social workers prevent deaths on account of hunger. Statistics show that 82% of infected persons are non-vegetarian, and 17% vegetarians have been infected due to irregular food habits including fried and fast foods constituting much of their diet.

SH. INDRESH KUMAR JI is a senior Pracharak, Rashtriya Swayamsewak Sangh and member of its National Executive. He is the margdarshak of the Muslim Rashtriya Manch and also Chief Patron of Bharat Tibbat Sahyog Manch.



A feeling of national interest has been fueled with crores of people contributing kits and masks. India is being looked at as the next world leader. In situations of discord between married couples, disputes did not occur where they took help of others and neighbours. It is my personal knowledge that wherever migrant workers got the slightest assurance from their employers, they did not migrate. It is essential to study whether this migration was voluntary or induced by interested persons prompting migrant workers to move. Private schools are charging heavy fees and they want to recover their fees without being concerned about adverse circumstances being faced by parents and despite Government directions, as well as appeal by eminent individuals to reduce their fees to half. Nyaya Chaupal can contribute to generating awareness in lakhs of families to drastically reduce their expenditure. Unnecessary spending, including on medicines, can be reduced. Corona period has led us to important achievements. Respect for all religions has been fostered. Nyaya Chaupal should develop an appeal and start a movement for inculcating respect for all religions, for developing a new Bharat.

SMT. MONIKA ARORA

According to the United National Human Rights Committee, cases of domestic violence have increased during the lockdown period. We have launched a helpline 'Sakhi' where professors, lawyers and doctors have volunteered to help as counselors. More than 1000 calls have been received by this helpline in the last one month. Depression has occurred due to negativity and loss of hope. This depression has also led to suicidal tendencies. People are

SMT. MONIKA ARORA is Advocate, Supreme Court of India. She spearheads the prominent women's organization "Group of Intellectuals and Academicians" (GIA).

working from home – their salaries have been reduced, they are unable to focus. Anxiety and stress are increasing and from the experiences, I have a few suggestions to make. We must understand that helplessness is not loss of hope – we must be careful that what we are reading, hearing and thinking changes our personality. Constant negative news about the pandemic is affecting, and we must change our emotional diet. Panic attacks are disturbing, and therefore, we must think positive and discourage negativity.



DR. B.N. GANGADHAR

Lockdown has been immensely helpful in checking the growth of Covid, although it cannot eliminate it. Our own behaviour and discipline can only eliminate the virus, by maintaining distancing, using mask, washing hands, avoiding crowded places, etc. National disruption due to such a pandemic or disaster leads to psychological disorders and commonly anxiety is the result. For example, we are anxious about self, family members and parents. Psychological thoughts concerning hospitals, ventilator availability, about post-death including whether dead body will be thrown away

DR. B.N. GANGADHAR is a renowned expert on mental health and recipient of the prestigious Padma Shri honour.

He is presently the Director of National Institute of Mental Health and Neurosciences (NIMHANS), Bangalore.

without cremation due to fear of virus. All such reactions are not unexpected. These are common reactions to an uncommon situation. Important role can be played by the family, the State and self in order to overcome this psycho-social distress. State can ensure setting up of a protective mechanism, such as lockdown, hospitals, ventilators, tracking, testing, etc. Very few go to ICU and still lesser number of infected people require ventilators. Mortality rate in our country is 2-3%, so there is no need to be over-anxious.



Yet, it does not take away from the fact that it is very contagious and we need to be as careful as possible. There has now been a fair degree of dissemination of education about the pandemic and the precautions that are required to be taken. Along with the society, which rose to the occasion and several NGOs came forward to aid during the lockdown, State has been able to act empathetically. Medical Council has legitimised telemedicine and NIMHANS has given guidelines for telepsychiatry.

SHRI ALOK KUMAR JI

Families had shifted to metros and colonies etc. from villages due to poverty. Many of them spent several years as construction workers, safai karamcharis, etc. and were virtually guests in their own village, due to the seldom visits. There are 2.5 crore such people. Though food was made available for such people, all other necessities such as shelter, employment, etc. became a cause of concern for them. Self-employment and income from it was also badly affected. Therefore, such a person felt that the entire metro city was a monster – unhelpful in any manner, and the only option was to return to his village despite the absence of any transport facility, etc. where too he was not a welcome guest. It is unimaginable pain and suffering for a person to undergo due to such happenings. It is now our duty to provide succour to these wounds. These workers may not even be aware of such helplines or phone lines. Can we play a role to exhort society to contribute their affection and participate in such distress? If we fail to make any organised arrangement for it, then these crores of people will always remain suffering. If we help them then they will certainly contribute – their psychological distress and pain may not be curable by direct money transfer or free ration etc. This must become our target audience.

SHRI ALOK KUMAR Ji is the International Working President of the Vishwa Hindu Parishad.

He is Advocate at the Delhi High Court, and is also one of the founding members of Nyaya Chaupal. He is also Sah-Prant Sanghchalak Delhi RSS and Patron, Dadhichi Deh Dan Samiti.



PROF. SANJAY SHARMA is a Senior Professor at the Gautam Buddha University.

PROF. SANJAY SHARMA

During the lockdown, everyone had different experiences. Generally, overexposure to TV played havoc but thanks to the Government's decision to re-run Ramayan, Mahabharat, etc., people were exposed to healthy and wholesome content in the first stage of the lockdown. In the second stage, the mass migration of labour terrorised the minds of all.

DR. N.C. WADHWA is a retired IAS officer and presently Director-General of the Manav Rachna Group of Educational Institutions.

DR. N.C. WADHWA

Although the lockdown brought about a healthy result that all generations in the family spent quality time, but the negative responses were also seen in modern/nuclear families, where work from home, looking after home and children created pressure. Students also came under pressure due to online study. People felt isolated since their peers were unavailable. Helplines provided emotional first aid, and teacher on call aided poor students who could not afford access to online teaching.

SH. BALKRISHNA AGGARWAL is National Sr. Vice-President of the Bharatiya Udyog Vyapar Mandal.

SHRI BALKRISHNA AGGARWAL was of the view that every family was affected differently during the lockdown. Patience among women has remarkably increased and small difficulties during this period may prove to be big investments for a brighter future. **SMT. DARSHANA GUPTA** was also of the opinion that women came under tremendous pressure due to their work, children, etc.

SMT. DARSHANA GUPTA is an eminent women-rights activist, having been conferred the Nari Shakti Puraskar by the President of India.

SHRI NISHIKANT CHAUDHARY, while praising the work of NGOs during the lockdown, shared that some mishappenings were also witnessed during the lockdown.

SH. NISHIKANT CHAUDHARY is Advocate at the M.P. High Court and Nyaya Chaupal.



The meeting was ably conducted by **SMT. SIMSI MALHOTRA**.

SMT. SIMSI MALHOTRA is a Chandigarh-based lawyer, and is active with the affairs of Nyaya Chaupal at Chandigarh.

The e-baithak ended with a Vote of Thanks by **SHRI AJAY GUPTA**.



SH. AJAY GUPTA is a leading industrialist based in Faridabad, and is a founder member of Nyaya Chaupal.



VOLUNTEERS OF NYAYA CHAUPAL ENTHUSIASTICALLY PARTICIPATING
(Clockwise from top):

Smt. Manorama Rana; Dr. N.C. Wadhwa; Smt. Darshana Gupta;
Sh. Nishikant Chaudhary; Sh. Balkrishna Aggarwal;
Sh. Satinder Singh Mahesh; Prof. Sanjay Sharma

E-Baithak Series Part 3
Education Related Issues
(June 7, 2020)

Nyaya Chaupal e-baithak series
वर्तमान मतभेदों के समाधान की ओर
Finding a Solution to present day issues
Part 3

<https://meet.google.com/hhd-icwe-yuq>
Education Related Issues
ROUND TABLE DISCUSSION

DR. K.K. AGGARWAL
CHAIRMAN, NATIONAL
BOARD OF ACCREDITATION

JUSTICE ANIL R. DAVE
FORMER JUDGE, SUPREME
COURT OF INDIA

SHRI J. NANDA KUMAR
NATIONAL EXECUTIVE
MEMBER, RSS

DR. S.C. SHARMA
DIRECTOR, NAAC

STUDENTS

EDUCATORS

**SUNDAY
JUNE 7, 2020
5:00 PM IST**

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Banner for e-baithak on Education Related Issues

The pandemic has hit the education system of the country hard. While shifting to the online mode of teaching has become a necessity, this shift has been easier said than done. Students across the board and of all levels have been affected, and it comes as a cause for great despair for students who were at the threshold of their careers or further education. At the same time, there are complaints of educational institutions, especially the privately managed institutions, exploiting the students in these times. To discuss all the issues, the third edition of the e-baithak series was convened inviting leading representatives from the student and educator communities to share their views before an esteemed panel.

Ms. NIDHI TRIPATHI is National General Secretary of the Akhil Bharatiya Vidyarthi Parishad. She is a Doctoral Candidate at the School of Sanskrit and Indic Studies (SSIS), Jawaharlal University, Delhi.

MS. NIDHI TRIPATHI

Ms. Nidhi Tripathi succinctly highlighted the concerns of the students during these times. She informed that on May 11/12, ABVP took stock of the problems from the students of the entire country. It emerged that ABVP was not in favour

of mass promotion since that would not be in the long-term interest of the students, their career, etc. Students of Class XII, final year of graduation, etc. are admission-seekers and are anxious about entrance examinations. National institutions and central universities have not announced entrance exam dates so far, and they fear that they may lose a year. Problems are also being faced by research scholars who are unable to conduct the field work based research due to Covid. It is also unclear whether they will be able to complete their field-work post-covid also. If not, how would they complete their dissertation requirements? For science students, practicals in the laboratories are incomplete. It is uncertain how they

will be completed, and if not, how would the practical examinations be taken.

SH. ANIKET OVHAL

Being an active member of the student community, Sh. Aniket participated in the e-baithak from Dharavi, and shared his experiences of attempting to break the chain in Asia's largest slums. He expressed disappointment at the manner in which the Maharashtra Government had undermined the University's autonomy by deciding to grant mass promotions.

SH. ANIKET OVHAL is the National Secretary of the Akhil Bharatiya Vidyarthi Parishad.

SH. PRAVEEN REDDY

Another office-bearer of the ABVP, Sh. Praveen Reddy participated from Telangana, and expressed concern on the cancellation of Class 10th exams. He highlighted the efforts of the private coaching institutes working as a mafia in fleecing people of their money right before the Board exams.

SH. PRAVEEN REDDY is Member of the Central Working Committee of the Akhil Bharatiya Vidyarthi Parishad. He is a Ph.D. scholar at the Osmania University, Hyderabad.

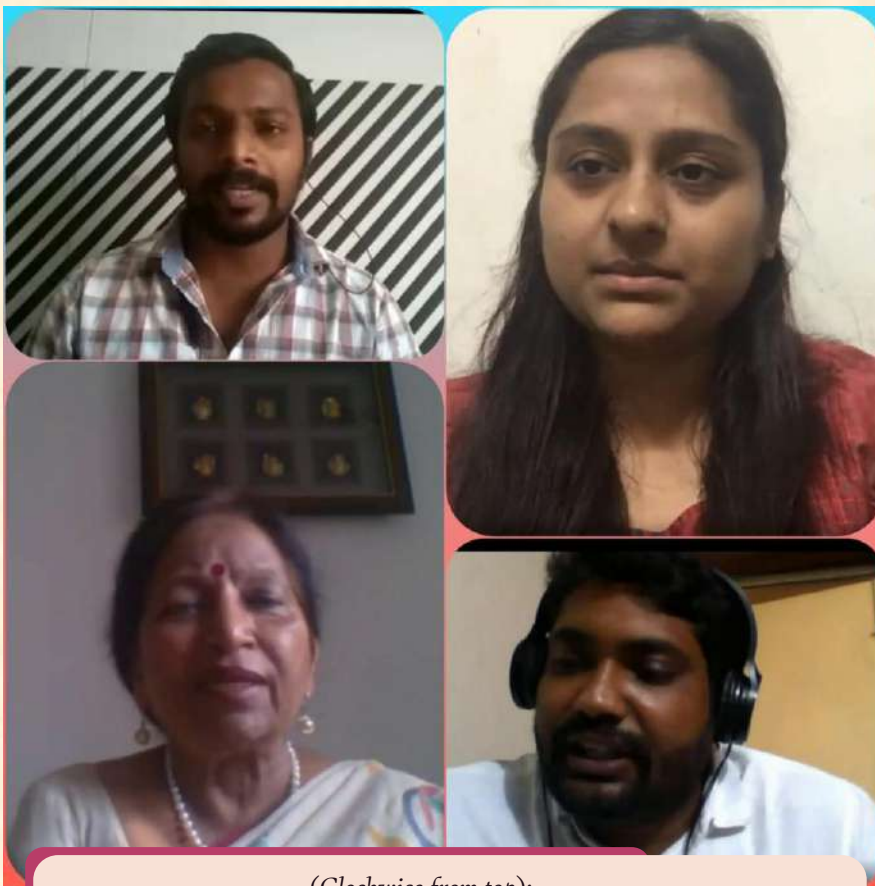
PROF. MADHULIKA KAUSHIK

As an educator who is facing challenges during the pandemic – of managing the faculty and addressing the concerns of students, Prof. Madhulika Kaushik who is presently the Pro Vice Chancellor of the Usha Martin University expressed the opinion that universities should take up the responsibility of online teaching

PROF. MADHULIKA KAUSHIK is Pro Vice Chancellor of the Usha Martin University, Ranchi. She has had a long and distinguished career in the education management industry.

without any extra charges. She informed that her University had taken up e-learning, and where internet facility is not available, they have arranged for recorded lectures.

Those who are to enter world of work, their practical examination will also be necessary. Terminal examination can be conducted in July end or later, and others' examination can be later during the next year. Virtual experiments during practicals, etc. are necessary. All universities should ensure that some form of examination is conducted. Today, due to Covid, people may appreciate that degrees are being awarded without any examination, but later on, these degrees without examination may not carry much weight. They can also be examined on the basis of small projects or quizzes and we can design the examination in this manner conveniently. It is important to keep the learners engaged and I do not agree with mass promotions without holding examinations.



(Clockwise from top):

Sh. Aniket Ovhal; Ms. Nidhi Tripathi;
Sh. Praveen Reddy; Dr. Madhulika Kaushik

PROF. K.K. AGGARWAL

Bringing his rich experience in the field of education to the fore, Prof. Aggarwal opened by saying that the silver lining is that while universities feel that examinations should not take place, students are favouring examinations. Though as part of UGC committee, Universities have been given autonomy, consensus seems to be that examination for terminal/final session may be held somehow though other examinations can take place later on while studying in the next class. Though some universities have decided and suggested to waive all examinations, it is a matter of autonomy of the University. It is another matter that some universities prefer not to exercise such

PROF. K.K. AGGARWAL is Chairman of the National Board of Accreditation since January, 2019. He was the founder Vice-Chancellor of the Guru Gobind Singh Indraprastha University for a period of 10 years.

He has more than 400 published articles to his credit.



autonomy. It is important at this stage to prefer practicality over uniformity, and we must devise different modes of examination for different groups with different question papers on different days. For instance, UPSC interviews are conducted by separate Boards on separate days. In judiciary, Benches change, and individual perceptions need not bother the

educator in the matter of examinations. Open book exam is also possible, and online examination is also possible with newer

software interaction with students. Examinations are essential in the interest of students, so that award of degree is not unduly delayed. It will not be fair to delay all the students, merely on account of some students affording to delay the examinations. As regards demand of fee for online teaching, the same is totally unethical and illegal, since there is no extra expense incurred in it. Virtual labs packages can be used for conducting research/field/practical work. Lockdown can be used as a blessing in disguise. In 1865-66, Newton had to confine himself in his home during the Great Plague, and at home, he made some of his greatest discoveries, including gravity.

DR. S.C. SHARMA is presently Director of the National Assessment and Accreditation Council (NAAC), Bangalore. He is an educationist, researcher and administrator. He has remained Vice-Chancellor of Swami Vivekananda Technical University, Bilai (Chhattisgarh) and Tumkur University (Karnataka).

DR. S.C. SHARMA

Collection of fee and admission charges even before the result of previous academic session are not ethical. State Governments should take appropriate action in this regard. While theory examinations can be conducted online in science streams, practical examination can be conducted by observing social distancing and other necessary precautions. Fewer experiments

can be done. Each university must use its autonomy to innovate in conducting classes and examinations. Even in science streams, review article and synopsis can be tailor-made. Since Covid is likely to end after some time, as a last resort, practicals can be postponed for a while. Interaction with the best faculty itself completes 60% of the syllabus and questions in the examinations can be from these interactions itself.



SHRI J. NANDA KUMAR JI

The concerned and expert people in the field of education have already expressed their views. Experts have indicated the model for conducting examinations, and students have taken up the social responsibility by volunteering in the most dangerous areas for Corona in the world (such as Dharavi slums) by risking their own lives. Education system has also been shattered by the pandemic, and it has to be rebuilt. Online teaching and examination has several infrastructural needs, like broadband, etc. due to which it becomes difficult to reach the rural and *vanvasi* population.

SHRI J. NANDA KUMAR is a Senior Pracharak of the Rashtriya Swayamsewak Sangh. He is the All India Convenor of Prajna Pravah, a forum of nationalist thinkers.



It is essential to train teachers in order to improve our education system. Vulnerability of our healthcare and education systems has come under the scanner.

Contribution of our universities in research activity must increase, and instead of expecting a vaccine from a developed nation, we must develop our own. Restructuring and re-modelling of education system is the need of the hour. After all revolutions, wars, extraordinary situations, systems have to be restructured.

JUSTICE ANIL R. DAVE

JUSTICE ANIL DAVE remained a Judge of the Supreme Court of India from 2010 to 2016. While in office, he was also Chairman of the National Legal Services Authority. Prior to his elevation in the Supreme Court, he was Chief Justice of the Andhra Pradesh and Bombay High Courts.

At the outset, Justice Dave expressed his disagreement with the idea of mass promotion. Examinations can be taken after some time – may be in the next year or so, but they must take place.

Even practical exams must happen. As regards charging of extra fee for online teaching, Justice Dave strongly criticised such a practice and said that there was no question for such extra fee.



AIR VICE-MARSHAL (RETD.) L.N. SHARMA

Inviting attention to the school sector, it was observed that nearly 25% of the 16 lakh schools in the country are private schools, and a trust deficit has emerged during this period. Parents have approached courts on issues regarding fees. Role of private sector schools must receive appreciation. Salary of staff in private schools is nearly half of the government schools.

AVM (RETD.) L.N. SHARMA served in the Indian Air Force from 1985 to 2020. He was awarded the Ati-Vishisht Seva Medal.

DR. S.K. GARG

Dr. Garg suggested that we must increase the gross enrolment ratio, and this has happened during Covid times due to online working. Online education should be in regular education system. UGC requires 25% online education. Distance learning can also be moved online, except in remote areas.

DR. S.K. GARG retired as Principal of Deen Dayal Upadhyaya College, Delhi. He is presently the Director-General of the Maharaja Agrasen Institute of Management Studies.

PROF. A.D.N. BAJPAI

Written examinations can be reduced and continuous evaluation can be applied. Salary cut can be voluntary. Instead of autonomy for the universities, which does not exist in practice, it must be the Central Government which must intervene. While theory work can continue, lab experiments can be postponed to after Covid. The pool of retired teachers can be utilised.

PROF. A.D.N. BAJPAI is a renowned academician, having remained Vice-Chancellor of H.P. University and APS University, Rewa.



(clockwise from left) AVM L.N. Sharma; Prof. S.K. Garg;
Prof. A.D.N. Bajpai

Ms. NEHA BAN is a Chandigarh-based lawyer and an active member of Nyaya Chaupal (Chandigarh Unit).

SH. RAJ KUMAR AGGARWAL is a businessman based at Faridabad. He is one of the Founding Members of Nyaya Chaupal.

The meeting was ably conducted by
Ms. NEHA BAN.

The e-baithak ended with a Vote of Thanks by **SH. RAJ KUMAR AGGARWAL.**



**E-Baithak Series Part 4
Consumer Related Issues
(June 14, 2020)**

**Nyaya Chaupal
e-baithak series**
वर्तमान मतभेदों के समाधान की ओर
Finding a Solution to present day issues
SUNDAY - JUNE 14, 2020 **Part 4**
11:00 AM IST

**Consumer Related Issues
ROUND TABLE DISCUSSION**

PROF. ANIRUDHA DESHPANDE
AKHIL BHARATIYA SAMPARK
PRAMUKH, RSS

JUSTICE G.S. SINGHVI
FORMER JUDGE, SUPREME
COURT OF INDIA

PROF. SURESH MISHRA
CHAIRMAN, CENTRE FOR
CONSUMER STUDIES

with inputs from
Akhil
Bharatiya
Grahak
Panchayat
Confederation
of All India
Traders

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Banner for e-baithak on Consumer Related Issues

Nationwide lockdown created a spiraling effect on consumption. With an impaired supply chain, loss of jobs and economic distress also create loss of purchasing power. This often gives an unscrupulous trader and manufacturer an opportunity to make quick gains by exploiting the gullible consumer. During this round table, representatives of consumers from the Akhil Bharatiya Grahak Panchayat engaged with traders' representatives, highlighting the problems they have faced during the pandemic period.

SH. NARAYAN BHAI SHAH is the
National President of the Akhil
Bharatiya Grahak Panchayat.

SH. NARAYAN BHAI SHAH

For Grahak Panchayat, labourer, farmer, trader, employee, student, etc. everyone is a consumer. He explained the problems being faced by

consumers during the pandemic times. Firstly, overpricing which happens whenever commodities start rising suddenly without any reason and leads to exploitation of



the consumer.

Secondly, we have witnessed adulteration – there are reports of fake sanitizers. Private schools are demanding several charges other than tuition fee – fee for online classes and even charges for masks. Due to mass promotion, quality of education has seriously suffered. Although in some States

such as Gujarat, there are clear government instructions that only tuition fee and that too on monthly basis can be charged.

Health has also been severely compromised sector, due to private hospitals arbitrary charging, black marketing beds, exorbitant charges for coronavirus test. All this is happening due to paucity of government hospitals. Mediclaims are also not being disbursed in a timely manner by insurance companies. Dead bodies are often mishandled, and no proper last rites are allowed to be conducted. Unemployment and financial distress has increased yet interest is being charged for the loan moratorium period. Late fee is being charged for loans. All these are eventually likely to result in lawlessness.

SH. B.C. BHARTIA

It was explained how the trader has continued to be a service provider in these difficult times. It was the last week of the financial year. Suddenly, curfew was imposed, there were police excesses. Yet, as a sincere friend of the consumer, the local trader stood with him in the hour of need without insisting on any money, regardless of fear of the virus, and his sole objective was

SH. B.C. BHARTIA is the National President of the Confederation of All India Traders.



B.C. BHARTIA

that his services remained available come what may. He ensured that the supply chain was not disrupted. The local trader organised food stalls, distributed packets in localities for the needy. The local trader discharged his social responsibility with full commitment, in times when there was little or no online shopping.

SH. ARUN DESHPANDE

SH. ARUN DESHPANDE is the National General Secretary of the Akhil Bharatiya Grahak Panchayat.

While the good work of the traders deserves gratitude and appreciation from the consumers, consumer is unorganised and alone. There are situations where the contract is clear, which the consumer will get enforced and there is no need to worry. But usually, crucial provisions are missing in contracts, e.g. how to get compensation for deficiency in service; how to get refund of fare for booking of airlines and hotels; how to recover the advances made to caterer, contractor, etc. for functions and celebrations. Many a time, there are oral contracts only. Malpractices such as replacing the price tags with higher prices, are often practiced. The Government also relaxes the policies to traders, for ease of business.



SH. BAL KRISHNA AGGARWAL

Although it is correct that it is a cause of concern that consumers are fooled by poor quality and high pricing, yet in these times, the trader has acted as a corona warrior due to his exemplary and praiseworthy role in maintaining the supply chain.

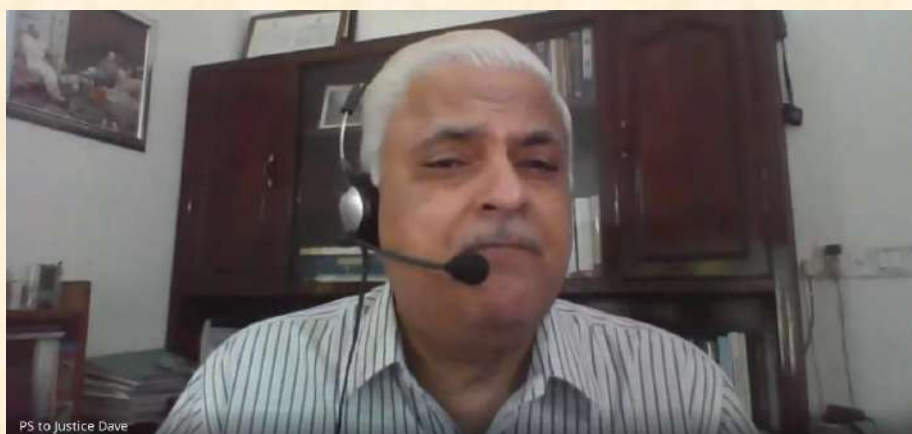


SH. BALKRISHNA AGGARWAL is National Sr. Vice-President of the Bharatiya Udyog Vyapar Mandal.

JUSTICE ANIL R. DAVE

While issues relating to recovering the advance payments or refunds in the travel and hospitality industries can be dealt with later, it seems that the most immediate issue relates to health. Some unscrupulous hospitals have indulged in exploiting and blackmailing ill patients and their family members, by demanding unduly high charges. The question is how to infuse humanity in private hospitals. This problem needs to be immediately addressed.

JUSTICE ANIL DAVE remained a Judge of the Supreme Court of India from 2010 to 2016. While in office, he was also Chairman of the National Legal Services Authority. Prior to his elevation in the Supreme Court, he was Chief Justice of the Andhra Pradesh and Bombay High Courts.



PROF. ANIRUDH DESHPANDE is the Akhil Bharatiya Sampark Pramukh (National Communications Head) of the RSS. A former Principal of the Brihan Maharashtra College of Commerce (BMCC), Pune, he is an accomplished economist.

PROF. ANIRUDH DESHPANDE

Consumer is the destination for the entire chain commencing from manufacturer or farmer. Economy must be viewed in that perspective. All players in the chain are inter-related and inter-dependent, and therefore an integral approach is required which can address the problems of producer, trader and consumer. Their

interest is also common and inter-related. Shri Dattopant Thengadi ji advocated this view of an integral approach to resolve problems, and often during trade union agitations, he would bring about an agreement with the management leading to withdrawal of strike, since workers also got their due. Guruji asked him if apart from the three stakeholders he has identified, if he had considered the fourth also, viz., the consumer, who has to ultimately bear everything. Nyaya Chaupal is essential for society. We were considering the problem of migration to cities, but this period has made us think about migration from cities. Regarding the serious issues such as insensitivity in overcharging by hospitals, adulteration in goods, non-payment of full wages in a timely manner, perhaps principles of economics will not apply, we need to adopt practical economics.

PROF. SURESH MISHRA is a well-known expert on consumer issues. He is presently the Professor (Consumer Affairs) at the Indian Institute of Public Administration, and heads the Centre for Consumer Studies, a thinktank of the Government of India.

PROF. SURESH MISHRA

We are all consumers and are adversely affected. There are six basic rights which have been affected in these times. First is the right to safety – we are not confident today about safely coming back. Second

is the right to health/life. Third is the right to reasonable pricing – due to disruption in supply chain, prices have skyrocketed. Fourth is the right to earn a livelihood – due to disruption of cash flow, earnings have been affected. Fifth is right to information – fake news are in circulation. Lastly, mapping of information must be done, in the absence of which there is likely to be charging beyond MRP.



PROF. SRIKRISHNA DEVA RAO

Law protects consumers from defective goods and deficient services. The question is how we can infuse our ancient Indian values of *prema*, *daya* and *karuna* among the private hospitals. Under the new Consumer Protection Act, 2019, a new chapter on Mediation has been added, where Nyaya Chaupal can play a proactive and important role. Consumer awareness must be strengthened – they must be made aware of their rights in order to ensure that there is no exploitation. Helplines such as by creating consumer paramedics will ensure that there is enablement to the consumers.

PROF. SRIKRISHNA DEVA RAO is a well known legal academician, and presently the Vice-Chancellor of the National Law University, Odisha.

SHRI GANGA SHANKAR MISHRA is a scientist and is actively involved in the affairs of Nyaya Chaupal (Gurugram).

PROF. M.K. SRIVASTAVA is presently Vice-Chancellor of the Chhindwara University, M.P.

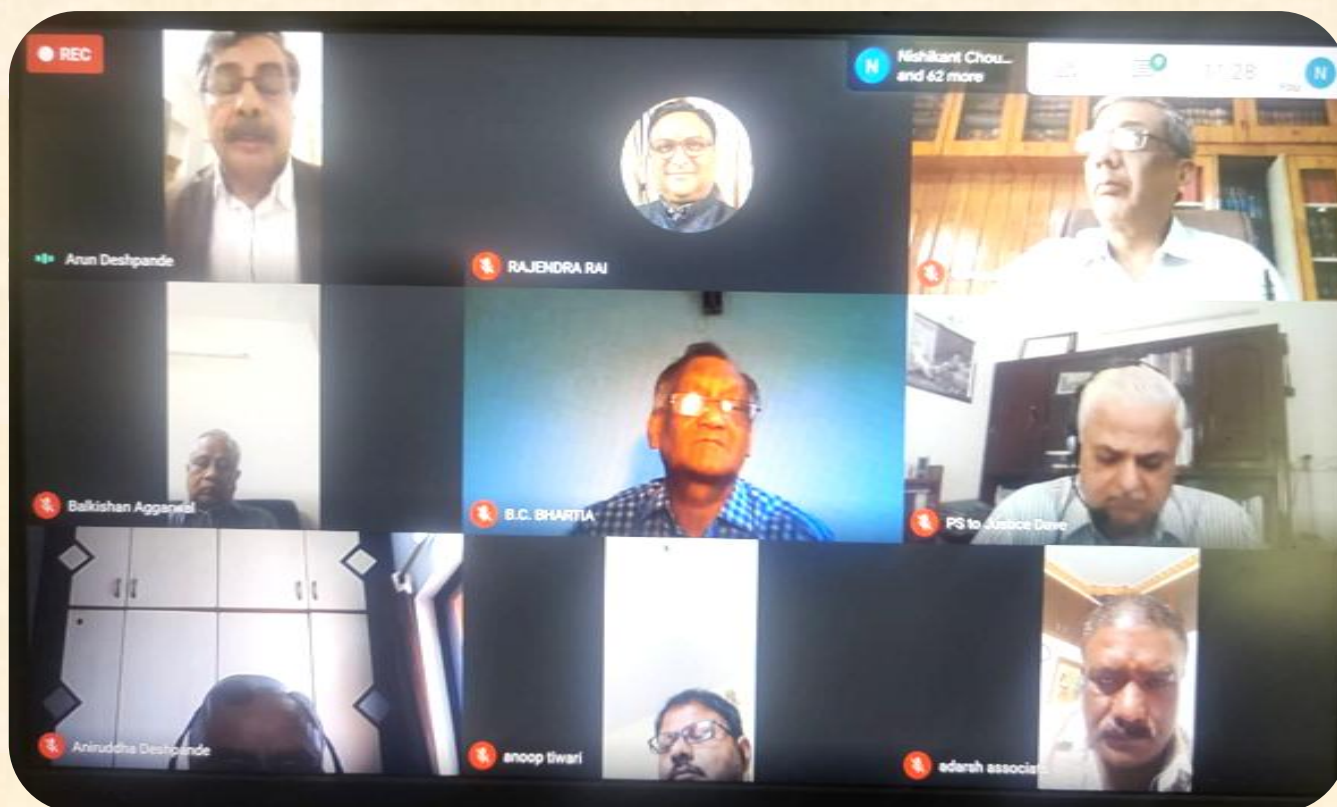
SHRI GANGA SHANKAR JI and PROF. M.K. SRIVASTAVA echoed the views of the earlier panelists and suggested that new directions have opened up in this meeting.

The meeting was ably conducted by **Ms. NEHA BAN.**

The baithak ended with a Vote of Thanks by **PROF. SANJAY SHARMA.**



(Clockwise from top):
Prof. Srikrishna Deva Rao; Prof. M.K. Srivastava;
Sh. Ganga Shankar Mishra; Prof. Sanjay Sharma



E-Baithak Series Part 5 Litigant Related Issues (June 28, 2020)

**Nyaya Chaupal
e-baithak series**

वर्तमान मतभेदों के समाधान की ओर
Finding a Solution to present day issues

Part 5

**ROUND TABLE DISCUSSION
Litigant Related Issues**

SH. RUPINDER SINGH SURI
FORMER PRESIDENT, SUPREME
COURT BAR ASSOCIATION

JUSTICE KURIAN JOSEPH
FORMER JUDGE, SUPREME
COURT OF INDIA

SH. SHRIKRISHNA SINGHAL
NORTH ZONE SAMPARK
PRAMUKH, RSS

WITH INPUTS FROM
LAWYERS, JUDGES, ACADEMICIANS,
SOCIAL WORKERS AND LEGAL SERVICES AUTHORITY

SUNDAY - JUNE 28, 2020 - 5:00 PM IST

Meeting link:
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Banner for e-baithak on Litigant Related Issues

Access to justice is fundamental to the rule of law. It is the primary requirement for safeguarding democracy. All rights are eventually enforceable only if justice is accessible. Mere availability of justice is not sufficient – it must be accessible for the litigant. When justice is accessible, as a corollary, there is likely to be less rights infringement in society, and the rights-infringer will act in accordance with law. However, when the rights-infringer is aware that the justice delivery mechanism may not be effective or accessible for the person whose rights he seeks to infringe, it is more likely that he would go ahead and trample upon the latter's rights. Due to the lockdown, court system also witnessed severe difficulties. Courts, being public places where large number of people congregate as consumers of justice, they remained confined to electronic and virtual means. What implications such relegation of courts to virtual courts have had to the common litigant in particular, and to the entire judicial administration as a whole, was discussed in the final round table on June 28, 2020. This e-baithak also marked the conclusion of the e-baithak series, since all the themes identified in the inaugural e-baithak on May 17, had been effectively dealt with.

SHRI RUPINDER S. SURI

Our ancient system of dispensing justice through community or panchayat focussed on the litigant. During Covid period, clients are guided through their lawyer alone. A positive aspect of this is that cases are handled by lawyers and judges from home. But the negative aspects include lack of proper facilities, infrastructure – lawyers, judges and litigants are not

SH. RUPINDER S. SURI is a Senior Advocate and former President of the Supreme Court Bar Association. He is presently the Additional Solicitor General of India.

adequately equipped with this system. In the Supreme Court, only four out of 15 courts have worked for most of the lockdown period, and that too for very few cases. Even after the lockdown has been lifted, both physical and virtual hearings and filings must function simultaneously.



There was a long standing demand for Benches of the Supreme Court to obviate the need to travel long distances. This demand may lose significance now if the online system is adopted. Nearly 3.5 crore cases are pending and the case management system requires a serious improvement. Artificial intelligence will also enable speedy disposal of such a large volume of arrears.

SH. ALOK AGGARWAL is former Member-Secretary and presently Advisor of National Legal Services Authority (NALSA).

SH. ALOK AGGARWAL

Challenges have been posed to litigants as well as the judicial administration system as a whole. There is a huge number of cases which are listed for hearing during usual court working

which cannot be taken up by using technology. Despite unlock phase, virus is spreading faster

and it is not safe to resort to physical hearing for long time to come. Therefore, now the Court has started taking up even the not-so-urgent matters through virtual hearing. Litigants face tremendous issues as consumers of justice. Litigants themselves may not have bandwidth and technology available with them. Moreover, there is likely to be a sudden barrage of cases post-lockdown which may cause a stampede like situation and cause further delays. Stay orders are operating and continuing, while those unable to get bail, particularly the undertrial, are languishing. Too much proximity breeds contempt, and coming together of families for unduly long period has not proved to be conducive. We have witnessed a rise in domestic violence cases, and counseling through virtual means is difficult. There is lack of privacy, especially in family issues, where both parties live in proximity. Migrant workers have faced massive issues – of employment, opportunity, loss of accommodation, inability to pay rent, which have added to litigation. Some disputes may not have a quick legal remedy, e.g. rent payment, full wage entitlement, penal interest. All these are potentially going to give rise to litigation. Access to justice is also through administrative authorities. Post-lockdown scenario thus appears to be grim for access to justice.



PROF. MANOJ SINHA is Director of Indian Law Institute. He has written extensively on various subjects of law, particularly on international criminal law and human rights.

PROF. MANOJ SINHA

This pandemic has presented a unique opportunity to us. We are expected to learn quickly from the experience of the temporary phase of lockdown, but which can be utilised for solving the issues litigants face often even after the

lockdown period. Litigant includes the oppressed classes of society like scheduled castes, scheduled tribes, handicapped and other deprived sections. Access to justice for such deprived sections as even earlier quite far and inaccessible but now during this period, justice has become much farther and inaccessible. Problems of litigants are particularly in respect of subordinate courts foremost of which is pendency. Internet has contributed to resolve all round issues of many kinds, such as health, education, etc. Distant or virtual interaction is taking place in all areas, but Bar Council expressed difficulties in respect of lawyers that 95% do not have proper internet access. Is e-filing really functional? Issues for deliberation



that emerge include that of the vast digital divide - negligible population has internet access. Internet has become the enabler for human rights. It must therefore become imperative for the State to provide good internet access. Uganda has acknowledged right to internet access as a human right. Therefore, there is a need to bring about digital inclusivity. Second is the

issue of connectivity. In a country where several parts of the country still face disruption in electricity supply, it is difficult to imagine seamless, uninterrupted high speed internet. Internet is expensive in rural areas and inaccessible to the common man. If we make online and offline coexisting a way of life, instead of an ad hoc or temporary measure, it can definitely improve the access to justice.

SH. J.B. SHARMA

Life, economy, social structure and environment are affected in an unprecedented manner. Justice delivery has come to a standstill. Improvement of judicial system is imminent generally. Virtual sessions can dispose of small causes only. Complex matters will require elaborate physical hearings, which cannot take place in the present state of infrastructure.

SH. J.B. SHARMA is a former District & Sessions Judge, and is actively associated with Nyaya Chaupal.



SH. SHRIKRISHNA SINGHAL

India's judicial system is one of the best in the world, despite the tremendously low judge-population ratio. Despite this, the confidence of the common man in courts exists. Six entities form the justice system – lawyers,

SH. SHRIKRISHNA SINGHAL is North Zone Sampark Pramukh of the RSS.

judges, litigants, witnesses, police and State. Gandhiji also lost faith in lawyers, judges and litigation, but never lost faith in law. Indian judicial system rewards the wealthy and compounds the misery of poor people. The role of Advocate is to place the facts and help the judge to arrive at the truth and not to prove guilty innocent. Individual is at the heart of the Constitution. Rights are fundamental, duties are also interlinked. We have a judicial system inherited from the British. In Indian context, stateless society was contemplated, where everyone used to perform his *dharma* (duty). In order to address pendency, we must understand the reasons for pendency. A large number of matrimonial cases occur due to lack of *samskara* (culture). Parivar prabodhan can help inculcate these cultural values. Panchayats need to be empowered. Number of judges needs an immediate and massive increase. National Judicial Service can be created. Court working days and working hours should be increased, by working in shifts. Lawyers should avoid misusing the loopholes in the law, and exercise restraint on misusing the PIL jurisdiction.



JUSTICE KURIAN JOSEPH

Nyaya Chaupal is a meaningful organisation. The motto of National Legal Services Authority (NALSA) is “Justice for all and all for justice” – all of us should be for justice to people – the oppressed, suppressed, poor, marginalised, who are sections of society unable to access justice.

Poor are those who on account of lockdown, lost their job, are not getting healthcare, are unable to resort to remedies, migrant workers returning to their villages. Nyaya Chaupal should form small groups of lawyers, retired judges, retired police officers, retired civil servants in every panchayat, in cluster of villages. This will assure people that if they face injustice, they can have recourse to such units and get justice. The primary objective is to foster a feeling that in case of injustice, they have a place to go and seek redress. This is justice at the doorstep in its true sense.

Doorsteps of court are shut but justice is not shut and is still available. There is no need to rush to court for everything, court must be the last resort. Let there be redress elsewhere also. Basic reason for pendency is people take court as first resort. Government machinery is available for preventing people from going to court, but one does not avail. Through the use of such unit, well-meaning, committed, informed people can assist the poor, illiterate person who is denied employment or food, etc. Since courts are shut, lawyers can take up cases in their office. They can call opposite counsel and attempt possible solutions. In civil cases, arguments can be prepared by recording a video which can be sent to the

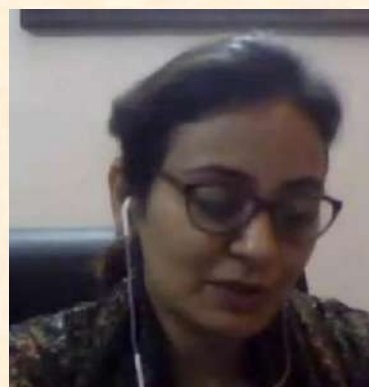
JUSTICE KURIAN JOSEPH is a former Judge of the Supreme Court of India. He is known for his proactive approach in resolving disputes and made substantial contribution during his tenure as Chief Justice of the Himachal Pradesh High Court in trying to take justice to the doorstep of the litigants.

court and the opposite counsel. Similar exercise can be done by the other side, and then the Court can decide. Nyaya Chaupal can be a legal helpdesk in every nook and



corner. This will enable people to have faith in rule of law.

The meeting was ably conducted by **MS. NEHA BAN.**



The baithak ended with a Vote of Thanks by **SH. GANGA SHANKER MISHRA.**





ॐ सर्वे भवन्तु सुखिनः।
सर्वे सन्तु निरामयाः।
सर्वे भद्राणि पश्यन्तु।
मा कश्चित् दुःख भाग्भवेत्॥
ॐ शान्तिः शान्तिः शान्तिः॥
[May all be prosperous and happy
May all be free from illness
May all see what is spiritually uplifting
May no one suffer
Om peace, peace, peace]

Instances of Dispute Resolution

Nyaya Chaupal has continued with dispute resolution during the lockdown period with as much vigour and patience as before. While greater number of interpersonal disputes (such as within the same family) started emerging during the pandemic period, it became that much more difficult for the affected persons to access courts or police. In such a situation, Nyaya Chaupal, with the aid of its volunteers, endeavoured to palliate the disputants by giving an efficient safety valve for disputants to vent their emotions such as frustration, anger and depression.

Some such instances of dispute resolution in the post Covid-19 scenario are summarized below.¹

FROM MADHYA BHARAT

[As told by Shri Nishikant Chaudhary, Advocate, Jabalpur High Court]

DISPUTE BETWEEN PARENTS AND SCHOOL MANAGEMENT OVER SCHOOL FEE

I have remained associated with school administration in the past, and have a rich experience in understanding the school management's concerns for running the school as well as the concerns of parents of the schoolchildren.

¹ In order to maintain confidentiality, the identities of the disputants is kept concealed.

During Covid lockdown, the issue of school fee became a major issue in most places. In respect of one such school, the situation assumed great tension with a large group of aggressive parents reaching the school in order to protest against the school authorities charging tuition fee for the period the schools have remained shut due to the Covid-19 situation.

The manager of the school is personally known to me, and being aware of Nyaya Chaupal, requested for intervention. I volunteered and immediately reached the school premises. Since I had already been informed of the nature of the parents' gathering and its possibility of things going out of control, I informed the jurisdictional police station of my proposed visit and then reached the school.

Since the group was fairly large in number (a few hundred), I told them at the outset that it was not possible to have a meaningful conversation or understanding of the problems. Therefore, I requested them to nominate 4-5 representatives who can express their concerns and we can attempt to resolve them. The large gathering was thus reduced to 4-5 representatives, and I suggested them to move to a room where we can discuss.

Initially, the representatives expressed their concern that if the school is not functional, and no classes are being conducted, there is absolutely no justification for them to pay any school fee. I heard them patiently for 10-15 minutes, and since they had already spent most of their aggression with the large group outside, they calmed down and seemed to become open to reason.

I explained to them that the school management also faces numerous challenges. The school manager buys vehicle on hire purchase and has to pay monthly instalments; salaries of staff and teachers; maintenance; electricity and water dues. All these expenses are incurred irrespective of whether the school is running or not, since this is the fixed monthly expenditure which the school management has to bear. In

such a situation, suggesting complete waiver of school fee would render the school in an unviable position. Besides, by launching such a protest, resulting in misbehaving with the staff and teachers of the school, is not in the interest of good relations between the parents and their wards with the school and its staff. In order to preserve these amicable relations, the concerns need to be addressed peacefully and with an open mind. Moreover, I also pointed out that usually in such situations, a lot of free riders also jump in. Parents who are in service are getting their salaries despite Covid lockdown. Then why should the teachers and staff of the school be deprived salaries, and how would they be paid their salaries in the absence of any fee from the parents? The only source of revenue for the school to run itself is the fee.

In this manner, the parents and the school management agreed to settle the matter, with the management agreeing to waive a part of its fee, and charging only what was absolutely necessary to meet its running expenditure. On the other hand, the parents also saw that forcing the school to shut down would only hamper the education of their own children, and they thus agreed to pay this reduced fee.

This incident led to a great boost for Nyaya Chaupal as an organization. The local administration invited us and we apprised the Collector of the organization of Nyaya Chaupal, and he praised the efforts of Nyaya Chaupal and its volunteers in resolving such complex issues, which could have led to widespread discontent and possibly.

DISPUTE REGARDING A VILLAGE COMMON LAND

A musclemán had encroached upon the common path of the village, leading to a lot of inconvenience to the villagers. This had been going on for the last four years. I spoke to the local authorities and explained to them that the common road of the village has been encroached, leading to severe inconvenience to the villagers, and therefore, you should intervene and get the encroachment cleared. Villagers had to

walk a long-winded extra distance due to the encroachment. Some villagers also got completely cut off from the village, as that was the only route that connected their houses to the village – they had to take a long route through the river in order to reach the village.

I got the map of the entire place from the Patwari (revenue authority) of the village, and found the exact coordinates of the common path, which in reality had been encroached. In this manner, we first collected and became fully conversant with the facts and documents of the matter. The problem had been compounded because so far, the encroacher had been ensuring that the local revenue authorities do not take any action. The villagers had also taken legal action, but nothing fruitful was emerging out of that. The encroaching party was wealthy, and he was able to prolong the court proceedings.

But when Nyaya Chaupal entered the scenario, we took along with us the revenue authorities to the spot, in order to ensure that we receive their full cooperation in the matter.

Initially, the encroaching party was full of aggression – so much so that they were ready to be violent, and they flatly refused to remove the encroachment. We had to threaten them with immediate arrest and explain to them aggressively that the land which they had encroached on was common land of the village. What worked in favour of Nyaya Chaupal was that the encroaching party felt an apprehension of stern action against them, which could result in lot of damage to them. This prompted them to give up their illegal claims over the common path, and agreed to get the encroachment removed.

A matter which could have gone on for years and may be decades in courts, was resolved swiftly. What could have resulted in several crimes in the process of resolution in court, was avoided, and the matter was resolved with the cooperation of the administrative officials.

MATRIMONIAL DISPUTE - 1

The wife belonged to Delhi, and her matrimonial home was in Jabalpur. The couple had a daughter also. Minor differences emerged between them, and the wife left the matrimonial home and went to Delhi to live with her parents. She commenced legal proceedings from Delhi. There was a lot of anger in both of them. Initially, neither of them was agreeable to settle the matter and both of them were determined to seek justice from the court. The Nyaya Chaupal team held lengthy sessions to attempt a resolution. Initially, sittings were conducted with each of them individually, during which both parties accused each other of severe torture and wrongdoing, and how they would ensure that the other person suffers and learns a lesson from court. We counseled them that their fight was not on the basis of any real or specific issue. We told them that the real sufferer due to such a fight was the minor child. Further, what is the assurance that their next life partner would be better and there would be no disputes. Then we told them that it is not possible to come to any meaningful discussion individually, and requested them to come together. After initial reluctance, they agreed, and they came together.

MATRIMONIAL DISPUTE - 2

In Chhindwara district, a dispute arose in a married couple. The wife was not comfortable in living with the in-laws, and wanted to live separately with her husband. It escalated into a major dispute, and the wife had left the matrimonial home. The wife had also filed a case, and notices had been issued to the husband and his parents. When it came to light, the Nyaya Chaupal team counseled them. Negotiation was a major tool which came to the aid of the team in resolving this dispute, since the husband and in-laws were advised that if the wife wishes to live independently, then the in-laws should avoid resisting this and by agreeing to this, they will be able to save the family life of their son. The in-laws

agreed, and it was agreed that their son and daughter-in-law would live in Nagpur. Another factor which helped in resolving the dispute was that while the husband's side knew one of the Nyaya Chaupal volunteers in Chhindwara, we were able to locate a mutual contact for the wife's family. This resulted in making the parties comfortable and opening them to the advice of the Nyaya Chaupal team.

FROM HARYANA

[As told by Shri Raj Kumar Aggarwal, Founding Member, Nyaya Chaupal]

MATRIMONIAL DISPUTE - 1

A couple who had been married for 18 years, developed misunderstandings and differences arose amongst them. They are blessed with two children, a daughter aged about 16-17 years and a son between 14 and 15 years old. The dispute reached such a stage that the husband started beating the wife, due to which the wife went to her parental home.

When Nyaya Chaupal came to know about this, Sh. Ganga Shankar ji attempted to find out the entire scenario from the family of the wife, and then subsequently, spoke to the husband also. The wife was not ready for a court case. Going deep into the matter, we realized that the husband had become very arrogant and due to this, on every trivial matter, had started beating up his wife.

As part of the strategy, a report was lodged at the Women's Cell Police Station, and the husband was summoned. Threatening him with dire consequences such as imprisonment, we attempted to counsel him. On the other hand, we also spoke with the brother and other relatives of the husband. Husband was also able to understand that the lives of two adolescents are also involved, and it has been 18

years since their marriage – all his misbehavior is not acceptable in these circumstances.

Then we held a session at a neutral place, wherein the family members of the wife and husband, as well as the husband's brother and some other relatives were present. There, the wife and husband were got to have a conversation, both were counseled. Husband also assured that he would not resort to violence in future, and both of them agreed to abandon their trivial disputes and resume living together.

It has been about two months since this resolution and the couple is living peacefully with their children. There has been follow up by Sh. Ganga Shankar ji on 2-3 occasions since the resolution, by speaking with the wife, and she is stated to be living peacefully and there are no longer any issues between them.

MATRIMONIAL DISPUTE - 2

This case relates to a couple which had been married for 15 years. The husband is an engineer, and the wife is government teacher. The husband used to run a workshop earlier, but due to the addiction of alcohol, became idle and without any work. His workshop also got shut. The couple is blessed with one child, who is aged about 12-13 years. Wife went to her parental home along with her child, and wanted divorce from the husband. They had been living separately for about three months, when Nyaya Chaupal became aware of this dispute.

Sh. Ram Lal Borar ji spoke to the husband, wife and their families. It came out that when the husband became unemployed, and had no source of income, he used to demand money for buying alcohol from his wife. When she refused, he used to unleash violence at her. The wife gave up in such circumstances, and went to her parents' home.

The root of the matter thus seemed to lay in the unemployment of the husband. Sh. Borar ji got the husband employed at a factory. Thereafter, we spoke to the husband's mother and brother – his father had already expired. The husband's mother was responsible, and she counseled her son and assured us that he would give up the habit of drinking. On this assurance, we spoke to the wife and her mother.

When the husband himself assured to give up alcohol, the wife agreed to return to his company. This incident is of July, 2020, and it has been more than two months so far. The husband and wife are living peacefully together. Both the husband and wife go to their respective workplaces. The husband has stuck to his promise and has given up drinking.

MATRIMONIAL DISPUTE - 3

This case relates to a couple who had been married for six years. The husband belonged to Rohini, Delhi and the wife is from Noida. They have been blessed with a daughter aged about 4 years. The wife's parents have expired, and the husband has also lost his father. The husband's mother receives her late husband's pension. The wife's maternal uncle lives in Sector 17, Faridabad, and after her parents have expired, her parental home is this maternal uncle's home. The husband is engaged in private employment, but during the lockdown, he lost his job. During the lockdown, differences started cropping up between the couple and they started living separately. The wife, along with her daughter, had moved to her maternal uncle's home, while the husband continued to stay at Rohini with his aged mother. In the meantime, the uncle came in touch with Nyaya Chaupal. After understanding the entire situation, Sh. R.K. Keshwania first spoke with the wife and upon asking, came to know that the wife is willing to move back with her husband. No court case had been instituted between the parties yet. Then,

attempt was made to reach out to the husband and his mother, and finally a joint meeting of the husband and wife was arranged. The meeting took place at a relative of the husband, where both sides were present. The meeting took place for 2-3 hours, and both the sides were heard. It was decided mutually that the husband would go to bring back his wife. But one week elapsed, and the husband did not visit to bring back his wife. It was enquired and we came to know that there was some resistance from the husband's mother – she did not wish the wife to come back. Thereafter, another meeting with greater number of people was held at 'Bairagi Sabha', which had greater impact over the husband and his family.

It was decided at 'Bairagi Sabha' that a few persons of the community would accompany the husband to bring back his wife, and that was executed. Along with the husband, four respected members of the community went to the wife's maternal uncle and accompanied them to her matrimonial home.

This incident is about one month old, and the couple is living peacefully.

MATRIMONIAL DISPUTE - 4

This incident relates to a boy 'G' who lives in Nahar Par, Faridabad, whose father is a construction contractor. He was having a love affair with a girl 'P' from the nearby village. But one day, P saw G with another girl, after which they remained out of touch for one year. After one year, they again began coming close to each other. As a result, P became pregnant prior to marriage. Consequently, P and her family started pressurizing G and his family for marriage. But G's side resisted, and particularly his mother was not prepared for the match. P and her family lodged a complaint in the Women's Cell.

In the meantime, G's father came in contact with Nyaya Chaupal. After understanding the entire matter, Sh. R.K. Keshwania ji attempted to persuade G's side that it in everybody's interest to get G and P married. Not doing this may result in G getting embroiled in a criminal case, and may ruin his life. Additionally, it would also result in damage to the entire family's reputation. G's father became agreeable, but G's mother was still not convinced.

Thereafter, three more meetings were held, in which G, his parents and relatives, were counseled. After explaining the entire situation, showing them the consequences which may ensue, they understood that it is in everybody's interest to agree for the marriage.

Due to the pandemic, it was agreed that the marriage would take place either in the court or a temple. Since courts were also shut, therefore, finally the marriage was held at Arya Samaj Temple, Faridabad.

This incident is about two months old, and the couple is living peacefully.

MATRIMONIAL DISPUTE - 5

This incident relates to a couple residing in Kota, Rajasthan, who had been married for about three years, and were blessed with a one year old daughter. Disputes emerged between them, and the wife was about to leave her matrimonial home. At this stage, this situation came to the notice of Nyaya Chaupal and on behalf of Nyaya Chaupal, Sh. Ram Lal Borar ji traveled to Kota. Upon reaching there, it transpired that the wife was from Delhi and was engaged in a job at a private bank before marriage. The husband used to teach at a reputed coaching institute in Kota, and was receiving a handsome salary. After marriage, the wife left her job and became a housewife. On trivial issues, they started fighting with each other which was mainly due to ego issues.

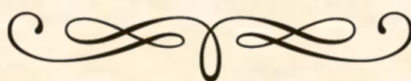
One day, the husband became enraged and slapped his wife, on which she became determined to leave her matrimonial home.

Since Sh. Ram Lal Borar ji was also the friend of the husband's father, he immediately left for Kota, and stayed there for 2-3 days. In 2-3 days, he conducted 8-10 sessions with the husband and wife independently. During these sessions, it emerged that the grievance of the husband that his wife did not give due respect to his parents and family. The couple used to live away from the wife's in-laws, but the husband complained that despite this, the wife did not speak properly to his mother even over phone, and when his mother visits, the wife does not give her due respect. The husband's mother feels lonely and his wife does not accord adequate respect to his other family members. Due to this, the husband's mother refused to visit them.

When the wife was spoken to, it emerged that the husband was too money-minded, and was earning handsomely due to which he used to constantly insult the wife's family members. On every small issue, he used to criticize her parents and compare their financial status with his. It was because of this that the wife was unable to accord the requisite respect to the husband's parents.

Borar ji understood the entire situation, and after speaking to them individually, spoke to the husband's parents and felt that the matter is not yet so escalated. The following day, he asked the husband to stay home, and spoke to him at length. The husband was a teacher and intelligent, he understood the entire situation, and he assured of changing his behaviour. Then, the same evening, a meeting was held in which the couple mutually decided to live together, and all the family members were also present there.

This incident is more than six months old, and the couple is living peacefully.



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न्याय चौपाल



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