

## LEGAL AID SOCIETY, NLUO

# Legal Aid Report

2021-22

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Legal Aid....is fundamental to giving everybody in this country access to justice.

- Jeremy Corbyn



## About Us

The Legal Aid Society of National Law University Odisha is a student-run committee and was constituted in 2012. The members and volunteers of the Society are a group of enthusiastic students who have constantly been involved in various activities to keep the spirit of legal aid alive.

### Our Aim

The Society carries out its functions with an aim to provide access to justice to the disadvantaged and marginalized sections of the population, primarily by spreading legal awareness and legal education in educational institutions and underprivileged communities. Since its inception, the Society has conducted numerous Legal Literacy Programs in remote areas of Odisha.

#### LEGAL AID CLINICS

The Legal Aid Clinics of National Law University Odisha were established in the year 2014 under the project "Access to Justice for Marginalized People and Socially Relevant Legal Education" in collaboration with the Orissa State Legal Services Authority and concerned District Legal Services Authorities. Under this project, three legal aid clinics have been set up in three districts, i.e., Cuttack (Dampada), Khordha (Jankia), and Puri (Bramhagiri). On November 1, 2, and 9, 2014, the Legal Aid Clinics were inaugurated at Khordha, Cuttack, and Puri respectively.

The Legal Aid Clinics are open to all, five days a week. These are managed by a Programme Associate who oversees the recording and registration of legal problems of the community in the respective districts. Each Legal Aid Clinic set up under the project has a Programme Associate, who reaches out to people in remote areas of the district, interacts with them, and identifies their legal predicaments. The programme associates are backed by a dedicated team of students, a full-time programme coordinator, and the Principal Coordinator of the Project. The Programme Associates furnish basic legal information to visitors and provide para-legal help by drafting applications or directing victims to appropriate authorities. Wherever and whenever necessary, they send applications to the District Legal Services Authority and Taluk Legal Services Committee.

In September 2017, NLUO completed all six phases of the project.

As part of NLUO's academic outreach to extend legal services to the community, the university decided to continue the Legal Aid Clinics in Cuttack and Khordha districts. Accordingly, a full-time programme associate, Mr. Drubadala Mantri, was appointed to manage the village legal aid clinics at Khordha (Jankia) and Cuttack (Dampada).

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## ABOUT OUR LEGAL AID CLINICS

In June 2020, to further enhance access to justice, a student-run Legal Aid Clinic was inaugurated by the Hon'ble Justice Shri Mohammad Rafiq, Former Hon'ble Chancellor, National Law University Odisha and Former Hon'ble Chief Justice of Odisha High Court on the campus of National Law University Odisha.



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#### LEGAL AID CLINIC, DAMPADA

The Legal Aid Clinic, Dampada is located inside the Gram Panchayat Office of Dampada GP in the Banki-Dampada block of Cuttack district. This is 45-kilometer away from the district headquarters and 15 kilometers away from the block headquarters.

#### LEGAL AID CLINIC, JANKIA

The Legal Aid Clinic, Jankia is located at the Rajiv Gandhi Seva Kendra Building in the Jankia Gram Panchayat of Khordha district. The location is around 25 kilometers away from the district headquarters.

## STUDENT LEGAL AID CLINIC, NLUO

The most recent addition, which is the student run legal aid clinic, is located in our campus,National Law University odisha, Naraj Rd, Sector 13, Cuttack, Odisha 753015.

# SUCCESS STORIES

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LEGAL AID CLINIC REPOR

Since their inauguration, the legal aid clinics have acted as a succour to localities. The clinics have seen an influx of cases and have been prompt in assisting them throughout the legal process until resolution. Here are a few success stories we would like to share with you all.

## ADVOCACY

- In the matter of the impact of COVID and Access to Justice for a COVID orphan child in Cuttack district, the Legal Aid Clinic, NLU Odisha made a representation to the Child Welfare Committee, Cuttack to protect the life of a minor girl who had lost her parents in the COVID pandemic and who herself was affected by COVID. As the parentless child's father was an employee at Odisha Secretariat, the girl was entitled to get the service benefits of her deceased father (family pension, DCRG, PF contribution and other benefits) as well as the financial assistance for COVID orphan children. As per the news published in the newspaper, the girl has no guardian or relatives to help her in a difficult situation. The Legal Aid Clinic requested CWC, Cuttack filed a petition before District Court under the provision of Guardian and Wards Act,1890 to appoint the District Collector as guardian of the child to her person and property and to explore the possibilities of consolidating the service benefits and the assets relating to deceased parents of the child. In the submission, it was also mentioned to direct Legal cum Probation officer of DCPU or to appoint a support person to facilitate the child in getting the death certificate and legal heir certificate or other legal documents, and ensure that the children shall be given all service benefits and
- other financial benefits as declared by the Govt. of India and Odisha Government for the benefits of the children who lost their parents in COVID. In the matter of the impact of COVID and Access to Justice for two COVID orphan children (7-year old girl and her new born brother) in the Balasore district, the Legal Aid Clinic, NLU Odisha made a the Child Welfare representation to Committee. Balasore to take the issue into consideration, inquire into the matter and ensure care, protection, and development of the children who had lost their parents in the COVID pandemic. The parentless children's deceased father was an employee at East Coast Railway in Bhubaneswar, and their deceased mother was working as a staff nurse at Acharya Harihar Regional Cancer Center, Cuttack. So, the children are entitled to get the service benefits of their deceased parents (family pension, DCRG, PF contribution, and other benefits) as well as the financial assistance for COVID orphan children. As per the news published in the newspaper, the children's uncle expressed his helplessness and appealed to the District administration to extend support for upbringing the two children and to provide them safe and secure future.

- The Legal Aid Clinic requested CWC, Balasore to file a petition before District Court under the provisions of Guardian and Wards Act,1890 to appoint the District Collector as guardian of the child to her person and property and to explore the possibilities of consolidating the service benefits and the assets relating to deceased parents of the child. In the submission, it was also mentioned to direct Legal cum Probation officer of DCPU or to appoint a support person to facilitate the child in getting the death certificate and legal heir certificate or other legal documents and to ensure that the children shall get all service benefits, compensatory benefits, and other financial benefits as declared by the Govt. of India and Odisha Government for the benefits of the children who lost their parents in COVID. LEGAL AID CLINIC REPORT Page 6 With reference to the news published in the newspaper "The Sambad" dated 09.01.2021. The Legal Aid Clinic approached the Odisha Human Rights Commission to intervene in the matter of school safety and education of children in Jagatsinghpur district. There are around 261 school buildings in Jagatsinghpur district which are in dilapidated condition and in which around 30 thousand school children are pursuing their studies. In 2014, the Hon'ble Odisha Human Rights Commission directed the demolition of the old school buildings,
- which are in dangerous and dilapidated condition, as well as directed the district administration to repair the school buildings. level technical Furthermore, a district formed under committee the was chairmanship of the District Magistrate and Collector, Jagatsinghpur, but no action was taken till date. Parents and guardians are very much discouraged from sending their children to these schools in such dangerous conditions. The matter is under consideration. The Legal Aid Clinic approached the Odisha Human Rights Commission to intervene in the matter of police inaction to trace and rescue a missing woman who had been working as a house-keeping staff of a Nursing Home located in the Friends Colony area of Cuttack city for the last 3 years. She was missing from the Nursing Home and could not return to her residence, located at Cuttack. She made a phone call to the contact numbers of her husband and told him that she had been kidnapped and was being detained in a lonely place. After this communication, her mobile was switched off. When not able to find his wife, her husband made a written complaint at Mangalabag Police Station on 05.10.2021. The police are unable to trace the accused and rescue the missing woman even after one month of giving a complaint to the police. The matter is under process

- Legal Aid Clinic approached The the Additional Director General of Police, Criminal Investigation Department, Crime Branch, Odisha, Cuttack to investigate the matter of a missing woman employee who had been working as a house-keeping staff at a Nursing Home located in the Friends Colony area of Cuttack city for the last 3 years. She was missing from the Nursing Home and could not return to her residence, located at Cuttack. She made a phone call to the contact number of her husband and told him that she had been kidnapped and was being detained in a lonely place. After this communication, her mobile was switched off. By not finding her husband, she made a written complaint at Mangalabag Police Station on 05.10.2021. The local police are unable to trace the accused and rescue the missing woman even after one month of giving a complaint to the police. The matter is under process. LEGAL AID CLINIC REPORT Page 7 With reference to the news published in the Odia daily "The Prameya"on dated 30. 01.2021 highlighting the issue of a landless poor person deprived of getting land the scheme i.e "Basundhara" under implemented for landless poor people, the Legal Aid Clinic approached the Odisha Human Rights Commission to intervene in the matter. The applicant is a landless poor person deprived of getting land
- under the scheme "Basundhara" implemented for landless poor people. He requested BDO, Block Banki provide to assistance. Accordingly, on dated 10.08.2020 the BDO, Banki Block, has sent a letter (VideLetter No 1875) to the Tahasildar, Banki, to provide him assistance under the Basundhara scheme implemented by the government. Further, without getting any response from the Banki Tahasil office, the BDO Banki has repeatedly written to the Tahasildar, Banki (Vide Letter No - 2684 dated 07.12.2020) to consider his grievance, but no result has come out till now. In view of the above matter, the Legal Aid Clinic approached the OHRC to intervene in the matter and give instructions to the appropriate authority to enable the applicant obtain homestead land and related to assistance for the construction of a house for the family dwelling.

## Ayuda

The Legal Aid Society conducts its annual flagship programme Ayuda. The society conducted its first inter- University Legal Aid Fest 'Ayuda' on October, 2016. The objective was to increase the visibility of the Society within the student body and to encourage thestudents to participate as volunteers in the activities conducted by the Legal Aid Society. In 2017 a three day Inter-University event with the purpose to spread awareness about the need for legal aid clinics in institutions imparting legal education in the state of Odisha and to establish a network in the state with students from different colleges. Workshops conducted on How to run a Legal Aid and Nukad Natak organized for the purposes of generating awareness about legal literacy. The objective Ayuda 2018 to give the participants an exposure to the ground realities of actual legal aid work participants the event comprised of workshops, interactive sessions, discussions, competitions and a field visit to a Legal Aid Clinic run by National Law University Odisha. It included an authoritative discussion with appropriate authorities and mechanism to approach them, a session on how to conduct a research work, interactive session on the theme unsung heroes in the field of legal aid where the guests shared their valuable and inspiring experiences with the students.

## Training Programmes

• Training of Trainers for Capacity Building of Paralegals in Odisha: 29th-31st March, 2017:

The South Asian Institute of Advanced Legal and Human Rights Studies [SAILS], in association with BRAC University, Bangladesh and IDEAL Centre for Social Justice [CSJ] and the Legal Aid Society conducted a workshop which was attended by 30 participants from Odisha. Over the three days of the workshop, training sessions for paralegals were designed by incorporating principles of adult learning and alternative legal education.

• Training Programme on "Role of School Teachers in Enhancing Access to Justice for Marginalised People"

On 11.9.2017 a Training Programme was organised on "Role of School Teachers in Enhancing Access to Justice for Marginalised People". The objective of the training programme was to orient school teachers towards various aspects of access to justice and encourage them to establish legal aid clinics in their premises. Participants were familiarised with various concepts like Right to Information, Child Rights, legal issues and problems of marginalised people.

• Training Programme on "Role of Law Teachers Promoting access to justice through Legal Aid Clinics

This Training Programme was organised on 12.9.2017. Law Teachers from various parts of Odisha participated in the deliberations. There were discussions on the nature of legal aid clinics in their respective colleges and the manner in which they operated. Participants from the KBK districts of Odisha deliberated on the difficulties faced by them in organising legal aid activities. Apart from that, there were also deliberations on ways in which linkage can be established among various stakeholders for running a legal aid clinic efficiently.

## Training Programmes

• The International Conference on Rethinking Socially Relevant Legal Education: Best Practices and a Way Forward:

The International Conference on Rethinking Socially Relevant Legal Education: Best Practices and a Way Forward, was conducted in National Law University Odisha (hereinafter referred as NLUO) from 16th to 17th September 2017. The seminar was organized with a view to making what should be the role of law schools and how different stakeholders of society can be helpful in providing access to justice to all which mainly encompasses how legal education can become relevant to legal aid. The seminar was organized with the furtherance of vision of creating a network and providing a pedestal to different law schools, NGOs in order to exchange the ideas for delivering legal aid services and legal education. The two-day seminar was attended by different Law Schools with an objective to share the suggestions, to raise questions and to exchange the ideas.

# Case Records

The applications received from the beneficiary /client for legal services are examined to determine whether the applicant is entitled to free legal aid. Discussions are held with applicants, supporting documents are collected, and the files for the individual cases are opened up and maintained. During this reporting period, legal aid has been provided. in a few of the cases as follows:

#### Subject

#### Case Matter

The fact of the case is that one tribal family was allotted the financial assistance to construct house in the Indira Awas Yojana. Allotment was made in 2013 to construct house with an estimated cost of Rs25,000/-(Twenty five thousand) but work order was given in 2017 and by that time financial assistance of state Government was escalated to Rs1,00000/- (One lakh) under the state housing scheme i.e Biju Paucca Ghar Yojana. As it was improbable to construct concrete house with a cost of Rs.25,000/-(Twenty five thousand). Hence the beneficiary brought this matter to the knowledge of District Collector-Grievance hearing camp wherein beneficiary was advised to surrender the work order so that the family would be listed under the benificiaries of Biju Paucca Ghar Yojana. The beneficiary appealed our Legal Aid Clinic as no allotment has been made after the lapse of three years in the

enquiry made by the local authority therefore the beneficiary approached our Legal Aid Clinic.

### We have facilitated the applicant to file the case before Permanent Lok Adalat. Compliance report has been sought from

Action Taken

Compliance report has been sought from the BDO concern. Hence this matter is under active consideration of Permanent Lok Adalat. The applicant is a beneficiary of Mukhya Mantri Kalakar Sahayata Yojana. He has applied for kalakar allowance in the year 2017-18 however he could not get any benefit out of the social security scheme meant for the artist launched by the State Government. Further he has applied for the Kalakar allowance in the year-2021. The Legal Aid Clinic after receiving the application and related documents from the applicant approached the District magistrate & requesting to provide benefit of "Mukhyamantri Kalakar Sahayata Yojana" to the applicant. The related documents forwarded to the Collector Cuttack for needful action. The matter is under process.

An application was made stating that the applicant's daughter-in-law has left their house without any reason and was staying in her parental home since two years. After receiving the application, the respondent (wife) was contacted. It was later found that the husband abuses alcohol and she has been physically assaulted and victimized through domestic violence by her husband and in-laws. Therefore, the wife was given requisite help.

The applicant is a widow woman aged about 56 years. The husband of the widow passed away on 5th December, 2020. She has got the death certificate of her deceased husband from Dampada CHC. As the applicant is a helpless widow she was not aware about social security scheme i.e. widow pension. She approached us to provide assistance in getting widow pension. We facilitated her to apply online; follow up action was taken up by the LAC. On behalf of the Legal Aid Clinic, related documents and letter were forwarded to the BSSO, Banki Dampada Block, requesting to provide assistance to the applicant in getting widow pension. As a matter of our intervention the applicant got widow pension with arrear amount. The applicant is a helpless widow aged about 39 years .The husband of the widow passed away on 12th October, 2022. The applicant is a poor woman and maintains her family by working as a domestic servant. So she approached our Legal Aid Clinic to assist her to get the widow pension under Madhu Babu Pension Yojana implemented by the State Government.

The fact of the matter is that the family of the applicant was included in food security scheme of the Government in the year 2016. After few months of getting ration and from April 2016 the family was deprived from getting ration, when the local dealer was contacted, he asked the applicant to follow up at the Block level. The applicant repeatedly tried to go to the Block office to contact the concerned authority but all his efforts went in vain. On receipt of the application from the widow, the Legal Aid Clinic facilitated her to apply online for her inclusion in the social security scheme i.e. widow pension. Related documents and letter were given to the concerned Cooperator of Ward No-6 requesting to provide support to the applicant in getting her widow pension. The matter is under process.

On behalf of the Legal Aid Clinic the Supply Inspector of the Block was contacted and requested to take appropriate measures for inclusion of the family in the food security scheme implemented by the Government.

The applicant is an illiterate widow woman. Her husband passed away on 21-01-2022. The family income of the applicant is very low. As the applicant is illiterate she approached the Legal Aid Clinic to assist her in getting widow pension. After receiving application and other relevant documents from the applicant, the LAC facilitated her to apply online for widow pension.

Then on behalf of Legal Aid Clinic, BSSO Baranga Block was contacted. Letter and related documents were sent requesting to provide support to the applicant for inclusion in the social security scheme.

Addition in Social Security

A woman with hearing impairment approached the Legal Aid Clinic to get a disability certificate, treatment & hearing aid. There was no development in her disability condition even after treatment. As she was unaware of the procedures involved, she could not apply for a disability certificate On behalf of the Legal aid clinic, the applicant was intimated to apply for a disability certificate online. The applicant was asked to organize the required documents to apply online for a disability certificate.

Assistance in getting artificial limb

One person with locomotor disability approached the Legal Aid Clinic to provide assistance in getting a Tricycle, artificial limb treatment and walking aid. He had lost one of his legs due to an accident. He has also received a Disability certificate from the competent authority and a disability pension from the concerned government. Legal Aid Clinic facilitated the matter to provide Tricycle, artificial limb, treatment and walking aid. The District Social Security Officer, Cuttack assured to provide support to the applicant. The matter is under active consideration of District Collector and DSSO,Cuttack.The applicant is intimated to get treatment and artificial limb free of cost as suggested by the office of DSSO, CTC & DSSO ,Khordha.

The applicant is the beneficiary of the Old age pension. However she was unable to apply online. She has applied online on 08-01.2022 but was unable to know the status of her application. On the approach of the applicant to our legal aid clinic we facilitated her to send related documents to BDO, Baranga Block to do the needful. The applicant suffers from loco motor disability and is unable to walk with both legs. However he is able to walk with the help of a walker /walking aid. After treatment at hospitals in Cuttack and Bhubaneswar, there were no such improvements in the disability condition of both legs.The applicant has applied online to issue a disability certificate which will be helpful for him in the future. The applicant has registered his name but was unable to check the status of his application.

Disability Certificate

The applicant's son aged about 19 years suffers from mental retardation. In the year 2013 the District Medical Board, Cuttack issued a disability certificate which was temporary in nature and percentage of disability was 60 percent. There is no improvement in the disability condition of the person till date. So the father of the disabled person approached us to provide assistance to get the permanent disability certificate after due medical check up by appropriate authority which would be helpful to him in the future. On receipt of application and related documents from the applicant, the Legal Aid Clinic sent letter / related documents to the Chief District Medical Officer, Cuttack requesting to provide a disability certificate to the applicant after due medical check-up to the applicant. By the intervention of the Legal aid clinic the applicant was called for due medical check up and Disability certificate was issued to the applicant.

On receipt of application and related documents from the applicant, the Legal Aid Clinic sent letter and related documents to the Chief District Medical Officer, Cuttack requesting to provide disability certificate to the applicant after due medical check-up. The matter is under pipeline.

Disability Certificate

The applicant's 5 years old son suffers from disability. His left hand is not functioning normally due to stiffness over elbow by birth. He has also lost his eyesight of his right eye due to problems in his right eye. After medical check up and treatment at a Medical College, there was no development in his disability situation

On receipt of application, we suggested the applicant to come with relevant documents to apply online for disability certificate and due medical check up by appropriate authority. The applicant is a deserted woman and a very poor person. The applicant and her 15 years old daughter are staying at her father's house. She has been working as a domestic worker to maintain her family. The applicant tried time and again to approach for issuing her ration card to get subsidised food grains but all her efforts were fruitless. Then the applicant approached the Legal Aid Clinic to assist her family to get the ration card.

> The matter is a matrimonial dispute between husband and wife. The wife approached the Legal Aid Clinic for legal help in this dispute. Her husband had filed a case in the family court under section 13 of Hindu Marriage Act for dissolution of marriage solemnized between the parties in 2018. The husband is alleging that his wife is treating him with cruelty and she left the house. The wife deserted the husband and her family members for more than two years without any acceptable, just and reasonable cause. The matter of this case is now in the jurisdiction of the Family Court.

On receiving application and related documents from the applicant, we came to know that the applicant is an eligible beneficiary to be included in the National Food Security Yojana. We forwarded her documents & a letter to the District Magistrate & Collector, Cuttack requesting to provide ration card to the applicant. Due to our intervention the Supply Inspector and Line Department made an enquiry, followed the procedure and then issued ration card to the applicant.

Upon receiving the application and related documents from the applicant, the Legal Aid Clinic assisted the applicant to provide a lawyer immediately to appear before the Family Court on her behalf to answer the petitioner's claim. We also facilitated the applicant to avail a panel lawyer of DLSA, Cuttack.

The applicant approached the Legal Aid Clinic to include his family in the food security scheme. Previously he had approached the local dealer/leader to get information on how to add his family in the food security scheme and for issuing ration cards. But, the same did not happen. On receipt of application and relevant documents the Legal Aid Clinic approached the Supply Inspector of concerned Block to issue ration cards to the applicant to get ration at subsidized price.

Food Security Scheme

The applicant approached us to include his family in food security scheme and get ration card.

On receipt of application and relevant documents the Legal Aid Clinic approached the Supply Inspector of concerned Block to issue ration card to the beneficiary applicant to get ration at subsidized price.

Ration Card Application

The applicant is a woman aged about 29 years. The applicant's family is getting subsidized food grains under the food security scheme and a ration card has been issued to her family. In the family ration card, the applicant's name was not included so she was not given the ration, so the applicant approached the Legal Aid Clinic to assist her for inclusion of her name in the household ration card.

After receiving application and related documents from the applicant, the Legal Aid Clinic referred the matter to the BDO, Tangi requesting the inclusion of the name of the applicant in her household ration card as she was an eligible beneficiary. The matter is under process.

## LEGAL AID CLINIC



Legal Aid Clinic of NLUO was inaugurated by Hon'ble Chief Justice of Odisha High Court Mohammad Rafiq on 24th June, 2020. Other dignitaries included Executive Chairperson of Odisha Legal Aid Services Hon'ble Kumari Justice Sanju Panda, other Honourable Judges of the High Court of Odisha, Vice Chancellor Prof. Srikrishna Deva Rao, Registrar Prof. Yogesh Pratap Singh.

The students of Legal Aid Society will work in corporation with District Legal Services Authority to provide legal relief easily accessible to the underprivileged sections of our society. The Clinic will be providing prelitigation to resolve the disputes.

## The Way Forward

The Legal Aid Clinics receive maximum applications with respect to deprivation to get benefit out of social security schemes. In such cases the Legal Aid Clinics refer the cases to appropriate authorities; follow up action is being taken by the Legal Aid Clinic but it takes a very long time to provide relief to the victims or applicant. There may be particular reasons with the appropriate justice delivery authorities or institutions /administrative institutions or personnel to redress the grievances of the applicants. We hope to organise talks and sessions to understand and mitigate the delay factors to redress the grievances of the victims by taking guidance from the concerned institutions themselves.

In number of cases the Legal Aid Clinic facilitates dispute resolution in the community in the matters of matrimonial disputes, other family disputes or dispute between husband and wife and their in-laws etc. In few cases the Legal Aid Clinic try to settle the dispute at clinic level and in some cases refer the cases to appropriate authorities. With respect to counselling the Legal Aid Clinics have no qualified counsellor so to encourage alternative dispute resolution for out of court settlement of family disputes it requires a set of qualified counsellors. We hope that in the year 2022 we get the help of professional counsellors to aid our applicants.

We are really glad to have run the clinic for a year since its inauguration. The objective of establishing the clinic has been fulfilled with some of the cases getting resolved successfully. However, the student members of the society apart from managing the affairs of the clinic are yet to connect with the on-field work of the cases due to the online mode. Resuming to offline mode will bring opportunities to carry out the operations of the clinic more effectively and efficiently. We are hoping that we will be able to provide legal aid in all aspects to make a better future.



## Acknowledgements



The clinics are the pride of Legal Aid Society as well as that of the university. So, we find it imperative to convey our heartfelt gratitude to those people without whom we would never have reached this far. First among them being our Vice Chancellor, Prof. Ved Kumari, whose continuous encouragement keeps us motivated. A big thankyou to our faculty advisors, Dr. Kuntirani Padhan and Ms. Nikita Pattajoshi, for being our guiding lights. Mr. Durbadala Mantry, the program associate of Legal Aid Clinic has been the backbone and biggest support system to the clinic as well as the society, we would like to convey our gratitude to him. Finally we would like to thank the faculties and students of the university for their immense support.

We thank you for your continued support in our efforts.

## Contact

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