

QUARTERLY NEWSLETTER

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ONE DAY TRAINING PROGRAMME ON HOW TO CONDUCT MEDIATIONS THROUGH ONLINE/VIRTUAL MODE

A One Day Training Programme on “How to conduct Mediations through Online/Virtual Mode” for the Advocate Mediators of Sikkim was conducted on 07th August, 2021 through virtual mode by the Sikkim State Legal Services Authority under the direction of Hon’ble Mrs. Justice Meenakshi Madan Rai, Judge, High Court of Sikkim and Executive Chairperson, Sikkim SLSA who is also the Hon’ble Judge-in-Charge of the Mediation Monitoring Committee and in coordination with Mediation and Conciliation Project Committee, Supreme Court of India.

The purpose of the training was to ensure that Mediation continued during the Pandemic duly complying with Covid-19 protocols.

Ms. Pusshp Gupta, Trainer, Mediation and Conciliation Project Committee, Supreme Court of India, New Delhi was the Resource Person for the said training programme.

The virtual training programme was attended by officers and staff of the Sikkim State Legal Services Authority and the Advocate Mediators.

The topics discussed were (i) Definition of Mediation (ii) Facilitate the Technical Aspect to guide the Parties (iii) Encouragement of Dialogue with the Parties (iv) Summarize (v) Reflect (vi) Reframe (vii) Paraphrase (viii) Acknowledge (ix) Full transmission (x) Impartiality (xi) Building Rapport/Trust (xii) Physical Appearance (xiii) Proper Visibility of Cameras and Audibility of Microphones (xiv) Working and Requirements of Online Mediation such as Technical Devices and Proper Internet (xv) Benefits of Online Mediation such as Time Saver, Economical, Safety of Parties etc.

The Welcome address was delivered by Mr. Sonam Palden Bhutia, Member Secretary, Sikkim SLSA while the Vote of Thanks were proposed by Mr. Praveen Pradhan, Under Secretary, Sikkim State Legal Services Authority and In-charge/Secretary of Mediation Monitoring Committee.

Mrs. Mezivolu T. Therieh, Member Secretary, Mediation and Conciliation Project Committee also addressed the gathering wherein she had appreciated the initiative taken by Sikkim SLSA under the guidance of the Hon'ble Executive Chairperson.

33 Advocate Mediators (East: 21, North: 01, South: 10 & West: 01) from all the four districts attended the said programme via virtual mode.

INDEPENDENCE DAY CELEBRATION

Sikkim State Legal Services Authority celebrated Independence Day in its office premises at Development Area, Gangtok on 15th August, 2021. The National Flag was hoisted by Hon'ble Mrs. Justice Meenakshi Madan Rai, Judge, High Court of Sikkim and Executive Chairperson, Sikkim SLSA followed by National Anthem.

The programme was attended by Judicial Officers, Ex-Officio Members of Sikkim SLSA, Other Members, Panel Advocates, Officers and staff of Sikkim SLSA.

MEETING WITH THE DEPUTY SUPERINTENDENT OF POST OFFICE, GANGTOK AND THE OFFICERS OF SIKKIM SLSA

A meeting was held on 2nd of September, 2021 (Thursday) at 11:00 a.m. in the Conference Hall of Sikkim SLSA, Gangtok to discuss the direction received from NALSA vide letter bearing F.No.L/05/2021/NALSA dated 26th August, 2021 pertaining to the *“Collaboration with Post Officers under the Department of Posts, Ministry of Communication, Government of India regarding spreading awareness about the free legal aid services to the common citizens of the country”*.

The meeting was attended by:

1. Shri Sonam Palden Bhutia,
Member Secretary,
Sikkim SLSA.
2. Shri Saroj Nembang,
Deputy Superintendent of Post Office,
Gangtok.
3. Shri Bikash Sharma,
Deputy Secretary,
Sikkim SLSA.
4. Shri Praveen Pradhan,
Under Secretary,
Sikkim SLSA.
5. Shri Sanjay Yonzon,
Accounts Officer,
Sikkim SLSA.

The following Agenda Items were discussed:

AGENDA

- Agenda Item No. 1:** To discuss the direction received from NALSA vide letter bearing F.No.L/05/2021/NALSA dated 26th August, 2021 pertaining to the *“Collaboration with Post Officers under the Department of Posts, Ministry of Communication, Government of India regarding spreading awareness about the free legal aid services to the common citizens of the country”*
- Agenda Item No. 2:** Any other item(s)

SENSITIZATION CUM-TRAINING PROGRAMME FOR THE POLICE OFFICERS

Under the directions of Hon'ble Justice Meenakshi Madan Rai, Judge, High Court of Sikkim and Executive Chairperson, Sikkim SLSA and in pursuance to the directions of Supreme Court of India contained in Re:Inhuman Conditions in 1382 Prisons Writ Petition(s) (Civil) no(s). 406/2013, a sensitization programme on the functions, duties and responsibilities and also the rights of prisoners was organized by Sikkim State Legal Services Authority for the Senior

Police Officers of State Central Prison, Rongyek, East Sikkim and District Prison, Boomtar, South Sikkim along with Additional Superintendent of Police and Sub-Divisional Police Officers of all the four (04) Districts of the State via virtual mode on 3rd September, 2021.

Shri Rupak Kumar, Additional Inspector General, Jail and Correctional Services, Bihar was the Resource Person for the programme.

26 (twenty six) officers comprising of District Additional Superintendents of Police and Sub-Divisional Police Officers from all the four Districts including State Central Prison, Rongyek, East Sikkim and District Prison, Boomtar, South Sikkim were trained and sensitized during the said programme.

Shri Sonam Palden Bhutia, Member Secretary of Sikkim SLSA in his welcome address delineated the purpose of conducting the sensitization-cum-training programme for the Police Officers of the State.

The vote of thanks was proposed by Shri Bikash Sharma, Deputy Secretary, Sikkim SLSA.

TRAINING PROGRAMME FOR THE PERSONNEL OF HEAD POST OFFICE AND SUB-POST OFFICES

Under the directions of Hon'ble Justice Meenakshi Madan Rai, Judge, High Court of Sikkim and Executive Chairperson, Sikkim SLSA and direction received from NALSA pertaining to the *“Collaboration with Post Officers under the Department of Posts, Ministry of Communication, Government of India regarding spreading awareness about the free legal aid services to the common citizens of the country”*.

Shri Sonam Palden Bhutia, Member Secretary, Sikkim SLSA was the Resource Person for the training programme.

The participants were trained on downloading of Legal Aid application form through NALSA's legal services mobile app, awareness on free legal aid and basic application forms to be forwarded to concerned SLSAs/DLSAs/TLSCs.

13 (thirteen) officers comprising of Inspector of Posts, Marketing Executive, Postman and Postal Assistant were trained during the programme.

The welcome address as well as the vote of thanks was given by Shri Bikash Sharma, Deputy Secretary, Sikkim SLSA.

MEETING OF THE HIGH POWERED COMMITTEE

Three (03) meetings of the High Powered Committee under the chairmanship of Hon'ble Justice Meenakshi Madan Rai, Judge, High Court of Sikkim and Executive Chairperson, Sikkim SLSA/Chairman, High Powered Committee were held via Video-Conferencing during the quarter July-September, 2021, the details of which are as follows:

3rd July, 2021:

The meeting was attended by:

1. Mr. Ravindra Telang,
Principal Secretary (IAS),
Government of Sikkim/
Member, High Powered Committee.
2. Mrs. Cheden P. Ladingpa,
Special Secretary,
Home Department,
Government of Sikkim/
Member, High Powered Committee.
3. Mr. Sharab Tonyot,
Deputy Inspector General of Police (Prison)/
Member, High Powered Committee.
4. Mr. Bijoy Subba,
Assistant Superintendent of Police (Prison).
5. Mr. S.P. Bhutia,
Member Secretary, Sikkim SLSA.
6. Mr. Yadav Krishna Sharma,
Joint Director (Confidential),
Home Department.

7. Mr. Renu Raj Chettri,
Additional Superintendent of Police (Prison),
State Central Prison, Rongyek, East Sikkim.
8. Mr. Yogesh Gurung,
Law Officer, Home Department.

The following agenda items were discussed during the said meeting:

- i. To discuss the total holding capacity of the State Central Prison, Rongyek, East Sikkim and District Prison, Boomtar, South Sikkim.
- ii. What are the Prison specific readiness and response to contain the spread of the Covid-19 Pandemic in both Prisons.
- iii. To consider the medical facilities available, sanitization, sanitizers and supply of masks to the Prisoners in both Prisons.
- iv. To consider interaction of Prisoners with Visitors, only through Video Calling.
- v. To consider the total number of Under Trial Prisoners and Convicts in State Central Prison, Rongyek, East Sikkim, the total number of Under Trial Prisoners in District Prison, Boomtar, Namchi, South Sikkim and whether both the Prisons are presently over-crowded.
- vi. To consider the categorization of Under Trial Prisoners on the basis of the offences that they are booked under, severity of offences charged with the minimum imprisonment prescribed.
- vii. To consider the stage of trial of the Under Trial Prisoners in both Prisons.
- viii. To consider the release of Convicts on furlough and remission, as per the Sikkim Prison Manual.
- ix. To consider the vaccination position of the Under Trial Prisoners in both Prisons and both Prisons and the Convicts in State Central Prison, Rongyek, East Sikkim.

8th July, 2021:

The meeting was attended by:

1. Mr. Ravindra Telang,
Principal Secretary (IAS),
Government of Sikkim/
Member, High Powered Committee.
2. Mrs. Cheden P. Ladingpa,
Special Secretary,
Home Department,
Government of Sikkim/
Member, High Powered Committee.

3. Mr. Sharab Tonyot,
Deputy Inspector General of Police (Prison)/
Member, High Powered Committee.
4. Mr. K.L. Tenzing,
Senior Superintendent of Police (Prison), Namchi/
Member, High Powered Committee.
5. Mr. S.P. Bhutia,
Member Secretary, Sikkim SLSA.
6. Mr. Yadav Krishna Sharma,
Joint Director (Confidential),
Home Department.
7. Mr. Renu Raj Chettri,
Additional Superintendent of Police (Prison),
State Central Prison, Rongyek, East Sikkim.
8. Mr. Bijoy Subba,
Assistant Superintendent of Police,
District Prison, Boomtar, South Sikkim.
9. Mr. Yogesh Gurung,
Law Officer, Home Department.

Also in attendance were Shri Prajwal Khatiwada, District & Sessions Judge (East)/Judge, Special Court (SADA), East Sikkim and Shri Jiwan Kumar Kharka, District & Sessions Judge (South)/Judge, Special Court (SADA), South Sikkim who were invited as Guests to the Meeting.

The following agenda items were discussed during the said meeting:

- i. To consider identification and recommend release of prisoners on interim or regular bail.
- ii. To consider issuance of direction to Prison Authorities and remission Board to consider the release of prisoners who are eligible for remission in terms of Section 432 and Section 433A of the Code of Criminal Procedure.

25th September, 2021:

The meeting was attended by:

1. Mr. Ravindra Telang,
Principal Secretary (IAS),
Government of Sikkim/
Member, High Powered Committee.
2. Mrs. Cheden P. Ladingpa,

Special Secretary,
Home Department,
Government of Sikkim/
Member, High Powered Committee.

3. Mr. Sharab Tonyot,
Deputy Inspector General of Police (Prison)/
Member, High Powered Committee.
4. Mr. K.L. Tenzing,
Senior Superintendent of Police (Prison), Namchi/
Member, High Powered Committee.
5. Mr. S.P. Bhutia,
Member Secretary, Sikkim SLISA.
6. Mr. Yadav Krishna Sharma,
Joint Director (Confidential),
Home Department.
7. Mr. Renu Raj Chettri,
Additional Superintendent of Police (Prison),
State Central Prison, Rongyek, East Sikkim.
8. Mr. Prakash Pradhan,
Assistant Superintendent of Police (Prison),
State Central Prison, Rongyek, East Sikkim.
9. Mr. Bijoy Subba,
Assistant Superintendent of Police,
District Prison, Boomtar, South Sikkim.

The following agenda items were discussed during the said meeting:

- a) To consider list of UTPs/Convicts eligible for consideration of Bail;
- b) To consider Convicts u/s 436A CrPC and Convicts who have undergone their sentence or are entitled to release because of remission granted to them.
- c) To consider UTPs released on bail by the Court, but unable to furnish sureties.
- d) To consider UTPs booked under compoundable offences: NIL
- e) To consider UTPs covered under Sections 436 and 436A of the Code of Criminal Procedure, 1973 (for short, the "Cr.P.C."): NIL
- f) To consider UTPs who may be covered under Section 3 of the Probation of Offenders Act, 1958, namely, accused of offence under Sections 379, 380, 381, 404, 420 of the Indian Penal Code (for short, the "IPC") or alleged to be an offence not more than 2 years imprisonment: NIL

- g) To consider UTPs eligible to be released on bail under Section 167 of the Cr.P.C. and u/s 167(2) (a) (i) & (ii) of the Code read with section 36A of the Narcotic Drugs and Psychotropic Substances Act, 1985 (where persons accused of Section 19 or Section 24 or Section 27A or for offences involving commercial quantity) where investigation is not completed in 60/90/180 days: NIL
- h) To consider UTPs who are imprisoned for offences which carry a maximum punishment of 2 years: NIL
- i) To consider UTPs who are sick or infirm and require specialized medical treatment: NIL
- j) To consider UTPs who are women: 01
- k) To consider UTPs who are first time offenders between the ages 19 and 21 and in custody for the offence punishable with less than 7 years of imprisonment and have suffered at least 1/4th of the maximum sentence possible: NIL
- l) To consider UTPs who are of unsound mind: 01
- m) To consider UTPs eligible for release under Section 437(6) of the Cr.P.C, wherein in a case triable by a Magistrate, the trial of a person accused of any non-bailable offence has not been concluded within a period of 60 days from the first date fixed for taking evidence in the case: NIL
- n) To consider UTPs detained under Sections 107, 108,109,151 of the Cr.P.C.: NIL

TRAINING PROGRAMMES FOR PANEL ADVOCATES

Under the direction of Hon'ble Mrs. Justice Meenakshi Madan Rai, Judge, High Court of Sikkim & Executive Chairperson, Sikkim SLSA, training programmes are being conducted by Sikkim SLSA every fortnightly through webinar for the Panel Lawyers (upto 12 years of practice).

Five (05) training programmes were conducted via virtual mode during the quarter July-September, 2021 are as follows:

Sl. No.	Date	Topic	Resource Person	Number of Participants
1.	24.07.2021	Drafting and Pleading	Shri A. Moulik, Sr. Advocate, High Court of Sikkim	85 (East:52, North: 02, South: 12 & West: 16)
2.	07.08.2021	Examination & Cross Examination of Witnesses, Chapter X of the Indian Evidence Act	Shri N. Rai, Sr. Advocate, High Court of Sikkim	40 (East:24, North: 01, South: 05 & West: 10)
3.	21.08.2021	Importance of Section 27 and 32 of Indian Evidence Act, 1872 with Case Laws	Shri N. Rai, Sr. Advocate, High Court of Sikkim	47 (East:30, North: 01, South: 04 & West: 12)
4.	04.09.2021	(i) Role of Advocate in Family Court Matters (ii) Section 11, 12 & 13 of the Family Courts Act, 1984 with Case Laws	Shri U.P. Sharma, Panel Advocate, Sikkim SLSA	53 (East:35, North: 01, South: 05 & West: 12)
5.	18.09.2021	Sections 9,10 & 13B of Hindu Marriage Act, 1955 with Case Laws	Shri U.P. Sharma, Panel Advocate, Sikkim SLSA	54 (East:36, North: 01, South: 05 & West: 12)

OTHER ACTIVITIES

HIGH COURT LOK ADALAT:

S.No.	Date	Presided over by	Cases taken up	Cases Disposed of
1.	09.07.2021	Hon'ble Mr. Justice A.P. Subba, former Judge, High Court of Sikkim along with Mr. Kiran Kumar Rasaily and Ms. Basanti Rai as "Other Persons"	02	NIL
2.	06.08.2021	Hon'ble Mr. Justice A.P. Subba, former Judge, High Court of Sikkim along with Mr. G.P. Pradhan and Ms. Yangchen Ladingpa as "Other Persons"	02	01
3.	11.08.2021	Hon'ble Mr. Justice A.P. Subba, former Judge, High Court of Sikkim along with Mr. Kiran Kr. Rasaily and Ms. Yangchen Ladingpa as "Other Persons"	02	01
4.	13.08.2021	Hon'ble Mr. Justice A.P. Subba, former Judge, High Court of Sikkim along with Mr. Kiran Kr. Rasaily and Ms. Basanti Rai as "Other Persons"	02	NIL
5.	25.08.2021	Hon'ble Mr. Justice A.P. Subba, former Judge, High Court of Sikkim along with Mr. Kiran Kr. Rasaily and Mr. G.P. Pradhan as "Other Persons"	02	NIL
6.	11.09.2021	Hon'ble Mr. Justice A.P. Subba, former Judge, High Court of Sikkim along with Mrs. Yangchen Ladingpa and Ms. Basanti Rai as "Other Persons"	01	NIL
7.	14.09.2021	Hon'ble Mr. Justice A.P. Subba, former Judge, High Court of Sikkim along with Mr. G.P. Pradhan and Ms. Basanti Rai as "Other Persons"	02	NIL
8.	23.09.2021	Hon'ble Mr. Justice A.P. Subba, former Judge, High Court of Sikkim along with Mr. Kiran Kr. Rasaily and Mr. G.P. Pradhan as "Other Persons"	03	01

**REGULAR LOK ADALAT AT THE DISTRICT AND TALUK LEVEL DURING THE
QUARTER JULY TO SEPTEMBER, 2021**

DISTRICT LOK ADALAT (EAST) AT GANGTOK

No. of Lok Adalat held	Previous Pending	No. of cases received	Total	No. of cases settled	No. of cases returned	No. of cases pending
14	58	104	162	109	13	40

DISTRICT LOK ADALAT (WEST) AT GYALSHING

No. of Lok Adalat held	Previous Pending	No. of cases received	Total	No. of cases settled	No. of cases returned	No. of cases pending
NIL	NIL	02	02	01	NIL	01

DISTRICT LOK ADALAT (SOUTH) AT NAMCHI

No. of Lok Adalat held	Previous Pending	No. of cases received	Total	No. of cases settled	No. of cases returned	No. of cases pending
11	03	54	57	33	21	03

TALUK LOK ADALAT (NORTH) AT MANGAN

No. of Lok Adalat held	Previous Pending	No. of cases received	Total	No. of cases settled	No. of cases returned	No. of cases pending
NIL	NIL	NIL	NIL	NIL	NIL	NIL

TALUK LOK ADALAT (NORTH) AT CHUNGTHANG

No. of Lok Adalat held	Previous Pending	No. of cases received	Total	No. of cases settled	No. of cases returned	No. of cases pending
01	NIL	01	01	01	NIL	NIL

TALUK LOK ADALAT (SOUTH) AT NAMCHI

No. of Lok Adalat held	Previous Pending	No. of cases received	Total	No. of cases settled	No. of cases returned	No. of cases pending
09	02	53	55	15	35	05

TALUK LOK ADALAT (WEST) AT GYALSHING

No. of Lok Adalat held	Previous Pending	No. of cases received	Total	No. of cases settled	No. of cases returned	No. of cases pending
05	01	20	21	18	01	02

TALUK LOK ADALAT (WEST) AT SORENG

No. of Lok Adalat held	Previous Pending	No. of cases received	Total	No. of cases settled	No. of cases returned	No. of cases pending
05	05	02	07	05	NIL	02

LEGAL AID

Legal aid was provided to **350** beneficiaries by the Sikkim State Legal Services Authority during the quarter July to September, 2021.

Categories of beneficiaries are as under:

QUARTER	S.C.	S.T.	WOMEN	CHILD	UNDER TRIAL/DETAINED BY CUSTODY	GENERAL	DISABLED	SENIOR CITIZEN	TOTAL
July to September, 2021	14	46	139	12	103	21	Nil	15	350

NATIONAL LOK ADALAT :

National Lok Adalat was held on **10.07.2021** wherein out of **26 cases** that were taken up, **23 cases** have been settled and a total amount of **Rs. 27,01,300/- only** was awarded.

Details of cases taken up and disposed of are as follows:

(i) **Court of District & Sessions Judge, Special Division- I & II, East at Gangtok:**

No. of cases taken up	:	11
No. of cases settled	:	10
Amount Awarded	:	Rs. 24,60,000/-

(ii) **Court of District & Sessions Judge, South at Namchi:**

No. of cases taken up	:	6
No. of cases settled	:	6
Amount Awarded	:	Rs. 1,67,000/-

(iii) **Court of Chief Judicial Magistrate, East at Gangtok:**

No. of cases taken up	:	01
No. of cases settled	:	Nil
Amount Awarded	:	Nil

(iv) **Court of Civil Judge-cum-Judicial Magistrate, East at Gangtok:**

No. of cases taken up	:	01
No. of cases settled	:	Nil
Amount Awarded	:	Nil

(v) **Court of Civil Judge-cum-Judicial Magistrate, West at Gyalshing:**

No. of cases taken up	:	06
No. of cases settled	:	06
Amount Awarded	:	Rs. 64,300/-

(vi) **Court of Civil Judge-cum-Judicial Magistrate, West at Soreng:**

No. of cases taken up	:	01
No. of cases settled	:	01
Amount Awarded	:	Rs. 10,000/-

National Lok Adalat was held on **11.09.2021** wherein out of **41 cases** that were taken up, **26 cases** have been settled and a total amount of **Rs. 14,46,961/- only** was awarded.

Details of cases taken up and disposed of are as follows:

(i) **High Court Lok Adalat**

No. of cases taken up	:	01
No. of cases settled	:	NIL
Amount Awarded	:	NIL

(ii) Court of Lok Adalat Judge, East at Gangtok:

No. of cases taken up	:	08
No. of cases settled	:	05
Amount Awarded	:	Rs. 6,66,000/-

(iii) Court of Chief Judicial Magistrate-cum-Civil Judge, East at Gangtok:

No. of cases taken up	:	03
No. of cases settled	:	01
Amount Awarded	:	NIL

(iv) Court of Civil Judge-cum- Judicial Magistrate, East at Gangtok:

No. of cases taken up	:	04
No. of cases settled	:	01
Amount Awarded	:	Rs. 2,05,261/-

(v) Court of District & Sessions Judge, South at Namchi:

No. of cases taken up	:	14
No. of cases settled	:	10
Amount Awarded	:	Rs. 5,07,300/-

(vi) Court of Sr. Civil Judge-cum-Judicial Magistrate, South at Namchi:

No. of cases taken up	:	07
No. of cases settled	:	07
Amount Awarded	:	Rs. 1,27,700/-

(vii) Court of Civil Judge-cum-Judicial Magistrate, West at Gyalshing:

No. of cases taken up	:	04
No. of cases settled	:	02
Amount Awarded	:	Rs. 5,000/-

**CASES BEFORE THE MEDIATION CENTRES, EAST DISTRICT AT GANGTOK,
SOUTH DISTRICT AT NAMCHI, WEST DISTRICT AT GYALSHING AND NORTH
DISTRICT AT MANGAN FROM JULY TO SEPTEMBER, 2021**

CENTRE	NO. OF MEDIATIONS HELD	NO. OF CASES TAKEN UP	NO. OF CASES SETTLED	NO. OF CASES RETURNED	NO. OF CASES PENDING
Mediation Centre (East) at District Court Complex, Sichey, East Sikkim	17	27	02	04	21
Mediation Centre (South) at District Court Complex, Namchi, South Sikkim	14	08	02	02	04
Mediation Centre (West) at Civil Court Complex, Gyalshing, West Sikkim	67	34	15	07	12
Mediation Centre (North) at Pentok, Mangan, North Sikkim	Nil	Nil	Nil	Nil	Nil

OTHER LEGAL AWARENESS PROGRAMMES

CONDUCTED BY	DATE	VENUE	Name of the Programme
DLSA, North at Mangan	23.08.2021	Chandey	MICRO Legal Literacy Programme on POCSO Act, 2012, Sikkim Compensation to Victims and his Dependents Scheme, Protection of Women from Domestic Violence Act, 2005.
<p>Apart from legal awareness programmes, Sikkim SLSA has published pamphlets on “Mental Health and the COVID-19 Pandemic” and “Emergency Contact Number for Women in Distress in Sikkim” have been published by Sikkim SLSA and the same has been distributed to Health & Family Welfare Department, Central Referral Hospital, Manipal, District Legal Services Authorities, Member Secretaries of all the State Legal Services Authorities, Sikkim Judicial Academy, Social Justice & Welfare Department and Anti-Human Trafficking Unit, Police Headquarters, Gangtok as well posted in the official Facebook page of Sikkim SLSA.</p>			