

VICE PRESIDENT ADVOCATES SUPREME COURT BENCHES IN DIFFERENT REGIONS TO TAKE JUDICIARY CLOSER TO PEOPLE;

Relevant for: Indian Polity | Topic: Judiciary in India: its Structure, Organization & Functioning, Judges of SC & High Courts, Judgments and related Issues

Vice President's Secretariat

Vice President advocates Supreme Court Benches in different regions to take judiciary closer to people;

VP suggests setting up Special Tribunals to try election petitions and criminal cases against MPs and MLAs;

VP calls for revisiting 10th Schedule of the Constitution to expedite defection cases and make the law more effective;

Asks Media to be a dispassionate watchdog and honest messenger;

VP Calls upon political parties to evolve code of conduct for their elected representatives at all levels;

VP advocates 5 Ds—Discuss, Debate, Decide, Decentralize & Deliver;

Addresses gathering at the release of book chronicling two years in office of the Vice President

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The Vice President of India, Shri M. Venkaiah Naidu has advocated the need to set up Supreme Court benches in different regions in the country, including one at Chennai, to bring the judicial system closer to people.

Concurring with the recommendation of the Parliamentary Standing Committee on Law and Justice to have separate benches in different regions, the Vice President said “I think it is high time we had more benches because in a country as vast as India the litigants have to travel long distances and spend a huge amount of money and energy”.

Shri Naidu made the observations while addressing the gathering at the launch of a book chronicling his two years in office titled 'Listening, Learning and Leading' by Union Home Minister, Shri Amit Shah, in Chennai today.

It was not only the legislature and the executive that should become more responsive to people, the judicial processes must become more people-friendly, the Vice President stressed.

Emphasising the urgency to decide election petitions and criminal cases against sitting MPs and MLAs in a time-bound manner, he said, it has been found that election petitions and criminal cases were not decided even for the entire term of the legislators defeating the very purpose of the election laws.

Calling for expeditious decisions by the Chairpersons of Legislative bodies in cases involving disqualification of members defecting to other parties, Shri Naidu observed that the anti-defection law was not being implemented in letter and spirit.

The Vice President said because of the inaction of the Speaker or Chairman the legislators not only continue in the new party but also become Ministers in a few cases. "This kind of travesty of justice should not be tolerated", he emphasized and said that delay in such cases would erode public confidence in the judicial and legislative bodies.

Suggesting special judicial tribunals to decide such cases in a reasonable time of six months or one year, the Vice President called for revisiting the 10th Schedule of the Constitution, containing anti-defection provisions, to ensure a time bound disposal of such cases and make it more effective by plugging loopholes.

Shri Naidu also referred to the figures mentioned by the Chief Justice of India recently about heavy pendency of cases in various courts and said "apparently, there are nearly 60,000 cases pending in the Supreme Court and nearly 44 lakh cases in the High Courts. We need to take action to reduce this heavy pendency. Justice delayed, as is often said, is justice denied", he added.

The Vice President said the law enforcement machinery and the justice dispensing structures must be accessible, credible, equitable and transparently even-handed.

Expressing his happiness over the decision of the government to increase the number of judges in the Supreme Court by 10 per cent, the Vice President said that a number of civil and criminal cases have been pending for over 25 years and wanted the Supreme Court to have two divisions-- one dealing with Constitutional matters and another with appeals.

He said the proposal for two divisions merits serious consideration "because it would enable the Supreme Court to devote more time to Constitutional issues and make it more accessible to common people".

Shri Naidu said the procedure for appointment of judges might also have to be revisited and a credible, transparent process instituted which will steer clear of avoidable controversies.

Urging Parliamentarians to refrain from dysfunctional behaviour, the Vice President urged political parties to adopt a code of conduct for legislators and other elected representatives.

Stating that media - the fourth estate, also plays an important role in shaping public discourse, enhancing accountability of the government and providing news and views on various events around the world, he said "a free and vibrant media keeps democracy alive and can enrich the

quality of life of people through information, education, entertainment and insightful analysis”.

Cautioning against unauthentic media posts, he said there was a need for need media literacy to identify fake news, biased analysis and material intended to promote hatred, division and discontent.

Shri Naidu said “the media should be a dispassionate watchdog and an honest messenger. Media should be the catalyst of positive change and be the voice of the voiceless. It should question and seek answers and present even ugly truths in such a manner that social transformation occurs in positive direction. It should also help build public awareness and motivate people to join societal movements for cleanliness, health, hygiene and education.

Referring to the untapped demographic dividend and the fundamentally sound Indian economy that was growing faster than the economies of most other countries, he said the circumstances were excellent to transform our country and called for focussing on five Ds - ‘Discuss, Debate, Decide, Decentralize and Deliver. “This can transform the quality of our polity”, he added.

The Governor of Tamil Nadu, Shri Banwarilal Purohit, the Union Minister for Home Affairs, Shri Amit Shah, the Union Minister for Environment, Forest & Climate Change and Information & Broadcasting, Shri Prakash Javadekar, the Chief Minister of Tamil Nadu, Shri Edappadi K. Palaniswami, the Deputy Chief Minister of Tamil Nadu, Shri O. Panneerselvam, eminent Agricultural Scientist, Prof. M.S. Swaminathan, former ISRO Chairman, Dr. K. Kasturirangan, veteran journalist and Editor of Tughlak, Shri S. Gurumurthy, the Chairman, Apollo Hospitals Group, Dr. Pratap C. Reddy, Popular Actor, Shri Rajnikanth, the President, Education Promotion Society of India and Founder Chairman of VIT, Dr. G. Viswanathan, All India Badminton Coach, Shri Pullela Gopichand and other dignitaries were present on the occasion.

Following is the text of Vice President's address:

"I am extremely happy to be amidst all of you today, especially with Shri Amti Shah ji, the Hon'ble Home Minister who has so graciously released this chronicle of my engagements over the last two years as the Vice President of India. I am thankful to Shri Prakash Javdekar ji and his team in the Ministry of Information and Broadcasting for bringing out such an attractive compilation. I am happy that Shri Banwarilal Purohit ji, Hon'ble Governor of Tamil Nadu, Shri Edappadi K. Palaniswami, Hon'ble Chief Minister of Tamil Nadu and Shri O. Panneerselvam, Hon'ble Deputy Chief Minister of Tamil Nadu are with us for this event today.

I feel it a privilege to have amidst us on the dais a galaxy of luminaries, Dr. M.S. Swaminathan ji who ushered in green revolution in our country, Dr. Kasturirangan ji, former Director of ISRO and the Chairman of the expert committee that has drafted the New National Policy on Education, Thiru Gurumurthy ji, editor Tughlak is a leading journalist and one of the most reputed financial experts, Dr. Prathap C. Reddy garu, the pioneering founder of India's first corporate chain of hospitals, Dr. G. Vishwanathan ji, Founder and Chancellor VIT and Shri Pullela Gopichand garu, Chief National Coach for the Indian badminton team.

I have learnt a lot from each one of these doyens and continue to learn new things whenever I meet and interact with them.

In fact, the chronicle of events that has just been released has been aptly titled because it reflects my quest to gather new information and gain new insights through interaction with a vast cross section of our population. That's the quest which has enriched me and been the driving force behind my over 330 engagements across the country in the last two years. That's the quest which has helped me grow over the years as I kept meeting thousands of party

functionaries and people from different walks of life in the nook and corners of different States in our country.

As I reflect on what I have seen, heard and experienced as well as analyse the present developments in the country, I am filled with a sense of buoyant but cautious optimism. I would like to share these thoughts with the people of our country. There are so many exciting achievements, and so many ambitious programmes that are putting our country on a new and distinctly faster trajectory. The Prime Minister Modi ji's mantra of "Reform Perform and Transform" has given a new impetus to transformational development of our country. These far reaching and path breaking reforms must be further accelerated.

The country's space programme and the rapid advances made by scientists in the research labs across the country as well as innovations in Information Technology are truly remarkable. I have personally seen the cutting edge research being done by our scientists and I am deeply impressed by their sense of dedication and professional excellence.

I am quite confident that the youth which constitutes over two thirds of our population will shape a new India provided we create the conditions for their success and growth. This is a huge demographic dividend that we can hardly ignore.

Dear Sisters and brothers,

As we step into the 73rd year of independent India in a few days from now, my thoughts go to the quality of our polity. I think it is a moment for us to ponder on the current situation of our three state organs – the legislature, the executive and the judiciary – and see how we can further strengthen these three pillars.

The State legislatures and the Parliament have an important policy making role. They are supposed to make legislations for the betterment of the country and the people, take up and deliberate on issues of public importance and ensure the accountability of the government of the day. While some legislative bodies are functioning well, in many of them there is certainly considerable room for improvement.

There is a general perception that the quality of debates has been declining. Disruptions have become a more common occurrence than before. Acrimony and emotional outbursts have tended to dominate the proceedings.

I have been urging the Parliamentarians to refrain from such dysfunctional behaviour. I have constantly reminded them of their onerous responsibility and unique opportunity to shape public discourse. I hope that all political parties will adopt a code of conduct for their legislators and contribute to policy making through informed decisions.

As I have repeatedly emphasized in my public speeches, I would like legislators across the country to "discuss, debate and decide" not 'disrupt'.

We need legislators who are well informed and well intentioned and capable of articulating a well presented viewpoint, not those who are eager to rush to the well of the House.

We need legislators who realize the dreams of our Constitution makers through enlightened debates and forward looking legislations.

Dear sisters and brothers,

Making laws is only a part of the story. Implementing them is a more crucial aspect of governance.

Designing programmes, funding them, monitoring their implementation and evaluating their outcomes is the crux of good governance.

There should be no gap between policy intent and policy implementation. The intended benefits of a programme must reach the people in time. The quality of service delivery is an area that needs more attention than what is being done today.

How effectively are we able to deliver public services like water, sanitation, power, housing, transport, education, health?

How effectively are we able to provide support to farmers, youth, traders, entrepreneurs and industrialists?

How efficiently are we building durable, world class infrastructure like road, rail and air connectivity and an eco-system for growth and development?

How swiftly and sustainably are we creating conditions for inclusive growth and empowerment of people?

We have to constantly reflect on these questions and find answers through honest evaluation. We have to act promptly and make our delivery systems work better. While a lot of improvement has been made over the years, service delivery remains very often the big missing link in certain areas.

We must ensure that the fruits of democratic governance reach everyone, especially the ones who are at the farthest end of the development spectrum.

Results based management should become the norm.

I am glad that the reforms initiated by Prime Minister Modi are a major step in this direction.

Dear sisters and brothers,

This focus on people and their active participation in national development is the essential foundation of a well functioning democracy like ours. Programmes tend to succeed when people get enthused and participate in the implementation of programmes. I strongly believe that decentralization of powers and responsibility to local bodies needs to be more efficiently implemented as per the Constitutional provisions. Funds, functions and functionaries must be transferred to these institutions. This will bring governance closer to people and enhance its credibility and effectiveness.

Sisters and brothers,

It is not only the legislature and the executive that should become more responsive to people. The judicial processes must become more people-friendly. The law enforcement machinery and the justice dispensing structures must be accessible, credible, equitable and transparently even-handed. There is a lot of ground we have to cover in this regard.

The Chief Justice of India has recently talked about heavy pendency of cases in various courts. Apparently, there are nearly 60,000 cases pending in the Supreme Court and nearly 44 lakh cases in the High Courts. We need to take action to reduce this heavy pendency. Justice delayed, as is often said, is justice denied.

Based on my personal interaction with retired judges and senior advocates, I would like to suggest certain measures to streamline and make justice delivery more effective.

I have been emphasising the urgency to decide certain category of cases that are time bound like the election petitions and criminal cases against sitting MPs and MLAs.

It has been found that election petitions, criminal cases and disqualification proceedings under anti-defection law are not decided even for the entire term of the legislators defeating the very purpose of these laws.

In cases involving disqualification of member of legislature who change parties, the chairperson of the legislative bodies must expeditiously take a decision. Here also, the anti-defection law is not implemented in letter and spirit and because of the inaction of the Speaker or Chairman, the legislators continue in the new party and, in a few cases, even become ministers in the government. This kind of travesty of justice should not be tolerated.

Any delays in these cases erode public confidence in the judicial and legislative bodies.

I would suggest that we should have special judicial tribunals which will decide the cases within a reasonable time of, let us say six months or at the most one year. I would also suggest we revisit the 10th Schedule of our Constitution, containing anti-defection provisions, to ensure a time bound disposal of such cases and make it more effective by plugging loopholes.

We need to bring the judicial system closer to people. Expanding the Supreme Court bench and having separate benches in different regions and at least one in Chennai on trial basis has been suggested by the Parliamentary Standing Committee on Law and Justice. I tend to agree with this recommendation. I think it is high time we had more benches because in a country as vast as India the litigants have to travel long distances and spend a huge amount of money and energy.

It is heartening that the government has enhanced the number of judges in the Supreme Court by 10% but I am afraid it may be still inadequate.

A number of civil and criminal cases have been pending for over 25 years. This makes me think that we need to not only expand the Supreme Court but also divide the work into Constitutional Division and a number of legal divisions or Courts of Appeal. As the Law Commission has suggested, I would like the Supreme Court to have two divisions' one dealing with Constitutional matters and another with appeals. This suggestion merits serious consideration and decision by the Supreme Court as well as the government because it would enable the Supreme Court to devote more time to Constitutional issues and make it more accessible to common people.

The suggestions of the Chief Justice of India to raise the retirement age of high court judges and make tenure appointments to clear the backlog seem to be pragmatic solutions in the current context.

The procedure for appointment of judges may also have to be revisited and a credible, transparent process instituted which will steer clear of avoidable controversies. While the Judiciary didn't quite approve of the National Judicial Commission passed by the parliament and

the system of collegium has not been without certain drawbacks, the appointment of Judges needs to be done through a process which inspires confidence and credibility. The procedures must be simplified and the proceedings should be, by and large, conducted in the language understood by common people in a particular state.

What is required is “de-mystification” of processes.

Legal literacy and legal aid will bridge the current gap between the judicial system and people.

It is generally noticed that an efficient, transparent, accessible and affordable judicial system is a key touchstone of good governance which can improve ease of business as well as ease of living.

Dear sisters and brothers,

In addition to the three pillars of our polity, we also have the fourth estate, the media, which plays an important role in shaping public discourse, enhancing accountability of the government and providing news and views on various events around the world. A free and vibrant media keeps democracy alive and can enrich the quality of life of people through information, education, entertainment and insightful analysis.

The technological advances in recent years have brought in unprecedented changes in the media landscape. Social media along with the traditional press and the TV are having a profound influence on our lives and lifestyles, on our work and relationships. Like everything else in life, this transformation has the good, bad and the ugly side to it.

What we need to guard against today is to take all media posts as authentic. We need media literacy and an ability to identify the fake news, biased analysis and material that is intended to promote hatred, division and discontent.

The media should be a dispassionate watchdog, an honest messenger, a friendly adviser and a wholesome entertainer. This is the ideal we must aim to achieve. Media should also like other organs of governance be more accountable for the authenticity and objectivity of the content.

Media should be the catalyst of positive change and be the voice of the voiceless. It should combine information with confirmation that is considered to be more powerful than ammunition. It should question and seek answers and present even ugly truths in such a manner that social transformation occurs in positive direction. It should help build public awareness and motivate people to join societal movements for cleanliness, health, hygiene and education.

Dear sisters and brothers,

I have dwelt at length on the foundations of our governance system. We are proud inheritors of an ancient civilization that had an excellent governance system based on sound theoretical and philosophic basis.

We have rebuilt this edifice on new, solid foundation in 1947. We have struggled hard through 72 years to shape India as a vibrant democracy. We have done reasonably well.

But this is not a moment to be complacent, to be smug and rest on past or present laurels. We must constantly strive to be better than the best.

As the ancient sages had exhorted us, *charaiveti, charaiveti*. We must move on and move forward.

We should focus on the five 'D's I have already mentioned:

'Discuss, Debate, Decide, Decentralize and Deliver'. This can transform the quality of our polity.

And we have an excellent set of circumstances to transform our country. We are a young, aspirational India. An untapped demographic dividend, a fundamentally sound economy that is growing faster than most of the other countries, a pool of front ranking individuals and a strong leadership at all levels.

If we can combine our collective competence for common good, we can easily achieve the mission we have set for ourselves.

We can not only be a 5 trillion dollar economy but also a more vibrant democracy based on our civilizational values of tolerance, inclusion and harmony.

We should tap into our enormous resources both human and material.

We should incorporate values and ethics into the education system.

We should preserve the best aspects of our rich cultural heritage and propagate it. India has a rich linguistic diversity and literary heritage. I have been repeatedly suggesting that children should have an opportunity to study in their mother tongue at least up to the primary stage. This will enable Indian languages to be preserved and children will strengthen their foundational and cognitive abilities.

As we shape our future, we must certainly focus on making agriculture more remunerative and sustainable. The central and state governments must work together to provide inputs, implements, insurance, credit, warehousing and marketing in an integrated manner. Diversification of crops, supplementation of farmers' incomes through activities like dairy, poultry, agro forestry and aquaculture as well as value addition through food processing will address the twin issues of ensuring home grown food security and hidden hunger.

Dear sisters and brothers,

We should keep our feet and ears to the ground, listen to different voices and various ideas and learn from the best practices from across the globe.

I am happy that I have had the privilege of listening to and learning from a number of eminent persons as well as youth and farmers, scientists and artists, leaders from around the world.

This book, launched today, captures some glimpses of this journey.

I am happy to be a co-seafarer in this voyage with all my fellow citizens as we sail through known and unknown seas and constantly unveil a new, resurgent, resilient, inclusive and harmonious India.

Let us all work towards a bright future that beckons us.

Jai Hind!"

RR/BK/MS/RK

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