

THE LANGUAGE USED IN THE COURTS SHOULD BE UNDERSTOOD BY THE PETITIONERS WHO ARE SEEKING JUSTICE: VICE PRESIDENT

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Vice President's Secretariat

The language used in the courts should be understood by the petitioners who are seeking justice: Vice President

Courts must make use of innovative tools and Information Technology to ensure speedy justice delivery;

Language of Administration should also be the local language;

Implement Anti Defection law in letter and spirit;

Create special courts for election offences;

Inaugurates the new Allahabad High Court Annex

Posted On: 13 OCT 2018 6:52PM by PIB Delhi

The Vice President of India, Shri M. Venkaiah Naidu has said that the language used in the courts should be understood by the petitioners who are seeking justice. He was addressing the gathering after inaugurating the new building for Allahabad High Court, in Allahabad, Uttar Pradesh today.

The Vice President told the judges and members of the Bar Association that while our Constitution envisages independence of judiciary from the executive, the Legislature and Judiciary should share healthy mutual respect and should complement each other. He reminded the Judges and members of the Bar Association of the crucial historical milestones witnessed by the Allahabad High Court, like the trial of the Chauri Chaura case, the Meerut Conspiracy case and the INA Trials.

The Vice President proclaimed that Judiciary is a key pillar of our democratic polity and suggested that judiciary should strengthen democracy by ensuring speedy justice, even handed justice and justice that is perceived to be entirely fair. He lamented that there was a huge volume of cases pending in Indian courts. He recommended that Courts must make use of innovative tools such as Lok Adalats,

Gram Nyayalays and Fast Track Courts for speedy justice disbursal.

The Vice President advised that the endless possibilities of Information Technology should also be fully exploited to make procedures more transparent and less cumbersome. He underscored the importance of the use of local languages in the procedures of Courts in India for their easy comprehension by the common people.

The Vice President expressed his deep concern at the existence of a large number of unfilled vacancies in the judicial system and expressed hope that the efforts being made by the government to bridge the gap in human resources would bear fruits soon. He acknowledged the dedication of the Judges of the Allahabad High Court who agreed to dispose urgent criminal cases during the vacations.

Applauding the functioning of the National Judicial Data Grid which found place in Ease of Doing Business Report for 2018 for facilitating the enforcement of commercial contracts, the Vice President said that we should avoid delays in judicial litigations and create a robust regulatory architecture to inspire more confidence among investors.

The Vice President spoke about the rise in the number of cyber-crimes which have opened up an all together new dimension in jurisprudence. He added that Cyber-crimes and their ramifications transcend defined jurisdictions and expressed hope that the courts would equip themselves to deal with them. He emphatically spoke about the need to implement Anti Defection law, with sincerity and also fast track disposal of election petitions.

The Vice President also touched upon the need to be cautious about invoking provisions in law that have a bearing on the stature of constitutional and judicial authorities like impeachment proceedings.

The Vice President urged the courts to stand by the truth at all times so that each citizen will feel confident that truth alone would triumph in this country. The Governor of Uttar Pradesh, Shri Ram Naik, the Chief Minister of Uttar Pradesh, Shri Yogi Adithyanath, retired and sitting judges of Allahabad High Court, Judges from Supreme Court and eminent legal luminaries were present on the occasion.

Following is the text of Vice President's address:

"I am pleased to be here in the holy land of 'Prayagraj', the sacred land where three rivers converge and inspire humanity to move towards Dharma. I am thankful for the kind invitation to join you at this historic institution as it completes 150 years of dispensing justice. The occasion reminds me of my distinguished predecessor Shri Gopal Swaroop Pathak ji, who was a Member of both the Bar and the Bench of this Court. I take this opportunity to pay my sincere tributes to his memory.

During the last 150 years, this institution has grown in strength and stature.

The institution which began its journey with just six judges and as many lawyers, has

now grown into the largest such institution in Asia with a sanctioned strength of 160 Judges and over 15000 lawyers.

It has also been an institution where eminent judges have delivered several landmark judgements.

Some of the legal stalwarts of its Bar contributed to the constitutional and political evolution of this country. It was here that Mahamana Malviya ji contested the case to save 155 convicts of Chauri Chaura case from the gallows. It was here that Shri K.N. Katju pleaded the case in favour of convicts of Meerut Conspiracy Case. He and Sir Tej Bahadur Sapru argued for INA soldiers in the celebrated INA Trial.

This High Court is indeed a rich repository of historical moments of our national life. We must preserve these archives as a part of our country's historical and judicial heritage.

Like many legal stalwarts of that time, the legal luminaries of this High Court like Sir Tej Bahadur Sapru, Kailash Nath Katju, Jawaharlal Nehru, made immense contribution in the framing of our Constitution.

Even after independence, this High Court has produced eminent lawyers like Shri Kanhaiyya Lal Mishra, Shri Shanti Bhushan ji, Shri V.B. Upadhyay and many others. Former Chief Justices of India Shri R.S. Pathak and Justice V.N. Khare were members of Bar and the Bench of this High Court. Former Advocates General of the State Shri Virendra Bhatiya ji and Shri Satish Chandra Misra ji who became members of Rajya Sabha made immense contribution to parliamentary debates.

Friends,

Judiciary is a key pillar of our democratic polity. It is meant to be the dispassionate monitor of Constitutional values. It is expected to safeguard the letter and spirit of the Constitution.

I said earlier that this High Court had grown in stature. It is, in fact, an institution that has safeguarded the democratic polity of the country during the most testing times.

In 1975, this Court made the first resolute attempt to purge the polity of electoral malpractices and political corruption. Justice Jagmohan Lal Sinha's judgment was perhaps the first celebrated attempt by judiciary to stem the tide. It was a judgement that had tectonic effect on the political landscape and led to a number of cataclysmic events like the imposition of emergency and curtailment of human rights.

It was a judgement that upheld the rule of law, the spirit of the Constitution and the values which our Constitution makers and freedom fighters had so unwaveringly followed.

It was a moment that restored the faith of all Indians in the independence of the judiciary and rekindled the faith that we can together make the constitution work in

real life.

As a part of my education, I too have studied law. However, influenced by Loknayak Jayprakash Narayan's clarion call for Total Revolution, I chose a legislative career instead of a legal career. In a way, although quite indirectly, I seem to owe my legislative career to this Court because the 1975 judgement of Justice Sinha of this Court had triggered subsequent events in recent Indian history which impacted me.

Friends,

For long, I have been a part of Legislature. It has been my endeavor to restore people's faith in our democratic governance. In my view, judiciary also has a crucial role to play in deepening our democratic roots. It can do so by ensuring speedy justice, even handed justice and justice that is perceived to be entirely fair. Justice delayed is, as they say, justice denied.

I am told that about 3.25 lakh cases are pending in this Court for last more than 10 years.

I am happy to learn that in order to reduce pressure on Courts and to reduce pendency, the Court has encouraged Mediation process and pre-litigation Lok Adalats. Results have been encouraging. Lok Adalats in 2016-17 alone could settle around 11 lakh cases involving around Rs 400 crores. Similarly 7500 cases were settled through Mediation. Similarly, I will suggest that your High Court should make use of Gram Nyayalay scheme for rural areas. This will relieve farmers and villages of hardship and exorbitant cost of litigation.

I am also happy to learn about some of the very progressive initiatives taken by this Court in introducing technology in the Court process by setting up E-Courts. You have also set up a separate Center for Information Technology to digitize records. I suggest that the Members of the Bar and Bench should regularly conduct training and refresher courses for the Members and Staff of the Court. A new Protocol of Digitised Court procedures and record keeping should be developed.

Related to this is also the issue of language. I firmly believe that the language used in the courts should be understood by the petitioners who are seeking justice. The entire process should be in the State language so that the petitioners have the confidence that they will get a fair hearing and treatment. The Article 348 (2) of the Constitution provides for usage of official language of the State in the Court. If you so decide, you must consider digitization in the Official language of the State for the benefit of litigants.

Hon'ble Judges and Distinguished Members of Bar,

As the people expect Courts to deliver expeditious justice, I am quite aware of issue of the large number of vacancies. With a sanctioned strength of 160, this Court has 86 Judges - almost 50% of the strength. There is significant shortage even in the supporting Staff. At the level of Subordinate Courts too there is a vacancy of around

1200 Judicial Officers. However, I am told that the Government of India has been actively engaged in the process of filling up vacancies and during the last 4 years, 351 fresh appointments have been made in the High Courts.

Friends,

Hopefully, we shall soon have all the vacancies filled up. In the meanwhile, however, I would urge you to take measures to expedite disposal of the cases.

I know some efforts are already underway. I acknowledge with appreciation the cooperation of Hon'ble Judges of this Court who responded to the appeal of the Chief Justice and agreed to dispose off urgent criminal cases during the vacations. I also appreciate the cooperation of Members of the Bar in this regard.

Delay in judicial proceedings affects the image of the country. We can further improve on our position in the Ease of Doing Business ranking if we can avoid delays in judicial litigations. Apparently, large amount of money is locked up in long pending tax-related litigations. 95000 tax related cases involving more than Rs 3 lakh crores are pending before High Courts for last 3 years.

However, the Government of India has taken a number of steps for improved justice delivery. The National Judicial Data Grid is a case in point. World Bank praised the National Judicial Data Grid in the Ease of Doing Business Report for 2018, that it made possible to generate case management reports, thereby making it easier to "Enforce Commercial Contracts".

Friends,

India's economy is on a growth path. We are currently among the fastest growing economies in the world. The whole world is now looking towards India as an investment destination. However, we need to ensure that there is a transparent, predictable policy regime and a sound judicial, regulatory system in place.

A robust regulatory architecture gives confidence to investors. Time bound approval of applications and disposal of appeals is absolutely essential.

I am happy to know that Allahabad High Court has established Commercial Courts to settle commercial disputes. This will help in resolving commercial disputes expeditiously.

The Indian society is changing at a fast pace. As the previously marginalized groups like women, dalits exercise their constitutional rights, they are actively seeking social justice. The Legislature has been sensitive to the need to protect the rights of these groups and has provided for resolute action and time-bound disposal of such cases. This legislative intent has to be carried out in practice.

I am happy to learn that in the State you are setting up Fast track Courts in every District to decide the cases against these marginalized sections of our population.

Similarly, the Government of India has also established 727 fast track courts.

Since the integrity of election process is essential for a healthy democracy, it would be ideal if the judiciary can expedite the decisions on Election petitions. If needed, Special Courts could be set up for dealing with the Election petitions.

Cyber-crimes have opened up an all together new dimension in jurisprudence. Cyber-crimes and their ramifications transcend defined jurisdictions. I hope that the Bench and the Bar have already realized the impending danger and equipped themselves accordingly.

Friends,

While our Constitution envisages independence of judiciary from the executive, the Legislature and Judiciary should share healthy mutual respect and should complement each other.

We have inherited a very comprehensive, well drafted Constitution and we are heirs to a rich judicial heritage we can legitimately be proud of.

We must add to the grand tradition, not dilute it or trivialize it.

Persons in high offices live in glass houses.

The society looks upto them as role models and any slip up or slide down is not taken kindly.

The behavior, the speech and the ideas of the leaders are constantly under scrutiny.

We all need to understand that we are not only important functionaries in leadership positions but are also representing important institutions in which people repose their trust.

Judiciary is one of these institutions and all of you have chosen this noble profession of upholding the Constitution, illuminating the path of Dharma and walking the path of righteousness, truth and justice. Each one of you is viewed with awe and expectation by every citizen.

Let us remind ourselves that ours is a country that had a sound judicial system for over two millennia and had set great ideals for judges. As Kautilya says in his Arthashastra;

“Judges shall discharge their duties objectively and impartially so that they may earn the trust and affection of the people”.

That ‘trust’ is crucial.

It is a great honour as well as a tremendous responsibility that is given to higher

judicial officers.

It is a unique opportunity that each of you have to touch the lives of millions of people through your judicial pronouncements.

You have the knowledge of the intricate world of laws.

You have the analytical ability to separate the truth from the untruth.

Combined with the courage to stand by the truth, you can influence the way India and the world moves.

Each citizen should feel that truth alone will triumph.

That's the ideal our ancient sages like Veda Vyasa have set before us when they said "Yato dharmah Thato Jayah" (Victory comes only to those who follow the righteous path).

I thank you for inviting me to share my thoughts with all of you and giving me the privilege of inaugurating this new High Court building.

I wish each one of you a fulfilling career as you shape a new India built on the strong foundation already laid by the legal luminaries who have served humanity in this part of our country over the last 150 years.

Jai Hind!"

AKT/BK/MS/RK

(Release ID: 1549646) Visitor Counter : 206

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