

# CJI CALLS FOR 'INDIANISING' LEGAL SYSTEM

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Catching up: Chief Justice of India N.V. Ramana at an event to pay tribute to the late Justice M.M. Shantanagoudar at the Vidhana Soudha in Bengaluru on Saturday. MURALI KUMAR K.

Chief Justice of India N.V. Ramana on Saturday said the ordinary Indian felt out of place in courts, where proceedings were lengthy, expensive and in English. Besides, judgments were either too long or technical or managed to be both, he said.

The CJI was speaking at an event organised by the Karnataka Bar Council in Bengaluru to pay tribute to the late Justice M.M. Shantanagoudar of the Supreme Court.

He said it was time the courts woke up from their colonial stupor and faced the practical realities of Indian society.

“The need of the hour is Indianisation of our legal system,” Chief Justice Ramana said.

## Simple delivery

Rules and procedures of justice delivery should be made simple. The ordinary, poor and rural Indian should not be scared of judges or the courts or think twice before approaching the courts. “He should be able to speak the truth,” Chief Justice Ramana said.

Instead, multiple barriers continued to thwart the citizen's way to the courts. “The working and the style of courts do not sit well with the complexities of India,” he said.

The systems, practices and rules of courts were foreign and sourced from our colonial days. They did not take care of the practical realities of India.

“When I say Indianisation, I mean the need to adapt to the practical realities of our society and localise our justice delivery systems. For example, parties from a rural place fighting a family dispute are usually made to feel out of place in the court. They do not understand the arguments or pleadings which are mostly in English, a language alien to them. These days judgments have become lengthy, which further complicates the position of litigants. For the parties to understand the implications of a judgment, they are forced to spend more money,” he said.

For whom do the courts function, the CJI asked. For the litigants, who are the “justice seekers”. They are the ultimate beneficiaries, the top judge said.

“The simplification of justice delivery should be our pressing concern. It is crucial to make justice delivery more transparent, accessible and effective. Procedural barriers often undermine access to justice,” the CJI said.

The Chief Justice said both judges and lawyers had to create an environment which was comforting for the litigants and other stakeholders.

## Alternative mechanisms

The CJI said alternative dispute mechanisms such as mediation and conciliation would go a long

way in reducing pendency and unnecessary litigation and save resources.

Chief Justice Ramana quoted former Chief Justice of the U.S. Supreme Court Warren Burger, "The notion that ordinary people want black-robed judges, well-dressed lawyers in fine courtrooms as settings to resolve their disputes is incorrect. People with problems, like people with pains, want relief and they want it as quickly and inexpensively as possible."

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