

FORUM FOR



FAST JUSTICE

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Kuber Bhuvan, Bajaj Road, Vile Parle (West), Mumbai - 400 056.
Tel : 2297 2942 Tel Fax : 2614 8872
E - mail : fastjustice@gmail.com Website: www.fastjustice.org

JUDGES ON JUDICIARY

1. People cannot afford to wait for 25 long years to get justice. There is a limit of tolerance beyond which it would be disastrous to push our people. **Justice Bhagwati, former Chief Justice of India on 7th May 1976.**
2. If we want to save the nation, the democracy with lofty ideals, the judiciary must be saved. **Justice R.C.Lahoti, former Chief Justice of India, Dec. 2007 in Mumbai.**
3. 300 years to clear court backlog: **Chief Justice of Orissa High Court – Times of India 17.11.2008**
4. 320 years to clear backlog: **AP Judge – Times of India 7.3.2010.**
5. Delhi High Court will take 466 years to clear backlog: **A.P.Shah, Chief Justice Delhi High Court and current Chairman, Law Commission of India – DNA 14.2.2009.**

HON'BLE JUDGES, MPS, GOVERNMENTS, LAWYERS, NGOS, CORPORATES, LITIGANTS AND WELL MEANING CITIZENS.

ARE YOU ALL LISTENING?

Time is running out and if we do not arise, awake and stop not till the goal (Swami Vivekanand) (of reforming judiciary) is achieved, take it for sure that the hard earned democracy will be lost forever and the country which is already in the grip of criminals in the society, government and the politics will be fully taken over by unruly ruffians.

APPEAL TO PARTIES CONTESTING PARLIAMENTARY ELECTIONS:

- (i) Provide reasonable space in your manifesto to the judicial reforms.
- (ii) Keep these reforms as a main plank for canvassing.

- (iii) Educate your workers on the need of putting justice delivery system in its proper track.
- (iv) Don't forget as usual after elections this commitment towards Mission Justice.

1. MOVEMENT STARTED BY JANHIT MANCH : 2005

Janhit Manch, Forum's (Forum For Fast Justice) predecessor and associate NGO intensely campaigned for judicial reforms and had also held a National Convention for two days in December 2007. Janhit Manch is a leading organisation of the country which goes on filing PILs (Public Interest Litigations) in the Bombay High Court and the Supreme Court. It filed a PIL being W.P. No.122 (C) in 2008 in the Supreme Court for clearing the backlog of crores of cases.

THE MAIN PRAYERS OF THE PIL :

- (a) To implement the specific directions in the judgment of 'All India Judges Association' V/s Union of India (2002)4SCC247:
- (b) By increasing the strength of the judges from 10.5 per million population to 50 judges per million population within 5 years i.e. by March 2007.
- (c) By filing up all existing vacancies in the subordinate courts at all levels in all the States within a year and by appointing as many adhoc judges as may be necessary to clear the backlog of cases.
- (d) By putting in place/making available the required infrastructure in order to accommodate all these judges.

DELAY UNLIMITED:

- (i) Murder over ₹ 5, case drags on for 22 years. Times of India : 2-5-2007.
- (ii) People will revolt if such unbearable delay continues. CJI. NYAYIK JWALA, Jaipur : 10-1-2010.
- (iii) Capital witnesses 635 rape cases but just one conviction this year. **DNA : 31-12-2012.**
- (iv) Chief Justice wants double shifts to clear case backlog. **DNA : 30-7-2006.**
- (v) CJI: 35000 judges needed to clear 2.7 crore cases. **Times of India : 8-1-2010.**

The Managing Committee of Janhit Manch after three years of pursuing reforms, registered Forum For Fast Justice in March 2008 as a Public Charity Trust to carry forward movement and work towards realising the goal of Mission Justice.

2. SOME REMEDIAL MEASURES TO DEAL WITH FRIVOLOUS CASES:

Order no. XVII of the Code of Civil Procedure mandates that only three adjournments can be granted to a party and that too against the costs to the court and other party or parties and the judge has to record the reasons for justifying such adjournment.

Section 35 of the Civil Procedure Code deals with the award of costs and Section 35-A with the award of compensatory costs in respect of false or vexatious claims or defenses. Section 95 deals with grant of compensation for obtaining arrest, attachment or injunction on insufficient grounds.

The costs have to be actual reasonable costs including the cost of the time spent by the successful party, the transportation and lodging, if any, or any other incidental costs besides the payment of the court fee, lawyer's fee, typing and other costs in relation to the litigation.

Any false statement, concealment, or even twist, must be adequately penalised and ordered for prosecution.

At the end of the litigation, while rendering final judgment, the courts must give attention to restitution, i.e. the losing party must be made to compensate the successful party for all the deprivations suffered by the latter during the pendency of the litigation in order to bring him to the position he would have been but for the litigation.

3. A BRIEF ANALYSIS OF SOME MEDIA REPORTS:

(i) After 31 years, court fast tracks Behmai massacre

Special judge records statement of a 62-year old witness of killings carried out by Phoolan Devi. - **DNA : 26-9-2012.**

(ii) Sajjan to face trial 30 years after anti-Sikh riots. - **Times of India: 4-12-2013.**

Thousands of Sikhs were killed post Indira Gandhi assassination by her Sikh guards. Congress leader Sajjan Kumar who is believed to have lead the massacre lost all appeals till Supreme Court.

(iii) Over 300 judges' posts vacant in high courts. - **Times of India : 24-12-2012.**

It is almost 35% of sanctioned strength of 895 judges.

The Supreme Court collegium which makes the appointments is absolutely lazy as those of Chief Justices of all High Courts who know when the judges heading towards retirement are superannuated on particular dates. They are very poor in court management.

(iv) US media slams India's criminal justice system. - **DNA : 24-12-2012.**

New York Times said 'India's criminal justice system is riddled with incompetence, corruption and political meddling'.

(v) Low conviction rate spurring sexual assault cases in India.

In 2011, only 25% men accused of rapes found guilty. **Times of India : 24-12-2012.**

WHY? Corrupt Police investigating machinery. Careless Public Prosecutors. Judges, corrupt at times.

(vi) SC: Over 40 lakh pending cheque bounce cases a serious issue. - **Times of India : 22-1-2013.**

Such cases are pending since 2 to 10 years.

Section 143(3) of The Negotiable Instruments Act, 1881 (amended) reads:

'Every trial under this section shall be conducted as expeditiously as possible. An endeavour shall be made to conclude the trial within six months from the date of filing of the complaint'.

(vii) Rich Lawyers (of Supreme Court): The new nawabs - India Today : 17-4-2013

Name	Fee per appearance	For full day
Harish Salve	₹ 2.5 to 3 lakh	₹ 25 lakh
Ram Jethmalani	₹ 5 lakh	-----
Mukul Rohatgi	₹ 2.5 to 3 lakh	₹ 25 lakh
Majid Memon	₹ 2 lakh for bail application	₹ 10 lakh
Satish Maneshinde	-----	₹ 10 lakh
Abhishek Manu Singhvi	₹ 2.5 to 3 lakh	₹ 25 lakh

(viii) We are too patient. Patience is a minor form of despair disguised as virtue, said Nobel laureate Amartya Sen. -**Mumbai Mirror : 26-7-2013.**
It is time for peaceful revolt, Satyagraha, nonco-operation and civil disobedience.

(ix) Bigger the criminal charge, fatter the politician's wallet. Tainted netas win more elections. Rajya Sabha seat goes for ₹ 100 crore: Cong. M.P.
- **Times of India : 30-7-2013**

(x) Vindictive govt hindering judiciary functioning : **Supreme Court.**
Provides No Infra, Didn't Even Clear ₹ 500 Bill of National Green Tribunal Chief. - **Times of India : 9-2-2013.**
Judiciary is treated as a stepchild in budgetary allocations. We spend hardly 0.1% of our budget on judiciary while in Korea it is 0.2%, Singapore 1.2%, U.K. 4.3% and USA 1.4%.

(xi) 43% Delhi MLAs face criminal cases. - **Times of India : 8-10-2013.**
Actual crimes must be much more. Most people fear to complain.

(xii) Paltry 10% conviction rate falls further to 7%.
- **Times of India : 22-11-2013.**

(xiii) 'Anna-type movements help democracy': President of India.
Hindustan Times : 20-12-2013.

(xiv) A reported judgement by Justice Bhagwati and Justice Tulzapurkar:
30-10-1979.

'The implementation of the law does create an impression that it is a law meant to be operative only against the smaller men and that the rich and well-to-do are beyond its reach'.

4. MORE BENCHES OF SUPREME COURT NEEDED.

Pakistan has one more bench of Supreme Court, Australia and USA have circuit courts at every high court with the power of the Supreme Court. In India a poor litigant from Chennai or Agartala reaches Delhi at the Supreme Court after about 40 hours of arduous train journey. Why Supreme Court doesn't agree to accept proposal of Law Commission of India and Union Government to set up benches of the Supreme Court at Kolkata, Mumbai, Bhopal, Nagpur, Hyderabad, Bangalore, Chennai or at least set up circuit courts at every High Court vesting them with Supreme Court powers?

5. THE FORUM'S INITIATIVE:

Forum For fast Justice, a trust enjoying income tax exemption for the donations under section 80-G of the I.T. Act, 1961 and also has permission under Foreign Contribution (Regulation) Act, 2010. It is the only NGO of the nation spearheading a relentless campaign for judicial reforms all across the country under the slogan of **SAVE JUDICIARY-SAVE NATION**.

Forum is in the process of setting up about hundred centres in various towns and cities in the name of Society For fast Justice and continuously goes on organising workshops, seminars, conclaves and conventions at different cities to promote judicial reforms. 16 such societies are already registered & equal number will be registered soon.

6. INCENTIVES AND INVITATION:

The Forum has instituted OP Monga Award of ₹ 1 lac for outstanding services in judicial reforms to an individual or an organisation. First winner of this award is Mr. Pravin Patel of Bilaspur, Chhatisgarh, who received it on 30th January 2014. Forum donates ₹ 1 lac towards the expenses to any organisation which hosts a two days national convention on judicial reforms. Forum also pays ₹ 10,000 to every Society For Fast Justice, registered anywhere in the country to meet its initial expenses.

7. NATIONWIDE CAMPAIGN:

For long 9 years, Janhit Manch and Forum have extensively worked by updating and publishing 2000 copies of such brochures every 6 months and posting to all High Courts and Supreme Court Judges, Governments, all MPs, Central and State Bar Council members, NGOs and Eminent Citizens. Passionate appeals were made to the Judiciary, Parliament, Governments and Lawyers fraternity which fell on deaf ears. Such publications were e-mailed in tens of thousands to the citizens across the country. But alas! No encouraging response was received as people at large fear of contempt of court in doing such activities. The Forum had organised a two days National Convention on judicial reforms in Jan. 2011 in Mumbai which was a huge success

with over 300 delegates attending and 28 Judges (Rtd), jurists and prominent personalities from all over the nation addressed the assembly. One more such National Convention was held at Raipur, Capital of Chhatisgarh during 28th February- 1st March 2014, which was also a huge success.

During 2009 and 2013, The Forum members met to who is who in politics and appealed to all of them to work sincerely for reforms. Everyone agreed but none acted.

8. NOW FORUM TURNS AGGRESSIVE ARMED WITH GANDHIAN PRINCIPLES:

Sick of this general apathy, the Forum decided itself to spread over the streets of the country.

- (a) The first road show with banners, posters, slogans and skits was Two protest rallies with about 20 cars each moved through Mumbai roads from 9-00 A.M. onwards on 30th Jan. 2014, being the death anniversary of Mahatma Gandhi.
- (i) From Navi Mumbai, Thane, Ghatkopar, Dadar, Byculla, VT and terminating at Azad Maidan.
- (ii) From Dahisar, Andheri, Dadar, Opera House, Girgaon, Dhobi Talao to Azad Maidan.

These rallies converged into an assembly of over five hundred agitators at Azad Maidan for expressing their grievances, indignation and despair over JUSTICE DELAYED IS JUSTICE DENIED.

The gathering had speeches, songs, slogans and skits on judicial functioning and tried to find out ways to address the problem of reducing the backlog of over 3.30 crore cases pending in Indian Courts to almost zero level. Two teams of Forum proceeded to submit memoranda to the Chief Justice of Bombay High Court and the Chief Minister of Maharashtra.

9. A NYAYAYATRA

In November 2015, a month long pilgrimage for justice, covering hundreds of villages, towns and cities with public meetings all over the routes across the country from Kashmir to Kanyakumari and Kutch to Kolkata will be organised.

Meanwhile if the reforms process not started in right earnest:

10. AN INDEFINITE FAST AT JANTAR MANTAR, DELHI FROM 30ETH JAN. 2017 ONWARDS.

The fast will continue till genuine assurance by the authorities is given.

11. YOUR COMPLACENCY WILL HANDOVER THE COUNTRY TO CRIMINALS.

Let us prove MERA BHARAT MAHAAN and not prove ourselves cowards and selfish. Let us work for safe and secure India and for protecting her hard earned democracy lest it is lost and converted into an autocratic rogue country.

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Printed Matter

To,