

**Dear friends,**

This is the material of our fresh Brochure which is now under print.

## **1. DISTRICT LEVEL SOCIETIES FOR FAST JUSTICE**

Forum works at district level through Society for Fast Justice with name of the district or major town. 52 Societies for Fast Justice all over India as on April 2015 including in all four metro cities of New Delhi, Mumbai, Kolkata & Chennai are registered and functional. District level Societies for Fast Justice can address local issues and problems such as deficiency in services by municipalities, Govt. depts., police, consumer needs from traders, railways, public transport, airlines, banking, insurance, education, hospitals and so on. Forum can provide guidance, technical & financial support to organize seminars, workshops etc. Societies can also work with Forum for Fast Justice to address national issues. Activities of the Societies for Fast Justice also gets national exposure in NYAY DISHA, a quarterly inhouse journal of the Forum which goes to President, Vice-President and Prime Minister of India, Union Law Minister, all the Members of Parliament, all Judges of the Supreme Court as well as High Courts.

## **2. FORUM'S BHUBANESHWAR ANNUAL NATIONAL CONVENTION: NATCON-2015**

The event held during 14-15 March 2015 was attended by 170 delegates drawn from Forum's 50 registered Society For Fast Justice spread across the country. A dozen eminent speakers also attended which included Justice M.Papanna (Rtd), Dr.Madhav Menon, Founder of National Law Schools, Kamalkant Jaswal, Director, Common Cause, Somjibhai Damor, former MP and former Minister in Gujarat, Bhagvanji Raiyani, Chairman and Managing Trustee, Forum For Fast Justice, Pravin Patel, Forum's National Convener and some others.

O.P.Monga Annual Award of Rs.1 lac was given up to Shri Yudhishtir Moharana for outstanding services in Judicial Reforms. The convention was jointly hosted by Society For Fast Justice, Bhubaneshwar and Society For Fast Justice, Odisha.

The delegates' participation with Zeal and enthusiasm was unprecedented, in three different sessions.

Dr.Ruplal Chauhan, Raigarh, (Chhattisgarh), Bhaskar Sur, Kolkatta (W.Bengal.), Santosh Shetty, Dahanu (Maharashtra), Capt. S.C.Tripathy, Kanpur (UP), Gulshan Pahuja, New Delhi, M.A. Balasubramanian Chennai, Rajubhai Thakkar, Mumbai, expressed their views and suggested steps that can be taken by the authorities. This session was moderated by Mr.Raj kachroo, President of Guargaon Society For Fast Justice (Haryana).

Narendra Patel, Dahanu (Maharashtra), Mrs.Anjali Chakravorty, Agartala (Tripura), Ram Lakhan Yadav Ranchi, (Jharkhand), Jayant Kr. Das, Puri (Odisha), rakesh Choubey, raipur (CG), Shri Mukhtar Ahmed, North 24 Pargana (W.B.) and Naguthang, Churachandrapur, (Manipur) expressed their difficulties, views and suggested steps that can be taken to strengthen the movement by working together on common issues. This session was moderated by Anmol Tembhurne, President, Nagpur Society For Fast Justice.

K.V.Pratap, Adilabad (Telengana), Inderjeet Chabra, Raipur, (CG), Akhter Hussain, Rajouri, J & K, Dr.Kamle, Chandrapur, Maharashtra, Sultana Begum, Bhubaneshwar, odisha, Velvine Khammam, (Telengana), Raman, Chennai, Ramesh Kankia, Mumbai. Sushil Lakta, Rajgangpur, Odisha, Ravi Bhushan, Ranchi, Jharkahand took active part. This session was moderated by S.Mukhtar Ahmed of North 24 Pargana (W. Bengal).

### **3. LAW COMMISSION OF INDIA ON LOWEST JUDGES PER MILLION POPULATION.**

Law Commission of India in its Report No. 245 of July 2014, titled as “Arrears and Backlog: Creating Additional Judicial manpower” also confirms that denial of 'timely justice' amounts to denial of justice itself. Two are integral to each other. Timely disposal of cases is essential for maintaining the rule of law and providing access to justice which is a guaranteed fundamental right. The report also says that the judicial system is unable to deliver timely justice because of huge backlog of cases for which the current judge strength is completely inadequate. Further, in addition to the already backlogged cases, the system is not being able to keep pace with the new cases being instituted, and is not being able to dispose of a comparable number of cases. The already severe problem of backlog is, therefore, getting exacerbated by the day, leading to a dilution of the Constitutional guarantee of access to timely justice and erosion of the rule of law.

What matters is not just the timely disposal of his/her case at the trial Court level, but at all levels of the judiciary. Therefore, judicial reform targeted at delay reduction is required not only in the trial Court, but throughout the judicial system. If the number of judges in the trial Courts increases significantly the number of cases being disposed of by the trial Courts will rise sharply. The total number of cases being appealed to the High Courts will also increase. The case load of High Courts will, therefore, increase. If a corresponding increase is not made in the judge strength at the High Court level, the system as a whole is likely to remain backlogged.

We have 10.5 judges on an average per million populations as against 41 in Australia, 51 in UK, 75 in Canada and 107 in USA. In All India Judges Assn. Vs Union of India (2002) 4 SCC247, Supreme Court of India directed the Union of India and the states in March 2002, to increase the judges strength from 10.5 to 50 judges per million population by March 2007. However, the order remains on paper till date.

Appointment of judges on a priority basis is the need of the hour: As this data indicates, the situation is grim, and is getting worse by the moment. In all states, there is a significant backlog of cases.

### **4. MORE BENCHES OF SUPREME COURT NEEDED**

Poor litigant from Chennai or Agartalla reaches New Delhi at the Supreme Court after about 40 hours of arduous train journey.

Even 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.

Why Supreme Court doesn't agree to set up its benches at Kolkata, Mumbai, Chennai, Bhopal, Nagpur, Hyderabad, Bangalore, etc. or set up circuit courts at every High Court vesting them with Supreme Court powers.

“If you want to Save the Nation, the Democracy with lofty ideals, the Judiciary must be Saved”

Justice R.C.Lahoti, former Chief Justice of India  
at Mumbai – December 2007

### **5. DO WE ALLOCATE REQUIRED FUNDS TO JUDICIARY?**

An internal study conducted by court management system reveals that as many as 18 states in India are not even spending 1 per cent of the budget allocated to them for judiciary. The Supreme Court also held that the meager budgetary provisions by the Centre and states impeded setting up additional courts and infrastructure needed to speed up the justice delivery system. In this connection the Supreme Court observed: “No government wants strong judiciary”. It is only on the paper. Look at the

budgetary allocation, the bench remarked while pointing out that the judiciary is overloaded and a large number of courts need to be set up across the country for speedy justice delivery. Justice Sathasivam, former Chief Justice of India in his farewell speech had said “Budget allocation for judiciary is a serious concern. In so far as the Supreme Court is concerned, the government is not providing sufficient budget and, time and again, the Chief Justice has to intervene to seek sufficient allocation of Budget.”

Former Chief Justice of India R.M. Lodha said, “the negligible budgetary allocation being witnessed since the past few decades is grossly inadequate to meet the requirements of the judiciary such as setting up of new courts and to improve infrastructure to bring down the pendency from a staggering 3.3 crore cases.”

“Budget allocation is not even one per cent. It is 0.4 per cent. How do we construct more courts and improve infrastructure for speedy dispensation of justice? We are already overburdened,” he said, referring to the budgetary allocation in the 2013-14.

### **Budgetary allocation to Judiciary in Singapore 1.2%, UK 1.4% and USA it is 4.3%**

On the other side, there is a report published in Times of India, Ahmedabad Dt: 12-012015, with headline “80% OF FUNDS FOR DEVELOPING JUDICIAL INFRA UNSPENT”, carries the news that reads as “Judiciary and the State Governments have failed to utilize upto 80% of the funds allocated for the development of judicial infrastructure and new courtrooms in the last five years across the country. A large part of the funds meant for running special morning and evening courts also reportedly remained unused. Most of the High Courts failed to avail of the funds meant for running of special courts including fast tract courts.”

### **6. WHO BENEFITS FROM THE SLOW JUSTICE DELIVERY SYSTEM?**

The slow justice delivery system suits the most to the corrupt and criminals. 32% of our Members of Parliament who are law makers are law breakers too but facing criminal cases as per their own affidavits filed before the Election Commission of India. 52% of MLAs in Maharashtra Assembly have also criminal background. Criminals are more comfortable with slow justice delivery system.

### **7. DR.MADHAV MENON, FOUNDER, NATIONAL LAW SCHOOLS AT OUR BHUBANESHWAR CONVENTION**

Excuse of no more resources nor manpower can be claimed by any government but that is not the fact. We are fairly comfortable with resources. How come we take 20 years in a civil matter, perhaps five ten years in a criminal case? To get a decision from our judiciary it takes years and years. This is affecting the development of the country. This is making the poor suffer a great deal as to why a democratic government, is not able to settle their disputes. Forum is in the process to make this a strong national movement in true Gandhian Style by reaching to each and every 682 districts of the country within five years with formation of districtwise Societies for Fast Justice. Against target of 100 such society in the year 2015, already 50 societies are formed. This movement is nothing less than the second freedom movement. How can we remain silent when the dreams and vision of our freedom fighters and also framers of the Constitution of India lies shattered in front of our eyes. It is time to act and act now. Let us all join hands together for a better future of our next generation.

***“Our Justice delivery system is bursting at the seams and may collapse unless immediate remedial measures are adopted not only by the judiciary but also by the legislature and the executive. People had lost faith in the other two wings of the State much earlier. Unfortunately, the faith of a common man in the judiciary is also being eroded”.*** Justice S.B.Sinha, (Rtd) Supreme Court of India

## **8. THE GRAMNYAYALAYA ACT, 2008 : STILL ON PAPER**

Gazetted on 7<sup>th</sup> January 2009, the implementation is almost nil. It was supposed to be set up in all talukas, numbering about 5000 across the nation. The Act has a very noble concept of taking justice delivery to the doorstep of the poor villagers through the periodical visits to the villages by the Gramnyayalaya Judges (Nyayadhikaris) accompanied by the staff in a special vehicle.

### **See some of the provisions of the Act:**

1. An Act to provide for the establishment of Gram Nyayalayas at the grassroot level for the purposes of providing access to justice to the citizens at their doorsteps and to ensure that opportunity for securing justice are not denied to any citizen by reason of social, economic or other disabilities and for matters connected therewith or incidental thereto.
2. The Nyayadhikari shall periodically visit the villages falling under his jurisdiction and conduct trial or proceedings at any place which he considers is in close proximity to the place where the parties ordinarily reside or where the whole or part of the cause of action had arisen:
3. The State Legal Services Authority, constituted under section 6 of the Legal Services Authorities Act, 1987, shall prepare a panel of advocates and assign at least two of them to be attached to each Gram Nyayalaya so that their services may be provided by the Gram Nyayalaya to the accused unable to engage an advocate.
4. Notwithstanding anything contained in any other law for the time being in force, every suit, claim or dispute under this Act shall be instituted by making an application to the Gram Nyayalaya in such form, in such manner, and accompanied by such fee, not exceeding rupees one hundred, as may be prescribed by the High Court, from time to time, in consultation with the State Government.
5. For the purposes of section 26, the District Court shall, in consultation with the District Magistrate, prepare a panel consisting of the names of social workers at the village level having integrity for appointment as Conciliators who possess such qualifications and experience as may be prescribed by the High Court.
6. An appeal preferred under sub-section (3) shall be heard and disposed of by the Court of Session within six months from the date of filing of such appeal.

Forum will take up this issue of GramNyayalaya with the Government and the Supreme Court.

## **9. NYAY YATRA - A PILGRIMAGE FOR JUSTICE**

Forum's most ambitious and pathbreaking project is its NYAY YATRA, scheduled to be commenced from 30<sup>th</sup> January, 2016 the death anniversary of Mahatma Gandhi, the greatest apostle of justice to all and ending on 4<sup>th</sup> March 2016 at Jantar Mantar for dharna and peaceful protest for judicial reforms. Two teams in motorcades will travel simultaneously: (i) from Kashmir to Kanyakumari and (ii) from Kutch to Kolkata. By the time we will have hundred plus Society For Fast Justice spread over all states of the country which will take the yatra through hundreds of villages, towns and cities covering thousands of kms crisscrossing the whole country.

The yatra is meant to connect the masses in the Forum's movement of SAVE JUDICIARY-SAVE NATION. Lakhs of litigants and other wellmeaning people will join this campaign for judicial reforms.

**10.**

**ARE JUDGES THEMSELVES LAW ABIDING ?**

Are judges following the provisions of laws while hearing the cases like limiting 3 adjournments to each party and that too against payment of costs to court and opponent parties, limiting the time for arguments, imposing costs on parties resorting to dilatory tactics, levying fine and sending to jail the parties filing false and fabricating evidences and affidavits on oath and losing party paying damages to the winning parties in appropriate cases?

If these laws are strictly practised by the judges and there are many more remedies for expeditious disposal if taken seriously, the fraudsters will get out of courts and with the same current strength of judges, we can reach to zero backlog of cases pending in Indian Courts within next 10 years.

**11. FORUM'S NEXT CONVENTION AT DELHI: NATCON-2016. PLAN OF ACTION**

Immediately after termination of NYAY YATRA at Jantar Mantar on Friday 4<sup>th</sup> march 2016 at Delhi, the convention will be held in the national capital during Sat.-Sun. 5-6 March 2016. It will be restricted only to the members of Forum's hundred odd Societies in the country.

An aggressive plan of action, if the situation is not improved by that time, will be planned to be enforced through Gandhian principles of nonviolence, non co-operation and non-obedience. The resolution to that effect will be circulated among the delegates, widely debated and passed with or without modifications if any. The copies of the resolution will be mailed to the Chief Justice of the Supreme Court and all High Courts, Union and all State Governments for implementation. If they don't see the reason, a nationwide Satyagraha will be launched which will include protest rallies, dharnas, fasts, roadshows, rail roko and jail bhara.

This is absolutely necessary to achieve fair and fast justice delivery system for protecting our democracy from mafias, criminals and fraudsters in the society and politics.