

FORUM FOR  FAST JUSTICE

Nyay Disha

Justice In Time - Justice For All

March 2015
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A Quarterly Journal

॥ सत्यमेव जयते ॥



SAVE JUDICIARY - SAVE NATION

NATIONAL CONVENTION ON JUDICIAL REFORMS NATCON 2015 AT BHUBANEHWAR



O. P. Mongha, Sr. Trustee, Forum for Fast Justice lighting the inaugural lamp. L to R : Justice M. Pappana, Bhagvanji Raiyani, Y. Moharana



Justice M.Pappana, delivering inaugural address. L to R. Y. Moharana, O. P. Monga, Kamalkant Jaswal, Bhagvanji Raiyani, Pravin Patel, & Mamta Sharma



NATCON 2015 Souvenir being released by Justice Shri M. Papanna L to R: Y. Mohanran, Manoj Jena, Bhagvanji Raiyani, Mamta Sharma & O. P. Monga



Bhagvanji Raiyani delivering presidential address. L to R : O. P. Monga, Kamalkant Jaswal, Justice M. Pappana, Pravin Patel, & Mamta Sharma



Forum Chairman Bhagvanji Raiyani felicitating Yudhishtir Moharana with O. P. Monga award of ₹ 1 lac and scroll of honour L to R Manoj, Justice Pappana, Moharana, Bhagvanji, Monga, Kamalkant and Mamta



Y. Moharana expressing his feelings and views on receipt of the O. P. MONGA AWARD 2015 along with a cheque of Rs. One Lac at the inaugural session for outstanding service in Judicial Reform



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Disclaimer: All views expressed in this journal are by individuals in their own capacity and are not necessarily shared by the Forum for Fast Justice and the editor of this magazine.

INVITATION TO SOCIETIES TO SEND PICTORIAL ACTIVITY REPORTS

We give priority to the activities of our Societies For Fast Justice in publishing their reports over articles on judicial reforms.

We wish you carry out various activities in your cities in lieu of Forum's Aims & Objects and go on sending reports to us on fastjustice@gmail.com with the relevant pictures for publication in July 2015 issue of NYAY DISHA.

With regards.

(Ashish Mehta)
Editor.

FROM THE CHAIRMAN'S DESK

GIST OF CHAIRMAN'S SPEECH AT THE BHUBNESHWAR CONVENTION

- BHAGVANJI RAIYANI

Chairman and Managing Trustee,
Forum For Fast Justice

Respected guests and delegates,

I welcome you all on behalf of Forum For Fast Justice and hope that you will participate in the proceedings with due sincerity and seriousness.

You may ask me while several other avenues are available for humanitarian services, then why the most difficult task of judicial reforms? My reply is that the subject was so far untouchable but most important for the survival as the largest democracy of the world has to be relentlessly pursued by a group of concerned and well meaning people of the country.

Our ancestors got us independence facing British bullets but didn't have courage to cure the judiciary. It was a most challenging and most difficult proposition but to turn the justice delivery system into a fast moving, transparent, accountable and people friendly vehicle, no effort should be spared and we few friends with your support accepted the challenge.

Our decade old campaign has brought some positive results. We were able to send the message that only one organisation in the country i.e. your Forum (Forum For Fast Justice) is instrumental in making the whole country think on the urgent need of judicial reforms. The Forum has expanded its reach to different states of the country through its fifty odd Society For Fast Justice. If the authorities in the Executive, Legislature and Judiciary will not see the reason, they will have to suffer self inflicted humiliation in the coming days.

This nationwide struggle will reach to every nook and corner of the country and will show their real place to those who have become power drunk, irresponsible and unaccountable.

Gandhiji sermoned three principles for pursuing any agitation viz ahimsa, nonco-operation and nonobedience as were followed by him strictly while fighting and winning the battles of Champaran, Bardoli and Dandi. The arrogance of power and autocracy with which the functionaries of the government, parliament and judiciary, the three

pillars of democracy, function will be tamed to believe that they are really public servants and not the bosses. We may block rail, roads and courts for giving shock treatment to them for curing the ailment.

It will take some time to reach to this situation. You may ask how long? We have to wake up the kumbhakarnas from their long slumber. I am not talking justice only from courts but we need it from all walks of governance such as police, all govt. departments, local self governments, public/private organisations and institutions, public-private sectors and elected representatives.

Look forward to joining our NYAYA YATRA (pilgrimage for justice), a marathon and massive rally planned to commence from 30th January 2016 and ending on 4th March 2016. During these 35 days the members of Forum alongwith their (that time) hundred plus Society For Fast Justice spread across the nation with lacs of well wishers will crisscross the country from Kashmir to Kanyakumari and Kutch to Kolkata. Which will culminate in a dharna on 5th March at Jantar Mantar and two days National Convention during 6-7 March 2016 at Delhi. We have to open the eyes of the government, parliament and the judiciary.

We met the leaders of several political parties to push reforms agenda. Every one of them committed to work for Mission Justice but it never happened.

Now what? Krishna convinced Arjun for a Dharmayuddha against his cousins kaurava. He told Arjuna (Parth): Hey Parth Uthao Ban, Ab To Yuddha Hi Kalyan. We have to follow this eternal sermon.

What should be done to reach the goal?

We have to motivate the masses. Remember the clarion call of Mahatma Gandhi to Britishers in August 1942: "Quit India" and to people at large 'Do or die' 'Kareng ya Mareng'. The time is not far for us to give such call to the administrators of justice and the vast multitude of the nation. We have to free the imprisoned Goddess of Justice from the shackles of slavery.

NO GOVERNMENT WANTS STRONG JUDICIARY

- Pravin Patel

National Convener, Forum for Fast Justice

Pendency of court cases in India from just 22 Lakhs in the year 1956 has increased to a whopping 3.30 crore cases by now. The cry for speedy justice is going to be shriller in the next three decades as a conservative judicial estimate predicts that case pendency is going to register a five-fold increase to touch 15 crore but the judge strength will go up only four times to settle at 75,000. (Times of India, Jan 17, 2013).

There are a number of factors that are responsible for increasing pendency of cases, The major one is inadequate budgetary allocation to the 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 said that the meager budgetary provisions by the Center and states impeded setting up of additional courts and infrastructure needed to speed up the justice delivery system.

In this connection the Supreme Court observed : I "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 had in his farewell speech 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."

Former Chief Justice of India R. M. Lodha has said, "the negligible budgetary allocation being witnessed since the past few decades is grossly inadequate to meet the requirement 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 allocation in the 2013-14.

The annual budget of the Government of India for the year 2014-15 allocated only Rs. 2047 Crore to the judiciary which counts to just 0.4% of the total budget for the year.

As per the Supreme Court of India, National Court Management Systems, Policy & Action Plan-27-09-2012 report (for short report) which states "Experience shows that States have been making negligible provision in the Budgets to the third pillar of democracy, i.e. Judiciary."

Foreign direct investment in turn has a host of destinations to choose from. To get it to choose India, we have to make the country and its environment attractive it is not enough to make the environment better than it used to be, it has to be better than the environment that the investor can expect in other destinations. The judicial set up is an important part of this environment.

There is another way to look at the matter. China secures foreign direct investment of around \$ 40 to 50 billion a year. With this quantum of foreign investment accompanied as it is with new technology, new management methods, a new work culture it has been modernizing one sector after another. In our case, we are able to attract foreign direct investment of only about \$ 1.5 to 2 billion in a year. Why is this so?

- Arun Shoure from his book: Courts and their Judgments (2001).

THE WAY FORWARD

- Kamal Kant Jaswal

Director, Common Cause

It is remarkable indeed that the movement for streamlining the justice delivery system initiated and incubated by Forum for Fast Justice has traveled from Mumbai to distant district and tehsil towns in a very short span of time. As many as fifty local level societies have already been registered and their number is expected to double by the end of the year. The day is not far when we can hope to see at least one Forum for Fast Justice Society in each of the 644 districts of India.

One could not help being struck by the dynamism and enthusiasm displayed by the delegates from the local societies who had come to attend the National Convention held recently at Bhubaneswar. It was gratifying to note that in their conception the quest for justice was not limited to the formal proceedings in the courts, but was wide enough to encompass the totality of the citizens' interactions with the authorities of all hues. They also recognised that speed was only one of the desired attributes of justice; justice to be real should also be substantial and accessible to all.

While this appreciation defines the scope of the local societies' interventions, each of these entities will, under the guidance of the parent body, have to carefully formulate its own strategy and plan of action in function of its local context and resource endowments in order to subserve the campaign objectives.

The societies will do well to resist the temptation to limit themselves to sensitising the public opinion by organising dharnas and demonstrations in front of the courts and bringing out pamphlets criticising the judiciary. We have to remember that symbolic gestures like Mahatma Gandhi's iconic defiance of the British government's salt monopoly by picking up a few grains of salt can electrify the populace only when they are preceded by solid groundwork and followed by a concrete and broad-based action plan.

In order to have a tangible traction, each forum will have to create a niche for itself. The only way it can establish its credentials is by ceaselessly articulating the concerns and aspirations of the community that it seeks to serve and interceding on behalf of the common man to tilt the balance in his favour in his unequal relationship with authority.

The forum may make a significant contribution to the improvement of the justice delivery system by keeping a close watch on the operations of its various constituents: judiciary, court staff, lawyers, police, prosecution, prison administration and the like, and enforcing their public accountability by highlighting any deviant behaviour. They may also help remedy the paucity of hard real time data on the functioning of the system of dispensation of justice by undertaking case studies to illustrate its dysfunction and thus prepare the ground for systemic reforms.

Yet another area where the intervention of the local FFFJ societies may pay a rich dividend is in the energisation and promotion of district mediation centers, which are intended to stem the inflow of fresh institutions and bring down the daunting backlog of cases in the courts. The societies may volunteer their extension services in this field and persuade prospective litigants to settle their disputes through mechanisms of alternate dispute resolution, instead of embarking on ruinous litigations.

The Gram Nyayalaya Act, which has been on the statute book for over six years, was designed to bring speedy, affordable and substantial justice within the reach of the hapless villager who is denied access to justice in the formal system. The legislative intent has been foiled by a combination of inhibiting factors, namely hostility of the bar, apathy of the higher judiciary, and unwillingness of the executive to allocate the resources necessary to establish and operationalise about one lac Gram Nyayalayas across the country. As of now, only 160 village courts have become operational. The local forums must take the lead in demanding the establishment of the full complement of Gram Nyayalayas and extend their support to fledgling institutions where they have come into existence.

On its part, Common Cause, which has been an active combatant in the crusade for judicial reforms, undertakes to mount an advocacy offensive for a time-bound implementation of the Gram Nyayalaya Act and, if need be, seek the intervention of the Apex Court, as it had done way back in 1988 in order to secure the operationalisation of the Consumer Protection Act through the establishment of District Consumer Forums.

Winner of Rs.1 lac O. P. Monga Award for outstanding services in Judicial Reforms

PROFILE OF SHRI YUDHISTHIR MOHARANA

Shri Moharana took up a job in India Postal Department and then in UCO Bank. He joined Bharatiya Mazdoor Sangh– the largest trade union centre of India and worked as its State Secretary and State General Secretary.

Shri Moharana formed the Anandapur Rickshaw Chalak Sangh to take up the problems of rickshaw pullers who are scheduled castes. He formed Daitari Khani Mazdoor Sangh and Bolani Mazdoor Sangh to take up the problems of the mines workers of the Keonjhar district. He also formed Keonjhar Division Rural Works DLR & NMR Employees Union. Due to his consistent struggle many casual workers in Daitari Mines, Bolani Ores Mines and Keonjhar Rural Works Division were regularised.

As general Secretary of BMS, Orissa Shri Moharana organised a massive demonstration of anganwadi workers at Bhubaneswar on March 21, 1997. Around 25000 anganwadi workers participated. The state government and the central government were forced to enhance the honorarium of the Anganwadi Workers and Helpers.

Shri Moharana has formed Odisha Bidi Mazdoor Sangh and Construction Mazdoor Sangh, Odisha to serve the causes of the Bidi and construction workers. Shri Moharana has organised a demonstration of Bidi workers at Bhadrak in 2000 where Shri Pravin Patel was present. Around 15000 bidi workers had participated and more than 1000 bidi workers were sanctioned housing subsidy of ₹ 1 Lac each.

As President of Odisha Forest Development Corporation Mazdoor Sangh with help from Shri Pravin Patel has fought against the privatisation of the Corporation and illegal tendering of the Kendu leaves. Due to their joint action and movement a powerful minister was defeated in the general election.

Shri Moharana joined UCO Bank in 1981 and became the President of the All Odisha UCO Bank Officers Association affiliated to AIBOC in 2005. Since then he is continuing till his retirement on 28.02.2015. As an outstanding Branch Head Shri Moharana has been awarded many certificates of merit and trophies.

During his trade union struggles, Shri Moharana experienced that whenever any matter was referred to litigation it was blocked there and justice delayed became justice denied to the worker. In the other words human rights were violated. At such a juncture Shri Pravin Patel introduced him to Bhagvanji Raiyani and inspired to work for judicial reforms by setting up societies for fast justice at important centres of the state. Taking leave from service on working days and moving on Sundays Shri Moharana has been able to form Societies at many places of Odisha. Now that Shri Moharana has retired from Bank's service since 28.02.2015 he feels that he is not at all tired and he will devote all his time for judicial reforms through Forum For Fast Justice.

Governments should not adopt a litigious approach and waste public revenues on fruitless and futile litigation where there are no chances of success. It is unfortunately a fact that it costs quite a large sum of money to come to this Court and this Court has become untouchable and unapproachable by many litigants who cannot afford the large expense involved in fighting a litigation in this Court. It is, therefore, all the more necessary that State Governments, which have public accountability in respect of their actions, should not lightly rush to this Court to challenge a judgment of the High Court which is plainly and manifestly correct and drag the opposite party in unnecessary expense, part of which would, in any event, not be compensated by award of cost. The present appeal is an instance of the kind of unnecessary and futile litigation which the State Governments can and should avoid.

- Arun Shoure from his book: Courts and their Judgments (2001)

**STATEMENT SHOWING THE APPROVED STRENGTH, WORKING STRENGTH AND
VACANCIES OF JUDGES IN THE SUPREME COURT OF INDIA AND THE HIGH COURTS**

(As on 01.01.2015)

Sl. No.	Name of the Court	Approved Strength			Working Strength			Vacancies as per Approved Strength		
A.	Supreme Court of India	31			28			03		
B.	High Court	Pmt.	Addl	Total	Pmt.	Addl	Total	Pmt.	Addl	Total
1	Allahabad	76	84	160	62	18	80	14	66	80
2	Telangana&Andhra Pradesh	33	16	49	20	10	30	13	06	19
3	Bombay	48	27	75	41	26	67	07	01	08
4	Calcutta	45	13	58	25	14	39	20	-01	19
5	Chhattisgarh *	06	12	18	04	06	10	02	06	08
6	Delhi	45	15	60	28	13	41	17	02	19
7	Gauhati *	17	07	24	09	03	12	08	04	12
8	Gujarat *	29	13	42	25	05	30	04	08	12
9	Himachal Pradesh	10	03	13	07	--	07	03	03	06
10	Jammu & Kashmir	13	04	17	08	01	09	05	03	08
11	Jharkhand	19	06	25	09	05	14	10	01	11
12	Karnataka	47	15	62	25	10	35	22	05	27
13	Kerala *	27	11	38	22	09	31	05	02	07
14	Madhya Pradesh	40	13	53	26	08	34	14	05	19
15	Madras	45	15	60	35	08	43	10	07	17
16	Manipur	04	0	04	03	0	03	01	0	01
17	Meghalaya*	03	0	03	03	0	03	0	0	0
18	Orissa	20	07	27	18	02	20	02	05	07
19	Patna	29	14	43	27	05	32	02	09	11
20	Punjab& Haryana *	64	21	85	46	11	57	18	10	28
21	Rajasthan *	38	12	50	18	12	30	20	0	20
22	Sikkim *	03	0	03	02	0	02	01	0	01
23	Tripura	04	0	04	04	0	04	0	0	0
24	Uttarakhand	09	02	11	06	0	06	03	02	05
Total		674	310	984	473	166	639	201	144	345

300 years to clear court backlog: Chief Justice of Orissa High Court

- Times of India 17-11-2008

320 years to clear backlog: AP Judge

- Times of India 07-03-2010

Delhi Court will take 466 years to clear backlog: Justice A.P. Shah, Chief Justice of Delhi High Court and current Chairman, Law Commission of India

- DNA 14-02-2009

CJI: 35000 judges needed to clear 2.7 crore cases

- Times of India 08-01-2010

People will revolt if such unbearable delay continues. CJI

- NYAYIK JWALA, JAIPUR 10-01-2010

AND NOW.....WHAT NEXT?**- BHAGVANJI RAIYANI**Chairman and Managing Trustee,
Forum For Fast Justice

Justice Bhagwati, former Chief Justice of India in May, 1976 said: "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 Lahoti, former Chief Justice of India said in Dec. 2007: "If we want to save the nation, the democracy with lofty ideals, the judiciary must be saved".

Justice A. P. Shah, former Chief Justice of Delhi High Court said in 2009: "Delhi High Court will take 466 years to clear backlog".

But I disagree with Justice A. P. Shah. I am sure, if the current state of affairs continues indefinitely, we will never achieve the status of zero backlog of cases for all times to come.

Since last over sixty years we helplessly continue to discuss the pathetic scenario of Tarikh-Pe-Tarikh.

It has created a dangerous situation. Our 30% MPs and MLAs are facing criminal cases in the courts. About 30% more may be such who may be liable for criminal prosecutions but spared as their victims do not dare to go against them. The cases against them travel for decades from magistrate courts to the Supreme Court. They hire top lawyers who can turn Satyamev Jayate slogan boldly displayed in every court into Asatyamev Jayate.

These elected representatives are our law makers. Will they ever make laws for fast moving judiciary? If it is done, half of them will be in jail and lose right to contest elections for many years.

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 other 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.

But alas ! Who will bell the cat?

The whole nation is ruining. The current system encourages immorality, criminality, unaccountability and corruption at all levels including judiciary.

If maximum human rights violations are committed anywhere in our country, they are committed in Indian Courts.

AND NOW.....WHAT NEXT?

A silent and nonviolent rebellion based on the Gandhian principles of non co-operation and nonobedience.

We will have to arouse the country fighting for fair and fast justice during our 35 days long massive NYAYA YATRA commencing on 30eth January 2016 crisscrossing the country from Kashmir to Kanyakumari and Kutch to Kolkata covering hundreds of villages, towns and cities. Our hundred plus Societies For Fast Justice spread across the nation (then) will lead this NYAY YATRA.

Restatement of Values of Judicial Life (1999)

CODE OF JUDICIAL ETHICS

On May 7, 1997, the Supreme Court of India in its Full Court adopted a Charter called the "Restatement of Values of Judicial Life" to serve as a guide to be observed by Judges, essential for independent, strong and respected judiciary, indispensable in the impartial administration of justice. This Resolution was preceded by a draft statement circulated to all the High Courts of the country and suitably redrafted in the light of the suggestions received. It has been described as the 'restatement of the pre-existing and universally accepted norms, guidelines and conventions' observed by Judges. It is a complete code of the canons of judicial ethics. It reads as under:

1. Justice must not merely be done but it must also be seen to be done. The behaviour and conduct of members of the higher judiciary must reaffirm the people's faith in the impartiality of the judiciary. Accordingly, any act of a Judge of the Supreme Court or a High Court, whether in official or personal capacity, which erodes the credibility of this perception has to be avoided.
2. A Judge should not contest the election to any office of a Club, society or other association; further he shall not hold such elective office except in a society or association connected with the law.
3. Close association with individual members of the Bar, particularly those who practice in the same court, shall be eschewed.
4. A Judge should not permit any member of his immediate family, such as spouse, son, daughter, son-in-law or daughter-in-law or any other close relative, if a member of the Bar, to appear before him or even be associated in any manner with a cause to be dealt with by him.
5. No member of his family, who is a member of the Bar, shall be permitted to use the residence in which the Judge actually resides or other facilities for professional work.
6. A Judge should practice a degree of aloofness consistent with the dignity of his office.
7. A Judge shall not hear and decide a matter in which a member of his family, a close relation or a friend is concerned.
8. A Judge shall not enter into public debate or express his views in public on political matters or on matters that are pending or are likely to arise for judicial determination.
9. A Judge is expected to let his judgments speak for themselves. He shall not give interviews to the media.
10. A Judge shall not accept gifts or hospitality except from his family, close relations and friends.
11. A Judge shall not hear and decide a matter in which a company in which he holds shares is concerned unless he has disclosed his interest and no objection to his hearing and deciding the matter is raised.
12. A Judge shall not speculate in shares, stocks or the like.
13. A Judge should not engage directly or indirectly in trade or business, either by himself or in association with any other person. (Publication of a legal treatise or any activity in the nature of a hobby shall not be construed as trade or business).
14. A Judge should not ask for, accept contributions or otherwise actively associate himself with the raising of any fund for any purpose.'
15. A Judge should not seek any financial benefit in the form of a perquisite or privilege attached to his office unless it is clearly available. Any doubt in this behalf must be got resolved and clarified through the Chief Justice.
16. Every Judge must at all times be conscious that he is under the public gaze and there should be no act or omission by him which is unbecoming of the high office he occupies and the public esteem in which that office is held.

These are only the "Restatement of the Values of Judicial Life" and are not meant to be exhaustive but illustrative of what is expected of a Judge.

The above "restatement" was ratified and adopted by Indian Judiciary in the Chief Justices' Conference 1999. All the High Courts in the country have also adopted the same in their respective Full Court Meetings.

Forum's Note: If judiciary is totally cut-off as per the above code from the real stakeholders like governments, lawyers, litigants and judicial activists, how is it expected to resolve the issues faced by them? It is high time to sit together and solve the problems.

TO REDUCE PENDENCY OF CASES IN COURTS UNION LAW MINISTRY TO WITHDRAW “FRIVOLOUS AND INEFFECTIVE CASES”

- Times of India, January 21, 2015

Government of India and various state governments are the biggest litigants in the country. To day when we discuss huge pendency of cases that are piling up day after day and year after year, our Union Law Minister has come out with mechanism to reduce pendency at least on paper. Ministry of Law and Justice, Govt. of India, has drafted a 10 point litigation policy and has even shared it with states. The Ministry has asked the states to review all the pending litigations. The policy is set to promote arbitration and mediation as methods of dispute resolution, with government introducing mandatory arbitration and mediation clause in work contracts and also its contracts with public sector employees.

It is reported in print media that the Union Law Ministry has sent letters to Chief Justices of all the High courts and has asked them to invoke Section

258 of Code of Criminal Procedure by virtue of which court has “Power to stop proceedings in certain cases.” Meanwhile, some states have already started working on reducing pendency, as Himachal Pradesh has framed guidelines to remove 'stale' and 'ineffective' criminal cases.

The Government has asked the states to take reducing pendency as a mission as more than 3.2 crore cases are pending before Indian courts. Of the 3.2 crore, around 44 lakh are pending before the various High courts while the lower judiciary is dealing with 2.8 crore cases. Allahabad High Court, working at half its sanctioned strength tops the list with a pendency of 60 percent. The National Lok Adalat, organized on December 6, 2014 was another step that helped in reducing the number of pending cases.

THE POWER TO STOP PROCEEDINGS IN CERTAIN CASES, u/s. 258 Cr.P.C

It would be interesting to discuss on the numbers of applicability of stopping the power to stop proceedings in certain cases on aforesaid subject u/s 258 Cr.PC etc.

Is this sufficient measure to reduce the pendency of cases before the court?

While deciding 'frivolous and ineffective cases', against influential people should have strict norms. Under the pressure to clear 'pendency' and when the accountability of Judges is also in question, what is the guarantee that the high profile criminals will not be benefited !

We should have uniform law, most of the time Judges just calling and giving next date of hearing, no proceedings taking place, also obtain a certified copy takes months in several courts, delay the proceedings, Make uniform procedure to obtain certified copies of the documents from the court in time.

To obtain certified copies from the court is a major concern in many courts.

WOMAN CAUSES FLUTTER IN PONDY COURT COMPLEX

- Compiled by : Rita Patel

PUDUCHERRY: A 32-year old woman caused a flutter here on Friday when she resorted to a dharna on the road in front of the Puducherry Court complex following the passing over of her case.

According to police, Shanmugham of Kadirgamam here deserted his wife Priya two years back following a family dispute. Following this Priya, who was looking after her three children and running her family, filed a petition before the family court against Shanmugham. As the case was getting passed over

several times, Priya pleaded with the judge to expedite it. However, today also the case was posted for August 22. An irate Priya resorted to the agitation in front of the court. Orlanpet Police rushed to the spot, pacified her and took her to the police station where she was advised that it was not proper to give trouble to the public for her family problem and sent home.

- (UNI - FRIDAY JULY 25, 2014)

NEWS MUSE

'Scrap court holidays for speedy justice, (TOI) 15-11-2001.

25 years more for Bhopal Gas disaster Case: Supreme Court, Gujrat Samachar 7-8-2012.

US media slams India's criminal justice system, DNA 24-12-2012.

In 2011, Only 25% Men Accused Of Rape Found Guilty, (TOI) dated 24-12-2012.

Vindictive govt hindering judiciary functioning: SC 'Provides No Infra, Didn't Even Clear 500 Bill Of NGT Chief', (TOI) 9-2-2013.

Poison is the only option. A Woman (rape victim) took poison in (Gujarat High Court), Gujarat Samachar 27-2-2013.

Delay in Jaya assets trial: Court asks prosecutor to pay 60,000 per day, Indian Express 15-3-2014

You are corrupt, defendant tells judge. Mumbai Mirror 8-5-2014.

'Govts look at judiciary as a non-productive organ of state'. Hindustan Times 19-5-2014.

NO advocate clean enough to be HC judge, asks SC. (TOI) 24-7-2014.

War widow may get land after 43 yrs. DNA 25-7-2014.

Gwalior additional judge says she was sexually harassed by HC judge, quits. (TOI) 4-8-2014.

No action taken against lawyers for misconduct in 10 yrs: Bar council. (TOI) 18-8-2014.

Outgoing CJI calls corruption in Judiciary worst ailment in Democracy. (TOI) 14-9-2014

52% of Maha legislators have criminal background, 70% worth over a crore. (TOI) 16-9-2014.

In fastest trial, Raj minor's rapist gets life in just 15 days. (TOI) 25-9-2014.

HCs to have special cells to fast-track netas' trials. (TOI) 29-9-2014.

Nearly 300 'laughable' laws to be repealed: Law min. Mumbai Mirror 8-10-2014.

In MP, wait 60 years for RTI reply; it takes 17 years in Bengal. (TOI) 11-10-2014.

New mantra for SC judges: Crisp judgments to speed up cases. (TOI) 3-11-2014.

SC judges for time-limit on lawyers' arguments. (TOI) 3-11-2014.

Criminal charges against 31% Modi ministers: ADR. (TOI) 11-11-2014.

Govt puts implementation of judicial reforms on fast track. (TOI) 9-1-2015.

SC puts curbs on adjournments to ensure fairer & faster trials. (TOI) 22-1-2015.

Record 94 custody deaths in state in 3 yrs, but not 1 chargesheet. (TOI) 18-3-2015.

BRIEF REPORT**National Convention 2015 14th & 15th March, 2015 At Bhubaneshwar, Odisha**

Bhagvanji Raiyani Chairman, FFJ in his presidential address stated that during over six decades of our independence, we have made remarkable progress in practically every field but we have neglected our justice delivery system. Today, despite most of the litigants suffer from slow justice delivery system, I am surprised that no one comes forward, rather they prefer to suffer silently and do not dare to raise the voice. I thought why not to take up the challenge for judicial reforms with all of us working together. I am glad to see so many young faces here joining this movement through their respective societies for Fast Justice. At the age of 77 years, I feel that I am becoming younger when I see so many youth turning up at our awareness workshops all over the country. I am now confident that it is a matter of time, may be 5 or 10 years or little more, a day will definitely come when reforms in our slow judiciary will be transformed into time bound, transparent and accountable vehicle for administration of justice. Today is theirs; tomorrow will be ours.

Justice M. Papanna stated that I am convinced that there is hue and cry for the huge pendency of cases in the courts of our country. Whom should we blame for this huge pendency? The existing system is to be blamed. Citing the statement "Justice delayed is Justice denied" when justice is not given in time. what is use of such Justice? We agree with you, your program, all over the country you are inspiring people mobilise them but without blaming any one, we need to work to improve the system.

B. B. Swain, Secretary, SFFJ – Odisha conveyed vote of thanks to the guests and delegates who have come from all corners of the country to take active part in the national convention.

At the Technical Session A. K. Routray President, All India UCO Bank Officers Union, stated that he is delighted to see entire India from many states is here to discuss an important issue that concerns all of us. Ms. Rajalaxmi Das, Member, OCPCR and Ms. Snehanjali Mohanty, Member, OSWC also expressed their views on the subject in the light of their experience in their respective field of working. Both the above sessions were jointly moderated by Pravin Patel and Mrs. Mamta Sharma.

Session – III Way forward (i) : This session was divided in two parts of one hour each in which delegates representing various societies for Fast Justice took the floor expressing their views and concerns in order to create a way forward. Dr. Ruplal Chauhan, Raigarh, (Chhattisgarh), Bhaskar Sur, Kolkata (W.B), 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).

Session – IV – Way forward (ii) : Another round of delegates representing various societies for Fast Justice took the floor. 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.

Cultural program was presented by a group of Odissi Dancers before dinner was served at 8 PM. Forum Chairman felicitated the artistes with cash awards.

Day 2 – Date: 15th March, 2015. 10 AM to 11.15 AM.
Session V. – Way Forward by Societies for Fast Justice

Final round of delegates representing various societies for Fast Justice took the floor. 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, Mumba. Sushil Lakra, Rajgangpur, Odisha Ravi Bhushan, Ranchi, Jharkhand took active part. This session was moderated by S. Mukhtar Ahmed, of North 24 Pargana (W. Bengal)

Session 11.15 to 12.15 Session VI – Political Session: This session was chaired by veteran

politician Somjibhai Damor and was participated by Pradeep Purohit. MLA, representing Bhartiya Janta Party, Ram Krishna Panda CPI, National Executive Member and Baidyanath Mishra, Kaushal Kranti Dal expressed their views on the present justice delivery system and committed that they will extend possible support to the Forum for their right cause in the interest of the country. Damor concluded that simple talks or meetings will not serve much purpose but we should speak in the language that the authorities understand and that language is to come out on the streets to agitate demanding fulfillment of our fundamental right to seek justice. He also pledged his support for the cause of fast justice movement. This Moderator of this session was Raj Kachroo.

Session VIII – Valedictory session: On the dais were Chief Guest of this session Dr. Madhav Menon, an eminent law educationalist, Dr. Binayak Rath Former Vice-Chancellor, Utkal University, Tahili Charan Mohanty, Senior Advocate at Odisha High Court and Kamal Kant Jaswal to deliver valedictory address. In the chair was Pravin Patel who also moderated this session. Dr. Madhav Menon stated that he is teaching law for nearly half a century and works for Judicial reforms for the last 22 years;

Interacting with judges and lawyers all over the country with the concern for inexpensive justice which is the fundamental right of every citizen for all sections of people for a long time but is not respected. Appreciating Bhagvanji Raiyani, he said that he has made a movement out of it mobilizing people to assert their rights at all levels. We have waited for too long, it is over six decades since constitution was adopted. Excuse of no more resource or no more man power can not be a valid by any government. 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, a popular government is not able to settle their disputes. He stated that he is happy to be associated with this movement and in fact have come here to declare my solidarity with the movement and the leader whom I know since last few years. He advised to do analytical work as to what the lawyers should do, what the Judiciary should do and what the central government should do which can be complimentary to our work for the people to assert their right to seek justice, Social, Economical and Political.

Another factor contributing to indiscipline in India's political institutions is our deeply-flawed election system dominated by the politics of caste, religion and power. We have to create an election system that does not encourage corruption. We would do well to remember the words of the former prime minister Atal Bihari Vajpayee who said, 'Every MP who is elected to the Lok Sabha begins his career by making a false statement, the statement of account of his election expenses. Such acts of fraud will have to be swiftly punished'.

– N.R. Narayan Murthy from his book: **A Better India A Better World (2009)**

May I turn to the situation in India? Former Chief Justices of India have been repeatedly warning that the Indian judicial system is on the verge of collapse. The present Chief Justice, Justice Pathak, himself said last January at a function in Allahabad that the Indian courts “now carry a burden almost beyond their apparent capacity”. In India, cases drag on they continue to drag their dreary length before the court in a manner strikingly reminiscent of Jarndyce v Jarndyce in Charles Dickens' Bleak House. In our eighteen High Courts we have more than 500,000 cases that have been in litigation between ten and thirty years. The Economist (of London) noted a case in the Karnataka High Court which had been dragging on for 38 years. The litigant was a bachelor when it began today he is an old man with ten grandchildren, some of whom might well have to carry on the legal battle after he is dead.

Nani A.Palkhivala from his book: **We the Nation (1946).**

NATCON 2015 Souvenir released by Justice M. Pappana

Forum for Fast Justice announced O. P. Monga award 2015 to be given to Yudhishthir Moharana, President, Society for Fast Justice – Odisha in recognition of his excellent services rendered for the cause of judicial reforms in spreading the network of society for Fast Justice in 14 districts of Odisha in a span of 8 months.

Senior Trustee of Forum O. P. Monga highlighted that despite almost seven decades of independence, our fundamental right to seek justice is denied. He appreciated the efforts put in by the Chairman Shri Bhagvanji Raiyani with whose support and inspiration to day there are 50 societies for Fast Justice and many more are in the process. He desired that by the year end the figure will reach to 100 registered societies. Last year we found Pravin Patel and this year another pearl in shape of Moharana. He also handed over an award Cheque of ₹ one lac to Moharana which goes with the citation scroll.

Accepting award Yudhishthir Moharana, who recently retired as an officer of a public sector bank, stated that this award has further inspired him to work even harder for the cause of Fast Justice movement carried out under the slogan **SAVE**

JUDICIARY – SAVE NATION. He also announced an annual award of ₹ 21,000/- from the year 2016, in the name of his departed mother to be given to the best activist for the cause of Fast Justice in India.

Guest speaker Kamalkant Jaswal, Director, Common Cause, New Delhi expressed his happiness to be with delegates from all corners of the country who are concerned with the cause of fast justice. He said that the focus of Common Cause is on good governance. Appreciating the efforts of Bhagvanji Raiyani, he wondered how in a small span of time, Forum has spread out to the entire country with 50 independent societies and more are joining in. He was confident that with all of you, the movement will take a shape of a big public agitation. It will be very good service to the litigants who have no choice but to suffer silently. Solid facts presented with figures will have tremendous effect which will give a message that there are people who are keeping watch in order to improve justice delivery system. Local societies on their own can keep a watch on the activities of the local Courts.

Short Shrift to Petition Seeking Speedy Justice

Janhit Manch, (Forum's Associate NGO) Common Cause, and two others had jointly filed a comprehensive writ petition in the Supreme Court in March 2008, offering a multi-pronged strategy to expedite the dispensation of justice and reverse the trend of a mounting backlog of Court cases. The writ petition had relied heavily on the Law Commission of India reports. The need to use alternate modes of disputes redressal, pre-litigation measures and plea bargaining had also been stressed in the petition.

The matter was heard in fits and starts over an extended period of over six years, experiencing the full rigour of the dilatory and capricious judicial process that it set out to mitigate. The denouement came on December 10, 2014 when the Apex Court summarily disposed of the petition, placing reliance on the Solicitor General's statement that most of the issues raised in the petition were also involved in Criminal Appeal nos. 254–262/2012 Imtiyaz Ahmad Vs. State of U.P. & Ors.

The fact of the matter is that while our petition sought to comprehensively address the demand, supply and efficiency issues contributing to a progressive dysfunction of the system of administration of justice in the country, only a few of these fundamental issues are being considered peripherally in Imtiyaz Ahmad's appeals.

The Court went on to observe that the Judiciary had already considered most of the issues raised in the petition independently and finally. The question is whether such consideration has led to any tangible improvement in the situation on the ground. The crux of the matter is the implementation of the decisions of the Judiciary. And this is what the petition was about.

The following application for the recall of this unwarranted order has been filed by the petitioners.

Kamalkant Jawal, Director, Common Cause

Forum's Note: The recall application was not entertained by the Supreme Court register as per his ardir dt : 4–3–2015

80% OF FUNDS FOR DEVELOPING JUDICIAL INFRA UNSPENT

New Delhi: Judiciary and the state governments have failed to utilize up to 80% of 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 of special morning and evening courts also reportedly remained unused.

Based on the 13th Finance Commission recommendation, the government had allocated Rs. 5,000 crore for court infrastructure development. The law ministry had released at least Rs. 1,775 crore in the last five years to states.

A latest law ministry assessment, however, reveals only Rs. 867 crore has been used so far by the states for creating of courtrooms and other judicial infrastructure for which utilization certificates have been received.

Sources said the government had allocated Rs. 2,500 crore for running of special morning and evening special courts intended to bring down the pendency list. Surprisingly, the judiciary could utilize only Rs. 215 crore meant for this purpose, leaving more than Rs. 2,000 crore unspent.

Most of the high courts failed to avail of the funds meant for running of special courts, including fast tract courts, barring Gujarat which alone utilized Rs. 113 crore of the total Rs. 215 crore used under this category.

The higher judiciary had recently blamed the government for lack of courtrooms and infrastructure and low allocations by the government as reasons behind large-scale vacancies in the subordinate judiciary and high courts.

The 13th Finance Commission grant period is coming to an end with the recommendations of the new finance commission awaited. But, irrespective of utilization of funds from previous grants, the government has sought additional allocation of Rs. 9,500 crore for development of court infrastructure and setting up of fast tract courts.

- Times of India, Ahmedabad 12-01-2014

ROSHNI BAFNA OF DAHANU IN MAHARASHTRA TURNED PAUPER SEEKING JUSTICE.....

- Roshni Bafna

I was having highest respect for our judiciary but I am pained to say that due to huge corruption prevailing in judiciary my precious life has become hell. I was made to run from pillar to post since last 29 years, lost my all wealth, health, suffered from T.B., vertigo, severe back pain, lost all teeth at young age but ultimately succeeded in exposing the criminal conspiracy, forgery, perjury by an advocate who obtained favorable order within very short period without making me a party in suit filed by him through his junior advocate for my landed property at Dahanu which was gifted and bequeathed to me by my late mother for my survival. It is pertinent to note that the said advocate has not only left any opportunity to harass my mother but also removed my father from his ancestral house and deprived him from his right. He not only took undue advantage of my father's innocence but also filed a case by instigating my real elder uncle to remove him from his grocery shop and grabbed his landed property by cheating and coercion on him which compelled my mother to work hard to save remaining land and to earn bread & butter for her 6 children. Said uncle also instigated my in-laws to harass me for dowry since the day of my marriage and appeared in court for them against me. As soon as my mother expired, said uncle started instigating my brothers and filed a case against me for my land. Being a habitual offender of law, the face of that advocate was blacken with tar by people of Dahanu. I also exposed his criminal conspiracy and forgery before the court at Dahanu but he was protected by the Magistrate at Dahanu Court and I was denied justice, I was compelled to protest by fasting before the court overnight all alone on 12.2.2015 which was noticed by the people of Dahanu, press and Society For Fast Justice, Dahanu. Ultimately Hon'ble Principal Judge, Session Court, Thane, Intervened in this matter and assured me that I shall be given justice. Now my matter is heard and I am expecting the restoration of my land soon.

AGENDA FOR THE YEAR 2015-16**By Pravin Patel,**

National Convener, Forum for Fast Justice.

Dear friends,

It was good time together while many of us for two days were addressing, discussing and deliberating on various issues to work for the fast justice movement. We are lucky to have heard few eminent personalities who shared essence of their vast knowledge and experience with all of us. The year 2014 was started with five societies and we touched the half century mark. Our next target is to reach 100 mark Assam, Tripura, Nagaland, Uttaranchal, Himachal Pradesh, Punjab, Kerala, Andhra Pradesh and Gujarat where we are not present with registered societies and also strengthen our position in Karnataka, Madhya Pradesh, West Bengal, Telengana, Tamil Nadu, Bihar and Uttar Pradesh where we have conducted series of workshops. Our aim is to reach each and every 682 districts of the country within a period of five years. This is not at all difficult if all of us work in tandem with each other. Our preference should be the districts that fall in the route of Nyay Yatra for which, I have already talked with few of you by holding group meetings and telephonic talks particularly in Odisha, Chhattisgarh, West Bengal, Tamil Nadu, Vidarbha in Maharashtra and Telengana. Many of you have positively responded to get one society in your adjoining districts. I would like to remind all of you the promise you made at the NATCON 2015. I am confident, 150 mark can be reached before Nyay Yatra.

Secondly, it is also the duty of all of us to popularize 'NYAY- DISHA' our quarterly magazine published from Mumbai. This magazine goes free of cost to all the Justice of Supreme Court as well as to all Judge of

High Courts. It is also sent to all law makers i.e. Members of Parliament of both houses, members of Bar council of India & State Bar Councils, NGOs, Corporates, Forum Patrons and to Our Societies For Fast Justice. It would be best if all of us can take up a drive to have 5000 subscribers in the first year with annual subscription of Rs. 100/- and make it to bimonthly from January, 2016.

It is again stated that our proposed Nyay Yatra will begin on 30th January, 2016, (Martyrs day). This will start from Manipur (North East), Kanyakumari (South) Bhuj and Mumbai (West), Kolkata (East) which will pass through many villages, towns and cities where mass awareness will be created amongst people through street corner meetings and leaflets on the subject. Nyay Yatra will culminate at Jantar Mantar, New Delhi on 5th March, 2016. converged to NATCON 2016. Shri Raj Kachroo, President of Guargaon Society for Fast Justice has already started working to co-host NATCON 2016 with Forum for Fast Justice during 6-7 March in Delhi. I congratulate him and his team for taking the initiative.

I am happy to inform that Dahanu Society is going to have one day conference at Dahanu, Kolkata Society to have two half day conferences in coming months, Sundergarh Society is planning for Eastern regional (Odisha, Jharkhand, W. Bengal and Chhattisgarh) conference after Navratri and Chennai Society to have a south zone regional conference to strengthen mutual cooperation and work out plans for Nyay Yatra. I welcome suggestions and possible routes of NYAY YATRA for further consideration while the final blue print will be prepared.

SINGAPORE MAGAZINE ADVISES INDIAN GOVERNMENT TO CONSIDER FORUM'S RECOMMENDATIONS ON JUDICIAL REFORMS

Article of Ameerally Jumabhoy appeared in March-April issue of 'Foreign Investors on India'. The relevant para: JUDICIAL REFORMS: recommendations of Bhagvanji Raiyani, Chairman of Forum For Fast Justice should be implemented with a sense of urgency. Fast track courts, setting up of new courts, sanctioning of new positions for judges and the number of lawyers and filling up existing vacancies are some of the initiatives to act upon immediately.

आजाद मैदान मुम्बई में ३० जनवरी २०१४ को न्यायिक सुधारों के लिए फोरम फोर फास्ट जस्टिस द्वारा आयोजित विरोध सभा में पारित किया गया प्रस्ताव

हम, जो कि मंद न्यायिक प्रणाली के खिलाफ निकाली गई उन विरोध रैलियों के सहभागी हैं जो (1) नवी मुम्बई से रवाना होकर थाने, घाटकोपर, दादर, बायकला होते हुए आजाद मैदान पर खत्म हुई तथा (2) जो दहीसर, अंधेरी, बांद्रा, दादर, गिरगाँव होते हुए आजाद मैदान पर खत्म हुई तथा वहाँ पहुँच कर विरोध प्रदर्शन किया तथा सर्वसम्मति से यह प्रस्ताव पारित किया कि :-

एक विशेषज्ञ समिति का गठन किया जाना चाहिये जो विधि आयोग एवं अन्य विशेषज्ञ समितियों द्वारा पेश की गई 243 रिपोर्टों का अध्ययन करे और उनमें से छः माह के अन्दर न्यायिक तंत्र में सुधार के सबसे महत्वपूर्ण बिन्दुओं को संकलित करे तथा अपनी रिपोर्ट केन्द्र सरकार, भारत के प्रधान न्यायाधीश एवं राष्ट्रपति को एक साथ भेज दे। रिपोर्ट में निम्न मुद्दों पर विशेष रूप से ध्यान दिया जाना चाहिये :-

1. देश में सुप्रीम कोर्ट की चार अतिरिक्त न्यायपीठें – पूर्व, पश्चिम, दक्षिण एवं केन्द्र में खुलनी चाहिये जिससे न्याय तक बेहतर पहुँच हो सके। वैकल्पिक रूप से प्रत्येक हाई कोर्ट में जजों की एक अपीलीय संस्था होनी चाहिये जो हाई कोर्ट की खण्डपीठ के निर्णयों की अपील सुन सके और उसके पास सुप्रीम कोर्ट के समान शक्तियाँ हों।
2. हमारे भारत में प्रति 10 लाख जनसंख्या पर 10.5 जज औसतन है जबकि यह संख्या आस्ट्रेलिया में 41, इंग्लैंड में 51, कनाडा में 75 तथा अमेरिका में 107 है। इस जजों और जनसंख्या के अनुपात के बारे में सुप्रीम कोर्ट ने ऑल इंडिया जजेज एसोसियेशन बनाम केंद्र सरकार (2002) 4SCC247 के मामले में केंद्र सरकार को अप्रैल 2002 में यह निर्देश दिया था कि जजों की संख्या 10.5 प्रति 10 लाख जनसंख्या से बढ़ाकर अप्रैल 2007 तक 50 जज प्रति 10 लाख तक बढ़ाया जाये। परंतु केंद्र सरकार एवं राज्य सरकारें इस निर्णय को लागू करने में विफल रही हैं। अतः यह सदन सरकार से अपील करता है कि वो उक्त निर्णय को लागू करने की प्रक्रिया प्रारम्भ करे तथा इसके लिए आवश्यक बुनियादी सुविधाओं को भी विकसित करे।
3. अधीनस्थ न्यायालयों में एवं हाई कोर्टों में 30% पद

रिक्त पड़े हैं। सदन कुछ जजों के इस मत का अनुमोदन करता है कि वर्तमान जजों की संख्या से संचित मुकदमों को निपटाने में लगभग 300 वर्ष का समय लगेगा। अतः शीघ्र ही रिक्त पदों को भरने के लिए आवश्यक कदम उठाये जाने चाहिये जिससे उपरोक्त निर्णय का ऑल इंडिया जजेज एसोसियेशन के पक्ष में क्रियान्वयन किया जा सके।

4. साथ ही हम अधीनस्थ न्यायालयों एवं हाई कोर्टों के जजों की सेवानिवृत्ति की आयु बढ़ाकर 65 वर्ष करने की भी सिफारिश करते हैं।
5. हम यह भी सिफारिश करते हैं कि संविधान के अनुच्छेद 127 एवं 128 के प्रावधानों के अनुसार सुप्रीम कोर्ट में तथा अनुच्छेद 224 के अनुसार हाई कोर्टों में रिक्त पदों को तत्काल अस्थायी जजों अथवा सेवानिवृत्त जजों की नियुक्ति के द्वारा भरा जाना चाहिये।
6. सदन यह पुरजोर सिफारिश करता है कि राष्ट्रीय न्यायिक आयोग का गठन किया जाये जिसमें न्यायपालिका, कार्यपालिका एवं विधायिका से लोगों को शामिल किया जाये। तथा इस आयोग का कार्य हाई कोर्ट एवं सुप्रीम कोर्ट में न्यायाधीशों की नियुक्ति की सिफारिश करना हो जो कि राष्ट्रपति एवं प्रधान न्यायाधीश के लिए बंधनकारी हो। न्यायिक आयोग के पास दोषी जजों पर मुकदमा चलाने की एवं दंडित करने की भी शक्तियाँ हो।
7. सदन यह पुरजोर सिफारिश करता है कि न्यायपालिका के लिए न्यायिक लोकायुक्त की नियुक्ति की जाये जैसा कि स्वीडन, स्पेन, फिनलैंड में है या फिर न्यायिक परिषद का गठन हो जैसा कि कनाडा और इंग्लैंड में है ताकि न्यायिक प्रशासन पर निगरानी रखी जा सके जिसमें अभिय विभाग, पुलिस एवं जेल शामिल है। लोकायुक्त को यह शक्ति प्राप्त होगी कि वह जाँच करे एवं हाई कोर्ट को आवश्यक कार्यवाही की सिफारिश करे।
8. सदन ग्राम न्यायालयों की स्थापना की पुरजोर सिफारिश करता है जिससे पूरे ग्रामीण क्षेत्र में गरीबों

तक न्याय पहुँचाया जा सके।

9. मुकदमों के भारी संचित अम्बार को निपटाने के लिए सदन देश के सभी हाई कोर्टों एवं अधीनस्थ न्यायालयों में सांयकालीन न्यायालय प्रारम्भ करने की सिफारिश करता है।
10. स्थगनों के नियमों की पुस्तक एवं बहस की सीमा :- न्यायालय समय देकर सुनवाई को स्थगित कर सकता है। (1) न्यायालय, यदि पर्याप्त कारण दिये गये हैं तो, मुकदमे के किसी भी चरण में पक्षकारों को समय दे सकता है एवं मुकदमे की सुनवाई स्थगित कर सकता है परंतु इसके कारण लिखित में दर्ज करना आवश्यक है। परंतु कोई भी स्थगन किसी भी पक्षकार को एक मुकदमे की सुनवाई के दौरान तीन बार से ज्यादा नहीं दिया जायेगा - 1999 के अधिनियम 46 की धारा 26 द्वारा उपनियम (1) के लिए स्थानापन्न किया गया (1-7-2002 से लागू)

सिविल प्रक्रिया संहिता के आदेश XVIII के नियम 2 में उपनियम 3D को सन् 2002 के संशोधन द्वारा डाला गया जिसमें कहा गया है कि न्यायालय किसी भी पक्षकार द्वारा की जाने वाली बहस की ऐसी सीमाएं किसी भी मुकदमे में तय कर सकता है जैसा वो उचित समझे।

सिविल प्रक्रिया संहिता के आदेश XXA में यह प्रावधान है कि न्यायालय कई प्रकार की लागत

पक्षकारों पर लगा सकता है। इन लागतों में मुकदमा दायर करने से पूर्व दिये गये नोटिस का खर्चा जहाँ कानूनन यह अनिवार्य है, किसी ऐसे नोटिस का खर्चा, जो कानूनन अनिवार्य तो नहीं है परंतु फिर भी किसी पक्षकार ने दूसरे पक्षकार को मुकदमा दायर करने से पहले दिया हो, टाइपिंग का खर्चा, पक्षकार द्वारा दायर की जाने वाली याचिका को लिखने एवं छापने का खर्चा, पक्षकार द्वारा कोर्ट के किसी रिकॉर्ड का निरीक्षण करने का खर्चा, गवाहों को प्रस्तुत करने का खर्चा, चाहे उन्हें कोर्ट ने सम्मन नहीं किया हो, तथा अपील के मामलों में पक्षकारों द्वारा किसी निर्णय की कॉपी प्राप्त करने का खर्चा जो कि अपील दायर करने के लिए आवश्यक हो।

परंतु न्यायाधीश इन नियमों का पालन नहीं करते एवं तारीख पर तारीख सामान्य रूप से दिये जाते हैं

बिना कोई लागत लगाये हुए।

11. मिथ्या साक्ष्य, तुच्छ एवं दुर्भावनापूर्ण मामले :- आजकाल शपथपूर्वक झूठे साक्ष्य देना आम बात हो गई है। कई मुकदमे तो केवल विपक्षी पक्षकार को परेशान करने के लिये दायर किये जाते हैं। ऐसे पक्षकारों के विरुद्ध दंड प्रक्रिया संहिता के अध्याय XXVI के तहत मुकदमा चलाया जाना चाहिये और उन्हें दंडित किया जाना चाहिये एवं जुर्माना लगाया जाना चाहिये।

सौजन्य : न्यायिक ज्वाला, जयपुर

SWAMI RAMDEVJI BLESSES JUDICIAL REFORMS MOVEMENT

Bhagvanji Raiyani, Forum's Chairman on 27th March 2015 had a special privilege to meet Swami Ramdevji at his Patanjali Yogpeeth Ashram near Haridwar. The meeting was arranged by Swamiji's Bharat Swabhimani's Mumbai leader, advocate Ramesh Jaiswal and Swabhimani's Central CEO and his chief aide Dr. Jaideepji Arya.

Raiyani presented Swamiji with the Forum's literature and requested to support its nationwide SAVE JUDICIARY-SAVE NATION movement as Swabhimani's and Forum's common goal is removing corruption and criminality from the Society, government and the

elected representatives. Swamiji agreed and expressed his happiness towards our campaign and concurred with Forum's assertion that unless the country's justice delivery system is not fast, fair, accountable and accessible to all, corruption and criminality cannot be eradicated.

Raiyani requested him to appeal to Swabhimani's cadre across the country to help Forum to set up Society For Fast Justice in different cities of all states and join its nationwide NYAY YATRA for 35 days commencing on 30th January 2016

देश के न्यायालय जनता की सेवा के लिए नहीं अपितु पीड़ित पक्षों का और उत्पीड़न के लिए बनाए गए नयी तकनीक के यातना गृह हैं कौनसा न्याय? कैसा न्याय....? किसका न्याय....?

- मनीराम शर्मा
चुरु, राजस्थान

जिस व्यक्ति का भारत के न्यायालयों से कोई वास्ता नहीं पड़ा हो उसके लिए वे बहुत सम्मानजनक स्थान रखते हैं। मेरे मन में भी कुछ ऐसा ही भ्रम था किन्तु लगभग २० अपराधिक और सिविल मामले सरकारी अधिकारियों और प्रभावशाली लोगों के विरुद्ध देश के विभिन्न स्तर के न्यायालयों में दायर करने के बाद मेरा यह भ्रम टूट गया। इनमें से ज्यादातर का प्रारम्भिक स्तर पर ही असामयिक अंत कर दिया गयान्याय एक में भी नहीं मिला। सरकारी पक्ष के विषय में न्यायालयों की यह अवधारणा पायी गयी कि वह ठीक होता है।

एक रोचक मामला इस प्रकार है। राज्य परिवहन की बस में एक बार यात्रा कर रहा था जिसमें ३६ सवारियाँ बेटिकट थी अचानक चेकिंग आई, गाड़ी रूकवाकर निरीक्षण किया गया। चेकिंग दल ने सिर्फ १८ सवारियाँ बेटिकट का रिमार्क दिया। कंडक्टर और ड्राइवर गाड़ी को लेकर आगे बढ़े। अब कंडक्टर को आगे चेकिंग का कोई भय नहीं था इसलिए रास्ते में एक भी सवारी को टिकट नहीं दी। दो दिनों तक वह बिना व्यवधान के चलता रहा। आखिर मेरी शिकायत और सूचनार्थ आवेदन पहुँचने के बाद उसे निलम्बित किया गया। बेटिकट यात्रा करवाने के मामले में मैंने सम्बंधित मजिस्ट्रेट के यहाँ शिकायत भेजी और उसके समर्थन में मेरा व मेरे एक सहयात्री का शपथ-पत्र भी प्रस्तुत किया। दंड प्रक्रिया संहिता में यह प्रावधान है कि किसी लोक सेवक पर आरोप लगाए जाए तो उसके लिए शपथ पत्र दिया जा सकता है ताकि उसके चरित्र के बारे में खुली चर्चा न हो। ठीक इसी प्रकार दंड प्रक्रिया संहिता के अनुसार मजिस्ट्रेट से मौखिक शिकायत भी की जा सकती है और किसी गुमनाम अपराधी के विषय में भी शिकायत की जा सकती है क्योंकि संज्ञान अपराध का लिया जाता है न कि शिकायतकर्ता या अपराधी का। जबकि मजिस्ट्रेट पक्षकारों को तंग परेशान और हैरान करने के लिए जहाँ मौखिक का प्रावधान हो वहाँ लिखित और जहाँ लिखित का प्रावधान हो वहाँ मौखिक पर जोर देकर अपनी शक्ति

का बेजा प्रदर्शन करते हैं। न्यायालयों में मंत्रालयिक स्तर पर भ्रष्टाचार को वे जानते हैं और उनको जानना चाहिए किन्तु फिर भी सब यथावत चलता है। भारत में तो न्यायालय के मंत्रालयिक कर्मचारियों के लिए तारीख घेशी देना, जैसा कि रजिस्ट्रार जनरलों की एक मीटिंग में कहा गया था, एक आकर्षक धंधा है और इससे न्यायालयों की बहुत बदनामी हो रही है।

किन्तु मजिस्ट्रेट ने न केवल मेरी शिकायत को इस आधार पर निरस्त कर दिया कि वहाँ उपस्थित होकर बयान नहीं दिए और अपराधी का नाम नहीं था बल्कि मुझ पर खर्चा (अर्थदंड) भी लगा दिया गया। निचले न्यायालयों की शक्तियाँ सम्बंधित कानून के अनुसार ही होती हैं और दंड प्रक्रिया संहिता में ऐसा कोई प्रावधान ही नहीं है कि एक शिकायतकर्ता पर खर्चा लगाया जा सके। मामले में सत्र न्यायालय, उच्च न्यायालय और सर्वोच्च न्यायालय में भी याचिकाएं क्रमशः दायर की गयी किन्तु कहीं से कोई राहत नहीं मिली। अब मामला पुनः मजिस्ट्रेट के पास खर्चे की वसूली के लिए आ गया और मुझे नोटिस जारी किया गया। मैंने मजिस्ट्रेट न्यायालय को निवेदन किया कि इस न्यायालय को अर्थदंड लगाने का कोई अधिकार ही नहीं है तब जाकर कार्यवाही रोकी गयी किन्तु फिर भी परिवहन निगम के दोषी कार्मिकों पर कोई कार्यवाही नहीं की गयी।

क्या कोई विधिवेता बता सकता है कि देश में कैसा कानून और न्याय है, किस स्तर के न्यायाधीशों को कानून का कोई ज्ञान है....? अब जनता कानून की मदद कैसे, कब और क्यों कर सकती है....? ऐसे लगता है देश के न्यायालय जनता की सेवा के लिए नहीं अपितु पीड़ित पक्षों का और उत्पीड़न के लिए बनाए गए नयी तकनीक के यातना गृह हैं।

सौजन्य : न्यायिक ज्वाला, जयपुर

न्यायालयों में विलम्बित मुकदमों के कारण भारत की विश्व में निम्न श्रेणी : विश्व बैंक

- टाइम्स ऑफ इंडिया रिपोर्ट

नई दिल्ली। भारतीय न्यायालयों में विलम्बित मुकदमों का अम्बर एवं न्यायिक सुधारों का क्रियान्वयन न होना को विश्व बैंक ने 'इज ऑफ ड्रूंग बिजनेस' के सूचकांक में भारत की निम्न श्रेणी का प्रमुख कारण माना है। पिछले वर्ष भारत को 189 देशों में 142वां स्थान मिला।

वाणिज्य मंत्रालय में औद्योगिक नीति एवं प्रोत्साहन विभाग (डीआईपीपी) को दिये गये एक ज्ञापन में विश्व बैंक ने यह सुझाव दिया है कि जजों के कार्य मूल्यांकन को न्यायालयों में विलम्बित मुकदमों में कभी से जोड़ा जाना चाहिए।

सूत्रों ने बताया कि डीआईपीपी द्वारा आयोजित बैठक में हाल ही में इस मामले पर विचार-विमर्श किया गया कि कैसे जजों की कार्य मूल्यांकन प्रणाली में सुधार किया जाये जिससे उनके कार्य को विशिष्ट अड़चनों के समाधान से जोड़ा जा सके जैसा कि विश्व बैंक ने सुझाव दिया है।

डीआईपीपी मोदी सरकार के 'मेक इन इंडिया' अभियान की क्रियान्विति को भी समन्वित कर रहा है। दिलचस्प बात यह है कि विश्व बैंक ने सुझाया है कि न्यायिक अधिकारियों की कार्य मूल्यांकन प्रणाली में सुधारों की तुरन्त आवश्यकता है जिससे एकरूपता, निष्पक्षता एवं मानकीकरण का संचार किया जा सके।

विश्व बैंक ने मलेशिया का एक उदाहरण दिया जहां सुधारों के क्रियान्वयन से जजों के मुकदमा निस्तारण दर को सूचकांक बेहतर हुआ है तथा तीन वर्ष में सचित मुकदमों की संख्या 50 प्रतिशत कम हो गई है।

दूसरा उदाहरण यूनाइटेड अरब एमीराट्स का है जहां सर्वश्रेष्ठ कार्य करने जजों के लिए पुरस्कार रखे गये हैं।

ज्ञापन के अनुसार भारतीय न्यायालयों में कार्यवाही में विलंब का मुख कारण उदारता से स्थगन प्रदान करना है। इसने सिफारिश की कि इस बात की निगरानी रखी जानी चाहिए कि जजों ने कितनी बार स्थगन प्रदान किये और उसके क्या कारण थे। "ऐसा मुकदमा प्रबन्धन प्रणाली को कार्य मूल्यांकन प्रबंधन से जोड़ कर किया जा सकता है।"

इसने कहा कि सरकार को यह सुनिश्चित करना होगा कि स्थगन अनिश्चितकालीन न हो और उसकी एक समय सीमा तय की जाये।

कुछ ही सप्ताह पहले, मोदी सरकार ने सभी 24 हाईकोर्टों के मुख्य न्यायाधीशों को पत्र लिखकर यह सुनिश्चित करने के लिए कहा था कि वाणिज्यिक एवं अन्य विवाद त्वरित गति से निस्तारित हों जिससे विनिवेश के लिए अनुकूल वातावरण बने एवं 'मेक इन इंडिया' अभियान सफल हो सके।

मलेशिया द्वारा 2009 से 2011 के बीच न्यायिक प्रणाली में किये गये क्रान्तिकारी सुधारों में से एक था जजों ने स्वयं तय किया था, उद्देश्य था कि जज स्वयं अपने कार्य का मूल्यांकन करें और निगरानी रखें। इसके एवं अन्य उपायों के परिणामस्वरूप मुकदमों की निस्तारण दर मलेशिया में काफी बेहतर हुई है तथा तीन साल से कम समय में सचित मुकदमों की संख्या 50 प्रतिशत घट गई।

PIL (Public Interest Litigation) as a powerful arm of the legal aid movement developed in this country towards the end of 1970s and came into full bloom in the eighties. Before the Supreme Court of India started this constitutional revolution, unparalleled anywhere in the world, class action was possible only through some provisions of the Civil Procedure Code 1908.

What gave the present movement of public interest litigation radical social dimensions was its foundation in the Constitution itself. The chapter on fundamental rights has been called the "conscience of the Constitution" by jurists. These rights, along with the Directive Principles of State Policy, were drawn from the most revolutionary documents in world history like the Bill of Right and the Universal Declaration of Human Rights.

- Courtesy: Social Action Through Courts by M J Anthony - 1993

न्यायपालिका में ऐसे जजेज भी हैं जिन्होंने एक ही दिन में निपटाए दर्जनों मामले

मुम्बई ब्लास्ट के एक मामले में संजय दत्त को सजा सुनाने वाले जस्टिस प्रमोद दत्ताराम कोडे १२ फरवरी को रिटायर हुए हैं। वे एक ही दिन में दर्जनों मामले निपटाने वाले जजों में भी शुमार हैं। देश के सभी न्यायालयों में कुल मिलाकर करीब ३ करोड़ २० लाख मुकदमे लंबित हैं। इनमें से ६४ हजार ९१९ केस सुप्रीम कोर्ट में और २४ हाई कोर्ट में ४४ लाख ५० हजार से ज्यादा मामले लम्बित हैं। इनमें ९ प्रतिशत की दर से बढ़ोतरी हो रही है। इस व्यवस्था में ऐसे जजों के बारे में जानना दिलचस्प होगा, जिन्होंने तेजी से मामले निपटाए।

ऐसे चार उदाहरण -

४२ मामले निपटाए

कहाँ : बॉम्बे हाई कोर्ट

रिटायरमेंट से कुछ समय पहले जस्टिस कोडे ने ४२ मामले एक दिन में निपटाए। जस्टिस कोडे ने मार्च १९९६ से जून २००७ के बीच कोई छुट्टी नहीं ली।

९३ मामले निपटाए

कहाँ : आंध्र प्रदेश हाई कोर्ट

१५ जुलाई, २०१० को जस्टिस गोपाल कृष्णा ने एक ही दिन में ९३ मामलों का निपटारा किया। इनमें से ज्यादातर क्रिमिनल रीविजन याचिकाएं थीं।

१११ मामले निपटाए

किसने : न्यायमूर्ति जेवीवी सत्यनारायण मूर्ति

कहाँ : गुंटूर, आंध्र प्रदेश

अगस्त २०१० में ४० वर्षीय सत्यनारायण मूर्ति ने सबसे ज्यादा मामले एक दिन में ही निपटाने का राष्ट्रीय रिकॉर्ड बनाया।

१४८ मामले निपटाए

किसने : न्यायमूर्ति ए. के. शौरी

कहाँ : कैथल, हरियाणा

न्यायाधीश सत्यनारायण मूर्ति के रिकॉर्ड को महज एक महीने बाद न्यायाधीश ए. के. शौरी ने तोड़ दिया।

फॉर्म फोर फास्ट जस्टिस के अध्यक्ष भगवानजी रैयाणी की चुनौती

सेवा में,

- माननीय श्री प्रणव मुखर्जी, भारत के राष्ट्रपति
- डॉ. हमीद अंसार, भारत के उप राष्ट्रपति
- श्रीमती सुमित्रा महाजन, माननीय अध्यक्षा, लोकसभा
- माननीय श्री नरेन्द्र मोदी, भारत के प्रधानमंत्री
- माननीय न्यायमूर्ति एच. एल. दत्त, भारत के प्रधान न्यायाधीश
- माननीय श्रीमती सुषमा स्वराज, विदेश मंत्री
- माननीय श्री डी. वी. सदानन्द गौड़ा, विधि एवं न्याय मंत्री

मान्यवर,

मैं भगवानजी रैयाणी।

मैं हमारी न्यायपालिका पर शर्मिन्दा हूँ।

मैं हमारी सरकार पर शर्मिन्दा हूँ।

मैं हमारी संसद पर शर्मिन्दा हूँ।

कृपया टाइम्स ऑफ इंडिया में १७.१.२०१५ को “न्यायालयों में विलम्बित मुकदमे भारत की विश्व में निम्न श्रेणी के लिए जिम्मेदार-विश्व बैंक रिपोर्ट” शीर्षक से छपी निम्न रिपोर्ट को बढें। भारत को १८९ देशों में पिछले वर्ष १४२ वीं श्रेणी पर रखा गया। विश्व बैंक ने सुझाया कि न्यायिक सुधारों की कार्य मूल्यांकन प्रणाली में सुधार की तुरन्त आवश्यकता है।

हम आपसे न्यायिक सुधारों पर विचार-विमर्श करने के लिए समय मांगते रहे हैं परन्तु आपने कभी भी प्रत्युत्तर देने का कष्ट नहीं किया। अब हम न्याय के लक्ष्य की प्राप्ति के लिए गांधीवादी तरीकों से और उग्रता से आगे बढ़ेंगे। हम इस मुद्दे को संयुक्त राष्ट्र एवं देशों के समूहों के समक्ष उठावेंगे।

मैं आप सभी को चुनौती देता हूँ कि मेरे विरुद्ध मुकदमा दायर करें यदि मैंने संस्थाओं अथवा विशिष्ट लोगों का अवमान किया हो।

(भगवानजी रैयाणी)

अध्यक्ष एवं प्रबन्ध ट्रस्टी

फॉर्म फोर फास्ट जस्टिस

098204 03912

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NATIONAL CONVENTION ON JUDICIAL REFORMS NATCON 2015 AT BHUBANEHWAR



Odissi Dance presented in the evening of day one of NATCON 2015. Chairman felicitated the artistes, with a cash prizes



Akhtar Hussain from Rajouri Society for Fast Justice Jammu & Kashmir



View of the dais on inaugural session: L to R: Manoj Jena, O. P. Monga, Kamal Kant Jaswal, Bhagvanji Raiyani, Justice M.Pappana and Pravin Patel



Kamal Kant Jaswal delivering valedictory address, L to R: Sr. Advocate Tahili Charan Mohanty, Dr. Madhav Menon and Dr. Binayak Rath, Former Vice Chancellor, Utkal University.



Thangkhomang Haokip from Churachandrapur society for Fast Justice, Manipur addressing the gathering



Dr. Madhve Menon eminent Jurist, addressing the NATCON 2015

NATIONAL CONVENTION ON JUDICIAL REFORMS NATCON 2015 AT BHUBANEHWAR



L to R: Raj Kachroo, (Harayana), S. Mukhtar Ahmed, (W. Bengal) Gulshan Pahuja, (New Delhi), Pravin Patel (Chhattisgarh) and Manoj Jena (Odisha)



Raju Thakkar (Mumbai) addressing the convention. L to R Bhaskar Sur (Kolkatta), Santosh Shetty (Dahanu), Capt. S. C. Tripathy (Kanpur), Gulshan Pahuna (New Delhi), Raju Kachroo (Guargaon), Balasubramanian (Chennai).



Delegates at the inaugural session



Group Photo at the conclusion of the NATCON 2015.



From East: Mr. S. Mukhtar Ahmed, North 24 Pargana Society for Fast Justice, W. Bengal

Printed Matter

To,



Political Session on Day two of the convention. L to R: Mrs. Mamta Sharma, Ram Khrushna Panda (CPI), Baidyanath Mishra (Kaushal Kranti Dal), Purohit (MLA, BJP), Somjhibhai Damor, Ex. MP, Bhagvanji Raiyani and Kamalkant Jaswal.

FORUM FOR FAST JUSTICE

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