

Significant steps to cut backlog of cases

THE recent measures taken by the United Front Government at the Centre to reduce backlog of cases running into several millions in various courts of the country will go a long way in providing inexpensive and speedy justice to the people, particularly those who are poor and weak.

As a part of its goal to solve this problem, the government has taken a number of steps, like notified Legal Services Authorities Act, 1987, enacted new Arbitration and Conciliation Law, sanctioned sufficient funds for modernisation of courts and asked the Law Commission to submit its report suggesting certain amendments in the Code of Criminal Procedure for speedy disposal of criminal cases.

The Lok Adalat which was till now a voluntary effort for resolution of disputes through conciliatory and persuasive method has been provided a statutory base with the enforcement of the Legal Services Authorities Act, 1987 with effect from Nov. 9, 1995.

The new law is being enforced in 12 States namely Andhra Pradesh, Haryana, Himachal Pradesh, Madhya Pradesh, Manipur, Orissa, Punjab, Rajasthan, Sikkim, Uttar Pradesh, West Bengal and National Capital Territory of Delhi. It will be extended to Bihar soon. At the same time, various efforts are being made by the Central Government to persuade the remaining State Governments to

finalise and notify the State Legal Services Authority Rules in their State Gazettes so that the people could avail benefits of this legislation.

It may be noted that pending finalisation of the State Legal Services Authority Rules and constitution of the Authorities and Committees under the Legal Services Act, 1987, the earlier pattern of holding Lok Adalats is being adhered to and the boards are continuing to hold Lok Adalats regularly in various States where it is yet to be notified. This measure, it is believed, will enable the urban and rural poor to get justice at their doorsteps.

The second important step taken by the Government is enactment of new Arbitration and Conciliation Law which has opened a new chapter in the history of legal and judicial reforms in the country. It is not to be seen as just another law but one which has the potential to bring about qualitative changes in the way the role of law is perceived and the way in which administration of justice is carried.

The important feature of the new Arbitration and Conciliation Law is that it consolidates and amends the law relating to domestic arbitration, international commercial arbitration and enforcement of foreign awards as also the law relating to conciliation. This is

unique in the sense that it uses the United Nations model law on International Commercial Arbitration and Conciliation Rules both for International Commercial Arbitration and Domestic Arbitration.

Another dominant feature of new law is that it seeks to minimise the supervisory role of the courts. The grounds for challenging the awards are made more specific. It also encourages the arbitration tribunals to use mediation and conciliation or other Alternative Dispute Resolution (ADR) procedure during the arbitral proceedings to encourage settlement of

disputes particularly commercial or relating to property, family or any other dispute which is civil in nature.

According to Dr P. C. Rao, Secretary, Ministry of Law and Justice, the new law constitutes an important milestone in the matter of administration of justice. He believes that the law will contribute substantially in reducing accumulation of cases in courts by providing ADR methods for settlement of disputes and stimulate growth of ADR mechanism in India.

The ADR movement received a major fillip in India three years ago when a resolution, adopted by the Chief Ministers and the Chief Justices on Dec. 4, 1993, declared that courts were not in a position to bear the entire burden of the justice system and that a number of disputes lent themselves to resolution by alternative modes such as arbitration, mediation and negotiation. It further emphasised the desirability of disputants taking advantage of ADR which provided procedural flexibility, saved valuable time and money and avoided the stress of a conventional trial.

The establishment of International Centre for Alternative Dispute Resolution (ICADR) is an important step in this direction. The centre is likely to be a unique forum in this part of the globe where the dispute would be resolved by consensus thereby preserving unimpaired the goodwill which is so essential to an on-going commercial and human relationship.

The conflict approach through inevitable in formal court proceedings can, not infrequently, at least sour if not destroy mutual trust and confidence between the parties to their ultimate detriment and to the detriment of a free flow of trade, commerce and human relationship. This can be avoided if ADR methods are adopted by the parties for resolution of their disputes.

The third important step taken by the Government is that it has formulated an ambitious plan to modernise courts in the country by providing them high-tech computers, electronic typewriters, better salaries, allowances and working conditions to the judges and linking all High Courts with the Supreme Court with NICKNET network.

As a result of these measures, a litigant whose case is pending in the apex court, can come to know at his district when his case will come up for hearing and what was the order passed by the court in his case on the previous date of hearing. This information, a litigant can get by paying only a nominal amount at the district centre of the NICKNET.

Under the modernisation plan, all High Courts of the country will be linked with the Supreme Court in a phased manner through the NICKNET network, as a result, there will be faster exchange and dissemination of legal information between the High Courts and the apex court.

Yet another step taken by the Government is that it has asked the Law Commission to suggest its recommendations about certain amendments in the Code of Criminal Procedure to ensure speedy disposal of criminal cases pending in various courts. The Law Minister says that the Law Commission will soon submit its report to the Government and as soon as the report is submitted the Government will implement the recommendations of the Commission without any further delay.

All these steps taken by the Government cannot be successful, unless there are reforms in the legal education. Therefore, the Government after consulting the judiciary, the Bar Council of India and other eminent professionals has decided to bring certain amendments in the Advocates Act so as to ensure law graduates coming out of the Universities are professionals of excellence.

It is not out of place to mention, the Supreme Court has played an important role in translating these legal reforms into reality. Besides this, the apex court through its judgments and orders has infused a new blood in our legal system.

Last but not the least, measures taken by the Government and the judiciary to reform our legal system will go a long way in providing inexpensive and speedier justice to the common man. It is the responsibility of the constitutional authorities to ensure that these reforms must percolate down at the lowest level so that the constitutional goal of providing free, fair, inexpensive and speedier justice becomes a reality at least for the future generations.

Nicnet to keep vigil on Indira Awas Yojna

Our Agriculture Editor
NEW DELHI

The implementation of Indira Awas Yojna (IAY), the country's prime rural housing project, will be monitored through the Nicnet to eliminate any scope for misuse of funds.

This was disclosed by rural areas and employment minister K Yerrannaaidu in the first meeting yesterday of the reconstituted parliamentary consultative committee attached to his ministry. He said that since the Centre was giving 80 per cent of the funds for the scheme, it wanted its implementation to be transparent.

Yerrannaaidu said he hoped that regular monitoring of the feedback from the states will ensure that the intended beneficiaries derive full benefit from the scheme. He stressed on quality in construction. There was no room for middlemen in this, he said.

The minister informed the members that Rs 1,424.2 crore had been allocated in 1996-97 for construction of over 1,123,000 houses all over the country. Till June last, over 1 lakh houses had been constructed at a cost of Rs 709.64 crore. Since last year, the benefits of the IAY had been extended to the families of members of the armed forces and paramilitary forces who were killed in action.