

**SPEECH OF HON'BLE MINISTER OF LAW AND JUSTICE
AT THE 14TH NATIONAL CONFERENCE OF
AKHIL BHARTIYA ADHIVAKTA PARISHAD
ON 27TH DECEMBER, 2015 AT BENGALURU.**

Ladies and gentlemen,

I feel delighted to be here at this inaugural session of the All India Conference of Akhil Bharatiya Adhivakta Parishad. I am given to understand that advocates from Nagaland, Gujarat, Kerala, Kanyakumari, Andaman and Kashmir Valley are here. Hence the gathering here rightly justifies the word 'Akhil Bharatiya'. I congratulate all of you for taking time off to participate in this Conference.

We are doubly blessed. The presence of Guruji Sri Sri Ravishankar ji, the embodiment of spirituality, and the presence of Hon'ble Mr. Justice Deepak Mishra, representing the goddess of justice, are here. I am overwhelmed as I represent this city and it is my duty to welcome all of you.

Legal fraternity, we can proudly proclaim, represents the most important and traditionally respected section of the society. In a democratic polity, the role of this profession has always been very significant. It's a noble profession having high traditions. Lawyers are always described as officers of the court. However, their larger duty is always towards the society as a whole. The legal profession, evolving as it has done from colonial India, has undergone a radical transformation since independence. The efforts of the members of the profession to achieve excellence in all spheres of their practice is not only apparent in their dealing with newer challenges due to

technological and other socio-economic developments owing to newer legislations, but also in the recognition earned by them in a globalized world.

When I perused the Vision and Mission statement of the Parishad, I realized that you are here with a mission and vision of making this democracy truly functional at grass root level. The list of activities shows that you represent the Bharat which is resurgent and confident. The lofty goal of national reconstruction is being aided and supported by the Parishad. I am happy that the Parishad has taken up programmes to enhance the skills of the younger generation of advocates while inculcating the ethics.

The topic of the Conference is *“Realizing our Constitutional Goals - The Challenges Ahead”*. This is an apt topic when we have just concluded two day discussion in Parlaiment for reaffirming commitment to the Constitution as a part of 125th Birth anniversary of Baba Saheb Ambedkar. Let me remind my learned friends that “Every challenge is an opportunity”. A reading of the debates which took place in the Constituent Assembly shows the passion with which the framers of the Constitution took up and completed the task. We shall be failing in our duty if we are unable to uphold the cherished ideas of the Constitution.

Under our Constitution, justice is the ultimate goal for all of us. Equality before the law and equal protection of the laws is ensured to all citizens, and every citizen is protected from arbitrary exercise of powers by the State. Courts play a major role in ensuring that the country is run as a democracy most vibrant and ever aspiring to uphold the Rule of Law. I strongly believe that a strong, confident,

vibrant, independent judiciary is the best guarantee for the constitutional set up to run properly.

While having a well-trained cadre of judicial officers presiding in courts at every level is critical to improving the overall effectiveness and efficiency of the judicial system, Bar has a great role to play. With the advent of socio-economic revolutions and transformations on a global level, especially the steep rise of science and technology, measures to remain updated with the latest developments and specific training in areas such as criminal laws, commercial laws, intellectual property laws, etc. is the need of the hour.

In the justice delivery system, Government is committed to fulfil the role assigned to it. Be it providing sufficient infrastructure facilities or establishing more number of courts or creating more posts of judges. Government is also engaged in the process of simplifying laws, repealing obsolete and redundant laws and taking measures to reduce the litigation in the first instance.

However, our litigation system is still clogged with large number of cases. We need to adopt three-pronged strategy to reduce the high level of litigation: (1) Avoid litigation, (2) Adopt alternate dispute resolution mechanism, and (3) Adjudicate quickly.

In all the three stages, the role of proper advice of advocates, who are normally the first point of contact, is very significant. The advantages of resorting to alternate dispute resolution mechanism resulting into quicker disposal of disputes, reducing the pendency in the courts and the cost of litigation, need not be over emphasized. I appeal to the Bar in encouraging as well as promoting alternative

dispute resolution mechanisms. In this direction, Government has already initiated certain steps by making appropriate amendments in Arbitration and Reconciliation Act.

We must also find a way to the problem of too many adjournments and cumbersome and long drawn processes of court procedures. There is a strong need to pursue process re-engineering of courts. At the same time, there is a need to engage with the Bar for bringing about reforms to improve its standards and practices and to make it more service oriented and transparent.

The Government is strongly committed to the cause of improving the investment climate in the country. Recognizing that timely enforcement of commercial contracts is one of the main factors that influence our ranking on the ease of doing business index, the Government has accorded a high priority to improving India's performance in this area. Some of the measures being undertaken involve exploring the possibility of setting up of specialized fast track courts/tribunals at the subordinate level and specialized commercial divisions at the High Court level to deal with the commercial cases and encouraging arbitration to resolve contractual disputes.

The adoption of information and communication technology (ICT) through the e-Courts Mission Mode Project in the administration of justice is an important tool for judicial management and monitoring, ease of availability of information on case status, cause lists and judgments and providing services to litigants and lawyers, besides better identification and classification of cases and reduction of paperwork. Friends, I believe that the adoption of better

case management strategies can help in the timely dispensation of justice. The system of pre-trial hearing, which is common in several countries such as the United Kingdom, Singapore and the United States of America, is an important component of the case management process. In India, the system of pre-trial hearing is not clearly identified as a distinct feature of our judicial process although both the Civil Procedure Code and Criminal Procedure Code contain certain provisions that can be utilized for this purpose.

Friends, legal aid services is one of the essential functions of a welfare State for the simple reason that in a welfare State people must have equal access to justice irrespective of the differences in socio-economic backgrounds. Positive intervention by the State and its agencies to ensure equal access to justice has come out in the shape of legal aid services and legal services provided through National Legal Services Authority as well as State Legal Services Authorities. There remain certain concerns in the working of legal services programme in the country, especially in the field of the quality of the available legal services providers. We must devise creative solutions to encourage senior and experienced lawyers to volunteer for the legal aid services.

I firmly believe that it is the collective responsibility of all the stakeholders to ensure access to fair, timely and cost-effective justice for all. It is high time that we all come together to address the issue of speedy disposal of cases and reduction in pendency. The reason why I am laying stress on this point is that poor citizens of our country can hardly afford litigation as the cost is too high and unaffordable for most of our citizens. When I talk about the cost of

litigation, it is not only the cost of engaging a lawyer and fees paid to the court, it travels much beyond in the form of time spent and the benefits forgone by the parties to the litigation.

I would welcome any suggestions from all my advocate brothers to speed up justice delivery mechanism, to make it accessible to common man and to reduce pendency in our courts across the country. What we have done so far is only an effort to show the direction in which we want to move and not a final word. I can only assure you that the Government is receptive to good ideas from wherever they come.

I am sure that we will be rightly guided by the learned judges and aided by organisations like the Akhil Bharatiya Adhivakta Parishad. You have the vision for the Param Vaibhav Bharat and as Dattopant Thengdiji had rightly declared, this body is “competent and determined to become the nucleus of the Constituent Assembly of the resurgent Bharat.”

Thank you.