

**Speech of Hon'ble Minister of Law and Justice
at the Inaugural function of the
ASSOCHAM's National Conference on
"Strengthening Economy through Judicial Reforms"
on 10th February, 2015 at New Delhi**

I am glad that the Associated Chambers of Commerce and Industry of India is organising a National Conference on an important issue related to strengthening of economy through judicial reforms. The gradual liberalization of the Indian economy has, of course, had profound implications for the legal system too. In the current focus on making India an attractive destination for investment, a lot of attention is being paid to economic policy.

The World Economic Reform, Global Economic Report 2008-09: Income Categorization (World Bank) has indicated a co-relation between a nation's prosperity and its perceptions of judicial independence and the efficiency of its legal framework. Providing a fair, transparent and efficient dispute resolution mechanism based on a clear legal framework is the key to encouraging investment of capital, thereby stimulating growth and development.

If we desire to be recognized as a destination of choice for trade and commerce, it is imperative for us to focus on building an effective judicial system as an integral part of the economic reform agenda. Accelerated justice will free up billions of dollars blocked in litigation against projects in several parts of the country and enable it to be put to productive use.

Improving judicial productivity through systemic changes is very important. It is said that nearly 70 per cent of civil cases in Australia, US and Canada are settled even before the trial begins. This is

because both parties to the litigation are aware of the probable time period - 'outcome date certainty'.

Some of the measures being undertaken on priority basis for ensuring the timely and effective enforcement of commercial contracts 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. This is in addition to the proposals that are being pursued for the adoption of information technology solutions and court and case management systems for handling such cases. The Law Commission of India has recently submitted its 253rd Report on Commercial Division and Commercial Appellate Division of High Courts and Commercial Courts Bill, 2015 containing their recommendations on speedy disposal of high value commercial suits. The report contains several valuable suggestions that are being examined by the Government.

Some of the areas of concern that need to be taken up urgently are :

- Inadequacy of judicial manpower.
- Non-implementation of existing provisions aimed at expeditious disposal of cases.
- Indiscriminate use of writ jurisdiction.
- Need for Bar reforms.
- National and State Litigation Policies.

There is a need to develop an appropriate institutional framework so that more and more disputes may be resolved using Alternative Dispute Resolution (ADR) mechanisms. This involves setting up of adequate number of ADR centers, providing training to

mediators and arbitrators and creating awareness about ADR processes. This will help in reducing the burden of courts while at the same time providing parties with recourse to timely settlement of disputes. The Government will shortly bring out necessary amendments to the Arbitration and Conciliation Act.

A proposal to amend the Negotiable Instruments Act to introduce measures to resolve cases arising under Section 138 through ADR mechanisms is currently under consideration. Similarly the draft Road Transport and Safety Bill, 2014 prepared by the Ministry of Road Transport will introduce provisions for reduction in traffic *challan* cases and resolution of traffic cases without resorting to litigation as well as expeditious disposal of motor accident cases.

Many laws that have been outdated and are no longer relevant continue to remain in the statute book. The Government has started the process of repeal of 36 original Acts, 750 Amending Acts and about 900 Appropriation Bills to clean up the statute book.

The adoption of information and communication technology (ICT) in the administration of justice is another important area. This will help pave the way for revamping court processes, adopting court and case management systems and overall process re-engineering of the judicial system. All of this is sought to be achieved through the eCourts Mission Mode Project that is being implemented by the Department of Justice in association with the Supreme Court eCommittee and the National Informatics Centre. The objective of the eCourts Project is to provide designated services to the citizens as well courts by ICT enablement of all district and subordinate courts. Phase I of this project focused on the computerization of subordinate courts, which will be followed by the setting up of centralized filing centres, digitization of documents, adoption of

document management systems, creation of e-filing and e-payment gateways in Phase II of the project that was approved by the eCommittee of the Supreme Court in January 2014.

Another area that needs urgent attention is the lack of comprehensive and accurate data relating to court cases. Positive steps in this direction have been initiated through the launch of the e-Courts portal, which aims at creating the National Judicial Data Grid, providing citizens with online information about case filings, case status and electronic copies of orders and judgments from courts that have already been computerized. However, we are still few steps away from providing real-time access to Judicial Data Grid. Ensuring the availability of such real-time judicial statistics at the earliest possible will go a long way in enhancing transparency and accountability in our legal system. It will also encourage more insightful research and studies on various issues relating to judicial administration.

The successful completion of these initiatives for judicial reforms is a priority of the Government. I would like to end by thanking the organizers for inviting me to this event and also would welcome suggestions and inputs related to my Ministry. I wish you all the very best for the success of this Conference.
