

Examrace

Alternative Methods of Delivery of Justice and Judicial Corruption to Be Rooted Out Mercilessly

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Alternative Methods of Delivery of Justice

- Litigation is time consuming and relatively expensive. In a country with a vast population of poor people, justice has to be necessarily cheap and expeditious. For this, alternatives to litigation must be produced by the justice system. Parliament has provided the statutory basis for it by the recent amendments to the Civil Procedure Code and the Criminal Procedure Code. Taking advantage of these, the judiciary has prepared a National Plan for Mediated Settlement of disputes which included training of mediators, development of mediation manuals, setting up of mediation Centres in Court Complexes and spreading awareness about it among litigants through the legal aid services. Other modes of settlement are also being encouraged and judicial officers are instructed to promote ADR as a movement especially at the first level of courts where the bulk of poor litigants seek justice. As standards of quality of justice delivered cannot be compromised, the ADR process cannot be accelerated without preparation and without demand from litigants themselves. It is hoped that in the next few years, like other jurisdictions outside India, litigants here would also prefer settlements outside litigation through negotiated arrangements. And proportionately it would reduce the problem of delay and pendency in litigation as well.
- At the end of the day what I want to report on the issue of arrears is that we are on the right track with a multidimensional, well-planned national programme which has started giving rich dividends. With support from the Central and State Governments and co-operation of the bar and litigant public, I am hopeful that in the next couple of years substantial reduction in the number of cases pending in courts and in the time taken for disposal of cases will happen even if the fresh filings are going to increase continuously.

Judicial Corruption to be Rooted Out Mercilessly

Let me now turn to another subject which is worrying the public as media reports indicate. This is about judicial corruption, a subject which was not an issue in public discourse till recently. Let me admit straightaway that corruption and impartiality cannot co-exist. Under no circumstances can judiciary tolerate corruption even in its administrative staff. For an organization which is nearly a million strong including 16,000 odd judges, five to six lakh lawyers and another 3 to 5 lakh ministerial staff to be free from corruption is a tall order, however desirable it be. The legal profession is independent, and its discipline is the responsibility of the elected Bar Councils. The public perception of judicial corruption includes corruption by the lawyers and their staff. Similarly, a substantial section of people who

consider judiciary to be corrupt attribute it to the ministerial staff of courts and related offices. It is unfortunate that judiciary has to bear the burden for corruption of people on whom the judiciary has no or little control. So far as the 16,000 and odd judges who constitute the Indian judiciary, I am responsible for their conduct as head of the system though I do not personally have legal and administrative control over them. Nonetheless, I have a duty to explain how the judiciary is enforcing discipline among the judges to ensure that people who approach the Courts will get fair and impartial justice. I would therefore inform you the steps I have taken as head of the judiciary to ensure a corruption-free judicial system

Declaration of Assets by Judges

The Supreme Court adopted a resolution as early as 1997 to declare assets voluntarily. I have requested Chief Justices of all High Courts to adopt similar Resolutions for declaration of assets by the judges of High Courts as well.

Restatement of Values of Judicial Life

Again, the Supreme Court in 1997 unanimously adopted a Resolution restating certain time-honoured best practices for judges to follow while they hold the high office. They form a code of ethics for judges to comply in public and private lives. I felt it necessary for High Court justices also to follow similar guidelines and therefore sent it to the High Court's requesting the respective Chief Justices to circulate it among the judges of the High Courts for compliance.

Model Code of Conduct for Subordinate Judiciary

It was observed that the conduct of certain subordinate court judges particularly during visits of High Court judges to their places of work have not been of the standard expected of them. I have therefore formulated certain norms of conduct on their part which I requested the High Courts to consider and adopt for action by subordinate judges.

Strengthening and Streamlining Vigilance Cells in High Courts

The Vigilance Cells in High Courts is the primary mechanism available to deal with complaints against subordinate judges. The Chief Justices' Conference discussed the strategies to strengthen the cells to instil confidence and to expedite inquiries in appropriate cases, so that dishonest judges are eliminated, and honest ones are protected.

In-House Inquiry Procedure Invoked Against High Court Judges

On receipt of allegations, inquiry through a Committee of Senior Judges was initiated against two sitting High Court Justices, of whom one was recommended to be removed through impeachment proceedings. The finding of the inquiry committee in the other case is awaited.

Periodical Performance Evaluation and Removal of Judges and Officers of Doubtful Integrity

I have written to the Chief Justices of High Courts to utilize their authority to review the work of all judicial officers firstly on attaining the age of 50 years and then when they attain the age

of 55 years and to prematurely retire those found unfit, ineffective or having doubtful integrity. I have reminded them that this is expected under the Fundamental Rules and the Service Rules can be accordingly amended so that deviant behaviour can be effectively prevented. Such review of officers and employees of the Supreme Court is being carried out when they reach the age of 50, 55, 56, 57, 58 and 59 years. Experience has proved it to be an effective remedy particularly against ministerial corruption. Several judges of doubtful integrity are being retired under this provision.

Tightening the Selection Procedure of Superior Court Justices

- A more detailed checklist to gather adequate information on suitability of prospective candidates for judgeship has now been evolved and sent to all High Courts. The Chief Justice who initiates the recommendations for his High Court has been asked to gather the details including personal antecedents on the new Questionnaire from Advocates and judicial officers being considered for appointment and get them verified. These data with supporting documents have to be forwarded along with recommendations. This is to avoid discovering a black sheep at a later stage when very little can be done, except resorting to the impeachment process.
- There are several more steps being undertaken to rid the judiciary of corrupt elements spoiling the fair name of the justice system. All that I can do is to assure the public that the judiciary will not tolerate corruption, and everything will be done, whatever be the cost, to uphold the purity of justice. In doing so, we have to ensure that the independence of judiciary is not compromised, and the reputation of honest judges not harmed.

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