

Mother of all reforms overhaul our judicial system

Bhartendu Sood

One reform that can reform everything else in our country is to overhaul our judicial system. Till such time we are not able to do it, all other reforms are meaningless because everybody on the wrong side finds protection in our present judicial system which rests on the principle that all accused are innocent until proved guilty by the law of the land whether he is rapist, murderer or scamster and onus is on prosecution to establish the crime with evidences which most of the time is not that easy to do as it appears to be and with the result acquittals after lengthy trials has become the order of the day. This system has only trials but lengthy trials, not in one court but in many courts and the end verdict often disappoints the victim. See the irony, eminent lawyer is the one who can save the perpetrator of heinous crime from gallows. Cases continue to hang not for years but for decades and lawyers are paid for keeping the cases hanging and not for earning a fast verdict? What will you say of the system in which one court after 19 years of trial unseats a CM of the state, but the appellate authority finds no merit in the ground adopted by the lower court and orders her acquittal in matters of few minutes? Sanjay Khan accused in 1993 Mumbai blast case is rewarded punishment after 20 years. But for the public outcry, Manu Sharma would have been a free man, probably some politician of the reckoning even. If this happens in executive, many a heads will roll but when it comes to judiciary, we close up the matter by saying that

justice has prevailed but at what cost, no body is prepared to bell the cat. Common man is tad disappointed but somehow has shown restraint when it comes to attacking judiciary but the screen that insulated judiciary from the public outrage is getting thinner and thinner. Question is if people can launch agitation against the police, politicians then judiciary can also be the target one day whose performance has created distrust among the masses.



Lalu Gets 5 year jail

Man convicted for corruption if continued to be the Chief Minister of the state and Cabinet Minister fault lies with our judicial system. Let us walk the dictum - 'Justice delayed is justice denied.'

drafted Indian Penal Code which was brought into force in 1862. The Code of Criminal Procedure was also drafted by the same commission. Host of other statutes and codes like Evidence Act (1872) and Contracts Act (1872) are also part of British legacy primarily framed primarily for slaves. So to think that this system could work in a free democracy on the cusp of emerging an economic power is to live in fool's paradise. This was not changed by the fathers of our constitution because they themselves were the product of that Macaulay System.

We conveniently forget that the present Anglo-Saxon jurisprudence, though seemingly egalitarian, came in to practice in India in 1861 but before that we had our own system which was not only fast but the

punishment served the purpose of retribution and set an example to deter and prevent others to take to crime. Village assemblies and the king administered fast justice, with the assistance of select persons known for their wisdom and townsfolk. People directly participated in adjudicating guilt and awarding punishment. The emphasis was on the good of the society. Now when this Anglo-Saxon system has shown signs of bursting at the seam in the changed environ, will it be not befitting for law makers to revisit our ancient system of jurisprudence.

We publish the comparative data for various countries for the ease of doing business but why did we not feel it necessary to publish the data with regard to the time taken for nailing the convict? When it comes to judicial decisions, even

Pakistan is placed much higher than India. Likewise in China, cases are decided with in a year.(Their President's case was decided in eleven months and he is serving the term) When we publish such data, perhaps our judiciary may come to face with the reality.



More than 2.5 lac under trials are languishing in jail but if you are a celebrity with deep pockets and can hire the most expensive lawyer, you can be out with in hours after conviction.

What government really needs to do is to adopt the style and approach of the good corporate. When they appoint a CEO, they ask him to work out his own system and they desist from forcing their own model on him.(example appointment of Sikka in Infosys) Likewise Govt should constitute a group of eminent judges and legal luminaries and ask them to prepare a model , which may nail even the most influential culprit with in a year and he should be seen serving his term in the second year. A dictum 'Justice delayed is justice denied' is not for giving sermons alone, judiciary needs to walk the talk. Parliamentarians should rise above the tendency to oppose everything and show maturity in passing a bill which can usher in a new era. If the fast retribution becomes a reality, only then

other reforms will work otherwise we are in for the most difficult times. **Broadly we need to reduce the plethora of laws and number of appellate Courts.** If one is really keen to follow China then their legal system is the one which our legal pundits must study and follow. The special feature of Chinese legal system is few laws and fast justice.

अगर आपको कुछ कहना है या पत्रिका **subscribe करनी है**

कृप्या निम्न address पर सम्पर्क करें

भारतेन्दु सूद, 231 सैक्टर- 45-ए चण्डीगढ़.160047

0172.2662870, 9217970381, E mail : bhartsood@yahoo.co.in

पत्रिका में दिये गये विचारों के लिए लेखक स्वयं जिम्मेवार है। लेखकों के टेलीफोन न. दिए गए हैं न्यायिक मामलों के लिए चण्डीगढ़ के न्यायलय मानय है।

Thoughts of a 'not-so-proud' Indian

Salil Desai

The PM raised heckles when he claimed recently that people felt no pride in being Indians before he arrived. He was deservedly slammed. But can we really claim to be proud of the following traits that make up our national character?

Indiscipline: Rules, discipline, punctuality,



civic responsibility mean very little to us. Even official duties are often done grudgingly and concepts of professionalism, ethics and commitment are very flexible. Observing discipline militates against our deepest sensibilities.

Indifference and apathy: We are a nation of bystanders. If something doesn't directly affect us, we turn a blind eye and are blissfully unencumbered by a compelling sense of right and wrong.

Insularity and smugness: We profess to know about every subject and comment authoritatively on everything. We are untroubled by our colossal ignorance, smug in our national wisdom, culture, beliefs, knowledge and worldview. As Peter Sellers playing an Indian in 'The Party' says, "In India, we don't think who we are. We know who we are." That's how high our insularity quotient is.

Corruption: Our disgust with big-ticket corruption notwithstanding, dishonesty, graft and black money thrive as a way of life. We blame politicians, babus, governments and the system but the culture of corruption has contaminated us all.

Unbridled materialism: We tom-tom our spirituality, but India is a rapaciously materialistic society today. What lives do we lead outside of work and economic activity? Shopping, consuming, eating out, watching movies and TV, expensive holidays, partying and festivities, networking, renovating and furnishing our houses. That's about it! How many Indians are involved in social, cultural, humanitarian, artistic, creative, sports, mind-expanding or soul-enriching pursuits? How many devote time to community improvement or furthering

important values? Pleasure-seeking seems to be our only ideal.

Filth: No matter how many Swachh Bharat initiatives are taken, but its success remains doubtful unless there is a paradigm shift in our predilection to litter, spit, defecate and be prodigiously filthy?

Noise: Constant cacophony dominates our public, private and residential areas, as if there is no space for the pleasures of silence in our society. Vehicular and construction sounds pound us all day. Music and sound systems blare away all year long, as loud, ostentatious celebrations - religious, political and personal —have become the norm. There is no respite. What exactly do we try and drown out with all the noise we make? Why are we so allergic to silence?

Rudeness & courtesy: What explains our shocking lack of manners and basic courtesy to fellow citizens? We talk of our ancient culture and yet we mouth abuses, honk, disturb, speak loudly, push, rarely thank or greet, never say sorry to neighbours, passersby or strangers.

Jingoistic nationalism and religion:

Does national pride have to be jingoistic? Can't religion remain within our homes instead of making a public spectacle that turns it into a crass, perverse assertion of superiority? Are our nationalism and religious beliefs so fragile that we remain forever touchy and take offence?

Intolerance and illiberal attitudes: When will we stop feeling threatened by different ideas and interpretations of culture, tradition, lifestyle and philosophy? Isn't it time we got over the medieval impulse of imposing majoritarian, narrow or conservative worldviews?

Tokenism: Can we go beyond raging on social media, lighting candles and behaving like self-righteous humbugs?

No doubt Indians have a lot to be proud of but unless we introspect and become a nicer, friendlier society, our countrymen are going to keep migrating abroad in search of a better quality of life, irrespective of who is the PM.

प्रकाश औषधालय

थोक व परचून विक्रेता हमदर्द, डाबर, वैद्यनाथ, गुरुकुल, कांगड़ी,
कामधेनु जल व अन्य आर्यूवैदिक व युनानी दवाईयाँ

Wholesaler & Retailer of :

HAMDARD, DABUR, BAIDHYANATH,
GURUKUL KANGRI, KAMDHENU JAL
& All kinds of Ayurvedic & Unani Medicines

Booth No. 65, Sec. 20-D, Chandigarh

Tel.: 0172-2708497

रजि. नं. : 4262/12

॥ ओ३म् ॥

फोन : 94170-44481, 95010-84671



महर्षि दयानन्द बाल आश्रम

मुख्य कार्यालय - 1781, फेज 3बी-2, सैक्टर-60, मोहाली, चंडीगढ़ - 160059
 शाखा कार्यालय - 681, सैक्टर-4, नजदीक गुरुद्वारा, मुंडीखरड़-मोहाली
 आर्य समाज मंदिर, चंडीगढ़ व पंचकुला

E-mail : dayanandashram@yahoo.com, Website : www.dayanandbalashram.org



स्टेट बैंक ऑफ इंडिया की महिला क्लब के सदस्य बाल आश्रम के बच्चों के साथ

धार्मिक माता/पिता 2100 प्रति माह

धार्मिक बहन/भाई 1500 प्रति माह

धार्मिक बन्धु 1000 प्रति माह

आप आर्थिक सहयोग देकर भी पुण्य के भागी बन सकते हैं :-

धार्मिक सखा 500 प्रति माह

धार्मिक सहयोगी 100 प्रति माह

धार्मिक साथी 50 प्रति माह

A/c No. : 32434144307

Bank : SBI

IFSC Code : SBIN0001828

नरेन्द्र गुप्ता

लेखराम (+91 7589219746)



मजबूती में बे-मिसाल

घर का निर्माण डीप्लास्ट के साथ

40 years
in service



DIPLAST
PLASTICS LIMITED
AN ISO 9001 COMPANY

C-36, Industrial Phase 2, S.A.S. Nagar, Mohali (Pb.) India
Phone : +91-172-2272942, 5098187, Fax : +91-172-2225224
E-mail : diplastplastic@yahoo.com, Web : www.diplast.com

QUALITY IS OUR STRENGTH

विज्ञापन / Advertisement

यह पत्रिका शिक्षित वर्ग के पास जाती है आप उपयुक्त वर-वधु की तलाश,
प्रियजनों को श्रद्धा सुमन, अपने व्यापार को आगे ले जाने के लिये
शुभ-अशुभ सूचना विज्ञापन द्वारा दे सकते हैं।

Half Page Rs. 250/- Full Page Rs. 500/- 75 words Rs. 100

Contact : Bhartendu Sood 231, Sector 45-A, Chandigarh
9217970381 and 0172-2662870