

A Report on

“Justice Delayed is Justice Denied”

Jan Hit Manch Organised National Convention on Judicial Accountability and Reforms in Mumbai

Over a hundred activists and others attended the convention organised by the Jan Hit Manch in Mumbai on December 22 and 23, 2007.

The Convention was inaugurated by Mr R C Lahoti, former Chief Justice of India. Welcoming the delegates, Mr Bhagvanji Raiyani, Chairman of Jan Hit Manch hoped that the deliberations would lead to an advance in the quest for judicial reforms in India so that justice may be made accessible to more people.

The first presentation of the day was made by Mr Prashant Bhushan, Senior Advocate noted for his leading role in the Campaign for Judicial Accountability and Reforms, who outlined the main problems in the Indian judicial system. He pointed out that the legal and judicial systems set up by the British colonialists as part of their system to exploit India were taken over virtually unchanged. The procedure and even the language used by the system were such that ordinary people could not understand it. Since this was the case, the vast majority, those who could not afford the services of a lawyer, were automatically excluded from attempting to seek justice in the system. He outlined the system of appointment of judges to the higher courts and the totally non – functional system of disciplining errant judges, i.e. impeachment. The law of contempt is being used to muzzle criticism of the higher judiciary. In recent times, the judiciary is also being used for enforcing a host of anti – poor measures such as eviction of slum dwellers and removal of cycle rickshaws from the city streets etc which governments are loath to do themselves for fear of popular resentment. He also explained how an informal system, relying on the sense of justice and common sense could actually deliver justice much faster and with much less expense and complications. Mr Kamalkant Jaswal, Director, Common Cause, shared his experience with regard to public interest litigation and the hurdles which organisations such as his faced these days. Mr Gopal Sharma, an activist from Jaipur, spoke in eloquent Hindi on the (mal) functioning of the courts in Rajasthan and some of the measures which could be taken to improve the situation.

Mr Y P Singh, IPS officer turned advocate, spoke on the functioning of the criminal justice system. Well known human rights activist and fighter against

communalism, Ms Teesta Setalvad, spoke forcefully on the manner in which politicians, police and government officers worked in tandem with the courts to defeat the ends of justice in Gujarat following the communal massacres of 2002. Mr Kewal Semlani of "Mahadikar", and NGO dedicated to consumer protection and right to information, shared the experiences of his organisation with the courts.

Well known RTI activist Mr Sailesh Gandhi outlined the measures which common citizens could take while fighting for their rights, including RTI. Lt Col B B Sharan, an activist over 80 years young, recounted how his organisation enlisted young people to shame judicial officers in Rajasthan to function more punctually. In the evening, a group of activists discussed the resolutions to be tabled the next day.

Shri A V Gurunath, advocate from Andhra Pradesh, narrated his experiences in his quest for justice especially for poor litigants. Mr Ashwin Karia, principal of the Law College, Palanpur in Gujarat and the author of several books spoke on the guiding principles of the Constitution and how the courts subverted its spirit.

Dr Venkatesh Sundaram, member of the Working Committee of the Campaign for Judicial Accountability and Reforms, outlined the challenges facing the campaign. The judiciary was being used to further the agenda of the biggest corporates, Indian and foreign, who wished to loot the land and labour of the people much in the same way the colonialists of yester year had done. The removal of fear from peoples' minds was an essential component of the struggle to make the judiciary accountable and accessible. Mr Gerson Da Cunha, noted media personality and trustee of "Agni", an NGO, spoke on the need to ensure speedy justice.

Noted criminal lawyer, Majeed Memon, described some cases where the police had tried to frame innocents just to note a case as being solved for the record. He called on lawyers not allow truth to become a causality in the labyrinths of the judicial system. Mr Chandrashekar Prabhu, campaigner on urban development issues, related how big builders were using the judicial system to silence activists such as him.

The last session, discussing the way forward, was chaired by Mr Prashant Bhushan. The seminar was well organised, with ample time for questions and interventions from the audience, of which there were many.

Compiled by Dr. Venkatesh from Lok Raj Sanghthan