

**SPEECH OF RANDEEP SINGH SURJEWALA, MINISTER FOR PWD (B&R), PUBLIC HEALTH ENGINEERING, PARLIAMENTARY AFFAIRS, INFORMATION TECHNOLOGY AND SCIENCE & TECHNOLOGY, GOVERNMENT OF HARYANA.**

**Hon'ble Union Law Minister, Law Ministers representing various state governments, hon'ble Chief Justices and Judges of the High Courts, distinguished guests, ladies and gentlemen.**

It is my proud privilege to be back among legal luminaries after a long time. Having been a practicing advocate in the Supreme Court and High Court for more than a decade, the issue of delivery of justice for the common man has a special significance in my life.

First as a lawyer and now as a public representative, I am watching the developments in the country's most important democratic pillar with concern and interest.

Six decades following the country's independence have proved that Indian judiciary has stood the test of time, and barring a few exceptions, the executive, legislature and the judiciary have maintained the respect and independence of each other.

Delivery of justice to the citizens of the country is amongst the most important of citizen's services. We have excellent set of legislation covering most aspects of our citizens' life. These laws are also supported by policies on affirmative action and social inclusion. However, delivery of speedy justice has always been an issue of concern with the citizen and continues to be so.

Coming straight to the main point – I would like to remind the august gathering of what the Hon'ble Prime Minister Manmohan Singh had said in the Chief Justices and Chief Ministers conference in August last year - "Like Gandhiji's common man, the focus of the judicial system should be to wipe every tear of every waiting litigant".

The reference was clearly towards the huge mountain of more than three crore pending cases in the courts across the country. The bulk of these arrears- nearly 2.5 crore, as we all know, are in the lower courts, and tackling that, according to me is one of the biggest challenge, faced by the Indian judiciary.

In the words of the legendary jurist and one of all time best judges produced by our legal system, Justice V.R. Krishna Iyer, "No democracy in the world has such a huge Himalayan pendency in comparison to India."

Major reason behind this sickening pendency is the number of vacant posts of judicial officers across the country. Former Chief Justice of India, Mr. K.G. Balakrishnan put the number of these vacancies at three thousand. I think the judiciary, the central and state governments, all of them need to tackle the issue sooner than later – so that we are not found discussing the same issue at the next conference also.

I would appeal to the Hon'ble Law Minister to announce a concrete action plan at this conference itself on how and by when would these posts be filled up.

I am aware of a number of initiatives announced by the Union Law Ministry to cut the huge pendency – including the recently announced National Litigation Policy. However, our government feels that the states should have been consulted before this policy was announced.

I say this because complex issues are involved in appeals to be filed by state governments, since some of the verdicts may have gone in favour of one state and left the other aggrieved.

I would strongly recommend that effective use of information technology (IT) would be immensely helpful in bringing down the number of pending cases. First, all the courts should be computerized and all the subordinate courts should be linked with the respective high courts. By doing so, the administrative court (high courts) can have a ready reckoner in the form of the exact number and status of pending cases.

I strongly feel that law must be equally open to the humblest and simplest member of the community, since a decentralised system of judicature is a paramount property for democracy to have.

Now, with the permission of the Hon'ble judges present in today's conference, I would like to focus the attention on an extremely important topic, which has become a hot debate worldwide – judicial accountability and transparency.

In our country, the Supreme Court and the High Courts have set very high standards in protecting the citizen's rights, the freedom of speech and expression, the rule of law, the independence of judiciary and judicial review.

The Indian judiciary has earned and won international accolades. Its achievements are second to none. Every citizen, every judge and every lawyer owes it to the country and to future generations that this lustre is not dimmed, this reputation is not tarnished, this bulwark of freedom is not undermined or weakened.

When citizens and lawyers make complaints against the functioning of judges, it is because they want to preserve this vital institution in our democracy

Without taking names, I want to state that some recent developments have been alarming. Two impeachment motions against High Court judges, one of whom was sought to be elevated to the Supreme Court are pending before the Parliament. CBI is probing a case in which more than 30 High Court and lower court judges are alleged to have drawn financial favours. Some names recommended for appointment as judges through various High Courts have raised questions of propriety over credentials of the nominees. Similarly, certain transfers have been questioned in public domain.

The informed citizen is inquiring — what is happening? What are the decisions of the Collegium? What is the criterion for elevation to the Supreme Court? Why are posts of judges vacant in many high courts ?

Judges facing probes and even impeachment proceedings, which drag on for years, are continuing in their positions. I think the governments and the top judiciary need to ponder over these disturbing developments.

Let us not forget that the Supreme Court judges decided to declare their assets after much public debate. Many High Courts have followed suit. Declaration of assets by judges through various websites of the respective courts needs to be an annual feature. This is, of course, voluntary but will further establish the faith of common man in the most regarded institutions of our democracy i.e. the judiciary.

I am taking the liberty of submitting that credit for introducing this transparency, in part, must be given to the landmark Right to Information Act introduced by UPA in its last tenure. Please pardon me for saying that certain sections of judiciary were not happy in implementing the revolutionary law to itself. I cannot but salute the Delhi High Court judgment which laid down the law that the RTI Act applies equally to the judiciary.

I am of the opinion that until now, judicial reform has been a tinkering exercise, not an engineering project. But even that little tinkering is fiercely challenged as litigative anathema by the legal profession. Hon'ble Union Law Minister has assured a concretized path of judicial reform with a time bound framework. Transparency of judicial appointments and functioning in an institutional framework as also a well known and well defined mechanism of judicial accountability are paramount pre-requisites to any such exercise. I am certain that Hon'ble Union Law Minister, who is a profound thinker and an aspouring human being, as also the Hon'ble

Chief Justice of India, whose commitment to the cause of transparency is well known, shall take note of these humble suggestions.

I would now turn my attention to my own state – Haryana : In spite of its small size, our state is committed for the improvement of judicial process for the benefit of the citizens. Let me share with this august gathering some of the efforts made by our State in this direction:

- We have set up modern judicial complexes at 18 out of 21 district headquarters. The work in the remaining newly created districts of Mewat and Palwal is under progress.
- Even at the sub divisional level, 30 out of 54 sub divisions already have modern judicial complexes and 9 more are under construction. These complexes provide for not only the courts but also the supporting infrastructure such as litigant shed, bar rooms, well equipped libraries, canteens and residences for judicial officers.
- During the last 5 years, the State Government has spent Rs. 137.0362 crores on the development of infrastructure for the judiciary and at present works are going on projects worth another Rs. 96 crores.
- The State of Haryana has already initiated the process of filling up of 113 vacancies of Judicial Officers which is likely to be completed shortly.
- A modern state of the art judicial academy for judicial officers of the region has been set up in Chandigarh at a total cost of Rs. 62.82 crore, contributed by the states of Haryana and Punjab.
- The state of Haryana has already set up fully functional video conferencing facilities in 32 courts and 22 jails across the State of Haryana at a cost of Rs. 4.52 crores.
- Haryana has very actively promoted alternative disputes redressal measures. Significant achievements have been made in almost all such measures. So far 5475 Lok Adalats have been organized in Haryana wherein 11,69,165 number of cases have been settled benefiting 37,982 persons involving award of compensation to the tune of Rs. 342.35 crores.
- A wide spread network of consumer grievance redressal fora has been set up right down to the district level wherein 1,75,911 cases upto June, 2010 have been settled so far.

## **SEPARATE HIGH COURT DEMAND**

Before I conclude, I must draw the attention of Hon'ble Union Law Minister to the fact that the Haryana State still stands deprived of its own High Court, and I would request him to urgently intervene in the matter. It is our constitutional right that is being denied to the people of Haryana. States such as Jharkhand, Chhatisgarh and Uttarakhand, which have come into existence years after the state of Haryana was born, have already set up their High Courts. The Punjab and Haryana High Court can easily be bifurcated into separate High Courts for the two states by dividing the existing premises, judges and staff between Punjab and Haryana in the ratio of 60:40, as was done for the Civil Secretariat and the Vidhan Sabha infrastructure. On this platform, where we are deliberating on "justice for all", I plead for justice to the people of my state, whose aspirations are not being met.

I would like to express my gratitude to all of you for this opportunity to share my thoughts with you. I am sure that this conference would be very successful, and the outcomes and recommendations will help us all strengthen and improve not only the judicial system of the country but also the democratic nature of our republic and the welfare of its people, In the end, I reiterate the commitment of the government of Haryana for full cooperation and support for achieving the ideal of 'justice for all' in the country.

Thank you.