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## Judiciary ought to do introspection

Indian judiciary should shift gears to be a modern institution, says Sumant Batra

INDIAN judicial system is often criticised for slow pace of justice delivery. While some accuse it of indulging in judicial activism, others allege it is intolerant to even objective criticism. Some individual judges have been accused of abusing power, impropriety and corruption.

However, as an institution, judiciary remains tall and proud, in stature and reputation, independent and majestic, possessing impeccable integrity and continuing to sustain faith and confidence of people of this country. Irrespective of criticism, the faith of India's citizens (including me) in judiciary remains iron-strong which no sensational press headline, public or private debate, can easily shake. History is evidence of judiciary's contribution in the nation-building as one institution which has proudly lived up to the expectations of the citizenry. No doubt, controversies and debates on judiciary have remained short-lived and died natural death.

Yet, this time around, the debate over the judiciary refuses to die—a certain cause of concern. Being a great admirer of Indian judiciary, I am compelled to sit back and think.

Delays in courts have always been main concern for stakeholders. It is also perceived as one of the impediments in attracting foreign direct investment in the country. Lack of suitable infrastructure and inadequate number of judges is cited by the judiciary as one of the main reasons for delays in courts. Archaic laws also act as speed-breakers in delivery of justice. For addressing these, judiciary is dependant on executive. Absence of adequate number of judges and supporting infrastructure (buildings, supporting staff, libraries, technical equipment and other facilities) can directly impact the speed and perhaps, quality of justice. Judiciary in developed countries possesses modern and advanced infrastructure. Indian courts must be provided with world-class infrastructure.



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Yet, delays have nothing to do with the recent debate. The real cause for debate appears to be the seeping in of the realisation that improvement in hard infrastructure and legal reforms may not be sufficient to improve the justice dispensation system. There is a definite need to introduce reforms in the soft infrastructure. India's social and economic landscape has undergone amazing transformation in the last two decades. The institutions operating in the country system, public and private, are aggressively engaged in the process of adapting to and dealing with the brand new dynamics. The executive is also struggling hard to keep pace with the developments. Transparency, good governance and performance are the buzz words. Expectations of people is very high and tolerance, very low. Deliver or explain is the mantra. A number of commendable reforms have been undertaken by the executive though there is a lot more to be done. It is not about survival but about remaining relevant and meaningful.

It appears that people are beginning to

with the other segments of the country system. In the fast changing dynamics, sustaining its might and majesty, retaining faith and confidence of people, and maintaining status of "house of justice" - respected by one and all, winner or looser, shall be dependant not only on the strength of independence, integrity and reputation, but also speed, adaptability, quality and efficiency.

Unlike the past, judges now have to decide matters involving complex, technical and sophisticated commercial issues involving high stakes. New industries and laws are developing fast. The decisions of judges impact not only individuals and corporations but also the economy. Where high commercial stakes, sophisticated and technical disputes are involved it is natural for litigants to expect speed and quality in justice. Litigants and lawyers are disappointed if there is any gap between their knowledge and that of the judges. The institution needs to arrange continuing education not only for the subordinate judiciary but also for those in the highest judiciary so that judges at all levels are equipped to deal with such matters efficiently. Judicial academies must involve international and country experts of today's generations in designing and imparting training.

The judiciary sits on a very high pedestal for the people of this country. Court rooms are perceived as temples and judges as demi-gods. Time is changing. Some recent articles in newspapers by eminent jurist, writers and journalists have been thought-provoking. Judiciary should take note of the views and sentiments expressed. There is need for introspection. With fast growing literacy rate, there is growing awareness of legal rights and better access to justice. Awareness leads to inquisitiveness. The day an ordinary citizen of this country start asking questions to the judiciary will be the saddest day in the life of this nation.

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have similar expectations from the judiciary. Like in case of executive, it is not about the reforms in hard infrastructure anymore. It is about the soft infrastructure—changing the mindset and approach. Judiciary has always maintained a certain level of seclusion from the rest of the institutions and stakeholders. Practices, procedures and conventions developed many years ago continue to form the basis for the functioning of the judiciary. These certainly held well in the past, but the judiciary should undertake a review to see how relevant they are today. The overall functioning of the institution, the methodology, approach and techniques of delivering justice of the past may need to change with time.

As the people of India expect the Indian bureaucracy to break the shackles of the "Raj" and follow established principles of good governance to provide better quality of life to its citizens, judiciary is also expected to shift its gears, move into the new generation India and convert itself in a modern institution which integrates comfortably