



Nyay Disha



A house journal of
FORUM FOR FAST JUSTICE

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A Quarterly Journal

॥ सत्यमेव जयते ॥



SAVE JUDICIARY - SAVE NATION



Lightning the lamp at Human Rights Conference organized by Society For Fast Justice-North 24 Parganas. From L to R: Dinesh Soni, S Mukhtar Ahmed, D K Parjapati, Md Nurul Islam, & Anmol Tembhurne



From L to R: S Mukhtar Ahmed, D K Parjapati, Md Nurul Islam & Anmol Tembhurne.



From L to R: S Mukhtar Ahmed, Abhijit Dutt, Md Nurul Islam and Anmol Tembhurne.



Gram Nyayalaya Act Preparatory meeting of Societies for Fast Justice in CG at Bilaspur in which Presidents of many societies took part



POLICE & PEOPLE held bySociety on 12-1-2017 at Agratalla, Tripura.



Anjali Chakrabarty addressing the conference POLICE & PEOPLE held on 12-1-2017 at Agratalla, Tripura.



POLICE & PEOPLE held bySociety on 12-1-2017 at Agratalla, Tripura.



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Justice In Time - Justice For All

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INSIDE THIS ISSUE

From The Editor's Desk	2
From The Chairman's Desk	3
From National Convener's Desk	
From The Desk of President Elect	5
Electoral Reforms: Interventions by Common Cause	6
Snapshots	7
Human Rights - The Beginning of A Journey of Rights	10
Report Human Right Conference	11
Crimes Against Women	12
Presidential Democracy: Clarifying Some Myths	13
Limiting the Role of Religion in Elections	15
ग्राम न्यायालय की मांग	16
ग्राम अधिकार यात्रा की शुरुआत	17
फोरम फोर फास्ट जस्टिस एवं सोसायटी फोर फास्ट जस्टिस की ओर से न्यायिक सुधारों पर सेमिनार आयोजित	18
पूर्व जज पति से कराती थीं दलाली : सीबीआई	20
फर्जी मजिस्ट्रेट बन २७०० आरोपियों को रिहा कराया	20
मुस्लिम पर्सनल लॉ को मौलिक अधिकारों कसौटी पर परखेगा सुप्रीम कोर्ट	21
न्यायाधीशों की नियुक्ति पर टकराव	22
	23
	24

INVITATION TO SOCIETIES TO SEND PICTORIAL ACTIVITY REPORTS

We give priority to the activities of our Societies For Fast Justice in publishing their reports over articles on judicial reforms.

We wish you to carry out various activities in your cities in lieu of Forum's Aims & Objects and go on sending reports to us on fastjustice@gmail.com with the relevant pictures for publication in January 2017 issue of NYAY DISHA.

With regards.

(Prakash Khatiwala)
Editor.

Disclaimer: All views expressed in this journal are by individuals in their own capacity and are not necessarily shared by the Forum for Fast Justice and the editors of this magazine.

FROM THE EDITOR'S DESK

- PRAKASH KHATIWALA

Between the last and this issue of Nyay Disha, a change in the captaincy of the apex court has taken place. Justice J. S. Khehar was sworn in as the 44th chief justice of India on Jan 2017. The turbaned, suave judge was elevated to the Supreme Court first on September 13, 2011. In his long stint as judge, 64-year-old Justice Khehar made a mark for himself with his firm demeanor and punctuality on display on his first day as the CJI. His court sat down at 10.30 in the morning, as usual right after his swearing-in ceremony at Rashtrapati Bhavan. Can we as the people of India in general and the members of Forum for Fast Justice in particular expect further extension of his penchant for punctuality in the overall improvement in?

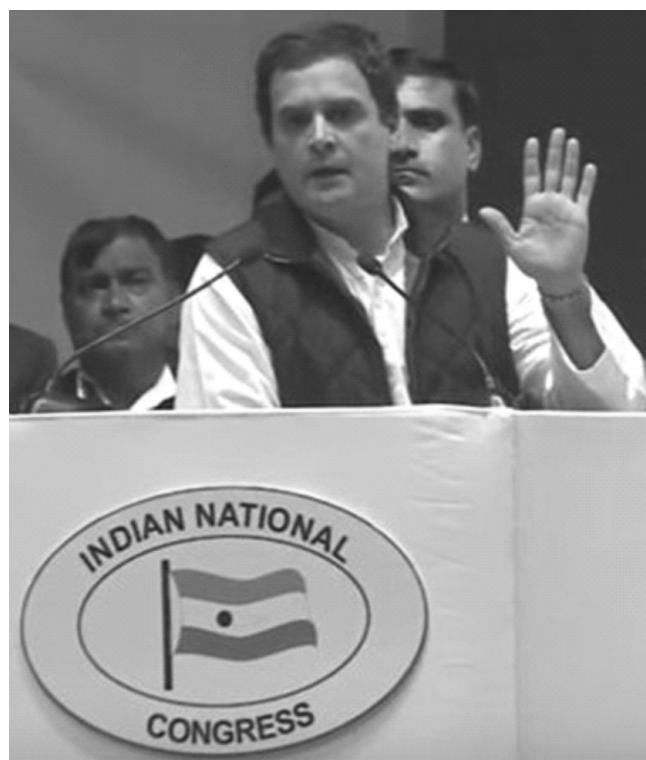


The judiciary's functioning? Frankly speaking in the opinion of this writer, there is very little chance for that to happen as he will be retiring on 27 August 2017 upon turning 65 years in age which means he has very little time at his disposal to take effective and positive steps on the improvement in this direction. The retirement age of judges in India very much needs to be amended suitably; it should be at least of five years of tenure irrespective of the age. In USA the federal judges' tenure is for life which has its merits and demerits. Speaking only of demerits, these judges are political appointees and do reflect in their judgments the political and religious philosophies of the appointing party/parties (nominating president and the confirming senators especially if they belong to the same party) with far reaching influence and implications on the lives of citizenry at large for decades to come. The first such nomination by the president Donald Trump who is most likely to nominate a person of his choosing in

the place of ex-president Obama's nominee Merrick Garland. President Trump's views on Planned Parenthood and abortion run contrary to those of liberal Obama and Democratic Party. In the Indian context such a provision can be excessive and not desirable.

In this issue our chairman and managing trustee Shree Bhagwanji Raiyani in his typical fearless manner has stirred the hornet's nest by daring the one and all mighty chhappan inch ki chhati wale PM Modi to reform the long overdue justice delivery system which as he opines the PM can do only if he has a death wish for getting politically killed by none other than his own party's criminal minded elected legislators both at center and states.

Shree N. R. Madhava Menon's highly topical and above all timely write up refers to the recent decision of the seven judge bench prohibiting the use of religion for election purpose. But even before the ink of this land mark directive by the apex body preserving the secular character of our constitution dried up, the vice president of none other than the grand old party Indian National Congress, Shree Rahul Gandhi publicly stated that the symbol of Congress party hand alias haath is also displayed by



continue on page 19....

FROM THE CHAIRMAN'S DESK

- BHAGVANJI RAIYANI

Chairman and Managing Trustee, Forum For Fast Justice

CHHATI CHHAPPANKI OR BROAD AND BOLD BREAST

Our Modiji is applauded world over for his bold move of his Note Bandhi or Demonetization in the larger public interest.

I dare to ask him whether he can seriously take up the challenge of reforming the justice delivery system. If he even tries to do that, he will be dislodged as PM as no political party including his own MPs will support him as 1/3rd of MPs and MLAs are criminal minded and are facing lot of criminal cases in the courts. They enjoy their positions till they are convicted by courts which take anything between 5 to 15 years. If they are convicted within one or two years, they will lose their jobs.

I met Hon'ble the then Chief Justice of India on 3rd March 2014 by an appointment one to one and reminded of Supreme Court Judgment of 21st March 2002 which ruled that the Union and States shall appoint 50 judges per million population (which was 10.50 judges per million at that time and now about 13).

I humbly told him that though the Supreme Court had the powers to compel the Union and the States and could summon even the PM and CMs of all states and ask why the said judgment was not implement with a warning to face contempt of court proceedings If they failed to do so but Judiciary, Executive and the Legislature, all were sleeping. I humbly asked him what he can do to save the country from the catastrophic situation. He jokingly replied that he would retire next month and thereafter will join my NGO! My Delhi based friend Ranjan Mahapatra, the Owner and Chief editor of CSR VISION, a reputed monthly magazine emphatically writes and speaks that justice is more important than even food.

Modiji, one of the best orators and an reclaimed world statesman goes on addressing large meetings of Indian diaspora in the comity of nations and also in the huge public meetings at home invariably claims that he will transform these and those systems which sixty years rule of congress never tried. Yes, they miserably failed in judicial reforms but Modiji, show your courage of chhappan ki chhati for reforming the judiciary moving at snail's speed.

Time and again I tell the readers of this magazine and elsewhere in my speeches that if maximum human rights violations are committed anywhere in the country, they are in the Indian Courts. They are committed in all

spheres but see some samples as hereunder:

The ramifications of slow judiciary are far reaching like:

1. Moral standard down.
2. Attitude develops for swallowing injustice.
3. Killing the spirit of fighting for justice.
4. Criminals in Society emboldened.
5. Criminals in politics prosper.
6. Governance becomes inefficient and unfriendly.
7. Corruption in private and public sector flourishes.
8. Judges tempt to become corrupt.
9. A crop of middlemen operators conduct rampant corruption.
10. Investment climate adversely affected.
11. Environmental pollution increases.
12. Lawyers tend to become exploitative.
13. Billions of productive manhours wasted.
14. Democratic values suffer.
15. Nation losing image at the international level.
16. Growth suffers: Country ruins.
17. Encourages human rights violations.
18. Rights of women, children, prisoners and socially backwards not protected.

We have met who is who of the country for reforming the judiciary, like Advanji, Raviprasad Shankar, Arun Jaitly, Sushma Swaraj, Dr. Murli Manohar Joshi, Rahul Gandhi and innumerable no. of MPs. All of them promised to provide judicial reforms in their election manifestos in 2009 and 2014 elections and major political parties really published the same. But alas! We were fooled and they conveniently forgot their promises because they don't want to displease their criminal minded MPs and MLAs.

We are thinking to launch a phase-wise nationwide satyagraha in a year or two through our 90 plus Societies For Fast Justice, all registered and based in 23 states of the country to fastspeed the justice delivery system. Gandhiji has taught us non co-operation and nonobedience. Our Modiji has taught us through notebandhi and said that people might face some difficulties for few months for overall good, likewise we may block roads, trains and stage dharna in the court compounds to cause temporary inconvenience for few hours for achieving MISSION JUSTICE.

FROM NATIONAL CONVENER'S DESK

- PRAVIN PATEL

National Convener, Forum For Fast Justice

HON'BLE PRIME MINISTER, ARE YOU LISTENING! WHY JUDICIAL REFORMS ARE NOT YOUR PRIORITY?

Our Prime Minister Mr. Narendra Damodardas Modi has all the time in the world for all other matters but appears to be not interested to put our snail paced justice delivery system back on track to clear the huge backlog of pending cases before the courts of law and make our judiciary accountable.

It is also time to remind our readers that before 2017 Parliamentary Elections we met the then Union Law Minister Salman Khurshid and top leaders of almost all political parties demanding to do bring in much needed judicial reforms so as to ensure a time bound justice delivery system takes place in our country.. BJP which won under leadership of Sri Narendra Modi and formed the Government in May 2014 has also promised to bring judicial reforms in their election manifesto. We wrote a letter to the Hon'ble Prime Minister Mr. Modi reminding him of the electoral promise made by his party to the people of India but without any response from his office. However, a ray of hope was seen in the address of the His Excellency, the President of India who in his address to the joint session of both house of Parliament expressing concern, stressed on the need to take steps to do judicial reforms to address huge pendency of cases in our courts of law. However from then till now, we have not heard anything from Modi government nor from even from the Hon'ble Prime Minister Mr. Modi who has worn a mysterious silence in the subject. He has not uttered a single word even in his independence addresses to the nation from the red fort in last three years nor in any of his "Man ki Baat" but he did mentioned on need of judicial reforms while addressing NRIs at Madison Square in New York, USA.

In order to spread our wings throughout the country, we conducted meetings, seminars & workshops all over the country and together with our district level

societies for Fast Justice took to the streets of India by taking out Nyay Yatra – "March for Justice" in two separate routes beginning on 30th January, 2016, from Rajghat, New Delhi after paying homage to the crusader of truth and justice Mahatma Gandhi traveled over 19000 KM for 34 days across at over 200 cities, towns creating mass awareness before converging into protest rally at Jantar Mantar on 4th March, 2016. This was followed by two days of National Convention at Lodi Road, New Delhi in which delegates from all over the country passed a resolution. This was sent to Hon'ble Prime Minister and other concerned authorities along with a covering letter dated 26-03-2016, categorically demanding urgent steps to bring in much needed judicial reforms. This time we received letters from PMO informing us that our letters has been forwarded to Ministry of law & Justice for their consideration. We also received communication from Ministry of Law & Justice but without any concrete action. We then proposed to the Ministry of Law & Justice to have two days conference of three hours on each day in which officials of all concerned department be involved. We even offered to host this conference. Ultimately we were invited by the secretary at their office to discuss the matter. On 9th November, 2016 we held discussions with the Secretary. We informed them about our activities, about our publications, circulars etc that we take out in the subject and stressed that it is in the interest of the country that judicial reforms takes place at the earliest to honour the constitutional rights of people of India to seek timely justice. However, we are informed that no such conference is possible with any outside agency.

We have also written letters to the Chief Justice of India with a request for doing needful but they are also helpless as it is the Government of India that has to do the needful. At the 150th Anniversary of

cont. on page 19....

FROM THE DESK OF PRESIDENT ELECT

- Prof. Raj Kachroo
President Elect,

FEDERATION OF SOCIETIES FOR FAST JUSTICE

I am excited at the prospect of having to lead a number of societies who have a singular objective & that is to improve the judicial system in India. I could not agree more. I am also conscious of the fact that we are not up against a few bureaucrats or a few politicians or a few judges. We are up against a monster called – The System. It is like a prehistoric Dinosaur that tramples anybody & anything that comes its way. We need to be united to stand against this Dinosaur. A federation of Societies is the platform of unity. Divided we will be trampled.

This is my first communication with you after having been chosen to lead the Federation of Societies of Fast Justice. I must acknowledge the grand vision & the hard work of Bhagwanji, Pravinji & other Trustees of the Forum for fast Justice who started the process of getting us united through formation of societies across the nation. While I admire the vision & the optimism of Bhagwanji I envy the energy & enthusiasm of Pravinji who went across the country in heat & in cold, on treacherous roads & in hostile conditions, to support local leadership to form the societies. It is no mean achievement to get 100 societies registered in such a short span of time. I also wish to thank all of you for having chosen me, unanimously, as the President of Federation. I will work to the best of my ability to do justice to the position that I am holding. Thank you for placing your trust in me.

The relationship between the Judiciary & the

Government is rather cold these days. The Government wants more control of Judiciary but the Judiciary is not willing to give in. Both parties are protecting their interests. But regrettably when it comes to protecting the interests of ordinary peoples of India the Government, very conveniently, says that Government does not interfere in matters of Judiciary & the Judiciary on the other hand blames the Government for not doing its part. Ordinary public is crushed in between.

I have always believed, and I maintain that belief, that cracking this system is not going to be an easy task. We have to be ready to be in this battle for a very long time. Our strategy must be to find weak points of the system through in depth analysis & research and hammer only on those weak spots. We have to devise clever & alternative strategies to fight this war. We have to be patient & disciplined. We have to remain focused & committed. We have to plan meticulously & democratically & then work as per plan.

We meet in Hyderabad in February. I suggest we start the process of planning our strategy & the plan of work in Hyderabad. I would like you to think of strategies & let us discuss them in an open democratic manner but certainly in a disciplined & a systematic manner. I look forward to meet with all of you in Hyderabad. We will have very important 3 days of discussions & deliberations. We will start from Hyderabad.

ELECTORAL REFORMS: INTERVENTIONS BY COMMON CAUSE

- SWAPNA JHA*

Over the years, the gap has widened between the elected members' individual caliber and the rising demands of modern legislation. As articulated in other write ups in this issue, there has been an alarming increase in the number of criminals being elected to parliament and State Assemblies. Their importance was proved in 2008 when the ruling government was able to ward off a noconfidence motion with the help of six jailed MPs who were temporarily released only to cast their vote in order to tilt the balance. The thought that such MPs will frame the best laws to protect our liberty and property is appalling, to say the least.

Common Cause took up this crusade as early as in 1994. It approached the Supreme Court in an effort to bring transparency to the election expenses of the candidates.

In a landmark judgment, the SC held that the political parties were under a statutory obligation to file regular returns of income and that failure to do so rendered them liable for penal action.

The Parliament then proceeded to initiate the process of legislation to counter the apex court's order. The Centre issued an ordinance in August 2002 and the President was forced to give his assent. In the following winter session, the Parliament replaced the ordinance with necessary legislation. This legislation too was challenged and the SC held that it nullified the previous order of the Court, infringed upon the fundamental right of electors' to know, and hindered free and fair elections.

On March 10, 2014, the Supreme Court passed an interim order to the effect that trials in criminal cases against lawmakers must be concluded within a year of the charges being framed. The Court also directed that trials must be conducted on a day-to-day basis, and if a lower court is unable to complete the trial within a year, it will have to submit an explanation to the Chief Justice of the High Court concerned and seek an extension of the trial.



Unfortunately, even after a lapse of more than two years, the order of the apex court is yet to be implemented.

The prayer of Common Cause to hold section 8(4) of the RPA, as unconstitutional was granted in a separate PIL. The apex court held that the Parliament did not have the competence to provide different grounds for disqualification of applicants for membership and sitting members. Further, deferring the date from which disqualification commenced was unconstitutional in the light of

Articles 101(2) and 190(3) of the Constitution, which mandates that the seat of a member will become vacant automatically on disqualification.

The power of Election Commission (EC) to issue notice under Section 10A of the RPA, seeking to disqualify a candidate on account of incorrect return of election expenses, was challenged by Mr. Ashok Chavan (former CM of Maharashtra) in the Delhi High Court. The High Court upheld the EC's power to inquire into the correctness of the account of election expenses filed by a candidate following which, Mr. Chavan filed a Special Leave Petition (SLP) against this order. The government filed a counter affidavit claiming that in terms of Section 10A of the RPA and Rule 89 of the Conduct of Election Rules, the power of the Commission to disqualify a person arose only in the event of failure to lodge an account of election expenses and not for any other reasons, including the correctness or otherwise of such account.

Dismissing Mr. Chavan's SLP, the Court held that the EC was well within its jurisdiction to inquire into the correctness of accounts and order disqualification in cases of incorrect accounts of expenditure. This judgment is a milestone in establishing the right of the EC to take steps to ensure free and fair elections.

*Swapna Jha is a Senior Legal Consultant with Common Cause.

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'SC Has As Many Cases In A Day As US Has In A Yr'.
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4. **India's war against graft lacks 'conviction': Study**
Goa, 2 other States Saw 100% Acquittal In 15 years.
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5. 'Low conviction responsible for rising crime'
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6. Maha has maximum no. of pending cases across district courts after UP
Over 31 Lakh lawsuits Yet To Be Decided.
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7. **Repromulgation of ordinances is 'fraud' on Constitution: SC**
Can't Bypass legislative Body: Court
Repromulgation defeats the constitutional scheme under which a limited power to frame ordinances has been conferred upon the president and the governors. SUPREME COURT BENCH.
'Lower courts can't hear contempt of SC cases'.
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10. **Centre's slow' handling of key cases riles SC**
Repeated Pleas For Adjournments Too Get Its Goat.
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11. **Challans, cheque bounce cases clog courts.**
Account For Nearly One-Third Of Pendency In Lower Courts Across Country.
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12. 23 years on, youth sees dad freed from jail, dies of shock. SC collegium rejects 38 HC judges cleared by Centre.
- Times of India (TOI) 9-4-2016

APRIL, 2016

There Is Need For Legal Reforms Dead man is Live and countries old case

NITI Aayog member Bibek Debroy delivered this year's Shroff Memorial Lecture organised by Forum of Free Enterprise at Mumbai. This is the transcript of the lecture on rule of law and legal reform.

Covetous of this ancestral plot of land, his maternal uncle bribed the tehsildar to declare Lal Bihari dead. Lal Bihari fought a long battle to prove that he was alive. He stood in the elections against the then Prime Minister. He went and threw stones at the police so that they would arrest him. He made his wife apply for a widow's pension. Having failed in all these attempts, Lal Bihari did some "research" and discovered that there were another 25,000 such "dead" people wandering around in UP.

He became the founder President of the Dead Men's Association (Mritak Sangh) and changed his name to Lal Bihari Mritak so that their collective attempts could be synergized. Though Lal Bihari wasn't able to accept the prize in Harvard in person, eventually he was declared alive. But the other dead people, not just in UP, but also in Punjab, are still walking around India.

G. Hanumantha Reddy, a retired IAS officer from Hyderabad the Guinness Book of World Records claimed that the longest such legal dispute was in India, lasting from 1205 to 1966. This concerned a dispute among the Thorat family members in a village (Hingangaon) near Pune. The family had split up and the dispute was about which branch of the family would have the rights to worship in the ancestral shrine.

Which branch of the family would have the right to

is a long time for any dispute to last, especially since legal regimes had changed. Reddy probed this and discovered that the entry was wrong. In the course of the obiter dicta, Judge Sanjana had remarked that the roots of the dispute go back to a mahajar or sanad issue in 1205. However, the actual legal case only lasted for a little over 2 years, from 1964 to early in 1966. With Reddy's persistence, Guinness Book of World Records removed the offending entry. What was Reddy's interest in the whole affair? He fought a supersession battle with the government of India for 44 years, 9 months and 81 days, from April 1945 to January 1990. Thus, he holds the record for the longest case. Though Guinness Book of World Records refused to have any more entries on longstanding cases, Reddy does figure in the Limca Book of Records.

There have been several attempts to count (and suggest repeal) of old laws. One such recent attempt was the Ramanujam Committee, set up by PMO in September 2014 to identify Union-government statutes that could be repealed. (There were four Law Commission Reports too.) The Ramanujam Committee told us that 380 statutes, enacted between 1834 and 1949, still remained on statute books. There were another 2,401 statutes, enacted after 1950. That's a listing of 2,781 Union-level statutes. Note that following common law traditions, India doesn't have a system of desuetude.

Therefore, statutes are open-ended. They continue to remain on statute books, unless they are specifically identified for repeal. Fourth, you will find a figure that 25,000 State-level statutes exist. I will soon tell you where that figure comes from. It is plain wrong. No one has a precise figure about State-level statutes. We don't yet have the counterpart of India Code there. All too often, the importance of the legal system as a constraint on economic growth and development isn't recognized and appreciated. Despite law and economics initiatives and emphasis on institutional economics, including Nobel Prizes to some practitioners, economists rarely talk about legal form.

What does fixing the legal system mean? There are several dimensions. First, there is the simple matter of old laws. Other countries also have old laws. We can laugh at old laws. Surely, they do no harm. Not quite, they can be used to harass people. Did you know the 1949 East Punjab Agricultural Pests, Diseases and Noxious Weeds Act applies to Delhi? According to this, if Delhi is invaded by locusts, the District

Magistrage will announce the invasion by beating of drums and every able-bodied person has to cooperate in fighting locusts. If you think this is harmless, how about the Aircraft Act of 1934? Stated simply, given definition of "aircraft", you need a government license to fly kites (of the literal kind).

The Sarais Act of 1867 enjoins sarai-keepers to give free drinks of waters to passers-by and can be made applicable to hotels. About 200 statutes from 19th century still exist on statute books, often with colonial overtones. It is surprising these weren't examined and junked in 1950, when the Constitution came into effect. (There was a perfunctory attempt in 1960/61 and a more serious attempt in 2001/2002.) The Ramanujam Committee identified 1,741 such old statutes for repeal. This includes Bengal Districts Act of 1836. Do you know what this does? It empowers Bengal to create as many districts as it wants. Do you need a law for this? Did you know that ordinances from 1949 still remained on the books?

The Sarais Act of 1867 enjoins sarai-keepers to give free drinks of waters to passers-by and can be made applicable to hotels. About 200 statutes from 19th century still exist on statute books, often with colonial overtones. It is surprising these weren't examined and junked in 1950, when the Constitution came into effect. (There was a perfunctory attempt in 1960/61 and a more serious attempt in 2001/2002.) The Ramanujam Committee identified 1,741 such old statutes for repeal. This includes Bengal Districts Act of 1836. Do you know what this does? It empowers Bengal to create as many districts as it wants. Do you need a law for this? Did you know that ordinances from 1949 still remained on the books?

The public service that scored heavily in terms of being prone to corruption was police and this is a fairly normal occurrence across similar other surveys. For example, a specific study was done on corruption in police in India by Transparency International (TI) in 2005. According to that, 87 per cent of those who interacted with the police believed it to be corrupt and 12 per cent of all households said they had to bribe (in the previous year) the police to obtain a service. Why do policemen demand bribes? Among various reasons, TI said: Payment of bribes for postings and promotions is a well-known phenomenon in the police department. As a result, the policemen who have paid their way through try to recover the amount as soon as possible and corruption becomes a tool for getting better return on "investment".

(OUR LAW MAKERS OR LAW BREAKERS ?)

2014 Lok Sabha Elections

2009 Lok Sabha Elections

Name	Total number of winners analyzed	Winners with declared Criminal Cases cases	% of Winners with declared criminal cases	Winners with serious declared criminal cases	% of Winners with serious declared	Total number of winners analyzed	Winners with declared Criminal Cases cases	% of Winners with declared criminal cases	Winners with serious declared criminal cases	% of Winners with serious declared
BJP	281	97	35%	61	22%	110	43	39%	21	19%
INC	44	8	18%	4	9%	199	43	22%	14	7%
AIADMK	37	6	16%	3	8%	9	4	44%	4	44%
AITC	34	7	21%	4	12%	19	4	21%	4	21%
BJD	20	3	15%	2	0%	14	4	29%	1	7%
SHIV SEN	18	15	83%	8	44%	11	9	82%	3	27%
TDP	16	6	38%	1	6%	6	2	33%	1	17%
TRS	11	5	45%	5	45%	2	1	50%	0	0%
CPI (M)	9	5	56%	1	11%	16	3	19%	2	13%
YSRCP	9	5	56%	5	56%	0	0	0%	0	0%
LJP	6	4	67%	1	17%	0	0	0%	0	0%
NCP	6	5	83%	4	67%	8	4	50%	3	8%
RJD	4	4	100%	4	100%	3	2	67%	1	33%
JKPDP	3	1	33%	0	0%	0	0	0%	0	0%
JD (U)	2	1	50%	0	0%	19	7	37%	2	11%
IND	3	2	67%	2	67%	6	1	17%	0	0%
Others	39	11	28%	7	18%	99	31	31%	21	21%
Total	542	185	34%	112	21%	521	158	30%	77	15%

Courtsey: Association of Democratic reforms and Common Cause.

Role of the Judiciary

On several occasions, the judiciary has sought to curb this menace of criminalization of politics through several landmark judgments. On 10th July, 2013, the Supreme Court of India, in its judgment of the Lily Thomas vs. Union of India case (along with Lok Prahari v. Union of India) ruled that any MP, MLA or MLC who is convicted of a crime and awarded a minimum of two year imprisonment is immediately disqualified and loses membership of the house. Section 8(4) of the RPA, earlier allowed the convicted members to hold office until they exhausted all judicial remedies. This section was declared unconstitutional and was a major step in electoral reforms and to likely become a deterrent for political parties to give tickets to candidates with criminal records as they may lose their seat immediately upon conviction.

However, this was a threat to the unholy nexus of crime and politics and the government tried to overturn the decision of the Supreme Court of India. The representation of the people (Second Amendment and Validation) Bill, 2013 was introduced in the Rajya Sabha on 30th August, 2013 which proposed that representative would not be disqualified immediately after conviction. The Indian government also filed a review petition which the Supreme Court dismissed. This move by the government was vehemently opposed by the civil society. On 24th September, 2013, a few days before the fodder scam verdict, the government tried to bring the Bill into effect as an ordinance. However, Rahul Gandhi, Vice President of the INC, made his opinion very clear by tearing up the ordinance. Subsequently both the Bill and the ordinance were withdrawn on 2nd October, 2013.

HUMAN RIGHTS – THE BEGINNING OF A JOURNEY OF RIGHTS

- MAJU VERGESE

Introduction:

Human rights are referred to by every one, the disadvantaged person, women, depressed castes, adivasis, students, children, queer .. the list goes on. It comes from a feeling of justice, equality, solidarity. In fact the very oppressors when gets oppressed cries for human rights. It is the evolution of mankind which gave birth to codified rights and right providers.

The concept that people are born equal is as old as human history itself. It manifested in the forms of dissent, rebellion and a quest for a more equitable and humane world. The basic concept of human right is the concept of **human dignity**. Human rights are essentially about our right to live life as human beings. Human rights can be understood as defining those basic standards necessary for a life in dignity to be free from fear and to be free from want. Human rights ultimately are moral claims resting on moral values because there are certain aspects of our life, our being, that are not

violable and that no one should touch because it is essential to our humanity and our human dignity.

The concept to human rights in some form of other could be seen in history and it is not just a modern concept. The fight of men and women towards what they think is fair and equitable is part of oral traditions, stories, fables, religions etc. This could be seen in the struggles against caste system / caste oppression, slavery, the rights of women etc...

Universal Declaration of Human Rights

Universal Declaration of Human Rights (UDHR) adopted by the General Assembly on the 10 December 1948 was the first major attempt at the international level to codify and protect individual human rights of all human beings on the planet. With the UDHR, the international community

established a set of key principles that states have agreed upon and have to abide by.

Major Characteristic of Human Rights

Human rights are rights inherent to all human beings, whatever our nationality, place of residence, sex, national or ethnic origin, colour, religion, language, or any other status. We are all equally entitled to our human rights without discrimination. These rights are all interrelated, interdependent and indivisible.

a) Human rights are inalienable. This means that you cannot lose them, because they are linked to the very fact of human existence. It is not given by any one but part of the body soul combine.

It also means that it is not possible to trade/ negotiate them.

b) They are indivisible, interdependent and interrelated. This means that different human rights are intrinsically connected and cannot be viewed in isolation from each other. The enjoyment of one right depends on the enjoyment of many other rights and no one right is more important than the rest. The violation of one human right impacts other human rights.

c) They are universal: This means that they apply equally to all people everywhere in the world, and with no time limit. Every individual is entitled to enjoy his or her human rights without distinction of race, colour, sex, language, religion, political or other opinion, national or social origin, birth, sexual orientation, health or other status. The universality of human rights does not in any way threaten the rich diversity of individuals or of different cultures. Diversity can still exist in a world where everyone is equal, and equally deserving of respect.

State obligation to respect, protect and full full human rights.

In the understanding of human rights, it is the obligation and duty of the state to protect the rights of its subjects. The obligation to respect means that States must refrain from interfering with or curtailing the enjoyment of human rights. The obligation to protect requires States to protect individuals and groups against human rights abuses. The obligation to fulfil means that States must take positive action to facilitate the enjoyment of basic human rights. At the individual level, while we are entitled our human rights, we should also respect the human rights of others.



Human Rights Conference organized by Society For Fast Justice-North 24 Parganas, in association with National Human Rights Resources Development Association on 11th December, 2016 at Loksanskriti Bhavan, Sodepur Bengal; on the occasion of World Human Rights Day that is observed through out the world.

– S. Mukhtar Ahmad,
President, Society for Fast Justice – North 24 Pargana

On the occasion of International Human Rights Day that is celebrated the world over on 10th of December, Society For Fast Justice–North 24 Parganas (SFFJ) and National Human Rights Resources Development Association, Nagpur, (NHRRDA) organized a conference to discuss and address burning human rights issues of the current time including the issue of violation of human rights in our courts of law due to extra ordinary slow pace of our justice delivery system and also female feticide.

Though it is the constitutional right of the citizens of India to seek timely justice, we are painstakingly observing that the poor, marginalized and backward segment of our society in reality have limited access to this system. It is also a hard fact that the Pedantic approach of all stakeholders in judicial system is contributing to the misery. The cases pending in different courts in the country touched 30.2 million. The people are endlessly waiting for justice. The democratic set up is under severe challenge where judiciary is facing problem of insufficient infrastructure as we need more and more court rooms, more number of judicial officials including increasing the sanctioned posts of judges and fill the same well in time so as to honour our right to seek timely justice which is entangled in our snail paced justice delivery system at present. The district courts are most neglected where huge number of cases are pending. The justice delivery system may be defunct if such situation continues to prevail. SFFJ



expresses its concern and categorically demand from our Central as well as State Government to please put in place transparent, accountable and speedy justice delivery system which can be easily accessed by all including marginalized people of our society.

Another burning issue, we emphasize is violation of rights of woman in our country. Female infanticide is a major cause of concern. Despite there are enough laws and rules that restricts female infanticides, there are many women who are victims as their cry doesn't reach to the ears of law keepers. Despite sex determination during pregnancy is prohibited, it is not forcefully implemented as we have gathered from our experience. The male-female ratio is seriously reversed. An estimated 50

million girls are 'missing' from the Indian population because of female feticide.. Social awareness among people and power equality in the society is the most important issue.

We at SFFJ and NHRRDA together are doing work hand in hand for such social causes and observing this day of Human right placing these issues in forefront. National Awards were distributed to three eminent Human Rights Defenders and a Souvenir released by Chief Guest Mohd. Nurul Islam, warrior of Mukti Vahini of Bangladesh. Human Right Defenders from few societies for Fast Justice in Bengal, Odisha, Chhattisgarh, Bihar, Madhya Pradesh also took part in the day long seminar. Vote of thanks was conveyed by Sri Subhasish Ghosh.

CRIMES AGAINST WOMEN



That's what our democracy demands .It needs you. Not just when there's an election , not just when your own narrow interest is at stake ,but over the full span of a lifetime."

- Obama's Farewell Speech.

Rule of law is one of the basic features of the constitution of India. Rule of law suggests the absence of arbitrary power on the part of the government. This follows that no man is punishable or can be made to suffer in body or mind, except for a distinct breach of law. Unfortunately four years after the rape and murder of a young New Delhi resident, stories of India's grim war against its women continue to be reported. There have been constant violations of the rule of law. The assault on the streets of Bangaluru on the new year's eve is the most recent example. Editorial of Indian Express dated 9th January 2017 notes " It should now be clear that outrage, high sounding speeches or even the most perfect law will not make Indian women safer in the absence of thorough going public policy reforms." Bengaluru is popularly known as the city of Gardens , now it is transformed as the city of crimes against women.

In the State of Chhattisgarh, 16 rape cases are reported. Interim report of the National Human Rights Commission has confirmed that 16 women were prima facie victims of rape, sexual and physical assault by state police personnel in Oct.2015. This report has also said that the state Government is vicariously liable for the rights violation of the victims.

Let us have a look at the data, published by the government . In 2013, 309,546 cases of crimes against women were reported to the police, rising to 337,922, in 2014, then falling to 327,394,suggesting that after an initial hope, women were losing hope in our judicial system. The

- PROF. ASHWINKUMAR N. KARIA
LAW COLLEGE, PALANPUR

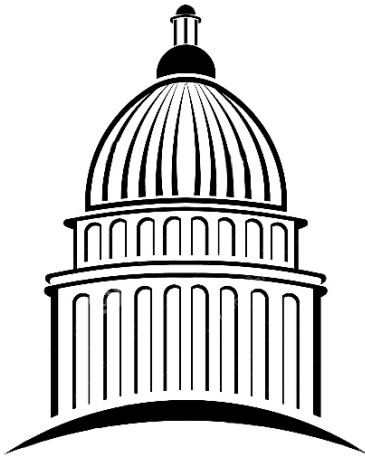
reasons are very apparent. In 2013, 114,785 rape cases were pending for trial. Of the 18,833 cases that concluded, only 27% ended in conviction . In 2015, despite stringent rape law, 137, 458 cases were pending for trial and the rate of conviction was only 29%. It can fairly be said that despite new fast track courts and new laws, very little has changed for a woman seeking justice for a crime against her.

In rape incidents, reported from the state of Chhattisgarh, women from five villages had alleged that police personnel sexually harassed and assaulted more than 40 of them, and gang raped at least two. It is reported that the situation would not have come to such a pass, if the State Government had been responsive to previous complaints against the state police. Irony is that instead of any inquiry into the complaints, the complainants were targeted. Legal aid workers , NGOs, activists were harassed. The reluctance of the state Government forced the Supreme Court to step in and remind the State Government of the primacy of rule of law.

Unless the Central and State Governments have the will to bring a change, rate of crimes against women will continue to be on the increase. Our all markets, transport systems, streets, surrounding areas of schools and colleges should be made safer. More deployment of police-officers is the need of the hour. But in our country , we have 144 police officers per 100,000 population . It was 149 in 2013. As per UN norms, there should be 220 police officers per 100,000 population. Our police force needs more gender equity ratio. Of India's 1,732,666 State police officers, only 122,912 are women.

Maintenance and vigilance of the rule of law is the primary obligation of the Central and State Governments. Radical improvements in police training are required. Institutional reforms are also required to make the police force accountable to the public. Police force is not meant for the service of VVIPs. Long back , it has been suggested that there should be two wings in the police-force-one should undertake the task of registering the complaints and another should conduct investigations only. From registration of complaints by the police to the point of conviction , the entire process should be easier and women – friendly.

PRESIDENTIAL DEMOCRACY: CLARIFYING SOME MYTHS



A large majority of intellectuals have regarded Dr. Ambedkar as the father of Indian Constitution and whenever there is any talk of change of the system it as if it will be insult to Dr. Ambedkar. However, it

will be interesting to learn about Ambedkar's own personal views regarding Presidential form of Democracy as will be clarified from the following:

"The views of Dr. Babasaheb Ambedkar on Presidential form of Government as adopted by the U.S.A, almost sounds prophetic today. While most of us have regarded Dr. Ambedkar as having played a major role in drafting of Constitution, it is significant to note that prior to his being appointed Chairman of drafting Committee of Constitution seven months before i.e. in March, 1947 he had himself strongly endorsed the Presidential system of democracy. As mentioned by him, in the Memorandum to Constituent Assembly's sub-committee on Fundamental rights 'The British Cabinet System has undoubtedly given the British people a very stable system of Government. Question is will it produce a stable Governments in India? The chances are very slender. In view of the clashes of castes and creeds there is bound to be a plethora of parties and groups in the Legislatures in India. If this happens it is possible, nay certain, that under the system of Parliamentary executive like the one that prevails in England under which the Executive is bound to resign upon an adverse vote in the legislature, India may suffer from instability of the Executive. For it is the easiest thing for groups to align and realign themselves at frequent intervals and for petty

- Jashwant B. Mehta

Convener, Forum for Presidential Democracy

purposes and bring about the downfall of Government. The present solidarity of what are called the Major Parties cannot be expected to continue. Indeed as soon as the Problem of the British in India is solved the cement that holds these parties together will fail away. Constant overthrow of Government is nothing short of anarchy. He had further added 'Taking all these considerations together there is no doubt that the British type of the Executive is entirely unsuited to India. Indians who are used to the English form of Executive forget that this not the only form of democratic and responsible Government. The American form of Executive is an equally good type of democratic and responsible form of Government'.

Within 3 years of adoption of India's Constitution Ambedkar seemed to have expressed his own frustration in no uncertain terms when he spoke in the Rajya Sabha on 2 September 1953. 'Sir, my friends tell me that I have made the Constitution. But I am quite prepared to say that I shall be the first person to burn it out. I do not want it. It does not suit anybody'.

There is an aura surrounding Ambedkar as the framer of India's Constitution. His own clarification of the role played by him in this regard is quite significant. In this very speech in Rajya Sabha, he has reported to have said: "People always keep on saying to me: Oh, you are the maker of the Constitution. My answer is I was a hack. What I was asked to do, I did much against my will".

A member asked: 'Why did you serve your masters then like that?' '....you had drafted this Constitution,' said another.

Ambedkar wasn't backing down: 'You want to accuse me for your blemishes? - typically, I might add.'

As the House was brought to order, K. S. Hegde, who would later become a Supreme Court justice,

expressed shock: 'It came with ill grace from Dr. Ambedkar when he said that his heart was not in the Constitution, that he was merely perpetuating a fraud, to put it in the mildest form.'

Had Dr. Ambedkar lived long enough to watch the performance of the system and the political developments witnessed during last 65 years, there is every possibility that he would have strongly suggested revamp of the Constitution in favor of Presidential System?

The views some of the other members of the Constituent Assembly are also very relevant. Kakasaheb Gadgil who played a very prominent role in Indian politics in pre-independence era who was also a member of the Constituent Assembly and Union Cabinet member during 1947–52, had its own doubts about the success of the Parliamentary Democracy in case there will more than 2 parties. Today 6 decades after the independence, the coalition politics at State level as well as in Centre has become a norm in Indian politics and it has led to ever deterioration in governance and mind boggling corruption.

"While endorsing Parliamentary democracy 'If there are two parties only' said N. V. Gadgil, 'I have not the slightest doubt that this experiment will succeed to a substantial extent. But if there are more than two parties the life of the cabinet will become very precarious'".

Ex-President, R. Venkatraman, who was also a member of Constituent Assembly and Senior Union Cabinet Minister having watched the performance of Presidential Democracy had mentioned:

"the sad spectacle of party members forming several permutations and combinations for ousting the party chief will be eliminated..... it behooves us to give unto ourselves an executive which will be stable and does not depend on the vagaries of groups and dissidents. Such an executive must derive its strength and

authority from the people of the country and should not be removable except on the expiry of the term or by impeachment. The Presidential system offers the best solution.' In a lecture in 1999, after his terms as President, he said that in India 'governments were engaged more in their survival rather than in service of the people.' His diagnosis of the problem was that India's 'multi-party system was found incompatible with the Westminster type of democracy based on a two-party system.'

K. M. Munshi was a leading member of Constituent Assembly and who had wholeheartedly endorsed Presidential Democracy on after watching its performance in two decades changed his mind and endorsed Presidential System of Democracy and had mentioned:

"If I had to make a choice again, I would vote for the presidential form of government so that, whenever the politicians fail the country there is at least one strong organ of the State capable of tiding over the crisis."

The million dollar question is how do we change the system and who will bell the cat. In this regards, I would complement atleast two prominent politicians who have shown some guts. Shri Rajiv Pratap Rudy, deserves all the compliment in bringing about the resolution in Rajya Sabha in 2013 on Presidential Democracy with Checks & Balances.

Shri Shashi Tharoor has recently introduced the bill for Direct Election of Mayor as Executive Head of the Government for full period of 5 years. This will be the beginning of Presidential Democracy from local level upwards. Will more politicians come forward and show the same guts to bring about the change of system?



LIMITING THE ROLE OF RELIGION IN ELECTIONS

N.R. MADHAVA MENON (Excerpts)

In a landmark decision by a seven-judge Bench of the Supreme Court rendered in the New Year (Abhiram Singh Vs. C.D. Commachan & Ors. Decided on 2nd January, 2017) Indian democracy is shown a new path to develop its electoral processes free from fundamentalist and divisive forces diluting the secular character of its polity. It is a judgment which was long overdue.

Quoting approvingly the judgment in S.R. Bommai Vs. Union of India, the Chief Justice in his concurring opinion said:

"If the Constitution requires the State to be secular in thought and action, the same requirement attaches to political parties as well. The

Constitution does not permit mixing religion and State power None can say otherwise so long as this Constitution governs this country Under our Constitution, no party or organization can simultaneously be a political and a religious party".

Elections to the State legislature or to the Parliament or for that matter to any other body in the State is a secular exercise just as the functions of the elected representatives must be secular in both outlook and practice. "An interpretation which has the effect of eroding or diluting the constitutional objective of keeping the State and its activities free from religious considerations, therefore, must be avoided", declared the Court. "Electoral processes are doubtless secular activities of the State. Religion can have no place in

such activities, for religion is a matter personal to the individual. The State is under an obligation to allow complete freedom for practicing, professing and propagating religious faith to which a citizen belongs in terms of Article 25 of the Constitution; but the freedom so guaranteed has nothing to do with secular activities which the State undertakes. Therefore, an

appeal in the name of religion, race, caste, community or language is impermissible under the Representation of the People Act, 1951 and would constitute a corrupt practice sufficient to annul the election in which such an appeal was made regardless of whether the appeal was in the

name of the candidate's religion or the religion of the election agent or that of the opponent or that of the voters" asserted the Court. "So interpreted, religion, race, caste, community or language would not be allowed to play any role in the electoral process and should an appeal be made on any of these considerations, the same would constitute a corrupt practice in terms of Section 123(3) of the R.P. Act" declared the majority judgment making the law loud and clear to all concerned.

Meanwhile, for the time being, candidates, their agents and their supporters would do well in not mixing religion and caste with electoral politics and refrain from using these identities for electoral advantage.



ग्राम न्यायालय की मांग

केन्द्रीय विधि विधायी मंत्री एवं मुख्यमंत्री से गुहार

सरगुजा सोसायटी फॉर फास्ट जस्टिस के अध्यक्ष डी०के० सोनी ने दिनांक-02/05/2016 को छत्तीसगढ़ के मुख्य मंत्री माननीय रमन सिंह जी को ज्ञापन सौंपते हुए छत्तीसगढ़ में ग्राम न्यायालय अधिनियम 2009 के क्रियान्वयन करने तथा ग्राम न्यायालय की स्थापना कराये जाने की मांग की गई।



डी०के० सोनी द्वारा
केन्द्रीय विधि विधायी मंत्री को ज्ञापन सौंपते हुए



मुख्यमंत्री रमन सिंह जी को ग्राम न्यायालय के
स्थापना हेतु ज्ञापन सौंपते डी०के० सोनी

सरगुजा सोसायटी फॉर फास्ट जस्टिस के अध्यक्ष डी०के० सोनी के द्वारा केन्द्रीय विधि एवं न्याय विभाग के मंत्री श्री रविशंकर प्रसाद से मुलाकात कर ज्ञापन सौंपकर छत्तीसगढ़ के अलावा पूरे देश में ग्राम न्यायालय अधिनियम 2008 का क्रियान्वयन कराने तथा प्रत्येक ग्राम पंचायत में ग्राम न्यायालय की स्थापना कराने की मांग की है।

उक्त संबंध में जानकारी देते हुए सोसायटी के अध्यक्ष डी०के० सोनी ने बताया कि भारत सरकार के द्वारा नागरिकों को उनके घरों पर न्यायालय तक पहुंच उपलब्ध कराने के प्रयोजनों के लिए साधारण जन स्तर पर ग्राम न्यायालयों की स्थापना करने और यह सुनिश्चित करने के लिए कि किसी नागरिक को सामाजिक आर्थिक, या अन्य निःशक्तों के कारण न्याय प्राप्त करने के अवसरों से वंचित नहीं किया जाए और उससे संबंधित या उसके आनुषांगिक विषयों को उपबन्ध करने के लिए भारत गणराज्य के उनसठवें वर्ष में संसद द्वारा ग्राम न्यायालय अधिनियम 2008 बनाया गया जिसकी स्वीकृति महामहिम राष्ट्रपति द्वारा दिनांक 7 जनवरी 2009 को प्रदान किया गया।

उक्त अधिनियम बनाने के पीछे यह मंशा थी कि जनता की मुल समस्या जो छोटे-छोटे आपराधिक, राजस्व, वन एक्साईज, पुलिस सिविल तथा अन्य विभागों के प्रकरणों का सालों तक निराकरण नहीं होता है उसका निराकरण ग्राम न्यायालय के माध्यम से ग्राम न्यायालय की स्थापना कर किया जा सकता है अगर उक्त अधिनियम का क्रियान्वयन छ०ग० राज्य के अलावा पूरे देश में किया जाता है तो न्यायालय में लम्बित करोड़ों प्रकरणों की संख्या में काफी कमी होगी तथा त्वरित और सुलभ सस्ता न्याय आम जनता को मिलती तथा तारीख पर तारीख से बचा जा सकता है।

उक्त अधिनियम बने लगभग 7 वर्ष हो गये लेकिन उक्त अधिनियम क्रियान्वयन न तो छ०ग० राज्य में किया जा रहा है और न ही उच्च न्यायालय द्वारा कोई पहल किया जा रहा है, जबकि उच्च न्यायालय से परामर्श करने के पश्चात अधिसूचना जारी करना था लेकिन ग्राम न्यायालय के स्थापना के लिए नहीं किया गया जिसके कारण छ०ग० राज्य के अलावा देश की जनता अपने आप को छली हुयी महसूस कर रही है तथा अधिनियम का लाभ नहीं ले पा रही है अगर प्रत्येक ग्राम पंचायत में ग्राम न्यायालय की स्थापना हो जाती है तो आम जनता को ब्लाक मुख्यालय जिला मुख्यालय में दौड़ नहीं लगाना पड़ेगा तथा छोटे मोटे प्रकरण का निराकरण जल्दी होगा इसलिए प्रत्येक ग्राम पंचायत में ग्राम न्यायालय अधिनियम 2008 का क्रियान्वयन कराये जाने हेतु सभी राज्य सरकारों को निर्देशित किये जाने हेतु निवेदन किया गया। जिस पर केन्द्रीय मंत्री श्री रविशंकर प्रसाद ने उक्त बातों को गंभीरता से लेते हुए आश्वासन दिया गया है उक्त संबंध में मुख्यमंत्रीयों से जानकारी प्राप्त कर ग्राम न्यायालय की स्थापना के संबंध में कार्यवाही की जायेगी।

ग्राम अधिकार यात्रा की शुरुवात



सरगुजा सोसायटी फॉर जस्टिस सरगुजा संभाग अपने फोरम, फोरम फॉर फास्ट जस्टिस, मुंबई के अध्यक्ष श्री प्रवीण पटेल के उद्येश्यों को लेकर छत्तीसगढ़ में 9 दिवसीय "ग्राम अधिकार यात्रा" का आयोजन करने जा रही है। ये यात्रा प्रदेश के उत्तरी क्षेत्र सरगुजा संभाग से शुरू होकर राजधानी रायपुर तक की जाएगी। फोरम की प्रदेश संयोजक ममता शर्मा, यात्रा के संयोजक अधिवक्ता डी.के. सोनी और यात्रा के सह संयोजक इंजोर दास महंत हैं।

9 दिवसीय इस यात्रा के दौरान यात्रा में शामिल आदिवासी बाहुल्य सरगुजा संभाग के विभिन्न जिलों के ग्रामीण एवं शहर अंचलों से लोग शामिल होंगे। जो यात्रा के साथ सरगुजा संभाग मुख्यालय अम्बिकापुर से रायपुर के लिए 22 दिसंबर को रवाना होंगे। जिसके बाद यात्रा में शामिल लोग और फोरम के सदस्य रास्ते में पड़ने वाले गांव, कस्बों और शहरों में लोगों के बीच जाकर प्रदेश में ग्राम न्यायालय स्थापना, पूर्णतः शराबबंदी, नजूल भूमि पट्टा, विधायक और पार्षदों की तरह पंच सरपंच की निधी और इनका वेतन सुनिश्चित करने, निष्पक्ष न्याय के लिहाज से न्यायालय की कार्यवाही कीवीडियो रिकार्डिंग कराने, रिक्त पड़े न्यायाधीशों को पदों पर तत्काल नियुक्ति करने, प्रत्येक सीएससी एवं पीएससी तक में शव वाहन की उपलब्धता सुनिश्चित करने, कोटवार और चौकीदारों को चुतुर्थ वर्ग कर्मचारी का दर्जा देने, शासकीय कमचारी-अधिकारियों के बच्चों को शासकीय स्कूल में पढ़ाने की अधिसूचना जारी कराने और किसानों को धान का समर्थन मूल्य-21,00 रुपये और 300 रुपये बोनस देने जैसी 11 सूत्रीय मांगों को लेकर जागरूकता फैलाने का काम करेंगे।

इसके बाद ये यात्रा का समापन रायपुर में होगा। समापन के दौरान 30 जनवरी को रायपुर में फोरम के सदस्य और यात्रा में अपने हक के लिए शामिल लोग एक दिवसीय धरना देंगे। ज्ञात हो कि इस यात्रा के पहले 11 सूत्रीय मांगों को लेकर फोरम ने छ.ग. के राज्यपाल, मुख्यमंत्री और छ.ग. हाई कोर्ट के मुख्य न्यायाधीश को ज्ञापन दे चुकी है, लेकिन इन मांगों पर अभी तक किसी प्रकार की पहल और विचार नहीं हुआ है। जिस कारण ये यात्रा निकाली जा रही है।

गौरतलब है कि सरगुजा सोसायटी फॉर फास्ट जस्टिस ये यात्रा न्याय पालिक में व्याप्त विसंगतियों समाज में फैली कुरीतियों और प्रशासनिक उदासीनता से लोगों को हो रही परेशानी को समाज से दूर करने के प्रयास में इस यात्रा का आयोजन कर रही है। इससे पहले पिछले वर्ष सरगुजा सोसायटी फॉर फास्ट जस्टिस अपने राष्ट्र स्तरीय संस्था फोरम फॉर फास्ट जस्टिस मुंबई द्वारा देश भर में निकाली गई "न्याय यात्रा" में शामिल हुई थी। जिसका उद्देश्य भी न्याय पालिका में व्याप्त विसंगतियों को दूर करना था।

फोरम फोर फास्ट जस्टिस एवं सोसायटी फोर फास्ट जस्टिस की ओर से न्यायिक सुधारों पर सेमीनार आयोजित

- सामाजिक कार्यकर्ताओं ने प्रस्तुत किये अपने विचार

फोरम फोर फास्ट जस्टिस मुम्बई एवं सोसायटी फोर फास्ट जस्टिस जयपुर के संयुक्त तत्वावधान में न्यायिक सुधारों के लिए नववर्ष में दिनांक १ जनवरी को कलानेरी आर्ट गैलरी हाल में एक सेमीनार आयोजित की गई।

सेमीनार में सोसायटी फोर फास्ट जस्टिस के अध्यक्ष श्री गोपाल शर्मा ने विस्तृत ब्यौरा देते हुए बताया कि देश की अदालतों में कुल ३.५ करोड़ मुकदमे लम्बित हैं जिनको वर्तमान गति से निपटाया जावे तो इसमें ५०० वर्ष लगने की संभावना है और यह स्थिति तो तब है जब केवल १ प्रतिशत लोग ही अपना मामला लेकर न्यायालय की शरण में जाते हैं। ३.५ करोड़ मुकदमों में आपराधिक मुकदमों की संख्या २ करोड़ है और १-१ मुकदमे के निपटाने में १० से १५ साल लग जाते हैं। इन मुकदमों में राजस्व संबंधी मामले शामिल नहीं हैं। दीवानी मुकदमों के हालात तो और भी चिन्ताजनक हैं। दिवानी हो या फौजदारी सभी मुकदमों में आजादी के ६९ साल बाद भी अंग्रेजों के बनाये कानून ही प्रभावी हैं। मुकदमों में विलम्ब के लिए न तो सरकार जवाबदेह है और न ही न्यायपालिका।

न्यायपालिका इस विलम्ब के लिए सरकार को दोषी ठहराती है और उसका आरोप है कि सरकार उन्हें संसाधन उपलब्ध नहीं करा रही है। सरकार का आरोप है कि न्यायपालिका सरकार के काम में अनावश्यक दखल देती है और अपना काम नहीं करती। वास्तविकता यह है कि वर्तमान व्यवस्था में किसी भी परिवर्तन के लिए न तो न्यायपालिका में इच्छाशक्ति है और न ही सरकार में। देश में लम्बित ८० प्रतिशत मुकदमों में सरकार परोक्ष या अपरोक्ष एक पक्षकार है और वह पीड़ित को न्याय से वंचित कर मुकदमे को लम्बा खींचने में अपनी शक्तियों का दुरुपयोग कर रही है।

सरकारी अधिकारी न्यायालय में झूठे शपथ पत्र प्रस्तुत करते हैं जिन पर न्यायालय सख्त कार्यवाही नहीं करता वहीं दूसरी ओर अवमानना का मामला दायर होने पर न्यायालय सरकारी अधिकारियों के विरुद्ध कार्यवाही करने से परहेज करता है। स्थिति काफी गंभीर है। झूठे मुकदमे दायर करने वाला एवं न्यायिक प्रक्रिया का दुरुपयोग करने वाले इस व्यवस्था का भरपूर फायदा उठा रहे हैं वहीं कमजोर व्यक्ति लाचार होकर न्यायालय में जाने से ही परहेज करता है।

सेमीनार को सम्बोधित करते हुए फॉरम फोर फास्ट जस्टिस के राष्ट्रीय संयोजक श्री प्रवीण पटेल ने न्यायिक व्यवस्था में सुधार के लिए किये जा रहे प्रयासों पर विस्तार से बताते हुए कहा कि फारम ने देशभर में १८५

सोसायटी फोर फास्ट जस्टिस की शाखाएँ स्थापित की हैं ताकि देशवासी इनसे जुड़कर न्याय व्यवस्था में सुधार के प्रयासों को गति दे सके। प्रवीण भाई ने राजस्थान के बीकानेर, सिरोंही, पाली, अजमेर, कोटा आदि शहरों में की गई याया का जिक्र भी किया और बताया कि यहाँ भी सोसायटी फोर फास्ट जस्टिस के पंजियन का काम किया जायेगा ताकि अधिक से अधिक लोगों की भागीदारी संभव हो सके।

प्रवीण भाई ने बताया कि वर्तमान में देश की अदालतों में लम्बित मुकदमों की संख्या तीन करोड़ सत्तर लाख से अधिक हो गई है और आने वाले समय में स्थिति और विस्फोटक होगी। उन्होंने अमेरिका का उदाहरण देते हुए बताया कि अमेरिका में ३० करोड़ की आबादी है किन्तु मुकदमों की संख्या १३ करोड़ है जबकि हमारे देश की आबादी १२० करोड़ से अधिक होने के बावजूद मुकदमे मात्र ३.७० करोड़ ही हैं। उन्होंने विश्व के कई अन्य देशों की स्थिति का भी विवरण दिया जिनकी स्थिति हमसे बहुत बेहतर है। प्रवीण भाई ने कहा कि हमें निराश न होकर इस आंदोलन में सहभागी बनना है।

श्री पटेल ने जजों की संख्या बढ़ाने की आवश्यकता भी बताई तथा कहा कि देश की अदालतों में न्यायाधीशों की काफी कमी है जिसे शीघ्र पूरा किया जाना चाहिए।

सेमीनार को सम्बोधित करते हुए सामाजिक कार्यकर्ता श्री मानचंद खंडेला ने सख्त लहजे में कहा कि जज अपना दायित्व पूरा नहीं कर रहे हैं। वो अपने आप को भगवान मान बैठे हैं जबकि वो भी एक सरकारी अधिकारी हैं और जवाबदेही के साथ उन्हें भी काम करना चाहिए। उनका कहना था कि देश में प्रजातंत्र हौ जहाँ सभी समान हैं। उन्होंने न्यायपालिका को मिले अवमानना के अधिकारों को भी गलत बताया और न्यायाधीशों को भी जवाबदेह बनाने पर जोर दिया। उनका कहना था कि न्यायालयों में भी आरक्षण लागू होना चाहिए। इसके अलावा अदालतों में सीसी टीवी कैमरे तथा वीडियोग्राफी की व्यवस्था होनी चाहिए। सबसे अधिक उन्होंने इस ओर ध्यान दिलाया कि न्यायाधीशों को सेवानिवृत्ति के बाद पुनः किसी भी पद पर नहीं लगाया जाना चाहिए क्योंकि सरकार उन्हें उपकृत कर अपने हित में उनका उपयोग करती है।

श्री खंडेला ने लंबित मामलों के लिए सायंकालीन कोर्ट का भी सुझाव दिया सेमीनार को सम्बोधित करते हुए जयपुर के जाने-माने जनहित याचिका दायर करने वाले अधिवक्ता श्री पूनम चंद भंडारी न्यायालयों में कई सुधारों

पर बेवाक बोले तथा न्यायालय को भी आरटीआई के दायरे में लाने पर जोर दिया। इसके अलावा उन्होंने झूठी गवाही देने वालों पर सख्त कार्यवाही की आवश्यकता बताते हुए कहा कि इससे न्यायिक प्रक्रिया दूषित हो रही है।

सेमीनार नो सम्बोधित करने वालों में सामाजिक कार्यकर्ते पी. एन. मण्डोला ने भी अपने विचार व्यक्त किये और न्यायालय में लम्बित मुकदमों के निस्तारण पर गंभीरता से विचार व्यक्त करने पर जोर दिया।

सेमीनार में विचारों के परिणाम में यह सामने आया कि झूठे मुकदमे दायर करने वालों, झूठे शपथ पर देने वालों पर कठोर कार्यवाही हो, न्यायालय के आदेशों की अवज्ञा पर भी सरकारी अधिकारी दंडित किये जायें। मुकदमों में बार-बार तारीख पर रोक लगे तथा समयबद्ध निर्णय प्रदान किया जाये।

कार्यक्रम के समापन पर धन्यवाद प्रस्ताव पारित करते हुए श्री गोविन्द मिश्रा ने सेमीनार में आने वालों और अपने विचार रखे वालों के प्रति आभार व्यक्त किया।

अधीनस्थ न्यायालयों में लंबित केस

टॉप टेन राज्य	लंबित केस
उत्तर प्रदेश	५४,९४,८६५
महाराष्ट्र	३१,६९,९८६
गुजरात	२०,९४,६७३
बिहार	१४,३८,०२८
राजस्थान	१३,०६,३२३
कर्नाटक	१२,९३,४३५
पश्चिम बंगाल	१२,२७,८२४
ओडिसा	९,८३,४९७
केरल	९,३१,९७७
तमिलनाडु	८,९५,०५८

- (सौजन्य : न्यायिक ज्वाला १०-१-२०१७)

....From page 2

all Hindu Gods, (Aashirwad mudra) thereby exploiting the religion for election purpose. Now if this is the mindset of the head (almost) of the GOP proclaiming secularism (hollow though) every day from the roof top, one only can shudder at what other parties will do during the forthcoming elections. The election commission's measures unfortunately have hardly any deterring effect on erring parties resulting in the malady of public morality now at its lowest ebb and beyond the point of return which in turn has been corroding the nation from within.

Besides the above articles our this issue of Nyay Disha carries interesting and important articles on Human Rights, electoral reforms, crime against women, presidential democracy, etc..

....From page 4

Allahabad High Court H.E. President of India also expressed concern on mounting pendency of cases, next day while celebrating 100th Anniversary of Patna High Court PM Modi also shown concern on huge pendency of cases, subsequently at Lucknow, CJI while speaking to press stated that people think that Judiciary is not doing enough but fact is that it is the Government only who can do the needful to

address huge pendency by increasing strength of judges as also fill in the vacancy. We all have seen CJI Sri Thakur with tears in the eyes appealing to the PM Mr. Modi to urgently fill in the vacancy of judges. This also reminds me of earlier statements of two former CJIs who in their farewell speeches also blamed Government who do not provide minimum required funds to Judiciary. We even submitted a proposal to create "Judicial Infrastructure Development Fund" where citizens can deposit demonetized high currency notes of 500 & 1000 rupees but on the contrary, another fund has been created on similar lines. Developments so far leads us to believe that Modi Government is not serious to bring in Judicial Reforms.

We are going to have our next National Convention on 25 & 26th of February, 2017 at Hyderabad where together with our 100 plus district level Societies for Fast Justice, we will discuss the matter at depth so as to chalk out a strategy to raise the matter at larger platforms, to explore avenues of democratic protests all over the country including launching disobedience movement and also uniting litigants who suffer the most.



पूर्व जज पति से कराती थीं दलाली: सीबीआई

रिश्वत लेने के आरोप में गिरफ्तार की गई तीस हजारी अदालत की पूर्व जज रचना तिवारी लखनपाल पति से दलाली करवाती थीं। अदालत का आदेश पक्ष में देने के लिए वह पति के माध्यम से रुपये वसूलती थीं। तीस हजारी की विशेष सीबीआई अदालत के समक्ष सीबीआई ने यह दावा किया है।

न्यायाधीश संजीव अग्रवाल के समीक्ष सीबीआई ने कहा कि रचना के पति मनोज लखनपाल का मोबाईल फोन छापेमारी के दौरान जब्त कर लिया गया था। जाँच में पता चला कि लोकर कमिशनर विशाल मोहन की तरह वह अन्य कई लोगों से इसी प्रकार संपर्क में थे। मैसेज बॉक्स की जांच करने पर पता चला कि वह पत्नी के लिए दलाली करने का काम करते थे। मैसेज में पीड़ितों, वकीलों व मध्यस्थता कराने वाले अन्य लोगों से रुपये मांगने, रुपये देने के लिए आने का समय जैसी जानकारी मिली है। डील के मुताबिक रुपए देने वालों के पक्ष में ही रचना फैसला सुनाती थी।

फोन किया टैप, छापेमारी की वीडियो रिकॉर्डिंग की। पूर्व जज को रंगे हाथों पकड़ने से पहले सीबीआई ने किसी भी पहलू पर कोई कोर कसर नहीं छोड़ी थी। सभी आरोपियों के फोन टैप करने से लेकर छापेमारी के दौरान वीडियो रिकॉर्डिंग की गई। सीबीआई ने अदालत के समक्ष इस बात की पुष्टि की है। जाँच एजेंसी ने रिकॉर्डिंग का हवाला देते हुए कहा कि घटना वाले दिन पहले मनोज ने विशाल को फोन कर कहा कि रुपये देने के लिए वह या तो उन्हें दरियागंज इलाके में मिले या घर पर आ जाए। रात ९.०५ बजे मनोज ने उसे घर आने को कहा। रात १०.१५ बजे सीबीआई की टीम विशाल मोहन, पूर्व जज के खिलाफ शिकायत करने वाले शक्स को स्वतंत्र गवाहों के साथ रचना के घर पहुँची।

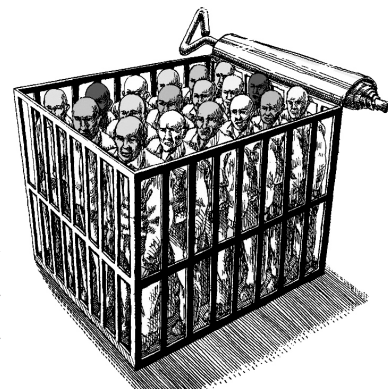
सीबीआई ने डिजिटल वीडियो रिकॉर्डर (डीबीआर) ऑन करने के बाद विशाल मोहन के कपड़ों के साथ उसे गिफ्ट कर दिया। २०.२१ बजे उसे घर के अंदर भेजा गया। वह १० मिनट तक रचना के घर में रहा। रचना की मौजूदगी में उसने मनोज को पाँच लाख रुपए से भरा नारंगी रंग का बैग दिया, जिसमें से एक लाख रुपए उसे वापस देकर जाने को कहा गया। विशाल के बाहर आने के बाद जज के घर पर छापेमारी की गई। चार लाख रुपए से भरा बैग बरामद कर लिया गया। घर की तलाशी के दौरान ९४ लाख रुपये मिले।

(सौजन्य : न्यायिक ज्वाला १०-१०-२०१६)

फर्जी मजिस्ट्रेट बन २७०० आरोपियों को रिहा कराया

नई दिल्ली। ठगी की दुनिया में सुपर नटवरलाल और इंडियन चार्ल्स शोभराज के नाम से कुख्यात शातिर धनीराम मित्तल (७७)

पुलिस की गिरफ्त में आ गया है। वह एक-दो साल से नहीं बल्कि ५० साल से ठगी कर रहा था और वह १२७ अपराधिक मामलों में शामिल रहा है।



मूल रूप से भिवानी (हरियाणा) निवासी धनीराम ने अपना जाल दिल्ली, हरियाणा, पंजाब, चंडीगढ़ व राजस्थान में फैला रखा था। फर्जी तरीके से मजिस्ट्रेट और स्टेशन मास्टर बनकर उसके कई कारगुजारियाँ की हैं। धनीराम ने पुलिस को बताया कि झज्जर स्थित कोर्ट में उसने फर्जी मजिस्ट्रेट बनकर २७०० आरोपियों को रिहा करने का आदेश दिया। उसके पास एलएलबी की डिग्री है और उसे कानून की बारीकियों का अच्छा ज्ञान है। उसने कोलकाता से कैलीग्राफी का कोर्स भी किया है, ठगी के धंधे में उसे इससे काफी मदद मिली थी।

इससे पूर्व धनीराम नशीले पदार्थ की तस्करी, पुलिस की हिरासत से भागना, सट्टेबाजी सहित अन्य मामलों में गिरफ्तार हो चुका है। चंडीगढ़ के एक मामले में उसे भगोड़ा भी घोषित किया गया है। अभी धनीराम व उसका परिवार टीकरी खुर्द इलाके में रहता है। इसे पूर्व वह जहांगीरपुरी व सोनीपत में रहता था।

ऐसे पकड़ा गया : पश्चिमी जिला पुलिस उपायुक्त उषेन्द्र कुमार ने बताया कि वाहन चोरी निरोधक दस्ते को सूचना मिली थी कि धनीराम रोहिणी कोर्ट परिसर में कार चोरी के लिए आने वाला है। इंस्पेक्टर राजपाल डबास के नेतृत्व में पुलिस टीम ने कोर्ट के नजदीक जाल बिछाया। सादी वर्दी में पुलिस को तैनात किया गया। जैसे ही वह कोर्ट परिसर के पास दिखा, पुलिस ने उसे दबोच लिया। उसकी निशानदेही पर चोरी की एक कार भी बरामद हुई है।

सात साल तक रहा स्टेशन मास्टर : रोहतक कॉलेज से स्नातक करने के बाद धनीराम ने फर्जी तरीके से कागजात के सहारे रेलवे में स्टेशन मास्टर की नौकरी की। करीब सात साल वह दिल्ली सहित अन्य जगहों पर तैनात रहा। वह दिल्ली के शकूर बस्ती, राजस्थान के गंगानगर, उत्तर प्रदेश के गढ़गंगा व उत्तराखंड के हरिद्वार रेलवे स्टेशनों पर तैनात रह चुका है। बाद में वह फर्जी ड्राइविंग लाइसेंस बनाने व गाड़ियों के फर्जी रजिस्ट्रेशन करने के धंधे में आ गया। वर्ष १९६४ में रोहतक में पहली बार पुलिस की गिरफ्त में आया। जेल से छूटने के बाद उसने राजस्थान से एलएलबी की डिग्री हासिल की और कोलकाता से कैलीग्राफी का कोर्स किया। कुछ दिनों तक उसने पटियाला हाऊस कोई में मुनीम की नौकरी की। इसके बाद रोहतक व दिल्ली में वकालत की। झज्जर स्थित कोर्ट में दो महीने तक फर्जी मजिस्ट्रेट बनकर उसने पुलिस व वकीलों को निशाना बनाया।

(सौजन्य : न्यायिक ज्वाला १०-४-२०१६)

मुस्लिम पर्सनल लॉ को मौलिक अधिकारों कसौटी पर परखेगा सुप्रीम कोर्ट

बात हक की : तीन तलाक, हलाला और बहु विवाह पर सुनवाई



नई दिल्ली। मुस्लिम पर्सनल लॉ और कामन सिविल कोड का मुद्दा जब भी कोर्ट पहुँचा, बात सरकार पर आकर

टिक गई। पर्सनल लॉ में कोर्ट की दखलअंदाजी का विरोध करने वाले हमेशा यही दलील देते रहे कि कामन सिविल कोड संविधान में वर्णित राज्य के नीति निर्देशक तत्व का हिस्सा है और इसे लागू करना सरकार के अधिकार क्षेत्र में आता है। कोर्ट इस पर आदेश नहीं दे सकता। कोर्ट भी इक्का-दुक्का टिप्पणियों के अलावा इस मुद्दे से हमेशा दूरी बनाए रहा, लेकिन अब ऐसा नहीं है। मुस्लिम पर्सनल लॉ (शरीयत) के प्रावधान तीन तलाक, हलाला और बहु विवाह को सुप्रीम कोर्ट मौलिक अधिकारों की कसौटी पर परखेगा। एक मुस्लिम महिला शायरा बानो ने सम्मान से जीवन जीने के मौलिक अधिकार की दुहाई देते हुए शरीयत के इन प्रावधानों को चुनौती दी है। उसने इन तीनों प्रावधानों को असंवैधानिक ठहराने की मांग की है। साथ ही अपनी तलाक की डिक्री भी गैरकानूनी घोषित करने की मांग की है। हर नागरिक को मौलिक अधिकारों के हनन पर सीधे सुप्रीम कोर्ट जाने का अधिकार है और उसके अधिकारों की रक्षा करना कोर्ट का कर्तव्य है। ऐसी स्थिति में शीर्ष न्यायालय को पर्सनल लॉ के इन प्रावधानों को मौलिक अधिकारों की कसौटी पर कसना पड़ेगा। कोर्ट याचिका पर सरकार को नोटिस जारी कर चुका है।

१६ अक्टूबर को ही ले लिया था संज्ञान

शायरा बानो की याचिका के अलावा मुस्लिम महिलाओं के हक पर सुप्रीम कोर्ट ने पहले ही गत १६ अक्टूबर को स्वयं संज्ञान ले लिया था। उसने अटॉर्नी जनरल व नेशनल लीगल सर्विसिज अथॉरिटी को नोटिस जारी कर जवाब मांगा था।

शायरा बानो की याचिका का सरकार ने अभी जवाब नहीं दिया है। हालांकि, स्वयं संज्ञान मामले में मुसलमानों के धर्मिक संगठन जमीयत उलेमा ए हिंद और मुस्लिम पर्सनल लॉ बोर्ड ने विरोध किया है। दोनों ने शीर्ष न्यायालय में पक्ष रखते हुए कहा है कि कोर्ट पर्सनल लॉ के मुद्दे पर विचार नहीं कर सकता।

टाल नहीं सकता कोर्ट

सुप्रीम कोर्ट के वकील ज्ञानंत सिंह कहते हैं कि ये दलीलें जनहित याचिका पर सुनवाई के मामले में कुछ हद तक लागू हो सकती हैं। लेकिन, अगर कोई नागरिक अपने मौलिक अधिकारों के हनन की शिकायत लेकर कोर्ट

पहुँचता है, तब ये बात लागू नहीं होगी। शायरा बानो जिसे उसके पति ने तलाक दे दिया है, कोर्ट जाकर एक तरफा तीन तलाक के प्रावधान को मौलिक अधिकारों का हनन बताकर चुनौती देती है तो कोर्ट न सिर्फ उसकी बात सुनेगा, बल्कि उसे टाल नहीं सकता। यहाँ पीडिता कोर्ट पहुँची है। इसलिए स्थिति बदल गई है।

संविधान सभा में भी उठा था मुद्दा

कामन सिविल कोड के मामले में संविधान सभा में जब बहस हो रही थी तो उस समय भी कुछ लोगों ने पर्सनल लॉ का मुद्दा उठाया था। तब के. एम. मुंशी ने कहा था कि लोग समझते हैं कि विरासत और उत्तराधिकार उनके धर्म का हिस्सा है, लेकिन अगर ऐसा होगा तो आप महिलाओं को कभी बराबरी का हक नहीं दे पाएँगे। मुंशी ने आगे कहा, लेकिन आप पहले ही ऐसा हक देने वाला मौलिक अधिकार पास कर चुके हैं, जिसमें कहा गया है कि लिंग के आधार पर भेदभाव नहीं किया जाएगा। शायरा ने याचिका में बराबरी के हक की दुहाई दी है।

सरकार को पहले ही नोटिस जारी कर चुका है कोर्ट

तीन तलाक: एक साथ तीन बार तलाक कह कर पत्नी से सम्बन्ध विच्छेद कर लेना इसे तलाक उल बिदत कहा जाता है।

हलाला: तलाक के बाद अगर उसी पति से दोबारा शादी करनी है तो पहले दूसरे व्यक्ति से शादी करनी होगी और फिर वह व्यक्ति उसे तलाक देगा। उसके बाद ही वह पुराने पति से दोबारा शादी कर सकती है।

बहु विवाह: मुस्लिम पर्सनल लॉ में पुरुष को एक से अधिक शादियाँ करने का हक दिया गया है। मुसलमान पुरुष एक समय में चार पत्नी रख सकते हैं।

क्या है मामला ?

सुप्रीम कोर्ट आजकल मुस्लिम महिलाओं के हक पर सुनवाई कर रहा है। तीन तलाक, मुस्लिम पुरुष के एक से ज्यादा विवाह करने के मामले में मुस्लिम महिलाओं के मौलिक अधिकारों के हनन का मुद्दा कोर्ट के समक्ष विचाराधीन है। कोर्ट ने पहले इस मसले पर स्वयं संज्ञान लेकर सुनवाई शुरू की थी, लेकिन अब एक महिला ने भी मौलिक अधिकारों के उल्लंघन के आधार पर शरीयत के इन कानूनों को चुनौती दे दी है।

(सौजन्य : न्यायिक ज्वाला

१०-४-२०१६)



सवाल ही सवाल :

सीजेआई ने कानून मंत्री की मौजूदगी में सवाल किया कि ये रिक्तियाँ कब भरी जाएंगी :
अदालतें तो हैं पर उनमें जज नहीं हैं

न्यायाधीशों की नियुक्ति पर टकराव

पिछले काफी समय से देश के उच्च न्यायालयों में खाली पदों पर नियुक्ति को लेकर सरकार व न्यायपालिका में टकराव जारी है। सुप्रीम कोर्ट के मुख्य न्यायाधीश कभी सरकार के समक्ष भावुक होकर आग्रह करते हैं तो कभी फटकार लगाकर किंतु सरकार आवश्यकता के अनुसार नियुक्तियों की स्वीकृति नहीं प्रदान कर रही है। मुख्य न्यायाधीश टी. एस. ठाकुर कई मंचों से उच्च न्यायालय में जजों की कमी बताते हुए कहते रहे हैं कि पाँच सौ जजों की कमी काफी समय से चल रही है जबकि सरकार ने केवल १२० जजों की ही नियुक्ति की है। वर्तमान स्थिति में भी तीन सौ अस्सी जजों को अभी भी नियुक्त किया जाना शेष है और सरकार इसे गंभीरता से नहीं ले रही है।

न्यायाधीशों की नियुक्ति प्रक्रिया को लेकर भी पिछले काफी समय से दोनों संस्थानों में तकरार जारी है वर्तमान कोलेजियम में सरकार की कोई दखल नहीं है और यही विवाद की जड़ है। सरकार अपने चहेतों को न्यायाधीश नियुक्त कराना चाहती है और न्यायपालिका को यह स्वीकार नहीं है। अभी हाल ही में कोलेजियम द्वारा भेजे गये ४७ जजों के नाम केन्द्र सरकार ने वापिस भेज दिये थे जिसको लेकर सुप्रीम कोर्ट ने काफी कड़ा रुख अपनाते हुए इन नामों को दुबारा सरकार के पास भेजा है जिस पर केन्द्र सरकार का कहना है कि ४३ नामों को कोलेजियम के पास वापिस भेजने का फैसला उसने विपरित खुफिया रिपोर्ट एवं सिफारिसकर्ताओं के खिलाफ शिकायतों की गंभीर प्रकृति के कारण लिया है।

देश के वित्त मंत्री ने तो संसद में यहाँ तक कह दिया है कि देश की अदालतों ने तो सरकार के समस्त अधिकार छीन लिये हैं और संसद के पास केवल वित्त व बजट बाना शेष रह गया है। अन्य राजनैतिक दल भी न्यायाधीशों की नियुक्ति के मामले को लेकर सरकार के पक्ष में खड़े हैं। विडम्बना यह है कि नियुक्तियों के लिए किसी भी अलग संस्थान बनाये जाने की इच्छा शक्ति न तो सरकार में है और ना ही न्यायपालिका में परिणामस्वरूप इस टकराव ने स्थायी रूप ग्रहण कर लिया है।

दूसरी ओर संसद में काफी लंबे समय से न्यायिक जवाबदेही बिल लंबित पड़ा है जिसे प्रस्तुत नहीं किया जा रहा है यदि यह बिल पारित हो जाता हो जाता तो न्यायाधीशों के विरुद्ध जांच भी की जा सकती थी और न्यायपालिका में पनप रहे भ्रष्टाचार पर भी अंकुश लग सकता था किंतु सरकार इस प्रकार के कोई भी बिल लाने की इच्छुक नहीं है बल्कि वह अपना दखल न्यायाधीशों के चयन में ही चाहती है।

सत्यमेव जयते

(सौजन्य : न्यायिक ज्वाला १०-१२-२०१६)



Gram Adhikar Yatra Being Flagged Off



Gram Adhikar Yatra on Its Way After Flag Off Marching on The Streets of Ambicapur Town.



Gram Adhikar Yatra Being Flagged Off Jointly by Pravin Patel National convener-Forum for Fast Justice, Annol Temburne of Nagpur, Mukhtar Ahmad of Kolkatta, Dinesh Soni of Ambicapur Society, Amitej Singh of Surajpur Society, Madam Prajapati of Chindwara, Madhya Pradesh And C.P.Singh of Sarguja Society. Also Flagging Off The Yatra.



Gram Adhikar Yatra on Its Way After Flag Off Marching on The Streets of Ambicapur Town.



Gram Adhikar Yatra on Its Way on Streets of Ambicapur



Gram Adhikar Yatra on Its Way on Streets of Ambicapur



March On Streets Of Ambicapur.devendra Singh Of Koriya Society Marching With National Flag



Gram Adhikar Yatra on Its Way on Streets of Ambicapur



Program at Adilabad in Telengana on 9-1-17 Organised by Adilabad & Greater Hyderabad Society for Fast Justice on awareness on Gram Nyalayaya Act 2008.



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Printed Matter

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