

Paramount Law Times Newsletter



(For uptodating law and events)

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Welcome Announcement

Paramount has taken a initiative to have its Law Time Newsletter for updating law and events. All interested individuals and institutions are welcome to request this newsletter.

Legal Audit and Moral Audit Services

Paramount Law Consultants Ltd., Delhi has completed its research and is taking up legal audit and moral audit services for the Corporates.

Subhash Nagpal
Chairman

Paramount Law
Consultants Ltd., Delhi

LET US REVISIT OUR INERTIA BLOCKADE OF JUSTICE DELIVERY SYSTEM.

Dr. S. K. Kapoor
Ved Ratan

I

BE CAUTIOUS THAT JUSTICE DELIVERY SYSTEM IS BLOCKED

1. Why our Justice System is blocked is a different question?
2. The first question is that: whether we are cautious at all that our Justice Delivery System is actually blocked?
3. To a cautious mind, it is self evident from the very fact that the number of pending litigations are in billions and same is increasing day by day and the increasing rate is mind boggling.

II

ONCE CONSCIOUS ATTENTION IS THERE THE ANSWER WOULD START FLOWING

4. Once we are conscious, there would no dearth of ideas, as after all, we are billions of minds, and once minds unite, digging 'out of the box' solutions would be no wonder.
5. Even vacuum state, which is 'zero' state, is also an 'entity' like 'one' and sleep state as zero state works out a spatial order which transcends linear order.
6. As such, every logic behind the blockage can be melted without strain, as the every logic system can be uprooted and replaced by another logic system simply by going to roots of prevailing logic system.



7. As such need of the time is that we shall revisit our legal system and soon we shall be face to face with reality that when about 200 years ago the systems were laid foundation by a commercial company, its focus was to spend for it as municipal activity of which the Justice Delivery system was retained as a part of responsibility, for which sundry budget allocations were provided for.
8. Now everything has changed. Even population has multiplied many folds. Governance has come in the frame of Democracy functioning under Written Constitution.

III LET US FIRST REVISIT THE LOAD OF EXISTING CIVIL LITIGATIONS

9. The central domain of civil litigations at present is occupied by the contract violations based litigations and distrust based strained family bonds amongst the real relatives.
10. Of these, as far as the contract violation based litigations are concerned, inspect of it, out of the box submission is that it shall be made mandatory that every contract to have an arbitration clause.
11. With it, firstly the parties shall be having satisfaction of placing their differences for having adjudicated through the person of their choice. Secondly it will save time and money and it would be a win win situation for 'Public' as well as 'State'.
12. As far the personal strained family bonds based litigations are concerned, in respect of it, we have to revisit our social values education, which at present is practically absent in the state mechanism.
13. This mechanism is to be invented and to be made effective. Really proper environment is to be created for valve based society and it is the big job. And this job cannot be left to law enforcement courts. It may not be an over statement that this infact is not the job of the Courts at all.

IV AS FAR AS THE CRIMINAL LITIGATIONS ARE CONCERNED

14. As far as the border line criminality is concerned, which may be designated and classified as a class of minor offences, and whose number is very large at present.
15. In respect of it, there is no need to be fussy about hard technicalities of procedure and niceties of recording and appreciation of evidence. A very big reservoir of professional talent in the form of law practitioners, administrators and enlightened citizens is available with us. The need is to take this resource, for having as large number of jury based courts, as need be and the same can be notified as per the requirement of the existing load of such litigations and entire

such block of litigations can be judicially disposed off with dignity and norms of justice.

V
HOWEVER SERIOUS CRIME
IS OF A SERIOUS CONCERN

16. As far as the serious crime based trials are concerned, the adjudication of the same is a serious concern and for it we have to revisit every aspect about it starting from the appointment and training of trial judges. The issues like making constitutional provision of all India Judicial service to be a reality are to be taken up at once. The issue of quality based law education as well need be revisited. The large research and jurisprudential values inculcation aspects as well need attention. And like, that there would be a need for an overall introspection, as after all answers for our problems are to come from us and us only.

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