



Hon'ble Mr. Justice K.M. Joseph
The Chief Justice of High Court of Uttarakhand at Nainital

Hon'ble Mr. Justice K. M. Joseph was Born on 17.6.1958. Educated at Kendriya Vidyalaya, Kochi and New Delhi, Loyola College, Chennai and Govt. Law College, Ernakulam. Enrolled as Advocate on 12.01.1982 in Delhi and started practice in Civil and Writ matters. Practised at the High Court of Kerala from 1983. Permanent Member of Kerala High Court Advocates Association. Appointed as Permanent Judge of the High Court of Kerala on 14.10.2004. Transferred to High Court of Uttarakhand and assumed charge on 31.07.2014 as Chief Justice of the High Court of Uttarakhand at Nainital.



Justice V. K. Bist



Acting Chief Justice

Nainital - 263002
November 3rd, 2014

MESSAGE

It gives me immense pleasure to learn that UJALA is going to publish the third issue of its biannual journal. The journal provides a platform to all the stakeholders of the judicial system to express their ideas on various issues of law and humanity. These articles will go a long way in strengthening the idea of inclusive growth to all the facets of justice delivery system in the state and elsewhere.

Since its foundation in the year 2008, Uttarakhand Judicial and Legal Academy has been involved in the strengthening justice dispensation by imparting training to different components of the judicial system. I am happy to learn that the Academy is organizing refresher course for young lawyers also.

I congratulate the editorial team, contributors and all those involved in the publication of this issue for their commendable efforts and wish UJALA success in future.


(V. K. Bist)



*Justice Sudhanshu Dhulia,
Judge,
High Court of Uttarakhand*

MESSAGE

It gives me great pleasure that UJALA is publishing the third issue of its biannual journal.

The initiative of UJALA in publishing a journal is a step in the right direction as it would benefit not only Judicial officers but all the stakeholders of our legal fraternity. I believe that this publication would make us aware of some aspects of law, or will at least wet our desire to seek more!

I convey my best wish to UJALA.

Sudhanshu Dhulia
(Sudhanshu Dhulia)



EDITORIAL



U. C. Dhyani

It was the boast of Augustus that he found Rome of brick and left it of marble. But how much nobler will be the sovereign's boast when he will have to say that he found law... a sealed book and left it a living letter; found it the patrimony of the rich and left it the inheritance of the poor; found it two-edged sword of craft and oppression and left it the staff of honesty and the shield of innocence ? How much painful the quote of Charles Dickens appears to be, when he laments, "Law grinds the poor, rich rides on them"!

The welfare of the people is the ultimate law. In a democracy, the *raison d'etre* of Government is the welfare of the people and all laws must be made only for the good of the people. Court room is a microcosm of the society. It is a sacred duty cast upon the strong pillar of the Judiciary to deliver justice according to law. It should be our endeavour to provide not only speedy justice, but also to achieve a qualitative improvement in the dispensation of justice. We have to achieve our common goal of establishing the Rule of Law. It is ultimately up to the judicial administration to set for itself the highest professional and ethical standards and to maintain them in upholding the majesty of the Rule of Law. The accountability and discipline of the judiciary must be my means of self-regulation through procedures developed in-house.

Lawyers and Judges are part of one family-one fraternity-united with the sole aim of dispensing justice and serving the society. United we stand in achieving this avowed object and divided we fall. Noble thoughts, noble ideas and noble deeds are nourished and cherished by continuous practice. Continuous revamping of judicial system is highly essential for eliminating the judicial arrears. Can't we be 'No Arrears Land'? Justice is the first virtue of social institutions and the basic aim of the legal system is to provide justice to everyone in a society. The delay in the justice delivery system, the complexity of the procedure and the cost of litigation are major drawbacks confronting present judicial system. Litigants find themselves frustrated with the delay, the cost and the complexity. The judicial system must be reorganized so as to make

it easily accessible, affordable and speedy. Every judge is required to think in terms of the same, without waiting for a formal resolution. A sense of confidence is essential to maintain the fabric of ordered liberty for free people. If once the people forfeit their confidence, it becomes very difficult to regain respect and esteem from the Courts. With the evolution of sophisticated legal mechanisms, the Courts run on very formal processes and are presided over by trained adjudicators entrusted with the responsibility of resolution of disputes. UJALA, like other judicial academies in the country, has been entrusted with the task of training the stakeholders of the justice delivery system. It is on mission since June 2, 2008. Technology has never been closer to life than now. One of the important innovation is the system of Video Conferencing whereby the under-trial prisoners and the judges interact with each other dispensing with physical proximity. Classification and proper listing of cases is the latest management technique while arranging and containing the dockets. Computerization and introduction of E-Governance in justice delivery system will go a long way in furthering the cause of justice.

It is high time the stakeholders should join together in a constant effort to revamp the judicial system.



(Justice U.C. Dhyani)
Editor-in-chief