protective devices for statistical monitoring and environmental monitoring, should be adapted in all working places.

◆ Legislative protection like The Factories Act of 1948 and Employees State Insurance Act of 1948, Mine and Mineral Act, (Development & Regulation) Act 1957, The Air (Prevention & Control of Pollution) Act 1981, Noise Pollution (Regulation and Control) Rules 2000, The Child Labour (Prohibition & Regulation) Act 1986, play a major role in providing protection and safe-guarding the workers, and providing relief from the ailment of occupational diseases.

Conclusion:

To prevent occupational disease effectively, health professionals must know how to anticipate and recognize conditions in those who present with symptoms and those who are pre-symptomatic. Every workplace shall have a sense of responsibility to ensure it follows the relevant rules and regulations. The employer should make sure they do everything they can to get it right. Equally the employee should also be aware of their own responsibilities : as well as what their rights are and what their employer should be doing with regard to.

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IT'S NOT A CRY, IT'S A COSMIC CONCERN OF THE NATION

By

—**SYED KALEEMULLA,** Junior Civil Judge
Tadipatri, Anatapuramu District,
ANDHRA PRADESH

All Newspapers dated 25th April, electronic media in all its forms exhibited that the Chief Justice of India Justice *T.S. Thakur* on 24th April 2016 at a conference among Chief Justices and Chief Ministers of the States of Union of India at Delhi broke down and appealed to the Prime Minister Mr. *Narendra Modi* to make Judicial appointments, which are vacant for a long time with the words "I beseech you……..". The highly revered man of our nation breaking down stunned the whole world and gave scope for speculations.

Justice *Satya Brata Sinha*, Former Judge of the Apex Court of India, in his speech delivered on 5th July 2008 at the inaugural function of a Mediation Center at High Court of Bombay said that about 3 crore cases are pending in different courts at different levels and in each case atleast 3 persons are involved, that is to say, nearly 10 crore citizens of this Country are waiting for justice from the Indian Judiciary.

About a year ago, the then Chief Justice of High court of Judicature at Hyderabad Justice *Kalyan Jyothi Sen Gupta*, while inaugurating an ADR (Alternative Dispute Resolution) Center in A.P stated that only about 16% of the population are approaching the Judiciary for justice and due to lack of infrastructure and less number of courts and existing unfilled vacancies of Judges, the Judiciary is unable to deliver the goods in time and recommended for ADR. He went to the extent of saying that if he had to face any litigation personally, he would opt for ADR rather to approach regular Judiciary.

A decade ago the Judges of the Apex Court expressed their deep concern that though the institution of future litigations is stopped, the back-log of pending cases across the country would take atleast a couple of centuries for disposal. Since then no steps were taken by the Central Government or the State Governments to increase the number of Courts to meet the vision of the

Judges. The Legislature just reincorporated Section 89 in the Code of Civil Procedure, 1908 by way of amendment through Act 46 of 1999, which incorporated ADR system, to reduce the pendency of the cases. This provision came into force on 1st July 2002. Prior to that as a consequence of series of Judicial pronouncements of the Apex court relating to rights of free legal aid to poor, speedy disposal, awareness of Legislations among citizens, the Parliament had to necessarily enact the Legal Services Authority Act 1987 (Act 39 of 1987) to somewhat console the concern of the Apex Court. Since the inception of the said Act, the concept of Lok Adalat has been successful and it gave immense satisfaction to the Judges and the litigants so far as speedy disposal is concerned, and now it gained the greatest momentum.

Again the Judiciary in view of Section 89 of the Code of Civil Procedure 1908, has been focusing its utmost attention to the Mediation, one of the modes of ADR system, apart from taking forward rapidly the Lok Adalat System.

The other two wings of the constitution have not contributed much to this perpetual problem of back-log of pending cases. The Judiciary is not the authority of financial affairs or executive affairs of the Nation. Its role is very limited, and it can not constitute courts or provide infrastructure to the Courts. It is the other two wings of the Constitution which have to take care of these things. No doubt, protection of fundamental rights and guarantees of various freedoms under the Constitution is the duty of the Judiciary. Constitution of required number of Courts and providing suitable infrastructure to such courts for speedy disposal of cases is the bounden liability of the legislature and executive.

Perhaps, independence of Judiciary itself may be a curse to the citizens of this nation. But one should not forget that for a democratic nation, independence of judiciary is indispensable to uphold the true democracy. Or may be the unpredictable rifts between the Judiciary and Legislature is another reason for the nonattendance of the problem. But the Legislature has ample power to make Laws ignoring the decisions of the Judiciary, if they contradict the true intentions of the Legislature. After all the Judiciary is empowered by Constitution and its ethics to pronounce judgments without fear or favour. The problem is not a recent one. It is overburdening the Judiciary since independence of our nation. Since Independence of our nation, the Legislature has not paid any attention to this problem. The very preamble of our constitution assures us the dispensation of Justice. But the legislature failed to take note of the very spirit of need of justice to the citizens of India. Thereby the back-log of pending cases finally became the avalanche with the more institution of case day after day, and it added one or more centuries to the Judiciary to work on it.

The Hon'ble Chief Justice of India Justice *T.S. Thakur* said from the lowest Court to the highest court in the nation that each Judge has 2,600 cases for his/her decision, whereas in USA the number of cases each Judge, on an average, has is only 81. About 3 decades ago itself, the Law Commission warned and suggested to increase 50 number of Judges to every 10 lakh population. But the number was increased only to 12. Now the demand of the CJI is to make number of judges 40,000 in place of 21,000 to address the problem immediately.

Mere insertion of Section 89 CPC is not suffice. Steps in that direction should be taken. Establishment of required number of courts is of two fold beneficial. One is Indian legislators and executive will not be ashamed that they failed to provide forums of justice to the meager 16% of population of the country, and second one is pressure on the Judges will be decreased and they will be in a position to deliver qualitative judgments, which ultimately satisfy the

conscience of the litigants who lost their cause and prevent them from moving to appellate Courts. Apart from this, it gives a signal to the whole world that India became developed country and its citizens are living in peace by getting their grievances redressed through Judiciary.

The Indian Judiciary is doing its best to solve the said problem. It is fixing targets on the judicial officers, which targets are more than their actual power. It is imbibing training and guidance to its officers by holding workshops and conferences periodically to check the performance of its officers and thereby it is delivering its best goods. Indian Judiciary is the most institutionalized institution undoubtedly with large pendency of cases. Apart from working on its regular side, it is working hard on Lok Adalats, Legal Literacy camps and mediations. It is only the Judiciary and none other which is greatly concerned about itself and its stake holders. It is very painful to say that no other wing of the country is concerned about it.

All Political parties speak about religion, castes, poverty, *etc.*, to get into absolute power. But no political party includes the concerns of the litigants in their election manifesto. No other concerned like groups or organizations of the citizens are concerned about the problems of the litigants. The Judiciary alone is fighting itself for the welfare of the litigants and for its existence in terms of true democracy.

The Chief Justice of India Justice *T.S. Thakur*, being the head of the Indian Judiciary, felt whole-heartedly the true grievances of the institution and its stake holders including the litigants and expressed his concern emotionally and his breaking down is not of his but it is the cosmic concern of the whole nation. Let us now hope at least from now onwards the legislature takes its steps towards the democratic existence of Judiciary, as reacted and promised by the Prime Minister Mr. *Narendra Modi* in the conference. The reply of Mr. Prime Minister in saying that better late than never we all will positively come up with the best solution gives a positive hope that definitely Indian Judiciary under the leadership of his Lordship Justice *Thakur* would reach to the expectations of common man of the country.

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   Junior Civil Judge,
   Medak, Medak District,
   Telangana State.

The trinity of judicial officers is serving the A.P. Judiciary and Telangana Judiciary.

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WHETHER THE JUDGES ARE IMMUNE FROM THE CONTEMPT OF THE COURT PROCEEDINGS? WHAT THE LAW SAYS?

By
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To suit the present issue properly at the outset, it is germane to understand what is the contempt of the Court? The literal meaning for the contempt of the Court is, the crime of refusing to obey an order made by a Court, not showing respect for a Court or Judge. The law relating to contempt of the Court proceedings is governed by the