

similar pattern has to be followed at the state level from High Courts to lower courts.¹ A Judicial Impact Assessment wing has to be established under the jurisdiction of Supreme Court of India to oversee the free flow of finances to judiciary to address its concerns as directed by the Supreme Court of India.²

Young lawyers and judges until they gain 10 years of experience from entry level should be trained continuously with yearly intervals for about a months' period through judicial discourse regarding the methods and means of adjudication, ICT based disposition of cases, and interactive live sessions with their foreign counter-parts. One biggest change that is required is that the pleadings in open court should be reduced to minimum time frame and written submission of the cases should be insisted for speedy disposal of cases, like many of the developed countries' judicial system. In a similar fashion, law teachers too need regular updating of procedural and research techniques of the profession. To reduce the burden of judiciary, and to gain practical experience, law teachers may be permitted to dispose of petty cases and revenue, motor vehicles cases etc, should be removed from the administrative jurisdiction at the district level. This would buttress theoretical knowledge with practical orientation to make the lectures lively and administrative wings could discharge their obligations with more efficiency.

The mushroom growth of law schools across the country is to be rationalised from the present more than 1200 to 500. The Departments at University level should be left with only post graduate teaching and research programmes to concentrate seriously on research. The senior lawyers, judges, especially judges of higher courts, need to interact with academics and senior retired judges should be invited to join as emeritus professors in the University post graduate departments to undertake research to assist the profession for all round development and live up to the expectations of preambular objectives of justice, liberty, equality and fraternity in true perspective and to assist the proposed National Legal Academic and Research Authority with their practical and pioneering research activities.

The above few suggestions call for soul searching introspection by the government, all wings of judicial and legal fraternity, without any inkling of one-upmanship towards each other. If the changes suggested by the author are taken with all seriousness, definitely India can not only redress many of its pitfalls in various fronts, but certainly turn its status as a developed economy in a quick span of time and could provide access to justice to millions of its far left behind citizenry. That would be a real tribute by India to discharge its commitments to the present phase of economic globalization. This could also attract foreign investors, as the legal system will protect them effectively and they will not depend on the behest of political parties or governments in power.

¹ For a detailed discussion see, TSN Sastry, "Access to Justice and Judicial Pendency: Confluence of Juristic Crisis" 4 *M. K. Nambyar SAARC Law Journal* 83-118 (2016).

² TSN Sastry, "Judicial Impact Assessment as a Tool to Strengthen Access to Justice and Democracy in India: Lessons to Learn from the Experience of USA", 6(1) *KIIT Journal of Law and Society* 34-39 (2016)



NOTA (NONE OF THE ABOVE): NEED TO RE-VISIT

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I. INTRODUCTION

In recent Gujarat Assembly elections, more than 5.5 lakh voters used NOTA. It remained fourth most popular choice of the voters with 1.8% of total votes cast in the Assembly polls in 2017¹. After NOTA came in existence in 2013², the State of Bihar went for poll and the same depicted on the top of the NOTA list with 2.48% votes in 2015. In this election Gujarat registered itself with second highest in the same list. Its efficacy is still symbolic or struggling to come out of the cage to its alterable force. This evaluation process of NOTA instrument has been in debate since its birth because in our system it is a negative vote. The candidate wins if she/he gets largest votes in the election based upon the first-past-the-post system. However, one question is still unanswered if NOTA can be a part of the above system where a few hundred votes could be the difference between victory and defeat. Meaning thereby the NOTA with present status will not affect electoral results because it is not right to reject.

The NOTA was introduced with a view to give a means to those who want to reject a candidate/s. This rejection is found in two ways- either not to go to cast vote passively or cast vote in favour of NOTA rejecting the candidate actively. The reasons are apparent in democratic manifestations like criminalization of the representative system and impersonation in polling booth etc. An instance of 15th LokSabhais on the point to indicate that 80% of the Shiv Sena, 41.07% of BJP and 23.88% of Congress were found facing criminal Charges³. It is a settled rule that the charge is not conviction. The tainted political leaders cannot be stopped from contesting election on the ground of charge of crime/s. Final conclusion of charge is very sure in inordinate delay. NOTA was thought of as one of the measures for diminishing decriminalization mark in representative system of governance and to curb the impersonations in elections⁴ which could result in free and fair elections. The election commission also took other initiatives in civic polls which were held in Madhya Pradesh in 2017 by putting up flex hoarding on polling booths depicting the criminal records of the candidates. MP was the second State after Maharashtra to take this initiative to discourage criminal elements from entering in politics.⁵

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¹Available at: <http://eciresults.nic.in> (last visited on Jan. 6, 2018).

²*People's Union for Civil Liberties v. Union of India* (2013) 10 SCC 1.

³Namita Bhandare, "NOTA just a symbolic act" *The Hindu*, March 15, 2014.

⁴*Supra* n. 2.

⁵"MP to display candidates' crime record at Polling Stations" *Times of India*, August 06, 2017.