

Adjournment of court cases needs to be discouraged

Speeding up trials is a must if the country wants to match with best legal systems in the world. ■ by Aditi Rastogi

The profession of law is usually criticised as the “old boys’ network” simply because they are dominated by judges and lawyers who have graduated from few prestigious law schools.

Ms Pavani Reddy is the Managing Partner of Zaiwalla & Co, a London-based law firm, and one of few Asian ladies to break the tradition and manage an international law firm in London.

She heads the litigation team at the firm handling multi-million pound disputes in the Court of Appeal and Supreme Court. An expert in arbitration, she has recently won three London arbitrations for Indian clients’ worth over \$10M each, and is one of very few young Indian lawyers to make headline news in litigation in the city.

Alive spoke to Pavani Reddy to know more about the cases and her career. Excerpts:

Do you think more people in our country have faced marginalisation and discrimination than other nations? Why and what is the remedy?

Personally, I was discouraged from pursuing a career in Law and was told that it was ‘male territory’. It helped that I had the full support of my parents, this made the whole process smoother and I was able to deal with any of the low points that happened. I

am very fortunate to have found Mr Sarosh Zaiwalla who has been my mentor and thank him for his inspiration and guidance which enabled me to excel in my field. Our country, and some other jurisdictions too, face some challenges of marginalisation and discrimination. This is present due to the prevailing social attitudes. The remedy is to tackle this prejudice, change mindsets and ensure the involvement of decision makers. I am pleased to see that the position is changing rapidly.

Caste based marginalisation is one of the most serious issues in the world, that is prevalent in our country. How we should deal with it especially when caste is considered as a road to power?

The Article 1 of the Universal Declaration of Human Rights from 1948 says All human beings are born free and equal in dignity and rights.

Marginalisation based on the caste system is a serious human rights

Caste based discrimination leads to social and economic exclusion. The caste based marginalisation in India has been reducing in recent years due to positive action and legal protection. It is a human rights violation and should be curbed with the help of education and decision makers.

issue in the world. Caste based discrimination leads to social and economic exclusion. The caste based marginalisation in India has been reducing in recent years due to positive action and legal protection. It is a human rights violation and should be curbed with the help of education and decision makers.

The policies alone can’t change or end the problem unless the mindsets of people change. The Government can keep making policies but it really boils down to us as human beings to implement them and understand that we should look beyond someone’s caste.

How is the judicial system different in UK as compared to India? How do they dispense justice quicker? Have British laws become simplified and are there any techniques or methodology to monitor the dispensation of justice?

The procedural rules in UK Judicial system are very different to India. The UK courts follow very strict procedural rules which enable matters to be adjudicated efficiently. The principle of fairness requires that all cases must be dealt with justly, expeditiously and fairly. The starting point for all courts is that they should be reluctant to adjourn a hearing unless there is a good reason. It would be against the overriding objective to adjourn trials given the expense and

time that would be wasted.

For example, in a litigation matter the adjournment of hearings are granted under limited circumstances and a party seeking adjournment is often ordered to pay costs of the other side wasted as a result of an adjournment. The reluctance of the courts to adjourn hearings and costs penalties dissuade parties to seek adjournments and to stick to the timetable fixed by the court which, in turn, enables matters to be adjudicated within timelines fixed by the court. Therefore, the court procedures and systems are very efficient.

UK courts provide justice impartially and expeditiously.

Indian legal system is currently being criticised internationally for slow decision making and a backlog of cases. Adjournment of court cases needs to be discouraged. India needs to address this as a priority and bring efficiency in resolving disputes. The current government is taking positive steps for legal sector in India which is great for our legal sector. We want India to be a global legal hub.

India’s legal system is one of the oldest but it is based on the British

which are not applicable anymore. One of the key elements of Narendra Modi’s agenda was to do away with old archaic laws. The new laws should be made keeping in mind the current political, social and economic scenarios and need periodic checks to outdo anything which is not in sync with the present society.

Any advice for youngsters who would like to take up a specific law as their career. What is your advice to our readers who want to be lawyers?

Taking up Law as a profession is like walking along an unending road and you always have to be passionate about pushing the limits and standing up for what is right. One has to realise the value in serving the interests of others while promoting justice

I know it may sound like a bit of a cliché, but for students to do well in law or any other carrier is to simply work hard and try to improve and developing analytic and problem-solving skills, critical reading abilities, writing skills, oral communication, listening abilities and skills in general research.

I recommend to anyone considering law to do some work experience or internship in a law firm as I found it very helpful. I believe that working in a legal setting before entering a law school, gave me practical, working knowledge of the legal field prior to matriculating. You have to be passionate about the task you take on and you must know the industry you are operating in, inside and out. The legal environment has changed since the time when I had started out in Law; it should only get better from here.

India’s record of success in international arbitration is limited. Which are the 3 large cases you have handled and won for your firm?

India has made a name internationally for Arbitration but it was criticised for being slow, expensive and ineffective. The recent steps taken by the Indian Government by



Ms Pavani Reddy

The legal profession, across the globe, but particularly in the UK, has manifested its modernisation through increased efficiency. Various western countries in the last decade have come to realise the importance of applications of modern technology. The most important development that took place in England over the last decade was modernisation of the judiciary.

People and corporations across nations choose UK jurisdiction as their preferred jurisdiction because, over the years, they have seen that

pre-independence laws and faces the certain inherent problems, which show the weakness as well as defect in system. So, how should our government overcome these challenges?

We definitely need forward looking regulatory mechanism to keep law in check and need to be changed to match modern society. Our nation is evolving rapidly and some of the old laws are a hindrance to India’s growth. The current Indian Government is working to improve, eliminate or change the age old laws

amending the Arbitration Act and by establishing an international and domestic arbitration centre in Gujarat, is in line with the Indian Government's ongoing ambition to increase its international trade ties and to make doing business with India more attractive. It is hoped that this will provide a speedy and cost effective arbitration facility, easing the red tape that can often restrict the free flow of business activity.

Few of the major arbitration matters we succeeded for Indian clients include

- Succeeded in defending a claim for USD 10 million commenced by an oil giant Trafiugra against Indian Oil Corporation.
- Successfully defending Tamil Nadu Electricity Board in an ICC Arbitration involving £170M brought by a power generating company with an American stake holding.
- Successfully representing and obtaining an Award for over USD 10 million for a rice exporter from New Delhi in a Gafta Arbitration

What are opportunities and challenges for India in International Courts? Would we be better off as a result of changes to India's Arbitration law?

The change in India's arbitration law is a milestone for the Indian legal sector. Investors have often criticised Indian judiciary for its arbitration laws. Foreign investors and corporations believed India to be a risky market to conduct business. Almost all the arbitration cases went to Singapore, New York or London – established arbitration centres of the world. The recent developments in the legal sector enable India to adopt international best practices. There are now stricter timelines for disposal of the arbitration cases. All in all, the amendments in the legal sector are seen as a positive and will help India to become an attractive destination for investment. ■



MY PET PEEVE

Evasive on their own count, citizens in general have been seen having developed negative perception about 'babus' in public offices and they keep on grumbling and criticising them for their corruptive and exploitative attitude towards the public. Are babus the only segment responsible for humiliation and frustration of ordinary citizens at public offices?

An average citizen is opportunistic, always keen in getting self work done by any means, 'afraid of getting his/her work spoiled, if point raised. Official 'babu' coming from society like us, would not have stamina to erode public valid aspirations; if we, the public, ourselves have responsibility to walk an extra mile to contribute positively to the system, thinking beyond self.

Let's not merely criticise or complain but also contribute. Public is sovereign let it not allow its own limb — the Babudom — to betray it as a whole.

— MPS Chadha

I am peeved at high headed snobbery of officials in judicial services. As per a news item in *Indian Express*, a judge of a lower court in South India served a memo on his office assistant, a 47-year-old dalit woman, for 'failure to wash the inner wear' at his house and "retorting in an arrogant tone" to his wife. The memo, dated 1 February and signed by the Sub Judge, stated; "please explain within 7 days why disciplinary action should not be initiated against you for your failure to wash the inner wear which were put for washing in the Sub Judge's house, and for throwing them disgustingly, and when your attitude was questioned by the officer and his wife, for retorting in an arrogant tone."

— Dr Aniketh Sharma

This was not the first case of its kind there. In a similar case a judicial magistrate suspended his office assistant for his inability to cook fish curry.

— Om Prakash Bajaj

My pet peeve is against countries like Pakistan who despite peace talks from Indian side is not at all interested in having good relations with India. Pakistan is sending terrorists to India to disturb the peace and harmony of our country. Our Prime Minister Narendra Modi has visited Pakistan to meet their PM Nawaz Shariif to have peace talks. But despite these efforts from Indians side, Pakistan is not at all interested in maintaining peace. Many most-wanted terrorists are hiding in Pakistan who are the masterminds of several terrorist attacks in India. These terrorists are freely controlling terror activities attacks in India from their hideout. Pakistan is least interested to arrest these most-wanted terrorists and hand over them to India.

— P. Bisand

My peeve is against our government and politicians who declare relief and compensation to the kith and kin of the deceased and hit headlines for cheap publicity.

Last year, a police official was killed by rowdies and, as usual, the government announced ex-gratia. The kith and kin of the deceased had to stage protest and the media had to highlight their plight to get the announced compensation. In another case, the mother of an IAS official, who died under mysterious circumstances, had to mortgage her gold ornaments to perform her son's death anniversary as the family was yet to receive the announced gratia.

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Delhi Press, E-3, Jhandewala Estate, New Delhi-110 055.
A prize of Rs 200 is given to — Dr Aniketh Sharma