

## **AKHIL BHARATIYA ADHIVAKTA PARISHAD**

**15<sup>th</sup> National Conference, 24<sup>th</sup>, 25<sup>th</sup>, 26<sup>th</sup> December 2018, Lucknow.**

### **RESOLUTION-I**

Law paves the way for the wellbeing of citizens. In India, Judiciary is one of the main pillars which strengthen Democracy. Akhil Bharatiya Adhivakta Parishad is of the opinion that all organs of the state should ensure proper and effective legal mechanism for the betterment of a law abiding community and to protect the basic culture and spirit of our nation.

The National Conference of ABAP held at Lucknow is of the opinion that the Joseph Shine case decided by the Hon'ble Supreme Court on Section 497 of Indian Penal Code will have far reaching consequences in the society. Unlike other countries, India is having special cultural and moral values. The judgments of Supreme Court relating to Section-497 IPC will destroy the social system. "Family is the unit of the society". Marital relationships are taken to the height of spirituality also. The present Supreme Court decision may create anarchy in the society. Due to the judgment, the concept of family system will deteriorate and morality in the society will be ruined. Society has got great concern for future of the next generation. Social Morality cannot be allowed to curtail the right of others.

There is a classic difference between Constitutional morality and constitutional value. ABAP is of the opinion that a society without morality is something like an anarchist society and nobody will follow or accept the rights of others.

It is admitted that there was some inherent lacuna in the section and instead of suggesting amendment or giving an opportunity to the legislature to pass appropriate amendment, the Supreme Court completely struck down the section and thus de-criminalized extra marital relation.

ABAP is of the opinion that in the name of fundamental rights we are neglecting or forgetting our duties towards the society.

The National Conference of Akhil Bharatiya Adhivakta Parishad held at Lucknow, demands the Central Government to bring new Law on this subject, by constituting appropriate committees to maintain the moral and cultural values of our society.

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### **RESOLUTION-II**

Bharat is the oldest 'RASHTRA' in the world which is having a glory of special culture. Diversity is the very essence of our culture, though different type of religion caste Creed etc. are herein, Akhil Bharatiya Adhivakta Parishad is of the opinion that this diversity is unifying Bharat as a Nation. Our constitution is a unique one and it ensures the right of every religious community to profess their religion, Article 25 of Indian Constitution ensures freedom of conscience and the right freely to Profess, practice and propagate religion. Article 26 ensures the right to establish and maintain institution for religious and charitable purposes and the right to manage its own affairs in matters of religion. In the name of equality, religious freedom guaranteed under Article 25 & 26 shall not be read down.

The 15th National Conference of ABAP held at Lucknow is of the opinion that the recent judgment of our Hon'ble Supreme Court on Lord Ayyappa temple at Sabarimala of Kerala will have far reaching consequences. Kerala temples are established on the basis of separate Tantrik system. Sabari mala temple is a pre-constitutional temple. And it continues to exist almost for about 1000 years and the practice is followed without compulsion. This situation made the government of Kerala to incorporate the rules.

Indian Constitution fabric permits religious beliefs and allows practices to exist if it does not affect public morality and health. Real test for true democracy is that even insignificant minority should survive with dignity. The religious denomination has got different connotation under Indian context unlike Irish Constitution.

Religion is usually based on faith and sometimes it may sound as if it is not rational and this cannot be neglected Bharat. The right to equality should not be in conflict with the right to free profess and practice of religion.

The word Hindu is not a religion but 'way of life' and the Indian Constitution is embodiment of the same. Therefore, the test of religious denomination requires reconsideration.

ABAP urges all the stakeholders, priests and Hindu social leaders to sit together and settle the Sabarimala Issue urgently within the framework of the constitution and to the three pillars of democracy to take appropriate steps to protect the various religious beliefs, faiths, customs and rituals and thereby to cultural diversity.

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### **RESOLUTION-III**

Rule of Law is the bed rock of Indian Constitution. Vibrant Energetic Justice Delivery System is the guardian of Rule Law. Effective Justice Delivery System enhances the trust of the common man in the constitutional system.

The ABAP views with concern the perception which is gaining ground in recent times that the Justice Delivery System is not functioning up to the expectations of citizens. The dispute resolution mechanism has slowed down to alarming levels.

The failure of the persons entrusted with responsibility of filling of vacancies (running into nearly half lakh) at trial court level has invited the wrath of Supreme Court. Such huge vacancies has led to piling up of cases and stone walled the effective. Implementation of various Social Welfare Legislations. Uniformity in appointments to trial courts is need of the hour.

The ABAP is of the opinion that serious efforts are needed to improve the quality of bar and bench. It is high time that fullfledged audit is done on the lack of basic infrastructure and then appropriate investments are made for this forthwith. The ABAP calls upon everyone to put in efforts for procedural simplification technology as tool for effective dispensation of justice.

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### **RESOLUTION-IV**

Time has come to take note of the harsh conditions in which the Advocates are discharging their functions as officers of court. Grass root level Lawyers at sub ordinate courts are facing crisis.

The ABAP feels that it is high time some bare minimum welfare measures are taken. The 15<sup>th</sup> National Conference of ABAP demands the Union of India to introduce Medical Insurance Scheme for lawyers and their family members.

Each State government shall enhance the welfare fund benefits by contributing sufficient matching grants.

It is known fact that the availability and non availability of infrastructure directly effects the dispensation of justice and working of courts. The union of India shall forthwith embark upon creating e- library in each court and this is made available for advocatestoo.