THE TIMES OF INDIA

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Think, Then Act

Proposed criminal codes need serious deliberation

TOI Editorials

There is little disagreement that India's criminal justice is crying for a reset. Many of those wrestling with it also recognise that the genesis of problems is in laws devised by a colonial regime in the 19th century. To this extent, the three bills that aim to replace IPC, CrPC and the Indian Evidence Act are a step in the right direction. However, no drafts were put in the public domain ahead of the Union home minister introducing the bills in Lok Sabha yesterday. Nor has the reforms committee that started working on these bills bang in the middle of the pandemic, been very transparent in its functioning. The parliamentary standing committee to which the bills have been sent, now needs to pick up all this slack. This mammoth legislation will potentially impact every single person in the country, so wide stakeholder consultation is a must.

Of the several issues that have already raised heat, consider four. One, the minister told Parliament that offences like sedition have been repealed. But a chapter titled 'Of Offences against the State' suggests that this criminalisation continues in as all-catch vocabulary as earlier. Two, a separate provision for mob lynching takes us into the uncharted territory of punishing a mob with death. Three, marital rape is still not criminalised, a truly regrettable decision. Four, criminal defamation remains, as do the loosely worded categories it applies to. This is another missed chance at modernisation.

While there is a lot of focus on oiling and speeding up the wheels of justice, some of it flies over infrastructural reality. For example, forensic teams mandatorily visiting crime scenes for offences involving punishment more than seven years is an impossible demand nationwide, when the backlog in even metropolitan labs runs into years. There's plenty to discuss – don't do this in a hurry.

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Error On Commission

EC bill should make selection committee decisions unanimous

TOI Editorials

GOI on Thursday tabled a bill governing the appointment of election commissioners in Rajya Sabha. Its origin lies in a verdict in March of a constitutional bench of the Supreme Court that paved the way for loosening the grip of the executive in appointing election commissioners through an interim arrangement till such time a law is enacted. GOI's bill unfortunately doesn't follow the spirit of the judgment. SC's judgment was on the right track for two reasons. One, the political executive has a conflict of interest in controlling the appointments of ECs, who oversee elections. Two, the Election Commission must be perceived by all stakeholders as non-partisan. Therefore, in a highly competitive electoral arena, it's important the selection process of ECs does not affect the credibility of the Commission's decisions.

GOI's bill provides for a three-person selection committee headed by the PM, with other members being the leader of opposition (LOP) and a cabinet minister. The selection committee is free to set its own procedure. The shortlist for the job will be prepared by a search committee headed by the cabinet secretary and limits the field largely to the IAS. In operational terms, the LOP's relevance can be neutralised. That's not good as it opens the selection to charges of bias. The solution, from former CEC SY Quraishi, is to ensure the selection committee decisions are unanimous. The shortlist is bound to have only eligible candidates. Therefore, giving the LOP a meaningful say will safeguard the integrity of the Commission.

THE HINDU

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In 'demolition raj', the High Courts as beacons

Every assertion of what a court should do when the rule of law is demolished by the state is a welcome one — as the judges of the High Court of Punjab and Haryana have shown

Sriram Panchu, [Sriram Panchu is Senior Advocate, Madras High Court]

In the districts of Gurugram and Nuh in Haryana, there have been clashes between Hindu and Muslim communities. People have been killed and public property damaged. Tensions are running high. A good administration would have moved in to restore law and order, maintain peace, arrest the culpable, and commence the legal process of charge and prosecution. It would have also housed people left on the streets due to property damage.

However, in today's India, good administrations are not the norm. Following the example of its peers in Uttar Pradesh, the Haryana government has taken to demolishing the houses of persons it suspects to have been involved in the violence. Overnight and without notice.

And although there has been loss of both Hindu and Muslim lives, it is only the houses of the Muslim community that are targeted. Selectively and exclusively. More people are left on the streets. And the rule

of law is also demolished, most notably Article 14 enshrining the equality of law and equal protection of law. That has given way to political expediency and capital, the electoral advantages of teaching a lesson to the minorities, to the rising crescendo of hate-politics, all with an eye on the next general election.

A tepid response

In all this, where do the courts sit, the guardians of the Constitution and protectors of the rights flowing therefrom? When the bulldozers in Uttar Pradesh were rampaging, the Supreme Court of India was moved. Its response was tepid, hearing the government say that these were illegal constructions and the law was taking its course. And it stopped with making a general observation that all procedures should be followed. But what was expected were hard questions: Why are you targeting one community? Why is it only these houses when there are thousands of illegal constructions? Why the quick speed demolition? What happened to notice and inquiry? And hard action has to follow when hard questions are not answered satisfactorily. Rebuild houses. Pay interim compensation to those affected. Take action against the official demolishers. If that had been done in the first instance by the Court, other State governments would be wary. Precedents are not just for the law reports, but guides for future actions.

Unfortunately, we are at a stage where the Supreme Court seems to be giving in a little more than it should. Look at the repeated extensions to the Director of the Enforcement Directorate in blatant disregard of several Supreme Court orders. But still the Court does not draw a line.

It is a simple fact of constitutional realpolitik — if you do not draw the Lakshman Rekha and if you do not punish every transgression, that line will resemble the one on the kabbadi field where there will be forays with impunity. Look at the enormous delays in hearing cases relating to the dilution of Article 370 and conversion of Jammu and Kashmir into Union Territories, electoral bonds, demonetisation, immunity of legislators under Article 194, validity of the Assam Accords and amendments to the Citizenship Act to the extent that we now have a doctrine of adjudication by fait accompli — the illegality complained of has been in force for such a long time that it cannot be remedied, and must therefore be accepted.

And we have several instances of fine lawyers being nominated for High Court judgeships by the collegium — Somasekhar Sundaresan, Saurabh Kirpal, R. John Sathyan, and one of the country's finest judges, S. Muralidhar as Chief Justice of the Madras High Court. But the government sits on the files and the Court does not display the rod.

An indictment of the powers that be

Which is why every assertion of what a court should do is a welcome one; and very welcome when it comes from a High Court. In the Haryana demolitions, it is the Bench of Justices G.S. Sandhawalia and Harpreet Kaur Jeevan who have asked the most pointed question: Is this ethnic cleansing? Asking the question is as powerful as dealing with the answer — that a court in India should have to voice the question is a damning indictment of the powers that be. The court went further and put an immediate stop to the demolitions. It also recorded the State Home Minister's justification of the demolitions and immediately reminded him of Lord Acton's immortal classic — "power tends to corrupt. And absolute power corrupts absolutely". And this was done suo motu, on the court's own motion. Bravo, my Lords, we are grateful. Every candle lights up the darkness, and this is no small beacon.

But commentators and public opinion makers have asked two other uncomfortable questions. Could not the Supreme Court have taken suo motu action? Why is it that no one approached the Supreme Court?

As the Bob Dylan song goes,'The answer, my friend, is blowin' in the wind'.

When in times of trouble, I recollect what Justice Vivian Bose had said. One has to read his judgment in State of West Bengal vs Anwar Ali Sarkar, a case that concerned an act of the West Bengal government which allowed the State to establish special courts for the trial of certain offenders without any reasonable basis for differentiating such offenders from others.

And, 'When the froth and the foam of discussion is cleared away and learned dialectics placed on one side, we reach at last the human element which to my mind is the most important of all. We find men accused of heinous crimes called upon to answer for their lives and liberties. We find them picked out from their fellows … they are deprived of substantial and valuable privileges of defence which others, similarly charged, are able to claim… The question with which I charge myself is, can fair-minded, reasonable, unbiased and resolute men, who are not swayed by emotion or prejudice, regard this with equanimity and call it reasonable, just and fair, regard it as that equal treatment and protection in the defence of liberties which is expected of a sovereign democratic republic in the conditions which obtain in India today? I have but one answer to that. On that short and simple ground I would decide this case and hold the Act bad' (deletions mine).

Leading the way

We have had many disappointments with our recent esteemed senior judges, and a former Chief Justice of India has raised eyebrows sharply with his newly found doubts about the basic structure after his nomination to the Rajya Sabha. It is time we recalled the greats of our jurisprudence, kept them in mind and lived by the truths they told. And it is time the High Courts stepped up to perform the stellar role given to them by Article 226 of the Constitution, a power greater than the corresponding power the Supreme Court has. They performed spectacularly during the dark Emergency, but they, and us, were let down even more spectacularly by the Supreme Court. For rising to the task again, the judges of the High Court of Punjab and Haryana have shown the path.

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India needs a new economic policy

It needs to be a policy based on clear objectives, priorities, have a strategy to achieve targets, and spell out an intelligent and transparent resource mobilisation plan

Subramanian Swamy is a former Union Minister of Commerce and Law and Justice

The National Statistical Office (NSO) has released the 2022-23 GDP fourth-quarter growth rate figures. Measured against fourth-quarter figures of the previous year, the data give a gloomier picture than what the media publications of the Press Information Bureau present. According to NSO data, in the first COVID-19 pandemic quarter of 2020-21, i.e., April 1 to June 30, 2020, GDP growth rate was minus 23.8% when compared to GDP of the same period in 2019-20.

Three conclusions based on NSO data since 2014-2015 are important for a reality check. First, the growth rate of GDP, since 2015-16 had been declining annually, and has fallen in the fourth quarter to what it was earlier, and sneeringly referred to by economists as "The Hindu Rate of Growth" — 3.5% growth rate in GDP.

Second, it is essential to recognise that since 2014, Prime Minister Narendra Modi's widely publicised "Vikas" in reality achieved the so-called "Hindu rate of growth" in GDP of what had been achieved in the period 1950-77 — the socialism period.

Third, during the tenures of P.V. Narasimha Rao and Manmohan Singh, GDP growth rates rose for the first time to between 6% to 8% per year over a 15-year period, i.e., 1991-96 and 2004-2014 (with the usual cyclic ups and downs).

That is, it took Narasimha Rao and Manmohan Singh as Prime Ministers to understand and reform the Indian economic system, to reduce state participation and increase incentives for capital and labour providers, thus achieving a higher and faster growth of the economy.

What is alarming today is the serious and continuous decline in GDP growth rates which began in 2016. And that decline continues even now. The Modi government has failed to structure economic policy coherently and which has prevailed during the period 2014-2023.

The growth rate of GDP has been consistently in decline since 2016. There are also the brazen announcements of rosy predictions being published annually in the media, with outrageous claims made by the Prime Minister such as $5 trillion GDP by 2024 (announced in 2019), implying an annual doubling of GDP in five years, or, in other words, a 15% annual growth rate of GDP. No policy structuring has been presented.

Steps to be taken

By "structuring", this writer means a clear implementation of what the economic objectives will be, and priorities that should be assigned to the various objectives. Thereafter, there ought to be a strategy on what should be incentivised and what should be deleted or discontinued. For example, in today's dark economic condition, it is essential that personal income tax is abolished and Goods and Services Tax scrapped to incentivise investors and earners.

Resources by the government should be mobilised through indirect taxes and also by liberal printing of currency notes and which is circulated by paying wages to the employment generated in extensive public works. The annual interest paid on fixed-term savings in bank accounts should be 9% or so to increase

purchasing power of the middle classes. Interest rates on loans to small and medium industries should be no more than 6% of the loans to increase production of these sectors, and thus employment.

This writer is prepared to have a public debate with any government official and prove that "Modinomics" is an unstructured and gigantic flop. No macroeconomic goal that has been announced has been reached to date.

India needs a new economic policy urgently. It needs to be a policy that is based on clear objectives, priorities, have a strategy to achieve targets, and spell out an intelligent and transparent resource mobilisation plan to finance policies. As far as the Finance Ministry is concerned, we have only incoherent public announcements — a hotchpotch — with no accountability.

The market system is not a free-for-all or an ad hoc measure. It has a structure with rules for transactions. Market system capitalism works as the principal drivers are incentive and capital (whose use for innovation raises factory productivity and the growth rate of GDP). Even a totalitarian state such as China understood this. During the tenure of Deng Xiaoping as the supremo, it allowed the socialist economic system to die and an economic market-based system came in.

Deregulations should also not mean that we reject government intervention for safety nets, affirmative action, market failure and creating a level-playing field. Democratic institutions have to be empowered to guard against public disorder arising from rapid de-regulation — as it happened in Russia post-1991. Russia experienced chaos and misery. This dictatorship has returned for the Russians, and with it a complete loss of human rights and democratic values.

The trade-off between the public sector and de-regulation and the sale of loss-making units, increasing employment, through affirmative action, and easy access to social security and a safety net are essential to create a stake for the poor in the system. This creates a level-playing field in a competitive system, ensures transparency, accountability, and trusteeship (philanthropy), as well as corporate governance to legitimise profit-making smoothly which drives the market system. Such steps reduce monopolistic tendencies and help in the formation of a democratic and harmonious society.

दैनिक भास्कर

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बौनी होती संस्थाएं, संस्थान और नैतिकता

संपादकीय

सरकार जब बलशाली होती है तो उससे जुड़ा हुआ बहुत कुछ बौना होता जाता है। पता नहीं चलता लेकिन परोक्ष रूप से ही सही, संस्थाएं, संस्थान और राजनीतिक नैतिकता कुछ हद तक दबती चली जाती हैं। कानून बदले जाते हैं। फैसले

पलटे जाते हैं और धीरे-धीरे एक तरह की स्वायत्तशासी संस्थाएं भी सरकार या सत्ता पक्ष के अधीन हो जाती हैं। हाल ही में सरकार की ओर से एक विधेयक लाया गया है जिसमें चुनाव आयुक्त और मुख्य चुनाव आयुक्त की नियुक्ति वाली कमेटी से सुप्रीम कोर्ट के मुख्य न्यायाधीश को बाहर करने का प्रावधान है। अभी इस कमेटी में मुख्य न्यायाधीश, प्रधानमंत्री और विपक्ष के नेता हैं। नए प्रस्ताव में चीफ जस्टिस को हटाकर एक केंद्रीय मंत्री को जोड़ने का प्रावधान है। कहने को नेता प्रतिपक्ष भी इसमें रहेंगे लेकिन चूंकि तीन में से दो सदस्य सरकार के हैं यानी प्रधानमंत्री और केंद्रीय मंत्री, इसलिए बहुमत के आधार पर फैसला वही होता रहेगा जो सरकार चाहेगी। अगर यह विधेयक पारित होता है तो चुनाव आयोग भी एक तरह से सरकार द्वारा नियुक्त लोगों की संस्था बनकर रह जाएगी। इसके पहले भी सरकार ने दिल्ली सरकार के अधिकारों को लेकर दिया गया सुप्रीम कोर्ट का फैसला एक अध्यादेश के जरिए पलट दिया था। जब इसे कानून का रूप देने के लिए संसद में लाया गया तो सरकार ने तर्क दिया कि चूंकि दिल्ली अभी न पूरी तरह राज्य है, न केंद्र शासित प्रदेश और चूंकि केंद्र सरकार की संपत्ति बड़ी मात्रा में दिल्ली में अभी भी है इसलिए उसे दिल्ली के बारे में कानून बनाने का अधिकार है। सुप्रीम कोर्ट का फैसला पलटने में हो सकता है सरकार कानूनी तौर पर सही भी हो, क्योंकि शाहबानो प्रकरण में राजीव गांधी सरकार भी यह कर चुकी है लेकिन नैतिक आधार भी तो कुछ होना चाहिए ? राजनीतिक नैतिकता आखिर कहां गई ?

जनसत्ता

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संस्था की साख

संपादकीय

संवैधानिक संस्थाओं की साख इस बात से बनती है कि वे कितनी स्वायत्त रह कर काम कर पाती हैं। उनके मुखिया किस तरह संवैधानिक मूल्यों की रक्षा करते हैं। मगर विडंबना यह है कि लंबे समय से कुछ संस्थाओं के कामकाज के तौर-तरीके पर अंगुलियां उठती रही। हैं। उनके सरकार के पक्ष में झुक कर या उसके दबाव में काम करने के आरोप लगते रहे हैं। पिछले कुछ समय से निर्वाचन आयोग पर भी विपक्षी दल यही आरोप लगाते आ रहे हैं कि वह सरकार के इशारों पर काम करता है। ऐसे में निर्वाचन आयुक्तों की नियुक्ति का मामला सर्वोच्च न्यायालय में पहुंचा और वहां पांच न्यायाधीशों की संविधान पीठ ने व्यवस्था दी कि मुख्य निर्वाचन आयुक्त और अन्य निर्वाचन आयुक्तों की नियुक्ति राष्ट्रपति द्वारा प्रधानमंत्री, नेता प्रतिपक्ष और प्रधान न्यायाधीश की समिति की सिफारिश पर की जाएगी। इस व्यवस्था का चौतरफा स्वागत हुआ और उम्मीद बनी थी कि निर्वाचन आयुक्तों की नियुक्ति में पारदर्शिता आएगी, इस संस्था की साख फिर से लौटेगी। हालांकि संविधान पीठ ने यह व्यवस्था तभी तक के लिए दी थी, जब तक कि सरकार इस संबंध में संसद में कानून नहीं बना लेती। अब सरकार ने इससे संबंधित विधेयक राज्यसभा में पेश कर दिया है।

इस विधेयक के पेश होते ही सरकार फिर से विपक्ष के निशाने पर आ गई है। विधेयक में प्रावधान प्रस्तावित है कि निर्वाचन आयुक्तों की नियुक्ति प्रधानमंत्री, नेता प्रतिपक्ष और प्रधानमंत्री द्वारा चुने गए एक केंद्रीय मंत्री की समिति की सिफारिश पर की जाएगी। सर्वोच्च न्यायालय की दी हुई व्यवस्था में से प्रधान न्यायाधीश को हटा दिया गया है। इससे

स्पष्ट है कि सरकार जिसे चाहेगी, उसे मुख्य निर्वाचन आयुक्त नियुक्त कर लेगी। इस तरह मुख्य निर्वाचन आयुक्त और दूसरे आयुक्तों के सरकार के दबाव से मुक्त होकर काम करने पर संदेह बना रहेगा। लोकतांत्रिक व्यवस्था में निर्वाचन आयोग की भूमिका सबसे महत्त्वपूर्ण होती है। अगर मुख्य निर्वाचन आयुक्त का झुकाव सरकार की तरफ होता है, तो चुनाव प्रक्रिया में पारदर्शिता और निष्पक्षता संदिग्ध हो जाती है, जैसा कि पिछले कुछ चुनावों से आरोप लगते रहे हैं। सत्तापक्ष के प्रति नरमी और विपक्षी दलों के खिलाफ सख्ती के उसके पक्षपातपूर्ण फैसलों के अनेक उदाहरण दिए जाते हैं। सर्वोच्च न्यायालय ने भी टिप्पणी की थी कि निर्वाचन आयोग में टीएन शेषन जैसे आयुक्त की नियुक्ति होनी चाहिए। ऐसे में जब सरकार ने अपने बहुमत का ध्यान रखते हुए विधेयक तैयार किया है, तो उस पर सवाल उठने स्वाभाविक हैं।

यह तो ठीक है कि सर्वोच्च न्यायालय कानूनी प्रक्रियाओं का मूल्यांकन संविधान की भावना को ध्यान में रखते हुए करता और अपनी कोई व्यवस्था देता है। मगर वह व्यवस्था स्थायी नहीं होती, उसे संसद में कानूनी शक्ल देना पड़ता है। यह काम सरकार ही कर सकती है। ऐसे में अपेक्षा की जाती थी कि सरकार जनभावनाओं के मद्देनजर संविधान पीठ की दी हुई व्यवस्था को ही कानूनी जामा पहना देती। मगर पिछले कुछ समय से जिस तरह उच्च न्यायालयों में न्यायाधीशों की नियुक्ति, दिल्ली में प्रशासन के अधिकार आदि को लेकर सरकार और सर्वोच्च न्यायालय के बीच तनातनी का माहौल बना हुआ है, सरकार कई मौकों पर सर्वोच्च न्यायालय के खिलाफ तल्ख टिप्पणियां कर चुकी है, उसमें उससे ऐसी उदारता को लेकर संदेह जताया। जा रहा था। अब संख्याबल से सरकार बेशक निर्वाचन आयुक्तों की नियुक्ति संबंधी विधेयक को कानूनी शक्ल दे दे, पर संवैधानिक भावना और लोकतांत्रिक मूल्यों के प्रति उसकी निष्ठा प्रश्नांकित होती रहेगी।

राष्ट्रीय सहारा

Date:12-08-23

बुजुर्ग और टूटते संयुक्त परिवार

कमलेश जैन

एक समय था जब भारत में संयुक्त परिवार होना एक परंपरा थी, जिसको खूब निभाया जाता था। दादा-दादी, माता-पिता, बेटे-बहू, पोते-पोतियां सभी अपनी-अपनी जिम्मेदारी निभाते, खुश और स्वस्थ रहते थे। छोटी-मोटी शिकायतें अवश्य होतीं पर वे सुलझा लीं जाती थीं आराम से। इसे खींचा नहीं जाता, अंतिम तक बदला लेने की प्रवृत्ति नहीं थी। पर आज माहौल अलग है। पति-पत्नी तक की आपस में नहीं बनती, बच्चों पर किसी का अनुशासन नहीं चलता। एकल परिवार हैं, उसमें भी मेल नहीं है। आए दिन पति-पत्नी अदालत का रुख करते हैं।

बच्चे कहां जाएं, वे कैसे बड़े हो, शिक्षित हों, माता के पास रहे या पिता के पास समझ नहीं आता। ऐसे प्रश्न पीछा नहीं छोड़ते। बच्चों से भी बुरी दशा तो उनके दादा-दादी की है। उन्हें हजार तिकड़मों से, उनके ही घर में खाना नहीं मिलता, दवा नहीं मिलती, उनके ही घर से उन्हें कभी भी निकाल दिया जाता है। वे सड़कों पर, किसी के घर में नौकर-चाकर सा

जीवन बिताते हैं, दुखों से जल्दी मर जाते हैं। इसी कारण भारत सरकार ने सन् 2007 में भरण-पोषण तथा कल्याणकारी कानून, माता-पिता एवं वरिष्ठ नागरिकों के लिए बनाया, जिससे कि वृद्ध माता-पिता या वरिष्ठ नागरिक जिन्हें जिंदगी की शाम में, खासकर विधवा स्त्रियों को अपना जीवन अकेला, बेसहारा न गुजारना पड़े। उनकी शारीरिक और आर्थिक हालत अब ऐसी नहीं रहती कि वे अकेले बिना मदद के जीवनयापन कर सकें। यह समस्या धीरे-धीरे एक सामाजिक चुनौती बन चुकी है, जिसका हल निकालना आवश्यक है। इसके लिए पहले 'कोड ऑफ क्रिमिनिल प्रोसिजर' में 1973 से धारा 125 लाई गई। पर इससे काम नहीं चला तो इस एक्ट को लाना पड़ा। इसके अनुसार 'बच्चों' का अर्थ है-बालिग बेटा, बेटी, पोता तथा पोती। भरण पोषण का अर्थ है- खाना, कपड़े, मकान, दवाएं तथा इलाज। माता-पिता का अर्थ है- जन्मदाता (माता-पिता), गोद लेने वाले, सौतेले माता-पिता भले ही वे वरिष्ठ न हो। संपत्ति का अर्थ है-कैसी भी संपत्ति, चल-अचल, खुद की या पुरखों की कमाई द्वारा प्राप्त, स्थाई, अस्थाई जिससे व्यक्ति कुछ प्राप्त करता है। इसी प्रकार, एक वरिष्ठ व्यक्ति जिस के संतान न हो पर उसका कोई उत्तराधिकारी हो, जिसे संपत्ति मिलेगी तो इन सबकी जिम्मेदारी है अपने वरिष्ठ लोगों की उचित देखभाल, भरण-पोषण सम्मान के साथ, उनकी संतुष्टि के अनुसार प्यार से करे। जिनके पास संपत्ति न हो उनके बच्चों का भी कर्तव्य है कि वे उनका उचित भरण-पोषण करें क्योंकि उन्होंने उनको तो जन्म दिया, पढ़ाया-लिखाया, बड़ा किया और देखभाल की। ऐसा जब नहीं होता तो वरिष्ठ लोग कानून की धारा 5 में भरण-पोषण अधिकार याचिका-वे खुद या किसी और की तरफ से सीनियर सिटिजन ट्रिब्यूनल/डीएम/डिप्टी कमिश्नर ऐरिया के यहां फाइल कर सकते हैं। यह एक्ट किसी भी दूसरी अदालत के होते हुए भी विशेष अधिकार रखता है। इससे द्वारा वरिष्ठ नागरिक को बच्चों द्वारा भरण-पोषण पाने का अधिकार है। बच्चे अगर उन्हें तंग करते हैं तो ट्रिब्यूनल को यह अधिकार है कि वे ऐसे बच्चों को घर से निकाल बाहर करें। जुलाई 2023 को दिल्ली उच्च न्यायालय से आशीष रामदेव तथा अन्य के मुकदमे में फैसला आया है कि वरिष्ठ माता-पिता को बेटे-बहू द्वारा अपने ही घर से बेदखल नहीं किया जा सकता। उन्हें सिविल कोर्ट जाकर न्याय की गुहार नहीं लगानी। ट्रिब्यूनल के रूल्स 2016 के अनुसार बच्चों से घर खाली करवाया जा सकता है, भले ही वरिष्ठ माता-पिता और बच्चों के बीच संपत्ति का विवाद चल रहा हो। ऐसा ही एक मुकदमा हाल में फाइल हुआ है ट्रिब्यूनल में, जिसमें शादीशुदा बेटी अपने बेटे और भाई के साथ मिलकर अपनी मां को मार चुके हैं-डायबिटिज की दवा और खाना न देकर, वृद्धावस्था में मां को मारने के बाद, 75 वर्षीय पिता को अपनी बनाई (पिता द्वारा) संपत्ति से छह महीने पहले बाहर खदेड़कर संपत्ति पर कब्जा कर लिया। मुकदमा फाइल करने के बाद कम-से-कम ढाई से तीन महीने लगते हैं उसका असर दिखने में।

इस अदालत में और दूसरी अदालतें जिसमें सिर्फ न्यायिक पदों पर अधिकारी होते हैं, उनमें फर्क यह है कि यहां तथ्यों की जांच पहले ही हो जाती है और दोनों पक्षों को बाद में सुना जाता है ताकि फैसले में भूल भी न हो और फैसला जल्दी आए। पर रेगुलर अदालतों में पहले सुनवाई होती है फिर जांच। इस ट्रिब्यूनल के फैसले, चूंकि गुडफेथ यानी ईमानदारी से लिए जाते हैं। अत: इन फैसलों को किसी अदालत में चुनौती नहीं दी जाती। इस अदालत के आदेश पारित होने में कोई कठिनाई आने पर राज्य सरकार को यह अधिकार है कि वह इसे ऑफिशियल गजट में प्रकाशित कर वह 'प्राविजन' ही बदल दे, जिसके कारण आदेश पारित होने में कठिनाई हो रही है।