

and society to know the administration and the due process of law. It also helps to research and debate and form an analysis of the present times and also to update/amend according to it.

“Justice delayed is Justice denied” And hence government has developed ADR (Alternative Dispute Resolution). Arbitration and Conciliation Act, 1996 and the Legal Services Authorities Act, 1987 have been formed. Alternate Dispute Resolution in which the cases can be solved by means of Mediation, Conciliation and Arbitration. The government is providing free legal aid and assistance service in which the individual is provided with advocate free of cost to tackle his case, explain the procedure of law, and settle the case amicably. Lok Adalats and other campaigns have been started by the Judiciary for fast and cheapest means for Justice.

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## Rera: Empowering Buyers

- Adv. Akshada Thakare Gudadhe (Founder Partner Of At Legal, Law Firm)



“The life of the law has not been logic; it has been EXPERIENCE”. The quote by Oliver Wendell Holmes Jr. found its great relevance to the much awaited enactment Real Estate Regulatory Authority, 2016, (RERA). It has just proudly entered into its 3<sup>rd</sup> year of implementation in India. Though it was effected on different dates in different states, it aims to achieve one objective i.e. to

replenish the faith of the buyers in the Real Estate sector and to bring transparency in the Real Estate transactions.

Initially there was lot of confusion and chaos about the interpretation of the law, for instance definition of ongoing projects, carpet area, registration details etc. However, the issuance of clarifications from time to time by Hon'ble authority has brought in the needed clarity. Now that it has achieved a significant milestone by registering near to all ongoing and new projects, it is accommodating more and more buyers under its umbrella of protection. Promoters who have intentionally chosen not to register their project under RERA, a separate provision for registering complaint is available on portal, making sure everyone gets a fighting chance.

Making it mandatory for promoters to disclose the financial status on RERA portal have imbibed confidence amongst buyers that their hard earned money is being utilised for building their home and not being misused by promoter as it used to happen before RERA. The delay in possession of homes was biggest issue for buyers, however RERA authority can order speedy completion of the project and assures compensation for home buyers.

The trend of judgment shows that the ratio of disposal of matters is high and practical approach in solving the dispute between buyer and promoter is preferred than just passing of judgments which are difficult to implement.

Despite its many achievement, RERA is not free from criticism. The provision related to insolvency of promoter still lies in grey area. It has left buyers with less option to execute their right to shelter. Also though the provisions related to insurance of the project has noble intention to secure buyer's interest but due to lack of supportive infrastructure it has been seen difficult to notify the relevant sections under RERA.

However, after weighing the advantages against criticism we can very well contend that RERA was much needed enactment to regularise and standardise the real estate sector.

Establishment of the Tribunal under RERA has provided buyers a specialised judicial platform to file complaint. The tribunal is bestowed with the power to order imprisonment upto 3 years and

penalty for violating the provisions of RERA. imprisonment upto 3 years and penalty for violating the provisions of RERA. Therefore, definitive actions attached to the common malpractices prevailing earlier in the real estate sector has been curbed to a great extent. Specially; the enactment has shown its success in states like Maharashtra wherein permanent tribunal is already established setting examples for other states to follow the lead.

RERA is already on a right path of achieving its objective, by bringing justice to the victims of unruly, unethical practices that were followed for years in the real estate sector. Still many stones are yet to be turned in the real estate sector. So we can conclude the RERA is the bright beginning towards the same.

## Measuring sexual Harassment at workplace requires Due process of Law

- Adv. Rama Sarode



The Chief Justice of India got a clean chit in a case of sexual harassment and since then there are various views that are being discussed. At the very beginning of the case when the SC staffer made allegations of sexual harassment against the CJI

there was a conspiracy theory being discussed. And this theory came up without giving the complainant a chance to put up her case. This case was a chance for the Supreme Court to prove that principles of natural justice will prevail. Instead the whole process was a big sham and it looked like the panel had pre-decided that the CJI is innocent.

A woman staffer of the Supreme Court alleged that the present Chief Justice of India has sexually harassed her on two occasions in 2018. She submitted an affidavit to 22 judges of the Supreme Court. Initially a panel was comprised of 3 judges including the Respondent, the Chief Justice of India. After this act of hearing one's own case was highly criticized another panel was formed. This new panel did not take any measures to make the complainant feel comfortable. She was not allowed representation, was not given relevant documents and there were no recordings of her proceedings. So, she decided to walk out of the inquiry on the grounds that this panel is already biased as they are not allowing a fair trial. On this instead of ensuring a fair and just hearing the panel decided to go ex-parte. And finally, they concluded the case by giving the Chief Justice Ranjan Gogoi clean chit in the case.

The way this case has been handled is full of flaws from the very beginning and hence it questions the credibility of whether there can be justice when there are allegations against the person holding the highest office in the institution. Every time there were allegations of sexual harassment against sitting judges, time and again it has been proved that the judges are above the law. This conduct reflects that healthy and safe working place is not on high priority for the judiciary. And this is disheartening because it was the Supreme Court that gave us the Vishakha Guidelines.

The common people look up to the judiciary as an institution that will uphold the values of democracy at all times. And what is the example that this panel has set when they handled the case in a non-transparent and opaque way.

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 came with an object to create safe and healthy workplaces for women. The perspective to understand sexual harassment from the point of view of the complainant is the key as there are acts and behaviour that she sees, thinks and feels as unwelcome. The complainant must be given the benefit of doubt. In this case from the very first day