SPEECH OF HON'BLE MR. JUSTICE VIJENDER JAIN, CHIEF JUSTICE, PUNJAB AND HARYANA HIGH COURT, CHANDIGARH IN THE CONCLAVE OF JUDICIAL OFFICERS ON 20.04.2008 AT PANCHKULA "METHODOLOGY OF REDUCING THE ARREARS AND COURT MANAGEMENT".

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I welcome all the members of the judicial family to the first ever conclave of the Judicial Officers from the Subordinate Judiciary as well as from the Higher Judicial Service of the States of Punjab and Haryana and Union Territory of Chandigarh.

Acceptability of administration of justice; its efficacy and strength is judged from you. Millions of consumers of justice, who file their cases all over the country and in your States, do so before the court of first instance. Therefore, what kind of judicial system we have is reflected from your orders, sensitivities, management of cases by you and how much time you have taken in disposing of a matter. I am of the firm conviction that aura and authority of Judges of the High Court or of the Supreme Court depends upon your colossal work. Therefore, a great responsibility lies on your shoulders not to allow people's faith to be eroded on account of delayed justice.

Courts play an important role in the life of a nation governed by rule of law. Peace and tranquility in a society and harmonious relationship between the citizens are achieved on account of effective administration of justice and justice delivery system. Economic growth of a country is also dependent on what kind of justice delivery system we have in our States.

Every 17th person in India has a case going in the courts; 6% population in India is affected by the litigation; on an average, more than 10% of the population of the Punjab and Haryana is affected by the litigation.

What is ironic is the fact that in all other avenues, speed and efficiency has become the hallmark of modern civilisation. The need is urgent – to quicken the pace of justice and shorten the time period occupied by the trial of suits and criminal proceedings and by the appeals, revisions or reviews arising out of them.

An essential prerequisite for achieving the goals of reforms is an efficient and transparent legal system. The legal system that enables economic choice, promotes ethical and sound business practices, cuts transaction costs and enables healthy commercial dealings through fair contracts is as essential as

good infrastructure and sound polity. Quick settlement of disputes especially in economic and commercial transactions is a prerequisite for a free economy.

The question of delay in the administration of justice has been addressed innumerable times in the past. With a view to solve this problem, a variety of suggestions have been made, including changes in the distribution of business, amendments in the rules of procedure, the elimination of delaying tactics and the like. Various Law Commissions and other bodies have studied this problem.

> Nearly 30 million cases pending in various courts all over the country, even for a population of 1400 millions, is an exorbitantly large number. And this rate of pendency is likely to continue with a growing population, unless something is done about this soon.

The causes of delay are numerous – loopholes in the law itself, inefficient police investigation methods, redundant and voluminous paperwork, lack of infrastructure, lack of judicial officers etc.

It is not as if there has been any lack of effort to speed up the justice delivery system. Unfortunately, the attempts which have been made have yielded limited results. For example, the Criminal Procedure Code has been overhauled and yet the

pendency of criminal cases remains very high. Over the years, several Tribunals have been set up ostensibly to provide quick, informal and inexpensive remedies to the litigants apart from providing for a uniformity of approach, predictability of decisions and specialist justice.

First and foremost, we need to get our facts and figures straight. Effective planning and management is not possible unless we know what we are up against. Experimentation is good upto a point, but when it does not yield any result, it becomes a drab. In any case, management of the judicial system is too serious a business to be experimented with.

Secondly, while there have been 'intensive and extensive' studies of some of the problems faced in the judicial system, no effective grassroots solution has come about. This is because attempts at managing the judicial system have tended to be isolated and sporadic, without looking at the overall picture. Consequently, legislative changes have only a cosmetic effect and do not become a part of the solution. What is required is a CT-scan to find a unified and cohesive solution, which takes into account the hard realities of litigation at various levels.

Finally, changes have inevitably taken place with the passage of time. There is a need to identify these changes and capitalize on them to our advantage, to the extent permitted by our limited resources. For example, there has been a revolution in information technology. Surely, we can capitalize on this.

For any management system to succeed, and this equally applies to Court management, it is essential to identify the stakeholders. This is not particularly difficult so far as the judicial system is concerned. There are only four players in any judicial system. They are (not necessarily in order of importance):

- The Judges
- The Lawyers
- The Litigants
- The Court staff and the Registry.

Each of these stakeholders has a specific role to play for ensuring the success of case management and Court administration.

A judge is a person in-charge of a Court. Barring any unforeseen event, the litigation before a judge has to be controlled by him. What is important in this regard is time management. It is for the judge to decide, for example, how

many cases should be scheduled for hearing on any given day; how much time has to be granted for completing the procedural formalities such as completion of pleadings; how many adjournments if any, should be granted and how much time has to be allotted for the hearing of a case. Systematic and proper management of time in respect of each case will go a long way in reducing the long delays.

A judge must also determine the general complexity of a case so that the progress of a case can be effectively managed.

Depending upon the 'complexity' of a case, the judge can decide what tasks to delegate to a subordinate judicial officer, including exploring the possibility of alternative dispute resolution mechanisms.

Time and effort have to be invested in case management so that the progress of litigation is effectively monitored. Apart from anything else, the investment enables a judge (rather than the lawyer or litigant) to take control of the case. A judge can, thereby, optimally utilize his time for performing core judicial functions for effective dispute resolution, rather than spend it on peripheral issues, which can be dealt with by others.

If time is precious for a judge, it is equally precious for a lawyer or a litigant. None of these stakeholders would like to spend more time than is necessary to routine administrative matters, some of which are not within their control.

Apart from certainty in the decision-making process and quick disposal of cases, lawyers and litigants are concerned with two key areas of Court administration. These are:

1. Availability of information.
2. Preparation of documents.

Good Court management practice require that information pertaining to a case must be readily available to a lawyer or litigant. For example, it is essential for them to know whether service has been affected on all concerned or whether any document filed by them suffers from some filing defect or is placed under some objection raised by the Registry. It does not help anybody's cause if the lawyer or litigant is told at the last minute that his case will, in all probability, be adjourned because of some technical snag, which could have been rectified at the appropriate time if the information was available earlier.

Litigants usually complain about the non- availability of documents. The most common grievance relates to a certified copy of an order or the decree-sheet not being ready. A

simple and routine task like this results in a colossal waste of time and effort for lawyers and litigants. With the use of computer systems and photocopying machines, it is possible to firstly, make ready any Court order almost immediately and certify it with the use of digital signatures. Secondly, if for some reason, a copy of an order or decree is not available, information in that respect can be disseminated through the Internet or an Interactive Voice Response (IVR) mechanism. Unfortunately, the present system requires that for limitation purposes, a litigant or a lawyer should physically present himself for checking up whether a certified copy is ready or not. Surely, any efficient management practice can remedy this situation.

Court management cannot succeed without the unstinted support of the Court staff and its Registry. They are the backbone of the system and the administrative burden really falls on them. All papers pertaining to a case, from the stage of filing of case to the supply of a certified copy of the judgment pass through their hands. They are responsible not only for all the documentation but also giving effect to miscellaneous orders passed by the Court. The efficiency of a Court depends upon them, much more than anyone would care to admit. However, I will like to add a word of caution.

Strict vigil has to be kept on the court staff and the Registry so that black sheep, who tarnish the image of the judiciary, should not be permitted to continue for a moment as on account of their misconduct, efficient court staff also suffers because any act done by an individual tarnish the image of the judiciary as a whole.

Subordinate judicial officers can perform miscellaneous tasks, including identification of issues, attempting to limit disputes arising out of the pleadings and actively participating in alternative dispute resolution systems. If nothing else, this makes them participative functionaries in the overall process of dispensing quick justice, and recognizes their status as one of the stakeholders in the judicial system.

Recent technological developments need to be harnessed and full utilization should be made of modern gadgets, which are now easily accessible and at an affordable price.

A filing proforma, to be filled up when a case is filed, is necessary. The form should contain essential data ready for scanning. A case-by-case database should be built up, which can be drawn upon for planning effective Court management procedures.

Categorization of cases so that cases raising similar issues can be dealt with in one group. This is particularly helpful in mass litigation such as land acquisition cases or repetitive litigation such as income tax cases.

Creation of a website, enabling those having access to Internet to obtain necessary information anytime.

Online availability of essential judicial orders so that time is not spent in inspecting a file for obtaining a copy of an order. With the help of digital signature, it is now possible to provide a certified copy of any judicial order.

Daily generation of information through computers indicating report of service, documents under objections in the filing counter etc.

Setting up a Facilitation Centre to function as a Reception and Information Counter. An IVR system can function from this centre.

Video linkages, initially between the jail and the Court for routine matters. These are few things I have brought to your notice. The list is not exhaustive. Through this conclave, I would like many more suggestions to be received from you so that deliberation of today can help in reducing the arrears

as well as lead us to an efficient court management. I wish you all the best in your efforts to achieve these milestones.

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