

National Judicial Academy

Programme Report (P-871)

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P-871 Regional Judicial Conference on "*Strengthening Justice Delivery System: Tools and Techniques*" (North Zone: Delhi, Punjab & Haryana, Allahabad, Uttarakhand, Himachal Pradesh and Jammu & Kashmir): November 28-30, 2014

PROLOGUE

The Regional Judicial Conference on "*Strengthening Justice Delivery System : Tools and Techniques*" for the northern states comprising of Delhi, Punjab & Haryana, Allahabad, Uttarakhand, Himachal Pradesh and Jammu & Kashmir was held from November 28-30, 2014 at Chandigarh in collaboration with the High Court of Punjab and Haryana and the Chandigarh Judicial Academy. The endeavour in this Conference is to make the judges think on the effective use of existing tools and techniques to strengthen the justice delivery system in the Conference.

The main objective of this Regional conference is to reach out to a larger number of target audiences and apprise them of the various modes of strengthening the justice delivery system. This was done through interactive sessions with senior Supreme Court Judges and High Court judges. The resource persons in the conference included Justice M.B. Lokur, Justice A.K. Goel, Justice S.S. Nijjar Justice M.M. Kumar, Justice Ashutosh Mohunta, Justice Suryakant, Justice K.S. Grewal, Justice B.B. Parsoon Justice Alok Singh, Justice S.S. Saron, Justice K. Kannan, Justice D.K. Upadhyaya, Justice S. Ravindra Bhat, Justice Yashwant Varma, Dr. Balram K. Gupta, Mr. Anil Malhotra, Mr. Atul Kaushik and Prof (Dr.) Geeta Oberoi, The participant judges are benefitted from the deliberations and presentations made by the Resource Persons.

DAY 1

The first session of the Conference invited Hon'ble Mr. Justice MM Kumar, Chief Justice, Jammu & Kashmir High Court and Hon'ble Mr. Justice KS Grewal former Judge Punjab & Haryana High Court, gave an overview of the Justice delivery system in India. The session was chaired by Hon'ble Mr. Justice SS Nijjar, former Judge Supreme Court of India. In the second session the legalistic and the judicial orientation in transforming the Justice Delivery System were delineated by Hon'ble Mr. Justice Alok Singh and Mr. Anil Malhotra. The session was chaired by Hon'ble Justice Mr. MM Kumar Chief Justice, Jammu & Kashmir High Court.

The sessions expressed emphatically and appeal the judicial officers on dispensation on justice rather than passing an order mechanically. State litigation policy and E courts project has also been discussed for the smooth functioning of Justice delivery system. The general suggestion that has been made during the course of deliberation:

1. That there should be a no unit system or uniform pattern for measuring unit system as unit system is a great impediment in making judicial officers to render the free and fair justice.
2. Judicial officers are not the slave of infrastructure. For want of infrastructure judicial officers should not forget their judicial duties. It is the only institution which control society and human behavior.
3. Judicial innovation is necessary for justice orientation system.
4. Hon'ble Mr. Justice K.S. Grewal stressed on curbing the inter judiciary rivalry and encouraged judicial officers to work as a team inorder to achieve justice in letter and spirit.
5. Hon'ble Mr. Justice MM Kumar has delineated that justice approach should be humanistic. Constitution of India provides for social, economical and political justice. Justice should not be denied because of any economic disability or any other disability. The vision of the judiciary is timely justice and objective is to reduce pendency of arrears of cases.

6. Even for getting relief in civil cases the litigants are taking resort to criminal proceedings. Training of court staff is necessary. Court should try to send every civil case to mediation or arbitration. Even in the absence of the any arbitration clause if parties agree the case should be sent to arbitration.

During session 3 the participant judges were apprised of the initiatives taken by the Government of India in strengthening the justice delivery system by Mr. Atul Kaushik, Jt. Secretary, Dept. of Law and Justice, Government of India.

Some of the initiatives that Government of India has taken to strengthen the Justice delivery system are as follows:

1. National Judicial Appointments Commission for the Higher Judiciary
2. High Court Judges' strength increased
3. High Court Chief Justices addressed to expedite proposals for appointment of Judges
4. Chief Justices addressed to expedite recruitment against vacancies in State Judicial Services
5. State Litigation Policies notified by all States; National Litigation Policy pending for approval
6. Increase court working hours – morning/evening courts
7. Lok Adalats to reduce the pressure on regular courts
8. Enhance legal aid to the marginalized through LSAs
9. Establish ADR Centres in Districts
10. Renovation of heritage court buildings
11. Support creation of State Judicial Academies
12. Appointment of Court Managers
13. Pendency Reduction: Establishment of
 - (a) Additional courts (373)
 - (b) Fast Track Courts (1800)
 - (c) Family Courts (235)

(d) Litigant friendly court complexes (2800)

14. Technical support for ICT enabled courts

15. Support for scanning and digitization of court records

16. Enhancing Access to Justice

i) Legal Aid Clinics

ii) Lok Adalats

iii) ADR Centers

17. Infrastructure for Court Complexes in last three years

a. Constructed/Upgraded - over 500

b. Residential Buildings Constructed - over 300

c. Almost Rs 3000 crore released to State Governments in the last four years alone

18. ICT Enablement:

a. 13323 district and subordinate courts computerized

b. Data of about 4 crore decided and pending cases in about 11000 courts available on NJDG

c. PDA for process service, SMS facility, Cloud computing, information kiosks etc. planned in next Phase of eCourts Project.

A break out group discussion on the State of Justice Delivery System in India allowed the judges to reflect on the same and make a presentation on their group's views.

Break out group raised the following concerns in group wise presentation after the discussion:

1. Highlighted the problems and challenges faced during the appreciation of evidence.
2. Infrastructure issues are one of the impediments in the delivery of justice
3. It is difficult to co ordinate with the Court managers as they don't understand the intricacies of the law nor they are versed with the legal principles.
4. Frequent adjournments, non turning up of witness, lack of supportive staff are some of the major concerns for timely and speedy disposal of cases
5. Bench and Bar are the wheels of a vehicle. They are the integral part of the systems and are dependent on each other. Non co- operation of the Bar is major problem and hurdle in the expeditious disposal of cases. Some major concerns are strike and unethical practice by advocates on which the judiciary has no control. The group emphasis on the training of advocates.

The panelists emphasized on the sensitivity of the judges and suggested to take the balanced approach while dealing with such delicate and vital issues. They stressed that Judges are the leader of their courts and they have to tackle their court staffs and other stake holders very sophisticatedly so that they come out with the solution and can impart justice to the litigant and victim.

DAY 2

Hon'ble Mr. Justice BB Prasoan, Judge, Punjab & Haryana High Court and Hon'ble Mr. Justice S.S.Saron, Judge, Punjab & Haryana High Court discussed the effective measures that can be undertaken to strengthen the criminal justice system. Hon'ble Mr. Justice AK Goel, Judge, Supreme Court of India and Hon'ble Mr. Justice K. Kannan, Judge, Punjab & Haryana High Court delineated on the tools and techniques of reducing the life span of civil litigation. Hon'ble Mr. Justice K. Kannan expressed that Judgment should be with less precedents and should have more logic. Verdict should be wiser and not lengthy.

Hon'ble Mr. Justice Surya Kant Judge, Punjab & Haryana High Court and Hon'ble Mr. Justice D.K. Upadhyaya Judge, Allahabad High Court has enumerated on the various tools and techniques for administering timely justice.

Hon'ble Mr. Justice Madan B. Lokur, Judge Supreme Court of India encouraged the participants to utilize the ADR mechanism and refer the cases to the Lok Adalats and emphasized that how this can lead to timely justice. Hon'ble Justice appealed to the judicial officers to change their focus and stressed that there is a need to introspect to resolve the problem within the constraint and resource we have. Hon'ble Justice draws attention on the applicability of section 89 C.P.C. Through Law Commission report it was explained that in many states there is no need to increase the number of judges in lower judiciary. However, through proper case management speedy effective disposal of the case can be done and efficiency of the judicial officers can be increased.

The use of computers for judicial process has to be acknowledged for ensuring that judicial services are faster, better, easier and more efficient. The use of the internet will lead to more transparency in the court and judiciary will communicate better with the general public.

DAY 3

In session 9 Hon'ble Mr. Justice S. Ravindra Bhat, Judge, Delhi High Court, Hon'ble Mr. Justice Alok Singh, Judge, Uttarakhand High Court and Hon'ble Mr. Justice Yashwant Varma Judge, Allahabad High Court discussed the judicial initiatives for a litigant friendly environment in Courts. Some of the problems as well as some very good suggestions came out which are as follows:

1. That due to the shortage of funds courts lacks special rooms for juvenile as well as separate room for witness. Thus, there should be separate waiting rooms for the witness as well as for juveniles.
2. Judges should directly interact with litigant to take out their problem as sometimes litigant knows the case better than the lawyer.
3. Judges should be responsible to the public and show signs that judges are litigant friendly.
4. Basic amenity is to be provided to the litigant like drinking water. If possible medical facility should be there in the court.

5. There should be one help desk in the court campus in the name of litigant clinic to give free of cost proper guidance and advice to the litigant.
6. Court staff needs to be shifted from one court to another court.
7. After dictating the order the judge should tell the litigant about the order in the language he understands.
8. Judges should neither be very stern nor be very loose rather he should be sensitive. Feedback form should be given to the litigant's in order to put their point of view about the functioning of that particular court.
9. Judges should keep in mind that the whole day of the witness should not be wasted. Compensation is to be awarded if the other party seeks deliberate adjournments.
10. Separate lock up for males and females should be there.
11. There should be a concept of sulab court. There should be sign boards for blind litigants as it there in Gujrat
12. In Mediation centre free coffee or tea should be provided.
13. Court should encourage e filing. Court should try to be paperless court.
14. Judicial Service center should be established in every court.
15. Hon'ble Mr. Justice Alok Singh delineated that to give voice to the problems faced by litigants in courts, an association of litigants in Pune has been formed under the leadership of Hon'ble Justice Chapalgaonkar ,former Bombay High Court Judge. To take the voice of common litigants to top judicial officers of the country, a group of litigants has formed the National Litigants Bench (NLB) - a forum of litigants for the litigants. NLB's mission is to create awareness among the judicial officers about the problems faced by the common litigants in court room; the forum has also strived for transparent judicial appointments on merit and brought about litigant friendly procedures in the courts.
16. For providing basic facility to the litigant as well as to the witness help from the NGO's can be taken like construction of urinals outside but near to the court campus.

17.Hon'ble Mr. Justice Yashwant Varma stressed on the Prioritization and classification of pending litigation and interest of the litigant should be taken as supreme. He stressed that this effort on the part of NJA, the resource persons and the participant judges would go a long way in reclaiming and rebuilding the public trust and confidence in justice administration system.

The three day Conference came to a conclusion with the Public Law Lecture titled as **“Building and Nurturing Judicial Human Fabric and Judicial Culture is the Recipe for Strengthening the Justice Delivery System”** .which was delivered by Prof. (Dr.) Balram K. Gupta, Sr. Advocate, Former Director, NJA. Prof Gupta has emphasized on the court room conduct, judicial communication, judicial ethics, effective speaking judgments as judgments is not just the resolution for the settlement of disputes but the whole society gets affected. These aspects should be taken care in order to render justice as justice is not only to be done but it should seem to be done.

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