

PROGRAMME FOR MODEL JUDICIAL DISTRICT

(21st – 22nd February, 2015) (P- 899 - P-908)

(By Dr. Amit Mehrotra-----Programme Coordinator)

National Judicial Academy proposed this programme with an aim to strengthen all the courts in a selected district and to develop it as a Model Judicial District. The fourth programme in this series was held from February 21st – 22nd 2015. Ten districts were selected from ten different States out of which nine districts have participated in the programme. From each district one Principal District Judge, one Civil Judge (Sr) Division, one Civil Judge (Jr) Division, one representative of ministerial staff of District Judge and one representative of District Legal Services authority/ Taluk Legal Service Committee were invited to participate in the programme.

Officers from the following districts have attended the programme:

1. Basti district (under Allahabad High Court)
2. Malda District (under Calcutta High Court)
3. Raigarh District (under Chhattisgarh High Court)
4. Cachar District (under Guwahati High Court)
5. Junagadh District (under Gujarat High Court)
6. Mandi District (under Himachal Pradesh High Court)
7. Gadag District (under Karnataka High Court)
8. Thoothukudi District (under Madras High Court)
9. Rewari District (under Punjab & Haryana High Court)

Thus, total 45 participants attended the programme.

The main objective of the two day programme is to provide a platform to all the duty holders to discuss, share their experience, and give their insights so as to enhance the justice delivery system by framing the model court plan in their respective districts.

Justice R.C. Chavan, Justice S. Talapatra and Justice S. Seetharama Murthi were the eminent resource persons in this programme.

Session1

The programme commenced with the introduction by Dr. Amit Mehrotra, Assistant Professor, National Judicial Academy. Dr. Mehrotra stressed that the public trust and confidence are the most important factor in justice delivery system and this can only be possible if all the stakeholders of the judiciary work together with healthy spirit to achieve justice in letter and spirit. Thus, there is a need for judiciary to take care about its functioning and management of its system in order to ensure the quality and timely justice. After getting the thematic context of the conference there was self introduction of the participants. The Resource persons then addressed the participants on the “**Requisites of Ideal Judicial Administration in District Courts**” and emphasized proper planning and coordination in court administration. Following points were highlighted during the discourse:

1. Inordinate delay in the lifespan of litigation between the institution of a case and its final outcome, often undermining the very purpose of administration of justice. There are enormous procedural delays. The system of multiple appeals and revisions, numerous interim and interlocutory applications, indiscriminate adjournments contribute to the cost of litigation and delay.
2. The cost of litigation has increasingly become prohibitive, shutting the doors of justice to large sections of the society, especially the weaker and the marginalized sections.
3. Judicial system has become more advocate centric than litigant centric.
4. The alienation of people from the system is further exacerbated by their lack of awareness of their rights, entitlements and processes to redress grievances.
5. The Legal Services Authorities are unable to serve the needs of the people, both in terms of numbers of people that require assistance and in terms of the quality of legal services rendered due to structural constraints.

6. Adequate and comprehensive performance standards at court levels do not exist, or if they exist, they are not uniform across the Courts.
7. Judges are over-burdened with administrative work, and are not able to concentrate on justice delivery.
8. It is imperative to introduce a national vision for systematically assessing the ways in which the existing judicial system will bear the burden of increasing litigation.
9. Smooth and effective access to justice is an indication of overall quality of governance. Reliable quantitative and qualitative data for analysis is a must.
10. Research and evidence-based policy making in the field of justice delivery is the need of the hour.

The resource persons has stressed that International Framework for Court Excellence (IFCE) is a quality management system designed to help courts to improve their performance and discussed the eleven focused, clear, and actionable core court performance measures aligned with the values. They discussed about Court User Satisfaction, Access Fees, Case Clearance Rate, Case Backlog, Trial Date Certainty, Employee Engagement, Compliance with Court Orders and Cost Per Case.

Following seven areas of the court excellence was also deliberated:

1. Court Management and Leadership
2. Court Policies
3. Court Proceedings
4. Public Trust and Confidence
5. User Satisfaction
6. Court Resources
7. Affordable and Accessible Court Services

Hon'ble resource persons stressed that without change there is no innovation, creativity, or incentive for improvement. Those who initiate change will have a better opportunity to manage the change that is inevitable.

In **Session 2** the four components of the Court Administration; Physical Infrastructure, Intellectual infrastructure and relationship with different stakeholders was discussed. It was emphasized that Human resource development is an area needs increased focus, including strengthening the research capacities of judicial academies. There is a glaring lack of skill-based training to the court staff also. It was also discussed that filling up of the vacancies in different courts are not prompt and often takes years, adversely impacting pendency and justice delivery. About 3000 vacancies of Subordinate Courts, where common people go for justice, is a reason for concern. To make a court as a litigant friendly court there is a need to have a good infrastructure. It was stressed that court can only function properly if all the stakeholders in the justice system i.e. Judges, Prosecutors, Advocates, Police, Bar, Court staff and Litigants work together with common expectations and commitment towards enhancing the performance and excellence of justice delivery system. It was stressed that Bench and Bar are the wheels of the vehicle. Sometimes non cooperation of the advocates becomes a major problem in dispensation of justice. It was suggested that in such a situation judge has to deal with advocates very sophisticatedly and tactfully in order to deliver the justice to the society in real sense. The recourse persons emphasised on the use of ICT tools has for ensuring judicial services faster, better, easier and efficient. It was stressed that use of internet will lead to more transparency in the court and judiciary will communicate better with general public. In **Session 3** the role of all the stakeholders including the role of judicial officers and ministerial staff was emphatically discussed. It was delineated that the judges are the leaders of the court and are treated as the role model. They should do the work without any fear and expectation. Principal district judge being the head of the institution should tackle the court staff and other stake holders very sophisticatedly so as to impart justice to the litigant and victim. In **Session 4** the participants were divided into groups as per their cadre made a discussion and gave presentations for tackling the corruption in the courts. It was stressed that though there was no adequate system for measuring public confidence in judicial system however there are frequent allegation of corruption in judicial system by the common public. It is therefore suggested that every stakeholder should take special care to preserve their image of honesty and integrity. It was observed that judicial independence is a pre- requisite to the rule of law and a fundamental guarantee of a fair trial. A judge should therefore uphold and exemplify judicial independence in both its individual and institutional aspects. The values of judicial ethics was discussed which includes independence, impartiality, integrity, propriety, equality, competence and diligence. The Principal district

judges were requested to prepare a vision statement of model court plan after consulting and discussing with the other stake holders of their districts. In **Session 5** the resource persons deliberated on the guideline for the preparation of model court plan and discussed the parameters of court administration, case management, management of human resources, physical infrastructure and fiscal resources that should be kept in mind while framing the vision statement. The participants were given time to review their vision statement of model court plan. In **session 6** all principal district judges gave their presentation in order to create a model judicial district. It was concluded that positive attitude and cooperation of all the officers and court staff will definitely help to achieve judicial excellence. Dr. Mehrotra humbly submitted that even though there are many constraints and limitation judiciary face and no one is perfect in this world, however every person has some unique quality. It is just a matter of placing the right person at the right place and get best out of them makes a path to get the vision of model judicial district. The conference concluded with the vote of thanks by Dr. Amit Mehrotra.

-----X-----X-----X-----