

NATIONAL JUDICIAL ACADEMY



CONFERENCE OF REGISTRARS DEALING WITH COURT PROCEDURES AND PROCESS REENGINEERING

[P-1061]

24th to 26th November, 2017

Programme Report

Programme Coordinator:

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The National Judicial Academy at Bhopal Organized a Conference for Registrars dealing with Court Procedures and Process Reengineering from 24th November to 26th November 2017. The entire Programme was divided into **eight Sessions** over the duration of **three days**. The participating Registrars are from the different High Courts.

The objective of the conference was to focus on process reengineering within the framework of the constitution which is necessary for efficient and fair justice delivery.

It was emphasized that timely, efficient and fair justice delivery within the framework of the constitutional vision of justice – social, economic and political, is the mandate of the judicial branch.

The conference deliberated on the best practices, process and procedures of the High Court. Participants were divided into sub-groups. Each sub-group was given a specific topic and were asked to deliberate on a court procedures and processes on that subject. The scope of conference was, restricted to eight theme, viz. (1) Writ Jurisdiction, (2) Civil and Criminal Appellate Jurisdiction, Civil Original side, (3) Revisional Jurisdiction and matters covered U/S 482 CrPC, (4) Listing and Mentioning of Matters, (5) Adjournments and Backlog, (6) Use of ICT in enhancing the efficacy of judicial institutions. Hon'ble Mr. Justice Ram Mohan Reddy, Hon'ble Mr. Justice R.C. Chavan, Hon'ble Mr. Justice R. Y. Ganoo, Hon'ble Mr. Justice U.C. Dhyani and Hon'ble Mr. Justice Dharnidhar Jha were the resource persons of the conference.

SESSION-WISE PROGRAMME SCHEDULE

Day- 1

Session 1.	Procedures and Process Reengineering: Need, Scope and Limits
Session 2.	Break-out Group Discussion
Session 3.	Procedures and Process Reengineering: Writ Jurisdiction

Day- 2

Session 4.	Civil, Criminal Appellate Jurisdiction and Civil Original Side
Session 5.	Revisional Jurisdiction and Matters Covered u/s 428 of CrPC.
Session 6.	Listing and Mentioning of Matters

Day- 3

Session 7.	Adjournments and Backlog of Cases
Session 8.	ICT and Process Reengineering

SESSION-1

Theme: Procedures and Process Reengineering: Need, Scope and Limits

Speakers: Hon'ble Justice Ram Mohan Reddy, Hon'ble Justice R. C. Chavan and Hon'ble Justice R. Y. Ganoo

The resource persons were welcomed and a brief introduction of the thematic areas was given.

Hon'ble Justice Ram Mohan Reddy discussed following eight points:

- 1) Writ Jurisdiction under article 226 (Judicial) and 227 (Supervisory)
 - Common Practices in different HC can be adopted and removed which is not necessary.
- 2) Civil and Criminal Appellate Jurisdiction
- 3) Original Jurisdiction
- 4) Listing the Matters and Preparation of Cause list
- 5) Mentioning of Matters before Courts
- 6) Adjournments and Backlog of cases
- 7) Backlog and disposal of cases
- 8) ICT and Process Reengineering

It was stated that one has to focus on the rules which are redundant and has to done away with the practice that impedes the justice delivery system. It was further delineated that the Registrars have to play a proactive role in adhering to and adopting the best practices of the other High Courts to make the procedures and processes simpler and smooth. Inconsequential procedures and practices has to be taken

off to ease the business of courts and utilization of the digitalization and litigant interest should be kept in mind. High Courts are established under constitution and every High Court has framed rules with respect to the court process and procedure. Rules were framed when ICT was not evolved and number of cases were small. Therefore, there is a need to amend the rules from time to time to make the process and procedure litigant friendly and transparent with the help of ICT mechanism. There is a need for a proper understanding of rules and practice in different High Courts in order to cull out the best practices that are relevant to other High Courts. It was stated that where the rules are silent the court has to be very judicious while exercising its discretion so that the interest of the litigants is protected. It was stressed that uniformity in nomenclature at national level is very important for making the system uniform. It was highlighted that the rules and procedures which are old and cumbersome be replaced with the best practices. It was stated that in Bombay High Court mentioning is done at 11am and for adjournments Bombay High court have framed rules. Hon'ble Justice R. C. Chavan discussed the certain points for best practice which includes Mentioning in circulation and similarity in nomenclature.

SESSION-2

Theme: Break-out Group Discussion

Participants would be divided into six sub-groups to deliberate on specific aspects of court procedures and processes. Participants were suggested to present their views on procedures and practices/processes of respective High Courts that require, in their view, revision to enhance efficacy and time-specific justice delivery. Participant Registrars made presentation on the best practices, rules, court procedures and process.

SESSION-3

Theme: Procedures and Process Reengineering: Writ Jurisdiction

Speakers: Hon'ble Justice Ram Mohan Reddy, Hon'ble Justice R. C. Chavan and Hon'ble Justice R. Y. Ganoo

The team leader of group 1 commenced the session by his presentation on writ jurisdiction and stated the best practice which can adopted by different High Court rules which are as follows:

It was agreed that MP High Court rules may be replicated/adopted as an ideal practice. Qualitativeness, Responsiveness and Timeliness are key for delivery of justice and which can be achieved only by

adopting the best practices as followed in different High courts. It was suggested that following practices may be adhered by the High courts:

1. There should be classification and sub-categorization of writs. Classification of writ would help in prioritization and speedy disposal of writ petition.
2. Format of writ petition filed under Article 226 of the Constitution of India may be as per the Rule 23 of Chapter X of the High Court of M.P. Rules, 2008.
3. Check List of High Court of Judicature at Hyderabad may be followed by other High Courts.
4. The practice of processing the writ petition should not more than 3 days from the date of presentation.
5. There may be uniformity in court fee structure.
6. Caveat format as provided in the High Court of M.P. Rules 2008 may be adopted.
7. Advance copy should always be served upon by the other party.
8. Court at the first instance should look for possibilities of settlement by mediation process.
9. Interim order can claim in same petition.
10. High Court of M.P. Rules 2008 may be adopted for filing of Regular Public Interest Litigation.
11. There should be no security deposits for PIL. However, later if PIL found to be frivolous heavy penalty can be levied by the court. Separate Affidavit format should be provided for PIL as mentioned in the M.P High Court Rules. Verification of Affidavit should be adopted by all High Courts as best practice.
12. Defects, if any, in the petition should be removed by the concerned advocates only in the office premises itself and the practice for giving court files to advocates for their residence once case gets registered may be discouraged. Temporary Number or tender number may not be given to any writ petition.
13. Interim Application and Main Petition should be numbered and marked separately so as to make clear distinction between the two of them. Interim Application should never be numbered as Main Petition number so as to avoid depiction of wrong data.
14. The practice of putting synopsis can be replaced with table of index.

SESSION-4

Theme: Civil, Criminal Appellate Jurisdiction and Civil Original Side

Speakers: Hon'ble Justice Ram Mohan Reddy, Hon'ble Justice U. C. Dhyani and Hon'ble Justice Dharnidhar Jha

The team leader of group 2 commenced the session by his presentation on Civil, Criminal Appellate Jurisdiction and Civil Original Side and made following observations:

1. List of under trials cases should be maintained according to NALSA Guidelines.
2. There may be separate counters for filling civil and criminal matters. In Gujarat and Patna High Court it is already in practice.
3. Synopsis in second appeal may be dispensed with and may be replaced by list of dates as only substantial question of law is required to be raised.
4. The practice for placing of second bail application before the same judge who dismissed the first bail application may be followed.
5. Melting of similar cases may be adopted in order to avoid conflicting orders as practiced in Delhi High Court.
6. The practice of preparation of E-paper book by the registry may be adopted.
7. In Delhi High Court, recording of evidence in original civil suits is done by the judicial officers of Delhi higher judicial service who are on deputation to the Delhi High Court as Joint Registrars (judicial). This practice may be followed by the other High Courts.
8. Call for record by the High Courts should only be done after giving opportunity to the opposite party. In pending matters court should be very cautious while calling for records as it indirectly results in stay of proceedings in the trial court without any express order.
9. There should be a facility of auto-generated SMS/email to the concerned lower court whose order is under challenge.
10. Practice of sending a reminder to higher court once in six months, for pending appeals against the interim orders should be followed and the same may be reflected in the cause list. Listing software may be customized so that it automatically reflects the pendency of cases.

SESSION-5

Theme: Revisional Jurisdiction and Matters Covered U/S 482 of Cr.PC

Speakers: Hon'ble Justice Ram Mohan Reddy, Hon'ble Justice U. C. Dhyani and Hon'ble Justice R.C. Chavan

It was stated that in many High Courts writ petition under Article 227 are treated as Civil Revision. Following best practices emerged during the discourse:

1. In Madras High Court there is a practice of sub-classification of revision petition into pending matters and non-pending matters which may be followed in other High Courts.

2. Declaration in the affidavit with respect to filling of revision and appeal may be made mandatory. CIS may provide auto-checking system.
3. Court fees for civil revision in the High Courts may be waived off.
4. When there is no specific provision is provided for relief then only section 482 Cr.pc may be invoked.

SESSION-6

Theme: Listing and Mentioning of Matters

Speakers: Hon'ble Justice Ram Mohan Reddy, Hon'ble Justice U. C. Dhyani, Hon'ble Justice Dharnidhar Jha and Hon'ble Justice R.C. Chavan

The team leader of group 4 commenced the session by his presentation on Listing and Mentioning of Matters and made following suggestions which may be culminated as best practice:

1. There may be practice for giving advance notice to all parties before mentioning any matter before the court.
2. High courts follow different practices for listing of cases. Delhi High Court have exhaustive rules on listing of cases that may be adhered by other High Courts. Following types of cause list were discussed - Daily cause list, Weekly cause list, Supplementary cause list and Advanced/Monthly cause list.
3. The cause list inter alia should reflect the length/period for which the matter is pending, number of adjournments as practiced by Patna High Court, stage at which the case is for hearing.
4. Prioritization of cases in the cause lists, listing of cases during court vacations and listing of urgent cases after court hours/non-working days may be adopted.
5. No case should be left undated.
6. Practice of listing criminal matters randomly with the help of ICT may be followed.
7. Appropriate nomenclature may be used in cause list to indicate the stage of the case as followed in the MP High Court.
8. Listing should be done selectively and only those cases which can be heard by the bench may be listed.
9. There should be a specific time for mentioning. Mentioning may be made through a memo and reason should be made meticulously for preponing/postponing the case. M.P. High Court rules comprehensively deals with mentioning matters which may be followed by other High Courts.
10. Matters that are not notified may be mentioned before divisional bench-I. However, the mentioning of notified matters may be made before the concerned court.

SESSION-7

Theme: Adjournments and Backlog of Cases

Speakers: Hon'ble Justice Ram Mohan Reddy, Hon'ble Justice Dharnidhar Jha and Hon'ble Justice R.C. Chavan

The Hon'ble Justice Ram Mohan Reddy commenced the session by explaining meaning of backlog of cases. The best practices that came out during the discourse are as follows:

1. Bombay High Court has rules on adjournments that may be followed by other High Courts as codification of these rules serve guidelines to the litigants and lawyers.
2. Adjournment should be treated as an exception and may be granted on discretion of the judge. Oral adjournments may also be permitted after considering the urgency.
3. Part heard cases should be listed on priorities and adjournment may not be granted.
4. In many High Courts the committees are constituted to deal with the backlog of cases. The backlog cases can be disposed of by fixing a timeline and all similar cases can be grouped together.
5. There is need to ensure the case flow management for backlog of cases.
6. A particular day may be allocated as per convenience of judge to deal with dealing 10 year+ cases. ADR mechanism may be encouraged for the disposal.

SESSION-8

Theme: ICT and Process Reengineering

Speakers: Hon'ble Justice Ram Mohan Reddy, Hon'ble Justice Dharnidhar Jha and Hon'ble Justice R.C. Chavan

The team leader of group 6 commenced the session by his presentation on ICT and Process Reengineering and suggested the best practices. It was emphasized that ICT is the best mechanism for storage, archiving and retrieving the data. Best practices emerged from the discussions are as under:

1. ICT enhances the capacity of Bar and Bench. The advocate(s) should share their email address and mobiles numbers for speedy service of summons or notices.
2. There may be an e-post services and E-post integration.

3. There may be an E-Court Module, an E-Office and E-audit.
4. There may be a facility for online Bail application.
5. There may be paperless court in every High Court as it is there in Delhi High Court.
6. Cause List should be in Digital form and printing of cause list should be dispensed with.
7. There may be a case tracking system that benefits the stake holders of the court.
8. There should be Integration of ICT with various departments.
9. Kiosks may be set-up in High Court premise enabling e-stamps. Print option in the E-Kisoks should be made available in all High Courts.
10. There should be an email ID through which notice can be send to the government officers.
11. Official website of High Court should display all details relating to the case so as to make the system more smooth and transparent. There should be an internal search portal.
12. There is a need to do away with manual registers and maintained e-registrars with backup facilities.
13. There may be facility for digital signature for advocates to facilitate e- filing. In e filing the petition and other documents should be bookmarked.
14. There may be a separate e-court fee counter and central filing section.
15. Facility for file tracking with the help mobile phone may be provided.
16. SMS alerts may be given to remove defects in the petitions.
17. If possible documents may be called electronically. Mobile application may be used for checking the case status.
18. Training for operating ICT should be provided to all stakeholders.

The conference was concluded with the vote of thanks to the Resource persons as well as to the participant (Registrars).