

PROGRAM REPORT

NATIONAL JUDICIAL ACADEMY



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EAST ZONE REGIONAL CONFERENCE ON OPTIMIZING QUALITY AND EFFICIENCY IN JUSTICE DELIVERY: CHALLENGES & OPPORTUNITIES

21 & 22 December, 2019

The National Judicial Academy (NJA) in collaboration with the Orissa High Court and the Odisha Judicial Academy (OJA)

The National Judicial Academy (NJA) in collaboration with the Orissa High Court and the Odisha Judicial Academy (OJA) organized a two day East Zone Regional Conference on the theme “Optimizing Quality and Efficiency in Justice Delivery: Challenges & Opportunities” from 21–22 December, 2019 at the OJA, Cuttack (Odisha).

The Regional Conference was designed to provide a forum for exchange of experiences, knowledge and dissemination of best practices from across the cluster of High Court Jurisdictions in the eastern region; and among the hierarchy: to accentuate the experience of familial community between High Courts and Subordinate Court Judicial Officers: re-visiting established and imperatives norms of the constitutional vision of justice; role of a judge in Constitutional Democracy; Enhancing Access to Justice through ICT and Court and Case Management. The Conference also deliberated upon the Fiscal and Budgetary Planning, and on Cadre Management at the level of the District Judiciary.

About 108 Judges (Justices of High Courts, Registrars, Principal District Judge and Chief Judicial Magistrates) from High Courts of the East Zone-I viz., High Courts of Chhattisgarh; Jharkhand; Patna and Orissa participated in the Conference. The Conference was divided into 05 sessions over the duration of 2 days on following subjects.

Session 1:

Constitution Vision of Justice

Session 2:

Being a Judge-

Role of a Judge in Constitutional Democracy; and
Nurturing Public faith in Judicial Process

Session 3:

Assess to Justice-

Information and Communication Technology in Courts;
Court and Case Management; and
Role of Judge in Promoting ADR

Session 4:

Cadre Management in District Judiciary

Recruitment Process: Aptitude Test;
Identifying and Filling of Vacancies; and
Human resources/manpower planning

Session5:

Fiscal and Budgetary planning for District Judiciary

Planning for the next Fiscal;
Infrastructure Issues; and
Optimal Utilisation of allotted Funds

Session 1
Constitution Vision of Justice
&

Session 2
Being a Judge-
Role of a Judge in Constitutional Democracy; and
Nurturing Public faith in Judicial Process

Panel
Justice A. Muhamed Mustaque
Justice Ashutosh Kumar
Justice S. K. Sahoo

Chair
Justice B. S Chauhan

In the sessions dedicated to constitutional vision of justice and being a judge, the panelist began with a note of caution for judges by pointing out the importance of “what a judge should not say and what a judge should say” in the course of performing their duties as a judge. Thereafter, panelists initiated the discussion on the powers of the Supreme Court, the high courts and the subordinate courts within the framework of the Constitution of India. Attention was drawn to relevant provision of the constitution, code of civil procedure and code of criminal procedure to draw comparison and to highlight that subordinate courts are quite powerful so far as judicial system in India is concerned. Citing landmark judgements and important provisions of the constitution, the scope of justice within the parameters of the constitutional scheme, rule of law and the role of judiciary in protecting fundamental rights was explained. It was stressed that the provisions of law must be interpreted in such a way that sanctity of the constitution remains intact. In the end, participants were asked to share their experience and views on role of a judge in constitutional democracy and how they can build public trust and confidence in judicial process.

Session 3
Assess to Justice-
Information and Communication Technology in Courts;
Court and Case Management; and
Role of Judge in Promoting ADR

Panel
Justice M. Mohan Shrivastava
Justice Sanjeev Sachdeva
Justice A. Muhamed Mustaque

In the session on access to justice, the panelists pointed out that a technologically empowered judge can do speedy justice. The importance and power of technology in courts as an effective tool in speedy dispensation of justice was highlighted through various examples. The introduction of paperless courts, e-system, video conferencing and digitization of court records in Indian courts and its impact on overall improvement in administration of justice was discussed and explained. Practical usage of technology and its features on digital platform were presented through practical demonstration and how the judges can utilize ICT in their daily work was also explained. While discussing electronic evidence, some videos were played in the session to emphasise how important digital evidences are and how it can help courts in speedy disposal of a case with utmost accuracy. Use of artificial intelligence in courts and for litigants was mooted as a way forward. It was emphasized that to bring transparency, reduce pendency and for speedy justice, information technology must be introduced in all courts and must be carried out on a daily basis.

Session 4

Cadre Management in District Judiciary-
Recruitment Process: Aptitude Test;
Identifying and Filling of Vacancies; and
Human resources/manpower planning

&

Session 5

Fiscal and Budgetary planning for District Judiciary-
Planning for the next Fiscal;
Infrastructure Issues; and
Optimal Utilisation of allotted Funds

Panel

Justice Sanjay Karol
Justice Dipankar Datta
Justice P Sam Koshy
Justice A. Muhamed Mustaque

Chair

Justice Aniruddha Bose

In the sessions dedicated on cadre management and fiscal & budgetary planning in district judiciary, it was emphasized that judges in charge must strive towards making the system more transparent, functional and there should be maximum utilization of resources available at their disposal. Various challenges and hurdles in effective administration of justice and access to justice such as corruption, lack of support from executive, lack of proper training etc were discussed. It was stressed that the root sources of corruption in the judiciary must be looked into. A reference was also made to India Justice Report, 2019 (IJR, a Tata Trust Publication: New Delhi) to highlight some of the pertinent issues dealing with corruption. District zone wise training at micro & macro level for staff and bar was also mooted as a way forward to improve administration of justice and to build public trust and confidence in the justice delivery system.

A fundamental question was raised as to whether judges should be involved in the recruitment process and if so do they even possess the required skills to do so? In continuation to the same, a pertinent question was raised whether, district judges/registrar are trained enough to do fiscal and budgetary planning? Idea of associating fiscal experts in budget planning and recruitment experts in recruitment process was deliberated upon. It was highlighted that a good amount of judicial time is invested in non-judicial work and the same leads to overburden of work. Various responses came up from participant judges as to how they are working on these issues. Referring the Malik Mazhar Sultan guidelines, it was pointed out that whether judges are competent to conduct recruitment process must be looked into, however, at the same time it cannot be left out for the government as it may not be conducive to justice. While referring the pendency figures of the supreme court, the high courts and the subordinate courts, it was emphasized that in any case the quality must not be compromised because of the quantity. Lack of full strength in high courts was pointed out as major cause of pendency. In later part of the session, a reference was made to judgement of the supreme court in (2013) 4 SCC 540; Tej Prakash Pathak v. Rajasthan High Court and the difference between recruitment process and selection process was explained. In the end, participants shared their experience and challenges with respect to cadre management and fiscal & budgetary planning and also how they are dealing with these issues in their respective jurisdictions. The conference concluded with a vote of thanks.