

NATIONAL JUDICIAL ACADEMY



[CEEP-1 P-1113 to 1122]:

Court Excellence Enhancement Programme - I

(28th - 30th Sept. 2018)

PROGRAMME REPORT

PROGRAMME COORDINATORS:

Mr. Rahul I. Sonawane

Object and Background of the Seminar:

The National Judicial Academy (NJA) organized a three day Court Excellence Enhancement Programme - I from 28th - 30th September, 2018 at the NJA Bhopal. Court Excellence Enhancement Programme (CEEP) was conceived by the Academy in the year 2010 and has been favourably rated as a useful programme for judicial officers and other stakeholders of the justice delivery system. Hence this programme was revived with a view to bring together the several stakeholders, enable comprehensive deliberations and discussions, and provide a forum for identifying challenges and constraints to efficiency and evolve standard working models for delivery of quality justice. This was the first of two cluster programmes scheduled this academic year. The programme sought to develop a comprehensive Court Excellence Plan for enhancing qualitative and timely justice through harnessing the synergies of various stake and duty holders in the system. An action plan is envisaged to be developed, which would identify areas calling for systemic improvement. The participant High Courts for this first cluster of programmes were – Allahabad, Bombay, Calcutta, Chhattisgarh, Delhi, Gauhati, Gujrat, Himachal Pradesh, Hyderabad, Jammu & Kashmir, Jharkhand and Karnataka.

Session 1

Assessing and Enhancing Court Performance

Speakers *Prof. G. Mohan Gopal, Justice R. C. Chavan, Justice Ravi Tripathi & Justice Vasanti Naik*

Workshop was commenced by Additional Director of The National Judicial Academy, Bhopal Prof. D. P. Verma, extending a warm welcome to all the resource persons as well as to the participants followed by a brief introduction of the speakers. Prof. G. Mohan Gopal then started his presentation. He said NJA is an institution that has ‘knowledge for Justice’ as its main objective. He emphasized that running a

Court is a team game. A court is a judge acting judicially but a judge cannot act judicially without litigant, bar and ministerial staff in the system. He compared activity of a court to an orchestra where conductor and musicians cannot perform without each other. Therefore, the idea behind this programme is to bring all the stakeholders in the justice system together under one roof to discuss how they can contribute to the excellence of their own court. He concluded by saying that ‘Court exists for the litigants, not that litigants are for the Courts. Therefore, it is our responsibility to see that common litigant gets the justice.’

Justice R.C. Chavan then took over stated that our (court) system is intimidating, it does not deliver results within time and that we allow the system hijacked by wrongdoers. Mostly, those who proclaim faith in the system are all crooks and criminals because even after conviction they have faith that system will do something for them. It is time for all of us to wake up and ensure that the system works for the common man. For that to be done, first we should know where we stand and then find a way that works best to enhance the quality of your own court functioning by mutual discussion. When a stakeholder in a court considers that it could be done in his own capacity, 90% of things would be solved without external aid by simply changing the attitude.

Thereafter, Justice Ravi Tripathi took charge and stated that the purpose of this programme is to end the blame game. Within the framework with some new ideas and change in attitude one could always improve. It does not need grant from the High Court or the Supreme Court. One must have that burning sensation towards his own work, for people in the society to discharge their duties effectively. This is the purpose of organizing this seminar.

Justice Vasanti Naik started her speech by stating Court is an institution setup by the government for settlement of disputes by legal process and in accordance with the rule of law. The role of the courts is to uphold the rule of law. There is no definition or bench-mark of an excellent court. We have to strive and work on certain areas for enhancing the performance of the Court. She emphasized ‘justice delayed is justice denied’, but our Courts are infamous for huge pendency of cases. This programme is conducted for the performance of the Court as a whole and not the judge alone. She emphasized that leadership quality of a judge matters much in the better performance of a Court.

The session was concluded by Prof. G. Mohan Gopal urging all the participants to strive for providing justice to the poor and needy peoples.

Session 2

Discussion on Court Excellence Indicators and Model Court Plan

Chair: *Prof. G. Mohan Gopal, Justice R. C. Chavan, Justice Ravi Tripathi & Justice Vasanti Naik*

The session commenced by showing a video clip on coordination to emphasize the importance of team work. Then, Prof. G. Mohan Gopal initiated the discussion by asking the participants as to what are the requirements of team work and court excellence. The participants replied saying that it includes dedication and commitment to shared idea; sense of belongingness; commonality; trust and sincerity; mutual understanding; hard work; unity and devotion; sharing the knowledge; no place for ego etc. He said that Constitution of India gives an important role to the legal system as a whole. Article 39-A talks about role of the Court which is to Promote Justice in a legal system that applies to every person whether Judges, Advocates, Staff, Litigants or even Citizens. Justice is the first goal of the republic. Article 22 (1) ensures that every accused gets a legal practitioner to defend his rights and liberties. The Constitution

gives centrality to legal practitioners and judges. Every decision of a Court must defend, promote and protect the Constitutional values. Then he discussed seven areas of Court Excellence viz. Leadership and Management; planning and policies; resources; proceeding and processes; client need and satisfaction; affordable and accessible court services; and public trust and confidence. These are the indicators of a model court or an excellent court. Every stakeholder should see that their court performs to the fullest extent. Justice R. C. Chavan and Justice Ravi Tripathi added to what is already said by Prof. Gopal and emphasized that model court should be such that one should feel good to visit a court.

Session 3

Break-out Group Discussion (Duty-holder wise)

Stakeholders were divided into 4 groups viz. Judges, Prosecutors, Advocates and Ministerial Staff and each group was instructed to fill a template through discussion among themselves. Each group was requested to discuss and suggest the measures for the improvement in the performance of the court and their group can contribute to it and to suggest how they can modify their functioning for improvement of functioning of other duty holders.

Session 4

Presentation by Participants (Duty-holder wise)

Chair: *Justice R. C. Chavan, Justice Ravi Tripathi & Prof. G. Mohan Gopal.*

One representative from each group of the duty-holders made presentation on the challenges faced by them and gave suggestions to improve performance of the courts and Resource Persons shared their thoughts and ideas on the same. Important challenges as well as suggestions from each group are summarized below -

1. Judges/Judicial Officers -

- Challenges faced-
 - Huge pendency.
 - Inadequate supporting staff.
 - Infrastructure constrains like gadgets.
- Suggestions-
 - Motivation empathy and H.R. skills from ministerial staff.
 - Training should be given to ministerial staff in context of work profile and human interface.
 - Target oriented appraisals.
 - Amiable and harmonious treatment for advocates and Public Prosecutors.
 - Sensitization in respect of human issues.
 - Prosecutor must ensure prior interaction/conference with witness before he/she deposes in Court.

2. Public Prosecutor -

- Challenges faced-
 - Hostile witnesses.
 - Lack of witness counselling room adjacent to the court.
 - Summons not duly served.
- Suggestions-
 - Judicial officers must avail all remedies up to issuing of proclamation for securing presence of witness.
 - Proper opportunity should be given for production of documents.
 - Ministerial staff should properly manage the cases.
 - Unnecessary adjournment should be avoided.

3. Advocates -

- Challenges-
 - Court infrastructure including rooms, sitting arrangements, steno and staff.
 - Entry of unauthorized persons.

- Delay in uploading evidences and Court order on Court website.
- Suggestions-
 - Ministerial staff should not adopt any illegal practice in the Court.
 - Serving advance copies of pleadings, ruling etc.
 - Fair submission should be made by prosecutors in the court
 - Judicial officers should be fully prepared for every case.

4. Ministerial Staff -

- Challenges-
 - Work load.
 - Listing of cases.
 - Infrastructure problem.
- Suggestions-
 - Introduction of training programme for staffs.
 - Listing of cases should be bases on Priority and criticality.
 - Adequate support from Judicial Officers and other stakeholders.

Session 5

Open Discussion: Best Practice on Developing Court Excellence Enhancement Plan

Chair: *Prof. G. Mohan Gopal, Justice R. C. Chavan, Justice Ravi Tripathi & Justice Vasanti Naik.*

Prof. G. Mohan Gopal initiated the discussion stating that judge is a captain of a Court and the role of a captain is to make understand the nature of the game to the team. The Judge is the advocate of the Constitution. He stated that theoretically advocates/lawyers are officials of the Court but at individual level the only thing a lawyer want from Court is the relief that his client wants, whereas prosecutors are for obtaining a conviction. So, ultimately only judges are left to protect the Constitution. He mentioned three types of truth based on Gandhi's philosophy viz. first God's truth which we cannot access, second

man's truth based on which one could not be punished and third law's truth where conclusion emerge with strict application of evidence Act based on which punishments are given. Thereafter, suggestions regarding the practices that could enhance the Court Performance from all stakeholders within their individual capacity was discussed. Some important best practices emerged from the discussion are – Grouping of Cases, Special Cause List system, Summons/warrants monitoring systems etc.

Session 6 & 7

Break-out Group Discussion (Court wise)

The participants were divided into 12 groups court-wise and they were asked to prepare a realistic Court Excellence Enhancement Plan for their respective Courts and also set 5 promissory steps/achievable objects which they would implement and strive to achieve in their respective courts for next years.

Session 8

Court wise Presentation on Developing Court Excellence Enhancement Plan

Chair: *Justice R. C. Chavan, Justice Ravi Tripathi & Prof. G. Mohan Gopal.*

One member from each of the groups was supposed to make presentation on the Court Excellence Enhancement Plan prepared by them. In this session we could conclude only three groups' presentations and discussions thereon. Those were the presentations made by Allahabad High Court Team, Himachal Pradesh High Court Team and Assam High Court Team.

Session 9

Court wise Presentation on Developing Court Excellence Enhancement Plan

Chair: *Justice R. Y. Ganoo, Justice Ravi Tripathi & Prof. G. Mohan Gopal.*

Remaining nine presentations and discussions thereon were concluded in this session. All the 12 Court Excellence Enhancement Plans dealt with some common aspects like henceforth, proper listing of cases will be made, help desk for litigants and witnesses will be made available, complaint box will be made available, ADR methods will be effectively utilized for effective disposal of cases, coordination between the stakeholders will be encouraged by organizing periodical meetings and addressing the grievances etc. Five promissory steps/achievable objects which they would implement and strive to achieve in their respective courts for next years as set by the teams are summarized as –

- They will try to reduce 5+ pendency at least by 40% till next year by prioritizing such cases.
- They will try to make their courts more litigant friendly by deploying at least one staff member to act as PRO or Help Desk for litigants and witnesses in addition to his routine work.
- They will try to enhance the work culture amongst the stakeholders.
- They will set up process/summons/warrants monitoring system to properly monitor the effective services of processes. The assistance from Prosecution wing and police authorities will be taken in this regard.
- They will maintain cordial relations between the Bar and the Bench.
- They will take special care of cases relating to women and children as well as of senior citizens.
- They will try to organize special training programmes for ministerial staffs in their courts to make them aware of their responsibility and to guide them in their work.
- They prioritize the cases of under-trial prisoners.

- They will try to provide basic facilities, which can be made available without asking from any special grants and permissions, to litigants and witnesses such as Chairs, Drinking Water etc.
- They will strive to avoid unnecessary adjournments and discourage the adjournment culture in their courts.
- They will deliver judgements promptly and will make it available for litigants online and also in record.
- Will organize periodic meetings with all the stakeholders to discuss the problems/issues and redress the same at the earliest.
- Will conduct periodical inspections.
- Will try to utilize services of ADR whenever possible. Etc.

Resource Persons provided their inputs on the said Court Excellence Enhancement Plans and shared their experiences. Prof. G. Mohan Gopal concluded saying that this programme is devised to bring all the stakeholders together and get their best for the performance of Court as an Institution.

Session 10

Suggestions and Way forward

Speakers: *Justice R. Y. Ganoo, Justice Ravi Tripathi & Prof. G. Mohan Gopal*

Justice R.Y. Ganoo started this session and suggested some methods for enhancement of Court performance in addition to the points raised by participants. He said participants should change their attitude towards the litigant public. This will solve most of the problems. Prof. G. Mohan Gopal suggested that all the groups should take the Court Excellence Enhancement Plans prepared by them to their respective headquarters and revise it by discussing it with Higher Authorities like Principal District

Judges and thereafter, they should prepare final court excellence enhancement plan and send the same to the National Judicial Academy, Bhopal. Justice Ravi Tripathi gave his insights for the betterment of Court. Additional Director, NJA Bhopal concluded the session as well as seminar by expressing vote of thanks.
