

# **Access to Justice: Court and Case Management**

**By: Justice U.C. Dhyani**

- **We, the people of India**
- **People are most precious assets  
(Human Resource Management)**

# STAKE HOLDERS

- JUDGES
- LAWYERS
- LITIGANTS
- PROSECUTORS
- WITNESSES
- STAFF OF THE REGISTRY/COURT

- Jargons
- Management's Humble ancestry

- **Three Levels of Management**

- **TOP**

- **MIDDLE**

- **BOTTOM**

# Three Tiers

Conceptual

Human

Technical

- **Mind Management**
- **Time Management**
- **Stress Control**

- **Motivation**
- **Communication**
  - **Knowledge**
    - **Skills**
    - **Attitude**
- **Leadership and Team Building**



- **Mc Gregors Theory**

**X & Y**

- **Abraham Maslow**

# Nani Palkiwala

Is this the cost of freedom we  
fought For?

To many laws and too little justice  
Too much administration and too  
little governance.

- **Bentham**

**Public Servants are like  
Defective Clocks, Mad Caps,  
Shake is Shock**

# • Peter Pan

Public Servants are  
born with Horns on  
head & thorns in the  
Chest

- **Ego States**

**P---Parent**

**A---Adult**

**C---Child**

**Peeling of Ego States is  
Psychological Nudism**

• **Article 227**

• **Article 235**

**A B C D**

**Docket exclusion**

**Docket explosion**

**• Budgeting for the judiciary is something like making a walk with a tiny stone in your shoe.**



- **Judiciary may Seem like a bottomless Pit because it always seems to be asking for more money without explaining exactly what it will do with the extra money.**

- **PERCEPTS OF LAW**
- **LAW IS NOT A CLOISTERED VIRTUE**
- **PETER DRUCKER**
- **Renu v. D. J. Tees Hazari**
- **Magna Carta**
- **Professionalism**
- **Benjamin Cardozo**
- **Make Things Happen**

A Chief Justice of the New York State Court of Appeals on his first appointment as Chief Judge proudly showed his wife the Chair in the Court room of his illustrious predecessor-in-office.....

**Cont.....**

....of nearly half a century ago  
Chief Justice Benjamin  
Cardozo (a legend amongst  
Judge of the United states)  
and he said to his wife in a  
reverential whisper – “see-  
this is Cardozo’s chair and this  
is where I will sit”

His wife responded not very reverentially: “Yes—and after fifty years and five more chief Justices it will still be Cardozo’s chair!”

**CRISIS  
OF  
CREDIBILITY**

**A patient visited a Doctor's clinic and asked the receptionist- I want to see a specialist of eyes and ears.**

**The Receptionist Said- “There are doctors of ear, nose, Throat (ENT) and there are doctors of eyes. There is no specialist who treats both the eyes and ears. But then why are you in need of such a doctor?”**



**“The patient replied-  
these days I do not see  
what I hear and I do not  
hear what I see”**

**E.M.S. Namboodripad**

**v.**

**T. Narayanan Nambiar**

**1970 (2) SCC 325**

- He said that Judges are guided and dominated by class hatred, class interests and class prejudices and where the evidence is balanced between a well dressed pot-bellied rich man and a poor ill-dressed and illiterate person the judge instinctively favors the former, the Chief Minister alleged.

- **Arbitrariness**
  - **Bias**
  - **Prejudices**
- **Jaundiced Eye**

- **Morals and Ethics**

- **Promptness is Vital**
- **Follow Precedents**
  - **Strictures**

- **Courts are the Slaughter houses of reputation (on cross examination)**
- **Judge: Rastus (Negro) Do you know what happens to you if you tell a lie?**
- **Negro--- I go to hell and am burnt forever**
- **Judge--- What happens to you if you tell the truth**
- **Negro--- I loose the case!**

- **Jurimetrics-----Have a computer machine, feed the data of case law and get the answer?**
- **How can you trust on the moral sense of a Machine?**



- **Hearing without determination**
- **Determination without hearing**

# CROSS EXAMINATION

- Counsel: Is it a fact that you are sharing your apartment with a woman.
- Witness: Yes, that is a fact.
- Counsel: I put it to you that woman is not your wife.
- Witness: No she is not my wife.
- Counsel: I put it to you that woman is not your Mother.
- Witness: No she is not my mother.
- Counsel: she is not your daughter either.
- Witness: She is not my daughter.
- Counsel: Nor your sister.
- Witness: No, She is not my Sister.

- At this point the counsel stated that he has no further questions to ask. While witness was leaving the witness box the judge asked him, “Who is that woman?”
- Witness: She is my grandmother!

# BANGALORE PRINCIPLES OF JUDICIAL CONDUCT

- Judicial Independence
- Impartiality
- Integrity
- Propriety
- Equality
- Competence and Diligence

# Judicial Temperament

- Neutral
- Impersonal
- Detached
- Disinterested
- Dispassionate
- Not according to some personal  
Disposition

**Thank You**