

# **Legal Aid & Public Trust : Enhancing User Friendliness of Trial Courts**

**By**

**Justice Ved Prakash**

**Chairperson**

**Law Commission of Madhya Pradesh**

# Need for Discussion On User Friendliness Of Courts And Trust Of The Public In The Justice system?

- Concept of quality of goods or services and user friendliness of the establishments basically pertains to the **commercial world**.
- In common parlance quality of goods or services and user friendliness of systems / establishments normally means quality as perceived by the customer/ user, with many factors contributing to it.

# Need for Discussion On User Friendliness Of Courts And Trust Of The Public In The Justice system?

- The rapid changes brought about by ICT has raised the level of awareness of the common man about performance of various organs of the governance including judiciary.
- Evaluation regarding qualitative and quantitative performance of processes , systems and institutions by social audit is the latest trend.
- The expectations of the users of the justice system are growing, which means that there is a constant need to improve functionality of the courts.

# Few questions

- Whether imparting justice by the courts is a service ?
- Whether the courts are service providers with exclusive domain control ?
- Whether courts are obliged to render quality service ?
- What should be the quality parameters regarding justice system ?

# Courts : Public Trust & Accountability ?

Judges have their accountability to the society and their accountability must be judged by the conscience and oath to their office i.e. to defend and uphold the Constitution and the laws without fear and favour. P. N. Duda v. P. Shiv Shanker & Ors., (1988) 3 SCC 167

- The confidence of people in the institute of judiciary is necessary to be preserved at any cost. That is its main asset. Loss of confidence in institution of judiciary would be end of Rule of law. **Rajendra Sail Vs. M.P. High Court Bar Association & Ors** (2010) 8 SCC 281

# Quality Parameters Regarding Justice System ?

- The three areas:
  - (1) The Process,
  - (2) The decision,
  - (3) Customer service

# Customer Service

- The attitude of serviceability.
- Courteous and objective treatment: The participants to the proceedings civil or criminal deserve to be treated consistent with human dignity regardless of their role in the proceedings. Everyone is entitled to be treated with respect.
- Advice and guidance,
- The availability of basic amenities

# The Processes :

- **Accessibility**
- **Affordability**
- **Impartiality:** The proceedings have been transparent and the judge has acted **independently** and **impartially**.
- **ADR :** Parties are encouraged to settle the disputes amicably by ADR modes, where legally permissible.
- **Efficiency and appropriateness:** the judges should operate with skill, efficiency, promptness and professionalism.



# The Decision:

- Legality
- Clarity with reasoning
- Responding to the issues raised,
- Well structured and linguistically / typographically correct.
- Comprehensible.
- Enforcement / execution

# Role of the Judge

- Imparting justice wrapped in all these quality features to a considerable extent depends upon the role played by the judge in the process of imparting justice who with his skills and attitude can bring out a qualitative difference.
- “.. an alert judge actively participating in court proceedings with a firm grip on oars enables the trial smoothly negotiating on shorter routes avoiding prolixity and expeditiously attaining the destination of just decision. *“Makhan Lal Bangal v. Manas Bhunia and others AIR 2001 SC 490*”

# User Friendliness : Where we Stand ?

- What do users expect from the justice system?
- Is the justice system performing to expectations of users?
- What should be the Evaluation Mechanism.

# Trust & User's Friendliness : Evaluation

- **Conventional Mode** : Conventional mode of evaluating the work of the trial Court is the inspection by the District Judge / Portfolio Judge from time to time.
- **Independent Expert evaluation**: the evaluation of the operations of the courts by way of research on user friendliness and the trust of the users in the courts.
- **User evaluation / feedback-**: Objective opinion about user friendliness on the basis of the personal observations of the user .

# User Evaluation / Feedback

- User's **satisfaction surveys** should be not with regard to the outcome of judgements but with regard to the trust in the system, processes and user friendliness of the process.
- In European countries **User's satisfaction surveys** are quite common and the feedback is being used for developing swift and user friendly system which enjoys the confidence of the users .

# User Evaluation / Feedback

- In Ireland the Courts Service's Customer Service Strategy rests on four main elements: the Customer Charter; the Customer Action Plan; court user groups; and feedback on service delivery using various techniques, viz. information from comment cards, court user and "internal customer" surveys, mystery shopping, and individual customer comments / formal complaints to the Quality Customer Service Officer.

# The Way Ahead

- The judicial system is passing through a critical phase .
- We need to introspect and have a fresh look at our strategy because despite all the efforts including use of ICT the pendency during past 3 years has increased by more then 15% and so the delay in imparting justice.

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THANKS