

**Workshop for Senior High Court Justices: Business Process Re-engineering**  
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The National Judicial Academy (NJA) organized a two day online Workshop for Senior High Court Justices on Business Process Re-engineering on 20<sup>th</sup> & 21<sup>st</sup> February, 2021. The workshop was conceived to provide a platform for participant justices to deliberate upon, share experiences, insights on following themes: Fundamental Rethinking for Result Oriented & High Performing Courts; Organizational Promptness and Change Management; Integration of Technology in Court Processes & Procedures; and Harmonizing Driving Force and Restraining Force through Process Analytical Techniques in Courts. The workshop aimed to facilitate discussion amongst participant justices on various aspects of process re-engineering and improvement for better administration of justice.

**Major Highlights and Suggestions from the Workshop**

**Session 1: Fundamental Rethinking for Result Oriented & High Performing Courts**

The speaker commenced the session by discussing expectations of litigants from courts and the scope of judges' role in the management of courts. It was explained that major litigations are from State because there are many rights guaranteed by State and many litigations are filed for enforcement of guaranteed rights. For instance there is a right to clean water guaranteed by the Constitution of India and it has to be enforced by the local bodies under State but there is major challenges in enforcing this right. Still about 50% of sewage water is discharged into water bodies and it is a punishable offence. There are innumerable mountains of garbage in the country which are continuously emitting greenhouse gases and pollutants. People are getting diseases from such adverse environmental situation. The courts have to deal with such crucial matters and process reengineering plays an important role in improving the performance of courts. In the context of courts, process reengineering involves changes in the behavior of stakeholders and improving court processes towards high performing courts. The speakers highlighted the impact of National Judicial Data Grid and National Court Management System in improving court processes and in expediting the disposal of cases. Process Reengineering involves implementing automation, e-filing, e-services, digital research tools, online availability of orders and video conferencing for better justice delivery system. Major areas for improvement are curtailment of adjournments, proper service of summons, improving registry and reducing procedures for minimum hearings in a given case. The speakers emphasized importance of encouraging e-filing and electronic process serving which improve functioning of courts and reduce chances of corruption and unnecessary management of paper files. All reports of police and defense documents should be filed electronically in magistrates' court. It will save space in courts. This will also help in speedy disposal of appeals and revisions as papers can be electronically transferred from trial court to appellate court.

The management expert explained the origin of concept of process reengineering in business sector and how that can be adopted in judicial sector. The business process reengineering involves complete overhaul of an organization. Similarly judiciary has to respond to various challenges and should engage in changing fundamental old processes. The principles of business process reengineering include focusing on result and not on process, standardization of processes and removing archaic processes, capturing data at the point of origin and not to create multiple set of data at different places. Further the decision making should be decentralized and decisions must be made by responsible and accountable persons who execute work. Applying the principles of process reengineering on judicial process, the management expert said that the system is focusing on process and not on result by allowing adjournments and delaying the case. He further added that frontline process servers to be involved in change management to improve functioning. The data should be shared seamlessly across various stakeholders and courts for speedy processes.

## **Session 2: Organizational Promptness and Change Management**

The speaker commenced the session by discussing need for change, identifying areas for change and managing change. The speakers shared their experience of bringing change in the system by computerization and how they have engaged stakeholders in developing a common understanding for change and implementing it. The implementation of ICT tools in filing counter in Delhi High Court was discussed in this regard. The speakers discussed resistance to change in courts and how reports on bringing change are neglected. Such changes happen through the process of internal mechanism where the court itself feels that a relook in the processes is required. The speakers emphasized that there will be resistance to change and that should be reduced through building consensus among all stakeholders. The consensus of all stakeholders is very important as change require assistance and support of all stakeholders. The speakers emphasized that senior judges should co-opt other judges who will stay for longer period. Identifying areas for change and identifying judges and stakeholders who will carry out the change in long term are necessary strategies for change management. It was suggested that one may look for continuity in change management rather than adhoc solutions which fade away soon. The change should be sustainable at all levels. The speakers emphasized that judges should begin with small initiatives such as ensuring whitewashing of court building, clearing old and redundant documents, video conferencing for expert witness and how to prevent witness from turning hostile.

The speakers discussed various changes brought in the processes of Karnataka High Court with leadership, understanding and assessment of need for change. These major changes include reforms in the process section, implementing same nomenclature to cases as suggested by E-Committee, training of peons who become clerks and using their skills and qualification, use of specific font to reduce printing ink cost, changes on website to make it user friendly, setting up of litigant friendly information kiosk in taluka courts, video conferencing facilities, establishment of e-granthalaya (library facility) and migration to Koha, amendments to rules relating to destruction of physical records and cleaning record room and making digital files of records.

The speaker emphasized upon the National Court Management System Committee at Supreme Court level has given many effective suggestions for better court management and these suggestions should be implemented by all high courts. The initiatives taken by E-Committee of

the Supreme Court of India in implementing technological changes in courts were discussed. The management expert appreciated the initiatives taken by speakers and sharing of their experiences. He said that internalization of the drive to change is the starting point of change. The ability to identify the problems is another important step in change management. The result oriented planning is also a key component of process reengineering. The management expert also discussed setting benchmarks, goals and gap analysis in the context of change management.

### **Session 3: Integration of Technology in Court Process & Procedures**

The session involved discussion on three key aspects including best alternatives for technology & business process enhancement in courts, identifying potential barriers to implementation of technology and artificial intelligence in judicial setup. The speaker highlighted achievements of phase II of eCourts project and threw light upon National Judicial Data Grid (NJDG), Interoperable Criminal Justice System (IOCJS), e-courts portal, video conferencing and e-filing. It was highlighted that e-filing can pave the way to paperless courts. It was pointed out that tremendous work has been done by Rajasthan High Court in updating delay reasons in approximately 4 lakh cases digitally. With regard to speedy delivery of processes and summons the use of NSTEP was suggested which enables service & tracking of summons in electronic form. Live streaming of court proceedings was also covered during the course of discussion. The potential barriers identified during the session included online payments and judicial accounting system, stamp fee, multiple physical registers & e-filing mechanism.

It was highlighted that respective courts may follow up with their state treasuries to provide for convenient payment options and making the system user friendly. It was also suggested that for ease stamp fee may be clubbed with court fee and made as a onetime fee to avoid multiplicity of payments. Further, it was emphasized that multiple physical registers must be discontinued as it defeats the purpose of digitization. On artificial Intelligence, it was mentioned that AI algorithms are used across the world in judicial setup. The AI driven research portal, Supreme Court Portal for Assistance in Court's Efficiency (SUPACE) and Supreme Court Vidhik Anuvaad Software (SUVAS) which is a machine assisted translation tool trained by Artificial Intelligence were pointed out during the discussion. The session highlighted that AI can be used for predictive technology and be used to identify and avoid frivolous cases. The session highlighted that training of staff and other stakeholders is required to change mindset to adopt technology. It was pointed out that virtual courts may be extended to the MACT Courts as well and compensation could be calculated with the help of AI algorithms. The participants highlighted that there is a need for correct data entry in the NJDG and a data center must be setup in each High Court & District. The concerns regarding privacy and data security were also highlighted.

### **Session 4: Harmonising Driving Force and Restraining Force through Process Analytical Techniques in Court: A Way Forward**

The session involved discussion on resistance to change in an organization and how to manage the same with effective leadership. It was highlighted that there is a driving force which prompts

change and restraining force which is resistance to change in any organization including judiciary and the same must be balanced through various techniques of management. The speaker pointed out various techniques to drive change while addressing the resistance. Various types of change such as tactical, transformational, evolutionary and revolutionary change was discussed in detail. Some of the reasons for resistance to change was highlighted such as feeling of loss of control, excess uncertainty, concerns about competence, more work, past resentments etc. The speaker emphasized upon Lewin's 3 step model to adopt change i.e. Unfreezing (Prepare), Movement (Implement) and Refreezing (Institutionalize). The force field analysis was discussed whereby, forces that drives change and resists change within judiciary were deliberated upon. With regard to stages in change & adoption, four stages were mentioned i.e. awareness, interest, trial and adoption. Various process analytical techniques such as brainstorming, focus groups and how they can be adopted with judicial administration to bring in change was also discussed at length.

Practical examples of Process Improvement and Process Reengineering in Courts was also highlighted by the speaker during the course of discussion. It was mentioned that it is necessary to embrace change to stay relevant, that no change can be done alone. True sustainable change can be done through team work, team empowerment and coalition. It was also highlighted that change process is a multiyear project with various milestones. Lastly, the changing context of change including volatility, uncertainty, complexity & ambiguity was emphasized upon and change management framework/toolkit & avenues beyond with regard to COVID 19 disruptions was also discussed during the session.