

# **NATIONAL JUDICIAL ACADEMY**



**Workshop for Senior High Court Justices: Business Process Re-engineering**

**[P-1248] (*Online Mode*)**

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## **PROGRAMME REPORT**

**PREPARED BY**

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## **Objective of the Workshop**

The objective of the workshop was to facilitate participant justices to deliberate upon, share experiences, insights and suggestions with a panel of distinguished resource persons on following themes: Fundamental Rethinking for Result Oriented & High Performing Courts; Organizational Promptness and Change Management; Integration of Technology in Court Processes & Procedures; and Budget Preparation & Fiscal Management: Opportunities for Improving Court Efficiencies. The workshop also aimed to facilitate discussion amongst participant justices on various aspects of process re-engineering and improvement for better administration of justice. About 21 Justices of different High Courts participated in the workshop. A brief snapshot of the scheme of the workshop spread over the duration of 2 days was as follows:

### **Day-1**

Session 1 - Fundamental Rethinking for Result Oriented & High Performing Courts

Session 2 - Organizational Promptness and Change Management

### **Day-2**

Session 3 - Integration of Technology in Court Processes & Procedures

Session 4 - Budget Preparation & Fiscal Management: Opportunities for Improving Court Efficiencies

## **Session 1**

### ***Fundamental Rethinking for Result Oriented & High Performing Courts***

***Speakers: Justice Aniruddha Bose and Justice Ram Mohan Reddy***

The session on *Fundamental Rethinking for Result Oriented & High Performing Courts* commenced with highlighting the benefits of introduction of technology in the judicial system and termed it as the biggest change in recent times. It was pointed out that a hybrid model may be considered to be more appropriate to serve the process better. The role of common law judges in delivery of justice was deliberated upon and discussed. It was emphasized that new methods of analyzing judicial process should not be ignored & the processes itself must evolve with time to make justice delivery system more litigant friendly. Importance of judicial impact study and use of modern technology to analyze & improve court performance was also discussed during the session. While discussing process improvement & process re-engineering, the concept of harmonizing the driving force & restraining force was explained. It was pointed out that driving force promotes change and restraining force resist change and therefore, the need to be little aggressive on these issues was further emphasized. The concept of process analytical technique and its potential to address access to justice issue was highlighted & discussed. Citing the current pandemic (Covid-19) situation, importance of bringing offline activity to online platform was stressed upon. Further deliberating upon the process re-engineering and its benefits, following five important aspects of re-engineering were highlighted & discussed.

- Efficiency;
- Evolution of intelligent court System;
- Assessment or Analytics;
- Simplification of process;
- And Evaluation.

The sessions concluded with discussions on importance of uniformity in procedures & jurisdiction.

## Session 2

### *Organizational Promptness and Change Management*

***Speakers: Justice Madan B. Lokur, Justice Ram Mohan Reddy and Justice A. Mohd. Mustaque***

The session on *Organizational Promptness and Change Management* commenced emphasizing on the importance of making smaller changes and rules improvement to bring any major change in the judicial system. Urgency of process improvement and to bring system up to date was stressed upon. While discussing the change management, the panelist highlighted the role of judicial academies, necessity of regular performance audits and supervision in bringing change in the system. Necessity of bringing ideas & thinking into reality and from think tank to action tank was further stressed upon. Citing John Rawls idea of justice, the concept of organizational promptness in context of justice in political economy was further deliberated upon. Further citing the Prof. John Kotter's eight steps, the concept of change management was discussed. Following eight steps in phase wise were highlighted in the session.

-Phase 1

Establishing sense of urgency

Forming a powerful guiding coalition

Creating vision

-Phase 2

Communicating vision

Empowering others to act on the vision

Planning for short term gain

-Phase 3

Consolidating improvements and producing still more change

Institutionalising new approaches

Business process enhancement in context of judicial system was deliberated upon. Various initiatives of recent times for business process enhancement such as integration & adaptation of technology, training for various stakeholders, simplification of procedures, connecting justice delivery institutions, eliminating duplication, process re-engineering were also highlighted during the session. National Framework of Court Excellence (NFCE) for assessing court performance and approaches to manage reactions to change was discussed. Prioritizing the core issues of the court

to enable reform process followed by planning for improvement and continuous refinements were highlighted as major steps to bring change. Opportunities, consultative process, training and education to stake holders for improvement was further pointed out as necessary step for Court excellence.

### **Session 3**

#### ***Integration of Technology in Court Process & Procedures***

***Speakers: Justice A.S. Oka and Justice A. Mohd. Mustaque***

In the session on *Integration of Technology in Court Process & Procedures*, it was emphasized that with technology having percolated to almost all aspects of life, if courts resist the change, it could risk becoming irrelevant. It was deliberated by the speaker that with technology at forefront the far-reaching goal of “justice at doorstep” seems imminent. The deliberations elaborated on several innovative ways to further streamline working of courts and emphasized the need for a comprehensive policy on equipping the courts with technologically advanced infrastructural edifice and human resource. Further, the significance of e-cause list, e-court fee, e-filing, e-summons, online payment of process fee and e-certified copies as a tool in expeditious disposal of cases was highlighted. Furthermore, it was stressed that for efficient functioning of virtual court, acceptance of court processes and procedures is vital. Hence, the high courts must undertake continuous training programs for stakeholders. Subsequently, the use of technologies like, block-chain, artificial intelligence (AI), machine learning, deep learning and their feasibility of integration in judicial setup was discussed. It was emphasized that artificial intelligence can be of great utility in cases where subjectivity of a judge can be dispensed with, for instance, cases relating to motor accident claims or traffic violations; on the administrative side AI can be effectively used for identifying cases of similar nature, effective roster management, identification of issues relating to delay in disposal, performance audit, seniority cum merit promotion and annual general transfers. Thereafter, certain bottlenecks were identified like, seamless internet connectivity in semi-urban and rural areas; change management and capacity building of stakeholders; data privacy and data protection; lack of institutional structure and impact evaluation. The session was concluded with participants’ deliberations on the contours of live streaming of court proceedings and the draft vision document for e-courts project phase-III.

### **Session 4**

#### ***Budget Preparation & Fiscal Management: Opportunities for Improving Court Efficiencies***

***Speakers: Justice Kurian Joseph, Dr. K.P. Krishnan and Mr. S.C. Garg***

The session on *Budget Preparation & Fiscal Management: Opportunities for Improving Court Efficiencies*, It was emphasized that the existing structure should be strengthened for the benefit

of litigants, judiciary and lawyers. It was opined that the problem of fiscal management in the judiciary involves three main issues – preparation of appropriate budget; adequate funding/allocation by the government and proper utilization of budget. The above problems are interlinked since they are related to dearth of planning and formulation of goals. The planning of the budget includes ascertainment of the needs of the judiciary and the amount required to meet such needs. It was stated that the judiciary faces certain challenges subsequent to the preparation of the budget which includes delay in disbursement of funds. The concept of ‘wicked problems of public policy’ was discussed and it was stated that justice administration fulfills all its prerequisites. The concept of charged expenditure was also discussed. It was shown that growth rate of expenditure on judiciary was lower than the growth rate of total expenditure in majority of the state budgets. Thereafter, budget estimates (BE), revised budget (RE), actual budget of various states were displayed to portray that actual expenditure of the governments is usually less than the budget estimates. Thereafter the elements of good budget system were highlighted which include medium term planning with emphasis on outcomes and outputs sought to be achieved; annual budget planning; expenditure controls for efficiency and periodic audits. It was advised that statistics related to expenditure should be released at periodic intervals for strengthen accountability. It was also highlighted that in computerization of the Indian judiciary no deeper Business Process Reengineering (BPR) exercise was undertaken and there was only automation of existing processes.

The creation of agencies for undertaking non- judicial work of the judiciary in various jurisdictions across the world was discussed .The example of HMCTS (Her Majesty Courts and Tribunals Service) of the United Kingdom was highlighted which performs various administrative functions for the judiciary. It was opined that the budgets should be linked to performance which can be undertaken through well-defined goals, appropriate performance measures; rectification of weakness and inefficiencies and presence of informative reporting systems. The suggestions for reform included in-house capacity building by enhancing the internal administrative capacity; strengthening and improving the capacity of the registry and contracting out procedural tasks. It was also suggested that a separate agency to support the judiciary in the administrative functions reporting to the Chief Justice can be created. It is emphasized that in house capacity building of three type of capabilities i.e. finance and planning; procurement; information system are required to be enhanced. It was opined that under the short to medium term strategy the judiciary can recruit serving or retired civil servants for the post of Registrar (Finance) or FA (CAO) and integrate the court managers with the senior personal. For the medium to long term, it was proposed that a general managerial cadre for the courts can be created. Moreover, two parallel hierarchies may be created Registrar General (Judicial) and Registrar General (Administration) to assist the Chief Justice in his functioning. It was also suggested that routine and procedural tasks can be contracted out similar to the system in passport services.

It was highlighted that the judiciary is afflicted by four major issues i.e. huge vacancies of judicial officers; absence of adequate infrastructure facilities; inability to digitize judicial processes and

obsolete laws. It was stated that one of the primary responsibility of the state is administration of justice which is a public good. It was also stated that the earlier the expenditure for the judiciary came under the non-plan expenditure but now the distinction of plan and non-plan expenditure has been removed. Currently, the majority of the expenditure on the judiciary is incurred by the state government. Subsequently, the central sector schemes and centrally sponsored schemes run by the central government were also discussed with examples. The speaker also gave a brief overview of the recommendations of the 15<sup>th</sup> Finance Commission for the judiciary and the various heads under which budget for Ministry of Law and Justice has been allocated under the central budget for 2021-22. The system of budget authorization was also explained in brief during the course of the session.

It was stated that interface with the government is required for receiving adequate budget for human resources, infrastructure and digitization. It was opined that the existing system of capital expenditure, planning and monitoring is sub-optimal with no “zero-based budgeting” or “performance budgeting”. The main reason for the problem was the absence of the institutional system with skilled personnel for finance, procurement and account system to assist the high courts. The judicial officers does not have the required expertise to deal with budgeting. It was opined that the precious time of judges should be spent in delivering justice rather than managing and preparing budgets. There should be designated budget and finance officer. It was suggested that a Directorate of Judicial Finance and Accounts under each High Court should be created which will handle accounts and audit. It was also suggested that either a professional or an officer from the Government may be deputed at the Chief Accounts Officer level.