

“Effective Management of Stakeholders in Justice Delivery System”

‘All we have been told before—Almost all we know – Still need to present in a different perspective’

A Presentation By:

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District Judiciary & The Promise of Securing Justice to All

- The Preamble of the Constitution of India promises to secure justice –social , economic and political to all its citizens.
- As regards dispensation of justice through courts ,the district judiciary at grass root level has a decisive and meaningful role in securing timely and quality justice through rule of law.
- Apart other things, this requires tapping the strength of all the stake holders.

Justice Delivery System-The Current Status

- ⦿ Despite various reforms introduced during last 25 years to improve the Justice Delivery System ,the end users won't see the full benefit.
- ⦿ The system continues to suffer from inordinate delays and inefficiencies.
- ⦿ Lack of feeling of belongingness among court users.
- ⦿ Lack of effective co-ordination among various stakeholders of judicial system .

Need of the Hour & What to Do ?

- Every effort is required to be made to improve - **accessibility, accountability, transparency, effectiveness, and fairness** of the justice delivery system .
- Optimum coordination and cooperation among various stake holders of judiciary is the key in bringing efficiency and fairness .

Managing Stakeholders ?

- Management of stakeholders is the harmonization and integration of activities and responsibility of stakeholders to ensure that the resources of each agency involved in the administration of justice are efficiently used in pursuit of the justice delivery.

Management of Stakeholders: Step 1- Stakeholder Analysis

- ◎ Stakeholder Analysis involves :
 - Identifying key stakeholders.
 - Assessing their role, power, influence and interests.
 - What we expect from each of the stakeholders and what are there expectations from the System.
 - How to achieve optimum co-operation from each stakeholder.

Management of Stakeholders: Step 2- Engaging the Stakeholder

- ① **Explaining** how isolated working effects quality and efficiency.
- ② **Highlighting** the benefits that such engagement will bring to the judicial system or the individuals concerned.
- ③ **Identifying Key Message** - what we need to say to persuade each of the stakeholders to engage with the system .
- ④ Also, to consider about how to win over or neutralize the opposition of sceptics

Managing Stakeholders: The Tool of Communication

- Communicating with each one in the right way can play a vital part in meaningfully engaging them with the system.
- Need to identify stakeholder's communication approach-- communications approach that is best suited to each stakeholder.
- Communications should be timely and periodical .
- It should be an exchange of ideas, knowledge and experience.
- It should be Open and transparent.
- The outcome of engagement activities should always be shared back with the stakeholders.

The Key Stakeholders- Internal

1. The Fellow Judges
2. The Court Staff / Registry
3. The Investigating Agency
4. The Prosecution
5. The Bar / Lawyers
6. The Prison Officials

The Key Stakeholders- External

1. Court users :Litigants, Victims, Accused and Witnesses
2. The Civil Society
3. The Academia
4. The Media

The Key Stakeholders- Fellow Judges

- ① Maintaining cordiality with a sprit of mutual respect .
- ① Motivating them to maintain highest standards of honesty, punctuality , impartiality and independence .
- ① Mundane issues to be resolved quickly.
- ① Sharing of responsibilities.
- ① Discouraging inter-se animosity among judges.

The Key Stakeholders- The Court Staff / Registry

- Staff / Registry happens to be the backbone of the establishment .
- Be motivated and encouraged to deal with lawyers , litigants and other court users in a courteous manner .
- Imparting training to improve the capacity.
- Issues like grant of leave , sanction of GPF adv. , promotion , pay fixation need to be resolved with promptitude .
- Disobedience/ misconduct to be dealt with in stern manner .

The Key Stakeholders- The Investigating Agency

- Quality investigation is a sine qua non for dispensation of quality justice in criminal matters.
- Need to bring the lapses in investigation to the notice of the concerned as well as superior officers .
- Need to impress that court processes are executed with utmost expedition and any laxity will not be tolerated .

The Key Stakeholders- The Prosecution

- ① Maintaining relationship of mutual respect.
- ② Stress on gradual improvement in the quality of prosecution.
- ③ Providing requisite support so that the prosecution can discharge its duties / responsibilities in a fearless and efficient manner.

The Key Stakeholders- The Bar / Lawyers

- ① The bar has a prominent role to play in the system of administration of justice.
- ① Lawyers are supposed to conduct with dignity and self respect.
- ① Mutual respect is necessary for maintenance of cordial relations between bench and bar.
- ① Being officers of the court they are expected to assist the court in determination of truth.
- ① As professionals they are bound by the professional code of conduct .
- ① 'Be firm but polite' should be the 'Mantra'.

The Key Stakeholders- The Prison Officials

- During investigation and trial the prison authorities are required to ensure that the accused / under-trial is produced before the court as and when required.
- The prison authorities are under an obligation to ensure that basic human rights of the accused / under-trials are respected .
- It should be clearly communicated that any infraction in this regard shall be viewed seriously.

The Key Stakeholders:

Court Users: Litigants ,Victims , Accused and Witnesses

- ⦿ The users are expected to maintain court decorum and conduct themselves in a dignified manner .
- ⦿ The users expect fair and dignified treatment at the hands of police officials, lawyers, court staff and Judges.
- ⦿ They expect timely and efficient dispensation of justice.
- ⦿ Victims , Accused -Protection from misbehaviour by police authorities .
- ⦿ Witnesses – Timely examination and protection from being harassed during witness examination.

The Key Stakeholders : Society

- ⦿ “ Rule of law can be established with public trust and the judiciary cannot be oblivious to changes in the society and to the needs of the most vulnerable.” Justice S.K. Kaul , Judge S.C. Of India
- ⦿ The society in general expects that disputes either civil or criminal are resolved in a timely manner and justice is done in a fair manner .
- ⦿ Still there is need to insulate against populist expectations of some vociferous sections of the society.
- ⦿ The society also expects that there is rule of law .

The Key Stakeholders : Academia

- ④ Unfortunately there has been minimal interaction between judiciary and academia.
- ④ It is high time to involve the legal academia in empirical research in various aspects of functioning of the judiciary.
- ④ The academia can share its perspective on various issues concerning health and efficacy of judiciary.
- ④ Interaction between academia and judiciary can help in strengthening the judicial system.

Key Stakeholders :The Media

- ⦿ Audio-visual media including social media has become a powerful force in shaping public opinion.
- ⦿ Some media doyens may have their specific agenda .
- ⦿ The judiciary has to be very cautious and objective while dispensing justice to ensure that it is not swayed by this or that view .
- ⦿ However , sharing, in an objective manner , the performance of the judiciary may help in building positive image of the judiciary in society, and thus enhancing public trust and confidence in judiciary.

The Message: Different Mandates But the Common Goal

- ① The old saying is , "**No man is an island**" ; because almost every project involves other people/agency. .
- ① Justice delivery system being no exception; we should try our best to integrate the efforts and energies of various stakeholders who have different mandates but the common goal – dispensation of justice through determination of truth.
- ① It is high time to acknowledge this reality and to proceed accordingly.

THANKS