

NATIONAL JUDICIAL ACADEMY



NATIONAL CONVENTION FOR SENIOR HIGH COURT JUSTICES: STRENGTHENING FISCAL AND ADMINISTRATIVE PROTOCOLS IN HIGH COURTS

[P-1325]

January 14-15, 2023

National Judicial Academy, Bhopal

A Report by

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NATIONAL JUDICIAL ACADEMY
BHOPAL, INDIA

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The national convention was conceived for the benefit of the senior High Court Justices (preferably J1 to J3) many of whom are prospective Chief Justices, and would be sharing the responsibilities of leading the judiciary of the State. The pan India representation included 24 participating Justices from 15 High Courts. The objective of the convention was to discuss critical areas concerning the administrative responsibilities and functions of Chief Justices of High Courts, especially the administrative protocols and the intricacies and nuances of the fiscal management and functionalities through deliberations and open house interactions enabling best practices in these areas. The scheme of the convention was therefore designed accordingly to meticulously deal with the Administrative faculties on Day-1 and delve into the Fiscal nuances on Day-2.

Day 1

Administrative Functions of High Court/Chief Justice

Session-1

Proposed scope of discussion included:

- Effective Registry Management and Inspections; Role of Chief Justice in placement of efficient Judicial Officers.
- Training of secretarial staff: Technical and Non-Technical.
- Management of Full Court Meetings: Preparing the Agenda and Arriving at Consensus.
- Horizontal and Vertical Relation Management: Supreme Court and Other High Courts.

Session-2

Proposed scope of discussion included:

- Time Management: Balancing Judicial and Administrative functions.
- Maintaining docket of reserved judgements.
- ICT as an enabler for process re-engineering in the High Court.
- Collaboration with other branches - Union and State Executive: Infrastructure, Law & Order & Budget.

Session-3

Proposed scope of discussion included:

- Chief Justice the master of roster : Judicial & Administrative Considerations in Preparation of Rosters.
- Constitution of Committees.
- Portfolio judges and their responsibilities.

Day 2

Budget Preparation & Fiscal Management

Session-4

Proposed scope of discussion included:

- Centrally Sponsored Schemes (CSS): Origin, Practices, Challenges & Opportunities
- Pre-budget planning: past utilization, current requirements, contingency; and estimates sector-wise.
- Co-opting/Consulting Experts for Fiscal Planning and Budget Preparation.

Session-5

Proposed scope of discussion included:

- Designing action plan for utilization of fiscal resources
- Effective Utilization of Grants and Other Financial Resources: Monitoring Expenditure
- Quality Control in expenditure

Day 1

Session 1	
Administrative functions of the High Court/ Chief Justice	Speakers
<ul style="list-style-type: none"> ✓ <i>Effective Registry Management and Inspections; Role of Chief Justice in placement of efficient Judicial Officers.</i> ✓ <i>Training of secretarial staff: Technical and Non-Technical.</i> ✓ <i>Management of Full Court Meetings: Preparing the Agenda and Arriving at Consensus.</i> ✓ <i>Horizontal and Vertical Relation Management: Supreme Court and Other High Courts.</i> 	Justice Sharad Arvind Bobde & Justice Mohit S. Shah

The scope of discussions covered topics *viz.* Effective “Registry Management” and inspections; role of Chief Justice (*hereinafter* CJ) in placement of efficient Judicial Officers; Training of secretarial staff; Management of “Full Court” meetings including preparing the agenda and arriving at consensus; “Horizontal and Vertical Relation Management” especially between Supreme Court and other High Courts etc. The session rolled out with the philosophy that CJ being the *Primus inter pares* gravitates certain responsibilities vested in him/her as the judicial head in a federal structure. It was underscored that the importance of the convention lies in the fact that there is no such formal source or resource describing or teaching about the role, duties, functions and challenges in the role of a CJ. Quoting Sir William Vernor Harcourt, in *Dattaji Chirandas v. State of Gujarat*, AIR 1999 Guj 48, a parallel was drawn with the position of Prime Minister, to that of a CJ when he called the position *Inter Stellas luna minors* - a moon among lesser stars. Ivor Jennings extrapolated it to hold that “he is not merely a moon among lesser stars... He is rather a sun around which planets revolve”. The powers of CJ includes shaping and functioning of a registry from its recruitment, control and reforms, to fiscal management and reforms of a High Court’s functioning, through effective budgeting. On the judicial side the effective preparation of roster and listing of case, wherein a balance to maximize capacity building and optimize efficiency of the High Court’s justice delivery is a role to reckon for the CJ. A keen propensity to embrace technology, to improve qualitative and quantitative delivery systems by a CJ, was counted as a key driver. The role of Artificial Intelligence (AI) and tools like data interpretation using National Judicial Data Grid (NJDG) was examined. Recruitment of personnel was identified to be one of the burgeoning challenges faced by the CJ. To ensure qualitative and quantitative sterility of the system AI was considered to play a significant role. It would with certainty instil objectivity in administration. Yet another suggestion to the CJ to improve public confidence of the High Court against the unfounded, unilateral and irresponsible media reporting was suggested, by appointing a matured and responsible spokesperson from the registry who would be the only point of contact. The accountable person might be entrusted with the responsibility to formally accredit journalists who would be exclusively allowed to represent in the Court. Thereby, enabling a control mechanism and a filter to share the correct position to be reported or shared for reporting. Considering recruitment and posting as the vital duo for growth with prosperity of an institution, it was discussed to suggest, that one of the most important administrative functions of the CJ is to assess the skills, motivations and capabilities of each member of the High Court. After a carefully and intricate

assessment the CJ should optimise the deliverable output of the team by posting him/her in the right positions to enable qualitative productivity by reducing resistance. AI and psychometric tests could be used as tools for such assessment.

The three basic attributes which a CJ needs to have were delineated as:

- 1) Ease of access to the stake holders in the system;
- 2) Decide and take decisions when they ought to be taken in the interest of administration and refrain from the tendency of indecisiveness; and
- 3) Take responsibility of a decision in the interest of the institution without fear or favour.

It was underscored that as a personal trait of a CJ he should lead by example and one such common and conspicuous attribute is punctuality and dais time, which should not be compromised and maintained as a sacrosanct ideal. The discourse accentuated the importance of maintaining an effective balance between Art(s) 229, 235 and 227 with CJ playing the role of a fulcrum.

Yet another aspect of CJ's responsibility is to convene "Full Court" meetings (FCM). It was described that the general convention of holding a successful FCM is firstly the preparation of an "Agenda" which should be shared with the "Administrative Committee" (AC) i.e. the committee of the senior most administrative justices of the High Court, well in advance to prime them of the important agenda items. Suggestions from the AC on the agenda items including reasoned amendments, additions or editing be considered by the CJ, before finalising the "Agenda". These best-practices to instil comradery, responsibility, recognition of skills, wisdom and expertise nurture an atmosphere of mutual trust and synergy in the systemic functioning of the administrative side of the High Courts. One of the commonly faced contentious issues by the AC in a FCM is the designation of the "Senior Advocates". One of the best-practices to deal with such issues was suggested to have regular grape wine discussions or lunch-break meetings etc. Such trivial discussions help the CJ and the AC to absorb valuable inputs and flash the dark-spots, thereby enabling better and faster discussion making on a subsequent formal setup. Such regular acquaintances cleans the air of the functional eco-system and helps break the ice and dissolve stalemates. Such environment encourages establish mutual credibility and team rapport amongst the justices. It was also suggested that a CJ must consider roster preparations in such a way that the domain expertise is encouraged and permeated to a co-bench judge. The combination may also have a flavour of contrast and concord. It should also drive the virtue of team work, compassion, synergy and fraternity while the justice delivery gains qualitative and quantitative strides. A periodic change of partners in a division bench, drives-in mutual respect and ability to embrace and appreciate change in its myriad forms. A rotation of the "Courtroom number Uno" effectively develops a channel for communication with all the brother & sister judges and dispels uncertainty and myths. The CJ should practice to delegate the lead to a judge sharing the bench to develop leadership and drive a sense of equality.

Session 2	
Administrative functions of the High Court/ Chief Justice	Speakers
<ul style="list-style-type: none"> ✓ <i>Time Management: Balancing Judicial and Administrative functions</i> ✓ <i>Maintaining docket of reserved judgements.</i> ✓ <i>ICT as an enabler for process re-engineering in the High Court.</i> ✓ <i>Collaboration with other branches - Union and State Executive: Infrastructure, Law & Order & Budget</i> 	Justice Mohit S. Shah & Justice S.J. Vazifdar

The scope of discussions covered topics including “Time Management” i.e. balancing judicial and administrative functions; Maintaining and monitoring docket especially of the reserved judgments; Information and Communication Technology (ICT) as an enabler for process re-engineering in the High Courts; and Collaboration with other branches i.e. collateral coordination - Union and State executive, infrastructure, law & order, Budget etc. It was stated from David Panning’s “Judges”, that what the judges do repeatedly is not regularly done by others. It was iterated that a judges’ job is extraordinary and tough. Particularly when a CJ on administrative side has to manage High Court and the collegium on one hand and the subordinate District Judiciary across its jurisdiction on the other hand, also the affairs with the Supreme Court to top it all. Therefore, the art and skill of diligently maintaining the horizontal and vertical relationship, along with the collaborative efforts with the executive in terms of budgeting, land and infrastructural issues and the like, in a seamless manner demands multidimensional expertise relentlessly. While divulging of good time management practices it was suggested that period of thinking directly impacts on the quality of the decision of a judge and therefore a CJ must practice the art of thinking to deliver fertile decisions. In balancing judicial and administrative functions it was underscored that a couple of key operative factor that could serve as exemplification are “bench time” & “punctuality”. The virtues were cited to be premised on “perception”, which is “an” if not “the” important factor. The CJ as an institutional pillar is perceived by others in his/her “First Court” and often emulated for leadership. It was stated that the CJs Court sets the tempo not only for the collegium, but for the Bar, the Registry and the staff. One of the polar strong view posed was that in fact there is no concept of “balance” in the scope when a judge assumes the position of CJ. The general perception in fact does not discounts for either of the judicial or the administrative work. The “First Court” would always be under the radar for its operations in terms of judicial court hours in the presence of CJ himself. The practice followed by certain foreign jurisdictions viz. Singapore, Philippines etc. wherein the judge’s duty is to work-on, edit and finalize the draft judgments provided to them by the professionals in the office (after the judge decides and narrates the conclusion in an open court). The proposition was evaluated for a best practice with its merits and disadvantages in Indian scenario on “Time” & “Deliverable” accounts. Hence, the dichotomy between “decision making” & “discussion taking” was delved into wherein, in India either is done by the judge as against limiting to “decision taking” in such other jurisdictions. However, the conceptual debate equivocally distinguished and insulated its pith and substance from the bad practices of “Outsourcing” or “Ghost writing”. The disadvantages delved upon included the instances of wasting judicial or administrative time in correcting “bad judgement drafts” over considerations to write it down by one’s own self. It was on the other hand underscored the clarity would lie in the fact that the judges’ opinion (decision) should be the immutable skeleton on

which a draft may be created and presented before a judge to finalize and not in any other way.

It was emphasized that there is a difference in the functional duties and responsibilities in the role of a CJ and the J1 or the following others in seniority. The position of CJ *ex-officio* demands extra (time or effort) by virtue, and “balancing” is not a word that should short-circuit any of that. However, the adversarial view on “balancing” pitched the factor that innovation and creativity breeds “balancing”. A few anecdotes and case studies were cited, wherein creativity of a CJ or a judge brought in qualitative and quantitative improvements in the operational deliverables of the justice delivery system. Such innovations not only improve tempo-spatial deliverables, but calibrates the idea of “balancing” e.g. process improvements in servicing of summons, court and case management techniques, and innovative application of process stimulators and extensive use of ICT. It was suggested that to maximize on the potential of a CJ to take value added and good decisions, (s)he should look forward to two resources a) Human Resources which includes the staff (a power house of knowledge through experience); & b) Technology (a power system to mine, decipher, collate, compare, analyse, organize, and deliver with pace). It was narrated the pervasion and outreach of a CJ, can be dilated by building and delegating upon a robust core team of reliable people in the Registry. Such an exercise would build a consistent pool of unpolluted and reliable knowledge supply. Building up a team of reliable core team permeates to the deeper levels in the system to feed-forward the CJ with the grass root level, last corner reliable and un-convoluted information, thereby enabling the office of CJ to address the specific and general issues with speed, conviction and efficacy.

On reserving judgments it was emphasized that judgment in open court immediately after the arguments should be the preferred norm. However, there might be certain judgments which demands temporal parking. In such cases two vital ideas were shared namely: a) monitoring the quantum of such judgments (i.e. numbers); and b) preparation of broad contours in writing, and sharing the basic architecture of such broad outline for the judgment with the fellow judge in the bench to further contribute to fill-up the gaps, work on the accuracy of reasoning, and other such important substantive and procedural editing to make the judgement so strong that it withstands the point of law and reasoning even on appeals. Such an exercise of pre-parking or reserving macro judgement management, with finer micro management for firming-up, precision, and clarity may be desirable. However, it was underscored other than such well-founded reasons judgments should not be reserved to inflate the docket eventually leading to a “docket explosion”. Citing *Anil Rai v. State of Bihar*, (2001) 7 SCC 318. The guidelines narrated in para 10 of the said case for the CJ was emphasized, wherein:

- i. The Chief Justices of the High Courts may issue appropriate directions to the Registry that in a case where the judgment is reserved and is pronounced later, a column be added in the judgment where, on the first page, after the cause-title, date of reserving the judgment and date of pronouncing it be separately mentioned by the Court Officer concerned.
- ii. That Chief Justices of the High Courts, on their administrative side, should direct the Court Officers/Readers of the various Benches in the High Courts to furnish every month the list of cases in the matters where the judgments reserved are not pronounced within the period of that month.
- iii. On noticing that after conclusion of the arguments the judgment is not pronounced within a period of two months, the Chief Justice concerned shall draw the attention of the Bench concerned to the pending matter. The Chief Justice may also see the desirability of circulating the statement of such

cases in which the judgments have not been pronounced within a period of six weeks from the date of conclusion of the arguments amongst the Judges of the High Court for their information. Such communication be conveyed as confidential and in a sealed cover.

- iv. Where a judgment is not pronounced within three months from the date of reserving it, any of the parties in the case is permitted to file an application in the High Court with a prayer for early judgment. Such application, as and when filed, shall be listed before the Bench concerned within two days excluding the intervening holidays.
- v. If the judgment, for any reason, is not pronounced within a period of six months, any of the parties of the said *lis* shall be entitled to move an application before the Chief Justice of the High Court with a prayer to withdraw the said case and to make it over to any other Bench for fresh arguments. It is open to the Chief Justice to grant the said prayer or to pass any other order as he deems fit in the circumstances.

It was suggested that as a general practice there are only a few judgments which might require hold-back. One of the common reasons behind it could be additional thinking to lead a judge to his conviction and sort out the prevalent dilemmas in mind before delivery. It is in such a situation the CJ (who maintains a list or docket of such reserved judgments) should pitch-in and offer to help to enable timely delivery of the judgement. Other effective modes to enable could include, brainstorming sessions, sharing with competent brother judge who might be a domain expert or any other effective alternative. It was underscored reiterating on the point of “dais discipline”, that it is the judicial dispatch which determines and establishes a judges’ authority in his or her court. It not only affirms institutional trust but trumps-up the expectations of the Bar on the Bench and a particular judge.

While discussing on the subtheme of collaboration with other collateral branches of the Government for seamless functioning of a High Court, it was suggested that the CJ may consider setting up a convention of tri-levelled structure. Elaborating on the scheme it was divulged that the Level-I meets and discusses with the counter-parts at the High Court Registry level discussing the basic points of agenda. The next level would be Level-II wherein a secretarial brass would discuss and refine the said agenda to fine-tune it to suit reasonability and other strategic aspects, only to prepare for the final Level-III meeting which is decisive in nature and would generally be convened between or involving the CJ, the CM and the Principle Secretary. It was also underscored, that especially at a Level-III scenario the CJ must in ordinary course be accompanied by his number 2 judge to elucidate a smooth transaction for the High Court’s front.

Session 03

Theme: Administrative functions of the High Court/ Chief Justice

Speakers: Justice Kurian Jospeh & Justice S.J. Vazifdar

The session dealt with issues arising out of roster allocation for both the Chief Justice and the Judges sitting in it. It was opined that a judge is a judge for all intents, purposes and subjects under the sun. The management of any roster allocation in order to bring out about the best outcome is a collective teamwork of the Chief Justice and judges in a High Court. The example of the Kerala High Court was given in this regard, whereby, technology has helped facilitate the Chief Justice in a seamless and balanced roster allocation. Additionally, the constitution of committees both on the basis of seniority and domain expertise was also a theme of the session. The necessity of portfolio judges and its execution was also deliberated upon.

It was opined that a Chief Justice cannot selectively work with a handful of judges. He/she must have an open mind and make oneself accessible to others. It was stated that a chief must listen to the views/opinions of other judges in his court and while designing the rosters, he must always be mindful of placing the judges best conversant with issues in those jurisdictions. It was emphatically stated that the Chief Justice must take the two of the senior most/puisne judges in his/her confidence and work harmoniously with them. The Chief Justice being first among the equals must consult the senior most judges too. It was opined that a roster must be shuffled at least twice a year.

The session proceeded with deliberations on issues arising out of the various high court committees. A chief justice must possess the far sightedness to select judges skilled with appropriate faculties best suited for a committee. It was illustrated that in committees like the building and finance committees of the high court, the chief justice may choose those judges that have served a longer term and belong locally to the state to provide consistency in ideas and in implementation of work. These committees must be a mirror reflection of constitutional consciousness of the member judges in it. Additionally, the chairpersons of these committees must not merely be selected on the basis of seniority. The Chief Justice must also keep a sincere watch on the number of judgements reserved by a judge. If the reserved judgements fall in excess, then the Chief Justice must provide counsel or assistance to any such judge, if need be.

Furthermore, it was stated that although the terminology 'portfolio judges' may be used differently by different high courts, all such judges in essence must show a sense of

belongingness. In the same breath, it was opined that a district judge/judiciary is never subordinate whilst discharging their judicial functions but only in administrative matters. As a portfolio judge the district judiciary must be given the freedom to approach the former with ease. They must not feel intimidated with the protocol or unnecessary paraphernalia of a portfolio judge. It was stated that a portfolio judge must not make a district visit/ inspection visit a pompous affair as a lot of public money gets spent. Should portfolio judge make surprise visit to the districts? It was opined that although there is no harm in making such visits but it must not become a vigilance trap marred with any latent *malafide*.

In the end, the importance of secretarial training of staff especially at the level of district judiciary was highlighted. Additionally, it was stressed upon that for any Chief Justice, decision making is more important than decision taking. A Chief Justice must accompany the judges from district judiciary as well as from his high court for a progressive and smooth functioning of the courts in his state.

DAY 2

SESSION 04

Theme - Budget Preparation & Fiscal Management

Chair- Justice Madan B Lokur

Speakers- Mr. Ajay Narayan Jha & Mr. Subhash Chandra Garg

The session commenced with the speaker highlighting the features of judiciary as a public good. In this regard, it was held that independence of judiciary and timely dispensation of justice as a sovereign function are critical for the democratic framework and economic wellbeing of the nation. This is also in line with the Goal No: 16 of the United Nation's Sustainable Development Goals (promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels).

The importance of budget preparation and fiscal management was brought out. An open and orderly budget management system ensures that the policies of governments are implemented as intended and achieve their objectives. Public Finance becomes important for efficient

functioning of justice administration as it determines the financial resources that the governments at different levels provide for the judiciary to function independently.

The link between fiscal management and access to justice was highlighted. The issue of access to justice viewed conventionally through the lens of pendency and vacancy were focalised as the two fundamental issues which are directly inter-connected with better infrastructure and facilities both for judges and the litigants. Adding courtrooms, residential complexes and digitalization along with providing access to people at all levels of social order whilst removing social and economic barriers to justice at the lowest level of court systems would holistically deal with aforementioned issues. It was opined that funds are scarce whereas demands are competing demands. There is a need for timely utilization of available resources and projection of future demands which is critical to bridge demand –supply gaps in infrastructure and modernization.

It was stated that India spends only 0.01% of GDP on judiciary of which, 0.08% is Centre's gross budgetary expenditure and 0.61% of all-states expenditure is on judiciary. There exists a wide variation in per capita expenditures of states itself i.e., Delhi – Rs.643 vs. West Bengal Rs.69. There is also a wide variation in average budget per pending cases among states in India whereby, Delhi -Rs. 19,891 and West Bengal Rs. 3225. Although, post 14th Finance Commission some states increased allocation to judiciary but many did not. There is under-utilization of funds as high as 21% in Maharashtra and Uttar Pradesh.

It was highlighted that administration of Justice is a non-plan and non-development expenditure. In the backdrop of various awards and recommendations made by the Finance Commissions over the years on judiciary and its modernisation, it was noted that there still persists a need for the enhancement of the resource allocated to the judiciary in India.

The Department of Justice has been implementing Centrally Sponsored Scheme (CSS) for Development of Infrastructure Facilities for Districts and Subordinate Judiciary since 1993-94. A total of Rs.8709.78 crores has been released to states between 1993 (March) till 2022. The outlay of funds for Centrally Sponsored Schemes like DISHA, establishing *Gram Nyayalaya*, *Nirbhaya Adalats*, E-courts scheme- Phases I,II & III etc. were highlighted.

The disparities and shortcomings in the implementation of the schemes were emphasized upon. They can be noted as follows:

1. Tardy utilization of funds – In the 13th Finance Commission period only 20% of Rs.5000 crore utilized. Similarly, in the E-Courts Phase I only 68% could be utilized
2. For infrastructure related schemes – Coordination is an issue between different executive departments and judicial functionaries as pointed out by the CAG.
3. Mismatch between state projections and Centre's allocation whereby the latter is determined by budgetary provision and not as per state demands. Additionally, absence of effective coordination mechanism at State and district level.
4. Poor preparation of estimates. Similarly, poor planning and construction including neglect of proper feasibility report.
5. Arbitrariness in disbursal of funds.
6. Bureaucratic inefficiencies leading to procedural delay at different stages and frequent issues with utilization certificates

In the end, the steps to improve fiscal management and better utilization of resources were highlighted. They can be noted as follows:

1. Need for domain expertise in finance, accounts, engineering, architecture and administration has been emphasized. Suggestions for an Indian Courts and Tribunal Services (ICTS) or a separate Directorate for Finance and Accounts were mooted.
2. Each High Court to set up a Project Implementation Unit (PIU) with personnel drawn from various central and all India services and technology experts from NIC/State IT and Judiciary.
3. Oversight Committee with experts chosen from the same fields to monitor the implementation and quality.
4. State level empowered Committee (SLEC) under Chief Justice of High Court with secretaries from different departments to monitor and review physical and financial targets, take corrective steps and resolve inter-departmental problems.
5. Replicate these empowered Committee at district level with District Judge and Collector.

SESSION 05

Theme - Budget Preparation & Fiscal Management

Speakers- Justice Madan B Lokur & Mr. Subhash Chandra Garg

The session commenced with deliberations upon administration of Justice as a core sovereign or a public goods function. In this regard, it was stated that administration of justice, like all other public goods, has to be funded from the taxes collected by the Government and fees and other monies collected by the Courts. Both Union and State Governments have executive authority and legislative powers for institutionalising and maintaining the system of courts for effective administration of justice.

Furthermore, the five broad heads of expenditure that requires fiscal resources for facilitating holistic access and disbursement of justice were elaborated upon. The speaker then discussed the system of budget allocation and expenditure at length. In this light, it was pointed out that the budget is allocated under specific Heads as per the Chart of Accounts i.e., under Administration of Justice. The system of expenditure authorisation and the classification of expenditure as per the mandate of Articles 112 and 202 was also highlighted. The current State of Budget Allocation and Expenditures for the Financial Year 2022-2023 were brought to the notice of the participants. In the same breath, it was stated that expenditure responsibility for administration of Justice primarily falls on states which is confirmed by the 'Combined Finance and Revenue Accounts' or 'CFRA' of the Union and the State Governments published by the CAG in October 2022.

In addition, various Centrally Sponsored Schemes and other schematic interventions were also discussed. The National Mission for Justice Delivery and Legal Reforms which was being run with three components namely - 1. Action Research and Studies on Judicial Reforms, 2. Designing Innovative Solutions for Holistic Access to Justice in India (DISHA) and 3. E-Courts Phase II was highlighted. The issues with the e-court projects and digitisation *vis a vis* process re-engineering was highlighted. Similarly, discussion on National Mission for Safety of Women, NCMS Baseline Report on Court Development Planning System (Infrastructure and Budgeting) - Report of the Sub-Committee of NCMS Committee and the recommendations of the Fifteenth Finance Commission for the Department of Justice along with its Action Taken Report also formed part of the session.

The last lap of the session comprised of discussions on governance reforms for better budget planning. In this regard, it was noted that the existing system of expenditure planning and monitoring is dysfunctional. Five imperative expenditure needs of Judicial system were underscored. They are:

1. Getting adequate number of well qualified judges, supported by rightly skilled court staff;
2. Creating appropriate and functional physical and digital infrastructure for courts and housing of judges;
3. Digitalization of entire court processes, files, judgements, record and information;
4. Acquiring non-judicial expertise and professionals for managing the non-judicial processes, infrastructure and data; and
5. Developing research and development for generating reform and policy impetus and inputs for better laws, modernising and expediting justice delivery.

In the light of the aforementioned, the major pain points or challenges were discussed i.e., not only, there is no good finance, procurement and accounts system to assist High Courts but also lack of good professional finance and accounts set-up. There is also paucity of capital works planning and implementation system to support High Courts. It was accentuated that programmes of e-Courts and other digital initiatives are not complete digital solutions. The process flow, work digitalisation and case management is not getting right attention. It is merely computerisation of information but not justice delivery system computerization.

In conclusion, the improvements in procurement and expenditure management for effective utilisation was focalized upon. The exercise of zero base budgeting and business re-engineering was brought to the notice of the participants. It was suggested that there should also be openness to consider ways to raise revenue from judicial processes via court fees, special charges for certain kind of judicial services etc. to fund additional expenditures. More than budgeting, actual incurring of expenditure is quite a technical process. By making the entire process of expenditure digital, the district judiciary can be freed from these responsibilities to focus on their core competence of delivering justice. It was stated that there have been organisational planning and monitoring structures at Supreme Court level but these have been scheme specific. The most preferred way to guide and monitor these schemes is to discuss them in Chief Justices meet. It was opined that the Supreme Court should set national ambition and

goals with respect to the issues of recruitment of judges, court infrastructure and digitalisation of courts and create a functional organisation with participation of Government and domain experts to plan and realise the ambition.