

NATIONAL JUDICIAL ACADEMY, INDIA



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

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PROGRAMME REPORT

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Session 1: Administrative Functions of the High Court/ Chief Justice

The session facilitated a unified understanding of traditions and procedures among judges to ensure a smooth transition when judges are transferred or appointed as Chief Justices in different High Courts. The participants recognized the importance of administrative competence and the need to negotiate administrative and other functions while building camaraderie with fellow judges.

The challenges faced by judges and explore ways to enhance the efficiency and collective thinking within the judiciary was highlighted. The participating judges recognized the need for a consolidated approach and consensus among judges to address the numerous challenges faced by High Courts. The role of infrastructure in aiding the functioning of High Courts was also emphasized. It was stressed that to explore ways to facilitate coordination, communication, and consensus-building among judges, particularly in High Courts with larger strengths. The participants were reminded of the distinction between Article 229 (referring to the Chief Justice) and other articles such as Article 233 to 235 and Article 225 (referring to the High Court). This understanding is crucial in coordinating efforts and functions within the High Court. The autonomy of each High Court and the need to consolidate decision-making and administrative patterns across different High Courts was deliberated upon.

Further, the challenges faced by High Courts due to changing social and economic factors was also underlined. It was emphasized that the necessity for long-term solutions and the protection of constitutional rights is essential to meet these challenges and deliver justice effectively. The role of the Chief Justice in registry management was discussed, with an emphasis on their powers to form benches and rosters. During the course of discussion the significance of inspecting district courts to assess the performance, capabilities, integrity, and competence of judges was also emphasized. It was suggested that while rules exist for conducting inspections, it is essential to deliberate on the frequency and timely execution of inspections. It was accentuated that the impact of inspection on the dispensation of justice needs to be considered, and potential hurdles in its implementation should be addressed.

The importance of greater access and quality within the court system was highlighted. Additionally, flexibility, discretion, and local control are identified as desirable elements in court administration. The confidentiality during policy-making and the level of participation of judges other than the Chief Justice and senior judges was discussed. It was mentioned that training of

secretarial staff is vital, and the need for continuous education and training was emphasized. It was suggested to explore associations with management training institutions or colleges to provide comprehensive training to registry staff members.

It was accentuated that the agenda for full court meetings should be carefully prepared, arranged, and focused. It was suggested that prioritizing routine matters and rule-making functions can help ensure smooth proceedings. It was mentioned that the Chief Justice holds certain exclusive powers under Article 229 and 235 of the Constitution. It was highlighted that full court meetings play a vital role in management and decision-making process of the high courts. Lastly, the establishment of core values and the cultivation of effective relationships with other judicial institutions were emphasized as contributors to the overall efficiency and effectiveness of the High Courts.

Session 2: Administrative Functions of the High Court/ Chief Justice

The discussion emphasized the critical role of efficient administration in enabling the judiciary to effectively resolve disputes. It was recognized that judging and administration are constantly evolving, necessitating judges to adapt to new challenges in order to fulfill their duties. The importance of strong leadership qualities in the Chief Justice was highlighted, as they play a vital role in motivating and inspiring judges. By fostering a supportive and cooperative environment, the Chief Justice can facilitate and encourage collaboration among the judges. It was opined that a positive and motivational leadership style is seen as instrumental in promoting cooperation, support, and effective teamwork within the judiciary

The crucial role of technology in enhancing judicial processes, particularly in light of the growing complexity and diversity of cases was highlighted. The focus was on exploring how digital tools, automation, and information systems can contribute to time management, case tracking, and overall efficiency improvement. The need for ongoing modernization efforts to adapt to the evolving legal landscape was also underscored. Participants shared their experiences and insights on efficient administration, providing valuable perspectives on time management and strategies for improving the docket of reserved judgments.

The session emphasized the necessity of adopting a systematic approach to case management and record-keeping to address issues related to judgments. In order to ensure timely delivery of judgments, it was proposed that both the judge responsible and the High Court should maintain

dockets specifically for reserve judgments. The utilization of technology, such as remote interpretation, was highlighted as a solution to overcome language barriers and facilitate uninterrupted court proceedings. Furthermore, the importance of establishing a platform for judges to discuss and share knowledge gained during training programs was emphasized.

During the course of discussion, the need to improve the process and ensure continuity by establishing a permanent secretariat and candidate bank was stressed upon. It was underlined that by maintaining a centralized repository of candidate profiles, the selection committee would be able to make more informed decisions, drawing from a wider pool of qualified individuals. It was suggested that implementing formal docketing and documentation in the selection process would enhance transparency, accountability, and prevent unnecessary delays or oversights.

Session 3: Administrative Functions of the High Court/ Chief Justice

The session began with emphasizing the significance of openness and transparency in judicial proceedings. The participants acknowledged the need to create an atmosphere where all problems could be openly discussed and resolved. It was suggested that open dialogue would not only facilitate the exchange of ideas but also provide experiences that would assist judges in their professional journey. The speaker emphasized the need to find common solutions and maintain the continuity of the legal governance system. The challenges of day-to-day administration and the overall functioning of the High Court were discussed.

The discussion focused on the expectations from the Chief Justice and the qualities that contribute to effective leadership. The participants expressed their views on the Chief Justice's responsibility to utilize the best resources available and exhibit qualities of a good human being, adhering to the constitutional conscience. It was emphasized that judges should uphold the constitution and laws in their decision-making process.

During the course of discussion it was deliberated that, whether judges should be assigned work based on their expertise or should be trained to handle various fields of law. The advantages of rotation system were highlighted, including the opportunity for judges to gain diverse experiences and instill confidence in their colleagues. However, concerns were raised about the need for expertise in certain areas of law and the potential for repetitive work. It was suggested that an assessment of individual judges could help identify their potential growth areas, allowing them to

diversify their expertise over time. The discussion explored methods to assess a judge's expertise in specific branches of law. Suggestions were made to establish profiles for judges early on in their careers, which would help the Chief Justice in making informed decisions about assigning cases. Participants discussed the possibility of utilizing judgments written by judges as a basis for assessing their proficiency in different fields.

Session 4: Budget Preparation & Fiscal Management

The session commenced by emphasizing that the administration of justice is a vital public good that ensures social, economic, and political justice for all citizens. It encompasses the protection of fundamental rights, prompt dispensation of justice, and the adjudication of disputes. It was pointed out that both the Union and State Governments possess executive authority and legislative powers for the administration of justice. It was discussed that since 1976, the administration of justice, including the constitution and organization of all courts except the Supreme Court and the High Courts, has been included in the concurrent list to reflect shared responsibility. It was suggested that to ensure the optimal utilization of resources, it is crucial to emphasize better budget planning involves thorough analysis, forecasting, and allocation of funds based on the identified priorities and needs.

It was stressed that budgeting system follows a hierarchical structure comprising several levels: Sector head, Major Head, Sub-Major Head, Minor Head, Sub-Head, Detailed Head, and Object Head. Major Head 2014 is designated for the administration of justice, encompassing the budgeting and accounting of revenue expenditures related to the judiciary. Revenue expenditures for judicial institutions, such as High Courts and Civil and Sessions Courts, are allocated under specific Minor Heads (e.g., Minor Head 102 for High Courts and Minor Head 105 for Civil and Sessions Courts). It was highlighted that major and minor heads are common across the Union and State governments. It was underscored that the Ministry of Law & Justice has three demands in the budget: No. 65 (Law & Justice), No. 66 (Election Commission), and No. 67 (Supreme Court of India). The establishment expenditure of the Election Commission and the Supreme Court is provided for in demands 66 and 67, respectively. All other expenditures related to administration of justice and elections are provided for in demand No. 65 of the Ministry of Law & Justice.

During the course of discussion it was highlighted that the primary responsibility for the expenditure on administration of justice falls on the state governments. The Constitution provides provisions for the District Judiciary under the states. The participants were made aware that the appointment of district judges, salaries, allowances, and pensions of district judiciary are the responsibility of the state governments. While the executive and legislative power of the central government extends to the district judiciary after its inclusion in the concurrent list.

A reference was made to Centrally Sponsored Schemes (CSSs) which plays a significant role in allocation of funds for expenditures primarily assigned to states. It was pointed out that over the years, the central government has utilized Article 282 to establish an extensive array of CSSs, encompassing various aspects of states' exclusive jurisdiction. One such scheme is the e-Courts scheme, which aimed at digitalizing and modernizing the judicial process. It was deliberated that while progress has been made in digitalizing information under e-Courts Phase II, as part of the National Mission for Justice Delivery and Legal Reforms, which holds promise for transforming the judicial system. However, there is a need for deeper engagement from the judicial side and a focus on both digitalizing and re-engineering of the judicial process to ensure the successful implementation of the scheme. Lastly, it was highlighted that improving the infrastructure facilities for judiciary and addressing the challenges within judicial system require comprehensive reforms. By setting clear goals, enhancing budgeting processes, and establishing a professional Directorate of Finance and Accounts, the administration of justice can be better supported.

Session 5: Budget Preparation & Fiscal Management

It was discussed that an open and orderly budget management system at the sectoral level is necessary to ensure that budget allocations are utilized as intended and objectives are achieved. It was accentuated that maintaining a sustainable financial position is crucial for effective control of the total budget and management of fiscal risks, including underutilization, wasteful expenses, and adhering to time schedules. It was emphasized that utilizing budgeted revenues to provide the best levels of public services within available resources is essential for the effective public services.

The session further dwelt upon the paucity of resources and development demands have led to a structural problem in financing critical arms of the state. It was highlighted that states, on average,

spend nearly 44% of their total revenues on committed expenditures such as salaries, pensions, and interest payments. It was mentioned that some states, including Haryana, Kerala, Punjab, and Tamil Nadu, spend over 50% of their revenues on committed expenditures. However, states, on average, allocate less than 1% of their total revenue expenditure to judicial administration. States like Bihar, Haryana, Kerala, Gujarat, Karnataka, Madhya Pradesh, Maharashtra, Punjab, and Uttar Pradesh allocate a higher share compared to other states, while Andhra Pradesh, Chhattisgarh, Rajasthan, Telangana, and West Bengal allocate a lower share. A reference was made to National Court Management Systems (NCMS) report that emphasized the importance of infrastructure development in improving access to justice, this includes expanding courtrooms, residential complexes, and embracing digitalization.

It was accentuated that several finance commissions, such as the sixth, seventh, eighth, ninth, eleventh, thirteenth, and fifteenth, have provided grants for addressing manpower deficits, constructing additional courts and residences, and bridging infrastructure gaps. However, the grants allocated by the fifteenth finance commission was not accepted by the President. The session highlighted numerous challenges and disparities that hinder the effective utilization of funds. These challenges include delays in fund utilization, coordination issues between executive departments and judicial functionaries, discrepancies between state projections and central allocations, inadequate estimation preparation, and substandard planning and construction practices.

It was mentioned that despite the existence of several committees at the state and district levels, implementation challenges persist. To address this, the need for domain expertise in finance, accounts, engineering, architecture, and administration has been emphasized. A proposal for the establishment of an Indian Courts and Tribunal Services (ICTS) and a separate Directorate for Finance and Accounts has been put forward. It was suggested that each High Court should set up a project implementation units (PIU) comprising personnel from the administrative service, finance and accounts, technical services, and experts from NIC/State IT. The PIU should be empowered and entrusted with the responsibility of implementing procurement and contract rules effectively. This would ensure efficient resource utilization and better fiscal management. Further it was opined to establish an oversight committee comprising experts from relevant fields to monitor the implementation and quality of procurement and contract activities. The successful

model of the National Highways Authority of India (NHAI) in implementing similar oversight mechanisms was emphasized and referred upon.