

NATIONAL JUDICIAL ACADEMY



P-1382

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

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Programme Report

PROGRAMME CO-ORDINATORS

Ms. Paiker Nasir & Mr. Prasadh Raj Singh

Faculty, NJA

P-1382: NATIONAL CONVENTION FOR SENIOR HIGH COURT JUSTICES: STRENGTHENING FISCAL AND ADMINISTRATIVE PROTOCOLS IN HIGH COURTS

The National Judicial Academy organised a two day *National Convention for Senior High Court Justices: Strengthening Fiscal and Administrative Protocols in High Courts* on 27-28 January 2024. The National Convention sensitized prospective Chief Justices of the High Courts to the non-judicial functions associated with the office. The Convention also discussed critical areas concerning the administrative responsibilities and functions of Chief Justices of High Courts, especially in the areas of Administrative Protocols along with the intricacies and nuances of fiscal management and functionalities through deliberations and open house interactions enabling good practices in these areas. Day one of the convention primarily focused on the administrative functions of the High Court/Chief Justice whereas day two was dedicated to budget preparations and fiscal management.

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

Speakers: Justice B. S. Chauhan & Justice S. Talapatra

The session focused on delineating the multifaceted administrative functions of the High Court and the pivotal role of the Chief Justice in ensuring smooth operations and effective justice delivery. The session commenced with a discussion on the significance of efficient registry management in facilitating timely dispensation of justice. The discussion highlighted the role of the Chief Justice in strategically placing proficient judicial officers to oversee the functioning of the registry. Emphasis was placed on regular inspections by the Chief Justice to identify bottlenecks, streamline processes, and ensure adherence to prescribed norms and timelines. It was underscored that proactive measures in registry management contribute significantly to enhancing the overall efficiency of the court system. Reference was made to *H.C. Puttaswamy v. High Court of Karnataka, AIR 1991 SC 295*, wherein, the Supreme Court emphasised that the actions of the Chief Justice must reflect the legal and ethical standards expected of the judiciary, ensuring adherence to constitutional ethos and values. The session then transitioned to deliberating on the training needs of secretarial staff, encompassing both technical and non-technical aspects. The importance of providing comprehensive training programs tailored to the evolving demands of court administration was underscored. The role of the Chief Justice in advocating for continuous skill development and fostering a culture of

excellence among secretarial staff was emphasized. Additionally, discussions centered on leveraging technology to augment the effectiveness of administrative processes and empower staff members with requisite technical competencies.

The discussion further delved into the intricacies of managing Full Court Meetings, a forum crucial for policy formulation and decision-making within the High Court. The session highlighted the role of the Chief Justice in meticulously preparing meeting agendas, encompassing pertinent administrative and judicial matters. Emphasis was placed on fostering a collaborative environment conducive to arriving at a consensus on critical issues. The significance of effective communication and consensus-building skills in steering Full Court Meetings towards constructive outcomes was underscored. The session culminated with insights into the nuanced dynamics of horizontal and vertical relation management, particularly concerning interactions between the High Court, Supreme Court, and other High Courts. Participants underscored the pivotal role of the Chief Justice in fostering harmonious relations, promoting collegiality, and facilitating the exchange of good practices. Strategies for effective coordination, information-sharing, and resolution of inter-institutional disputes were discussed.

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

Speakers: Justice B. S. Chauhan & Justice S. Talapatra

The session underscored the critical role of judges in maintaining public trust through effective case management. Balancing judicial and administrative duties was highlighted, with a focus on the Chief Justice's responsibility in task prioritization and resource allocation. Strategies for delivering reserved judgments promptly were explored, emphasizing realistic timelines and tracking mechanisms to ensure timely adjudication. Reference was made to *Bhagwandas Fatechand Daswani v. HPA International*, AIR 2000 SC 775, wherein, the Supreme Court set aside the judgment of the High Court delivered after 5 years on conclusion of hearing and remitted back for fresh hearing on the ground that long delay in delivery of judgment gives rise to unnecessary speculation in the minds of the parties to a case and party may have apprehension that the arguments raised by the bar have not been reflected or appreciated while dictating the judgment.

Information and Communication Technology (ICT) was emphasised upon as a transformative tool for streamlining administrative processes. Participants discussed the potential of digital

solutions such as e-filing systems and virtual court proceedings to enhance efficiency and transparency within the High Court. It was iterated that in *Swapnil Tripathi v. Supreme Court of India*, (2018) 10 SCC 639, the Supreme Court observed that technology can be used for expeditious disposal of case and enhances transparency. Collaborative partnerships with other branches of government were deemed essential for addressing infrastructure and budgetary challenges. Discussions centred on infrastructure development, budget allocations, and law enforcement collaboration to create a conducive environment for justice administration. In this regard, *All India Judges Association v. Union of India* (2018) 17 SCC 555; *State of Rajasthan v. Ramesh Chandra Mundra*, (2020) 20 SCC 163, were discussed. Despite existing challenges, technology and judicial protocols were identified as effective means to reduce case backlogs. The significance of timely judgments, in line with legal precedents emphasizing the right to speedy trials, was reiterated. Participants emphasized the need for strict adherence to procedural timelines and the issuance of guidelines for timely judgment delivery to bolster confidence in the judiciary's integrity and efficiency.

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

Speakers: Justice B. S. Chauhan & Justice P. N. Prakash

The session delved into the intricate administrative functions of the High Court and the pivotal role of the Chief Justice in overseeing these operations. Participants engaged in a comprehensive discussion on the authority of the Chief Justice as the Master of Roster. Emphasis was placed on the careful consideration of both judicial and administrative factors in preparing rosters to ensure equitable distribution of cases and optimal utilization of judicial resources. Some of the judgments as discussed during the session included - *State of Rajasthan v. Prakash Chand*, AIR 1998 SC 1344, wherein the Apex court observed that- “*The court is not to yield to spasmodic sentiments to vague and unregulated benevolence*”. *The court “is to exercise discretion informed by tradition, methodized by analogy, disciplined by system”*. In *Kamini Jaiswal v. UOI & Anr.*, AIR 2017 SC 5334, the Apex Court held that the Chief Justice is the first among equals as far as the roster is concerned. It is contempt to imply that the Chief Justice would assign it to a Bench which would not pass an order adverse to him or that the Judges would be so amenable to act as per the wishes of the Chief Justice.

The session also explored the significance of constituting committees to address various administrative and judicial matters within the High Court. In this regard, the recent case of

State of Uttar Pradesh v. Association of Retired Supreme Court and High Court Judges, 2024 SCC OnLine SC 14 was elaborated upon. Participants exchanged insights on the composition, functions, and responsibilities of different committees, highlighting their role in enhancing transparency, accountability, and efficiency in court administration. The discourse also examined the concept of Portfolio Judges and their crucial role in overseeing specific areas of law or administrative functions within the High Court. Discussions focused on defining the responsibilities, powers, and accountability mechanisms for Portfolio Judges to effectively discharge their duties and contribute to the overall functioning of the judiciary. Moreover, the session underscored the importance of Annual Confidential Report (ACR) process in evaluating the performance and conduct of judicial officers. Deliberations were made on the significance of conducting timely selections of judicial officers and establishing clear protocols to ensure transparency, fairness, and meritocracy in the appointment and promotion processes. The session provided valuable insights into the multifaceted administrative functions of the High Court and the pivotal role of the Chief Justice in overseeing these operations.

SESSION 4: Budget Preparation & Fiscal Management

Speaker: Mr. S. C. Garg

Chair: Justice Kurian Joseph

The session commenced with a profound acknowledgment of the administration of justice as a cornerstone of a democratic society, ensuring equitable access to social, economic, and political justice for all citizens. The session proceeded to discuss the significance of effective budget planning in supporting the administration of justice. The discourse stressed the importance of thorough analysis, forecasting, and allocation of funds based on identified priorities and needs. It was emphasized that optimal resource utilization is crucial for the administration of justice to function effectively. Moreover, the hierarchical structure of the budgeting system, ranging from Sector Head to Object Head, was outlined to provide clarity on budget allocations and expenditures related to the judiciary. The discussion further shed light on how budgetary allocations are structured within the Ministry of Law & Justice. It also delved into the responsibilities covered under each demand, elucidating the intricate relationship between budget allocations and the delivery of justice services.

The session thereafter, explored the primary responsibility of state governments for expenditure on the administration of justice, particularly concerning the District Judiciary.

Reference was made to Centrally Sponsored Schemes (CSSs), which play a significant role in allocating funds for state-assigned expenditures. The transformative potential of schemes like e-Courts in modernizing the judicial process was highlighted, with participants discussing the need for deeper engagement to ensure successful implementation. The session also underscored the importance of aligning budgetary allocations with the evolving needs of the justice system, emphasizing the critical role of infrastructure development and comprehensive reforms in addressing challenges within the judicial system. With respect to the challenges within the judicial system, the importance of comprehensive reforms and infrastructure development was emphasised. Setting clear goals, enhancing budgeting processes, and establishing a professional Directorate of Finance and Accounts were identified as crucial steps in better supporting the administration of justice. The need for an imperative of effective budget planning, collaborative engagement, and comprehensive reforms to strengthen the administration of justice was stressed upon.

SESSION 5: Budget Preparation & Fiscal Management

Speaker: Mr. S. C. Garg

Chair: Justice Kurian Joseph

The session engaged in a comprehensive discussion on the multifaceted dimensions of justice administration, recognizing the intricate interplay between constitutional mandates, budgetary allocations, and strategic planning initiatives. At the outset, the session delved into the constitutional framework governing the administration of justice, with particular emphasis on Articles 112, 202, and 282 of the Constitution of India. These provisions delineate the respective roles and responsibilities of the Central and State governments in allocating resources and managing expenditures related to the judiciary. Additionally, the significance of budgetary documents such as the expenditure profile and expenditure budget was underscored as essential tools for understanding and prioritizing resource allocation within the justice sector.

The deliberations also encompassed insights from the recommendations of the Fifteenth Finance Commission, which provided valuable guidance on optimizing resource utilization and improving the efficiency of justice administration. Participants exchanged views on strategies for operationalizing these recommendations at the state level, including the establishment of a State-level Directorate of Subordinate Judiciary to streamline planning and recruitment

processes. A key area of discussion revolved around the role of Centrally Sponsored Schemes (CSS) in financing state expenditures, particularly in sectors allocated to the states under the Seventh Schedule of the Constitution. Participants deliberated on the implications of CSS on expenditure budgeting, noting its impact on resource distribution and the administration of justice. Furthermore, the session explored the objectives and components of the 'National Mission for Justice Delivery and Legal Reforms' under the Central Sector Scheme, underscoring its potential to catalyze reforms and enhance access to justice.

In line with the overarching objective of enhancing justice delivery, the discussion emphasized and suggested the need for comprehensive studies to assess infrastructure and personnel requirements. These studies, should be conducted with the expertise of financial, human resources, and public works professionals to ensure accuracy and reliability in forecasting resource needs. Moreover, considerations were given to operational costs and revenue generation potentials, underscoring the importance of a balanced approach that combines normative expenditure requirements with revenue increases to fund additional expenditures. A critical aspect that emerged from the discussions was the imperative of revenue generation within the judicial system to supplement budgetary allocations and address resource constraints effectively. The discourse explored various avenues for revenue generation, including revisiting court fees structures and introducing special charges for specific judicial services. Additionally, the discussion emphasized the importance of transparency and accountability in revenue management, ensuring that any revenue generated is utilized judiciously to enhance justice delivery mechanisms.
