

Reports for the programme of Regional Judicial Conference on Strengthening Justice Delivery System: Tools and Techniques (P-828)

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The first Regional Conference of this year was conducted in association with the Odisha State Judicial Academy and the Honorable High Court of Orissa from 26th September, 2014 to 28th September, 2014. The programme was conducted in the State Judicial Academy. The Judges of the district Judiciary from the states of Odisha, Chhattisgarh, Bihar and Jharkhand participated in the conference. (Please find the enclosed list of participants).

The Programme commenced at 9.30 A.M. Hon'ble Chief Justice of the High Court of Orissa, Justice Amitava Rai, inaugurated the conference and he delivered the inaugural address. In the inaugural address he stressed the importance of the justice delivery system and advised all the participants to deliberate up on the ways to strengthen the justice delivery system. Justice Amitava Rai called for the efforts of all the judges to contribute their efforts in strengthening the justice delivery system.

Dr. Balram K. Gupta, Director National Judicial Academy, addressed the gathering on "Justice Delivery System in India: An overview". Dr. Gupta differentiated between Justice Delivery System and Justice System and he explained the object of the three days conference. He appealed the participants to have line interaction during the sessions. Prof. Gupta analysed various problems which justice delivery system is facing in our country and highlighted importance of Rule of Law and the need for protection of this important virtue. Hon'ble Mr. Justice P.K. Misra, Chairperson, Goa Human Rights Commission, chaired the sessions.

In the second session Mr. Pattabhi Rama Rao Kovuru, Assistant Professor, National Judicial Academy made a presentation on "Transforming Our Justice Delivery System: From Legalistic to Justice Orientation". Mr. Pattabhi Rama Rao addressed the participants on the pathology of Indian Legal System, and the ways to improve it. He opined that legalistic approach is already discarded by our system and the Supreme Court has been active to make the Justice Delivery System as "Justice Oriented" and not Law Oriented. Mr. Rao spoke as to the role of the judges in achieving this task and opined that the judges at the grass root level shall be proactive to protect the rights in of the citizens. He stressed that if the courts are not vigilant enough, the rights of the people will be jeopardy. Mr. Rao mentioned the judgment of the Supreme Court in Ramrameshwari, Maria Margaranda and A. Shanmughan which are part of the reading material (C.D.) furnished to the participants. Mr. Rao gave a power point presentation.

In the third session all the participants were divided into five groups and each group was asked to make presentation through one representative. Dr. Balram K. Gupta, and Justice P.K. Misra gave instructions to the participants regarding the discussion on the theme "State of Justice Delivery System in India: Reflection by groups". Discussion took place from 2.00 P.M to 3.00 P.M.

During the breakout group discussion the participants in each group expressed their views and discussed the theme at length. After holding discussion all the participants are reassembled at 3.15 P.M.

Thereafter, the representative of five groups has made their presentation. The following important points are raised by them in their presentation.

1. Indian Justice Delivery System is heavily burdened with delay and arrays.
2. There are no adequate number of Judges and Courts.
3. ADR System is not properly used by the litigants.
4. The members of the Bar Association are not co-operating
5. The quality of the investigation is poor and the quality of the prosecution is also poor.
6. The prosecuting officers are not evincing proper interest in conducting the prosecution.
7. There are no enough infrastructures in the courts and the facilities for litigant public are also not enough.
8. There is no coordination between all the stake holders in the justice delivery system.
9. Some of the provisions in the C.P.C. and Cr. P C. are obsolete and they need to be amended.
10. Lokadalats and Legal Literacy camps are organized with good spirit. But due to lack of co-operation from the bar derived result could not be achieved.
11. The problem of hostile witnesses is causing big problems in criminal cases.
12. Lack of meritorious advocates is increasing burden on the courts.
13. The staff in the court are not properly trained and they lack skill in information technology.
14. The problem of corruption among the court staff is damaging the reputation of the institution.

Justice P.K. Misra and Prof. Balram K. Gupta who chaired the sessions clarified some of the doubts raised by the participants and they have also guided the discussion. Some participants made suggestion to ameliorate the conditions. Discussion continued up to 5.15 P.M.

Second day of the conference commenced at 9.30 A.M. Justice I.A. Ansari and Justice Joymalya Bagchi are the resource persons. Justice Dipak Mishra chaired the sessions. Justice I.A. Ansari, Judge, Patna High Court addressed the participants on issues relating to criminal justice system. He mentioned the judgments of the Supreme Court in Lalita Kumari vs. Union of India, Keshwrao Khade Vs. State of Maharashtra etc. Justice Joymalya Bagchi, Judge High Court of Calcutta addressed the gathering on the issues relating to fair trial, sentencing as well as presumptions of law. Justice Bagchi elaborately dealt with the proceedings which are to be followed for strengthening criminal justice System. Justice Bagchi also indicated about the role of district judiciary in protecting the right of the accused and he also initiated discussion on the role of victims in the criminal justice process. Justice Dipak Misra, Judge, Supreme Court of India chaired the sessions and he gave concluding remarks.

The sixth session was on "Reducing the life span of civil litigation: Tools and Techniques". Dr. Arun Mohan, Senior Advocate, Supreme Court made a presentation regarding the methods that one to be followed in adjudicating the disputes. Dr. Mohan, who thoroughly researched in the area, demonstrated that the courts have been spending time to decide which are admitted by the parties and the facts which are not in dispute. Dr. Mohan demonstrated as to how the court can reduce the area of the dispute. He mentioned the recent judgments of the Supreme Court to support his view that imposing adequate costs and real costs will help in reducing the litigation period. Justice S. J. Mukhopadhaya and justice Dipak Misra, Judges, Supreme Court chaired the sessions. Both the honorable judges have initiated discussion on the issues relating to civil justice administration.

Post lunch Justice Joymalya Bagchi addressed the participants on the "Tools and Techniques for timely justice". Since in the sixth session, issues relating to civil justice were addressed, justice Bagchi spoke on reduction of the delays in criminal justice administration. Justice Bagchi opined that there are number of cases in which trial is not warranted and there are cases in which the accused can be discharged. He narrated various ways in which a criminal trial can be expedited. However, he cautioned that when the question of fair trial and speed trial comes before the court importance shall be given to fair trial and he referred to the judgment of the Supreme Court in Mohd. Ali @ Julifkar (Delhi Bomb Blast) case and made it clear that fair trial is fundamental to the prompt administration of criminal justice system. There was a good deal of discussion in this session. Justice S.J. Mukhopadhaya chaired the sessions. He initiated the discussion and made the participants to interact with each other with question and answers. There after justice Mukhopadhaya gave concluding remarks. The Hon'ble Judge said that the rights of the accused are important, but at the same time right of victim cannot be ignored. Justice Mukhopadhaya has given example of a number of judgments where the Supreme Court insisted on fair trial as well as the speedy trial.

In the eighth session "ADR as a mechanism for strengthening justice Delivery System". Prof. Madabhushi Sridhar Acharyulu, Information Commissioner, CIC made a presentation on the importance of ADR mechanism. He opined that the process of ADR is to be revolutionized when Mr. Pattabhi Rama Rao stated that ADR is being used as mechanism for disposal of cases and instead it shall be used as a tool to initiated judicial activism in District judiciary circles he concurred with the opinion. He discussed the judgment in "Afcon". Dr. Sridhar made distinction between the approaches of the courts for civil and criminal cases. There was a live interaction as to improving the system of A.D.R. (Alternative Dispute Resolution).

In the last day of the conference in the ninth session justice Prashant Kumar Mishra, Judge High Court of Chhattisgarh and Justice S. Pujahari, Judge High Court of Orissa made their presentation on the Judicial initiatives for litigant friendly environment in the courts. Both the judges have advised that the litigants are the consumers of the justice and being in the service of the judiciary, no one can ignore the interest of the litigants. The participants have good interaction in this session. Prof. Balram K. Gupta, advised the judges to work with compassion and human touch. Justice Amitava Roy, chaired the sessions.

In the last session Prof. N.R. Madhav Menon, delivered Public Law Lecture on the Role of Courts in Strengthening Justice Delivery System. He advised the judges to be proactive and make use of all the legal provisions. Justice Dipak Misra chaired the sessions. Valedictory session was conducted by the Hon'ble High Court of Orissa and Odisha Judicial Academy, Cuttack.

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