

COURT MANAGEMENT: INDISPENSIBLE TO THE JUDICIARY*

I am happy to be associated with a cream gathering of heads of the district judiciary from within the State of Madhya Pradesh and the principal court administrators of the High Courts of the country. The two groups have assembled for the purpose of undergoing a high-level training programme, related to court management skills. While Office Management may be of special interest to Registrar Generals, Court and Case Management and Relationship with the Bar are the topics of greater interest for the District Judges. However, there are certain areas, the basic values of which are of common interest to judicial officers and administrators. These are the areas such as Time Management and Self Management. The Judges and the administrators, coming together for management learning is suggestive of one fundamental principle of management, that is, in an organisation, we may have different tasks, assigned to different groups but as far as the evaluation of the institutional performance is concerned, a high rating can only be achieved by a combined effort of the whole team. Individual efforts undoubtedly have their own significance but what matters the most in the institutional performance is the collective team effort.

Goals and Means

We have entered the new millennium and the new century. At the threshold, the judiciary, and in particular the Indian judiciary, is posed with certain challenges. It will be prudent to assess, where do we stand and what do we face, before we embark upon equipping ourselves better and preparing ourselves for the future. Means can be better devised if the goals are known.

The Indian Constitution has assigned to the judiciary, the role of being the custodian of the Constitution and watchdog of Indian Democracy. We cannot be oblivious of our responsibility and continue to play our traditional role when the demand of the time and the need of the hour is to wear new robes.

The trends of globalisation have already set in. We cannot afford to assess our performance by traditional Indian standards only; we shall have to match international standards. The society is progressing, the values are changing and complexities of trade and commerce are posing hitherto unknown problems for resolution by the governance, which in its turn is contributing not only to complexity of litigation but also adding to the influx of disputes for resolution by courts.

The parting gift of the preceding century to the people, generally, has been the crisis of the 3 Cs. There is crisis of character, crisis of credibility and crisis of competence. We, as Indians, have always believed in 'Old is Gold' and are rightly accustomed to drawing strength from our rich traditional values. The materialistic attitude of the modern society and the urge for finding pleasure in enjoyment of wealth and resources, has contributed in diluting our faith in our own values and our own system.

Though the 21st century has posed new challenges, but the silver-lining is that these challenges are accompanied by the availability of the means of resolution as well. The advancements in the field of technology have broken all barriers. There are new means and

scientifically developed methodologies, available at hand to assist us in finding solutions and meeting these challenges. The problems posed before us may be difficult, but are certainly not impossible to overcome. All that we need to do is to learn, new methods, new technologies and assume new roles, not only by learning but also by continuing to renew and update our skills and also learn the wealth of knowledge, pouring in from all sides. A study of the problems faced by the judiciaries of other countries, whether developed or developing, shows that they are almost identical. The problems are not peculiar to us; what is peculiar to us is that we are not gearing up to adopt scientific and systematic methods to solve the problems, as the other countries are doing.

We must be prepared to innovate and also be inspired from our counterparts, in other parts of the world and also in other business and professional activities within the country. Just as managers in business and industry approach the men of law and the courts for sorting out their legal problems, we, as members of the Judiciary should not hesitate in approaching the management experts for solving our problems, which are peculiar to us. In the Twenty First Century, a judge cannot afford to be just a gentleman of law, sitting in ivory towers and hearing and deciding the cases and delivering judgments. The new role of a Judge is also to be an efficient court administrator and successful court manager so as to come up to the expectations of the people, whom it is our duty to serve. In the new role, the administration of justice is not just a system of deciding cases through a hierarchy of courts. The emphasis has shifted to speedy justice through uncomplicated procedures, assisted by certain scientific principles and application of electronic technology in all areas where it can be applied. We are on a turning point, when a justice delivery system cannot afford to survive merely because its members are just gentlemen and men of integrity. Over and above these qualities, the system shall have to be manned by such personnel, who are equipped with managerial skills and use of modern technology. We are all here to understand this concept and then to move in the direction, which this programme will enable us to identify.

According to Mr. G. Narayana, a management expert, efficient management is captured in the maxim: 'follow the GOD and avoid the DOG'. Explaining further, he says GOD stands for Group/Organisation/Direction. By group, what he means is that whether a manager or workers, whether a leader or followers, they must all be able to develop a team spirit and work together for a common goal. The judge must be able to create a team, consisting of all those who work under or along with him. The persons involved and the work on hand should both be organised. And then, there should be a direction or a goal in view, which is to be achieved. "Group, Organisation and Direction" translated into Hindi mean "*Sangha/Vyavastha/Disha*".

"GOD" can also be understood in a different sense. 'G' stands for goal. 'D' stands for destiny. You can have an ambitious goal but the destiny may not permit achieving the same. On the contrary, you may have a smaller goal but the destiny may shower results, much more beyond what you had targetted. This relationship between 'G' and 'D' depends on what meaning you assign to 'O'. 'O' may, for some, mean opportunities and, for some, obstructions. The skill, management and qualities of leadership convert obstructions into opportunities and the lack of these qualities may reduce opportunities into obstructions.

On the other hand, “DOG” in the maxim, stands for “Disorganised-Group”. Want of managerial skills and ignorance of modern methodologies in the leader, result in disorganisation, with zero achievement for the group. Group remains a group on account of disorganisation and does not convert into a team.

Court and Case Management

The concept of Court Management is to render the judicial system more productive. The principles of Court Management enable us to improve the efficiency. Irrespective of the rank of the Court in which the judge works, he must acquire certain skills and qualities which improve his competence and consequently the productivity of the system. Court Management would include identifying the purpose of courts and court system, qualities of leadership, planning the goals, allocation of funds, case flow management, modernisation and rationalisation of court system, introduction of information technology, training of employees and enhancing their skills, human resource management and Bench-Bar relationship.

Case Management has two aspects. One is institutional and the other is individual. As an institution, the Courts have to make an assessment of the case load which they can bear and then, having provided for availability of the requisite number of persons to bear the load, to distribute the work flow between judges, fairly and equitably. Case Management, in its individual aspect, aims at retaining managerial control over the flow of an individual case in such a manner that the control is never lost and the flow never stops. In both the aspects of Case Management, computers are of great help. They enable maintaining of statistics and information. The records can be digitised into electronic files. The electronic diary enables keeping a record of hearing and its follow up.

Let me share some interesting and encouraging information with you. The Karnataka High Court, under the leadership of Dr. Justice (Retd.) G.C. Bharukha, has been able to develop a system, whereby the High Court is interlinked with District Courts and Subordinate Courts. At the touch of a button, at 5 p.m. everyday, the High Court has the information available with it, as to how many judges were on leave, how many witnesses were examined, how many witnesses returned unexamined, how many judgments or orders were reserved, how many were pronounced and how many cases were adjourned and to which dates. This is just an illustration. The system has enabled the High Court to exercise effective control over the working of subordinate judiciary. At the same time, the members of the subordinate judiciary have become more alert, commenced pooling down all their efficiency components and concentrating on giving maximum quality output. Some other High Courts have also gone a long way in the direction of computerisation.

Very recently, the Planning Commission has allocated a fund of Rs.150 crores, for computerisation of all the District Courts in the country. The Government of India has also sanctioned establishment of a Cell consisting of experts in judiciary, technology, administration and human resource management to plan introduction of IT in judiciary, suggest administrative reforms, make recommendations and also oversee their implementation, once the recommendations have been accepted. The Cell would function directly under the supervision of the Chief Justice of India and in close co-ordination with National Informatics Centre.

Judicial Academies

In the matter of improving the status of Court and Case Management, National Judicial Academy and State Judicial Academies can do a lot. I have high expectations from these academies. The National Judicial Academy, under the leadership of Dr. N.R. Madhava Menon has already justified my expectations. Divinity is showering more results than goals. The National Judicial Academy is developing close relationship and inter-connectivity with the State Judicial Academies. I am confident that if these State Academies get active attention of the Chief Justices of the High Courts, the functioning of the judicial system would be revolutionised and the judges of tomorrow will be far better and, if I may say so, 'more competent and capable judges' or in one word 'more excellent judges'. The Indian judicial system will be more productive.

I have declared the Year 2005 as "The Year of Excellence" in judiciary. I have ventured to make the declaration, placing reliance on the mutual trust and confidence which you and I have in each other. If the Year 2005 has to be an 'Year of Excellence', each one of us shall have to be first an excellent person and then an excellent judge or an excellent administrator, as the case may be. The secret of excellence is – "There is nothing noble in being superior to some other man. To be noble is being superior to your previous self. Each one of us has to strive to improve oneself, to correct one's faults, to control one's habits and to make the best use of one's abilities. The greatest test of man's character is how he takes charge of his own life. Henry David Thoreau has said – "Every man is the builder of a temple called his body. We are all sculptors and painters, and our material is our own flesh and blood and bones. Any nobleness begins at once to refine a man's features, any meanness or sensuality to imbrute them".*

Let us all come together to learn Court Management, Case Management and above all, management of ourselves so that collectively, at the end of the next year, we can claim that the Year 2005 was an year of excellence in judiciary.

* Speech delivered on the inauguration of Joint Session of Registrar Generals & District Judges of Madhya Pradesh at National Judicial Academy, on 18th December, 2004, at Bhopal.

* LILLIAN EICHLER WATSON, *Light From Many Lamps*, pp. 161, 165.