

INTRODUCTION OF IT – ADOPTION OF MEDIATION AND CONCILIATION AS DISPUTE RESOLUTION METHODS*

We have, a little before, listened to the Inaugural Address delivered

by My Lord, the Hon'ble Chief Justice of India. His Lordship's concern for tackling the mounting arrears and toning up the efficiency of justice administration system by means of modernization is writ large. His Lordship has a right, with justification, to demand co-operation from all of us. It is not within our capacity to check the inflow of cases. However, it does lie with us to do our best for enhancing our load-bearing capacity by increasing our efficiency. His Lordship has a vision and a plan for total IT initiative in judiciary. The present Workshop is a sequel to that. His Lordship has been pleased to constitute a Committee of brother Justices Santosh Hegde, S.N. Variava and myself to assist His Lordship in giving a shape to His Lordship's plans. On behalf of the Committee, I extend a very hearty welcome to the Hon'ble Chief Justices of the High Courts in the country, brother judges, and all distinguished guests. Hon'ble Justice B.N. Kirpal, the former Chief Justice of India too had thought in this direction; that is why, His Lordship converted the Sunday 15th September, 2002, following the Chief Justices' Conference into a Workshop to give a glimpse of his ideas about introduction of IT in judiciary and adoption of mediation and conciliation as dispute resolution methods, providing additional outlets for dockets.

While 15th September, 2002 was an occasion for initiating thought-process, the present Workshop is intended to be a concrete step in the direction of IT introduction in judiciary on an all-India basis. The Hon'ble Chief Justice of India has a long-term vision of strengthening and modernizing the justice administration system, concentrating on IT introduction in court management, case management and judge management. The strategy of this Workshop is to provide an opportunity for intensive practical learning and meaningful interaction. This Workshop proposes to provide a common meeting point for exchanging the views and experiences of the High Courts. Some of the High Courts have already done a wonderful job in the direction in which we are proposing to move collectively. Let us know what they have done. Let us learn by their experience. Let us emulate. And let us give them our suggestions, if we have any. At the end, the participants must be able to return to their respective High Courts with a determination for action. We have to act and continue to act till we achieve. That is why, the Hon'ble Chief Justice has invited participation not only of the Chief Justices, the leaders of their respective institutions, accompanied by such comparatively young but energetic and enthusiastic judges who would be available for a minimum of 3 to 5 years to monitor the on-going procedures.

Science and technology have enabled coming true of the dream-like-thoughts of wireless houses, paperless offices, bookless libraries and e-courts wherein, the Courts would function with no one present excepting the technical staff. During my recent visit to USA, I had the unique opportunity of visiting the National Centre for State Courts in Virginia where I saw Court Room

No. 21, the 21st century concept of Court room. World is marching ahead and we should not lag behind.

Recently, I had an occasion to visit USA as a delegate in the Indo-US Judges Exchange Programme. I got the opportunity of visiting Federal Judicial Centre, Washington, National Centre for State Courts, Williams Berg (Virginia) and Institute for Development of Legal System, San Francisco. The present Workshop is not an appropriate occasion to discuss in detail my experiences of the visit yet I would like to quickly mention a thought or two. We are lagging behind the developed countries on account of three factors:- (i) ignorance, (ii) poverty, and (iii) population. Therefore, our problems have a different perspective and we cannot just imitate the western or advanced countries. Yet we can learn from their experiences and suitably adapt models suited to our needs. The four concepts which we can safely borrow and follow are: —

- (i) *Training and continuous learning* – There should be intensive training at entry point and periodical refresher courses as a part of continuing education programme at all levels of judicial services. The FJC gives training to Judges of Federal Court. NCSC caters to the training needs of other Judges including lower Courts.
- (ii) *Court Management Courses* – The concept of specialized educational courses for administrative and ministerial staff in Courts is unknown to our country. Suitable courses and training programmes must be devised for them.
- (iii) *Research and Development* – Information Technology and Alternative Dispute Resolution System are sure to overtake justice administration system of tomorrow. Though legal profession as a whole has done something in these fields yet from the point of view of judiciary in India we have yet to open chapters. We shall have to take a lead in these areas and better equip and strengthen ourselves and our system.

Indian Institute of Information Technology, a Central Government undertaking, has volunteered to render its whole-hearted cooperation in propagating and implementing IT initiative in judiciary. We are thankful to them and especially to their Director, Dr. M.D. Tiwari and Professor (Dr.) Kamlesh Agarwala. There are several other institutions and persons participating in this programme who will be introduced to you during the course of the Workshop. On behalf of the Committee, I express my thanks to all of them.

You are all busy persons. I know the cost in terms of time, energy and personal inconvenience at which you have spared yourselves for these three days by being here. My request is: make maximum use of time and participate as best as you can. Please, be informal. Raise as many questions and put across as many queries as you may wish. Feel free and work like members of a team, devoted to achieving a common goal.



* Speech delivered at Inaugural Session of IT Workshop for High Courts in India on 22nd November, 2002.