

# ANDHRA LEGAL DECISIONS

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## INAUGURAL SPEECH OF HON'BLE CHIEF JUSTICE OF A.P. HIGH COURT SHRI JUSTICE DEVINDER GUPTA — AT JUDICIAL OFFICERS' CONFERENCE AT HYDERABAD ON 20-9-2003

Sri Nara Chandrababu Naidu, Hon'ble Chief Minister of Andhra Pradesh, Brother Justice Motilal B. Naik, my other esteemed colleagues, Judicial Officers, Ladies and Gentlemen,

On the occasion of inauguration of Judicial Officers' Conference, I welcome Hon'ble the Chief Minister and thank him in having accepted our invitation to grace this occasion. I need not emphasize that his presence itself besides bestowing luster to this gathering is evident of the concern the State Executive has towards well being of the Judicial Officers.

On assumption of the Office as Chief Justice of High Court of Andhra Pradesh, I was thinking of holding Judicial Officers' Conference. The event was delayed for the reason that before holding the Conference, I wanted to have an overall assessment of the functioning of the Courts at various places in the State, the conditions and the environment in which the Judicial Officers are working which was not possible without paying a personal visit to District Headquarters and also a few remote areas. I have been able now to have a slight glimpse of the State.

The main purpose of holding such Conferences is to have self introspection, to study and understand various factors governing the administration of justice in the State and to find out ways and means to bring in qualitative and quantitative improvement in our work. On an occasion like this, all the Judicial Officers are expected to freely exchange their views and ideas, clear

their doubts and seek necessary clarifications and guidance. This Conference will commence shortly after this inaugural session with address by the Senior Judges of the High Court on a few important topics, followed by deliberations in detail with the respective Portfolio Judges on almost all important topics with special emphasis on the topics and subjects having direct nexus with quick disposal and reduction of pendency of cases. In addition other Hon'ble Judges will also have interaction with selected group of Officers on such or other allied matters. Other matters relating to A.P. Judicial Ministerial Service, Budget, Buildings, Computerization, Legal Aid, Lok Adalat and Legal Literacy *etc.*, will also come up for discussion. All of you are assembled here after undertaking long journey. I expect all of you more particularly the Unit Heads and other Senior Officers to be free while raising problems being faced by you in day-to-day functioning and seek clarifications and guidance in the forthcoming sessions of this Conference. Each one of you is expected to actually participate in deliberations which of course will not relate to any personal problems but will be confined to such of the matters which are directly connected with the administration of justice.

You Judicial Officers in District Courts and Muffasils and we in the High Court taken together constitute the Judiciary in the State. Only a small fraction of people come to the High Court for redressal of their grievances. Thus, in rendering justice to the bulk of the litigant public in the State, the burden lies more with the District Judiciary.

We being part of the same system have assembled here with one common aim, that is, to identify and discuss the problems related to the imparting of justice to the litigants who expect speedy justice. Citizens of this country have absolute faith in the judiciary and the judicial system.

Judges hold a unique position in the civil life of the community. That is so because, in the first place, men value justice more than anything else in this world and the function of Judges is to administer justice. There is no office in the State of such power as that of the Judge. Judges hold power, which is immensely greater than that of any other functionary. The citizen's life, liberty, reputation, property and domestic and personal happiness are all subject to the wisdom of the Judges and dependant on their decisions. A nation cannot be happy if its standards of justice are low. Existence of good Judges is as essential as the institution of good laws in order that spirit of justice may prevail in the society so that laws are well administered.

A capable strong, and impartial, judiciary is the greatest need and an asset of a State. Men can do without every other branch of administration, but there can be no civil society without adequate provision for impartial justice. Where judicial power becomes polluted, liberty is at peril; no guarantee is left of personal or domestic happiness and the security of life, reputation and property is put to jeopardy. An independent Judiciary is an indispensable element of justice. The Judges must strive to see that the independence of the Judiciary is well preserved.

The members of the lower Judiciary are the torchbearer of our society. They are specially charged with the responsibility to uphold moral values and to display a life of restraint and rectitude at all times tempered with feelings of sympathy and consideration

for the poor and the downtrodden. The spirit of justice and fairness must pervade their personality at all times. A Judicial Officer is required to uphold the integrity and independence of the judiciary. The public must not only have confidence in the reliability of judicial procedures, but also in the integrity of the Judges. A Judge shall avoid impropriety and the appearance of impropriety in all his activities. A Judge is to observe high standards of conduct, whether on the Bench or off the bench because public esteem for the Judiciary is affected by the Judge's behaviour in either situation. An exemplary conduct and behaviour is thus expected from this privileged class. In order that the confidence of the society is continued to be maintained, heavy responsibility lies on your shoulders.

For variety of reasons, pendency of cases is increasing while disposal is not commensurate with the institution. We have to take corrective as well as effective steps to avoid unnecessary delays in disposal of cases in order to preserve the confidence a common man has reposed in the Judiciary. Docket explosion which has been daunting the Courts for long if not curbed quickly will affect adversely the very institution. To tackle this problem and to achieve the goal, we should equip ourselves with the awareness of what is happening around us. We should also have to augment our managerial capabilities. So far as the Court Management is concerned, it is really your concern to find out how you can more efficiently with least strain manage the affairs of your Court. Tension is bound to mount up in the day-to-day discharge of your duties as you have to exploit all your energies to show a better out put. For showing better out put, proper and continuous attention has to be paid to the work. Stress is not known to be cause of numerous ailments. Stress may result in distrust, anger depression, hypertension *etc.*, which in turn can prove to be more drastic. Keeping this aspect into consideration, for

you befit a presentation by an expert in the field on “Stress Management through healthy lifestyle” has been arranged tomorrow. I hope, will reap the benefit out of the said presentation.

Society is every changing. Dynamic society like ours demands dynamic application of legal principles. Law cannot lag behind society. We have to understand the dynamics of society in all their multi-facets for effective adjudication of matters that come before us. We cannot decide the causes in isolation taking it out of social context. Need of the day is that every social institution shall keep pace with the march of society. We are no exception.

We at the helm of affairs in the High Court are concerned for the effective functioning of the lower Courts. It is also our collective responsibility that you should be able to discharge your duties without fear or favour. It is the High Court who has to ensure your well being and to solve your problems. Your welfare is our concern. But it must be remembered that even an error committed by an Officer of the lowest rung in the hierarchy in the proceedings of the Court, especially in matters of public importance, can have its own impact on the Judiciary in the State. Basically, every one of you should be therefore, answerable and accountable to yourself.

In my recent visits to the Districts, umpteen numbers of petitions were received from general litigant public, members of the Bar and others for filling up of vacancies, shifting of Courts, establishment of additional Courts *etc.* Some of them are genuine grievances. Recently, there has been recruitment of 42 regular Junior Civil Judges. Recruitment of temporary Junior Civil Judges from out of the eligible feeder categories of High Court and lower Court services is in progress. All of them, in a phased manner after due training, will be able to assume the charge of

the Junior Civil Judges shortly. Likewise, vacancies in the Fast Track Courts are also being filled up at the earliest. Shifting of Courts from one place to another is being looked into by a Committee on principles laid down for that purpose. Establishment of new Courts is another aspect which is a cause of grave concern to us. With ever increase in litigation due to growth in population, larger awareness of legal rights; increase in legislation *etc.*, there is now urgent need for establishment of number of Courts at few places and to add new Courts at the existing places. On examining various factors including population, topography of the area, pendency of cases arising out of that particular area, convenience of the litigant public *etc.*, recommendation for additional Courts and establishment of new Courts was made earlier which is pending consideration before the State Government. We hope that expeditious step will be taken on the recommendation so as to further the cause of effective dispensation of justice.

‘Judiciary’ is one of the three organs in a democratic State and needless to say that the State has been discharging its constitutional obligation to the extent possible within its financial constraints and I have no doubt that it will continue in future to extend fullest co-operation enabling to perform its assigned functions in a more effective manner which will definitely meet the expectations of the litigant public who knock the doors of justice.

Before concluding, I again exhort you to effectively take part in the deliberations and on conclusion thereof to go back to your respective places fully charged to discharge your obligation to the society whole heartedly by giving to the problem stricken the maximum and best you can ensure that your wisdom is reflected in your judgments.

Thank you one and all!