

Tamil Nadu State Judicial Academy

Conference of Principal District Judges and Chief Judicial Magistrates

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Inaugural Address – Six Relevant Factors for Effective Administration of Justice

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Judge, Supreme Court of India¹**

Justice Satish K. Agnihotri, Justice T.S.Sivagnanam, Justice P.N.Prakash, Justice G.M.Akbar Ali, Brother and Sister Judges of the High Court of Madras, Principal District Judges and Chief Judicial Magistrates of Tamil Nadu and Puducherry, District Judges of the City of Chennai, and ladies and gentleman,

I am, indeed, very glad to be present to address the gathering comprising the Principal District Judges, District Judges, and Chief Judicial Magistrates, of the State of Tamil Nadu and the Union Territory of Puducherry.

I was told that this is the first programme of the year 2015-2016 being conducted by the Tamil Nadu State Judicial Academy and this fact makes me doubly happy for being here on this occasion.

The subject given to me is “Six Relevant Factors” for effective administration of justice and to my view, they are -

- (1) Legal Knowledge
- (2) Court Management
- (3) Administration
- (4) Public Trust and Confidence
- (5) Healthy Family Set Up
- (6) Health Management

I would like to speak briefly on each and every factor.

1. LEGAL KNOWLEDGE

¹ Ably assisted by **Mr.N.Sathish Kumar**, Director, Tamil Nadu State Judicial Academy, Chennai.

The term “Legal Knowledge” denotes not only procedural and substantive law, but also the other knowledge relating to social and economic scenario of the country. In this context, social sensitivity comes into play, because only if the judicial officers of the District judiciary are sensitised on the emerging legal, social, and economic trends, they would be better-equipped to handle the cases effectively and completely.

It is no doubt true that the judicial officers must keep themselves abreast of the procedural and substantive law. As all of you would be aware, procedural law refers to the laws that govern the procedure of civil as well as criminal courts and they lay down the rules to be followed by courts, e.g. Cr.P.C. and C.P.C. The court needs to conform to the standards set up by procedural law, while, during the proceedings, these rules ensure fair practice and consistency in the “due process”. Substantive law, on the other hand, defines the relationship between people and the state or between people and the laws that deal with contracts, companies, etc. are substantive, e.g. Contract Act, Company law, and Indian Penal Code. Substantive law also defines the rights and duties of the people, but procedural law lays down the rules with the help of which they are enforced. The differences between the two need to be studied in greater detail, for better understanding

It is needless to say that the judicial officer, who is well-versed in procedural law, will be able to manage the court and the cases effectively and also productively. Therefore, I call upon the participant-judicial officers, who are present here, to get themselves updated on the emerging legal and social trends, every now and then, so as to put the procedure and practice, being followed in the courts, into strict adherence. Some tools to update legal knowledge :

- (a) Repeated reading of relevant provisions when they come up for interpretation.
- (b) Get enlightened by senior lawyers whenever they address the Court by interacting with them deeply into the subject.
- (c) Understand the ratio and principle in the judgments cited at the Bar.
- (d) Register such legal principles as and when argued in a separate register for future reference.
- (e) Allot at least one hour for reading or to glance through recent decisions reported in at least two journals one of the Supreme Court and one of the Madras High Court.
- (f) Discuss with fellow Judicial Officers when clarity is required.

2. COURT MANAGEMENT

The District Judges and the Chief Judicial Magistrates ordinarily play a pivotal role in the development of court policy. Every District Judge/CJM must cultivate the art of court management. They have collective responsibilities for these functions.

- **Leadership**: As a District Judge or Chief Judicial Magistrate, you are uniquely situated to lead the court in determining the administrative policies for better working of the courts.
- **Court Management**: You have the responsibility to make sure that laws, regulations, and court policies are followed, that the needs of court employees are properly addressed, and that administrative tasks are carried out. Behavior of the judge in the court is the most important aspect in court management. You have five segments of people in the court to behave with.
 - 1) **Lawyers**: Judges must show respect, courtesy and patience to the lawyers, and at the same time maintain the control of the proceedings and also have an obligation to ensure that proceedings are conducted in a civil manner.
 - 2) **Witnesses**: The foremost aspect that every trial judge should remember is that the statement of a witness is the lifeline of a case. Their protection is primary for free trial. Thus, every trial judge has an obligation to treat them with dignity and respect. Whenever, the presiding judge notices abuse of witness in courts, they should come down with heavy hands and convey the message that witness box will not be allowed for committing offences under section 500 IPC. Otherwise the dignity and solemnity of the court will be impaired.
 - 3) **Courts Staff**: Court management cannot succeed without the support of the court staff and its registry. Thus, presiding officer must always maintain the decorum of the court and never create tension in the minds of court staff. Tension inflicted on the staff would not only cause them to commit repeated mistakes, but the records will become unmanageable. This must be your coat of arms when you are in the court or in the court office.
 - 4) **Subordinate Officers**: Always treat your counterparts and the subordinate officers with due respect. The court management is a comprehensive procedure. Therefore, even the smallest aspect has significant impact on the effective administration of justice.
 - 5) **Litigants**: Judges should not employ hostile or demeaning words in opinions or in written or oral communications with litigants.

- **Case Management**: The District Judges/CJMs are provided with the authority over the allocation of cases to other courts. You should utilize this position to monitor caseloads and trends and to identify problems that are contributing to the delay in the trial. Further, you must recognize that case management is relevant also for those courts that are not currently experiencing delays or backlogs.
- **Prioritization of old cases**: Constructive efforts must be taken to ensure that cases pending for more than five years are taken up on priority basis and such cases are brought down to zero level.
- **Supervision of Court Managers**: Judges are ultimately responsible for effective court management. However, the complexity of the modern court requires the delegation of administrative functions and responsibilities to the court managers subject to the supervision and direction of the presiding officer. Thus, you must have effective control of working of these Court Managers.
- **Inspection of Subordinate Courts**: The District Judges and CJMs should conduct frequent inspection of subordinate courts for better accountability and efficiency.
- **Budgets**: The judicial officers must be proficient in the art of planning and preparation of budget so that the budget meets the requirements of the next year and is neither surplus nor deficit.
- **Annual Confidential Reports**: The Annual Confidential Reports of members of subordinate judiciary must be maintained properly and on regular basis.
- **Periodic meetings between Police and District Judge/CJM**: Holding of such meetings must be encouraged for smooth running of judicial system.
- **Coordinated effect of all the above factors will prove to be successful.**

3. ADMINISTRATION

Principal District Judge is the administrative head of the District and the team leader of the officers in the District. A duty is cast upon him to operate as the captain of the team at the headquarters. It must be the endeavor of the Principal District Judge to maintain proper judicial tempo of functioning in his District and be responsible for the efficiency in the District. He is also expected to ensure that filing of cases in all the Courts are done without delay; number of part-heard cases do not swell; proper maintenance of registers; prompt compliance of copy applications; disposal of properties both valuables and non-

valuables; issuance of certified copies of the orders/judgments without delay; periodical consignment or records, periodical destruction or records; and organizing legal aid programmes under his direct supervision. He also shoulders the responsibilities of recruitments, postings, promotions and transfers of staff members working in the District.

The Principal District Judge has to ensure that the work is distributed equally to all the judicial officers. It is often coming to the notice of High courts and the Supreme Court that some courts are overburdened, while some do not have sufficient work. In this area, the Principal District Judge has to carefully study the pendency of the cases in each court and ensure that the work is distributed equally by passing necessary orders. In case he finds any difficulty he could bring the same to the notice of the Administrative Judge for the District and then, the same may be communicated to the High Court for getting proper instructions.

4. PUBLIC TRUST AND CONFIDENCE

Public Trust: A judge must respect and honour his judicial office. It is an institution of public trust and he must endeavor to leave such office with higher respect and public confidence than when he inherited it. Societal equilibrium and faith in rule of law depends on the strength of the dignity of the judicial office. Judges are, after all, temporary occupants of an office that existed before us and will continue to exist after our exit. Holding judicial office is not a Government job but a service oriented avocation for public good.

Public Confidence: A set of professional ethics guides judges on the role they play in contributing to a credible and trustworthy legal system. Because the judiciary enforces the law, under the Constitution, citizens must be confident of obtaining protection for their rights and freedoms. A judge always should act with dignity and perform his duties to the highest standards to uphold and maintain the integrity of his office. Public confidence benefits when people who come to court, gain unstinted trust that a judge will act honorably in the discharge of his duties.

5. HEALTHY FAMILY SET UP:

Judges are bestowed with the responsibility of judging the conduct of fellow citizens. Therefore, it is only natural that they are expected to make truthful decisions in their own lives. If they succumb to making the wrong choices, they lose the moral authority to judge the lives of others. Further, judges are not only held responsible for their own conduct, but also for that of their families. Such relationships may, sometimes, give rise to complex ethical challenges as they may place additional restrictions on the family members of a judge. Therefore, great caution also needs to be exercised by a judge and his family and friends while conducting themselves. This may even mean that they may have to sacrifice some of their freedoms that they may have otherwise enjoyed. Judges must constantly consult each other as well as draw from national and international

practices of ethical judicial conduct as no amount of caution can sometimes be sufficient in order to avoid any conflict of interest and uncalled for controversy. Lord Denning in his monumental, "Freedom under the Law", discusses about striking a balance between private individual right and public convenience and states, "*the moral of it all is that a true balance must be kept between personal freedom on the one hand and social security on the other.*" However it should not be taken to mean that family welfare can be sacrificed. Welfare of the family is equally important for the success of a Judicial Officer. Each and every basic family requirement such as food, shelter, health, education and safety must be ensured to enable the judicial officer to perform his judicial functions with full support of the members of the family as well as kith and kin.

6. HEALTH MANAGEMENT

It is of foremost importance that every judicial officer must maintain his health in a fit manner. Only if he maintains his health proper and better, he would be able to play a role of the protector of his family. Again, only if he protects his family, he could well concentrate in his day-to-day work, both judicial and administrative. Therefore, maintaining health must be the foremost requirement of the judicial officer for effective functioning as a Judicial Officer.

I hope that Tamil Nadu State Judicial Academy is conducting classes for improving the health of the judicial officers and that you are doing some exercises regularly.

I also hope that you all are following the health tips as much as possible and my advice to those, who have not yet started the regular exercise, to start doing physical exercise right from tomorrow. I am also told that this Judicial Academy has put in place a new set of physical exercise equipments in the gyms. In this respect, I request all of you to utilise the gyms to the extent possible, whenever you visit this Academy.

I conclude my speech by saying that only by maintaining good health and if you stay fit, you can be happy, and by being happy, you can protect your family and make them happy. Once you do so, your performance, both judicial and administrative will excel and consequently the Institution will be greatly benefited.

Thank You.
