

Court Development Plan – The need of the hour?

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“Don’t wait for extraordinary oppotunities. Seize common occassions and make them great.”

- Orison Swett Marden.

Court Development Planning system is for overall development of the courts. The main challenge is to address the infrastructural and other issues with the available resources. Hence, though a vision and mission statement is necessary for the long term development. Short term goals and workable solutions with the resources in hand is the need of the hour. The court development planning has to be made with a vision to move towards a people friendly atmosphere which is efficient and convenient. It is not out of place to point that the backlog of cases and the infrastructural inadequacies have been largely pointed out and highlighted as a serious concern, by the Hon’ble Supreme Court and the Hon’ble High Courts. To make matters worse, it is seen that there is an issue relating to the vacancy of the ministerial cadre that is looming large in most of the Districts of Tamil Nadu.

In this context, it may be relevant to analyze the factors that have to be necessarily addressed for a proper appreciation of the court development system and to address the pendency/backlog of cases.

1. The infrastructural inadequacies.

2. The inadequate ratio of the cases and staff provided.
3. The ineffective use of resources provided.
4. The vacancy of judicial officers vis-a-vis creation of new courts.
5. Digitization process – the need to keep up pace.

The above issues are merely pointers that identify the possible areas where the development needs to commence. However, apart from these issues, there are larger issues relating to setting up a litigant friendly/people friendly atmosphere in the court premises.

It is to be noted that the issue of pendency/backlog of cases is the main reason behind the thought process of a court development plan. The pendency of cases has been an issue which has been debated over several years. However, presently with the increase in number of courts, increase in number of cases, there is a larger issue of addressing development of infrastructure proportionate to the increase in demand. Further, now there is a change in staff requirements in each court due to the digitization process and distribution of cases. All the demands would lead to the question whether the existing resources are being properly utilised by the courts. Therefore, on the whole the court development plan largely revolves around the pendency/backlog of the cases and the other issues relating to infrastructural and other requirements are the ancillary issues.

Various researches¹ have been done to address the issue of backlog of cases. All the researches have ultimately pointed out that addressing the ancillary issues would in turn address the issue of pendency/backlog. Therefore, it is seen that court development plan has to address the ancillary issues in order to address the main issue.

¹ For instance: (1) NCMS Baseline Report on Court Development Planning System (Infrastructure and budgeting) <https://www.supremecourtfindia.nic.in/pdf/NCMS/Court%20Development%20Planning%20System.pdf>; (2) A Study on Court Management Techniques for Improving Efficiency of Subordinate Courts http://doj.gov.in/sites/default/files/Final%20DOJ%20Report_Revised%20%281%29.pdf

The above discussion would lead to the deliberation as to what would be an optimum court development plan. A court development plan has to address the short term as well as long term goals. What could be the short term goals is by itself a vast study. The court manager presently recruited are MBA graduates who have little or no exposure with regard to the working system of courts. Hence, the vision proposed by the Court Manager has to be a working structure, which could be easily integrated with the present system. This would ensure that the staff of the courts are not thrown into an alien working system, all of a sudden. This would also make sure that there is little/no resistance in implementing the court development plan. Therefore, it is first necessary that the Court Managers study the working system of the courts in which they are working. The aspects of study has to be such as to facilitate the preparation of a working model of court development plan with short term and long term goals.

The following may be considered as the areas on which the court managers must necessarily focus their attention.

1. Infrastructure – The court building, the number of courts accomodated therein. For instance, some of the combined court buildings are old constructions, initially built to accomodate less number of courts. Through the years, more number of courts would have been accomodated in such buildings. The said facts have to be analyzed by the court managers. The space adequacy has to be ascertained. The provision for basic facilities (furniture requirements, space requirements, rest room facilities, electronic devices etc.) to the judicial officers, ministerial staff, litigant public and advocates has to be studied and a report thereof showing the present available infrastructure along with the possibilties of altering the same to suit the needs and suggestions for modification could be prepared as the first step.

After the preparation of the report indicating the current scenario, the Court Managers, can coordinate with the Head Clerk of the District concerned

to ascertain the steps taken in the district so far and the stages in which the same is pending. Only after this basic preparation, the Court Manager should begin his/her task of setting short term/ long term goals regarding the infrastructural development of the district concerned.

The court manager also must collect materials regarding what the present system of maintenance of the buildings and how the same has been carried out. The court manager has to keep in mind that the development plan should be drafted in such a way as to achieve progress in the present scenario. The optimum utilization of the man power available in the district has to be taken into consideration. Without proper analysis or discussion with the Principal District Judge, the requirement of further man power and unworkable plans will not serve any purpose.

The Court Manager is positioned in such a manner that he is an employee who reports to the Principal District Judge. His/her cadre is placed below the judicial officers and therefore the Court Manager is answerable to the judicial officers independently. However, that does not mean that the court manager should act at the beck and call of the all the judicial officers in the District. There is an imminent need for the Court Manager to understand his position in order to ensure his/her smooth integration into the system. The court manager can interact with the judicial officers and the ministerial staff to ascertain the infrastructural requirement and can also input the feedbacks in his report.

2. The process of court working system – The court managers need a working knowledge about the process involved in the court. At this juncture, it is to be made clear that the court managers have no role in the adjudicatory process and therefore, non-interference in the said zone must be necessarily maintained. The court manager has to acquaint himself/herself with the manner in which the cases flow from the filing to the courts concerned and the process involved in CIS system. The monitoring of NJDG is also a method

through which the court manager can monitor the flow of cases. The working process of the nazarate, record section and the copyists section can also be acquainted with.

With the digitization process, the courts are becoming largely litigant friendly and computerized. Therefore, the court managers can study the working system of the courts to identify the adequacy of the staff and the working system. For the said purpose, a court manager can take out a sample study of few courts to analyse the number of cases posted every day and the number staff handling the cases and duration taken to complete the work for the day. Suggestions could be given as to the optimum number of staff which may be required to meet out the work burden of the court concerned. The cadre of the staff, which may be required and how the same can be balanced with the available man power.

An analysis could be made with regard to the distribution of cases among equal cadre of officers and suggestions could be made regarding the redistribution of cases to improve efficiency and disposal based on the sample data in hand. A monitoring system could be set up to monitor the activities of nazarate, copyists section and records section. A periodical monitoring of the destruction of records as per rules prescribed could be devised and monitored by the court managers. Therefore, in order to devise a short term or a long term goal for the court working system, the court managers ought to have a necessary understanding of the present system. The goals should be given based on the data collected and in a manner that could be achieved with the existing infrastructure.

3. Hygiene and upkeep of the campus – The Hon'ble High Court is taking hectic steps to ensure that the court buildings are housed in combined court buildings. In most of the districts, combined court complexes have been constructed and all the courts are functioning in the said buildings. Though the accomodation

has been established, there is nothing or next to nothing done to maintain the said buildings. As a result, the building wears out within a short span of time and poses a sorry picture. The court managers can study the method adopted currently by the District for maintenance and upkeep of the court buildings along with the assistance of the Head Clerk of the District Court. He/she can find out the areas, wherein the support of PWD is required and the areas in which the support of the Corporation concerned is necessary. A chart could be prepared setting out in detail as to the maintenance work and the person in charge of the said works. The person who is the point of contact in the various department can be identified and such contact numbers can be maintained by the court managers. This will give the court managers a bird's eye view about the present working system and also will enable them to upgrade themselves into the role of liasoning officers in respect of maintenance and upkeep of the court buildings.

The above would clearly show that in order to integrate themselves into the court system, the court managers should have a working knowledge about the systems prevalent in the courts and then give their inputs for court development plan.

What could be an ideal court development plan is the next question that arises for deliberation. The focus of court development plan should be such as to achieve the goal of the judiciary. Now, what could be the goal of the judiciary. The primary role of the judiciary is to deliver justice. The ancillary goal is to be litigant friendly, employee friendly and transparent. To achieve these goals, it is necessary to address the core issues concerned. The core issues that need immediate attention have to be segregated under short term goals. A court development committee could be constituted in each district to suggest the suitable short term goals and the time necessary for achieving the same. The other goals, which require further processing i.e. construction of new buildings,

new projects, establishment of new courts etc. could be indicated in long term goal and the same could be achieved within the 5 year term.

The goals set for the court development should ideally address the immediate issues as short term goals and the other development issues as long term goals. Further, as suggested, the court development committee could suggest the time frame that could be fixed to achieve the short term goals and the long term goals. Further, the court development committee could monitor the progress and ensure that the goals are achieved within the stipulated time. Therefore, it is seen that apart from forming a court development plan, there should be a mechanism to ensure the effective implementation of the court development plan.

At this juncture, it is interesting to refer to the article ‘What really makes managing the courts so challenging ?’ written by David C. Steelman².The introductory note of the author is extracted hereunder for ready reference.

“Every organization faces challenges in realizing its vision and mission. There are four challenges, however, that are specific to the court and tend to determine the court’s success,as a public institution, in fulfilling its mandates.

The first challenge is achieving continuity of leadership. It is standard practice for courts to have a chief or presiding judge and to rotate this judicial leadership role among the bench every two to four years. Regardless of how these positions are filled, the leadership role is defined primarily by the person in the position. Most judges are neither trained for their leadership role nor given adequate time to accomplish its duties. In this vacuum, most chief or presiding judges install their own leadership agenda, which may differ significantly from that of their predecessor and is non-binding on their successor. This creates an adhocracy, which makes it difficult for any court to implement and sustain significant change over time.

² David C. Steelman is Principal Court Management Consultant with the National Center for State Courts. In over 25 years with the National Center, he has led more than 150 projects for courts in 36 American states and foreign countries. As an author, he recently completed a book entitled, Caseflow Management: The Heart of Court Management in the New Millennium (2000), which has been published as part of the National Center’s “Court Management Library Series.” Mr. Steelman previously directed their Northeastern Regional Office and was an adjunct law professor in the Evening Division of Boston College.

The second challenge is balancing judicial autonomy and court administration. Since each judge is independently elected or appointed to the bench, the highest value among judicial officers is their personal autonomy. While this autonomy is essential in the area of judicial decision making, the generalization of this autonomy to administrative matters makes it difficult for the court, as an organization, to function effectively and efficiently. Unless judges willingly give up some of their power and independence, the administrative functioning of the court is compromised. A seven-judge court, for example, will either be one court with seven judges or seven courts with one judge each. The outcome will be determined by the court's ability to construct a governance structure that strikes a reasonable balance between judicial autonomy and administrative coherence.

The third challenge is integrating, not merging, the judicial and court manager cultures and perspectives. The words judge and court are not synonymous. There is also a power differential between elected officials and appointed staff, which often results in an artificial separation between judicial and management functions. The issues that the court faces, however, are not strictly legal and addressable through knowledge of the law. There are organizational issues that require expertise in such areas as caseload management, information management, human resource management, and court security. Success in these areas requires a partnership between judges and managers and recognition of each other's expertise. There are few, if any, judicial issues that do not have administrative consequences; and few, if any, administrative matters that do not ultimately affect the work of the judiciary.

The fourth challenge is maintaining judicial branch independence while being responsive to the public. It is critical for the decisions of the court to be, and be perceived to be, impartial and independent of political, social, and economic influences. It also is important for the credibility of the courts to be, and to be perceived to be, responsive to the needs of their constituents. The issue of public trust and confidence in the courts reflects the need for courts to distinguish between their legal and ethical requirements to be independent and their moral and fiduciary responsibilities to be accessible and responsive to the diverse communities they serve.

The purposes of this monograph are to explore these and other challenges in an effort to help shape the court's leadership agenda and practices for the future."

The above article, though written in the context of American Judiciary, is more or less relevant to the present scenario prevailing in our country. The present structure requires a district to be manned and administered by the Principal District Judge therein along with the administrative assistance of Chief Administrative officer (CAO) and Head Clerk of the institution. There are specified duties and responsibilities³ outlined for the post of the CAO and the Head Clerk of every District. Now, after 2013, the post of Court Managers have been created for the following purposes.

1. Effective planning and managing information.
2. Human resources.
3. Core Court system inclusive of documentation management, utilities management, infrastructure and facilities management and financial system management.
4. The implementation of digitization for better case management.
5. To ensure judicial responsiveness as per standard set by the superior courts.

With the above broad purpose, the court manager posts were created throughout India. Though the purpose of their appointment has been clearly spelt out, the duties and responsibilities of the court managers have not been fixed in Tamil Nadu. Broad purpose of their appointment has been provided. The wide range of purpose specified hereinabove cannot be directly converted into the duties of the court managers. The reason being that, if it is done so, the same would overlap with the duties and responsibilities of the CAO, Head Clerk, Central Nazir and Record Clerk who are already performing the said duties. Further, since the court manager is not from the legal field, in strict sense, there is a hesitance to hand over the responsibilities in consonance to the purposes herein above stated. In effect, the court managers are being allotted

³ Duties and responsibilities as spelt out in the Court-Staff-Registers – Legal Procedures: A Guide for District Judiciary released by the Tamil Nadu State Judicial Academy, Chennai in 2013.

work by the Principal District Judge, in every district according to their own requirements.

The uneven allotment of work among the court managers around the various districts of Tamil Nadu has largely, on one hand, led into a feeling of frustration among the court managers, who feel the whole exercise is not worth their while and on the other hand, has left the District heads with the feeling that the post of the court manager is ill conceived and is not serving its purpose. This has led to the post of the court manager becoming redundant in our system contrary to the vision proposed while creation of the post.

The acceptance of court managers in the present system prevalent in the subordinate courts is not without roadblocks or hiccups. However, it is necessary to emphasize on the need to integrate the court manager as a tool to enforce an efficient system of court management and for the development of courts. The term court manager, cannot be taken in the strict sense of the term to mean that a person so appointed is expected to manage the courts. The management of courts and its adjudicatory process is the sole realm of the judicial officer concerned. However, the volume of litigation and the various connected issues have led to a situation wherein the present system of administration may not be adequate. The said observation would lead to an issue as to how would the creation of an additional post help in the administration techniques.

At the time of recruitment of court managers, it was decided that MBA graduates would be appointed for the said post, so that they can input their management skills and help the better administration of the district. The court manager therefore were appointed with the intention of performing the humungous task of implementing management techniques into the court administrative system. However, no such task was initiated by the court manager or encouraged by the district administration. Thus, the intended

integration has not seen the light of the day and the post of the court manager is only looked upon as an unnecessary off-shoot or an unnecessary thorn in the flesh.

In this context, it is relevant to note that as per the study of the National Judicial Academy, Bhopal, the court manager post has been successfully utilized by some of the states in India e.g. State of Maharashtra and Allahabad by involving the court managers to perform the actual duties prescribed in the manner provided⁴. In the state of Tamil Nadu, though the work nature of the court managers have been described, the duties and responsibilities are yet to be fixed. The post of the court manager is here to stay and therefore, it is time to define the role of court managers to avoid the undercurrent between the court manager and the other officers in the District.

Since, the court manager is a post devised to further the development of the court, they have a strong role to play in the preparation of the court development plan. The following can be considered to be the possible duties/responsibilities, which can be allocated to the court manager of a District.

1. Digitization: The digitization of the courts has been fast progressing and the paperless courts will be a new era in court development. The court manager being a management graduate can be given a positive role in the said digitization process. As a first step, the court manager has to be inducted as a member secretary of the District Computer Committee. The system assistants working in the district can be made to report to the court manager. The court manager can be given the duty of monitoring the district court website and be made in charge of updating the website on a regular basis. The monitoring of the cases in NJDG to ensure 'NIL' undated cases can be made the responsibility

4 The successful utilization of court managers statewide has been discussed in the presentation 'Role of Court Managers in different jurisdictions' given by Dr. Geeta Oberoi, Professor, NJA Bhopal
[http://www.nja.nic.in/Concluded_Programmes/2016-17/P-1010_PPTs/1.ROLE%20OF%20COURT%20MANAGERS%20IN%20DIFFERENT%20JURISDICTIONS\(Session2\).pdf](http://www.nja.nic.in/Concluded_Programmes/2016-17/P-1010_PPTs/1.ROLE%20OF%20COURT%20MANAGERS%20IN%20DIFFERENT%20JURISDICTIONS(Session2).pdf)

of the court manager. The court manager can be made a point of liaison between the e-court committee of the Hon'ble High Court and can take care of all the communications relating to the same.

2. Statistical analysis of case disposal: The court manager can be given the responsibility of preparing a statistical analysis of the inflow and outflow of the cases and the disposal rate of the courts with specifications regarding the nature/manner of disposal. The said report could be prepared for each court and the same may be circulated to the individual officers through email for their reference. While preparing the data, there can also be an analysis regarding the distribution of cases. If the court manager finds that there is no proper distribution of cases, a separate note may be put up before the Principal District Court for suitable action.

The court manager has to prepare a report regarding the adequacy of staff qua the pendency and the nature of work in each court and suggest a method for adequate use of the existing man power. If found necessary, additional recommendations can also be made for creation of suitable posts and proposals to be drafted for the same.

3. Recruitment: The court manager can maintain the list of the vacancy in the District. He should be given the responsibility of notifying the vacancy and preparing the ground work necessary for initiating the recruitment process. He can also be made responsible for liasoning with the concerned departments and to initiate public advertisement and other necessary process. The applications can be received by the court manager and scrutinized by the recruitment team, which can work under the direction of the CAO and under the supervision of the court manager. The recruitment process can be monitored by the court manager in close association with the CAO.

4. Event Management: The court manager can be given the responsibility of conducting all the events to be held by the District Court within the District

and in Taluk levels. The necessary arrangements to be made by the court manager in co-ordination with the protocol unit. At the time of conducting the event, suitable staff can be deputed by the Principal District Judge to work under the court manager. He/she can also be made responsible to issue press notes and to liaise with the press.

5. Conducting Lok Adalats and co-ordinating mediation programmes: The court manager can be given an important role for preparing a list of pending cases, which can be referred to Lok Adalat, and organizing Lok Adalat events. The mediation programmes, which are held in large scale, can also be co-ordinated by the court manager. The court manager can also monitor the statistics given by the Legal Services Authority and submit a report to the Chairman of DLSA regarding the effective use of the legal aid and mediation programmes. For the said purpose, the court manager has to co-ordinate with the DLSA and if necessary a team of staff can be temporarily allocated to conduct events and organise programmes.

6. Preparation of reports/statistics necessary for conferences: The court manager has to be given the responsibility of preparing report and materials required by the Principal District Judge for attending conferences and other important meetings. The active participation in preparation of relevant material necessary for the conference has to be encouraged. The accuracy of data has to be ensured and the reports could be submitted well in advance.

7. Infrastructural requirement: The court manager can inspect the District Court premises and submit suggestions to improve sanitation and hygiene in the campus. Further, he can ensure that adequate furniture is provided in each court and can ensure that all the infrastructure necessary for the proper functioning of the each court is provided and is used in optimum. He can identify the under utilized infrastructure and suggest modes for better utilization of the same. The duty of maintaining a hygienic campus can be given

to the court manager and he can be made a liasoning officer in that aspect to co-ordinate with other agencies along with the assistance of Head Clerk.

The duty of follow up of proposals for creation of new buildings, new courts etc. can be given to the court manager and he can be given the responsibility of liasoning with the government agencies for the same. In this context, the court manager can also be given the responsibility of co-ordinating with the Hon'ble High Court and all the communications relating to the said proposals can be made the responsibility of the court manager.

8. Destruction of case records: The destruction of old case records is very important to save space and the same has to be done in a periodical manner. The court manager can be given the responsibility of monitoring the destruction of case records and the record clerk can be directed to formulate short term goals in this regard. The court manager can be given the duty to ensure that the short term goals submitted in that regard is implemented and the communications/compliance in that regard has to be submitted to the Principal District Judge. The court manager can co-ordinate the same and the record clerk has to report the compliance/otherwise to the court manager for further action.

9. Research: The court manager can monitor the case management adopted by each court and whenever certain methods are found effective, the same may be taken to the attention of the Principal District Judge. Thus, he can ensure that the best practices are documented and the same is brought to the notice of the District Head for suitable implementation, wherever found appropriate.

10. Assistance of Principal District Judge/Preparation of Court Development Plan: The court manager can prepare an Annual Calendar with the co-ordination of the CAO, Head Clerk and other staff concerned and prepare a calendar indicating the Annual inspections to be carried out by the Principal District Judge. Further, the court manager along with the assistance of the

court development committee and the Principal District Judge develop a five year plan for Court Development (including short term and long term goals). He can also take care of the re-scheduling of events and also incorporate the regular meetings to be conducted by the District Head. The calendar can be fixed after obtaining the prior approval of the Principal District Judge. The court manager can also perform such other tasks as directed by the Principal District Judge.

The above duties/responsibilities are not exhaustive. However, the same may be considered as the initial tasks which can be allocated to the court manager. This would ensure the successful integration of the court managers into our court system. As soon as the acceptance of the court manager improves, the court managers can be given more responsibilities and duties.

To conclude, the court manager post has been created with a great vision of standardizing procedures and introducing a predictability in the court management system. The management of the courts is the need of the hour and is most essential for delivery of justice. The court manager ought to be given a positive role in the management of courts and they have to be merged into our court system. If it is done so, the visionary mission with which the post was created would definitely achieve its object. The court development plan, therefore, is definitely the need of the hour.