

Speech of Hon'ble Mr. Justice Tirath Singh Thakur, Chief Justice, Punjab & Haryana High Court, Chandigarh given on 28.11.2008 at Haryana Niwas, Sector-3, Chandigarh on 1st National Judicial Academy, North Zone Regional Workshop on "Planning and Management for Timely Justice" held from 28th – 30th November, 2008.

Hon'ble Mr. Justice Mehtab Singh Gill, Chairman, Executive Committee, Chandigarh judicial Academy, Hon'ble Mr. Justice Ashutosh Mohunta, Hon'ble Mr. Justice M.M.Kumar, Prof. G. Mohan Gopal, my esteemed brothers and sister judges, participating Judicial Officers and distinguished invitees.

Prof. Mohan Gopal started with 1978. I wish to take you a little further down in history in the year 1947. The Country's population in 1947 we attained the freedom was 34.7 crores, which rose to 85 crores by the year 1990 and crossed the one billion mark by May, 2000. The estimated population today is about 113 crores what is important is that it is increased by 12.73 lakhs every month. It was said that India produces one Australia every year. I am sure with the current growth of our population, we may be close to producing two Australias every year. With such a huge population, come equally great challenges. The challenge of feeding more than 100 crores is by itself formidable. The challenge of providing potable water, hygiene, medical facilities, employment, education are no less taunting. While the Country has done well on the Agriculture front, the challenges in other areas continue to be a source of a great concern to the legislators, the administrators, economics and the planners alike. Without being very pessimistic about the situation arising from the

population explosion . I wish to point out that according to the studies, growth of population is accompanied by proportionate growth in the number of those who live below the poverty line. According to one estimate, merely 37 crore people live below the poverty line in this country today, which is more than the total population of this country at the time of independence. What is more disturbing is that by the year 2050, population of those living below the poverty line will cross one billion mark. I am conscious of the fact that this work shop is not going to discuss the issues relating to population and its growth but is related for discussion on the subject of greater importance namely whether the country's judicial system can meet the challenge of providing quick and affordable justice to such a large mass of humanity as lives in this part of the world and as would grow in years to be the largest in any country administered by a common judicial system. For a number of years, in contemporarily past, there has been a growing concern among the people and even among those who man the judicial affairs of this country, about the adequacy of judicial system to provide remedies and redress to those approaching the courts and its capacity to reduce the back log . It has been often said and I am sure, all of us present here have in every seminar, in every conference, in every workshop heard that the number of cases pending in the subordinate courts has risen to 2.60 crores. Prof. G.Mohan Gopal

proceeded a slightly higher figure, if I am not mistaken he said the figure is around 2.9 which is worse those pending in the high courts is 38 lacks. What is disturbing is that despite numerous measures taken by the government as also by the judiciary by increasing the judge strength in the country, establishment of permanent lok Adalats, promotion of alternative dispute redressal mechanisms establishment of mediation and conciliation centers and above all despite reforms in the procedural laws applicable to adjudication of disputes the back log of cases has kept on increasing every year. You all know, the CPC has been amended Section 89 has been added. We all know lok adalats are working. We all know alternative disputes resolution like mediation and conciliation and other mechanisms have been brought we all know that judge strength has been increased and yet if you look at the figures, the backlog has not been reduced. The number of cases is increasing and, therefore, the inference is that no single step or measure can prove effective. They said that the studies are correct, in September, 2008 the total number of subordinate Judge in this country was 12990. If you add 620 High Court judges to that the total strength comes to 13539. Average disposal per judge in the country is 1243 and if you are to dispose of all the cases that you have you would require something like 36550 judges, there is short fall of about 25000 judges and when you talk of 20000 judges and if one word to

say you would require an outlay of 2 crores per court where where a judge has to be appointed the budgetary allocation would run into say 14000 crores that is the capital investment for establishing the courts and the revenue expenditure would be in the tune of minimum of 500 crores every year. Whether we can afford that kind of outlay is another question. Prof. G.Mohan Gopal says perhaps the government has no problem in providing funds. At the national level I do not know. Out of the total national budget, the expenditure on judiciary is just 1% in fact, it is less than 1%. I am not aware of other places. In Delhi, it was never a problem with money you ask for 500 crores give you 500 crores problem in Delhi is of space. The rest of the country in Punjab our complexes are thirsty for money. In Haryana, we are doing slightly better but you ask any Chief Justice of the country where infrastructural development is being undertaken you will find that money is a major problem and if it is a problem then addition of new courts, appointment of new judges. Among other strategies and dimensions with which we are all familiar and to which I have referred above is the need for a National Planning and Management System for the administration of justice. Now, this workshop is going to focus on a new dimension. The usual, the routine, you see the burden of every conference is add more judges, improve infrastructure do this do that. This workshop will address a different area i.e. how this workshop would be proved different

from other workshops. The National Judicial Academy has for the first time in judicial history identified key management areas with a view to enhancing productivity of our Courts. These key areas are: i) Policy frame work; today there is no national consensus, no national policy on how much should a judge should dispose in order to be treated a good productive judge. There is no national consensus. These discussion will help Prof, Goapl Judicial academy to evolve a national consensus ii) Court Management system based on Court wise Plans for timely Justice; Each court has its own problems. There are courts where there is 5000 cases. There are courts where 200 or 300 cases are pending. It all depends upon courts. Courts at Ludhiana, courts at Ambala are not same as courts in Mewat or in other states. Courts are not burdened on uniform basis they are burdened differently each Judge will have its own peculiar problems so far as the management of his area is concerned. The burden may be different, therefore the plan may be different. iii) pendency Management system, iv) Individual Case Management System, v) Information Management system for timely Justice, and vi) Establishment of Planning and Management support Units at the State and National Level. In the course of this workshop in which Judges from the entire North Zone are participating, the participants would discuss and deliberate upon the action plans for implementing the strategies in respect of each one of the above management

systems relevant to their respective States. I need not in this address dilate upon the significances and efficacies of these management's systems. That is precisely what shall be done during the interactive sessions, that await you.

What I would, however, say is that the management of business in the Courts, which includes management of case work, which a judge is entrusted with, management of staff that is provided to him, management of time that is available at his disposal and management of everything concerning him as a judge including management of members of the bar, who are an essential part of our system, is absolutely essential to achieve a satisfactory level of productivity. Management lessons, techniques and strategies are relevant not only for people, who manage business or other commercial organizations, they are relevant and indeed essential even for those, who are managing administration of justice in the Courts and determining the rights and liabilities of the parties and granting redress to them and which is by all means no less important than managing a business house. In olden times, a judge was never formally trained for the discharge of his functions as a judge. Since the burden of case work was manageable, he learnt his lesson by himself. Things have changed since then. Pressure of work on Courts today is so great that the judgments need to be trained not only to cope with the volume of work but also the diversity arising from the proliferation of laws that the Courts are called

upon to enforce and administer. It is not, therefore, uncommon or surprising that Judges would encounter problems arising out of management of their official business not only on account of lack of training in such management but also on account of lack of awareness regarding the availability of different supporting systems that can help them produce better results. In the words of Paul Hawken, a Management Guru, **“Good management is the art of making problems so interesting and their solutions so constructive that everyone wants to get to work and deal with them.”** The workshop that starts today, I am sure will help each one of you in understanding the nature of the problems and the real cause that impedes your productivity and evolving methods to manage your work and your problem better.

I congratulate the National Judicial Academy for the efforts it is so assiduously making in the direction of developing a national consensus on management issues and in helping the judiciary in this country face the challenges of the present and the future more effectively.

JAI HIND.