



न्याय विभाग
DEPARTMENT OF
JUSTICE

National Conference on Backlog of Cases & Court Management

Friday, February 22, 2019

Organized by

Gujarat National Law University, Gandhinagar

under the aegis of

Department of Justice, Ministry of Law, Government of India

PRESS NOTE

Gujarat National Law University, Gandhinagar, under the aegis of Department of Justice, Ministry of Law & Justice organised the first of its kind “*National Conference on Backlog of Cases & Court Management*” on February 22, 2019. The main focus of the conference were the various aspects related to backlog of cases in Indian Judicial System and how it can be tackled through better court management system and other mechanism. Judges, Court Managers, Academicians, Practitioners, Experts, Advocates, IPS officer, Research Scholars, Students participated in this seminar thereby making it a grand success. The conference proved to be a wholesome experience for the fruitful discussions and the numerous views and opinions in the form of paper presentations, which got staged on this day.

The event had also been embraced by the Honourable Prime Minister, who expressed his support for the cause of this conference and even highlighted the emergency like need of it in the present judicial system. His words that “*it is imperative that our court management must be reformed to ensure minimum backlogs... (by) adopting more effective IT solutions... full cooperation of the legal fraternity*”, is a strong enough message to drive this conference towards excellency and which in itself sets ablaze the importance of this conference.

The event on the D-day began with a grand inauguration ceremony in the august present of Chief Guest, Mr. C. K. Reejonia, Director, Judicial Reforms, Department of Justice, Ministry of Law, Dr. Bimal N. Patel, Director of GNLU and Dr. Kalpeshkumar Gupta, Conference Convenor, who introduced the conference and set its objectives and the goals that it intended to achieve over the course of the one day conference by providing the “*difference of delay, pendency, backlog of cases and the*

importance of court management to solve all of them single-handedly.” On this note, the compilation of the abstract proceedings was launched marking the beginning of this one day journey.

Dr. Bimal N. Patel, thereafter came to set the stage, where he highlighted the “*skyrocketing of cases*” due to “*more legislations, lack of realistic approach by the judges, newer socialistic legislations coming up.*” He called for a “*war footing like situation*” so as to bring down this heavy backlog, in which institutions like GNLU, should also be allowed to play their part, through voluntary service of students.

The Chief Guest, C. K. Reejonia, further guided us to the agenda by emphasizing on the importance of state governments for the implementation of the recommendations of the National Mission for Reforms in Pendency of Cases under the aegis of the Ministry of Law and Justice. He clarified that “*the Central Government has a very limited role to play in terms of infrastructure only. The handling of the backlog mainly depends upon the State Governments.*” He pictured the voluminous work which was being done by the Ministry of Law and Justice, along with the National Reform Mission and such other high legal offices like that of the Attorney General of India.

Thereafter, the panel discussion ensued under the guidance of four panellists, namely, Dr. Kalpeshkumar Gupta, Conference Convenor, Dr. Suryaprakash B, Director of DAKSH India, Bangalore, Mr. Shah Faisal M Kashmiri, General Manager of Bombay High Court, Nagpur Bench and Dr. Saseendran C., Scientist, NIC, Gandhinagar.

Dr. Kalpeshkumar Gupta pictured the entire court management model in India and the hierarchy which is mentioned, as proposed by the Law Commission. He emphasised on creation of National Court Management Authority to be set up under Court Management Authority Bill which he drafted in June 2017 and recognised by Department of Justice.

Dr. Suryaprakash B extended this debate further towards the four primary needs to reduce backlog, they being “*proper utilisation of skills, maximisation of scarce resources like Judges, need for continuity of policy for continuity in law, utilisation of a Judge’s time, by not pressurising him/her with non-judicial functions.*” He further highlighted on how DAKSH India is working towards achieving this goal by providing and developing notions like “*Justice through mobile phones.*”

Shah Faisal M Kashmiri, added another dimension by highlighting the contributions made by Court Managers in various states. He shared the roadmap on how Court Managers can further enhance the efficiency of Court Management and Court Administration with the support and encouragement from Judiciary. He also proposed to recruit Court Managers for all courts in India for better Court Administration. He further highlighted optimum use of judicial officers to fulfill the want of judicial work, rather performing the role of non-judicial nature.

Dr. Saseendran C., added a broader dimension to the panel discussion by establishing the “*role of National Information Centre in court management.*” He proposed, the promotion of witness databases for E-Notices, mobile app for summons for physically handicapped, securing the presence of witness, etc. these recommendations sparked a healthy debate on whether the government should instil technology for well noted private companies.

Thereafter four parallel sessions of paper presentation followed. Two of the sessions were held under the chairmanship of Dr. R. K. Singh, Dean, Faculty and Academic Affairs & Associate Professor of Law, co-chairmanship of Dr. Vikas Gandhi, Associate. Professor of Law, GNLU. The other half was chaired by Dr. Jagadeesh Chandra TG, Assistant Professor of Law, GNLU and co-chaired by Mr. Shah Faisal M Kashmiri, General Manager, High Court of Bombay, Nagpur Bench. The paper presentations revealed the multi-dimensional aspect of the topic and led to an avid and in depth discussion. In the course of questioning, cross-questioning and discussion, they were able to reach certain core depths of the problem and came out with the following suggestions:

1. The Central Government shall give a try to draft the proposed law on simple language which will save cost and valuable time of the Courts.
2. The Central Government has adopted even more fictitious practice of bringing ‘Retrospective Amendments’ to the Act. The Government has brought a number of retrospective amendments w.e.f 01.04.1961 and this makes interpreting the tax law even more difficult and affected the foreign investors’ confidence and much needed foreign direct investments.
3. Continuous upgrade and training of court managers.
4. Creation of permanent position instead of adhoc ones like court benches.
5. Creation of research cell should be done under the guidance of judges.
6. Setting up of Pre-Litigation Counselling Forum in all Police Units
7. Setting up of Court work Monitoring System in all Police Units
8. Use of private prosecution for speedy trial of criminal cases and to reduce backlog of cases.
9. Introduction of ADR mechanism within the structure of the already present system especially in criminal cases.
10. Introduction of family conferencing and community conferencing in juvenile justice cases.
11. Raising awareness about ADR.

12. Police should be allowed to conduct negotiations before registering a problem, as it will help in decreasing the workload of the police and the backlog of cases.
13. Court Managers should be given more powers, so that the judicial officers can work which is of more judicial nature.
14. Flagging of cases needed to emphasize on speedy disposal of important cases.
15. Using of online databases for sending of summons, collecting of information about convicts and updating the database.
16. Using of video-conferencing to record statements of witnesses.
17. Using of AI to assist judges, in locating the central point of dispute in a case, so as to assist in speedy disposal of cases.
18. Summons, adjournments and such other paper work should not be thrust upon the judges, as the judicial time and skill is crucial to be preserved.
19. Bifurcation of pending cases in order of importance.
20. Upgrading the court managers with the help of technical advancement.

The one day conference drew to its end in the form of valedictory session, presided over by Dr. Ranita Nagar, Dean, Research and Publication Division, GNLU and Dr. Kalpeshkumar Gupta, Conference Convenor.

Dr. R. Nagar drew a parallel between today's policy making and the rate of success of medical surgery and on that front congratulated the entire participation. She drew an excellent parallel between case disposal and medical surgery to highlight the need of coherence in the working of the judicial machinery along with the entire legal fraternity. She also visualized that "*ten years down the line, the recommendations of today's presentations would be realised*". This raised the morale and expectations of the conference to have a future implementation of the recommendations.

The vote of thanks was delivered by Dr. Kalpeshkumar Gupta, after which the certificates were distributed to draw an end to the day long fruitful deliberations, generated by the conference. The conference, satisfied its objectives, which ended on requests by the participants to hold such conferences for two days, describing their experience as one of a kind, something which earmarked the success of the conference.