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Report on

**WEBINAR ON “IMPROVEMENT OF COURT
PERFORMANCE”**

Held on: 26th July 2020

Organised by: Rajasthan State Judicial Academy, Jodhpur

Hon’ble Resource Person:

Hon’ble Mr. Justice Satish Kumar Sharma
(Judge, Rajasthan High Court)

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- Objective of Rajasthan State Judicial Academy is to educate and sensitize its officers and other stake holders about the latest laws and procedure to achieve the constitutional mandate of securing the “Rule of Law”.
- With the restrictions on physical gathering due to the spread of novel coronavirus, the innovations in technology have come to aid us in our ever going quest for knowledge. Through the use of softwares and advancement of computer technology it is possible to continue imparting knowledge through webinars. A novel solution indeed for a novel crisis.
- Making full use of the advances in the field of technology and keeping up with its constitutional mandate in mind, The Rajasthan State Judicial Academy on **26th July 2020** organized a **Webinar on Improvement of Court Performance** at **11 am**, which was presided over by **Hon’ble Mr. Justice Satish Kumar Sharma (Judge, Rajasthan High Court)**.
- **Hon’ble Mr. Justice Sandeep Mehta (Judge, Rajasthan High Court and Chairman, Rajasthan State Judicial Academy)** also graced the webinar with his presence and actively participated in answering the queries of the participants pertaining to case management and court management.
- The webinar saw a participation of a total 75 Judicial Officers (24 Additional District Judges and 51 Senior Civil Judges cum Chief Judicial Magistrates) across the various Judgeships of the State of Rajasthan.
- **Mrs. Nandini Vyas (Director, Rajasthan State Judicial Academy)** welcomed **Hon’ble Mr. Justice Satish Kumar Sharma (Judge, Rajasthan High Court)** on the webinar. The Hon’ble Resource Person began the discourse by emphasizing the need for improving the court performance which is to make effective provision of speedy and quality justice for all.
- The need of the hour is evolving the current system to one that is citizen friendly.
- Some of the primary reasons for delay in justice dispensation as pointed out were:
 - I. Shortage of Judges as compared to the population
 - II. Inadequate Infrastructure
 - III. Increase of litigation at an exponential rate
- The above mentioned problems can be tackled only by maximum utilization of the available resources and by adopting personal best practices.
- It was pointed out to the participants that a judge is the centerpiece of the justice administration system. Their behavior is of great significance to the system and in such a scenario, if a judge has to improve the performance of their respective courts, then they must introspect periodically. One must examine their own personal shortcomings regularly and take proactive measures to improve on it.
- The importance of moral values that are necessary for a judicial system were also emphasized to the participants. The conduct of an officer must never put in doubt their integrity or impartiality.
- It was also stated that the performance of the courts cannot be increased without the support of the staff and the advocates; therefore, the court in order to realize its full potential must have a mutual understanding and cooperation with them.
- Rendering justice is a divine function and in order to have complete commitment to one’s duty, an officer of the court must work like a prudent person i.e. they must have an understanding of all the perspectives. The performance of the court can be greatly increased by the cooperation of the all the limbs of the justice administration system.
- The importance of punctuality was also conveyed to the participants. The officers of the court must make full use of the court’s time to effectively improve their performance.
- One of the foremost requirements of Court Management is regulating the causelist. The Presiding Officer must take active steps to include only that many matters in which effective action may be taken.
- The Hon’ble Resource Person provided detailed tips and practical solutions on how to regulate the causelist and go about with the daily case management. It was emphasized to the

participants that systematic arrangement of work will go a long way in expeditious disposal of matters before one's court.

- The Presiding Officers must never be silent spectators but should have an active involvement in the proceedings of the court. They must also not concern themselves merely with the disposal of the case but see to it that justice must be done. This can be achieved by paying heed to the expectations of the litigant/victim who has come before the court to seek justice.
 - Some of the suggestions provided to the participants for expediting the matters were:
 - I. No routine issue of summons.
 - II. Checking the jurisdiction and the fact that whether the suit is barred by law.
 - III. Keeping an eye on vexatious litigation.
 - IV. Examining if there is any substance in the appeal, revision, suit etc.
 - V. Not prolonging the matter for want of examination of unwanted witnesses.
 - VI. Utilizing the provisions of Order X Rule 2 CPC to aid in speedy examination and Section 313 CrPC to examine the accused before prosecution evidence winds up to limit the controversy.
 - Apart from the above suggestions, it was also suggested that the effect of Admission/Denial before framing of issues should be visible in the issues so framed. The framing of issues and charges is of vital importance and must be carefully done by the court itself. The issues should be framed based on the material propositions only.
 - The role and status of the witness was also discussed with the participants. It was stated that the witness should not feel uncomfortable in the justice system. Further, the witness should not go from the court disappointed and must be respected and the courts should see to it that they are not harassed unnecessarily.
 - The Hon'ble Resource also guided the participants on how to develop techniques for writing of judgments and orders. It is very important that the orders and judgments must be speaking and well-reasoned. There is no need to merely narrate the entire evidence and the court must focus on the question for determination before itself.
 - From the point of view of the litigant, the reasoning rendered by the court is of vital importance. The court should therefore avoid irrelevant material and must focus on continuous improvement in order and judgment writing and provide detailed reasoning for its conclusion(s).
 - The aspect of how to manage the Bar and limit unnecessary arguments was also discussed with the participants. Some of the valuable suggestions provided were:
 - I. Avoiding repetitive arguments
 - II. Arguments to be done issue wise
 - III. Being well versed with the case before the court, to have the trust and confidence of the lawyers
 - IV. Giving due opportunity for hearing
 - V. Impartial conduct towards all the parties
 - VI. Not indulging in arguments on the merit of the adjournment. The same can be achieved by utilizing the provisions of Order XVII CPC and Section 309 CrPC, by imposing minimal but reasonable costs for seeking unnecessary adjournments.
 - **Hon'ble Mr. Justice Sandeep Mehta (Judge, Rajasthan High Court and Chairman, Rajasthan State Judicial Academy)** also addressed the queries of the participants and provided them valuable suggestions on how to improve the performances of their respective courts.
 - The webinar concluded with a vote of thanks by **Mrs. Nandini Vyas (Director, Rajasthan State Judicial Academy)** thanking **Hon'ble Mr. Justice Sandeep Mehta (Judge, Rajasthan High Court and Chairman, Rajasthan State Judicial Academy)** and **Hon'ble Mr. Justice Satish Kumar Sharma (Judge, Rajasthan High Court)** for imparting their valuable knowledge with regards to **Improvement of Court Performance** and all the participants for making it an interactive discussion.
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