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Making Quasi-judicial Courts Work

What is the issue?

- *There is a class of quasi-judicial agencies that are not discussed in conversations on the pendency of cases.*
- *So, there is a need of improving the Quasi-judicial Courts in order to make them work for the people.*

What is the significance of the quasi-judicial agencies?

- The functioning of these bodies is of paramount importance as they deal with vital land and related issues.
- Their failure to administer speedy justice leads to harassment of citizens, besides abetting criminal activity by unscrupulous elements.

What are the issues faced by these systems?

- The maladies that these agencies suffer from are far graver than judicial set-ups, as they are staffed by revenue authorities who have several other functions. Usually, many of these offices are understaffed.
- Their engagement with duties such as law and order, protocol, coordination and other administrative functions leaves them with much less time for court work.
- Their access to court clerks and record keepers is limited. Computers and video recorders are not available in many of these courts.
- Only a few states - such as Maharashtra, Madhya Pradesh and Rajasthan - have electronic platforms for supporting activities.
- Several of the presiding officers lack proper knowledge of law and procedures.
- The most critical issue faced by these systems is the lack of adequate supervision and ownership by the administrative and political leadership.
- Data on the level of pendency or the speed of disposal is not compiled in many states.
- There is hardly any public scrutiny say by the press or legislature.

What can be done to improve matters?

- A multi-pronged action plan inclusive of legal, governance and HR reforms is required to move ahead.
- The following 10 steps can be used to improve the matter.
- **Priority** - The government should make the efficient functioning of these agencies a priority and clearly articulate its position on the issue.
- **Data collection** - Detailed data on the functioning of these agencies must be collected and

published from time to time - at least annually.
- These should be laid before the concerned legislatures.
- These results should be the basis of decisions regarding the rationalising of staff strength.
- If the pendency exceeds a certain threshold, additional officials should be posted to exclusively handle judicial functions.
- This data should be used to enforce accountability.
- **Electronic platform** - An electronic platform should be established to handle all ancillary work related to the administration of justice, such as
    1. Filing of complaints,
    2. Issue of summons,
    3. Movement of case records between courts,
    4. Issuing copies of the judgments and so on.
- It could establish a sound basis for analysing the functioning of these bodies and facilitate the publication of statistics.
- **Annual inspections** of the subordinate courts should be made mandatory.
- This should be an important indicator for assessment by the superior authority.
- The inspections could become the basis of customised training of presiding officers.
- **Interdisciplinary research** on the functioning of these courts should be encouraged.
- This would identify the areas of improvement such as legal reforms or issue of clear guidelines.
- **Regular training and orientation** of the adjudicating authorities should be taken up from time to time.
- If it is possible to deliver customised orientation to the adjudicating officers in their areas of weakness, the benefit is likely to be multiplied.
- **The state index of performance** of these quasi-judicial courts be made and published.
- It would draw the attention of the states to their performance in comparison to others and help them identify areas of weakness.
- **Portal** - Important decisions, guidelines and directions could be compiled and published on the portal of the apex adjudicating forum such as the Board of Revenue.
- These would be helpful to lower-level agencies.
- **More rigorous induction training** of officials handling judicial work would help.
- Usually, training academies, at the Central or state levels, largely focus on the executive magistrate’s courts, rather than on revenue courts.
- The importance of judicial work should be instilled among the trainees and the skill and confidence in handling them should be developed.
- **Procedural reforms** such as minimising adjournments, mandatory filing of written arguments and other such reforms proposed by bodies like the Law Commission for reform of the Civil Procedure Code should be adopted by these adjudicating bodies.
- This is too important a reform to be left unattended by the governments at all levels. Else, we would continue to make a mockery of our commitment to ease of living for the citizens.

Reference

1. Indian Express | 10 steps to make quasi-judicial courts work for the people



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