

CHAPTER 11

IMPLEMENTATION OF E-GOVERNANCE AND ATTITUDINAL CHANGE – KARNATAKA EXPERIENCE

11.1 Tale of 187 Cases

The researcher had been hearing that in the Civil Court at Bangalore, the original suits as old as almost 40 years were pending but for one or the other reason, it was difficult to ascertain the correct age of such suits. One of the convenient methods of ascertaining the age of the suit is the case number which contains the year of the filing of the suit. But with the constitution of the City Civil Court at Bangalore in 1980, all the cases filed till that date were re-numbered and given case year being 1980.

11.1.1 'Delays' Identified through Information Technology

In order to find out the age-wise pendency of the cases, around August 2001, the researcher decided to create a database containing the case type, case number, case year, date of filing, nature of case, relief claimed, date of cause of action and the court halls in which the cases were pending. The appropriate entry forms were designed and the program was put under implementation for feeding of the relevant data. The data feeding was completed towards the end of November 2001. It revealed that in all 192 cases were pending. List of these cases were given to the Registrar of the City Civil Court, Bangalore for securing the records and to report whether the said cases were in fact pending and if so, what are the reasons for non-disposal of these cases for such a long time.

Year of Institution	No. of Pending Cases
1959-69	17
1970-75	46
1976-79	69
1980	55
TOTAL	187

The Registrar, City Civil Court, Bangalore submitted his report alongwith a tabular statement setting out the relevant information. According to his report, in total 187 cases instituted prior to 1980 were still pending. According to the nature of the case, these cases were pending before 33 different courts in an un-even manner, the maximum being the partition suits. (See table to number of cases pending filing-wise and subject-wise)

11.1.2 Solution Suggested and Implemented

The Bangalore City Civil Court consists of 30 Additional Courts apart from the Court of Principal City Civil Judge and among these 30 courts, 26 courts are situated in the City Civil Court complex and the remaining are accommodated in the Mayo Hall. To ensure the speedy disposal of these 187 pending cases, an administrative direction was taken to evenly distribute these cases among all these courts with a direction to expedite the disposal thereof.

The reasons for pendency of these cases are given in

Table below. Among the primary reasons found for long pendency of cases was the adjournment of such cases on ground of awaiting of orders and records from the High Court or the Supreme Court. On a verification of individual cases, it transpired that there has been a serious communication lapse between the higher Courts and the City Civil Court. In a number of cases, the orders were already passed by the superior Courts and

Table - 11.2

<i>Nature of Case</i>	<i>No. of Pending Cases</i>
Declaration	1
Declaration & Redemption	1
Dissolution of Partnership	2
Declaration & Injunction	38
Declaration & Possession	23
Possession	4
Declaration of Share	1
Refund of Health Cess	1
Partition	39
Damages	1
Money Suit	28
Permanent/Mandatory Injunction	26
Account Suit	1
Specific Performance	14
Possession & Damages	1
Others	6

matters disposed of but without any proper correspondence, the suits were being adjourned as awaiting orders/records. To solve this problem, the records and order copies were obtained from the superior Courts and sent back to the Civil Court so that the suits could proceed further.

Another reason for delay in disposing of suits was awaiting of the finding of tenancy issue from the Land Tribunal. To overcome this hurdle, the City Civil Court was asked to correspond with the Assistant Commissioners of the Tribunal and send a request for quicker disposal of such matters. Eventually, the Land Tribunal authorities took up such cases which were identified by the City Civil Court and returned its decision on the tenancy issue. The suit thereafter could progress.

In this process of clearing up the backlog, there was some resistance from the Bar, grievances were raised in various

forms, but with strong administrative attitude, these objections soon subsided and everyone learnt to co-operate realizing the need for such an action. The result was that, as on 07.08.2002, out of 187 cases, 132 (70%) were disposed off.

11.1.3 End of decades' old plight

Now, if one looks at the reasons for such long pendency, those can be hardly justified. Such reasons have already been enumerated above. None of them are attributable to any fault in our procedural laws, or want of courts, or any legal complexity involved. It was

Reasons for pendency of cases:	
-	Awaiting orders/records from High Court or Supreme Court
-	Awaiting finding of tenancy issue from Land Tribunal
-	Being held up at various stages
-	Commissions appointed and report awaited
-	Legal representatives have yet to appear
-	Though disposed of, still shown as pendent

just because of human failure, lack of information control and a determination on the part of the judicial officers to exercise an effective control over the progress of the case and its disposal. These facts are well proved from the order sheets of the cases and the ultimate judgment delivered (*See box – how case proceeded and number of adjournments*).

11.1.4 Successive Listing of Cases

Before closing, it is necessary to point out that there are certain apparent reasons for quick successive listing of cases before the courts. For the litigant, it means that the case is still alive. The lawyers justify quick listing before the courts on the ground that it helps them to track cases or else there are chances of forgetting the next date. Of course, the economic aspect for lawyers as also the court staff through professional fees and tips and illegal gratification though no action in the case has been taken is also a major concern. In the whole process, the judicial officers almost spend their whole day conveniently without doing substantial judicial work. The ill-effects, however, on the society and the system at large is much more. Litigants incur higher costs and greater harassment. Judicial hours are being wasted mercilessly without any concern of length of the case. Useless passing of orders leads to useless preparation of order sheets and consequent wastage of judicial physical resources. The Court staff remains ever indulged in maintaining of diaries and dates for the same case again and again leading to wastage of judicial human resources. In the whole process, though the judicial officer might be working for the required number of judicial hours in a day, so far as the judicial work and further movement of cases is concerned, no progress at all can be achieved at the end of the day. The only persons benefited at the end are the lawyers (who receive their

professional fee) and the court staff (which gets tips and illegal gratifications). The mass of litigants and the system as a whole suffers every minute.

11.2 Cases from 1981 to 1985

After being able to bring the pre-1980 cases on a disposition track, the researcher took up the next batch of cases from 1981 to 1985. These in total numbered to 469. (See box for year-wise bifurcation)

Year of Institution	No. of Pending Cases
1981	63
1982	70
1983	74
1984	119
1985	143
TOTAL	469

A few of the reasons assigned for delay in the above cases were as under:

- a) Correctness of the court fees was disputed.
- b) Time was sought for evidence.
- c) Legal representatives are to be brought on record.
- d) Commissioner reports are awaited.
- e) Loss/misplacement of records.
- f) Order of Land Tribunal awaited.
- g) Plea of possibility of settlement.
- h) Orders of Official Liquidator is awaited.

In line with the previous successful experience in disposing of the pre-1980 cases, the same strategy was adopted. The 1981-85 batch of cases were also evenly distributed

among all the judicial officers and an administrative direction was given to proceed with the case on a day-to-day basis and to dispose of these cases at top priority. Enough moral support and administrative guidelines were provided to the presiding judges for expedite the disposition of cases. As a result, 167 suits (out of 469 suits in this batch) were disposed of. By August 2002, another 47 suits were disposed of bringing the total to 214 suits.

11.3 Cases from 1986-1990

The cases for these years were sorted and the reasons for their non-disposal were ascertained and fed in the computer for keeping a close vigil on its progress. Thereafter, these cases have been assigned to two nominated courts to exclusively deal such cases only. This has resulted in disposal of these cases numbering 167 at the pace of 45-50 cases per month. It is expected that all such cases will stand disposed within eight to ten months. Despite all the facilities, amenities and nature of case being almost similar, one of the judicial officers is disposing of 40-45 cases per month whereas others only 7-10 cases per month. This reflects another important reason of widening of 'gaps' resulting from behavioural attitude of the judicial officers and their indifference, insensitivity and indolence which is required to be taken care of by appropriately co-relating the performance and the perks.

11.4 Conclusion

The clinical research undertaken by the researcher by identifying the old cases by use of information technology, scientifically bifurcating these cases, using an effective method to distribute the work among the judicial officers, issuing the necessary administrative

instructions and guidelines, motivating them and providing them with required moral and judicial support, had been able to achieve the result of *actual* disposal of cases pending for decades. This proves in abundance the effectiveness of information technology and proper management. If properly checked and vigilance maintained, docket overload can be tackled within a short period of time. The cause has been well-identified by various expert reports but solution befitting the problem has not yet been put across the table. Even if provided, has been shelved without any sincere effort of testing its practical utility, by assessing its outcome. The researcher's experience in this clinical research shows that it is possible to clear the gaps with the use of technology and strong will.