

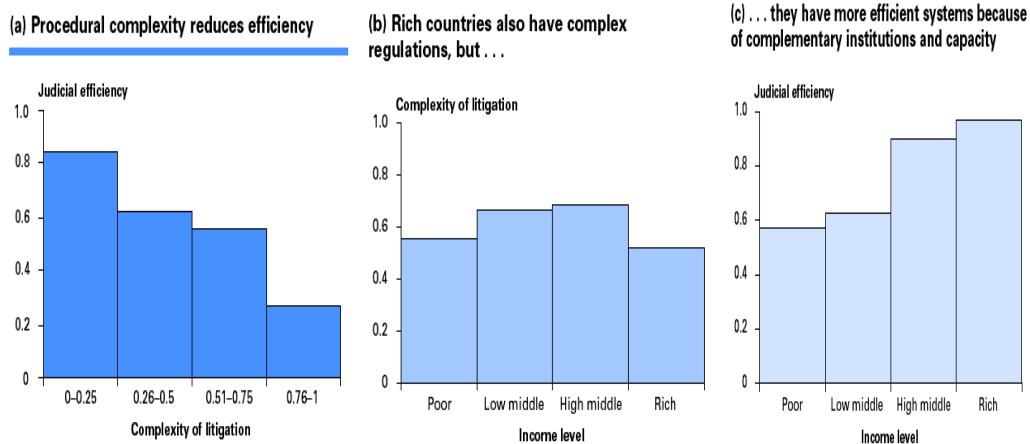
## eTools for Expediting Justice: A Case Study of APAT

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### Introduction

The cornerstone of Good Governance is that state institutions should become more efficient, transparent, and accountable. Good governance can prevent systems and institutions that protect the vulnerable from getting destroyed during a crisis. According to UNDP, judicial and legal reforms are crucial for good governance<sup>1</sup>. Courts offer a means for resolving disputes in a just manner. Justice forms the basis of a lasting social order. Since every citizen looks to the judiciary as a last resort for justice and if the judiciary does not live up to this expectation, then people will take to the streets and there will be chaos in the country. Keeping in view the power and the trust vested in the judiciary, every effort must be made to bring about reforms in the judicial process so that it can meet the challenges of the 21<sup>st</sup> century.

The **World Development Report—2002** states that the efficiency of a court can be defined in terms of the speed, cost and fairness with which judicial decisions are made and the access that aggrieved citizens have to the court<sup>2</sup>. The report identifies procedural complexity and complex regulations as one of the main reasons for inefficiency. It also states that these factors are likely to lead to more delays in developing countries than in developed countries. Developed countries have complementary institutions and capacity to increase efficiency, which the developing countries seem to lack. The graphs below illustrate this scenario.



*Note:* Higher values indicate greater efficiency (figures 6.1a and 6.1c) or greater complexity (figure 6.1b).

*Source:* Lex Mundi, Harvard University and World Bank. *World Development Report 2002* background project.

It has been found in several studies that introducing computer systems or other kinds of mechanisation in the judiciary helps reduce delays. Mechanised systems provide increased accountability. “Computerised case inventories are more accurate and

<sup>1</sup> UNDP (2002). “UNDP Priorities in Support of Good Governance,” in *Governance for Sustainable Human Development*, A UNDP policy document.

<sup>2</sup> World Bank (2002). “The Judicial System,” in *World Development Report—2002*, pp 118.

easier to handle than the paper-based procedures they replace, and more than one person can have access to them, which makes them harder to manipulate.”<sup>3</sup> The answer to make the judicial process system more efficient and responsive might lie in introducing better technology. There is great scope for reducing arrears, lightening judicial loads and eliminating litigants’ problems through application of technology. Judiciary should take the initiative to use modern technologies in the day-to-day affairs of the court. This working paper will look at the possibility of introducing ‘e-tools’ at the Andhra Pradesh Administrative Tribunal.

Article 323-A of the Constitution created Administrative Tribunals for adjudication of disputes relating to service matters of employees in public service for the centre and other states. The outcome of this exercise is the Administrative Tribunal Act 1985.

*An Act to provide for the adjudication or trial by Administrative Tribunals of disputes and complaints with respect to recruitment and conditions of service of persons appointed to public services and posts in connection with the affairs of the Union or of any State or of any local or other authority within the territory of India or under the control of the Government of India or of <sup>1</sup>[any corporation or society owned or controlled by the Government in pursuance of Article 323-A of the Constitution] and for the matters connected therewith or incidental thereto.*

### **Current Reality**

At present there is no online monitoring tool to keep track of the number of writ petitions (OAs) being filed and the status of replies by respondents in Andhra Pradesh Administrative Tribunal (APAT). List of new cases for admission are placed before the Chairman of the APAT at the end of the day (by 6:00 pm) for generating cause lists, which forms the backbone of the court. Another crucial problem is the lack of any file tracking mechanism to know the actual status of a case. Lot of routine work is being carried out manually every day.

The purpose of this study is to focus on areas where the court procedure can be used more efficiently with the aid of modern ‘e-tools.’ The intention is to identify the main areas contributing to litigation by carrying out an in-depth analysis and to suggest remedial measures to deal with this problem.

### ***Number of OAs filed every year: An analysis of the category-wise contribution***

The analysis is split into two levels. The first level shows individual contributions of each category every year. For each year, the category contributing to 5% or more of the inflow is taken into account. The table below shows the categories contributing to 5 % or more of the OAs filed in the APAT.

<b>Category</b>	<b>1995</b>	<b>1996</b>	<b>1997</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>
Appointment	20	22	22	20	20	22	23	27
Promotion	26	23	20	16	15	19	16	16
Seniority	19	19	15	12	8	8	5	4
Absorption &	5	5	5	8	5	7	8	6

<sup>3</sup> World Bank (2002). “The Judicial System”, in World Development Report 2002., pp 129.

Regularisation								
Major punishment	6	6	8	9	11	6	6	7
Suspension				6	5	5	7	4
Pay Fixation & Recovery					5			5
Pensionary benefits						5	5	
Transfers						8		10
<b>Total</b>	<b>76</b>	<b>75</b>	<b>70</b>	<b>71</b>	<b>69</b>	<b>80</b>	<b>70</b>	<b>79</b>

**Note: All figures given in percentage terms**

During the period 1995 to 1997, the five categories of appointment, promotion, seniority, absorption and regularisation, and major punishment contributed to the majority of OAs being filed at the APAT. From the year 1998 onwards, suspensions also contributed to more than 5% of the OAs being filed. In the period covering 1999 and 2002, another new category, ‘pay fixation and recovery’ contributed to more than 5% of the cases. However, this category is not significant throughout the sample period. Pensionary benefits are high in 2000 and 2001 and transfers are high in 2000 and 2002. Most of the pension cases are likely to be related to administrative issues and are likely to be cleared quickly. Similarly, in the case of transfers, most of the cases are related to general transfers and are likely to be disposed off quickly by the tribunal. Interestingly, transfers contribute to nearly 10% of litigations in 2002, resulting in the distortion of more important areas like seniority and suspension which drop down to 4%. However, most of these transfer cases falling under the general transfer category, which are likely to be disposed off in the first quarter of 2003, making the other two areas namely, seniority and suspensions, more significant. In general, the first five categories contribute to more than 60% of the litigations.

The second level of analysis deals with entire sample period from 1995 to 2002. Those categories contributing to more than 5% of the cases filed are taken into account.

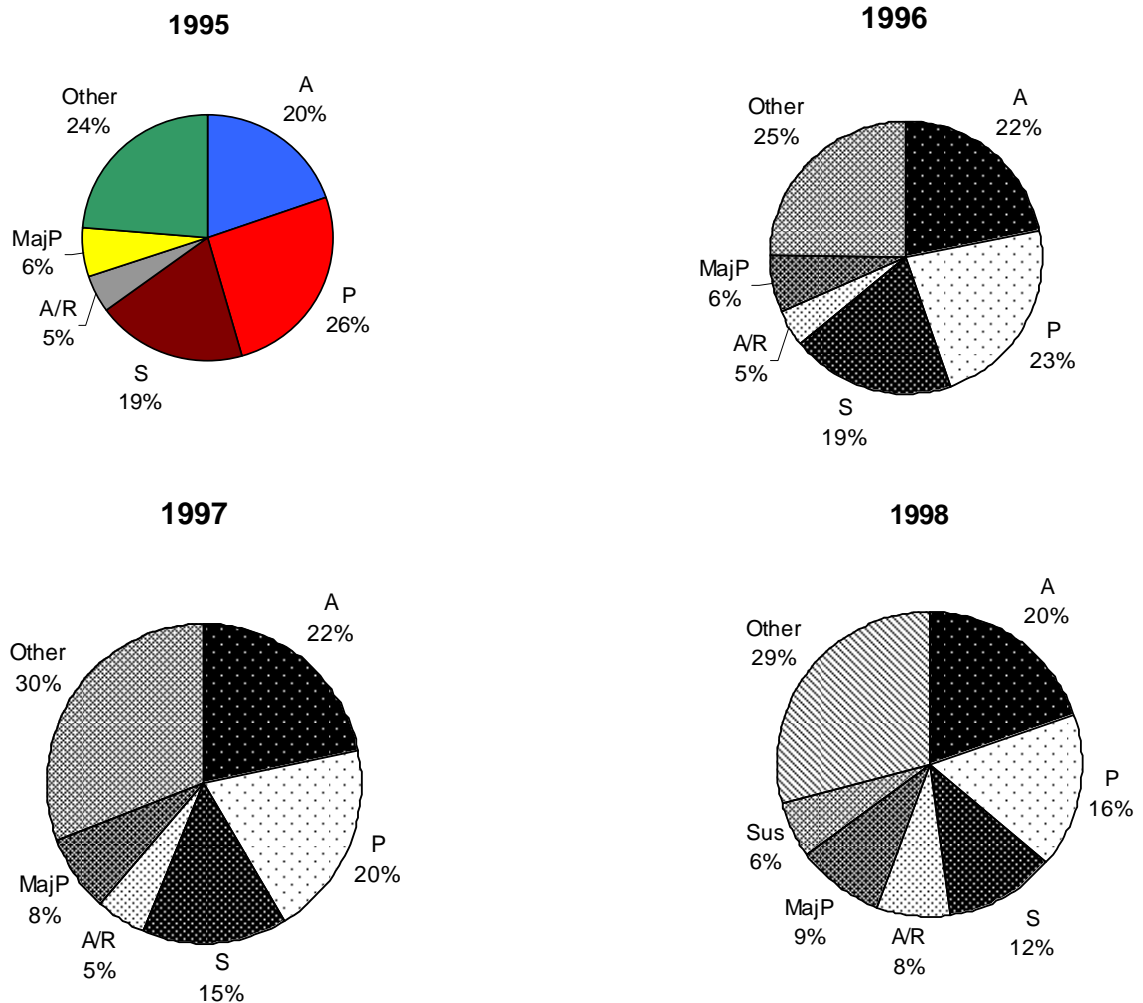
<b>Category</b>	<b>1995-2002</b>
Appointment	23
Promotion	18
Seniority	9
Absorption & Regularisation	7
Major Punishment	7
Transfers	6
<b>Total</b>	<b>70%</b>

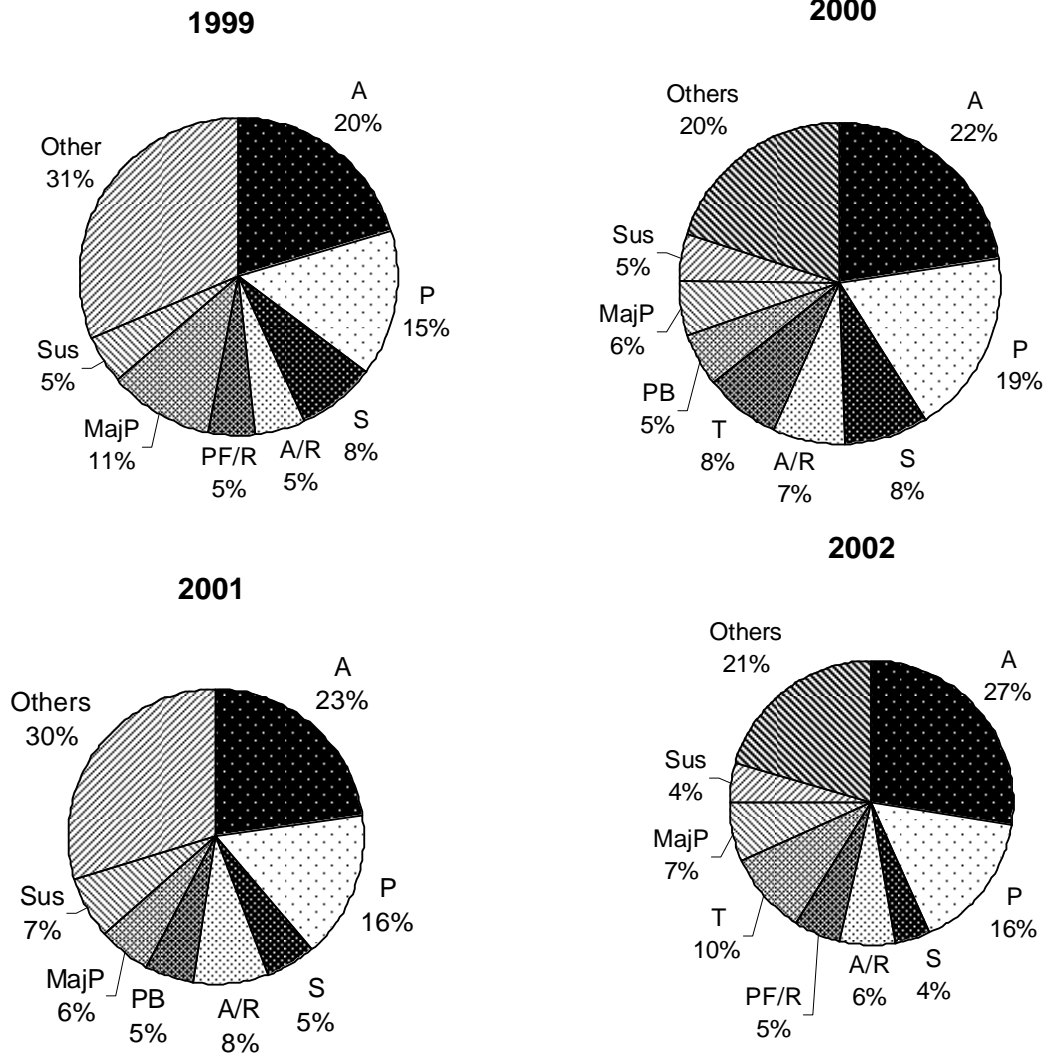
Over the entire sample period from 1995 to 2002, the six categories of appointment, promotion, seniority, major punishment, absorption and regularisation and transfers contribute to more than 70% of the total number of OAs filed in the APAT. Out of these six areas, one can discount transfers to a great extent as they are mostly cases relating to general transfers which are likely to be disposed off quickly. The other five areas have been identified as the areas which deserve special attention. This can be done by improving the existing judicial process (e.g., through introduction of technology) and also by looking into the alternatives (e.g., alternative dispute resolution mechanisms) which can be put into place to reduce the flow of OAs to the

court area. Another aspect which needs to be studied is whether the current government policy regarding the above five categories is contributing to more litigations. If this is the case, then one needs to take corrective steps to rectify the current government policy and introduce more dynamic policies which are more foolproof and litigation free.

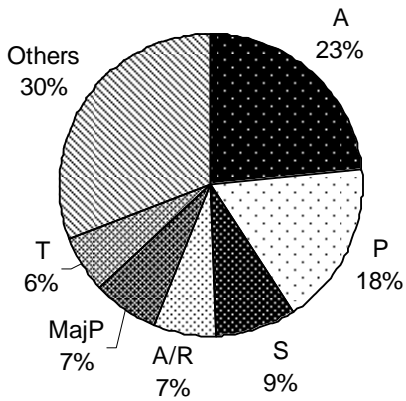
For a graphical representation of the above analysis refer to the diagrams below:

CATEGORY WISE OA CASES





**Category Wise OA Cases 1995-2002**



The above diagrams clearly show that the five categories of appointments, promotions, seniority, absorption and regularisation, and major punishments are contributing to the maximum amount of litigations consistently. The data does not reveal any inconsistency between the years, except that a new category of suspensions becomes more significant since 1999. Intermittently, one also observes that pay fixation and recovery and transfers are significant, albeit inconsistently. One must exercise caution while considering major punishments as one of the significant categories. The APAT (OA cases) files from 1995 to 1999 did not specify whether the punishment was major or minor in a majority of cases. Hence, it was decided to classify the punishment as major or minor on a purely arbitrary basis. Therefore, it is quite possible that some of the cases classified as major punishments belong to the minor punishment category or vice-versa. However, from 2000 onwards it was specified whether the penalty was major or minor and the above problem ceased to exist. Nonetheless, punishments as a whole are a significant contributing factor to litigations in courts.

From the above analysis the following key areas were identified for an in-depth analysis:

- Seniority
- Promotions
- Transfers
- Appointments
- Suspensions
- Penalties

The above analysis was possible due to the use of ‘e-tools’, which help not only in simplifying a process but also in analysing a current situation. The entire database of 22,000 cases was analysed. This was made possible due to the use of modern technology and statistical applications.

#### **Use of ‘e-tools’ in admission, hearing and post admission stage**

##### ***Admission Stage: Modernisation and Application of IT-an Endogenous Solution***

*Implementing a judicial database that makes it easy to track and difficult to manipulate or misplace cases is paramount. It can enhance accountability and consequently, the speed of adjudication.*

The study revealed that by the end of December 2002, the number of cases pending in the Administrative Tribunal, which is a special service matters court, stood at 22,723 cases. The statement discloses that cases relating to year 1990 are still pending. Even contempt of court cases numbering 1,679 are also pending.

During the year 1993, the National Informatics Centre conducted a systems study of computerisation of APAT. The NIC developed a software package containing a list of business information systems which is about scheduling of cases to be heard by court on the following day. Firstly, it enabled the generation of cause lists. Secondly, Case Law information system was developed which contains a complete set of reported judgements of the tribunal. Precedence of a case can be traced by the system (however, the survey reveals that the system is not in operation). Thirdly, web

hosting of the cause list was developed. The cause lists of the APAT on the internet include daily cause list and a supplementary list. The website for accessing the cause list is <http://causelists.nic.in>. The lawyers are able to receive the cause list by 6:00 pm. It also enables access by parties, court-wise and advocate-wise.

After studying the existing system in the administrative tribunal, we adopted a result oriented managerial approach for finding solutions, the main emphasis being on productivity. A litigant government servant comes into contact with the tribunal when he/she files his original application explaining personal grievance/s and the relief sought for. In the majority of the cases, they pray for an interim relief at the hands of the judges. At present the Assistant Registrars of the tribunal receive the original applications manually and scrutinise the applications with a check list containing 28 items. After a detailed analysis, we found that the items could be reduced to 21 and filing can also be made possible by electronic tools.

The electronic case filing (ECF) system allows registered participants with internet access and necessary software to access the court's webpage from where they can have access to the ECF system. It permits filing of pleadings electronically with the documents, subject to the permission of the judges. A system can be developed for viewing official docket sheets and documents associated with the cases. Similarly, subject to the acceptance of payment of fees by credit cards, a lawyer or law firm filing a document requiring a fee can be permitted to pay by credit card. The lawyer or law firm must first establish an account with the court office. If a lawyer or a law firm files a document which requires a filing fee without first having established a credit card account, such fee must be delivered to the registrar's office before the close of the next business day. The ECF system has a unique advantage of filing of documents by a lawyer from his office. On scrutiny and acceptance by the assistant registrars after due process of checking according to the check list, a database can be developed simultaneously allotting an OA number in serial order on a first come first served basis. Simultaneous development of database and registration of OAs with numbers subject-wise enables the registry to place the whole list of OAs received in a business day by the lunch time before the Chairman of the Tribunal for allotment of business to various benches. The newly developed tool allows filing of OAs code-wise (subject-wise). The Chairman of the Tribunal will be able to bunch the cases together based on the indexing of cases developed by this method and allot work to the benches by 2:00 pm, according to their specialisation. This means generation of a cause list on the internet by 2:00 P.M. as against the present practice of 6:00 P.M. This system enables both the applicants and the respondents to prepare for the next day's hearing well in advance.

After a detailed study of the 215 areas in which service litigation is taking place, i.e., from recruitment to retirement, we have grouped them into 30 areas. The cases were bunched into these 30 categories by allotting a specific code to each category. Four computer terminals with internet access at APAT will enable the system to function smoothly. The model web pages for the above functions are shown below:

## APAT-CHECKLIST-PRE-ADMISSION STAGE

<b>Applicant's Name</b>	<input type="text"/>		
<b>Name of the Advocate</b>	<input type="text"/>		
<b>Respondent's Name</b>	<input type="text"/>		
<b>Email-id(if any)</b>	<input type="text"/>		
1.OA application in triplicate with 2 file pads	<input checked="" type="checkbox"/>	Yes	<input checked="" type="checkbox"/> No
2.Full Description of cause title	<input checked="" type="checkbox"/>	Yes	<input checked="" type="checkbox"/> No
3.Court Fee Rs 50 (each applicant paid)	<input checked="" type="checkbox"/>	Yes	<input checked="" type="checkbox"/> No
i) Draft	<input type="checkbox"/>		
ii) Cheque	<input type="checkbox"/>		
iii) Credit Card	<input type="checkbox"/>		
4. Service on the other side	<input checked="" type="checkbox"/>	Yes	<input checked="" type="checkbox"/> No
5. Process Fee	<input checked="" type="checkbox"/>	Yes	<input checked="" type="checkbox"/> No
6. Subject Classification code	<input type="text" value="1"/>		
i) facts	<input checked="" type="checkbox"/>	Yes	<input checked="" type="checkbox"/> No
7.Limitations i) Rule 18 <input type="checkbox"/> ii) Rule 19 <input type="checkbox"/> iii) Rule 20 <input type="checkbox"/> iv) Sec 21 <input type="checkbox"/>			
8 i) Remedies exhausted - sec 20	<input checked="" type="checkbox"/>	Yes	<input checked="" type="checkbox"/> No
ii) Matters already filled	<input checked="" type="checkbox"/>	Yes	<input checked="" type="checkbox"/> No
9.Relief			
i)Main	<input checked="" type="checkbox"/>	Yes	<input checked="" type="checkbox"/> No
ii)Interim	<input checked="" type="checkbox"/>	Yes	<input checked="" type="checkbox"/> No
10.Mode of filling : Post <input type="checkbox"/> Person <input type="checkbox"/> ECF <input type="checkbox"/>			
11.Certificate			
i) Verification	<input checked="" type="checkbox"/>	Yes	<input checked="" type="checkbox"/> No
ii) Declaration	<input checked="" type="checkbox"/>	Yes	<input checked="" type="checkbox"/> No
12. Vokatat	<input checked="" type="checkbox"/>	Yes	<input checked="" type="checkbox"/> No
13.MA-permission petition in OA filed	<input checked="" type="checkbox"/>	Yes	<input checked="" type="checkbox"/> No
14.Material papers with index annexures duly attested by council in three sets	<input checked="" type="checkbox"/>	Yes	<input checked="" type="checkbox"/> No
15.Rule NISI form	<input checked="" type="checkbox"/>	Yes	<input checked="" type="checkbox"/> No
16. Covers and acknowledgement slips filed	<input checked="" type="checkbox"/>	Yes	<input checked="" type="checkbox"/> No



17. No. of copies for all the respondents filed	<input checked="" type="radio"/> Yes	<input type="radio"/> No
18. Certificate of filling of all forms	<input checked="" type="radio"/> Yes	<input type="radio"/> No
19. Brief facts leading to filing of MA	<input checked="" type="radio"/> Yes	<input type="radio"/> No
20. i) Contempt cases under section 17 of Act 1985	<input checked="" type="radio"/> Yes	<input type="radio"/> No
OR		
ii) Section 10 & 12 of CC Act 1971	<input checked="" type="radio"/> Yes	<input type="radio"/> No
21. Execution application under section 17 of Act 1985 in form 3	<input checked="" type="radio"/> Yes	<input type="radio"/> No
22. LR petition	<input checked="" type="radio"/> Yes	<input type="radio"/> No
23. If filed by an association:		
i) By laws <input type="checkbox"/>		
ii) Authorisation letter <input type="checkbox"/>		
iii) Registration certificate <input type="checkbox"/>		
iv) List of members <input type="checkbox"/>		
v) MA <input type="checkbox"/>		



*Note the provision given for e-mail address, which enables any new developments on the case to be transmitted directly to the concerned people.*

### ***Hearing Stage – Endogenous Solutions***

The study revealed that rules permit preparation of ready lists every half year, in the months of January and June. The registry has to prepare weekly lists and daily lists out of the ready lists prepared by the court offices. A ready list is a list that is fit to be presented before the bench for hearing. It pre-supposes a preparation of that list after receiving the replies of respondents and documents from the respective departments and is complete and fit in all respects for hearing by a bench. Our study revealed that cause lists running into five or six pages with more than hundred cases are listed before the benches. While the average disposal per judge per day is in the order of four to five cases, in order to enable the judicial process system to function effectively and efficiently, a systematic preparation of calendar of cases has to be prepared to reduce congestion in court halls and save the time taken for call work. Courts function only from 10:30 A.M. to 1:30 P.M. and from 2:30 P.M. to 5:00 P.M. An operative list of calendar of cases reduces the off take of call work time and enables the bench to dispose off more number of cases in the time saved.

The cause list is the backbone in the judicial process system. Listing of cases classification-wise and bench-wise (considering the expertise of a bench in a specific area) will improve the delivery system. Subject to the discretion and allotment of work by the Chairman, each bench normally handles:

1. Mention matters
2. Contempt matters
3. Admissions
4. Miscellaneous matters

5. Part heard matters
6. Final hearing

**Cause List Details**

Select Date  ▼

The cause list is automatically generated by the system each day and a unique OA number is allotted to each case filed.

**Cause List For2003-07-10**

Case No	Applicant Name	Advocate Name	Respondent Name
72	ABC	XYZ	Revenue Department
73	ABC	XYZ	Revenue Department

The above frame shows the format in which a cause list will appear on a given day.

At the time of admission of new OAs, after hearing the applicant and the respondent, the bench has many options. Taking these options into consideration, the following web page was developed for communicating orders through the internet. The following is the format.

APAT-ADMISSION STAGE-COURT HALL		
OA NUMBER		CODE
<input type="text"/>	1. Admit(A)	<input type="checkbox"/>
	2. Admit with interim order(IO)	<input type="checkbox"/>
	3. Notice Before Admission(NBA)	<input type="checkbox"/>
	4. Adjourned to date(ADJ)	<input type="checkbox"/> <div style="display: inline-block; vertical-align: middle;"> <input type="text" value="March"/> <input type="text" value="05"/> <input type="text" value="2003"/> </div>
	5. Dismissed	<input type="checkbox"/>
	6. Reserved	<input type="checkbox"/>
<input type="button" value="Submit Admission"/>		

At present, computers are not provided in the court hall. Since the judgement of a bench on admission matters revolves around the six areas listed above, using computers in the court hall with internet access will expedite the process of dispatch of orders and also help update the database simultaneously. Such an arrangement of the database has an added advantage as it permits retrieval and preparation of updated cause lists. The registry will be in a position to create an updated weekly list and monthly list for operation. It also meets the purpose of serving notices on both sides.

The ECF system also enables monitoring of the number of adjournments granted. Administrative Tribunal rules permit the recovery of costs occasioned by adjournments by both parties and if the rule is enforced, it will have a salutary effect on preventing the adoption of delay tactics by the litigant government servants, besides ensuring effective and expeditious disposal of cases and meeting the costs of modernisation.

#### ***Post Admission Stage-Endogenous Solutions***

At present, judgements are dictated in the open court in a large number of cases and reserved in a few cases. In both these methods, judgements are dictated, typed, corrected and fair copied on typewriters and kept in sealed covers for pronouncement in the open court. A copy of the judgement is given free of cost to the applicant. The introduction of ECF makes the job of the court masters easy by allowing use of the latest word processing techniques to type judgements. ECF enables the dispatch of judgement copies to the parties a lot faster than is currently being done.

**File Transaction details**

**ENTER FILE TRANSACTION DETAILS**

CATEGORY

CASE NO.

SEND TO

comments

*Public Interface with the Tribunal*

Computerisation is proposed for court orders, documents, proceedings, copies of petitions, counters, rejoinders, etc., as and when required by the litigants. At present it takes more than fifteen days for the supply of certified copies. Using ECF process will reduce the requirement of manpower in the copying section and will also eliminate the manual handling of case files by the court officers as the required material can be retrieved from the system to generate a hard copy.

*File monitoring system*

In the APAT, file movement is an important event. After a case is registered, the case file is sent to the judicial section for placing before the appropriate bench. After hearing the arguments, the bench clerk hands over the case file along with the documents to the court master for taking dictation of judgements. After the pronouncement of the judgement in open court, the files are transmitted to the bench clerk and through him to the records section. As is well known, records and documents play an important part in the judicial process. Any misplacement of important documents at any stage hampers the judicial process. The ECF system developed by us, thus, enables the tracking of a file.

**File tracking details**

**ENTER FILE DATA**

CATEGORY

CASE NO.

DATE(YYYY-MM-DD)

SUBJECT

CURRENT INCHARGE

SENT TO

**About file data**

**QUERY FILE DATA**

CATEGORY

CASE NO.

File data will appear in the format shown below:

Category	Case No.	Date	Subject	Status	Send To
OA	74	2003-07-11	Appointment	COURTMASTER/admit	Benchmaster

Apart from the details of the individual files, a complete list of cases filed and their movement within the Tribunal can be monitored through the record room which will contain a comprehensive database of all the cases.

**Record Room Details**

**Report of Record room**

Category	Case no	Date	Subject	Status	Current In-charge
OA	48	2003-03-05	appointment	COURTMASTER	record room
OA	49	2003-03-06	appointment	COURTMASTER	record room
OA	50	2003-03-07	appointment	COURTMASTER	record room

*Monitoring cell for Government Pleader's Office and Departments*

Currently there is no monitoring mechanism in place to study the number of cases and to ascertain whether counters have been filed or not. Certain changes, as mentioned below, need to be made to the system in employing government pleaders, which should be able to tackle the problems effectively.

1. The procedure for appointment of government pleaders should envisage entering into a contract by the ministry of law with an individual counsel. The terms and conditions of contract should bind the Government pleaders about the maximum time to be taken for filling a reply after getting relevant material

- from the concerned department. He/she should also be required to inform the department of the outcome of a case on the same day in writing through fax;
2. The availability of facilities like telephone and fax should be considered a prerequisite for empanelment as Government pleader. Internet facility should be considered an additional advantage for awarding the contract;
  3. There should be a panel of pleaders who can be engaged by a department and the departments should be free to engage any of the counsels in the panel. This would help in generating competitiveness among different pleaders with consequent qualitative improvement in the defence of Government cases;
  4. A list of such pleaders indicating their office and residential address/telephone numbers, Fax number and internet address should be circulated by the Ministry of Law on January 1<sup>st</sup> each year and the ministries/departments should be informed of the changes as and when replacements/additions/subtractions are made in the list.

Apart from the above mentioned changes, the use of ‘e-tools’ will enable the departments to monitor the cases being instituted in the tribunal and enable them to file counters in time. The ‘e-tool’ will help both the judiciary and as well as the departments in monitoring cases. Certain frames are shown below which can be of value to the departments in monitoring service matter cases.

### Select Year

Select Year From the List

From the above frame the department can choose all the cases pending in a particular year.

### Subject wise Report for 1999

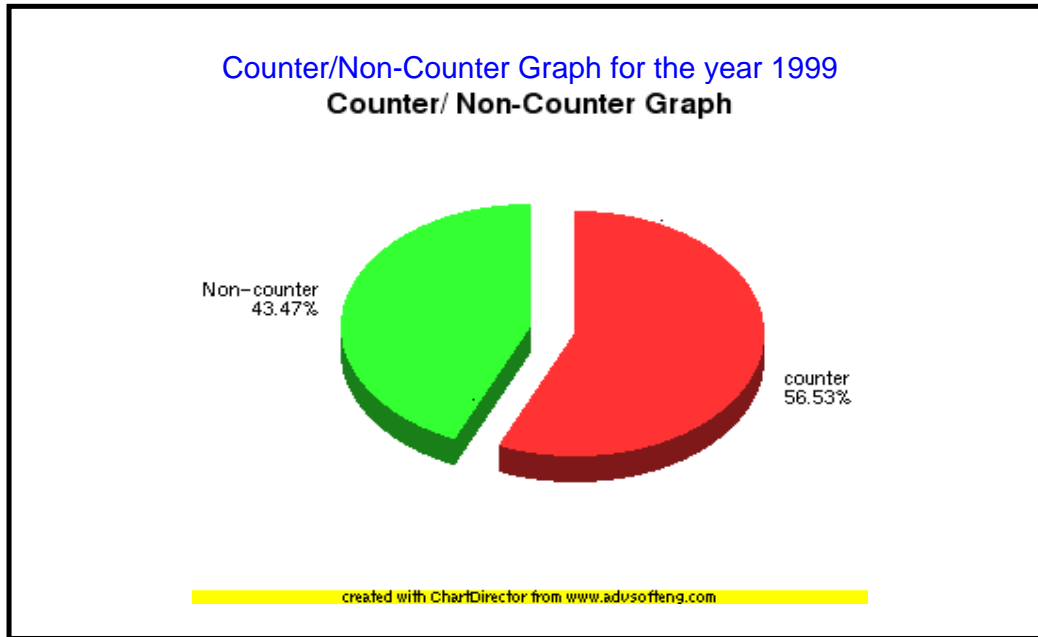
**Total No of Cases 2345**  
**Counter Filed 1324**  
**Non Counter Filed 1018**  
**CF/CNF Not Known 3**

Select a subject from the List

[Year wise Graph](#)

[Analysis Graph](#)

Taking 1999 as a sample year, the above frame shows an overview of the total number of cases pending in the year 1999 along with the information on the number of cases where counter has been filed/not filed.



The above frame shows a graphical representation of the number of cases where counters have been filed/not filed. In spite of four years passing by, counters have not been filed in 44% of the cases.

**Subject-wise Report - for Subject 2**

**Total No of Case = 353**

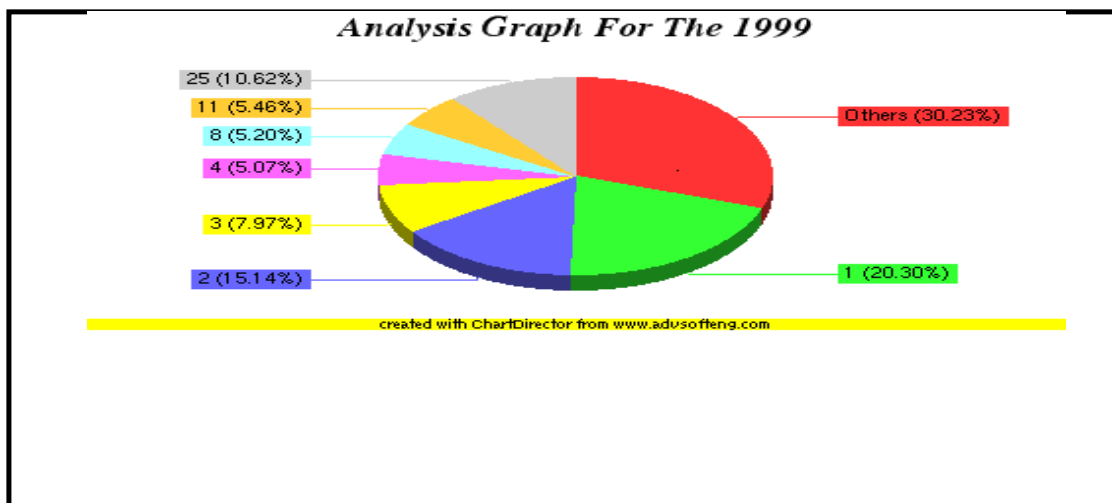
**Counter Filed = 202**

**Non Counter Filed = 151**

[View Graph](#)

OA.NO	SUBJECT	DEPARTMENT	CF/CNF
2359	Not permitting the applicant	Education	CF
2404	Promotion	Education	CF
2405	Promotion	Education	CF
2417	Cancellation of promotion	Education ZPP	CF
2446	Qng Promotion of R4	SW	CF
2756	Promotion	MPLTY	CNF
2774	Promotion	Education	CNF
2781	Promotion	Excise	CNF
2788	Promotion	Education	CNF
2829	Promotion	Cooperation	CNF

Along with a general overview on the number of pending case, counters filed/not filed, etc., one can view subject specific information regarding the counters filed or not filed. The above frame shows a sample from the year 1999 relating to the subject of promotion.



Apart from providing information on pending cases, the ‘e-tool’ is also capable of analysing the areas where the litigation is  $\geq 5\%$ . This enables both the judiciary and government to focus on main litigation areas and take necessary remedial measures.

*Stringent application of rules reduces delay and costs*

Rule 11 of the AT procedure rules deals with the various methods of service of notices and processes issued by the tribunal. If this rule is meticulously followed, no case needs to be adjourned for want of service of notice.

Rule 12 deals with filing of reply and other documents by respondents. Under this rule, respondents shall file the reply within one month of the service of the notice. Unfortunately, this mandatory rule is never fulfilled in the majority of the cases as seen from the case study. The same rule also prescribes a method of service of reply and documents on the applicant.

Rule 17 deals with the disposal of an OA for the applicants default. The rule states:

*Where on the date fixed for hearing of the application or on any other day to which such hearing may be adjourned, the applicant does not appear when the application is called for hearing, the tribunal may, in its discretion, either dismiss the application for default or hear and decide it on merit.*

Likewise, Rule 18 deals with ex-parte hearing and disposal of applications (OA):

*Where on the date fixed for hearing the application or on any other date to which such a hearing may be adjourned, the applicant appears and the respondent does not appear then the application is called for hearing, the tribunal, may in its discretion adjourn the hearing or hear and decide the application ex-parte.*



This rule gives a right to the affected party to move the court for a review of its order on production of a sufficient cause for not appearing in the court. However, Rule 9 prescribes an outer limit of 30 days from the date of the order for filing such review petitions.

Rule 21 empowers the tribunal to grant adjournment and also order recovery of costs. Although the framework of rules permits to tackle such problems, unfortunately these rules are not being put to effective and proper use. By sticking to these rules, a case can be disposed off within six months as prescribed.

### **Conclusion**

The 'e-tool' discussed above strengthens the hands of the judiciary by enabling more effective implementation of the above mentioned rules. The software enables easy service of notice, along with filing of counters and it can also monitor the number of adjournments granted per case. It also strengthens the hand of the concerned departments by enabling them to monitor cases where counters are pending, etc. By allowing a case to be filed online it also makes the job of an applicant easier as he/she will be in a position to file a case from anywhere in the world.

Developing and implementing a judicial software package such as the one described above increases efficiency in terms of the speed, cost and fairness with which judicial decisions are made and the access that aggrieved citizens have to the court. The 'e-tool' reduces procedural complexity and enables greater use friendliness. It has been found in several studies that introducing computer systems or other kinds of mechanisation in the judiciary helps reduce delays. Mechanised systems provide increased accountability. Computerised case inventories are more accurate and easier to handle than the paper-based procedures they replace, and more than one person can have access to them, which makes them harder to manipulate. The answer to make the judicial process system more efficient and responsive might lie in introducing better technology. There is great scope for reducing arrears, lightening judicial loads and eliminating litigants' problems through application of technology. Implementing a judicial database that makes it easy to track and difficult to manipulate or misplace cases is paramount. It can enhance accountability and consequently, the speed of adjudication.

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