

# **INDIA CORRUPTION STUDY 2005**

## **TO**

### **Improve Governance**

#### **Vol. II (Eleven Public Services)**

#### **CORRUPTION IN JUDICIARY**

*Study designed & conducted by*



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## CORRUPTION IN JUDICIARY

The former Chief Justice of Supreme Court Sam Piroj Bharucha had suggested that  
“**up to 20 per cent of judges in India were corrupt.**”

### 6.1 KEY HIGHLIGHTS

- Value of corruption in the Judiciary in the entire country is estimated at **Rs. 2630/- crores per annum**
- Around **13.37%** of households claimed to have interacted with Judiciary in the last year. This figure is higher in urban areas (15.73%) than rural areas (12.43%).
- **6.3% of the households interviewed have claimed to pay bribes.** This figure is 8.2% in case of urban households as against 5.5% in case of rural households.
- 73% of those who had been to Judiciary had visited courts for civil cases, while 26% came for criminal cases.
- **More than half (57%)** of those ever visiting court had **visited for at least 4 times** in last one year.
- **80%** of those who have interacted with courts **agreed that there was corruption** in the Judiciary.
- **64%** of those interviewed **believed that corruption had increased** during last one year.
- **Almost 54%** respondents **took the alternate process** like using influence or paying bribes for getting their work done.
- Of those who paid bribes, **61% had paid money to a lawyer**, whereas **29% paid money to court officials**, while 15% paid money to middlemen to get their work done.

#### 6.1.1 Grouping of States

There is a widespread belief that the strength (in numbers) of judiciary has a direct effect on efficiency, speed and corruption in courts. To analyze and understand this hypothesis, and get an insights in corruption, the states were grouped on the basis of judicial strength of lower and higher courts.

Table: Ranking of States on the basis of Number of Judges per lakh of population

States	Judges High courts*	Judges in Other Courts*	Total	Population in lakhs #	Judges per lakh	Rank	Number of vacant seats for judges
Delhi	26	332	358	154.83	2.31	H	60
Gujarat	30	727	757	503.41	1.50	H	169
Himachal Pradesh	7	92	99	71.2	1.39	H	6
Karnataka	33	691	724	539.91	1.34	H	114
Rajasthan	22	665	687	564.25	1.22	M	170
Bihar+Jharkhand	36	1236	1272	1054.95	1.21	M	454
Kerala	24	363	387	330.36	1.17	M	14
Tamil Nadu	35	702	737	632.01	1.17	M	65
Punjab & Haryana	27	494	521	449.06	1.16	M	133
Orissa	11	405	416	367.49	1.13	M	76
Madhya Pradesh & Chhattisgarh	31	917	948	840.94	1.13	M	115
Andhra Pradesh	33	724	757	780.34	0.97	L	73
Assam	12	240	252	271.29	0.93	L	37
Maharashtra	51	750	801	937.66	0.85	L	345
Uttar Pradesh & Uttaranchal	71	1353	1424	1823.29	0.78	L	769
West Bengal	39	549	588	819.9	0.72	L	164

\* Source: Rajya Sabha Unstarred Question No. 1315, dated 14.03.2005.

\*\* Source: Women and Men in India 2001, Ministry of Statistics and Programme, Implementation, Govt. of India & Past Issue.

# Source: Population Projections for India and States 1996-2016, Registrar General, Ministry of Home Affairs, Govt. of India.

## 6.2 PENDING CASES

As of now, **2.6 crore cases are pending** in Indian courts. 87% of these cases are pending in lower courts, while 12% of them are pending in High Courts. Of the cases pending in High Court, **almost 40% cases are pending for more than 5 yrs, while in Supreme Court this percentage comes around 6.6%**. According to a Supreme Court judge, six times more judges are needed for expediting the pending cases and supporting the present system

**Almost one-fifth (22%) of the respondents interacting with the department have cases pending for more than five years.** Clearly, seeking justice in India is a slow and a complex process. To understand the frustrations of court goers, respondents were questioned on the number of visits and the difficulties faced by them.

### 6.2.1 How many visits did you make?

More than half of the respondents (57%) had to visit the courts for at least 4 times in a year. The percentage of those who had to visit frequently was higher in case of criminal cases (55%) in comparison to civil cases (44 %).

Around 62% of respondents visited courts had to visit it again. This number was considerably higher in States having low judicial strength per lakh of population, with around 72% of the respondents visiting again, compared to just 28% in States having higher judicial strength. No wonder, some of the citizens are taking to alternate mechanism of dispute settlement like approaching local dons and politicians.

**Table: Was your work completed?**

(Figures in per cent)

Case Pending	States: Judicial strength wise			Total
	High	Medium	Low	
Yes my work has been done	40	22	23	25
Given assurance that work will be attended to	21	7	3	8
<b>Have to come again</b>	<b>28</b>	<b>68</b>	<b>72</b>	62
Not sure	12	2	3	4

### 6.2.2 Reasons for Visit

Those who had to visit the courts more than once in the last one year were probed as to why they had to visit again and again. Around 36 % of the respondents had to visit the court again due to **postponement of their hearing**. Nearly one fourth of the respondents had to visit again to complete formalities. Nearly one-fifth (21%) of the respondents had to visit again as judges or lawyers did not turn up in court.

Table: Reasons for multiple visits to courts

(Figures in per cent)

Case Pending	States: Judicial strength			Total
	High	Medium	Low	
Hearing postponed	32	32	42	36
Need to complete more formalities	47	18	23	22
Opposition party had sought more time	16	14	12	13
Judge did not turn up	5	15	10	13
Lawyer did not turn up	0	10	7	8
Witness did not turn up	0	7	5	6
Others (didn't gave bribe, given other date)	0	4	1	1

Non-surprisingly, major reason for coming back in case of respondents from states having low judicial strength per lakh of population was due to hearing being postponed (42%).

### 6.3 PERCEPTION OF CORRUPTION IN COURTS

Judiciary was once considered to be a holy cow. Of late, going by the reports in the news media, there have been several serious allegations of corruption against judges in the courts. In view of this we have attempted to capture perception of the people about corruption in Judiciary.

#### 6.3.1 Is Judiciary Corrupt?

**More than three fourth (79%) of the respondents, who had been interacting with the judiciary, agreed with the statement that corruption was prevalent in the Department.** Surprisingly, only 8% of those respondents felt that there was no corruption in Judiciary. However not much difference is seen in perception of corruption in judiciary for states having low / high strength of judiciary per lakh of population.

**Table: Perception of corruption**

(Figures in per cent)

Perception of Corruption	States: Judicial strength			Total
	High	Medium	Low	
Disagree	9	5	7	6
Neither Agree Nor Disagree	16	11	14	13
Agree	74	83	76	79

#### 6.3.2 How committed is judiciary to bring down corruption?

**Nearly three-fourths of the respondents, who have been interacting with Judiciary, were of the opinion that Judiciary was not committed to fight corruption.** However 21% felt that they were committed. Around 26% respondents in the states having high judicial strength per lakh of population believed that Judiciary was committed, against 18% in states having low strength of judiciary.

**Table: Commitment of Judiciary to fight corruption**

(Figures in per cent)

Level of Commitment	States: Judicial strength wise			Total
	High	Medium	Low	
Not Committed	56	61	54	58
Indifferent	15	13	21	16
Committed	26	19	18	21

#### 6.3.3 Has corruption increased or declined in last one year?

More than half of the respondents (64%) who have been interacting with the department believe that corruption has increased during last one year. In fact, nearly three fourth (73%) of the respondents whose cases are pending for over 5 years feel that corruption has increased in the last one year.

More than one-fourth believed that corruption has actually declined. The reasons for decline in corruption, according to respondents, is due to strict control over officials (52 %), honest working of officials (42 %) and increase in awareness among public (6%).

## 6.4 EXPERIENCE IN COURTS

After analyzing the perceptions, personal experience of the respondents specifically with the judiciary were probed on corruption, quality of service and alternatives used to get their work done in judiciary.

### 6.4.1 Efficiency of Service received and difficulties faced

Nearly two thirds (63%) of the respondents interacting with judiciary rated the quality of service in Judiciary as poor, while only 12 % of the respondents rated it as good. The poor perception about the quality of service is due to corruption and long delays in getting justice.

Surprisingly higher percent of respondents (64%) interacting with the judiciary in states with high judicial strength per lakh of population rate the service of the judiciary as poor in comparison to States with lower judicial strength.

**Table: Quality of Service received**

(Figures in per cent)

Quality of service	State: Judicial Strength wise			Total
	High	Medium	Low	
Poor	64	65	55	62
Neither Poor/ Nor Good	26	22	26	24
Good	10	13	18	14

### 6.4.2 What other methods are sought/availed ?

For getting over the difficulties and harassment in the country, almost 54% of the respondents interacting with judiciary had gone for other avenues for getting their work done, against 38% who had used the normal process.

Among those who have adopted alternate means, a startling 86 percent confessed having paid bribes. Nearly one third of them have put extra efforts and over a quarter (28 %) of such respondents used influence to get their work done. The analysis brings out that it is not always enough to pay bribes. In addition, the respondents also had to put additional efforts like pulling strings of influential people.

Nearly nine-tenths of respondents (89%) claiming to have used alternate process in States having low judicial strength per lakh of population paid bribe in comparison to States having higher judicial strength per lakh of population.

**Table: Alternate avenues to get work done in the courts**

(Figures in per cent)

Alternate avenues used	States: Judicial strength wise			Total
	High	Medium	Low	
By paying bribe	79	87	89	86
Putting extra efforts	40	33	23	32
Influence through relatives/friends	18	15	12	15
Approached middlemen	11	11	8	10
Bureaucrats / Officials influence	8	7	10	8
By political influence	8	4	4	5
Legal / Judiciary's Influence	5	1	1	2



### 6.4.3 Motivation for adopting alternate methods/ avenues ?

More than three-fourths of the respondents had used alternate methods to solve the case faster or expedite the process in the courts. The urgency to speed the process in the courts is rightly justified by saying “**Justice delayed is justice denied**”.

Higher number of respondents (44%) using alternate methods in states having low judicial strength per lakh of population used alternate means to get judgment faster, compared to higher judicial strength states (37%). On the other hand higher number of respondents in high judicial strength states used alternate avenues to get administrative work done faster compared to states having low judicial strength.

**Table: Reasons for taking to alternative avenues**

(Figures in per cent)

Reasons	State: Judicial Strength wise			Total
	High	Medium	Low	
Getting administrative work done faster	33	45	22	38
Getting the judgment faster	37	31	44	35
To get work done on time	15	9	10	10
Gave bribe for bail	0	8	5	6

One third of the people who had paid bribes, did so for systemic issues like speeding up the case and to get the case listed. This highlights the need for reducing corruption by making the system much more simple, transparent, efficient and responsive. Also periodic independent review should be done through surveys.

**Table: Reasons for paying bribe**

(Figures in per cent)

Purpose	State: Judicial strength wise			Total
	High	Medium	Low	
Favorable judgment	30	19	29	23
Speeding up judgment	15	22	29	23
Other activities (Affidavit, registration etc.)	8	18	22	18
Obtaining bail	8	18	9	14
For manipulating public prosecutor	28	9	12	13
Getting the case listed	11	12	9	11
For advance/delay the case	3	11	10	9
For manipulating witness	10	4	6	5

Higher number of respondents claiming to pay bribe from states having low judicial strength per lakh of population paid money for speeding up judgment compared to respondents from states having high judicial strength.

#### 6.4.4 Experience of Corruption

While 38% of the respondents had experienced corruption every time they had interacted with judiciary, 53% had experienced it some time or the other. On the other hand, only 5% never experienced corruption.

#### 6.4.5 Modus operandi for Bribing

During the last one year, three-fifths (61%) of respondents had paid money to lawyer, whereas 29% had paid money to court officials, and 15% paid money to middle men to get their work done. Higher number of respondents claiming to pay bribe in states having low judicial strength per lakh of population paid money to court officials, compared to respondents from states having high judicial strength.

**Table: Money paid**

(Figures in per cent)

Money paid to...	State: Judicial strength wise			Total
	High	Medium	Low	
Judge	6	4	4	5
Lawyer	55	64	53	59
Court officials	17	26	44	30
Public Prosecutor	17	5	8	8
Middlemen	17	12	16	14

Lawyers who are supposed to uphold law have ended being conduit for corruption as if there is no monitoring or initiatives on the part of bodies like bar associations. They could put up notice boards to put complaints or give telephone number for giving information. There is no case of a lawyer being suspended for practice on account of such complaints or any effort made to get such practices enquired into independently. Although cases about delays and even prevalence of corruption in judiciary have been reported, news media has never reported giving specific examples of corruption by lawyers.

## 6.5 SERVICE PROVIDERS' CONCERNS

### Concern

- **Shortage of staff:** There is severe shortage of staff. Therefore the workload on the present staff is immense.
- There is lack of training in staff.
- Lack of Infrastructure (inadequate premises, stationary, forms, etc.) and poor finances have limited the scope for improvement.
- Corruption has become part of system in judiciary, taking or giving bribes nowadays is not seen as corruption.
- Nobody comes forward for registering complains. When there is no evidence, it is difficult to take action.
- Most people do not visit courts for justice but to save themselves from punishment or help others for this purpose. In both the cases there is ample scope of corruption as people seek favours).
- Political interference, false cases by police, and lack of awareness about law in the mind of common man hinders justice and create avenues for corruption.
- There is irregular/ low payment to public prosecutors/ staff which makes them take bribes

### Initiative

- **Fast Track Courts have been initiated** to dispose of pending cases (Maintenance cost of 1.2 lakh under trials in prisons across the country is estimated at Rs.240 crores a year. The IXth Finance Commission has estimated that annual recurring expenditure in respect of fast track sessions courts at 5 per district would be approx Rs.87 crores).
- **Registrar Vigilance for addressing Complains** – A Registrar of the High Court is appointed for looking into complaints against senior judges. He/she is a judicial officer (civil judge), and has the power of administrative judge High court.
- Some states (like Rajasthan, Bihar) have made citizens charter, that are prominently displayed in courts.
- Some states have computerized the courts which has improved efficiency (Karnataka).
- Quarterly Inspection report is sent to High Courts.
- Mobile Courts were initiated. These were particularly helpful for solving civil/ small cases in far fetched areas.

## 6.6 VALUE OF CORRUPTION

- 13.37 percent of total households in the country had interacted at least once with the department in the last one year. This means, nearly 2.73 crore households had interacted with the respective Department to get one or the other service
- Nearly 47.32 percent of those interacting with the department had actually paid bribes. This works out to 6.32% of the total households, (approx. 129 lakhs)
- The average amount of bribe paid to the department was estimated to be Rs. 2095/- (Rs. 2181/- for Urban households, and Rs. 1942/- for Rural households).
- Therefore the total monetary value of the bribe paid in the last one year works out to **Rs. 2630/- crores.**
- There was a variation in the amount of bribe paid depending up on the nature of work. On an average bribe for a getting a favorable judgment was Rs. 2939/- while the average bribe paid for getting case listed was Rs. 799/-

## **6.7 PROBLEM AREAS IN JUDICIARY**

### **6.7.1 Accessibility**

- The judicial system is highly dilatory, expensive and beyond the reach of common man.
- Ordinary citizens find it hard to seek redress, as litigation is expensive, and extra money has to be given to oil the wheels in the system.

### **6.7.2 Misuse of Power**

- There are few cases where Metropolitan Magistrate issued bailable arrest warrants against individuals of whose identities he had no clue, in return for an inducement. Recently a Metropolitan Magistrate in Ahmedabad issued bailable arrest warrants against President of India in return for an inducement of Rs. 40,000.
- Judicial favor in exchange for personal gains / favors. In Rajasthan a judge had offered judicial favour in exchange for sexual favors from litigant. Some of these were reported prominently by news media. But this has not led to any action.
- As of now any person making allegation of corruption against a sitting judge can be charged and punished for contempt of court. This is a deterrent.

### **6.7.3 Speed and Efficiency**

- Many cases are allowed to drag on for many years

### **6.7.4 Impeachment**

- The Supreme Court has ruled that no FIR can be registered against a judge, nor a criminal investigation initiated, without prior approval of the Chief Justice of the Supreme Court.
- Once appointed, a judge of a High court or the Supreme Court cannot be sacked except by a complicated procedure of impeachment, done through members of Rajya and Lok Sabha. This immunity is doubly reinforced by the fact that the procedure is not only cumbersome; but it is also susceptible to political interference. During Narasimha Rao's Congress regime a motion for impeachment of Justice V Ramaswami could not be passed in Parliament as Congress abstained from voting. There is no other case of impeachment.

### **6.7.5 Areas of corruption in the lower courts**

In lower judiciary a variety of corrupt practices are being followed. These include

- Inducements to court officials to loose/ misplace files.
- Delaying cases or assigning them to corrupt junior judges.
- Corrupting judges themselves.
- Bribing opposing lawyers to act against the interests of their clients.
- Delay in the execution of court orders.
- Unjustifiable issuance of summons and granting of bails.
- Prisoners not being brought to court.
- Lack of public access to records of court proceedings.
- Unusual variations in sentence.
- Delays in delivery of judgments.
- Prolonged service in a particular judicial station.

## 6.8 SUGGESTIONS TO REDUCE CORRUPTION

### 6.8.1 Use of technology

- A review of court record handling and introduction of modern tracking methods can help eliminate much of the petty corruption, existing in lower courts.
- Technology can be used to help layman understand laws and information on citizens' rights, spelling out in simple language how to start a business, protect land rights or get a divorce. (e.g. Vietnam, Your Lawyer CD ROM's)
- Practical measures should be adopted, such as *computerization of court files*. Experience from Karnataka suggests that the computerization of case files helps in reducing immensely the workload of the single judge. It also speeds up the administration of justice.
- A video recording of all the proceedings in the courts should be maintained. Technology advancements have significantly reduced the cost of recording and storing.

### 6.8.2 Reducing the Gap

- Judges need to be made more responsive.
  - They must be subjected to a judicial review.
  - They are obliged by the law to give reasons for decisions, i.e., it must be speaking order.
  - They must write judgment and not merely announce it. There have been instances when judgments were written after a long gap.
  - They must follow a code of conduct.
  - They are accountable to their peers.
  - There must be regular inspections.

### 6.8.3 Associations to check Corruption

- The law societies and bar associations must also be encouraged to take stern action against their members who indulge in corrupt activities.
- Set up a public watch body, comprising of persons of unimpeachable integrity, to keep an eye on the judges and the judicial system,

- Review and public hearing of certain type of cases which are pending for long.

#### 6.8.4 Recruitment

- High court judges are now drawn from either the Bar or subordinate judiciary.
  - Firstly, an Indian Judicial Service (IJS) should be created. Judges may then be appointed through nation-wide competitive examination. These officials could form the backbone of the subordinate judiciary at the level of District Judges. Most of the High Court Judges can then be drawn from this cadre of competent District Judges.
  - There should be periodic training programs for judicial officers by practitioners lawyers and senior judicial officers.
  - Secondly, the proposed National Judicial Commission (NJC) should have the powers not only to recommend appointments, but also to remove judges in higher courts.

#### 6.8.5 Work Environment & Perks

- Judges shouldn't be given excessive workload, as an excessive workload will hinder the judge in ensuring the quality of his work, which eventually will make him lose the interest in his job and thereby more susceptible to corruption.
- Need to strike balance between "Perks" and salaries.
- There is a need for the adoption of a transparent and publicly known (and possibly random) procedures for the *assignment* of all type of cases to particular judicial officers.
- More cases under criminal law may be compoundable.
- Emoluments of public prosecutors and other concerned staff should be linked with their performance.



## 6.9 GUIDELINES AND CODE OF CONDUCT

- Declaration of assets: Judges should publicly *declare their assets* and the assets of their close family members. They should be scrutinized before appointment and monitored from time to time. (Karnataka High Court)
- *Sentencing guidelines* could significantly help in standardizing criminal sentences and other decisions to a great extent, barring exceptions that may be justified.
- Making available systems for *alternative dispute redressed and resolution* would give the litigants the possibility to avoid actual or suspected corruption in the judicial branch.
- *Workshops and seminars* for the judiciary should be conducted to consider ethical issues and to combat corruption in the ranks of the judiciary and to heighten vigilance by the judiciary against all forms of corruption.
- Widespread *delays are responsible for causing* both opportunities for corrupt practices and the perception of corruption. As per a reliable account, State is the biggest litigant being party in almost three-fifths of the court cases. There are cases by the government either against or between governments. Number of such litigations can be controlled if government administration adopts a 'people oriented' approach. Therefore, practical standards for timely delivery must be developed and made publicly known.

### 6.9.1 Others

- Faster filling up of vacancies – The existing poor ratio of judges per lakh of population is further affected adversely with the existing vacancies. These must be filled-up at the earliest.
- Increase number of Judicial Officers – The judge population ratio is abysmally poor. The suitable ratio may be considered as five judges for one lakh of population. (Ref. Malimoth Committee Report, 2003; pp. 1-32)
- Augmentation for fast track courts - The institution of 'Lok Adalat' established by the Government in its various departments/agencies like DDA, MTNL, etc., and even to resolve 'Power-supply related' controversies, is not vested with powers to give judgements on merits. It decides on the basis of compromise and consent between parties, which is mostly not forthcoming because of the 'struck up' approach followed by govt. departments.
- A supervisory and monitoring cell at district courts levels should be set up especially to look into cases of delayed disposal. Cases pending for more than specified period, say three years, with the same judge, should be transferred to another judge with a report from the prior judge on reasons of delay. A monitoring cell should exam-

ine the merits of delay. Such transfer should be viewed seriously in assessing the performance of the judge.

- Strictness of courts in granting adjournments as a matter of routine. Adjournments may be granted only in unavoidable and rare cases.
- The strength and infrastructure of Courts must be strengthened by allocation of more financial resources. The whole criminal justice system must be considered as a Plan subject as development of the nation is dependent upon the maintenance of law and order.
- Effects to amendments made in 2002 in the Civil Procedure Code to revamp and cut down procedural delays in administration of justice, particularly in the lower courts. In India, it is observed that while the new system is introduced, the old one continues for a considerable period of time due to lack of orientation.
- There are a large no of pending cases relate to 'cheque dishonouring'. Though the legal provisions provide for disposal within six months, these cases drag on for several years. If the Court, on prima facie merits of the case, orders the accused to deposit the amount of bounced cheques in the Court, the time taken in execution of decree gets reduced and efforts of such accused to protract proceeding on frivolous grounds gets deterred. Hence, there is a need to sanction and adopt such a practice.
- A service-specific Citizens' Charter spelling out standards of hassle-free judicial and allied services to be provided to the litigants and other service seekers should be prepared and displayed prominently in all Courts and similar institutions to create awareness amongst the citizens, and in causing realistic expectations from Courts. It should also spell out standards of those services, which are provided, among others, by Jail Authorities, Public Prosecutors, Lawyers, Notary Public, Oath Commissioners and concerned Police Departments. Such Citizens' Charters should also have a penalty clause on the lines provided in the recently enacted Right to Information Act to create a kind of fear among the service providers if they fail to provide the promised services.
- A Vigilance Cell for the redressal of public grievances should be constituted to inspire confidence amongst litigants and other service seekers to report cases of bribe and other corrupt practices. Information about the functioning of such Vigilance Cell should be displayed prominently at various places in Courts and other similar institutions.

### Case Study - Karnataka

- **On appointment, a judge attends training in ethics, management, transparency, and public expectations.**
  - **Disclosure of assets:** The new judge, before taking up the appointment, declares his or her assets and liabilities (including loans) to High Court Registrar and repeats

the declarations every year thereafter. The disclosure includes family members (wife, son, daughter, and parents, if still alive).

- The Vigilance Commission inspects the returns and makes discreet inquiries about the declarations.
- Members of the public have access to the declarations.
- The question of improving conditions of service receives constant attention, and there is a “self improvement scheme” whereby judges at regular intervals attend meetings to interact with each other and to prepare research papers on topics of interest.

➤ **Checks on the system**

- Cases are allocated to **judges on a random basis**, and as late in the day as is practicable.
- **Transparency:** Streamlined availability of information about cases and files, thus bypassing the lawyers and the court officials who previously had been insisting on payment before they would tell a person the stage his or her case had reached or when it was to be heard in court.
- The disposal of old cases was continuously monitored to ensure that the numbers declined. **Incentives were being provided to the judges who made significant progress in clearing backlogs.**

**Case Study – Reforms in Slovakia Justice System**

## 6.10 BACKGROUND

To solve the long delays in processing court cases, together with the perception of corruption in the assignment of cases to judges, the Slovak Ministry of Justice sought to automate and speed the workflow of all lower and higher courts in the country. This system also enabled the random assignment of cases that helped in creating an anti-corruption environment within the judiciary.

### 6.10.1 Situation

- Legacy of overwhelming caseloads, lack of resources, insufficient judicial training, and institutional corruption.
- Court procedures and hearings were complex and drawn-out, and there was no easy access to public registers maintained by the courts.
- Administrative processes were never coordinated across the system. Since each court simply did its own thing, the system was open to abuse and corruption with the potential for plaintiffs to manipulate to ensure a particular judge would – or wouldn't – preside over their case.
- Even when courts attempted more objective assignment methods, problems would arise.

### 6.10.2 Solution

- Reviewed the responsibilities of all judges and administrative staff and conducted an analysis of court cases passing through the system.
- The court workflow was redesigned with a view to automating as many of the procedures as possible.
- Local area networks were developed for all district and regional courts, which were then interconnected by wide area network.
- Administrative staff with more than 1200 judges was equipped with PCs and an overall court case management information system was implemented. The application features a number of modules, including:
  - Case filing, with random assignment of cases
  - Court agenda for Civil Law section
  - Court agenda for Commercial Law section
- The Court Case Management application integrated with other information systems like legal information systems, commercial register and bankruptcies and recoveries database.

- The details of civil cases are entered directly into the court case management information system and an electronic file is generated immediately. The petitioner is given a case number and the name of the presiding judge, who is randomly selected by the computer.
- Every regional court is equipped with a training room, a moveable training center and e-learning tools to train district court staff and judges.
- The legal information system enables retrieval of laws and regulations, international treaties, court rulings, internal and government directives.

### **6.10.3 Benefits**

#### **Speeded-up Procedures and Quicker Decisions**

- Impressive improvements in the speed and efficiency of case processing at lower and higher courts throughout the country.
- Number of steps in processing court cases has been reduced by a quarter.
- The time needed to locate and retrieve a case file has been reduced to few seconds.
- Judges could increase their working time by 78 per cent.
- Reduction in time between filing and first hearing of case is reduced from 73 to 49 days.
- Reduction in time between first hearing and second hearing from 38 to 16 days

#### **More Openness, Less Corruption**

- Increase in transparency and openness in society.
- Creating an anti-corruption environment in the country's judicial system.
- All courts in Slovakia are now required by law to use the random assignment of cases, thereby reducing the opportunity for arbitrary action and helping to ensure that the country's judiciary is beyond reproach.
- Prior to creation of JASPI and commercial register Web sites, the justice system was a 'black box' to many people. Today, the company register is the most popular government Web site in Slovakia, receiving more than 4 million requests.