

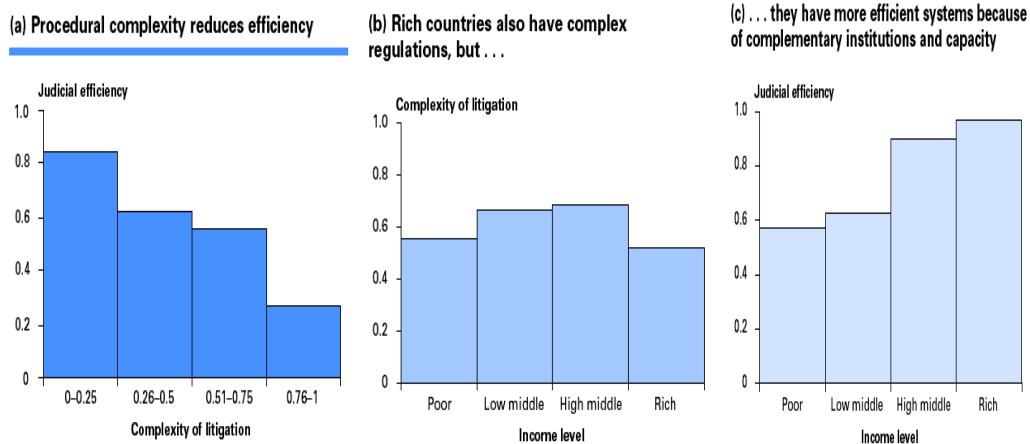
eTools for Expediting Justice: A Case Study of APAT

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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 governance¹. 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 21st 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 court². 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

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

² 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.”³ 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 ¹[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.

Category	1995	1996	1997	1998	1999	2000	2001	2002
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

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

