

The Temporary Nature of Appointment of Court Managers in Indian Courts and Lack of Legal Rights

Anita Dahiya¹, Dr. Sulakshana Banerjee²

¹Former Civil Judge, Research Scholar, School of Law, Sushant University, India

²Associate Professor, School of Law, Sushant University, India

Email: js.dahiya31@gmail.com

The Indian judiciary faces challenges such as overcrowding, delays, inefficiency due to contractual employment, and inadequate financial oversight. In order to offer stability and consistency, these concerns are addressed to the permanent court manager's position. They attract skilled professionals who can stay for the long term, improving administrative efficiency. Enhanced training and professional development are essential for court managers, focusing on best practices, technology, and financial management. Incorporating MBA professionals can bring valuable business acumen to the judiciary, enhancing efficiency. Implementing digital record-keeping systems and streamlining cause-lists can reduce delays and improve court efficiency. Regular performance evaluations and feedback mechanisms are crucial for maintaining high standards in court management. By addressing these issues through permanent appointments, enhanced training, and technological advancements, the Indian legal system can achieve more timely and equitable justice for all citizens.

Keywords: court, managers, judges, lawyers, justice, legal.

1. Introduction

To begin with, the Supreme Court recognizes the need for qualified court managers given the complexity of today's legal concerns. Under the direction of judges, court managers help find flaws in the court mechanisms and propose practical solutions. Despite these efforts, challenges persist due to the backlog of cases and the requirement for substantial funding. In addition, the steps the court takes to monitor and regulate the handling of cases as they go from the preliminary phase to trial are referred to as court management. Secondly, this guarantees the timely settlement of conflicts through due process. By working closely with judges and legal professionals, court managers ensure that the legal system runs smoothly and efficiently. They are responsible for managing daily operations, liaising with other departments, and offering advice on administrative issues, as will be discussed later. With their ability in managing resources and implementing innovative strategies, court managers play a crucial role in ensuring that justice is served in a prompt and fair manner. Following that, court managers supervise the administration of budgets, streamline procedures, and implement

optimal techniques to enhance the effectiveness and efficiency of the judicial system. The importance of efficient court managers and the use of innovative tactics by the courts are covered in the next section. Ensuring that everyone has fair access to the legal system, as has been mentioned. The paper examines the problems related to court overcrowding, delays in cause lists, and court managers' inefficiency because of their contract nature of work. It also proposes a solution to hire MBA court managers in court administration and proper training to upgrade them. The results would be that court managers' permanent jobs would ensure equal access to justice for all and the timely delivery of justice.

Scope of the Review

The temporary nature of appointments and lack of legal rights for these appointees highlight the need for a comprehensive review of the topic. As we'll see, the inefficiency of court managers because of contract employment, apathy, and poor training makes the lack of a national fund for them alarming. First, to guarantee that suitable candidates are chosen for court manager jobs, the government needs to give top priority to thorough selection procedures. In the same manner, increasing efficiency within court management requires clearly defined positions, duties, and a hierarchy. As will be discussed below, court managers in Indian courts are often appointed on a contract basis for a set period rather than holding permanent positions. Several things, such as the project-based appointments, pilot programs, administrative choices, assessment and feedback, and problems can be blamed for this lack of stability. Second, government funds or programs are awarded for predetermined periods of time. These are a popular source of money for court managers, however they may not sustain permanent employment, as will be discussed later. It is now required to consider that project-based appointments sometimes contain interim appointments and have fixed deadlines. This provision specifies that permanent positions cannot be suggested until these pilot programs have been assessed for efficacy. Next, the government and judiciary make administrative decisions in advance about the duration and kind of court manager appointments. Judges, attorneys, and court management teams provide feedback on the roles' future existence and function. One recommendation given to enhance the effectiveness and stability of court managers in Indian courts is to create permanent positions with well-defined roles, duties, and opportunities for career progression. After that, implement a rigorous selection process and provide opportunities for additional training and career development. Following this, let's discuss creating an official feedback system that involves court personnel, lawyers, and judges. It also involves regularly evaluating the job that court management does. Finally, if these issues were rectified, the Indian legal system would be in a better position to make use of the court managers' experience. In the end, we'll discuss improving administrative effectiveness and making sure that justice is served on time.

Problems

Court Overcrowding and Delay in Cause Lists

Zeisel (2021) highlighted that court overcrowding has led to various studies on court operations and judicial administration. A significant consequence of the growing number of cause lists needed to obtain judgments. Initially, a well-organized and regularly updated cause list is crucial for the smooth functioning of the judicial system. Judges can better prepare, distribute time for each case, and avoid delays with a comprehensive schedule of upcoming

cases. Additionally, a transparent cause list promotes accountability and public trust in the judiciary by ensuring equal access to justice. Prior to these, the changes in the cause lists have made it more challenging to collect free court judgments. The decline in salaries and wages of court managers underscores the need for their inclusion in the recruitment process. As demonstrated above, delays impair the criminal justice system's ability to deter crime, infringe on defendants' rights, and hinder prosecution success. As a result, court staff members blame delays on a backlog of cases, a shortage of judges, or insufficient support services. By ensuring that court managers are adequately compensated and supported, the system can function more smoothly and effectively. Keeping a rising cause list and a growing workload in mind, judges under pressure to maintain accuracy and efficiency. Staff members working in courts may become less motivated and productive if they are not paid fairly, which might cause delays and inefficiencies in the judicial system.

On the other hand, Bielen and Marnaffe (2017) found that disputed parties take up a significant portion of court time, with scheduled delays and judges also contributing to case lengths. These delays could potentially be minimized with a more efficient cause list system, reducing the backlog of cases and improving overall court efficiency. For instance, there was a complicated property dispute in Haryana, India, between Mr. Gunjan Bhagat and Mr. Sunil Verma. It took place across several sessions and years, with a lot of information. But the court's inability to maintain and upload documents to a single system led to major judicial process delays and errors. Among the problems were missing important papers, including court orders, witness testimonies, and evidence, which resulted in a lot of hearing postponements and delays. This, in turn, decreases the court system's credibility and effectiveness. Thus, holding more hearings might result in judges having a heavier burden and being less productive, which can cause delays and ensure biased hearings. However, challenges in gathering, combining, and analyzing cause list data to persist due to inconsistencies and variations in high court websites. Consistent information from high courts is crucial for correct decision-making. Doyle (2021) noted that case backlogs and delays in cause lists are prevalent issues. As a result, case information is displayed inconsistently among High court websites, raising questions regarding case classification and court administration. To guarantee that the legal system functions efficiently and impartially, steps must be taken to resolve the discrepancies in cause list information. To promote overall court efficiency and respect the principles of justice, high courts must give priority to standardizing and transparently sharing their case information.

This section highlights the issues of court delays and overcrowding. It calls for a cause list that is well-organized, frequent updates, sufficient funding, technological advancements, and in-depth training for court managers. Lastly, maintaining an effective legal system and regaining the public's trust depend heavily on data protection, uniformity, and openness.

Court Managers' Inefficiency Because of their Contract Work

To put it simply, judges are unable to carry out their duties in a comprehensive and impartial manner. Because court administrators' positions are contractual in nature, judges are less able to perform their tasks efficiently, which results in a lack of consistency and frequent turnover. For example, court managers were employed temporarily in Haryana to help judges with administrative duties. In particular, the judges' constant need to train new supervisors caused disruptions and inefficiencies in court proceedings. This issue has two effects: inconsistency,

where a lack of qualified court administrators leads to uneven administrative support, and administrative delays, where judges devote more time to administrative duties than to legal concerns. Further delays are often caused by new court managers taking time to learn the unique requirements and procedures of the courts to which they have been appointed. Finally, this lack of evaluation and accountability hinders the effectiveness of court managers and hinders the judiciary's ability to implement innovative approaches (Law Journal, 2021). According to the employment notice, the positions were created with the intention of being filled temporarily. The choice was made by conducting an interview alone, as opposed to the required written test. As a result, individuals with inadequate qualifications and experience were appointed to these crucial roles, further undermining the efficiency and effectiveness of the judiciary. This lack of proper scrutiny and evaluation has hindered the progress in improving access to justice for all citizens. Besides, the candidates eagerly started their employment in court management after accepting the offers. They were hopeful that the government would extend the scheme, allowing them to continue their valuable services beyond its termination. Therefore, ineffective research on court managers has led to insufficient qualifications and experience, undermining the judiciary's efficiency.

Conversely, Wald (2011) noted that contract employment increases inefficiencies in court administration and ensures that cases are not handled quickly. Court managers are unable to increase overall efficiency and simplify operations by managing the court's staff and technology. Furthermore, court managers are unable to assume a major role in financial supervision and budgeting. The court does not answer the public and functions within the limits of the resources it has been given. For a variety of reasons, court managers meet difficulties with budgeting and financial oversight. In addition to the insufficient training, these include a lack of authority, a limited scope, bureaucratic constraints, and fragmented systems. Court managers under contract sometimes lack the authority to make crucial financial decisions. Their capacity to influence financial planning and budgeting in the long run is limited by their established status. Likewise, it's possible that they didn't get the specialized instruction required for effective financial oversight. It makes it more challenging for them to anticipate financial needs, efficiently manage budgets, and allocate resources. Because of the transient nature of their contracts, full financial planning is prevented and, instead, short-term duties are prioritized over long-term financial objectives. Their capacity to swiftly and efficiently execute financial choices is further hampered by bureaucratic hurdles and lengthy approval procedures. On the other hand, courts might not have integrated financial management systems. As a result, it is difficult for court managers to monitor expenses, review financial data, and develop comprehensive budgets. For example, court managers were employed on a contract basis to help with administrative duties at a district court located in Haryana. Despite their potential, they were unable to make a significant contribution to financial monitoring due to their brief contracts, lack of training, bureaucratic obstacles, and restricted power. Therefore, judges must be diligent, thorough, and knowledgeable to govern a court, challenging outdated and unrealistic conceptions. In the end, court managers under contract are still in charge of managing the court's personnel despite these difficulties.

2. SOLUTIONS

MBA Court Managers are Experts in Court Administration

Court administration, as we will see, includes all the steps the court takes to monitor and regulate the case's development from the pretrial phase through the trial. In other words, it is an instrument to pursue the institutional mission of resolving disputes through due process and in due time. The Supreme Court underscored the necessity of having court managers who have professional qualifications, ideally an MBA, to aid in court administration. According to Macmillan (2000), these court managers would be in charge of budget management, procedural simplification, and the application of best practices in court administration. It follows that the judicial system may function more effectively and efficiently and guarantee that justice is administered promptly if individuals with business acumen hold important roles. Because of the complexity of today's legal disputes, the Supreme Court recognized the necessity for specialized court managers. Conversely, this demonstrates how important professional credentials are to the way the judicial system operates. Under the direction of respective judges, court managers would also assist in identifying flaws in the mechanisms that govern the courts and provide practical solutions. To support district and session judges, each judicial district is creating Court Managers with MBA degrees. Nevertheless, their responsibility is to reduce the administrative load so that judges can focus on rendering judgments. Court managers are required to make creative suggestions for enhancing the current system's quality so that judges can focus more of their time on their judicial duties.

Despite this, new management approaches and strategic planning may greatly enhance the delivery of justice by MBA graduates in court administration. These graduates have received comprehensive training in business administration, equipping them with skills in strategic planning, financial management, and organizational leadership. These abilities may be used to improve overall efficiency in the judicial system by streamlining procedures, allocating resources optimally, and managing courts. As a result, this may result in fewer backlogs, quicker case settlement, and better access to justice for all parties concerned. The integration of MBA court managers into administration has the potential to enhance the efficiency of justice dispensation. Subsequently, they have a solid grasp of data analysis, process optimization, and operational efficiency, all of which they can apply to challenging legal situations. Their expertise in human resources, marketing, and finance enables them to support strategic planning and general administration of court operations. Alternatively, they may establish a more open, responsible, and efficient judicial system by introducing corporate concepts into the administration of the courts. Their analytical and problem-solving skills can help identify areas for improvement, allocate resources efficiently, and enhance overall court performance. In conclusion, MBA court managers can contribute to evidence-based decision-making, data-driven case management, and improved court processes. Examining their capacity for financial and operational data analysis may assist in pinpointing problem areas, making effective use of available resources, and improving overall court performance. The adoption of MBA court managers results in a more open and equitable legal system that benefits all members of society.

Court Managers Need Proper Training

Court managers should take advice from one another to remedy this problem. Alternatively,

instead of using IT departments to deliver training covering basic computer skills, employ traditional classroom techniques. Browning (2020) emphasizes the importance of teaching court managers how to use technology wisely, emphasizing hands-on experience. Court managers need to be trained in the latest best practices, as previously said, and this is a crucial aspect of court administration. They are given regular opportunities for training and development, so they stay current on the newest technology and industry best practices. Susskind (2019) said that in order to ensure their successful participation, court managers are urged to participate in workshops, seminars, and courses on court administration. New hires get orientation training including legal foundations, managerial techniques, and judicial processes. Whatever the case, continuing education is offered through workshops and seminars. Judges and court employees receive extensive training in utilizing digital systems and keeping correct records. Not to mention that training curricula are regularly updated to take advantage of technological advancements. The capacity of court managers to foresee financial demands, manage budgets, and guarantee effective resource distribution can all be hampered by inadequate training. Thus, to address these issues, court managers must have access to specialized financial management training.

3. RESULTS

Court Managers Ensure Equal Access to Justice for All

As we have seen, court managers are essential to ensuring that everyone has equitable access to justice. In addition to supporting legal aid services, they expedite administrative procedures, increase transparency, use technology, and improve procedural and physical accessibility. From the beginning, court managers handle case scheduling, guarantee resource efficiency, and uphold open lines of communication on legal rights, status, and court processes. Aside from that, they maintain accurate records to ensure that all parties have access to the necessary data, facilitating fair and informed legal procedures. Better still, they also manage virtual courtrooms to ensure that everyone may access justice regardless of where they are physically situated. Court managers must oversee the installation of essential adaptations, such as ramps, elevators, and accessible bathrooms, to guarantee that court facilities are accessible to those with disabilities. Morival & Pelisse (2020) discussed the institutional structure and the distinct community of court managers needed for technical or scientific knowledge to serve justice. In general, the judicial system works effectively with modern management techniques. It then aims to dispense justice in an effective and timely manner.

In a similar way, court managers maintain equitable procedures by offering staff and judges training and development courses on diversity, justice, and inclusion, among other subjects. Above all, routine assessments of judicial processes and systems aid in locating and addressing biases or inefficiencies that can impede equitable access to the legal system. To make sure that those who cannot afford legal counsel receive the support they require, court managers collaborate with legal aid groups to arrange legal aid services. To make sure that the principles of justice and equality for everyone are really upheld in the real world, court managers are indispensable. They foster an egalitarian and welcoming environment in the courtroom. While working with legal aid organizations might make it easier for people to get legal assistance. As was previously said, structural problems such as bias and inequality impact how well the

legal system works to provide equality and justice for all people. Furthermore, not every person involved in the judicial system will receive a fair resolution just because legal aid services are available.

Court Management Ensure Timely Delivery of Justice

Fairbanks (2021) notes that institutional design, professional attributes, and time management strategies impact opinion quality and citation rates. As discussed above, most states handle cases slowly on a regular basis. Court time is distributed fairly among different case types based on their particular demands in order to assist court managers. This allows judges to focus on cases more effectively and make informed decisions without feeling overwhelmed. Stated differently, the legal system employs efficient case management techniques to maintain its dedication to justice and equity. It will eventually increase the public's confidence in the court. Judges can remain focused on the job at hand and remain organized with the assistance of court managers. On the positive side, ensuring equitable and uniform results for all stakeholders. In the end, a well-managed judicial system benefits not only the courts and legal professionals but also the public at large. The use of court managers and careful time allocation contribute to a more efficient and effective judicial system. In order to ensure frequent updates and safely maintained information, the Indian courts are putting in place a computerized record-keeping system. This system will be accessible to all judicial officers, lawyers, and staff, allowing real-time updates and retrieval of case records.

4. CONCLUSION

As observed the permanent position of court managers is crucial in Indian courts for a number of reasons. In other words, by maintaining consistency and stability in the administrative procedure, they minimize the disruptions brought about by contracts or temporary appointments. In reality, permanent employment promotes a deeper understanding of the demands and workings of the court. Apart from that, which attract skilled workers who are more likely to stay in their positions for a long time. Permanent court managers have the ability to simplify procedures, as demonstrated by the data, which immediately enhance case management and reduce delays. Instead, they provide more efficient resource allocation and long-term strategy development, which occasionally improves the effectiveness of the judicial system. Owing to well-defined responsibilities and performance evaluations, permanent positions gradually increase in level of responsibility. This shows that permanent employment provides opportunities for career progression as well as ongoing training and professional development. It also keeps court managers up to date on new technology and best practices, as seen above. To put it briefly, permanent court managers are more qualified to oversee budgeting and financial management, ensuring that resource management strategies are implemented regularly. Additionally, they relieve judges of administrative burdens, so they concentrate on their judicial responsibilities. All things considered, a permanent court management system fosters public trust by demonstrating a commitment to capable and consistent court administration. Consequently, permanent positions support open administrative practices and efficient court operations, maintaining the integrity of the legal system. Ultimately, elevating the permanent position of court managers is essential to improving the judicial system's overall effectiveness, accountability, and efficiency. It

provides stability, supports judges in their work, and increases public trust in the judicial system.

References

1. Bielen, Samantha, And Wim Marneffe. "Are Courts to Blame for Delays in Belgian Civil Procedures? A Decomposition of Case Duration." *Justice System Journal*, Vol. 38, No. 4, Informa Uk Limited, June 2017, Pp. 399–420. Crossref, Doi:10.1080/0098261x.2017.1331772.
2. Browning, John g. "Should Judges Have a Duty of Tech Competence?" *St. Mary's Journal on Legal Malpractice & Ethics*, Vol. 10, No. 2, 2020, Doi: <https://commons.stmarytx.edu/lmej/vol10/iss2/1>.
3. Doyle, William e. "The Battle of the Backlog in the Supreme Court." *Rocky Mntn. L. Rev.*, Vol. 33, No. 489, Mar. 2021, [Heinonline.Org/Hol/Landingpage?Handle=Hein.Journals/Ucollr33&Div=47&Id=&Page=](https://heinonline.org/HOL/Landingpage?Handle=Hein.Journals/Ucollr33&Div=47&Id=&Page=).
4. Fairbanks, Bailey. "How Do Judges Save Time? Managing The Work of State Supreme Courts." *Law Journal*, The. "HeinOnline." HeinOnline, 8 Mar. 2021, heinonline.org/HOL/LandingPage?handle=hein.journals/lwjrnl29&div=24&id=&page=.
5. Law Times, "Heinonline." *The Journal of the Law and the Lawyers*, Vol. 180, No. 4827, Mar. 2021, [Heinonline.Org/Hol/Landingpage?Handle=Hein.Journals/Lawtms180&Div=17&Id=&Page=](https://heinonline.org/HOL/Landingpage?Handle=Hein.Journals/Lawtms180&Div=17&Id=&Page=).
6. Morival, Romain Juston, And Jérôme Péglise. "The Scalpel, The Calculator and the Judge in France: From Technical Perspective to Legal Evidence." *International Journal of Law in Context*, Vol. 16, No. 4, Nov. 2020, Doi:10.1017/s1744552320000269.
7. Susskind, Richard. "277Chapter 27 the Computer Judge." *Online Courts and the Future of Justice*, 2019, pp. 277–92, doi:10.1093/oso/9780198838364.003.0032.
8. Tyagi, Ishaan. "a Critical Analysis of Professional Misconduct by Advocates in India." *Indian Politics & Law Review Journal (Iplrj)*, Vol. 5, 2020. An Open Access Journal from the Law Brigade Publishers, [TheLawBrigade.Com/Wp-Content/Uploads/2020/11/Ishaan-Tyagi-Iplrj.Pdf](https://thelawbrigade.com/wp-content/uploads/2020/11/Ishaan-Tyagi-Iplrj.Pdf).
9. Wald, Eli. "Should Judges Regulate Lawyers." *McGeorge L. Rev.*, vol. 42, no. 149, Mar. 2011, heinonline.org/HOL/LandingPage?handle=hein.journals/mcglr42&div=12&id=&page=.
10. Zeisel, h., Et Al. "Delay in the Court, 2nd Ed. | Office of Justice Programs." Ncjrs, Greenwood Publishing Group, 1959, [www.Ojp. Gov/Ncjrs/Virtual-Library/Abstracts/Delay-Court-2nd-Ed](http://www.ojp.gov/ncjrs/virtual-library/abstracts/Delay-Court-2nd-Ed).