# "BOTTLENECKS IN CIVIL JUSTICE ADMINISTRATION BEFORE THE COURTS AND THE REMEDIES THEREOF; A RESEARCH PAPER."

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The title of the research paper makes it clear that the intention behind the research paper is to highlight the core issues affecting the civil justice administration. In this research paper, three areas are discussed which affects the civil justice administration in the country in general and in State of Uttarakhand in particular. The three areas are-

1. Administrative Inaction and Laxity of Authorities/Officers in discharging the statutory notice u/s 80 of the Code of Civil Procedure;
2. Judicial inaction and laxity of Judicial Officers in adopting ADR mechanisms/processes in a scientific manner under the lawful procedure; and
3. Traditional and very casual approach of the officers/authorities advising for appeals/ revisions against the orders and the judgements of civil courts.

The above mentioned three issues, in the views of the researcher, are the key factors for the backlog in the civil courts in India. The researcher has also conducted an empirical study to justify this view point. The results of study justify that if the administrative and judicial authorities are sensitive and sensitise for the remedies on above three causes, the backlog in civil courts shall reduce substantially and courts can devote sufficient time on quality litigation. A batch of civil judges had participated in a four days training programme on Civil Justice Administration in Uttarakhand Judicial and Legal Academy, Bhowali, Nainital, Uttarakhand. One of the issues in the training was the ADR mechanism. Different judges, as informed, have adopted different practices for referral with the

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different mental approaches on ADR mechanisms. On discharge of statutory notice, the researcher has also discussed the issue with some authorities responsible for discharging the statutory notice. Likewise, it is also seen that decisions on filing the appeals and revisions against the judgments and orders of the Courts are taken very casually in a technical and traditional manner with the mindset that on every issue, however small it may be, let the Court decide that too up to the highest Court in hierarchy in India.

Accordingly, considering these three issues as the biggest bottlenecks before the civil courts and the reasons for backlog of civil cases, the researcher has made the sincere efforts to evolve some remedies. All the three aspects effecting the civil justice administration in the courts are dealt with separately.

**(1) Administrative Inaction and laxity in Discharging Statutory Notice-**

Before making civil remedy in to motion, before any civil court against the Government or against any authority/officer of the Government, service of notice under section 80 of the Code of Civil Procedure is condition precedent. The object is obvious to give an opportunity to the Government to redress the grievances of the person opted to give the notice. It has both legal and the ethical consequences. Ethically speaking, it is the duty of the State to keep every person on rest mentally as well as physically. If by any act of the State, the peace of any person is disturbed, the State must restore the peace to make its inhabitants at rest. Legally, section 80 CPC provides for a legal notice to the Government and the Government agencies/authorities before filing any civil suit against them.

Section 80 CPC provides as under:

> **80. Notice.**(1) [Save as otherwise provided in sub-section (2), no suits [shall be instituted] against the Government (including the Government of the State of Jammu & Kashmir)] or against a public officer in respect of any act purporting to be done by such officer in his official capacity, until the expiration of two months next after notice in writing has been [delivered to, or left at the office of]-
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> (a) in the case of a suit against the Central Government, 5[except where it relates to a railway], a Secretary to that Government;

(b) in the case of a suit against the Central Government where it relates to railway, the General Manager of that railway;

(bb) in the case of a suit against the Government of the State of Jammu and Kashmir the Chief Secretary to that Government or any other officer authorised by that Government in this behalf;

(c) in the case of a suit against [any other State Government], a Secretary to that Government or the Collector of the district;

and, in the case of a public officer, delivered to him or left at this office, stating the cause of action, the name, description and place of residence of the plaintiff and the relief which he claims; and the plaint shall contain a statement that such notice has been so delivered or left.

(2) A suit to obtain an urgent or immediate relief against the Government (including the Government of the State of Jammu & Kashmir) or any public officer in respect of any act purporting to be done by such public officer in his official capacity, may be instituted, with the leave of the Court, without serving any notice as required by sub-section (1); but the Court shall not grant relief in the suit, whether interim or otherwise, except after giving to the Government or public officer, as the case may be, a reasonable opportunity of showing cause in respect of the relief prayed for in the suit:

Provided that the Court shall, if it is satisfied, after hearing the parties that no urgent or immediate relief need be granted in the suit return the plaint for presentation to it after complying with the requirements of sub-section (1).

(3) No suit instituted against the Government or against a public officer in respect of any act purporting to be done by such public officer in his official capacity shall be dismissed merely by reason of any error or defect in the notice referred to in sub-section (1), if in such notice-

(a) the name, description and the residence of the plaintiff had been so given as to enable the appropriate authority or the public officer to identify the person serving the

notice and such notice had been delivered or left at the office of the appropriate authority specified in sub-section (1), and

(b) the cause of action and the relief claimed by the plaintiff had been substantially indicated.]

The object of Section 80 C.P.C. is obvious to give an opportunity to the Government to redress the grievances of the person who has given notice. The two months period mentioned in Section 80 has been provided for so that the Government shall examine the claim put in the notice and has sufficient time to send a suitable reply. The underlying object is to curtail litigation. The object is also to curtail the areas of dispute and controversy.

Similar provisions also exist in various other legislations as well. Wherever the statutory provision requires service of notice with the prescribe period as condition precedent for filing of suit, it is not only necessary and impediment for the government or departments or other statutory bodies to send a reply to such notice, but it is further necessary to properly deal with all material points and issues raised in the notice. The governments, government departments or statutory authorities are defendants in a large number of suits pending in various courts in the country. Judicial notice can be taken of the fact that in a large number of cases, either the notice is not replied to or in the few cases where a reply is sent, it is generally vague and evasive.

The result is that the object underlying Section 80 CPC and similar provisions gets defeated. It not only gives rise to huge number of litigation but also results in heavy expenses and costs to the state exchequer. A proper reply can result in reduction of litigation between the State and the citizens. In case a proper reply is send, either the claim in the notice may be admitted or the area of controversy curtails or the citizen may be satisfied on knowing the stand of the State. There is no accountability in the Governments, Central or State or the Statutory Authorities in violating the spirit and object behind the statutory notice mentioned under Section 80 C.P.C. This is the reason; statutory notice is taken very lightly rather no heed is given to the notice.

The provisions of Section 80 C.P.C. cast an implied duty on all Governments and Statutory Authorities to send appropriate reply to the

said notices. But the research conducted by the researcher proved otherwise. During the research the following question was asked from the officers/authorities responsible for discharging the statutory notices:

> 'Do you have any idea that before filing a suit against the government there is a mandatory requirement of statutory notice?'

Majority of authorities and officers have answered that they have idea about the requirement of statutory notice before filing a suit. In minority, the authorities have answered as what is this notice about? The next question was-

> 'Have you discharged the statutory notice by replying the same?'

To the surprise, most of the officers replied that they have seen the statutory notice, but have never replied the same. Further data was collected when DGC (Civil) who were participating in a workshop in Uttarakhand Judicial and Legal Academy, on the role of government councils in dispensation of justice. Being legal adviser to the authorities and officers of governments responsible for discharging statutory notice, their responses were also the same. Mr. Pranav contributed with some views from public at large.

In ***Salem Advocate Bar Association, Tamil Nadu vs. Union of India[3],*** Hon'ble Apex Court has mentioned that a judicial notice can be taken of the fact that in majority of cases, in the notice under Section 80 CPC, no reply is sent. But the responses received by researcher reflect that in none of the case the notice was replied. This is a clear case of administrative inaction and laxity on a very important provision of law resulting backlog of civil litigations in the Courts.

Nobody wants to litigate with the Government. Reason is very obvious. The officers and authorities on behalf of the government litigate on government expenses, whereas, the person who wants to institute case against the government has to suffer on both accounts delay and costs. Thus, the filing of case against the government by the persons aggrieved is in compulsion because no authority or officer gives any heed to the statutory notice. If the notice is discharged properly, most of the parties

[3]2002 Supp (3) SCR 353.

will not resort to litigation and some wise will be satisfied even slightly less than entitled.

Now the question is what should be the remedy for this administrative inaction and laxity for failure of discharging the statutory notice under section 80 of the C.P.C. In view of researcher, the first remedy is the sensitization programmes by the Academies, administrative and judicial, or the joint programmes by the academies sensitizing the officers and authorities who are responsible for discharging the statutory notice under Section 80.

After proper sensitization programme, the authority or officer responsible for discharging the statutory notice should be held accountable and the expenses incurred from the State Exchequer on litigation on account of such statutory inaction and laxity should be recovered from them. Sensitization and accountability should be the minimum requirement. For researcher, the State should move further and disciplinary action should be taken against those who have failed in discharging the statutory notice.

There may be certain problems in sensitization programmes for the officers and authorities. The biggest bottleneck may be the ego and in difference mindset of the authorities. In this regard, suggestion of the researcher is that while sensitising them the curriculum should be based on ethical-legal training. The ethical training is also neglected in India, whereas, in developed countries there are cources in higher educational programmes based on ethical science.

It is ethics and law both, not only the law which can convert an inaction and laxity to the positive productivity. The researcher thinks it appropriate to mention the principles of Bhagavad- Geeta on ethical training for positive productivity. Verse 47 of Geeta is as follows:-

*Karmeny evedhikaras te ma phalesu kadachana,*

*Ma marma- phala- hetur bhur ma te sango stv akarmani.*[4]

It means that you have a right to perform your prescribe duty, but you are not entitled to the fruits of action. Never consider yourself the cause of the results of your activities, and never be attached to not doing your duty.

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[4] Verses (Shlok) 47, Chapter 2, Bhagavad-Geeta As It Is, A.C. Bhakivedanta Swami Prabhupada, at 147.

On the bases of above verse there may be three considerations for the duties; prescribed duties, capricious work and inaction. Prescribed duties are activities enjoined in terms of one's acquired modes of material nature. Capricious work means actions without the sanction of authority, and inaction means not performing one's prescribed duties. In this verse, The Lord advised the Arjuna not be inactive, but performed his prescribed duty without being attached to the result.

As far as the prescribed duties are concerned, they can be fitted into three subdivisions, namely routine work, emergency work and desired activities. Routine work is performed as an obligation in terms of the scriptural injunctions, without desire of results, is action in the mode of goodness. Work with results becomes the cause of bondage; therefore such work is not auspicious. Everyone has his proprietary right in regard to prescribed duties, but should act without attachment to the result; such disinterested obligatory duties lead one to the path of liberation.

Every judge and every public officer, accordingly, should perform the duties without attachment to the result. Not doing the prescribed duties is another side of attachment. It leads to the judicial or the administrative inaction. Inaction is sinful. Accordingly, every authority should perform his prescribed duty without any desire of fruits or fear of consequences, which is lacking in most of the authorities.

Thus, these sensitization programmes should be in joint venture of Head of the Departments of District in District Administration, Police Administration and Judicial Administration under the social- ethical curriculum. In view of the researcher, an effective sensitization programme with some remedial mechanism of punishment may solve the problem. Once the Authorities starts discharging statutory notice, most of the persons having grievances, will not resort to the litigation in the civil court.

**(2) Judicial Inaction in ADR Mechanism-** By the Civil Laws Amendment Act, 1999, the legislature has inserted Section 89 in the CPC adopting certain alternative disputes resolution mechanism. Resort to alternative dispute resolution processes is necessary to give speedy and effective relief to the litigants and to reduce the burden upon the courts. As ADR processes were not being resorted to with the desired frequency, Parliament introduced Section 89 and Rule 1(A) to 1(C) in order 10 in the

Code of Civil Procedure to ensure that ADR processes are resorted to before the commencement of trial in suit.

During this research process, number of training programmes of Civil Judges (J.D.) and DGC (Civil) were conducted by the Uttarakhand Judicial and the Legal Academy, Nainital. In every training programme, the researcher has in person (as the than Director of the Academy) discussed the issue of referral. The referral is in fact occasional. It is not as scientific as mentioned in Section 89 of CPC and explained by Hon'ble the Apex Court in several judicial pronouncements. There is a judicial confusion in referral, whereas, the position is very clear. The referral is also occasional and that too exceptional under the prevailing circumstances in the Civil Courts. Before discussing the scientific manner of referral and the procedure to be adopted in different ADR processes, it is necessary to mention Section 89 CPC, which reads as under:

> 89. Settlement of disputes outside the Court. (1) Where it appears to the court that there exist elements of a settlement which may be acceptable to the parties, the court shall formulate the terms of settlement and give them to the parties for their observations and after receiving the observation of the parties, the court may reformulate the terms of a possible settlement and refer the same for-
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> (a) arbitration;
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> (b) conciliation
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> (c) judicial settlement including settlement through Lok Adalat; or
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> (d) mediation.
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> (2) Where a dispute had been referred-
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> (a) for arbitration or conciliation, the provisions of the Arbitration and Conciliation Act, 1996 shall apply as if the proceedings for arbitration or conciliation were referred for settlement under the provisions of that Act.
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> (b) to Lok Adalat, the court shall refer the same to the Lok Adalat in accordance with the provisions of sub-section (1) of section 20 of the Legal Services Authorities Act, 1987 and all other provisions of that Act shall apply in respect of the dispute so referred to the Lok Adalat;

(c) for judicial settlement, the court shall refer the same to a suitable institution or person and such institution or person shall be deemed to be a Lok Adalat and all the provisions of the Legal Services Authorities Act, 1987 shall apply as if the dispute were referred to a Lok Adalat under the provisions of that Act;

(d) for mediation, the court shall effect a compromise between the parties and shall follow such procedure as may be prescribed.]

Different Civil Courts have different practices for adopting ADR processes, whereas, it is the mandatory part of the legislature. The issue is whether every case after completion of pleading and before framing of issues should be referred to the ADR processes? Another issue is whether Court has some discretion to decide that a particular case should not be referred to ADR processes and lastly the role of the Presiding Judge to act in a scientific manner for adopting ADR processes. All these queries have been answered by Hon'ble the Apex Court in ***Afcons Infrastructure Limited and another v. Cherian Varkey Construction Company Private Limited and others***[5]. In the very judicial pronouncement Hon'ble Apex Court has also relied upon the law laid down in ***Jagdish Chander v. Ramesh Chander***[6]. The Hon'ble Court in **Jagdish Chander's case** (Supra) has held that it should not also be overlooked that even though section 89 mandates courts to refer pending suits to any of the several alternative dispute resolution processes mentioned therein, there cannot be a reference to arbitration even under section 89 CPC, unless there is a mutual consent of all parties, for such reference. Extending this provision, Hon'ble the Apex Court in **Afcon's case** (Supra) has laid down that even for conciliation; the case cannot be referred by any Civil Court without the consent of parties. Clarifying the entire situation, the Hon'ble Apex Court has mentioned the procedure to be adopted for refer of any case for any of the ADR processes. The procedure is as follows:-

a) When the pleadings are complete, before framing issues, the court shall fix a preliminary hearing for appearance of parties. The court should acquaint itself with the facts of the case and the nature of the dispute between the parties.

[5] (2010) 8 SCC 24.
[6] (2007) 5 SCC 719.

b) The court should first consider whether the case falls under any of the category of the cases which are required to be tried by courts and not fit to be referred to any ADR processes. If it finds the case falls under any excluded category, it should record a brief order referring to the nature of the case and why it is not fit for reference to ADR processes. It will then proceed with the framing of issues and trial.

c) In other cases (that is, in cases which can be referred to ADR processes) the court should explain the choice of five ADR processes to the parties to enable them to exercise their option.

d) The court should first ascertain whether the parties are willing for arbitration. The court should inform the parties that arbitration is an adjudicatory process by a chosen private forum and reference to arbitration will permanently take the suit outside the ambit of the court. The parties should also be informed that the cost of arbitration will have to be borne by them. Only if both parties agree for arbitration, and also agree upon the arbitrator, the matter should be referred to arbitration.

e) If the parties are not agreeable for arbitration, the court should ascertain whether the parties are agreeable for reference to conciliation which will be governed by the provisions of the AC Act. If all the parties agree for reference to conciliation and agree upon the conciliator/s, the court can refer the matter to conciliation in accordance with section 64 of the AC Act.

f) If parties are not agreeable for arbitration and conciliation, which is likely to happen in most of the cases for want of consensus, the court should, keeping in view the preferences/options of parties, refer the matter to any one of the other three other ADR processes: (a) Lok Adalat; (b) mediation by a neutral third party facilitator or mediator; and (c) a judicial settlement, where a Judge assists the parties to arrive at a settlement.

(g) If the case is simple which may be completed in a single sitting, or cases relating to a matter where the legal principles are clearly settled and there is no personal animosity between the parties (as in the case of motor accident claims), the court may refer

the matter to Lok Adalat. In case where the questions are complicated or cases which may require several rounds of negotiations, the court may refer the matter to mediation. Where the facility of mediation is not available or where the parties opt for the guidance of a Judge to arrive at a settlement, the court may refer the matter to another Judge for attempting settlement.

(h) If the reference to the ADR process fails, on receipt of the Report of the ADR Forum, the court shall proceed with hearing of the suit. If there is a settlement, the court shall examine the settlement and make a decree in terms of it, keeping the principles of Order 23 Rule 3 of the Code in mind.

(i) If the settlement includes disputes which are not the subject matter of the suit, the court may direct that the same will be governed by Section 74 of the AC Act (if it is a Conciliation Settlement) or Section 21 of the Legal Services Authorities Act, 1987 (if it is a settlement by a Lok Adalat or by mediation which is a deemed Lok Adalat). This will be necessary as many settlement agreements deal with not only the disputes which are the subject matter of the suit or proceeding in which the reference is made, but also other disputes which are not the subject matter of the suit.

(j) If any term of the settlement is ex facie illegal or unenforceable, the court should draw the attention of parties thereto to avoid further litigations and disputes about executability.

The Court has further laid down certain guidelines regarding consequential aspects while giving effect to Section 89 of the Code. The consequential aspects are as follows:

(i) If the reference is to arbitration or conciliation, the court has to record that the reference is by mutual consent. Nothing further need be stated in the order sheet.

(ii) If the reference is to any other ADR processes, the court should briefly record that having regard to the nature of dispute, the case deserves to be referred to Lok Adalat, or mediation or judicial settlement, as the case may be. There is no need for an elaborate order for making the reference.

(iii) The requirement in Section 89(1) that the court should formulate or reformulate the terms of settlement would only mean that court has to briefly refer to the nature of dispute and decide upon the appropriate ADR process.

(iv) If the Judge in charge of the case assists the parties and if settlement negotiations fail, he should not deal with the adjudication of the matter, to avoid apprehensions of bias and prejudice. It is therefore advisable to refer cases proposed for Judicial Settlement to another Judge.

(v) If the court refers the matter to an ADR process (other than Arbitration), it should keep track of the matter by fixing a hearing date for the ADR Report. The period allotted for the ADR process can normally vary from a week to two months (which may be extended in exceptional cases, depending upon the availability of the alternative forum, the nature of case etc.). Under no circumstances the court should allow the ADR process to become a tool in the hands of an unscrupulous litigant intent upon dragging on the proceedings.

The Hon'ble Apex Court has further held that the procedure and the consequential aspects are intended to be subject to such changes as the court concerned may deemed fit that reference to the special circumstances of a case. In fact every Court should resort to the provisions to Section 89 CPC as per the scientific uniform procedure mentioned by Hon'ble the Apex Court. The practice of pick and choose of cases for referral should be avoided. In fact the referral is in very few cases and the Judicial Academy should sensitise the judges for a scientific referral as directed by Hon'ble the Apex Court.

**(3) Casual Administrative Approach in preferring the Appeal/ Revision against the Judgement and Orders-** On this issue the researcher has encountered with two instances referred by different District Judges. Before patronizing the idea on this issue, the researcher is of the view that these instances should be mentioned to make this research more scientific as the instances are part of empirical study. The District Judge, Dehradun Sri Ram Singh Ji during a workshop has mentioned an instance how a petty matter was dealt with by the department. On a money decree by the Civil Court of Original Jurisdiction, the appeal was

preferred without mentioning the reasons for preferring the appeal. Such instance proves the administrative inaction and laxity not only on the law mentioned under Section 80 of CPC, but also the casual approach of the government machinery preferring unnecessary appeals and revisions.

In the second instance the researcher has personally encountered with the very casual approach of the government machinery while working as the Addl. District Judge. A decree of Rs. 17,000/- passed by the Civil Court in favour of a contractor against the Public Works Department was appealed without mentioning the reasons for appeal. When the researcher, as the Addl. District Judge, asked the officials of Public Works Department about the money incurred as the litigation expenses, the information was shocking that litigation expenses were in several lacks.

Hon'ble the Apex Court in ***Haryana Dairy Development Cooperative Federation Limited Vs. Jagdish Lal***[7] has held as under:-

> "If the load of such petty cases is taken out of the regular courts, those courts would have time to deal with more serious crimes rather than have their time consumed by such petty cases."

The Law Commission of India in its 45th Report has observed that what further agitates is the number of pending litigations relating to triable matters of petty claims, some of which have been hanging for more than 15 years. It hardly needs mention that in many cases money spent on litigation is far in excess of the stakes involved, besides wasting valuable time and energy of the parties concern as well as the Courts.

The Government of India, Department of Law & Justice has adopted a mission plan for reducing the average life of every case from 10 years to 3 years. This mission project is lying within the ambit of the Central Government, Ministry of Law & Judges and there is no proper circulation of this mission.

To implement this national mission on litigation, the Central Government has also adopted a Central Government Litigation Policy. All the State Governments were also requested to adopt the similar policies. State of Uttarakhand has adopted the Litigation Policy, 2010, but unfortunately the Central Government Litigation Policy and the Uttarakhand Government Litigation Policy have not been circulated to the officers/

[7] (2014) 3 SCC 156

authorities concerned. It resulted in the same traditional and mechanical attitude of the authorities/officers on such issues. In the Central Government Litigation Policy, it is specifically mentioned that State to be a responsive litigant which shall not resort the litigation for litigating. It is further mentioned that attitude of 'let's court decide' must see off. The authorities/ officers responsible for taking decisions should take decision so that the unnecessary litigation is not filed before Courts. Certain responsibilities have been imposed on the Government Advocates. Committees have been proposed to be formed for supervising the work of Government Advocates. Directions are there for preferring appeal and revision against the judgments and orders. At least there should be finality at any stage. For petty matters the department should not wait for finality of litigation by the highest judicial forum and should behave as responsive and sensitive litigant.

The remedy for unnecessary filing of appeals and revisions lies in action against the officers and officials who are doing it at the cost of State exchequer. The Government and its Department should be wise enough to think wisely that it is not in the interest of the State to pay more on litigation than the stake actually involved. If the decision is taken by the department/officers, initially, the misuse of money from State exchequer can be stopped and the valuable time of litigant, State and Courts can be saved.

Let us fixed the responsibility of the authorities/officers and if any officer or the authority is found to file the appeals/revisions just on the pretext lets court decide, the money which is spent out of the State exchequer as the litigation expenses should be recovered from him. Rather having killing the valuable time of litigants, department of State and the courts a fine should be imposed on him in the form of compensation to the litigant.

For all these three reasons namely - (i) administrative inaction of authorities/ officers on statutory notice; (ii) unnecessary filing of appeals and revisions; and (iii) judicial inaction and laxity in adopting the ADR processes in a scientific way, the Courts are over flooded with the civil litigation.

It is failure of justice and denial of justice to the litigants. The question is what should be the remedy for this failure. Should the litigants be paid compensation for denial of justice? On violation of every right of

any citizen, he is compensated by the State. May be the road accident or some unpleasant incident on account of natural calamity, the sufferer is compensated, but no heed is given on the sufferer victim of denial of justice by keeping his case pending for a long period in Courts or by dragging him to unnecessary litigation by administration and quasi judicial inaction and laxity of the authorities/officers of the State.

The author of 'Quest for Justice at its Threshold'[8] has suggested a mechanism that for denial of justice on account of long litigation and for dragging a party in unnecessary litigation, the State should pay compensation. There might be different views against and in favour of this suggestion. It is also a settled law that no action can be taken against a judge/authority, if he had discharged his functions in good faith and this resulted in denial of justice. There are also protective laws that protect every judge/authority of the district judiciary. For researcher, denials of timely justice and dragging litigant to unnecessary litigation have no concern with bonafide functions of a judge/authority. The protection is regarding the bonafide acts and keeping a case pending for long time in no way can be a bonafide act. Likewise, inaction and laxity of administrative authorities on discharging of statutory notice, judicial inaction and laxity for adopting the ADR processes and casual, mechanical and traditional approach on filing of appeals and revisions resulting dragging the parties in unnecessary litigation cannot be the bonafide acts. Thus, any act of injustice or denial of justice on account of the above instances, the litigant has a right of compensation from the State. It is the matter of further research how this compensation should be paid and what should be the mechanism to determine the compensation.

On the bases of above observations, the researcher is giving the following suggestions and recommendations:-

(i) Every administrative authority or the officer entrusted by law to discharge statutory notice should be sensitized by the administrative academies, judicial academies or with joint efforts of administrative and judicial academies for discharging statutory notice under Section 80 CPC.

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[8] Gyanendra Kumar Sharma, "Quest for Justice at Its Threshold", Chapter XI, Justice Delivery, at 209.

(ii) The notice given by any person to the government or any government agency under Section 80 should not only be replied but a date should be fixed by the authority concerned for hearing and sorting out the dispute between litigant and the government/ government agency.

(iii) The authorities should act bonafidy and in the interest of State to redress the grievances of the notice giver. Efforts by such authority/officer can be made to mediate/conciliate at this stage as well. No doubt Section 89 does not contain any provision for pre- litigation ADR processes, but there is no harm and legal bar for the authorities and officers for resorting to compromise on statutory notice issued under Section 80 CPC.

(iv) Judicial officers of the State should be sensitized through conferences and workshops to adopt the ADR mechanism and processes in a scientific manner under a scientific uniform practice procedure.

(v) Judicial officers, administrative officers and every authority responsible for decision making on filing the appeals and revisions should be sensitized to avoid the casual approach in filing appeals and revisions. The litigant should not be dragged to unnecessary litigation in form of unwanted appeals and revisions.

(vi) The Central Litigation Policy and the State Govt. Litigation Policy should be given and exhaustive circulation and the provisions of the policies should be implemented by the State immediately.

(vii) The ADR Rules enacted by every High Court should also be implemented by every court while resorting to any of the ADR processes.

(viii) The officers/authorities and the judicial officers should be held accountable and responsible for denial of justice on account of administrative, quasi judicial and judicial inaction and laxity on statutory notice, adopting ADR processes or/and dragging the parties in unnecessary litigation by filing an unwanted appeals and revisions.

(ix) The authorities and the officers responsible for proper decision making should compensate the State for incurring the unnecessary expenditure on litigation expenses out of State Exchequer.

(x) For inaction and laxity in decision making, the State should not bear the expenses.

(xi) We can move one step further that State should pay compensation for denial of justice on account of failure of said machinery in ensuring the above three namely- Discharging Statutory Notice, Failure of adopting ADR processes and Filing unnecessary Appeals and Revisions to drag the litigants in unnecessary litigation. The State may adopt a mechanism for such compensation on scientific research.

If the above mechanisms are adopted in true spirit, we are of the view that litigants will get timely and inexpensive justice. Morally and ethically speaking, every authority and instrumentality of State including the Courts should enjoy their work while discharging their duties, rather doing the work simpliciter for survival of their families and protection of employment. Special thanks and gratitude to Mr. Pranav Vashishtha, for helping the researcher in collecting and analysing data.

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