

HUMAN RESOURCE EFFECTIVENESS IN ADMINISTRATION OF JUDICIARY

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Abstract

The judiciary needs good people, people who are knowledgeable, modern, devoted, ethical, and professional. The finest judges and staff are employed by high-performing judiciaries, regardless of their specific role or assignment. The Judiciary exemplifies its standards, values, and beliefs through the execution of recruiting, selection, employee relations, job analysis, job evaluation, and position categorization. It also demonstrates these principles through the administration of pay and benefits and performance management. Improved Human Resources Management is not the goal in an otherwise subpar judiciary. It is an exceptionally effective judiciary. When leaders in the Judiciary manage the Judiciary in a unified and purposeful manner, it sets a positive example for Human Resources. There is a smooth integration between case flow management, information technology, budgeting and finance, education, training, and development, and human resources. fair justice under the law, due process, fair access, and independent and unbiased treatment and rulings are all part of the judiciary's business. Human resources management ought to be unbiased and fair since these are fundamental Judiciary values. Hence, the present research conducted to study the Human Resource Effectiveness in Administration of Judiciary.

Keywords: *Human Resource, Judiciary, Effectiveness, Administration.*

Introduction

The workforce's knowledge, skills, creative capacity, talents, values, and beliefs are referred to as human resources, which are the most significant active factor in production. These resources are crucial in determining an organization's efficacy and efficiency. Organizational development would follow their progress. The primary goal of human resource development is to enhance people's competencies, knowledge, and skill sets. Judiciary HRM ought to be correct but also innovative, dignified but not stuffy, and proper but also lively. Judiciary services should be evaluated against the highest caliber service providers, whether they work for the government or the private sector. Recruitment, selection, development, training, and fairness must all be on par with or superior to those of all other employers, public and private. The judiciary ought to be an exemplary workplace. Performance is not the sole benefit of effective HRM; morale, self-worth, and employee perceptions of justice all rise as well. Individuals employed in the judiciary are unique. The human soul is not too tiny for their jobs or the work of the Judiciary. Beyond the satisfaction of a paycheck, Judiciary Human Resources Management can add to significance and pride when done right. It represents the long-term goals and obligations of the judiciary. Judiciary human resource management that is goal-oriented, morally sound, ethical, and compliant with the law promotes judicial accountability, independence, and impartiality. The Judiciary must have a strategic vision because it is imperative that Human Resources be in line with the Judiciary's core goals and obligations, as well as its vision and strategic objectives. Some people don't. Successful leaders give the judiciary a direction. This approach is seen in Human Resources and other Judiciary activities. When this is the case, Human Resources is in favor of an impartial and independent judiciary, which is one of the cornerstones of a free and well-ordered society and the foundation upon which the entire legal system is built. The Judiciary is required to abide

by federal and state human resources laws pertaining to a variety of topics, including the employment and management of Judiciary employees and their workplace. However, the inherent powers concept, supporting case law, and judicial independence must always be respected in addition to these obligations. The enduring purposes and obligations of the judiciary should be aligned with its mission, values, and strategic vision.

Judiciary executives need to be familiar with the basics in order to supervise Human Resources. An analysis of the job is essential. Executives in the judiciary who are aware of their staff's activities are better equipped to supervise the comparison of real and ideal performance. The Judiciary will be able to better organize performance management systems, create job descriptions, establish recruitment and selection processes, review positions to ensure fair compensation, and structure jobs, departments, and workflow with this assistance. Like other organizations, the judiciary needs efficient and legally sound hiring and selection procedures to find and draw applicants, cull the field, and choose individuals whose qualifications best suit the particular role and the culture and values of the judiciary. Following selection, workers need to familiarize themselves with the culture of the judiciary and get ready for the nuances of their position. Extrinsic (money, benefits) and intrinsic (satisfaction for a job well done) rewards are both included in compensation. Equally vital as employee interactions is establishing internal and external equity in the compensation system through job analysis, work appraisal, and compensation surveys. Employee performance is enhanced by performance management, which establishes roles and duties, sets expectations, provides resources as needed, provides continuous feedback, evaluates performance on a regular basis, and uses the results to influence decisions, solve problems, and foster growth. A single facet of performance management is performance appraisal.

Problem Statement

Due to their small size, human resources employees in the judiciary sometimes work alongside other government agencies and are even funded by their budgets. Because of this, some people may perceive the Judiciary as "just another department," with human resources employees, rules, practices, and processes that ought to be the same as those of "other departments." Negative effects may result from showing undue respect for the executive branch personnel system. For instance, employees in the Judiciary must both endorse and appear to endorse impartial, independent procedures and decision-making. The Judiciary must have the flexibility to modify the work schedules of courtroom staff members who occasionally need to work past regular business hours because of trials or other Judiciary-related events, all without having to pay extra for overtime or compensatory time. In order to maintain its independence, efficacy, and reputation, the court must lead and, to a large degree, control its Human Resources function, regardless of the structure put in place for recruiting, hiring, evaluating, compensating, rewarding, developing, and managing judicial staff. The judiciary and its officials are also faced with challenges from shifting environmental variables and a shifting labor pool. The labor force is aging, younger workers have different expectations and beliefs, there are more women in the workforce, more immigrants, more racial and ethnic "minorities," and a wider range of lifestyles are the current trends. Issues that present challenges include working from home, perks, rules and scheduling at work, rivalry with other public and private businesses, and leadership styles. A sense of urgency about Judiciary Human Resources policies is mandated by environmental conditions, a changing work force, and public demands for accountability, which provide challenges to the Judiciary and its officials. However, the culture of the judiciary is typically rather conservative. Although the issues that top judges handle are complicated, dynamic, and difficult, they speak and dress in a way that is obviously traditional and conservative. It is not

necessary for an appropriately conservative culture to result in unresponsive court rulings or worn-out human resource and management of the judiciary.

Literature Review

Jois (1984) monumental work represents the well balanced, historically informative, critical, penetrating and judicious approach of the author and is unquestionably the latest study on Indian Legal and Constitutional History. The book's appeal stems from the author's rigorous academic approach, which combines the humanistic abilities of a historian with, to a lesser or larger degree, the methodology of citing quotations from genuine Sanskrit texts with their English translations, akin to that of a scholarly academic of eminent comparative law. This two-volume work is an excellent attempt to cover a broad spectrum of Indian legal and constitutional history. The author discusses the historical legal system in the first volume, together with the judicial and constitutional frameworks. The book's content is broken up into eight pieces. The early Vedic and post-Smriti legal literature, which is infrequently available, has been heavily cited by the author. It is evident from these conversations that the commentary Viramitrodaya by Mitra Misra marked the end of the great galaxy of commentators on ancient Hindu law.

Burbank (2002) gives a brilliant examination of legal autonomy that will in general bring up a greater number of issues than answer. This is a fascinating work that raises important questions on a commonly used but inadequately understood concept. The abundance of information in this book regarding how the papers cast doubt on fundamental assumptions about what judicial freedom is and how it might be secured makes the researcher strongly recommend it to all law researchers. This new volume aims to disentangle the disciplinary barriers that have impeded critical analysis and free discourse on a topic of enormous importance to the US and other developed and emerging vote-based systems. *Legal Independence at the Crossroads: An Interdisciplinary Approach* is a groundbreaking collection of essays written by leading experts in the fields of human science, political philosophy, history, law, and finance. As a result, the book presents an unmistakably multidisciplinary point of view that enables the pursuer to identify common misconceptions in scholarly and public discussions about legal autonomy and to more fully engage with the essential issues. The editors also highlight the progress that has been made toward a shared understanding as well as the significant gaps in research and knowledge that still exist. When bureaucratic legal judgment is one of the most contentious political topics, this book provides researchers and government officials with a guide for increasingly productive research and a more transparent approach. A must-read for researchers and approach producers in the US as well as for those interested in the topic in any other country that seeks to strengthen or reaffirm the significance of the rule of law, given the unquestionably relative point of view of some of the sections.

Deshtaand Kaur (2009) in their article discussed that a vote based set up, the judiciary is a fair-minded umpire that settle debate inside the limits set somewhere near a Written Constitution and dispersion of sacred powers between various organs, to be specific, Legislative, Judiciary and Executive. Every citizen of the country considers a free legal executive to be normal. It is not only a fundamental right but also a component of the fundamental framework of our Constitution. One of the fundamental tenets of the Indian Constitution is the independence of the judiciary, which is also widely regarded as a human ideal. Three wings of government are enumerated in our Constitution, and each of these wings must function independently of the others notwithstanding their historical associations. The caveat that the judiciary must respect a reasonable line drawing between societal control and individual freedom was noted by Justice Krishnan Iyer. The Preamble of the Indian Constitution places great emphasis on the goal of equity. In actuality, the court not only distributes equity between individuals or between groups of individuals; it also distributes equity in the disputes that arise between individuals and States, as well as between

States and States. All of the aforementioned duties can be relinquished only if the country has an independent, supreme court. One indication of the legislature's reasonable arrangement is the independence and equity of the legal executive. The only legal executive that can guarantee an individual's rights and provide equality without fear or favor is a free and just one. The Indian Constitution provides many advantages to maintain the independence of the judiciary. If the Preamble to our Constitution is any indication of the aspirations and spirit of the people as a whole, then one thing that even a layperson cannot dispute is that "JUSTICE—Social, Economic, and Political" is mentioned as the primary goal among the various goals the framers of the Constitution intended to ensure for the people.

Rai (2011) in his book titled 'The Constitution of India' is the preeminent tradition that must be adhered to. It is a live, organic record. It lays down the essential framework and standards, describes the functions and responsibilities of the legislature, highlights important rights and duties, and outlines the state's orderly norms (DPSP). The fact that it has undergone numerous revisions up to this point shows that efforts are being made to make the Constitution more dynamic and responsive to the changing needs and circumstances. India has experienced significant financial transformations since gaining its independence, keeping up with technological advancements and globalization, which has distinguished the country as one of the world's most important emerging economies. Not only is our economy being impacted by globalization, but social and cultural aspects as well. In this era of global legislation, where the country is frequently forced to make laws under international pressure, we are trying to adapt our legal and financial systems to better suit ourselves. Being a well-established custom that needs to be followed, the Constitution, which serves as both the primary regulator and the foundation for all laws, commonly carries a great deal of weight. The Kesavanand Bharti v. case has enhanced the notion of the basic structure concept. The State of Kerala continues to apply in the clarification of protected corrections; however, new branches emerging from this root are posing new challenges to the legislative branch and the bodies that enact laws in establishing a balance between the conflicting interests of such a vast and diverse population. Growing economic disparities between different social strata, the immorality of caste and communalism, pollution, ignorance, imbalance, and the lack of sustainable progress are only a few of the many difficulties that faced constitutionalism at its inception. Famous legal experts have written a number of books and lectures to explain the protected arrangements and the judiciary's efforts to strengthen constitutionalism in this changing era. In an attempt, Kailash Rai wrote a book on India's established law, which has persisted to this day. The nearly complete Constitution is contained in this book, which is divided into 43 sections.

Narayan (2014) in his article observed that the freedom of the judiciary structures a piece of the essential composition of the Constitution. This has evolved into a debate concerning the purpose of incarceration amongst the many organs of the constitution. Therefore, there is great concern about the current collegium system due to the never-ending struggle between the legislature and the judiciary over the prior restriction of freedom. The purpose of this essay was to determine whether the shared approach for choosing justices for the Supreme Court and High Court needs to be rebuilt. This article sought to investigate "whether the expulsion of the privilege solely vested in the collegium in assigning judges to India's higher judiciary disregard the essential structure of the Constitution" in relation to the National Judicial Appointment Commission Act, 2014 (the 99th amendment).

Basu (2015) in his book observed that higher judiciary judges have a duty to act responsibly since they are persons' trustees. Additionally, they should collaborate and cooperate as trustees in order to virtually likely provide documentation of their leadership in that trust. According to Sunil Deshta, judges have two responsibilities: first, they must make decisions and provide justification; second, they must decide whether to leave their position legally or to resign for

improper behavior. He unequivocally asserts that judicial accountability fosters public confidence in the legal system and the legal executive. The Chief Justice of England, Ruler Woolf, and Ridges also said that the legal executive holds the judiciary's autonomy in trust for the public good rather than it being its property.

Deep and Mishra (2018) in their article wrote about the battle between the Judiciary and the Parliament, in opposition to the Executive, has advanced significantly since the national historical backdrop crisis that peaked in 2015 and 2016. The National Judicial Appointments Commission (NJAC) 99th sacrosanct amendment was declared illegal in 2015. Memorandum of Procedure (MoP) remained debatable in 2016. The lack of confidence that existed between these legislative bodies has gradually come to a more refined end. Even though it has been almost forty years since the unfavorable verdict about the strategy in the CJI A.N. Ray Case (1973), the shadow of serious uncertainty among the judiciary and the other two organs still lingers. One such murky area where the legislative and the court are at odds is the nomination of judges. It is crucial to describe modifications to the legal appointment system that strike a balance between the questionable extent of legal responsibility and legal freedom. To make this article easier to read and comprehend, the writers divided it up into seven sections. The first head discusses the difficulties and differences in approach with reference to the appointments. The second head looks into the initial objective of the well-known composers. The third head, "The Judicial Attitude," follows it and is essentially an assessment of the contradictory application of the first legal freedom method. The National Legal Appointment Commission's "Evolution" fourth head discusses how politically charged organizations interfered with the viability of the legal plan for appointing judges. The fifth heading under "The Drawbacks of National Judicial Appointment Commission" analyzes the glaring shortcomings of NJAC. The sixth head oversees the NJAC's decision-making process and the discussion around judicial independence vs. democratic enactment. The seventh section, "End and recommendations," discusses suggestions made by the Supreme Court to strengthen the collegium.

Objectives of the Study

1. To exhibit the administration of judiciary system in India.
2. To identify the various factors influencing the human resource practices in Judiciary.

Concept of Rule of Law

All democratic nations are built on the idea of the rule of law, which is almost as old as philosophy itself. In the process of developing English legal and political thought, the idea of the rule of law has been crucial. During the time of Aristotle, over 2,000 years ago, the concept of the rule of law began to take shape. The idea that the rule of law is more important than human rule was put out by Aristotle and has since been debated by scholars such as Ronald Dworkin and Judith Shklar. However, the idea of the rule of law is still unclear. "The rule of law is better than that of any individual," according to a quote from Aristotle. In a proclamation, Lord Chief Justice Coke quoted Bracton as saying, "The King himself ought not to be subject to man but subject to God and the law, because the law makes him king."

The phrase "la principe de legalite," which translates to "the principle of legality," is where the name "rule of law" originates. It alludes to a government that is founded on legal principles rather than human ones. It implies that the idea of "la principe de legalite" is in opposition to capricious authority. It is a general-purpose legal principle that has been approved by authorities. It is typically stated as a maxim or logical statement known as a "Rule," as it serves as a standard or guide for their choice in uncertain or unforeseen circumstances. The rule of law, sometimes known as "the supremacy of law," states that decisions must be determined by applying well-established legal principles without the use of discretion. The ultimate expression of human

civilization and culture is the rule of law. It is a fundamental principle of constitutionalism, as well as of democracy and sound governance.

One of the most important aspects of a functioning democracy, or any type of government, is the rule of law. The absence of any arbitrary or unchecked power center in the nation is a prerequisite for the rule of law. The term "rule of law" actually refers to a higher standard of law that is impartial, rational, and nondiscriminatory. At the close of England's laissez-faire golden Victorian era, Dicey wrote about the rule of law. Dicey's conception of the rule of law therefore took into account the lack of broad authority in the hands of public servants. He asserted that discretion always leaves potential for arbitrary behavior. According to Dicey, the three principles of rule of law are:

1. There is no arbitrary authority held by public servants. Since discretion implies the absence of norms, discretion can be used arbitrarily in any situation.
2. Equality before law:
 - a. Absence of any special privileges for a government official or any courts of the land;
 - b. All the person irrespective of status must be subjected to the ordinary courts of the land;
 - c. Everyone should be governed by the rule of law passed by the ordinary legislative organs of the state.
3. Individual liberties: The people's rights must originate from their customs and norms in order for the courts to fairly administer justice.

The Indian Supreme Court ruled in the Keshvananda Bharti case that the rule of law is a fundamental component of the constitution. A keystone of democratic society is the rule of law, which is usually understood to mean that all members of society—citizens and rulers alike—are subject to a body of well-defined, widely recognized laws.

A democracy's system of checks and balances on power is exemplified by an impartial judiciary, a free press, elections, and the division of powers among the arms of government. Democracy does not necessarily require a written constitution; for instance, there is none in Great Britain, and in the United States, the foundation of the rule of law is the guarantee that laws made under the U.S. Constitution are just and equally applicable to all citizens.

The rule of law is a transcendental and supreme ideal that oversees the exercise of all powers, and it has had a major influence on the Indian justice system amidst all the hubbub and clamour of democracy. The notion of the rule of law is rooted in the common English heritage and encompasses a specific amount of detail in addition to generic statements. This particular element provides the framework for a sensible kind of government. "Legally enacted laws be faithfully executed by officials; court orders be obeyed; individuals wishing to enforce the law should have reasonable access to the courts; no person should be condemned unheard and that power should not be exercised arbitrarily," the editor of De Smith explains.

In fact, it is the dynamic aspect that many have loosely referred to as the "substantive" aspect that makes the rule of law so important and ideal. Formal legality is that which guarantees "regularity" and "consistency" in the achievement and enforcement of democratic order, but justice based on the recognition and full acceptance of the supreme value of the human personality and guaranteed by institutions providing a framework for its fullest expression. "This fundamental life represents the basic value cherished by the people of this country since the Vedic times and they are calculated to protect the dignity of the individual and create conditions in which every human being can develop his personality to the fullest extent," the Supreme Court of India noted in the case of Maneka Gnadhi v. Union of India.

Conclusion

The researcher has provided the conceptual foundation for the administration of justice in this study report. It draws attention to the idea of the rule of law. According to the study's

findings, the government will keep funding the courts with enough infrastructure so that people who file lawsuits can do so quickly and easily. Human resource management includes human resource development as a fundamental component. It is HRM's primary duty. If an organization is to survive, compete, and advance toward wealth and growth, its management and staff must invest in the development of its human resources. In the current era of increased consciousness, any organization's top priority should be human growth. Human resource development is essential to the organization's very existence and expansion. HRD programmers are becoming commonplace in businesses.

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