

**Speech of Right Hon'ble Gopal Parajuli, Chief Justice of Nepal  
at the 17th Conference of Chief Justices of Asia and the Pacific  
jointly organized by the Chief Justice of Japan and LAWASIA**

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Rt. Hon'ble Chairperson

Chief Justices of Asia and the Pacific Region

Excellencies and Dignitaries

Ladies and Gentlemen!

- 1 This is my distinct honor and privilege to be a part of this historic event. First of all, on behalf of Judiciary of Nepal and on my own behalf, I would like to express my sincere gratitude to the organizers: Supreme Court of Japan and LAWASIA for the invitation extended to us to this great conference and for providing me with this opportunity to share a few words with your Lordships from across the Asia Pacific Region. My additional thanks are due to the organizers for the wonderful hospitality accorded to me and my delegation in this beautiful city, Tokyo. It is always a pleasure to travel to high-tech cities of Japan adorned with world-renowned hospitality of the Japanese people.

2 This august gathering of the renowned Chief Justices of this region has made my experience monumental. The major issue for this session "**Improving Human Resources in Courts**" is very topical and practical. The issue of human resources, being the backbone of any institution worldwide, court being one of them, deserves serious ponderings because they are both the *kinetic* as well as *potential* energies of the institution. Human resources are not only an integral part in the courts but also "phenomena". I have used the word, phenomena because they are indispensably and inevitably evolving. The evolution of human resources has an undercurrent of change for betterment. If this propensity is not properly pruned, it goes slovenly and chaotic and sometimes dysfunctional. My observation, therefore, is that the issue of human resources needs constant analysis, modification and guidance for the health and growth of court activities. This obviously depends more on the level of technological development, socio-cultural circumstances and politico-economic milieu of a nation.

3 It would be contextual to briefly apprise your Lordships of human resource scenario in Nepalese courts. We have travelled a long distance of court practice and have made some significant achievements. We are mindful of the court's business as equal justice under the law, due process, and

independent and impartial treatment by embracing the philosophy of making court "accessible" and "equal and fair judicial system".

4 The fundamentals of human resources management in our courts have always been: **Acquisition, Development, Utilization and Retention along with the ability to link the broader objective of the court.**

4.1 Acquisition of human resources is parallelly done by constitutionally bodies called the Judicial Council and Public Service Commission. Judges are selected from the pool of eligible lawyers and judicial officers by the Judicial Council and other officials are appointed by the Public Service Commission, which selects best candidates through series of tests and exams.

4.2 Enhancing capacities of judges and judicial officers in Nepal has been priority through continued legal education. It aims to address long-term requirements as well as immediate need of courts. To this end, National Judicial Academy and Judicial Service Training Centre are engaged. Similarly, Supreme Court also provides various trainings through its Divisions on IT, language, drafting court decisions, mediation etc.

4.3 Judiciary has adopted own strategic plan and has clearly defined its goal and objectives. Judges and judicial officers are dedicated to achieve these goals and are being utilized without any discrimination. Similarly, transfer of judges are made in a definite timeframe for geographical experience and to make their orientation outlook wide. Moreover, some of the judges are assigned in some specialized courts and tribunals based upon their expertise.

4.4 As a modality for retention, we have made the provision of welfare funds, leaves, benefits and retirement plans etc. Human Resources Management Division of Supreme Court of Nepal oversees the overall human resources along with the retention related issues.

4.5 We have set a definite target as: making adjudication function prompt and speedy; judicial procedure predictable; judicial system accessible; and enhancing public trust on judiciary for which we are committed to making human resource management effective.

5 Nepal today stands in the special phase of history with big political change with new constitutional and legal frameworks. Nepal's courts have made their best efforts to embrace the spirit of change and development. Despite all the efforts, we have yet to do a lot to produce, groom and equip the new

human resources and make the existing human resources compatible with newer growing trends and systems of court practices. Not having sufficient number of human resources, lack of proper coordination among technical and non-technical employees, difficulty in retaining skilled human resources are the glaring challenges. On top of it, we have a lot to do in capacity building and enhancing knowledge, skill and ability to serve with the maximum utilization of modern technology.

- 6 As an adage goes: "every challenge brings forth opportunity", we have made it a point to carry out steadfastly our plans to improve in the current deficit of human resources and their performance. I strongly hold the opinion that attention should be given right at the point of acquisition of human capital where law specific and practicum courses should be designed for recruitment. Human resources in any of the courts: District Court, Special Court, High Court, Supreme Court should be trained as per the requirement of the nature of jobs and services. Some effective tools and principles of human resources management should be enforced so as to maintain strategic and proper coordination among all divisions in the courts.

- 7 Similarly, emphasis on teamwork, effective internal communication, leadership building, downplaying political and external forces, sharing of knowledge and application of best practices from around the world are some of the ways to address the problems facing the courts in the developing countries like Nepal.
  
- 8 Efficient mechanism should be developed to address the conflicting interests among the employees and between the employees and service seekers. Continued legal education and frequent trainings on contemporary issues, motivations and incentives are effective modes of change in the skills and behavioral patterns of the employees. Reward and punishment should be used with the most efficient and careful manner.
  
- 9 Human Resources in the court mean both Judges as well as bureaucracy. Lack of proper coordination between these two components lead but mishaps. Judges should be encouraged to resolve a case within shortest possible time, not of course, at the cost of impartiality and proper study of the case. Judges should also time and again interact with common public; it can give a clearer picture of impression of the court on public.

10 Technology and court activities have become complementary nowadays. We have to make optimum use of technology for the purpose of institutional memory, documentation and case-flow. It can minimize the nuisance and inconvenience to the people and maximize effectiveness, accuracy and promptness. It can also address the dearth of human resources.

11 Along with all these things, effective monitoring and evaluation mechanism are needed in place and monitoring mechanism should be instrumental in maintaining integrity in courts. In Nepal, independent judicial council looks after the disciplinary issues related to judges and judicial officials.

12 Having said all these, I beg to sum up here that strategic human resource plan, committed implementation and flexibility in adopting innovation are the three pillars that hold the edifice of Judiciary in general and human resource management in courts in particular.

13 Once again, I am thankful for the Chairperson of this historic conference, organizers and the dignitaries in this profound assembly. I believe the network and coordination envisaged and facilitated by the Asia Pacific

Region will definitely be instrumental in our common goal of reforms in human resources in courts. I wish this event a grand success.

Thank You.