

National Judicial Academy, India.

**NATIONAL SEMINAR OF PRINCIPAL DISTRICT AND SESSION JUDGES:
JOINT COURSE FOR DIFFERENT STAKEHOLDERS (RG, PDJ, Court Manager)**

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REPORT

By

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The National Seminar of Principal District and Sessions Judges: Joint course for different stakeholders was organised by the National Judicial Academy, Bhopal from 25th August to 27th August, 2017. The seminar was organised with the objective of discussing the role and responsibility of Registrars General/Registrars Administration of High Courts, Principal District Judges, and Court Managers in the administration of District Courts and the challenges in ensuring seamless and efficient functioning of the District Judiciary. The Seminar sought to engage the participants in deliberations on the creation of digitalized and paperless courts, development of efficient and speedy judicial processes, and augmentation of management skills relevant to the functioning of Registry at High Courts, Principal District Courts and at the level of Court Managers vis-a-vis administration of District Courts. Further, these stakeholders in the administration of justice at the District level were motivated to discuss issues and challenges in the creation and operation of an efficient justice delivery system.

DAY-1

SESSION-1

Theme - Developing Efficient Judicial Systems- Role of Registrar General, Principal District Judges and Court Managers

Speaker-Justice Ram Mohan Reddy

Speaker started the session by emphasising that infrastructure is important but merely providing computers would not achieve computerisation. There are also manifold difficulties in infrastructure. He stressed that in order to develop an efficient judicial system four aspects are to be taken into consideration which includes accountability, performance from all stakeholders, efficiency and effectiveness. And in order to enhance all these four aspects, we require leadership. It was also suggested that we don't want Judges to be managers; in fact, we want them as leaders to do right things. Judges need to think beyond the box. There is dynamism in leadership, everyday you learn something new and it keeps changing. This leadership quality needs to be inculcated in every judge in order to have an efficient judicial system. We need to make a change in our attitude as well as in our thinking and let's do a beginning to make a framework of best practices.

The speaker further mentioned that there is always a confusion regarding what role is exactly performed by the court managers. He also referred the names of the states, who are still not having court manager in their states. Court Managers play an important role, but are not considered as a part of judicial system and sometimes often treated as aliens, which is one of the reasons that affect their performance. According to the speaker, role of Court manager is something more than that of a Public Relation Officer. So, there must be a regularization of recruitment of cadre and pay scale of court managers has to be fixed.

During the session, it was also highlighted by one of the participants, that at Gadchiroli district in Maharashtra, a tremendous initiative has been taken by the court manager of district court of Gadchiroli, by preparing a user manual, containing all the necessary information to assist the litigants in every possible way. Along with the user manual an application has also been developed which provides every information which e-court application doesn't give. After knowing this, speaker remarked that, this is the kind of innovation we are looking at, Court managers at Gadchiroli District, have done a wonderful job and need to be applauded.

During the session a presentation was also given by the court manager of Karnataka High Court showing the contributions done by Court Managers for the development of efficacious Judicial System in the State of Karnataka, including:

- Court Managers are assigned developing and suggesting Process-Improvement strategies in Administrative and Operational areas.
- Conducting system study, analysis and assessment of pending works.
- Suggest measures to improve the efficiency in coordination with the Deputy Registrar/Assistant Registrar/Section Officer of concerned branches.
- Preparation and submission of Analysis Report and Implementation strategies to the committee.
- Perform any tasks assigned Hon'ble Committees, Registrars and Principle District Judge and submission of development report.

Session-2

Theme- Case flow Management for Docket Control

Speaker- Justice Ram Mohan Reddy

At the very outset the speaker stated that most of the High Courts have framed rules regarding case flow management. The main idea and purpose behind framing these rules was to bring down the delay of cases as well as to motivate a judge to dispose off a case at the earliest. Case flow management in its essence, means that a judge or an officer of court sets a time table and monitors a case from its initiation to its disposal. Case flow management rules specify timelines within which cases should be disposed of.

A committee headed by the chairman of the law commission came up with the model draft rules for case management to be followed in High courts and Subordinate Courts. Speaker then also discussed the Karnataka Case Flow Management Rules, 2006 and explained the categorisation of suits and proceedings into different tracks based on the subject matter of disputes and nature of offences. The stages of the suit or proceedings shall be as follow:

- a) Steps for service of summons/ notices.
- b) Appearance of the parties.
- c) Filing of written statements, objections.
- d) Hearing of Interlocutory Application.
- e) Reference to “Arbitration, Mediation, and Lok Adalats.”
- f) Framing of issues.
- g) Evidence:- Examination-in-chief by affidavit, cross-examination and re-examination.
- h) Arguments.
- i) Judgement.

At the end of the session, speaker opined that there must be a commonality in case flow management rules, so that it will help in implementing in other states. The speaker stated that the Case Flow Management Rules of the High Courts are a guide to the judge. The responsibility of the judge is to use this guide to create their own systems of management in their court so that efficiency is achieved.

Session-3

Theme- Objectivity and Impartiality in Management and Court Administrations

Speakers- Justice Ravi R. Tripathi, Justice Ram Mohan Reddy

The third session of the workshop was initially taken up by Justice Ravi Tripathi. At the very outset the distinguished speaker proposed to conduct an interactive session by asking various

queries to the participants regarding the kind of impartiality to be maintained in courts and administration, to which participants responded with great enthusiasm and shared their point of view. While explaining the meaning of objectivity and impartiality to all, he said, objectivity can only be achieved if person is impartial. Both objectivity and impartiality play an important role in management as well as in court administration. These are the best qualities to dispense justice to people at large.

Prof. Dr. Mohan Gopal discussed the work done by the National Court Management Systems Committee and mentioned that one of the issues that NCMS has taken up is to prepare a handbook on National Court and Case Management. It would be a national model handbook functional to different jurisdictions of courts. He further mentioned that objectivity and impartiality are the heart of judicial system and both come from good structure and procedure. If judges are seen biased, then it will not only affect the confidence of the people in judiciary, but also damages the whole judicial system. So, we should try to impartiality is required for acting as a manager as well as an administrator. Prof. Mohan Gopal stressed that there is an urgent need to solve the problem of workload on Judges by rationalising structure and allocation of responsibilities differently. It was also suggested that state academies must come forward for the training of Court Managers. He also observed that Managers and Judges are not adequately supported with the research and stressed that there must be permanent cadre of researchers at district court level as well to support the Judges in whatever research they want.

Chair for the session Justice Ram Mohan Reddy also highlighted that looking at the objectivity and impartiality; we must do justice with in time. He further suggested participants must develop time management skills and emphasised that there is a need to build integrity within every non judicial employee also so that the court as a whole is efficient.

DAY-II

Session-4

Theme- Digitization and Paperless Courts in India: Role of various Stakeholders

Speaker- Justice M. Seetharama Murthi

Chair: Justice Ram Mohan Reddy

The speaker focused upon E-courts mission mode project in the state of Telangana and Andhra Pradesh. The e-court mode project is one of the national projects. The main object of it is to

serve judiciary better through the universal computerization. During the discussion it was also highlighted that for a project like this we need a vision, plan and manpower.

Speaker further mentioned that case information software is provided in every court and judicial service centres has been established in every court complex. A unique identification number allotted to each judicial officer has been incorporated in the case information system software by High Court. Staff members in the subordinate courts who were designated as district system administrators were given extensive training on the use of case information software by Hon'ble e-committee. In addition to this, funds were also released by the e-committee for purchase of diesel generators to provide power backup in case of failure. In his presentation he also highlighted that as per the instructions of the e-committee, a retired Judge of High Court of Andhra Pradesh prepared a report on process-reengineering of the High Court and submitted its report to e-committee. Initiatives taken by High Court in the report are:

- Data gap analysis module is prepared to identify the gaps in the data entered into the case information system, so that quick steps could be taken for making it consistent.
- E-invent (web based inventory system) system is developed to monitor the status of all the courts in the state, and to have seamless complaint monitoring calls lodged in with the vendors.
- E- Infrastructure system is developed to monitor the status of all components of e-court project at all the courts in the state.
- Steps are being taken to customize the digital signing tool on Ubuntu 1204 desktop edition for easy installation signing tool.

He also discussed the digitization of all old records through the process of scanning. Scanning is a sub-sect of digitization. Scanning old records and putting them into the system reduces the chances of misplacing of records. It was also observed that through electronic transmission .i.e. sharing of papers by e-power, we are saving manpower. Computerisation of work flow management serves better in courts.

Session-5

Theme- Record Management in Courts

Speakers- Justice S. Gokani and Mr. Y.V Ramakrishna

Chair: Justice M. Seetharama Murti

Justice Gokani commenced the session by explaining that record management refers to a set of activities required for systematically controlling the creation, distribution, maintenance and disposition of recorded information maintained as evidence of business activities and transactions. She also mentioned that all “documents are not records”. A record is a document consciously retrieved as evidence of an action. Record Management system generally distinguishes between records and non-records. Electronic record management ensures that the organisation gets the record when they need it. Electronic record management is primarily concerned with the evidence of an organisation’s activities and is usually applied according to the value of records rather than their physical formats. She further discussed various provisions of civil manual in relation to classification, Preservation, destruction of records as well as maintenance of papers not forming the part of court proceedings including registers, statements, returns and miscellaneous papers. She then also explained the general rules incorporated in civil law to see all papers on record:

- If property marked and kept in appropriate files.
- Each file to be separately paged and indexed.
- All files pertaining to a particular case to be kept in one bundle.

Justice Gokani further stressed upon the method of revamping and kind of benefits it confers. She observed that it is a one-time exercise but helps enormously. The steps involved in the exercise are:

Step-1 Physical verification of data to ascertain all information required to be entered in the register and computer software. The details include: case number, year, classification code, stage of pendency, details of connected matter, interlocutory application filed within, and disposal details, if any.

Step2- Verification of data and matching the same to see if any correction or ratification is required in the computer software.

Step3- Manual Updation that is completely entering all information in respective registers. Along with applying a special seal on the back of the file cover of the proceeding.

Speaker in her presentation also discussed the benefits of revamping exercise which includes:

1. Availability of space for proper allocation to departments and storage of disposed of matters.

2. Reduction in pendency of application for issuance of certified copies.
3. Codification and classification of records is *sin qua non*.

She concluded her presentation by stating that the purpose of revamping exercise is to have a litigant-centric approach. The ultimate test of good record management programme is whether records are available to those who need them, when and where they are needed, the manner in which they are made available and at what cost.

Mr. Y.V Ramakrishna stated that record management is one of the areas which is often neglected in the High Courts as well as in the trial courts. The problems regarding this field may differ from one High Court to other and from one trial court to another. The computerisation is the only solution to all these problems, but unfortunately, even today it is not complete and has solved only seventy five percent of the problems. Thousands of legal problems have been pending before High Courts for scrutiny because of no proper maintenance of records.

Speaker also observed that complaints of missing files and records are always more in High Courts than in district courts. In order to avoid such confusion and missing of records, segregation of unnecessary things is required. Identification and classification of cases in accordance with their title and nature will help in narrow down the confusion. Unnecessary file movement should be curtailed by segregating them and putting them at one place. By scanning documents and putting them in computer, they will never be lost. It was also observed that, in trial courts the process of folding of file destroys the whole file. So this must be avoided.

Indexing helps us to manage the documents in perfect way. But if is neglected it can be a problem. So it must be done regularly with due care and diligence. At the time of inspection it is also important to see whether the indexing has been done or not. Indexing must be done in such a manner that we can seek help from it at any time.

On the administrative side, there must be a proper maintenance of register for the reason that, if the register is properly maintained then the management will get better. Every column of the register must be properly filled up and new columns can also be added. Non destruction of records sometimes also creates hurdles for the effective record management system. It is a high time to look into the documents and recognise as what is to be preserved and what is to be destroyed.

The speaker in his concluding remarks stated that there is a need to pay more attention to the administrative side. So that records are protected and preserved properly.

Session- 6

Theme- Administrative Correspondence and Co-ordination

Speakers- Justice S.G. Gokani and Mr. YV Ramakrishna

Chair: Justice M. Seetharama Murti

Speaker S.G. Gokani said that coordination is a key to everything, it is not something which is just required at one level but it is needed to work with at various levels. Coordination with other departments and colleagues bring amazingly bring results. She further mentioned a Judicial officer have a completely different mindset while working on the administrative side. It was also suggested that administrative training should also be given to Principal District Judges, so that they can perform better.

Speaker then also shared some principles of good management to the participants and gave suggestions on how they can improve their administrative skills. She observed that being a good person is a good quality, but performance is also to be considered. Merely by coordination and working together we can understand each other's capabilities and worth etc. She also explained that how one minute praising by superior for good work and redirection helps in better performance and smooth functioning of administrative system.

She also emphasised that for having a good coordination, we have to drop the idea of superiority and at the same time good way of communication is required to deal with the staff. It is also necessary that important work must be communicated to a person through whom it is going to be executed.

She concluded that in order to achieve a strong system, coordination is essential. The system becomes stronger as long as we are performing in co-ordination, and performance must be taken to another level to achieve further.

Mr. Ramakrishna started his discourse by emphasising that how leadership qualities play an important role in the process of coordination. He also discussed that one of the aspect which must be taken into consideration is the decentralization of power; it is another secret of management. Speaker then also threw some light on the important aspect of team work in a court administration and said that a successful leader must involve all stakeholders for consultation before taking any important decision.

DAY-3

Session-7

Theme- Efficacious Resource Allocation in Courts: Optimal Utilization of Manpower, Technology, Infrastructure and Finances

Speakers- Mr. Atul Kaushik and Mr. VSR Avadhani

Mr. Atul Kaushik commenced the seventh session of the workshop. He empathetically explained the concept of model courts and how efficacy of justice delivery system can be improved through this system. The Model Courts project will not only converge with other ongoing schemes of the government and the courts, it will also expedite and advance some of the long term plans, and ensure that the gaps in the existing schemes and policies are plugged with a view to demonstrate change in a scenario where end to end needs of judicial reforms are met. He then focussed that a general approach to understand the architectural model of the Model Courts can be divided into the three sub-stratums i.e. Judicial Infrastructure, Administrative Infrastructure and Human Resource.

Judicial Infrastructure can be further divided into processual, technical and legal systems. Case and Court management will be part of processual dimensions of Model Court and will be recommended by the High Courts. The technical aspects include deployment of audio-video facilities in the courtroom, digitization of records, introduction of e-filing, electronic delivery of summons and notices etc. on the legal side, examination of the current rules of procedure of each court and suggestions for amendments for standardisation, if any, may be required.

Speaker further talking about the administrative infrastructure said that over the last five years almost five thousand crores has been spent on building new courts in the country and a lot of improvement has happen over the infrastructure part. But, what really required is the citizen friendliness of courts. There must be a citizen service centres or facilitation centres as a part of

e-court infrastructure for receiving applications and cases online. Apart from that functional and clean toilet, affordable canteen, disabled friendly building and enough staff is also required for the convenience of litigants.

Moving on, speaker mentioned that, whether it is justice or any other sector, human resources is the most important factor everywhere. While judicial officers are getting foundational as well as periodical refresher training in the judicial academies of the respective states, the new category of officials called court managers also need special attention. Judicial officer's core competence is adjudication and he had no adequate time to focus on administrative work, in such a situation number of activities can be delegated by judicial officer to court managers, which can help a lot in justice delivery system.

The session was subsequently taken over by Mr.VSR Avadhani. He started by saying that seventy percent of the people approach courts from rural areas. So, there is a need to strengthen the judiciary from the perspective of poor as well as from the point of view human rights violated day to day. He also mentioned that it is an investment of public trust in the office of judiciary and this public office has to answer all the short, middle and long term questions of the public.

Talking about the infrastructure speaker observed that technology and infrastructure are important and indeed required, but first duty is to provide speedy, cost effective and time effective justice. It is necessary that from the point of view of society and government, law and order should be strong so that administrative system runs smoothly.

Speaker also highlighted that in case of budget plans, there is a need to form a committee headed by Senior Judge of the High Court and must include an expert in finances in order to get expert advice. Mentioning about the role of court managers speaker stated that when the court managers' institution was recommended, the idea was to do planning and development of administration, but initially they were entrusted with the protocol duties only. They shouldn't be treated as subordinate judiciary, but as an independent advisory of judiciary.

Speaker in his deliberations also mentioned that one of the major hurdles in the efficacious resource allocation in courts is the underutilisation of funds. Earlier we just accepted the grant without any positive modifications to the utilise it. But now with revolutionary change in 14th Finance Commission award, state govt. has conferred powers to utilise funds as well as High Courts have also given flexibility to use it. Second challenge that we have to deal with, is the

underutilization of manpower provided by the government in the form of Court Managers. It is necessary to make a plan to utilize human resources employed in the court and we need to segregate the employees on the manner they attend the work entrusted to them. Other factors like accountability, efficiency and knowledge should also be taken into account.

The session was concluded by a note from the speaker that more transparency you bring in a system, more accountability will happen which will further result in efficient justice delivery system.

Session- 8

Theme- Staff Control and Supervision: Role of Registrar General, Principle District Judges and Court Managers

Speakers- Mr. VSR Avadhani and Mr. YV Ramakrishna

Speaker commenced the last session of the workshop by explaining the constraints in the way of staff control and supervision. According to the speaker inefficiency of staff members is one of the main challenges, but the problem of inefficiency can be removed by adopting the process of regularisation. Efficiency depends upon the recruitment process. If we don't compromise in recruitment process, the efficiency will prevail. We should try to try to recruit the new employees on the basis of their efficiency. He further added that immediately after recruitment, there must be training programmes to enhance their knowledge, efficiency, and communication skills, for the reason that until their efficiency is not improved, you cannot expect from them to perform better. He also observed that rotation of members from one branch to another is essential to have control over all the subjects.

Talking about the other challenge i.e. indiscipline, speaker observed that there is no straight jacket formula to deal with it. It is a human issue, but one can correct him by giving an opportunity to improve himself or take an action suitable to the situation. He further added that one shouldn't give an impression to his staff that, they are in the hands of stubborn boss. There is a need to drop the idea of seniority from our minds. He in his deliberations also mentioned that by planning properly, you can become a role model to staff members. Timely promotions also play a key role in motivating staff to serve better. While concluding his deliberations, speaker suggested that there should be an annual internal inspection by every court and deputing important persons for inspection. Most of the inspection notes are outdated, so fresh inspection notes to be prepared. There must be preparation plan and calendar for whole year.

Mr. VSR Avadhani recommended that, there is need motivate our staff. He then shared his personal experience and knowledge with the participants, so that they can learn something from his experience and try to implement it practically.
