



NATIONAL JUDICIAL ACADEMY

NATIONAL WORKSHOP ON PERSONAL LAWS, FAMILY DISPUTES, PREVENTION OF DOMESTIC VIOLENCE LAW TO RAISE GENDER SENSITIVITY (COURT DEALING WITH MATRIMONIAL ISSUES)

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INTRODUCTION

The Law Commission of India in its 59th Report (1974) stressed that in dealing with disputes concerning the family, the court ought to adopt radical steps to distinguish judges of the family courts from the existing ordinary judges manning courts of civil proceedings. Also it was suggested that the courts should make reasonable efforts at settlement before the commencement of the trial for disputes concerning families and relationships. The NJA and State Judicial Academies have so far organized more than 100 workshops, seminars and conferences to sensitize judges on procedural issues to help judges in settlement of family disputes.

The NJA has organized four day workshop on Personal Laws, Family Disputes and Prevention of Domestic Violence Law to Raise Gender Sensitivity (Court Dealing with Matrimonial Cases) from 26th to 29th November, 2015 to provide judges with skills to equip them to reflect better on the nature of disputes before the family and matrimonial courts. The objective of the conference is to sensitize the judges to play an important role in reconciliation of disputes amongst parties/litigants, how judges can take help of counselor, non-government organizations and to understand sociological & psychological dimension to disputes on marriage, divorce, maintenance and custody issues. There were total 35 judges participated in the conference. The resource persons of the conference include Hon'ble Mr. Justice Sharad Arvind Bobde Judge, Supreme Court of India, Hon'ble Ms. Justice Mridula R. Bhatkar Judge, Bombay High Court, Mr. R. Venkataramani Senior Advocate, Supreme Court of India, Dr. Aruna Broota Psychologist, Hypnotherapist and Alchemist, Prof. (Dr.) Vijay Vancheswar Adjunct Professor, International Management Institute, New Delhi, Prof. (Dr.) Jaishri Jethwaney Indian Institute of Mass Communication, JNU Campus, New Delhi, Ms. Deepti Bhatnagar Adjunct Faculty, Indian Institute of Management, Ahmedabad, Mr. Rajiv Kumar Associate Professor, Indian Institute of Management, Kolkata, Mr. Pawan Kumar Singh Faculty, Indian Institute of Management, Indore, Prof. Swatantra Indian Institute of Management, Indore, Dr. Parul Rishi Associate Professor, Indian Institute of Forest Management, Bhopal.

Session 1: Understanding Self

Prof (Dr.) Geeta Oberoi:- Good Morning to all of you. Before I try to explain what this whole programme is about and what we are trying to achieve; it will be good to introduce to one another and each other as it is a huge group so at least we may know all each other names. So, I begin with myself I am a Geeta Oberoi, Professor at National Judicial Academy

Myself Dr. Amit Mehrotra and I am working here as an assistant and also the program coordinator of this conference. My name is Madhusudhan Rao family court judge from AP, My name is Shyam Sunder family court in Andhra Pradesh Nellore district; Myself Ramesh Kumar Sharma Judge Family Court Alwar Rajasthan, Myself Dalwar Singh Pooni, Principal Judge Head Quarter Delhi, .. Delhi Saket Delhi; good morning everyone I am Seema Meni, Judge family court in the North District Delhi...Participants introduces themselves in the conference.

Prof (Dr.) Geeta Oberoi:- Welcome to our National Judicial Academy and in this conference. I was also thinking that from tomorrow not today; today wherever you are sitting it is alright but tomorrow, from tomorrow please try to change your; like don't be like stick to ok that I am from Delhi so we all Delhi should be together I am from Maharashtra so all of us should be together and we all from AP so we all should sit together. If you change the seats it will give you opportunity to know each other. Maybe you can make new friends and discover new places you need to travel beyond your jurisdiction and beyond your boundaries. So with is actually now thinking about this conference; we all know that even now State Judicial Academies are functioning very well. They doing very well for themselves and they've been organizing this programmes for Family Court Judges, so then why one conferences Kept by National judicial Academy? Why should we do this work? So we thought about it ok we have to do this on conference then what we should do. We should definitely something that you will not get at State Judicial Academy and also knowing that many judges High Court and district judges they come and they tell us that being judge of family court is very difficult job because it's very stressful because you are dealing with people who are in a relationship. If you are normal

civil judge or judge having criminal law roster, you don't have to face that much problems because you know the person who are in conflict with each other do not have any relationship with each other. So it give you seems in and out in and out fights between relationships, blood relationship or otherwise. It gives you kind of stress at the end of day. And sometime for some people they say, one judge told me to it even start effecting their personal life. So we thought that this program we won't teach you the kind of disputes. I mean you all are having family court jurisdiction. You know the disputes, we are nobody to actually think about this disputes at NJA level. So then what we should have so we thought ok may be we need to actually introduce certain other disciplines apart from law which are different but which may help you actually help you reflecting on the state of things and the state of conflicts in your jurisdiction in more better way. It may enable you to think differently or have a different perspective. Then what perspective you are holding now on situations that arise before you. With this aim in mind if you see this programme we have not called upon any Legal Experts. We're not discussing any law as such. We understand you all know law, you all are so deep into it. We don't need to discuss law. But I think we need to discuss something else. We need to discuss certain other disciplines which may help us and then at the end of the programme of course I'll have your feedback and evaluation to know whether this was of some help or we failed and we should have thought about differently. And then next year we will think something differently depending on your feedback.

So with this small introduction I leave you the company of Professor Pawan Kumar Singh. As you know he is professor of organizational behavior and every organization, even family court is organization if you think about it. So, every organization has some traits and management experts do know that there are certain common things which they apply to us just because we are all human beings. We may change institution we may be doctor, Judges, engineers or anything in the world may be scientist; but after all the core and core is that we are human beings. So some principles are actually universal because we are human beings. So with these things I leave it to a professor Pawan Kumar Singh to take these two sessions with you. Thank you so much. If any issue is there with respect to your stay or hospitality or anything or any other comfort or discomfort you can talk to

Dr. Amit Mehrotra who is Assistant Professor here and your program me coordinator. Thank you so much.

Prof Pawan Kumar Singh:- Namaste and good morning and these are the first two sessions which I am engaging with yourself of this 4 days' workshop so this my right and duties both to say Welcome to these two sessions and welcome to this program also and as professor oberoi was saying and as I as I understand the structuring of the whole programme, I may say that this program will give you a opportunity to learn first of all from one another, peer group learning that is very important aspect of any workshop. And secondly any resource person who is coming like me who stands, he or she is standing resource persons and you all are sitting resource persons. So you are in more comfortable position than standing resource persons. So we all will learn together. I don't know but on behalf of all the resource person I can say that no resource person will enter this door calming that I have come here to teach someone not only ordinary someone but to Hon'ble judges. Nobody, no Faculty of our..So we all are in mutual learning process. So my request would be that in these four days and especially in my these two sessions please treat these session as if you are in the kitchen and we will produce the eatable together, you are not in a restaurant where something will be offered in your platter. So responsibility also on other side. It is not only my responsibility to deliver it is your responsibility also to learn together. Equal voting rights. Standing persons has no veto power. I am happy to hear your place also because I am also interested in travelling, knowing India, possible knowing other parts of the globe and I found that I am unfortunate; I've never been to more eastern points than Guwahati. Once I was invited at Tripura to deliver a talk on bureaucrats, the opportunity I missed and since then I have not travel East ward from Guwahati. That is my shortcoming but all most all the place you utter that I belong to this place working here or there, I have visited there. I visited almost all the places that you have said you are working. I like India. I like globe. So sometime whenever I get opportunity I go there. So, with these backdrop, I am just thinking, what can be a better way, had my session been tomorrow I would not have done this what I'm going to do now. Since it is beginning of the programme also what can be a better way to begin a program and that also suits my topics; what can be better way than starting with a small prayer. Do you agree? Fine. So let me say Basic English meaning of this prayer

and then we will chant this prayer together. This prayer is spiritual in nature. And this prayer is secular also so anyone can chant. The meaning of the prayer is and see it goes deeper in many dimensions of its life, not only as working as Hon'ble judges on matrimonial affairs for me being a professor of an institution; not only for me or you, it is for everyone and you see beautiful meaning and how much density or depth this prayer has got. You will get an idea. The English translation is Oh Cosmic force energize all of us, let it we all come together, let we all put our efforts together, after putting that efforts whatever fruits are available let we share the fruits together. Let we strengthen one another. Let we all March collectively from darkness to lightness. Let there be no if feeling amongst the all. And let we all be healthy at 3 different levels at body level and mental level; and at spiritual level and whatever animates and inanimate things are there spread in this vast existence; let everyone be healthy and established in its own nature properly. This is the prayer. This is the English meaning. And for your kind information, some time I conduct of workshop was 6 hours only on the meaning of this prayer. But we go for experiential exercises and learning. And this prayer just for your general knowledge. It does not belong to any one Upnishad. Twenty three upnishads they begin for this invocation so this prayer is not part of any particular Upnishad. Twenty three Upnishads begin with this prayer...So this is called Ahwan. Invocation so let us do Ahwan for grand success and achievement of objectives of these 4 days' workshop. Ise Awean Ke sath Kindly stand up. We shall Chant it. This is in Sanskrit. So, opening shoes is not compulsory. I will also keep it. It will take 35 seconds. First I will Chant one piece in Sanskrit and once I complete, you all please chant collectively. I pray, I request everybody to join. Please close your eyes and feel fully relax. Let your breath get settle properly. Prayer and chanting in Sanskrit is done. How many of you would don't understand or comfortable with Hindi at all. Please raise your hands. Okay, we have four participants. Sometimes in a flow I speak Hindi. Or sometimes I use some Sanskrit words. So, you would mind if something in flow it comes out. I will take care that there must be English translation of such utters because our four or five friends are uncomfortably with Hindi. Will to go ma'am..Is it Ok..But translation should be of spirit and not of words. Translation is always the compromising mode of the understanding. But anyway I will not use it frequently.

So, out of these four say Ashrams discussed in Indian psycho philosophy Brahmacharya, Grahastra, Vanprast and Sanyas. I think who can be a greater custodian of you all present here of at least one Ashram that's called Grahastra ashram. Many Hon'ble judges present here may not feel directly responsible for establishing Brahmacharya in society and Vanpastra also be a personal choice as Sanyas can be. But Grahastra is also very important and responsible phase of life. Grahastra means in household. Married couple they live together and it was said wherever you are standing, wherever you are, where ever means wherever is any individual is; from their only the path to God is available. Not that I'm a butcher so first I have to leave my job then I can see God or Allah or Jesus No. Wherever you are or where I am from there the path to God is available. So, Grahastra i.e. household, family, holding a family, family has been said to be the most complete way of living in Indian philosophy also because path to God also emerges from there and you know nature has a purpose and nature has a desire. The existing nature is deeply merge into a desire. And that desire of nature is let the show be on. Let the show continue, that's why nature has given us tendencies to let me say get affinity with with, get attracted, be together and let nature continue. Nature has a desire to continue and we actually help Nature to continue. And for that which platform is Grahastra Ashram or household family. So, I am very happy that when I got a chance to interact with you. Dr. Amit Ji contacted me that these are the profiles of participants and can you come and I said why not and I am very happy to be with you because I know your responsibilities in this vast gamat of is the requirement for society and for the nation. So, your four days workshops starts with the topic which will spread into two sessions understanding self and understanding others.

One way can be in the first session I will discuss understanding self in second session I discuss understanding others. But I have taken a different route, mostly I will be on understanding self in the first session but understanding others cannot be neglected. And mostly in the second session I'll be on the topic understanding others but understand self not be ignored because understanding self and understanding others may be two different topics but they are like two sides of the same coin. Because it has been said emphatically that please understand yourself because for that you are preparing to understand others. in sociology it has been propounded like that please and I'm adding from my side please

for god sake understand yourself so that it becomes a plinth, a platform a journey for understanding others. But we can say that you can begin with understanding self and understanding self only because by knowing self automatically others are known. That's why Upanishads say that what is Vidya and what is Avidya?. According to Upanishads we all are dealing with Avidhya. Law is Avidhya, management is avidhya, engineering is avidhya and also medicine is avidhya. But avidhya have been described in Upanishad with high dignity. Upanishad means all those knowledge which help death to push away. So by doing medicine what we do we try to push that death away. By knowing management, managing resources properly we try to push death, death means ultimate fear away. By knowing law, properly applying it, with proper judicial senses and applying equity we dispel the death away. So anything which pushes the death away is called avidhya. And from that definition law, engineering, medicine everything is avidhya. But then what is vidhya? Vidhya means that knowledge from which you taste the nectar of truth. What is sathya? So knowing thy self, knowing real self that is called vidhya. But this workshop did not go into that direction. Note that I am capable to talk about vidhya, we will be talking about at this place only what we say as understanding self. And understanding self is the most deeper topic possible on this earth. As Raman Maharishi said and left his place in Tamil Nadu and then went to Tiruvenali in search of one question who am I? That is the understanding self. But to make it more clear not taking that route. Neither am I the right person to deal with this. So what we will do we understand self from that angle that understanding self in social interaction I am preparing myself to be more effective in social interaction; to be able to understand my brothers and sister and in order to understand others I am also one of the others. You see that I is a myth, I is a myth. What happens when I becomes more condensed we feel we are at the center of gravity of entire existence and entire existence rotates around me. So, I is a myth. Your I is you for me and my I is you for you. So I is a myth. So I am also one of the other you are also one of the others. So by understand me I am preparing myself to understand all me whom we call in language as others. So all are me's and all are I's. So here we can say either all are I's. If I treat humanity as equality the all are I's not that I versus you. Or all are others. In Indian Psyc philosophy it was said it you treat everyone as I then actually it is sound you and if you treat everybody as others then you will treat yourself as one of

the other; you do not give any special importance to yourself. This is called Bhankti yog. But gyan Yog and Bhakti Yog both lead to the same grace. But path is different. Treating everybody as I is Gyan Yog. Treating everybody as others including me is Bhakti Yog. So there are these are called temperaments for personality. So let us understand understanding self from that angle because you are dealing with family courts, you help in people to lead a happy life. Isn't it and law provides the basic plinth, law gives basic initiation to live happy life. Is there any law which can compel husband and wife to live with deep love? I am just asking a question. Is there any law or can law in enforce husband and wife to live with deep love, loving each other that is not possible. But salute to law because law gives basic platform on which we can start thinking at least to live together and then whether to see that love develops or not. Similarly doctors I challenge them saying that do you think that do you provide health to people. Many say yes, many say probably you asked a question so there will a twist so they say no but then I ask them why you said no, you are giving health to us why do you say no. They said I don't know why I said no but those who say yes they say what doubt is. We give health. Whether lawyers, engineers or professors give health? We give health. But then I counsel them and try to understand, many of them agree and many of them say we will think later and will try to agree or disagree with you. See what happens doctors do not give you health. Doctors are not capable of giving you health but doctors, salute to them they are second to God in crucial moments in life. What doctors do they take away the reason from physical body because those reason physical body was feeling sick doctor sick. Doctors take away the reasons from you which made you to feel sick and the nature comes in and fills your physical body and mental body with health. Doctors take away the reasons to be unhealthy and nature make you healthy. So in case of matrimonial cases how I see these whole your contribution to the society that Hon'ble judges who are expert in matrimonial issues they take away the reasons of disliking, reasons of hating and so that the natural process belongingness may begin then after that hearing and then after that love after that as if no two persons are existing husband wife they become one because I love affair no two exists. The lawyer cannot do also let nature do it. Nature can do certain euthopia as a human being I cannot do it. But you provide the first base and later on let us see what happen. What we can do we should do, what we can't do we should

not do. This is the basic purpose of understanding self. So let us proceed further. Few basic things, for basic pillars of understanding. Self from socio psychological angle not necessarily religious or spiritual angle I have taken. So, this is perception. How to understand self? Self means existence which dwells in this physical body i.e. me and we are combination of below physical body, mental body,.. and the spiritual body. We're combination of four bodies. But from socio psychological angle we should understand is perception. By understanding perception it can help us to understand self. So, what do you mean by perception, please feel free..Avdharana, oK, there is some gap but you are very close, your idea of reality, very big words, I welcome you mam, what you think in particular aspect or your way, what is your attitude, I am not here to give you lexical meaning an trying to define something but still some basic think must be understood as if so that you become very comfortable with these concepts. Yes, Ok Can I write there, yes sir, your cognitive process, very close, one sir was also very close. Making cognizance of oneself is perception ok, let us make it very clear..What happen that we tought in such a Way that we grasp complex thing more easily and we grasp simple thing in a more complex matter. Our entire education system is such that it is subjected to that. The moment somebody says what is perception in the answer is something like this and this is established answer. Let me write. Perception means the process to give meaning. Everyday almost when you are on your judgment saying when you come down from the seat of hon'ble judge, sometime as a counselor you get input and you get meaning. Perception is the process to give meaning to what? Say for example on X Axis and on Y axis. X is the production of wheat and dots are like this..In this year this is the production of wheat.. Now, that we see the raw data at different point, we can give a meaning that the trend of points are going upward. So in statistics we fit a line of best fit which represent the trend of scattered points. So, we are giving meaning to it. What meaning we are giving that as the year proceed overall the production of wheat is increasing. Maybe in Some subsequent year the production is less than the previous year. But barring one or two evidences in general production of wheat is increasing as the years go on. This is giving the meaning of the scattered data. So, perception is the process of giving meaning to various input that we are receive. Let me make it more simple. So that you may feel like fish in water to understand what is perception. What happens we have been endowed by

God with five senses. Every one of us have five senses and there is also a God grace because some of our brother and sister are deprived off one or two senses. These are through eyes we see, through ears we listen, through nose we smell, through tongue we taste, through skin we touch. So, if we keep our eye close and touch this wooden material, I can say this is harder material. This is not iron this wood.. So, through this touch also I get lot of..So, eyes, ear, nose, tongue and skin. Through these 5 senses we are receiving various inputs. I am also receiving, you were also receiving and ma'am is also receiving. In the same circumstances we are receiving. Magician is playing and you're listening, we are watching the Magician and we are smelling the aroma of auditorium. But everyone will not give the same meaning. Through these 5 senses whatever we collect, this process is called sensing. Sensing means collecting data in a scattered way and then we give meaning and the process of giving meaning is called perception. And that becomes meaning to you. Now, meaning to two persons will be different because your perception is different. Now, it is clear the perception means the mental process through which you give meaning to the scattered data collected to your senses. Are I in making the earlier understanding more complex? Ji jante thae wo bhi gya. Sometimes the faculty mess that things and make more unclear and leave the class room. Fine, you have to own perception sir and I have my own perception. Subject to the same circumstance you give different meaning and I will give different meaning. Say for example, since you are from matrimonial Court, example may be fit or unfit, I don't know but a husband and wife loving each other decide to go to a place kurv in south or Patni top in north. And husband wife love each other and when they see valley, the orchards, the followers, how they will narrate that beautiful scenes, they will say oh my God, the poetry has taken the shape of manifested of flowers and valley. They would start writing romantic poetry together. But let us say, husband and wife, they are at the brink of separation; they see then they would be separated but still they are together; they do not like each other but anyway one proposed and other agree to go to patni top to some wonderful place in Jaisalmer or anywhere let us say Sunderban. Entire India is so beautiful. And husband wife do not like each other and then see wonderful roses, the Rose Garden, how they will have the meaning of those seen. Those beautiful seen will be more pinching what they would have experienced while living in their ordinary rooms. Why? Maybe for others it is beautiful but

God has not given me the luck to see beauty in this. The perception is not different, the process through which they are giving meaning is different. So, it is perception which says so what if there are thorns the rose is still very beautiful. This is one. Another way of saying is so what if there is rose but it is surrounded by thorns. So, there is positivity and on the other there is negativity. This is coming from the process through which we give meaning. So, that kind of background we are living gives meaning known as perception.. So, let us go forward. If there is any question please raise it at the end of the session or at any time. Please feel free this is interactive session and not one way go. So, meaning is clear. Ok. Your understand hindi. Thoda thoda..ok... Now, let us go to other point attribution. Because you have to deal with relationships and that too that kind of relationship which have a legal base. Two friends are not connected based on certain Bare Acts. There is no Act which says how two friends relate with each other. I want to know is that it is any Act it says how mother and son or mother and daughter should behave with each other. In my knowledge no. But husband wife relationship is one of the deepest relationship. I feel you see mother and offspring then father and children; as far my understanding I may be wrong the 3rd most intimate relationship; my respect to relationship between brother and sister but what happened when Sister get married. We remember each other, I love my sister but maybe for one week continuously I may forget my sister also. Because of the heat of my own world, her own world but I love her. But still I will be wrong if you don't like please forgive me even compared to brother sister relationship; I'm not saying husband wife relationship is more deeper; I'm saying it is more intense. So it is the 3rd most important relationship of life. Mother, father, husband, wife. Such intense relationship you are dealing with.. Attribution can be understood under the topic perception. Attribution means to attach with responsibility. I attribute to you for example this bottle is here and by chance it fell down; I may say oh the gravity of the table, this plate was not properly balance so it fell down. Or I may say ma'am you should have taken care. You were not able to keep it properly. It was on the edge so you were responsible for it getting fell down. Attribution means to attach to the cause attach to, the responsibility attached to and there are two types of attribution. One is called external attribution and another this called internal attribution. Internal attribution means the person is responsible, the cause was inside you. You did not take food, I came to know

today the cause may be internal, you you've refused to take food. or the cause may be external you wanted to take food but you did not get food. So is it clear the two types of attribution. Internal means you are responsible. For example, one person comes late in the workplace, I know he can never be on time. It is his nature. What I'm thinking about him, I am attributing cause to be internal. Other person is also late. Now that the record says he never late or seldom late. Today he is late, it means his motorcycle got punched otherwise he can't be late. So, I am attaching up cause and this is external. We do mistake when we attach internal causation and for which the cause was external. And we attach external causation for which the cause was internal. This is called causation. There was some question I think? OK, so is it clear. So we attribute causation and there are two types causation internal and external. Maybe that this discussion directly or sometime indirectly may help you to decide better on a situation. And I am not claiming that you do not know about the attribution because you know it. And the purpose of this workshop is in two, first brush up your knowledge and secondly to arrange your knowledge in a proper way and thirdly if possible to get you some additional information.. So, internal and external causation. Then you see what happened interestingly, this is 3rd issue under the perception is effectively event. This is interesting. And I will discuss it bit later. Please hold on. Because once we understand emotion it will become easier to understand. Then the other point is shortcut to perception. What would you used those who are standing for the reason before you. Husband and wife.. Do be called them client. What would you use, litigant we can say, is there any other word in family Court. No..ok same thing what we use in civil Court. So, a person who is demanding Justice or who is trying to find out the way out in your presence this discussion will be important for you. We apply shortcut to perception. This is a shortcut. This is the process don't take shortcut to the process. And there are many shortcuts we take. May be with one of the husband or one of the wife with whom you are dealing or with your permission may be the Hon'ble judge himself or herself may be applying certain shortcuts to the process of giving meaning because then I discuss my session in this NJA and sometime I have an opportunity to discuss with the Honorable judges for 5 days in IIM Indore campus organized by High Court of Jabalpur, Madhya Pradesh. 2 programs I have done were especially Honorable Chief Justice of Madhya Pradesh High Court have taken interest to send Honorable judges to our

campus. In these workshops with your permission I treat my participants' especially Honorable judges with lot of respect. Nothing to say about it but before the Honorable judges we are also human being. So, whatever applies to human beings might apply to our self also. I have found through researches persons have time tendencies because they are overconfident or they have experience and become juristic or sometime they are in hurry they take shortcuts and give quick meaning to it which may be deviated from the real meaning. This is called shortcut to perception. For example what this shortcut to perception let me say a few examples one is called in recency effect and then we take short cut. I will give you an example from my domain, teacher's domain. Suppose before lunch five persons the interviewed, to be given admission in IIM. I talking with the third candidate in the morning session and he is fantastic, par excellent, whichever question we asked he has good answer. And whatever was he knows he knows clearly, whatever he doesn't know he says, I am sorry sir I have not read it. But whatever he knows he knows. So good performance. We had given him good marks, good candidate. 4 candidate enter and he is doing on average well but I judge in in the context and the canvas of the 3rd candidate. And though he is overall good we are rating him down. If I'm doing that I am not a mature evaluator because I'm suffering with recency effect. Because recently I have seen better thing. So, average thing is also seem to be below average. Take another example, I am interviewing the 4th candidate pre-lunch session in a job interview where I have been invited for the job interview panel, we want to give them an appointment. But on the first 3 candidates be not good candidates for many reasons. We wanted to give them an appointments and they were giving us this disappointments. Because they have not done well at all. And you know well then you interview for job selection and when you find a all Candidate is reject able, you feel Oh! My God, we have also killed there time and I have also killed my time. We feel bad. So, all 3 candidates are not acceptable and 4th candidate is just average and he or she has started dogging some sense. And all the panel members are very happy. He or she is the first worthy candidate. And there is a tendency before you and me to lift and overvalue this person. He is just average and we are saying he is above average. In the first example he was average and we are saying below average. Why we are suffering with this? The answer giving meaning of this candidate with the canvas of previous candidates. This is called recency effect.

Another example to shortcut to meaning is halo effect. Yesterday there was Guru Purab and you might have seen the photograph of Gurunank or Kabir sahib and there is a Abha., Circular lighted painting is there. That is called Halo. Halo effect is that effect of Abha. Giving credit so much to a person just for one merit. Suppose as a boss at your workplace you would have lot of respect for punctuality. After that what a person does you are not much interested. So, you find that one of the person is very punctual in office or litigant or any one. And you have not of respect for punctuality. And you treat that person full merit. As if he/ she is store house, whole sale store house of all the merits in this world. But you are overrating the person. This is called Halo effect. Just for one merit you are saying that the person is whole some of meritorious tendencies. This is called Halo effect we are giving wrong perception/ meaning. Why we are discussing perception because he had tendency to give a wrong meaning. What is not there we are seeing it. Similarly, there is reverse halo effect. It is also called Golemn effect. It says because of one small defect in the person, if any person in this earth is perfect. No person on this earth is perfect. A person went to Gautam Bhudda and asked master what is my shortcoming, where I am wrong. Gautam Buddha said the first wrong you have committed is that you got birth. Because the person was perfectionist and Buddha was knowing it. Then he said Ok the first mistake I have already committed, I can't undo it, so what it to be done. Now, tell me where I am wrong. He said the 2nd wrong who have committed that you did not die after your birth. Because these master did not give you... Treatment they give you wholesale treatment. That's why kabir say one who have guts to burn his house of his ignorance only he or she can be co traveler with me. So, Golemn effect I was discussing, a little mistake and you see with a magnifying glass and you say the person is useless. I will tell you one instance a real instance in my life. One gentle man interested in getting married his daughter who have attained a marriageable age. I recommended one suitable boy for daughter. You please consulted with the family. He consulted. Everything was good. The boy's parent background and everything. At the marriage in India we see that the family should be saskarwan. So they approve the family is saskarwan. Boy was good with good capabilities. But they could find out one defect, the boy smoke cigarette and not drugs but they rejected. And they told me that you have not told me this. I say I have any idea that he smokes but I did not find to be of that important

to say I am recommending a boy who is a smoker and he is not a chain smoker. Two three cigarettes per day. But they do not get agree. They said that the person who smokes I can't offer my daughter to him. I don't know this can be called as suffering with Golemn effect. If he smokes he is good for nothing. His entire qualification is nullify. All Saskarvan family gone into dust. Don't think that I am an advocate of smokers. I also do not smoke. But I did not dislike a person who smokes. At the time of marriage my wife was it conformed non vegetarian and I am vegetarian. When I came to know this I said no problem. Only thing is that I do not eat. And it doesn't mean that I don't likely to eat. Just I do not eat. That's all. Slowly slowly my wife has also left non vegetarian Food..she has disliking but she now also takes.. I said never try to give up... Many of us will be acquainted with one mantra called mahamritunjya mantra. It says one portion...vegetable through which we prepare petha..Us fal ko kya kethe hai..safed Kumra.. through which we prepare petha. The mantra says that as the ripen fruit automatically leaves the branch and gets separated similarly without any jerk I should get away this interested in Worldly affair. So without any jerk I should be away from Bandhan, bondage and should my transcendence to Liberation should be very smooth process. Many of the friends I am not saying here they enjoy drinking twice or thrice in the evening. No problem, drinking twice or trice in the evening no problem. But if they thing that should not be necessary I should be away from the..First of all never try to give up. Never try to give up, keep on taking but with awareness. I wanted to give up but I know I'm taking. TWhen you take and when you know you are taking your consciousness become depend and one day you may say I should reduce it. One day you may say you can declare that without taking the time intoxicated so there's no need to take now. Those who know how to live life. We call art of living. Those who know how to live life they fulfil certain criteria. And first criteria in hospital according to me is that they feel intoxicated without getting any additional droplets of liquor or anything. ..For one cigarette he was discarded this is shortcut to perception. There are other shortcuts also.

And interesting short cut I face at the early stage of my life. It was second job interview for me in my life. I was 22 or 23 years old. I went to job interview. At that time lot of apprehension and preparation also. Lot of negative thoughts; they will ask the question in the domain which have not prepared; all these thoughts are going. So I entered and it

was very jolly interview board surrounded by 9 person's one single boy 23 years old but I was also ready. So question started from the chairman. He wanted me to feel easy. So he said you are uncomfortable, how did you reach here. You are comfortably placed here fine. Oh, your native place is Bihar, I said yes sir. You are from Bihar so you must have or you must possess three criteria, Characteristics I guess. They said Number 1 you must be poor communicator because persons from Bihar generally presume to pronounce defective pronunciation for which they are known. No problem. And if you see Vilas Paswan, I enjoy listening him because such phonetics which is completely soak in local dialogues and you enjoy. So you must be bad communicator, first meaning and I am facing a job interview and of a very high profile job. I said sir second, second they said you must be agitator and then I asked sir third, third means that you must be lazy. Why lazy because typically agrarian society. You give land to others to cultivate to take the share and keep sleeping for the whole year. Whatever share computer comes you take and enjoy. So you are bad communicator and you are lazy and agitator. So, what do you think? This was the question. You see I was already taught by my Professor that interviewer is always right. May be if you're going for an interview the interviewer has deliberately asked you a question to check you so I was also prepared. Interviewer is always right, but then I said that humbly I want to say that a bad communicator cannot be good agitator. Because I have seen those agitators who have met the whole world is sometime, for the whole nation, they've were thundering with the good communication of experts like Martin Lincoln to, they were communicators. So, I don't think the possibility of good agitator without becoming good communicator. And agitators are never lazy. They're energy is stored house. So, I don't think sir the possibility of three characteristics being together. They laughed. So, what I'm saying that they are not suffering with any bias of perception, they were doing drama before me. Just to test me. This shortcut is called Stereotyping. Stereotyping means since I have perception about the group and because this individual belongs to that group, so whatever perception I am holding for that group also applies on this individual. I have a biased perception against that group. And because as an individual you belong to that group you must be having all those characteristics of group, but this is wrong. This is wrong, all persons from Bihar are not too bad communicator. I have lot of Bengali friends during my school days. Even in those

people to whom we call class three employee or ministerial staff, if they gather around a Pan shop to take cigarette or pan. There'll talk about impact of communalism, dislocation of Yugoslavia, they've adopted about the running away of a... Of Romania, clerical employees... That is why.. In my household my wife decide smaller things, I decide bigger things. So one asked give example; so husband says, in my house male member dictates, friend asked how? My wife decide smaller things, which fridge, which Tv, which computer to be purchased, I decide bigger things that what Obama should do? etc. etc. bigger things. But I have seen many of the Bengali friends so simple...and not claiming type. But generally we say that come communicator Bihar, Bengal suffering from some superiority complex. This is cordless Stereotyping. And last example I give you is called projection. And this is important for the Honorable judges. And everything is important I believe. The kind of judge I am that is to say to give an biased judgment.. Projection means since my preferences are liked this to I have right to expect your references should be similar to my preferences. And if you are preferences are different than me you sub human being not fully grown human being as I am. This is called projection. If you are similar to mean you are very good person and if you are not then you have not. What I'm trying to say that some Honorable judges may have different personalities but common Code of law, the way of reaching to a judgment that we adhere to it but every individual has a different personality. One Honourable judge may have different tendencies to behave with their staff maybe they say give me all details, then they come with all details then they must say, no, no this detail also. This is one tendency. No problem. That this modus operandi. But some judges or some decision makers they may say one, 2, 3, 4 crucial points you give and based on their experience and of course intuition, this is not unscientific, and they come to a point. Now, suppose you are judge with lot of love for detail and subordinate may not able to provide them and he say sir, all important data I have given. You said no important data, this summary did that you have not given. And then you say the subordinate is useless. But it may be if you are a judge and we leave in taking only crucial point can connect the dots and have a meaning and your subordinate says and comes with lot of files and say everything please see. You would say I have not demanded these all, I want one, 2, 3, 4 these points. And then what I will ask you produce. But he comes in the beginning that all details. You may say that this person does not

know anything. He is not a smart work done. So, if the other person is unlike you this does not mean that the person become demerit. This is called projection. So I will stop here we deserve for a break for 20 minutes or so. We will try to here by 11:30 and then we will further discuss about understanding self. It is a break or tea break. Tea break happy note.

Session 2 Understanding Others

Prof Pawan Kumar Singh: - So 30 second summary of what we discuss before tea break. That we try to understand self and the first path we took to understand is perception, the process through which we give meaning.. And that we also we do attach certain causation which is internal or external and sometime causation may be wrong. So we have to be careful. And shortcuts we discussed because we think we are champion of giving meaning to a certain things and we take a shortcut and there is no shortcut as such to successes. I do not to take this phrase with Pinch of salt, The phrase is work smart not hard. But I do not believe in this phrase because I don't know why some experts have created a kind of tradeoff between smart work and hard work; but without the critical minimum hard work we cannot develop any understanding about anything worth having it. So, work hard work and work smart are not two different things. So, shortcut will not give us right meaning. So with this overall understanding of perception I drop here.

And I will go to another issue that's called attitude because understanding attitude is also a way to understand self. But before concluding on perception I would like to take you to a very interesting tool for 5 minutes to have a overall understanding about perception. Perception means the meaning; of course perception is the process that gives meaning but whatever is your perception means meaning given by me and I can be changed. A good student of understanding self-topic loves challenging oneself. This is my understanding. So what it can be challenged? I may be wrong. In Indian psycho philosophy Shyam Vad a popular ved says if this is correct the alternative also maybe correct. Who knows better than hon'ble judges, championing the cause for looking at the other side of a coin? And in the middle of the discussion this may appear to be correct but I do not conclude any meaning because we know the hon'ble judges are not prone to jumping on

a conclusion. They go step by step. But still remind us that there may be some tendencies to be discussed. To conclude I say perception is not your meaning it is my meaning so let us ..So what is called is Gestalt. Gestalt means a complete view. 7 blind persons touch the elephant at different parts of the elephant and they concluded different meanings. You know this story. So every blind person had a perception about elephant. Here the blind person is me who is also blind by their shortcut to perception. Every blind person that is me should try to have a total view by knowing the things from 360 degree angle... So whatever is the proper understanding and why it is needed for honorable judges in 2 to 3 minutes I will conclude and there is a good conclusion for understanding perception. Develop Gestalt. Just think to have total view. Total view total view. No open view is the process to get the total view. Overall total view. Means you are watching let us say Mount Everest from entire angle. From one angle it appears steeper than other angle. That is why it is said go up to the Mount Everest from the Nepal side, it is much more difficult. Better to go from China side, it is less difficult. So take total view, how to do it. I am just proposing 3 words. I am giving a few words may be useful for your interpretation. One word is untruth, 2nd word is myth, 3rd is fact and the 4th is truth. Just to conclude perception I am using four words. The first word is untruth in hindi it is Asatya, For example I give a statement in this classroom there is a hippopotamus. We look around in the classroom. In this classroom there are human beings. We are not in a zoo. So, your of this statement is untruth. It is not there, you were wrong, it is untruth. 2nd what is myth? Take for example you age is 45 years and you have experience of 30 years. In summer season with the's heat on the road and you drive car you find watery element. You see there is a pond ahead and you have 30 years of experience of watching it. You know there is no water but you don't stop watching watery element. Now your experience is so handy that you know that there is no water, no water should be visible. Though there is no water, water like substance will be visible. It is not like the example of hippopotamus in the class. But there is appearing to be water but there is no water it is not untruth it is myth. That is a difference between untruth and asatya. That is why when Adi Shankaracharya asserted that the world is myth. He did not said the world is untruth. Suppose I am walking and injured my knee with this desk, you say the can the world is untruth, there is no desk are you are feeling pain. I say forget the philosophy my knee is

paining who says the table does not exist. It exist so table cannot be untruth. So, what Adi Shankaracharya wanted to say table is not also untruth also it is mytha. The way it is appearing it is not like that now the modern physics proved that the table appear to be solid but with atomic research it has been found there are more hole than the solidity in the table that is the reality. Table is not solid. What is the reality of biology? We see that this person was born so he became elder and one-day his physical body will be dissolved in the nature. This will not exist. Suppose, if God wants I live for 84 years. After 84 years my body would be subject to the cremation. We think there is only one death of body. That this physical body dies only once. This is the Know but this is a myth because science has proved that every 7 years your entire cells get changed. Your entire body in 7 years cycle becomes an new body. But we do not know about that birth. But we only known the birth the day we born by our mother. But every 7 years old body was no more there; new body is there. So after 84 years the body has changed the 11 or 12 times. So my 12th body will be crimated. And 11 bodies decay was not visible from this this eye. This is a reality and Gautam Buddha is not saying, it is not spirituality, it is science that is saying, biological lab are saying. 11 bodies are silently crimated by the nature. This is truth. That is why it is myth to say that once I have been crimated. This is myth. But it is not untruth. As if you are understanding and your understanding is still shallow. That is why one person asked me, I was discussing on the issues of judiciary in a workshop of Honourable judges. Why judges take lot of time, justice delayed is justice denied. Of course there are many reasons manpower shortage and other things are there, increasing number of litigations. Especially in matrimonial cases and other civil cases also. It is promoted by senior judges that find if we can find out of the court solution. Why every time every solution should come from Court. It increases number of files also. So one person asked me why judges take so much time.

I said I am not in Judiciary and hon'ble judges can give better answer. But as I understand why judges take a little more time than as expected by common masses. The reason is that judges want to be double sure. They don't want to be carried by their perception neither by the myth the things as be appeared can never be correct. So a person was found with dagger in his hand by the side of the person who was murdered; judges will not go with this kind of perception that since there is a dagger in the hands of a person he

must be murder. They want to be double sure. And then two types of errors judges might commit. One is punishing a person who should not have been punished and not punishing a person who should have been punished. But first error is more dangerous error than the second one. But in order to minimise the error some error remain on the other side.

Sometime the person who should have been punished does not get punished. These all dilemma, challenges hon'ble judges have to witness. They want to be sure before writing judgment that why some time is taken. Of course on major reason is there is a short for the manpower also. It is not be denied. But you want to be double sure then you take a judgment because the judgment cannot be based on untruth or myth.

What is fact? And I raise this issue as untruth is easier to understand but fact and truth there is difference.

Fact means what is visible and what it is there. What is visible and the visibility proves it is there. What is visible it a fact. So the example I give it is a fact that a person with dagger in hand was found at the side of the murder and enquiry says just two minutes back murder has taken place. Person was found with dagger in hand. This is a fact. It can be seen, it is recorded. Recorded things are surely a fact. But all recorded things are surely truth? No... it means there is a difference between Fact and truth also. So this difference I'll just try to further clarify through one astronomical example and you will enjoy this example. What is difference between Fact and truth and maybe that I may understand fact is truth and truth is fact or needs to be done away with facts are only facts and truth is beyond fact. I am just giving you example from astronomy. Scientist have found that pole star is 431 light years away from earth. So pole star distance has been calculated. 431 light years means the time light will take to travel. So, 431 multiplied by 365 days multiplied by 24 hours multiplied by 60 minutes and multiplied by 60 seconds. And per second light travel 3 lacks kilometers so multiplied by 3 lacks. And if you get this figure the distance in kilometer of polestar. That is the meaning of 431 light years. So you can imagine the distance of pole star. Pole star is visible now days because sky is clean. It take 431 years to travel its light. Just I am giving imaginary example just we can understand what is the difference between fact and truth? Suppose Bramha ji gave one order to one demon. And 231 years the demon has taken the polestar to somewhere else

which is not visible from the earth. So polestar was not actually there for last 231 years from now ; but still the polestar will be visible for a how many years 200 years. Because light which was started travelling for 431 years back is reaching today. And for 431 means sometime when Akbar was ruling the country. Then other but when Akbar was ruling the country the light started from there and reaching now on the earth. So, if 231 years back if polestar have been uprooted from there, still for the next 200 years your grandsons, grandsons, grandsons also perhaps able to see this is the truth. So, the truth is polestar does not exist but fact is even for the next 200 years polestar is visible. I think two types of persons in this world both are present in this room. One is Honourable judges other of the other teacher. They should possess X- ray eyes nor camera eye. I and you really able to see beyond camera and can see bony structure. Because we are searching for truth. And what teacher are are searching for. They also searched for truth so that they can disseminate the right thing. They guide the people rather than misguide the people. An Honourable judges also have the duties to search for truth to give the judgment which is unquestionable and even after 200 years if there is there is review of your judgment that Judge should say had I been in that situation, in the same contest I would have also taken the same decision. If your judgment stand that test then your judgment is without any bias or prejudices. So this is difference between truth, untruth, myth and fact. Truth is beyond fact. Every truth has that fact. Every fact may not be truth. Somebody took my thumb impression by threatening me that I will kill you and I have given thumb impression. The document is the fact that I agree but what is the truth we have to investigate that I have executed that document under threat. But anyway and all me to conclude this part of perception. Let us go to attitude another phenomenon to understand self. So this is more or less clear. Now, come to attitude. So, please give your frank answer. What do you mean by attitude?..ok. So it means to understand attitude I have to bang upon perception. Fines sir all right. So, my history of perception is my attitude. Fine.. Little more clarity.. Manner, somebody well manner. Your behavior towards a particular thing. Persistent response to any situation. Ok ok you were trying well; but you have to hit the bull's-eye. Mindset of the person. But mindset is very wide concept. Way to understand..Good but you have to hit bulls eye.Yes sir.. Positive way of looking or negative way of looking the scenario.. Yes close but bull's eye. It like Arjun hitting on the eye of the fish and not on

the fish. The as perception is process of giving meaning to a thing. Attitude means evaluated statements about a person, about an object or about an occurrence. Evaluated statement, judgmental. There is a personality called judgmental and another personality called perceptual. I may tell that judges should not process judgmental personality. What this judgmental personality watching and judging. Watching and evaluating and adding an objective to it. What is perceptual? Fine.. I am not giving any evaluation to it. I'm just trying to watch as it thinks is. I'm happy to have this scenario, the scene. Watching the scene give me joy. But when we compare something with other keep evaluating. What a perceptual person will say fine that place was full of greenery and Valley, it is lesser of the newly but the heart stones has its own beauty. It is beautiful in its own way and that was beautiful in its own way. For example Western Ghat were Tilak was born or what place was in Kerala Appalpi, Kumaram full of greenery. It has its own beauty. But the west of jaisalmer no Greenery but do you think it is less beautiful. There is a person has its own beauty. What a judgmental person will do go to the desert and say no tree.. Perception person would say fine that has its own beauty and desert has its own beauty. Both are beautiful in its own way. Perceptual people have more excepting tendencies. People who are perceptive can prove to be a better husband compare to person who is judgmental. A lady of perceptual personality might prove to be a better wife compared to a judgmental wife. Because judgmental wife has already have a list of future husband... If you are too judgmental then friendship might also not stay for the longer period.. Sometimes the husband say that wife should be like me.. I say it is good that wife is not like you. Because every time birds of same feather do not flock together. Suppose a husband say to his wife that I am temperamental in nature, I thought that I should share. Wife say so happy I am also temperamental. This is birds of same feather. Sometime the person who is not like you will gel better. So there has to be a proper symmetry. A father told to his daughter that dear daughter you have attained a marriageable age but in a family then it is no trend that father asked his daughter what kind of husband I should search for you; but nowadays the Society has developed, I think I should give you a chance and I shall ask you, let me know what type of husband should be there. Daughter said daddy not much expectation but he should have 2 characteristics; he should be bold and secondly whatever I say everything he should obey. Then father said dear daughter

please ask for one thing only because if you are bold he will not obey anything you say and if he obey everything you say then how he will be bold. Contradiction. You see judgmental people get the dejected to quickly because they keep rejecting if something is not according to their plan.. To see the beauty of Lala you should have the eyes of Majnu otherwise you can't see. I have to ask the question have you seen any child say 6 months who is not had some odd beautiful, any child. I have seen Zanabar tribes at Andaman, they are father only from civilization. But when you go by car, it is said you should not entertain them, but many forners entertain them give them food etc. they also offer them pan parag. So, Two three zaravaas came to me and my driver open the window and I said I would talk don't do gheraw on the road but these zaravas are asking me pan parag and they are only from civilization. They don't know civilization. But I look deeply on Zarava boys then I look deeply I found they are so beautiful, so handsome.. My question is have you ever seen any six-month boy or girl who is not beautiful. Every child is so beautiful and when they grow up the say someone is beautiful and someone is not beautiful. But the person who is perceptual in nature will able to see the thing as it is a person who is judgmental in nature with keep expecting the things to be as further designed or desired by him on her. That is why I said the Honorable judges primarily should not be judgmental because by being perceptual you can do better judgment. Judgmental word has different meaning nothing to do with the judges. So, attitude means evaluative statement about persons or people and these attitude matters. And when they say about it what is the use of judges to understand attitude for understanding self, as I understand you'll have some extra role.. You are not only just interpreter of law but also a good student of human behavior because law cannot guarantee love between husband and wife. I earned my first bread by interpreting law. I joined my first job as law officer in Bank of India and at 1947 I earned my first bread while interpreting industrial and labour law. But I have also made one point though conciliation is not in my hand because government had appointed a person of assistant labour Commissioner or labour Commissioner, but before going adjudication if possible arbitration, but before going arbitration if conciliation can help. Where it is little that of law and more touch of humanity. And I think your job demands that. We can make more beautiful place to live happily. So every problem is not adjudication. In other's matter of life also but especially in

matrimonial cases were you are dealing these on issues becomes very important. A person who could not able to plead a better we can guide. I don't know but you'll have experience; I have sometime talked to advocates not formally but If a person has appeared to be committed a crime but we don't know whether he has committed a crime or not has appointed a very powerful advocate. The person who wants to actually want to take the side of the truth his advocate may be weaker. So the truth be left to the person who has most powerful advocate. Because judges role is not to get away by the powerful advocate but also have to see the truth... Next is learning, other part of the understanding self and others. Learning is a big subject and for Honorable judges who are dealing with matrimonial issues. Learning passes through 4 stages. So you have to check yourself as a judge dealing with matrimonial matters on which stage of learning I am standing. Stage 1, 2, 3, 4. And one has to move from stage 1 stage 4. Stage one is called as unconscious incompetence. Long time I have served as a civil judiciary and And recently I have come to adjudicate matrimonial matters and I don't know what is to be done this is called unconscious incompetence. First stage of learning process. 2nd stage is conscious incompetence. Now I know where I lack. Third stage is conscious competence. Conscious competence mean the competence which I have newly acquired and I am consciously using it. Class 8 or 9 student was asked by the teacher to come on the dais and to address 200 people in the school. You see how the girl and boy will be conscious. And then he will say in the India is a great country.. But the great speaker will never be conscious. You might have witnessed of this first time in you by four Wheeler and you start driving the four Wheeler with conscious competence. And if in friend sitting by your side started humming a song, you would say don't sing the song I'm driving. But when you become very driver of your own car, so whether someone talking or shouting, family members are enjoying busting into laughter and you are saying and then also your driving and in the one go you cover and 50 km. This is called unconscious competence. So the other 4 stages of learning and for understanding self and as a teacher I should know or as a judge you should know at what stage we are at learning at a particular matter on it in a particular issue. So in learning the about 4 stages first unconscious incompetence, 2nd conscious incompetence, third conscious competence and fourth unconscious competence. You can say how unconscious competence is better than conscious competence. There is a

meaning of unconscious competence that competence has gone to the people of level of unconsciousness. So you can't help yourself to remain competent. So if it is 2 o'clock in the night, if I say to expert driver to get up and get ready as we have to go to a place. The driver has unconscious competence and he will say fine I will drive. And he starts driving. But the person who has newly learned driving four wheeler and if we say him at night to get up and drive then he will say Are baba I have learned car to drive in the sunlight only and in night it will be difficult for me to drive so I am not very comfortable. So this is conscious competence. Unconscious competence means that your competence percolated down through your consciousness subconscious. Competence means that you merged into confidence. In old days in village we use not to serve the nart with purchased sweets. Sweets are used to be prepared in the village. Usko kethe the chasni. You see Jelabi fully soaked into the Rasa. Similarly your skill, competence completely entered in yours cells. You cannot help yourself to remain in competent. That is called unconscious competence. So here it is a test for us to examine with stage of learning I am. Another is emotions, emotions... My first question is, if the utterance of word emotions in the Honorable judges workshop whether there should be discussed or it should be discussed by other people who deal with let us say juvenile cases. It is emotions needed for the judges or not?....fine. Let me conclude this part. Sometimes we ask from a candidate in an application for the job. Write your strength and weakness and many of them write that I am hard worker and weakness I am emotional in nature. After reading that I feel in the role of Jesus Christ. Because Christ has said oh God forgive them, they do not know what they are saying... Because emotions has strength. Emotion is the base of decision-making. You see a flowing river has water and pair of Banks. The water is equal to your emotions and the pair of banks equally to your intelligence. Once I was talking to a person and he is a billionaire he said one emotion struck by my mind. I was suffering with Jaundice and in 14 days my thought was thinking. I after 5-6 days then I was in the process of recovering I started thinking what can be best for me, if I divert my business from thing this activity. And then I decided to open steal plant and when I got fully healthy I started working on it, I thought I would do it and I have done it. To open Steal Plant came to intellect first on to his emotion first. You became in Honorable judges today and I want to take career in law and I ask you. It will struck your intellect first on

emotion first. Someone will say intellect but it will struck emotions first. When it struck your emotion then you started thinking and trying to hold emotion, emotionless like flowing water and two banks properly hold water, it follows a mriyadit path. The river becomes a discipline flow. Otherwise if the banks are not there the river will convert into a flood. But if flood is there then don't complaint to water, complaint to banks because they are not properly built. Sometimes the dams are not properly built. So the base of decision is emotion. Next is intellect and then will to do it. So, 3 things are there as per psychological studies. So emotion is important to understand understanding self and others. Only by understanding our emotions others emotions can be understood. That is why every one of us should be of good student of self-emotions. Then a colman has said a person is emotionally intelligent, to be emotionally intelligence, emotional intelligent has five factors, self-awareness, I want a pointer where it is ya I got, It become more stylish to present..Ok the emotional intelligence is ability to detect and manage emotional cues and information of self and others. There are 5 points. If we are good on all these 5 points then we are emotionally intelligent person. If we are average on these then we are averagely emotionally intelligent person. The first is self-awareness, understanding your own emotions better that is what is your way of responding, what is your respond, are you temperamental or which type of discussions made you more temperamental and then introspection and if possible meditation. The word I most hesitate to use this meditation. But the medication has no substitute. Mediation is the most important amongst anything else for self-management. Mediation for me is not the yoga but for me it is 10 minutes with self, so that rest of the time when I am with you I am more effective with you. And then I am also inviting you to be more effective with me. So interaction will be more effective... So self-awareness requires introspection, auto suggestion and medication. And also it requires feedback also. There are some researches to find out what are the organizational culture should promoted among judges but, managers in the company they have also very senior the culture is to share your feedback. I wanted to you for 5 years and now I want to tell the positive environment which thinks you were doing very effectively, with things you are not doing should start doing. The things which you are consistently doing that hampers work culture you should stop doing. They doing this exercise is there. But suddenly they cannot jump into the judiciary the Honorable judge's

start hearing this two things madam should stop doing. I said introspection, auto suggestion and medication, so you are the guru of yourself. But if others can also help, why not to take help from them. This is called developing through feedback system. I will give you feedback in good spirit so as you to develop and you also give me the feedback. So this is fourth but I'm not sure, I have some interaction with Honorable judges, I have conducted 5 days programmes exclusively for the judges at IIM Indore. But I am not aware that judges can give the feedback on personal styles of doing that thing. But I think we can think about this. Receiving feedback is a big topic in the field of management. You become your own guru, you become your own disciple. .. I will give you one example of meditation, state bank of India earlier the manager Mr. Talvar who introduced modern practices in SBI. Now SBI practice is world known. CMD gas a separate chair in his chamber he called it as mind steering chair. Because CMD chair of hon'ble judges chair is full of Rajasic power. A sense of power I have a right to decide. So this CMD use to leave that chair. He said I should not take a decision as a CMD but I should take a decision as a neutral observer. He used to leave that chair when he is confused and sit on another chair behind a curtain and then he use to take the decision with still mind. There are 2 types of persons in this world. The person with agitated minds and person with mediated Minds. Other world needs meditated Honorable judges not agitated Honorable judges. And meditation means 10 minutes yourself. That is called self-awareness. 2nd is self-management. Self-management means ordinary situations how I manage my behavior. And here I have only seen one thing with the items the reactor respond. Reaction means falling into the trap of others. And response means I am the king, I am the Queen I will decide what to do. You abused me I will also abuse you this is the reaction. You abuse to me I would decide whether I have to abuse you or not this is response. How I should reply? Those we are able to respond are the Kings and Queens of themselves. But you are dealing with the persons who are mostly in the world of reaction. Ask them why you are reacting, you are individual, take a decision. Suppose the person abuses me and I said I can also abuse you but I have chosen not to abuse you. How the other person will feel? And if you abuse him he would not stop there he will make more strong abuses. Gautam Bhuddha said this is the Sanathan Dharma. It is eternal law. What is eternal law? Enmity is not an answer of enmity. Then what is the answer? Never the solution is found

where there is enmity. No enmity is the answer of enmity. I think if you think proper we can met these issues we're of matrimonial cases disputes, misunderstandings are there that please continue to your own response pattern. You are into the trap of the reactions and inviting troubles in your life. Start respecting yourself. One temperamental sentence was said to me by my wife, I should not fall into her trap. I should say I'm not that kind to fall into your trap. Once Sofi saint was dying father give me of parting lesson, I know that you are leaving your physical body. Give me of parting lesson. The father said whenever somebody abuses you, you tell him I will come back after 24 hours. Then him in very aggressive manner. You abuse me I will come back after 24 hours. Follow this sentence and father died. Then the son realize what the great Kenya the father has shared to help not to react. Not to get provoke, not to react, not to react. 24 years' experience I also have of my matrimonial life and I want to live longer.. ha. Ha. Earlier days I was in trap of my wife, now I say Ye Bat Ka Batangar Hai and I am happy..ha.aha.ha. But one thing I little seriously because time is saying that.. One thing I may say 24 years back when I was married I see my wife as a wife. But when a child was born but then also it did not struck me but last 3 to 4 years a different thing started happening with me .when I see wife I don't see my wife as a wife now primarily, I see her as mother of my son and then she also my wife. Actually, typically in India wife and husband relationship, for typical wife husband is almost hundred percent of her life. And for the typical husband, husband means who is an earning member and wife may be educated but still have chosen not to work. Typical wife. , for typical wife husband is almost hundred percent of her life and for typical husband not more than 51% of his life. But other 49% there are different issues. I have to obviate myself about world. And then I discuss or disseminate something I don't remember her. I think somewhere that she is happy. But my wife whatever she does perhaps she does for me and for my child. So this is typical husband and typical wife. If you see women in complete womanhood then many problems created by male may be resolved as I understand. Wife or females have a trend to see the things in more open way. I little bit more large hearted then I thing some disputes maybe largely resolved. I don't know but this I feel. I can only imagine the problem and challenges you face. But 7 or 8 counselling of my close friend, they did not come to me as expert but they came as a friend of mine. In one therapy I have said to the couples to raise your problems then

you are in good mood. They said why he would destroy of good mood. I said no, I was working in Mumbai, I said whenever you go to Lonavala or kandala to enjoy beautiful scenery; suddenly husband or wife should ask that darling fine we are enjoying good scene but tell me reason why we have started frequently quarreling with each other. Then both said why we should talk there. I said that is the right moment to talk about the problem. And you are in good mood then talk about the bad mood. Because we are already in a bad mood then we can't discuss about the solution, how we can come out of bad mood. And there are different with these of counselling also. First talk separately to A and then to B then talk to AB together and then allow AB to talk together in your presence and then allow AB together in your absence. So there are many ways. I think our discussion in setting the ball rolling in 4 days workshop might have some use and based on these discussions you will build some more issues like understanding, motivation and understanding conflict, understanding interpersonal communication, time is getting over. I thank you all for the learning and other good interaction and wish the best for this workshop. Thank you. And thank you Dr Amit for inviting me. Clapping.. Thank you..

Session 3: Understanding Conflicts:

Dr.Amit Mehrotra:- So, will come back to the 3rd session and in this third session we are honoured to have while Prof. Parul Rishi and Prof Rajeev Kumar to take over the session on understanding conflicts. And as we know while adjudicating as a family Court presiding officers it is all about the conflicts. If there is no conflicts no dispute will come. So putting on the more insights on the topic understanding conflicts, I will be requesting, first of all thank you mam and sir to be here at our National judicial Academy to sensitise us on this very important topic. Now I request Prof Parul Rishi ma'am to start the session.

Prof. Parul Rishi:-Thank you Dr Amit for giving me this opportunity and Dr Rajeev to share the session me. We're going to have one hour session and he will both be sharing the session. We will start with conflict and will end up with listening skills. So, when he are talking about conflict what comes in our mind, something wrong, Is'nt it. Something wrong what's behind the kind of conflicts which you may encounter? When you are mediating cases with conflict of interest you feel that what happening it would have been

very good. So you have a kind of negative connotation attach with the conflict. Okay but we as a behavioral scientist have entirely different perspective to conflict as a source of energy. As a source of that something is going on, something is happening but traditionally we feel can we avoid conflict and all of us channelizing our energy for avoiding the conflict. So there is a difference in avoiding the conflict and managing the conflicts. So these are some of the issues on which we are trying to discuss over in this session although it is a brief session that what the conflict is? Can we avoid conflict? What are the typical methods of conflict resolution which we use in handling different kinds of cases in the family courts which you are primarily dealing, mediating and all those things? And why is not working the way we like. We want to take things to take a particular direction and we push all our energy for that and actually it doesn't happen like that. So, why it happens like that and can we actually do something to push things in our own directions or let it take the open square when it feels like looking at the demand of the situations. So, the most important thing when we are talking about conflict that if somebody will help me with this. So, not American model of conflict it says the conflict is bad; something which should not happen, it is adversarial, it has an adverse effect on us which we want to avoid. It is like win and lose situation where one wins and other losses... My concern is that my opponent should not win and I should win. This is my perspective. So, traditional view is conflict is caused by troublemakers it is bad it should be avoided it and it must be suppressed. The contemporary view say that it is inevitable between human beings. Whenever we are in any kind of situation conflict is bound to happen, it is inevitable, like stress is inevitable in our life. We get energy from stress at the same time we put all our efforts to manage the stress. Similarly it is for the conflict also that it is inevitable between human beings often beneficial. How conflict can be beneficial? Any idea while dealing with so many cases, how conflict can be beneficial? Sir,

So, we can say it energizes us to resolve the issue. There is a conflict it pushes us the energy from within to energize us. Yes ma'am It help us for self-discovery. Very good. Anything else how conflict is beneficial? Understand others perspective. Yes mam, breaks the monotony of life, If there is no fight we say the life is monotonous. Very correct. So, it pushes all kind of energy within us to do something. In a nutshell we can say that whenever there is a conflict that is a signal that something is happening otherwise nothing

is happening. If I say something you all accept without challenging my viewpoint then, that is you are not listening to me but if you challenge me that how can you say this, how can you say that means that something is going on in your mind and that is giving you energy to speak up and that is the energy that you are looking forward. So all together we have to change our perspective towards conflict that is what I am just trying to say it's often beneficial. It is a natural result of change. It is not something new is coming up and it can and should be managed. You are not going to avoid the conflict, you are going to manage the conflict. That's what the crux of what we are going to talk about. So, what is the self-talk when we are dealing with interpersonal conflict, there is nothing I can do about it. In most of the cases the situation is presented before us in such a way that it appears so complicated so that we feel that just we can't do anything in that case; there's nothing I can do about it, I think so stupid getting into this or how that happened to my eyes; I feel inadequate to cope with the situation and other self-talk. I wish it all disappear when I wake up early morning. This always been this way and as long as I have to deal with him nothing will change. This person is bad. Because of this person there is a conflict if I can avoid that person form the scenario then the things will be alright. So these are all some of the self-talk that we just have and when the conflicts occur basically they are for balancing of our interest. How to balance? Please leave this sheet I'll just come to that after few minutes. Conflicts are routed in and trying to balance our interest. Interest of whom, your client's interest and your personal interest. There are lot of people who are involved in the process when you are dealing with the issues in the family court. There are parties have different interest, an advocates has different interest, you as a person having a role to just mediate the whole process. So in that way different people have their own different interest but expressed interest are something different. So there is a difference between the actual interest in the people that are hidden and related interest of the people and the expressed interest i.e the status of the people and if we just going on the status of the people and just not able to understand the latent meaning behind that; many times we are misguided and we are able to come up to the conclusion which is actually not correct. So, the complicating factors are distribution of cost and benefits. So, those who benefit from the institutions may not be the same People who are paying for the cost. This is reality of today. Perceptions of problems. People tend to blame others

for causing the problem. Everyone say that I am perfectly right other parties not and many times it becomes a game of communication who is able to express their concern in more emphatic way than the other person and many times the game of communication is like that but we are sometimes not able to understand the real scenario. So it is very important speed up the actions. Some will want change to take steps more quickly than other, some people wants things to be lingered on. They don't want quick decisions, they don't want something to happen very quickly. Our others want something very quickly to happen. So you have to balance. So it is all about balancing. Balancing the Internet, balancing in the speed of action. So, your options. What are your options? Your options start with you, You can I change your attitude, you can change your behavior, you can turn on the cheek, okay, you do whatever you feel like. you do nothing you walk away. So you cannot change the behaviour of the other people. Different people have their own cycle, the circle starting from here changing your behaviour is the most easiest things, difficult is that changing your attitude, your attitude..many times more important aspect which guide your behavior. So then turned away, walk away into nothing, these are the subsidiary options which are basically dies functional ways of managing conflict. So psychology of difficult people if we just put some attention on that there are certain people difficult people. Certain people it is easily managed with them. Difficult people they know how to keep your emotional well-being off balance. Are you getting my point? They just try to create a scenario in such a way that you lose your temper and that's what they are looking forward. And if they are not able to understand the latest interest behind we may be misguided and once we are out our temper or lost our temper our logic and everything get block away. The issue does not become of concern because that person, how could be say that to me? I am in such a position, how could he say that to me? And that becomes more important a real scenario. And they take advantage of it and further misguide you. So, there is a vicious cycle where you are trapped if and you are just able to lose your balance while dealing with conflict situations. So, remember that only one you can change is you or the one who has logic. Not the emotions which are going to cloud your judgment. You need to rebalance. You need to find balance when they are trying to give to trouble you. They are trying that you are losing your balance but still you are able to maintain your balance. That is the art that all of us will have to learn so that we are at are logic. And we

are not with our emotions when we are dealing with difficult people. They are not actually difficult people. Many times are intentionally creating the scenario so that you are not, your are losing your logic. So try to understand the difference between the two remain calm and comfortable and act. There is a difference between acting and reacting. When you are acting your mind is with you but when you are reacting your emotions, your heart is with you. Many times there is lot of linkage between the two you have to understand. Okay. So know your limits and boundaries. Don't diffuse other person's anger and develop and practice the communication skills that is what is desirable in that scenario. I am leaving some of the aspects and I'm taking you to the exercise that is already with you. Will come back to this is the time permits. Know your conflict management style. Okay. So how you are actually managing your conflict in your day to day life, in your work life wherever you are. A small questionnaires is in front of you and very simple instructions. These are just 15 statements and you have to read the statement and try to see whether you actually or always do like that. You very often do like that. You something do like that or not very often you do like that or rarely you do like that. So, if you always do just right number 1 in the dash like that 2, 3, 4 and 5. If you always do 1, if you really do 5 in between whatever you can best identify with your behavior most of the times. Not the occasional scenarios most of the times what you do in such scenarios, like I try to reach compromises through negotiation, so most of the time you do like that you have to write, very often or sometimes whatever suits you. So, just 5 -7 minutes you do it. Please try to read the statement very carefully, think about the way you actually do. Not ideally what you are supposed to do. Forget about that. What you actually do try to focus on that and give numbers. It's a fun cum learning exercise. Have its outcome at the end of it. Numerical values one is for always, 2 is for very often, 3 is for some time, 4 is for not very often and 5 is for rarely. Yes every statement, every question is to be answered as per numerical values only. Yes, yes nothing is to be written just numerical value is to be written in front of every statement, every question as per your actual behavior in that situation most of the times. We will do the scoring and analysis part later on. Just keep the sheets with you. Later it would be done in the end of the class.

Prof. Rajiv Kumar :- Okay, let me begin first thanking Dr Mehrotra for inviting me and also giving time by Prof Parul to discuss with you. She has been my teacher. So let the

try to explain what will happen in next 30 minutes. You can see the PowerPoint presentation which I'm going to give you. Listening well. So that I will focus on. And within that I will try to explain, articulate, and highlight 5 different ways in which individual difficulty listen to others. When someone who is facing problem that personally comes to you and try to get Counsel. The reason I chose this particular part in the session because I was going to believe in your role, in your work many thanks you have to basically counsel someone or couple who is going to some kind of discord and your purpose is to make the situation better. Okay. So, that is the reason I told to focus on this topic. How to listen well then you were doing your that part. So what I am plan to do in next 30 minutes I will go through these 5 approaches which I have just therefore to. What actually is the nature of that 5 days in which the people difficulty listen? Particularly when the other person is upset or mentally disturbed. Okay. So, let me first request you to read this situation and then we will see how those 5 approaches of listening are reflected in the responses of the people here... So, some people might be going through that they might not be having much friends.. Not imagine such person talks to you with the role as a counsellor's, and the role as a consular you say.. Typically you would see that one of these responses are coming.. You have to be cautious about it that the people does not say about the verbatim but what they say reflect their thinking. One response that you might not want to have friends, just to protect you something else, such attitude does not help. So, here is a person who is feeling some kind of pain. This person is talking to you and what you are doing in your response is to say something of this sort. That is a) maybe you're not want to defense is just to protect you from something else. Such attitudes don't help. Now, I will be curious if you able to sense while responding to this person in pain the person who is speaking, that implicitly this person has judge the individual that such attitude do not help. Basically what we are trying to convey in that moment that look you woman aged 30 you have a problem and this problem is there because of the attitude that who have. Something is missing from your way of looking at friends. And as a listener what I am doing is not only to notice that but also judging that. I hope you understand the mental, psychological part of it. Why is listening to this individual listener has ended up judging. This was E in bold at the end basically stands for evaluating. So one way in which people typically respond to others in pain or to talk them, you start judging the person. You would

see whether it was right or wrong then I will explain other listening styles. The 2nd way in which the people respond typically again is b) that a pretty unhappy situation, to be without friends and one that I would really work on. But it happens to lots of movement in new jobs, so we've this situation gets better. Is this a little better for the other person. Is the 2nd statement a little better than the first one. So you were trying to be of some help. Right. You were trying to consult that the person say. Okay it happens to lots of people and things will become fine. So due to some reason 2nd style seems to be a bit better than first one. Then you just a person without having much evidence about the situation of the person is from his or her angle not your angle who have just heard for the half a minute or 2 minutes. So when you have start judging that person with that little evidence then it might be problematic for the other person. The other person wants to discontinue the conversation as it doesn't help him much. Doesn't get much of relief from the style of listening. So you were judging. Then I do this for Bombay the people of the points out, I don't know whether you agree or not. Arnav Gowsawmi..he seems to display this day of listening a lot. So rather than trying to understand what the respective, viewpoint or other version of the person is; judging the person comes to his style very very frequently. So the 2nd one is I the formal name for this is interpreter. So you would like to provide your understanding of what is happening in the world to this individual who is suffering from some kind of issues or problem. The 3rd one is what you have again see on this paragraph. So, I'm just request you all of you to read this and then I will tell you. Ya so. In this 3rd approach which people adapt basically you are trying to offer the solution. So, I know how I can help you, get over your problem. As a person is who is counselling you I know what I can do and I am trying to support you. So it is supportive. So I support you by giving this advice. Right. So this advice, suggestion rendering may make the other person feel that not only to heard what she wants to say, in this case she, but you also offer some advice to her. So these are first of the 3 approaches. Now, let me come to the other two. The 2nd last is probing. So here basically what you are doing ask the other person to tell you more. The other person has shared with some problem and what you are asking this person to do. You aren't not judging the person, you are not offering any knowledge, you are not offering any support, you are saying can you do me some more about it. So here and there is a question about.... So I have heard you but I want to understand your problem

more by asking for the more data. By pouring some questions. I am refraining from judging, I will not jump into the sort the solution offering, but I am trying to understand how it looked like at your angle. Because I have not really live your life. You'll have. So, possibility don't know much about the background material. You do and before I can give you some advice. Before I can give you some solution I want to understand the problem more from your angle. So that is the probing style. The last the approach which people typically use is called understanding that this u. And here there are 3 steps which are involved. When you use this approach to listen to others, those people who are having some problem, then the first thing you do is to capture the key part what other person has said. Capture of the crux, essence of what the other person is saying. Number one. Number 2 you paraphrase or rephrase the words. So I'm getting number one and now formulating what I heard in my own words, 2nd step. And third step which is very very important and which is asking a question. Is that what you mean? Seeking confirmation from the other individual that this is what it appears to me as your problem, issue. Now am I really write in referring that or am I missing something. So, I am Capturing, paraphrasing and the last part I asked questions that whether I am right what you are saying. So you were having this last part as the question. So this is the last approach is. Now why I have said in the beginning that these are the 5 typical responses. So, firstly this whole PPPT and work I am doing here is based on the person who are basically psychologist who deals with 30 to 40 years with the people who have problems. And assuming that you also occasionally or may be usually dealing with people who have problem. And then what we found in those situation in 80% of the conversation they use one of these 5 styles. And it was also advocated that first 3 approaches are not that helpful. Number one judging the individual without having much data. Number 2, giving the knowledge that you have and number 3 giving the advice. These 3 approaches are not that helpful. If you have different viewpoint we will hear that. Can you individually sense that why first 3 approaches are not effective or you believe otherwise? ..3rd approach gives some temporary relief but does not solve the long-term issue. Your role is facilitating that self-discovery, in case you give solution on which the other person also arrived.. But supportive is good but only in short run. Evaluated and judgmental approach is something which is typically puts people off. I said earlier also that people do not like

judged so soon. Without having that believe that other person have heard you. The case which you deal with they have lot to say. They have gone through a lot. So, in case if you adopt P (probing) and you will see the people will open up like a book. You ask questions and it will signal to the other person that you are listening. Listening to me and me with me gives the privilege. According to first 3 approaches listening is not happening saying is happening which is not that great an idea, particularly when you are trying to counsel people then they been through a lot. Therefore, probing and understanding with be the better on the 3rd of listening. I would request you to go through the details which are there in the u tube. Search videos of Carlogist and women name Gloria who is facing some personal problem. You may see in this videos the individual how he listen and make her feel so good. Not advising a single time, not judging the person and definitely not rendering the whole of Gyan. If you see people who are more in habit of this I (interpreting) style and if you go to them and talk about your own problems then possibly you would say this person is like Babaji giving lot of Gyan. That will not help me. I am not here to seek Gyan. I am here to off load and want to get the solution. Who is the best expert of someone's life, he himself or herself. No one else in this world knows about you as much as you yourself do. So, the job, demand, role of the listener is to facilitate.. I will come this after 5 minutes. So I will take you to this part quickly and then to the last conceptual part. So this is another situation which I thought I will share with you followed by the responses to reinforce the five styles. I recording was shown... Can I go to next one now? So he stops there, there is a pause, so the other person has stared saying something and then he fell a little awkward and the persons stops and then I wanted to explain these 5 approaches. So, this time P and U are coming first in the beginning. So probing is if you wanted to start saying something about your wife so what was that, if you are willing to talk about it. It may be a sensitive matter. A person may not want to tell in the beginning or may not want to tell at all. Although he might not be able to control blurting that out but you might like to respect of the privacy. You are captured in the anger of the person and if you are conforming. Isn't it. So this is what you are going through. Is I am right in capturing that part or am I missing something? This open people up. They would tell you more than you want to listen. And then you will have these other approaches. So, if you are saying that you are not different from other people and you are also complaining this

means you are judging. So, probably if you can sense this then also you need more data for yourself to form the opinion or give the judgment. Lots of people are very anxious to give gyan. I have seen in a number of people like this. Possibly the other person is not interested in getting the knowledge or gyan that who have. He or she is looking for something else. Like doing mediation or pranayama like this. Possibly the other person knows that these are the techniques but still they are helpless and are not in a position to apply all these things. So these are the things which I wanted to leave you with in terms of the conceptual background. So something which I have already said that no matter how close that person is you don't know the real self about them. The best person who knows about you is you yourself. And the job is facilitating the emergence of that solution. I would like to highlight this part that you understand before you judge. I'm talking the people who are from this profession, but you see usually people first judge. So that's all I have to say. If who have some questions then please..

This is to convey you a smaller idea about listening. If I become much judgmental without any evidence, so it would take time to articulate the whole thing in mind.

Prof. Parul Rishi:-Thank you Rajiiv for introducing to the different types of listening styles with which the are going to connect further and I want to respond that you would have faced such scenario in your working also that certain people then they are interacting and you are trying to mediate then, they just put before you the name of the person you know so that you may be shaken. And different people have different opinion. And you start applying your mind and then you completely focus on that person. And sometime it is the intentional to divert your attention from logic. Connecting with what I was talking to you earlier so, it just in the lighter side; to continue for the let us come to the tools that we have done that is conflict management styles. Please transfer your responses to questions from A to O. turn it back and you will find that A G D I L in the same sequence, pleased o not just read the alphabet and transfer it to here..Just give your scores..Put your score in respective alphabet only and not in sequence. Total it and everything is self-explanatory. We are going to resemble with anyone after that. Everything is having its own good or bad. Sometimes you have to behave like a turtle, sometimes you have to

behave like a shark. So we have different animals hidden within us. So we have to evaluate which animal is dominating within us. And B are going to start with a turtle. So, we're ever you get the lowest score is the dominant style. And there you'll have 2nd lowest score is your backup style and what the styles we will talk about it now. But I am giving one minute time to you all complete. So most of who have already done it. So we are starting with a turtle, if turtle is your dominant style, the key characteristics of the turtle is denial. If something wrong comes, it is some adversity is there. It will just go inside, with not show face. So people who have turtle as a dominant style.. So when you come across with any mediation you come across to many people who are acting as a turtle. Who are just trying to avoid the situation who are not speaking? And the favorite statement is what the conflict nothing like that. Every animal has a great quality. In different situation we have to behave like turtle and in some situation like shark in some situation we all are teddy bears. But which quality is dominating that we have to see. The quality which is dominating in us we expect the same quality in others in similar manner. And then if a person has a turtle quality then what Rajiv said that you have to apply corresponding listening skills so as to connect them in a better way. There was avoid, they will ignored, they were denied, they will withdraw, they will hope and pray but they would never be to the point. And you have to see how to match with the listening skills. So, turtle quality is timid in nature and they want to spiritualize everything. They try to avoid the fundamental issue that's supposed to talk about. But there are certain situation where you have to behave like a turtle. When who have no power and you have to select and you see no hope. And you feel the other person can solve the problem more effectively. Now the other on shark, we know Sharp pushes the person down. So, if who have shark as a dominant style then force is very important. There are different sharks when you decide a case. They would not let you speak and will force that what they will decide was to be done. This is my way or no way. This is my way of behaving. They are impatient with dialog. They don't have the capacity to listen. What is the party trying to say? They want that everyone should submit. They fight, they are authoritative people. They want their power to be exercised. And in no matter what is the position they have in that particular case, they tried to exert their power in all way. So, meaning the fight with competition. Strategy philosophies, when goals are extremely important, you must time are required

to bent. When you know you are right, then you are perfect and when time is short and quick decision is needed then you have to behave like a shark. You cannot avoid becoming shark in that situation. You have to stand up for your rights. Sometimes it externally conflicts and become of battleground for new conflict. Now, the poor teddy bear, he is accommodating. Just to keep the peace. What you say is fine for me because I can't get into any kind of conflicts situation. So, every time the person look at other face that is that okay, if I am right. A kind of accommodating way of approaching. You come across many people who are very timid. They can't pen their voice, all the time looking at others. Your perception as a mediating Judge, his concerns are also important. They are not just voices of different sharks; that is your concern. So, they can't speak much. So you have to keep changing strategies. Because they don't have any opinion. They are just looking forward on the advocate, they are looking forward to the people around them. What they say, what the feel. They are not sure about that actually they deserve to win or not. So that kind of doubt is there in their mind. The self-esteem is very very low. So there working towards the common purpose is important. They are required were consensus is required, they are very good in protecting the fragile relationships. So for the sake of protecting the relationships in family Courts the sometime the people succumbed. Okay lead the other person win. So in that way we can able to safe the fragile relationships. When you know that can't then and harmony very important for you. Harmony of the family, Harmony of the village, harmony of the community is very important then having a common understanding is more important than just resolving the differences. You understand that this person would not speak up much okay then you can take advantage of then that scenario you might have seen that teddy bear always surrender before the shark. They don't have any opinion, they don't have any voice. So the fourth one is fox. If fox is your dominating style. It tolerate, it compromise half yours, half mine. Give each one the pleasure of victory. Half victory is mine and half victory is yours. So tolerate, exchange of ideas and bargain of victories. The people negotiated in this so that the maximum benefit he may get. And if not a little less than that. When you are handling such cases you observed that reduce such expectation when mediation started let us reduce a bit, let us reduce a bit. There are good in compromising and good at negotiation. Ultimately, they are concerned that whatever maximum share they are

going to get out of it, I must get that. So, you bent, I bent. This style is used when people are equally committed with equal type of goal. Then the time can save by reaching the amicable settlement; when goals are moderately important for both. Then you're just trying to compromise. It would work then initial demands are too great and parties are expecting too much then in that case this style work. 2 minutes I will more take Dr. Amit with your permission. Okay so last one is the owl. Owl is meant to corporate. Dialogue, Rajiv is talking about that the dialogue is so important. When we are helping other person to open up that's very important rather than giving gyan, rather than just forcing him to evaluate in particular way. We are open for dialogues. So owl is concerned is said to be the best style where we are able to co-operate. We are able to not just compromise, not just deny or avoid the conflict, not just accommodate with whatever other person is saying but establishing the dialogue and collaboration between the parties. My preferences is this and I open to what you say. That way we can establish the dialogue and it focuses on having your information gathering. What is right what is correct that is more important rather than the other party the way they are just trying to behave like a shark or a turtle. So gather information, dialogue openly, explore the alternatives. All these things are very very important. So this is all.

I am just coming to that. So in that way these five styles are there. And you will say when to use in this composite diagram itself and in bottle there are no concern for personal goals and at the top there are high concern for personal goals. At one side there is low concern for relationship and at another side there is high concern for relationships. So turtles style will lose when the person is neither concerned for relationship nor concerned for the goals; then the turtle style is there loose, lose. Low concern for goal as well as relationship. Here High concern for relationships and low concern for personal goals. I can lose but I will allow you to win and accommodate. Teddy bear style. Then Shark low concern for relationship. I don't bother the kind of relationship I'm going to have after this case is over but my personal goals must be met the Shark style. Then Owl win win situation where high concern for relationships at the same time high concern for personal goals. And fox in between trying to sacrifice terms or some of the issues or trying to succumbed to the circumstances, if need is there. Trying to behave like a shark if it is required. The fox can enter into any of the four quarters of this circle and now you can

just understand which animal you are and which animal you want to be. You will be in different situations as different animals and with that I end my session. 7 minutes late I'm sorry for that. You can have anything courtesy Amit. Everything is here. Most of the time as a mediator we have to be owl to collaborate. Without establishing the dialogue we cannot come to any conclusion. That's what is desirable but still if you see the situation is like that the parties are not allow you to dialogue and they are trying to behave like a shark to overpower you. In that case you have to start in a shark style to take you to the collaborative Style. That's what. You will be behaving like all the animals in different situations. Many times simultaneously and many times starting with one style and then going to the other style. Okay. So, thank you all. It was nice interacting with all of you.

Dr.Amit Mehrotra:- Thank you very much mam for telling us the styles that we all having and thank you sir for telling us that understanding and listening skills are so important to understand the conflict and how it can be a can get resolved in and that too in just a very short span of time. That too in an hour. We are really really grateful. National judicial Academy is grateful to you for the discourse and now will be breaking up for lunch and after the lunch and before we break for lunch I welcome Prof. Deepti Bhatnagar to be here with us, who will be sharing are inputs in the next discourse of understanding relationships. Thank you Mam and now we will be breaking for lunch and we will be back by 3 o'clock.

Session 4: Understanding Relationships

Prof. Deepti Bhatnagar: - Okay. Good afternoon to you all. My name my name is Deepti Bhatnagar. Have you heard the name? Ok some of you have might heard. Those who have heard have you heard the name Deepti Bhatnagar I want you to be honest to answer this question are you disappointed? No... ha ha Ya I knew. I shared with you my experience, sometime when I am traveling, I present my ticket to the counter person. He looks at the name, tick the ticket and brighten up then he asked me where is the passenger? Ha. ha and I say I am the passenger. But I'm really glad that I share my name who is much better known and so on. I'm really happy to be with you this afternoon. I may also say that I am a bit nervous, I am addressing the group of yours for the first time.

Two persons at least Rajeev Kumar is my student done phd. With me Dr. Parul I've known her as a younger colleague so that make me pretty nervous and that kind of group. Oh my God. So I hope I will be able to deal with my anxiety with your support. All Right. What we're going to look at now is, in the morning if I had some exposure to knowing oneself and I believe you are some session on perception. Then you had a session on knowing others and then I sat to larger part of the third session which was on conflict management style. When we think about understanding relationship think we have to just put together the inside that have been explored in the morning session and I would use a particular framework to kind of; maybe the present what has been discussed earlier; maybe this framework will make sense to us. So, just be your own judge that what I am saying. I will just assume that you all have fill up the explorer your personality questionnaire. Whatever topic I am covering I usually take about at least two and half hours to cover that. Compressing it in 1 hour that's a great challenge for me and I will try my best that's all I can say. I had a brief conversation with Dr. Mehrotra trying to get, you know, I was trying to negotiate and get a better deal and he said maximum is 10 more minutes. So I am going to utilize every minute that we have limited time to explore understanding other people starting with understanding self. The theory is not important whatever I want to present it I would suggest as we keep on talking I invite you to contribute your thoughts. Together we will develop that approach. What should make sense to you is, you know the meaning of that approach in your own life as professional and as personal life if you so wish. All right. The approach which I am going to use is called transactional analysis. You need not even note in down. That is irrelevant. However, according to that approach all of us have if we want to understand relationship, all of us have to begin with surely by understand our self. Ok. The other person is also somewhat like myself so I need to understand myself and I need to understand the other person and then how do we try to link these in terms of the building relationships that would be my focus.

So according to this approach one of us have what they call as ego states. And if we want to understand human beings there are many approaches I am not getting into it. According to this approach if we understand ego state we understand that this is a building block for understanding relationships. We get vocabulary to understand ourselves and humanity at large. So according to this there are three ego states and all of us have those.

If there any word I write which you don't understand, may not visible form here or may be handwriting kindly feel free to just talking because it's important for us to keep on following and being on the same level, same place. So all of us have three ego state.

The first one is called parent. The second one is called Adult. And the third one is child. Ok. Now I will need your help in developing an understanding further. I believe in this group..when we think of parents it take you back to your childhood and if you think about what your parents were doing in raising you. Can you share some of the behaviors that come to your mind when your parents were raising you? And the sooner you tell me sooner I will keep them on the board and keep on moving. So when you think of parents what kind of behavior comes to your mind on your own childhood experiences? Okay. So it will be useful if you can if you can translate this into some kind of work. So Authoritarian means Parents dictate. Work means what parents do when they are raising you. Okay. So, Parents love, parents show affection, ok, parents protect, ya ya, parents advise, advisory would mean surely Advisors in terms of do this, don't do this, Ya Ok. advice is do's and don'ts, ok yeah, what else, friendly, sorry, oh they support, they are providers for our education, food, emotional wellbeing, Ok all right parents are providers. Ok., Maintain, support, provide, they correct. Anything else when you think of your parents raising you, when you were a child, what were they doing. Nurture ya, I think your parent would be bit disappointed if they came to the class just now and would say that look 15 years of my raising my son or daughter only these words. Ha ha ha.. Or what behavior or words come to your mind. They share ideas, they teach. Teach once again in terms of they teach values, they make sacrifices, share ideas, they protect, they compromise, ya, ya, they listen, they advise they discipline. How do they discipline. They become strict, good listeners, anything that I can write with black pen. Now I think you might know what black pen represents. They counsel, ya, ya, parental behavioral only regard to child. They are sociable, they pass on values and culture. Scold, beat, give punishment depend upon you act, they appreciate. I think I will stop there. We have enough example. They celebrate with you, they joy., When I asked people like you, then you are being raised what do you experience. In then you remember we started with dictate, advice, this, this, this discipline, and correct scold me and so on. And I ask them what do you as parents. Oh I nurture, I love, I support and so on ya. The point is bought of these are part of

Parental behavior. So, then I was being raised, I was exposed to when I was negative, I could experience as a child, absorbing those influences, always do this, never do this, must, should and so on. Thousands of recordings in mind are recorded when he is growing up. And when we are other grown-up and are in the position of authorities, I don't know whether it applies to some of you sometime I would catch myself using the same words and expression which my mother was using when she was raising me and for which I use to hate her. So I use that and say oh My God. Have I heard it earlier? So these are many times are part of a parental recording. To give labels to these behaviors this kind of parenting is called critical Parent or controlling parent. Ya.. And this type of nurturing is called nurturing parent. So this is described as CP and this is described as NP. And these are 2 kinds of behavior according to parental approach. NP and CP. I will discuss this as per your experience. This is not a theory. It touches each of us. As a member of the family, as head of the family and as a human being whose engaged in a profession. It is important in assembling a sense of order in the society. We keep on using 2 ego states. Sometimes the use critical parent and sometimes the use nurturing parent. Ya.. When the use critical parent I think it can be captured the expression like you should never do this, he must always do this, they should have done this, the for the expression like should, never, ought, these are prescriptions which comes to our mind and based on those and of course in your profession you always try to related to the constitution of the country and then try to interpret particular behavior. Following the behavior and extent of violation what is meted out is consequence, which can be called discipline, punishment. But I just wanted to ask you this list of ought, must, should; is this different from the two genders. You want me to repeat the question? Sometimes when I discussed this with my student at IIM Ahmadabad, you know just to have some fun, the boys and girls.. I create groups of boys separately and create 2- 3 groups of girls. And I give them this assignment. And I say how would you complete this sentence that good boy always... And good boy's never... And I give this list to the girls. Okay. To the boys group I give the assignment good girls on base... And good girls never.... So initially they have lot of fun, laughter. Then they come up with this list of course there are something which are common. But can you also imagine that for the young generation of this country who are very talented still there are some differences. Are you with me? I think it also speaks about house about

were raising our children.. In case of critical parent you should always behave this way and surely there is an importance of critical parent. Through critical parent the pass on discipline, values; so they are integral to any Society working in a harmonious way. There is no question in that. Just to share with you one or 2 example boy said good girls on base visits Temple. Visits Temple's ha ha you know if visiting Temple is just a great thing. Girls say good boy's always pull the chair for siting.. Now those times there over boys then expected to be.. Now as now the girls are as much control of their life, as much assertive, as much enjoying the sense of power in professional. I'm saying these are residual of parental that we receive and we don't realize that times are over. In that these are changed. With this message I want to move on. Before I move on, I request you to think about your own critical parent behaviors and nurturing parent behavior. That you use in your family life, in your professional domain, to the use CP often or not. I'm sure we usually use CP. There are so many should and so many should make the system vibrant. Otherwise there is a utter chaos in the Society, family and in any other institution. Should our integral. However, critical parent behavior is also called controlling parent. And this is where I like to reflect CP is used not so much to enforce discipline, to share norms of appropriate behavior, but if it is used, I would like you to seriously reflect on it. If I use critical parent to control the person because it give me a sense of the authority; after all I am the boss here, after all my training, my past experience, my occupying this chair to dispense Justice and entitle me to so if I use critical parent to control and derive my sense of well-being from that then there will be a problem. So CP is very good.. But CP in excess would be problematic. Nurturing parent, we show affection, friendly, maintain, support, provide and so on, appreciate, listen. What you say it is valuable or not? Equally valuable isn't it. I become sensitive to a person, probably I would be harsh. I am talking in terms of relationship and not your role meeting of Justice. You know, as far as the Justice is concern you aren't the best person to decide. In terms of relationship, the value of nurturing parent. How does nurturing parent help? It builds confidence in me and in the other person. Because you saying nurturing parents it is sharing ideas and supporters. Much more than when I listen, when I appreciate, when I counsel, then I show affection, the other person knows that there are someone to follow upon. It imparts every strong sense of psychological safety that I am taking care of emotionally. Life may be

harsh, superior may be harsh, but at the end I have a safety net to follow up upon. The person who is harsh with me also appears for me. This is nurturing parent. Okay. Is there is any danger if nurturing parent is too much. Like CP we are discussing that CP is good. Without CP there is no order. No discipline in any Society, institutions, academic place etc. so, CP is required but excess of CP can lead to negative consequences. Right. Like nurturing parents it seems to be very positive, supportive qualities. My question to you is can there be also overmuch of NP. And what can be the consequences. If I become overprotective, it is not a good thing that I am over protective for my child, overprotect my subordinate, overprotective a weak party. OK. So what are the disadvantages of over protection? It will.. The other person may start losing self-respect, self-confidence.. May be I would have solve of all the problem of myself if she would not have come running down to protect me. Thank you very much, but I think I can handle. So while we may think that providing protection, support is a very good thing but like adults growing up and saying they say thank you very much. It's a time for us to move out of your protection and start setting up my own life. Too much of NP. So one is that they will loose their self-esteem. Second, it affects the personality. When I am in trouble I know there is someone to run through. In family, at workplace I know I have a boss extremely supportive. I start losing confidence in my own ability because I am not been encouraged to fight battles. So, if there is too much of providers, too much of appreciation, before I say something people are there who are applauding. I mean its not happy thing. So that is these two ego states.

Next is, it's a little different so I like you to pay a little attention. It is computer like, it is logical, rational thinking. Okay. So, when the engaged in a activity which engages of a brain. When we sit down to look at a case. Then we don't allow any feelings like anger or feeling of protection, love affection; feelings are ruled out. We are in a logical way of looking at the facts of the situation that according to this what things will happen it is called adult ego state. Is it clear? Laptops don't have feeling. Then they operate as an adult ego state according to the transactional analysis, it is the thinking part and no feelings. And the last equal state is called child. I deem I need your help as you help us to decide the ego state of parent. How do children behave? Whatever words come to your mind. Okay. Children's can be naughty, innocent, all openness, there are no barriers, no pretense,

there is no mask, they would tell like it. Right. Ok. Whatever they have to speak they just do like that. Any other description of the child like behavior. They give unconditional love, ya, yes, child has no enemies. Okay. Can we say that they are just free, spontaneous, ya, ya, emotional, and when they are emotional they can be demanding, they can be possessive and if they need anything, if they need a mother, mother has to be there. They are sensitive, ok ok, they can be creative, ok, something else. Please don't mind my hand writing, ha ha Almost beginning to write like a doctor. Yes, they can be anxious. Ya ok. The keep grudges for years. After 7 and half years I can open the account and I can tell my husband that I have said this and in response to this what you have said. A child you beat him hard and after half an hour he will come and embrace you again. They are so forgiving, they are expressive and have emotions, and they don't sense what is right or wrong. Those who have young children at home, may be they share more with us. Our children all the time are such lovable beings. That they are innocent, open, unconditional, love, free, spontaneous, energetic, forgiving, and expressive or is there is the other side as well. I what is the other side also honestly speaking they can be disobedient. Ok. Please note not only irritating but very irritating. Right. ha ha ok, mischievous if it is playful way then here but if it is manipulative then we can say mischievous. Ya, ok. Anything else. That's all. Ok. They are sharp in terms of intelligence and exploring, creative and loving. Demanding Ok. In transactional analysis..this kind of ego state is called Natural Child. Just see whether it make sense. See when we are 5 or 6 year old I have put your words that we were naughty, we were playful, like to enjoy, have a good time and I think it applies to all of us. Now we become such a serious adult in persuading the profession of our life that we have chosen for our self. But when we were very innocent we were unconditional, open, free, spontaneous, energetic, for giving, expressive and demanding. When we were being raised there was the inference of critical parent. Ok. Then we always wanted to be open, free, spontaneous there is sometimes the critical parenting. So, there is one part in us which is spontaneous, fun loving which wants to have great time, which are just wants to let go and enjoy every moment. Okay. Now since the Society cannot continue to run smoothly if all of us all the time have great fun even as a adults, there were surely an authority figure who try to come this. And they will say you have to do something or you don't have to do something. So then you are exposed to too much of

critical parent your natural child with start learning to adopt the authority figure. Now, how do I deal with the authority? Tell me. What the different choices are us to be with authority. How to deal with those people who are authoritarian? Too much of authority is coming in my way. I become anxious and I choose that there are only two ways either to comply or become obedient. So adopted child is some way is comply or can rebel. Is it not? And as I said this, then I discuss kindly see it keeps on applying to your personal life, the kind of person you are. I am sure if you analyses there are times when you are adapted child. Most of the time you are extremely compliance. Also there are time when we rebel. There is time when we can raise our voice. Rebellious OK. The third child ego state is called little professor. This is the inquisitive part or curios part, innovative part, creative part. So in child ego state it is happening. So, they call it little professor. Okay.

So, if I have to summarize what we have discussed so far; all of us have broadly 3 ego states. There is parent in me, part of that parent is supportive parent, loving parent, caring parent. Part of the parent in me is also controlling parent, critical parent, directing parent, judging people. So we all have NP in us. We all have a CP in us. We all have ability to think. This ego is called adult ego state. We all have a child in us. The child manifest itself as a natural child (NC), who is spontaneous, open side of the personality. The fun loving side. We all go out, we went for picnic, when we all are joking, when we are spending the good time that is the natural child in me. We all have inquisitive quality in us which is being creative. This is the way the life has taught. Our ability to absorb, control. And this is the way the life is felt. All right. So in an nut shell when we look at relationships, my relationship with my P, my C my A with another person who has his A, P and C.

Now, as we look at adult ego state. Does it have any advantages? Adult is a thinking part of the personality. What are the some benefit of operating from adult ego state? At work place we have to most of the time apply the logic, our understanding, our knowledge, I grip over the constitution, the rules. There are times where adults are very useful. Sometime adult is out of place. There is a colleague who has lost his dear person. And may be a dear family member comes to me and he or she is very upset and probably the collogue is looking for some comfort and I use my adult to say the thinking part, that everyone dies and sometime you will die and I will also die. So In a sense I am speaking

a truth but that truth is out of place. So adult ego is useful but at times it is outdated. Likewise child ego state. Do you think natural child is a good ego state for us to have or not. What do you say? Natural child is innocent, spontaneous, playful, fun loving. Do you think it is good? Yes or No. Or no opinion. I think the present scenario requires more natural child. Okay. Little professor is useful for us or not? Ya, adapted child is useful ya.. Okay useful. So I will leave at that. I just want you to think about out of all these ego states which you think is your most dominant ego state. Can you just reflect on the kind of person who are? Are you most of the time operating from your CP or NP or A or from NC or from LP or PC. Is it possible for you to think about and reflect? And you have to field a questionnaire, exploring your personality. Can you take that out? Everybody please. And now in that questionnaire can you first write down one of these letters which one is your dominant ego state. That most of the time you are operating on CP or NP or A just one. Most of the time this is mine dominant ego state out of these six which is the one you are most of the time. Just scribble that before scoring. So, now everyone has done. Now, I will give you help in scoring your responses. Please pass on extra copies. After everyone receive this. I will tell you how to score. Evaluation of exploring of your personality exercise has done and through scoring they came to know their present dominant ego state. Please see the questionnaire. You have placed a tick mark. Ok. Can you look at the top of the column a number given there? Ya. What could be that number be? It could be 0,1,2,3 or 4. Ok. Just pick up that number and in the scoring key there is a box somewhere. In that box just enter the number. If you have any difficulty please ask. I will be happy to help. You have to enter the number. Ok is any one needs help. Once you start filling it will be easy for you to do. Just enter your number in the appropriate box. It is very simple. Is it clear? Ok. Just for each column can you count the number add them up and right at the bottom. Has everyone total the number in the column and are you liking the picture that is in front of you. Ha. Ha. That is the question. This is the picture you have drawn and this is yours own self. Can I rub it off? This is yours. Can I clean the board please? Okay. Now, if I have to draw a bar chart on my own ego states, it would look something like this. Would you like to draw them based on the relative strength? It is for your own clarity. Can you tell me what kind of desirable kind of picture? Something which is more or less balance. I am what I am saying is this if the ego states are balance

then I am a more effective in handling my relationships at home, at work and at variety of situations. Does it make sense? You have any questions about what we have discussed so far. I want to ask you a question we have a limited time. If you have to draw some kind of the bar graph of which of your ego state is more and which ego state is less on your own score. Does it represent the person that you are? Is it true in your case? Are there any questions about this to say. Ok. Alright. I just want to say all of you that life is a more complex than this 36 statements. Is it not? Even a child can say so. So, don't take it literally. Ok and after all it is a questionnaire. It covers some situations. Only 36. However, this questionnaire is broadly indicative that a person I am with regard to the relationship. If I am being honest in filling it up. And if I have not deliberately deceive, why I will deceive for my own good. Secondly, I have broadly understood the statement. It is also possible that I have misunderstood the statement. So it may naturally lead to a wrong result. Barring this I would suggest what result you are getting to my knowledge it is broadly indicative about the person you are. Ya. Generally what you say, if that is so then are there is concern that you may have and I am not saying that you may talk about your scores. They are private scores, they are meant for you to think about. But I am saying at general level would you have any questions? What should be the balance? OK. That is a very good question. And I would like your attention. We you each person faces unique challenges in life. Is it not? Your like is different from my life. My situation, my difficulties, and my advantages that are totally different from yours. A good theory is a theory which covers broad aspects what each one of us is like. So, broadly what should be the desirable kind of balance that will be the question? Before I answer that I would like to draw your attention to two comparisons and just see how they make sense. And as I lead you to comparison just see that comparison also make sense. I am saying if I would Giving the extent of the critical parent I am, am I also balancing it with nurturing parent ego state. Ya. And that the question. I am not answering that. Each one has to answer that question. And I would think this will reach to self-searching or soul searching. If my CP is very low and my NP is very high. Tell me are there is some imbalance. Yes there are. I am sure. Just tell me the direction. So that we can discuss. OK NP is more and CP is less. So first I am taking example of CP something like this...this indicate that compare to my NP desired to give freindshipness, support and so on my ability to advice, dictate, correct,

this, this is very little. And it is in quite few cases and quite evident. Is it or not. If that is then you tell me the meaning of that. If that is off me then what kind of person am I and what are the advantages and disadvantages. Quickly. Suppose my CP is very low and NP is very high then what happens to me in my relationships .I could be more compromising. How caring I am, how I am worried about the other person, How listening, how supportive, how protective, how affectionate, how counselling, appreciative all that bla . bla, bla. If I don't have the ability to put in match in firmness whenever it is required. Does it make sense? I would like you to reflect on that. Just this situation which I am now saying CP is much lower compared to NP. And we are not going by numbers. But suppose NP is much higher. I more caring person. I can give easily but I have to think what I am giving. Is it I am money I am giving something which he or she does not require? I may pat myself that I am of very loving mother, very protective grandmother, over protective. Is it good for the growth of the child if I am over protective? You are the best person to judge. So in all cases I have seen quite a few present here which compare to CP, NP is much higher. I would suggest ha. Ha. I see some of you laughing. I would suggest you, you are best judges, you were judging your own relationships. And it is all of us to know the situation in which we are. You know to learn your foot down. It may be difficult initially, it is not impossible. Good relationship does not mean giving up blindly that indicates weakness. That indicates in ability to convey to another person. You know for preserving the integrity of the relationship that is necessary. I can be taken for granted soil and I don't want as a professional, as a family member, I am a self-respecting person. I'm talking about that I am not being a true human being if I don't speak my mind then I think I ought to. Okay. I am not being a true professional if I don't raise my voice in situation where I think I ought to. Softness is required, surely it is very good thing. But not all the time. Shall be moved on. Okay. Are there some example or there are other ways also. Are there some example where CP is high and NP is low? There are. Yes in this group okay. Can you think of consequences of those? Can someone tell me? I have the ability to advise, dictate, don'ts, correct, control you, do this, do that and get back to me. I enjoy by dictating others which is at that time requires. It is not balanced by my ability, to provide friendship, care that I am being harsh. So what happens to my relationships? Bonding will be very less, the trust would be less, and communication would not be there. If the only thing I

can do is shout, if only the thing that I can do is to give orders. You know I am autocratic and not listening at all. So there could be no communication. Right. There will be avoidance. The other person with not even share his or her problem. Ya. So is it ok for me to suggest you to examine the possibility to trying to maintain the balance wherever possible and you are your own judge. So, I want to bring you to some desire equilibrium. Now, and other thing I want to raise, I draw your attention to this is that I am also looking in the clock. Telling me how adult ego state is useful? And that means thinking lot of. The part which is devoted to serious work at the Court or addressing problem in the family. Is that good ego state or not? The thinking part. It is good. I am recommending adult should be balanced by natural child. Does that make sense to you? Or does it seen out of place? It make sense. I am saying emphatically that of an adult ego state needs to be matched of ability to enjoy. And when A and NC are balanced we are having a good time. In the office or in the Court whether there is a play card saying don't smile. Are people along to crack jokes sometime? No they are not allowed. Sorry I am not saying in court. I am saying in office, ok , Ok So Mr. Dilvar Singh is saying, if he is very generous you can smile two inches allowed. Ha ha. But anyway I leave it to your judgment. I just want to say our life's are incomplete if you do not enjoy if want we are doing. How about having the sense of enjoyment the work you are doing. When A is matched with NC I am also loving the work like a child. I enjoy the sense of enjoyment and wellbeing. I have such a great day to day. Look at the work that I accomplished. These are different perspectives. And it is a good way to see how serious I am in my life. Also it may demolish and hurt some of us but I may say taking oneself to seriously it is not a very desirable thing. That entire world just depends upon me, bit of it if I have loosen entire system will crack down. There is no such high dependent on ability.. Not for a moment I am saying we compromise professional. What I am saying is can I have a right perspective. And those of us who are having a ability the sense of enjoyment, ability to return to their work recharged. Ok. So its alright to laugh at our self. It's okay to laugh at other people and in the meantime have a good time. Focus on work. You may wish to think. So this is all about relationship that I have depending upon who I am. Likewise you know LP is important. You said which is that desirable ego state. First thing I am saying it is not possible to recommend ideal ego state. Each one has to decide the acceptable kind of balance. 2nd possibility could be just

see whether it may make sense in your contest, I will be harsh yesterday but today I may be calm and I may overlook his work. Maybe today I may do something about like nurturing parent. So, can I quickly consult my adult ego state? Nurturing parent and nurturing child both are required for peace, happiness, harmony not only in relationships but in the family and Society at large. Okay. Last point that I want to make is when they look at relationships given this framework, when two persons are interacting, possibilities are so many. At what level are interacting that is the question? Is that my CP interacting with CP of yours? You say 10 things and I say 10 things and only are on the same plane. So CP and CP there is no problem. Because we are on the same wavelength. Adult and Adult be are engaged in serious work. We have dedicated to the work. It will go on. And child and child. I said this to you say and you said it is a great idea. And then we shake hands and go. That is NC and NC. I want to leave this session with some serious thought to you. Now you understand these transactions. These are very simple. How about the relationships which are. How my CP address to your AC. Ya. When I use CP I want you to respond AC. Someone comes late and I said why you late and then that person I am sorry. I am saying from CP why are you late the other person says I am sorry. So relationship is restored. I have shown you might place, I am the boss and you are subordinate. You have done something wrong which is not accepted and I have said and you have also accepted sorry so issue resolved. If this is the only way I deal my subordinate, it is only CP here and AC there in the long run it becomes exploitative. It becomes oppressive relationship. So, sometimes we can say sit-down friends may need to talk on this. You must be having more ideas. In the same way my questions is to the parents sitting here, Can we relate a lot more to our children on A to A basis not necessarily CP and AC basis. CP is in a position of authority. I control, criticise because that is my authority. I'm senior at my family and work and so on. And that is the only way I can make people lower down. And what I expect from them is sorry Sir. I expect from them adapted child. Obedience.. I am asking is it possible for me to reduce CP transactions. I would not be doing it like now, I will take this challenge along with me. Believe me there is lot of sense of growth between both the parties if transactions at least start moving towards adult, adult. How to do that? Much more than exercise and communication, it has to be taken can I have more respect for the other person; whether

he or she is my subordinate or whether he or she is someone junior to me in the family. Respect, care, concerned and I adult, adult I also have then I take my authority less seriously is the point. Can you experiment doing that? If we do that then we are moving towards the relationships that are long-lasting and which are more honest and open. I have emphasizing this because most of the time it is CP and AC. A to A date is lot of fun in that relationships. Why can't be sit together and learn more openness. And if we do not do that children will leave us behind. You know if we don't catch up with them, if the all the time CP, CP, CP then the children will say goodbye Mummy and papa we will leave your world and we are not interested in your world. And we have no choice. And it can be a lot of fun if we do that a lot more positively with the lot of more affection and respect. And try to understand that there world. Try to understand their language because it any case the moving fast. And we don't move they are going to leave us. Okay. So I have well passed the time. If you have a question? I thought that this may be a good startup to reflect. I am in tea break, tomorrow we will be meeting, so if who have any questions I will be very happy... I am seen CP and NP the balance is good. So I have to close here Thank you. Clapping.

Dr. Amit Mehrotra:- Thank you so much Ma'am for giving insights on understanding relationships and all that ego systems that we are having within our self and then how to understand our self and our relationships and then how to deal with that. At 7 o'clock today at the auditorium we will be showing one short film on Supreme Court of India, It is an half an hour film which is been done by Doordarshan. I request you all to be there in the auditorium 7 PM. So the movie will be followed by the dinner at the auditorium. And now I will request you all to have a tea and then you may visit of the library section.

Can you first fill up the lead questionnaire for tomorrow?

Dr. Amit Mehrotra:- And thank you so much Ma'am., Ma'am will be there tomorrow also in the first session on personality for leadership. So will be beginning of a formal session tomorrow at 10 o'clock. And today evening I will request you all to be there at 7 o'clock in the auditorium. Thank you. So thank you so much even be meeting at 7 o'clock.

Session 5: Personality for Leadership

Prof. Deepti Bhatnagar :- So, I thought I will ask you if there any questions on what we have covered yesterday before we move on to leadership which I will do when everyone assemble. I will repeat my questions do you have any questions about what we discussed yesterday. Let me shared my episode with you, we recently, I just thought I am short of time today I don't want to waste even 1 minute in distributing it. I will come back to the key at the right time, don't worry. As I come to you for question I was just reminded of the episode recently, you know we keep on getting it in IIM Ahmadabad very eminent speaker. Recently we have a very renowned speaker who has addressed some other countries and the came to Ahmedabad. So, I generally ask him what was his experience with Indian Audience. He said Oh very bright. I said and he said very bright but they don't ask questions. And I just thought about it why don't we ask questions and we still have some time so we can able to relate what we have disused yesterday. When I say I am as proud of my great Indian culture. However if we have to look critically some elements of our Indian culture unless we improve we may lack behind and one element which often comes to our India our upbringing, work culture, our family is good it is so seep in Critical parent adapted child transactions. Just thing about it. Because we are so aware of the seniority or our status. Then we ask questions and questions are adult to adult transactions. Often we discourage our children in asking questions. It was said that don't ask many questions. It is a great part of our Indian culture. So, I am saying asking questions need not to be taken challenge to the authority. Asking question could be from the curious and we should have a deep respect for it whether it is subordinate or college. So I think that a misplace conception and to me as we move more adult to adult transaction greater will be understanding from the scenario and greater will be our ability to receive inputs of other people. Greater we will know what are going on the minds of other person. Ya so what is your question?

Participants:- Whether having NP or CP whether I may have a perfect child? I really doubt. Okay. Do have any data, do you have any statistics

Prof. Deepti Bhatnagar :- I am responding on the deep understanding of the issue and not research. So I don't have empirical data. But based on the ego state about adult and

child, we know all of them are required. Just balance between CP and NP. Suppose it is very high and I don't use any other ego state at all or it is very low. I think it will not work. What we discuss that yesterday. Now this I may take for three to four minutes and then if everyone is present then we will move on to the next topic.

Natural child and adaptive child there is lot of difference. So, what that mean.

Prof. Deepti Bhatnagar :- Then question I repeat that if there is a large gap between natural child and adoptive child. Both are parts of my child ego but there are large gap. Now which is greater... Natural child... Okay. So I think the natural child greater means a person has ability to be more spontaneous, to be honest. Because the person has retained him or her when he was growing up right. I don't think that if I may something do wrong my mother will come and slap me. That is natural child. The adaptive child is much less than that. I am not thinking at all about the consequence. I don't care what will happen. And if the gap is too much then it is possible I will not care about the social conventions and norms. All right. If they are more or less balance then I think the things are at order that what we discussed yesterday. I have just highlight two comparison which came to my mind is extreme important and as I discussed yesterday as we come for topic today for leadership. Yesterday we were discussion you in terms of initiator of relationship or receiver of relationship. Today I will like to carry this forward. Is everyone present, can we start we have two minutes left..if everyone is present we can start. Those you are absent please raise your hands..ha, Ha. So can I start.. I am starting two minutes early, I will end up two minutes early. I have a flight to catch...

So, I am starting with leadership. What is leadership? I am not looking at the definition at all. But what is understanding of leadership. No theory, No concepts, No theoretical concepts. But who is the leader not very general but a leader is different from administrator. Who is a leader? Of course there is a person of who leads but can we enrich he or she leads. Okay. The ability is to set goals. Okay. To draw others. To motivate people and with responsibility. Great points for us to get start. You want me to write it down. A leader is to give directions. If I say I want to write it you will say no because I've seen how good my handwriting is. So, Ha, ha, rather than writing I will repeat myself. Okay leadership is responsibly, supervise the sense of direction, is a goal that we give to

others. Ya. The ability is to take care. My God, My God Ha,ha Leader is a person jo pach se das ka kam le sake. Ha, ha, ha, ha..Total endorsement through silence and appreciation. People are still becoming what you said. So leadership, I put these together.

Let me begin with leadership what leadership is not. Let us see if there is any disagreement then feel free to tell so that we can discuss forward. I will say that leadership is not rank, the designation or position. I was holding this position I get promoted today so that is not leadership. Leadership is not privilege that comes with the holding of any position. Leadership is not that because of a position I am entitled to a car.

That one more elevation I become entitled to red button car. One one more elevation I become entitled to guard and so on. Those are privileges or perks or those are requirements for my role. They are not leadership. So leadership is not rank, privileges, perks, leadership even not is money that a person who makes more money, makes hire amount of money is a leader compared to some person. Leadership is not even popularity. If I have a large number of people who are very happy with me that by itself is not leadership. Leadership at the end of the day is actions. Leadership is not big words, leadership is not speeches. Some of us are extremely good in that but it is the part of the tenant. I have to convey my vision. Some of us can articulate that very well. So leadership is an ability to talk to people and to persuade them to influence them. But influenced by popularity is not leadership. Leadership is action, at the end of the day what I am doing. The first word which we have started is that leadership is responsibility. I will cut out all the unnecessary stuff from leadership if you look back 5 years down the line or 10 years down the line you see how well he or she do in terms of responsibility that has given to her or she has taken himself or herself into her. Leadership is the responsibility for what you are saying two kinds of things. People or team. And what else? Are we responsible for something else goals, okay. As I was entering this management wing.. To be also I read the mission, vision and what are the goals of the institution like this in or of the responsibility, the belief which is given. So, when the other doing it we should keep in mind why the other doing it which is in terms of the goals. So in not achieving goal for myself but achieving goal for my team. Right. So, these 2 are anchors of leadership. In any domain it can be law, Management, it can be commerce, it can be defense forces; take any place and take any

level a person who can be a good leader actually has to indicate his preference, goal or let say a task. If a leader is concerned about a task, not so much concerned about the goal, he or she follows a style which we can call autocratic.

You know, I am devoted to goal, I will tell you what is to be done, where is to be done, when it is to be done, how it is to be done. So I will tell and you have to follow. Okay. I have the predominant concern with the work. As against this style of leadership there is a 2nd style which we call people oriented style in which the leader concerned about the team. How you are doing, how can I motivate you, how can I take you a long, anything I can do; so role of the leader is to be remove the blocks for his team member's so that they can flourish or contribute. Okay. This type of leader and style can be called democratic. Right. So essentially be say, when the look in terms of extreme styles can be autocratic and the other extreme is democratic. Democratic summarized as people centric, people focused interested at looking at the suggestion and inputs of the members, being attention to them. The task oriented style can be called autocratic or let call it as directive style that leader gives directions and other has to follow. Does it make sense? Shall we proceed? You can ask question at any time. If you don't ask I will assume that all is well. Ya. I want to say that feel free. If I am proceeding fast feel free. If you want to ask any question or want to add just feel free. Ya. So, these are essentially 2 types of leaderships in terms of two extreme. Most of us are placed somewhere in between. And as I discussed yesterday, you know what I'm discussing is not of the theme out there. It is something which concern each one of you. So what I'm saying whatever the other discussing just keep relating with your work and experience in whatever domain and see that it make sense or does not make sense. All right. So, my appeal to you is don't think as something as intellectual or exploration. It is the exploration within me, even my experiences. So, is it making sense or not. And that is the touchstone for us. So now do you agree that most of the people style, the way you know can be placed somewhere between to much of task orientation or to much of people orientation, much liberal to the people and less the task. Predominantly your experience as a leader, I'm not talking about political leadership, it is leadership of an organizations. We do you think on that side they should be placed. Towards the task orientation or towards. Have you come across some leaders who are more people oriented, you know more of nurturing parent

type; what we have discussed yesterday. Soft aspect, not so much critical, giving for the people, finding difficult to put there foot down and so on. Democratic pay a lot of attention to people. An democracy I will not debate, it is political he understood, but Democratic means a type of leader where the leader of the lot of attention to people in the organization. It means I am more on you than decide of the work. Okay. Any question? Ya.. People oriented leader's goal take the 2nd seat, backseat ultimate objective is to keep my team happy. For those leaders, I'm not advocating this or that. I think these are varieties of self. Likewise task orientation, you know task orientation at the cost of the people is not very good style, but there are so many of us will follow that. The work, work, work, how much we are doing, how much time has been passed and so on, I don't care what is happening, the all are overworking so somehow focus on work. Ya... So if I've to ask you then you are placed on this work.. Can you tell me, then I can place you, you think you are here, or here, or here. If this is mid-point and each one of you can speak only for yourself.. Your name please... MR R.S, you are here..Itna kafi ka ohk left, Ya, anyone else, your name please, shall I put S...OK, your name..OK, let me say that more they are moving towards autocratic. I just want to say, that more we are here, of course with the pressure that we are bearing. But this indicate that more we away from our team. Is it not? Ya. And more we are doing that of course, we are more dedicated towards the goals of the organization. But it is also understood that I have to take care of my team without form I cannot achieve the goals. Right. Ya. All right. Are there any non-S.. Your name CM.. Okay.. Okay.. What's your name? Give me initials.. Okay. So, RK here, here or here. Okay..ha ha. So if I say if I really push you hard you will say that I am not very comfortable..

Participant: - It will fluctuate...

Prof. Deepti Bhatnagar: - Okay. So it is Monday I am here, if it is Tuesday here, Wednesday here... Ha ha. In the morning I'm here, afternoon I say I have to be here, ya. Ya..ha.ha. But this is the valid point. How as a leader I can are you for the goals and the task or argue for the team. There started by saying that leader is responsible for taking care of both. I have given a team and without team I cannot achieve, so I have these in due that people. I have to take the people but not in the cost of goal. I would make and

draw another way let me see whether that makes sense. This X- axis represent leader concern for task. This P axis represent a leader concern for his or her team or people. This is Y axis.. This point means that leader whose concern for his or her team is low. The leader concern for the work is also low. It is here. How do you define this point for me. This is high. Ya. High task and low P. Excellent. Okay. Let me put in this way if this is high task and low people this point will be this is high P and High T, Right. A leader has high concern for the work as well as high concern for team. This point is high P and low T. Okay. And this point is low P and low T. Right. Let us call this for a discussion. Style one, Style 2, Style 3, and leadership Style 4.

Style one the leader who is using a great deal of concern for the work to be done and the concern for the team is secondary. Typically speaking it is backseat.

Style two leader of the time in his or her mind very high concern for the team, how is that the working, what are we doing, tracking everything very closely and who is doing what is also my concern, are you okay, anything I can do for you.

Type III is the leader does not show does not concern much for task but have great concern for the people the way it is depicted here. Want to consult the team, and take suggestion, you know that we are in the right track. Anything can I do perform better. Anything that we can do to the other and so. So, that is style III.

And style IV is low team and low task orientation.

Let call style one as directive style. Directing.

Style 2 to gain because coaching.

Type III can be supportive or participative.

Out of these styles which style you believe to be the best style. Second.. Why? Ya sure.. So team is very important. And whatever to be achieve the number of cases, we are doing justice to them with all integrity...Ya.. And the team which is helping you. So style two is the best. According to everyone..OK. So, suggest the name for style four.. Okay. Not name of individual, name of style. So, it's not a style.

What does this style represent? How you would describe this style. A person who is neither showing concern for task nor for team. Self-centred, dead wood, lazy, okay.. Ha. Ha.. Okay. All right. So these are the types. I would suggest another name for this type which you have described in such a colourful way. Please pay attention. I've a write so that everyone can read. Delegative. Is it seems to make sense. Don't like. No delegation here. But it seems to be a better disturbing. Nor, yes. This is fine. So we described it as the delegation. If you don't we will keep it in abeyance. Okay you would like ineffective. Ya. The other not discussing delegation rights now. Now, look at the styles. We aren't believing that style 2 is the best style. Ya. You know yesterday the vendor talking about relationships. They we're talking about equal states, parent adult child, towards end of the class I have said we are understanding our self and if we want to understand relationships we have to understand other party also. Is it not? We want to understand the leadership you know there are some relationship if you don't understand the other side you can't pass judgement on one side. You know better than any other person knows. For example, if I say a mother there has to be a child for me to understand how good that mother is? I have to understand the other party. If I say a sister there has to be another sibling for me to understand how to assess, how to look at, how the sisters doing. Likewise when we talk about leadership of understanding of effectiveness will be incomplete unless we look at who the leader is leading. I do with me. So I'm saying for understanding leadership we have to look at the other side. What I'm proposing is we cannot understand or he cannot say that this is the best style unless we know home we are actually leading. Ya. Then only you can pass judgement that I am effective or lazy, self-centred, dedicating and so on. So I would present to you of framework looking at leadership styles in relation to who I am leading as a leader. Right. Suppose this line represents maturity, whatever be described of your team members. So suppose this point represent low maturity of team members according to me. Then this end of the represent the members who are highly matured. I want to suggest to you, it is useful for us to look at appropriate style in terms of relating it to who I am leading. For team members who are low in maturity I would like to suggest a style which is style one directing or building style. I have to tell you what is to be done and after finishing you come back and I would direct you next thing and so on.

For the members who are not much in immature and a little better than that the style which is appropriate a style 2 that I will tell you what is to be done because you are not very mature. So for work I would direct you but I will also be a attention to how I am feeling, how can I coach you, how can I support you. You have any idea. So I don't so start looking at inputs that you can give me.

For team members who are still better in maturity style that is appropriate is style 3. Does it make sense? That is the leader you are so mature that I need not to tell you, time is important, quality is important, hard work and preparation is important for this task. Integrity you know is impeachable. You know that. High maturity means you note that this work has to be done. You know it, I don't even have to tell you what it is? My role as a leader is to look at things you want me to do. Can I listen to you, Can I participate, can I be democratic, and can I get any suggestion that who have. Do you think that some way I can help you? Are there are some members who are very dominating? I pay more attention to you? No need for me to pay attention to the work. And indicate task orientation. Does it make sense? Are you with me? And please keep your team members in mind while choosing the leadership style. Not all 5 fingers are same in size. Some of the bigger, some are smaller, what I want to proposes different people need to be treated differently.

And team members who in your eyes are totally mature. They know how the work is to be done. They know how to take care if there are interpersonal problems. If there are conflicts. They don't need any help from you. The style that is appropriate is style four which I continue to call delegation. Ya. Think about it. Does it make sense? And this is the way it should come. Ya. Once again it forms of curve.

If a person is immature I will tell what is to be done. For people who are slightly less immature, I will tell but I will also listen. For those people in my team who are still better. I don't have to do anything. Listening and talking and enabling them. I will remove the blocks. I will be supportive. And the team member as per my judgement are extremely and totally mature; my role is as a leader to meet the resources available and stepped out of the wing. I will give them the task, these are the boundaries, these are the deadlines, and this is the expectation you have to 3 or 4 weeks whatever. After that the

best approach of the leader is to step out of the way. Take it, get go in and get lost. This is my contact number, just free to approach me whenever you stuck. But I trust that you can do this task better than me. Just get ahead. No need for me even to step in and remove the blocks, I know you can do that. Absolutely no need to monitor the task. Monitoring means insulting the maturity. They deserve from you better than that. Because in your own eyes they are mature. And when I say I trust you could do this I have complete trust. And there has to be an acceptance, you understand the job, I know that you can do it well; so I have selected you and not your friend. And just get go in. Disappear. So does it make sense? Ya. Absolutely.. This is the essence of this presentation, it is my responsibility to ensure that most of the members move from here to there but it is my prerogative I will decide what task will be referred to you, what task give to you and to you. This is my assessment, nobody can else do.. Okay.. Then we can have acquisition of being partial if we do not talk. Suppose then I can locate this task May members are quite aware, I also tell the team that I have selected you on the base of your performance. Also I tell others that look at the data because he or she is doing well. I think he or she can do that. I think at my assessment you are at this level of maturity so I'm treating you this way. Show to me that you deserve better treatment and the problem arises when we are ourselves are partial. If in the one part the resolve this issue, if in our behaviour we are consistent then there cannot be any acquisition of favouritism. So I think it is other own weakness I'm done with our heart we have not resolved so we cannot communicate it effectively or we don't have the data to prove. I'm sure people by and large are understanding type. People who are senior people are mature people. Ya. So it is the responsibility of the leader is to establish this relationships over time. And to convince people that those who are deserving of getting more and we're not talking of money or we are not talking about any favours. Those who are deserving of superior tasks they can get that from me provided they prove to me. Does it seem workable? Ya..ya.. Sure, suppose there are 2 to 3 stenographers. At each level if they had are more than one persons then the way you treated them. It should not be personal differentiation based on my liking. Not at all. It has to be based on evident indicators of performance. That is what I propose to you. And I think we are talking about responsibility, this is the responsibility of a leader to keep on ensuring that his or her treatment, the way, this style he or she

uses is consonance with the style he or she deserve. Ya. There can be emotional maturity, maturity of the task which someone else can do better, someone not so better, somebody heart is in work, somebody heart is not in work. Okay. It is my responsibility to keep on assessing them. In any case it is Superior leader's responsibility not everyday basis, but I have some idea and based on that assessment the question is how to handle them. Okay. So, at the end of it all what I want to suggest is leadership is not being fixated in this role or that role. Leadership is the adaptable utility, the flexibility to use nurturing parent now and in the afternoon the same person I can use critical parent. Tomorrow I can use natural child. We can have fun, afternoon we can adults, we can have very serious conversation about how things are doing, how we want to proceed ahead and so on. Leadership in that way of flexibility for me to move from one style to and another style depending upon how the other person is shaping up. Does it make sense? This is greater responsibility.

Ya.. You had filed this questionnaire. Before we come to the question there that we have filled up; I like you to have a realistic assessment which of these style is your dominant style. Whether it is style one, 2 or 3 or 4. Ya. I suggest you could write it down. Just number. Number is a type of code for you. And it is for you. So most of the time I think I use style 1 or most of the time I think I use style 2, 3 or 4. Just write which applies to you most.. You can write it down on the scoring key and we can come to know to the scoring key quickly. You have the schooling key that you. That table in which we have distributed to you today. Okay. All right. Please take out the lead questionnaire quickly which we have filled. Ya. In the scoring key we are looking at page 5 just now. At page 5 look at your questionnaire for statement one you have selected one of the 4 options. A or B or C or D. In lead questionnaire. I would like to look at statement one. Whatever choice you have made at page 5 just circle that. Those were filled it up if they have any difficulty just raise your hands. Those who have not done sorry. And write down at the bottom the number of circles. Ya. The total of circle. No that is not Lead questionnaire and please. From page 5 can you write total number of circles or number of tick, marks at the bottom at page 5. Okay. Absolutely, great. Just write number of circles at the bottom. Is anybody who needs help in scoring? Yes I will come to you... Now the move to page 6. Okay. Very simple. Anybody needs help in scoring. Now page 6 same sheet. Do the same thing

again. Don't worry about plus or minus. You have to do the same thing again. Just look at the choice that you have made for your statement one. Start doing if there is any difficulty I will come to you. Simple. While counting please take plus and minus into your account. Add plus and deduct minus and arrive at the total. Oh..Ya..Absolutely. So are you ready with your scores. Okay. Done. Page 6 arrive at a net number, it can be positive, it can be negative, everyone ready. Please write overall total on page 6. You are ready all right. Okay. Can we proceed? Don't worry.. Ya. Arrive at the grand total at page 6. So I think we have to move on. If anyone still doing can do later. Can I have your attention now? Subtotal has to be added up at page 6 and on page 5.

Now if we look at page 5 of scoring key are you happy with the picture you are getting. This is the picture of leadership style for yourself, giving your leadership personality that who have drawn. Okay. You know how to interpret it. Column one is style directing, column two is the style of coaching, column 3 is style which we call supportive or participative style. Column 4 is delegating. I have also asked you to pick one of these styles. Does it tally with what you have done know. If it yes, then it is the affirmation that this is of good instrument. That even other group like yours has passed and endorsed it. In your mighty judgement is of good instrument to be used. Ya. Having said that what picture does it show about yourself. Which is the style which is the dominating style. Style 2, okay some of you have style one and some of you have style 2. Let me ask, please raise your hand those who have style 1.Okay. About 5 to 6 of you. How many of you have style 2 as a dominant style in this group. More than the earlier style. How many of you who have style 3 as your dominant style. Okay. So you noticed that the other fewer people for style 3. Now I am not seen your school for style four it is delegating. But my guess is your score for delegating be either zero or one. Ha ha.. Maximum 2. Okay.. If it is 3 or more then you might have made a mistake in calculation. This is my prediction..haha. Okay 4. So you have filed it up and you know yourself best. This indicate, one is not saying that this is a right or wrong. This shows you the style which you use more often. All right. Fine. Now, we come to page 6. The first one shows which style you want using. Asli bat to hae hai you the crux of the discussion is whatever style I use, do I use it appropriately for teams members. Am I using participation, more concern about them, and my team members do not know the job at all in my judgement they are low in maturity,

do I monitor them, do I directed them, do I closely provide supervision to them. If your flexibility is very well matched, if you're adaptability with the right kind of person, right kind of style is best possible then what do you think will be the maximum possible score for this. There are 12 items and maximum that you can get credit is +2. All right. So if there is a perfect match of 10 then your score would be plus 24. I am on page 6. All right. I am just talking about the adaptability. Okay. This is the determining style adaptability which means as a leader do I have it in me that people who are low maturity quickly I become more directive, for someone who is high in maturity, I started releasing control, for someone who is actually mature I just give the task and get out of his or her way. Can I use this flexibility or I am fixated in a style which is my favourite style. That is the point. If I use this flexibility and adaptability appropriately ideally my score should be plus 24. If I use my leadership style most in appropriately my score should be -24. You know the person who needs delegation I used direction. For someone who needs to be directed I used delegation. I mean it is perfect mismatch. If I use that then my scored will be very poor which will be -24. Now, wherever you're scored is placed between this ranges you can interpret yourself. Can't you? So, I am saying close your score is to +24 more it indicates your maturity as a leader to treat different people differently. I started by saying different strokes for different folks. Okay. Those people who have greater capability they will deserve another side for me. Okay. For those people who are right now low in maturity I cannot get them let a way, you know I have to monitor them closely. I have too directed them closely. That is the essence of leadership at one level. All right. If there are some of you who scored is towards negative. I mean it is also possible. I will say let not disheartened you just see how far it is from -24. So you are okay and if you want you can improve more towards this by deciding flexibility. Having discussed this I want to ask you whose responsibilities to ensure that the member move from this maturity to this maturity and to this maturity. Leaders. So I cannot really say leave the responsibility totally on them first. 2nd is that is my commitment that you and I have worked in the same office for last 5 years, if in my judgement what you are 5 years ago, so these you have remain frozen and so the I have also remain frozen as your leader. We started by saying that leadership is a responsibility. Part of leadership responsibility is ensuring the growth of team members from wherever they are placed to wherever they can move. Okay. I am

not saying that from here one can move to this level. But with my support there has to be some movement and that is the challenge of leadership. That is the joy of leadership. That is the romance of leadership. That is the award of leadership. Just think about it. With my help are people moving and I am not talking about promotion. I am talking about the growth. There might be in dance working with me. How are they doing working with me. So, as a leader it is also my responsibility to create avenues for peoples, the development growth in terms of maturity. Okay.

We have discussed to different leadership styles. Task oriented and people oriented. Very quickly let us devote time. Quickly can I have your attention on the screen? To whom the leader communicate, expectations.. You know when the other saying that I leadership the task oriented the are saying as a leader I have to attend the people what they need to do, they have to follow this procedure, I have too assigned task, should you work to be done and I have to decide for them what is to be done and how it is to be done. Okay. The people oriented leadership, it put to me as a leader, I am friendly, approachable. I shall concern about personal welfare, I do small thing to show concern, I consult them, I explain my actions and I try to understand people. You know that would be people oriented style in the approach that we have used. All right. Now the most important variable in this discussion is maturity of members. Is it not? Because we are saying in the final assessment my style should be in my assessment how they are mature. And what do you mean by maturity? Just see, whether it make sense and by assessing keep in mind your team members. We are saying those people who are high maturity with regard to task they are problems solvers, they take initiatives, they are hard workers, they set high standards. Doesn't make sense? With regard to low maturity the other people then I say this need to be done, they will say, Sir there are three problems while it cannot be done. Problem one, problem 2, problem 3. It is okay for the people to find out problems, they would also be calling for some possible solutions. Problem one we can do this and so on. But they are me mainly problem finders. They lacked initiatives. So with regard to responsibility those who have high maturity they work you are away. The work is getting carried out. They are either to take new possibilities, new explorations and so on. Those who are low in maturity they work then only directed. They would say App ne to bola nahi tha. I will do what you will tell me to do. I will do exactly what you will tell me to do and

only what you tell me to do. I will follow whatever to work you give to me. I will not think of my own. Those are low maturity team members. They are complacent with mediocrity. They buckle when they are directed. And the last point I want to make is in terms of the relevant preparation, people who are extremely mature with regard to work they are trained and experienced. You know, they aren't being there for a long time. Same department 5 years, 7 years. They know their work. So I don't even have to tell them. Actually, as I was saying it is embarrassing for them if I say App isko kerke ye kareya uske bad ke kareya. In fact they are over guide. Koi naya aya tum isko sekhaao kease karana hai because I can depend on you. You are so trustworthy. That is maturity. Those who are low in maturity they are poorly equipped. Okay.. in terms of the task that is to be done. I am not saying that it is their fault. Maybe they are doing for the first time. But so long as they are poorly equipped to do the task they need handholding. They need direction, whatever that we have discussed. And when they move in a little bit of maturity from here to here, we have to change of style based on that. And the last point I have added was overall person in my assessment has to be high in integrity and high in emotional intelligence. And if he or she meets this criteria in terms of maturity, may need to delegate more and more work to them. That is the last message I want to give to you all.. The task or responsibility of the leader is to keep on assessing people where they are with my help can move to the higher level of performance. That is what for I am there for and for the people who are actually ready to take their task there is no need for me to do with my judgement to do that. Okay. So with this. Are there any questions? No. All right. So, thank you very much.

Dr. Amit Mehrotra:- Thank you mam..Clapping.. Thank you so much mam for giving such an insights and getting us to know that which leaderships styles that we are possessing and how we have to possess it in what type of situations. Now we will be having a tea break and after that there will be two sessions one is on time Management and others on communication techniques which will be taken by Prof Swatantrata. So we wouldn't be just having a tea break and I will request you all to reassemble here at 1130. Thank you so much. As far representation is concerned I will be uploading it on the NJA website. So any of you can download that presentation from the NJA website and if

anybody wants on a pen drive can give it to me, I can give you right now. So it is both ways. Thank you.

Session 6: Time Management

Dr. Amit Mehrotra: - We still have 7 minutes left to start with the session. In the meanwhile I will request all the Honorable judges and delegates sitting of the dyes to kindly hand over the pre-response Performa which we have requested you to send. And those who have not given there inputs kindly give the inputs so that we can analyst it and we can put to that in our forthcoming newsletter. Maybe you may give me today or tomorrow. Please give your input so that we can study and make report on your comments which we will be putting in our forthcoming newsletter. The Honorable judges will want to give it tomorrow can give tomorrow morning, not a problem. So with the permission of the resource person and the dignitary sitting shall we start with the session? We have been left with 2 minutes but shall be start with the session because I believe that everybody is here. What Prof Deepti Bhatnagar mam said that those who are absent can raise the hands. Ha..ha. I think so everybody is here so we can start. Okay. So, very good morning once again in the 2nd session of the time Management. And I think that after getting so much of introspection of our self, understanding self, understanding other, what leadership style we should have, how we should adopt our self to understand the relationship and to understand the conflicts which is one very important part to adjudicate also. After doing that now the other covering with this session of time Management. And of course we note that we have everything except time in our life and how we manage that time. A person who is able to manage the time effectively is the superstar of his life. So, as per the Honorable judges we know that how much pressure is building up the regarding disposal rates, regarding everything A to Z. You might be a better judge on that. So with this regard how to manage your time in your life, what are the time Management aspects we have with does Prof Swatantra ma'am. Ma'am welcome to this National judicial Academy and she would be taking 2 sessions one is on time Management and other is communication techniques which is again a very important aspect in our life which we cannot actually ignore with this techniques. So, I will be requesting now Prof Swatantra ma'am to please take over the session.

Prof. Swatantra:- Thanks a lot. Good morning everybody. Hope you all are fine and enjoined your stay at Bhopal. That's a pleasure to know because if you are in your comfort zone, learning cause even faster. We will try, actually I am nobody to teach anything, they would try to exchange our experiences with each other and I would also like to be enriched by your experiences. So, the very first question I have is how comfortable you are with your schedule right now. Not right now in your conference but in your life in general. What do you say? Do you get time for leisure activity? Do you get time for your families? Sorry, a big No. So have you ever being attention to this wife? Why does it happen? Can we do something or nothing can be done in that regard. Okay. So now I can understand where I am. So, we would work together to see that lot can be done together in that regard. So, to make it more personalize and more relevant to your routine experiences I would like you to spend 5 minutes in jotting down your working on a typical working day. The moment you get up till the moment you go back to your bed. Right. So you can divide it into different activities. I'm not going to observe that. That is to be judged by you that is to be mentioned by you that is to be put into different categories by you only. On a typical working day, we all are Rabbits. We work in a set pattern, we get up with an alarm clock and then we go to bed at a given time only. Right. I were should you may go a little bit here than there otherwise generally these days we see what happen the all are dealing robotic life. And very dry life. So, just spent 5 minutes time in jotting down your schedule right from the moment you get up to the moment you go back to the bed. Right. So it is your time. Please let me know if you need any help. I think my point is clear or I need to clarify it. Like you to write it 6 AM I get up, at 630 I finish my exercise on my routine work, in that way and then half an hour with cup of tea and newspaper. Thereafter getting ready for office, whatever the typical schedule is; just jot it down in a broader way. We will be using it at the later stage of discussion. This is your schedule, your time and you are managing in the way you like. This is not for anybody else analyzes. I think nobody else can analyze anything for you.

Are be done with it? This is your time, your note, your understanding. This will remain with you only. Maybe jotting down the notes for the judgment, preparing for the things and crosschecking various other judgments, evaluating data whatever the things are available, whichever way you can breakdown it is your way. Fine. Thank you madam.

Okay clear. So, now I think a day is there that you, a typical day. Right. So if I ask you how much time do have in life in attaining your goals what you will say? We really do not know. Right. So, second important thing to be remember is that don't be fall by the calendar. There are only as many days in the year as you make use off. One man gets only a week value out of that year and another man gets a full year's value out of the week. Finally how we are able to attain our goals. That is require through proper time Management. Right. We all say we have possibility of time, the other not able to devote time in leisure activities or we don't have time for personal work or something. So shall be moved ahead. Fine. So, if we are unable to attain our goal's or that's the case is for everybody. If there is somebody around us who is able to manage time, who is still able to give time to the family or the leisure activities may be we need to think about other work style and other things as well. The important thing this time is a limited commodity and we all have got that particular hours in our life. Or whatever is decided in that day of 24 hours only. So, by time Management in a way we need to manage our self and we actually cannot manage time. We can manage ourselves, we can manage others and we can manage the work around us. So in our way time cannot be managed and why should we think of managing time at all? What is the purpose in managing time? What are we going to attain in proper time Management? Ya.. They will save time and thereafter.. And we can invest at that time in some other interesting activities. What else? Ya. Spending time in a meaningful manner and we definitely get to realize that we are the master of our own destiny. If they get to spend time in our own manner basically it would reduce our stress. The idea that the feel that nothing is happening, I do not know we're of the time goes, I do not know I am not able to achieve the case many things. So that stress and frustration can be reduced. We can improve our performance. We have more time for our self. It gives a sense of achievement and definitely it helps being the master of ours own life. We don't feel that we are the passive passenger in the lane of life. I think that I am the driver, I can decide to which side I go and which directions I think. So what are the obstacles in effective time management? What do you say? There does the time go? What are the problems in proper time Management? Improper planning, what you mean by that? Why the planning remains improper? Sorry. Laziness, maybe I keep thinking about it, maybe somebody else would do it on my behalf, with the passage that things will get better

automatically, so proper planning is required to manage time better. What else? What are the other obstacles? We need to prioritize our work. What else? Time is wasted in travelling. Okay, very good. We actually don't know that whether that time can be utilized or not? That is also point. What else? What are the major problem in proper time Management? There are so many spontaneous things to be done. Unavoidable circumstances. You prepared your schedule and there after so many things that actually make it tilted, thereafter we are not so motivated to go according to the schedule as them because that schedule never been adhered by us because so many spontaneous activities that are happening. Okay. Ya. So because of that we cannot go by schedule as well. Because once we prepare the schedule, the schedule does not go as per our decided ways. Maybe one of the major thing is we really do not know to which directions we are going. We are moving as per the pattern. We are moving in the very robotic manner. I set pattern is there and we are moving towards. We do not decide which direction this journey is going to take me. And we think we don't have time for thinking about all those things. The less clear I am on my objectives the more time I keep spending in working on that. It is better to have said goals. It is better to decide the path. It's better to decide that the journey. So, in unclear state of affairs if I move forward it will going to take a lot of time. So, it's better to have clarity at different levels. I need to have what I expect from life. And what I expect from this particular dimensions. How it is related to my routine working? So, the very first thing is that I should be very clear in the goal of my things. Which direction I chose.. 2nd this disorganization. If you ask there is that important document, especially when you are working on a particular case, you'll note that particular people get somewhere in particular file in a very safe manner but now it has been kept in such a safe manner that finding is another task. The keep our precious thing in utmost careful manner but that tragedy of life is that we are not able to trace them at the moment when the need of them. Right. I know I have kept some there in the utmost planned manner, safe manner. But we are unable to get it. So we may be need to think about disorganization as well. I think many of our assistant can help us if we put certain tags and other organization is better that can save a lot of time. Another thing is in the ability to saying No. So, you all are judges and you pass judgments, still the point is in personal relationships or interrelationships are you more concerned about emotions of other

people I really do not know how to say No. How to deny a particular request and the cost of my time and at the cost of my pleasure. Indecisiveness. If I am indecisive, I spent some time on making a decision still its work if a proper decision is taken. But the point is virtually then I do not have time I am not able to say no to the other person. And there is a major reason because of which I am not able to say no; I feel I may lose a benefit, I may lose a relationship, I may lose a favor, I do not know how much importance is given to my own self and how much importance is to be given to the other party. So, in order to accommodate other I may deny my own rights and that also saps a lot of time and energy. Right. So the point is we need to distinguish when to say no and how to say no. Right. Thereafter, you'll have interruptions. Thanks to the technology we have so many phone calls, thanks to whatsapp, thanks to your emails, thanks to the smart phones, concentrating for 15 minutes is a tremendous task today. You try your level best, I mean the point is that we feel that if the mobile rings, the urge to see pata nahi kya important hai.. You all understand Hindi., I mean so curious to see my intention is that there may be something is that I may have got a call from the president and I know my experience tells me that this is going to be our rubbish phone from airtel office or from some other services but still, and more these medias are available more it takes our time and energy. 2nd thing is that after attending a phone call I am not able to concentrate on my work the way I was working. If I am working on the case or working on a report I attend a phone call, the very important phone call as well in other person and may also; my concentration on my work again I need to work on that. And by the time my concentration is built again there will be some phone call or some other interruptions. You can still handle your mobile but the people who interrupt, show shall skills, meeting people, building relationships, socializing everything is important but the thing is that many a times it deviates us from our major schedule as well. We all are human beings, so genuinely many times I don't feel like working. I feel like a passive observer thinking about life, thinking about certain things. If I have a lot of time, there might be someone with whom it might not happen. You are always active all through the time or sometime that period of inactivity comes when I feel like being lazy. It has its own pleasure. I am sitting in sofa for the last 40 minutes thinking about yes I will move now, I would do something. And this time is neither on the leisure side nor on the work side. If you are investing time in your leisure moments and if

you are actually listening to music or you are working on something which give you pleasure that is the still time invested. But thinking about, inertia thing creates a problem and if it takes 40 minutes of your time. It takes 40 minutes my time many a times. Then I realize how who can conduct the session you cannot apply this theory to yourself. So thereafter we can see how we can analyze the of my time goes and what can be done. We call one thing as multitasking. Communication is such a good thing that you can motivate yourself in a negative thing as well. Multitasking is appreciated a lot and thanks to our schedule, we left with no other way other than multitasking. We need to work different work simultaneously. As further recently research the people who continuously involve in multitasking their productivity level goes down. There is another research as well that indicates that if you are working simultaneously on a laptop and on TV in a way gradually your memory is to go down. Now you need to understand whether you are going for a multitasking thing or you are going to pay whole attention on one task and finish it off at one go. But thanks to our schedule the not only work on laptop and it TV simultaneously in between we listen to music and in between the pay attention to many other things as well. So, 2 things at a go is a compulsory thing right now. The concentrate on 3 and we are motivated to go on the 4th one as well. Multitasking as for the recent research is creating a lot of problem at the productivity level as well as with the health problems. We need to think about that. Stress and fatigue. My schedule does not allow me to take rest. In that particular situation I continue hence it takes lot more time. Right. So, this vicious cycle is continued. Because of my schedule I am stressed because I am working in our stress manner. My schedule is other being eschewed. I do not know how to invest more time. All work and no play. We investing the whole time in the work only and this is making us more like robots and our individuality and pleasure goes away. Then we have poorly run meetings. Meetings also take lot of time and energy particularly when agenda is not so clear, the deviate from the major talks and if the discussions takes the U turn and then coming back to the point also takes the lot of time and energy. And procrastination as had been mentioned earlier. Right. We keep thinking about it, we keep making our targets but the movement the plan to hit it is never done in time and touched upon by us. Right. So what can we do? These are all problems, these are all the obstacles better known to all of us. The only thing that I have done is that I have tried to point it out

with the help of certain examples. If I ask you; you know that these are all the problems. So there is the path forward. The point to be remembered is that all of these obstacles may not be working for me; hence I may need not to work on everything on this. The very first thing is to identify what are the obstacles in my works style and then I will put the part further. So first thing is to remember is 80: 20 rule. You might have read about this rule in many other contest because initially the scheme into the context of economics. This is also known as Paratose rule. The principal says 20% of the people in the Society hold 80 % of wealth. What do you say? Is it like that? Right. 80% of the people have.. Rest of the world is managing in the 20% of the resources. Right. So you can use 80: 20 principle in different things. It has been named as vital few and trivial many. Is 80% of the people managing with 20% of the thing and 20% have hold of 80% of the things, this is really scary thing. But you try to observe and use this principle in different context. They say that 20% of the staff of a particular organization is responsible for the 80% success of that organization. Right. Then on the other side 20% of the people create 80 % problem in a particular Institute. Right. If you try to see this ratio 80:20 principle, it was first established in economic and related to wealth only. But over a period of time it has been extended to different other directions as well. This is also known as to trivial many and vital few principle. And in that particular life how we managed our time. 80% of results are achieved with only 20% of efforts. What do you say about this? Is it true? If it is true then where your 80% of efforts are going. If 80% of results are achieved with 20% of efforts; so where 80 % of the efforts are going. Definitely it is not aligned with my targets. It is not aligned with my goals, dreams. I keep spending time in certain things. So, the point is that I need to focus on high impact task. I need to identify each task is more important and which energy should be focus towards that particular direction. So, if we have achieved our expected outcome and that what needs to be done then 80% of the task is not required to be done at all. Point is that I need to identify that 80% person then I need to put up lot of focus on that 20 %. The wholehearted effort. The point is that because of multitasking and simultaneously thinking about numerous things, my 20 % is scattered here and there. If 20% is focused maybe I get more time and opportunity to use that 80% in my own manner. And imagine for a minute that prioritize principle doesn't work. That with 20% of effort I am not able to do 80% of the task, what I will do I break the remaining

task I've been into it 80: 20 and thereafter I was able to save a lot of time. I mean this is a theory they are going to do it practically as well. We will be using the schedule that has been prepared by you in a while to see what can be done with that particular schedule. Shall be moved ahead? Do you would have any observation of question? Fine.

So, setting goals, how do you set your goal? Anything about the goals. Be it professional goal or be it personal goal. I am going to give my example how to set a goal. I am going to lose weight very soon. What do you say about this goal and neither I have done till date. Where is the problem? Lack of consistency is there? Okay. What else? I have not given it to the priority. I am not working on this. This is my dream world. That is another thing. Other you said that this is not specific. Please elaborate it. Definitely.. So while deciding goals be the professional goal or the personal goal whatever thing it is, the most important thing is the goal should be specific. If the goal is not specific I won't be able to judge whether I am moving ahead in that direction or not. Regarding goal we generally say that the goal should be smart. Smart goals. S stands for specific. Instead of having a generally goal that I want to be a success person. It is a very generic goal. I can move ahead in a particular direction and then I can take a U turn and I can decide yes I am under right path. But if I say that ten years down the line I wish to be the Chief Justice. Right. Or 20 years down the line. Or I have taken.. Okay I take my goal, May be ten years down the line I may become a Professor or director. So point is that I can judge so that I can see this is measureable goal as well. If I say that I am going to reduce weight I should judge how many kilos and in how many months or how many years because if I am leading or if I am planning to lead a self-aware conscious life. If I want to be a driver of my life instead of being a passive passenger, I need to view whether I am in the right track or not. Right. So my goals should be specific instead of being abstract or generic. My goals should be measureable. Somehow I should judge, being successful, being happy. They are very good terms and I agree that this is the only goal of our life of being happy. If you are happy then it is okay and rest is useless. But I need to define what I mean by happiness because otherwise what happens with the passage of time designation also changes. They pursue a particular goal but over a period of time I realized that I don't know in which direction I am. Achievable, it should not be highly ambitious, it should be achievable as well. It should be rewarding. It should be alignment

with my future goals or dreams. If I want to be in a academics and I am sitting target in your area then there is no coherence between the 2 things. So with goal there should be coherence, consistency and there should be gradual movement and should be time bound. If it is not time bound we keep actually to our self, ya I am at a right path and I will achieve it. We don't befool the world, we befool our self's in a far better manner. So if I don't want to befool myself, it is better to have our time bound goal. So that I can check it. If I have a yearly goal, there must be three monthly target as well. I should be able to check whether I am on the right track or not. Right. Failing to plan is planning to fail. If I am not able to plan appropriately then definitely I am on a failure path. It is very right as you people have mentioned in the beginning that plan so many things but the schedule is skewed because of the personal problems, because of the visitors, certain unexpected events that will happen. That is bound to happen. So in that name let not do our homework as well. I will plan something, schedule something it will go somewhat here and there. But more or less it is on the track. Right. Maybe this is the way. My goal of the day is related to the goal of the month and for then for a year and then for 5 years and 10 years and hence I want to achieve my dreams. Therefore in my planning I should take reversal goal or path only. I am plan this is my dream, ten years down the line this, 5 years down the line and is, this is for this year, this is for this months, and this is for the day. If every day I define this was the goal whether I could achieve it or not a reminder was a lot. Right. I mean activity that we have done just now is an established activity. This has brought a change in the life of many other people and I am expecting that it will break a positive learning to us as well. We have to see how could be spear of time, if we realize that this is the quality time of my life, this is the way I want to spend my time I need to realize that that I am in a rights direction or not. So, I will break my goals simultaneously into the goals for a particular day. By the end of the day this is I suppose to attain. Once I have defined my goals I will bring them into tasks. This is the complete step by step journey where to be need to work on that. My goal of the life, my goal for the year, my goal for the month, then my goal for the day. If we maintain a personal measure it definitely works. Then I break my goals into manageable task. In order to attain this, this task is to be done. In order to attain this, this task is to be done. Now when I have a list of task I will prioritize them. The principle of prioritization is recently be discussed and that reemphasized by

Stephen.. And he has done it well. So we will keep the reorganizing our task. The point is that if we will reorder it. If we do not have a list, what we will do? We will go where the time would take us. So, whether we are going ahead with the flow of time or we are managing time choice are ours. Right. So we have goals and we have come to the task. And from the task we will make the list to do for the day. If we have list the can change the list, we can delete some of the task and add some of the thing. Don't prioritize your schedule and rather schedule your prioritization. What does it mean? What is the difference between the two? Ya it means only prioritize things should be there in my schedule. Things that are not of your priority should be eradicated and deleted from the schedule. The thing which is not alignment with your goal should not be there. Right. And now we are going to work on this, we are all going to prepare the things that who have mentioned in your copy, the way you schedule your time let's see there to your time goes. So let me explain on one side we have other urgent and not so urgent. And 2nd side we have important and not so important task. So quadrant one talks about the task that are urgent and important. Quadrant 2 is for the task that are not under urgent but are important. Quadrant 3 is for the task that are not important but they are urgent. And quadrant 4 is for the task that are neither urgent nor important. Right. So you'll have maintained the schedule in the very beginning you have written that this is a typical day of yours. So, please draft it where your time goes, where do you spent most of your time. You'll have a gain 5 minutes and in case you need any help let me know. You are the best judge. That task is important and which task is urgent. Let's take an example exercise where you with keep it. Important and not urgent or other urgent and not important. See, if I am of health-conscious person and wanted to live a healthy life and right now I don't have our medical problem so it'll go to the quadrant 2 it is important but it is not other urgent. If I don't do exercise for a day or two nothing is going to happen. But imagine I am a diabetic patient and doctor has suggested me that if you want to live a healthy life you cannot skip exercise that all. Now, that exercise becomes important as well as a urgent. I am the master of my destiny. So I can decide which task is important and this is a urgent. So this is your analysis for your own self. Your judgment for your own self. You'll decide in which quadrant you are spending most of the time. Which quadrant is the largest one and the biggest one? And wherever you find it difficult to assess let me try to help you?

You have to decide your event according to you. I cannot decide that. For example you keep reading everything for upgrading yourself. You need to know what is happening in the Society or in other judgments on what ever happened. Maybe you are feeding for to ask for upgrading yourself. That is important but not urgent. That can be delayed. But suppose you are making a comparison the judgment that'll have to pass in 3 days so if you do not compared it, it becomes problematic, so that is urgent and important both. So this is your reading habit, you spent time in that you are the judge to decide whether it is important and urgent or maybe you can say for 2 hours it is important and urgent. For an hour it is important but not urgent. That you can decide? I think I have talked about in exercise of doctor has asked me, if I don't go for a walk every day I may have a health problem. So this becomes urgent and important both. If I am of health-conscious person... Okay. So we can spent 2- 3 minutes more in which we decide in which quadrant your time goes most. That is your take and decision for understanding. Okay. Right. If you have to passed a judgment in a day or two and if you delay it for a day or two. It's okay the quality time is given but according to me it is in two. But it is your take how much important it is for you. For example if somebody is not well in the family then to give time to him on her is urgent and important but it is not in the routine schedule. That is a separate or special case you may call it. Responsibilities are many and there are challenges in the family front as well. Hope we have the done our work. May I request you to raise your hands those who have spent most of the time in quadrant two, then in quadrant one. Most of us are in quadrant one. How many of us are in quadrant two. How many of us are in quadrant 3? Nobody. And how many of us I think nobody in quadrant four. Let me tell you that I am nobody to tell you anything about the quadrant thing. This is the principle given by Stephen.. He said first thing first and he tells how to judge the thing that comes first and it works. So as but there is the people who are spending most of the time in quadrant one they are inviting health problem for themselves. They are stressed, they are overworked, they are not involving in any of the leisure activity. People who quadrant 3 is the biggest one they are giving undue importance to the priorities of others. In accommodating others I spent a lot of time and hence my own priority are delayed. Quadrant four I don't think it is anybody is here. The strategy is to enlarge the quadrant two, the law would be that the quadrant 2 is more planed life I live. Quadrant one is a urgent and important. This is the

face of firefighting. So if throughout the life if you every time you are firefighting only, that means you are every time on your toes. You are would be a lot of burden on your heart and mind. Have mercy on yourself. Try to shift some of the things in quadrant two. How can we do that? By proper planning. So it is better to put some things in quadrant two, manage them in the stage when they are important but not urgent. Another important thing we should remember that things in quadrant two do not give us immediately results. For example the just now talked about exercise, they we're talking about medication, the we're talking about quality time with family. Again I am speaking from his book only he is saying that you don't give your time to family, you don't have quality time. And when constantly your spouse becomes annoyed it suddenly becomes urgent and important to spend some time with him or her. So if you don't give time to your personal health then definitely doctor will put it in the quadrant one. Karo aur maro ki sithi maie hum ha gae. So the thing is that quadrant one activity can be shifted to quadrant two. The principal says by enlarge quadrant two as far as possible. Right. So, this time matrix tell us that wherever we are we need to reach to quadrant two. Quadrant 2 is important but not urgent that is my quality time. Quadrant 3 is urgent but not important. This is distraction. Urgent but not important somebody else has asked me to concentrate on this. But this is our distraction. I am spending a lot of time... It may be urgent but not important. In short term quadrant one is to be addressed as Do, quadrant two is delayed, quadrant 3 will need to delegate and quadrant 4 will be to delete. In short down I can manage that time by doing important and urgent things. By delaying important but not so urgent things and quadrant 3 is delegate. Delegating the things that is urgent but not so important. Right. So I can ask my subordinate to do something to concentrate upon that and I can supervise it. And quadrant for neither important not urgent they can be delegated. This is in the short term, then there would be need to decide quickly. What should be done? This is for the short term. In the long-term for the proper time Management we need to do like this quadrant one is to be managed. This is the quadrant of necessity. Instead of firefighting we need to manage this particular quadrant. Quadrant 2nd is the quadrant of quality and personal leadership. He here named as quadrant of deception because it looks it is very important, it is very urgent, I need to do something but virtually it is not, so that is also to be avoided and quadrant number 4 that is also to be avoided. The need to concentrate upon quadrant

two. Gradually we need to manage quadrant one and 3 in such a manner that some of the things are shifted to quadrant two. The bigger the size of my quadrant two the more properly managed my time is. Right. Is it okay? Shall be moved ahead. So like this is the way we can prioritize to things. We are talking about the things we need to organize our self and definitely there are many tools that helps in organizing. And thanks to the Smart phones everything is available then and there only. Other thing is that we need to understand the art of saying no. Maybe we will be talking about in the next session as well and we will be talking about communication techniques, you need to understand that you cannot do everything for everybody. You need to make a between your priorities and other priorities. And saying no is a skill, how to give a negative feedback. Maybe one of that important things to be remember is that beginning with our positive note and ending on the positive note give a better result. Right. We would take the example and with the help of this and some examples we will talk about this later in the next session. How to say no. Right. The all have of a personal prime time. The all are not equally active at every time. Some of us are hyperactive early in the morning we call them early birds. Some of us are very comfortable working at the late night. I should assess when is the right time to do a quality work, I know, I know myself. I can understand getting up early in the morning four is next to impossible for me then my attention span is very good at 12 it night. Maybe an odd hour but that is my body clock that words like this. So if I focus the important task at my prime time I will take less time, less energy and full of quality. Right. Effectiveness in the meeting if I am deciding, I need to have quality meetings where people clear agenda is there, time is also divided in a proper manner. The data says that negative meetings that there it is 83% of the meeting are drifted from major subject. The keep discussing something other things. Then poor preparation, certain things are there, most important thing is that we keep drifting from the major point. That is to be remember. Right. So, if we try to review the whole thing may be we need to set our goals that are Smart goals. The need to prioritize things. We need to organize, need to learn the art of saying no. Use your waiting time. Actually I deleted that particular portion because I was under the impression that you people don't have any waiting time. When you mention it many a time your time is spent in travelling as well. Probably we can use the travelling time also. Maybe in reading or listening to music at least. Because it believes that gives

fresh and as to the brain. It at least some of the rejuvenation of the energy is there. So, when would to have waiting time we say that, actually the waiting time is considered to be waiting at the doctors clinic on waiting in the Courts. So I thought that making is not there. But in travelling maybe we can use that time in listening to music or reading certain things or organizing the things at least. Concentrating on the task on one hand, considering your personal prime time and we need to celebrate success that gives us our source of energy remains there. And the last thing is a story. You might have listen but I want to repeat it. There was a Prof who was teaching the students to prioritize or how to use the things. They would be related with the time Management only. So you'll have a big jar and you have big stones, you have small stones, you have pebbles and you have sand. Right. So what should be kept in that jar first? Bigger stones, thereafter smaller stones, thereafter pebbles, and there after sand because one bigger stones are kept pebbles are still be accommodated. Imagine if I fill in the jar sand first. Now I am no scope of putting bigger stones or some of the stones will be left aside. So I think this jar signifies our time. We have those 24 hours only. So I need to put big stones first. Maybe the quality thing, maybe the important things; I need to prioritize what is most important. So first bigger stones that there important things are there; thereafter smaller stones will come, thereafter pebbles will come and then trivia, here and there petty issues that have to be compared with sand. They can still be accommodated here or there. The thing is that we need not fill the jar with sand itself. Right. I close the session with a quote that take caring your minutes and hours will take care of themselves. Right. The only thing is to remember is that we think that this is a petty time that is devoted here and there. We think thora sa hi hai. Abhi kar rae hai, abhi chal jayega. So if we will be cautious about our minutes definitely hours will be properly managed and we will not waste any of our time anywhere. That's it from my side. Thank you and thanks for your active participation. In case you have any quarries or observations you are most welcome to share it with us. With me individually and with all of us right now as well. Okay. Thank you.

Dr. Amit Mehrotra:- Thank you ma'am. Clapping. It is very important to know the importance of time in our life. Thank you for it getting that. We will be going for a tea break and then he would be back at 12 o'clock for another session. Thank you

Session 7: Communication Techniques

Dr. Amit Mehrotra: - A very good afternoon to all of you. Once again welcome back to this seventh session of conference. And the team of this 7th session is communication techniques. And we know that how communication is so vital in our life and how that goes of practically I will request Prof Swatantra to continue with this session of communication techniques.

Prof. Swatantra:- Thank you and thanks a lot. I again begin with the question how important do you think is communication in our life? Very much. And how much importance to be provide it? Lot off. I am happy to know that. Right. If we try to assess the quality of relationships we have, the quality of life, the meaning of life depends lots on communication. I will begin with Anthony Robins quote who says that The way we communicate with others and with ourselves ultimately determines the quality of our life. It's not so important how do we talk to others it is also important how do we talk to our own self. Because the way I can motivate myself, trigger certain actions in my own head accordingly it depends upon which level it will go. Right. (Shown a picture) and said what does it communicate to you?

Responses from Participants:- So communicating the sharing ideas, what else, exchange of views, fine, what do you say, Okay, Indira Gandhi, Rajeev Gandhi,

Prof. Swatantra:- Is it related to our routine communication as well? Do we communicate like this? How am I successful communicator and I need to ask repeatedly what it communicate to you and remember in of very first go half of us are shocked, what is she talking about? Because of an attention span of the audience is not on me, on the speaker. We all carry our baggage with our self of our own experiences. Life back at home, life back at office is really important. So, if that is important for you that is important for everyone as well. If I keep throwing messages on the head of the people considering that they will catch it up. Nobody is going to catch it up. Nobody has that much of time and energy and inclination to catch your messages. If I see that in particular message that

there are layers and layers of messages. Right. The very first thing has been mentioned here is that there is a right to tree with few faces. Thereafter we got to know that there are two people who are interacting and the very first face that has been recognized by you was Indira Gandhi and Rajeev Gandhi. Why so? There are 2 things. The bigger it is more recent and it is very clearly mentioned. As senior the person the face a lot of problems of passivity. People don't understand the things, People are not so much the attentive and they don't grab the specific message. But remember if I am in a meeting how many people actively participate, or what percentage of people actively participate in a meeting. For example if there are 50 persons how many person actively participate. Maybe 10%, I may speak that on the basis of data. I say that I am the senior one and I would talk about the holiday policy or I would talk about the promotion policy. So everybody is attentive. So, people who are highly attentive then the idea is close to the heart. The point is how do we understand to design our message in such a manner that the idea is presented in perspective of the other person. Now, imagine my saying look I am going to show you a picture that will remain on the screen just for 30 seconds and you need to identify the faces there in. So what I have done I have given you the background. So, in difficult messages then there are so many layers of messages, I need to decide how to pitch in the message, in a difficult message. In a easy message I get through it in any possible way. Then the idea is close to the heart of the other person, then I am talking about the promotion policy, leave policy, or when I am talking about anything which is more related to the other person, I can throw it in any possible ways. Similarly, I make to decide that when that I am going to inform you or I am going to persuade you or I'm going to motivate; my way of communication is going to be on together different in one situation then the other one. Right. 2nd thing you mention that you know these people, these people are part of our recent memory. Indira Gandhi and Rajeev Gandhi , but if you look at the positioning they have a got a prominent as well. Rest all the places are absorbed in the branches or are somewhat lost in the branches. Whereas Indira Gandhi has got down best positioning and Rajeev Gandhi has got the 2nd of best positioning. Similarly, in a discussion, in our communication pattern there are places that have taken the prominent positioning places. So, when I see the other person is not so interested let me give him or her the reason to listen to me. There are many occasions the people are not so inclined to listen to me.

There is no connect between you and me why I should listen. It is my responsibility to give you a reason right at the outset. Right. So what is the most prominent positioning in the presentation? You have listen to all good and bad speakers throughout your life. I am an unknown speaker, I want to be here and I am going to speak. So, you are not so inclined to listen to me and then your attention remains very high.

Participants: – When the topic is very interesting.

Prof. Swatantra:- Howsoever, this disinteresting I am you want to gauge my word in the very beginning. Right. You do not know anything about to me but still you want to say try, let to give her an opportunity, let me accesses what she wants to say. So most important positioning in our paragraph, speech, and discretion is the very beginning. If I am not able to attain the attention of the audience in the very beginning, building it later becomes more difficult task. So the most important idea the reason to listen to me should come in the very beginning. Imagine for a while I am of very boring speaker and I am continuing at my own pitch and you are taking around in your own world. Right. There are so many things we can switch off and we can enjoy the world within our as well. And then to say to conclude I want to say you are again attentive. Just to listen to her what she is going to say in that end. So, the most prominent positioning in a discussion is the very beginning, 2nd most prominent position in the presentation is the end. And if I want my argument, idea to pop up I should pitch it in the very beginning and I should reinforce it towards the end. And there are some of the words also which help us in emphasizing the idea for example I say hence, therefore, thereafter. These are the words and idea if we put after these words gets more attention. Right. So, for the very first thing to be decided how many layers are there in my message, whether I am going to speak to motivate the people or to inform them. Information can be given in any manner because it is an information. But then I am trying to persuade you, then I am trying to motivate you, involve of you I need to arouse your interest, I need to take you a long with me. Accordingly we would decide what layer it is important. Every time it is not important that we should understand the best most layer of my message. But in motivation, Persuasion it is important that we should understand the reasons as well. So, communication in providing information and communication in motivation and Persuasion is altogether different.

There are something ground realities which are to be remembered for communication numbered one it is time taking for many a time to motivate or persuade people. You cannot do this in our superfast manner. You need to invest time, you need to understand and accordingly you need to pitch for the message. Another important thing regarding communication is this that this is unavoidable. So, are you communicating to me right now, yes how were communicating? Ya, by listening to me with your smile, with your nod, with your blank face, with your drowsy eyes, we all are communicating. We all are successful communicator, all I need to do is a bit little active to understand it which level you are. It is not a difficult or a rocket science. All I need to do is a little attentive to see whether you are me or not. Unavoidable, knowingly or unknowingly we keep communicating the messages. So sensible and sensitive communicators are little aware of communicating unintentional messages as well. I will give you an example to elaborate it. For example you have many responsibilities back at home. So you simultaneously imagine writing something on your mobile phone or smart phones or on your iPad or something or something. I can understand there is something very important that is to be addressed. Right. From your side of the picture that you are addressing to something which is really urgent. But look at the picture from my side. Right. You are simultaneously giving me a message that you are also not interested. So, if efficient communicator are actually aware of unavoidable or unintentional parts of the messages that are communicated. Because this actually lead us are better communication is by know simultaneously if it understood by the other party. It operates on 2 levels. What are that levels? So what are those two levels. Speakers and listener. Okay. Communicator and the receptor, verbal and non-verbal, there are many things that can be mentioned. What I want to mention here is content and relationships. Right. Whatever I say, whichever way I say, whatever I want to discuss I am talking about the content and similarly I am believing a relationship as well. We say that there is no separate session of relationship building, relationship over the discussion only. So when I say that I need to the report by this evening or when I say please will you be able to submit the report by the evening. Content part is same but the relationship part is different. By a relationship part be mean to say her is the boss in the given condition. How much I respect you and how much I want to control the status affairs. So we need to understand that content wise.. So people are

very conscious and give so much of attention to the content that the relationship aspect is neglected. We need to be the relationship aspect in the routine communication as well. And higher we go in hierarchy it is more difficult to revert are messages. Right. Have you seen that add that kya apke toothpaste maie namak hai. Which add is this. So according Colgate faced by saying that this is the recent research tell us that salt is good for the people. So point is that a statement is made by an organization 20 years back is still there in the market and very much slapped in their face only. So as an individual also, whatever means the vendor talking about, watapp, it is very difficult for us to revert. Email all know. Process, whatever happens before or whatever happens later this is a sink about the thing. Process I would talk about in a while. And the last thing is not up initia. Ram Barh aushadhi nahi hai. Communication is not a solution to everything, if I keep saying good things and I don't act upon that that would not able to build the relationships. This is not going to serve any purpose. So my action must be sink with my words then only my words with Gary any weightage. Coming back to the process, this is the process. Right. So they process I mean understanding your period of experiences, the best of the things are better known to all of us, I'm not going to talk about the process. The only thing I want to talk about is the more I understand the field of your experiences are better communicator I tell you out to be and the moment I ignore that there will be a huge gap in the communication. I think we can very relate it to your family disputes that you face every second of there. The reason behind the family dispute is also that of a women who come altogether from a different field of experiences is put together all into a different field of experiences. So picture from her side is altogether different and picture from the 2nd side is altogether different. If we give a little more time in seeing that picture it becomes far better. Right. I quote again the story of 7 habits of highly effective people. He says that I was travelling in a bus and I saw that there we're 3 kids who we're badly disturbing the bus and when it went beyond a particular level, he said I went to the father of those kids and I ask them can't you control your own kids. And this man answer you are very right, I should have a better control over my kids, but what to do I am returning from the hospital there they have lost their mother and around 3 hours back, I have lost my wife around 3 hours back. They did not know how to behave and I did not know how to control them. Then the author says that this bit of information out his field of experience is virtually

changed the whole communication procedure, the whole process. The man who was considered to be callous and careless by all of us was immediately converted into a balanced personality. So, the movement we are little more sensitive towards the fields of experiences of other person, half the dispute resolves. Be it are senior subordinate relationships be it a personal relationships as well.

What are the major road blocks to communication? Why miscommunication is takes place? Okay. When there is no communication. Then. Communication is not expressed properly. Okay. Block of mindset is another major problem. Okay. Miscommunication because of the poor listening. Okay. So, if you take some example from your own life or maybe the things that might you observe what major barrier you has seen in routine life?

I think we can talk about different in perspective. Same thing, same situation is there but from my side picture on together different from your side. Again I will take an example from Arbindos biography. I hold you might have thought about it. He was the spiritual leader, political leader as well, took active part in freedom fight. Arbindo from 4 to 17 was not in India. He was in Brittan, guardianship of British couple. I can claim this because I worked on him. His biography he mentioned that his father wanted him and his elder brother to emerge as am American clergyman. So he wanted that them to be away from everything that is Indian. At the age of 4 they were send abroad in the guardianship of British couple. And there also the instructions very given to them that nothing Indian should be shown to them. They should not come into the contact of anything that is India. Being Indian literature, be it Indian music, be it any Indian person. So they should not be allowed to come under the influence of anything India, related to India because he wanted to involve them as American clergyman. This man return to India and the age of 17, became a freedom fighter. He was very active. He joined politics. He was a Prof of English and over a period of time he became spiritual leader. Pondicherry is in is the head quarter and Ashrams are available I think in almost all the ..cites. People of those who are his believers consider that India got freedom on the 15th of August just because of his birthday. His contribution to freedom fight is so much. My question is altogether different? From where did he get this idea to be involved in activities related to India. He was not in India, he had not got any exposure from Indian culture or anything. Yes. Therefore, our

type of erosion was there. 2nd thing that his father use to send newspaper cuttings wherein misbehavior of Britishers against Indian were shown. This frequency of letters was so high, so nice that thrice in the week he is getting these letters. So when he is getting these letters the father had never told that what the intention behind it is. So as it is mentioned from his biography father says that I wanted to communicate that this is the way Indians are leading an uncomfortable life in India. So according to him the message was if you want to live a comfortable life don't ever come back to India. But Arbindo as he writes in his biography, he says I got the message that this is the way your fellow brothers are mistreated in India; so it becomes an incumbent on your part to come back and fight for their rights. Father didn't tell what is he communicating, son didn't ask what are you communicating; we are disaffirming meaning in our own manner and there is a complete change in the message. And we all are very happy. And this is happening in our routine life as very. We don't listen to our respective we don't see others perspective and from my perspective this is the picture. Right.

We can quickly cover this thing difference in knowledge level and lack of common language. Lack of common language means I speak Taegu and you would don't understand. Common language means that can be understood easily. The problem comes then I am speaking in English or Hindi you are well versed in the language, still there is a gap. And that gap comes because of the usage of words or the way I use it. And by knowledge level I mean to say that that I am a expert or I am a novice accordingly background of the audience. Right. Again I will quote a simple story cover these two points. This is a story from the book of a physician he was experimenting in India; he was working in India and he said it was impossible to convince the villagers consume boiled drinking water. He said that we were all of the survey to judge whether people are using boiled drinking water or not. He said they went to the first family. They said yes we are using it. When to 2nd family then it also said yes we are using it. But then the 3rd family said yes we are using is then we are using it. Then he said they became curious very curious. How can everybody abide by the norms? This is also a clue that when everybody abide by the norms then there is some problem. Then he said how do you use this water and how you consume water. People said the boil thrice a day and we take two table spoon thrice a day. Now knowledge and common language. Now neither the are saying

to boil the water whenever you are consuming neither people are asking how to use and consume the water. The point is I don't understand from the perspective of the audience and the perspective of the listener, I need to tell that whenever you need to take it this basically it happens in the new relationships, it also happens senior subordinated relationships. That's why in offices we generally say commonsense is very uncommon in India. Because the expect people to sit in my mind and in my heart and to understand. Right. We move ahead and then we will see what happens. Stereotyping and jumping to conclusion is another barrier. Strong emotions, do you think that is a barrier or our facilitator. Both. Okay. So we say that in our particular situation then it goes beyond a particular level it becomes a barrier.

It was said that emotions at the peak give blurred vision. The Golman who was considered as a father of emotional intelligence, he said that emotions at their peak blurred our vision. It can be twisted positively and it can be complete negatively as well. Right. So they say whenever you are in and it is said that whenever you are in angry mood write a letter and keep regretting for the rest of your life. And at the suggestion given is also there that if you take a glass of water in between the communication will be completely changed. But I would be willing to do that? No they want to make the balance clear at that point of time only.

Self-centeredness. What do you say? Are these self-centered? You got the group photograph, or somewhere else in some other programmes, have you seen some group photographs; so while reviewing the group photograph who you are noticing first. So all are self-centered. But if it goes beyond a particular level it again becomes the barrier. At present I am lazy I am not in order to co-operate, not in order to listen that also becomes a barrier. The point to remember is that we know about the people better communicators we turned out to be. We need to look at the things from other perspectives as well.

We need to seek and offer feedback. How good are we at giving feedback? Very bad. I have researched on my side. Indians particularly are very poor at giving feedback. We can ask our self how many times do we give feedback in the offices or in the family. In personal relationships if you see giving feedback can lead to a far better relationships. If I Quotes some of the popular dialogues of Indian families are shall I kah kar hi karaya

to kya karaya. Aur tumko bhi batana pare to fir kya fyada. Right because we say so we consider that if you really loved me, if you really care for the me, you should understand what do I mean? And we have seen these type of equations, these kind of relationships wherein the other party is on the toes to understand. Ya asai bahut sare dialogues hai. Spirit of the thing is that you don't care for me. Right. This is a still of feedback. Then the relationship goes on to a declaration side. Then we realize couldn't you tell me in time.

Second important thing that we left earlier that how to say No. Feedback becomes a problem then I want to give a negative feedback. So then I want to talk about how other should improve, I would like to mention that in feedback sandwich technique is generally appreciated. We have said that the attention of the people remain at its best either in the very beginning or towards the far end. So whenever I decide give a negative feedback of the people, I may begin on the positive note, then I can give one sentence concrete negative information and thereafter I can close it again on a positive note only. Because your attention is higher in the beginning or towards that end. The negativity of the negative feedback is reduced. We consider it to be our sandwich technique be in negative information is put between the slices of positive information. For example I am your subordinate and I have prepared a report which is not up to the mark. So you can clearly mentioned that you never do a good job and then you may see me in a switch off mood throughout the day.. That is the problem then you have given a negative feedback in other Crystal clear the manner. 2nd thing is that I mean a very generic sentence that can be used in any possible situation, I appreciate your efforts howsoever lethargic or howsoever below quality work I have done. You can still appreciate my efforts. Right. I appreciate your efforts but this is require these, these, these changes. This required a better font size, improving title, enhancing the margin both the sites, you make them all those things. Then I think you can be able to do the better job next time. So I improve or not depends upon how specific you give me the details. And for giving the specific details you need to work yourself. Right. The only thing is that when we mentioned the negative things with the slices of positive impression about impact on relationship is reduced. Rest it depends upon how concrete you have mention. If you have mention that presentation should be better so I have to do that where I will go.

Second important thing is that we have a habit of holding information. That gives me a sense of power. We don't then the things entered the very same movement the keep it in our stock. And the movement we start giving feedback that is not the feedback that this emotional outburst. Earlier you have done this, you always do this. Last time this happened so every feedback is coming simultaneously. So, if you really want to improve the things feedback should be timely. It should be given in an appropriate time whenever the work is done.

Choose the right medium and right channel that is also important when to call for oral and when to go written. Maybe I am congratulating one of my friends so I have 3 options: I can dial, I can write an email, or I can go to his office and pat on his back and say well done. So in all the 3 situation I have communicated my message but the point is that quality of message is altogether different. So I need to assess my medium and right channels as well

Talk less and listen more, tone also creates a problem, we would talk about this. So we would talk about the ways to attain effectiveness in verbal communication. If I talk about most important quality of verbal communication that this clarity. Most important thing is that my message should be clear. Rest of the things are secondary. And how do I create that clarity? Clarity of thoughts actually leads to clarity of expression. We look for clarity of expression, they talk about choice of words, we talk about the way of presentation but the thing is that if you have to give me concrete feedback meaning there by you should know clearly what do you expect. Giving a generic statement, this is not the way I wanted it to be is a very generic. Clarity of thoughts leads to clarity of expression. If I want to have clarity in my thoughts I will have to do my homework. 2nd thing is that it should be complete. So from the prospective of completeness we say the raise certain question who, when, where, how. Right. If my message has all questions then my message will said to be complete. From the prospective of maintaining the attention of the people, keeping the people engage it's important that my message should be concise. In order to attain conciseness may need to remember four points:

Number one there should be only relevant data, information in my message. Number 2 there should not be any verbosity, excessive words. For example what do you

take in the brake fast this morning? Brake fast and this morning is verbosity. I say in month of July it so happened. Month of is verbosity excessive words. Right. For conciseness number one there should be only relevant information. I need to understand what is important for listener perspective. Relevant data second thing is no one verbosity. Third thing is organizing it in an appropriate manner. Poor organization also leads to confusion. Right. Why organization I mean that oh I forgot to mention this. I wanted to tell you of this. And my message becomes not so clear and lengthier. There should be minimal repetition. Some repetition is important to make the idea prominent. Because of repetition is a device that makes the idea emphatic as well. But I should be made sure wherever there is repetition that is designed, that is my strategy or that is a flaw. Instead of having generic and extract things I should have specific things, concrete things. For example you every time do so, you always mentioned this to me. Right. But specifically if you tell me when I do this. Number one your responsibilities higher, number 2 I can observe myself, I can change myself. Consideration and curtesy. We got to know that we are more concerned about our self. So then we give little more importance to the other party the get better communication from both the sides. Presenting the ideas we say for positive information they should use U approach. In inclusive culture they should use we approach. So then to use which one. So in negative information never pin pointed don't use u language. You never pay attention to this, you never do this rather it should be suggestive. And in inclusive one where you want to share the credit, we have attained the target. That way we can make it more considerate. While appreciating, while appreciating while conveying the idea from the prospective of the other person. For example I can say we provide you four different choices or I can say you have a wide range of 4 different choices. Idea is same but then I project we first that this from my side; then I mention it from you side it becomes more appealing to the audience. Correctness. It has to be correct, correct time, correct style and correct language. But the point is that.. This is the verbal side. I will quickly talk about things that are communicated beyond words as well. By enlarge language is a tool of concealing the truth. I think you will agree to this. At least you have seen the world in such a manner that wherever you have been asked to manipulate the words I am good at that. People manipulate the words so much that the crux of the matter is virtually non-verbal. How do people say, what do they say, what kind

of works they have; so we need to be little more sensitive to words non-verbal as well. Non-verbal has 6 major branches and if I try to divide it into 2 major part verbal and non-verbal. Quite surprisingly verbal carry only 35% of the weightage in getting response, in getting the reliability, credibility in the eyes of audience. 65% is build from the context, from the environment, the way I project myself. So we are going to talk about what are the things other than words that communicate idea to us. Before that I would talk about characteristics of non-verbal communication so that there is no confusion. So verbal and non-verbal Co- exist. Whenever the try to take meaning of non-verbal they cannot ignored verbal. They do carry cultural biases. So maybe culturally certain things are appropriate in one particular culture where as they consider to be tabooed in the other one. So we need to understand the culture of the other person. This should be interpreted in context. What non-verbal would be, body language would be, and any other thing that has to be interpreted in context for example this is taken as a universal gesture of close attitude. Right. This is defensive approach. Universally it is criticized and we suggest people don't sit like this in the interview and like that whatever this is close attitude, you have made a shield against yourself. This is universal negative gesture. But remember how do you sit in winters like this and imagine in winter if AC is not switched off what gesture would be there of you in a while. This gave me comfort as well. This made me feel cozy. So the context is important. Just by seeing the other person is in a close arm gesture, I cannot say that other person is close headed. Maybe because of the weather, maybe because of the habit, maybe because of a number of things. So every gesture, every non-verbal message has many meanings; the only thing is that strengthen your verbal if you pay attention to that. This has to be understood. And the point is non-verbal is more reliable than verbal. We will quickly talk about one branch of non-verbal communication. Para language is beyond and the language is language. Right. So in impact of language that comes beyond words that is para language. Okay. Maybe my tone tells so many things. Tone can be hostile, polite, can be autocratic, can be democratic. So tone tells so many things. And people say let me know what I have said, what's the problem and we keep telling this is nothing in the words it's in the mannerism. So mannerism actually comes through para language. By para language para is beyond and language is language. I will club the whole thing tone, pitch, base, pauses and stress. I will write a sentence. Maybe

I able to write it. I didn't say that you have stolen money. What does it mean? So I will utter into different ways and we will see how meaning changes. There is a beauty of oral communication. The sentences is I didn't say that you have stolen money. When I put emphasis on say I don't have courage to say so but I think so, but I believe so, but I never uttered this. Right. When I say that I didn't say that you have stolen money. No not you but somebody else. The money has been stolen, the money has been taken away, you might not have taken it but somebody else might have taken it. Right. I can also say I didn't say that you have stolen money.. Not stolen but taken, who have not stolen but you would have taken it away. And finally I can also say I didn't say that you have stolen money. Not money but jewelry, but some other thing. So that's when we talk about mannerism that comes tone pitch, the way I took pauses, the way I emphasize the particular word and then I say you did not talk to me in appropriate manner because your tone is not that not appropriate. For example if somebody enters the room at the moment and I say Oh how punctual. So, now this of person takes an offence and ask how you can say this to me. Then what I have said. The point is the mannerism, the tone is telling what I have said. That is the beauty of communication we need to be cautious about up and down of the voice as well. We need to pay attention on the emphasis of the words as well.

Next comes art factual communication. By our to art factual communication means my surroundings, the things that I carry they tell a lot about my character. My choice tell a lot about my character. Right. My personal appearance, my dressing sense, my accessories do tell about my status, they do tell about my taste. And the physical settings of my office tell about my personality. We have recently done a search as well. It actually tells how dominant I am or how accommodated I am. Lets take a very usual example you come to my office and you see that my table is badly cluttered. So it doesn't tell you something about me? Yes.. Lazy okay or maybe I am busy. Now it depends how your own table remains. Feel of your experiences. If your own table remains neat and clean. So my disorganized table is telling you that I am disorganized. And if I cannot organize our table forget about organizing an office. But in case your own table remains cluttered then how busy this woman is. There are only 2 people in office who work, one is I and 2nd one is this lady who is not able to organize her table. So physical setting of my office do tell certain things about me. The way I arrange my furniture; suppose there this individual

discussion that also tells what kind of distance I want to maintain from you. Right. How open I am to the discussions, to the feedback. The kind of furniture, the size of my cup, the size of the mugs, everything tells a bit about me a more sensitive communicator can fetch those messages. Right. Proxy mist is the study that is conducted on Adverty hall on animals and now it is an established study on human being as well.. I will just talk about the things how comfortable do you feel when you are in a lift situation. When you are in the lift. You are in a mall and you want to go to the 17th floor and you are in the lift. We do you see when you are in the lift? Ya. We keep on looking at the numbers or we are looking at the top or we are looking at the bottom. Maybe we can look the person standing next to us and can say hello how were you, we don't say this to them. You are maintaining distance. Then why are you interacting with the floor numbers. We need to go to 17th floor and it will going to take a time. But from 3rd onwards the start oh the haven't is reached yet. The crux of this theory is we all carry personal bubble around us. And the people who are really close to me are allowed to enter into that bubble. In a lift scenario, the kind of example that I have taken, the people who are virtually not close to me are standing close to me. So the point is that there is a contradiction in the reality and the messages non-verbal that they are communicating. But the situational requirement is that I cannot ask them to stand a way as well. I can't do that. So how can I make that psychological balance? I objectify them and I start interacting with the lift number. I humanize object and I objectify human beings. I consider of them to be objects and I start interacting either with the floor number or with the roof or with the other things around me. We don't interact with the people. Crux of the matter is that the kind of distance to maintain from each other that also tells the kind of relationship be enjoy. Right. So in non-verbal then you are assessing gestures, when you are talking about different things these things matter of not. It happens that many of the people after shaking hands some of people are going back side and other one is coming forward. This can be because of the culture as well. And the 2nd thing is psychologically I am not so comfortable in being very close to you, whereas you want to be so close to me. Right. The way we maintain distance from each other that also tells the kind of relationship we enjoy. So collectively these 6 things to mention and matter. The handle of time and we handle the time of others as well. Culture is important. The other quite relax with our time. In Germany that is not acceptable. 2nd

thing is that for example I have come out from my office and I ask my subordinate that whenever there is a problem you can make a phone call and you can ask certain things from me. This person can talk to me thrice a day or 4 times a day, whenever he faces the problem. On this person can jot down all the points and dial ones in a day. So the way he is handling his time and the way he is handling my time is also communicating how sensitive this person is about the needs and comforts of the other person. If you keep dialing every 2nd minute, diving when the other person is resting how prominent personality he is? How much importance he give to the comfort off the other person. So handling time also conveys certain things. These all our independent branches of communication. Punctuality, silence, postures that this facial expression communicates so many things. Postures what do you say? One example I say good afternoon friends I am here to talk about communication or I say good afternoon friends I'm here to talk about communication. Where is the difference? In the posture. In the 2nd one low energy is very apparent. The level of involvement is quite apparent. 2nd very important is thing is that are mindset has its impact on body language and body language has its impact on mindset also. For example genuinely when I am feeling low in energy my gesture would be liked this and when my gesture will be like this I want to feel energetic; if I take this type of position psychologically I will feed boosted up. Right. So I can take control over the things by knowing certain things. Posture should be relaxed, shoulder line should be relaxed and erect. It should not be very stiff because that is a rigid note. Body movements bending forward, bending backward. Bending forward means you have to say something. Is there any difference? Words are same definitely. Bending forward is our generally friendly gesture, bending backward is a defensive one. There is contradiction in my words and in my actions. Eye contact we all know. And gestures are endless. Communication in the repo building we all have different focuses. If we understand which kind of focus is yours and I treat my message of bit I will able to be a better communicator. People can talk it off get the task done, get the task of right, get along with the people are appreciation. Whatever I say, whatever I do there remains these 4 major intentions get the task done, get the task of right, get along with the people or get appreciation form the people. So in fact it to focus that what is your major attention and I put my communication in that particular way I would be a more successful communicator. And these focus keep shifting

from time to time. For example I may be talking about on Saturday evening I am working on a report I want to think over it and I want to delay it and I want to cross check it. But on Monday morning I have to submit it so I am into the get the task done mode. So we keep shifting our focus from one to another one. The point is that when you and I are on the same platform, get the task done and you also feel get the task done. They are good communicators. We have that the repo. But the problem comes when I am into the get the task done mode and you are in to get the task right mode. There is a conflict and there comes a problem. You go into controlling mode or perfectionist mode. One of the thing is to be remembered is that we can blend in the verbal manner by focusing what is the intention of the other person and giving it priority. Then people are in get it done mode, I didn't keep my communication brief and to the point. Communication will be better, the relationship would be better. When people are get it is right mode I can pay more attention to the details. When I am paying attention to the details a gain relationship would be better. When people are in get along mode and I also do friendly chitchat. That is possible to have better relationship and finally if people are in get appreciation mode and I enthusiastically recognize their efforts our repo building will be better. So building good relationship through communication is understanding what is your focus again coming back to the field of experience and expectation and reaching accordingly. Right. I will stop here. Your observations and questions are most welcome. Okay. Thank you

Dr. Amit Mehrotra:- Thank you so much mam for giving that inputs of the communication techniques and actually now how it can be applied in the work day to day working that is to be done and it is a point of introspection that how we can apply this in a practical manner while we adjudicate, while we communicate. So that introspection has to be there within yourself and to actually apply it into the professional Mam'm you want to say something?

Prof. Swatantra: - I mean assertive communication is an elective. The thing is that we need to make our discussion task oriented because autocratic people generally tries to take control over the situation. That is how we talk about. I mean this is now beyond the Periphery of this discussion because there are so many things that are to be taken care of..

Dr. Amit Mehrotra: - With this we are end with this session and we will be going with lunch break. Thank you so much ma'am for the deliberating the discussions on these two topics and after lunch we are blessed to have Dr. Aruna Broota Ma'am. A very senior psychologist. She is there and she will be taking the sessions on the personality disorder and she would be there for two days today and tomorrow. So after that lunch we will be having mam's session. So may I request you all to proceed for lunch?

Session 8:- Personality Disorders

Dr. Aruna Broota:- Jo suntan hi rahta hai usme itni wisdom hoti hai ki usko pata rahta hai ki kab intercept karna hai. Kab closure karna hai, kab opening deni hai. So it is not an easy job what you are doing. And let me say that if you really look at criminal's and of course family Courts are also dealing with criminals, both husband and wife are criminals but ha , ha.. But let me say that when you look at the murder cases and things like that the listening skills is different. Because you would realize that you have to listen. You still have to realize that whether he is the offender or not the offender. But in family Courts there is nobody as victim, everybody is equally offender. App to parivar ki bat kar rai hai sir. Mai appko batou ki mere khar wale my distance family, mare bari bhai ji, dategi muke. Phone kar rahi hu, phone nahi utha rahi ho. Maene kaha aap nahi samak sakte. Appka nature of work is different. So it is not an easy thing what you people are doing. I believe to be shown Academy has invited me for a counselling course of the judges and what are the counselling skills that require and you know when this was that many years back when Supreme Court has made our directive that don't go straight for divorce. You know to some marriage counselling and see if you can patch up and things like that. At that time I was little upset, I am accepting that asi psychology parane lagoge to ho gaya . kal aap kahoge surgery sikha do. You know. For me it is as serious as of the affair like surgery. Where people in counselling is only listening and talking, I'm sorry it's not that simple. But I do realize now that more and more than he ask me to come, the more and more it is interactive. I think it is an opportunity to interact with you and to deliver some psychological facts wife you're dealing with human phenomenon of. And you're dealing with behavior pathology. You would be using in the Court of law. And therefore would a

lecture will be very pertinent. But I feel very bad that there is only one session on personality disorders because it is our vast subject. It is a very very vast subject. Would you like to say something? Haha

Dr. Amit Mehrotra:- I just want to say to say that National judicial Academy is always been placed to have such a resource persons to give that insights, the topic which is here not in the law but actually really help in adjudicating the matters, and resolving the disputes. So with that speechless words I request..

Thank you very much. So when I was asked for personality disorders and I am just sitting and collecting my mind, I thought the first thing I shared with you is, you look into our family and when a child is born in the hospital or wherever, doctor says that he has a hole in the heart or he does not have the liver or his one leg is shorter than the other. Let's go back he has a hole in the heart. You would just get up, with all your stitches you also would just get up and you would say let us go to that doctor. You are on the job. Mera bacha kuch achca ho jai. May be some doctor resumes are magical word and say no no there is no hole. Everything will be right. And all that. But the movement I get a referral for a six year old child from the school or from the family that isne TV thor diya kyoki isko gusa ata hai. You don't accept any aberration or any abnormality in the body but accept any abnormality of the mind as long as neither the school teacher, not the neighbour nor me should say that he is mad. Because we are afraid of the word pagal. Without doing medicine you would understand that there is a flue, viral, bronchitis, pneumonia, Tb, there is a appendicitis, there is a kidney problem whatever, whatever. Dawai puri khaiyo, and don't leave antibiotics, I mean you were are so wise. But a moment or mother says near bachha about gusse wala hai usne TV thor diya, usne bache ko dhakka diys who gir gaya uske data toot gaye; ha who thote gussae whala hai. He is better shy, aggressive, violent, moody. But he is my child, how sweet he is. That is our reaction. You know. Max you would say his father is also liked this, his grandfather is also liked this is his whole family is liked this and still you are all right with it. You should not be hole in the heart he may be a angry time. What will happen in the future you have no idea? And that what I will talk about today what it is that is a normal personality. If you look the words that I am trying to write a normal personality. Everybody the action is everyone is normal, kya hai

bas ak aap psychologist ho app sabko pagal..Maine kab bola. You read the WHO report which says that in India arthritis is genetic and you read it and react and say asi thore hi hota hai. Nai hoga it is a WHO report. But the movement I say that there is a behavioural problem, Kya appko sabi maie lagti hai. Yes, sabi maie lagti hai. Genetically every second or third person is suffering from something which is away from norms, you have laid those norms. Normal personality. Who is normal, I don't know. And I thought everybody might get angry with me, they are the judges, they might scold so let me talk about balanced personality. So when I talk about balanced personality. Then I ask you the question how many persons who have met who are really balanced. You would say yes more or less. More or less, more or less not balanced. And that creates problem in the family that creates problem in the school, that creates a problem in neighborhood and there are interpersonal issues arising out of that. Let me say there was a psychologist who use very cleverly a word mature personality. How many of us have really met mature personality? 100% mature personality. See she is saying no. Even I am not mature personality, I openly admit, I don't shy saying that I am not a mature personality. I am not balanced personality. But I dare say to anyone else, people get them back at me how dare you not called us balanced. How there you would not call us mature. V. how many of you have met immature personality. Any there, any second person. How many of us met this disordered personality. I am using words which are common to all. Disordered personalities. How many of have met immature personality. You have. Right. Is there is anyone who have never met an immature personality. And don't go far in your own home. You don't want to say. If I say आपको गुसा आता है, you will say हा कबि , कबि. You will avoid the answer. So nobody would like to say I have yet to meet a family where all its members are matured. And from immature personality, I want to use the word abnormal personality which is tabooed word. In our Society in India it is our tabooed word because he or she is not Pagal. The moment you say that he is abnormal, the other person same what you said, why did you call me abnormal. Anything which is out of the norm of the normal personality is imbalanced. For example if we have believe by enlarge still in India that the girl should talk less, girl should not be loud, a girl should not laugh voicely, should not argue too much with the husband, she is of good girl. I am not. I talk a lot, I argue a lot, I would be talking about politics, it doesn't bother me, but then the rule will come that

you are not feminine. If that is the norm then I am abnormal. I am imbalanced. What is wrong in that. I know that I'm not pagal so I need not to ask you, how you can call me imbalanced. Therefore I will say there are variations in normalcy and balance. Variations. One percent away from normal. This way or that way. Towards plus one or towards minus one. Standard deviation. But there are variations and those variations can create adjustment problems in a family. And I will give you case study before I come to personality types disorders. I met one year old married couple. They had a love marriage and they were seeing each other for the last 3 years. The boy used to take her up to five-star, to coffee in a coffee shop and for dinner. And she was wearing a jeans and a top all the while and she asked him that I will never worn shalmar kamij, what to talk of a saree. So will your mother mind it. No, my mother doesn't mind anything. My mother is a gem of a fellow. So they got married and so the girl came down the next morning with the jeans and with her lovely choora and the mother in law was shocked, what is this, all relatives are in the house and what you are wearing jeans. Just get back to your bedroom. And then she came in the bedroom and shouted on his husband and then in the Bahu. And the girl started crying and the girls says the husband, I want to go home. So he says okay I will go and drop you. So she was about to go, and mother said where are you both are going there is a lunch and all your relatives are coming to day. And she went all her eyes red and swollen, the mother-in-law says don't you know you can't go and meet your mother till your brother comes in and picks you up. And only then you can go back home. So, children are having their own language. They talk slang. So by chance there is a slip of the tongue and she said bull shit. So the mother-in-law walking out and she came back and said what did you say? Nothing mom sorry. Know you said bull shit. So do you think I am bull shit. Ye sankar dye hai tumare ma bap ne. Ap to mae phone kartee hu tomhare ma bapp ko. Aa ke tumhe hmesha ke lea le jae. Right. So girl started crying. My father is a heart patient, please don't do that and then she says to her husband tumhe mari mother ka pata nahi hai who itni laraki hai phir yaha atom bom hoge please don't call anybody. The girl realizes that her own mother has variations in normalcy regarding her anger management. Right. She accepts it. The boy doesn't. To day to listen to my mother tomorrow you can do whatever you want to. This is the girl and narrating to me. So then he said very did I said this. They were sitting beside each other. She has long nails she

clod him like that. Tune nai kaha tha, tu awal darja ka jootha hai. You are bull shit. And so on and so forth the marriage was to break. On a such a trivial issue in my eyes, on such a serious issue in the eyes of the girl. Now, who is immature? Is the girl immature, is the mother-in-law immature, is the son I don't know what? First I want up feedback from you. What do you say out of these words to each family member? Father-in-law is nowhere in the picture. He hasn't seen all this or herd all this? Comments. Who is immature? Son is escapist, the girl is immature, the mother-in-law is still immature because the girl can still get away from in maturity because she is young. Mind you she is only plus 2. So she is 17 and the mother-in-law is 42. So when the girl try to break of the from the husband. Nai meje khar jana hai ,I will take a cab and go home. Right. Boy tried to hold her with no intention to hurt her or beat her. Just try to hold her back. Mother-in-law said why don't you give her a quick slap and she will be alright. Right. Before the mother-in-law come forward and give a slap the girl slapped the husband. The husband slapped in the girl. The mother-in-law slapped the daughter-in-law as to why she has slapped her. Who is mature? Who is immature? This is part what you see every day in the family Court. Yes or no. Yes. And the matter is so much solvable but went so much out of hands. Why, the girl is intolerant. The girl's mother now I will give you the background. He came for counselling so her parent for counselling, his parents never came. So the girl's mother said I gave good Shiksha. I don't know what went wrong. And the daughter started telling me, anty I would tell mummy I want to go to see a movie six to nine in the evening. And my mother would say tari shadi ho jaegi jo man mae yae karna abhi nahi. Right. Now I told my mother everybody wear those short dresses I want to wear that and go with my boyfriend. My mother said tari shadi ho jaegi jo man mae yae karna abhi nahi. She said mummy I want to go trekking with this boyfriend of mine and there are other people also going so can I go with him? Their tour from school say tari shadi ho jaegi jo marje karna. So she gets a picture from her mother that mother is saying the truth. She gets the picture from the mother that when she get married is probably freedom by mid night. Little did she realise that she went 7 times merry-go-round with that choora that there is a thanedar sitting there eyeing at her. Complaining to the husband that is the son teri bibi ne aaj muje ek gilās doodh nahi poocha rat ko sote samya. Did everybody understand Hindi? Your wife did not offered me a glass of milk at bedtime. She is few

hours old in their house. Dam it you get up and offered her a glass of milk today at least she is your guest. Whatever. But that's not true. So whether that is a normal personality. You tell me. So what happens ultimately a case of domestic violence was created in such a scene. And when such a case is created with the domestic violence, it's not that girls don't tell lies. They also is that also exaggerate, they are as much human beings as men are. So as per psychologist being a woman I do not be gender biased. So this girl makes a complaint in the woman cell that my mother-in-law asked for more dowry than I got. The mother-in-law got arrested. So I asked her the girl. Sweet heart why did you do that? Did she ask you for dowry? She said nahi anty but I lie if she curtails my liberty because I want to punish her. I said was she really to be punished on was your husband to be punished. And that also not punished but reeducated. That's the way a psychological look at things. But a judge may say domestic violence to hai. So I have to bear with this. Then you say then if she didn't ask for dowry one has to prove or disprove it. So fortunately or unfortunately you will also have counsellors in your Courts. But I met some of them and they didn't look very qualified. I am not criticizing anybody. Mare bacche hai, mare hi students hai. But you are dealing with people's life's. Therefore when Amit Ji tells me come here and talk about personality disorders. I say okay. Everyone get angry with me that you always use the word abnormal, imbalanced but it is very very prevalent. So with that as the backdrop I do want to say that we will first like to look at Is histrionic personality. Now what is neurotic personality? Neurotic is a word that shows minor abrasions, but he is not under the purview of law because he doesn't harm the Society. He harm himself. So he is the odd man out. He is problem to himself. He has his own problems like now what kind of anxiety, fear, worry, depression. For example, on 30 or 32 year old man comes to me, he is an exporter and he works with his father, he said anty my heart is getting pain. I said why? He said I am sure that I am having a cardiac problem. So I said that your father called me that you had it yesterday and you had gone to a cardiac hospital and you went through all the tests and you will fine. Yes but how do you know doctor may be lying. I sure short case of hypochondriasis. That means you are all the time preoccupied thinking of some illness or the other. But he is not harmful to anyone. He is not hitting anyone. He is not imagining anything more than just his body. Right. Or he will have anxiety. For example I have a 17 year old boy studying in 12th that even when he

has a unit exam he has very severe headache and he vomits. And he has been doing that since childhood or he will fear; for example I have a girl coming to me she is 13 and will not like to go to school because she is afraid of everything. Afraid of a teacher, afraid of children, afraid of knock at the door but otherwise her IQ is very good high, how the EQ is less. Emotional quotient. So she has mild depression and severe fears but she has no hypochondriasis and these are all club under one heading and this is new neurotic personality. Right. And we don't pay too much attention. Though they should be referred but we say tang to hai kate na. So she is not a liability to the Society. Right. Then we come to another type of personality hysterical personality. You crack a joke and you laugh and when you laugh you laugh for couple of minutes or couple of seconds and then you move on to some other topic of conversation. A hysterical person will go on and on and on and then starts crying, then starts exaggerating, and things I am going to faint. So the parents are like beggars, so they say what happened, so they are with neurologists. He fainted. So neurologist say have CT scan of head, have a MRI of the head and everything is fine. But she has another fit. So neurologist gives her a sedative so she... Is that the answer? That's not the answer. My first question before doing MRI, before doing CT scan to ask sweetheart would you injure yourself. Nai anty, do you fall unconscious any there on the Road. Nai anty. Did you fall down any there in your chair, in your class? Nai anty I was going to Bhawna nai muke pakar liya. So she was not fainted while she know that Bhawna would protect her. So hysterical fits are those fits that don't have any neurological basis. Such personality is Dramatize events. For example a 7 year old boy comes from school and tells me I am coming straight from school to you for your session. So I am very hungry. He is giving me a hit because I give him ice cream then it kids come. He said anty I want ice cream but mummy said don't ask. Then he gives me. Do you know what happened today? Of the accident on road. The truck came under the bus. And all girls died in that. So what school was that? He said my school. Tomorrow it will be closed because so many girls died. No one died, no accident. Loves to dramatize. And this dramatization in technical words that he is a histrionic personality. Rights to make history. Histrionic or dramatize personality. Have you met people like this? Okay.

Someone who does not have depression but has not depressed personality. Let me now talk of personality disorders and say why are they personality disorders?

Symptoms come and stop there and don't convert themselves into a disease. These are personality disorders. Otherwise if someone suffered by depression that is an illness. But if symptoms are not so severe to call it illness. It is a part of his personality. Right. So he cries very easily. Who are those? How many of us still cry when we see movies. I do, I do, I am not embarrassed in saying that. What is this sir, why you are embarrassed in accepting it? Let me tell you you are beautiful human being. Culture allows girls to cry, culture do not allow men to cry. If men would to cry bypass surgery would be reduced. Let me say that you go to our cardiac surgical ward and you find a hundred bypass surgery 98 are men because they are not allowed to cry. And this training comes from childhood. See then other girl cries she is 3 years old or 4 years old. Even then that the lift and say who made my daughter cry. Right. She gets encouraged I get attention like this, I feel better like this; is not just attention seeking, but I feel better like this. But then boy cries same age 2, 3, 4 what are the comments from the family. Kya apni mummy ki tarah ro raha hai. Be a man. So there is pressure on men not to cry. I will give you an example, I went to somebody's death ceremony the father had died and there was his younger son who is about 20 or 21 and he was so sobbing very badly, very very badly. And everybody is saying bechara, sensitive hai, komal hridaya ha hai, and the girl was not crying, the daughter. What the Society's said pattar hai, roti nahi. See our expectations from various genders. So when he wants to be honest see look here I do cry when I see movies he is afraid to bring his hand up. It is beautiful sir, it is beautiful. And let me tell you Broota sahib is 78 years old he is a psychologist and he also cry. And that is why in 78 he does not had bypass surgery. So that is one of the advantages. Do you know when you don't cry you are like this, ghote uhe. You are cramped. And what happens either to take out to somebody when you are imbalanced personality and you create a ruckus in the house because there is displacement of anger and temper. Or when you see and then you start crying, it is the release. So be proud of what you are and don't feel embarrassed about it. It is very very, I am so proud to see that.

I will now come on something which you see in your life every day. I am surprised that you didn't see depressed personality in your Court. You are in family Court. One of the key symptom of the depressed personality is you see everything negative. Sense of hopelessness, sense of helplessness is the depressed personality. And on the contrast

to it look at the paranoid personality. I am great and you are wrong and I am right. The call it grandiosity. All of you are after me only. This is called persecution. Right. All of you are plotting against me. This is suspicion. See the next one, exacting; it would be 10 minutes to reach here, why did you being 15 minutes. Now, let me link it up with the normal personality because you don't want to hear any of the word. I got a call from some relative. My friend's daughter is in trouble please help her. I said okay. She is in Bombay talk to her phone. I said okay. She said anty be live on the 11th floor in Bombay. And if I drop away the curtains my husband says to whom you are eyeing at. Right. Now if I go down to buy vegetables, he says there are exactly 52 steps, to come up. And it would be this much time to come up. You are having an affair with sabji wala. I didn't really tell you that suspicion can become so illogical that you can suspect any one for that matter. They have very inflated ego. They are very argument dated, they will not stop till they do not have the last word. And in family Court, I don't know, I am telling about myself that while doing marriage counselling if I get a husband and wife; the husband will say she is crying, her mother says like this, like this or like this. And he says just tell her to go according to me and home will be with happiness. This means that she is an idiot , she has no IQ of her own. Girls does not supposed to have that. Tell if I'm wrong. I want men to react. While you are so quiet please come on.

Participant:-Hamko roj data parti hai.

Dr. Aruna Broota:- Roj data parti hai. I agree with you. Longer the marriage the wife will rule over you. Newer the marriage the husband tries to control the wife. Ma hai, bol diya to kya hua, accha. Do you would have tell like this. Kaha tha. Ha keh do.. Haha..It's amazing that mothers in law come and tell me. Larki ki ma khar kharab karti hai. Larki ki ma larki ko sikhati hai. Larkae ki ma kya sikhati hai. Neehe mat baniyo.. One mother- in - law came asked me crying and saying my home is breaking. I said okay what happened. My son wants to move out. I said really. He has the guts. And I asked only one question there is your mother-in-law? She said she does not stay with us. She is a very difficult person. So in your own house is on fire you are not ready to accept that you are irrational, you are emotional, you are immature and when I say your mother in law is immature Aruna Broota is very bad. And this is for the eyes and ears of women and not

men. It is easy to handle men they are like kids, Ye kinte sede buddu, sweet log hai, species, you can handle them but you can't handle a woman. And aurat hi aurat ki dusman hai. Your laws must do something for this. That is why the reason you have problem with daughter-in-law and the mother-in-law, you have sister-in-law and her sister-in-law problem. You know and there are issues over there. So this is an example from your work routine, your daily work life, question is how are you going to resolve it, if you are not able to recognize whose personality is disordered and where it is generating from. Because besides the punishment or the penal code act whatever you are going to follow, you must recommend them for counselling. I have a right talk like that don't get any wrong opinions that I am against mother in law. I and our mother-in-law, I have concerns both are married. And in my mother-in-law would ask me it is your ender one. I don't know he might have gone out somewhere else. You don't have control on her. So I would say why I will have control on any one. Why? The day I start asking where are going, why are you going then I am in Court. I'm not at home. This is her house, let her go where she wants to. This is her house. She will learn how much to go, how much not to go. Have mother has also told her ki jab teri shadi ho jaigi jo marji kariyo. Let her go shopping, let her go whatever she wants to do. She should settled on. Say for example if she used to get up late and then she was newly married; say at 9 o'clock or 10 o'clock; why should I as mother-in-law create a ruckus. The day she has a child poor girl never slept. Because he is crying at the night or he is crying in the morning. Or when she is going to school she has to get up in the morning and send him to school. Why is the mother-in-law being the bad one. Why the mother-in-law has an immature personality and imbalance personality. She is the one who is elderly in age and should carry our of baggage of wisdom with her. But she doesn't have that. Why? Her own insecurities. Ye muke choor jaige mere burape ka kya hoga. I am an older woman. Self-pity is there. You'll need to understand what are these personalities and how you can give better verdict, better resolve than what you are giving up to now. I think this has come first after this. There is one more the manic personality. Do you see that? Have you come across this word. Have you ever come across this word menia. What do you understand by this word menia? Some particular habit. Okay. Excess reaction to something. Okay. You know that Coca cola add. Ye dil mange more was coined by a psychologist. What is manic personality? Excess that you

said sir, you want to talk more, you want to eat more, you want to walk more, you want to spend more, you want to love more, you want to romance more, you want to sex more, you want to hate more, that is overlap. So, he is excess or impulsive overspend, over talk no balance in relationships. Today he would take you to the hospital he was spent everything for you. The next day he hates you. So there is no balance in his relationship. Otherwise why the personality and not the disorder that he is able to somehow go to office, to his work, earn his money, pay his bills and manage the family but create a ruckus in the family. Love and hate the same person in the short period. Would not know what to say and what is not to say to the people in social gatherings. When we become professionals normally we know all these things but we normally ignore these facts of life and they can influence your course of action. Then after this you would think I should refer and you will also think to whom to refer. And this is also very important in case of your custody issues. And when you are talking about custody of children. This is the base for tomorrow.. See an alcoholic or gambling personality. You are impulsive, irresponsible, you lie very easily, you swear very frequently. Dram se kae Rha ho, Ma kasam se they are aval number ke joote hai...they are paranoid personality. Ha, kya, kabi nahi. They are paranoid personality. I am right you are wrong. Even as a judge you are wrong. And in the one who will tell you. I am the witness and I will tell you that things happen like this only. That a paranoid personality. Let me say, My husband was as a psychologist for corporates. Say for one particular corporate they advertise for they want, they select but they don't give the letter of intent. They said go to Dr Broota, he will do psychological test, and then he will do psychological interview. Then we have this paranoid personality they would not be able to work in a team. You have done two session in the morning teamwork. They will always try to find the fault in the other person. That this authority self-imposed, that is the paranoid personality. But you look at the alcoholic or gambling personality. They are impulsive. Chal yar pete hai kuch nahi hota..chal yar bet legate hai. Look at the cricket betting. These are impulsive personalities, they are is irresponsible, they lie very easily, they swear very frequently and they increase in the drinking. I think you must have read that when liquor concentrates itself in the blood with more than 10% they are certified alcoholics. And because there is a concentration of more than 10% already in the blood that sucks them into more drinking. And amazingly these are the one who say aaj Friday

hai third day ko char bottle khareed lena. Insecurity of the liquor no other in security. This will help you to evaluate personality. And these are the research based; I am not giving you my stereotypes, beliefs, observations. Type in Google and then you look at these personality disorders. They will help you reframe your decision or at least polish your decision. You know they take bets, they take uncalculated risks. Today they cannot bet wife in jua cards, horse riding. I have a man who said to his wife I sold you. The daughter is studying in BA first year and he said to his wife I sold you. She said what nonsense you are talking. Yes, those people will be coming to take you away for prostitution. Yes because I lost 2 cores in horse betting. She was in my eyes was a balanced personality but in mother-in-law's eyes she was a man because she took charge of the situation and she said arrest him and he has been drinking, winning and womanizing and that is an alcoholic personality of it and all over may of manic personality. Why I have brought this case study, there may be all overlaps of personalities. Talking about the reputation, obsessive personality. I want to differentiate, there is something known as OCD. Obsessive compulsive disorder, so that a disease. For example last night I had a couple with me and the girl goes on washing her hands, she goes on washing the utensils, so food is not made at the right time. So, when the husband comes home food is not even cooked. People are sleeping because he is working in a BPO so he comes back at 12:00. He said very the whole world is sleeping a whistle of cooking is coming from my house then I put food to cook, So this is OCD. Now let me define the 2 words. Obsession is irrational repetitive thought. He is seeing it to me this means he will kill me. He is looking at me, or he is making fun of me, he is very angry with me, he is very angry with me, he is very angry with me. The baby is crying his diaper is dirty, she should as a mother should go and change the diaper but she is not and he is continuously crying because she is thinking he is going to kill me, and he is going to give me, the repetitive thoughts. This is Obsession. Irrational repetitive thoughts is an obsession. Irrational repetitive acts is our compulsive the action. For example, Amit is calling me and seeing mam your time is beginning to talk, everybody is waiting why haven't you come and I am saying yes I am coming, I am coming. One tree or two tree. Oh I have not seen the first one again start counting, one tree, two tree, three tree oh no second tree, third tree, NO No first tree, second tree and then the time is lost. So this is an action. So you can be a washer, you

can be a cheker, you can go on checking locks, door's, car locks, you unlock and then lock, then you may be washing clothes all the time, washing hands all the time. Contamination is the fear. Right. So that this OCD. The disorder. I am talking about obsessive personality. So abhi ko compulsions nahi aai. But in the obsessive personality that they are overly cleaned. The difference between obsessive personality and OCD. This is not OCD. OCD is the disorder there you are a certified washer, certified checker, certified by perfectionist. You know a clerk from Delhi University referred to me that he doesn't work. He is in finance and he has to make salary cheques. So what does he do, note this is dirty cheque, he cut and throw it. Taken the 2nd cheque. Now the bank is upset that how many cheques he wants in those days. To day you are doing RTG, so that is different. The other obsessive personality takeover is 2 days Tuesday no cheque would be made, someone will die at home. Fear, in security, fear of death, tragedy. So you are very repetitive. They want to be perfectionist. Their files are so neat and clean and they will not work because the file will become dirty. We had a Prof colleague then some minutes of the meeting comes, been due respect he is no more. Okay Upadya ji please sign...a..a..a/..a should I sign, police will not come and take me, by perfectionist and suspicious. His table is tich and clean as he don't work at all. Do you see that. Such a person is slow. But now look at his performance; poor decision-making. He is preoccupied with trivial details. Don't take this sanmika it has one yellow mark. There should be three mark, ok three is there no I mean there should be five mark. Numbers. Go into trivial details and want to know. So preoccupied with trivial details, excessive concern about rules. He will explain and interpret the rule in the best manner but even take three hours to explain one rule. Then they don't work because the time has gone. He has extreme anxiety if you don't follow him. I want ki aap yaha se ase jai or fir vese jaye or kir aha se pauche. Aap khat me ye likhe. Appne cauma dala fulstop kyo nahi dala. Extreme anxiety if you don't follow him is the obsessive personality but not OCD. The action is missing. Compulsion. The obsessiveness is there, it has been taken into action. So that is an another personality. I know a client who was coming to me she said that I am going to divorce my husband because his mother says take the washable utensils and wash it five times. I'm counting and saying ammaji one, ammaji two. She said nahi one teek se karo. Life again be so difficult then at times. And that can come to the family Court. Please do

understand that. This is something that you see. You remember Charls.. Do you remember him. Okay. Right. Very pleasing, very attractive, very attractive in social manners, unethical, no debt in emotions, can stab you in the back at any time. Never there is guilt about anything. Impulsive and requires immediate need gratification. If I have to go, I have to go and I will go. There is no money. Okay I take from there. It is there in his cash box. Usme kaya karna hai. I will return it to him. Without asking he will pick it up from the cash box. They will reject authority and they are anti-social. Beware of people who are extra sweet to you. Hello anty, how are you anty, anty aap sabji le ke aai hai me utta loo aapko fourt floor pe choor aao anty and then they are looking inside kun kun hai kun kun nahi hai. And they pick up the gold bangle sold them and police unke khar aae hai the servant has been beaten up, the servant has been arrested and he is just watching. No guilt, you have to as judges the careful about that. Charles got married in jail only. So, that girl who wanted to marry him from Nepal she was in manic, she was manic. He doesn't give me time to talk. Manic personality is they still function I repeat but manic depressive psychosis new terminology is bipolar depressive disorders. You are high and you are low. There is a biochemical imbalance where you want everything more, so if you are married you can have an affair outside. An ordinary person would say iska character kharab hai. Koi character nahi kharab hota hai kisi ka. It is the decease. We need to have that attitude. That is very important to understand. What about the last one Schizoid personality. You have saying schizophrenia to nahi hai. Schizophrenia jo hai yo bara differebt hai. They are required, they are withdrawn, they are very slow, they have loss of personal hygiene, they are very poor in social relationships, they have no friends in schools and don't confuse them with introverts. Introverts are people who have friends, they take a long time to be friendly with someone. There paucity of language. What do you mean by paucity of language? They talk very less. They have very few words to express themselves. They are different if you praise them, they are indifferent if you criticize them. They are stone like this. They are confined to the own. Very seldom they come out. Inability to form any kind of attachment and in very young age to need for the love fails to develop in them. Ya jo personality disorders mai aapko bata rahi hu, you need to understand family Court me appkne kya deka. Is the woman is suffering because of that or is the man suffering because of that. Please don't think domestic violence is

only when girls are beaten up. Even men are beaten up. We don't know how many men are beaten up also because personality disorders can be in woman and in men also. So be careful what verdict you are giving, what suggestion you are giving and what solutions you are coming out with. With this forgive me if I overshoot but if I have not lived up to your expectation. Thank you very much. God bless you. Clapping.

Dr. Amit Mehrotra:- Thank you so much mam for blessing us and giving such an great, great insights to look around this personality disorders and within this now will be our end of the day. 7 o'clock we will be having a movie Tanu weds Manu. It is 11nd one followed by the dinner. Man will be with us tomorrow also on this couple therapy in resolving family disputes but tomorrow he would be starting the session at 9 o'clock. And we will be having Honorable Justice S.A. Bobde sir with us. The speakers are Prof. Jaishri Jethwaney and Prof. Vijay Vancheswar who are the communication experts and they will sensitize you and deliberate on interpersonal communication skills. So tomorrow even be starting formal sessions at 9 o'clock. Tomorrow we have a slight change in the schedule; we would be ending up by 3 o'clock and starting it at 9 o'clock and so this is the conclusion of second day confidence. We will be meeting in the evening and then tomorrow morning. Thank you so much.

Session 9: Interpersonal Communication Skills

Hon'ble Justice Sharad Arvind Bobde:- Its indeed a delight to be here especially having regard to the subjects, the topics for discussion. I would have really liked to attend the entire range because of range of topics but this is not possible. The main reason is that if there is that anything which can be said to be fundamental in our profession as judges it is the ability to communicate. As a lawyer I used to often wonder while addressing the Court that really the word in my mind used to be one must express well and then leave it to the judge. But expressing well is one side. The other is the ensuring that the other person receives your message the way you intended in the way you sent it only then something meaningful happens. We did it. We are undoubtedly be communicated but that was not the idea in the head. Now this workshop deals with interpersonal communication which is probably not to new term and a very apt term. The

foundation is that there are always two for a conversation or communication or as the sanskrit word for samvad and what takes place between the two. There is a beautiful analysis and a description of all this in the reading material and you see so much effect every day in our own lives. We see negatively the failure of communication which has disastrous consequences when you see between the parties especially in matrimonial matters. Matrimonial and labor matters are two places where it's very difficult for judges to and the other reason why judges hesitate in employing many conciliatory tactics is because there are tax on the judges that they're taking the sides. But that is a professional hazard and we have to take of it we as reporting officers of supervising officers have to know that if it's a matrimonial case and the judge has been attacked the likely hood is that parties are dissatisfied and there's nothing wrong with the judge. But often we don't take care we see that the cause of the strife in the first place is a failure of communication. Between the parties and it's very difficult to at this age they are all normally set in their ways to teach something new from the bench as it were but that is fine but that problem is that we ourselves don't know what this communication and failure of communication and I will not go into it we have experts here. And experts amongst the best in the country. And I'm very happy that we have these subjects for discussion. And I'm sure we all profit without exception. And therefore I leave it to the experts, the groups to carry on. Thank you very much.

Prof. Jaishri Jethwaney:- Very good morning hon'ble

Hon'ble Justice Bobde, director, NJA and delegates. We have about an hours' time between me and Professor Vijay Vancheswar so we would be dealing in the following manner. I'll give us some conceptual framework about developing communication skills. Show you a couple of videos followed by professor Vancheswar giving you a small exercise to engage you in a kind a simulation on interpersonal communication. I come from a Media Institute and my job from morning till evening is to deconstruct messages all the time on various kinds of media and body language gestures very important part of it. Let me tell you three jobs to my mind are the most difficult in the world. The job of a judge. The job of a police officer. And the job of a doctor. These three professions

maybe we can do without them are the most dreaded also. Nobody would like to see a court, a police station or a clinic or hospital. But when they have to go there's a hope. When they go to hospital the hope is that I get healed. When they go to put a station that they understand the person at the site understand that he's not a culprit he is not. And the judge would deliver the justice. In other words people who come to three terminologies restricted to these three courts especially family court. Are the people who are not really in the normal frame of mind are they devastated. They are fragmented in the mind and also they are distressed someone going with a very bad marriage marriage in the rocks. Issue could be child custody issue could be property. You know....division. So they come with a certain baggage. As families judges you're also human beings. You live in a million. You have families. And we're not different. As maybe family judges we undergo the same rigmarole every day but then when someone comes with this kind of state of mind. We don't have to be stressed. From morning till evening is not an easy job. I don't know how you feel at the end of the day. But I can empathize with you that it won't be always a great day you know when we go to office when I would office. I'm very hopeful. I want to see lots of young minds. When I speak. I'll get a lot of out of box ideas so on and so forth for you is almost same every day someone crying, someone shouting someone at each other it's not an easy job. So despite all that. You have to have a semblance of...you know. I do that the right word is sanity but despite being you know distressed yourself at back of your mind you also have to be independent. Also make other feel very comfortable because confidence is extremely important. When someone comes to you and communications not just words. Speaking good, there are lot of things which come around communication. So a few slide would just let you know based on lot of empirical research three things look for a start and slide One could be a monologue that I know the best because being a judge, being somebody on the other side we know that we are authority on something for be someone has come to us. Then could be a shared dialogue or technical dialogue in which we are trying to extract information so that the process of justice and the justice that you deliver the information you need to sift and have it with you. The third is the dialogue. I and thou. We are on the same level. I empathize with you I know your issues. So you find all these three kinds of monologue technical dialogue dialogue are required. This interpersonal communication is not

between friends. It's not within the family. It is for someone who has come reposed to faith in family for the feet in a family court and a family court is very important to my mind more important than another court in these matters because they can avoid going to the other court in other case the problems can be solved in a family court itself. So the two way process that requires synergy between the sender and the receiver. Any message which is required has to be encoded by the sender. It receive the receiver. He decodes it. In between there's a channel in interpersonal communication. The channel is word of mouth. They can see us. It is eyeball to eyeball level of communication. This something called noise noise can be physical noise can be deliberate. Was a physical noise...And then or there could be some other problem and why mental noise. The other could be a deliberate noise. I don't listen because I don't want to listen. There's no way you can make out the person is listening or not. Hearing is inborn. Listening is cultivated when I'm speaking you know I'm speaking. But I have no idea how many people are listening to me because there's no way I can make out. Ears don't move. So that is was very important for us to see that people are listening to us and we are also listening to them. And there's a technical side of that and just come to that of a skills both verbal and nonverbal are the result of our conditioning since childhood. It is generally said that home is the cradle of civilization. All over you systems it tell us we get it from our parents, grandparents then in school. And as we grow older if you recall you would find the basic things which you learned in the childhood in of the homes in ever school they come so handy. They become part of the skin. We don't need to remember but that is what we become. I only see that home is a credit of civilization. We learn the first lie is also at home when the doorbell rings and your father does Bol mein ghar par nahi hoon and you say papa ghar par nahi hai. Then we need grow we don't realize what we groomed as. There's no close it back at home. They believe a value system a toss the new go for work. We carry that baggage with us. So in kids and sometimes it's a burst of the further. We somehow choose those proficiency which of it is suitable to over nature. And I'm sure as judges you would know it's very important for us for you to be empathetic to be truthful to be honest and to be other person's shoes. This comes very naturally. But your grooming in a childhood must be standing in good stead for you. That the words convey very small part of the message. He argues that ninety three percent of the total impact

of any given message consists of nonverbal factors. There's a saying in English the first impression is often the last impression. And not necessarily when the person is even spoken. So this is the Matrix people remember assimilate seven percent to thirty percent in the tone of voice and inflection How do you say it. Fifty five percent of expression body position and gestures. For example when you're listening to a client how do you are you also engage in something as are you sitting down and listening. That makes a difference to the person that oh. The person's empathetic. He is giving me an active listening. But a language can reinforce so undermine the world will message. What you say is important. How do you see. Can Raise the masses of adult ambiguity. Just example of like to help you. I would like to help you. I would like to help you. I would like to help you. See the way you say it in the first is norma. Like is my willingness. Help is that trying to build confidence in you. I want to help you. You is important in the last bit emphasizing that you are important for me that I want to help you. A decrease in the rate can indicate thoughtfulness ,reflective attitude or on the other hand boredom. Lack of interest. Does give you two examples. The issues which we ideally with what kind of read and read that it requires. Communication looks easy even it is done very well. Is anything but easy. It requires engagement. Empathy an ability to listen and respond and it requires time. A professional like doctors you think doctors next to God. But WHO and entire country a emphirical research shows does not give more than a minute per patient. He has no time. He doesn't answer questions. In contrast of some of the you might have experience Homeopathic doctor he go on talking to you asking because he is trying to look at the psyches trying to get to the bottom of why do you feel for how you feel. Difference. Listening is most important part of interpersonal communication. As I said earlier. Hearing is a natural gift. But listening a skill that can be cultivated. Following are important when you're listening to the person who has come to the court especially family court preparing the self. The mind need to be free of all hazardous personal and professional. When one is listening to an aggrieved party and parties always agreed. Engage with the speaker. Face is the index of mind. You should not only be interested to listen but appear to be interested in listening. Demonstrate positive body language. This can be reflected through eye contact and posture that shows you're interested in what he she is seeing. Take notes. If required make points. He thinks Oh he is because

he has to deliver the justice he's even taking a she's even taking notes. Summarize once the conditions over clearly lucidly legibly. If the person is made 3-4 points and his mind is a cop web. But articulation is your mandate. So if you can articulate it are two three points is it. Oh. Let me repeat. This is what you said. It will bring so much more confidence in the person. And maybe next time. He's as articulate as you were. Then he states is things. The five outcomes of effective communication. The communications received by the intended target audience. They remember what you said. They believe in what you said. The intent to act on what you said. The act on what you said. So this would be the outcome of an effective communication. But a few things as I said communication not just speaking the voice it does it has so many things connected to that. The secular jockey the secular psychology context which is who you are and what you bring to the interaction. As a judge you have a value system and perspectives on gender masculinity and relationships that wittingly or unwittingly do get reflected. We live in a global kind of a platform. Everything's on You Tube now. So the whole world can watch what we see of what we do if it is recorded. If you come from a culture where it is considered rude to make long direct eye contact. You will out of politeness avoid eye contact. If the other person comes from a culture of a long direct eye contact signals trustworthiness. Then we have in the culture context a basis for misunderstanding. The modern family court judge is a huge document made in America which I'm going to leave with you is a beautiful document. I went through the entire for this class. So this is what they're saying 27 requisite skill qualities, areas of knowledge which a family judge must know. Knowledge of child development, Family dynamics, Understanding the domestic violence, Child Maltreatment, substance abuse and addiction, Mental health issues, Cultural competence, Understanding one's own biases, Communication that emphasizes clarity and brevity. Honed listening skills and exercising leadership from the bench. These are some of the important qualities a family judge must have. It is a huge document running into few hundred pages. So please carry with you. There is this last slide which Rebecca said it in the context of family court judges, family court judges make decisions every day that immediately and significantly impact families. Even so family Court judges are often undervalued even by their own peers on the bench. This insufficient acknowledgement of the broad expertise required to do the job. In summation, good

communication really boils down to do two things respect for others and ability to manage expectation. I will run a small video and hand it over to Vijay.

{Video being played}

Prof. Vijay Vancheswar:- So what is the difference between interpersonal and intrapersonal communication Skills. Well I would think so inter-personal is when you'll be with us in every in both the cases you're dealing with others in interpersonal you're dealing with people from outside of your group in intra personal between your group that see you are in your own community but both are challenging and research shows that the most difficult thing that all of us face in any profession is inter human relationship. That's why it's easier dealing with pets. Because pets don't. Why is it so difficult ways it dealing with people so difficult when you think of ways that that we find dealing with people so difficult. Any one factor? The problem with people is what I say is right and what you say is...it is difficult to accept others. Therefore we need to have art of disagreeing but disagreeing without creating conflict. So there are let me list out and another research shows that normally we forget 50% of what we hear in a lecture and after two months we forget...The first thing is to establish trust, you trust somebody you will be open to hearing, listening to him. Number two listening listening skills now listening skills are very very important. Yes or no. Reflective listening is you observe what the other person says and then you connect. Unlike listening without attention so first is trust second is reflective listening and third thing prof jetwani talked about we have three components in communication words, tone of voice, body language. Can you recollect how much were the percentages? The third thing that we need to develop this world will and non-verbal communication skills. When they say in on the communication skills includes body language or not for use except one and the and this these three help you to manage conflict. So conflict resolution skills so the four pillars of communication if I may say are trust, reflective listening, verbal, non-verbal communication and managing conflict or conflict resolution skills. I will show a small video on reflective listening and then we will get into a bit of it on this.

{Video being played}

You find here in the second case here as you can notice. It is effective because the person follows the victim of not interrupting. And better paraphrasing and eye contact. So we've talked about it. Impact of words. Tone of voice and body language. Some of the tips for good communication Smile it's a simple thing. We know that it doesn't cost much show appreciation and use the formula. So we talk about word seven percent don't we've talked about that so see how important it is to ensure many times we forget we focus too much on content. We will find for example we say barak obama is a great speaker but look at the way he is. They trained themselves to speak in a manner that is effective because the focus a lot on eye contact, body language, tone of voice. I suppose we are not trained enough and we can train if you're conscious about it. So we need to focus a lot on that show appreciation listen yes. And put the we before I. Good communicators always talk less about themselves but talk more about the team and about others A sense of humor. It helps. We should have the ability to laugh at ourselves and sometime not make a joke about herself release. Take a joke on lesson.

They always look at the brighter side house. Half cup full others are always saying negative. Juggler told what will go wrong that the black had some people focus on creativity they come up with great solutions of creative solutions. Like Apple if you take the company or Google. They are very creative and the read some people are very emotional. They become very emotional. And they only look at feelings. So he says Very each whenever a problem comes and the blue hat is the balancing act so we are the white hat, the yellow hat, the black hat, the green hat, the blue hat is a balancing hat and the red hat. What is a white haired white had this when you wear the white hat. In a case what a problem. What are the data? Factual data. What logic tells me and answers derived from logic is using white hat. Yellow hat is the positive side. Black hat is the negative side. Green hat the creative side. The red hat the feeling side. The blue hat...Then considering all the options you and I would the best solutions are there ways we tend to get carried away by one stream of thinking and this is helped So a lot of problems in the managerial context in the industrial context of the personal context. So you decide to look at a problem if divergent angles and arrive at the best possible solution.

So this called the 6 thinking that approach which will help us in their dealings with people. And that's because we are all designed as I said....we have a tendency to think more on certain patterns. To ensure that we think broadly. This approach helps us to look at the wider perspective. If you have time we could do a small exercise. We could know this is something with it relevant to communication delivered to interpersonal dealing be you do feedback interactions feedback you know feedback is important we get feedback. We also do feedbacks. You do that. How do you find feedbacks Is it very useful or sometimes very useful. Is it very dependent on the skills of communication? Yes. But we always meet what we need to meet the feedbacks. Yes or no one asked somebody says no way no no you can be honest tell us why. See what happens in feedback is sometimes a superior user feedback to the junior. The Junior is scared to talk or comment on the feedback in the sense that he's a senior and I cannot. So there is the gentleman called Marshall Goldsmith. I don't know if you heard this name. Marshall Goldsmith is great management trainer. He has come up with this concept of feed forward. What he say is making the exercise of learning from others and also learning through interactions informally there's a technique called feed forward. And you get some advice from him for example let me say. Suppose I say that I am scared to speak in public. And they don't know what to do. You are someone. Look I think I gently I'm very scared. And they can you tell me what they should do. And sometimes you get good advice or I find that I get very angry. OK. Then you become the mentor that there becomes a person becomes a mentee In other words other person says look I have this problem can you would waste me or today do so that interaction helps to build bonds. And also enhance interpersonal skills. Would you like to do that exercise for five minutes? So what I would request is spend 5 minutes. On each of the table one of you will become the mentor with it that way said that you will talk about your problem and they will give you advise for two minutes. The other will then talk about that her problem. You will you like that. Just spend 5-10 minutes it can be anything that you're comfortable with example it could be something like. I get really angry and very impulsive what should I do. I find that I want to exercise but I'm not able to exercise or do anything that just kind of open up and ask. Spend five minutes with in the group am I clear. You talk to your people who are close to you when

you're comfortable with about some concerns that you have. What if yes. So in a group of three. Just two to three minutes.

Quite. Thank you. Can I have your attention please?

Now you have a couple of more days. You can engage in this there's just to give you an idea of what this feed forward is. Did you find it interesting? Can one or two if you share what do you would be willing to tell about what they discussed. And what was said ways given one or two from the groups. Yes please.

{Discussion with participants}

I think you're very very true. Because many of the powers are within us and. If we can only unlock a good reflection through meditation to prayers for the worse it's a great help because it is uncertain and to manage that we have to connect with something which is within us. And you're right and that's very mindful communication is so very important to us.

Dr. Aruna Broota:- Children don't listen because parents don't listen and parents have a very authoritative parenting style no matter how much we pretend to have become more democratic more participatory. But we are still very derogatory because we come from a legendary guru shri param para where only the guru talks and sheshya listen. Children don't listen these days because they're fed up of the gurus. And the first guru is the father the mother and I think it comes from there.

Hon'ble Justice Sharad Arvind Bobde:- We deal with arguments every day. Though. The word argument is in a sense a neutral word neutral in the sense it does not involve an impact necessarily. Argument mean the line of reasoning that this is the premise and this is the consequence and this is why this should be. This. This is line of argument.

There's nothing wrong with that because you need to be judges also in their judgments have arguments that this is the argument for reaching this conclusion. Argument per se is a neutral action or phenomena process. The...we often think in a...there are two things one is a adversarial nature of litigation, parties seem to think that they must oppose each other and that is why sometimes mediation and conciliation become difficult. The other thing is what I'm sorry I don't know the name. Yes Dr Aruna Broota I read your name said that is the authority figure. There are two kinds of reactions to authorities, one is that you succumb; simply except what authority says. Other is you accept nothing it says and oppose. So that is what generates a lot of heat. And that is what we call argument that is not argument that is opposition to each other so if you identify the difference as a judge I'm talking as a judge. If you can distinguish between an argument and a line of reasoning which is an attack you'll be able to respond better. Because the other thing we can do is as judges that even though the argument is offensive. We still have to deal with the arguments on merits. Like you can throw the baby out in the bath water. In fact yesterday I met a judge who told me here that he'd tried someone with such an offensive murderous character that he used to say filthy abuses to the judge him every time he appeared. Not only he smack at the court. So I casually asked him I said that what sentence did you give him. I was expecting answer as death sentence. Because you know if you're irritated and such a long time there's a tendency to impose a harsh punishment. But this judge told me a so I did not find the case the rarest of rare and so I imposed the life sentence. I thought that is the objectivity that is the subject of the seminar. So I think there is something inherent in the process of a person and the authority. if you can handle that and you recognize what is happening whether somebody looking at you at them as an authority and therefore reacting to that or whether there is a genuine difference in the point of view. Then you can do your job as a judge better.

Prof. Vijay Vancheswar:- Thank you for the inputs very valuable.

Dr. Aruna Broota:- May I be allowed to react? Just for the minute if you have the time. Firstly I'd like to say that you require a lot of spiritual mental health to be differentiating between me and me as a judge. Only then you can give your verdict in whatever you want to into relation to the case and differentiate the person from the case also not only me

from the judge but the person from the case that's the first thing. But second thing I'd also like to commend that oppositional disorder occur in children and if you don't treat them then this is what happens in the court as an adult that you would be spouting spitting because you're anti authority. So if...if judges need psychologists as that assistance then with that sentence that you pronounce Lifetime imprisonment. Agreed. They should be testing done to find out whether the person will benefit out of counseling or not because if he is genetically a criminal which has been proved that criminality is genetic. So if he is genetically criminal you don't have to spend man hours and money on counseling. But if he is not genetically a criminal. Then he is a possible person to be rehabilitated within the prison. I'm not saying your punishment should not be there. That sentence has to be there. But what when it is commuted and things like that any comes out of the jail he's back to square one. Because he has not undergone any counseling in the jail. That is very very very important.

Hon'ble Justice Sharad Arvind Bobde:- I must tell you this is not a secret but very few has admitted to this as judges and prosecutors in fact I always find that remarkable of Dr. Geeta oberoi manages this selects the topics. One of the topics on which we are very ignorant and we would like a discussion is this one because judges are not familiar with reform...reformation and I don't know if our training gives us the expertise or the knowledge to reform or to think of reform. So possibly this is something the state should provide that in prison there should be a section or along with the jailers there should be councillors and doctors qualified people who will do all the carry out all of this. Irrespective of judge finds it or not... Yes has undoubtedly but that. But there is no we don't know of any mechanism for instance I have I have to sentence somebody for life, rather at our level we confirm sentences but if these people have to sentence somebody for life they don't they don't know whether there is such a facility available in that prison. Unless you have it in all prison prisons will be crowding one prison. I would like to suggest you ma'am some good reading material on this so that all High Court judges can acquire this.

Dr. Aruna Broota:- You know that you are not lawyer but the good people are really not come to the court to help. Because the government does not pay very well. Please may I be allowed to say that you know there is no dearth for posts as well as people but you find that someone in the army has retired as a clinical psychologist, they have frozen the post. One clinical psychologist in the entire Army and that too has been frozen. Do you see that see that for example: If you go to siachen someone is having a psychiatry problem as a soldier? He gets leave and goes to a psychiatry three stations away he cannot get reimburse...he cannot get his medicine again in time because he does not get the leave because his own section does not have a psychiatrist. So this is this is not a question of supply and demand. The demand is not visible because we don't want to hear the word psychology because we only associate the word psychology with pagal and we are scared of the word pagal.

Prof.Vijay Vancheswar:- So we can summarize them. So one. So in summary communication related be assertive but not aggressive. Be firm but don't be rude. Yes respond. Don't react. Respond this with the mind react with the heart. Let us all pray that we be sincere not serious. Last three points three take always one more last let us end with God give me the strength to change what I can the courage to bear what can't and the wisdom to know the difference. I think we're Thank you very much.

Session 10 Couple Therapy in Resolving Family Disputes

Dr. Amit Mehrotra:- So welcome back in this 10 session and I think so that Hon'ble Dr. Brutta mam now she does not need any introduction before starting this session. So our this session is on couple therapy in resolving family dispute so now I will request. ok.

Dr. Anura Brootra:- And I am also going to talk on Yesterday we spoke about the alcoholic personality, the obsessive personality the psychopath so today I want to talk.

Sometimes I think you know couple is hardly fighting. I have many marriage counseling cases. Where couple tells me (Agar Hum Bahar Hote Hai to jhag nahi karete hai).

So some time I wonder do couple really have dispute amongst themselves it's a point worth noting because when you are in a family court

You start thinking who's at fault and you tell yourself anyone can be at fault. There should be a relationship of trust, communication should be based on trust this is not missing if you at your own.

This sentence is really important for me. Do couples really have disputes because I'm going to link it with something differently though? Therefore I will say psychotherapy requires you to understand if anyone in the couple or in the family has a history of annoyed personality you must study this. It was a good idea when I will go back I collect a number of readings and give you the references and you can update yourself you don't have to act as a psychologist. But it least you can understand that something is wrong somewhere and does that need more attention a referral outsider and therefore you have think and work for the betterment of your client

I just want to know mere time pe bolte the entrance exam cross kar liya, qualify kar liya ajj kal bacche ate hai I want to crack IIT exam and I want to crack the medical entrance exam what the hell do you mean by crack yar I mean this violence in your language so it shows a lot about your personality.

As a judge Going back to the US. They are asked me. You have been trained here how do you apply our theories of marriage counseling into an Indian culture. And think whatever you teach me. I am blind to it and I blended with my Indian personality. I blended with the Indian family system.

I don't blame blended with your family system where the wife is saying David come down. Your children and my children are fighting with our children.

I have to blame the marriage counseling Americanized into the Indian culture

and sometimes do provoke a couple. They're fighting (tunai ye kiya tunai ye kiya mainai kaha ek minutue bahut kuch kiya too sad chod dena chatai ho ek dusre ko nahi to sare umar ladte he rahoge tabhi to ap ke pass aye hai.

So where is your responsibility where is your pro attitude . But that is only to provoke them to reflect. What am I doing?

And it's still possible because Ladki ke maa nai kuch kehna he nahi hai son in law ko vo to khuda hai chahai alcoholic ho vo khuda hai ha ke na batao mai agar galat keh rahe hu mai app ko kuch nahi keh rahe hahahaahahahaahh ye mere tauba aur ye mertaub right but I am saying is it the case of custody you are dealing with is it a case of property division that you are dealing with , or is it a case of maintaince you are dealing with

Is it a case of domestic violence that you're dealing with?

You have to decide your jurisdiction first what is my aim what is my objective what is the scope of my kind of decision that I can made.

Only then you you will be able to blend what do you heard yesterday into what is happening in your court today. That will be very important. I want to discuss a concept called emotional divorce.

It's a theoretical concept. It's mentioned in many textbooks. I will put in real life what happens.

There has been divorce within a family. Within the couple and whenever the girl goes to office the divorce girl she is sab and she is quite with her so called best friend in the office She doesn't talk about

She doesn't talk about her mother. She doesn't talk about fashion. She doesn't talk about child rights. She doesn't talk about maintained. She is preoccupied you know as such my husband is not a bad man. It's just that his mother used to ruin his brain. He never had a brain of his own what is she doing. She's preoccupied still talking about her husband. Is she really divorced???

If you are actually divorced jaan chodo and move on with your life. She is emotionally connected. So there is a physical divorce. But there is no emotion divorce. Have you experienced that in your court sir anywhere?

Couples coming to you and still saying maybe this are the third or the fourth case after the divorce. One of custody one of maintained and ultimately they move away from the

topic of concern and start criticizing the husband all over the again and the husband starts to say something against about her wife`. Sot that means emotionally the divorce has not taken place at all.

You accept it or you don't accept it. It starts manifesting itself in many sentences here and there I know one gentleman who is been divorced for the last five years.

And they visited me on Diwali he and his mother. So I asked the boy why don't you plan another marriage? You need to settle down in the house. And he said inke waje se phir.....ho jayega.

Did you understand that because of a as my mother and then there we are now the fiasco in the House they'll be another fight in the house.

That means he regrets the divorce do communication analysis from that one sentence. He regrets the divorce. He blames the mother because later he said she is such a huge drama queen. She will convince me that I am no good as a man if I don't listen to her.

I'm sure in front of the mother only I said but sudhir you have your own personal physical needs You must be so upset and lonely you must get married.

He says ma'am. I have forgotten what my physical needs. Because my mother keeps telling me. I'm good for nothing I'm good for nothing. I'm good for nothing. So man when they are unable to have healthy physical relation It could be psychological. It's not necessary that it will be physical only. Because they have been suppressed and they have been threatened with the status their ego and feelings of well-being and feelings of personal work that you're know good you are useless. The first thing that a man starts thinking is useless is his sexuality first which is so sad because it's not true.

Therefore actually the gentleman has not divorced he's still with his wife and I want to tell you what went ahead. I asked the wife I contacted her I said hi hello doctor kya hua I said

nothing I wanted to wish you a happy Diwali what happy diwali. I'm divorced I said so you were fighting with him at least there is a peace now no there is no peace in my mind.

I said has your husband moved on no mam I have found out from somebody he is not married I said is he's seeing somebody no mam I hired a detective hahahaha to find out is she emotionally divorced She's only physically separated. There's no divorce no matter what judge write in his judgment so I said come and see me. She said all over again you will disturb me you will disturb my peace of mind I said where is it. You have a piece of mind and so she came and I had to ask the husband to come one hour later I thought my session will get over let them bang into each other.

Chance he came earlier than his appointment and he peeped in Hi I have come and.....` sitting there. So I said ohhhhhh come here look your wife is here he just looks at him hello abhi bhe ego nahi khatam hue ego has not gone the wife says

So then he comes in mam with your permission I said beta please please come come sit sit sweet heart right. So he just sits like this right and I said do you recognize him I asked the girl v he hai na jo magar se sath baith rehta the he is the same man who use to sit with his mother all the time So he says when did I ever sit with my mother and then the again start. So I said how much do you love each other you can fight unless you love, you can't fight with the stranger. Because if you fight with the stranger it is displeased. It is displeased anger.

But someone with whom you shared a bed, you love her and you fight because you love her. So I said will you stop fighting the two of you. You're losing time he says which time. So she said mam the moment I wanted to talk to you I am over let me go. So I said ok beta that's your choice. You know what he says don't go. He said don't go it was so touching he said don't go she says have you taken the permission of your mother to say that don't go. I

asked her I said ok supposing his mother dies will you come back she says off course any day is there a divorce there was no divorce. Emotionally they are so connected there is no emotional divorce.

So I said all right are you willing to remarry him after six months. She says only under one condition he does not live with his mother he said OK bye bye see he sits there. She has not changed I said have you. You're still under the spell of your mother you've broken your home why can't you find a via media between your mom and her.

So he quickly ask me aunty what do you suggest I said I suggest that you get married to her and live somewhere else and look after your mother and she doesn't become a part of the looking after and send your mother for counseling.

Will you believe they are re married and you feel so good, you really so great that you have got a home re constructed not a house` well all reconstruct right because there was no paranoia that could be changed.

The fight is generally over an egos and why and it is no emotion divorce. Because that is preoccupation with the thought of the spouse. This shows that they're..... Even if they talk negative they are still involved here I like to stop and share a case study with you.

I have a forty four year old boy coming to me for counseling married and separated with the first marriage why and you are going to diagnose why basically this boy is now dealing with property and rentals but he is a trained cinematographer so he is a camera man ok Now why did he leave that work because his first wife would say you will not take any contract where there is a woman producer.

Why does that woman ring you up? Why do you talk to her why do shoot occurs at night supposing they are making a documentary on Humyus Tome they want to show how it look like at night . Why are you going on full moon at night? There is no need to make that documentary. She's from the same background she's also from media.

First this started then she said I won't put my clothes after marriage in the almera till you don't give me a pipe I want to wash almera as it is inflicted karo diagnose. Obsessive

So that's wife would say give me a pipe I you know involve him in the bathroom and I wash all the wooden almeras. Then I will send all your clothes for dry cleaning. Because your mother is a dirty person and she wouldn't have dry clean your wollen. She would have just washed them in.....or easy. So I get them dry clean. So it was a difficult marriage.

Then they wanted to go to London for some shooting. She went and their tickets booked to come back and he said as she said lets not go back today.

He said I have another shoot lined up day after how will we manage nahi I won't let you go today. He said is not let you go we have to go back today. So the argument was there she hit him she threw flower bowl on the hotel on him right. So he said what's your problem he hurt and got stiches all right and then the police came and I'm cutting short all that and she today's not a good day there will be a air crash. I don't want to go today. He said I have to go so you can stay I will go if there is an air crash I will get rid of you there is no other way. Right now what happens he leaves the house she takes his suite case she rings up the police and say he's desert thing me.

So they came back to India and there was a divorce she belongs to a very very cultured family the mother of the girl runs a school she said beta I know my daughter is at fault we are not wanting any maintenance noting just sign it and that sit there is a separate issue.

All right no kids out of that matter age. Now he gets married again this is through advertisement. And this is a arranged marriage now this is a second one.

So I was called him they had not said yes and the girl was sitting their ad she said ohhh hi aunty loud so I said hi. This is my name is pooja aunty hahahaha.

So I'm telling the boys father there is is something wrong some where dont be in a hurry to say yes lets go home and lets think about it and the boy's father says nahi our house is too lonely My son is too lonely. This and the other today we have to fix it. So they fix the marriage now this girl came at home you know hello broota uncle hello ok so if you are Americanized why you are not shy but you are loud even there is a boy who do the same I am not discriminating.

The very next month she says I need to work fine you work the first she said I want a child and he said yes I also want a child because I've really spent too many years now and it'll be too late to get. So they have one son after another one and a half years only they have another son. So they have two kids now. Now after the kids the mother tells the child. If you don't sleep. I will leave you and go away.

start to think if I really sleep and what if she really goes away So he has to be medicated to sleep that four year old child.

All right then after four years of marriage she starts telling the husband I want two lakh rupees a month for my personal use and you cannot question me on it.

Two lakh rupees so now what is she going to do with those two lakh rupees. I want to buy three hundred shirts T-shirt and three hundred T-shirt for my Youngers one because there is a sale.

Then she says there is a sale at reebok I want to buy ten shoes for the elder one and ten shoe for the younger one. So this boy Rahul says no she says ok she rings up one hundred and she calls the police

Diagnose.

Yes ye Dil mange more..

Now the law is for women the police comes they talk to the mother and the father both are educated mother is a psychologist and she is my friend I am taking about she is my class fellow so she rings me up and says what do I do I said nothing tell what happened so the police started knowing that this is just the case of mad girl they talk like that and then she said my mother in law like this my father in law like this.

So the lawyer came into the picture and then the lawyer told the parents ke isko So that she gets no right into the property. So they give it in the papers and he's out. Then they get another case and they see she should not be seen around within five kilometers of the vicinity of a house because the father in law that is the boy's father had a cardiac arrest due to stress and you are on your listening the matter it is in the court, your court, your court and this is a manic personality. The lawyers in the favor of girls. So somewhere this Rahul goes and find a lawyer who is able to get him protection and then ultimately in one court they have a legal separation.

The boy has the kids now he went to the park to play football one kid break down and fracture his leg. I said you must inform the mother she's going to complain. So they informed she came and shouted at them and all that and on of that right and said. See I

told you you can't look after the kids. You mean to see when there are mothers there is no fractures.

Today I'm not giving you a case study which is in the favour of the girl I want all the man to understand that women can also go wrong. I don't want you to walk away from this and say we were given only feminine cases. So Dr Boota is gender bias because she's a woman. No.

It's a two way process. Family disputes lead to couples' dispute. Do couples really have disputes? Psychotherapy for marriage counseling requires to understand if anyone in the couple or in the family has a histrionic personality, paranoid personality, etc.

That is what is important. Yeah. We did break. OK Take care. Thank you so much my God bless you God bless all of you and all of thank you so much we'll be breaking for it to you to back it to thirteen zero.

Session 11 Shared Custody V/s Joint Custody

Dr. Amit Mehrotra: - So welcome to all of you once again. I think very are marching towards the conclusion of the programs because now this is the second and a half day now and tomorrow there will be a final conclusion. And what we have actually tried to conceptualize the program in the first two days is to understanding that psychological perspectives with regard to the dispute and with regard to ourself so with that regard we have kept the session of understanding self, understanding others, understanding conflicts relationships personality disorders couple therapy and so on. Now from this session onwards we will be discussing some of the legal issues which are actually has to be adjudicated upon or decided to decide when the session goes but of course if the custody issue is there apart from that legal point that of course that psychological part of it comes it of course it comes. So we are today honored to have Hon'ble Justice Mridula Bhatkar ma'am and Mr. R Venkataramani sir. Thank you so much for being here. And they will be deliberating on the session on share custody vs joint custody. So now I will request Hon'ble Justice Mridula Bhatkar ma'am to please make a introductory remarks for the session so that we can start up with the session.

Hon'ble Justice Mridula R. Bhatkar:- Today's session we are going to deliberate on shared custody vs joint custody. Senior advocate Mr. Venkatramani is here to deliberate upon discuss with us the legal issue and the legal angle of this particular topic. Every day being family court judges you are dealing with custody issues. It's a very delicate issue and very difficult to handle. Child requires both father and mother. According to me, I define family as father and mother I love you. That is a Family. So every child he says that family means complete father and mother I love you so this is the welfare of the child as per our law is the essence of the custody issue. We have to can take into account the welfare of the child. But what is the welfare of the child? That we have to understand. Nowhere the term welfare of the child is defined so this term is to be understood by the judge. And it all depends on the judge's sensitivity so also judges knowledge of law and more. Why we are talking about shared custody or a joint custody. Is Also today we are going to looked into? Generally we are giving custody to one parent and it remains the other parent...with that bet and. And some access is given. But now this concept it introduced by the Law Commission now and I think some judges have passed orders in implementation or to implement custody...shared custody by calling parenting plan. Some judges I have come from Maharashtra I am from the Bombay High Court. But I have come across in appeals some judges have passed the orders after calling parenting plan. This is only because of I think so because of the parental alienation. Not allowing the other parent to have access. Held the access to the child. And the alienated child has always develops different number of emotional and second emotional psychological issues and because of this parental alienation this it is a time to introduce parenting plan and the shared custody. Whether it is a custody with the physically shared Fifty fifty percent directly or it is a custody with its taste with one parent and other parent has 50 say in upbringing and development of a child. That also we have to consider how it is make it visible is a big task that the challenge before the family court judge. So the family the child I think the welfare of the child in respect of the custody the proper custody. It lies in the child's idea, Child's Feeling that he should feel that his family is intact. That is an intact family feeling is necessary for the child and accordingly we have to pass the orders daughters and some monitoring is also required in the respect of this. Custody

issue and the access issue. With this introduction I request Advocate Venkatraman to have dialogue with us.

Mr. R Venkatramani: -Thank you judge what my only apology for being here today with you is that as a Member of the Law Commission I had an occasion to work on this issue. And the recent report going with the Law Commission the 227th report deals with the shared joint custody issue. Having said there's only apology. I do not have the experience of having been on the bench at any point of time nor even been specialized in exclusively on family related matters though all of us. As Supreme Court lawyers or you know may not be Jack of all trades and masters of none. You know we keep appearing on all kinds of matters. But over a period of time you get to have a feel what exactly constitutes a core issue in a particular branch of law and when it comes to personal law. What most of appeals to as its practitioners of law and we look at how courts and the hierarchy have dealt with the issues. We try to understand as to what exactly has missed the attention of the court and the courts below and try to say why such issue or a link or a perspective or an understanding which is so vital has not been so understood and which a superior court needs to correct. But that's a practitioner's point of view. But for a judge or a different hierarchies the dimensions which ought to go into or judging process that a wide range. I see from the subjects for discussion in the past two days and in the four noon. It is not merely as all of us are told when we become students of law that the letter of the law or the reason of the law is important. The letter the law the reason of the law only tells us some part of the story. The good part of the story comes of course in facts but the essential aspect of doing just is either combination of a judge's maturity of understanding in all trying together perspectives which are not disjuncted and then if we understand at the end of the day. I put the government table like a nice chess board and play or nice chess game. Wherever do I take myself in or the end of the day as a judge do these are very difficult questions we can have a copy book and said to the world judging process. That's where Cardozo in his very wonderful book on judicial process talks about the difference between a machine made paper and a handmade paper. Please read Cardozo it's a it's a very important contribution to the judicial process. He says the difference between a handmade paper and them and a machine made paper is that the machine made paper is final and complete with a hand

when to put it like an artist's capacity and contribution to look at those finer aspects of making paper. So machine made paper can deal with Settle preceding where handmade paper deals with values and we need to deal with the values in disposing in another judge then the handmade paper concept comes in very very handy. Why do you need to talk about business? In the context of talking about shared custody in your joint custody. What are the got to do with it at all? So when we only issue of this custody came before the Law Commission and I was asked to provide a concept paper I had I had a threshold problem in and how to look at the whole issue. You can look at the issue in isolation number one. Children. Issue. Cannot be looked at isolation. It is a look at the total context of the whole personal laws of a country. What are the role of a person if I'm a family Court judge in dealing with issues relating to family? Diverse or judicial separation or maintenance. They are not to be looked at in isolation each in the every fiber of the person or law or so indignantly connected with some fundamental values of this legislation themselves. So how to look at the custody issue can look you cannot look at it in isolation. How do we connect with the rest of the or the dimensions of the person a lot of the family law? It was a very challenging proposition to me. And when we went ahead with the discussing the whole issue of course you can gather literature from all parts of the world. And then try to look at what the rest of the world have done. And also say yes the rest of the world of done reasonably well in this regard. Why don't we borrow those? And then our plane of a country. Then every country in the world if you look at a law reforms in every part of the world. There is always a cultural dimension which has persevered that lawmakers in every community in every part of the world. Look at the cultural dimension Europe may have broadly shared certain cultural dimension but America does not have the same kind of a cultural background. Asia has different cultural backgrounds. So cultural background whether you like it or not whether you think that a certain aspect of culture that needs to be completely treated as the matter of the past are not. Are again matters of cultural dimensions? In every aspect of law not only person a law I tell you in every aspect of law. Whenever a country and acts or law I think it looks as a litany it looks as culture. You know came into our mind when we went to get discussing the issue of shared custody or joint custody. In the concert paper you will find them to distribute it you will find examples drawn from various parts of the world. But I said you draw example

but how do really feed them. How did really put them in a working formula. And can we are in a very mathematically precise working formula in personal law or family law matters. I think the answer is obviously no. It's a combination ultimately we have the letter of the law. The reason behind the law. The judicial institution which you know significantly contributes meaning to the letter and the meaning of the law. So it's a judicial institution as human beings. Carrying our own personal predilection personal perspectives. Our value judgments etc. go into what called the ultimate making of the law as a student of law understand that. But as judges you understand it much more than the practice of law. When we try to assist the court in formulating a proposition. We can look at it from every adversity a point of view. Often the point of your present case to be one on behalf of a client. But that judicial institution goes beyond it. It transcends those adversity all dimensions and looks at it as a reasonable possible outcome which offers a solution not merely to the individual before you but a solution to the process of law that by enriching the process of law itself. All these. You know invisible diamonds in the part of the judicial process. So when we went ahead discussing this one of the foremost thing which confronted be in even suggesting a proposition of shared a joint as it is why are we still tied up with the world concept of custody. I think I was trying to argue in the Law Commission the word custody suggest something about property. We have into the Guardians act you know an eight hundred ninety five overt guardians and was sacked they were talking about appointing somebody as a ward, as a guardian to manage the property of the ward who will idea was entirely different we have the British colonial masters who are concerned about appointing guardians for major awards were property transactions in world. The Colonial idea was not necessarily to merge into and we were a seamless fabric of culture and understanding of the Indian family in eight hundred ninety. So from eight hundred ninety two nine hundred fifty six when the Hindu god into minority enacted. We mechanically borrow some of those principles into the world in a Guardians and Wards Act. So the word custody seem to suggest something about hire lawyer. Custody in the sense of holding on something to that's what I thought the word custody will have to somewhere at some point of time will have to be completely removed from the statute book. But do we have better but the word of a religion our culture probably every religion has a culture as suggested the word of we take care of somebody.

We are participants in an institution like a family. We are part of being able to assist collaborate cooperate and share and share of our time our mind our values our thinking and our...you know all the entire personality the whole concept of sharing I think is what constitutes the essence of a family. That's when sharing is laws. Families breaking. That's a larger issue that for should be still look on to the old concept of a custody. And we want to a different world which cannot regardless of all the burdens which more than their contemporary's families beginning to bear upon. I think the seventy important idea to be looked into law commission for a variety of reasons has not still moved away. In the recommendation from still using the word custody. It is retain the word custody and for a variety of reasons. It's too short a period to discuss that. But what I meant as I just see the way you look at the proposed recommendation. And if it all the are brought under the statute book. Can you look at the whole issue of child parent relationship not from the point of view it children or a child being treated as property? I think I heard somebody saying a child after all a privilege which comes into the family. Children are privileges of a family. They are not to be treated as a chattel till they have their privileges in the sense that the parents also grew up with the children into understanding and then inducing their own personalities. As long as parents are not in these their personalities growing with the children. Then the family really does not exist therefore enough or in a certain sense. The world concept of family. In other traditions are in it addition for that matter at a certain core element of sharing. Patterns of growing with the children. Of course I'm not talking about the other negative parts of it namely the hierarchy element within a family. The parent being a superior the cut children being inferior and things like that or a hierarchy is we can husband and wife. They are different it's aspects to that. We have for foremost him an understanding of the child custody issue would be to start moving away from the whole concept of the hierarchy within the structure.

So all that you look at any one of the case is decided by a High Court and Supreme Court under the preexisting law. The problem before the court is always. Firstly. Firstly the tussle or the wrangle between the parents. Again one at an emotional level. Then that after at what call your perspective level. Then comes lastly about the welfare of the child. When two parents come before you asking for a custody. They're not really in substance talking about the welfare of the child. At the international level people thought that we

need to improve on this concept of welfare. We're bringing in the interest of the best interest of the child. And there is a good deal of literature on it to say that the best interest of the child sort to be introduced at the international level having in mind the child rights of the child in the child convention is not really a good and a great effective substitute. Ultimately one can have a feel, pulse of the man terribly how that child would be better nourished and would have an appropriate environment to grow on his own terms would be the welfare of the child. So the one term to the child very often forgotten and not even presented to the court went to wrangling parents come before the court asking for custody. It is their own emotional you know baggage. And if they are wrangling which come before the court. And it's too often difficult for the court to know to disagree between the emotive aspects and the real welfare aspect either so enmeshed. It comes to a sole custody. Course all the difficulty in saying yes. As sole custody there were only answer therefore it was thought in the Law Commission that if you are able to look at experience the rest of the world. And look at this experiment called Shared or Joint Custody I think something is to piece the probably taken ahead. I'm not very sure where they really understand the nuances of what's happening in some of the Western countries. If you go to a country like U.K. or for instance these scandinavian countries where does experiments have been trade over the period of time. We all have very interesting. You know. Expressions like shared physical custody shared a joint. I mean it's impossible to give precise meaning to all this at the end of the day. Then we try to say that both the parents will have an equal access to the child in what manner. Is it the concept of the equal access of the child or that child having significant interest and concern having equal access to the parents? So is that a qualitative distinction between the parents asking for equal access of the child. And children demanding equal access to the parent. I think there is some element of qualitative distinction. But how do we understand the distinction. The concept of welfare of the child is at time tested principle while you are not able to probably. You know like the guidelines with the Law Commission suggested in regard to shared parenting share the joint custody or like writing a long theorem with his explanations. I find. We're gone through guidelines drawn from all over the world. And you can. A twenty page long guidelines which puzzles the family court judge as to which one I think is more important. You look for more important less important least important.

Not so important so on and so forth. The guy lens of also a very good diluting aspect of the whole shared custody joint custody issue I wondered of flag of these issues that tomorrow if it all out the parliament are vicious to bring these changes into the law. Would we in a position to really add an in this to this concept of shared custody a joint custody. Then comes out of the problem in several cases I've found court trying to share the time of the child between parents. In one case Supreme Court saw that one week with each parent or six months with each parent. Is there is there a precise mathematical formula which one can apply. And applicable to all and each in every case I think I think the answer would be obviously no. And when it comes to family. Sharing a wide range of circumstance than factors. We don't have in a homogeneous society. We still have an unequal society. Society and equal in terms of economic social and political backgrounds. We still have urban rural nor divisions. We still have families which come to the court and which could probably not even our. You know real to afford the service of lawyers in. So you all those problems because we are too personal loss in our country and family custody issues. And which I don't think even though we are party to the recommendation I don't think personally that we can offer or call copybook fashion guidelines. But guidelines are an important step ahead. It can for instance in the in the context of sentencing. In the context sentencing as in criminal courts experiments have taken place all over the world. United States lead it in a big way. Every court in the United States says that a sentencing commission in the USA. The Sentencing Commission is laid on large a number of guidelines as to which will guide the criminal court saying in executing the task of sentencing. What reports have to report on the functioning of the Sentencing Commission? And the implementation of the utility of the guidelines have thrown open a very important question.

Ultimately this subjective element in each and every case is a matter of is can we really felt by the judge. And how do you feel it is something which is in explicable. And you can reduce that ultimate irreducible thing into a precise legal formula. If you can reduce it to a process legal formula. Then do it through your hands in despair and say sorry then ultimately judge will be like the chancellor's foot. Will decide according the whims and caprices. The answer is again no. We are all object behind this paper under recommendations as to the extent I was involved in was. As long as we had a family in

which one member of or the bread winner story was different than they said. Because enough a natural guardian of the undertaken are going to change. And rightly so that's pretty of both parents today by and large where the rural or urban are able to contribute to the economic and other social well-being of the child. That element of contribution. Number one will be significant factor. Secondly all over the world the person who has disable himself for herself? By one's personal conduct you know domestic violence or One once plus personality disorders and so on and so forth. So one if one is disabled oneself from being able to contribute to the welfare of the child was to act as a lot beastly go into those called the negative. I suspect. So we have all these in sliding factors. Both parents. Contributing capacity and competence. Then the disability a parent has created in the in the aspect of contributing to this. And the third factor would be Are there any other aspects. On which the judge could reach a conclusion. That brings in the important element of mediation. I think slowly over a period of time. A judge deciding matters only on facts brought up in an adversarial context will have to yield slowly. But evaluated in advance and put up before the court. So that you have perspectives or no more clarified. And you don't doubt to struggle through all those are called the emotive last which is coming for you as a judge. So if a mediation institution precedes. The judicial judging process. I think good deal of filtration will take place today. The court does not have the facility of a filtration taking place. What I mean by filtration is called the emotive element is something which always is the foremost factor before a family court judge. I've seen cases which are taken up in the chambers of Supreme Court judges where the emotive element still does not die so easily. And that of course is part of human personality. And as long as they are brought up with certain countries in the a more developed and will continue to be a part of us. When how do we really deal with them. Are you only be overshadowed overtaken by the emotive aspects or by way the more sane or racial aspects of the welfare of the child. And that these are of course they said at the end of the day there is nothing like a mathematical precision. But I what they want to say the trust of the recommendations is that we away from some of those old ideas of us as sole parent being a sole custodian of a child which will be I thing dropped for good. And secondly But the equal access of the title to the parent. Concerns and no affection and involvement and that's part of sharing. And that would be a qualitative decision between

parents will accept the children to a half and not repeating that. So what I want to say I'll to mentally is that this aspect of law is most difficult aspect of law in trying to bring in rational objective factors and elements. But to the accent we can bring in racial objective factors. The way that law commission attempted to do I think we would of probably move away from somebody order aspects namely tradition. We did not really contribute to the role or participation or board the patterns in say the family. On equal footing. So if some of those old innovating factors can be slowly moved away from our law Justice and judicial reckoning. It's for the good for same time we keep on hearing stories as we heard stories about matrimonial breakdown for a variety of reasons and ultimately you can probably some of the right of reasons into personality decide just burns country and Asians conflicts. And you can you can give a certain designations to all that. But as long as human beings are they are with their, with a mind as it is this disagreement. You know breakdown between two minds will continue to be there. But how do we release add an element of sanity in the world process. I think. Children contribute that important element. Family law judges and more than one context here in the National Judicial Academy in dealing with kind of different issues and in trying to understand the Family Law Act as principles in involved in Family Law Act and so on and so forth. But every time what I have encountered is that the core factors which difficult to handle. So when I went into the concept paper and drafted it. What came to mind if a child as fulcrum of resolving several contentious issues can be brought in a more rational and the same time with the focus on these factors. It's easy for me to see all that. I understand it and ultimately the judging process is very difficult. But the evaluation is all the more difficult when you have two human being with completely different points of view and who don't see who were not able to share their own affection with each other it's a very difficult process that but I think. I think it's important to bring in the child or the the fulcrum of whole process. And how do we do that and that's a challenge. So I thought I'll share this issues with you. After all. All of us know that as one very famous no man lives in an island. We all value relationships and even if you value isolation from bothering family burdens. At some point or time I think we all need relationships. That can be any sort of relationship. Listen to by Thing is what adds to even our own individual personality. We learn, we appreciate, we enrich in right of ways by relationships. So what our family law

seem to be not talking about relations is to seem to be talking about breaking relationships family laws in contemporary times whom to be talking about it. Of course we have a lot of problems with traditional notions and family. Hierarchy within the family we are problems about. You know paternal maternal issues. And the range of debates that have gone on and added to in one way to the enrichment of understanding our family but are prepared to say that we no longer need to have an institution like a family. If you are prepared to say that I think your family laws will have entirely different orientations. And there and a different context. But I don't think no part of the world. No part of the world I don't think is prepared to say that whatever family you may be fine with that it is family defined in heterosexual or homosexual context which we define it. We are talking about the bonding of two individuals. And in the morning of two individuals means at third element in inducing element into the child. So these are I think. Factors which can be probably negotiated. As human when I think there is no room for negotiation on relationships. So that's I think is these one of the fundamental values and how to understand all also ..institutions that I am a parent. So I they said we've been a treatise privileges in our family. And how do you ask a parent to respond to a privilege How do you handle a privilege that children is not you or thing to be put in a basket and handle. It's a privilege. If you treat the children of the prove that I think the world perspective is very different. You don't handle privileges in a reckless negligent or a casual manner. Privilege of an economic or in a political sense is a very important concept. So let's look at it from these wide range of angles and see how we can add more meanings to this. So the idea of my being here today was not merely talk about the Law Commission recommendations and. And whether they are really the end of the story. Maybe we can take on further from the Law Commission recommendation. But to share some of the insights of look at connect all these things and see if you can add on further. So thank you for your attention and I wish I could have stayed on for the rest of the day and tomorrow. But this one solitary occasion when I may have to leave in the afternoon. And I think I should apologise for this. Shifting and afternoon session to a forenoon session. And then vanishing after lunch I think I should not be doing it. I hope on future occasions I'm sure all of the meeting ended as often as possible and catching of the same themes perhaps in a different qualitatively atmosphere gone through some more exercise of

judicial processes and so on and so forth. So please have your questions and I'll be too glad to respond to them. Thank you for your attention.

Hon'ble Justice Mridula R. Bhatkar:- Yes. The topic which is given in the session is that the shared custody versus joint custody. I would like to know all and tell that in the commission....law commission. How it has defined these two terms shared custody and joint custody because the topic is given versus I feel that joint custody and shared custody cannot be versus because joint custody and shared custody the judges we have to pass number of orders before final orders interim orders time to time many orders respect of custody and also we have to modify our orders on number of times as the facts are brought before us.

Mr. R Venkatramani: I don't think any superior court is going to find fault with you on the text of the law. The text of the law is only a small portion of the whole story. Resolution I think how do you really do that all with a larger story. I think that you know all the freedom and I don't think you need to be subjected to any undue concerns on that. Don't carry that on your shoulders. I think we should all rejoice in the judicial review judge of the high court is here I think as a practitioner in Supreme Court let me share with you a few thing because we are not talking only about family law in custody. The way concept involved in law. That's why I refer to Cardoza judicial process. I have I personally I think seen how the hand made and the machine made things have played it great contribution in evolution of law you know the one country. I refer to justice krishna Iyer and if at all if at all all this judicial creativity is available to us it's available I think that everybody a hierarchy of judges. It is not merely the one 142, 136, article 32 no not to all not even 226 its there. But I think every judge ultimately they will to carry the creativity. I remember that one famous case again decided where Cardozo. The question was in a case of a medicine. You know. Medical negligence issue. There are a particular medicine was manufactured by a large number of say manufacturing companies. Question was if you had consumed medicine from more than one such brand medicines which the company will be held liable for let's say a deficiency in a product defect. Cardozo said look at I'm going to hold all of them responsible. So in cases in tort liability when courts have said

all right I look at liability. As a principle word is justice must be done. That's way within the framework of live there are no reasonable answers reasonable answers that I will with a our mind that are available when I look at the problem before me. The problem before me..the problem before me when I think sole custody regardless of what the law says joint custody. Sole custody is important I will give sole custody. That's not the question. Joint custody. Recommendation to put it finally is only to be able to project and to replace the old notion that only father or mother or exclusively competent to be guardians of a child. That notion will have to go. Will have to go. This development is something which troubles a family judge or the threshold in very difficult to handle with that that's where the problem lies.

Hon'ble Justice Mridula R. Bhatkar:- I think that I will continue with this subject on some practical issues and the legal issues in the after others sitting. So we'll continue with this and then also the deal with the divorce and maintenance and judicial approach that is our last session. I mean this session topic.

Dr. Amit Mehrotra:- Thank you so much sir for giving that their deliberations. I request you all to please give a hand of applause to Mr Venkataramani sir because he would be leaving. Thank you so much sir for your insights of shared custody and share parenting. We will be breaking for lunch now and I will request you all to kindly reassemble at 2.30.

SESSION 12: Judicious Approach by Family Court Judges in Maintenance and Divorce Proceedings

Dr. Amit Mehrotra: - I would be circulating you the guidelines of the share custody which has been proposed by the law commission. It is being getting photocopied and I will request that those who still have to deposit the pre-response Performa may deposit to be after the session. If there can be no copyright issue I will put the material on the NJA website. Let me see how it worked out. On the PPTs you can get it from me right now

and it will also be there on the website except that communication one because Prof Swatantra said it may be copyright issue. Except that I can give you the PPTs.

Hon'ble Justice Mridula R. Bhatkar:- Good afternoon after sumptuous lunch. As I told you in the morning I would like to continue some aspect of this custody matters. See I give you one angle to look at this issue of custody which I look at it. It is a right of a couple who have a baby. It is there right to be father and mother. But once baby is born then it is a right of the baby to have father and mother. So when parents fight for the child, child's custody and they say that I want child, kind of custody and all. Then we have to tell them or we have to look at this angle that it is a right of the child, it is not a right of the father who have a child, a right of the mother would have a child but it is child's right to have father and mother. In fact father and mother both and as in number of cases the right to assess, visiting rights in number of cases denied practically and it is found, it is not possible for the Court to monitor physically whether the visiting rights are properly given or not. And there before this is one of the reason for the law commission to consider this share custody aspect. In many countries shared custody or joint custody is considered as a good workable arrangement between the parents and also good for the child. I asked a Counsel what is the difference between the joint custody and the shared custody. The topic of the earlier session was joint custody versus shared custody. To be very frank I have not come across with any material. But maybe I think I have not gone to the entire report of law commission, but the material on it up to certain extent. We say that the custody is a legal concept which is approved and we have lot of jurisprudence over this notion of custody. Like a possession we have custody. I think joint custody is actual physical custody. And the share custody is a kind of the de jure custody. That is defacto and de jure. That is what we say defacto possession and de jure possession. It may be like that. Whatever I've read from law commission report there are not specific distinctions. So it can be defacto custody which is the joint custody and which is specifically mentioned in the law commission report. It is a physical actual custody and de jure custody is the other parent or non-custodial parent is also sharing all views in parenting a word. So therefore the ward may be having custody of one particular parent but both the parents have equal say legally. Equal sharing and caring and this is how I think about it. What is important in the custody matters when they come before us and

what we have to decide is this. We have to see that the child is not used like a.. In many matters when parties want to settle their proprietary issues they use children and the child is put to the stake and then the child is used and then to extract the demand either of the spouses either custodian or non-custodial parent. That care we have to take while giving access custody of the child. As I said earlier what is the welfare of the child is not defined. So bit with our own idea us, our own experience, our worldly wisdom, we have to consider what can be a welfare of a particular this child. We can't have us straight jacket formula. Certain factors of there that child must be look properly, there must be proper financial assistance and the care of the child. And also somebody should be there to give time to the child. His physical security is important. These are the factors are there but we have to go beyond that. And then we can't have completely straight jacket formula. I always say that whatever the facts comes before us. And as per the every case I consider be the woman, maybe I am giving you the example which are related to women more. Like this is a work culture, we put rangoli, do you understand we use chitravali in some other states. It is peculiar culture thing that we put it outside our house. That is the Rangoli and a some dots are put and on the basis of that dots, dots are depicted in such a way that some drawing, design will come out. So the dots that are before us are the facts of the case and out of these dots may have to take out some design that it is suitable to that case and also fill in the colours in that. So this is of a judgment. That this all I want to give this analogy. But every case is different, the facts of each case are different. So in other words, it is for a doctor all human beings are patient but if you go Ayurvedic doctor he will do nari pariksha. He will hold hand and he will see that what is there and we don't understand what he thinks and what he understands. Like similarly, common people they must also be thinking how the judges can decide case on so many children on so many matters; but we also are doctors in our profession. We know how to do nari pariksha. So immediately getting to the point that what does the child requires, where the welfare of the child lies that we have to consider depending on the circumstances of that particular child. The prevailing environments and that the behavioural pattern of the child. The behavioural pattern of the mother, father, financial conditions then his education, his age and the time factor. These are very important criteria that we have to consider by giving custody of the child. Then time and age factor is also very important because custody matters buying

never stops for anybody so that child grows. So whenever this custody matters are there, when child is brought before you for custody or litigation is there when child is about 3 years old or 5 years old. Generally up to 5 years mother is the natural Guardian and at 6 years old petition is sought and when child becomes 10 years old it is not decided then he is bound to become a different person. When a person or child enters into teens he has different aspirations. In start becoming a man or a woman process starts. So after going through the petition and the reply which is filed 6 years back, on the basis of that you cannot decide after 6 years. What are the requirement of the child or welfare of the child? So, what I request that if it all there delay in deciding custody matters then you also have to take into account not the erstwhile situation but the situation of the time which is when you are passing order and you have to mention it accordingly. In High Court also after going through your order, your order can be justified that while some other criteria are considered by you. So this time is important, age factor is also important. As soon as the custody matter comes it is expected that it should be decided as speedily as possible but which is not possible. This is always and utopian idea before us. We want to take it but the number is so much that it is difficult for the judges to decide. There are continuous attack on us that Why we are responsible for delays. We are not defensive, we admit our mistakes, it is our fault but how similarly I always give example that if at all a heart surgeon, if at all cardiac surgeon, if at all he is asked to do 50 surgeries on a day. Is it possible for him. No. Same case with us, with the judges. It is not possible for us. But of course we cannot go giving excuses. We know the inside situations, because we are one family and we know the problems. So they try to dispose of the custody matters as early as possible.

While deciding the custody issue there is one more aspect which is very important that is being touched by the senior counsel that this is to interview the child to ascertain where the welfare is. Where child wants to live. His wishes, willingness is also to be considered. Yes, it is to be considered. But can we take the child; actually when we call a child please keep it in mind that we are not calling a child and ask yes there you want to stay with mother or father and whatever the answers the accept it as decisions. We should not give custody on the basis of where he says. Why? That you know all that child is tutored by custodian parent always or 90% or 80% times he was tutored. Then he brought before

you, what he will say that I don't want. Last week only a daughter it was an issue before me in an appeal about the custody. Access rather. It was an issue between two maternal grandmother and paternal grandmother. It was the case the father committed murder of wife and so he was convicted and he was in the prison for the life imprisonment. So nobody was there. Child was living with the paternal grandmother. So, maternal grandmother moved application for custody. So by interim application access to the child was claimed. When child was brought before the me, and on the papers I found that allegation being made earlier Diwali occasions in 2014. Fifteen days access was given to maternal grandmother and outcome of this access was that in December 2014 maternal uncle was framed under the charge of 376 under the Indian Penal code. So this is not the first case this is the 2nd case which I have handle in last 3 months. That similar the maternal uncle is framed or is prosecuted under sexual assault or sexual abuse under the POCSO or under the Indian penal and one case maternal uncle was working in Indian Air force and.. When the child was brought before me the last week. The 6 year old child, saying that you have to go there before that she started sobbing then she started sobbing badly. Then I said all of them to go out and I will have a word with her. Then I said what the problem is. No, no my maternal uncle she was speaking in something Urdu. What I would understand that he physically injected me thing like that. He gave me injection and something like that she was telling. I said then what happens now. She said whenever I play now my private parts get completely black. So I said that every date you might be playing, she said no after 2 to 3 days. After hearing this I observed in the order which was an interim order that after hearing this and so far as my knowledge of the medical jurisprudence is concerned, that part never gets blacken up. Even if it is presumed that child is raped such things don't occur. So if it all there can be some injuries or rupture. It is fine. That is a different issue. But every time getting that means child is it exaggerating or tutored because the person who taught may not be aware about the consequences of rape on a private part of a minor. So such things are always tutored. And I said that it is so and so and of course I took precautions asking the maternal uncle not to visit. You have to balance our order. Because we cannot just say that no, no maternal uncle is innocent. I cannot give the verdict when the case is already pending. So such cases will come across. So I took precautions telling that during that matter in the uncle will not visit

and child and not be remove out of that place. So these are the challenges before us then we decide the custody applications or access.

Another point I also found it to be considered if at all in custody I take this view, consider it if you feel right, you may have a better and you also, if a child is tutored and say no I don't want to go to the other parent then I give a minus mark to the custodian parent. I mention it because I say that continuous refusal to go to non-custodial parent maybe father, maybe mother; it shows that the child is alienated. The child has developed our hatred towards other parent and it means the child is not brought up in healthy atmosphere which is required for the good upbringing of a child. So you put the ball in the Court of the custodian parent. So you have to do nothing, your order can be justified; that the child must be brought up in such a manner that the child should have love for the other parent. She may be a bad wife or he may be a bad husband but he can't be a bad father or a bad mother. So this is to be balanced and to be considered by the Judge who is dealing with the custody issue. So you have to see that even a criminal can be a very good father or can be a very good mother because motherhood and fatherhood are different feelings. So a criminal can also be a very good father or a very good mother. That's why I said that what is welfare of the child depends upon number of factors and more your experience and your wisdom. So this aspect also you consider. This is all I feel that when Joy is shared there is an importance of sharing. Importance of sharing is that when you share the joy it is double. When you share the joy with your friends it is double. When you share sorrow it is half when you share sorrow. And similarly on this line I take it forward that if you share custody to strengthen because it gives a feeling to a child of a intact family. And therefore what they think it is a issue of shared custody that we have to have. Okay. Any questions if at all who have then I can proceed with this last session topic. If anything you have you may feel to ask any time because I will be continuing tomorrow also. Okay.

So today's topic is given by the Academy judicial approach by Family Court Judges in Maintenance matters. The word is use as judicious, why word legal is not used? It is not the legal approach towards the issues of divorce and custody or divorce and maintenance. I think that the use of the word is deliberate. What is Justice? When we

think about Justice then in simple terms I feel that Law plus something is Justice. So that something depends upon a judge. We know the law. If you go through the compilation of very valuable book which is provided to you. And for this session various case laws are mentioned and you can go through the various case laws of divorce and maintenance and legally you would be sound. Because every day when you open Supreme Court cases you would get the law. But a judicious approach need to be acquired and judicious approaches law plus something. Something means may be if this equity. You are being of family Court judges and working on the family issues, you all are judges from higher judiciary. You ask from a higher cader and why of family Court judges are from higher Cader. If you put this question to yourself you would get the answer. Because these issues are not designed and given to junior division's judges or civil judge senior division judges because it is expected that the judges who are from the senior Cadre and from higher judiciary they are mature enough to handle the cases. These cases preserve the structure of the Society. These are the issues because marriage institution or the family institution, these institutions are so important, they are the backbone of Indian Society. I went to England for some education and training in 1998 and I had an opportunity to deal with certain issues of family law which include gender issues also. At that time I was informed in England in 1998 I am talking about the ratio of divorce was 1:3. That means if there are 3 marriages, one is broken. This was the ratio. Considering that fortunately we don't have so highly ratio. But number of divorces earlier it was definitely less and we are going to words the higher rate, higher number. You only have to tell me the reasons for it. Please let us find out the higher rate of divorces. I may say that this is the time for introspection for our self. So just tell me one, 2, 3, 4. Yes please. Just contribute.. What is one increasing population, okay, proportionate increase in the cases, okay, intolerance, intolerance is everywhere the issue. Yes next more expectation, female education, economic independence, men or woman? Because male are already economically independent. Okay woman economically independent. Next then media, okay oh TV serial I see. This is also point. Cellphones, wattapp. How cellphones and watss up are affecting the unity of two persons. Oh I see. Quality time is not given to each other. Good observation. Ha ha.. Suspicion because of this. Okay. Yes. Nuclear family. What is that. Then drinking habits also, okay please explain about the drug addiction, in Punjab drug

addiction is very much affecting the families. Poverty is another cause, easy, virtual sex.. Okay.. Yes, yes, illicit relationships. But see when we understand what are the reasons, we can tell so many reasons, the causes for divorce; extra marital relationships has come now. See we talked about so many number of things giving priority to the causes and now she said about the extra marital relationships. I'm just putting it to you with that we are tolerant towards the extra marital relationships and we keep of marriages intact. Is it that. I am just placing it before you may be or may not be, but that can be one of the factors. Yes anything more.. See we have number of reasons here, yes but different background of our parents are also coming.. Right, this is bound to happen the can't complain that why the situations are changing. Our challenge is that how to meet and hope to solve and how to understand the show social issues and social problems before the Society is a big issue and challenge before us. And why I must tell you, see we are the Courts, then we are dealing with the family issues we are the judges, we are not the judges for breaking marriages. I am not making this statement isolated and without foundation of law. If who have in Hindu Marriage Act, just open section 9, section 10, section 9 is for restitution of conjugal rights. Section 10 of judicial separation and then also see that in Family Court Act section 9. You must have read Family Court Act; because I am told all the judges in the class are from the district cadre and they are appointed as a judge to deal with family issues arrangement and they are not appointed under Family Court Act. But under the Family Court Act there is section 9 which says about reconciliation and also what it says.

Participant: – In Hindu Marriage Act there is no reconciliation but there is a restitution of conjugal rights stop.

Hon'ble Justice Mridula R. Bhatkar:- Please see section 23, the brother is showing something. Yes, yes let us see then I will point out certain sections. I would point out that there is a section under 13 A of the Act, let us see what it says. Yes Hindu Marriage Act. Yes, you read

Dr. Amit Mehrotra:- Alternate Relief in Divorce Proceedings.- If any proceeding under this Act, on a petition for dissolution of marriage by a decree of divorce, except in so far as the petition is founded on the grounds mentioned in clauses (ii), (vi) and (vii) of sub-

section (1) of Section 13, the court may, if it considers it just so to do having regard to the circumstances of the case, pass instead a decree for judicial separation.

Hon'ble Justice Mridula R. Bhatkar:- This is the alternate decree. It gives the provision. Yes, anything more. While I want to point out. I am pointing out certain sections for your thought Section 9, section 10 then section 13 A which is alternate decree. Then also section 14. What is section 14, not before the one year presentation of the petition. Except of course. This is not all mandatory section but directory section what the Supreme Court said. But the section is there. And what the sections tell us, they give different alternatives and various ways to deal with the issues of marriage. Otherwise it is not so, not agreeable come to Court and take divorce. Only one section divorce. No, but under this act, Hindu Marriage Act. So what it says it is a marriage act and not a divorce act. So what we have to see that there should be more reconciliation. We are not here to break the marriages. But there is also a section 13 B. It says that if there is mutual consent break it. But first I want to point out these provisions. These provisions say that give some time to the party, when the parties are in the state of aggression you can give some time and read Order 32 A of civil procedure Code. Some friend enlighten us all order 32 A. I request you all to read it properly. Seeds of settlement are there in civil procedure Code. There should be some kind of effort from the Court to settle the matter. Section 9 of the family Court act also says so. So the seeds of the settlement and the seed of section 9 of the Court should try to settle the matter, I think it was in order 32 A. It was enacted by way of amendment in 76th amendment or 77th amendment. So you have to keep it in mind that first we have to look at this people or parties and try to find out where is the issue and what is wrong is in them. Under the Family Court Act in fact generally the lawyers are not permitted but there is the Supreme Court judgment where now in family Court Act also the lawyers are permitted and where are no family court judges under the Act, the lawyers are permitted to argue like a suit or a petition. They will say that we have tried our level best for the conciliation and in India what happens it is not like America or UK that elderly people they don't participate in conciliation. It is any individualist Society. So what they say it is your affair. Spouses will say it is our issue don't interfere. And mother-in-law, both the spouses and grandfather, grandmother they are out of questions. It is the issue between two individuals. In India what happens, India parents, grandparents, father,

mother everybody they come and try to settle the issue. What we say in India marriage is a sanskar and it is not a contract. Still we believing that. And if it is not a contract, what we say that two families are coming together. It is not only the union of two individuals but it is the union of two families. And be seen that how much family support we get from one families and it is only nuclear family husband and wife and nothing to do with others; of course there is privacy but issues that also there. Therefore maximum all the chances of the reconciliation are already exploited and now we have come to you as a judge. Give us the verdict. Whether he or she is right or wrong. Still there is some space in every matter because you're angle may be different, your approach may be different and if your approach is different, you may save the marriage. Earlier sessions talked about lateral thinking. I will give you an example of lateral thinking that is what is lateral thinking and children go for sudoku and many puzzles because of lateral thinking. I will tell you one story. One poor farmer he borrowed money from one lender. He could not repay the money. The farmer was having a young daughter. That the lender came to him, nor you have to give me whatever to have you have to repay. He said he has no money. He said okay then your daughter will marry me and I consider your loan will be repaid. Or otherwise either you repay or you leave the house. Just get out of the house. So you'll have 3 options repay by cash or leave the house by kind, give the house to the lender and third marriage of a young daughter were very old person. Then in that time he said it is up to you to a decision. The daughter tells all right, I will take the decision. She said I would decide only one option is that whether to marry you or not. This is the option. Yes, yes it is agreeable to me whether you marry me or not? And he said lets see how you would take the decision. He takes 2 pebbels, some of you may be aware of this and he tells her if at all, if you pick up a black pebble then you will marry be, if you pick up a black pebble then you will not marry be and if you did not then you will marry me. It is your decision. So if you pick up the white pebble then you will marry me. What he does he bring both white pebbles and he said if you pick white pebble then you will marry me. So white pebble is for marriage and he brings both white pebbles. The girl was very intelligent. She understands his plan. What she does she takes up one pebble. She closes her eyes and pick up and she was aware that both the pebbles are white. So whatever remaining is white pebble. He said whatever you pick up its your choice. White pebble is

for marriage. She picks up and by picking that pebble she cast so loudly as if she is going to die and in that she throws that pebble. And the people goes somewhere else and then all said where is that pebble. She said all right we will just see the other pebble which is remain have the different colour and she opens up which is a white pebble and white pebble is for what that you will marry me but the condition that she pick the white pebble. So she said I have picked the black pebble. White pebble was to marry and black pebble was not to marry. I picked up black pebble. She saves herself, she saves her parent, she saves her house. What is this, this is the 4th option open for her. She used, it was given to her, it was just came to her and she used it. This is what lateral thinking is, sometime this is what? Your approach is important as a judge. How you look at the situation and how you choose. What you choose and how you place it before these parties, it is important. 32 A I think Amit will read...Order 32 A.. Is suits to relating to matters concerning the family because 32 is the order, is the suit by or against minor and persons of unsound mind and then after this 32 A was enacted and that was about the matter concerning the family and it says that proceeding is to be held in camera. Then number 3, rule 3 of 32 A is duty of Courts make efforts for settlement. So this is specifically mentioned. Then it also says assistance of welfare experts. You can take the help of experts. It was continuously said that why not assistance of psychological cannot be taken. I think in family Court there are marriage counsellors are already there. So, there help can be taken. But if you feel like taking the assistance of some experts, you are free to take because it is provided under the law and because you were trying to settle the matter or adjudicate the matter judiciously. Then duty to enquire into the facts that is rule 5. The meaning of family is given. This is a short order of 5 rules and this can be for your assistance. In family Court when the divorce petition is going on in this all divorce matters, even every winner is every loser. Winner is a loser. This is such a battle that nobody wins. Everyone loses ultimately. See marriage is a private affair. When you want to marry somebody it is a private affair but the divorce is the social issue and that why we are there to resolve this problem.

For marriage no permission is taken from the Court. Every person is free to marry anybody and to any person. So, that's a choice. It is your privacy. It is a private affair but divorce if a social issue because it really shatters the system, institution, structure of our

country. Therefore it is to be taken to the Court and the permission of the Court is necessary to maintain harmony in the Society. If you want to live at peace which is required considering the National, mental health; it depends upon strong and peaceful family. And therefore the people have to come to Court to decide this issue. Now another one more factor because I can talk on this issue for the long long day or so many matters that we deal everyday but certain highlights I would like to show that under the Hindu Marriage Act you have been properly. I think reading of the Bare text again help us a lot. This is what we are going to interpret the statute. Interpretation statute is correct we read case laws but our basics should be clear. Section 5 is important with says about the valid conditions of the marriage and when I read those conditions I always feel that condition number 5 and 6 I think that this sapinda, sagotra and prohibited degree. Today the Society becoming so complex and so different heterogeneous so much mixed Society. I mean those last 2 things, I mean I'm just putting it to you, even I would also like to be enlighten on this aspect. But I think that is a law we are bound by that but it says about prohibited degree. And prohibited degree is what? I put this question to me why? 3,7 where it is written. Try to find out in commentary, Hindu law, Mulla. Just see Hindu Marriage Act. Read section 5.

Prohibitory is defined in 3 (g). What is it now? Now section 3 (g)

Participant:- "degrees of prohibited relationship " - two persons are said to be within the "degrees of prohibited relationship"-

(I) if one is a lineal ascendant of the other; or

(ii) if one was the wife or husband of a lineal ascendant or descendant of the other;

or

(iii)if one was the wife of the brother or of the father's or mother's brother or of the grandfather's or grandmother's brother or the other; or

(iv)if the two are brother and sister, uncle and niece, aunt and nephew, or children of brother and sister or of two brothers or of two sisters.

Explanation.- for the purposes of clauses (f) and (g) relationship includes-

- (I) relationship by half or uterine blood as well as by full blood;
- (ii) illegitimate blood relationship as well as legitimate;
- (iii) relationship by adoption as well as by blood; and all terms of relationship in those clauses shall be construed accordingly.

Hon'ble Justice Mridula R. Bhatkar:- Correct. So these last two reasons having the condition of valid marriage. These last two are completely different then the other conditions of marriage. Just see that. Just see for our self. Just need somebody. Section 5 of Hindu Marriage Act. Yes that customary prohibition has been lifted under the Islamic law it is allowed. Even in those also somewhere it is allowed. In tribal also. Yes On the contrary they are preferred relationships. That exception is carved out. Yes please. I just want to point out, you must have read the section but from some different angle we have to see the law. That's all. Just read section 5 condition of valid marriage.

Dr. Amit Mehrotra:- Condition for a Hindu Marriage.- A marriage may be solemnized between any two Hindus, if the following conditions are fulfilled, namely:

- (i) neither party has a spouse living at the time of the marriage;
- (ii) at the time of the marriage, neither party,-
 - (a) is incapable of giving a valid consent of it in consequence of unsoundness of mind; or
 - (b) though capable of giving a valid consent has been suffering from mental disorder of such a kind or to such an extent as to be unfit for marriage and the procreation of children; or
 - (c) has been subject to recurrent attacks of insanity or epilepsy;
- (iii) the bridegroom has completed the age of twenty one years and the bride the age of eighteen years at the time of the marriage;
- (iv) the parties are not within the degrees of prohibited relationship unless the custom or usage governing each of them permits of a marriage between the two;
- (v) the parties are not sapindas of each other, unless the custom or usage governing each of them permits of a marriage between the two;

Hon'ble Justice Mridula R. Bhatkar:- Why section 5 is important because when we see section 10 and 11 then there is a reference of section 5 again because of the void marriage and a voidable marriage. That is there. Even in conversion from one religion to another religion it is a voidable marriage. So I feel that Hindu Marriage has taken a very tolerant view in respect of the conversion though it is also mention that can be a ground for divorce but still why if acceptance is there it is a voidable marriage. Therefore I just pointed out that section 5 is important if we read the Hindu Marriage Act. Then another point I want to highlight that whatever we deal with everyday appreciation of evidence. Being High Court judge's evidence is tendered before you. Evidence of wife, evidence of husband and grounds can be under section 13 or whatever many grounds and reasons are there, cruelty also we know that cruelty can be mental, physical, psychological whatever. It can be social also. And law is every time developing and it all depends upon your idea and concepts. What is cruelty also, it place big role. While appreciating evidence there are 2 factors. Earlier all the sessions which I have attended it is said that bias. The buyers is a thing which place a great role. So we should be bias free. But every person bias on the basis of experience our preconceptions are there. We can say that there is good bias and bad bias. Or we can say experience teaches us means what it is our, we become more and more experience. And then we can grab the situation correctly. But bias means it is necessarily it has some connotation that is it is not a good thing and I tell you when we appreciate evidence I always say that it is Mr bias. My appreciating evidence there are two witnesses they are always there; the evidence is never recorded but it is only is considered and that is Mr bias and sympathy. Two persons are always present in the Court hall. They are invisible, they don't depose before you but give weightage of those witnesses. If you introspect about your decisions which you have given you would understand that yes sympathy was there and it took me somewhere and now I am ready to go with Miss Sympathy. She is there and Mr bias. So these two things are there. And when we talk about bias also we have to think about Stereotype. We have Stereotypes in the minds, whether stereotypes comes in between and they obstruct judicial approach or not, it is a matter of concern. I give you some simple example or one plus one is two. This is stereotype. We should be open to understand that half plus and one and half is also two. Right. Point one plus one and point nine is also two and also three - one is also two.

These are different alternatives. There are different possibilities. When we think of the possibilities, they go by to the stereotypes. So, might should be open to understand what are the alternatives are possibilities. It may order it may not happen and therefore in that condition only, we will be in a position to break the stereotypes and stereotypes should not obstruct our judicial approach.

Now I will stop here tomorrow I will continue. Tomorrow I will only be taking your first and 2nd session. Hon'ble Justice Roshan Dalvi be supposed to take but she is not available so I will be taking and we will continue and many things are there I have to talk you. And let's see how much we can cover. All right. Thank you very much.

Dr. Amit Mehrotra:- Thank you so much mam and tomorrow we will be left with just 2 sessions and then there will be up feedback session we're actually the National judicial Academy has to do more or to what extent has achieved to the expectations of the participants. That exercise we will do it tomorrow and thank you mam for the great insight and tomorrow we will be having to more sessions in this regard. Before concluding this I want to share a very short story of just 60 seconds which is other than Justice Basant sir person who used to come here as a resource person and presently he is a senior advocate at Supreme Court of India, he use to say, just because as man said all judicial officer should be open minded and should have the right prospective and that he used to say that through a small story. I am retreating his story. He said that there that 3 persons and the other doing a job. One person came and he asked that what you are doing; so he shouted to him and said you don't know I am cutting stone in this hot sun, you don't have anything to do. Then he went to the another person and he asked what you are doing? Then he said that you would have just this work that you were going around and asking that what you were doing. I am earning my livelihood. I have to take care of my family and I want to make my family grow. Then he went to the 3rd person and he ask what you are doing then he politely said that I am making the Cathedral. So all the 3 persons are doing the same thing but the perspective and attitude towards that work or thing was totally different and everybody is doing the livelihood, everybody is doing the same thing earning the same amount of money; but mindset that everyone had. So National judicial Academy has tried to take out that prospective and with that prospective

may have kept the sessions of understanding self, others, conflict, relationships so that there can be and introspection on ourself because we cannot able to deliberate on all the laws of maintenance, custody or any of the issues in this three and an half days. So with this we will call it a day. Thank you so much. I am getting lot of things to learn actually by doing this not only by the resource person but also the Honorable judges will come here and when I interact and I am very very much thankful and blessed by God to have me here. So we are dispersing it for today and tomorrow session we be at 10 o'clock and today evening we will be having a movie the time will be at 6: 30. It will be a bit early. Movie Haider. Man was telling me to show Haider. So as it is a bit long movie so we will start at 6:30 so that it can end up in time. And this is one small or material which is given by Mr. Mr. R Venkatramani sir I will be distributing it to you all. So formally we will be meeting at 10 and will be we will be starting at 6: 30. Thank you so much.

Session-13: Women Negotiating Spaces

Hon'ble Justice Mridula R. Bhatkar:- Very good morning to everybody. Mr Amit he just said that. First we will see. Short clip of one or two minutes. And then we will start our dialogue.

Dr. Amit Mehrotra: - Thank you so much ma'am. So with the permission of chair a very good morning to all of you in this last day of this conference. And I hope. The days might be memorable to you all and at this time you might have got interacted with each other and have exchanged views, your numbers, your email I.D.'s. We will also be giving you the PIC form, all the names as well as telephone numbers and email ID. But I think so that this is informal interaction which you have done that is what one of also the moto of National Judicial Academy and I always feel proud and privileged, whenever I speak to whole nation in this small conference hall. So it is it is really blessing for me. Before showing this two minute clip on personality that is which is of positiveness and which is also our motto of this team theme also of this conference. What we had made in the two and a half days. I really want to quote small speech off thirty seconds or for twenty second of our former president in 2007 while he was a addressing that the European Parliament. So he started with one poem. Then he said that Where there is a beauty in the character,

when there is a righteousness in the heart, there is a beauty in the character. When there is a beauty in the characters there is a harmony in the home and then there will be no dispute. When there is a beauty in the character there is a harmony in the home. And when there is a harmony in the home there is an order in the nation and where there is an order in the nation is then there is peace in the world. That was the small quote back that he has given and with that inspiration I'm just showing you the small clip on personality development and it speaks about how positive we would be. So I will go with that.. { A video shown}

Thank you. So now formally we will be starting with the first session on this woman negotiating spaces. I'll be requesting Hon'ble Justice Mridula Bhatnagar mam to please start with the session.

Hon'ble Justice Mridula R. Bhatkar:- See that topic of this lecture given is negotiating space for women. So we have to consider what is a place of a woman in all these proceeding the cities family court matters. There are tangible as well as intangible spaces that women require. See there will be a question that even men also require spaces. Why not why only the women. But if at all we see the legal position and even the Constitution has guaranteed into some special rights or some privileges under article 15. So that is there it is assured because when we say of equality before the law or equality in the society. Whether this equality is on paper or whether it is in real sense true sense. We cannot pick up the cases which are before us from the urban society or I mean the matters which are coming from middle class or higher middle class or rich class. But we have to consider the cases of women who are really from a lower middle class and they are from rural area where women face number of problems. Don't see that the women from the cities also they don't face. But the women have peculiar problems because of because of the responsibilities which the society has already fixed or decided that this is woman's job then another is that because of the nature. You all know now because you are all senior judges. You know that there is a difference in the gender and difference in sex.

When we see that discrimination. So discrimination or amongst of women Men and women. You must have attended the workshop by Sakshior other gender program. No you have not see I tell you the difference between men and women. If it is sex based that

we it is to be accepted. I mean how men are different from women and there are biological factors. Sex basements or biological lead they are different. That we all know and very biological if they are different is first that men grow beer. So that is the basic first difference between the teenagers I mean the girl and a child. Then the women menstruate men don't then they're after that only women can conceive and the women deliver. Then there is a stage of.....But however we decide that biological now that there is a lot of a research It is also accepted fact that even men also undergo when a pause missives on the changes which it stops Ability I mean the visibility of menopause is with women. So these are the biological factors where the women are considered different than men.

If you take gender issues. When we talk of a gender discrimination. We never use of our the biological discrimination. Because biological discrimination is given by nature. It is natural. So there is no such any kind of competition with men and nothing that sort of that they should be brought. There is not in equality in equality. I mean the men with them and straight. It cannot be said that it is something they are not equal that a below Men. But this is a biological factor. Rather it empowers the women to become mothers. If without Menstruation a mother cannot be a mother. So it's a very it's a by the nature. This is a factor of this is a biological biological situation. There is no question of equality or inequality in the biological factor comes that the woman. She has a power to help conception. Which men do not have? So this is not a question there is no question of equality or inequality. I think I want from the class somebody will explain what is meant by gender discrimination. Yes. Please

Yes yes yes. You are quite close to that it is a gender discrimination, ease a discrimination which is based on social economic factors and an emotional factors, Social economical legal and economic factors. These are imbibed in the society. So much deep rooted that we consider that the women can do only this much. And the men cannot. This cannot It is always placed where there is a question of gender discrimination. Now you just tell me when we are discussing the spaces negotiating spaces for women. We have to be first gender sensitize. So this gender sensitization is must for family court judge is because

they are every dealing issues between men and women. Will you give me some example of gender in discrimination? Any Not in the court will come to court.

I mean economical and emotional barriers. So yesterday I just mention about stereotypes. So these stereotypes. We have to we need to take into account. And then we can you give justice in true sense. When the matters come before us. Even in our High Courts In many high courts you don't have the women judges in the registry. And now it has started but you just see the history of your registry. You will understand that the registers very few women are taken into the registry because it is still in our system also then we talk about equality. It is considered that women cannot do this work. Because they cannot wait about a longer time. So this is a gender discrimination is not. It is not created by nature. But it is are imposed by the society and I must..... Political factor also comes. Because the decision making is also is not possible for women Yes that's right. But this is what is the. But position. We have this impression that women are not gender biased. But it is false rather Sometimes we come across that a male are very open and they are understand Issues of women and more with greater sensitivity then women.

And you see that if you consider the issues in the household issues. And that's why sometimes we have mother in law and daughter. So what is important to understand that whether she can or she cannot? Simple Thing. Issues come before you like. Divorce is sought on the ground. Very trivial grounds the divorces are sought now days. I take example from the not even be taken from the rural class. Then men they'd come they had drunk. And many times. Beating is that. Assaulting is there that why always women are assaulted by men. Is it that a women cannot assault husband to see I You cannot hold the hand? Why women cannot. She can. But she doesn't. Because she. Feels. I can't do this physical activity. Because otherwise I will lose my womanhood. It is against my womanhood. See if you're going on the road and there is a eve teasing and immediately women they need to embolden themselves they need to muster courage to shout. And in the in the crowd. And tell that this person has a third bad words in respect of my body bad or the private part or something she she feels if I say so what will happen. So these kinds of barriers are not imposed by nature. These are artificial barriers that imposed by the social economic circumstances they defer society to society

state to state. Nation to nation. I mean what you feel that it is a barrier. Then to wear a very skimpy dress and to go there. This is not a barrier in western countries. To have free sex. To say that I need sex. I want to sleep with some man is not a barrier in western countries. But you will not come across such kind of an open say by our by Indian woman. So we. I mean there who are the spinster's spinster has every right to have sex and. It is accept that..... having sexual relations with some other are as a man. It is not considered that it is something she has committed some sin. But in Indian society. If at all a spinster is there are even a. I mean if all a man is that he is a bachelor. And if at all is having enjoying sex outside. But women either don't she says that I want to have sex. It's a natural body. Requirement. Then we will say.....

That is or gender discrimination by law that you are not supposed to vote. Correct. I see about the personally requirement.

Biological biological. It is accepted. But gender know it cannot be accepted to certain extent I'll give you an example how it comes to our court working See there was a case before me. And it was filed by a man. On ground the ground of cruelty. And what was a cruelty. She insisted that she will wear gowns garments in the house. From the day one of her. I mean. Next day on the marriage which she said I will wear gown. I'm not used to sorry I will not wear saree in the house.....

Whenever I'm going for a work I wear Punjabi suit or saree. But in the house I'm comfortable with the gown It was said that our houses are different we have a different culture. We cannot think of women wearing such a garment not acceptable do you think it is a biological barrier. Then this is second. Second there when the family's well it was a nuclear family. Then there was also one more reason that she said that on Sundays. She expected on Sundays. Husband will make tea for her. In the morning. And in the afternoon he will make the tea and. There was a great fight on it because he has been saying this is not in our culture are. This is not in my family I don't know. She said I will teach you how to make tea. But he refused. See. Then the question came again that he was then there is a conflict. Then we will then the judge will say it. It's a matter of only making tea on Sundays. As you are making tea for six days why don't you make This is what we tried to consider then women are going out when we are women are engineer.

Then they are doctors. Then they are judges then performing jobs of male. This is a change in the society. Then why we cannot also tell that boy coming before us on the ground of cruelty Come on she's making Tea. You learned it is nice to make a Tea. That. What is the problem is this that there's.....Indian men cannot cook. Because we don't want to cook because it is assigned function of a woman though she is a working class woman try to understand.

But I mean this is you know going beyond a gender discrimination you try to understand. It takes time for a for. We also to digest this idea as. I'm just putting it before you to consider because when we are discussing the negotiating the spaces for women in the court. First we should I should know that we're that are you aware of the discrimination. Are you aware that thisbiological fact that of all the social factor. So there. I mean the cook and now again I go give you example because I have not gone to China or Japan. So experience is limited to only U.S. and U.K.. Therefore I'm giving you the example of these two countries where I have seen men getting up cooking. I mean straightaway to the kitchen and cooking. What are you doing? I'm making sandwiches for both.

Simple. Because there are no barriers. This is not assigned functions by the societysee changing. Then we have to accept the change in Toto. These are all the dialogue on gender discrimination is based on. One important line. Home making a job of a man. I mean it is.It was known. So it is a job of of women. I'm not saying that because when you give birth to children to look of the children to have baby. And to look after your husband deserve a natural instinct. Women have and women like to do these things. But by. I mean the Nature has given this instinct to look after babies. To feed babies. So this is there is nothing like you know inferior job that no job is superior or inferior that we have those notions and Western countries have crossed these notions that is what I'm telling you because gender discrimination is a lesser in those countries than our Indian culture and therefore when issues come. Like if it only woman is saying that today I will cook and tomorrow you will cook; that's not correct. Then we say that no no your approach is wrong. See because a homemaking is a woman's function she does it better. Because if you tell your husband that. If you go home now. You will see that there are number

things which are not done. Then if you ask her husband husband will answer are you should have told me I would have done that is a problem because we are not trained. And therefore under such grounds. It cannot be considered as cruelty... These grounds are not good but if we have fixed ideas off. Gender biases and studio types. Then we will say no we are granting either leave or we are denying relieved because of this. It takes time. We have to send matters to the but we have to see about mediators also they don't have gender bias. So this is one important aspect. Now I'm telling that maintenance. Well granting Now Mentioned in the beginning there are intangible intangible spaces that women need.

Whether her demand for divorce is true. Genuine or not that we have to consider. Then we have to also consider that whether he wants a divorce. But as she doesn't want whether it is. I mean can be just a fight. But we have to justify. We have to assess the evidence. We have to assess there in the petition and reply of the written statement. With open mind and considering it. That where though is there any artificially.....Then grounds? Mostly for divorce. There may be ground for void marriages or conversion or some. This is. But mainly I think that you must be dealing with the ground under cruelty Most of them. And the cruelty. You all have must have experienced as you have put in so many years. In the service that various types of cruelties are pleaded before you. And then you have to select which is an I mean legally I can you consider as it is cruel behaviour into sense. That is what is required to look at the cruelty and while considering where we have to take into account number of factors. We have to also consider. Somebody mentioned today a friend from Karnataka. She mentioned that there is a couple. Fighting for divorce when they are 80they come to court and they fight for divorce and the ground is of negligence. I mean. Ignoring each other or thant then you have to take into account their coming from which class. If woman has come she's demanding the divorce at the age of seventy or seventy six. We have to. We have to take it seriously. We have to look at it. What's the issue? Generally when children are grown up there married why woman is taking that step. Maybe possibility that now. She's really wants to test her freedom. Because she may be continuously are in that in the family and doing them better of things and for children.

so who has to scarifies who has to sacrifice. Woman a mother. So that woman may say now. My job is done my life and let me live my life. So we have to consider this are also that why she has come to the court. And by She's demanding so. Generally we want to preserve the families. Because we want to marry. To keep this family intact because to be in the family. To have a family is a biological psychological I say that the psychological need of both men as well as women. Because we feel very secure. Now this divorce matters. I mean the reasons of the divorce. I mean the cruelty we are coming across. So you have to consider also she has come from which class. State start of the society I mean what whether a particular thing can be cruelty to one woman. But that cannot be cruelty to other women. What happened there was a film. There was one. I met one producer of the film producer. And it was a marathi film and she said she told me she received excellent response to the film in urban society and other class I mean Metro's Metro's the film was hit and she told that in rural area nothing no response at all the subject of the film was.

The subject of the film was the existence or entry of a second woman in the life of a man and then he remarry I mean he preform re marriage and the drama between these two women and so she said that if a woman in the Metro's really appreciated even the male appreciated. She said that I attended the shows along with the I mean whosoever is there they all say ye to kya ye to chalta he hai ismai ky hai I mean the take it that it is a normal thing. so woman is only possible for not having children. And it is accepted by women also that all right not havingproblem with me only. But we don't go over the biological factor and see that who is responsible for that then I mean they're having only daughters. That's not the fault of a woman. I don't know it is on the contrary it goes to the man. Then how that the yes in process X. Y. chromosomes and it goes to that. But we never accept it because we are.....society. We are we may tend to be gender biased more I will request you in your day to day today life. Just open up your particular I mean the vision I mean the eyesight to look at this issues and then you will understand. By bringing your daughter and son you will understand you are making difference small small issues and then you will say that yes yes yes. This is a gender bias and when the things come before us. We look at the things from that angle me. Are we doing the real justice? That we have to question our self. Now this again about the mutual consent now one topic which I had

left that I should mention under 13 B petition filed under the divorce. Parties are not compilerI mean mentally. And the marriage is irretrievable. So what we generally the parties they come together and they file a mutual consent divorce petition of the thirteen B. There is one. I mean. I must tell you that When the petition is violent on the ground of cruelty then the petition is it comes before you after say about two years two years. And the girl in there during the cross-examination examinations you sometimes of parties they feel that are we cannot. We don't want to avoid it. Let's go by mutual consent. Dawns upon them and they said that although to have the divorce by mutual consent. Then they make application for conversion of this petition. Now there is a some hitch that their conversion can be allowed or not legally see the problem is this I missed make it clear. Supreme Court is passing orders under one forty one of the article forty-two one forty two by article. Supreme Court is by single Supreme Court has special powers to under that only Supreme Court cannot make a power but Will and Will ago. So those powers are not constitutional powers are not available to us when we do it. I mean we are strictly working under the Special Marriage Act or under the Hindu marriage act. It is not possible. So that a dilemma then again to ask the parties to for wait for six months or it was six months is there any wisdom. That is a problem. Now It is not permissible. But I must make it clear in High Court I mean.

Because there is always a dispute in order forty-one an order forty three. What is a forty three forty one the subjects which are mention there that it is appealable under as a A.O or F.A. that is permitted to get converted. Now these powers are generally used in power as now you have powers under fifty one. That is a C P C. So I mean. I am myself. I I find it is it is to be allowed. Because when the parties. There are in that..... it may the parties may say that no again. Because when parties are absolutely on a logger head against each other then conversion is I mean that can be allowed. Experimented by the judges and if at all So long as a high court is not taking very strict view that no don't allow it at all I'm in try. Just see that. Because I feel that these are the Grey arrears where we require ruling of the Supreme Court very specific. Is that said? But you know we also see that the yes that is there it is said no then what to do. These are the six six months we cannot go beyond because it is the order of the law of the land is we can't. But I feel this is something, which is grey, which is to be answered. Again I will see we have some

matters like today only we were discussing some like conflicting views are the judgments we do come across and we are expecting that it may be referred to a larger bench or somewhere if at all comes. I mean you just I just say I request you see we are bound by law we cannot go beyond that that is the underline.

But I'm just putting to you because you are. I mean I don't know there can be a some situation it may it may come before you where you may find some, why I mean to that because I consider that trial court judges are the best judges who shouldand sometimes you feel that we cannot decide some fundamental right or constitutional issue. But ...injunction. But I also said that in a writ jurisdiction exclusively high court and Supreme Court but I must tell you the example I always in the case of injunction. Something cooperation was injected and said Mandatory injunction that you do it. Such kind of injunction is a power. Well sometimes I mean the colour of the writ jurisdiction is always there. Here I will stop..

Dr. Amit Mehrotra:- So now we are breaking for a break and be back by eleven thirty five.

Session 14: Stakeholders in Family Dispute Resolution and Domestic Violence

Dr. Amit Mehrotra: - Very good morning to all of few. Now this is the last session of the conference, Now we are at the verge of concluding this conference and after this session we will be having we will be having an informal communication with you.. With my director regarding the feedback of this whole conference and how it has went of what its positiveness, what are it negative sides, where we have go what more has to be done. So, before starting this last session with the permission of the chair, I have already taken the permission; I just want to show you again a very small clip of 60 seconds which is the story of 4 candles. One candle is of faith, the other candle is of peace and the 3rd candle is of love. So it is depicting that these to the candles are diminishing in the Society the because of which dispute arose and because of which disorder comes in the Society and then there is one candle of hope in the form of family Court judges and presiding officers that yes still there is a hope that everything will get in enlighten up. So if still there is a

candle of hope then everything is there. So this is a short clip of one minute. Thank you so much. With this that you are the hope of the whole society.. With this now I request Honorable Justice Mridula R. Bhatkar to please continue with the next session. Thank you

Hon'ble Justice Mridula R. Bhatkar:- Thank you Amit for such a beautiful and wonderful clip. It happens when marriage is there, then couple is there, it is a matter of love. If you love everything is possible. If you don't just everything dies. So then section 10 we say desertion; we have to say that when there is a separation, there can be separation without the desertion and that there can be the desertion without separation. So it matters ultimately to love and how much you are concerned with your spouse. Anyway this is the last session so I will make it little lighter. First I will give you a short quiz. It's a family of three father, mother and son. Those who know the answer please keep quiet. Ha. Ha. It is Sunday father and son planed a short trip. Just a one day trip. Father and son they take car and go for the trip and as they proceed unfortunately car collided with some other car. The father was driving the vehicle, he did not sustained any serious injury but the son becomes unconscious. So he lift the son and with the help of other person said lets take him to the hospital. Son is immediately rushed to the hospital. And the son is taken to the hospital son is put on the table and the doctors there around the said recall a surgeon. Let Surgeon come and take a decision about it because boy is unconscious. Surgeon arrives, surgeon examines and surgeon after examining boy, surgeon opines that surgery is required. Subject refuses to perform surgery. So then says sorry I can't perform. He is my son I can't perform surgery on my son. What is the relationship? What is the relationship? Why is surgeon says so. Now, father brings son. Correct. That is the answer. Rightly he said this, he is gender sensitize and he answered it. But for a minute if you are not aware this answer, you must have thought of some kind of illicit relationship, something, then mother must be having and then there must be a child; some extra marital relationships or something like that. And then he will understand. Twist this in another way. Mother and son they go for a picnic a day trip and after they go for a trip, the car collided and the son get injured; mother bring son to hospital and its son is unconscious. Then mother calls Surgeon; the Surgeon see the son then mother gone Surgeon; surgeon comes and surgeon says sorry I can't he is my son. Immediately you

would say what is a case? This is stereotype that woman cannot be surgeon. Underline bias is this woman can't be a surgeon therefore mother cannot be a surgeon. You ask yourself, introspect and you will realize that yes, because we are trained to think in that way. The other brought up in such a bundle of Stereotypes that we tend to think and because so and so we see very few women are surgeon's. Because they are taught you cannot stand for a long time and you cannot perform surgery. You are physically weak. But many gynecologist are woman. But just think. This is one thing I want to tell you.

Then another thing I want to tell you before the one question was put to me regarding the matrimonial house and the injunctions. Before touching this I will tell you another kisaa, I was taking class of the district judges long back from Rajasthan, Madhya Pradesh. It was in 2004 I think at Jaipur, district judges were to be sensitize on this issue and that the subject was family Law. In that I put charge before them, I said that this is the blackboard and you have to tell me, I've mentioned here husband and wife. Then I asked them pleased tell me the good qualities of husband. Let us list good qualities of husband. You tell me the good qualities of husband. One is caring, another patronizing, then, Okay, respect means what he should be respected, he should be respectful towards the wife, then earning, then supportive, then he should be a good listener, then rational, he should be sincere, modest, honest, Amit says that he should be assertive not aggressive, Not gender bias, he should have a very good character. Accha.

Now you tell me good qualities of wife. Yes.. Wife beautiful, Next, see you have to tell me good qualities of wife. I am asking you good qualities of wife now. She should be good cook, beautiful, good Cook, hard worker, intelligent, she should be submissive, and then she should be strong, confident, earning, how she should be? She should not be demanding first, take care in-laws, caring, she should be friendly, affectionate, patient, she should be patient, ya she should have patience, tolerant, instead of patient we can say she should be tolerant. Over. Now let us see.

Now, one minute I would do this exercise with you. Now we will read the qualities of wife. Qualities of good wife. We read ha.. Tell Amit the first quality. Beautiful. Ha..ha.. Now you have to tell me whether this quality should not be present in the husband or not. Husband should not be handsome? No, no I am asking you. See whether husband should be

handsome or not. You don't want good husband to be handsome? Nobody dispute that wife should be beautiful. No No No we are not in the relative terms that beauty lies in the eyes of the beholder. Husband want their wife, people should call and that they should treat his wife as beautiful. This is a quality of the goods wife. May be a wife in a dream. What type of husband you want? Husband should not be handsome? So okay. You don't want husband to be handsome. Next. At the quality of wife.. Good cook. See you don't want husband to be a good cook. Okay. Okay. We don't want cook. Then next. Hard worker.. Husband should be hard worker and no, very few one that husband should be a hard worker. We don't want husband lazy, idle. Husband should be hard worker or not? Okay. Hard worker. Then next. Intelligent. We want to wife in intelligent. Husbands or no. Yes. You did not tell that husband should be intelligent. Anyway. Chalo.. Next. Submissive. Good quality of wife is submissive. What about husband? They are made submissive. Okay. Next. Strong. All want husband strong. Next. Confident. Okay. Next. Earning. Next. Not demanding. Husbands, you all want husband should be demanding. Anyways next friendly. You don't want husband to be friendly? Not friendly with other woman but he should be friendly with you or not. Ha, ha, ha.. So this is of good quality. Why I said? Now I am telling you in Rajasthan in 2004, 10 years back same exercise was given. And the we're considering the qualities is of good wife. They all told me that she should be submissive, she should be obedient. And then we are just comparing the qualities of wife with the qualities of husband. Qualities of wife which are mentioned whether that is applicable to husband or not that we have to see. Then we compare that time I said beautiful, handsome. Co-operative, Co-operative, hard worker, hard worker, sincere, sincere and then when the came to the other quality obedient, wife should be obedient. The house agreed that the wife should be obedient, what about husband? Whether husband should be obedient or not? See, I am telling or putting it to you some of them said husband should be in commanding position and did not obedient. Wife should be obedient. I must make it clear obedience is the quality of two categories persons one student. We give full marks if student is obedient and another is servant. We want our servant to be obedient. It is a matter of surveillance. This is gender bias. This is what you have to take out your gender bias if you are. I mean we all agree; men and women the complete house agreed. As I've pointed out this that this is the quality of

servant. You want your wife to be servant because you want that quality. Servant means you want that quality in the wife. But still there was no compromise on this word obedient. They said no still we maintained. They after some negotiations, I got some answer they said all right against obedient, husband quality can be taken as he should be considerate. Husband should be considerate against the quality of obedient. I just put it for your consideration think over it. And then this is what we are gender bias. We don't understand. To identify gender bias is a big job. It take years together to get the answer. These two incidents I told you this is the quiz which I first told you and this is the incident and then you'll understand. So today also after 10 years we say that wife should be submissive and not husband. To be submissive is a quality of tolerance. It is required for both the persons. Both the parties should be tolerant. Otherwise if the petition is filed on the ground of cruelty the wife is not submissive. What we say that she is dominative. Why she is dominating because the husband expects that she should be submissive. And therefore in fact then she is not dominant, she is treated that she is dominative because we have concept that she should be submissive. Think over it. I don't say that I am 100% right. But I just want to tell you that think over this issue and find out the answers if at all you have another answer. Now, coming to that concept of matrimonial home. Now, the question was put to me when I was taking tea, husband and wife lives in a father and mother in law's house that house stands in the name of either father-in-law or mother-in-law. Husband tells to his wife, we will leave this house, I don't want to stay with my parents because I have some dispute with them. Let's go, quit and have our own house. Wife trust, she goes with the husband and at the start living in a small house of one room or two rooms. Then while she is residing there, I was told that immediately after few days some may be a weak or he leaves her. Her all belongings are in in law's house, other things. He leaves and he goes and he stay somewhere in village in the third house. Whether injunction can be granted in favour of wife? Wife files a petition before the Court that I may be allowed to go in matrimonial house that is the house of father-in-law and mother-in-law or viz a viz the injunction suit can be filed by mother-in-laws that this is our house and she should not enter and her husband should not enter. What order we can pass? So in such cases if the property stands in the name of father-in-law or mother-in-law; wife cannot claim any proprietary rights in that we have to grant injunction that she

cannot enter if the case is so. Now, but if it all husband; if the husband is staying in the same house, he is staying and if at all wife is in a position to show it; an interim order can be passed or injunction order can be passed denied in favour of in laws on the ground that her matrimonial home is house of the in-laws where son is staying and this injunction is Shyam and bogus. Like sometime if the daughter-in-law is having, I mean she gives birth to 2 or 3 daughters only. Then also a petition is filed that she is not.. They want that she should be out so that 2nd marriage can be performed. These can be the issues; you have to find out what is the truth behind that and then you have to get that we're of the shoe pinches and accordingly you have to grant or deny the injunctions. Because injunctions in the part of maintenance many times. The proprietary rights is in concern and the right of matrimonial house is always a concern. Now husband is staying there in the village. She can claim I want the entry in that house and that mandatory injunction can be very well given. She wants to go to village way that he is staying. Wherever he is staying that is her matrimonial home. The whole problem is there, I tell you why this problem comes; again always it is better to compare and find out so that we can understand we are. What are our culture. Why because our concept is there are arrange marriages always. I mean love marriages and arrange marriages. So in arrange marriages I think I may be wrong, 75% of marriages are arrange marriages; finally subject to correction someone with say 80 and someone may say 70. Whatever. But 75% of marriages are arrange marriages where boy and a girl though they want to marry. They are absolutely passive and the parents come forward and they say that we have to find out the bride and bridegroom. And the entire whole family kaka, mama, everybody participate and give suggestions this or that and it goes on. So we have arrange marriages and in arrange marriages what are the criteria for a marriage. Good bridegroom. In Sanskrit it is said the girl she gives importance to how she looks, though we say that look of the husband is immaterial, but if you ask young girls she said she should be handsome. Now, the girl is saying that it should click me. Click means what appeals whatever. That is outword. The girl's mother with see what is the financial status of boy. Sasur ke pass kitna paisa hai. Properties kya hai. All these practical calculations are there. That we cannot deny. So, the reputation of the family. Ghjarana kaesa hai. So father that will consider what is the standing of the family in the Society. Father is concerned with the Nam kaya hai, gharana

kaisa hai. Aur baki log jo aate hai then they are concerned about what? Mistan. How was the marriage? Forward was excellent. What is about bride and bridegroom don't know. Sometimes we go for the ring said money and then you ask what was the name of the boy, child. Something it was kept, now I am not remembering. So this is what on happens and what we see. In UK and US what happens? No arrange marriages, nothing,. No arrange marriages at all. And they ask us, they ask me in your country parents decide marriages. Is it so? I said yes. They do. It is a regular feature of Indian Society. I am not saying which is right or wrong. I am not commenting at all. Everybody has its own system like every person have its own digestion power. So, our system is different and therefore this concept of matrimonial home becomes very complicated. But what we say that it don't consider the income of the father, so long the parties are good so everything belongs to appna, bahu ke lie sab hai. But something goes wrong either from the parent in laws or from her side then she has a right in the property of her husband. His income is her income. Then Garana, arana gaya. Only if that all she has children then succession and everything will come. And that is also an ancestral property. That is what I wanted to tell you and with last one short thing, I will give you and Amit chance to interact also and contribute because who have many cases, every date you deal many cases and each one of you is full of experiences and each one of you can take the session. See what happens when we appreciate evidence or we deal with the parties sometimes we are just too open and the express. And we tell husband is wrong, wife is wrong. This kind of thing we just say. What I suggest, I tell you a story; there are two shopkeepers, they are having grocery shops selling some atta, rice ,dal, sugar all what we get in a grocery shop. And both are very good friends. A and B we will say. A and B have the shops opposite to each other. Just cross the road. You only see that A Shop is always crowded and B Shop is not crowded. Some people come take and go. And if it is too much crowded then people who are in hurry they go to the B shop. And A shop people wait and take the kirana. Being very good friends B always feels. A and I go together to buy the same thing from the markets. We buy Kirana mall i.e. on whole sale, the same grain, the same sugar there is no different in the quality. Why people go to him? I also welcome them with smiling face, he also welcome, what wrong. Uske shop me jata barkat kyu hai? And then he decides to ask him. So when they meet every evening he ask him, friend hum log to dono jate hai,

mall bhi same hail lakin gao ke log aapke pas jada ate hai mere pas nahi ate hai. Ye kyu. He being a very good friend, real friend he tells him just come. Now, I will come to you as a customer and I will demand and you give me something, whatever. Then he goes there. B sits in his shop. A come there as a dummy customer. And he tells him give me one KG of sugar and two KG of rice. B gives him. Then he tells him you come to my shop and you be my customer now and I will be the shopkeeper. So he comes and he order the same and he gives it and then he realizes the difference. How you deliver the good is very important. What was the difference he noticed is this. When you go to B's shop what B does. When one KG of sugar is ordered he takes lot of sugar and puts there and then he takes out of it to balance the scale. To adjust he takes out. And then he goes there he saw A was doing what he took less sugar and to balance it he put more. Both of them gave one Kg Sugar nothing less nothing more. Consumer gets the idea, he gets more in A's shop. Why it is a matter of perception. It is the perception. And it work when we deliver Justice sometimes it is a matter of perception. Sometime we pass the same order, how the pass may be sometime sugar quoted or may be how to deal with the parties is your skill and it is ultimately judge is good. Why? Judge listen to you. Both parties thing that judge listen and we will get the justice. Whatever. You have to be neutral. You have to assure equal sympathy, equal patience towards both. And how to deal with the situation is your wisdom and your skill. So it is a matter of perception. I just want to highlight this and I stop. Very less time for you. It is a very nice time to talk to you all, to have a dialogue with you in this wonderful 2 days. So I invite you whenever you come to Bombay please come and see me. Thank you very much. Clapping.

Participants:- Madam I have a small question. Yes. In National Legal Service Authority Act that this regulation 17. Page 68. Regulation 17 (7) it mentioned that Lok Adalat shall not grant any any bail or divorce by mutual consent. Section 13 (B) is divorce by mutual consent. Does it mean that Lok Adalat can pass an order under section 13.

Hon'ble Justice Mridula R. Bhatkar:- No, it specifically said that it cannot pass but they can go before the Court and that they can be mediated and decree of divorce is to be passed order by the Judge itself.

Participants:- Because they had clearly mentioned that divorce by mutual consent. Section 13 (B) said that divorce by mutual consent. Correct. But section 13 says only divorce.

Hon'ble Justice Mridula R. Bhatkar:- But the consent of again. Mutual consent. But it is better that it is the judge.. That can be, consent terms can be filed or whatever. But final decree is to be signed and order is to be by the judge. No, mutual consent will be there in 13 (B). And it is a divorce by consent know.

Participants:- It has specifically mentioned that divorce by section 13 (B). Divan divorce by mutual consent as per Hindu marriage act Section 13 (B) the same working is incorporated In National Legal Services Authority.

Hon'ble Justice Mridula R. Bhatkar:- Correct. But that divorce by consent you are saying know. So, divorce by consent is other being litigated matter. Suppose that divorce is filed on the ground of conversion. Subsequently converted to voidable marriage or some other. Then he or she say I don't want to contest. I accept the conversion. And I am ready for the divorce. This is not under section 13 (B) so you can pass the order. I mean these are the areas we are coming to the same only. Actually your question is that, I just formulate a question, I divorce on consent terms cannot be passed unless it is a divorce by mutual consent.

Participant: - If I put this in another way. What is my intention is section 13 (B) says that that divorce by mutual consent. And the regulation also says that the divorce by mutual consent.

Cannot be passed. Other than mutual consent application they can be passed.

Hon'ble Justice Mridula R. Bhatkar:- Don't say mutual consent say consent because there are 2 things now. See, he put a very good question rather excellent question. He pointed out Lok Adalat and this thing. Now I formulate a question for you and you would just consider. In that Legal Services Authority Regulations bail and mutual consent under 13 (B) cannot be passed. The word is 13 (B). Now the question is that if whether a divorce cannot be granted other than mutual consent. Whether the divorce can be granted on consent terms or whether that divorce cannot be granted on consent terms except mutual

consent. This is one line proposition or question. So question is this that I give example that the petition of voidable marriage is filed that after the marriage he has converted or she has converted. That can be a ground, conversion. If it is so voidable marriage. He files petition that she has taken some another religion. And the petition is filed not for the mutual consent but by divorce under the grounds. Now that matter is referred before Lok Adalat and at the time proceedings before the Lok Adalat on that day she says I accept there is a conversion, I don't want to challenge that I was not converted, I accept that I am converted, I am ready for consent. Then he says yes we will file the consent terms today and that is the petition for consent. Now only Bar is this no order in respect of that divorce under Section 13 (B) which is mutual consent. Now the question is that this is not the case of mutual consent. It is only on consent terms. And Lok Adalat can also pass the orders on consent terms and not on mutual consent. So we have to carve out a divorce, the consent terms which are given and the mutual consent. So now coming to that the parties were warring they say that we were not ready for mutual consent but now we are filing consent terms. When Lok Adalat can file the order by not judge. You cannot converted into the petition of 13 (B). Give us divorce under consent terms. This is not a collusion. Collusion is different. See, I am converted, just see section 5. Why ex parte, I am very much there and now I agree that he is I am converted and I said all right okay. But conversion is true. It is not false or fake conversion. I mean that is what collusion. But now I think I should be true and I must say that I am converted. Okay.

We will have to say that the petition is decreed. Decreed on the ground of conversion.

Participant:- Sirs say that order 23 is not applicable. Then as coming to family Court act section 10 clause 1 says civil procedure Code is applicable. Yes.

In the beginning I told you bar is there by the Supreme Court but I am of the view that this is the point which can be answered by the judges as per the notions. There is some grey area because I don't find by 23 is not made to be applicable that is also found out. Because under family Court act Court has to find out its own procedure. Though it is agree you have to undergo the period of 6 months, though it has already undergone for 3 years or four years. We have to see that whether it is practical or not. Legal is a different issue. Again I am saying this. I think that some deliberation is required at this point. If the except.

Supreme Court has said it. Pass the order. But just I am requesting you to find out whether any other via media is possible. Not disobeying the Supreme Court. If you go on searching you we'll get a different answer. I give you some lateral thinking and give you some example. Try, try brother this night he is legally right, but he is pointing out something else that also cannot be throw away completely. That is what I feel. Let's see that. We have not here to say that you are right and he is wrong. It is for you to decide.

Dr. Amit Mehrotra:- So I think now the yard at the end of this conference and it is always been a mesmerizing moment for me to interact with all the learned judges and the Honourable resource persons and I always feel and blessed that I always go with my life and also grow with my life for the being a part of these intellectual dialogues and get motivated. So thank you so much for being with us for these four days. I think so it might be good experience to all of you. We will be having short interaction after this may be 5 to 10 minutes with our director. We will be distributing a short response Performa about the feedback. I would request to kindly distribute it and you may take 5 minutes to fill that. Kindly take 5 minutes and so that response Performa. And thank you so much and please give a big hand of applause to Hon'ble Justice Mridula R. Bhatkar ma'am and all the resource persons who have really given such a great insights and different perspective of the life to look at. As Dr.Aruna Broota ma'am always been so kind and nice to us and the resource persons. Thank you so much. We request you to fill that form and may be in 2 to 3 minutes of a director will to interact with you merely for 5 minutes and then Viva formally conclude this programme. Thank you so much.

Prof (Dr.) Geeta Oberoi:- So, good afternoon it is a time to say goodbye but before saying goodbye I thought I will ask you what is your oral feedback also. Of course written we are taking it, that something if you feel that we have not done we should have not done and we have to do then please let us know.

Participant: - Mam I think that tenure of the programme should be more wider. It at least for a weak. It was so beneficial people that we would request that programme should planned for a weak. And one more request I would like to make the Academy that we should not be left in the mid of learning process of the topics. It would be beneficial if the same person's called again after a year in continuation of the same programme.

Participant: - Mam, my view is if some discussion is that the amendments acquired for the enactment. That discussion is there, it is also more helpful. It is there in the session. But if discussion is there that in come in an effective manner. For example what amendments are required for practical implementation of the particular enactment?

Participant: - One thing I suggest that after effective training programme there should be a site seen programme should be conducted by National Judicial Academy because officials are coming from various parts of the country and by such site seen they will have an opportunity to see the site seen of Madhya Pradesh.

Prof (Dr.) Geeta Oberoi:- Only problem is High Court refuses to repeat because people are transferred. Therefore High Court say you cannot ask us to repeat the same person. Jurisdiction also get changed.

Participant: - As a family Court judges we have to read the psychology of the person. What is all this behind family dispute and then we have to reach the conclusion that what is the way out that the family can be saved. This is what I can conclude. So what I feel is we should as family Court judges, they should be given more training in psychology of the person's. The training regarding this topic must be enhanced. Yes mam and some guideline must also be issued to family Court judges as to after knowing the psychology what procedure we have to adopt and how we can help of those persons with psychological disorders to have them and manage them and maintain their family. Thank you.

Prof (Dr.) Geeta Oberoi:- So it's that all. Anyone else want to make any other contribution or any other suggestion.

Participant: - Mam this is a very good programme. The district judges should also be sent here to think the programme. So that they can support judges of the lower judiciary. We give respect to all senior judges here. It helps in reflection, introspection of oneself. The programme that I find. So..

Prof (Dr.) Geeta Oberoi:- so with this we say goodbye till we meet again. Thank you very much. I hope you all have returned the response Performa. Yes. Okay. Fine so thank you so much, have lunch and happy journey back home. Ya.

Dr. Amit Mehrotra:- And I am very much thankful to of director for giving me this opportunity for coordinating specially this family Court programme as I'm doing it from last year and this year too. So thank you so much ma'am.

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