

Supervisory Powers of the High courts: Role of guardian Judges

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Supervision

- Superintendence - Art. 227 – Judicial function
- Control - Art 235 – Administrative function
- Guardian implies a position of trust, care and custody, not only control
Obligation, Responsibility, Duty. NOT Rights, privileges.

Public office – Public servant – serves the public – office of public trust -
Not ordinary Government service

The only servant who can punish the master!

Boss V. Leader

- | | |
|-------------------------------------|-----------------------------------|
| ➤ Orders, directs | ➤ Influences, inspires |
| ➤ Good instructor | ➤ Good model |
| ➤ Has employees | ➤ Has followers |
| ➤ Respect due to seniority | ➤ Respect due to ability, quality |
| ➤ Dominates | ➤ Supports |
| ➤ Focuses on structure, procedure | ➤ Focuses on Values |
| ➤ Knows how the work is done | ➤ Shows how the work is done |
| ➤ Delegates tasks, responsibilities | ➤ Delegates authority |
| ➤ Blames the person who is wrong | ➤ Shows the thing which is wrong |

Learning by self reflection is the noblest way, by imitation is the easiest way, by experience is the bitterest way

- Confucius 551 BC – 479 BC

Aspects of Control

For Judges and staff

- Appointments
- Confirmation
- Transfers
- Promotions
- Overall discipline of work

Justice without generosity is Shylock's Justice

Ambit of Responsibility

Disciplinary control - of Judges and Staff

Includes vigil over Judicial Misconduct by:

- ☐ Dishonest deeds
- ☐ Attire
- ☐ Demeanor
- ☐ Favoritism
- ☐ Social interactions
- ☐ Punctuality
- ☐ Expedition

**The 5 Is – INTEGRITY, IMPARTIALITY, INDUSTRY, INTEREST, INTELLIGENCE for deserving
INDEPENDENCE**

Confidential Reports

Appraisal

- ✓ Object to inculcate discipline; not to demoralize, but to protect
- ✓ Maintain their dignity and independence
- ✓ Judgments evaluation – qualitative and quantitative, with reason
- ✓ References for good as well as bad in judgments and orders
- ✓ give opportunity - representation of JOs – quick disposal, short reasons

Self appraisal ??

Those who criticize us would do well to remember that, positioned as we are, we are unable to answer

– Lord Denning

Infrastructure / Human Relations

- Court buildings – construction, repairs
- Bar requests – for conveniences, workshops
- Complaints – against Judges – Right of hearing, Inquiry

The end of law is not to abolish and restrain,
But to preserve and enlarge freedom

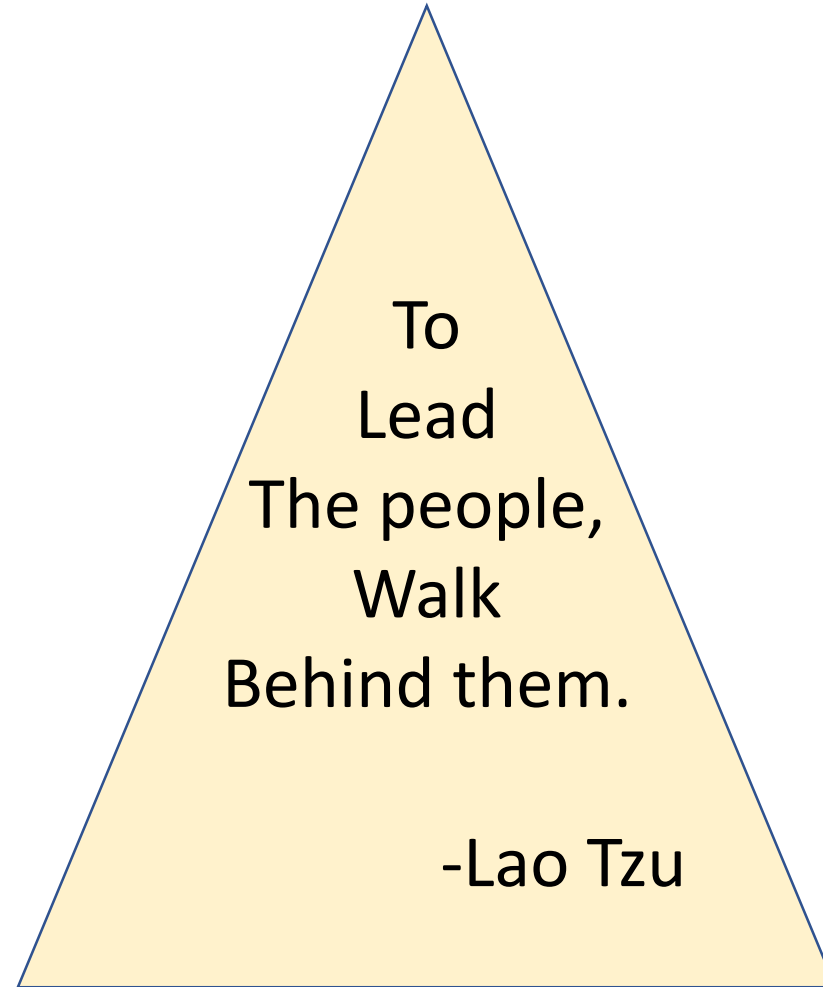
Human Relations

Report of Hon'ble the Chief justice, Mr. Justice Deepankar Dutta, Bombay High court in the national court Management Systems(NCMS)Committee

Resource Development Strategy

- ❖ Court managers - expertise
- ❖ Judgment evaluation – qualitative / quantitative
- ❖ Remarks in judgments (judicial) / CRs (Administrative)
- ❖ Training and Education

Save the dying, rather than bury the dead



To
Lead
The people,
Walk
Behind them.

-Lao Tzu