

**Conference on Judicial Administration**

**(August 7-9, 2015)**

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**Report**

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The National Judicial Academy organized the “Conference on Judicial Administration” for high court justices from August 7-9, 2015. The Conference involved discussion on policy level issues in judicial administration to understand various bottlenecks in enhancing performance of courts. The recent initiatives for strengthening judicial administration in India have been discussed in the light of the role of high courts for anchoring these reforms. The Conference addressed issues on budget management, data management through e-courts project, case management and various aspects of governance of district judiciary. Some of the issues which are fundamental for judicial administration such as balancing judicial independence and organizational needs, involvement of court managers in judicial administration in high courts, powers and function of various committees in high courts, coordination with bar associations and implementation of ADR system were also discussed to evolve strategies through deliberations.

**DAY 1: 7th August, 2015**

**SESSION 1**

**09:00 AM – 10:00 AM**

Dr. Geeta Oberoi discussed the objective of the Conference. She said that judicial officers from all over India actually they complain to us about high courts. The 13<sup>th</sup> finance commission granted 5000 crores for the improvement of district judiciary but 81% of the total amount returned back because high court did not allowed district court to utilize that properly. The budget preparation in the high court suffers from back file syndrome where registry people see back files and do 10% escalation what was demanded previously and submit it.

The failure of court managers happened because high courts have not framed proper rules for the effective use of court managers, did not specify job description and directions were not given to judiciary as to how to utilize court managers.

There is lack of staff in courts and the reason for non appointment is that for every vacancy judges receive 10-15 recommendations and they postpone the appointment process. Even though there is direction of Supreme Court unless and until anonymous complaint is supported by affidavit the anonymous complaints should not be entertained by the high courts. Still these directions remain on paper. Even for trivial complaints vigilance machinery is moved on. District judiciary's judges say that they are not interest in bail matters even if accused deserve so for fear of any motive imputed to them and to protect their careers. No matters how much the National Judicial Academy tell Judges to discharge their duty without fear and favor they say no way as high court judges call for explanation, give them fear and anxiety and drive them to madness. Women judicial officers complain that they are not treated well. Their dual responsibility is not considered while allocating work to them. There is subtle harassment which may not be sexual harassment but it is subtle harassment and mental harassment. There is lack of uniformity in service condition as some high court allows flight journey but some high court insists on train journey no matter how cumbersome is the journey. There is improper allocation of work and some people are posted where there is no work. There is big complaint regarding unit system. The TA DA to witnesses is supposed to be given in installment and not given in one time. For that also witness has to give affidavit and then three installments are released.

The high courts burden judges of district judiciary with lot of work. They have to visit jail, observation homes, conduct departmental enquiries, part of various committees, they have to do work of mediation, lokadalat and all that make them work 14 hours a day without Saturday and Sunday. Through this conference participants can come up with some plan of action, some strategy on changing existing state of affairs and can develop some consensus on core issues. Also high court judges can share issue of bottlenecks, attitude and professionalism with district judiciary which can be shared with them.

Mr Yashwant Kumar from the National Institute of Financial Management discussed that the performance of judiciary is greatly affected by resources. For proper preparation of budget of

judicial administration and managing it after allocation, adequate trained manpower in budgeting and financial administration is required. Only 0.4 percent of budget is allocated to law and justice in India. Budget is prepared according to the provision of the constitution. He discussed the Constitutional framework of finances for the judiciary.

Article 112 provides for preparation of annual financial statement every year for the financial year from 1 April to 31 March of ensuing year. This is presented by the president before the parliament. For state under Article 202, it is presented by the governor to the state legislature. Annual financial statement is prepared keeping in view few requirements like expenditure which will be voted and charged on the consolidated fund of India. Then division of the expenditure under capital account and revenue account is done. Then division of the expenditure under planned scheme and non plan scheme is done. The expenditure other than these charged expenditure are voted expenditure. Other elements for preparation of budget are revenue and capital expenditure. Other classification is plan and non plan expenditure where planned expenditure denotes the expenditure approved by the planning commission. This classification applies on budget of judiciary also. Most of the expenditure of judiciary comes under non plan expenditure. Article 13 provides the procedure of passing of the budget by parliament and the corresponding Article for state is 203. The expenditure of the Supreme Court and high court are charged expenditure and on this there is no voting in parliament or state legislature. The expenditure of judiciary is voted expenditure and on this voting in parliament and state legislature is necessary.

The process of budgetary control is commenced before the start of financial year. The estimates are submitted by various authorities of the department which are scrutinized by the head of the department and consolidated by him/her. The normal budget documents are budget speech of the Finance minister and annual financial statement under Article 112 and 202.

The form of annual financial statement i.e. budget is like this. We have list of major minor heads which give account head for classification of account. Various items of expenditure under function and sub function are presented and the actual of the previous year is given and budget estimate of the current year is given. The Fiscal Responsibility and Budget Management Act, 2003 have been passed by parliament and state legislature. This Act shows the limit of the finance of union government and state government. It proposes limit of borrowing that can be done by union government and state government. It proposes that revenue deficit and fiscal deficit will not go beyond certain percentage.

In department of finance there is no representative of judiciary and the continuous liaison with finance department is not there. Thus finance department is at freedom to reduce the non charged expenditure. There is need of an arrangement to take judiciary's concurrence in the budget cuts by finance department. Under the current scheme of financial administration according to the Constitution this sort of autonomy is not there for judiciary. With any issue of finances accountability comes and it is implemented by parliament. If any modification for autonomy is done through Constitutional amendment then we have to see that what could be the arrangement for ensuring accountability. Like at present CAG does audit of all departments including judiciary and present the report to Parliament.

If judiciary approves its own budget then we have to see what sort of accountability mechanism will be there. The query was raised that why executive does not permit the power of re-appropriation of budget from one head to other after budget allocation. Once budget is allocation administrative sanction is required for every little thing. Re-appropriation from one scheme to another scheme can be done by a committee in the Supreme Court and that re-appropriation may be accepted by Finance department. At high court level also one committee may be formed and can decide about how the expenditure can be incurred. State government should not delay the request about the fund which has been approved by the Parliament.

There should be a finance committee in the Supreme Court as well as high court comprising of the representatives from judiciary and finance department to do this. The finance department representative may not be a permanent member and can come and give his view only when the issue of re-appropriation arises and final call may be taken by the Chief Justice. A budget and finance officer can be deputed from Central account and finance services and can do this work in high court as high court receives fund from union government. Similarly at district level officer from state account and finance services can be deputed.

Dr. Madhav Menon shared his experience while preparing the report on Judicial Impact Assessment. He said that major issue is to determine how much fund the judiciary required and who command as to where it is to be utilized for optimum result. The judiciary is not in control of its workload and it is determined by litigants and by legislature through enacting new laws and amending old laws. This law making or amendment process generates lot of litigation as happened after amendment of Negotiable Instruments Act which created 25 lakhs cases in 2-4 years. This requires more court and legislature should have provided more fund to cope with new cases.

There should be some flexibility with the judiciary for its budget. Large chunk of judicial budget is charged on the consolidated fund of India, it is not voted in parliament and that is guaranteed. There has to be a certain head of expenditure including re-appropriation of the allotted budget available to judiciary if a meaningful budget has to be developed. Through Advocate Association cases the Supreme Court has ordered five times increase of judges over a five year order. But central and state governments have not implemented that order. Every year 1.5 to 1.8 crores cases being filed partly because of action of parliament and number of courts have not increased. The preparation of budget by judiciary is extremely poor and it is what was left behind by the British.

When the demand for finance is made it should be justified by reason which can be understood by finance experts. So to assess the required number of judges according to increasing caseload, the judicial impact assessment committee has developed two-three economic models for assessing the future requirement of judiciary in terms of likely increase in the workload of court. But the recommendation of judicial impact assessment has not been implemented. According to Constitutional requirement judiciary must be provided with adequate funds and with autonomy to use that fund properly.

Dr. Geeta Oberoi said that in Washington DC 2% of court fees and keeps it for training institutions and over a year from 1994 in 2014 they have so much surplus fund from that 2% of court fees. Some percentage of court fees in India can be kept for infrastructure.

## **SESSION 2**

**10:30 AM – 11:30 AM**

### **Developing and Managing Judicial Budget**

Mr. Yashwant Kumar continued the discussion on developing and managing budget. He said that all the fines imposed by any court in India and in monetary and non monetary terms are realized by executives and deposited in this minor head 102 fines and forfeitures. Another minor head is services and the court fees is credited in this 501 minor head. Any kind of court fees and any Act or law is deposited in this minor head. The executive cannot realize any property of anybody unless it is provided in law. Under certain civil laws executive dispose of the properties which are unclaimed and that sale proceed is also deposited in minor head 800. These are the major receipts under the judicial administration. Another major head which the receipts are deposited it is specialized nature but that relates to administration of justice but of economic services. That major head is 1475 other general economic services. Like 101 fees realized under MRTP Act, 102 patent fees, 103 fees for registration of trade mark, 105 regulation of joint stock companies. We have lot of litigation coming under economic laws. 200 regulations of other business

undertakings like partnership Act, trust Act etc. These are the recoveries under various Acts of parliament and state legislature.

Observing these heads of accounts available in our accounting structure in relation to administration of justice we may find some gaps. Like for capital expenditure under administration of justice, we have only one head and that is subhead of public works department. So under capital expenditure like renovation, use of latest technology for proper administration of justice we don't have any separate account head. These are limitations of our present accounting structure. So we are not able to make budget for capital investment in administration of justice that goes in regular executive heads. Separate capital expenditure account head is not available in our accounting structure.

The scheme of arrangement of financial administration decided in our Constitution during 1947. The financial autonomy of judiciary was thought about at that time. The expenditure on the pay and allowances of judges of the Supreme Court and of high courts were taken as charged expenditure not subjected to vote of parliament. But this envisaged with socio economic environment prevalent at the time of framing of constitution. It could not be envisaged that time the volume of work of judicial administration will increase thousand fold after 65 years.

Only pay and allowances of judges of higher judiciary was made a charged expenditure. In that scheme it is not provided that automatically that if workload of judiciary increases then the number of judges is automatically increased. It only provide the salary and allowance of existing judges will be charged. It does not provide that with increase in volume of work there will be increase of size of judiciary also. Later on in 1947 the expenditure on office establishment of Supreme Court and High Court was not made charged on consolidated fund. Later on this was felt that merely making salary allowance of judges does not provide the financial autonomy to judiciary. Therefore the expenditure on office of Supreme Court and high court was also made charged expenditure and it is later development. But this only provides charging of expenditure

of the existing strength of the Supreme Court and high court and it does not have a mechanism of increasing the strength of the Supreme Court and high courts. This is an institutional gap.

Another gap is expenditure of district judiciary is not at all charged on the consolidated fund of state. So since a major chunk of workload is taken care by district judiciary then what kind of financial autonomy or corresponding financial arrangement with the workload of district judiciary be linked with the financial arrangement under the Constitution or state laws. Then another issue is that what kind of institutional arrangement should be there so that finances comes automatically for the expansion of permanent in nature which can take care of extended work. So that necessary capital investment can be done and the work can be performed with the certain level of performance in terms of time, speed, quality etc by all the all the three levels of judiciary. That capital expenditure which comes for the expansion for the judicial administration is not charged expenditure and it is voted expenditure. This is another gap in institutional set up.

Another gap is financial administration capacity of the Supreme Court, high courts and district court. The experienced manpower is not available with the various level of judicial administration. The level of say either Supreme Court, high court and in deciding the size of the budget of the each year so that performance of delivery of justice meet a certain level of benchmark. When the citizen is expecting that judicial system needs speed and quality then corresponding arrangement is not available.

Another recent issue is that the government expects that our judicial system should be so fast especially in economic sphere that the delivery of justice becomes of international standard comparable to that of developed countries. Such as implementation of contract, various dispute under various economic and commercial laws. So ranking of our country comes in top 10 in ease of doing business. The growth rate of our country will automatically improves when the administration of justice become of international standard. But the corresponding resources are required to achieve that stature is not forthcoming.

There is need of financial committee in Supreme Court and in high courts and judiciary should take finance and budget officers from central and state account services. We can have the recommendations of judicial impact committee. We can also have the work study done at various level of judicial level. What workload is available? What is the pace of delivery of justice with the current manpower and other resources and what are the gap in the workload and resources available and what are the resource gaps? What are the targets in which period we want to achieve those targets and what amount of financial resources will be required to fill up that gap?

We may also prepare the benchmark for judicial delivery of each kind of cases and then we can prepare outcome budget. In the outcome budget we will mention that how much resource will be required and the present it to union and state level and consensus may have to be derived that this much resources have to be deployed otherwise we cannot deliver justice at the level which we want. When we are talking of reform in financial administration in judiciary in institutional mechanism this point may be included at whatever the court fees come or whatever the fee come under any Act of parliament or state may go in separate fund and that fund may be utilized in development of judicial system.

In executive side we are having many central services but in judicial side we don't have any all India central service. This may also become part of the judicial reform that we may have a central services for judiciary also. That will be powerful enough to improve the financial administration of the judicial system. The laws passed by Parliament but how much workload of judiciary will increase under that law is not given in the objective of that law. We may take it part that whenever any law is passed by parliament or legislature an assessment on the workload of judiciary may also be presented along with objective of that law. Assessment of workload whether it is increased or decreased is presented then automatically the issue of financial arrangement to take care of that workload may be highlighted. There is delegation of financial power rules 1978 of ministry of finance. That uniform service will deal with central government

as well as state government. This will be uniform link dealing with all the levels of the government and that will be a permanent link and under the present setup we have of judges at the high court and the Supreme Court. The gaps which are there in budget sanction and that gap has to be filled up and then again, it is possible to devise a scheme to take care of the existing arrears of cases in time bound manner, within certain period the 10 year, 15 year. So it is possible to study it to make outcome budget targets, a vision document for 15 years, then targets to be achieved and then outcome budget to achieve those targets and based upon the resource gap a separate scheme may be demanded from union and state government that these are our targets and the judiciary want to achieve this level of administrative of justice.

A participants asked that under the Constitutional scheme, under the Constitution as far as the Supreme Court judges and staff is concerned and high court judges and staff is concerned charged consolidated fund but when it comes to state laws or state courts, then there is no such Constitutional scheme or mandate of the Constitution. The proposal is this that we can have a committee at various levels. Now what is the legal sanction of that committee? It has to be whether they would honor the recommendation of a committee or not.

To this Dr. Menon replied that not having a equivalent Article for state expenditure, a Constitutional review commission has recommended a judicial council at the level of state and parliament. That is to be a under a parliamentary legislation. That judicial council will finalize the budget requirements of the high courts at the state judicial council level and budgetary requirements of the Supreme Court at the union judicial council. It will have the representation of the executive and legislature and what is adopted there is directly to go to the legislature. A participant said that the court fees component can be treated as a fee and can be used for appropriation towards expenditure of management of judicial system. But court fees in India come through different state legislations which are the largest chunks rather than what come through central legislations. The central legislation raise pittance compared to different state legislations. Would you be able to indicate a norm which could be available for general

acceptance by different states without any new legislation and without any rule being made? Can it be confined to the budgeting and planning sector in the executive without any rule or Act being made. We know the Indian system where legislation making exercise takes long time. Will you suggest as a managerial doctrine coming from the policy management and the budget session whether the planning and budgeting sector in the executive can treat this as a focal issue while budget allocation or preparation of budget.

To this Dr. Menon replied that the delegation of financial powers rules 1978 provides a general guidelines can be incorporated as part of those rules. In it x percentage of court fees could be utilized for appropriating towards judiciary high court considered as legitimate expenditure.

Justice Sarin said that the state approval will also be required that where the bottleneck would be. Which state would like to part with part of kitty which comes to it which is available to them as resources and give it away to judiciary? On long term basis a two prong strategy whatever may be modalities which will be required for it we will work out. That is filling up of vacancies now even that is easier said than this. We have right now NJAC and things are coming up and till that's get sorted out we will not going over to filling up vacancy.

Mr Yashwant said that there is one limitation in delegation of financial powers as rules does not provide for appropriation of money. This provides for who is the competent authority to sanction certain level of expenditure for appropriation of money there is budgetary procedure. So whether the money which is being collected under court fees, whether that can be utilized for some purpose for certain period in specific fund which can be utilized for clearance of pending cases before the judicial system for 15 years.

A participant raised the issue that chief secretary should be the part of judicial academy governing body or may be some secretary part of the committee constituted by the high court at its own level. In every high court we have committees where some or the other building

secretary, finance secretary also take part. From where does the power flow to the chief justice to have an officer from executive as part of the committee and what is the statutory authority for that committee for that committee to be constituted? That is why he resiles when he goes back to his own office as a finance secretary or building secretary. They participate in meeting but make no commitment or their commitment mean nothing.

Justice Sarin replied to this and said that if you are looking for statutory power it would be lacking. The committee is constituted for whenever it is concerning a core purpose. So bring it within court administration. Go back to the Constitution. It is in that connection we are calling you.

Justice Ravi Tripathi said that his experience in Gujarat is very similar. Whenever there is an issue which is required to be settled, we invite the secretary of concerned department with the chief justice. RG will be present, the law secretary will be present so even numerically we will be in majority and they will be supporting the chief justice.

### **SESSION 3**

**12:00 PM – 01:00 PM**

#### **Involving Court Managers in Judicial Administration in High Courts**

Prof (Dr.) Madhav Menon said that the judiciary has not been able to plan and spend the fund of 13 finance commission and one such institution which has suffered in the process is court managers. The idea of management of the court has worried judiciary across the world. The two important revolutions that have changed the management of institution both in the public and private sector that happened during the 20 century the management revolution and information communication revolution. These two development have drastically changed the way organizations functions whether in government or outside the government. Particularly in business.

The court manager was designed to fail when it comes to its operation in judiciary. There were six objectives of 13 finance commission for court manager, one relieving judges from administrative work so that judicial time can be fully utilized for utilized work. Two judges are not good administrator and administration suffers as a result. Three trained managers can not only enhance efficiency in administration but also facilitate up gradation of system for increase productivity with the help of management principle and technical tool. Fourth the executive judiciary interaction for budget, services, the technical infrastructure are all better served by managers than judges. Five improving the public image of court through litigant friendly public relations work is a job to be done by manager trained for the purpose. It helps in maintenance of independence of judiciary. Six judicial statistics on the basis of which alone you can have judicial plan are task essential for judicial reforms but generations of statistics in differentiated way that is appropriate for planners to make future plan is a precondition for intelligent management for system to be in place. This collection of differentiated statistics is a highly specialized jobs which only management expert or statistician. The statistics we have today is useless for judicial planning.

These are the shortcomings that finance commission has observed which according to them has contributed delay in system. So they thought let us have trained managers who understand court system and which can work on modern management principle and technological tool and take care of administration and leave administration of justice entirely to judges. Unfortunately these objectives seem to not being read by judges who are in charge of recruiting court managers. With the result the qualification for being a court managers were not properly looked into. Nor the selection process was done with that level of scrutiny required to get the right man for right job. You advertise, you select some people with engineering or MBA. They were not being told what their job requirement are.

The court manager is the best institution that could be provided in the present circumstances to save the judiciary and direct on a modernize path. With introduction of appropriate tools,

facilitating, coordinating, advising, planning, statistics you name it which are all required for judicial reform and it must start from the district level. Therefore at least as a pilot in some of the selected court if it were tried sincerely, it would have made a difference. But five years are lost and money is wasted with no result. We are back to square one. Now the question arises as to what should be paid to the court managers, what should be status. The status should be nothing less than the registrar general. There is no personnel policy and this is not for the judges to worry about. It is administrative work. How it could be organized. This has to be managed in consultation with several parties in accommodative way which is not being done. So you look into the ills of the system at the grassroots level which could be sorted out if somebody has time which judges do not have.

The objects involving court managers with the finance commission and all sensible people think similarly it could not be communicated properly to courts. Nor the courts seem to be interested as to how they could be tried out at least in some places and make reckless recruitment with no clear understanding of work to be taken. With the result everybody is dissatisfied including court managers. But the court managers' job requirements have had to be stipulated much before the selection process happens. Taking the cue from the objectives with which this office was instituted by finance commission which did not happen and therefore the whole system did fail. This is one sure method for saving the judiciary from total collapse. Authority will have to be shared by judges with non judges. Court managers can be used in statistics, research and planning, security and transport management, technology and pre trial services, court reports, probation services and so many other things.

Justice Sarin said that the major problem that appears was the lack of defined duties, non adjustment and acceptability. The administrative burden even for high court judges as they go up on ladder of seniority keeps on increasing and by the time a judge has 7-8 years he is burdened with many committees which are of prime importance. That is where the authority of the court so he wants to enjoy that and especially J1 J2 they would have enjoyed it also. So it is

administrative part also. So they also need to be relieved. We have to look at court management systematically and see that if we have to create a cadre of these problems, not one court managers but he has an administrative machinery of assistant manager, of another person assisting him. Major failures in these states from what the reports are, he gets no cooperation from Registrars Generals, or the existing registrars, staff who feels threatened because they are not trained that way. We should device a programme of training to any of the new hired persons at two level where he goes through a training programmes of six months and after that he gone through each function of the court, the department of the court.

As an administrative officer you recruit and put an MBA there as a qualification. And assistant administrative officer without an MBA, there is a possibility of promotion. But these are the people who are internal to court, who understand the court functioning, who are accepted by the rest of the staff also. Training programme and a person can get absorbed in the system. It is process of evolution. We don't achieve the result for first day or first two years. Over a period of time it will develop.

Justice Ravi Tripathi said that it is similar to the organ transplants. If you put a new kidney, its not that every time the body accept it and number of tests are carried out before transplant is permitted. In this case also unless we stipulate the work chart of these court managers and specially the area wherein the district judge do not feel that he is encroaching upon his administrative control Only then possibly they can be put in the system with all the training.

One participant said that no court manager will be able to control the advocates when judicial officers find it so difficult to manage the advocate. Another participant said that the court managers which have been appointed now are just ceremonial pieces in office. The person who can come and change can be a judicially trained person.

Justice Sarin responded to this and said that supposing you have recruited somebody as an administrative officer which he is equivalent to deputy registrar or joint registrar? Does your joint registrar operating these days is having any problem with lawyer or not. He handles them properly. In six months training and being in the court staff you will get that. He will not be a stranger.

### **Coordination With Bar Association: Issue of Strike**

Dr. Menon initiated the discussion and said that except in India nowhere in the world lawyers go on strike. This is become a perennial issue. He discussed the issue addressed by Tamil Nadu Judiciary. That was in 1970's and it became frequent in Tamil Nadu mainly between Police and some lawyer went to police station and he should not have gone. But he has gone and police did not respect him or he asked for bail from the police and denied. It ended in quarrel and strike declared. It was not one case, in different district in Tamil Nadu it happened in different districts. The high court was concerned with it, called the bar association and bar council, the issue could not be resolved, the government got involved. Therefore the director general was summoned by the home secretary and asked for explanation at the instance of the high court. Finally a committee was constituted which was agreeable to the lawyers of the Tamil Nadu Bar Council. The chairman Bar Council of Tamil Nadu, the home secretary and the director general of police will have a committee which will be given 36 hours after incident during which time the lawyers will not call strike at all. Within 36 hours, the machinery will have started to find out the fact and locate the fault and correct it. If those steps were not taken then only a bar association will call for strike. This was accepted as a rule and was adopted and this machinery at the high level has intervened in some cases and it could find resolution without allowing any lawyer group for call for strike. It worked for 3-4 years. That by even the Supreme Court saying that lawyers cannot go on strike did not has any impact. Therefore there must be a mechanism like the Tamil Nadu in 1970s which can give a statutory basis it required. It worked as grievance redressal mechanism.

To let the court function without one important wing of the institution calling for a strike or boycott of court is disgraceful. One understands that lawyers must be made to realize that they are the servant of those litigants whose cases they taken and then boycott the court. A mechanism has to be found by judiciary and not by executive. You are in control of lawyers, you have to negotiate with them. Justice Sarin said that the bar council mechanism is not working there at all. The Harish Uppal judgment says at best token strike for a day, if it involve the integrity and independence of bar and no other reason. But these people hardly follow it up. A message of firmness be sent that you are not approving of it. A participant said that in state of Andhra Pradesh almost for one year strike went on almost for one year in subordinate judiciary. Except in the high court, courts are not functioning and nothing has been done from the judicial side, from the high court side, we just close our eyes. 13 districts entire judiciary was not functioning. Justice Ravi Tripathi said that in Gujarat, in one incidence, the entire bar came and requested the transfer of district judge. I requested the chief justice and he stood with us and we stood with district judge and he was not transferred until general transfer time came.

#### **SESSION 4**

**2:00 PM – 3: 00 PM**

#### **Inspection and Visits to Strengthen Judicial Administration**

Justice Manmohan Sarin initiated the discussion and said that under the Article 227 high court is vested with power of superintendence over courts and tribunal within its jurisdiction and this power includes calling for returns making rules for practice for proceedings in courts prescribing forms and books of accounts and entries shall be kept. The Article 235 gives the control over subordinate courts including posting and promotion of all district judges which is done with the consultation with the state governor. Now district courts have control over all civil courts at the district level as far as section 33 of Delhi and Punjab courts Act, small cause courts are also under the administrative control of district courts but under the superintendence of high court. Now each of these under the high court rules, rules have been framed, forms prescribed,

guidelines laid down which go at length at listing out what the inspecting officer or judge is required to see from the various registers which have been gone into. The inspections are prelude to your evaluation of the officer concerned who is within your assignment or who reports to you. Now inspection is scheduled once, it can be surprise ones also. I think that inspecting judge will not find something. He can still see a lot. One is records it to be kept as they are required to but apart from these is lot to see. In some of the metro a place like Delhi, we have a situation where the judge is inspecting and if he happens to be the one of the recently elevated especially from the bar, it is quite possible that in the district court or the subordinate courts may not recognize him. So he can go there sit in incognito and watch the proceeding.

In our court high court judges are not very true and faithful to this concept. We do not effectively utilize this inspection. Very often the practice is, initially when the judge get appointed he goes with great gusto, inspect the judicial officer, advises him also. But as he go on the ladder, he decides its enough so at that time the inspection slowly wither away and what takes place instead of it is you call for the files, best judgments and by that time you are in the DV you have additional work then this furthers stop and the practice is to just call for few judgment and when we feel we call for judgments at random. At random you get it and you start evaluating him on that.

Make it whenever you and make sure out of all the officers you are there at least you inspect them at least once a twice of a year. It is matter of their career and if you talk to subordinate judiciary and you take their views the basic complaints has been that look high court is indifferent in its assessment. That can show the punctuality. At times you would visit at 2 pm and see who are the judges enjoying siesta. At the same time it will enforce discipline that the man return to his dais at 2 pm. Another thing once you inspected the proceeding, this person could have had the benefit of you advice on look this is a ticklish problem and this is how you should tackle it. He does not get the benefit of that advice because you are sitting in your chamber and assessing him on what. Either on the basis of judgment or what we hear about him

from who are perceived to be known to us or whom we consider reliable enough. These could be people at the bar and that's how you get the information. If the president of the district bar is a very respectable person, judges used to ask him, look what is his reputation is his integrity alright. Now three inspections by you how he is handling his case and this enquiry would be far better assessment than sitting from your office and enquiring about. Of course we can have other means now.

The object of such inspection is assessment of work performance. Assess your competence, capacity and integrity and this is followed by evaluation by us. Above all it is an opportunity for pointing out mistake which he could avoid. Now the whole purpose of an appraisal is that you give an opportunity and see an appraisal form, what are the norms been set for him, what he consider he has achieved. Encourage him that he has a sense of achievements and that itself can be far more than what you call an assessment where you pointing out mistakes. Mistakes can be pointed out to tell him that it is not to be repeated and I expect you to do better. If at least 70% of you doing this then it is alright otherwise not.

It has to be as you call continuous legal education so it is continuous improvement. If there are adverse remarks then law is well settled that it must be communicated to him. There are other things which are matter of concern. The patterns have been followed. For instance a new judge, he may be brilliant but norms have been set in the court, initially you will give B. Unless it is extraordinary, exceptional cases then only you will give B Plus. Why should you not give him B Plus. We say no let him start with B. Two years BPlus. But somehow we are burdened with these norms which should not be there.

A participant said that in the first instance to go two hundred km to your district is a big things. We have to do it on non working day. If it is announced visit then even the court room is stage managed and other wise to go on a surprise inspection on a non working day the moment you go into the court the whole things changes. I know some judges they say the moment they take over

a district they will ask all heir officers to come and have a cup of tea. I don't know those poor officers coming from 200 km for having a just cup of tea.

Justice Sarin said that my congratulation to you for being candid enough to say so. In our life we can't find solution to every problem. I am talking of interaction, professional interaction. Interaction in a sense that when you talk to him where you are talking about his assessment. You are open to him. You are talking what is his difficulty as opposed to it you are sitting in office and one day he finds a written assessment. As opposed whatever time you get, you have understood him, what are his difficulty. Interaction, let me clarify where you find out from what are your problem.

What is giving you is a feedback from across the spectrum from subordinate officers. Their general feeling is that it does not happen and let's face it. It does not happen. Now some of you are very particular what your disposal is. Even if that man has been having although you have disposal norms criteria units. There are some judges inspecting judges, firm on you have not covered your disposal Uniformity to the extent possible in assessment should be maintained. We decided in Delhi to have a committee of 3 judges. To some extent bring about uniformity and reduce atleast variation. At least three persons are thinking alike so there is greater chance of judgment being more rational. But then these three also have a disadvantage. The disadvantage is that a committee assessment brings in certain kind of formality.

Justice Ravi Tripathi added that I have only two points. One is my regular visit to my district which was assigned to me. District is Surat. That district which was assigned to me I had a very enthusiastic district judge and now he is of course elevated and he is adorning the bench of high court of Gujarat. Without going for the formal inspection, we had an understanding that I will be visiting that district almost quarterly. And I told my district judge that you are free to take any action which is permissible to you to be taken as district judge but before you take that you should let me know about it. So that somebody complains about your action being taken.

The second benefit was that I used to visit it was never to be schedule visit. It will be anytime between three months. So I found that number of staff will be less in the court campus. And I enquired it was found that those staffwere on deputation. Not official deputation, unofficial deputation and then you have to just tell them you give the list of the persons who are not present and the things started working.

A participant said thatin Kerala the ACRs are written by PDJs and the CJM. They are treated as a reporting authority and we are the concurring authority. I came across a case where consistently one particular bunch of officers were getting satisfactory as the ACR entry. The same half from another CJM same officer got good entries. So then I took up all the ACRs written by these district judge and CJM and I found that one officer he know only to write satisfactory. Another participants said that perhaps the NJA can have best principle followed by all high courts and that can be circulated because each court depending upon topography and other conditions, inspection rules and conditions varies. The NJA can study and circulate the best practices. Another participant said that it makes lot of difference if you go for surprise inspection. That is why the suggestion that at least two three working days should be given in a year. It depends upon person to person. Another participant that why there is unit only for the subordinate judicial officer. Why there is no unit for 164 statement. Nowadays for every sexual offence, POSCO officer we supposed to record the statement in section 164 and it consume two three days. Most of the CJMs are not interested in doing the long trial work they are disposing petty matters for collecting units. As per section 260 and 261 form 13 notice has to be issued. Nobody is issuing mentioning you deposit such and such fine and get rid of. No magistrate has issued notice on form 13 petty matters. He is trying it as a regular trial and gathering units. Daily challans are coming under motor vehicle Act, Shop Act, Municipal Act, Weight and Measurement Act. If form 13 notice is issued that litigant will send the fine. What suits to our clerk is he will issue the summons. Policeman says not found on current address. Second time summon will go and third time warrant will go. Warrant will be served and it suits to the policeman. He will take

something then poor fellow will approach the clerk, he will take something then advocate will take something and the fine is 100 Rs.. The matter is pending for one year. Any one of us has ever cared to check that whether notice on form 13 has been issued or not. If we honest to our duties then first of all we should impress upon all the CJMs, all the magistrates that in petty matters issue notice on form 13.

Justice Sarin said that completely overlook what I requested you that it is the task of improvement and future career development. The answer to that is if you take the balance even the disadvantages you are pointing out notwithstanding those perhaps it makes sense to have to ensure that enough adequate work are done. The subordinate judiciary does not become indolent or they do have a high time and they are working. This is one measure of ensuring it so therefore at times you have to see the overall part.

**DAY 2: 8th August, 2015**

**SESSION 5**

**09:00 AM – 10:00 AM**

**E-courts Project and How to use it for Data Management and Analysis**

Justice S.G. Shah initiated the discussion and said that before 15 years when computerization was started you will surprised to note it that Central Government asked for all the High Courts that would you like to computerize yourself and you would be surprised to know that before 15 years most of the High Courts have denied. There was no response. Nobody wants to computerize it. Today we all talking computerization, speedy workand basic thing is what would be the result of original records, original evidence produced by litigant before the courts in their original documents and signed by judicial officers and any other original evidence.What would be the fate of those documents?

We could argue that once it is scanned and storing the computer data then nothing is required. For couple of year even today some of the Talukas in India does not have electricity to run computer during court hours. Electricity is available in particular area for couple of hours within 24 hours and those hours are not certain that it would be 11 to 5 only. It may be 50% in metro cities like Delhi, Ahmadabad, Delhi and Bombay but in rest of India it goes below 10%. So if people do not have access to computer then E court, paperless court or electronic court is not easily possible today or in coming years as well.

Second issue is that by passage of time technology is changing rapidly that old computer and old software may not run in new computers. Or we need facility to translate old data into new software for all such things we need help of intelligence person who develops this software. So even we have to follow e-courts project or we have to adopt the electronic devices and methods we have to be careful.

Now the objectives of ICT in Courts are as follows. To help the Judicial Administration in streamlining its day-to-day activities. To provide web based information & inquiry counter for the benefit of litigants. To provide transparency in judicial & administrative decisions as well as of information. To cut short delays in all applications. To comply with RTI Requirements. E-governance is the key word in every department of life. It increases productivity, enhances transparency & accountability and reduces red tapism & corruption in administration. Now this is factual details of e-court project. As of now more than 8000 Courts have secured their presence on the e-Courts national portal ([ecourts.gov.in](http://ecourts.gov.in)) which provides cause-list, case status information in respect of more than 2.5 crore cases (pending & decided) and has sometimes reached daily 'hits' in excess of 7 lakhs which is growing exponentially every week. When you access this website through nicnet as today it is not available through internet. So you can't access it either from your personal computer at your chamber or residence. If you have connectivity of nicnet in you chamber then you can use this information and data. Because entire data is not ready therefore it can't be placed on internet today. Secondly it is meant only and only for judicial

administration. But you can have this information through your CPC or through anybody working in your computer centre i.e. technical staff. So once any court is involved in uploading data they can involve their details.

To enter all case details, at present unified national court CIS version 1 is there. It is a name of a software developed under e-court project. Version 1 of the CIS has been developed. This is in use in almost all states. The process of migration of all data is going on. The data entry of pending cases is in progress. Entries of case data are complete in some states. On completion of data entry every litigant will be able to access his case from the e-court national portal. So once entire data is entered into and uploaded on this portal then it would be available to public.

After entering this data what is required further is analysis. Any analysis, conceptualization, planning and strategy of the first phase of the project suggest that there are more goals to post. The e-court project is not restricted only to upload the data. Delivery of all the services by all the Courts, optimum automation of case workflow, use of computers by all important sections of Registry for day to day processes and service delivery and unified CIS for all courts. This is yet to be done. Timely and regular updation of data on NJDG by all courts, discontinuation of Manual Registers, ideal Central Filing Center with sufficient infrastructure, judicial performance assessment through ICT is also to be done.

Court Libraries Computerization, Video Conferencing for all Courts with Jails, Legal Aid Offices (DLSA/TLSC) ICT enablement, WAN (Wide Area Network) connectivity for all Courts is also to be done. This is one another tricky area as many talukas doesn't have electricity. Similarly vast area of India is not connected with WAN internet to be connected with other state or internet. Therefore we have suggested solar energy for power backup. Then mobile based service delivery through SMS & Mobile based applications etc. are just a few of the many important objectives. Most of the deficiency in uploading of data onto NJDG and therefore the lack of delivery of services online is attributed to issues relating to lack of effective, stable and

reliable WAN connectivity for the Courts. Another issue is at present the hardware & software has only been sufficient to use CIS for data entry, case updation, order / judgment writing and cause list generation. The hardware provided in the first phase lack scanners. Only some states have been able to do that. The scanned data is a different thing. When we are talking about integrity of different courts we have to provide almost equal facility to all court otherwise total courts cannot be computerized.

Next issue is that the Courts have not been able to fully shift to automated processes. Computers can do some automation but software development even till date is only for string and retrieving data. There is no process to generate automatic SMS, automatic notices. There is requirement of human interaction. Some high court said that they want to enter data in their vernacular language only. The Phase II of the Project will adopt the Cloud Computing Architecture for all application and database requirements for the Courts. The second phase of the project will adopt cloud computing architecture for all applications and database requirements. Under the Cloud Computing Environment, applications and databases used by the Courts will be hosted in Cloud Environment facilitated at State Data Centers (SDCs).

The cloud computing environment offers unique and valuable benefits for an eGovernance Project including the reduction in server infrastructure cost, centralized / federated application management, efficient server and resources management, automated scalability of application / database servers etc. Shifting to Cloud Environment will also call for a seamless, stable, reliable and secure connectivity from all Court Complexes in the country up to the State Data Centers located in the respective States. As the Court Clouds will primarily be at State Data Centers, a full-fledged Disaster Recovery Mechanism will have to be put in place for all Court Clouds at National Data Centre. As Cloud Computing Environment is being adopted for implementation in phase II of the Project, new Court Complexes will not require any server infrastructure as all application and database hosting needs will be catered to by Cloud Model only.

All data, including meta data (that is the data about the data) will be unified and standardized in this phase. For software solutions in the eCourts Project across the country, the eCommittee will be the nodal agency for policy on software solutions to be used on the hardware provisioned through the eCourts Project.

This uniformity will ensure compatibility also in the initiatives going on at national level like National Judicial Data Grid (NJDG) and integration of various stakeholders of the Justice Delivery System. In order to achieve a seamless compatibility of application and data of CIS across all Courts of the country, the CIS should be horizontally and vertically integrated. By horizontal integration, the CIS of one Court will be able to export to or import from the case-data of other Courts. Fresh data entry of the case will not be required and the system will be able to effect the transfer with all the case history details. By vertical integration, the CIS of the Courts of different hierarchy will be able to transmit data to and from each other. An attempt will be made to enable uniformity in data structures with local variances so that horizontal and vertical integration can be made possible. This will require standardization of data structures, meta data (that is the data about the data) etc. across the CIS at all levels of the Courts. The Retrieval of digitized data will be ensured by porting the soft copies of the data into Data Management System. The main challenge in the way of regular and uninterrupted long term use of the soft copies of the digitized data; that is archival and preservation; is the frequent obsolescence of technology.

It is also necessary that process automation solutions should be integrated with each other as much as possible and feasible so that it does not duplicate the efforts relating to certain data sets or applications common amongst those applications. The National Judicial Data Grid (NJDG) will be strengthened to mine data of all cases, decided or pending. This will enable policy planners and policy makers to manage case loads and bring in effective case management systems. A comprehensive software mechanism in the form of Legal Database has to be in place

which has the repositories of all the Supreme Court and High Court judgments and also keeps track of new judgments affecting the earlier judgments.

This software also needs to have a mechanism for porting metadata of the judgment onto it, which also includes Head Notes of the judgments. The uploading mechanism in Phase II will gradually shift to auto pull mechanism from State court cloud installations which will ensure smooth updation of data on NJDG. Storing the data without the data analysis tools will be futile exercise. Now these reports are accessible presently only in NICNet network at: [http://10.248.118.147/njdg\\_public/](http://10.248.118.147/njdg_public/). The data available through this link is only of those Court Complexes where CIS data migration has been completed to National Core version. This is national dashboard and some of you may be aware who are in committees formed by your high court.

A participant raised the issue that if data is entered in next three years, software is being generated to the extent that we can use the data in different ways for the performance evaluation.

Justice S G Shah responded and said that if data is entered within two three years simultaneously with development of software and providing hardware and providing electrical support and with everything. If data is entered then yes after three years or after two years or as and when it is completed may be two or four years.

A participant raised the issue that if I want to have information of a court in respect to interlocutory applications which are pending therefore in certain number of months. I want a quarterly report about the progress of those interlocutory applications.

Justice S.G. Shah responded that certainly you can get that information. Even today all data entry is perfectly done. When we install same software in different server in different place. Though

cloud computing require internet connectivity. It is the only answer for so many database at so many place. At present difficulties faced by three four court in different places.

## **SESSION 6**

**10:30 AM – 11:30 AM**

### **Evaluation of Performance of Judicial Officers**

Justice Sarin initiated the discussion and said that the effectiveness of this programme would only be completed in my view if we get feedback from each of the participated judges on what you think and feel according to you to improve either the inspection or the evaluation system. We have appraisal forms and you can contribute by suggesting any other inclusion here for officers who are in the ranks of ADJ or senior judges in the subordinate judiciary. It is knowledge of law, whether he is industrious or not, his control over work, regularity and punctuality, sharing of responsibilities, does he keeps everything to himself or does he delegates when required.

This question in the context who may had some complaints in the previous year but during their reform or so some believe there can't be any reformation but if there is no complaint over a sustained period of time. Then the criteria how long has he held the post as have to been on deputation, property returns then the duties and norms and target set for him and how he achieved it. In some states, you have also steps taken for disposal of old matters as a criteria, senior citizens matters.

You all tell them you are required to discharge functions competently, fairly and impartially. Yet what happens if there is a sticky matter, a controversial matter or a complicated matter and the judicial officer goes ahead and gives a decision on that and media raises number of questions which are really not warranted which could go to question whether there is motive behind this decision. We have to do some introspection and we have our duty to our officers and to protect

them and on which he has taken a decision on which you are convinced that he is not guided by ulterior motive. They deserve your protection.

Whatever judicial reform we require we will bring that internally. We need not be subjected to external assessment or external agencies because it will amount to inroad into judicial independence. Can we really say that the stakeholder, the litigants, lawyers, jurors. Incidentally in that case, the forms were sent to witnesses, parties' jurors, prosecutors all those who were involved in the case to get their feedback on what was their impression of trial.

Justice Sanjib Banerjee said that individual evaluation is to promote performance, to check and weed out non performance. Now the use of institution is to help identify merit based on institutional parameters since we promote institutional goals to help detection of personal deficiency for correction and help discover the rotten apples. The mode of evaluation would be to set the parameters that will be dealt in a short while. Determine the modes of assessments, arrived at the parameters and the method of assessment in consultation with judicial officers. At present we have system like of caste system. High Courts impose and district judiciary has no role. We should have more participated process where the need is to identify merit, merit based on parameters which are helpful for the institution. Then in the present system there are four methods. First is unit method, second is judgment appraisal, third is based on complaints and fourth is subjective personal perception. There is an element of subjectivity that will enter. This subject to criticism be based on more objectivity or at least subjective satisfaction of the objective criteria. This is more on promoting merit and good quality. A process in which comparison would be possible between 'A' and 'B' it push come to sharp and the fourth I want to focus is that demerits should be dealt with punishments unless use as a tool in comparison. Perception as to someone's lack of integrity, perception as to someone tardiness, perception as to someone others demerits should not go into this because there is lot of subjectivity in it and a lot of personal bias which probably does not favour the system.

Now these are the attributes. This is an order in which lawyers rank the attributes-

- Patience in hearing (qualified)
- Behaviour
- Acumen and knowledge
- Disposal
- Perception as to integrity
- Quality of judgments
- Punctuality – in court, in orders and in making orders available
- Speed in understanding
- Communication with lawyers in court
- Clarity in judgments and orders
- Speed of disposal
- Equal treatment to all
- Openness of mind

These are rank as given above. Further, these suggestions are from a body of work prepared at this Academy and it included several judges, academics and in course of discussion with judicial officers across the country both high court and district courts and it was called “QFDK”. The reading material sent by the academy recognized it. “QFDK” stands for Qualities and attitudes

- Functional skills
- Domain skills
- Knowledge

The following would be qualities and attitudes:

- Faith in Constitutional values
- Personal rectitude
- Commitment to personal service
- Openness and human empathy
- Vision
- Decisiveness

After lot of discussion we categorized qualities and attitudes in these sections. Then we go on to functional skills which includes:

- Listening, including active listening
- Reading
- Speaking
- Writing
- Analysis – logic and reasoning
- English language and communication (including non-verbal communication)
- Dispute settlement, negotiation, bargaining abilities

Domain skills includes:

- Appreciation of facts
- Finding the law and appreciation of the law
- Judging and decision-making; responsiveness in judging: Responsiveness to constitution morality and values
- Managing the adjudication process;
- Teamwork abilities
- Judgment writing
- Administrative abilities

Every judge is the CEO of his own court and he should have the ability to carry the team because merely by adjudicating a matter and pronouncing a matter is not the service which is required and more importantly foreseeing the impact of judicial decisions unless the direction contain therein is effective. And finally knowledge which has:

- Basic legal knowledge
- Awareness of key social challenges, including the history of the Constitution
- Jurisprudence
- Development of the laws

Finally he has put the following as the most important thoughts for discussion:

- Identification of who will assess. It has to be more democratic than one judge will assess the career of a particular judicial officer. There are many personal attributes which go

into that I think that we should have a fairer system, I am not saying that it is unfair but if there is a possibility of unfairness then we should have more open system.

- How do we allocate weights to the different parameters. All the parameters do not count as one. On constitutional values we have to attributes weights and develop a system where the objective criterion for the subjective assessment is founded.
- Use of technology both in evaluation and in managing the process of evaluation.

Justice Sarin said that the last point which Justice Banarjee made the rational seems to be to bring about the objectivity in the subjective assessment by setting out the criteria to the extent possible and also moving away from individual assessments to prevent the slightest suggestion of arbitrariness or predisposition.

## **SESSION 8**

**2:00 PM – 3: 00 PM**

### **Recruitment, Promotion and Transfer of Judicial Officers and Court Staff**

Justice Mukundkam Sharma initiated the discussion and said that we have two aspects here, judicial officers as also court staff. First we will deal with recruitment, promotion and transfer of judicial officer. Earlier the recruitment was done through state public service commissions which were recruiting the judicial officers. Now after the judgment of the Supreme Court in Malik Mazhar Sultan v UP Public Service Commission the situation has changed and entrustment to high court. High courts has changed the rules and they are now recruiting. Many high court the entire recruitment whether it is higher judiciary or judicial service it is by the high court. Delhi high court, UP high court, Punjab high court. Which are the high court still recruiting by the PSCs. Himachal Pradesh, Jharkhand, Allahabad, Kolkata also. It is the high court knows the requirement needs and you know what happens in PSCs these days. Everywhere there is allegation. The high court should make recruitment in all cases.

A participant said that in Madras high court, the public service commission conducts the selection, the question paper is set by the high court, evaluation is done by the high court and the interview is headed by three or six panel headed by the high court judge. By virtue of the order of the division bench, primacy is given to judge's opinion and then the list is released. Probable police verification is done by the state and roster point is fixed by the PCS and then it is released.

Justice Mukundkam Sharma said that but the decision by Justice Sabharwal that if the high court. The right to take over the entire process is to be with high court so why it has not been done by various high court. These questions are being raised everywhere. In Delhi high court there is some raising of finger but it is not proved yet. So therefore high court should take over. High court judges supposed to be bold impartial and if it is happening there it is unfortunate. Probably high court will be in a better position to recruit their own officer. Now the cadre strength is reviewed after how many years in your high courts . There are two things linked up. One is cadre strength and we should have infrastructure available also. Plus the assistance of staff. If you go on increasing every year there may be difficulties in filling up those posts. If you see the journal published by Supreme Court there are vacancies in all the high courts. In some high courts it is more than half and the position is same in district. So even if you increase the strength can you fill up the vacant post. So that filling up of the vacant post should get priority. Some where they are having examination twice a year but I don't think that can be done. Once a year it could be done. So filling up of post is one priority to be given by the high court.

A participant said that persons who are worthy of being appointed as a judge should be appointed. Not for the purpose of filling up vacancies only. One is eligibility and another is suitability test. He should be capable of holding that post. We have been assessing the answer scripts for jump promotion. We are of the opinion how could they be appointed as judges.

Justice Mukundkam Sharma responded to this and said that this is what is happening to our judiciary unfortunately. If you say this outside they will lose all trust and confidence. So therefore so far promotion is concerned. There is no bar if somebody wants to apply for three years of practice. Therefore persons with who is a fresh graduate he can apply and the person with three years practice can also apply.

Another participant said that most of the law students after completion of law join at the age of 24 or 25. But the time they will be eligible to appear in HJS examination they will be completing their 10 years of practice. If A is doing practice in criminal side but when he appears in the examination he fails in civil paper. Why this written examination for the direct recruitment at the HJS level. Can we not make it oral interview. Another participant said that in Uttarakhand what we have faced is that most of the law teachers, they have been selected. Good lawyers are not able to clear the examination.

Justice Mukundkam Sharma said that in some of the places there is specialization. So person who is practicing on the criminal side very good criminal lawyer doesn't know how to proceed in a civil matter at all. About two years back we had in Delhi some judicial officers undergoing induction training in northeast. Their training is before appointment. That one year training is before appointment. The appointment occurs after they have successfully completed that period. They are recruited but appointment letter is not issues until they complete the training period. So that they take the training seriously.

A participant said that if we treat the superior officer at the district level, treat this declaration of probation as a serious business then necessarily the quality will improve because declaration of probation should not be automatic. Another participant said that in Uttarakhand we are facing a different problem. After probation when a officer is posted in Uttarkashi there is no work, three years then he is posted at senior division posted in pithoragarh and again no work. After 10 years he is promoted and transferred in Haridwar. By that time he has forgotten everything. Out of 14

districts only 3 districts are plain having 90% of litigation. Another participant said that cadre review should be after 10 years.

Justice Mukundkam Sharma responded and said that it should be 5 years because lot of things involve in review. So long you cannot fill the existing vacancy you cannot ask for cadre review also. Now what about transfer. Whether existing transfer policy is alright or is there some reservation on that.

A participant said that we have a transfer policy in writing and draft policy is put in the website, objections of the officers were taken and final policy has been drafted and put on the web. Request for transfer are received at a particular point of time well in advance. Norms to be deviated only when expressly made by the committee and this get vetted and again the draft transfer list is put in website, objections are called for and final transfer list is published sufficiently early so that the family and children can move before the school is open. It takes less than 6 months because it is available on net. After the transfer policy is made public the judicial officers start getting their documents prepared according to the policy suited to them. Those documents are prepared with the medical aid, sometime they get their spouse and children admitted here and there and all those grounds are prepared in advance and then application is moved.

Justice Mukundkam Sharma said that in many other countries, their registry management is not by the judicial officers. Some of the matters of discipline are taken over by the court managers. The management graduates should be inducted in the registry because they have the experience and knowledge as to how a particular thing is to be managed. The state government can be requested to release the fund for court managers and they are very helpful. Wherever they are appointed, there is lot of improvement. Earlier the CJM has to go personally to receive the dignitaries coming to district now he is relieved of that as court manager goes now. He is engaged in construction part otherwise earlier the judge has to go. If it is transfer there is some

difficulty. Once you give him the residential accommodation it is possible. In some of the places rent should be exorbitant how he will pay the rent. As long back as 1994, there is Supreme Court decision, court means ministerial staff and you know whom you should recruit.

A participant said that there is a particular service rule which authorizes this man who has worked for three years under subordinate judicial service to go back for any choice, irrigation department, public work department provided it is near his father's house. So he is provided interdepartmental transfer and we will not get a substitute.

### **DAY 3**

**9th August, 2015, Sunday**

**SESSION 9 & SESSION 10**

**09:00 AM — 11:15 AM**

#### **Balancing Judicial Independence and Organizational Needs & Allocation of Work and Case Management**

Dr. Geeta Oberoi initiated the discussion and said that first session which is balancing judicial independence and organizational needs. This was told to us by many chief justices and because most of the time the practice is that chief justice are from different states. They are not from the home state and they find it difficult that their brother judges agree with them in certain administrative issues. Sometime as a head of the institution you have to take certain administrative decisions and those administrative decisions have to be complied by other judges. Chief justice would only be giving that ok this is what we are taking decision but complying with that responsibility left totally to home state judges.

Some chief justices have told us that judges say that we are judicially independent so why are you telling us we know our duties so you don't tell us. It is like how do you balance because do you see overall that organization or do you see that your own independence. Is it sometime like

you have to reflect like does your own independence come into conflict with the overall structural needs of the organization which are very complicated needs of the organization. So this is how we thought about this issue because it is all about judicial administration. All of you are going to be chief justices tomorrow. You may not be chief justices of your state. You may have to go to some other states. So how will you convince the other judges who comply with some administrative side order at the same time, how will other judges take to that direction from you?

Justice Altamas Kabir said that the entire conference is focusing on the problems that the judiciary faces with regard to how to tackle the growing burden of arrears all over the country in the different high court in the Supreme Court in the trial courts. It appears that every session has taken up one particular facet of this particular problem so as to come to a solution. India has its own special circumstances. All these things are geared to not to give an education but take that feedback from all parts of the country with regard to the problems which are very obvious at the same time it has to be tackled in a particular way. Whatever has been set out here is with the intention of trying to see that the administration becomes more and more litigant friendly client friendly so that matters can be disposed of in a manner there is not delay involved. It is all important that common man, litigant on the street, he get justice within a set of timing. It is difficult proposition as to how a certain case can be brought within certain limited or limits so that can be disposed of within those limits. The courts which all have the original jurisdiction they all have this problem. Whether the system that is functioning is sufficient. Obviously it is not. Nobody can blame any judicial officers for the delays. But the system. We must think with the use of modern technology, with the use of professionalism, one can streamline matters. So that one can dispose of matters in more scientific way. I was in Supreme Court and there were 25-26 committees which I was heading. It takes lot of time. It takes lot of responsibility if you want to do your job properly. So how we can balance things. So that we achieve the objective of reaching to the litigant and also streamline the system.

Justice Aparesh said that the session was distributed over two days on the topics ranging from how to prepare a budget and the problems which the judiciary faces. It is all a question of financial independence of the judiciary because at one level it ends up that executive is controlling the purse of the judiciary and we do not have to do much about at the moment. Issues discussed on that among our self also finally came to the same conclusion that we need experts in our high courts and district judiciary who can prepare budget which we need and what is the budget for our projected needs. As I have felt may be on a smaller plain the judge in charge or the district judges or some high court judges, they may have the session at the state judicial academy relating to the mundane issue if budget preparation. But ultimately the larger issue was whether the chief justice has the power to re appropriate certain allotment which remain unspent. And what has been recommended by the one chief justice could have been accepted by the executive while placing the matter before the state legislature and not curtailing it down. So we did not find solution to that question.

Justice Dipankar Datta said that there has to be some coordination between the National Judicial Academy and the various committees that have been constituted by the Supreme Court. I am part of the NCMS committee, I thought what we have discussed at the NCMS meeting could have been provided to all the participant. Because all the topics which we were discussing for the last two days is perhaps discussed and the saddest part is that when we discuss something in the Supreme Court in the presence of judges from all the high court and shared by the Supreme Court Judge. A particular point where the judge chairing the session will say that no this is not possible in our system. When it comes here we find that there is absolutely a different view taken by one panelist who was also a Supreme Court judge or even like an academician like Dr. Menon. So therefore where are we heading towards? In the Supreme Court in the presence of Supreme Court judge we take one view. Here before another Supreme Court judge we take another view. Nobody tells that this is the view of the sitting Supreme Court judge. I will give this example. Whether we required court managers or not. In the NCMS it was discussed that for proper utilization of services of the judicial officers, at least the registry of the high court should

be manned by professional people. This was the consensus in NCMS. Now when the state committee heads meets together with the NCMS chairperson, the Supreme Court judge, his Lordship was of the view that no this is such a task which we cannot leave to MBA professional. But here we are discussing since last two days that we require court managers.

Justice Deepak Gupta said that the court manager is not to be given the judicial function but we must also appreciate that we have lot of administrative function which has nothing to do with our court work. Two third of us come from the bar, we may have practices. We don't have any experience of managing. If we have to administer justice then one is the legal aspect of deciding cases but there is also lot of other materials as to which type of cases are clogging up the system. If you court manager who can say sir this is the type of cases and then the district judge or the judge in charge can decide that this is the problem and this is how. Court manager has largely unsuccessful but we can't blame the court manager for that. We have to take some blame, we have not permitted the court manager to function. Our staff at the district judiciary level has taken it as an affront to their efficiency. We also have this problem that we have no court management courses anywhere in the country. That is to appoint an engineer who has done MBA will not going to serve the purpose. We have to create our own court managers.

Justice Kabir said that high court is the guardian of subordinate judiciary. Their problems should be made known to highest court. One of the things our district judges feel if we are to discharge our judicial function where the time to do legal aid is. Legal aid is very important duty which has been cast upon the judiciary. Are we have been able to discharge that function. Is it at that point at that place, some expertise some assistance is necessary. So that instead of spending a lot of time in this kind of activities he is provide with the details where he goes to.

Justice Kuldeep Singh said that there are some pressure groups which directly or indirectly affect the independence of the judiciary. One is at the level of bar act as pressure group and sometime they affect the working of district judiciary. Second is the media, they start to judging the case

and particularly at the lower level they are afraid of adverse publicity and if complaint is made then in that case the enquiry started. In one of case, it was widely reported by media and I told someone that in this case everybody knows that all the persons are not involved. Some of them are innocent and I tell you they will be convicted and ultimately it happened. So it affects the independence.

Justice Kabir said that trial by media and even they sometime call witnesses and finally verdict is given. In Kolkata it happened and they said we will see how you will become chief justice. Nothing could stop me. They could do nothing. It depends upon the person and personal integrity.

Justice Anjana Prakash said that court manager should never made to feel as an outsider. He should be absorbed in our services. And manner of appraisal of judicial officers are concerned, what happens is everyone says something which is politically correct. But we also know that there are people who go in open court and pull the district judge in front of everyone and then they say if you can't control this person how do control the court.

Justice Deepak Gupta said that sometimes it is said that judges on the administrative side are the most autocratic in their function. Sometime the manner in which we work is not what we preach in our judgments. When we assess our personal staff attached to us, 99% will get outstanding and that person who is working in the judiciary wing if one day his file gets late an enquiry will be started against him because he is not working. Are we not required to be fair on administrative work? The same judges are very forthright very honest while doing judicial work but then administrative work is also a part of our judicial function.

Justice Tashi Rabastan said that most of the judges' opinion was that visit the court regularly and physical visits. It is impossible to visit regularly to the district and that too on a working day because some of the districts are situated far away. It requires two three days and we don't have

the facility of video conference so I could justify to the officers by assessing. Only assessment that is done on the basis of judgments supplied by the officer and that too five cases in civil and five cases in criminal.

Justice Deepak Gupta said that we only try to do how we can be difficult to them. We need to know their problems and we need to effectively put their problems to the chief justice as they come from outside and they are unfamiliar

Justice Sanjay Karol said that we are all sitting here to achieve the Constitutional Goal and ultimately what matters is the perception in the mind of the litigant with regard to judiciary. He must have that confidence whether he will get that speedy just fair decision within the Constitutional framework. With regard to financial autonomy, it has to be within the Constitutional framework. But as far as the subordinate court except for Article 247 list 3 entry 11 is concerned the central government has power to have additional court. With regard to the supervisory power of the high court under Article 235 of the Constitution of India, there are convention and norms of various high courts. What is the meaning of the expression full court. It has significance that when we have to assess the ACRs whether the high court means the full court or whether it means administrative committee. Because there is divergence of views on full court as also the administrative committee. There are cases where the inspecting judge or the administrative judge has assisted the ACRs in a particular manner but the AC has different views and without even informing the administrative judge about this or taking into confidence the other members of the court the ACRs have been changed. The Supreme Court or the authority that may be can consider of giving us at least two or three working days in a year for us to inspect the far flung areas.

Justice Kabir said that the executive does not want to be under anybody's control least of all is judiciary. The judiciary hauls up people who have done things which are wrong. Does anybody appreciate that? You saw how with this particular bill which is now an Act about the judicial

appointment commission. The entire Lok Sabha Rajyasabha everybody came together, all differences were forgotten. Lok Sabha passed it unanimously cutting across all different political lines. The same evening it was sent to the Rajyasabha and in the morning it was law. So this is something which absolutely they will not accept. It will require a Constitutional amendment, a change. That is one area where we can only ask and we can request.

Justice Deepak Gupta said that I agree that we need financial autonomy and even within the framework it is not impossible. Unfortunately we are very ill prepared to prepare the budget and we have to strengthen our budget preparation mechanism. Because if we go with facts figures that this much money is required then it is very difficult for the government to say no to those facts and figures. Regarding the power of appropriation, that there are certain states which are very liberal. There are certain states which are not liberal but they don't stand in the way. But there are certain states which create an obstacle in the way.

There has to be a judicial committee because we also at the same time must not make it a pan India body where the high court becomes subordinate to that pan India body. That is the other danger where we shift everything to the Supreme Court. The portfolio judge, the district judge must be part of that financial budget preparation committee. We cannot prepare budget without taking help from outside. We ourselves are not geared up to prepare budget. Either we take from outside or we have special account officers who are dealing with budget. When you give a budget which is fully supported, the state does not say no to it. Sometimes it is our budget which is defective because how do we prepare a budget. In 80% of the high court the budget is prepared, last year it was 100 crores under this head, let's make it 110 crores. So if we are going to use that system then officers are very clever to shoot down the proposal that last year 100 crores was given for this which has come up why do they 110 crores for building for this year.

The administrative committee should not be a fixed body. An administrative committee should always include the judge or portfolio judges of that district. Sometimes what we are doing is that we are having an administrative committee of top three or five judges, but we are including the administrative judge of a particular district when his judges are to be transferred. In some state it is being done and in some state it is not being done.

Justice Murthi said that we should have categories of court managers. One is a sub treasury officer retired to help in preparation of budget in presenting bills and taking care of the all financial and budgetary matters of the district unit. Second court manager should be an MBA and IT expert he will take care of entire computerizations and other aspects. Then the third court manager is called registrar. He will be a retired senior civil judge. He will be taking administrative work, having nexus with judicial work. If these are categorized then all problems will be solved. He can identify cases, group cases for mediation and I think this will solve the problem of overlapping.

Justice Kabir said that as far as changing of heads for re appropriation is concerned, normally the state government not at all perturbed by that. They have given the money, utilize it if not in one head then in another head. These are things which normally state governments do not object to. So this can be taken up by the chief justices with the chief ministers and the finance ministers.

Justice Shinde said that we should not expect personal things or respect from judicial officer when we are visiting the districts because what is happening if young lawyer is appointed as JMFC all the time she is scared how to talk to high court judge. We have made that atmosphere easy so that they can interact with district judges, high court judges and Supreme Court judges. That is something I feel is lacking. Secondly, the buildings are constructed by government department, the quality is very bad, therefore there should be complete independence to the high court, chief justice or the administrative committee. What is happening after construction within one year roof collapse so it is very important and we must think if the executives are not listening

we pass the order on judicial side and assert your independence otherwise things are not happen automatically. Tenders are finalized by the department. The tender contract is done by government department as a result the overall control. Quality control is with the government and the funds.

A participant said that funds are handed over to executing authorities. High court does not come in between and then do it in their own manner. They delay the project. They withheld the money, substandard construction is there but the high court cannot do anything.

Justice Kabir said that high court can certainly interfere with the construction going on. The expertise is required with you people. There should be a three tier system with different people having different expertise forming part of court management body. We do have the expertise but we can sit with people and try and understand what's going on. Quality control would be in our hand.

Justice Radhakrishnan said that once budget is granted there must be autonomy in re appropriation and also related to administrative sanction. Kerala does not have this administrative sanction issue and reappropriation being permitted. I would suggest that whether the Supreme Court and the Justice Ministry could write to the state government to abide by the decision taken in the CJCM conference.

Justice Kabir said that the push is required to be given provided the CMs have the knowledge of finally whatever has been decided. Our chief justices will have the chief ministers may not have. These things go and it is kept in the file. We have to make them aware of it.

Justice Deepak Gupta said that there was a judgment of the Supreme Court that in tier one the chief justices and chief minister should get in touch with each other. Tier two the J1 with the law minister should get together but that doesn't happen. I want to add that control from the home

department or administrative department should shift to the registry of the high court. The budget for the lower judiciary may be settled by the state but once it is settled then it is the high court which should take control over that budget and then decide how it is to be done. The district judge should write to the registrar general that this is what is required and the registrar general will talk to the right people and get it done.

Justice Kabir said that there is one problem which we always face. When there is matching grant given the central government send the money to the State government. Unless the state government gives the same amount by way of matching grant the funds are not released. They utilize that fund sent by the central government. They changed the heads. This is something over which we have an control but at the same time we need to exercise our authority so that the money which is allocated comes within certain time with the contribution of the state government or the state government should be directed by whoever concerned that once the money comes from the central government that should immediately be distributed.

Regarding court manager, we can take the MMs or the senior division or junior division officers who have an ability for administration. Send them in an institution of management in government and give him the requisite training in governance. Judicial budgeting does not require spread of general budgeting. It requires focal budgeting. These are issue specific and training can be given to judicial officers who are otherwise conversant with the judicial or court process. They will form part of the permanent cadre. We have to increase the number of officers.

## **SESSION 11**

**11:30 AM – 12:30 PM**

### **Review of Powers and Functions of Various Committees in High Courts and Role of High Court Judges**

Justice Deepak Gupta initiated the discussion and said that our focus on judicial administration has been very little up till now. NCMS committee has been looking into this aspect. There is lot

of duplication that is happening. We have too many committees. The same thing which NCMS is doing, the e-court committee is doing and there is a divergently different view on the same topic of what is the framework to be. Sometime we are in conflict with NALSA. Our NCMS should have been the central paper around which the discussion could have been held.

The first part of the topic is balancing judicial independence and organization needs. We are reading in the newspaper which should not have been coming. We have our inhouse mechanism that means they are not working. It is a two way street. The chief justice coming from outside has to respect the traditions of that court. Best practices must be followed. Some traditions are not necessarily good traditions. The administration of the high court is sacrosanct. The supervision of the district judiciary has to remain with the high court. We cannot be oblivious of the fact that right from MazharSulatan and all the Supreme Court is guiding us on the judicial side as to how to recruit judges. If you introspect why that happened is because in certain high courts recruitment never happened. So the Supreme Court stepped in judicial side to ensure that at least there should be a timetable for this. Why don't we on the judicial side start giving direction to the government. That is also outside the scope of the constitution. But we do it because we are not getting our due from the government and we are justifying our self that we will.

Now nowadays there is no meeting. If the chief justice and chief minister don't interact with each other then obviously there going to be difficulties. The interactions are for the purpose of administration of justice.

The other issue is e-court project and data management and analysis. Data collection is important for administrative judges. Even to decide which court is to cover. You must have a vision for the next 15 or 20 years of the district with which we are dealing as administrative judges. If you planning to have a court for the next 5 years then apply to government for land now because they are going to give you land after couple of years three years to build.If you are a portfolio judge

please map out what your district should be five years from now. The other aspect of data management is analysis of the cases also to decide which judge is better at work

Evaluation of judicial officers and staff, it must be absolutely fair. The chief justice must look into this and there must be moderation and modulation of things. There must be moderation of benchmark at committee level so that it cannot be in one district everybody is outstanding and in other district everybody is average. There has to be some moderation of scoring pattern. Recruitment of staff is required to be relooked into. Please remember that if we recruit somebody who is not competent the institution suffers. So there has to be fairness in recruitment process and try to get the best people possible by holding test and minimum marks for the interview. The roster should be fairly designed that nobody has this grouse that all have burdened so called controversial and tough cases. Even for the PDJs in Tripura we have introduced the system that in the ACR form one of the remarks with regard to the PDJ and CJM going to be how they have allocated the work. Because if he is going to keep all the simple work to himself and distribute the tough work to the additional district judges then mark should be lowered on that.

Justice P.P. Naolekar said that the budget of the high court is very cursory taken and the high courts are not preparing the budget with the understanding of a long term goal. Budget at that time was taken as a routine matter and the budget of court is usually prepared by the chief accountant staff members. When some allegation arises, finances required for undertaking some projects courts are short of money. We have to take help of certain experts who are working on the financial side. Either the high court has the financial officer who is trained in preparation of the budget or knowledge about the finances and needs of the court. It is necessary for the chief justice or judges to tell their requirements or the future requirements which would be required for functioning of the court. The budget should be discussed before the full court so that the ideas of all to be taken into consideration. Judges may suggest that this will be good for the court if the finances are asked by the government. One of the topic in the discussion before full court would

be the prepared budget before it is presented before the state government. Before preparation of the budget the consultation can be made with the experts.

The recruitment process should be absolutely fair and the appointment has to be made on the basis of the merit. Now more or less the recruitment is by examination there is a fair selection and therefore in that matter there is no difficulty but high court has to think about what shall be the requirement of judicial officers for discharging various functions. The pendency is a big problem. When we go out of court and we are not functioning we get lot of complaints about it and the general public is expressing deep concern about not getting their matters disposed of. For a long time the matters are pending in a court. They are not getting relief. One of the causes for delay in the disposal of cases is bar going to strike in spite of the Supreme Court judgment. There are no rules framed under the Advocate Act where the high court can control it but if there is frequent meetings with the senior members of the bar by the judicial officers. One committee can be formulated or the chief justice can have the monthly meeting with the senior members of the bar. If there is a understanding with the bar and the bench this matter can be sorted out

Then it comes to the inspection by the portfolio judges. It has to be done most fairly. The case files have to be seen to find out what is the nature of work carried out by the judges. General reputation of a judge goes a long way and that general reputation you will be able to know only by talking to bar members. Every bar member we cannot rely upon. But there are certain members in every bar who are senior and sincere and they will come forward forthwith for whatever they think about a particular individual and that will give you a clear cut hint that how a judicial officer is functioning. He may be a brilliant officer but if something is lacking in integrity it is very serious matter.

Then complaints about the judicial officers are another issue. Our experience is that whenever an advocate argues a matter and he gets an admission, you become a good judge. The moment we dismiss it they doesn't understand. When this is with the Supreme Court judges and high court

judges think about the district judiciary. They are working under tremendous pressure. How many cases are pending? What is the facility provided? I have seen that judge is hearing the argument and the clerk is recording the evidence. The matter has to be disposed of by the same judge because he watches the demeanor of the witness and this is all gone. Because you are deciding the cases of two years and by that time three judges have been changed. A regular committee can be formulated to hear the complaints. It is not possible for that committee to hear all the complaints. Some 3-4 committee can be formulated to hear the complaints and so the matter can be decided by the committee. Most of the time 95% of the cases are frivolous because there is no foundation for making the complaint. These are certain suggestions which can be implemented. Thank you very much

Justice Kabir said that since we decided that we get the viewpoint of the honorable judges who are here. The object is to provide justice to a man who has come to court expecting his problems will be solved. This is where new thinking is required. The budget required great deal of thinking, long range thinking as to you can make certain provisions in the budget now which will have its effect later. The difficult is that we do have that kind of expertise. It is chief justice who interact with the finance part of the administration. It is very stereotype. I don't think many of the chief justice really put their mind to what is required to be in the budget so that we can tell the government that look this is what I want and this is what I should get. One of the take always would be to see the chief justice if possible will take into confidence senior judges who will sit with the accountant, financial person to prepare the final budget. We need professional guidance the implication of finance and what is required of financial management, which department required what, what kind of money would be required for setting up the infrastructural needs, court rooms, additional appointments and then only on the basis of different heads one could submit a budget which would really have an impact on the administration.

A team of lawyers come from San Fransisco to Kolkata high court and they talked of a system by which in every case before a case comes to the court, there are hurdles put in the way. So first

you have to go to the person who understand of telling the counsel that look this is the merit of your case, this is what you can ultimately get at the end of the entire judicial proceedings. The other important matter was alternative dispute redressal mechanism. We cannot possibly handle the amount of cases that has arisen and filed in court. It is not possible, the population in India 6 months ago was 1.21 crores. Today it is 1.27 crores. Secondly the reason why theory of court management is introduced is that we judges are more concerned and more engrossed in our judicial activity and we find little time to turn to administration.

The objective of the NCMS scheme is that Hon'ble the Chief Justice of India has expressed that a comprehensive court management system for the country that will enhance quality responsiveness and timeliness of court. A national framework of court excellence that will set up measureable performance for Indian courts addressing issues of quality, responsiveness and timeliness. System of monitoring then a court development planning system, a human resource development strategy is a thing needs attention. Specific proposals for the court management system outlined and will be developed by 18 members NCMS committee which submit the direction of Hon'ble the Chief Justice of India. The NCMS committee will prepare budget from time to time and on an approval of one of the chief justice and to be put in the budget of the Supreme Court. It also percolates down to the high court and the budget expenses that could need to be incurred could be included in the budget of the state. Statistics was another thing which we talked about. Already we do not have sufficient judicial officers and the vacancies are not filled up. All those things can be done only if there is expertise the people who are expert in these things, who can guide us to provide judges the information that is necessary so that you can go ahead. If the institution of judiciary is not independent resource wise in relation to fund from the interference of the executive, judicial independence become redundant and inconsequential. This was the view that was taken in the meeting that ultimately resulted in the scheme. Executive cannot be allowed to interfere in the administration of justice by holding back for development of judicial infrastructure.

You are aware of the item 11 capital A in the concurrent list of the 7 schedule of the Constitution. 11A says administration of justice, constitution and organization of all courts except the Supreme Court and high court. This is now part of legislation now the state can take up. This was something in the hands of central authorities. Today the state can legislate on the administration of justice and Constitutional organization of all courts in the state. This power can be utilized by the state judiciary but you need a particular kind of push. If you can push the state government many things can be solved.

Since we have little time we can speak on committees that are there. Large number of committees and these committees oversees the various aspects of the court administration. These committees were formed for certain purposes and they are discharging those function. What is important is feedback from those committees and the feedback should come by Hon'ble the Chief Justice who can then take it up with either the senior judges and may be just have an agenda the various suggestions that have come in at a full court meeting.

Dr. GeetaOberoi then expressed vote of thanks to all the resource persons.

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