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NATIONAL JUDICIAL ACADEMY



Conference on the Functions of Registrar (Judicial) [P 939]

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1. Main Objectives Of The Programme

Registrar (Judicial) assists high court judges in managing their workload in a reasonable way, without compromising with the independence or quality of judicial decision making. Registrar (Judicial) also act as a link between the High Court and other Judicial officers along with supervisory role in judicial administration. This conference intends to bring uniformity in understanding about the role of the Registrar (Judicial) by giving opportunity to all the Registrar (Judicial) to come together and discuss their individual situations in different jurisdictions.

2. List Of Main Points Discussed

1. Time Management for Speed and Prioritization
2. Relationship Management : Understanding Organizational Behaviour
3. Record Management: Storage and Accessibility
4. Record Management: Styling& Referencing, Data Analysis from Records
5. Role in Listing, categorization and sorting of cases
6. Compliance Role: Complying with Judicial and administrative orders from the office of Chief Justice.
7. Coordinating Role: Different branches of Registry in the High Court
8. Supervisory Role over District Judiciary
9. Tool Management Skills: Physical tools; Rules for Purchase/Maintenance/Upgradation
10. Tool Management Skills: HR Tools, Organizational Performance Matrix

3. Summary Of The Discussion/Presentation Made By Resource Persons.

Dr. Geeta Oberoi, Director and Professor, National Judicial Academy welcomed the gathering of august judges from various states. She emphasized on the purpose of the programme is to understand the role of Registrar (Judicial), the similarities and differences between their roles in different high courts, collect feedback on the programme and prepare a set of recommendations. She also enlightened regarding the framework of the Conference. She later requested Professor Parul to initiate the discussion.

DAY 1: 09:00 AM – 10:00 AM: SESSION 1

Time Management for Speed and Prioritization

Parul Rishi

B.K. Upadhyay

Prof. Parul introduced herself to gathering and also her colleague B.K. Upadhyay. She initially emphasized on the importance of Time Management in daily affairs. Prof. Parul said that today, it is a scenario of time vs. success. Being successful doesn't make you manage your time well. Managing your time well makes you successful.

By some estimates, people waste about 2 hours per day due to following:

- Messy desk and cluttered files
- Can't find things
- Unprepared,
- Try to do things which other people should do
- Tired/unable to concentrate

A new principle was introduced the 80/20 Rule. A Good administration in judiciary system comes from time and experience and having the Art of identifying trivial vs critical issues and accordingly allocating time. Critical witness/case details/administrative tasks are few (20%) and the trivial distracting unnecessary details/activities are many (80%). So time spent should be reverse ,i.e, 80% on 20% critical details and 20% on 80% trivial details . However, in practice, it is reverse.

All the work should be done. As Peter Drucker says:

- Work where you are the strongest 80% time
- Work where you are learning 15 % time
- Work where you are the weakest 5% time

There has to be a transition from reasonable time to optimal time frame. It has to connect with an optimal framework so that work can be disposed effectively and efficiently. It should be without any undue delay, the cases are managed and disposed in due time. It should be without compromising the quality and fairness of judgment. The work should be completed within the time line of judicial administration.

The tools to measure Time Management are the through the following:-

Quantification- How Much Delay?

Causal Analysis- What caused delay? Whether causes unavoidable/ Avoidable?

Accountability for delay - Who is accountable for delay?

It is a very much significant role as how to manage time? The only way is through time planning by making time frames would yield for timely judicial administration.

Prof Parul mentioned that it is highly debatable as to what is a Time Frame? It is actually a tool to achieve the timeliness of different activities under Judicial administration. The Timeframes have to fit in the contingencies of the "local administrative culture". Having timeframes is a prerequisite for evaluating the results of the efforts made by administration to reduce the lengths of judicial proceedings.

Timeliness of Judicial Administration (Judicial Administration)

The first step is to set realistic and measurable timeframe for each Judicial Administration activity. Secondly, there should be enforcing time frame. Lastly, there should be monitoring time frame.

How Time Framing Helps???

Time Framing goals- shared and pursued by all through stakeholders' participation. It actually help to build culture of shared responsibilities rather than blame game. It actually help build the common commitment among key players. Also it help build environment for development of innovative/time effective Practices. All these functions must be considered in the light of the local legal culture.

Examples of Time Framing Across the world

□ Finland- Optimum timeframes for each type of cases are agreed and Targets for case processing are set for which Judicial Administration plays a crucial role.

□ Slovenia – court sets a timeframe of 18 months after

the case has been presented before the court. If a decision is not taken within 18 months, the case is considered delayed. The head of court may ask the judge in charge of the case to report the circumstances why a decision has not been reached and that explanation has to be build up by Judicial Administration after analyzing the complete scenario.

□ Sweden – targets for civil and criminal cases are setup by the Government. All units within the court define their targets and Judicial Administration plays a crucial role to ensure meeting of targets.

Setting of timeframes for kind of procedure

Denmark – 58% of the civil cases should be disposed within 1 year, 63% of the criminal cases should be disposed within 2 months and 95% within 6 months.

Norway – Timeframes are proposed by the Ministry of Justice with consent from the Norwegian Parliament. As of today, 100% of civil cases should be disposed in six months, 100% of criminal cases in three months. Judicial Administration remains at their toes to make it happen.

The setting of timeframes in collaboration with justice stakeholders

- The building and maintenance process of setting realistic timeframes must involve the stakeholders at the different levels (state, court, Judicial Administration).
- Setting timeframes is not a once for all event, but it has to be a continuous process built through consensus and shared objectives between the stakeholders.

Enforcing the timeframes

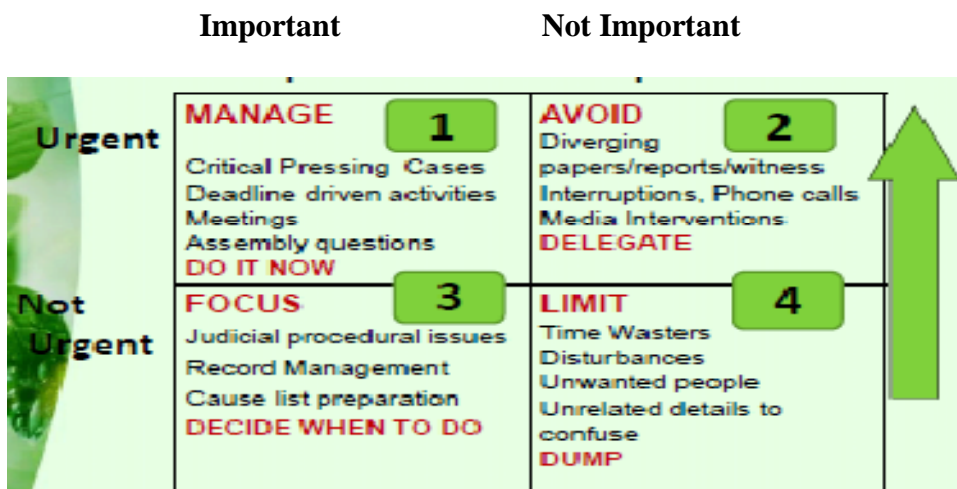
- Timeframes are not designed and implemented in a vacuum.
- They are organisational tools that, in order to give the expected results need to be shared and supported by the stakeholders and, in particular, by the people who work in the organisation.
- Therefore it is necessary to create an organizational environment to support and enforce timeframes, which will be affected by the institutional setting of the justice system (e.g. structure of the judiciary, role of the chief justice, sensitiveness about judges' internal independence etc.).
- Also, other agencies and the bar associations should support the enforcement, which should also be mentioned in the ethical rules for lawyers.

Major functions of Judicial Administration

- Judicial/Case Record Management
- Reports Preparation
- Lok Adalat
- RTI
- Issuance of Cause List/grouping of cases/Listing of Cases
- Indexing of Judgment
- File Tracking /Management/Delivery of Judicial Files
- Preparation of Certified copies of Documents
- Preparation of Judicial Calendar
- Roster of Judges

- Coordination among different courts
- Submission of statements regarding case disposal
- Ensure Compliance
- Supervisory Function
- Infrastructure allotment and management
- Complaint redressal
- Budgetary functions
- Analysis of statistical data and quarterly report preparation.
- Parliamentary/Assembly questions

Live Above the LINE-Covey's The Time Management Matrix



Exercise 1- How do you spend your Time?

Go back to your last working week. Record the major activities that you did in the first two days of that week. Note down in the format provided. Also note the approximate time spent on each activity. Note down the total time wasted during those two days in mins/hours. Who was accountable for that- self, others, situation. How satisfied you were in the way your time was spent in those two days? Give rating from 1 as least satisfied to 7 as most satisfied.

It has to be discussed activities in a group. Place them in either of the four cells of Covey's TM Matrix. Then, analyze the wasted time and discuss if it could have been avoided. Everyone has Good and Bad Times. Find your important time. Defend it truthfully, spend it alone, focusing on

important and not urgent work which require your thinking and full commitment. Find your dead time. Thereafter, Schedule meetings, phone calls, and mundane stuff during it.

Cutting Things Short

- "I'm in the middle of something now..."
- Start with "I only have 5 minutes" –you can always extend this

Stand up, stroll to the door, complement, thank, shake hands

- Clock-watching; on wall behind them

Using Time Journal Data

- What am I doing that doesn't really need to be done?
- What am I doing that could be done by someone else?
- What am I doing that could be done more efficiently?
- What do I do that wastes others' time?

"Procrastination is the thief of time" - Edward Young

"Work expands so as to fill the time available for its completion"

Is The Jar Full? Stephen Covey in his book, First Things First, shares the following story:-

"How many of these rocks do you think we can get in the jar?" he asked. After many guesses, he said, "Okay, Let's find out." He set one rock in the jar . . . then another . . . then another. I don't remember how many he got in, but he got the jar full. Then he asked, "Is this jar full?" Everyone looked at the rocks and said, "Yes." Then he said, "Ahhh" He reached under the table and pulled out a bucket of gravel. Then he dumped some gravel in and shook the jar and the gravel went in all the little spaces left by the big rocks. Then he grinned and said once more, "Is the jar full?" "Probably not," He reached under the table and brought out a bucket of sand. He started dumping the sand in and it went into all of the little spaces left by the rocks and the gravel. Once more he looked and said, "Is this jar full?" "No!" we roared. He said, "Good!" and he grabbed a pitcher of water and began to pour it in. "Well, what's the point?" Somebody said, "Well, there are gaps, and if you work really hard you can always fit some more things into your life." "No," he said, "that's not really the point."

The point is this: Put the Big Rocks in First Priority Listing

- A
- B

□ C

of Time Management

How to Get IT Done? Take 20 minutes at beginning of week and Review your Roles. Then, sharpen the saw –Read and analyze before hand to save time

Prioritize by choosing big rocks first. Which is the most important case requiring maximum time and effort? In short, your ABC of Time Management. Schedule the Week keeping in mind the reversal of 80/20 Rule. The gathering dispersed for tea.

DAY 1: 10:30 AM – 11:30 AM: SESSION 2

Relationship Management : Understanding Organizational Behaviour

Amitabh Deo Kodwani

Mr. Amitabh emphasized the importance relations especially in the scenario of Registrar who acts as bridge between the lower and higher judiciary. Its main objective is to understand how relationship management improves our personal life and work life. It has to be considered that we are always in contact with our senior, colleagues and subordinates. When two people meet or contact, they certainly undergo a transaction. This actually tells us a lot about a person and helps a lot in building a relationship. If the transaction goes smoothly then everything is fine but if it does not go well, then it affects the further building up of a relationship. Therefore, Transactional Analysis would be the subject dealt in this session. It is actually at times that we tell our children to get good marks or to study properly in return we would buy them a chocolate. It is actually a sort of alteration done, in order to get the work done.

At times, People keep a lot of expectation of other like if an American comes to the place and does Namaste to you, then, you may certainly feel good. The reason that he is able express something that is acceptable in the place. So coming in consensus with another expectation can certainly lead us to relationship building.

The brain actually determines what we think and how we are. It acts like tape recorder while recording events and associated feelings. There are basically three ego states namely parent, child and adult. Every human being has all these ego states even though some may be dominant or latent. The parent ego state can be categorized into critical parent-lecturing and nurturing parent-consoling. Critical parenting is actually a parent with a mentality of criticizing, many “ought”, “should” & “don’ts” whereas nurturing parent is consoling person, “taking care” of

others and sympathy. An adult state is objective, rational, oriented toward problem solving and de-emphasizes emotion. Thirdly, Child state can be categorized into two adapted and natural child. The adapted child is modified behaviour to conform to adult expectations, manipulative, submissive and natural child is playful, impulsive, naturally curious, creative, fun loving, rebellious.

Mr. Amitabh acknowledged that it is very much necessary human interaction analysis should be done. A transaction is any interaction or communication between 2 people. People send and receive messages out of and into their different ego states. How people say something (what others hear?) just as important as what is said.

There were three types of communication interactions namely:-

1) Complementary

2) Crossed

3) Ulterior

Complimentary communication is where there is expected communication and no conflict that arises from the information. The other is crossed communication in which it produces conflict, stop communication and hurt feelings. Ulterior Communication is a communication which has certainly verbal communication but has a non-verbal hidden meaning.

Later, a simulation was given to the judges and session concluded by discussing the inferences through exercise.

The gathering dispersed for tea.

DAY 1: 12:00 PM – 01:00 PM: SESSION 3

Record Management: Storage and Accessibility

R. Maithani

Mr. Maithani began the session by giving his opinion and sharing his personal experience in the registry. He emphasized that it is extremely important to manage records in registry. An example of the Ram Janam Bhoomi case was cited which was so voluminous that the case documents were brought in a truck and a special room was assigned for keeping the records. To manage the records, at the receiving end, it took weeks and months to look.

Also in Bombay blast case, it was nearly 1,00,000 documents were placed before the court. It is humanly impossible to refer such enormous no. of documents in paper book. There is still no rule as to how to manage systems, but for the case, CBI also requested to make request documents in electronic form. So by using technology, the pages can be specifically be referred.

Record Management is basically access to record and access to records will make access to justice. In some states, the records are kept district wise and in some subject wise. The biggest challenge is how to transfer the documents from one place to another.

The most crucial part is introduction of technology, processing and abolition of obsolete procedures. Anything that delays or burden the registry or the court should not be kept. Especially when a petition is filed, the court asks for so many documents and also nearly 7 copies of the document are to be submitted in the court. Also it is highly significant, the movement of the records, there very high chance loss and tampering of the records. If the records are reduced, certainly a less no. of human resource shall be required.

E- Courts system must adopted even though we have launched it in 2007. It was envisaged by former president, Dr. A.P.J. Abdul Kalam not only courts but also the procedure. There would be e-filing counter to file the case and at the counter, they would allowed to access list of advocates. If the person chooses A, then all the documents hall be transferred to the advocate within no time.

The moment a criminal case is filed all the documents can be accessed against a person at once within no time from Criminal Grids, Taxation Grids and the judges are ask to decide over the matter after hearing the arguments. The time frame for disposal of the matter was set for two weeks. If the party wants to go in appeal, the records from the court will be immediately be transferred to the higher court. No need of physical movement records. It has to be specified as for the horizontal or vertical movement of files. To achieve this objective, the courts have

initiated such procedures in small way. The first phase of e-courts has been immensely successful and seems to highly yielding although delayed by 6 months. In the second phase, the biggest thrust is on the digitization of the records. It is the new method of scanning, storing and maintaining records in this new era. In the Delhi High court, it has already been initiated.

We have a court information system, the structuring of the data but the main problem is the updation of technology with time. Even for the SC, destruction of certain set of records has been done after digitization. The limitation still stands to be at it has only started in only high courts and SC, the subordinate judiciary has not been equipped with it. Its actually a great area and not grave area.

Rajhans Mishra

Mr. Mishra started the session by recalling the fact that Indian e-Courts plan was a part of the National e-Governance Plan. There has been no significant change has not been taken place. Even though we have the willingness, money and the technology, why haven't there been a significant change till now? The reality so decoded stands to depend on three stances policy, process and technology. There is always a gap between all these stages. Since there is no syncing or integration with all the states, the work will have no significance. In respect of the judiciary, there can be no information system existing until and unless it integrates the lower courts, High Courts and Supreme Court. Firsts filing in lower then moves higher courts. Until and unless there is integration it cannot be thought about record management. There are various challenges due mismanagementetc. unless and until there is homogeneity it is difficult.

In India, what is the motivation to have a proper record management? The response- integral information and right information at the right time. There is always be more cost to the stakeholder and immense indirect costs. Considering the no. of pending case, the time may be caused for even records.

UN has come with a classification of information system namely emerging, transactional and integrating information system. Emerging means automated data system like a website which is very minimal. Transactional is an interface that is similar but more transactions can take place. Integrating where there is more interaction and multiple stakeholders can use it.

Until and unless there is a uniform method, it is in vain. A lot of courts have been digitized. In digitization, there are three methods namely complete digitization, complete decentralization and complete centralization. It was technically discussed with illustrated slides.

The gathering dispersed for lunch.

DAY 1: 02:00PM – 03:00 PM: SESSION 4

**Record Management: Styling& Referencing, Data Analysis from
Records**

Rajhans Mishra

Records must be electronic and will easy to record. It may need not have any physically be transferred. At the same time, risk also stands. If you add context of judiciary to the risk, the vulnerability is very. With respect of record management, there is certainly a question of confidentiality, authenticity and integrity. Even considering the negative aspects of making documents stands on much similar footing. It happens that individuals they receive an email from the bank asking them to disclose certain confidential information through mail. It may be recognized as genuine email ID of the Bank but the level of destruction that can be caused through electronic transaction stands to be enormous. The authenticity of mails has to verified, there is very common phenomenon called phishing mails. The fraud person actually triggers to be a genuine person by manipulating the header or domain number.

Integrity is that when a message has been acknowledged that he has maintained the matter. A third person may try to change the matter of the mail. Even at times, a person sends in a mail but at the other end a person has always a chance to deny the fact. There is difference in manual and electronic record, electronic record is very much easy to copy whereas manual records are not that easy to copy. Also another copy has been made but a person will not get to know that where it has been made. Today, things like hacker and cracker are very much popular. Nowadays, we have something calledas the ethical hacker.

There is also critical resources so we should keep a backup. The domain name cannot be let go otherwise any body can use it.

Like in case records, if something happens Madras, the backup is also in Madras and with calamities, it is destroyed. So to overcome these drawbacks it can be stored in another location. One of the method is that this can be outsourced. We are moving in an era of cloud computing. Highly critical data for a bank would be data of the customers.

Sometimes the banks are maintaining their backup data at the same time the transactional data. So it is upto the banks so as to share what kind of information with the outsourcing agency.

The upload information on the internet, it is actually on our server, it is our godown whereas in cloud computing, there is no godown, it is actually a hired godown. The second phase of digitization consists of the concept of cloud computing. The server can be used for e-filing. The benefit is that through cloud computing anybody can be accessed.

Participant Registrar: Human mind is very fertile and nothing is impossible. How can we protect the documents? If the confidentiality is leaked, then it can be tremendous problem. The proper security mechanism that the access of the data can be limited. Even at time , a security rating of 100 can make things in trouble. NIC host a server in Delhi. It is actually a war room in Delhi. They have system is protected by the armed forces. There should be alternative to create backup and safeguard to the data from getting into the wrong hands.

A case of American Nurse whose patient prescription online was altered eventually the person died and the doctor was sued. It was a brilliant case of cybercrime.

As technology is moving ahead, there cannot be surety but with time even security mechanism can be enhanced and will be upgraded. Today, 100% security rating will not certainly be secure tomorrow but it is therefore the need of the hour for efficiency and effectiveness that we had to make it an electronic form. **Mr. Mishra also emphasized on the process engineering and thus the session came to an end.**

DAY 2:09:00 AM – 10:00 AM: SESSION 5

Role in Listing, categorization and sorting of cases

Justice Budhilal R.B

Justice Budhilal initially made submissions as to how to attend as the position of registrar. It is easy for a judicial officer in cases but difficult for a registrar due to his dealing with human beings. Since the human element stands to be a significant element, Justice Budhilal made certain remarks. Justice Budhilal emphasized that the registrar should inculcate a sense of monitoring and supervising. The nature of the position held by the gathered judicial officers in various high courts is more onerous than a registrar general. The latter person may be having only a general supervision almost all the execution of judicial work is concerned in their respective branches and is to be looked after by the registrar judicial. There should be an action plan that has to be prepared by every registrar judicial so as to determine as to the regards of his functioning. Then only the work concerned can be dealt effectively.

In every high court almost the work remains the same depending on the act and rules. Firstly, it depends on studying the act, rules and notification of the High Courts. Secondly, it all depends on the capacity and ability to respond to their scenario. Justice Budhilal cited Mr. R. Maithani as an example who has served in high court and the SC in both the manner. It is not an easy job in the SC. Every Registrar (Judicial) must specify the duties and responsibilities of his subordinate officers. It is humanly impossible for the registrar to look after every matter rather must rely upon the head of the various branches to deliver. If there is no sincerity or devotion to their duty, the ultimate responsibility would be of the registrar judicial because of the fault of somebody. For example, if in one of the benches, an order is passed then, it goes to the pending branch, if the person in the branch after seeing the matter should place it before the registrar judicial as it is his soul duty to attend to. For one or the other reason the file was not placed before you consider the consequences are serious. The action against subordinate is secondary. There should be consistent visiting of the registrar judicial in every concerned branch to supervise and monitor.

Simply giving memos will not even work. There should be motivation and encouragement to every subordinate to work. Everybody there is order both on judicial and administration. In a case of Bombay HC, there was an order to reduce punishment but it did not reach the jail authorities. The enquiry was called by the registrar judicial but the fault was within the jail authorities but it must be concerned that the delay would certainly affect the fundamental right of the persons, so the registrar judicial must be vigilant always as even he can be blamed in this case. So there must be

an atmosphere of motivation and encouragement. Once an assignment has been accepted by one person then it must certainly be accomplished by the person.

Justice Budhilal quoted a person from Kannada literature; He actually expressed the level of devotion that one must carry towards certain things. Registrar Judicial must be necessarily be prepared and build a relation that imbibes devotion in all the branches.

R. Maithani

Especially there is certainly more enlightenment in talks in between the corridors of the institution. It is not wise that person learn from himself but also from the experience of the other people. The judicial officer who are picked up for this post are to be considered as one of the most best workers.

Acquaint yourself the acts and rules with the concerned court. Also registrar judicial cannot work alone, he must have the capacity to take along the subordinate officers. There should be consistent supervision of the role. There must constant vigilance over the workers. In a situation of any happenings, there might be grave consequences like non- compliance of the orders. With experience serving at the apex court, Mr. R. Maithani terms it to be a sensitive role to play as a registrar judicial. There should not be hesitation towards work. There should not fear of the consequences and therefore, not use the optimum utilization of resources.

The brothers from MP, it has been a role model to the other high courts. The system is not even there in Delhi High Court. Prepare action plan for it. There is certainly s skill that we can make optimum utilization of the resources but we do not know the managerial terminology for it.

The gathering dispersed for tea.

DAY 2: 10:30 AM – 11:30 AM: SESSION 6

Compliance Role: Complying with Judicial and administrative orders from the office of Chief Justice

Justice Budihal R.B

So far as the judicial and administrative matter from the CJ's, selecting judicial officers to the HC is the prerogative of the CJ. It must be due to utmost trust reposed on the people. What is the expectation of CJ? Should be secrecy maintained for certain matter because only the registrar and CJ will know about the matter. Sometimes the roster is prepared and changes with time of after sitting of two months. Before posting the roster on the website, don't leave anything. It may a situation that CJ would like to make certain changes in that respect. Under circumstances, the information is leaked and the CJ would be in an embarrassing situation. Even for posting the matters, depending on situation and exigencies of the matter, some matter may not be required to be sent to the regular bench rather will be heard by the special bench. Justice Budhilal explained an experience in the High Court as Registrar. In the absence of Chief Justice, a matter was assigned to special bench in consensus with CJ. A judge asked him to post the matter. He refrained from doing so, later on referred the occurrence to the CJ.

Even after elevation, certain matters that are posted to a special bench still come to the regular roster but it will be the duty of judge to refuse and send the matter to the registry. There should be satisfaction of work. At times people have their own notions. The first accountability is to the soul then to others.

At the most a person can survive on committing fraud on others but a person cannot survive by committing fraud on his own soul. So there should prove to our soul that we are working genuinely. He also cited an example of Kanakdasa.

The compilation that has been prepared by the host institution is very useful. Please go through the BhajanLal's case. It was a case of 20 Crores. There was immense manipulation and the matter posted in SC before Justice Venkatchalliah.

Do keep the respect but do not keep the fear in the mind regarding work. There is immense distinction between fear and respect, so please do keep respect but there should not be any fear. A registrar has many subordinates namely assistant, deputy and joint registrar; they all are to be taken in confidence. Then , Justice Durga Prasad was asked to speak a few words.

Justice Durga Prasad

Justice Durga Prasad proceeded As far as the registry is concerned, it is prerogative of the concerned CJ. In tradition, it is usually among the senior district judges with a good track record that the CJ makes the registrar. It is actually quite interesting to know that CJ is from another state and does not know you, but still he reposes his faith in you. He may only consult few of his colleague judges without any police mechanism. Also by going through his consciousness, CJ puts confidence in you.

The importance therefore must be understood as to how much we owe to the CJ? Hence, we must deliver and come above his expectation. The role actually demands absolute subordination and secrecy. Even at times, CJ opens up to the registrar as he reposes absolute trust on the person. The allocation of certain matters the CJ also trusts your conscience at the same time.

.....Not Audible.....

The gathering dispersed for tea.

DAY 2: 12:00 PM – 01:00 PM: SESSION 7

**Coordinating Role: Different branches of Registry in the High
Court**

R. Maithani

The session basically deals with what is coordination? And also how to comply with order of CJ have been dealt. There are whole different branches of the HC but some way or other for the efficiency each branch has to contribute. The most important question for this session is how to coordinate? Coordination between various branches of the HC, it is a herculean task. There are duty holders and stakeholders, the duty holders are the people who have interest in the system and they approach it. The stakeholders are a part of the system. Even before filing, coordination starts. While filing of the matter, there are nearly 90 objection columns of correction but usually you may receive the corrections with 91 mistakes. In Punjab and Haryana HC, even mistakes used to be written with the hand also submitted, the people may complain of the fact the corrections are not legible. Even though it is not regarding the concerned branch. So even though it is not directly related but the registrar judicial's work is also affected.

The filing procedures in any High Courts in India are not having a set procedure which can be said to be exhaustive and illustrative. We are not able to categorize cases and the problems of filing must be taken in consideration with the bar also. Even they are stakeholders to the matter so that we have an inclusive procedure. In regards to the font size, certain standards have been prescribed. Usually the petition is another font and the judgment stands to be in a different font consuming much more pages.

The crucial element in coordination is communication. If and until there is a good communication with the branches, the registrar will not be able to work effectively. There should be coordination both vertically and horizontally.

When scrutiny, it is a very crucial matter as every page is scrutinized. Categorization has been dealt in the previous session. Especially for the registrar judicial how to form the Coram is also a question. The circumstances in which the server goes down. If the server is down, the matter that are to be listed next week will not be considered. We have to check the caveat. Once the file is accepted by section, it goes to the paperbook section. Once the paperbook goes missing, the consequences can be immense.

Even in respect of certain orders as to arrest of person, it has to be complied through the registry. It is very much necessary that there should be no gap of communication between the registry and the benches so as to comply with the orders. Even whether a software can be devised in order that the registry gets direct orders from the bench and can pass the information to respective authorities with this the oration was concluded.

Justice U Durga Pd.Rao

Justice Durga Rao said that considering the role of the registrar judicial, he is the ultimate boss of the branches. So far as the supervisory role has to be considered, it is very much crucial. Even when petition comes in appeal there has to be a communication between district registries but there is no scope of supervision due to the reason that the supervisory role has been entrusted with the principal district judge. There certainly can be coordinating done by the registrar judicial in that manner.

.....Not audible.....

Justice Budhilal R.B

The coordinating between the registries. Let's place certain circumstances, when in CBI Court, a bomb blast case, the bail was rejected and HC was approached but they again rejected the application by making certain specific remarks. There were 4 months given for the disposal of the matter but by the time the application was produced before the judge, it was already crossed 6 months, this one instance. Second case, there were no original records, all the records were destroyed, the statement of accused under S. 313 was also lost, through PW1 and 2 has made clear his defense. The matter was for rehearing. Second emphasis was laid on It is computerization programming, it actually would enhance the communication between the registrar judicial and the branches. With these words, the session came to an end.

The gathering dispersed for tea.

DAY 2: 02:00PM – 03:00 PM: SESSION 8

Supervisory Role over District Judiciary

Papri Nath

Mrs. Papri Nath began the session by emphasizing the necessity of the role of Leader in the capacity of Registrar. She therefore introduced the concept of Leadership Profile Indicator. It was actually to study the traits of a leader.

She explained the Leadership Styles: Grid Approach similarly People concern (PC) and Task concern (TC). The Leadership Behaviour can be of two way: either Regulating Behaviour, it is one way communication, directs, structure, control, and supervise and Nurturing Behaviour, it is two way communication, praise, listen, and facilitate.

The Leadership Styles are as following:-

Style 1 (high Reg. low Nut.): Directive

Style 2 (high Reg. high Nut.): Supportive

Style 3 (high Nut. low Reg.): Consulting

Style 4 (low Nut. low Reg.): Delegating

- Development level: competence and motivation level of employees

A simulation was given to adjudge situational leadership styles. As in the Answer and Work Sheet, do as directed as following:

Column I: Situations

Column II: Encircle your responses

Column III: encircle same letter as in column II to determine your dominant leadership style

Column IV: Encircle the same letters as encircled in column III.

Add the number of encircles in each column. Multiply the total in column 1 by 3, 2 by 2, 3 by 1, & 4 by 0.

The simulation had the major objective of analyzing Dominant Style & Backup Style. There is certainly no good or bad about the results. It may only suffice the fact that a person may at time s may use certain styles. It also tells us about the Leadership Adaptability quotient of a person. Further under the simulation.

Find the sum of converted values in column IV.

This will range from 0 to 36. Multiply the same by 2.8 and the range will be 0 to 100.

This is your leadership effectiveness or adaptability. The average range shall vary from 50 -70 % that is very normal. It is team effectiveness, Column V and VI give you areas for improvement. In part V total in each column the number of encircled letters.

Similarly total each column in part VI.

A score of 2 or more in a column shows that you need to pay attention as a leader

Teamwork

Cohesion- group functions as a strong team

Collaboration- work together to reach a goal

Confrontation- in case of conflict, generates alternative solutions

The discussions came to an end with the inferences of certain results gathered by judges so as to come to certain conclusion. Therefore, the seminar came to a conclusion.

DAY 3:09:00 AM – 10:00 AM: SESSION 9

Tool Management Skills: Physical tools; Rules for Purchase/Maintenance/ Upgradation

Amitabh Datta

Former Additional Member

Railway Board

Mr. Datta began the discussion with respect to the delegation of authority. Every authority delegated with the financial powers of procuring, works and services in public interest shall have the responsibility and accountability to bring efficiency, economy and transparency in matters relating to public procurement and for fair and equitable treatment of suppliers and promotion of competition in public procurement

The Rule 137 of GFR 2005 -Public Procurement in India-Central Principles

Before 1979, the Courts had not enquired as to how the power to enter into government contracts was exercised. For the first time, in the R.D.Shetty V. International Airport Authority of India case of 1979, the Supreme Court passed the following judgment:

“It must, therefore, follow as a natural corollary from the principle of equity enshrined in Article 14 that though the State is entitled to refuse to enter into relationship with anyone, yet if it does so, it cannot arbitrarily choose any person it likes for entering into such relationship and discriminate between persons similarly circumstanced, but it must act in conformity with some standard or principle which meets the test of reasonableness and non-discrimination and any departure from standard or principle would be invalid unless it can be supported or justified on some rational and non-discriminatory ground”

India is yet to enact a federal public procurement law. Some of the important public procurement laws are:

UNCITRAL Model Law on Public Procurement

EU Directives on Public Procurement

Government Procurement Agreement (GPA) of the WTO

Legal Framework of Public Procurement in India

Manuals on Policy and Procedure for procurement of Goods, Works and Services, issued by the Government. These were drafted in conformity with the applicable procurement law and rules of the country. To be taken as general guidelines and Ministries/Departments are to supplement these manuals by issuing detailed operating instructions.

Regulatory framework of public procurement in India

Government of India Rules vest financial powers of the Government in the Ministry of Finance. The Finance Ministry has issued the General Financial Rules (GFR). First introduced in 1947 as a set of executive instructions subsequently modified in 1963 and issued as GFR and was lastly revised in 2005.

Till date, there is no national legislation on Public Procurement and GFR govern the same. Standards of Financial Propriety, Rule 21: Every officer incurring or authorizing expenditure from public money should be guided by high standards of financial propriety. Main principles are:

Every officer is expected to exercise the same vigilance in respect of expenditure incurred from public money as a man of ordinary prudence would exercise of his own money. Secondly, No authority should exercise its powers of sanctioning expenditure to pass an order which will be directly or indirectly to its own advantage. Expenditure from public money should not be incurred for the benefit of a particular person or a section of the people unless a claim for the amount could be enforced in a Court of Law or the expenditure is in pursuance of a recognized policy or custom.

Rule 160, some of the important measures:

Suitable provision should be kept in the bidding document to enable a bidder to question the bidding conditions, bidding process and/or rejection of its bid. The bidders should be given reasonable time to send their bids. The specifications of the required goods should be clearly stated without any ambiguity so that the prospective bidders can send meaningful bids. In order to attract sufficient number of bidders, the specifications should be broad based to the extent feasible. Efforts should also be made to use standard specifications which are widely known to the industry.

Criteria for determining responsiveness of bids, criteria as well as factors to be taken into account for evaluating the bids on a common platform and the criteria for awarding the contract to the responsive lowest bidder should be clearly indicated in the bidding documents.

Bids received should be evaluated in terms of the conditions already incorporated in the bidding documents; no new condition which was not incorporated in the bidding documents should be brought in for evaluation of the bids. Determination of a bid's responsiveness should be based on the contents of the bid itself without recourse to extrinsic evidence.

Rule 161: Public Procurement procedure to ensure efficiency, economy and accountability in the system. To achieve the same, the following key areas should be addressed:

To reduce delay, appropriate time frame for each stage of procurement should be prescribed by the Ministry or Department. Such a time frame will also make the concerned purchase officials more alert. To minimize the time needed for decision making and placement of contract, every Ministry/Department with the approval of the competent authority, may delegate, where necessary, appropriate purchasing powers to the lower functionaries. The Ministries or Departments should ensure placement of contract within the original validity of the bids. Extension of bid validity should be resorted to only in exceptional circumstances.

Buy Back Offer

If it is decided to replace an existing old item with a new and better version – the department may trade the existing old item while purchasing the new one. A suitable clause is to be incorporated in the bidding document so that the prospective and interested bidders can formulate their bids accordingly. The time as well as the mode of handing over the old item to the successful bidder to be suitably incorporated in the bidding document. Provision should also be kept in the bidding document to enable the purchaser either to trade or not to trade the old item, while purchasing the new one.

Rule 145: Purchase of goods without quotation

Purchase of goods up to the value of Rs 15,000 only on each occasion may be made without inviting quotations or bids on the basis of a certificate to be recorded by the competent authority in the following format.

“I,-----, am personally satisfied that these goods purchased are of the requisite quality and specification and have been purchased from a reliable supplier at a reasonable price.”

Rule 146: Purchase of goods by purchase committee

Purchase of goods costing above Rs 15,000 only and up to Rs 1,00,000 only on each occasion may be made on the recommendations of a duly constituted Local Purchase Committee consisting of three members of an appropriate level as decided by the Head of the Department. The Committee will survey the market to ascertain the reasonableness of rate, quality and specifications and identify the appropriate supplier.

General Financial Rules Provision

Purchase of goods by purchase committee

Before recommending placement of the purchase order, the members of the committee will jointly record a certificate as under.

“Certified that we, -----, members of the purchase committee are jointly and individually satisfied that the goods recommended for purchase are of the requisite specification and quality, priced at the prevailing market rate and the supplier recommended is reliable and competent to supply the goods in question.”

As per Rule 151, Limited Tender Enquiry

May be adopted when the estimated value of the goods to be procured is up to Rs 25 Lakh. Tender Enquiries are to be sent by speed post/registered post/courier/e-mail to the firms which are borne on the list of registered suppliers for the goods in question. The number of supplier firms in Limited Tender Enquiry should be more than three.

Rule 154. Single Tender Enquiry. Procurement from a single source may be resorted to in the following circumstances only a particular firm is the manufacturer of the required goods. In a case of emergency, the required goods are necessarily to be procured from a particular source. For standardization of machinery or spare parts to be compatible to the existing sets of equipment, the required item to be purchased only from a selected firm. NB: In circumstances 1 and 3 above, Proprietary Article Certificate (PAC) is to be provided by the user department

As per Rule 156,

Depending on the cost and nature of goods to be purchased, it may also be necessary to enter into maintenance contract(s) of suitable period either with the supplier of goods or with any other competent firm, not necessarily the supplier of the subject goods. Such maintenance contracts are especially needed for sophisticated and costly equipment and machinery. It may however be kept in mind that the equipment or machinery is maintained free of charge by the supplier during its warranty period or such other extended periods as the contract terms may provide and the paid maintenance should commence only thereafter.

Even in Bidding Procedure, Two Packet System of Bidding and Late Bids were also discussed.

Rule 153- GFR

In the case of Advertised Tender or Limited Tender Enquiry late bids i.e. bids received after the specified date and time of receipt of bids, should not be considered

Contents of Bidding Document

All the terms, conditions, stipulations and information to be incorporated in the bidding document are to be shown in the appropriate chapters as below:-

Chapter 1, Instruction to Bidders

Chapter 2, Conditions of Contract

Chapter 3, Schedule of Requirements

Chapter 4, Specifications and allied Technical Details

Chapter 5, Price Schedule, to be utilized by the bidders for quoting their prices

Chapter 6, Contract Form

Chapter 7, Other Standard Forms, if any, to be utilized by the purchaser and the bidder

[Rule 155 of GFR]

Bid Security

Rule 157

Required to safeguard against a bidder's withdrawing or altering its bid during the bid validity period in the case of advertised or limited tender enquiry [also known as Earnest Money]

To be obtained from the bidders except those who are registered with the Central Purchase Organization, National Small Scale Industries Corporation (NSIC) or the concerned Ministry or Department.

The bidders should be asked to furnish bid security along with their bids.

Amount of the Bid Security should ordinarily range between 2% to 5% of the estimated value of the goods to be procured. The exact amount of Bid Security should be accordingly determined by the Ministry/Department and indicated in the bidding documents.

May be accepted in the form of A/c Payee DD, FDR, Banker's Cheque or BG from any of the commercial banks in an acceptable form. The Bid Security is to normally remain valid for a period of 45 days beyond the final bid validity period. Bid Securities of the unsuccessful bidders should be returned to them at the earliest after the expiry of the bid validity and latest on or before the 30th day after award of the contract

Performance Security

As per Rule 158 of GFR, To ensure due performance of the contract, Performance Security is to be obtained from the successful bidder for winning the contract, irrespective of their registration status. Amount should be 5 to 10% of the value of the contract to be awarded. Acceptable forms: A/c Payee DD, FDR or BG from a Commercial Bank in an acceptable form. Validity: Should remain valid for a period of 60 days beyond the date of completion of all contractual obligations of the supplier including warranty obligations.

Bid Security should be refunded to the successful bidder on receipt of the performance security

Advance Payments to Suppliers

Ordinarily, payments for services rendered or supplies made should be released only after the services have been rendered. Advance payment may be necessary by firms holding maintenance contracts for servicing air conditioners, computers or other costly equipment etc. Advance payment demanded by firms against fabrication contracts, turn-key contracts etc.

Limits

30% of the contract value to private firms.

40% of the contract value to a State or Central Government Agency or a PSU, or

In case of maintenance contract, the amount payable for 6 months under the contract.

Conditions

Ministries/Departments may relax the ceilings in consultation with the FA. Adequate safeguard in the form of BG should be obtained from the firm.

Rule 203

All contracts shall be made by an authority to do so by or under the orders of the President in terms of Article 299(1) of the Constitution of India. All the contracts and assurances of property made in the exercise of the executive power of the Union shall be executed on behalf of the President. The words "for and on behalf of the President of India" should follow the designation appended below the signature of the officer authorized in this behalf.

Rule 204

The terms of a contract must be precise, definite and without any ambiguities. Standard forms of contracts should be adopted wherever possible, with such modifications as are considered necessary in respect of individual contracts. The modifications should be carried out only after obtaining financial and legal advice. In cases where standard forms of contracts are not used, legal and financial advice should be taken in drafting the clauses in the contract.

Cost Plus Contracts: A Cost Plus Contract means a contract in which the price payable for supplies or services under the contract is determined on the basis of actual cost of production of the supplies or services concerned plus profit either at a fixed rate per unit or at a fixed percentage on the actual cost of production. It should normally be avoided. May be resorted to, where unavoidable, duly recording full justification.

It can be provided only in long-term contracts; where the delivery period exceeds beyond 18 months. In short-term contracts, firm and fixed prices should be provided.

Where a price variation condition is provided, the price agreed upon should specify the base level viz. the month and the year to which the price is linked, to enable variations being calculated with reference to the prevailing in that month and year.

A formula for calculation of the price variations that have taken place between the base level and the Scheduled Delivery Date should be included in the Clause. The variations are usually calculated by using indices published by the Government or Chambers of Commerce, periodically.

An illustrative formula

$$P1 = P0[F + a*M1/M0 + b*L1/L0]$$

Where,

P0 is the contract price at the base level

P1 is the revised contract price

F is the fixed element, not subject to any price variation

a is the assigned percentage to the material element in the contract price

b is the assigned percentage to the labor element in the contract price

Lo and L1 are the wages indices at the base month and year and at the month and year of calculation respectively

Mo and M1 are the material indices at the base month and year and at the month and year of calculation, respectively

The fixed element may have a weight of 15 to 20%. Variation of material cost may be allowed a weight of 40 to 60%. The weight for wages variation may be 20 to 45%. The total weight of the three elements should be 100. The Price Variation Clause should also specify cut-off dates for material and labor, as these inputs taper off well before the scheduled delivery dates.

The PVC should provide for a ceiling on price variations, particularly where escalations are involved. The buyer should ensure a provision in the contract for benefit of any reduction in the price, in terms of the price variation clause, being passed on to him. Where advance or stage payments are made; there should be a further stipulation that no price variation will be admissible on such portions of the price, after the dates of such payment.

No price variation will be admissible beyond the original scheduled delivery date for defaults on the part of the supplier. Price variations may be allowed beyond the original scheduled delivery date, by specific alteration of that date, through an amendment to the contract in case of Force Majeure or defaults by the Purchaser

The terms of a contract including the scope and specifications, once entered into, should not be materially varied. Whenever material variation in any of the terms or conditions in a contract becomes unavoidable; the financial and other effects should be examined and recorded and specific approval of the authority competent to approve the revised financial and other commitments obtained, before varying the conditions.

All changes to a contract should be in the form of an amendment to the contract, duly signed by all parties to the contract. Normally, no extension of the scheduled delivery or completion dates should be granted except where events constituting Force Majeure, as provided in the contract, have occurred or the terms and conditions include such a provision for other reasons.

All contracts shall contain a provision for recovery of liquidated damages for defaults on the part of the contractor. A warranty clause should be incorporated in every contract, requiring the supplier to, without charge, repair or rectify defective goods or to replace such goods with similar goods free from defect. Any goods repaired/replaced by the supplier shall be delivered at the buyer's premises without costs to the buyer

All contracts for supply of goods should reserve the right to the Purchaser to reject goods which do not conform to the specifications

Rule 205

Implementation of a contract should be strictly monitored and notices issued promptly whenever a breach of provisions occur

Proper procedure for safe custody and monitoring of Bank Guarantee or other instruments should be laid down. Monitoring should include a monthly review of all Bank Guarantees or other instruments expiring after three months, along with a review of the progress of supply or work. Extensions of Bank Guarantees or other instruments where warranted, should be sought immediately

Wherever disputes arise during implementation of a contract; legal advice should be sought before initiating action to refer the dispute to conciliation and/or arbitration as provided in the contract or to file a suit where the contract does not include an arbitration clause. The draft of the plaint for arbitration should be got vetted by obtaining legal and financial advice.

Consultancy Services

Differences between procuring Goods/Works and selecting Consultants

Procurement of Consultancy Services

Procurement of Consultancy Services

GFR 163: Ministries/Departments may hire external professionals, consultancy firms or consultants for a specific job which is well defined in terms of content and time frame for its completion or outsource certain services.

GFR 164: Authorizes Ministries to issue detailed instructions on engagement of consultants, suiting their specific requirements but without contravening the basic rules enshrined in the GFR.

GFR 167: Reasonable Expenditure should be estimated and it should be a well thought and thorough exercise

Estimate should be based on the employer's assessment of resources needed to carry out the assignment, staff time, logistical support and physical inputs like vehicles, lab equipments etc. Cost of staff should be estimated on a realistic basis, by considering the prevalent market conditions and consulting other organizations engaged in similar services.

GFR 168: Estimated Cost up to Rs 25 lakh – Empanel Consultants, consulting other Ministries/Departments/Organizations involved in similar activities, Chamber of Commerce & Industry, Association of Consultancy firms etc.

GFR 168: Estimated Cost > Rs 25 Lakh

Invite EoI by publishing advertisement in at least one national daily and in the website of the Ministry/Department

Website address also to be given in the advertisement. Expression of Interest (EoI) should include in brief, the broad scope of work or service proposed to be procured. Inputs to be provided by the Ministry/Department. Eligibility and pre-qualification criteria to be met by the consultant(s). Consultant's past experience in similar works or services.

GFR 169

From the EoIs received, applicants meeting the requirements should be short listed - not less than three. Requests for Proposal, in due course, are to be given to these short listed applicants only.

GFR 170: Preparation of ToR that will include:

Purpose/Objective of the assignment

Detailed Scope of Work

Expected input of key professionals (number of experts, kind of expertise required)

Proposed schedule for completing the assignment

Deliverables required from the consultant

Background materials to be provided to the consultant

Facilities to be provided to the consultant

Procedure for review of the work of consultant after award of contract.

The ToR should not be too detailed and inflexible so that competing consultants may propose their own methodology and staffing.

Scope of the services described in the ToR shall be compatible with the available budget.

GFR 171: Preparation and issue of RFP

GFR 172: Two Packet System of bidding process

GFR 173: Late Bids i.e. bids received after the specified date and time of receipt, should not be considered

Structure of RFP

Rule 171 of GFR

A letter of invitation should be there. Information to Consultants regarding the procedure for submission of the proposal

Terms of Reference – ToR

Eligibility and pre-qualification criteria in case the same has not been ascertained through the enquiry for EoI. List of Key personnel whose CV and experience would be evaluated. Bid evaluation criteria and selection procedure. Standard formats for financial and technical proposal.

Proposed contract terms

Procedure proposed to be followed for midterm review of the progress of the work and review of the final draft report.

GFR 174: Evaluation of Technical Bids: Technical bids should be analyzed and evaluated by a Consultancy Evaluation Committee (CEC) constituted by the Ministry or Department. The CEC shall record in detail the reasons for acceptance or rejection of the technical proposals analyzed and evaluated by it.

GFR 175: Evaluation of the Financial bids of the technically qualified bidders: The Ministry or Department shall open the financial bids of only those bidders who have been declared technically qualified by the CEC for further analysis or evaluation and ranking and selecting the successful bidder for placement of the consultancy contract

GFR 176: Engagement of consultant by nomination – Permissible under some special circumstances to be justified.

Rule 178 GFR: A Ministry or Department may outsource certain services in the interest of economy and efficiency and it may prescribe detailed instructions and procedures for this purpose. Government Offices, these days, outsource several services like hiring of cabs, maintenance of buildings, housekeeping, security etc.

Difficulties

A nascent subject, detailed guidelines are not available. No Standard Bidding Document or Contract template is available. Quite a few services are basically manpower supply related contracts. Quality Assurance and Quality Control of the services may be difficult

Rule 179 GFR: Identification of likely contractors

On the basis of formal or informal enquiries with other Ministries or Departments and organizations involved in similar activities, scrutiny of “Yellow Pages”, Trade Journals, Website, a list of likely and potential contractors is prepared.

Rule 180 GFR: Preparation of Tender Enquiry

A Tender Enquiry should contain the following Details of service to be performed by the contractor, Facilities and inputs which will be provided to the contractor by the Ministry/Department.

Procurement of non-Consulting Services

Rule 180 GFR (Contd): Preparation of Tender Enquiry:

Eligibility and Qualification Criteria; Statutory and Contractual obligations to be complied with by the contractor.

Rule 181 GFR

For estimated value up to Rs 10 lakh, Limited Tender Enquiries to those firms in the list of likely and potential contractors who are, prima facie, eligible and capable. Number of contractors, so identified, should not be less than six.

For estimated value > Rs 10 lakh, Advertised Tender

Procurement of non-Consulting Services

Rule 182: Late bids i.e. bids received after the specified date and time of receipt should not be considered.

Rule 183: Evaluation of Bids received: The Ministry or Department should evaluate, segregate, rank the responsive bids and select the successful bidder for placement of contract.

Rule 184 GFR: Outsourcing by Choice. In an exceptional situation, a job may be outsourced to a specifically chosen contractor – in consultation with the Financial Adviser. The following need be justified that is Circumstances leading to outsourcing by choice and the Special interest or purpose it shall serve.

Rule 185 of GFR: Monitoring the Contract: The Ministry or Department should be involved throughout in the conduct of the contract and continuously monitor the performance of the contractor.

Mr. Amitabh Datta concluded with these words “There is no rule of Law that commonsense should be put in cold storage”- Supreme Court of India. Thus, the session was concluded.

The gathering dispersed for tea.

DAY 3: 10:30 AM – 11:30 AM: SESSION 10

Tool Management Skills:HR Tools, Organizational Performance Matrix

Pawan Kr. Singh

Dr. Pawan Kumar Singh greeted the gathering. He introduced himself introduced himself as a teacher at IIM Indore since last 11 years. It is his sixth or seventh visit of this Academy. Nice so in next 55 minutes or so..till 11:30 we will collectively learn what can be HR tools specially to performance management and I know your schedule is indicating me that you have taken tests of HR dimension of Management..Dr. Kodwani has been here he is my colleague at IIM Indore..Parul Rishi Ji I know her she is at Forest Management Institute Rajhans Mishraji also has come ..he is also my colleague but he might have dealt with the IT area..so welcome to this session and let us do the collective *ahuti* in this *yajya* of learning..when we say HR tools it is very vast field...which are the broader fields of management..IIM and other institutes we are dealing with..what are the broader fields...

for example border fields in technological field can be counted as civil electrical and mechanical and then there are others but classical branch is civil technical and mechanical as any common man knows..similarly what are those broader areas of management..there can be n number but what are the broader..those are

Participant:-----marketing.....(Not Audible)

Yes you are right sir...these are financial..marketing...you already said three sir one is production and material management..these are the four pillars of management..means the moment management word comes to mind particularly in corporate sector business sector things should be clear..four major activity is going one..finance and accounting one..finance and sale another production and material another and human resource management another which was called as personnel management..for example my degree is in personnel management I passed out my PG in 1984 that time HRM word was not prevalent but we moved from there and personnel management has been replaced by Human Resource Management including Industrial Relations..I should share with you..you will feel happy..i earned my first bread by interpreting Law ..In the initial years of my career I joined Bank Of India and my designation was industrial relations Officer..first job of my life..my job was basically to interpret the Industrial Dispute Act 1947..*wo meri phli roti thi*..but I wanted to be teacher in management so when I got opportunity I joined management..Out of these four..for personnel like you..registrar means as I understand administrative custodian of Courts..specially High Court or Supreme Court and who needs more discussions on HR dimensions of Management than persons like us. See when I interact with person with judicial background..those who are typically not from management background but they have to be..for example let us say administrators , bureaucrats or defence officers..engineers we let us say they should know their engineering but her also need to mange his affairs... when they become senior he stars to manage the things...so for any defence officers for any legal officers like you... for any bureaucrats..administrators out of these four which are the more relevant areas of management..my assumption is that our participants though are not formal students of management but who needs more management than we all..that is my point...out of these four area...production and distribution combined...finance and accounting combined..human resource and OB combined and marketing sales combined ..out of these four..which area is closest to you..human resource management...also to some extent as a chief

administrator of a unit.. finance and accounting...because let us say you are also responsible for accounting and budgeting...so second place will be given to finance and accounting but the prime place will be given to human resource management..it is not that I am a student of human resource management so I am advocating my area that is more important but I think we all agree that Human resource Management is the closest area from the management science or art which is relevant to you class as Registrars of Judiciary Side...am I right? we will come to this topic but before this I wanted to say about HR dimensions..when we say HR Tolls you have already undergone a session on interpersonal management..time management here in this seminar itself when we say HR tools..can you help me knowing..I have some idea of course but I want you to help me knowing..which are those activities pertaining to HR where to find that yes this is the time of test of showing my best skills possible..which are those activity within HR domain which you do...

Participant:.....

Dr. Pawan: But that is abroad areas Sir..umbrella term..let me ask and you just tell me..recruitment selection..not too much but to some extent? not at all

Participant: Allocation of Responsibilities

Participant: Organizational Skill

Dr.Pawan: Organizational Skill is a concept but how do you do about it? What do you do under the umbrella of Human Resource managemnt.

participant: To motivate people.

Dr Pawan: Yes to motivate people..to coordinate and then

Participant:.....(Not Audible)

participant: Getting Things Done

Dr Pawan: hahah getting things done..this I will call the sky concept..not even an umbrella concept because getting things done..you see there is a beautiful statement in the field of management an this is applied for senior managers like you.

Participant:-----

Participant: Case load Management

Dr. Pawan : Yes Sir..because they are to be propagated in right sequencing, right kind of compartmentalization..case file management...docket management that is called isn't it? Let me just paint you a clear picture ..you know everything but as a student of management since we keep on thinking day in and day out..let me just tell me..but before that let me just cut short..I will tell you one statement which I like very much..Senior Managers..the word used in management literature is senior managers and Registrars are senior managers..Senior Managers have basically two things to perform from HR angle..it is a bit simplistic statement but studded with meaning..two things have to be done by you from HR domain...number one Have right persons at right place and let them work..there is a little pun in this...*Pun kehte hai thore vayang ko*...but pun adds serious impacts..as a senior managers you have only two things to perform Have right persons at right place and secondly let them work...but why let them work has been added as senior mangers do not allow people to work?

Participant:-----

Dr.Pawan: The statement says only two things Have right persons at right place and let them work but why this was added Let them work..*aisi kehne ki naubat kyu aayi?* to give them autonomy yes Sir...

Participant: Freedom to work

Pawan kr: yes Sir freedom to work..when you have right person at right place to ensure that the person knows the job..if the person does not know the job you please provide the required skills abilities, values to do those jobs.

pawan kr.Pardon sir

Participant: Supply of skills

Pawan Kr. Yes Sir..so let me quickly say within one minutes ..within HR domain what you have work..number one have people..have people at right place..though you said recruitment and selection you are not involved with but when a person has been given to you a proper induction

is needed ..induction scheme is given in an organization when a new person joins...i would like to know from from you..are you satisfied with induction scheme in your organization..if a person joins or a new person comes on transfer how much we invest in letting the person feel at home in the new environment..is there any special effort or we take for granted that the person is experienced so he will adjust or the person is qualified though he/she has not done any job previous to that...iam talking about induction..a person has come to you to be your colleague may be junior colleague..most likely person who will be joining in administrative cadre will be your junior colleague..now how you have ensured that such colleague starts feeling at home from next day or next week will start delivering....If you allow me to guess...perhaps we take induction for granted..the person is qualified he will be inducted himself that is his job..but no..management researches say that even teachers in management colleges and managers in field they take induction for granted..*thik hai bhai* let us talk about recruitment ..induction is a process people will do something and will talk about training and development compensation management and industrial relations..but one recent research is eye opener particularly in business organizations..if proper research is done in field of judiciary also..i do not have direct research finding ..it is not available to me..what would be the impact on efficiency and effectiveness on judiciary system if induction process is at place..business field induction finding says on bottom lining there is 2% impact...on profit..revenue minus cost there is 2% contribution only by this attribute..we are talking about performance management and we are taking one thing as granted which has got certain crucial impact on performance on performance..at 2% impact on bottom-line..2% contribution not impact to bottom-line is a big amount..because 1001 one you need to do to manage the things well..see how many activities one need to do particularly incorporate..Finance, accounting, IT strategic management materials management, finance, marketing sales etc..1001 activities are needed to get 100 rupees profit..2 rupees are contributed by neglected aspect called induction or inductification..maybe tomorrow..I or one of my colleague may be interest in doing such kind of research in judiciary..that is one point I began my discussion with one neglected aspect that is induction..It adds to job commitment of the new employee, properly getting attached to work..one is wholesome view called telescopic understanding and analytic view called microscopic view..let people have both understanding..telescopic means how as a whole system judiciary process appears..and pertaining to your job what are the detailed out process that you need to do...they have also...it

doesn't mean that during induction they are not given any responsibilities they are given but they are under induction structured induction.

Participant:-----()

pawan: Training is different

Participant------(Not Audible)

Dr pawan: How much duration? for one year..huh..huh..

Participant:------(Not Audible)

Pawan: thats fine..Induction can be purely indction or it can be induction come training and you are saying induction cum training

Participant: No induction course for clerical staff..these staffs from where we are taking the work bascially they should also have induction programme.

Dr. Pawan: They are also employees...in employees scheme they are also included not only judges and senior judicial administrators.

Participants:.....

What I am saying is that it has to percolate down

Participant:-----

But I think there has to be at place..Typist knows tying but you are typing for judiciary system..what kind of orientation they need..sometime we forget the sight o many employees we think that they know typing they give typing but when we talk about office staff...and this discussion came into foray just about 5 months back...when Hon'ble Khanwilkar started taking interest we invited about 24 Judges from Madhya Pradesh Courts and there was there days structured programme and it was discussed that we take judicial man power and leave them on their own so where this discussion can be more relevant..all registrars of courts are here..this is best place to discuss please percolate down your works.. because effectiveness depends on the gestate on the system not because some part of the system is working..for example in

management we say what is the quality of your product..if quality is not there you will not survive you will be pushed out of the market..but here in the judiciary system we take for granted and it is that the quality is intact..what is quality of the product..Judgements given by the Hon'ble judges...and that is unquestionable..*toh waha to thik hai*..but for that process we need to also integrate that administrative side of judiciary system with the judgment side of judiciary system..judgment comes from Hon'ble judges and efficiency and effectiveness comes from entire system which is also administrative in nature ..so there is need to rejuvenate the judiciary administrative system at our approach has to percolate down then only we can say we are managing judicial administration effectively..effective management of judiciary administrative system..that's why I raised this point so it is right that we have seen that an induction programme is there for those who are in main stream of the job ..but who are actually the support system there we are perhaps missing..so one intervention is visible here..that it can be done..now lets come to another aspect..focussed part..organisational matrix

Participant: What should be the duration of such induction?.....(rest not audible)

Participant: One precious year is lost...he is delivering only 29 years..one year is a big period....

Dr Pawan: So that is a good argument..

Participant: It should be some rational so that the human resources are not wasted..because two year also at some places ..son that is the problem also...it should be precise and delivering

Participant:-----

Participant: Its ok..its Ok sir but what we believe that..yes yes...why should be loose one precious year..generally what should be the period

Pawan: That is interesting..perhaps it is coming from a psychology of facts that induction programme is at the cost of the very purpose of the organization..let us iron out this understanding because may be there are some wrinkles in our understanding of the induction programme..induction programme does not mean that the person will be left to relax only..feeling continuously during the induction programme that I am being inducted so I am the guest of this organization this is not the way..during induction programme...what is then meaning of induction programme or induction period..it means a period where there would be

handholding by one of the person, two of the person who knows the job and this period can be defined and can be different from job to job say for example at clerical level one fortnight induction programme is sufficient but it should be at place so that at clerical level they also know that how to become efficient clerk in judiciary system, how to become efficient clerk in administrative system..because there are shades of difference in the nature of job ..for judiciary when you say one year induction programme is a waste it is an interesting observation I am not saying it is a good observation or not so good observation..it is an interesting observation but this observation is coming from a perhaps..perhaps an assumption that there is trade off..yesss..this is called trade off sir..If I take X axis and Y axis..any curve which goes downward either concave to origin or convex to origin or straight line..the common nature of these three curves are..that when X variable increases Y has to decrease..so if X is contribution during services yo are saying induction programme..you are saying longer it is shorter will be the contribution..isn't it? got the point..what I want to say is how you will feel that sharpening of axe is a waste of time and the moment I have given the axe to the wood cutter he should start cutting the tree..cutting the tree is not a good thing..but let us say If you want to cut a tree what you assure me..Ok i have give you an axe..whether it is sharpened or not, don't waste time sharpening it just cut it..what will happen..he will start his journey quickly but how good of that journey..some management literature I will invite you to collect for your library..you might have heard about a very popular book..Seven Habits of Effective People..have you heard..Seven Habits of Effective People ..now author says seven habits

Participant: Author's Name

Dr. Pawan: Pardon..hmm..it will come to my mind..He is a very popular author..I just forgotten..If I pressurize my mind I will forget..but I will tell you..it will come to me..Six..seven habits of effective people..there he discusses...seven are not seven..I am counting it just for clarification..actually the seven habits he says..habit number one.. two three.. four..five..six, seven..actually first there habits he has discussed..you see the chapeterization..they are all about efficacy..there is a world outside and a world inside..you must face the world outside..prepare yourself as a warrior..well before you jump into the battle..don't be in hurry..manage effectiveness from inside..first there chapters are of similar nature..then fourth fifth sixth chapters are of similar nature..they say be effective outside..self efficacy means be effective inside

yourself and be effective outside...and seventh is special chapter he says..keep breathing...he means not only be effective outside and be effective inside..let your effectiveness not be a static process...but a dynamic process...let you continuously be effectively..in seventh chapter he precises that induction programme in the beginning or training programme continuously..for example Sir, Ma'am you have come here leaving your precious job..some effect might have been there at your office..may be..on that basic we can argue whether you should have remained at your workplace today..than participating in this discussion today leaving your job and coming to Bhopal..at least five days you are away..is it needed or not...this is sharpening the axe..may be in this three days seminar or interaction if you carry three or four points for six months..and then memory might fade but for six months..three or four things remaining in your mind..for many things discussed there then I think this seminar of three days is worth..that's why we are arguing on the aspect of fine tuning our understanding and attitude about continuous development...a beautiful example has been given..many persons were busy constricting a road inside a thick jungle and they wanted to display highest efficiency..and the road has to pass a thick jungle connecting one point of habitation to another point of habitation and in between there is thick jungle..so all were busy in construction..one person said ok let me climb on a tallest tree possible and he left that job of construction of road and started climbing a tree now these things cannot be compared..you were suppose to construct a tree and what you are doing climbing tree? wasting half an hour..but when he climbed the tree he found that ..he could see that this road has taken about 2- 3 degree deviation from the planned direction..and then from there he shouts..please stop I have to say something to you...We have to divert the angle by 2-3 degree because it is not reaching the destination where it was suppose to reach..now..the point is..the time he "wasted" while climbing the tree was worth or not

Participant:-----

Dr.Pawan: I will give another analogy..*dehiye*..we have to understand from broader canvas from where our understanding is coming..I also have some understanding which I an sharing with you...there is one proverb..basic Hindi we all understand? one or two sentence..or I will see that I translate all..*Karm hi puja hai*..there is a proverb..no problem excepting it..*dusra proverb..aaram haram hai..ye proverb jo padh ke*..class 3rd or 4th you might have read..any may be by writing its meaning you might have got one or two marks..do you agree with this..some *aaram* is

required..on one side you are saying..as children we studied both proverb to be hundred percent correct..*karam hi puja hai* or *aaram haram hai*..but being an adult now..a grown up mind..we have right to examine nay proverb ..even it is coming from Veda..we have right to analyse it..or I will take it with a pinch of salt..*aaram haram hai*...now.. *kaharb hai*..it is right or wrong..i will give one analogy..why a flight aircraft takes off...? it takes off to rest somewhere..to go and land somewhere..flight does not take off to keep in the sky..*ye nhi ki utarna haram hai*..I am aeroplane..my job is to be in the sky..the purpose of taking of this flight is to land somewhere..what I an trying to say..we understand the work pressure...I have certain occasions when I interact with persons from judiciary services..weather Hon'ble judges or executives or senior executives...registrars like you very senior person..I understand the work person..even common man understands..i am also common man..you are completely under choke..in the same way teachers are also very busy..may be in one two new teams you find that teachers are not coming..well that is a different story...but a devoted teacher is very buy...but within the system you have to find a pace...to rejuvenate yourself and to rejuvenate the system..while walking I can learn...but while stopping at 360 degree angle I can also learn..while walking stopping is an art and that's why..I am not saying induction is stopping..by induction you are giving certain responsibility but a structured programme gives responsibility on the employer..that whether the person has been made capable of doing the job..suppose there is no induction programme ..first year a person joins..certain responsibilities..if he or she by chance fails to certain extent...what you will do..employee is responsible is responsible..why you failed but when there is induction programme..the person is fumbling..the responsibility comes to the employer the organization..if the employed person has failed the employer has fails..there is a frame..if student has not understand the teacher has not taught..if subordinate executive has not performed..the senior executive has not managed..taking responsibility on your own side rather than passing it on others..so induction makes the organization more responsible..

Participant: How to get more productivity from them..they are only those who have crossed fifty say fifty five they do not know computers..they say they cannot handle the mouse...why work we can have from them to get more productivity...

Dr. Pawan: That is a very relevant question for performance management..you see there are two types of employees in the domain of less productive employee...there is one productive employee

there is another not so productive employee...there are two shades available..one those who have become thick skinned...iam working here for twenty five years..technology has changed I am not able to perform..what can I do I have already invested my career here..and I am not very interested to learn..another that time to change and I must adjust according to need of time..now there are two different approaches to deal with two kinds of people..thick skinned whose attitude has not developed and whose attitude is to develop but finding certain obstacles because of technology or certain other structure..process..reporting system ahs changes..I will quickly hint about this...Those who are not thick skinned...play the politics of..politics is not a bad word..play the politics of change management...here politics mean first let them know that why new skill is in your favour...it is basic common psychology..if I say sir learn this skill organization will benefit country will benefit..now every one is not Bhagat Singh that I here country word and my blood boils..normally human beings are guided by..that If I do this what us there for me..so begin for this..what is there for you..if you learn this how will it benefit you..then yo talk about organization..this is first step..next..we need to have attitude as senior people that training works..another survey of whatson void says that training and development contributes up to 4% on bottom line....in Tata steel if a senior executive has not relieved his junior executive of 14 days off job training..the question will be asked to senior executive..why he did not relieve him for 14 days off job training..Tata steel is giving a good run to steel run to Steel Authority of India Limited ion efficiency effectiveness examples come from SAIL also but is comes from Tata Steel first..now seniors will be asked questions why you did not allow juniors to develop..now you know the performance appraisal system typically in management sector...those days are gone when I will write appraisal of my subordinate and why is there is *Bhramavakya*..something written on stone ..No Now it is that subordinate will first write self appraisal..he will discuss with superior..superior will write confidential report based on the self appraisal..that will go to another higher up....and the higher will examine whether senior took sufficient initiative in developing subordinate or not..I think administrators at senior stage they need to ensure three things..*teen kaam to humko karne hi padhnge*....number one..I must know my job and do it...otherwise how will I see my face in the mirror..that is my juinor..second duty is whether my subordinates are developed or not...if my subordinates are not developed I take certain responsibilities on my side also..now this has been institutionalized in various organizations as well...there is one organization SAS, American organization...now there after appraisal..this meeting among

appraisal and appraisee..is properly negotiated discussed in healthy environment so management is between mature..psychological distance between senior or junior..the system is trying to remove..because either you are senior or junior all are on the same boat there is nothing like..*tu tu main mani ka samey nhi raha*..that's why we have developed from personnel management to human resource management...I will just tell you quickly in 30 seconds the journey..MA in Sociology were basically the persons appointed for managing Human resources in departments..in 1970 MA in labour welfare..in 1980's like us who graduated in 80s personnel management in 1990's human resource management...and now certain thinkers are raising eyebrows on this term..that human resource management is still not developed..because still we are talking about human as resource resource means coal also..it means money also. stock also..this table is also resource of NJA Bhopal..and human is resource..*to apne kya kiye*..so telling human as resource you have dignified them..do you think so? personnel management ka *arth ye tha managing personnel*..and personnel means person on job....a person is taking job he is not a personnel at that time...but when he comes to his office he becomes a personnel..personnel management signifies managing persons during office hours but HRM improved the concept..said..do you think the person who is off the job..during 14-15 hours in a day and on the job 8 hours is a different things..see a person in whole integrity and that's why do not manage personnel..manage human as resource..as that's why HRM is more advanced concept than personnel management....other company..it devised a sentence...What to be done by organization so that people coming from home to office are happier than going from office to home ..*bus ek line kaam karna shuru kiya*..bas *ek line ko implement karna hai*..how our people can feel more happy in the morning when they are coming to office than when they are going to home from office..and they equipped the work place with lot of devices..including a couch..during office our if you feel like napping for 10 minutes no one will say..*so rhe they?* ..no..because 10 minutes nap if you wanted and you are self control person..please nap..no problem..they did everything to make people at home...please I will say something on research findings..if anybody implements others decision others may be boss, father, mother..if anybody implements others decision, the outcome is mediocre..average..you are my job and you wanted me to do something I will do it...you will get average results..when human being implement their own decision the result is extra ordinary..the question is when you are a senior you cannot expect

your junior to have more more frequently better ideas than you..I take this as an assumption..better ideas will come to you because you are experience..

participant:------(not audible)

Dr. Pawan: That has to be addressed..when we are advancing towards more civilized society we have to fine tune our understanding of human at workplace that's why human resource management is an integral part of or seminars...now..if seniors mostly have better decisions..this is called art of transferring the ownership of decision..one of the techniques is are we champions in transferring the ownership of decision..I will give you an example..suppose your son or daughter may be 20 years old comes to you..you are in the role of father or mother..father figure has to know more and son figure has to know less...noe son comes to farther..why I go to this example so that it can be analogized at work places..son comes..dad I want to pursue career in this field will it be Ok..then you say..this career..no..In or family there is tradition every body is judicial offer..now you impose may be he will take thus subject..what what are the chances he will excel..may be he wanted to take some other subject chemistry honours..and you told him to take up law...may be because you have tastes the juicy aspect of it...in the beginning of my career when I was the student of law..my law study is limited..i did my MBA with HR..labour law I had taken as specialization subject which game me my first bread also..as I told you..in the beginning no subject under the sky was as dry for me as law..moment I use to read mathematics..i am getting solution..answering matching with key..it used to give joy...behavioural science..ooo so many people are there..personality, attitude, very juicy..law in the beginning...oh..very dry and that too...bare acts..does not give me a kick..but as I went deeper and deeper..and trying to know why using same clause of a particular act in a particular situation why..why a decision was taken which was different than by taking same clause into account at different context a different decision was given ..ad how high court and supreme court judgement related to labour issue..why they are similar how they are different and when I started to be conversant with different article in various journals I felt law is very juicy..and since you all have found law to be so juicy your son or daughter might not have come to that stage now..asking you whether I should go for law or chemistry honours and says I want to go for chemistry honours and you say No..this is imposition...question is how to transfer ownership of this issue...if he is in favour of chemistry honours and you in law..ask him to think and come after 48 hours..*socho tum*..it is not my duty to

think on your behalf..you think..possibility is that he will come in favour of chemistry honours,..possibility is that he will come and say I never thought law can be so interesting..he may say that no no law you are saying law but chemistry honours is a different kind of field...or if he comes back with law...it isn't your decision..it is his decision..this is called art of transferring the ownership of decision and for this..senior administrators need to develop certain type of communication skills with their employees...i will give you two examples..one is called is deterministic communication and other probabilistic communication..can you guess the difference...deterministic communication and other probabilistic communication ,by knowing these words can you guess what can be the meaning of this two types of communication...

Participant:.....(not audible)

Dr. Pawan: Yes....that is correct..probabilistic..in probabilistic you give option.

Participant:-----

Dr. Pawan...But tell me find it..giving option means what...say for example....aa....All participant are sitting here and one is very close to that door...suddenly AC doesn't work..and one feel opening the door will make better environment in the room..one way is I ask one participant Please open the door...though I have added please it is deterministic....other is do you think opening the door will be more comfortable...certainly this will take more time...but the person will say yes..certainly..now you see...how the person is walking towards the door..in first case when I say as senior open the door then you walk towards the door...implementing others decision...you also agree that opening the door is desirable...but see how the person walks towards the door...just imagine..try seeing like a film direct...how will he walk..he will walk with passivity and open the door..in second case..dramatize the scene with the vision of art director..how will he walk...he will walk in a different way..he is implementing his own decision..I decided to open the door..though the idea first came in the mind of senior..elder brother or father..but the implementation decision lies with the implementers. the son or daughter or subordinate..so in order to be champion management we need to understand all this psychology how to deal..how to deal with colleagues, how to deal with subordinates, seniors...seniors also can be helped by juniors..why I am saying...you are also juniors to someone so there are so many persons junior to you....so many persons are relying on us...our

responsibility becomes more and more...please allow your juniors to help..even in the domain of giving suggestion..there is a technique called upwards influencing.....generally we talk in such seminars like..performance..management of juniors ..I am taking little flip ..*thora dusra* direction *lete hain*..how to help your seniors to take better decisions..this is called upward influencing....any idea..teacher is very selfish kind of creature he also comes to learn..any idea..how you can make suggestion to your seniors..one way can be sir you are wrong...but that will not work

Partciapant:.....you can give suggestion..sir whether it is possible it can be done..whether it is done in such manner possible result will come..so when such type of suggestion is given..very good result comes

Dr. Pawan: use probabilistic communication...you see what happens..aaa....I was reading one article from sociology journal and it was talking about relationship between husband and wife, lover and beloved...it was saying why there is more trill in relationship between lover and beloved than husband and wife..why there is more ecstasy till little different kind of feeling..the article said that husband and wife take each other for granted..*bol diya sari lane to kaise nhi layenge*..or husband feeling like this *bol diya na I want to have this vegetable*..how you cant cook it..you have to..they start taking for granted and the relationship loses its trill...relationship has trill when you know that what you have proposed that you have full chance go revive it or revisit it...wherever there is more direction, controlling, bullying..more granted expectation..this does not happen to this extent between lover and beloved there is mutuality and the other person may or may not agree with it..there is a space given..the article also further concludes that relationship between husband and wife and both give space to each other and respect the individual as individual the thill of married life, conjugal life will continue..

Participant: Sir I would like to add...it is a case of mutual confidence..if you have got mutual confidence..you can share any view and it will be respected but when relationship is imposing..you do not allow..because they say that the best way to succeed in life is you follow the advice which you give to others..so that mutual confidence should be there.

Dr Pawan: One research says that between superior and subordinate so that they build high performance team..the central point is trust...and trust building we can do in both the roles..in

role of superior and in the role of superior..if we are more considerate it becomes more easier for my subordinate to become performance oriented..but in the role of subordinate we become more apprehensive that the kind of mentality I keep for my subordinate whether my boss keeps for me or not..that s why you take probabilistic communication and when you use probabilistic communication you give others a chance to reject your idea....that is the basic thing we are discussing..when you give chance to reject the idea the mutuality the trust develops so in case of upward influencing when we give suggestions they are probabilistic and you are happy even if those ideas are not implemented..but Peter Trucker says if your superior continuously keeps rejecting your ideas..though they are performance related ideas in your organization...this decision must not apply to you because you are in such a position that mostly you will be more benefited if talk is on how to manage your subordinates..

Participant:------(Not Audible)

Dr. Pawan..But Peter Trucker says how to retain your performance level activity though your ideas are continuously getting ignored or rejected or in very harsh words they are being thrown to dustbin....Peter Trucker says how you will take this situation..neglected..not implemented..more harsher than just neglecting..ignoring..but more harsher is..he used this term thrown to dustbin, what you will do to maintain your performance level attitude..then he says convert your non listening boss to reading boss..keep communicating using probabilistic language..he further says still you come to know that your ideas are written form he tears and throws in dustbin...what will you do...keep giving ideas..if you think my ideas are being rejected and stops giving them..you will kill yourself...it will impact the individual that is you..and it will impact negatively..keep doing it..there are certain phases in your career which you have to pass like this..but every phase is not like this...how to create an immediate culture in the organization which is performance oriented..Trucker then takes various empirical evidences that how certain managers did it and what happened to their effectiveness in the long run and..he found that perseverance tools ,the various purpose of the organization who maintained that..they excelled in long run..and he also argues ..very important...this may be called..light house concept..he has not used the term light house but since he has used thee term in one of his article I am using the term..what is my light house..I am a ship sailing...searching for a shore..while sailing in the ocean..my lighthouse is an organization or my lighthouse is a particular individual

or my lighthouse is a department or my lighthouse is society or my lighthouse is country..that determines the quality of the job..till now we have discussed that for performance management there has to be created a kind of environment in the immediate environment in which you are working where you are working with your colleagues, superior or subordinate...now let us go a little deeper into the issue how performance can be managed with your people by proper climate in the organization..you are in a position as a driver who can make the climate of work better, that's why it is relevant here..had I been discussing with mid managerial level or management trainee level..we can't say that it is your duty or your custodian of the climate..but are you custodian of climate...the answer is yes...please just right eight letter...for performance management you have to manage OCTAPACE..this becomes one of the matrix..I am coming to that...this is abbreviation..eight pronged approach..because pace has eight letter by chance octa also means eight...if we..I think that for group of registrar this is the most relevant discussion because we can create it..O stands for openness..there could be one way that I give elaboration....but I come one by one..O means openness people are working with you and you provide openness,...openness means you provide a climate where a person wants to express saying that dear this is me and this is my view..you respect both me and my idea then this is openness...when I keep on rejecting your ideas because you are my subordinate..I reject your ideas and also reject you..I am recognizing ME..like majority of countries are not recognizing Kosovo or ...so when I keep rejecting somebody's idea I keep rejecting your idea and your existence also..*tum ho kaun*..it means respecting someone and his view..second C..C is for confrontation....confrontation.....*oo samey kafi nikal gaya hai*..time passes so fast in National Judicial Academy..I will take five minutes ma'am..here confrontation means..looking into the bull's eye..it means here confronting the problem not the person..mean you look eye to eye to the problem...in some workshop someone tells me telling in my organization that problem exists..everyone starts scoffing at me....so first stands the opposite..opposite of confrontation is putting the dust below carpet...confrontation means seeing the first aorta of dust..problem takes two birth conceptual..it is not visible... only a committed person can see..but when birth has taken place in tangible form everyone can see it...there is no fun if there was possibility if we could identify abuses..if we allow it to convert to cancer and then say that I am doing great work..confrontation means seeing the problem and when somebody sees it thank you I cannot see this...T means trust..meaning in this context means..I confide in you..you have shared

something to me in confidence I shall not reveal it unless you permit..A is for Autonomy...it is jot independence 15th Aug 1947..it means procedural positive manuvority has been allowed..you will not be allowed to deviate from the annual plan..no..what ever has to be done has been decided six months back..the HOW part..Rudyard Keeping's said In keep six honest serving men they taught me all I know..their names are what and why and when...how and where and who..so the how part...if you allow somebody to have more space this is called autonomy...how part not independence...P is pro-action...pro-action...I am giving you three more words..inaction, action, reaction, action is not enough..reaction is passivity inaction is subhuman...pro-action means taking certain steps in anticipation..connect it with confrontation ..identify the problem in nebulas stage and taking steps..again A it is authenticity...it has nothing to do with authentic document..here it means in an organization..climate is so positive that what ever people say the sentence has only one meaning..means straight line communication..*holi kedin dost ke din mazak kr le* to that is not straight line..it has certain bent..humorous statement..that makes you to laugh..but if you use non authenticity in humour it is allowed..but that kind of climate having two meaning is not allowed...next C is collaboration..it has tro be understood properly..you may claim that you give space to your subordinate but that is not enough..compare the restaurant part and kitchen part of a restaurant..may be 84 kind of menu is given but 84 is a limited number no 85th item items...but in kitchen raw materials are there and so we cook as pr our taste..in some big restaurants you can call the chef and get food of your choice..*list me limited rehne ki jarurat nhi hai*..collaboration means working as if working in the kitchen..everybody has raw materials..we all will cook together...it also be said putting the cap down..when you are deciding collectively put you cap off..I am mind he is a mind..doesn't matter I am senior he is junior..if your mind has one kilogram weight so is his....putting the cap off....last one is experimentationin judicial services this space is not much availed but can you experiment doing a thing bit differently..I received a letter from Hon'ble Chief Justice of Jabalpur sent to IIM indore and director had identified me for that in that letter Chief Justice had written that judges they also need to emphasise the importance of writing decision in more simpler language..how to write a decision...the question is judicial person has very technical way of writing decision..one segment of judiciary want that judgement should be written in such manner that it is understandable..this is experimentation..may work may not work....this is experimentation..resistance may be there..within your operational zone can you do certain manevourability..allow it to happen..don't

get stereotyped..sorry I stood between you and your other programme but I found today ma'am that your watch is running much faster.

Dr. Geeta: No No Not at all, so with this we come to end. We would like to give you, here we will not have tea break. We will have 5-10 minutes discussion and then you can disperse. We have this two page feedback and why it is necessary because we have another course for registrars judicial in February. It is based on your feedback we would understand that the methodology we adopted was correct or something else should be done so for that purpose it is very important for us, so you take two minute out of your time.

After submission of the feedback forms, the Conference came to an end.