

Report

P-949: Seminar on functions of Registrar (Vigilance/Intelligence)



Rapporteur: Aman Srivastava

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**Objective of the Programme:**

The seminar of registrars from different high courts aimed towards bringing uniformity in the procedural aspects of vigilance and inspection and devising methodologies to strengthen the working of the department of registrar vigilance in various states.

**Programme Coordinator:**

Mr. Prasadh Raj Singh (Law Associate, NJA)

**Resource Persons:**

1. Justice S.J. Mukhopadhyay ( Former Judge Supreme Court of India)
2. Justice T.K. Kaushal (Former Judge M.P. High Court)
3. Justice B.A. Khan (Former Chief Justice, Himachal Pradesh High Court)
4. Justice Sunil Ambwani (Former Chief Justice Rajasthan High court)
5. Mr. Y.M. Pande (Director, Dept. of Justice, Ministry of Law)

**Day1: 12/10/2015**

**Session 1 (10:00 am- 11:00 am)**

**Role of Registrar (vigilance) in maintaining judicial accountability of district judiciary**

**By- Hon'ble Mr. Justice S.J. Mukhopadhyay and  
Hon'ble Mr. Justice T.K. Kaushal**

**Introduction:**

The session started with a brief introduction of the chair with the participants by Prof. Dr. Geeta Oberoi. The participants introduced themselves individually to the hon'ble speakers. Prof. Dr. Geeta Oberoi then proceeded with sharing some factual information which was received by National Judicial Academy through previous interactions with Registrars (Vigilance) from different high courts about practicalities involved in the working of the Registrar vigilance and the diversified functional traditions. The information was collected as an endeavor to reconcile the shortcomings and loopholes in the system and bring a uniform state of affairs and in bringing more efficiency in the working of the registrar (vigilance). The most eminent shortcoming as pointed out by Dr. oberoi was the lack of a definitive assisting body with substantial expertise and inadequacy of requisite assets infrastructure for the functioning of the Registrars vigilance. Also average number of complaints per month received by the vigilance department of various high courts was discussed. From these complaints, the actual number of cases which qualify for further probe in various high courts were also assessed.

It was concluded by Dr. Oberoi that endeavor must be made to bring uniformity in various states and make a comparative study of working of the department in

different high courts. The importance of specialized training to registrar (vigilance) was also put forward.

The session was then taken over by Justice Mukhopadhyay. Justice Mukhopadhyay emphasized the importance of training of Registrars (vigilance) at the National Judicial Academy. While emphasizing the crucial role which a registrar (vigilance) is required to play in contrast to other judicial officers, Justice Mukhopadhyay stated that a Registrar (vigilance) is subjected to certain amount of constant psychological pressure as he is bound by duty to look into the character rolls of judicial officers senior to him as well. Justice Mukhopadhyay very strongly advocated the strength, firmness and strong headedness of registrar(vigilance) to broaden the avenues and recognition of the department, as the officers are solely responsible for the reputation and importance of their department and the role of bodies exercising authority over them comes secondary.

With this brief opening, justice Mukhopadhyay passed on the mike to Justice Kaushal. Justice Kaushal addressed the role of registrar(vigilance) as 'guardian of truth' and integrity is the utmost virtue of the department. Justice Kaushal stated that Registrar (vigilance) derives its existence from the fact that it is human nature to be constantly policed to maintain its virtue. Justice Kaushal propositioned that a r.v. is duty bouunnd to look into every single application received with utmost sincerity. However action must only be taken on complaints made under an affidavit. Justice Kaushal drew the attention to the fact that every complaint not made under an affidavit need not be vexatious and baseless, hence every complaint needs to be looked at. And also it is true that some complaints under affidavits too are colored and tainted with malafide. With these

submissions, justice Kaushal strongly suggested that every complaint be recorded and registers of complaints be maintained. Also, the importance of reading the mind of complainant through his complaint and the mind of a judge by personal interaction and enquiry is of utmost importance as stated by Justice Kaushal. Justice Mukhopadhyay then proceeded with the primary topic of the session. Justice Mukhopadhyay emphasized that role of registrar vigilance is to maintain 'Judicial Accountability' of judges. Also the importance of Character roll in the work of r.v. is that it discloses the complete character of the judge, and hence needs to be very carefully maintained by r.v. at this stage Justice Mukhopadhyay proposed a discussion of the role of a registrar vigilance as per the view of every participant. The following broad roles of action by registrar vigilance with regard to maintaining judicial accountability of subordinate judiciary were summarized:

- Complaint
- Preliminary Enquiry
- Departmental enquiry
- Keeping general vigilance and whistle blowing
- Assessing character rolls
- Inspection
- Maintaining database of judicial officers
- Guiding the portfolio judge

The importance of each of the role mentioned above was discussed in detail. Justice Mukhopadhyay also introduced the importance of Permanent Character rolls (P.C.R.) and the annual confidential report (A.C.R.) in the working of registrar (vigilance) as a phenomenon introduced during the British period. Also the importance of scrutiny of complaints and actions taken against judicial officers

were discussed. here Justice Mukhopadhyay discussed the evil of 'punishment posting' prevalent in various states and its serious negative effects reflected upon the system by exponentiating corruption. Justice Mukhopadhyay also suggested that complaints must be scrutinized vis-à-vis the reputation of the lawyer making the complaint as amny of the advocates direct complainnts against judicial officers with a malafide intent.

Lastly, it was contended by justice Mukhopadhyay that the machinery of police must not be involved while investigating against a judicial officer as it would degrade the working protocol but the assistance of police can be taken while investigating into the credibility of the complainant. Once the credibility of complainant is established, further action can be taken by the registrar (vigilance) . With regard to a complaint against the credibility of a judgment passed by a judicial officer, Justice Mukhopadhyaya asserted that the problem is that a registrar vigilance does not have the authority to decide upon the credibility of the judgment passed by the judicial officer and the inference needs to be taken by referring to other judgments passed by the judicial officer in similar cases with similar facts and circumstances and the fate of the matter in question in appeal.

## **Session 2: Role of registrar (vigilance) in maintaining court administration**

**By Justice S.j. Mukhopadhyay and Justice T.k. Kaushal**

The session started with Justice Mukhopadhyay inviting views of the participants with regard to the ongoing discussion upon complaints in the previous session. The broad outline of the discussion which emanated from the issue of complaints was with regard to anonymous complaints without affidavit and its credibility. On this Justice Mukhopadhyay emphasized upon the importance of classification and recording of complaints. Some crucial points highlighted by Justice Mukhopadhyay for recording and classifying complaints before furnishing it to the portfolio judge were:

- Record the filing of each and every complaint
- Character roll of the officer must be classified
- The complaint portion must be highlighted

Subsequently, the case of Departmental Enquiries against judicial officers was considered. It was contended that the memo must always be made on the basis of a strong preliminary enquiry, and charges must be imputed accordingly. The language of the charges must be lucid and not too adverse. Justice Mukhopadhyay shed light upon the difference between charges and imputation of charges. Imputation of charges, as different from framing of charges, bears the facts of the case, one imputation for each charge framed and entails the documentary evidence and the witnesses accompanied. The discussion was then diverted towards how to frame a charge. Justice Mukhopadhyay suggested that for proper framing of charges, a gist of imputation of charge must be made. Before framing of charges, the following nature of enquiry must be ensured, viz- any

account of misconduct, i.e. any act against the conduct rules or any act done in the dereliction of duty, i.e. acting contrary to the manner in which a judicial officer is duty bound. Justice Mukhopadhyay asserted the importance of practicing an exercise based on hypothetical facts for framing a charge. This exercise, must be directed towards framing of chargesheet, imputation of charges, list of witnesses, list of documents verified. At this juncture, Justice mukhopadhyaya asserted the importance of language used by r.v. for official communications. A different language must be used for every different type of an order. For this purpose, the helpful step of Gujarat High Court by providing drafts of different formats as annexure attached to the Disciplinary enquiry rules, for instance orders like: Suspension of officers, appointment of inquiry officers, criminal orders etc.

Also in this aspect, noting plays a very crucial role. A note must be self explanatory and must clearly show that the officer has been vigilant while taking the account of the facts of the case. Noting must always be based upon chronological corroborating facts.

With a brief discussion as to that regard, the assembly proceeded with the principal issue of the session. For the maintainance of court administration with respect to subordinate judiciary, it was suggested that the following instances must be checked and monitored regularly:

- Punctuality of officers and maintenance of time records.
- Composition of work boards for every court to efficiently manage the work load by optimum allocation
- Proper and judicious utilization of working hours



- Regular maintenance of court diaries by each judicial officer on a daily basis

Apart from the aforementioned instances, to improve the efficiency of the system and administration, Registrar (vigilance) must ensure the cleanliness of court premises and proper dress code to be maintained by the judicial officers. Also it was suggested that vacant posts must be catered to immediately and promotion system must not be stagnant. Also, the monetary records must be subjected to regular checks for any misappropriation, and must be audited while inspection. It was strongly suggested by Justice Mukhopadhyay that all the above records must only be tendered after personal inspection and not merely on the basis of a hearsay. It was suggested that Registrars (vigilance) must positively persuade the respective zonal judges to allow them to hold regular visits and inspections for better administration. And that the zonal judge must also make an effort to visit his jurisdiction for inspection atleast once in a year was suggested. Here it was contended that regular inspection helps in making the system crystal clear and thus results in better administration.

Finally, the speakers concluded the discussion on the point that annual records of income statements of officers must also be made by registrars (vigilance) and increments must be analyzed comparatively vis-à-vis officers holding the same rank.

### **Session 3: Importance of field based network to assess overall reputation of judicial officers**

**By Justice S.j. Mukhopadhyay and Justice T.k. Kaushal**

The session began with the speakers asking for the views of the participants with regard to the important sources of information with respect to a field based network according to their respective perspectives. The following were the common responses which emerged from the participants:

- Bar; i.e. Advocates functioning in the court of a judicial officer in question
- Colleagues and other judicial officers
- Office Staff
- Litigants
- Database of the officers and past records

This disclosure gave rise to another issue concentric to the issue at hand that which field sources ought to be considered as genuine and which not. It was suggested to build up a general conversation with the source and then gradually direct the conversation towards the officer concerned. Also it was suggested that it is best to hold conversations being incognito as people would tend to disclose more. In some instances, class D employees such as drivers and peons prove to furnish more accurate disclosure of the situation.

The next step would be to correspond the extracted information through the field sources with the database existing with registrar (vigilance). The importance of database available comes into play at the time of corroboration of information gathered through field based sources. The quality of a judge can be assessed by his record of disposal of cases and his character can be retrieved through the

annual confidential report. Also the property statements and bank statements filed by the judicial officers prove to be of utmost important. The antecedents of a judicial officer before joining the services must be looked at and also if he has defaulted in repayment of any loan can be of paramount consideration. The final points which come out after the rigorous process of corroboration must be highlighted as positive and negative while noting at the time of framing of charge. With the clarification of the process, the speakers then moved towards the intricacies of networking while using field based sources. While forming a network, the registrars (vigilance) are required to effectively segregate real and bogus sources

It was finally summarized that work of a Registrar (vigilance) is not centered within four walls of his chamber but has a much broader scope. It involves rigorous interaction with the sources and establishment of an efficient and reliable on field network.

## **Session 4: Registrar (vigilance) as a communicator of adverse/advisory remarks to judicial officers**

**By- Justice S.J. Mukhopadhyaya and Justice T.K. Kaushal**

Justice Mukhopadhyay started the discussion dealing with the question of how to communicate a note to an officer superior to the Registrar (vigilance). It was contended that language plays a very crucial role while executing this function of communication. Justice Mukhopadhyay divided the approach to be followed by (registrar (vigilance) under two broad heads: Approach in case of adverse remarks and approach in case of advisory remarks.

The discussion was then diverted towards communication with regard to pending matters. The matters in which inquiry is pending need to be communicated with utmost care and caution according to the speakers. The following criteria should be kept in mind by registrar (vigilance) while communicating a matter in which enquiry is pending:

- Nature of the post which judicial officer is holding
- Disposal of cases by the judicial officer
- Years of experience
- Workload and additional responsibilities
- Geographical location and the nature of cases in that area.

As regards communication of orders, justice mukhopadhyay asserted that they should be accompanied by remarks which can be easily discernable. It was thus stated that all sorts of remarks, both positive and negative must be communicated while communicating an order to the judicial officer. Noting plays a crucial role while discharge of this function as well. Language of the note also

proves to be of paramount consideration. Also, in cases of direction to a judicial officer on the direction of zonal judge, the words of the zonal judge must be sent as in quotation. An example which Justice Mukhopadhyay put before the participants was- in case of a direction to communicate a judicial officer about his behavior not being cordial, a registrar vigilance must state- “I am directed to advise you to behave cordially...” or “the Hon’ble court has advised you to behave cordially...”

Similarly, in cases where integrity of a judicial officer is in question, the registrar vigilance not being authorized to directly challenge the integrity of a judicial officer senior to him, must use such a lucrative language to communicate the direction so as not to offend the officer and still communicate the conduct of the officer concerned. Thus language and framing of the order or direction is of utmost importance when it comes to official communication. Justice Mukhopadhyay insisted that the department of Registrar Vigilance is of paramount integrity and shall not be restricted to act as a mere post office while communicating directions to the judicial officers. Directions must be accordingly read and deciphered in such terms as to discern the root cause which the authority focuses upon, and then communicate it in such a way so as to maintain the dignity of the institution and still the requisite message reaches to the person towards whom it is directed.

While concluding the session, Justice Mukhopadhyay and Justice Kaushal advised the participants that at times of confusion or ambiguity where an order is incapable of being communicated cordially, the order must be quoted as in the actual words of the portfolio judge instead of paraphrasing it in registrar’s (vigilance) own words.

**Day 2: 13/10/2015**

**Session 5: Registrar Vigilance- Functions and utility of the post**

**By- Justice S.J. Mukhopadhyay and Justice B.A. Khan**

Justice Mukhopadhyay started the session by calling for the view of the participants on a general idea about the utility of the post according to them. After getting various responses as to the utility of registrar vigilance, the speakers proceeded with the session.

Justice B.A. Khan introduced a general idea of the working for addressing corruption related matters at different levels of judiciary. Lack of definitive data available for corruption in judiciary makes the task of addressing such issues and acting upon them very difficult, according to Justice Khan. In the high courts, Chief Justice forms a committee to probe into such matters. In practicality the committees are found to be efficient in finding out the root cause of the problem. Such committees then provide suggestions on such findings for the redressal of the issue. However the extent of implementation of these suggestions is often questionable. On the other hand the subordinate courts have an altogether different mechanism for addressing the corruption related matters through registrar vigilance, which was of concern for the ongoing session.

Justice Khan argued that to make a sound system against corruption in subordinate judiciary, the department of registrar vigilance must be institutionalized. Justice Khan shed light upon the fact that in many high courts, Registrar vigilance is often sidelined. It is usually observed that no care is taken while selecting registrars vigilance and often no merit is concerned. Justice Khan opined that registrar vigilance must be a person of high integrity and moral

standards for the virtue of the post and so that other judicial officers may look up to him. Persons with impeccably clean past service records should only be selected for the post of registrar vigilance, given the high standards that the nature of work demands. According to Justice Khan Registrar Vigilance is supposed to be the key figure to check, supervise and control the lower judiciary against corruption but sadly the truth is not so. It is often observed that portfolio judges and administrative judges do not provide registrar vigilance with a freely operative hand in such matters. The whole functioning of Registrar Vigilance has turned out to be merely ornamental, possessing no true essence. According to Justice Khan, the image and honor of judiciary is at stake in the present scenario as of registrar vigilance, if utilized properly would make a great difference in the functioning of the system. Another issue pertains to the fact that in many high courts registrar vigilance is burdened with other works completely unrelated to the work of vigilance, which causes a lack of efficiency and diverted focus from the core work. The reasons for lack of efficiency in the functioning does not end here. Issues like no infrastructural facilities, lack of assisting staff strength, lack of technical expertise add to the woes. There are also various other practical loopholes in the working of registrar vigilance like lack of power and authority to take decisions and lack of a definitive institution. All this has led to a situation where registrar's vigilance duty is only confined to examination of a complaint and practically a Registrar vigilance has no means and powers to further act upon the complaint.

A solution to the above mentioned scenario as per Justice Khan would be proper institutionalization of the department of registrar vigilance. The department must be made autonomous to uphold the integrity of its functioning. Subordination to

a portfolio judge or administrative judge makes it very difficult for a registrar vigilance to work in its full capacity hence such subordination must be removed. Also the department of registrar vigilance must be provided with requisite teeth and powers to investigate and then act upon the investigation. Infrastructure strengthening was suggested to be of utmost importance for this purpose. Justice Khan observed that otherwise for the department of registrar vigilance, the chief justice does not have any vigil upon the functioning of subordinate judiciary under his high court, and it is practically impossible for a chief justice to keep a check on the activities of subordinate judicial officers sitting within the four walls of his chamber, had it not been for the registrar vigilance. Hence registrar vigilance must be made into an autonomous department, segregated from the general body of an administrative judge. The suggested systematic changes by Justice Khan would amount to an increased backing of credibility to the reports of registrar vigilance. Thus the post of registrar vigilance must be channeled through a strict and definitive procedure and a man of highly good repute in society must be appointed for the post. Another considerable suggestion by Justice Khan pertained to bringing uniformity in all the high courts as far as the institution of registrar general is concerned.

After the valuable submissions by justice Khan, the session was taken over by Justice Mukhopadhyay, who strongly backed Justice Khan's views but advocated that bringing a change at individual level by registrars vigilance would generate good results even in the present system. Justice Mukhopadhyay opined that the individual role and efforts of Mr. T.N. Seshan as a C.E.C. enhanced the importance of department of election commission of India, in a similar way, efforts of each individual registrar vigilance would be tantamount to the upliftment and



betterment of the present position. Justice Mukhopadhyay cited the example of Jharkhand where various judicial officers were suspended outrightly for involvement in corrupt practices just because an active vigilance department. Also innovative thinking on the part of registrar vigilance helps in solving major problems and increasing the efficiency of the functioning of the system. For instance transferring class III and class IV employees was never thought of before, who proved to be most corrupt in small districts. After this breakthrough step was taken, it proved to mitigate the problem to a great extent. Therefore an instance was cited where corrupt employees were transferred as a punishment and to balance and counter the protest good employees were given postings of their choice. Thus, Justice Mukhopadhyay emphasized upon the importance of innovative thinking on the part of individual officer.

Thus it was concluded that utility of Registrar vigilance can also be enhanced in the present system, provided serious efforts are taken and changes be brought at an individual level.

## **Session 6: Scrutiny of assets of judicial officers: Role of registrar Vigilance**

**By: Justice S.J. Mukhopadhyay and Justice B.A. Khan**

At the start of the session, an initial discussion disclosed the fact that in various states the registrar vigilance is not authorized to call for disclosure of assets by judicial officers. Among various other aspects, non uniformity is also seen in the practice of calling for the assets of judicial officers. Proceeding with the topic Justice Mukhopadhyay stated that assets include all movable and immovable properties in the name of judicial officers, their spouse and their dependants. Income derived from all other sources like shares. The problem with regard to disclosure of assets which came forward through the discussion was that how to disclose hidden properties and assets, like benami properties. Justice Khan pointed out to the fact that no judicial officer will furnish the information of any property acquired by dishonest means, and that is where the problem lies and the role of registrar vigilance comes into play. It was observed that various states lack the requisite infrastructure to address the problem of disclosure of concealed assets and properties by judicial officers. There is no definitive methodology for the registrar vigilance to be able to retrieve concealed information. Hence suggestions were invited from the participants to strengthen the approach towards disclosure of concealed assets. A notably important point which came out of the suggestions was that many high courts failed to provide digital infrastructure and thus a lack of digital database was leading to a state of helplessness on the part of registrars vigilance.

After some valuable suggestions and inputs from the participants for prospective strengthening the system of disclosure of concealed assets, there was a

discussion on betterment of strategies and procedures which are presently being followed. It was stated by some participants that they are calling for the bank statements of judicial officers, and both inflow and outflow of credit is being regularly monitored. A very important consideration which was shed light upon was that more than the inflow the outflow of credit needs to be monitored in such cases. A substantial amount of doubt can be established not with the fact that an officer is considerably earning more but with the fact that he has been spending less. Also it was opined that for the sake of transparency, the bank and branch of every judicial officer must be regularly updated at an online database and records shall be maintained for the same. Apart from this, bank receipts for every transaction must be called for. A separate unit with requisite expertise in investigating banking and financial frauds must be attached to the department of registrar vigilance to regularly monitor the same. Also it was suggested that before the promotion or transfer of an officer the report must be channeled through the registrar vigilance for proper scrutiny and transparency. Another important aspect which was discussed was relating to the recording of annual confidential report of an officer. It was upheld by mutual consensus that while compiling the annual confidential report assistance of the registrar vigilance must be taken. All these measures would ensure transparency to the registrar vigilance and would enable him keep a thorough scrutiny of all records regularly. Besides the above suggestions, the importance of security of tenure and transfer of the registrar vigilance was observed to be important too. If registrar vigilance has a secure tenure and is not amenable to frequent transfer by the judges, a sense of autonomy would be induced in the department for better and efficient functioning. Justice Khan opined that selection of registrar vigilance must be

made by collegiums system of high court judges and strictly upon merits so that any scope of undue influence or biases can be removed. With such changes in the system a liability of time bound disposal of cases must also be imposed upon registrar vigilance.

While concluding justice Mukhopadhyay asserted that if the intermediaries between the chief justice and the registrar vigilance are eliminated then the efficiency and transparency may be ensured.

## **Session 7: tools for effective and speedy disposal of departmental enquiry**

**By: Justice Sunil Ambwani**

Justice Ambwani began the session by his brief introduction and by sharing his personal experience on departmental enquiries, the role of chief justice and the importance of committees to rationalize the complaints for departmental enquiries. Justice Ambwani emphasized that for the efficient functioning of judicial system, all complaints must not be addressed readily and must rather be scrutinized well before taking action. The reason which Justice Ambwani stated was that in the practical scenario as per his personal experience, the judicial system in various states is predominated by the advocates and judicial officers are often manipulated and pressurized by the bar association. Justice Ambwani suggested that before initiating enquiry, credible material behind the complaint supported by record must be looked for and no complaint must be entertained if it is not made on affidavit. It was also advised that each and every complaint must pass before the eyes of chief justice himself. Repetitive Complaints and complainants must be treated negatively, according to Justice Ambwani. Before initiating enquiry the cases should be classified as major penalty cases and minor penalty cases, and process must be initiated accordingly. Justice Ambwani suggested that the judicial officers against whom complaint is being received must be treated with due respect. It was also opined that the chief justices of respective high courts must be humbly requested by registrar vigilance about not passing or signing on orders mechanically as it is often observed that the chief justice mechanically signs the findings on the enquiry conducted by investigating officer. the case of institutional biases in the matters of departmental enquiry

was also discussed. Justice Ambwani also insisted upon the importance of framing a chargesheet as it proves to be very crucial at the stage of enquiry.

Justice Ambwani also suggested that once the decision is taken, charge must be framed as to comply with the *W4H1* criteria of disclosures, i.e. a chargesheet must clearly disclose *Who, Where, What, Why* and *How* in relation to the details of the complaint. Also Justice Ambwani stated that the evidence on which charges are based and the recording of statements of witness is very important to be furnished before starting of departmental enquiry as it firmly establishes the very basis of the enquiry. Justice Ambwani accepted the fact that it is often not possible to furnish record of all the evidence on which the charge is based, in such cases the substance of such evidence must be stated in brief. Also in the context of service of chargesheet, justice Ambwani asserted that this condition must be compulsorily be complied with and ensured with utmost strictness. A definitive record of receipt of chargesheet by the party must be recorded. Justice Ambwani asserted that the judicial officer must duly be provided with all the evidence along with the chargesheet before inception of departmental enquiry against him as it would prove helpful for the officer to put forth his case and while furnishing his reply. The chargesheet should have all facts and records in chronological order, the facts and evidences annexed must corroborate the charges and must be easily comprehensive for the officer to frame a response based on the same. Failure on the part of registrar vigilance for furnishing all evidence and proper chargesheet to the officer may lead to injustice against him. In this regard, preliminary or discreet enquiry should prove to be of utmost importance to extract all possible corroborative evidence to substantiate the charges. Justice Ambwani also asserted the importance of registrar vigilance in assisting the enquiry officer while

conducting preliminary enquiry. While doing so maintaining order sheets is of utmost importance. Therefore, it was advised to the participants that meticulous order sheets must be maintained.

While concluding Justice Ambwani made a few important suggestions to substantiate the effective and speedy disposal of departmental enquiries as it constantly poses a threat upon the reputation and social image of the judicial officer against whom it is directed. Justice Ambwani suggested that the high courts must allocate some fixed working days in a month to conduct departmental enquiries. Another important suggestion which was given by Justice Ambwani was that all departmental enquiries must only be based on running records as old records are prone to get misplaced.

## **Session 8: Devising Targets on clearing backlogs of cases in trial courts.**

**By Justice Sunil Ambwani**

Justice Ambwani started the session by bringing out the shortcomings in the system of judicial administration leading to the pendency of cases, some of them being:

- Outdated Procedures
- Non cooperative and monetary advocates and bar associations.
- Lack of incentives for a judge to work efficiently
- Lack of litigant friendly approach

Justice Ambwani suggested that high courts should look at the nature of cases which are dominant in their jurisdiction and attend to them on priority basis. It was revealed by Justice Ambwani that a large number of cases come to the courts because of gross violation of fundamental rights due to government policies. Thus the nature of such cases needs to be identified and judgments should be such as to eliminate the root cause of such cases and lessen the burden of courts thereby also making the judges' job easier. Therefore it was asserted that as a part of the system registrar vigilance also has a duty to take part in removing backlogs of pending cases.

The participants then put forth their views with regard to the shortcomings which are leading to the piling up of pending cases in courts for instance lack of infrastructure and degrading quality of judges due to favouritism in appointments.

The discussion then concluded on the suggestion that proper training to the judicial officers needs to be provided by the state judicial academies to enhance



efficiency. Also it was asserted that training programs designed for class III and class IV employees must be conducted to develop their skills in assisting the judges to reduce the workload of pending cases. Uniform standards need to be maintained in all the high courts for deducing a methodology for speedy disposal of pending cases.

**Day3: 14/10/2015**

**Session 9: Disposal of Grievances pertaining to Judiciary**

**By- Mr. Y.M. Pande (Director Ministry of law, department of justice)**

The session started with a brief introduction of Mr. Pande by Prof. Dr. Geeta Oberoi. Dr. Oberoi pointed out a fact that there has been a considerable rise of complaints against judicial officers being made to the law ministry. Aggrieved people are directing their complaints through every possible channel whether authorized or unauthorized. The involvement of internet has proven to have opened wider avenues for the complainants to post their grievances to every source. Even the executive including the office of prime minister and ministry of law are flooded with complaints against judicial officers. The primary reason of the speaker's presentation was to give an insight into the nature of complaints received by the Law ministry against judicial officers. Dr. Oberoi suggested that probably the reason of the present scenario lies in a possibility that the internal mechanism of registrar vigilance has failed to cater to bring a change in the system by catering to the complaints of the complainants and thus they are being compelled to resort to the external sources.

Considering the above contention, the session then continued with Mr. Y.M. Pande's presentation. Mr. Pande disclosed that the government is receiving about two thousand grievances per month against judicial officers on an average. The general public mostly unknown to the fact that the government is not the right source to make complaints against judicial officers; send their complaints to them, and the government under the mandate of article 243 of the Constitution forwards it to the secretary general of The Supreme court or to the registrar general of the high court concerned.

Mr. Pande stated that time bound redressal of grievances has been the top priority of government. Also a parliamentary standing committee had presented a bill in 2011 as to that effect. Pursuant to that government has circulated a scheme in 2015 for redressal of complaints and grievances of the public. With this regard, Mr. Pande pointed out the importance of constantly providing information to the complainants. The Delhi high court's full bench has passed directions with regard to speedy and effective measures to ensure disposal of complaints that every complainant must be compulsorily communicated about the status of action taken. On a similar ground, the Kerela High Court has directed that only the complaints which are made on affidavit should be responded. At this stage Mr. Y. M. Pande observed that often complainants do not return if they are told to file the complaint on an affidavit, which drives the attention towards a serious concern that many if the complaints are bogus.

Mr. Pande also discussed about various platforms of government of India at which complainants can post or send their complaints. The various platforms and varied sources of communication has led to a rampant rise in the receipt of complaints from various parts of the country pertaining to various issues. This has

led to a substantial increase in the amount of work. It was also observed by Mr. Pande that the maximum number of complaints which are directed against judicial officers are related to offences like Bribery, misplacement of records, non cordial conduct of officers. It was suggested that such complainants must be adequately educated by the government about the proper forum for filing their complaints which would lead to lessening of complaints and proper channeling of complaints.

While concluding the session, the participants discussed elaborately on the challenges pertaining to the complaints and some suggestive solutions to the challenges. The major challenges were pertaining to the following:

- Effective management of large number of grievances
- Rigid Mindset of some complainants
- Responding to every complainant
- The proposal of All India Judicial Services and the problems of use of regional language in court

Some suggestions as to the solutions of the aforementioned problems were that CCTV cameras must be installed in the courtrooms for keeping a record of the demeanor of the judicial officer as well as the complainant. Enabling E-filing of complaints would solve a number of discrepancies according to various participants. Also the complainants must be suggested to refrain from sending the complaints directly to the courts by post.

-Programme Concluded-