



**NATIONAL JUDICIAL ACADEMY**

**NATIONAL CONFERENCE ON THE FUNCTIONS OF REGISTRAR (INSPECTION)  
(P-966)**

**24TH TO 26TH JANUARY 2016**

**REPORT**

**PREPARED BY PROGRAMME COORDINATOR**

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## **INTRODUCTION**

Almost all the high courts have created the post of the Registrar (Inspection) to supervise inspection work carried by district judges responsible for inspection of courts. Further the Registrar (Inspection) ensures compliance with inspection reports. Inspection of the courts is carried in different layers and for different purposes. For inspecting land allocated for the courts, for inspecting the maintenance of records at the district judiciary, for inspecting audits to prevent financial irregularity in the district courts – the post of Registrar (Inspection) is created. Besides if some new task is to be undertaken for which there is no specific office of the registrar identified, then the Registrar (Inspection) is given this new assignment. Therefore there are many residuary functions also allocated to the Registrar (Inspection) by the Chief Justices of the high court or the Registrar General of the high court.

The Registrar (Inspection) plays an important role in preparation of ACR, which is vital information for assessing the performance of judicial officers. The Registrar (Inspection) also assists Chief Justices in equitable distribution of cases along with coordination and supervision of different branches of the High Court. For maintaining judicial accountability, supervising Principal District Judges and District Judges who are given inspection work, ensuring compliances of previous inspection reports, records, inspecting existing infrastructure, and financial irregularities becomes necessary. The Registrar (Inspection) also assist in inspecting land allotments for new Courts. Therefore, the role of registrar in inspection is assumes significance for maintaining higher judicial standards.

With this backdrop The National judicial Academy (NJA), Bhopal has organized the second conference on the Functions of Registrar (Inspection) of the High Courts from 24th to 26th January 2016. The object of this conference is to map the problems faced by registrar inspection in different High Courts in assessing their own Colleagues and peers, in maintaining records of inspections, and in taking help of staff or

others on assessment. Also, the conference will explore on the best practices and the best models developed by different High Courts on rules of procedure for functions of registrar inspection.

The Registrar's Inspection would be provided skills helpful in relation to the rule of the order inspection of Courts, verification of character and antecedents of judicial officers or any other task that is assigned by the office of the Chief Justice of the High Court. Total thirteen participants participated in the conference. Justice S.J. Mukhopadhaya, Justice Mukundakam Sharma and Justice Sunil Ambwani were the hon'ble resource persons of the conference. This conference provided a forum to the participants to share views and express their problems with their counterparts.

The theme of the **session one** was **Supervising PDJ's and DJ's who are given Inspection Work**. Hon'ble Justice S.J. Mukhopadhaya and Hon'ble Justice Sunil Ambwani were the resource person of the session.

The session went interactive and the discussion focused on the various facet of inspection conducted by Principal District judges and district judges. The aspects like filling of a case, monitoring the proceedings of the case was discussed in detail. It was deliberated that the inspection of the court is a very important and vital task and it is the duty of every district judge to inspect its own court properly even if the Principal district judge has not delegated the power to inspect other courts. It was stressed that it is the duty of every district judge to monitor and see that their Courts are working properly and are not mismanaged. It is the duty of every district judge to supervise that the files in their Court are moving properly and staffs are regular and punctual. It was stated that there are different rules with regard to inspection in different High Courts and there may be some silent rules and practice also with regard to inspection. It was emphasized that inspecting one court is mandatory to maintain the timely justice delivery system. It was stated that judiciary is accountable to the litigant and they are the bread and butter of the judiciary and introspection has been done with regard to the defects in the judiciary. It was stressed that the main object of the inspection is to see the smooth functioning of the judiciary. It was further emphasized that the more burden lies is on the shoulders principal district judge or district judges who are supervising the functioning of their subordinate

courts. It was suggested by the resource person that there should be the inspection with regard to the computers and ICT functions which is presently lacking in most of the courts. It was also suggested that the inspection work should not be done in a routine manner and there should also be inspection with regard to the number of court rooms that are to be provided in a court campus. It was stressed that the infrastructure of criminal court is different from civil court infrastructure. It was suggested by the resource person that the character role of the judicial officer should not be written in a routine manner. The deficiencies and the shortcomings in the functioning of the court and areas of inspection was discussed during the discourse. It was delineated that the cleaning of the court compound, staking of the files and up keeping of the records are done once in a year when the inspection is to be carried out and if the inspection is done in a regular manner then many things with regard to the functioning of the judiciary can be resolved. It was also deliberated that there are many cases which are not registered and are not the part of the formal records are also to be inspected by the inspecting team. Thus it was stressed that physical verification of the records are very essential for the inspection purpose.

The theme of the session 2 was **Ensuring Compliance with Various Reports.**

Hon'ble Justice Sunil Ambwani stressed that the suggestion of the judicial officers whose court has been inspected should also be taken by the inspecting judge. It was said that the inspection report is very important as one comes to know the actual demand and need of that district in relation to various fields including infrastructure. It was also deliberated that sometime one has to peruse the State Government to get the sanction of the finance aspect so as to fulfill the needs of that district judiciary. It was suggested that small problems that are there in the judiciary like problems in calling up of the file should also be highlighted in the inspection by the inspection team. It was stated that the report should also be called for every officer of the court who is in charge of his court including civil judge junior division. It was delineated that many times many questions like pendency of the old cases, comment with regard to staff are not being asked by the concerned judge. It was suggested that prior to the actual inspection the reports should be called from the concerned judge about the shortcomings of their court and the

improvements in the form of suggestion. It was also stressed that the judges of subordinate judiciary should be highly respected. It should also be seen that actual things should be reflected in the inspection report. In the course of discussion there was a suggestion of transfer of staff from one district to another district. It was also suggested that the inspection should be video graphed so that the problems related to the encroachment and infrastructure should be highlighted. It was suggested by Hon'ble Justice Sunil Ambwani that there should be a column in the inspection report that which part is to be complained by whom so that in next report it is seen that it has been complied and whether the previous deficiencies have been taken care of or not. It is also suggested that it is the duty of the inspection Registrar to see and brought to the notice about the nonfunctioning of any machinery or other equipment's in the district because which there is there is a problem in the functioning of courts. Hon'ble Justice S.J. Mukhopadhaya: suggested that a judge should be very punctual in compliance of his own duties. He should exercise his power judicially and should comply the part effectively which is under his control. The practical difficulties of the functioning of the court was also discussed during the discourse by the participants with the help and inputs of resource persons. It was recommended that a judge should ensure the compliance and proper functioning of his court practically every day at least once in a week which can be monitored either before or after the working hours of the court. It was also suggested that one has to be courageous enough to politely remind the seniors about the compliance of the pending work. It was delineated that judicial ethics inside and outside the courtroom is very important. It was also suggested that a judge has to understand its own value and should also respect its own staff. It was stated that respect cannot be demanded and can be earned by one own behavior. It was emphasized during the discussion that very judge should do introspection of themselves and should look into the benefits of the litigants.

The theme of the **session 3** was **Attending to the Needs of Inspection Teams**. It was stated that the inspecting team has a well knowledge about the working of the district court and inspecting team is taken well care of during their visit. However, during the course of visits there are some officials who try to hide the reality of some scenario. It was stressed that there is hardly any application of mind in answering the questionnaire asked

by the inspecting team. Usually it is answered in the form of yes. It was delineated that many things which are lacking should be taken care of and the form of the questionnaire should be such that there should be application of mind while answering those questions. It was deliberated that we have now highly sophisticated placed management system which include Court Management, Case Management and case flow Management. It was suggested that many a times it was seen that the judicial matters are not the part of inspection which has to be incorporated so as to assess the manner of working of a judicial officers. It was also suggested that if there is an entry like integrity of a judicial officer is doubtful then it should be supported by some concrete materials and evidence and should not be as per the opinion. It was further delineated that inspection reports are very valuable for the judicial officers especially for those who are performing the duties very well. It was suggested that during inspection while assessing the work of judicial officers as excellent or very good work the three factors should be seen which that whether he has taken care of old cases, second that he did not grant any unwarranted adjournments and third that he has a good control over his cause list. It was stated that these three factors would tell a good story about a judicial officer. It was delineated by the Hon'ble Justice S.J. Mukhopadhaya that there should be at least three to four experts who have the knowledge of finance, computers and also a good P.A with a head in charge that should constitute an inspecting team. It was further stressed by the hon'ble justice that there is a difference between honesty and integrity. However it was stated that dishonesty has direct nexus with the integrity. It was further stated that integrity can either be doubtful or beyond doubtful and in integrity the reasoning cannot be given. But at the same time it is necessary to attach certain documents and records which reflects the integrity doubtful. It was further suggested that a gist of the inspection report of two to three pages should be prepared by the inspecting team so as to highlight the commendable things and the deficiencies as well as the shortcoming of that particular district before the inspecting judge. It was suggested that report should be too the point, clear and specific. It was further recommended that there should be report from every judicial officers about the integrity, honesty and performance of their staff for the better efficient working of the courts.

It was suggested that the requirement of infrastructure need for the working of the courts effectively should be reflected in the inspection report so that while preparing the budget such things can be taken into consideration in advance. It was also recommended that there should be a provision in the budget to provide a separate fund that must be release by the government for the inspecting team when it visit to a particular district and a note should be given in advance to the government in this regard. It was also deliberated that the inspection report should also put its remark with regard to the facilities provided to the litigants and lawyers apart from the specific infractrture that is to the needed in a district.

The theme of the session 4 was **Inspecting Records**. It was delineated that the inspecting team should inform the district about the inspection 15 days or one month in advance so that the records are well in advance and can be checked and verified by the inspecting team. It was also deliberated that now days the young judicial officers are more concerned about the quota and unit. It was tasted that the trail may not be completed as the quota of that judicial officer is been done and this practice should not be there. The actual training which is to be given to them is to keep working without any fear and worry and the unit or quota will completes of its own. It was deliberated that idea of inspection is not to find out faults but to find out the deficiencies because even best of the district judges would not know what is going on everywhere. It was delineated that everything with regard to inspection cannot be done by one person and one has to rely and depute the work to others so as to get the information with respect to the working of the courts. It was suggested that in many states the inspection of personal library of the judicial officers which is there with them till their retirement should also be done by the inspecting team. It was delineated that one of the problem with computerization in judiciary is that every state the implementation in the state is slow, gradual and at its own speed. Another aspect which was highlighted by the hon'ble justice was on ADR inspection. It was delineated that another type of ADR which is known as judicial settlement has not been explained by the court so far. It was further stressed that the ADR centers has been established in each district and funds has be sanctioned and released by the government for this purpose but still much has to be done on it and inspecting team has to focus on the ADR system also. It was stated that the inspecting team will get the records as asked for but they should be very vigilant and should know which records is to be asked for

inspection and which not. It was suggested that the inspecting team should look for the the previous inspection report before going for the inspection as it will help to conduct the inspection better. It was deliberated that there are three category of information which can be available is simply statistics, another deficiency and third the comments, observations and opinions of inspecting team. It was suggested that there should be separate recommendations with regard to infrastructure and equipment I also believe that so far as infrastructure and equipment are concerned there should be separate recommendations so that they can be incorporated in the annual budget of the Court. It was stated that inspections reports are there but with no conclusions as mostly nobody works after that. It was stated that the compliance of the reports takes lot of time. It was suggested that the job of the Registrar inspection should be that once the report is there should be a follow up action that which compliances has to been made and which are left and what are the reasons for it. It was stated that in most of the High Court's proper records are not maintained of sending the file to another Court. It was strongly recommended that physical verification should be conducted at least before handing over the charge. It was also stressed that some high Court do not have the post of registrar inspections. It was suggested that every court should inspect their own court and should submit the report to the PDJ. It was also recommended that in every High Court there should be a training by the state government those who actually look into the demands as to what manner the budget should be prepared.

The problems with regard to family court was highlighted and it was deliberated that no family court has a separate record rooms and copying sections. These are the deficiencies which are inherent in the family Courts since they have sent up. It was also stressed that Family Court also have the problem of serving the summons and was the payment of maintenance. It was suggested that there should be some mechanism to control the Bar otherwise the ills of judiciary cannot be removed.

The theme of **Session 5 and Session 6** was **Inspecting Infrastructure & Inspecting Land Allotments for New Courts** which was taken together by the hon'ble resource persons Justice Mukundakam Sharma and Justice Sunil Ambwani. It was delineated that Registrars are the eyes and ears of the high court. They are the backbone of the judiciary.

It was stressed that registrar inspection according is a very vital post because registrar inspection has to do with the inspection of the courts, district courts and many times given responsibility of vigilance which includes inquiry. It was stated that the Registrar Generals in the High Court acts through the registrar inspection. A discussion was done during the discourse that whether a High court employee should be promoted to the post of registrars as the registrar (Inspection) or there should be a judicial officer on deputation to the High Court working as the Registrar (Inspection). It was suggested that for inspecting infrastructure there should be a definite mechanism. The discussion regarding the establishment of infrastructure was also deliberated during the discourse.

It was suggested that there should be a plan and vediorphy should be there in order to check the extent of construction in the court campus and it is the duty of registrar inspection to put a note as to what additional infrastructure are required to be put in to make the building in convince. It was also recommended that either contingency fund should be increased substantially or the government should move to create such fund. It was emphasized that the inspecting judge and district judge should not be shy of taking opinions. There was a suggestion to create a building maintenance committee and it was highlighted that even in every district court there should be building maintenance committee and through that committee in consultation with other administrative officers and experts the district judge monitor and supervise the building maintenance and construction work. It was suggested that for the allotment of new lands for court building there should be a national holistic demand and that the demand should not be ad hoc demands, however it should work out with all the available knowledge of the requirement and it was recommended that Registrar Inspection should provide guidelines for this as in next 10 years judiciary require a huge amount of land for construction.

### **Session 7 and session 8 was on Inspecting for Financial Irregularities and on Residuary Functions of Registrar (Inspection) in Different High Courts**

It was recommended that there should be standardization of court procedures. It was delineated that there should be a separate inspection files rooms for the lawyers if they want to inspect any file.

It was suggested that for administrative matter there should be outsourcing of different departments as judicial officers hardly have any time to look into the issues of administrative problem. The concept of help desk was discussed in detail for making the court litigant friendly. It was suggested that every high court should have the post of Registrar Inspection. Inspection should also look after the vigilance part. It was also recommended that there should be the specific instructions for the work and functions which are to be done by the Registrars.

**Session 9 and session 10** was on **Formulation of Model Code of Questionnaire for Registrar (Inspection) and Formulation of Model Code of Questionnaire for PDJ's/DJ's In charge of Inspection** respectively. The participants were divided into two groups whereby they deliberated the discussions and suggested the guidelines and points for the formation of Model code of Questionnaire for Registrar (Inspection) and for PDJ's/DJ's In charge of Inspection.

In the **Session 11** the participants were requested to choose one team leader in order to present the presentation on the Model Code of Questionnaires. The participants during the presentation suggested that the questionnaire of the Jharkhand High Court, Bombay High Court or Allahabad High court should be taken as a model code of questionnaire with the following more points which can more be incorporated in the existing questionnaire. The points which should be added in addition are as follows:

## 1. BUILDINGS AND COMPOUNDS

The following should be provided/installed:-

- (i) Ramp for physically disabled persons;
- (ii) Wheel chairs;
- (iii) Crèche facilities to be attached to each Family Court;
- (iv) Toys, cradles etc. in the Crèche;
- (v) Toilets for handicapped;
- (vi) Lunch room for officers and staff;
- (vii) Conference hall

- (viii) Number of Judicial Officers residing in rented premises.
- (ix) Proposal for construction for quarters for officers;
- (x) Video conferencing facility for accused and witnesses;
- (xi) ATM, Railway Reservation kiosk, help- desk;
- (xii) CCTV;
- (xiii) Body scanners;
- (xiv) Recreational facilities;
- (xv) ADR Centre, mediation centre;
- (xvi) Solar Energy System;
- (xvii) ACs in Court rooms;
- (xviii) Water harvesting system;
- (xix) Judicial lockups with washrooms;
- (xx) Generators;
- (xxi) First aid facility/dispensary;
- (xxii) Offices of Public Works Departments, Public Health Engg. Deptt.;
- (xxiii) Bank & Post office Counters;
- (xxiv) BSNL Billing Counter;
- (xxv) Witness shed;
- (xxvi) Room for Public Prosecutors;
- (xxvii) Screening facility for POCSO Courts; and
- (xxviii) Water purifiers and Water Coolers.

## 2. Establishment matters

- (i) Proposal for making temporary employees permanent;
- (ii) Assessment of future vacancies;
- (iii) Filling up the vacancies on the regular basis;
- (iv) Proposal for additional courts and its status;
- (v) Benefit of ACP to the employees;

- (vi) Formation of Internal Complaints Committee dealing with Sexual Harassment cases;
- (viii) Registration of all the complaints and noting of their outcome;
- (ix) Timely disposal of the representations against adverse entries in confidential reports;
- (x) Preparation and display of duly list of all the staff members at a prominent place.

### 3. Govt. Properties & Equipments

- (i) Provision of photocopying machine;
- (ii) AMC of computers, Air Conditioners, photocopy machines; fax machines, etc.
- (iii) Outsourcing of services. Opinion of PDJs regarding its functioning and utility;

### 4. Budget and Finance

- (i) Increasing the amount of contingency fund;
- (ii) Increasing the amount of permanent advance. It should be Rs.15, 000/- per court.
- (iii) Purchase powers of District Judges and /Taluka Courts may be increased

### 5. Administrative Office

- (i) Punctuality of Judicial Officers and utilizing court hours effectively;
- (ii) Regular transfer of employees according to the policy of the respective High Courts
- (iv) Inter District transfer of Class-III and Class- IV employees.

### 6. Library

- (i) Maintenance and checking of Registers of Books provided at residence of Judges.

## 7. Nazarat

- (i) Tallying of balance in cash book with the Treasury Pass book?
- (ii) Steps taken for correction of difference, if any;
- (iii) Provision of loan for purchase of vehicle and fuel allowance to Process Servers.

It was recommended that these suggestions are in addition to the questionnaire already framed by the various High Courts which may be incorporated.

The conference was concluded with the thanks giving address by the Prof (Dr.) Gaeta Oberoi, Director In charge of National Judicial Academy who expressed her gratitude to all the resource persons and to the participants for making the conference successful and meaningful.

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