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NATIONAL JUDICIAL ACADEMY



CONFERENCE ON FUNCTIONS OF REGISTRAR (JUDICIAL)

1st –3rd FEBRUARY, 2016

READING/REFERENCE MATERIAL

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Conference on the Functions of Registrar (Judicial) P 968
Tentative Programme Schedule
1st February -3rd February, 2016
Programme Coordinator- Ruchi Singh, Law Associate, National Judicial Academy.

1st Feb 2016 Monday	09:00 AM – 10:00 AM SESSION 1 <i>Leadership Skills</i>	10:30 AM – 11:30 AM SESSION 2 <i>Leadership Skills</i>	12:00 PM – 01:00 PM SESSION 3 <i>Team Building Skills</i>	02:00PM – 03:00 PM SESSION 4 <i>Team Building Skills</i>	03:00 PM – 04:00 PM <i>Library Reading</i>	04:00 PM – 05:00 PM <i>Computer Skills Training</i>
2nd Feb 2015 Tuesday	09:00 AM – 10:00 AM SESSION 5 <i>Rules On Registrar (Judicial): Identifying Best Practices</i>	10:30 AM – 11:30 AM SESSION 6 <i>Presenting Learnings From Each Other</i>	12:00 PM – 01:00 PM SESSION 7 <i>Drafting Model Rules For Submission to CJ- CM Conference</i>	02:00PM – 03:00 PM SESSION 8 <i>Drafting Model Rules For Submission to CJ- CM Conference</i>	03:00 PM – 04:00 PM <i>Library Reading</i>	04:00 PM – 05:00 PM <i>Computer Skills Training</i>
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A Call to Leadership*

Mark A. Zaffarano**

The Second National Conference on Court Management was an important event for judges and managers. Judicial branch leaders are aware that courts need to learn more about leadership concepts. Providing leadership training for court personnel is an absolute necessity during the 1990s. Leadership can be learned. Every court manager and presiding judge has their individual and unique leadership style. No single leadership style is self-evidently best. Everyone's leadership style is capable of adjustment. Situational leadership practices apply to judicial branch leaders. The roles of judicial branch continue to offer new challenges. We must begin to develop our future court leaders one generation at a time and focus our attention on the need for developing leadership training programs.

Introduction

As we approach the beginning of a new decade, those who have dedicated their careers to managing courts must now focus on developing a practical leadership paradigm for their courts. Judges and court managers have the joint responsibility of becoming more familiar with the vast court leadership literature. Judicial branch leaders must catch up with their colleagues in business and other public organizations who have invested significant time toward studying the phenomenon of leadership development from an organizational perspective. Now that most courts have implemented effective caseload management programs, addressed key technology issues, and established better relationships with funding sources, it becomes critical for courts to consider designing some practical leadership training programs for judges, court managers, and all supervisory court personnel.

During the past two decades, our courts have demonstrated the ability to change not only the practice of law, but also the administration of justice in this country. Political science and public administration textbooks can no longer allege that courts are resistant to change. We know that the pace of societal change continues to increase rapidly and that the courts must be willing to address the magnitude of change within the context of our American legal system. In terms

*This article includes an excerpt from the author's dissertation, which was based on his 1987 court managers survey.

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of exercising new leadership practices and employing new leadership concepts, we also know that a majority of courts have not discovered the necessity of examining their understanding of how effective leadership concepts might improve the overall operations of the courts.

A few studies in court management have recently shed light on the fact that some courts are interested in more than mere day-to-day survival. In addition, the Second National Conference on Court Management has sparked new evidence of awareness by judicial branch leaders about the exciting possibilities for embracing certain leadership approaches. Because of these new developments, students of court management and court practitioners are interested in discovering why certain courts and their executives appear to demonstrate leadership potential beyond the ordinary functioning of the court organization. For example, why is Chief Judge Smith more effective in the top leadership post than was the former Chief Judge Jones? Why is Court Manager A more effective than Court Manager B? At a conference, why do most of the state court administrators seem more influenced by what the State Court Administrator from California has to say rather than what a Court Administrator from a different state has to say? Should researchers attribute these differences to nothing more than differences found between personality traits? Are there other important factors such as the size of the court which the leader presides over, the size of the workload, the number and type of work staff, and many other variables involved with this type of complex leadership analysis? There are no simple answers and yet these are the types of leadership questions which corporations, universities, and consulting firms have been confronting for many years.

There are three major purposes for preparing this article. First, it is essential that we inspire and encourage more judicial branch leaders and court management scholars to want to investigate court leadership issues. Researchers need to determine what type of leadership problems are unique to the courts and apparently not found among other organizations. Secondly, judges and court managers must be convinced that there is a series of leadership issues in their courts which must be addressed by means of providing adequate training programs. Finally, court leaders must acknowledge the fact that the professional development skills of judges and court managers can be improved by learning more about leadership skills. A generic statement found throughout the leadership literature is best summarized by the following statement: There are few naturally born leaders — men and women learn over time to become good leaders.

Contemporary Themes in Leadership

There are two prominent themes in contemporary discussions of leadership. The first theme is that individual leadership exercised by any person represents a series of learned behaviors. The second theme is that each individual leader will practice effective leadership by adopting a particular "style". This learned, identified style can be compared with other learned leadership styles which then enables researchers to develop more analytical approaches toward understanding how the more effective leaders tend to practice good leadership on the job.

The first theme recognizes that certain individuals will devote more time to learning about leadership than will others. A prevalent assumption in the leadership literature is that the payoffs will be greater for those who invest more time practicing and learning about leadership. The learning process of leadership draws upon each individual's work experiences, conceptual skills, intuition, values, knowledge, and realistic assessment of leadership style. Certain qualities like hard work, initiative, discipline, perseverance, and a willingness to learn distinguish effective leaders from ineffective leaders. The information needed to acquire these leadership qualities can be learned by anyone. Once these qualities are learned, they form a foundation upon which a new individual style of leadership can be built.

In 1985, Warren Bennis, an eminent researcher and scholar in the study of leadership, received a Ford Foundation grant to study how public and private executives acted as leaders within their organizations. Bennis spent a significant amount of time watching these executives on a daily basis. One of his conclusions was that "all leaders learn from other leaders and they develop strategic partnerships" (Bennis, 1985: 26). Once judges and court managers become involved with leadership training, it is quite probable that an effective court executive may take a new concept or leadership skill which he/she has learned from a colleague and then incorporate it into his/her own leadership style — without altering his/her fundamental leadership approach.

In 1984, Dr. Paul Hersey published *The Situational Leader*, an exceptional book about leadership. Hersey identified certain leadership factors which determined whether certain leaders were more effective than others. He defined "leader effectiveness as dependent upon the interaction among the leader, follower, boss, associates, organization, job demands, and the constraints affected by a leader's environment." (1986: 23) Of all the variables involved, Hersey indicated that how

the leader relates to the follower was the most crucial variable to focus upon. If the follower is ready to take direction from the leader, then the leader can have a positive impact upon his or her behavior. Hersey identified the following four levels of readiness: (1) the follower is unable and unwilling; (2) the follower is unable and willing; (3) the follower is able but unwilling; or (4) the follower is able and willing (Hersey, 1984:71). Hersey's research was valuable to the leadership literature because he suggested that leaders could not use the same particular leadership style every day with every employee. Instead, his research findings suggested that a leader would have to change his/her leadership style depending on what tasks the follower was doing, how the follower was performing these tasks, and whether the follower was ready to take direction from the leader.

The Situational Leadership Model was developed by Hersey at the Center for Leadership Studies. This leadership method has been presented to train over one million managers involving more than one thousand organizations, including such major organizations as Mobil, General Motors, Xerox, and IBM. Hersey maintains that any professional may become a situational leader as long as the leader is willing to provide guidance and support to the followers, and as long as the leader is truly concerned about helping people in the organization achieve their maximum potential. If the Situational Leader is committed to this model then the leader, the follower, and the organization wind up benefitting from this approach in terms of productivity gains.

Now let us focus on the second contemporary theme of leadership style. Glueck defines leadership style as "the way a leader uses his or her influence to achieve the objectives of the organization" (1977: 99). An individual's leadership style consists of numerous factors: certain special value concerns of the leader, factors which affect employees themselves, and still other factors which affect the entire organization.

Most leaders in any profession have an identifiable leadership style for operating their organizations. There is no single leadership style which will work effectively in every organization. In terms of the courts it is quite possible for several judicial branch leaders to exercise different leadership styles within the organization. Unfortunately, employees must face the difficult dilemma of adjusting their behavior to accommodate each leadership style they encounter.

Over the years, the leadership literature has recognized more than 40 different and separate leadership styles. These styles have been tested in various work

environments for their validity and reliability over a long period of time. We will consider four of the most popular leadership styles and briefly outline each style.

The first type of leadership style, called authoritative leadership, depicts the leader as one who tends to make all the major decisions for the organization. This type of leader values the concept of control and tends to restrict decision making by excluding other employees and fellow colleagues. The authoritarian leader believes he or she can solely determine not only the direction of the organization, but also how the employees should identify with the goals of the organization.

The second type of leadership style, participative leadership, encourages active involvement in decision making by employees at different levels within the organization. The top organizational leaders retain full responsibility for issuing major decisions. However, employees are encouraged by the participative leader to make creative decisions, take reasonable risks, and to assist with job definition. The participative leader is not threatened by informal employee communication, and overall decision making is more decentralized when compared to the authoritarian style.

A third type of leadership style is referred to as the laissez-faire or free reign leadership style. This style suggests that the leader intentionally allows subordinates to do their work without any oversight or supervision. The free reign leader does not play an active role in directing the daily operations of the organization. The free reign leader focuses on external business relationships. In different types of organizations, such as theater groups, small businesses, etc., this kind of leadership style is effective. It is doubtful that most courts could be operated efficiently without strong leaders exercising other types of leadership styles.

The fourth leadership style is a team-oriented style which encourages joint leader and employee participation toward the successful attainment of organizational goals. The team leader does not feel threatened by individual accomplishment either from colleagues or employees. The team leader recognizes that the combined work product of the organization will yield more significant results than what any one individual leader might be able to produce alone. The team leadership style emphasizes the leader's obligation to empower employees to achieve. The team leadership style underscores the importance of increased employee involvement with problem-solving and decision-making.

What has been the response to the notion of leadership style by the court management community? To a large extent, the court management literature has not addressed the subject of leadership style to any significant degree. There is only one court management author who has commented significantly on the need to study leadership style from the perspective of judicial branch leaders. Geoff Gallas writes:

what we do not have is systematic investigation of what judicial leaders do: day-to-day, hour-to-hour, minute-to-minute...structured observation should be supplemented by well-designed interviews with successful leaders and leadership teams and key individuals with whom these judicial leaders must interact successfully (1986: 22).

Regarding the importance of leadership style he suggests that:

effective leaders have self-articulated values, commitments, preferences, and a style that matches closely with how others perceive their values, commitments, preferences and style (1986:23).

In an effort to examine more closely the issue of leadership style in the courts, a survey was sent out in the mid-1980s to 250 court managers (Zaffarano, 1987). The court managers were asked whether or not they could characterize a particular type of leadership style for themselves. In addition, court managers were queried as to whether they could pinpoint a recognizable leadership style attributable to the presiding judge. A majority of court managers reported that the presiding judge appeared to adopt a participative style of leadership when compared with three other possible style choices —the authoritarian style, a team style, or a mixture of several leadership styles. However, when court managers were asked to state their own leadership style preference, the majority of respondents indicated a preference in favor of the team style. When surveyed, most court managers felt that organizational performance could be maximized if both the presiding judge and the court manager retained identical, matching leadership styles.

Judicial branch leaders who operate in the court setting often do not have similar leadership styles. Some presiding judges have a team style of leadership whereby they seek input on decision-making from their fellow judges and court staff. Other presiding judges prefer an autocratic or free reign leadership style. Currently, no empirical research is available to determine whether it is harmful for

the court to have different judicial branch leaders working together yet utilizing one or more leadership styles.

In summary, every judicial branch leader has a pattern of leadership behavior referred to as a leadership style. The particular leadership style is recognizable to colleagues and to staff. The familiar non-sequitur "one size does not fit all" applies to the notion of leadership style. Presently, there is no research basis for determining that one particular style should be adopted by everyone, or conversely, that one particular style should be avoided by leaders. No single leadership style is self-evidently "best". It is imperative that court leaders understand that an individual's leadership style is capable of adjustment. Proponents of situational leadership believe:

Questions about leadership style should be answered in terms of what is most consistent with the other elements in the organization — forces in the situation, forces in the manager, forces in the subordinates and organizational system forces (Shetty, 1979: 174).

Leadership Expectations and Roles for Contemporary Court Managers

"A role is defined as an organized set of behaviors belonging to an identifiable office or position" (Mintzberg, 1973: 64). Every judicial branch leader is aware of the multiple roles which is required by the position. Roles are composed of expectations as well. It is critical that leaders fulfill certain expectations which employees hold the leader accountable for the organization. Broad and important developments in the last decade have brought changes in the expectations of court managers and judges. In particular, court managers have seen dramatic changes in their roles.

A 1981 survey completed by court managers during the First National Symposium on Court Management indicated a variety of roles had become routinely accepted:

Supervision and control of court nonjudicial activities, housecleaning, personnel, budget, planning, court organization, and getting along with the judges were the primary roles listed (Saari, 1981: 63).

Ten years later, there are additional roles which court managers have adopted. Today, trial court managers must also understand and embrace the following roles: mediator, technician, statistician, technocrat, creator of new court programs, court

services director, crisis manager, press spokesperson, facilitator, director of court facilities, supervisor of case management, and case scheduling manager. Increasingly, presiding judges have been defending the new roles of court managers whenever legislators and other elected officials have sought to interfere with court managers' principles and practices. Presiding judges have also become more informed about the field of court management. Judges must have attended training seminars in order to know the current trends in court management. As a result, judges have greater expectations concerning the court manager's ability to perform multiple roles successfully. In essence, judges have become more comfortable with the scope of duties and role responsibilities which must be designated specifically for court managers.

The next decade will bring more change to our institutions. It will be essential to consider new leadership roles. There are 12 leadership roles for contemporary leaders (Nanus, 1989: 98). The direction-setter role is pivotal for purposes of encouraging court leaders to exercise their true leadership responsibilities. The change agent role must be re-emphasized over and over again. For judges and court managers, the case processing procedures and managerial techniques which worked yesterday may not work again tomorrow.

The spokesperson role has not been encouraged by judges during the past decade. Judges have been reluctant to address media inquiries. However, with the growth of citizen advocacy groups, it is necessary for trial courts to permit court managers to speak out publicly when the situation warrants a court response. For example, advocacy groups should know that if they publish inaccurate data about court statistics, the data will be challenged by court officials.

The coaching role for court managers applies to general employee development and to staff training. Judges and court managers must be willing to take the time and use the resources necessary to develop an employee's individual potential.

The risk-taker role means court managers must display the confidence to seize the initiative whenever a situation warrants an immediate response to a particular event or crisis. Often, the circumstances may mean court managers may not have time to consult with the presiding judge or with the judge's executive committee prior to taking action. In advance of the crisis, judges and court managers must discuss what potential scenarios might occur and whether the presiding judge can pre-authorize particular responses for the court manager to articulate.

The decision-maker role involves court managers delegating more of the daily administrative decisions to support staff in order for them to focus a greater

proportion of their own time on "the big picture" issues. Of course, the court manager must have capable staff who they know can make the proper office decisions without requiring constant direction and consultation with the court manager. The decision-maker role supports the use of computer software to assist with the analysis of policy issues.

The strategic-planner role will be a critical role for court leaders during the 1990s. Court managers will be involved with building and moving new courthouses, finding office space for additional court services, and examining future county and state revenue projections. Court managers will be performing cost/benefit studies to determine the impact on the judiciary when more police officers, prosecutors, and probation officers are added. This is a major criminal justice policy issue in confronting the drug problems in many cities.

The information-manager role concerns the vital communications responsibilities confronting judicial branch leaders. Legislators are demanding more information from the judiciary regarding courts' performance. Local citizens' groups are seeking access to more information which is collected by the courts. Historically, information concerning judges' sentencing patterns have not been available to the public. The information manager role also includes finding the proper application of new technology. With regard to the appropriate uses of the office facsimile unit, will courts accept facsimile transmissions from attorney offices as legal court filings? At a minimum, none of the leadership roles will be easy to fulfill to the satisfaction of everyone associated with the criminal justice system.

The final four roles of resource allocator, creative problem-solver, negotiator, and leader are just as significant as the previous eight roles. Clearly, these four roles represent the real test by which court managers can evaluate themselves. Courts entrust court managers to successfully perform these four roles without difficulty and yet the performance of these roles requires cooperation, communication, and coordination with the different entities in the criminal justice system.

As court managers continue to work in a public sector environment that is faced with shrinking resources, it becomes critical for these four roles to be carried out effectively. Court managers must structure their own professional development and training toward taking continuing education courses which address these four key leadership roles. Court managers must seek assistance from colleagues to

learn how their peers distribute professional time and resources to these four roles without neglecting any of the previous eight roles.

In order to carry out these four leadership roles effectively, court managers need the following four factors:

- (1) a very impressive track record and a good reputation; (2) solid, cooperative working relationships with lots of the relevant players;
- (3) the interpersonal capacity and integrity that are needed to develop credible relationships with a broad set of people fairly, easily and quickly; and (4) a tremendous energy for supplying leadership (Nanus, 1989: 100).

Fortunately, the court management profession does contain people who possess these critical leadership factors. It remains vital for our profession to concentrate our national education training programs directly toward these leadership roles.

Becoming Intentional About Leadership Training

It is critical for judicial branch leaders to promote the professional development of their colleagues. Judges and court managers holding key leadership positions must encourage, counsel, and identify potential peers who may have the necessary skills and knowledge to assume future leadership positions within the court organization. Small courts with only one or two identifiable leaders must work hard to create new leadership responsibilities to encourage the involvement of other administrators and judges so they can learn more about the overall leadership responsibilities of the court.

The results of the 1990 National Assessment Program Survey for Trial Court Administrators showed that:

- Trial court administrators are very concerned with the training needs of the court administration staff. The top three training areas included: time management, general management training, and stress management (McEwen, et al. 1990: 5).

Court managers should inform key supervisors about their strengths and weaknesses as well as advise them concerning the most appropriate type of leadership training suitable for them. Court managers must coach employees. Most court managers can recall those individuals who served as mentors for their early career development. In turn, they have an obligation to serve as a mentor for a promising assistant court manager or assistant clerk.

Conclusion

Judicial branch leaders need to accept a new challenge to learn about leadership. Now is the time to be more than just thoughtful about leadership. Now is the time for judges and court managers to take action and embrace change. Based on the previous decade, we are entering a new period concerning the public's rising expectations of their public leaders. Already men and women in business, the federal government, the military, and other major institutions have invested their training dollars toward designing effective leadership training programs. These organizations have reported productivity gains and positive motivational differences after instituting leadership programs.

We know leaders are not born. We know leadership behavior can be learned. Everyone acknowledges good leadership is rare. The court management community must study successful leaders who do not work in courts. On the other hand, there may be four or five acceptable court leadership styles already operating in some courts which other court managers and judges might seek to emulate. We know some court leaders are using a team leadership style. We must design special leadership training programs for court personnel. The situational leader approach does apply to the courts. As court training dollars begin to shrink, we must not neglect the exploration of leadership issues which have not been addressed by our profession. A leadership style is effective if it fits the leader's personality, the subordinate's needs, and the organization's goals. There are leadership style approaches which have applicability to the courts. Leadership training will address another persistent problem for most court managers — role conflict. As new roles emerge, often court managers and judges cannot decide the best way to share certain roles. Judicial branch leaders must be willing to encourage universities, applied researchers, and business consultants, to assist court officials with the design of court leadership training programs.

Right now, we must begin to develop our future court leaders one generation at a time. If expectations are growing for court managers, then court leaders *must* be taught. In 1987, when 125 court managers were asked in a survey to review ten critical skills and then select the most critical skill needed to prepare for the next decade, they chose leadership as the most important skill to be learned by the year 2000. In conclusion, a decade from now, when another review of our profession is done (such as Hudzik's in this volume), let us hope there will be a separate section devoted to reporting about the successful implementation of numerous

professional leadership development training programs already functioning in the courts. The sole purpose of these programs would be to educate hundreds of court managers and judges on how to be dynamic leaders and how to motivate their employees to achieve greater levels of productivity.

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REFLECTIONS ON LEADERSHIP

*Robert H. Jerry, II**

ALTHOUGH I have devoted approximately one-third of my professional life to academic leadership positions, I still find leadership to be a difficult concept to explain and describe, let alone fully comprehend. Some aspects of leadership are simple, intuitive, and straightforward, but others are complex, profound, and difficult to articulate.

In trying to understand leadership, the long-recognized distinction between leadership and management is a useful starting point. For a newspaper publisher in a city of even modest size, considerable management skills are required to get thousands of newspapers delivered on time every day. On many days this management problem no doubt produces headaches for the publisher. But other problems such a publisher must confront involve a number of difficult, far-reaching questions: What is the future of print news and other print media in a rapidly changing, Internet-driven, technological age? How should the newspaper evolve to deal with its changing environment? How does one persuade those who must make decisions about the newspaper's strategic plan to embrace the changes needed to succeed in a rapidly changing world? Understanding the newspaper's management issues is an important part of articulating answers to these questions, but management skills alone are not enough. Indeed, the landscape is littered with the defunct remnants of businesses—such as slide rule and eight-track tape manufacturers, outdoor drive-in theaters, and even many first-generation computer manufacturers—that did not have leadership capable of imagining the future and positioning their enterprises to survive in changing environments. Articulating, persuading, and implementing a vision requires much more than outstanding management skills. Understanding how we get to a better future and how we move people, communities, and institutions forward requires leadership. James MacGregor Burns discussed this concept in his seminal book *Leadership*, published in 1978:

I define leadership as leaders inducing followers to act for certain goals that represent the values and the motivations—the wants and needs, the aspirations and expectations—*of both leaders and followers*. And the genius of leadership lies in the manner in which leaders see and act on their own and their followers' values and motivations.¹

* Dean and Levin, Mabie and Levin Professor of Law, Fredric G. Levin College of Law, University of Florida. © Copyright 2006 Robert H. Jerry, II.

1. JAMES MCGREGOR BURNS, *LEADERSHIP* 19 (Harper & Row 1979) (1978).

Beyond the important difference between management and leadership, it is useful to draw a further distinction between the *mechanics* of leadership and a *philosophy* of leadership. By “mechanics of leadership,” I refer to the specific behaviors and actions that an effective leader must embrace. Many of these behaviors are externally manifested and observable by those who work with or for a leader, but some behaviors are more in the category of subjective attitudes that may be neither known nor observable by others but are nonetheless integral parts of the leader’s toolbox. In other words, the mechanics of leadership are those ideas that would be expected to appear in a “how to lead” manual. By “philosophy of leadership,” I refer to a set of ideas and concepts that establish the governing code, or set of first principles, forming the foundation for the articulation of the mechanics of effective leadership. It is the philosophy of leadership that makes the mechanics of leadership meaningful and relevant. Some might ask why leadership matters. The answer to the question will not be found in the manual because the mechanics do not speak to the ends for which leadership is exercised. Instead, leadership philosophy explains why leadership matters and why it is important. An effective leader must be able to perform the mechanics, but effective leadership also presupposes an underlying philosophy that frames the mechanics.

When I first sought to become more familiar with the available academic literature on leadership a few years ago, I encountered servant-leadership theory and the writings of Robert Greenleaf. In those materials I found a much more developed articulation of this philosophy, and it is the essence of that philosophy of leadership that I embrace. Stated succinctly, leadership has its roots in service, and effective leadership is based on service to others. Effective leadership comes from the desire to put the well-being of others first—whether they are students, faculty, employees, customers, or community—and to give priority to the interests of communities, institutions, or organizations, as opposed to one’s own interests.²

2. Servant-leadership has received mention as a theory of leadership in legal literature, including prior Leadership in Legal Education Symposia published by this Review. See E. Thomas Sullivan, *Decanal Leadership: Managing Relationships*, 31 U. TOL. L. REV. 749, 750 (2000) (referencing servant-leadership in discussion of relationship management); Mark A. Sargent, *An Alternative to the Sectarian Vision: The Role of the Dean in an Inclusive Catholic Law School*, 33 U. TOL. L. REV. 171, 173-74 (2001) (discussing the role of the dean in a Catholic institution as a “servant leader”); Thomas M. Mengler, *What’s Faith Got To Do With It? (With Apologies to Tina Turner)*, 35 U. TOL. L. REV. 145, 145 (2003) (describing the mission of law school where its author serves as dean “to educate students to become, in the words of Robert Greenleaf, servant-leaders”); Lynn R. Buzzard, *A Christian Law School: Images and Vision*, 78 MARQ. L. REV. 267, 278 (1995) (describing the training of law students as creating “servant leaders”). Professor Victor Romero drew upon servant-leadership theory when discussing the challenges facing coalition building among disenfranchised groups. See Victor C. Romero, *Rethinking Minority Coalition Building: Valuing Self-Sacrifice, Stewardship and Anti-Subordination*, 50 VILL. L. REV. 823, 828 (2005). Some judges and practitioners have referenced the theory in explaining leadership in the workplace or in other contexts. See, e.g., Keith Jackson, *A Perspective on the Alabama State Bar’s 2006 Leadership Forum Class II*, 67 ALA. LAW. 332, 332 (2006) (bar member invoking “servant leadership” to urge increased bar participation); Janine Geske, *Why Do I Teach Restorative Justice to Law Students?*, 89 MARQ. L. REV. 327, 329 (2005) (retired Wisconsin Supreme Court Justice

Of course, a great many handbooks articulate “principles” of leadership, but by and large these writers are speaking to the mechanics of leadership. Rudy Giuliani’s recent book *Leadership*³ is a thoughtful and engaging book that identifies what he calls universal principles of leadership—essentially a compilation of what he considers essential leadership traits. For example, to be an effective leader, one must know in what she *believes*; the leader must know and be able to explain what is important to her—in other words, where the leader wants to go and why she wants to go there.⁴ *Optimism* is important because people like to follow someone who offers solutions to problems and who has hope for a better future; people gravitate toward the optimist and do not like to invest in the vision of the pessimist.⁵ Effective leadership presupposes having the *courage* to stand up for one’s beliefs, even at great personal cost.⁶ To lead effectively, one must prepare, and *prepare relentlessly*; a skilled hip-shooter may hit the target eighty percent of the time, but a twenty percent error rate is too high for effective leadership.⁷ In modern organizations, no one person can do it all, and progress is accomplished through *teamwork*.⁸ An effective leader assembles and understands the value of selecting team members whose strengths complement the leader’s weaknesses. Effective leadership presupposes an ability to *communicate* to people what is expected of them.⁹

To Giuliani’s points I would add a series of observations that have been stated in different ways by many others in countless books and articles on leadership: a leader must *set the example* the leader wants others to follow; a leader must *listen* to the ideas of others because no leader has all the right answers, and others in the organization often have better ideas; a leader must be comfortable *delegating authority* because, beyond the fact that effective management requires delegation, an institution will grow stronger if others work with the leader to carry out the leader’s vision; an effective leader *sets standards* for subordinates, and then allows them to do their jobs; a leader is able to *tolerate mistakes*, but a leader is also *intolerant of repeated mistakes* and is able to deliver discipline for

stating that “[r]estorative justice processes develop those necessary skills that will insure that our students can be agents for change and servant leaders in the community”); John Voorhees, *Global Environmental Solutions: Management Systems and Synchronicity*, 28 STETSON L. REV. 1155, 1156 (1999) (practicing lawyer discussing servant-leadership in the context of finding long-range solutions to environmental problems).

“Servant-leadership,” as explained by Greenleaf and as discussed in this essay, is not to be confused with the use of the phrase in some conservative Christian traditions to reference what is believed to be the wife’s obligation to submit to the leadership of her husband and to serve as the husband’s helper. See, e.g., The Baptist Faith and Message, sec. XVIII (2000 Statement adopted by the Southern Baptist Convention), <http://www.utm.edu/staff/caldwell/bfm/2000/18.html> (last visited Mar. 13, 2007).

3. RUDOLPH W. GIULIANI, *LEADERSHIP* (2002).

4. *Id.* at 171-83.

5. *Id.* at 120-22.

6. *Id.* at 265-84.

7. *Id.* at 51-68.

8. *Id.* at 107-14.

9. *Id.* at 183-95.

repeated errors; in this connection, a leader *can be intolerant when it is appropriate to be so*, as is the case when the leader encounters sloppiness, inattention, or chronic ineffectiveness; a leader must be able to *recognize and reward the meritorious*; a leader *works toward consensus* and getting everyone to pull in the same direction; and a leader must be *decisive*, thereby avoiding the opposing evils of hip-shooting (with its excessively high error rate in most situations) and unreasonable procrastination (which generates frustration among others in the organization).

The principles, points, and ideas mentioned above are examples of the mechanics of leadership and represent some of the important ideas to be included in the leadership manual or handbook. But simply understanding the contents of the manual is not enough; effective leadership also requires possession of a sense of why the manual says what it says. Eventually, all leaders encounter a decision point where the manual provides no clear answer; unless the leader has an underlying philosophy of leadership in which the content of the manual is grounded, the odds that the leader will move the organization successfully to its next landing area are reduced. Consider a golfer's swing as a metaphor: if I know how to swing the club properly and can do so consistently, I will probably succeed most of the time in moving the golf ball down the course; but if I do not understand *why* it is important that I swing the club in a particular way, I lack the contextual framework necessary to figuring out how to construct a shot when I find myself in deep rough composed of a kind of thick grass I have never seen. In that predicament, the absence of contextual knowledge on which the understanding of the golf swing is predicated makes it much more difficult to extricate myself from the rough, and the odds become higher that my effort—or my leadership—will fail.

As those who have pursued the academic study of leadership know well, the use of the term servant-leadership to describe a philosophy of leadership first appeared in a 1970 essay by Robert Greenleaf titled *The Servant as Leader*.¹⁰ Robert Greenleaf was born in Terre Haute, Indiana (which coincidentally is my own hometown) in 1904.¹¹ He spent a full professional life with AT&T, where he did management research and education for the company, until his retirement in 1964.¹² He then began a second career as a consultant for several major companies and educational institutions, and this career lasted until his death in 1990.¹³ Greenleaf essentially devoted his career, both at AT&T and thereafter, to studying—and trying to figure out—how organizations get things done.¹⁴ As described by others who have chronicled his career and his work, and as explained more fully in his seminal 1970 essay on servant-leadership, the

10. ROBERT K. GREENLEAF, *THE SERVANT AS LEADER* (Robert K. Greenleaf Center 1973) (1970).

11. Robert K. Greenleaf, Wikipedia, http://www.wikipedia.org/wiki/Robert_Greenleaf (last visited Oct. 15, 2006).

12. *Id.*

13. *Id.*

14. *Id.*

inspiration for his thinking about servant-leadership came in the 1960s when he read Herman Hesse's short novel, *Journey to the East*.¹⁵

Retracing Greenleaf's steps is perhaps the most direct route to grasping the essence of his leadership philosophy. *Journey to the East* tells the story of a group of people on a spiritual quest.¹⁶ Leo, the central figure in the book, accompanies the group as their servant, and he tends to their various needs with a cheerful attitude and spirit.¹⁷ At the outset, the journey is a very successful one, but this only lasts while Leo is with the group; Leo suddenly disappears one day, and the group quickly falls apart, causing the journey to be abandoned.¹⁸ Without the presence of their servant Leo, the group cannot go on.¹⁹ The narrator of the book then proceeds on a lengthy quest to find Leo.²⁰ After many years of searching, the narrator finds him and is taken into the religious order that had sponsored the original journey.²¹ There, he discovers that Leo, whom he first knew as a servant, is actually the great and noble leader of the order.²² After reading the book, Greenleaf distilled the central meaning of *Journey to the East* as follows: a great leader is first experienced as a servant to others, and this simple fact is central to a leader's greatness.²³ In other words, true leadership emerges from those whose primary motivation is a deep desire to help others. Greenleaf writes that leadership "begins with the natural feeling that one wants to serve, to serve first,"²⁴ meaning that effective leadership is grounded in giving priority to the needs of others.

For nearly twenty years, I have thought from time to time about a statement made to me by a highly respected Kansas judge during a conversation in my office. He was near the end of a successful career on the bench, and I was still early in my own professional career. As we shared reflections on what we hoped to accomplish during the remainder of our working years, he said in roughly these words: "Life is much simpler when ambition is no longer a part of it." Although I have given his statement much thought, I am still not certain what he meant. Perhaps he was trying to give me a warning, hoping to encourage me to think more carefully about where I wanted to go and why. If he meant that ambition is not a good thing for a leader, I have decided that I do not necessarily agree with him. When members of my administrative team manifest ambition, I am usually pleased because ambition is typically accompanied by a desire to improve, to succeed, and to accomplish good things. I am inclined to think, however, that the judge was explaining that, in his opinion, life becomes

15. GREENLEAF, *supra* note 10, at 1.

16. HERMANN HESSE, *THE JOURNEY TO THE EAST* (Hikla Rosner trans., Noonday Press 26th prtg. 1973) (1956).

17. *Id.* at 25.

18. *Id.* at 37-49.

19. *Id.*

20. *Id.* at 51-62.

21. *Id.* at 63-98.

22. *Id.* at 99.

23. GREENLEAF, *supra* note 10, at 2.

24. *Id.* at 7.

simpler—meaning the life of a leader—when one is primarily motivated not by a desire to enhance one's own wealth, status, power, or position, but by a desire to do a job well because the well-being of others will be enhanced. Stated otherwise, the leader becomes more effective if those who follow believe that the leader's purpose is to enhance a set of values of which self-interest (including personal ambition) plays little or no part.

I am convinced that Robert Greenleaf deserves much credit for articulating the meaning of servant-leadership, but it also seems clear enough that others had this idea before he did. Indeed, servant-leadership plays a significant role in many religious traditions. For example, many of the great lessons of Judaism are based on stories of servant-leaders like Abraham, Moses, Joshua, and David. One of the central themes of the story of Moses being advised by his father-in-law to delegate responsibility to others is that Moses was, first and foremost, a servant of the people.²⁵ In the Christian religious tradition, Jesus makes at least two important statements about servant-leadership. When Jesus spoke to the sons of Zebedee and their mother, he said that "whoever would be first among you must be your servant."²⁶ At the Last Supper, as described in Luke, Jesus said, "let the greatest among you become as the youngest, and the leader as one who serves."²⁷ In Islam, the Prophet Mohammed described the role of the imams, who are the temporal legal and theological leaders in this faith, as leaders who serve.²⁸ The Dalai Lama has said, in summarizing one portion of a few thousand years of the Buddhist religious tradition: "If you seek enlightenment for yourself simply to enhance yourself and your position, you miss the purpose; if you seek enlightenment for yourself to enable you to serve others, you are with purpose."²⁹ There are several points embedded in the statement of the Dalai Lama and in Islamic and Judeo-Christian teachings, but a prominent one is that servant-leadership involves the leader recognizing that authority and power are not to be used for the leader's satisfaction or to secure the leader's privileges. Rather, effective leadership involves using authority and power in the service and promotion of the well-being of the entire community.

This philosophy of leadership has no shortage of complexities when one seeks to apply it in the business world, where the reason for the existence of many

25. *Exodus* 18:1-27, including *Exodus* 18:14 (referring to Jethro, Moses's father-in-law, seeing "all that he was doing for the people").

26. *Matthew* 20:26 (New Oxford Annotated Bible).

27. *Luke* 22:26 (New Oxford Annotated Bible).

28. See Carol Baass Sowa, *Roles of Leaders in the Three Abrahamic Traditions Discussed at Oblate*, TODAY'S CATHOLIC (San Antonio, Tex.), available at http://www.satodayscatholic.com/Archives/2006%20archives/120806/Trifaith_pt2.htm (last visited Mar. 12, 2007) (reporting the comments of Imam Omar Shakir at an October 2006 presentation); Gurkan Celik & Yusuf Alan, Fethullah Gülen as a Servant Leader, in *Proceedings of Second International Conference on Islam in the Contemporary World: The Fethullah Gülen Movement in Thought and Practice* 113-14 (Mar. 4, 2006), <http://www.fethullahgulenconference.org/dallas/proceedings/GCelik&YAlan.pdf> ("The idea of a leader as a servant has been part of Islam since its beginning").

29. Brendon Burchard, *The Three Principles of Leadership: How to be an Effective Leader*, http://www.studentleader.com/orig_02-10-2003.htm (last visited Mar. 8, 2007) (quoting the Dalai Lama).

organizations is the generation of wealth, and it can be difficult to square profit-maximization strategies with promoting the well-being of all constituencies with which the organization interacts. But this philosophy is particularly well-suited to academic leadership, which generally has a close nexus with public service. The philosophy provides a moral compass for how academic leaders should exercise their discretion and authority, supplies a framework for the difficult judgments that must be made on a daily basis, and offers the contextual framework for carrying out the mechanics of leadership.

Responsible Leadership: Pathways to the Future

Nicola M. Pless · Thomas Maak

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Abstract This article maps current thinking in the emerging field of responsible leadership. Various environmental and social forces have triggered interest in both research and practices of responsible leadership. This article outlines the main features of the relevant research, specifies a definition of the concept, and compares this emergent understanding of responsible leadership with related leadership theories. Finally, an overview of different articles in this special issue sketches some pathways for ongoing research.

Keywords Responsible leadership · Leadership theories and responsibility · Research perspectives

Why Responsible Leadership?

The answer to this question is multifold. In the introduction to their article on an “alternative perspective of responsible leadership,” Waldman and Galvin (2008) suggest a response related to the deficiencies of existing theory and its influence on leadership practice. Specifically, they propose that responsibility is missing from established leadership descriptors, such as transformational,

charismatic, authentic, participative, servant, shared, or even spiritual and ethical leadership, “and that it is actually this element that is at the heart of what effective leadership is all about. In a nutshell, to not be responsible is not to be effective as a leader” (Waldman and Galvin 2008, p. 327).

Accordingly, we witness a growing discussion about the appropriateness of current leadership theories to address pertinent leadership challenges. This discussion often cites the role and responsibilities of business leaders in society, frequently in light of social and environmental crises such as the Exxon *Valdez* spill in Alaska, the Bhopal disaster for Union Carbide, Shell’s Brent Spar and Nigerian failures, and Nike’s sweatshops, to name but a few. These incidents triggered ongoing debate about corporate-level responsibility; more recent discussions of responsible leadership have been inflamed by business scandals and individual leadership failures at the start of the millennium—most prominently the demise of Enron and Arthur Andersen. Following the fall from grace of the “smartest guys in the room” (...), new laws and regulation arose, such as the Sarbanes-Oxley Act, followed by a critical academic debate about the impact of greed and reckless self-interest in managerial decision-making. The discussion recognized “bad management theories [were] destroying good management practice” (Ghoshal 2005) and cited the need for “managers, not MBAs” (Mintzberg 2004), that is, professionals with higher aims and not just “hired hands” (Khurana 2007). Moreover, a call went out for “Responsible Global Leadership” from the European Foundation of Management Development, leading to the emergence of PRME, an educational offshoot of the UN Global Compact that seeks to incorporate the Compact’s ten principles into the curricula of business schools worldwide.

Despite the strong push for reforms, irresponsible leadership was a primary cause of the global economic

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crisis of 2008; thus, it became clear that solving leadership issues was a long-term endeavor and that responsible (global) leadership needed to be approached on both individual and systemic levels to be effective. As Jeffrey Sachs (2011, p. 3) argues in a recent book, “A society of markets, laws, and elections is not enough if the rich and powerful fail to behave with respect, honesty, and compassion toward the rest of society and toward the world.... Without restoring an ethos of social responsibility, there can be no meaningful and sustained economic recovery.”

The quest for responsible leadership is not limited to scandals and subsequent calls for responsible and ethical conduct though (Brown and Treviño 2006). It also stems from the changes in and new demands of business contexts (e.g., Maak and Pless 2006a; Waldman and Galvin 2008). One such demand is stakeholders’ expectation that businesses and their leaders take active roles in fostering responsible behavior, within and outside the organization, such as by creating responsible organizational cultures, pursuing a triple bottom-line (social, environmental, and economic value) approach, and acting as good citizens (Maak 2007; Pless 2007).

As a widening array of stakeholders pay increasing attention to the political role and responsibility of business leaders in the pursuit of a global common good, they ask probing questions about business’ role in the fight against poverty and the pursuit of human rights, whether in connection to human rights abuses or as potential enablers of human rights, namely, as secondary agents of justice (Young 2006; Maak 2009). What about business leaders’ role in the establishment of intergenerational justice (Wade-Benzoni et al. 2010), such that they serve as stewards of trust that has been embedded in them (Maak and Pless 2006a)? For all parties involved, these are difficult questions to answer. Yet a common understanding in both academic and practitioner discourses indicates that business leaders must be able to answer them if they are to contribute to a sustainable future.

All things considered then, *responsible leadership* is a multilevel response to deficiencies in existing leadership frameworks and theories; to high-profile scandals on individual, organizational, and systemic levels; and to new and emerging social, ethical, and environmental challenges in an increasingly connected world. The scope and complexity of these challenges calls for responsible leadership and responsible leaders who acknowledge their shared, significant responsibility (May 1996) in tackling problems and challenges. That is, they must walk their talk ultimately to rebuild the public trust vested in them.

It should come as no surprise then that business practice has a notable interest in developing responsible leadership in organizations and in encouraging new generations of responsible leaders and academics to understand the

origins and outcomes of responsible leadership as a multilevel theory and construct. In what follows, this opening article of the Special Issue seeks to sharpen understanding of responsible leadership by distinguishing this concept from other leadership theories. We specify our understanding of responsible leadership at the individual level, provide an overview of the various articles in this special issue, and offer some tentative pathways for further research.

What is Responsible Leadership?

A common understanding among researchers in the field indicates that responsible leadership responds to both existing gaps in leadership theory and the practical challenges facing leadership. First, it centers attention firmly on matters of responsibility, including accountability, appropriate moral decision-making, and trust. In other words, responsible leadership seeks to define what “responsible” means in the context of leadership. Second, being accountable for actions, answerable for decisions, and reliable and trusted are not just semantic variations on the term “responsibility” but rather constitute inherently relational concepts. By definition then, responsible leadership is geared toward the concerns of others and asks for what and to whom leaders are responsible. This comment may seem to be stating the obvious, but it is arguably one of the most under researched concepts in this field, as well as one of the most relevant. At its core, this discussion seeks to clarify who the “others” are and what responding to their concerns entails.

Maak and Pless (2006a, p. 103), in one of the first journal publications on this topic, define responsible leadership as “a relational and ethical phenomenon, which occurs in social processes of interaction with those who affect or are affected by leadership and have a stake in the purpose and vision of the leadership relationship,” thereby broadening the view from a traditional leader–subordinate relationship to leader–stakeholder relationships. They shift the focus to the responsibilities that leaders have in relation to various stakeholder groups and accordingly contend that relationships “are the centre of leadership” (Maak and Pless 2006b, p. 39), such that “building and cultivating ... ethically sound relations toward different stakeholders is an important responsibility of leaders in an interconnected stakeholder society” (Maak and Pless 2006a, p. 101). In this case, “others” are all those with a stake in the leadership project.

The level of regard for others and thus stakeholder inclusion varies with the nature of the leadership project. In contrast, the scope of responsibility depends most significantly on how leaders think about their responsibilities

toward others, because “responsible leadership is not the same concept in the minds of all” (Waldman and Galvin 2008, p. 328). Accordingly we identify two important avenues for research that connect to the very meaning of responsible leadership: one that seeks to investigate conceptually and empirically what might be described as *responsible leader mindsets*, and another that attempts to clarify who should be included as a relevant other in networks of leader–stakeholder relationships. Research in the former stream can reveal the complexity of responsible leadership, its quality, and underlying sense-making processes; the latter can connect stakeholder theory in general (Freeman et al. 2010) and stakeholder legitimacy in particular (e.g., Mitchell et al. 1997) to leadership theory. Waldman and Galvin’s (2008) differentiation of economic versus stakeholder perspectives of responsible leadership suggests a spectrum of mindsets, ranging from low to high levels of regard for others, depending on how individualized or socialized the concept of leadership is. It is worth noting that this spectrum may not range from “lesser” to “more” responsibility; rather, the quality of responsibility and thus responses to stakeholder concerns likely depends as much on contextual and institutional factors as on individual and organizational aspects and thus ultimately determines the appropriate response to any particular situation.

Responsible leadership is not a preconceived construct or predefined remedy to leadership failure and corporate ills. What we see emerging instead is a multilevel theory that connects individual, organizational, and institutional factors (Quigley et al. 2005). In this sense, researchers under the responsible leadership umbrella may deal with individual factors, such as values, virtues, and ethical decision-making; just as they can address organizational-level leadership, including the links among corporate social responsibility, stakeholder theory, and leadership; and still consider institutional factors and their influence on responsible leadership, such as the societal or cultural context, as defined by factors such as power distance, collectivism, and humane orientation that indicate the extent to which social concerns are part of cultural practices. In both single- and multi-level research, the tentative answer to the question “What is responsible leadership?” must be “It depends.” Thus, the field is fluid. It also is reflective of the multiplicity of challenges, questions, and issues at stake in the domain of responsible leadership as illustrated by two extant texts. Doh and Stumpf’s (2005) book focuses predominantly on the link between responsible leadership and governance and thus the steering function of responsible leadership with respect to certain issues, industries, and the global common good. The authors in Maak and Pless’s (2006b) text are mainly concerned with the conceptual foundations of responsible

leadership and seek to contribute to a better understanding of the foundations of responsible leadership. “What is responsible leadership?” “What makes a responsible leader?” and “How can responsible leadership be developed?” are the guiding questions in the latter.

Whereas the previous volumes broke new ground at the conceptual forefront of responsible leadership, we now find a growing number of empirical and descriptive contributions that investigate phenomena at both individual and organizational levels, identifying antecedents and outcomes, examining relationships, and making predictions. This mix of perspectives is accordingly represented in this Special Issue. It zooms in on the current state of research and sets the stage for further research. In particular, five contributions in this issue (by Cameron Freeman, Auster, Voegtlin, Waldman, and Groves) place a specific focus on the individual level of the leader, while three articles (by Gond et al., Pretorius et al., Doh et al.) examine the key phenomena at the organizational level. All these authors emphasize responsible leadership as a relational, values-centered concept that aims to generate positive outcomes for followers as stakeholders, as specified further next.

How Does Responsible Leadership Differ from Related Theories?

We understand *responsible leadership* as a

values-based and thorough ethical principles-driven relationship between leaders and stakeholders who are connected through a sheared sense of meaning and purpose through which they raise one another to higher levels of motivation and commitment for achieving sustainable values creation and social change (Pless 2007, p. 438).

Concomitantly, we define a *responsible leader* as a person who reconciles “the idea of effectiveness with the idea of corporate responsibility by being an active citizen and promoting active citizenship inside and outside the organization” (Pless 2007, p. 450). Responsible leaders thus build and cultivate “sustainable relationships with stakeholders ... to achieve mutually shared objectives based on a vision of business as a force of good for the many, and not just a few (shareholders, managers)” (Maak 2007, p. 331). As such, responsible leadership is an inherently normative approach to leadership.

To explore this concept, we turn to the broader domain of other leadership theories and constructs that are relevant to responsible leadership, and specifically those that are values-centered, such as ethical, authentic, servant, and transformational theories of leadership. Through such a comparison, we can provide snapshots, insights, and

orientations that help us navigate an increasingly diverse field, rather than providing a single-focused, in-depth discussion that would be beyond the scope of this article.

Stakeholder Theory and Responsible Leadership

With the exception of Schneider (2002), to the best of our knowledge, no one has tried to develop a theory of *stakeholder leadership*, notwithstanding Bass and Steidlmeier's (1999, p. 200) suggestion to discuss "leadership in the context of contemporary stakeholder theory." We assert that responsible and stakeholder leadership is not just inextricably linked but that responsible leadership provides a convincing perspective on how to connect leadership to stakeholder theory. By making leader–stakeholder relationships the center of attention, responsible leadership focuses on the responsibilities that leaders have in relation to different stakeholder groups. As we have argued elsewhere, "building and cultivating ethically sound relations toward different stakeholders is an important responsibility of leaders in an interconnected stakeholder society" (Maak and Pless 2006a, p. 101). In this view, followers become stakeholders of the leadership project, so responsible leadership must ask a core question: "What is the role of leadership—and of leaders—in a network of stakeholders, and how can a leader lead responsibly across various, potentially conflicting needs and interests?"

Schneider (2002), without explicit reference to matters of responsibility, makes an important contribution by stressing that both the context of organizations and the profound changes in these organizations, as they become flatter, less bureaucratic, and more dispersed, increase the complexity of the leadership project and create new implications for what effective leadership means. Schneider highlights the "radix organization," which has a core but otherwise is flexible (and flat) enough "to meet the challenges of fluctuating vertical, lateral, and external demands" (Schneider 2002, p. 209). She also proposes a stakeholder model of organizational leadership and stresses the importance of context, relationships, leader role-sets, and, to a lesser extent, leader attributes. These components have significant roles with regard to conceptualizations of responsible leadership. Yet, while Schneider's interest refers to the connection of stakeholder leadership and effectiveness, responsible leadership broadens the scope of performance to include responsibility, accountability, legitimacy, and trust.

Ethical Leadership

Ethical leadership represents an individual-level phenomenon (Brown and Treviño 2006; Treviño et al. 2003, 2000), defined as "the demonstration of normatively appropriate conduct through personal actions and interpersonal

relationships, and the promotion of such conduct to followers through two-way communication, reinforcement, and decision-making" (Brown et al. 2005, p. 120). The purpose of ethical leadership is to influence followers, generally understood as subordinates in the organization, by demonstrating ethical conduct, often through transactional mechanisms.

With this theory, responsible leadership shares the idea of the leader as a positive role model who behaves virtuously, acts according to ethical standards, insures ethical and pro-social conduct in the workplace, and uses principles of moral reasoning to make decisions (Treviño et al. 2000, 2003). Yet even as achieving, managing, and safeguarding high ethical standards in the workforce are cited as important aspects, they are not sufficient conditions for responsible leadership. Responsible leadership goes beyond ethical perspectives, primarily from a relational point of view. That is, the former stresses the importance of a full-range view of leader–stakeholder relationships, whereas ethical leadership restricts its view to a classical leadership dyad of leader–subordinate. Furthermore, ethical leadership seeks to predict outcomes, such as leader effectiveness, employee job satisfaction, and dedication; responsible leadership transcends this micro-level perspective to focus on multilevel outcomes. In its aspiration to mobilize followers inside and outside the organization to engage in responsible leadership practices, such as contributing to social change and sustainable futures, responsible leadership also encompasses a strong transformational dimension, together with "vision" as an important leadership element. Neither of these elements is part of the ethical leadership construct (Brown and Treviño 2006). Finally, whereas ethical leadership theory considers intra-organizational contextual factors, such as an ethical culture (Treviño 1990), responsible leadership goes further and addresses factors from the cultural context, such as power distance and humane orientation (Pless and Maak 2008).

In summary, the main conceptual differences between ethical and responsible leadership stem from their different paradigmatic outlooks: Ethical leadership is concerned with guidance by leaders in organizations and how leaders can exploit such guidance to improve their effectiveness; responsible leadership recognizes effectiveness as an outcome but mainly seeks to capture the relational nature of the leader–stakeholder project and its implications for matters of responsibility. In turn, it acknowledges the latent tension between ethics and effectiveness and is cautious about exploiting ethics as a tool to enhance leader effectiveness.

Servant Leadership

The idea of servant leadership, in its current form, was largely developed by Robert K. Greenleaf (1977), a former

AT&T executive, after he read Hermann Hesse's novel *The Journey to the East*, a story of a group of travelers in search of enlightenment that discovers, only after breaking apart, that a servant Leo led the group and held it together. Servant leadership, another individual-level phenomenon, centers primarily on those whom the leader serves, or the followers. Do those served grow as persons? If the answer is yes, the leader was successful and effective. Accordingly, servant leadership is other-directed, rather than oriented toward the leader's self (Stone et al. 2004). It stands in stark contrast with many recent self-serving, real-life leadership episodes, in which leaders first and foremost thought about themselves and their interests rather than about their constituencies. Servant leadership is contradictory with this traditional top-down, individualized, self-centered form of leadership.

Responsible leadership and servant leadership share the idea that leadership must be mainly about the leader's constituencies (followers or stakeholders), such that the leader's task is to serve the needs and legitimate interests of others (Greenleaf 2002). A leader should anticipate a desirable future, demonstrate genuine care and concern for others, and bring together service and meaning (Sendjaya et al. 2008). Moreover, leaders and followers should "raise one another to higher levels of motivation and morality" (Burns 1978, p. 20) or commitment, in the pursuit of mutually desirable goals. Both versions seek positive outcomes and are normative in nature.

However, though responsible leadership shares with servant leadership the idea of service beyond self-interest, the responsible leader does not pursue "self-sacrificial servanthood" (Sendjaya et al. 2008, p. 405), just for the sake of serving followers and developing their own good. Service is linked to the organizational purpose and directed toward fulfilling the needs of stakeholders throughout business and society. Therefore, the concern of the responsible leader is to mobilize others to serve, engage in, and support objectives tied to a mutually desirable social purpose. That purpose is not limited to helping others grow or become leaders in their own right; it also entails organizational and societal levels (including positive outcomes such as sustainable value creation and social change). The central motivation therefore is not *serving* others but rather *responding* to others' interests and needs, including those of outside stakeholders and society at large.

Furthermore, responsible leadership theory understands followers as stakeholders, both inside and outside the organization, not just as followers in the workplace. The development and mobilization of followers inside and outside the organization (individual-level outcomes) is the means by which leadership serves a higher purpose and achieves social change. Although intrinsically motivated, responsible leaders are not necessarily driven by

spirituality or an inner calling. Responsible leadership can reflect spiritual, humanistic, moral, or any other values rooted in religion, family, tradition, education, and so on. Or it can stem simply from the recognition that acting with responsibility is the right thing to do. The key difference with servant leadership thus pertains to the level of motivation and contextual factors, which generally get neglected in servant leadership literature.

Authentic Leadership

Authentic leadership described by proponents in the field as "perhaps the oldest, oldest, oldest wine in the traditional leadership bottle" (Avolio et al. 2005, p. xxii), continues to draw research interest. Early research focused more on inauthentic leadership, that is, on the lack of authenticity. But current research is more concerned with positive outcomes and the role of authenticity—which in the most generic terms refers to being one's true self or being true to who you are—in the spirit of positive organizational scholarship (Cameron et al. 2003). Luthans and Avolio (2003, p. 243) thereby define authentic leadership as "a process that draws from both positive psychological capacities and a highly developed organizational context." Despite being a multilevel construct (including components from organizational, group, and individual levels), it centers mostly on processes at the individual level. Self-awareness (i.e., a deep sense of self that provides knowledge about one's values, identity, emotions, and motives/goals), self-regulatory processes that align values with intentions and actions, and positive psychological states all represent important mechanisms that enable authentic leaders to influence, energize, and develop followers. In this case, followers are subordinates, but a core assumption of authentic leadership theory is that it will lead to trust, engagement, and well-being and thus to leadership effectiveness. Contextual factors such as uncertainty, culture/climate, and inclusion are considered, to the extent that they moderate the outcomes of authentic leadership.

Ethical qualities, such as moral capacity, courage, and transparency are understood as positive psychological resources. Although some authors (Avolio and Gardner 2005, Luthans and Avolio 2003, May et al. 2003) understand ethics as an inherent component of authentic leadership, others (Cooper et al. 2005, Shamir and Eilam 2005, Sparrowe 2005) voice concerns about defining authentic leadership as encompassing moral resources.

Responsible leadership appears to overlap with authentic leadership with respect to its self-awareness and self-regulation components (Pless and Maak 2005), but it also goes further. Pless and Maak (2005) specify that responsible leadership requires leaders to take another step to develop a sense of others' emotions and values/norms,

reflect on the adequacy of their own emotions and values, and assess them in comparison with general standards and hypernorms (Donaldson and Dunfee 1999), as well as with local needs. Moreover, ethical qualities constitute a structural element in responsible leadership research; in that sense, they are more than positive psychological resources. Moral awareness, ethical reflection, an ability to employ moral imagination to reconcile dilemmas (Werhane 1999), and moral deliberation and decision-making skills are all important features of responsible leadership.

Both authentic and responsible leadership theories factor in the organizational impact of leadership. Avolio and Gardner (2005), Avolio et al. (2004), and Luthans and Avolio (2003) assert that authentic leadership can have positive organizational impacts by helping people find meaning at work and contributes to sustained performance and growth through long-term value creation for shareholders (Avolio and Gardner 2005). Similar to authentic leadership, responsible leadership aims for positive organizational outcomes, but extending beyond traditional economic outcome variables, it also proposes that leadership includes contributions to value and social capital by stakeholders in business and society and thus ultimately should result in positive social change (Maak 2007; Pless 2007).

Transformational Leadership

Leadership is always about change, whether on the individual, team, organizational, or societal levels, or a combination thereof. Leaders, whether by appointment, dedication, or accident, influence followers (stakeholders), and vice versa, which leads to the realization of certain objectives. Reaching the objective implies a change process—thus, transformation.

The notion of transformational leadership was introduced by Burns (1978) in the context of political leadership, then further developed and conceptualized by Bass (1985) and his colleagues (e.g., Bass and Avolio 1995; Avolio et al. 1991). As an individual-level phenomenon, transformational leadership entails a process of building commitment and empowerment among followers to accomplish organizational goals (Stone et al. 2004; Yukl 2002) and thus enhance follower performance. Research on transformational leadership considers some contextual factors, such as country culture or organizational culture, but it does not explicitly discuss “leadership in the context of contemporary stakeholder theory” (Bass and Steidlmeier 1999, p. 200), which instead is the specific contribution of responsible leadership theory.

Responsible leadership is close to the transformational notions of vision, inspiration, intellectual stimulation, and individualized consideration. But it also differs in several

aspects. First, in terms of the definition of followers, responsible leadership considers them more broadly as stakeholders inside and outside the organization.

Second, with regard to the emphasis of leadership, transformational leaders influence followers for the instrumental purpose of enhancing performance and accomplishing organizational objectives (e.g., improving the economic bottom-line, satisfying shareholders), at least in the prevailing approach proposed by Bass and colleagues. Responsible leaders instead serve different stakeholders and mobilize them to engage in and support objectives tied to a higher social purpose at organizational and societal levels. In this contrast, we find a shift from a shareholder mindset to a stakeholder orientation (Maak and Pless 2006a; Waldman and Galvin 2008).

Third, responsible leadership is less focused on individual characteristics, such as defining the “great man” or the charismatic and transformative leader. Instead, it is geared toward a relational leadership approach (Uhl-Bien 2006) based on inclusion, collaboration, and cooperation with different stakeholder groups. Maak and Pless (2006a) point out that in the broader leadership context of stakeholder interaction, leadership entails new responsibilities and roles, and the leader becomes a coordinator and cultivator of relationships with different constituencies—a weaver in and among a network of relationships (Maak 2007).

Fourth, research on transformational leadership asserts that the leader’s ethical or unethical behavior depends on his or her motivation: Only authentic, transformational leaders qualify as moral leaders with moral values, social motivations, and a lack of coercion or manipulative influence (Bass 1985, Brown and Treviño 2006). In other words, there appears to be a distinction between inauthentic and authentic transformational leaders. In contrast, responsible leadership constitutes an inherently ethical phenomenon: To qualify as responsible, leaders must be considered responsible and thus accountable, trustworthy, and ethical. A responsible leader is a person of character with ethical literacy (moral reasoning, moral imagination), who makes moral and principled decisions by considering their impacts on others, while also using his or her influence and power to pursue moral and legitimate ends through justifiable means.

Fifth, both transformational and responsible leadership include notions of change and transformation. However, responsible leaders employ change as a means to achieve a higher social goal; transformational leaders do not necessarily follow that path.

As this overview has demonstrated, previous leadership approaches understand it as an individual-level phenomenon and examine the characteristics, styles, and/or processes that mark that individual, as the basic unit of

analysis. Researchers also assume some shared conceptual leadership characteristics: Apart from a general values-centered philosophy, they regard role modeling as an important part of positive leadership, stress the intrinsic motivation for leadership, and focus on caring concern for others or a high level of other-regard (e.g., Brown and Treviño 2006). To varying degrees, they also understand ethics as an inherent component of leadership. However, with the exception of responsible leadership, none of these approaches includes the social and natural environment as a pertinent level of analysis, links leadership to the outcomes of sustainable value creation or social change (i.e., for the benefit of all legitimate stakeholders), or defines followers in a broad sense as stakeholders within and outside the organization. Maak and Pless (2006a, b) stress that leadership in a network of stakeholder relationships not only induces new roles and responsibilities but also creates a new social perception of leadership, in which the leader is a coordinator and a cultivator of relationships with different constituencies, across and beyond the organization. That is, we need to rethink leadership as leadership of a network of stakeholder relationships.

Perspectives on Responsible Leadership: Special Issue Overview

Of the eight contributions in this Special Issue, three articles are conceptual and five are empirical. More and more researchers adopting an empirical–descriptive approach investigate responsible leadership at both individual and organizational levels, identify antecedents and outcomes, examine relationships, and make predictions. All authors emphasize responsible leadership as a relational and values-centered phenomenon that aims at generating positive outcomes for followers as stakeholders.

Values, Authenticity, and Responsible Leadership

In “Values, Authenticity, and Responsible Leadership,” *Ed Freeman and Ellen Auster* rethink the concept of authenticity according to its application in modern organizational life, such that they enrich extant theory on responsible leadership. The authors reflect on some foundational questions about the logic of values, arguing that the idea of simply “acting on one’s values” or “being true to one-self”—what has been called the “essentialist self”—at best establishes a starting point for thinking about authenticity, because of the difficulty of knowing one’s own values and acting accordingly. They propose the idea of the “poetic self,” a creative project by which the leader seeks to live authentically. Trying to be authentic is an ongoing process that starts with engaging perceived values while also

analyzing one’s own history (self-enlargement), relationships with others (self-connection), and aspirations for the future. This process of self-creation demands a mutual connection with community and stakeholders. Even organizations can become poetic if they comprehend the processes of self-understanding, connection, and aspiration (i.e., perceived organizational values, analysis of historical routines, awareness of the network of stakeholder relationships, and consciousness of a purpose or aspiration). Because authenticity requires acting on perceived values, it provides a starting point for ethics as well. The idea of responsible leadership thus expands with this new conceptualization of the self and authenticity, such that it may help create more humane organizations.

Responsible Leadership as Virtuous Leadership

Kim Cameron, in “Responsible Leadership as Virtuous Leadership,” equates responsible leadership with accountability, dependability, authority, and empowerment—but above all with virtuousness. Using this connotation entails three assumptions about responsible leadership: (1) eudaimonism, or the assumption that all people are inclined toward moral goodness; (2) inherent value, such that virtuousness represents a “good of first intent”; and (3) amplification, which is the assumption that observing virtuousness creates a self-reinforcing cycle of more virtuousness. In turn, it leads to two important outcomes. Virtue establishes a fixed point for coping with change, because it helps identify the universally accepted standard for what leaders may consider best for other individuals and their organizations. It also offers benefits for constituents who otherwise would never have been affected. By focusing on virtuous outcomes, the leader can achieve desirable ends, such as organizational commitment or performance, that insure advantages for all constituencies—rather than benefiting some at the expense of others.

Responsible Leadership Outcomes Via Stakeholder CSR Values

In his study “Responsible Leadership Outcomes Via Stakeholder CSR Values: Testing a Values-Centered Model of Transformational Leadership,” Kevin Groves proposes a conceptual link between responsible and transformational leadership theories and examines how transformational leadership advances responsible leadership outcomes through leader values, leadership behavior, and follower perceptions of leader–follower values congruence. The responsible leadership outcomes include followers’ beliefs in a stakeholder CSR perspective and willingness to engage in citizenship behaviors that benefit both the organization and wider society. The author tests

his values-centered leadership model, comprising leader stakeholder and economic values, follower values congruence, and responsible leadership outcomes, with data from 122 organizational leaders and 458 direct reports. A structural equation modeling analysis demonstrates that leader stakeholder values predict transformational leadership; leader economic values are more associated with transactional leadership. Follower values congruence also appears strongly associated with transformational leadership but unrelated to transactional leadership; it partially mediates the relationships of transformational leadership with both follower organizational citizenship behaviors and follower beliefs in the stakeholder view of CSR. By adhering to stakeholder values and creating strong follower perceptions of shared values, transformational leaders can influence followers' beliefs in the stakeholder CSR perspective and willingness to engage in extra-role, citizenship behaviors that address organizational and community problems.

Measuring Responsible Leadership

Christian Voegtlin's article, "Development of a Scale Measuring Responsible Leadership," extends understanding of responsible leadership with an ideal of discourse ethics that enables leaders to act morally and engage in dialogue with all affected constituents, which grants the organization a license to operate. This understanding of responsible leadership might address the challenges of globalization better than existing leadership concepts. The proposed empirical scale of responsible leadership enables descriptive and prescriptive evaluations; it validates a one-dimensional construct with high internal consistency, as well as discriminant and predictive validity. Thus, responsible leadership reflects the pertinent hierarchical level; can reduce unethical behavior among a primary stakeholder group, namely, employees; and has a direct impact on the job satisfaction of direct report employees. This effect of responsible leadership on job satisfaction also is partly mediated by observed unethical behavior. In this sense, responsible leaders have an indirect effect on job satisfaction, because they help create a more ethical work environment.

Moving Forward with the Concept of Responsible Leadership

The aim of David Waldman's article "Moving Forward with the Concept of Responsible Leadership: Three Caveats to Guide Theory and Research" is to point out three issues that must be considered if we are to progress in the area of responsible leadership. The first caveat pertains to definitional issues: Multiple definitions and moral bases exist to

conceptualize responsible leadership, all of might be equally legitimate and valid (e.g., shareholder view, normative stakeholder theory). The second point to the importance of recognizing the strong values and potential ideologies of the researcher. To advance the concept of responsible leadership, it is crucial that theory and research are not ideologically driven or biased. The third caveat is connected to the positioning of responsible leadership within the body of leadership theory and research according to its "other-regarding focus" (i.e., leaders' accountability to various stakeholders). Thus, responsible leadership offers unique, beneficial, new, or complementary insights. This author also notes concerns about the measurement of responsible leadership. Useful measures should integrate multiple perspectives on leader's values and behaviors, from different types of stakeholders rather than just from immediate followers. Finally, he notes the importance of further descriptive research in the domain of responsible leadership.

Responsible Leadership Helps Retain Talent

In "Responsible Leadership Helps Retain Talent in India," Jonathan Doh, Stephen Stumpf, and Walter Tynon approach responsible leadership as an organizational-level phenomenon. Drawing on stakeholder theory, they define and operationalize it from the perspective of employees and their views of leaders' actions. With this "inclusive concept ... employees perceive their organization as having an ethical and proactive stakeholder perspective toward constituents outside the organization and the employees themselves." Their empirical study is based on a survey involving 28 organizations operating in India and 4,352 employees; it underscores the critical role of responsible leadership for employee retention. These authors also propose a tripartite employee view of responsible leadership: (1) employees' perception of a strong stakeholder culture that supports acting in a socially responsible and ethical manner, (2) fair and inclusive human resource practices, and (3) positive managerial support for employee development and success. The components of responsible leadership also relate to employees' pride in and satisfaction with the organization, as well as their retention.

Exploring the Interface Between Strategy-Making and Responsible Leadership

In "Exploring the Interface Between Strategy-Making and Responsible Leadership," Rachel Maritz, Marius Pretorius, and Kato Plant report on the thinking of organizational leaders, managers and non-managers regarding strategy-making modes. Empirical findings, based on mixed method research (analyses of in-depth interviews and 210 questionnaires) conducted in South Africa, reveal that

organizations combine deliberate strategy-making modes (i.e., formal, rational, comprehensive approach with articulated vision, direction, and specific ends and means) with emergent strategy-making efforts (i.e., quick response, adaptive, trial-and-error with vague ends and means, flexible planning structures, and tolerance for change). These strategy-making modes have key implications for the responsible leader, as an architect or change agent. For example, the high performance consensus (neutral part of strategy-making) in these organizations leads to greater tolerance for risk-taking. Organizational leaders must remain cognizant of the growing use and characteristics of emergent strategy-making, if they hope to facilitate effective governance. Further understanding of these characteristics could provide guidance for leaders who want to be both responsive and responsible in all their actions areas.

The Human Resources Contribution to Responsible Leadership

The article by Jean-Pascal Gond and colleagues, “The Human Resources Contribution to Responsible Leadership: An Exploration of the CSR-HR Interface,” aims to investigate how human resources (HR) contribute to socially responsible leadership at functional, practical, and relational levels of analysis. Although CSR practices have been embraced by many corporations, the authors argue that the specific contributions of HR professionals, HR management practices, and employees to responsible leadership have been overlooked. Relying on analyses of interviews with 30 CSR and HR corporate executives from 22 corporations operating in France, these authors determine whether and how HR can support employees’ involvement in CSR, while also highlighting areas of collaboration and tension between HR and CSR functions around emerging practices of responsible leadership. The findings uncover the multiple, often implicit roles of HR in responsible leadership, as well as the interrelation of functional, practical, and relational dimensions. In its organizational and functional contribution, the optimal configuration of the HR–CSR interface enables HR to provide functional support to the deployment of responsible leadership. With regard to a practical contribution, HR professionals help insure stabilized or encourage emerging practices and thus build the environment to support responsible leadership. For the relational contribution of HR, this article notes that HR professionals manage relationships with employees, facilitate employees’ involvement and representation in CSR issues and topics, and monitor the CSR influence on employees through HR processes. Finally, the organization of the HR–CSR interface can enable or undermine HR contributions to responsible leadership; several underlying cognitive factors shape this interface.

Conclusion: Pathways for Further Research

The field of responsible leadership is still in its infancy. Further guidance on the topic remains in high demand, yet most responsible leadership dimensions remain under researched. This situation is not necessarily surprising; most leadership research still assumes that leadership takes place in clearly structured, hierarchical relationships and that researchers can uncover some ultimate truth about what constitutes “effective” leadership. The world of leadership is messier than that—more complex, diverse, and ultimately contested, especially when it comes to defining responsibility. Moreover, the objectivist stance of traditional concepts and the ignorance of normative issues makes it difficult to determine how such research could inform those who look for guidance in matters of responsible leadership.

We hope that this Special Issue not only helps consolidate responsible leadership as an important area of research but also, and perhaps more importantly, inspires additional research that generates orienting knowledge in this domain. The field is far from complete, and the contributions in this issue provide only a snapshot of the challenges and concerns that remain to be studied.

In particular, further research should address definitional issues, as David Waldman notes in his contribution: Multiple definitions and moral bases attempt to conceptualize responsible leadership, all of which might be equally legitimate and valid. Additional explorations of these bases would generate more clarity, which not least might prevent the domain from becoming ideologically driven or biased. Waldman also suggests that responsible leadership should be better positioned within the wider stream of leadership theory and research. Our brief overview might offer a starting point for cross-comparisons of responsible leadership with other leadership concepts. In addition, research could explore team and shared leadership further (Pearce and Conger 2003), link emerging literature on followership or follower-centric approaches to responsible leadership (Shamir and Eilam 2005), and so on.

As research seeks to refine responsible leadership, it would be helpful to have scales and constructs for testing. Christian Voegtlin has provided some indications of how to pursue this avenue. Measures of responsible leadership, though not a primary interest of researchers at this stage, might provide more substantial evidence regarding its relevance and effectiveness. Potential constructs to study might include job satisfaction, implicit leadership theory, and ethical leadership as perceived by immediate followers. By obtaining multiple perspectives on leaders’ values and behaviors from different types of stakeholders, rather than just immediate followers, as Waldman suggests, we also could gain important insights into legitimacy,

stakeholder satisfaction, and leader–stakeholder dynamics. The time also seems ripe to study the role of leadership in building stakeholder social capital (Maak 2007). Research needs to provide more clarity regarding who should be included as a relevant other in the network of leader–stakeholder relationships, which would enable connections from stakeholder theory in general (Freeman et al. 2010) and from stakeholder legitimacy in particular (e.g., Mitchell et al. 1997) to leadership theory.

We also see great benefit in investigating, both conceptually and empirically, responsible leader mindsets. Research in this area could reveal the great complexity of responsible leadership, its quality, and underlying sense-making processes; it also might shed light on anecdotal evidence that leaders think differently about doing the right thing. Waldman and Galvin's (2008) differentiation of economic versus stakeholder perspectives even hints at the possibility of a spectrum of mindsets. In this sense, we hope that we continue to see more descriptive research on responsible leadership that generates deeper, more insightful understanding of the phenomenon.

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TEAM BUILDING INTERVENTION

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INTRODUCTION

Teams are an important element in the new high performance forms of organisations. It is important to understand what teams are and what they aren't, if they are to be used effectively. They are not always effective. They can be highly dysfunctional. They can develop a 'group thinking' mentality that can produce bad decisions. They can be disruptive, leading to arguments and discord in the organisation. They can be enormously wasteful of people's time and energy. Problem solving teams are used to improve the way the organisation performs, and management teams are used to develop strategy and to drive the changes. If the role of team is to be positive, people must learn how to make them work effectively. This is a question of the customer being right. If the team has been given some task to perform, the people who have given them the task are the people who will judge whether the result is satisfactory.

There has been a great deal of research into the subject of team effectiveness over the last decade or so and there is a consensus on what factors must be controlled in order to set up and run effective teams. There are quite a few areas that must be addressed for teams to be effective. In this paper only three areas, viz., goal setting, transfer of training and openness to change are addressed.

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Findings of an empirical study are provided to have a practical insight into the problem. An anecdote related to team building, collected from the internet, is also provided to make the article enjoyable to the readers.

GOAL SETTING

Goal setting theory is founded on the principle that performance increases with greater goal difficulty, given adequate levels of goal commitment and ability (Locke and Latham, 1990). The foundation of successful team goal setting remains in setting specific team performance goals of sufficient difficulty rather than easy or vague "do your best" goals (Weldon and Weingart, 1993). Specifically, goal commitment is a function of the expectancy that a goal can be achieved and the attractiveness (value) of goal attainment. In the goal-setting literature expectancy of goal attainment is commonly operationalised in terms of self-efficacy (Klein, 1991). Key determinants of goal attainment attractiveness include participation in goal setting, provision of performance feedback, self-confidence, group norms, and the provision of incentives (Skinner, 2002). Goal setting and performance feedback go hand in hand. Without feedback, goal setting is not effective (Latham & Locke, 1991). Setting specific and difficult goals for complex tasks may interfere with performance by encouraging a focus on the desired outcome rather than the most effective strategies to reach that point (Locke & Latham, 1990). Providing feedback on task strategies and their effectiveness can overcome this effect. The combination of a complex task and setting difficult goals may also have a significant negative impact on self-confidence and hence reduce goal commitment (Locke & Latham, 1990). Providing feedback matched to short-term goals is a useful strategy to increase confidence and commitment.

A difficult, compared to easy, team goals encourages team members to engage in more communication, coordination and planning which leads to higher levels of performance (Weldon, Jehn, & Pradhan, 1991). There is also evidence demonstrating that team goals encourage individuals to revise or adapt their task performance strategies, these changes in turn are associated with higher levels of performance (Weldon & Weingart, 1993). It must

be acknowledged, however, that these effects have been demonstrated in laboratory experiments using tasks such as brainstorming. The degree to which such relationships transfer to the workplace where there are greater demands on employees' time and resources is not known.

Weldon and Weingart (1993) conclude that for both assigned and participatory goal setting commitment and acceptance are more likely when the process of setting the goal is perceived to be fair and legitimate. Wegge (2000a) argues that when a high degree of interdependence between team members is required, participation in goal setting does provide significant performance and motivational benefits. In Wegge's model, participation in goal setting facilitates identification with the team, team cohesion, commitment to the team and the development of strategies for individual and team performance.

Commitment to a team goal is generally understood in an expectancy-value framework. Specifically, commitment is a function of the expectancy that goal attainment is possible, and the attractiveness or value placed on reaching the team goal. High levels of team cohesion are suggested to enhance both the value of team membership and the rewards individual team members gain from team success. Feedback allows teams to "monitor their progress towards goals, increase their effort, improve the quality of the plans, offer additional help to weak group members, divert additional resources from competing demands, and/ or engage in additional morale building communication in order to increase the likelihood of success (Weldon & Weingart, 1993).

Team vs. Individual Goals

When team performance requires cooperation between group members, assigning a team performance goal and separate individual performance goals are likely to result in team members focusing predominantly on their individual goals to the detriment of the overall team's performance (Mitchell & Silver, 1990). When teams are performing tasks that require significant cooperation and interdependence, a more effective approach is likely to be setting individual goals focused on maximising each member's

contribution to the team's capacity to perform effectively in addition to an overall team goal (Crown & Rosse, 1995). In this way, the team's performance is made the priority, rather than each team member focusing exclusively on his or her particular input and performances. Feedback and incentives then need to be provided at both the team and individual levels. The importance of a two-pronged approach is supported by Crown and Rosse's (1995) finding that team performance was highest when team members reported a high commitment to both individual and team performance. There is evidence that when working on tasks requiring coordination and cooperation between team members setting team goals results in higher performance compared to a team operating without any goals or performance goals for individual members (Weldon & Weingart, 1993).

TRANSFER OF TRAINING

This concept is most often operationalised in terms of the support and reinforcement provided by managers and supervisors of training transfer. There is also evidence, however, that support provided by work colleagues exerts a significant impact on transfer of training. Goal setting research suggests that team goal setting is likely to be an effective method of building organisational support for training transfer. Lack of organisational support has also been identified as a barrier in the implementation of evidence-based practice. A range of difficulties and barriers to implementing evidence-based practice has been identified (Colyer & Kamath, 1999) which include a lack of support from colleagues and supervisors. As with training transfer, team goal setting has the potential to play an important supportive role in changes and improvements to work practices.

Self-management training involving goal setting and the development of strategies to overcome potential obstacles or difficulties for goal attainment is an effective method of increasing training transfer (Gist, Bavetta, Stevens, 1990). The research of Weldon and colleagues reminds us that self-management training may need to be supplemented by team-management training to enhance a team's transfer of knowledge, skills and abilities from training into work practice. Weldon and colleagues' research

suggests significant transfer benefits may be gained from team-management training focusing on the development of team plans and strategies, and procedures to evaluate, change and adapt plans to improve performance, particularly in complex work practices that require a lot of coordination.

OPENNESS TO CHANGE

A potential disadvantage of group goal setting is that teams may become “locked in” to focusing on particular goals and may be slow to change in response to changing situational demands or feedback indicating that successful performance is no longer being achieved (Weldon & Weingart, 1993). This effect is not new. Resistance to change is a well - documented phenomenon and has generated a whole research literature and professional practice focused on developing effective strategies for organisational change (Piderit, 2000). The impact of changing a goal within the context of a comprehensive goal-setting programme has not been studied. Changing a goal whilst operating within a goal setting programme that builds in supports such as clear performance criteria, regular feedback and reinforcement may significantly reduce ambiguity and uncertainty accompanying a change to work practice. On the other hand, individuals and teams may be reluctant to change an established goal setting system if it currently provides them with experiences of progress, success and achievement — rewards that may disappear when a new goal is introduced.

AN EMPIRICAL STUDY

The study was conducted in one of the power plants of NTPC. It was held in three phases. The first phase was the stage of diagnostics. In this phase, a survey was undertaken. The data were quantitative as well as qualitative in nature. Approximately 50 percent of the total employees were selected for collection of quantitative data. The questionnaire contained questions related to goal setting, information sharing, openness and trust, conflict resolution, decision-making, ownership and communication. Respondents gave their responses on a five point rating scale. Informal discussions were held with some head of the departments and some employees to elicit qualitative data to enrich the data

collected through questionnaire survey. At the second phase the findings were presented at the projects to get them ratified and a discussion was initiated on the salient findings. Finally each department, for better team functioning, prepared an action plan. The implementation of the action plan was monitored. The findings support some of the team building facets discussed above.

Employees showed exemplary commitment towards their work, delivering results ahead of schedule. Despite differences, they came together when the project demanded. It was because of the fact that the members felt a professional challenge in their team goal. Call Centre was initiated by the same department. This improved service delivery to internal as well as external customers. This can be seen as solving problem through creativity and innovation at workplace when the task is complex. Members were open to giving suggestions and feedback displaying confidence in the system. They were concerned about organisational profitability- displaying ownership.

But some of the areas of concern also came out. Goals were not communicated properly and hence not very clear to majority of the members. Heads of the departments did not work with common goals. They felt lack of empowerment to take decisions. Hence they did not command respect from team members. Individual goals superseded team goals resulting in competing styles of conflict resolution. People viewed norms/rules as bureaucratic. Seniors relied on experience/past success and were continuing to do activities in the same manner. Questioning in a team meeting was viewed as a lack of faith or trust. Fear of failure prevented members from taking initiative. People were career conscious and hence wanted to have more clarity on Key Result Area. They held on information to display superiority or to get mileage. Conflicts were temporarily addressed. Functional authority was displayed to resolve conflicts. Lack of dialogue aggravated the problem all the more.

In the action plan, the departments mainly talked about interdepartmental meetings and awareness generation programmes. According to them, interdepartmental meetings will do away with the misgivings amongst the members. Awareness

generation programmes will be related to functions performed by every department. This kind of awareness will do away with the tendency of demeaning others' work and highlighting one's own. Another department, which had a lot of interdepartmental coordination work suggested to develop a system based approach to reduce the volume of coordination. Initiation of call center approach was one such suggestion. Some departments also proposed some studies. According to them, complex problems should be studied through system based approach. This will entail less scope for coordination and need of team building. But a statement made by Drucker is relevant in this regard. According to him, "teamwork is neither "good" nor "desirable"- it is a fact Wherever people work together or play together they do so as a team. Which team to use for what purpose is a crucial, difficult, and risky decision that is even harder to unmake. Managements have yet to learn how to make it".

The Anecdote (Anonymous Source, obtained from internet)

In the Beginning was The Vision...

and then came The Assumptions

and The Assumptions were without Form

and The Vision was without Substance.

And Darkness was upon the faces of the Workers

And they spoke amongst themselves, saying

"It is a Crock of rap, and it Stinketh."

And the Workers went to their supervisors and sayeth unto them:

"It is a Pail of Dung, and none may abide the odor thereof."

And the supervisors went to their managers, and sayeth unto them:

"It is a container of Excrement, and it is very strong, such that none may abide it."

And the managers went to the Directors and sayeth unto them:

"It is a vessel of Fertilizer, and none may abide its' Strength."

And the Directors went to the Vice Presidents and sayeth:

"It contains that which aids plant growth, and it is very Strong."

And the Vice Presidents went to their Executives and sayeth unto them:

"It promoteth growth, and it is very Powerful.

And the Executives went to the President, and sayeth unto him:

"This powerful new Vision will actively promote the growth and efficiency of our departments and the company overall."

The President looked upon the Vision and saw that it was Good.
And the Vision became Reality.

CONCLUSION

According to Mike Woodcock teamwork is increasingly being seen as an important subject and team building is now one of the most popular and effective ways of improving the health of an organisation. There is then a very acute danger that team-building solutions may be applied inappropriately, that well meaning but misdirected people may go through the ritual dances of team building when the problems of the organisation are really quite different. Many advisors and consultants are known to tour the country with a solution in their briefcase looking for a problem to fit it, and often they find such problems whether or not really such problems exist. Similarly in some organisations there are training officers who are tempted to see problems which are not there simply to try out a new technique which particularly appeals to them.

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THE RELATIONSHIP BETWEEN ORGANIZATIONAL CHARACTERISTICS AND TEAM BUILDING SUCCESS

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ABSTRACT: The present paper has three goals. First, an approach to meta-analysis which combines meta-analytic procedures with a more complete description of the organizational setting is presented. Second, a meta-analysis of the influence of team building on workgroup effectiveness is conducted. The results of this meta-analysis support the contention that team building impacts positively on workgroup productivity. Finally, a discussion of the role of meta-analysis in providing information which both scientists and practitioners may use to understand the relationship between organizational characteristics and the effects of team building on productivity measures is given.

Organization Development (OD) addresses problems involved in managing human dynamics in organizations (French, Bell, & Zawacki, 1989). The essential elements of OD: are "a powerful set of concepts and techniques for improving organizational effectiveness and individual well being" (French, Bell, & Zawacki, 1989: p. 1). An often used technique in OD is team building.

Team building is used with groups of interdependent individuals whose purpose is to accomplish common tasks (Porras & Robertson, 1992). Team building is designed to help work groups improve the way they accomplish tasks by enhancing the interpersonal and problem-solving skills of team members (Porras & Robertson, 1992; Porras & Silvers, 1991; Woodman, 1989). Team building is one of the most popular OD interventions (French, Bell, & Zawacki, 1989; Porras & Berg,

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1978; Porras & Robertson, 1992). A meta-analysis conducted by Neuman, Edwards, and Raju (1989) examined the effects of several OD interventions (including team building) in modifying satisfaction and/or other attitudes. Their review suggests that for specific interventions (e.g., interpersonal and problem solving), team building is an effective means of changing satisfaction and other attitudes.

However, Neuman et al.'s meta-analysis does not directly address the issue of whether team building impacts workgroup productivity. Several narrative reviews of team building exist (DeMuse & Liebowitz, 1981; Nicholas, 1982; Woodman & Sherwood, 1980) and have provided mixed results with regard to the effectiveness of team building for improving productivity or workgroup performance. One meta-analysis examined the general effect of OD on productivity and yielded moderate but variable effects (Guzzo, Jette, & Katzell, 1985). The Guzzo et al. (1985) review examined eleven psychologically based OD interventions but did not evaluate the effects of team building alone.

Thus, a meta-analysis on the effectiveness of team building on workgroup performance is warranted. The present study has three primary goals. First, the study will discuss an approach to meta-analysis which combines meta-analytic procedures with a more complete description of the characteristics of organizational settings. Second, a meta-analysis will be conducted on team building's effects on workgroup productivity measures. Finally, a discussion of the role of meta-analysis in providing information which both scientists and practitioners may use to understand the relationship between organizational characteristics and the effects of team building on productivity measures will be presented.

META-ANALYSIS AND OD RESEARCH

Meta-analysis involves the systematic collection of documented studies relevant to some research question, converting the findings and characteristics of the studies to variables of interest through some coding scheme, and the analysis of these variables using robust statistical procedures (Glass, McGraw, & Smith, 1981; Hunter, Schmidt, & Jackson, 1982; Hunter & Schmidt, 1990). Meta-analysis treats the results of prior studies as individual data points in a statistical analysis. In meta-analyses done on organizational interventions the studies' findings are reduced to effect sizes, derived from experimental-control group mean comparisons or correlations between outcome and independent variables (e.g., Neuman et al., 1989; Rodgers & Hunter, 1991). Characteristics of the field sites may also be coded as moderator variables. The types of moderators used, however, may be of less help to the consultant

seeking to understand the efficacy of different interventions than they are to the academic researcher. For example, Neuman et al. (1989) in their assessment of the effects of OD interventions on attitudes and satisfaction examined only three moderators that might be of interest to the practitioner (the technology of the organization, the level of employees affected by the intervention, and the organization type). Rodgers and Hunter (1991), in their assessment of the effects of MBO on organizational productivity, looked at only one moderator (the level of management commitment to the program).

James, Demaree, Mulaik, and Ladd (1993) have proposed that the use of meta-analysis to understand the effects of organizational interventions would benefit from the use of a proactive research design in which moderating situational variables are defined *a priori* and later tested by a meta-analytic method. A variant of the meta-analytic approach which has been proposed for evaluating OD interventions and processes which emphasizes this *a priori* definition of situational moderators is the case meta-analysis method (Bullock & Tubbs, 1987). This paper proposes that the combination of the careful definition of organizational characteristics proposed by the case meta-analysis method (Bullock & Tubbs, 1987) with the statistical aggregation of diverse results from individual cases into a common statistic, the effect size (cf., Glass, McGraw, & Smith, 1981; Hunter & Schmidt, 1990) offers good possibilities for the understanding of the effects of OD interventions in real-world contexts. The next section shows how meta-analytic procedures, coupled with the *a priori* definition of organizational characteristics that may operate as moderators, provide data which can aid the practitioner in the prediction of the success of an intervention before implementation occurs.

METHOD

Selection of Studies

A search of the major psychological and business publications was conducted using two separate database systems (PsychLit and ABIN/inform). The key words, TEAM BUILDING and TEAM DEVELOPMENT, were used to create a pool of possible studies for inclusion in the meta-analysis. This resulted in a pool of 133 studies.

There were three criteria for inclusion used in this meta-analysis. First, the team building intervention had to fit Beer's (1976) conceptual scheme of team development or Dyer's (1977) description of the problem-solving team group. Beer (1976) described four models of team building: the goal setting model, the role model, the interpersonal model, and the managerial grid model. In the goal setting model, the team building ef-

fort is aimed at establishing group goals and plans to accomplish these goals. This model may be used to set goals for change in the group's structures and processes to meet organizationally set criteria (e.g., productivity measures). The role model approach consists of meetings to facilitate role clarity and decrease ambiguity. The interpersonal model focuses on improving interpersonal relations in the group. The assumption underlying this model is that an interpersonally competent group will be more effective than one which lacks such skills. The final model is the managerial grid model (Blake & Mouton, 1964).¹ Team building strategies that focused on problem solving as described by Dyer were also considered. While many studies have employed team building interventions consistent with Beer's (1976) descriptive scheme (e.g., Eden, 1985; 1986; Hughes, Rosenbach, & Clover, 1983; Mitchell, 1986), other studies have relied on a problem solving model as the primary intervention (e.g., Buller & Bell, 1986). The problem solving model reports a more general model in which team members identify major problems, generate relevant information, engage in problem solving, and implement and evaluate action plans. Such problem-solving interventions were coded as goal setting or interpersonal based on the relative emphasis placed on meeting group production goals or interpersonal competence. In addition, studies that used a combination of these interventions were considered for inclusion and coded as mixed to signify that more than one type of team building approach was used. Second, an inclusion criterion was that each study had to be conducted in a business or government field setting. Educational settings were *not* included due to the difficulty in operationalizing productivity. Finally, the third inclusion criterion concerned the dependent variables used in the study. Each study must have reported a change in objective productivity or a subjective estimate of group productivity made by someone in the group or external to the group undergoing the team building process. These dependent measures must have been reported as a quantitative statistic (usually an F- or t-value). This permitted the assessment of effect size of team building on productivity measures.

Based on the above criteria, 11 studies were selected and used in the ensuing analysis.² These 11 studies yielded 25 separate data points

¹No studies using either the role or managerial grid approach met both of the second and third criteria for inclusion. Therefore, these types of team building are not included in this analysis.

²This number of studies may appear to be small but is consistent with that reported in other meta-analyses of team building interventions and/or OD's impact on productivity. For example, Guzzo et al. (1985) conducted a meta-analysis on 11 studies reporting the effects of multiple organizational interventions on productivity. Neuman et al. (1989) found only 23 studies of team building's effects on satisfaction and work attitudes (which are the more common dependent variables in the investigation of OD intervention results) (cf., Woodman & Sherwood, 1980). Most recently, Salas, Mullen, Rozell, and Driskell

for the meta-analysis (since some authors reported the effect of team building on multiple but independent productivity related dependent variables). The studies included in the meta-analysis are listed in Table 1 along with the research design, the primary focus of the intervention, the setting and subjects employed, the N size for each study, and the calculated effect size for each dependent variable.

Method of Analysis

The literature on statistical aspects of meta-analysis suggests there are a number of ways to calculate estimates of effect sizes. Glass (1976) proposed an estimation of effect size but presented no sampling theory for his procedures. Hedges (1981) demonstrated this estimate to be biased. An unbiased estimator of effect size based on a direct weighted linear combination of estimators from different studies has been developed (Hedges, 1982; Hedges & Olkin, 1985) and empirically tested (Hedges, 1982). Hedges' method has been shown to have the same asymptotic distribution as the frequently used maximum likelihood estimator but is simpler, more intuitively appealing, and involves less computation. Furthermore, Hedges (1982) has demonstrated that the distributions of the weighted estimator and the homogeneity statistic are quite accurate when the experimental and control group sample size exceeds 10 and the effect sizes are smaller than about 1.5, as was the case in the majority of the studies sampled here. Thus, the chosen meta-analytic technique was the chi-square method described by Hedges and Olkin (1985).

As an initial step, the appropriate N sizes and t values were found for each experiment. If a one degree of freedom F value was reported, it was converted to a t value. Each t value was then converted to an effect size (d_i) (see Table 1). The variance ($SE^2 d_i$) for each effect size was calculated and used to compute a variance weighted mean for each effect size. The effect size is interpreted as the amount of change occurring within a dependent variable as a result of some independent variable (here the team building intervention) (cf., Glass et al., 1981; Hunter & Schmidt, 1990). The homogeneity of effect size hypothesis ($H_0: d_{i1} = d_{i2} = \dots d_{ik}$) was assessed by computing an overall chi-square and testing it against a critical value ($\alpha = .05$).

(1997) conducted a meta-analysis of team building on performance. They searched the same sources this study did and included dissertations in their search. Their inclusion rules were slightly different from this study: They found 8 studies in their meta-analysis. Therefore, the number of studies included in the present analysis, while small, does seem indicative of the majority of the data base on team building's influence on productivity measures available to both practitioners and academics.

Table 1
Summary of Team Building Investigations

Investigation	Research Design	Primary Intervention	Setting and Subjects	Dependent Variable	n*	Effect Size
Buller & Bell (1986)	Quasi-Experiment Non-Equivalent Control	Goal Setting	Hard rock miners in underground metal mine	Production quantity—tons per manshift	E = 36 C = 17	.130
	Quasi-Experiment Non-Equivalent Control	Goal Setting	Hard rock miners in underground metal mine	Production quality—grade of ore	E = 36 C = 17	.642
	Quasi-Experiment Non-Equivalent Control	Goal Setting	Hard rock miners in underground metal mine	Perceptual changes in grade of ore	E = 36 C = 17	1.096
	Quasi-Experiment Non-Equivalent Control	Mixed	Hard rock miners in underground metal mine	Production quantity—tons per manshift	E = 18 C = 9	.718
	Quasi-Experiment Non-Equivalent Control	Mixed	Hard rock miners in underground metal mine	Production quality—grade of ore	E = 18 C = 9	.839
	Quasi-Experiment Non-Equivalent Control	Mixed	Hard rock miners in underground metal mine	Perceptual changes in grade of ore	E = 18 C = 9	.866
Eden (1985)	True Experiment	Mixed	Team members—logistics units in Israeli Defense Forces	*Perceptions of group effectiveness	E = 270 C = 270	.086
	True Experiment	Mixed	Team members—logistics units in Israeli Defense Forces	*Perceptions of organizational effectiveness	E = 270 C = 270	.093
Eden (1986)	Quasi-Experiment Non-Equivalent Control	Mixed	Combat company teams in Israeli Defense Forces	*Perceptions of group effectiveness	E = 220 C = 280	.144

Frieland (1967)	Quasi-Experiment Non-Equivalent Control	Interpersonal	Research and development groups in the armed services	*Perceptions of group effectiveness	E = 31 C = 60	.298
	Quasi-Experiment Non-Equivalent Control	Interpersonal	Research and development groups in the armed services	*Perceptions of individual effectiveness	E = 31 C = 60	.238
Howe (1977)	One Group Pre-Post Design	Mixed	Managers and technicians at a manufacturing plant	*Perceptions of group effectiveness	n = 9	2.615
Hughes (1983)	Quasi-Experiment Non-Equivalent Control	Mixed	Cadet squadrons at U.S. air force academy who were working in organi- zations	*Perceptions of group effectiveness	E = 74 C = 62	.386
Kimberly & Nielsen (1975)	One Group Pre-Post Design	Interpersonal	Assembly line workers in automotive plant	*Perceptions of organiza- tion	n = 90	.688
	One Group Pre-Post Design	Interpersonal	Assembly line workers in automotive plant	*Perceptions of supervisor	n = 90	.499
	One Group Pre-Post Design	Interpersonal	Assembly line workers in automotive plant	Production rates by period	n = 90	.081
	One Group Pre-Post Design	Interpersonal	Assembly line workers in automotive plant	Quality units by period	n = 90	.439
	One Group Pre-Post Design	Interpersonal	Assembly line workers in automotive plant	Cost effectiveness—profit or loss by period	n = 90	.272
Mitchell (1986)	One Group Pre-Post Design	Interpersonal	MBA students and man- agement teams in busi- ness	*Perceptions of group effectiveness	n = 28	.549
	One Group Pre-Post Design	Interpersonal	MBA students and man- agement teams in busi- ness	*Perceptions of group effectiveness	n = 28	.137
Paul & Gross (1981)	One Group Pre-Post Design	Mixed	Communication and elec- trical division of the city of San Diego	Cost efficiency	n = 90	.895

Note. *E = experimental group. C = control group.

*denotes average effect size of a composite measure.

RESULTS

The overall chi-square value obtained in the present analysis was 67.58. The critical chi-square value at $\alpha = .05$ with 23 degrees of freedom is 35.17. A comparison of these two values leads to the rejection of the homogeneity of effect size hypothesis ($H_0: d_{i1} = d_{i2} = \dots d_{ik}$). This result serves as an omnibus test for moderators: it suggests that more than one underlying distribution of effect sizes accurately describes the data. The case meta-analysis method proposes that organizational characteristics are an important determinant of the success of interventions in various cases. A list of 20 moderating organizational characteristics believed to be related to the success of team building interventions were generated. These moderator variables were based on discussions of change theory and team building presented in standard texts on organization development (Beer, 1980; Burke, 1982; Cummings & Huse, 1989). The moderating variables are given in Table 2.

These moderators may be organized into five categories. These categories are: (1) the process before the implementation of team building (e.g., the initiation and reason for team building, expectations regarding the intervention, and participation in planning the intervention); (2) the process of implementation of the team building intervention (e.g., the type of team building intervention, management of the intervention, and individual vs. group focus); (3) organizational support for team building; (4) organizational characteristics (e.g., type of organization, organization size, and general management style); and (5) the type of dependent variables used in the study (e.g., objective vs subjective).

The organizational characteristics were coded for each study. The decision rules defining these organizational characteristics were generated by the authors. Two raters then coded the organizational characteristic information available in each study. Initial inter-rater reliability was acceptable (91% agreement across all 20 moderator variables). Disagreements between raters were resolved through discussion among the raters and the first author. The final consensus coding of organizational characteristics was then used to test for moderators.

Table 2 provides information on (1) the sub-groupings used to code each organizational characteristic; b) the χ^2 value for between-group differences on each organizational characteristic and the associated χ^2 critical values; and c) the mean effect size for each sub-grouping of the organizational characteristics. The mean effect size represents the average amount of change in the dependent variable associated with each of these sub-groupings.

Table 2 shows that 19 of the 20 moderator variables tested had significant between-group differences. Only one moderator variable did not have significant between-group differences. This moderator was whether

Table 2
Moderator Variables Examined

	χ^2 Between			
Moderator	Observed	Critical	n	Md _i
The Process Before The Implementation Of Team Building				
Who initiated team building	3.867*	3.841		
Internal to group			7	.431
External to group			18	.781
Rationale for team building	16.318*			
Preventive action			5	.692
Corrective action			9	.857
No evidence			11	.536
Expectations for team building benefits	45.320*	5.991		
To change performance			9	.785
To change attitudes			6	.233
To change performance and attitudes			10	.861
Action research approach	16.279*	3.841		
No			6	1.310
Yes			19	.485
Group involvement in team building plans	11.665*	3.841		
No			8	1.068
Yes			17	.501
Team Building Process				
Type of team building intervention	11.091*	5.991		
Goal setting			3	.622
Interpersonal			10	.579
Mixed			12	.785
Were other interventions employed	36.652*	3.841		
No (team building only)			12	.534
Yes			13	.820
Who managed the intervention(s)	33.647*	5.991		
Internal consultant			9	.354
External consultant			14	.741
External and internal consultant			2	1.755
Level of focus	5.404*	3.841		
Individual			6	.477
Intragroup			19	.748
Organizational Support For The Team Building				
Supervisory participation	.293	5.991		
No			3	
Yes			20	
No evidence			2	
Supervisory support of team building	13.411*	3.841		
No			16	.492
Yes			9	1.02

Table 2 (Continued)

Moderator	χ^2 Between		n	Md _i
	Observed	Critical		
Support of change effort	10.783*	5.991		
Support from higher levels			7	.901
Support from different levels			5	.495
No evidence			13	.637
Organizational Characteristics				
Organization size	42.522*	7.815		
Small (less than 500 employees)			10	.796
Medium (500–5,000 employees)			7	.431
Large (more than 5,000 employees)			5	.559
No evidence			3	1.100
Organization type	46.701*	5.991		
Industrial/manufacturing			16	.890
Government			6	.208
No evidence			3	.527
Group responsibility for performance	31.103*	5.991		
Groups were responsible for performance			11	.915
Groups were interdependent			6	.760
No evidence			8	.305
Management style	37.917*	3.841		
Participative			1	2.615
Autocratic			4	.177
No evidence			20	.687
Characteristics Of The Dependent Variable				
Type of performance measured	14.741*	3.841		
Objective			11	.663
Subjective			14	.699
Who makes the subjective report	9.532*	3.841		
Internal to group			11	.521
External to group			2	.981
Level of performance change reported	21.225*	5.991		
Individual			4	.468
Group			16	.713
Organization			5	.854
Type of objective performance	10.659*	5.991		
Quantity			5	.804
Quality			5	
Cost effectiveness			2	.895

Note. * $p < .05$. The mean effect size is not reported for non-significant moderators.

or not the immediate supervisor of the work groups participated in the actual team building process. The remainder of the presentation of results will be focused on the significant results in the five categories of moderators.

Process Before the Implementation of Team Building

These moderators may be divided into two general sub-categories. First, three moderator variables were used to assess the reason for, initiation of, and expectations surrounding the team building intervention. One moderator variable assessed where the initiation of the team building effort began. Team building efforts initiated by someone external to the work group (generally higher management) had a larger effect size than team building initiated within the work group (.781 to .431). A second moderator variable assessed the reasons for initiation of the team building intervention. Team building conducted as a corrective action had a larger mean effect size than team building conducted as a preventive action (.857 to .692). Third, management's expectations regarding what organizational criteria team building would affect was used as a moderator. If team building was conducted with the expectation of changing worker attitudes only, the smallest effect size was generated (.233). Expectations that team building would increase performance had an effect size of .785. Team building conducted with the expectations of improving both performance and worker attitudes had the largest effect size (.861).

The second sub-category was whether the work group receiving the team building participated in the planning of the intervention. The use of the action research model, in which the work group actively participates in the early stages of team building, decreased the effect size relative to not using this approach (.485 to 1.310, respectively). This was supported by a second moderator assessing whether the group was actively involved in planning the team building effort. Here, involvement in planning had a smaller effect size than did non-involvement (.501 to 1.068, respectively).

Team Building Process

This category of variables is concerned with the way the team building intervention was conducted within the studies. First, the type of team building used (based on Beer's (1976) typology) had differential effects on productivity measures. Team building efforts that used a combination (Mixed in Table 2) of methods had an average effect size of .785. Goal setting team building efforts alone had an average effect size of .622. Team building efforts with a focus on change in interpersonal skills had an average effect size of .579. The use of other interventions in combination with team building was also a significant moderator. Team building alone had an average effect size of .534 while team building combined with other interventions had an average effect size of .820. The management of the team building interventions by different types

of consultants also moderated effect sizes significantly. Team building efforts using only internal consultants had an average effect size of .354. Team building efforts using only external consultants had an average effect size of .741. Team building efforts using internal and external consultants had an average effect size of 1.755. The focus of the team building effort on individual change versus group change was another significant moderator. Team building focused on individual change had an average effect size of .477 while team building focused on group change had an average effect size of .748.

Organizational Support for the Team Building

This category of variables looked at the degree to which the support of organizational elements (outside the work group) affected productivity. The support of the immediate supervisor of the work group was an important moderator of the impact of team building on productivity. The average effect size for groups with this support was 1.02 while the average effect size for groups without this support was .492. The support of the change effort by different levels of the organization also proved to be a significant moderator. Support by higher levels of management had an average effect size of .901. Support from other levels of the organization (e.g., subordinates or peers) had an average effect size of .495.

Organizational Characteristics

Several general characteristics of the organizations in which the team building intervention was conducted moderated the effect sizes in these studies. The size of the organization was a significant moderator of effect sizes. Team building had an average effect size of .796 in small organizations (less than 500 employees); .431 in medium organizations (between 500 and 5,000 employees); and .559 in large organizations (more than 5,000 employees). The type of the organization in which the team building occurred was another significant moderator of effect sizes. Team building had an average effect size of .890 in industrial/manufacturing organizations and an average effect size of .208 in government organizations. The degree to which the performance of the team was independent of other elements of the organization also impacted effect sizes. Groups who were responsible for their own performance had an average effect size of .915 for the team building interventions. The average effect size was .760 for groups who were interdependent with other elements of the organization and not solely responsible for their own performance. The general management style of the organization in which the team building occurred also moderated the average effect size. The effect

size for the organization that could be classified participative was 2.615 while the average effect size for those classified as autocratic was .177.

Characteristics of the Dependent Variable

There were significant differences in effect sizes based on the types of dependent measures used in the studies. One variable that significantly moderated effect size was the type of productivity measures, objective or subjective, used in the studies. Objective measures of productivity had a mean effect size of .663 while subjective measures had a mean effect size of .699. Another significant moderator of effect sizes was who made estimates of change on the subjective productivity measures. The effect size for internal reports (made by team member(s) who participated in the change) was .521 while the mean effect size for external reports from other organizational members was .981.

The level of performance change reported was a significant moderator of effect sizes. Individual performance measures had an average effect size of .468, group performance measures had an average effect size of .713, and organizational performance measures had an average effect size of .854. Finally, the type of objective performance change measure was a significant moderator of effect size. Performance measures of quantity had an average effect size of .804, measures of quality had an average effect size of .713, and measures of cost effectiveness had an average effect size of .895.

DISCUSSION

The results of this study are divided into three sections. First, information about the relationship between team building, change in productivity measures, and significant moderators of the use of team building is provided. Second, the results of this study are assessed for their consistency with the results of other studies of OD interventions. Finally, conclusions about the role of meta-analysis in providing practical information to OD practitioners can be made. Each of these issues will be discussed within the remainder of this paper.

THE EFFECTS OF TEAM BUILDING ON PRODUCTIVITY

Team building does have a significant impact on change in productivity measures. The significant overall chi-square value found for this relationship supports this. Interestingly, the effects of team building on objective measures of productivity is close to its impact on subjective

measures of productivity (.663 to .699, respectively). This impact, however, is moderated by several characteristics of the field site in which the intervention occurs. The pattern of results found here allow the following general conclusions about team building's effects to be made.

First, there are several moderators that affect the impact of the team building process prior to its implementation. The effects of team building were increased when the intervention was initiated by a higher management level for *corrective reasons*. Second, the implementation process for the team building moderated the effects of the intervention. Team building interventions which combined different emphases, had the largest effect size. Using other interventions, in combination with team building, also increased the effects of team building. Therefore, while team building does improve productivity, it does so better in conjunction with other interventions. Team building conducted with both internal and external consultants had the largest effect on productivity. Focusing the intervention on group change (e.g., problem solving to improve work process as a group) had a larger effect than focusing on individual change (i.e., role definition for individuals in the group). Third, organizational support for the team building intervention was important. The support of the immediate supervisor also increased the effect of team building over that of groups in which this support was not present. Fourth, characteristics of the organization in which the team building was implemented moderated its effects. Team building had a larger impact on productivity in manufacturing than in government organizations. Team building had its largest effect in organizations of small size. Team building occurring in a more participative management climate had a larger effect than in those with an autocratic management climate. Finally, it was found that the type of productivity measures used as a dependent variable moderated the effect sizes. The focus of team building is the group. Therefore, team building should have its greatest effect on group measures of productivity. This study found that team building did indeed have greater impact on group and organizational level measures of performance relative to individual performance criteria. Team building also had its largest impact on productivity measures of cost effectiveness, followed by quantity and quality measures, respectively. Subjective measures were slightly more affected than objective measures. However, this does not necessarily reflect a self-serving bias on the part of the group participating in team building. Ratings of subjective measures by organizational members *outside* the work group had a larger effect size than those within the work group. Subjective measures given by external members of the organization may more accurately reflect effectiveness than those given by internal members of the group. This is a question which can only be answered, however, by studies using objective and subjective criteria in the same study. The degree to

which these findings are consistent with past OD research is addressed in the next section.

CONSISTENCY WITH PRIOR OD KNOWLEDGE

The findings of this meta-analysis generally support the literature available on organizational change practice. First, the findings emphasize the support of the management in the successful implementation of team building. This is consistent with past research for other interventions (e.g., Rodgers and Hunter (1991) meta-analysis of MBO). This study extends this to show that all levels of managerial support are necessary in the successful implementation of team building. Higher levels of management must support the initiation of the team building efforts: Immediate supervisors must support the implementation of the team building effort as well if it is to succeed. Second, the findings that team building, in combination with other interventions, is more effective is consistent with the findings of Neuman et al. (1989) who showed that multi-faceted approaches to organizational interventions have the most impact on attitudinal variables. Third, the importance of understanding how interdependence affects workgroup productivity was shown. Team building was found to have a larger influence on productivity in independent work groups than in interdependent groups. Interdependence relates to the degree to which a workgroup must rely on others to produce output (Thompson, 1967). The focus of team building is usually the individual work group. It may be, therefore, that the most effective implementation of team building will typically require an intergroup intervention be paired with the team building to have the most effect since as interdependence increased, the effects of team building decreased.

These findings also are contradictory to some aspects of the traditional OD process. The findings do not provide support for the action research model as it is commonly used in the OD process. Participation of the group in the planning phase of the intervention and/or the use of an action research model decreased the effect of team building. There may be two primary reasons for this. First, this may be due to the corrective reasons for initiation of the team building interventions. The need to correct an existing problem may lead to pressure for fast action from the chosen intervention. Therefore, action research, with its emphasis on collaborative planning and consensus building, may take too long and not have the same degree of support (from management) that management-initiated team building does. Second, employees may feel more comfortable participating in the task-oriented problem-solving than they are in participating in the diagnosis and planning phases of the OD effort. This would be consistent with the findings that some peo-

ple do not want, and may resist, participation (Neuman, 1989). The desire for participation, therefore, may be more task-focused than is generally supposed in the OD literature.

META-ANALYSIS AND OD PRACTICE

The present study used Hedges' method of meta-analysis (Hedges, 1982; Hedges & Olkin, 1985). This method allows the assessment of multiple moderators derived from an understanding of the organizational context in which an intervention occurs as advocated by James et al (1993). The testing of multiple moderators may provide more information to the practitioner for making predictions about future success of interventions than does traditional meta-analyses done on organizational interventions. This may be seen in a comparison between the results of this study and a meta-analysis investigating the relationship between MBO and organizational productivity (Rodgers & Hunter, 1991).

Rodgers and Hunter (1991) used the Hunter and Schmidt (1990) method of meta-analysis. The Hunter and Schmidt (1990) method makes it difficult to find significant moderators of effect sizes because of the logic underlying the method. This method assumes that there is an underlying relationship between the dependent and independent variables. This relationship is masked by statistical artifacts. If these statistical artifacts account for a significant portion of the variance (i.e., the 75% rule) in the relationship between dependent and independent variables, the need for searching for moderators is discounted. Individuals using these methods often do not spend time looking for moderators because they are, *a priori*, assumed not to exist (James, Demaree, & Mulaik, 1986). For example, the Rodgers and Hunter (1991) meta-analysis of the impact of MBO on productivity looked at *one* moderator of this relationship. The degree to which management supported the use of MBO was found to be a significant moderator of this relationship. No other moderators were assessed.

The practical value of the Rodgers and Hunter (1991) study for the OD practitioner is low. The commitment of management to *any* intervention as a necessary requisite for intervention success has been a given in theories of Organization Development and organizational change (cf., Cummings & Huse, 1989; Burke, 1982). This study supported the general finding of Rodgers and Hunter (1991). This study also, however, showed that while management support was necessary for the initiation of the team building effort, the support of the immediate supervisor for the team building effort was as important in the implementation of the effort. This is a more "fleshed-out" description of the role management support plays in OD interventions based on the assessment of *a priori* contextually de-

finer moderators. It may be, therefore, that for practical applications of a meta-analysis, the assumption should be made that moderators exist when conducting the study. The logic behind the Hedges and Olkin method (Hedges, 1982; Hedges & Olkin, 1985) may be more applicable to organizational change research than is the logic behind the Hunter and Schmidt (1990) method of meta-analysis.

One caveat to this proposal is the degree to which the effect sizes found by both methods are stable. The Hunter and Schmidt (1990) meta-analysis methods provide very stable estimates of the effect size of a moderator. The estimates provided by the Hedges and Olkin (1985) methods may, however, be less stable because of the multiple moderators being tested. For example, inspection of Tables 1 and 2 show that (1) the effects of the goal-setting approach to team building are based on one study (i.e., Buller & Bell, 1986) and (2) the effects of management style is based on coding only 5 of 25 data points for this variable. These are, potentially, very unstable findings. Other findings are more stable. For example, the effects of the moderator variables of (1) who initiated the team building; (2) expectations for team building efforts; (3) the use of the action research approach and group involvement in team building plans; (4) the use of other interventions; (5) who managed the team building effort; (6) level of focus; (7) supervisory support of the team building; (8) organization size; (9) organization type; (10) the type of performance measured; and (11) the level of performance change reported are all based on better distributions across studies and within the sub-groupings used. These findings are likely to be stable.

The two meta-analysis approaches are complementary. The purpose for which the meta-analysis is being conducted is the logical determinant of which is used. The Hunter and Schmidt (1990) method may be better suited to academic purposes. The Hedges and Olkin (1985) method, however, may be better suited to the needs of practitioners. Practitioners may be able to diagnose the configuration of organizational characteristics in the setting and use this information to make an *a priori* prediction of the expected effect of a specific intervention. For example, team building according to these findings should have its greatest impact when it is taken for corrective action on productivity measures related to cost-effectiveness for work groups which are: independent, have the support of management (including their immediate supervisor and higher management), work in manufacturing jobs in small organizations, and participate in management. Understanding how configurations of organizational characteristics affect interventions may prove valuable to the practitioner. The development of such a knowledge base which provides information on the match between organizational characteristics and intervention success should be a priority for organizational change researchers.

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STUDIES INCLUDED IN META-ANALYSIS

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“The Duties and Responsibilities of the Registrars in a modern Legal System”-Hon. Justice Mankhambira Charles Ching’Anyi Mkandawire
(Southern African Judges Commission/Venice Commission Registrars’ Workshop, 5-9 December, 2007 Johannesburg, South Africa.)

1. Appreciating the diversity of legal systems.

- Common Law
 - (i) Malawi
 - (ii) Kenya
 - (iii) Tanzania
 - (iv) Uganda
 - (v) Zambia
 - (vi) Mauritius
- Roman-Dutch law system
 - (i) Lesotho
 - (ii) Namibia
 - (iii) Botswana
 - (iv) Swaziland
 - (v) South Africa
 - (vi) Zimbabwe
- Civil system
 - (i) Angola
 - (ii) Mozambique
 - (iii) Seychelles
 - (iv) Mauritius

The Countries gathered here also belong to several regional blocs.
These are:

- COMESA

- EAC
- SADC

All of them are Members of the African Union. The majority are also Members of the Commonwealth.

2. Although these Countries have divergent legal systems, these regional blocs are assisting them to quickly integrate.
Whilst emphasis is on economic and political integration, these can not be achieved without harmonization of legal and judicial systems. It is therefore easier today to speak about the duties and responsibilities of Registrars in these Member States than before. This is largely due to cross-pollination of ideas in gatherings of this nature.

3. **The aims for Court Organization**

I could not do better than start with the set of principles and standards recognized the world over relating to court organization.

The organization of any court system should serve the courts' basic task of determining cases justly, promptly, effectively and efficiently.

To this end, the organizational structure should promote:

- Authority over all judicial operations
- Clear delineation between judicial and non judicial responsibilities and common management system so that delivery of services may be administered uniformly through out the jurisdiction.

The administration of a court system should facilitate the development of skilled leadership, selection and assignment of competent judicial, administrative and other personnel, sound management, efficient use of human resources, facilities, equipment, public accountability and responsiveness, and continuous planning

should place emphasis on resource flexibility to meet varying and changing systems wide and local contingencies.

4. **The duties and responsibilities of Registrars.**

As legal systems differ from country to country, there are thus variations on what are these duties and responsibilities of Registrars.

By and large, these duties and responsibilities are bound to be found in the following sources: -

- Constitutions
- Statutes
- Administrative Regulations
- Financial Regulations
- Judicial Circulars
- Policy Documents
- Strategic Plans
- Practice Directions
- Custom

We should also take cognizance of the fact that depending on the type of legal system, it is a requirement in other jurisdictions that a Registrar has to be a qualified lawyer. On the other hand, in other jurisdictions, a legal qualification is not necessary.

5. **Judicial Duties**

In many jurisdictions, statutes determine the scope of duties for the Registrars.

These include:-

- Receiving of Court documents
- Issuing out all Court processes
- Ensuring that the cases are consecutively numbered
- Service of Court documents
- Presiding at any pre-hearing conference if directed by the Court
- Preparation of records on appeal/reviews

- Hearing interlocutory applications like summary judgements, stay of execution, setting aside default judgements
- Assessment of damages
- Taxing of Costs.
- Sending notices to parties
- Listing of cases
- Sheriff work

It has been said in other jurisdictions, that actually a Registrar exercises the powers of a Judge in Chambers.

6. **Administrative/Financial Duties & Responsibilities**

- A Registrar is in charge of the Judiciary. He is the controlling officer. The Registrar must be abreast of all the happenings in a judicial setting including that of all outstations. In other jurisdictions, one finds that the sphere of influence of the Registrar is very limited for example; the Registrar only takes charge of the affairs of Judges.
- The Registrar oversees all departments and sections within the judiciary both at Headquarters and all stations and may keep all confidential reports of all officers from a certain grade.
- The Registrar is in charge of enforcement of discipline of all staff. He/She makes sure that Members of staff stick to their responsibilities.
- Towards the enforcement of discipline, the Registrar may issue or direct any other officer to issue query to any officer. He/She can also give or direct that written warning or “serious warning” be given to such staff but he/she can not dismiss a staff. The Registrar can only recommend for such punishment to the relevant judicial service commission.
- The Registrar is in charge of posting of all staff of the Judiciary. For judicial officers such as Magistrates, he/she has to liaise with the Chief Justice. In other jurisdictions, the Chief Resident Magistrate is in charge of such postings.

- The Registrar makes recommendations about acting appointments, advancement, promotion, confirmation, transfer of service, secondment, suspension and dismissal in respect of all staff under him/her to the Chief Justice for onward inclusion in the agenda of the Judicial service commission which has the statutory power to approve them.
- The Registrar is in charge of the preparation of the Annual Leave Roaster for all Magistrates. The Registrar cannot however dictate the period of Annual Vacation for Judges or appoint vacation Judges as this power lies statutorily with the Honourable Chief Justice.
- The Registrar has to update information. By this, he/she directs either the officer in charge of the store or the Librarian to procure all National Dailies, Weekly, Monthly, Quarterly and Annual Newspapers, Law Journals, Judicial Journals or Magazines, both local and foreign.
- The Registrar is the chief public relations officer of the Judiciary. He/She issues and sends out notices, special bulletins, advertisements for vacant positions within the Judiciary, announcement of Annual Legal Year Service and invitation cards and letters to that effect, including the announcements of Annual Vacation after being signed and approved by the Chief Justice.
- The Registrar has the responsibility to place special advertisements about the acting or substantive appointment and retirement of Chief Justice and Judges.
- The Registrar oversees the training, re-training, seminars, workshops and symposia for all categories of workers under him. In doing this, he/she liaises with relevant bodies and organizations dealing with the subject especially the Judicial Training Committee or other Government organizations. The Registrar also liaises with centres for training of Judiciary workers equally abroad overseas.

- The Registrar must always ensure adequate and proper security for all Judges and Magistrates and property of the Judiciary. He/She must be in constant touch with the Police in realizing this goal. For example, where a controversial or sensational case is being handled by a Judge or Magistrate, he/she must request for police protection in writing within a reasonable time before the date of such a case.
- The Registrar should deal with all manners of petitions and complaints against all staff of the Judiciary under him/her including Magistrates. He/She shall investigate such petitions and complaints meticulously and where the need arises he/she may set up a panel or committee within the Judiciary to investigate and make appropriate recommendations to him/her. This he/she shall consider before directing the same to the Chief Justice for either a final directive or for directives as to inclusion in the agenda of the Judicial service commission, for deliberation.
- For reasons of peace, industrial harmony and workers' encouragement, the Registrar should make staff welfare a priority. For example, the provision of official cars to principal officers. Approval of vehicles, motorcycle and bicycles loans, housing loans where the budget can accommodate them is also part of workers' welfare.
- The Registrar must ensure prudent financial dealings and strict compliance with the Financial Regulations of the Government. This is more so as most judiciaries are now getting direct funding from the Treasury account for their Recurrent and Capital Expenditure.
- The Registrar is responsible for all policy formulation and award of contracts and supplies to the Judiciary. He/She should therefore be very conversant with Government Procurement Regulations.

- As the Accounting Officer, the Registrar is to maintain proper check on the accounts of all cashiers and collectors of revenue. The Registrar must ensure that payments of fines, court fees are promptly made or banked to the account. He/She should ensure that accountants and revenue collectors are closely monitored in order to avoid perpetration of fraud.
- The Registrar must ensure prompt payment of leave allowance/grants for workers.
- It is the duty of the Registrar to make sure that budget proposals are made and submitted in good time.
- The Registrar has the duty to defend the Judiciary budget before the relevant Parliamentary body/Authority.

7. **Mordenized Legal Systems**

The legal system has not been left behind in this era of globalization. As such, our emerging judiciaries have to cope with the exactitudes of the present Era of Good Governance, Proper Management, Specialization, Information Technology and Consumer Oriented Services. It is therefore important to re-examine our judicial systems and adjust the roles and responsibilities of Registrars in the field of Judicial Administration. This will in turn dictate the way our Court Administrators, our Court Clerks, our Ushers, our Recorders, our Court Orderlies, our Security Staff, our Bailiffs/Sheriffs and our Secretaries operate.

We cannot put an old, unperforming car on a new motorway. New machinery is needed and novel methods of work. To cement our judiciaries, our judicial support systems have to be reinforced.

8. **The live issues in Modern Judicial/legal systems**

The live issues of a modern judicial/legal system can be identified as follows:

- What are the objectives of a legal system?

- The definition of the aim of a National Judicial System
- Who should be Court Administrators, Judicial officers or Executives – appointed Court officers?
- What exactly should they be involved in? Who should exercise control?
- How should the network Court Administrator – Court Officer – Judicial Officer-Law Reform Group function?
- What type of Educational Programme will orient and train the Court Administrative Personnel for the New Era?
- How should performance be assessed of various Personnel, Institutions and Actors?
- What planning strategy should be developed?
- How should Judicial control be acquired of the plans? be they micro and macro plans?
- Nature and extent of Executive control over the Judiciary.
- Can we modernize without going electronic?

9. **Our Thinking Philosophy.**

Presumably, we have to reproduce a new environment and raise a breed of Judicial administrators equipped for the new era that has been born, at the cost of our extinction. Thinking is needed and implementation to follow the thinking. But it should not be traditional thinking, but an emergent, emancipatory one, a thinking outside the system itself. The type that makes our system come out of present shell doff its traditional rites and tyranny, conceive of the future by revalidating time – honoured principles.

10. **Administrative Duties**

There are so many logistical needs in modern legal systems. There is thus need to have in place a court executive to manage and supervise administration duties. Leaving entire administration to the Registrar leaves serious pit-falls.

The Registrar should concentrate on judicial functions.

The absence of a court Executive to manage and supervise administrative duties with the assistance of a senior judicial officer has done the judicial system a lot of harm. Alternatively, it devolves upon judicial officers who have a greater aptitude for legal and procedural work than strict administrative, budgetary, maintenance, planning and assessment of performance. This results in expenditure of Registrar's time that would be better spent on his/her performing judicial functions.

Second, it is left to those uninitiated in administration with all the consequences that it brings. It is management by chaos. Nothing is done at all until the fire breaks out, and it is simply put out and wait for another. In modern judicial systems, the appointment of the Chief Courts Administrator is necessary. This provides the Chief Justice and the Judiciary with the overall capacity to plan and direct the administration of courts. The Chief Justice and the Judiciary will have executives to plan and deliver the administrative reforms to the court.

11 Towards an indigenized solution in our judicial systems

The Registrar should have an up-date in the concepts, principles and practices of our judiciaries by observance of what such emerged jurisdictions as the USA, Canada, United Kingdom, Australia, and Singapore have done. The idea should not be indiscriminate copy but proper indigenization.

David Heal, Director of the Judicial Administration Course at the Royal Institute of Judicial Administration, London, talks of the Pyramid of 7A's

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Analyse, assess then adopt or adapt or abandon altogether as the case may be or alternate.

There should be changes in concept, attitude, commitments, re organization and training etc. But all these have to take into account realities existing in the country where the reform is sought.

The indigenizing process means seeking the assistance of all persons concerned to offer typically local solutions to its Judicial Administration problems.

12. New Management Philosophy

Pre-occupation has shifted from the one time assumption that the Court was for the convenience of the Bench and the Bar. The prime consideration to day is whether the community will receive good value for its money. The Modern concept therefore is one of the Court Service.

A new management philosophy has to be adopted based on scientific principles with emphasis on human relations and personal worth.

13. Involvement of the Para-legal staff in change.

Effective Court Management requires co-ordination of the involvement of all the administrative and Para-judicial staff towards the provision of a good court service, the Clerks, the Orderlies, the Bailiffs, the Ushers, the Police, the Prosecutors, Defence Counsel, the Attorneys, the Jurors, the Witnesses, the Prison Authorities etc.

Codes of Ethics, guidelines, directions, work schedules, check lists and minimum standards should be prepared for each, undertaken by each. This can easily be done through Court user Committees (CUCs).

14. Up-Dates and Extensions of Laws and old Habits and Rites.

A mere understanding of modern organizational management and methods and its practical applications in a Court setting are not enough. The legal framework under which these will work should be adopted.

Procedural laws, substantive laws as well as jurisdictional laws have to be revised. The legal system may need some adjustable overhauling at certain places such that cases can be disposed of within a short time may not act as a clog to the machinery involved in the disposal of cases.

15. Court Reporting Services

With current available technology on the matter of reporting, the desirability of adopting one of the means of producing a Court record mechanically or electronically must be emphasized. There are various methods of speech recording: the manual short-hand, the stenograph machine (machine-short hand), stenomask, multitrack electronic sound recording, Gimelli voice writing, video recording, and computer winded trans-scriptions.

16. A system of court statistics should be developed that is dynamic.

Little importance has been given to the importance of critical statistics. Thus there has been very little information that can be passed on to the public of how the Courts have been functioning. A system of compilation of case-load statistics should be available at all times. This has been rendered very simple and easy by the advent of computers which produce charts and graphs by daily entries.

17. Court Computerization.

Technological innovations fills into basically three categories, even if there is considerable overlapping;

- (a) automated legal research
- (b) use of video and telecommunication such as Satellite applications including video recording of court proceedings
- (c) the latest technology in audio and voice recording and computer aided transcription of court records.

Registrars therefore have the responsibility to design and develop the court rooms to accommodate new and developing technologies most effectively and efficiently.

Registrars should therefore make the best possible use of modern information technologies to build public awareness of the courts. They should establish a website on which relevant information about the court is posted. The public should be invited to read the full judgement of the courts to ensure that they are not jaundiced view of a judgement because of inept reporting.

Registrars should seek also to create and publish Executive Summaries of all important judgements with an appropriate disclaimer that these Summaries are not and form no part of the relevant judgement. There is also much value in the creation, sale and distribution of DVDs on the Courts concerning the Courts and the administration of Justice.

18. Use of Information Technology (“IT”)

New Rules of procedure and the new culture of litigation require adequate support by appropriate technology. Registrars should therefore appreciate that relevant IT is essential for effective functioning of new Rules of Procedure. They should seek to integrate the software they use with software being used by **auxiliary** government agencies such as the prisons, probations, police and immigration departments so that efficiency in the entire Justice sector is maximized.

The ultimate objective of the installation of modern IT should be the maximum of the efficiency of the Courts and the enhancement of access to Justice.

19. Information Centres and Customer Service Charters

Registrars should ensure that courts are more customer-friendly. They should develop Customer Service Charters in which the public are given information as to the manner and time in which the various departments of the court will deliver various services. They should

publish brochures and leaflets that indicate the services that are offered by the court and how they can be accessed. Another special innovation would be the establishment of a Help Desk or Information Centre to which court users could go for information about the services provided by the Court.

20. Improving Physical Access

The traditional under-resourcing of the Justice System has resulted in court buildings being inadequate, dilapidated and unsuitable for the dispensation of Justice in contemporary times. The courts are liable to be seen in negative and derogatory terms because of the environment in which judicial officers function.

Registrars therefore have the responsibility to put in place planned, systematic and sustained programmes for modernization of Court infrastructure over a defined period. The infusion of resources should have as its objective the improvement of existing facilities and the creation of new ones. Such facilities should ensure adequate security for all court users and make provision for persons with disabilities. It requires no amplification to say that courts should be equipped with public address systems to improve audibility in the court rooms.

21. Procedural improvements

Rules of Procedure in the 20th century have had negative impact on access to Justice. They have allowed lawyers to manipulate the administration of Justice to the disadvantage of parties.

Their language has not been readily intelligible to the non-lawyer. Registrars should therefore initiate adoption of Rules of Procedure that are written in simple English/language and are readily intelligible to the average person.

They should provide for case management by Judges to ensure that the process of litigation is driven judicially in an efficient and expeditious manner. These Rules should also incorporate Alternative Disputes Resolution (ADR).

22. Codes of Conduct

Many courts throughout the world have developed and published Codes of Judicial conduct or guidelines for such conduct. These are very useful tools. They assist judicial officers in understanding the constraints of judicial office and serve to inform the public of the standards to be held accountable. Equally, they give the public an appreciation of the nature and responsibilities of judicial office.

Registrars have the responsibility to make these codes or guidelines easily available to the public at places in which the public often has access.

23. Complaints Procedure

The Judiciary should have existing mechanisms for dealing with complaints against it.

Registrars have the responsibility to ensure that such mechanisms do exist where they are not existing. Crucial to any such system is public awareness of its existence and its procedures. Publication of these, including on the Court's website, is necessary. Such measures encourage judicial accountability and enhance public confidence in the administration of Justice.

24. Annual Press Conferences

The Head of the Judiciary assisted by the Registrar has a responsibility to inform the public of the work of courts and to respond appropriately to concerns which the press may wish to raise on aspects of the courts operation.

25. Publication of Reports

Whether required by legislation or not, the Registrar has the responsibility to publish an Annual Report of the work of the Court and its departments to enable the public to assess the efficiency and effectiveness of the Courts.

26. Promote open Justice

It would reduce some of the mystique surrounding Courts if for example, there was an Annual Open Day when Members of the public would be encouraged to visit the Courts and interact with Judicial Officers and Court staff. The Registrar therefore has the responsibility to organise this.

27. Case management systems

Registrars have the responsibility to implement an electronic case management system tailored to specific needs of courts to facilitate the effective management of cases.

The electronic system adopted should have features which would assist in the following:

- identification of the status of cases
- identification of various categories of matters.
- Generation of reports e.g statistics, reason for adjournments
- Generation of standard forms, e.g letters, orders, notices etc
- Identification and tracking of reserved judgments
- Minimising of multiple entries
- Posting of case Notes for internal use only
- Allowing lawyers and the general public to access case information via the internet.

28. Statistics

Registrars should ensure that statistics are generated periodically for the internal use of the court to ensure the efficient and timely disposition of cases in keeping with applicable standards. Statistics should also be used to identify caseload trends, time lines, revenue collection, financial and human resource needs.

Registrars have the responsibility to make available general statistics to the public annually.

29. Electronic filing

It is the responsibility of Registrars to recognize the existence of electronic filing. Electronic filing should thus be recognized as the way of the future but should be introduced as the last step in modernization of Courts.

In particular, caution should be exercised to ensure that the introduction of electronic filing does not cause a transfer of workload and cost from the litigants to the courts.

Electronic filing should only be considered after the courts below have been fully computerized (thereby allowing documents to be electronically transferred between courts and/or lawyers/litigants)

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ROLE AND RESPONSIBILITIES OF REGISTRAR JUDICIAL IN DIFFERENT HIGH COURTS

THE ALLAHABAD HIGH COURT

Officer	Responsibilities/ Duties	Reporting Authority
Registrar (Judicial)	<ol style="list-style-type: none">1. To assist in functioning of Hon'ble Court and to ensure that no inconvenience is caused to Hon'ble Courts.2. To ensure compliance of various directions issued by this Hon'ble Courts as well as Hon'ble Supreme Court.3. To ensure inter-section coordination amongst different sections of Judicial side.4. To act on complaints given in respect of any employee/section of the Judicial side.5. To submit reports to Hon'ble Courts and Registrar General.6. To give orders/ directions to the subordinate staff in order to ensure smooth working of the Judicial Department.7. Supervise the work of Deputy Registrar (Judicial).	Hon'ble the Chief Justice/ Ld. Registrar General as case may be.
Deputy Registrar (Judicial)	<ol style="list-style-type: none">1. All works connected with all kinds of Civil Cases including Writ petition and Habeas Corpus Petition.2. Supervision over preparation of decrees.3. Adjournment applications of Advocates.4. Submission of statements relating to Institution and disposal of cases in this Hon'ble High Court.5. Any other work assigned by the Registrar General.	Registrar General/ Registrar (Judicial)

THE GAUHATI HIGH COURT

Officer	Responsibilities/ Duties	Reporting Authority
Registrar (Judicial)	1. Analysis of all Statistical data of cases in all District Courts & High Courts.	Monitoring Committee
	2. Analysis of Quarterly Statements received from Judicial Officers	Concerned Portfolio Judge
	3. Supervision and Monitoring of all Judicial Sections of the Principal Seat	Registrar General/ JAD

	of Gauhati High Court.	
	4. Preparation of calendar.	Administrative Committee
	5. Equitable distribution of caseload	JAD and Chief Justice
	6. Lawazima Court in the Principal Seat. [The Lawazima Court in the Outlying Benches will be managed by the concerned Registrar.	Sole Responsibility.
	7. Public Interest Litigation	Chief Justice/ PIL Committee
	8. Litigation by or against the High Court in High Court.	Chief Justice and JAD
	9. Preparation of paper-books. [This will be the responsibility of the Registrar of the concerned outlying Bench].	Sole Responsibility
	10. Preparation of certified copies of orders and documents and uncertified copies of orders. [This will be the responsibility of the Registrar of the concerned outlying Bench].	Sole Responsibility
	11. Preparation of Cause List and grouping of cases. [This will be the responsibility of the Registrar of the concerned outlying Bench].	Sole Responsibility
	12. Management of all Judicial records from the Filing Section to the consignment of the record in the Record Room. [At outlying Benches, this will be the responsibility of the Registrar of the concerned outlying Bench].	Sole Responsibility
	13. Judges Library, in coordination with the Librarian cum Research Officer. [This will be the responsibility of the Registrar of the concerned outlying Bench].	Library Committee
	14. Member Secretary of Gauhati High Court Legal Services Committee & JJBs.	Appropriate Committee
	15. Public Information Officer for RTI	Sole Responsibility
	16. Implementation of Action Plan regarding disposal of cases in district courts.	Concerned Committee
	17. Chairman, Vigilance Committee, Principal Seat.	Registrar General
	18. All E-Courts matter and case	Appropriate Committee

	management system and other allied matters.	
	19. Any other matter pertaining to Judicial functioning of the High Court covered by any other specific heading above.	Sole Responsibility/ RG/JAD/Chief Justice as the case may be
	20. Any other matter entrusted by Registrar General.	Registrar General
Joint Registrar (Judicial) Assam Judicial Service)	1. Management of all Judicial sections and Branches concerned with Judicial work in the Principal Seat, including Filling Section and Listing of cases.	Registrar (Judicial)
	2. Statistics (disposal, pendency etc.) of cases in all Benches	Registrar (Judicial)
	3. I/C of Court Masters and staff of Hon'ble Judges.	Registrar (Judicial)
	4. Roster of Judges.	
	5. Preparation of certified copies of orders and documents and uncertified copies of orders & preparations of Paper Books.	Registrar (Judicial)
	6. Preparation of cause List & grouping of cases.	Registrar (Judicial)
	7. File tracking and management of all judicial records from the Filling section to the consignment of the record in the record Room.	Registrar (Judicial)
	8. Preparation of annual Calendar.	Registrar (Judicial)
	9. Lawazima Court.	Registrar (Judicial)
	10. Company Case matter & PIL.	Registrar (Judicial)
	11. Any other matter entrusted by Registrar General/ Registrar (Judl.).	Registrar General/ Registrar (Judicial)
Deputy Registrar (Judicial-I) (High Court Service)	1. To Supervise all matters relating to Civil Rule (Pending and Criminal Appeal Sections and signatory of all communications of these sections.	Jt. Registrar (Judl.)/ Registrar (Judicial)
	2. Custodian of documents, including, wills, Deeds etc.	Jt. Registrar (Judl.)/ Registrar (Judicial)
	3. To function as Registrar (Contempt) in absence of DR (Judl.-II)	Registrar (Judicial)
	4. To monitor & supervise receipt of case records from Sub-ordinate Courts and dispatch of case records to subordinate Courts.	Jt. Registrar (Judl.)/
	5. Any other matter entrusted by Registrar (General/ Registrar (J)	Registrar (Judl.)/ Registrar (Judicial)
Deputy Registrar (Judicial-II) (High Court Service)	1. To monitor & supervise receipt of case records from Supreme Courts and dispatch of case records to Supreme Courts.	Jt. Registrar (Judl.)/ Registrar (Judicial)
	2. Function as Registrar (Contempt)	Jt. Registrar (Judl.)/

		Registrar (Judicial)
	3. Supervision and signatory of Writ Appeal and Civil Revision Sections.	Jt. Registrar (Judl.)/ Registrar (Judicial)
	4. To monitor & supervise receipt of case records from Sub-ordinate Courts and dispatch of case records to subordinate Courts of concerned sections.	Jt. Registrar (Judl.)/ Registrar (Judicial)
	5. Any other matter entrusted by Registrar (General/ Registrar (J)	Registrar (General)/ Registrar (Judicial)
Deputy Registrar (Judicial-III) (High Court Service)	1. To monitor & supervise the functioning of Civil Appeal (FA/SA/ROS/Contempt) section. Look after the preparation of Paper Book.	Joint Registrar (Judl)/ Registrar (Judl.)
	2. Supervise listing of old cases and signatory of the concerned Sections.	Joint Registrar (Judl)/ Registrar (Judl.)
	3. To monitor & supervise receipt of case records from Sub-ordinate Courts and dispatch of case records to subordinate Courts of concerned section.	Joint Registrar (Judl)/ Registrar (Judl.)
	4. Any other matter entrusted by Registrar (General/ Registrar (J)/ (Admn.)	Registrar (General)/ Registrar (Judicial)/ (Admn)
Assistant Registrar (Judl –I)	1. To supervise all works of filling section and shall be the overall In-charge of the said section.	Joint Registrar (Judl)/ Registrar (Judl.)
	2. Any other matter entrusted by Registrar (General/ Registrar (J)	Registrar (General)/ Registrar (Judicial)/
Assistant Registrar (Judl –II)	1. Function as Oath Commissioner and also to monitor works of Filling Section,	Joint Registrar (Judl)/ Registrar (Judl.)
	2. Any other matter entrusted by Registrar (General/ Registrar (J)	Registrar (General)/ Registrar (Judicial)/
Assistant Registrar (Judl –III)	1. Supervision and signatory of copying Criminal Revision & Civil Rules (Disposal) Sections and shall ensure timely communication of all Orders/ Judgments'. He shall be the in-charge of Paper Book and Record Room sections Shall ensure timely delivery of certified copies. He shall also function as signatory of the other Judicial Sections whenever necessary.	Joint Registrar (Judl)/ Registrar (Judl.)
	2. Any other matter entrusted by Registrar (General/ Registrar (J)	Registrar (General)/ Registrar (Judicial)/

GUJARAT HIGH COURT

Officer	Responsibilities/ Duties	Reporting Authority
Registrar (Judicial)	1. All administrative actions related to the judicial matters files in this High Court under the High Court of Gujarat Rules, 1993 or any other rules, notifications, orders etc. for time being in force. 2. Any other work assigned by the Hon'ble the Chief Justice and /or Registrar General.	1. Hon'ble the Chief Justice. 2. The Registrar General.

THE JHARKHAND HIGH COURT

Officer	Responsibilities/ Duties	Reporting Authority
Joint Registrar (Judicial)	In-charge of Accounts (General) Department of the court, drawing and disbursing officer of the Court and compliance of judicial orders and supervising the judicial sections of the Court.	Registrar Concerned

ORISSA HIGH COURT

Officer	Responsibilities/ Duties
Registrar (Judicial)	1. Lawzima Court. 2. All Judicial Sections and copying section in the High Court. 3. Matters relating to the residential quarters of the Hon'ble Chief Justice, Hon'ble Judges, Officers and staff. 4. Budget relating to the High Court Accounts and establishment matter of High Court including the Accounts relating to the Hon'ble Judges and overall control of the High Court staff. 5. High Court Building Staff Quarters, Staff, Garden and stationeries Store and Purchase. 6. Departmental Proceedings against the staff of the court. 7. All Matters relating to legal Aid, Lok Adalats and Mediation. 8. Parliament and Assembly questions relating to High Court/ High Court Cases/ High Court Judges. 9. Matters relating to Security of High Court and Hon'ble Judges. 10. All Matters relating to vehicle section. 11. Statistics relating to High Court cases. 12. All matters relating to swearing in ceremony of the Hon'ble Judges of the court. 13. Proposal for designating Advocates as Senior Advocates. Any other matter that would be specifically entrusted by Hon'ble Chief Justice.
Director, Orrisa Judicial Academy	For conducting training programme of Judicial Officers mediators and staff of the Orrisa High Courts & Subordinate Courts.

Judicial Indexer	To Circulate the Supreme Court Judgments before Hon'ble judges of the High Court. Indexing the High Court Judgments in the Index Register to facilitate easy reference of Hon'ble judges at time of necessity.
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HIGH COURT OF PUNJAB AND HARYANA

Officer	Responsibilities/ Duties	Reporting Authority
Registrar (Judicial)	1. Management and control of DRR Section.	The Chief Justice
	2. Preparation of paper-book	The Chief Justice
	3. File –tracking and maintenance of all judicial records.	The Chief Justice
	4. Preparation and timely issuance of the Causes list as per the Roster Prepared by the Chief Justice.	The Chief Justice
	5. Timely delivery of Judicial files in each Court.	The Chief Justice
	6. Supervision of the copying Branch and ensuring timely preparation of the certified copies of the court orders/ documents.	The Chief Justice
	7. Supervision and control over the Inspection Branch and safe custody of the Judicial records (pending as well as decided cases.)	The Chief Justice
	8. Statistics of filing, disposal and pendency of cases. Supervision of Statistics Branch and other judicial branches.	The Chief Justice
	9. To assist the Chief Justice in equitable distribution of cases.	The Chief Justice
	10. Coordination between different branches of the High Court and supervision of coordination Branch/ Translation Branch.	The Chief Justice
	11. Maintenance of the Readers' Pool. Supervision of weeding cell, RKG and Reconstruction cell.	The Chief Justice

MADRAS HIGH COURT

Officer	Responsibilities/ Duties
Registrar (Judicial)	1. Work of setting the sitting list including vacation sitting and allotment of Court-halls in the Principal Seat of Madras High Court.
	2. Cause List Committee, Committee on Criminal And Civil Justice

	Reforms, and Committee for maintenance of Order Sheets, Committee for file maintenance in the High Court.
	3. Matters relating to Appellate Side and Original Side- Supervision of Judicial, Writ, Criminal and Original Side Departments- routine inspection of the same.
	4. Transfer of Criminal, Civil and Sessions Cases.
	5. Matters relating to legal practitioners- Pleaders, Attorneys, Vakils and Advocates and designation of Senior Advocate.
	6. In-charge of copy issuance in Current Section, CD Section, CCC (Civil and Criminal) and Original side Copy Applications Section in the High Court.
	7. Appointment of Oath Commissioners, Official Receivers and matters connected therewith.
	8. Presidency Towns Insolvency Act and work of the Official Assignee.
	9. Matters relating to Lok Adalat, Mediation, Arbitration and Juvenile Justice Boards.
	10. Any policy matters in the above subjects, subject to the approval of the Registrar General.
	11. Other matters that may be specifically allotted by the Hon'ble The Chief Justice from time to time.

Madurai Bench of Madras High Court, Madurai

Officer	Responsibilities/ Duties
Registrar (Judicial)	1. Work of setting the sitting list.
	2. Matter relating to Statistics other than furnishing information to the Government and other High Courts.
	3. Civil courts Statistical Returns and Advance Statements in Madurai Bench Jurisdiction.
	4. List System- Observance of list system in all courts in the Madurai Bench Jurisdiction.
	5. Advance Statements- Criminal Courts.
	6. Calendars and Judgments from all Districts in the Madurai Bench Jurisdiction
	7. Sessions Statement from all Districts in the Madurai Bench Jurisdiction.
	8. Review of Statistical Returns (Criminal) and Annual Criminal Administration Reports.
	9. Surprise inspection reports- both Civil and Criminals.
	10. Matters relating to Appellate Side Rule.
	11. All other matters relating to B5 section.
	12. Inspection of Subordinate Civil Courts by the Hon'ble Judges and inspection reports by the Principal District Judges/ Chief Judicial Magistrates matters, Functioning in Madurai Bench Jurisdiction.
	13. All matters relating to Computer section.
	14. Transfer of Criminals, Civil and sessions cases.
	15. Production of prisoners and administrative supervision of subordinates criminal courts.
	16. Matters relating to Pleaders Attorneys, Vakils and Advocates.

	17. Matters relating to allotment of courts halls and chambers to Hon'ble judge.
	18. Matters relating to fixation of summer vacation, dusshara and Christmas holidays for the Registry.
	19. All matters that may be specifically allotted by the Hon'ble The Chief Justice from time to time.

THE BOMBAY HIGH COURT

Officer	Responsibilities/ Duties
Registrar – Judicial-I	1. Entire work pertaining to registration, removal of objections, listing of cases, etc.
	2. Entire work of Registrar's Court.
	3. Entire work pertaining to Criminal/ Civil and Board Department.
	4. Work relating to designation of Advocates as Senior Advocates.
	5. Entire work pertaining to Lok Adalats at High Court and at any Courts within city of Bombay.
	6. Supervise the work of all Judicial Departments.
	7. Operate P. L. Accounts in the own name.
	8. References made by the Subordinate Courts under the contempt of Courts Act, 1971.
	9. All Correspondence relating to the parliament and Assembly questions seeking statistical information in respect of work done by the High Court.
	10. Proposals received in connection with the enhancement of fees to Government Pleaders and Advocates.
	11. Amendments to the High Court Appellate Side Rules consultation with the Registrar [Legal]
	12. Complaints against Advocates/ Pleaders.
	13. Grant of certificates to the Advocates about the practice and character.
	14. Application from the firms of advocates for the recording the names of partners of their firms under Rule 10 frames u/s. 34 [1] of the Advocates Act, 1961 by the High Court.
	15. Any other subject assigned by the Registrar General.
Registrar Judicial-II	1. Circulate the Supreme Court Judgment delivered on the common question of Law amongst the Judges of the Hon'ble Court.
	2. Entire work of Decree Department.
	3. Entire work of Certified Copy Branch.
	4. Entire work of Criminal "B" Branch [after disposal].
	5. Entire work of Supreme Court Branch..
	6. Proposals for nominations of the Hon'ble Vacation Judges at Bombay And Benches.
	7. Supervision on Courts Sheristedars, their duties and assignment.
	8. Work connection with Advocates leave notes.
	9. Work in connection with issuing of certificates regarding remuneration to Government pleaders.
	10. Permission to publish High Court Judgments.

	11. Work relating to the registration of Advocates Clerks.
	12. Proposals received in connection with the enhancement of fees to Government Pleaders and Advocates
	13. Notifications received from the various Bar Councils from States in India regarding suspension of Advocates from practice or removal of the names of advocates from the roll of the Bar councils.
	14. Notification issued by the Supreme Court of the India various High Courts in India in respect of designation advocates as Senior Advocates.
	15. Service of summonses, Notices, Injunctions, Writ a Rule Nisies received from various Courts outside Maharashtra including Notice/ Processes from forests courts.
	16. Permission for access to the Court Records.
	17. All Correspondence relating to election of Bar Councils Maharashtra.
	18. Any other subject assigned by the Registrar General.

THE KERALA HIGH COURT

Officer	Responsibilities/ Duties
Registrar (Judicial)	12. The Registrar (Judicial exercises general control and supervision over all the sections in the Judicial branch. He ensures-
	1. That papers filled in the registry are property received, defects in all papers are cured as early as possible and they are listed without delay.
	2. Posting of cases according to the directions issued from time to time by the Hon'ble the Chief Justice, publication of ready cases on the Notice Board and preparation and publication of the daily and weekly cause lists of all the Benches.
	3. Prompt issue of notices and other processers, printing of requires papers and calling of lower courts records wherever necessary as early as possible.
	4. Keeping accurate and up to date statistics of the Institution, disposal and pendency of all kinds of cases, and circulation of monthly statements showing such statistics for the information of the Hon'ble the Chief Justice and the Hon'ble Judges.
	5. That indexing and law reporting are attended to promptly.
	6. The appointments of counsel in criminal at State cost wherever necessary.
	13. Final orders in all Wits are approved and signed by him. He attends to all references in the Judicial branch and signs correspondence in connection with such references. He also approves and signs warrants in criminal cases, company cases etc.

HIGH COURT OF TRIPURA

Officer	Responsibilities/ Duties	Reporting Authority
Registrar (Judicial)	1. Supervisory Officer relating to all Bench & Judicial matters.	Sole Responsibility
	2. Lawazima Court of the High Court except the matters as mentioned in order No. F 40 (21_ I HCT/BENCH/REGISTRY/2013/ 7046-82 dated 10.05.13 in absence of Registrar (vig) as per Order No. 48 dated 08.01.2014 [Matters be routed concerned section – <i>Asstt. Reg. (bench) – Dy. Reg. (Judl) – Reg. (Judl)</i>]	Sole Responsibility
	3. Preparation fo Roster [Matters be routed through Dy. Reg (Judl) – Reg. Judl)]	Chief Justice
	4. Information to the Supere Court, other High Courts, Parliament, Assembly of the State Government [Matters be routed through concerned section – concerned Asstt. Reg(s) – Reg. (Judl)]	Chief Justice
	5. Detailing & attendance of all non-Gazetted Class-III staff of Bench section [Matters be routed through concerned section –Reg. (Judl)]	Sole Responsibility
	6. Reporting Authority of ACRs of all non Gazatted Class-III staff of Bench Section [Matters be routed through concerned section –Secretary/PS to RG – Reg. (Judl)]	Registrar General
	7. Preparation of Calendar of High Courts & Subordinate Courts [Matters be routed through concerned section – concerned Asstt. Reg(Admn-I) – Dy Reg. (Judl) – Reg (Judl)]	Chief Justice/ Full Curt
	8. Matter relating to paper Books [Matters be routed through concerned section –Dy. Reg(Judl) – Reg. (Judl)]	Sole Responsibility
	9. Matter relating to certified copies of orders, documents and uncertified copies of orders [Matters be routed through concerned section –Asstt. Reg(Bench) – Reg. (Judl)]	Sole Responsibility
	10. Matter relating to Cause List and	Sole Responsibility

	Grouping of cases [Matters be routed through concerned section – concerned Asstt. Reg(Bench) – Dy. Reg. (Judl) – Reg. (Judl)]	
	11. Preparation of Decree in the Judicial/ Bench section of the High Court [Matters be routed through concerned section – concerned Asstt. Reg(Bench) – Dy. Reg. (Judl)- Reg (Judl)]	Sole Responsibility
	12. Matter relating to issuance of License of Advocates Clerk in the High Court [Matters be routed through concerned section – concerned Asstt. Reg(Admn-II) – Dy. Reg. (Prol.)- Reg (Judl)]	Sole Responsibility
	13. Management of all Judicial records from the Filing Section of the consignment of record in the Record Room [Matters be routed through concerned section – concerned Asstt. Reg(Bench) – Dy. Reg. (Judl)- Reg (Judl)]	Sole Responsibility
	14. Management of cases in the High court and District Courts and District Courts including all matter relating to Judicial work in high Court & District Courts [Matters be routed through concerned section – Dy. Reg. (Judl)- Reg (Judl)]	Chief Justice
	15. Compliance with the orders and judgments of the Supreme Court of India and High Court [Matters be routed through concerned section – Dy. Reg. (Judl)- Reg (Judl)]	Chief Justice
	16. Destruction / reconstruction of the Judicial Record in the High Court & conducting enquiry etc. concerning the loss/ misplacement of such record [Matters be routed through concerned section –Dy. Reg. (Judl)- Reg (Judl)]	Sole Responsibility/ Chief Justice
	17. Litigation by or against the High Court in the Supreme Court. [Matters be routed through concerned section – Dy. Reg. (Admn)- Reg (Judl)- RG]	Chief Justice
	18. Litigation by or against the High Court in the High Court [Matters be routed through concerned section – Dy. Reg. (Admn)- Reg (Judl)]	
	19. Jail Appeals complaints and other matters pertaining to jails & under	Sole Responsibility

	trials/ convicts [Matters be routed through concerned section –Dy. Reg. (Judl)- Reg (Judl)]	
	20. All Matters relating to Statements of the High Court & subordinate Courts [Matters be routed through concerned section –Asstt. Reg(Bench) – Dy. Reg. (Judl)- cum (CPC)- Reg (Judl)]	Chief Justice
	21. All Matters relating to Courts buildings of the Subordinates judiciary [Concerned Section Asstt. Reg(Admn-II) – Dy. Reg. (Admn)- Reg (Judl)]	Registrar General/ Chief Justice
	22.Matters with regard to participation in the Chief Justice Conference and Joint conference of the Chief Ministers & Chief Justices & Implementation of the Resolutions thereof [Matters be routed through concerned section –Asstt. Reg(Admn-I) – Dy. Reg. (Admn)- Reg (Judl)- RG]	Registrar General/ Chief Justice
	23. Establishment of Courts [Matters be routed through concerned section – Asstt. Reg(Admn-I) – Dy. Reg. (Admn)- Reg (Judl) - RG]	Registrar General/ Chief Justice
	24. All Matters relating to publication of Court News Letter of the High Court of Tripura [Matters be routed through concerned section –Dy. Reg. (Judl)- Reg (Judl)]	Chief Justice
	25.Any other matters assigned by the Hon'ble the Chief Justice, Hon'ble Judges & Registrar General	Chief Justice/ Judges/ Registrar General
Deputy Registrar (Judicial) –cum CPC	1. Supervising and monitoring all the matter relating to computerization in the High Court and subordinate courts. [Matters be routed through concerned section –Dy. Reg. (Judl)- cum-CPC	Concerned Hon'ble Judge/ Reg (Admn) (relating to financial matter)
	2. Preparation of Roaster [Matters be routed through Dy. Reg. (Judl)]	Registrar Judicial
	3. Matters relating to Cause List and Grouping of cases [Matters be routed through concerned section –Asstt. Reg(Bench) – Dy. Reg. (Judl)]	Registrar Judicial
	4. Custodian of documents including wills Deed etc.	Sole Responsibility
	5. Matters relating to paper Books	Registrar (Judicial)

	[Matters be routed through concerned section –Asstt. Reg(Bench) – Dy. Reg. (Judl)- cum-CPC)	
	6.all Matters relating to statement of the High Court and subordinate Courts [Matters be routed through concerned section –Asstt. Reg(Bench) – Dy. Reg. (Judl)- cum- CPC]	Registrar (Judicial)
	7.Supervision and Monitoring of Judicial Section	Registrar (Judicial)
	8. All matters relating to information & Communication Technology including e-courts project [Matters be routed through concerned section – Dy. Reg. (Judl)-cum- CPC]	Concerned Hon'ble Judge/ Reg (Admn) (relating to financial matter)
	9. Judicial Education and training [Matters be routed through concerned section –Dy. Reg. (Judl)- Cum- CPC]	Chief Justice/ concerned Judge/ Reg (Admn) (relating to financial matter)
	10. Lawazima Court of the High Court [Matters be routed through concerned section –Asstt. Reg(Bench) – Dy. Reg. (Judl)]	Registrar (Vig./Judl.) & Sole Responsibility regarding the matter as mentioned in order No. F 40 (21)- HCT/BENCH/REGISTRY/2013/7046-82 dated 10.05.13 and sole responsibility in absence of Reg. (vig) & Reg. (Judl) as per order No. 48 dt. 08.01.2014
	11. Detailing & attendance of all non Gazetted Class-III staff of Bench Section [Matters be routed through concerned section –Dy. Reg. (Judl)]	Registrar (Judicial)
	12. Preparation of Decree in the Judicial/ Bench section of the High Court [Matters be routed through concerned section –Asstt. Reg(Bench) – Dy. Reg. (Judl)]	Registrar (Judicial)
	13. Management of all Judicial records from the filling section to the consignment of the record in the Record Room. [Matters be routed through concerned section –Asstt. Reg(Bench) – Dy. Reg. (Judl)]	Registrar (Judicial)
	14. Matters relating to High Court Legal Services [Matters be routed through concerned section –Dy. Reg. (Judl)]	Registrar (Judicial)
	15. Matters relating to High Court Mediation [Matters be routed through concerned section — Dy. Reg. (Judl)]	Registrar (Judicial)
	16. Management of cases in the High Court and District Court including all	Registrar (Judicial)

	<p>matters relating to judicial work. [Matters be routed through concerned section –Dy. Reg. (Judl)]</p>	
	<p>17. Compliance with the orders and judgments of the Supreme Court of India & High Court [Matters be routed through concerned section – Dy. Reg. (Judl)]</p>	Registrar (Judicial)
	<p>18. Destruction/ re-construction of the Judicial Record in the High Court & conducting enquiry etc. concerning the loss misplacement of such record. [Matters be routed through concerned section -Dy. Reg. (Judl)]</p>	Registrar (Judicial)
	<p>19.All Matters relating to publication of Court News Letter of the High Courts of Tripura [Matters be routed through concerned section — Dy. Reg. (Judl)- Registrar (Judl)]</p>	Registrar (Judicial)
	<p>20. Jail appeals, Caomplaints and other matters pertaining to Jails & under trials/ convicts [Matters be routed through concerned section – Dy. Reg. (Judl)-Reg (Judl)]</p>	Registrar (Judicial)
	<p>21. Preparation of calendar of High Court & Subordinate Courts [Matters be routed through concerned section – Asstt. Reg(Admn-I) – Dy. Reg. (Judl)- Reg (Judl)]</p>	Registrar (Judicial)
	<p>22. Reporting Authority of the ACRs of all non Gazetted Class-III staff of computer/IT section [Matters be routed through concerned section – Secretary/PS to RG – Dy. Reg. (Judl)-cum-CPC]</p>	Registrar (Judicial)
	<p>23. Secretary High Court Mediation Committee & State Mediation Committee [Matters be routed through concerned section –Dy. Reg. (Judl)- Reg (Vig. & Rules)]</p>	Concerned Committee
	<p>24. Member –Secretary High Court Legal Services Committee [Matters be routed through concerned section – Dy. Reg. (Judl)- Reg (Vig. & Rule)]</p>	Executive Chairman of High court Legal Services Committee
	<p>25. Financial matters relating to Judicial Education, Training & Computer/ IT Section [Matters be routed through concerned section – Dy. Reg. (Judl)-cum- CPC- Reg (Admn)]</p>	Concerned Judge/ Chief Justice

	26. Financial Matters relating to computerization in the High Court & Sub-ordinate Courts [Matters be routed through concerned section – Dy. Reg. (Judl)- Reg (Admn)]	Concerned Judge/ Chief Justice
	27. Any other matters entrusted by the Registrar General/ Registrar (Judicial)	Registrar General/ Registrar (Judicial)

HIGH COURT OF KARNATAKA

Officer	Responsibilities/ Duties
Registrar (Judicial)	1. Administrative control over Group of employees of the High Court including their posting, promotions, deputations and disciplinary proceedings.
	2. <u>Board Branch:</u> Issue of cause liste, Notification, Postings of cases.
	3. <u>Court Officers:</u> Control over all Court Officers and Posting of Courts Officers to Court Halls and Branches.
	4. <u>Election Petition Branch:</u> Issue of Notifications regarding posting if Election petitions before the bench.
	5. Dispensation of production of certified copies of Civil and Writ matters.
	6. Work relating to Supreme Court Branch.
	7. Holding of sufficiency of services and acceptance of Bank guarantees in respect of Writ and Supreme Court matters.
	8. Arranging tour programme of Court officers and Ex-office Court Fee Examiners.
	9. High Court Computer Center.
	10. <u>Enquiry Section:</u> To Furnish information to the litigant public.
	11. <u>LCA-I Branch:</u> Sanction of GPF in respect of the subordinates staff, and Administrative Appeals u/R 19 of the CCA Rules.
	12. Copying Branches –I, II& III to supervise the work of the branch.
	13. Decree Branches I & II- to supervise the work f the branch.
	14. <u>GOB-I</u> Sanction of leave to the Judicial officers.
	15. To de such other work as may be specifically entrusted by Hon’ble the Chief Justice.

HIGH COURT OF CHHATTISGARH: BILASPUR

Officer	Responsibilities/ Duties	Reporting Authority
Additional Registrar (Judicial)	1. Whole Judicial Branch: <ol style="list-style-type: none"> 1. Judge Court Room, 2. Copying Section, 3. Notice Section, 4. Supreme Court Section, 5. Paper Book Section, 6. Filling Section, 7. Cause List Section 	
	2. Judicial Matters: <ol style="list-style-type: none"> 1. Nomination of Benches, 2. All Communications by Bench Registries relating to Judicial Cause, requiring instruction of the Chief Justice, 3. Roaster, 4. Obtaining files, linking of files involving common questions of law, 5. Providing Readers, Additional Readers to Judges from Judicial Branch. 	The Chief Justice
	3. Any other work that may be assigned by the Chief Justice and other Judges and the Registrar General.	
	4. Stationery Section, Complaints against touts, Clerk of Advocates and petition Writers.	Registrar General

HIGH COURT OF HIMACHAL PRADESH

Registrar (Judicial)

1. All matter pertaining to Judicial Branches.
2. Judicial works as per powers delegate under Rules and Orders of the High Court
3. To devise targets in order to clear back log in High Court.
4. Requisitions for judicial records from different Courts in the State-sending of records.
5. Monitoring of service of notices received from the Hon'ble Supreme Court
6. To deal with the resolutions of District/Subordinate Courts Bar Association.

7. Forwarding of a request to the State Government for providing new telephone connections for Courts and residences of Judicial Officers where the facility does not exist.
8. Overall control and functioning of the Judges Branches including Hon'ble Chief Justice Residence and Residences of all Hon'ble Judges.
9. Permission to use general pool vehicle by the visiting dignitaries within 50 kms of Shimla town
10. To authorize the sending of High Court vehicles to Chandigarh for routine repair within the warranty period or for periodical maintenance/check/service by authorized dealers.
11. To send the staff cars for repairs through private, workshops at Shimla.
12. Fixing/replacement of accessory items in official vehicles of the High Court/subordinate Courts and replacement of tyres/tubes and batteries.
13. According of sanction for the auction of the condemned vehicles and unserviceable parts of the Motor vehicles including tyres and tubes.
14. Issuance of practice certificate in favour of Advocates.
15. Deployment of all Class IV Officials.
16. Printing cards.
17. All such functions/duties that may be assigned by Hon'ble the Chief Justice/High Courts.

Calcutta High Court

Registrar (Judicial Service)

Recruitment, Posting, Transfer, Promotion, Confirmation, Leave, Deputation, ACP and Selection Grade, Super time Scale of the Judicial Officers and staff members connected with Subordinate Judiciary/Supervision of Joint Registrar (Insp)/work assigned by the Registrar General and the Hon'ble Chief Justice.

ROLE AND RESPONSIBILITIES OF REGISTRAR JUDICIAL IN DIFFERENT HIGH COURTS

THE ALLAHABAD HIGH COURT

Officer	Responsibilities/ Duties	Reporting Authority
Registrar (Judicial)	<ol style="list-style-type: none">1. To assist in functioning of Hon'ble Court and to ensure that no inconvenience is caused to Hon'ble Courts.2. To ensure compliance of various directions issued by this Hon'ble Courts as well as Hon'ble Supreme Court.3. To ensure inter-section coordination amongst different sections of Judicial side.4. To act on complaints given in respect of any employee/section of the Judicial side.5. To submit reports to Hon'ble Courts and Registrar General.6. To give orders/ directions to the subordinate staff in order to ensure smooth working of the Judicial Department.7. Supervise the work of Deputy Registrar (Judicial).	Hon'ble the Chief Justice/ Ld. Registrar General as case may be.
Deputy Registrar (Judicial)	<ol style="list-style-type: none">1. All works connected with all kinds of Civil Cases including Writ petition and Habeas Corpus Petition.2. Supervision over preparation of decrees.3. Adjournment applications of Advocates.4. Submission of statements relating to Institution and disposal of cases in this Hon'ble High Court.5. Any other work assigned by the Registrar General.	Registrar General/ Registrar (Judicial)

THE GAUHATI HIGH COURT

Officer	Responsibilities/ Duties	Reporting Authority
Registrar (Judicial)	1. Analysis of all Statistical data of cases in all District Courts & High Courts.	Monitoring Committee
	2. Analysis of Quarterly Statements received from Judicial Officers	Concerned Portfolio Judge
	3. Supervision and Monitoring of all Judicial Sections of the Principal Seat	Registrar General/ JAD

	of Gauhati High Court.	
	4. Preparation of calendar.	Administrative Committee
	5. Equitable distribution of caseload	JAD and Chief Justice
	6. Lawazima Court in the Principal Seat. [The Lawazima Court in the Outlying Benches will be managed by the concerned Registrar.	Sole Responsibility.
	7. Public Interest Litigation	Chief Justice/ PIL Committee
	8. Litigation by or against the High Court in High Court.	Chief Justice and JAD
	9. Preparation of paper-books. [This will be the responsibility of the Registrar of the concerned outlying Bench].	Sole Responsibility
	10. Preparation of certified copies of orders and documents and uncertified copies of orders. [This will be the responsibility of the Registrar of the concerned outlying Bench].	Sole Responsibility
	11. Preparation of Cause List and grouping of cases. [This will be the responsibility of the Registrar of the concerned outlying Bench].	Sole Responsibility
	12. Management of all Judicial records from the Filing Section to the consignment of the record in the Record Room. [At outlying Benches, this will be the responsibility of the Registrar of the concerned outlying Bench].	Sole Responsibility
	13. Judges Library, in coordination with the Librarian cum Research Officer. [This will be the responsibility of the Registrar of the concerned outlying Bench].	Library Committee
	14. Member Secretary of Gauhati High Court Legal Services Committee & JJBs.	Appropriate Committee
	15. Public Information Officer for RTI	Sole Responsibility
	16. Implementation of Action Plan regarding disposal of cases in district courts.	Concerned Committee
	17. Chairman, Vigilance Committee, Principal Seat.	Registrar General
	18. All E-Courts matter and case	Appropriate Committee

	management system and other allied matters.	
	19. Any other matter pertaining to Judicial functioning of the High Court covered by any other specific heading above.	Sole Responsibility/ RG/JAD/Chief Justice as the case may be
	20. Any other matter entrusted by Registrar General.	Registrar General
Joint Registrar (Judicial) Assam Judicial Service)	1. Management of all Judicial sections and Branches concerned with Judicial work in the Principal Seat, including Filling Section and Listing of cases.	Registrar (Judicial)
	2. Statistics (disposal, pendency etc.) of cases in all Benches	Registrar (Judicial)
	3. I/C of Court Masters and staff of Hon'ble Judges.	Registrar (Judicial)
	4. Roster of Judges.	
	5. Preparation of certified copies of orders and documents and uncertified copies of orders & preparations of Paper Books.	Registrar (Judicial)
	6. Preparation of cause List & grouping of cases.	Registrar (Judicial)
	7. File tracking and management of all judicial records from the Filling section to the consignment of the record in the record Room.	Registrar (Judicial)
	8. Preparation of annual Calendar.	Registrar (Judicial)
	9. Lawazima Court.	Registrar (Judicial)
	10. Company Case matter & PIL.	Registrar (Judicial)
	11. Any other matter entrusted by Registrar General/ Registrar (Judl.).	Registrar General/ Registrar (Judicial)
Deputy Registrar (Judicial-I) (High Court Service)	1. To Supervise all matters relating to Civil Rule (Pending and Criminal Appeal Sections and signatory of all communications of these sections.	Jt. Registrar (Judl.)/ Registrar (Judicial)
	2. Custodian of documents, including, wills, Deeds etc.	Jt. Registrar (Judl.)/ Registrar (Judicial)
	3. To function as Registrar (Contempt) in absence of DR (Judl.-II)	Registrar (Judicial)
	4. To monitor & supervise receipt of case records from Sub-ordinate Courts and dispatch of case records to subordinate Courts.	Jt. Registrar (Judl.)/
	5. Any other matter entrusted by Registrar (General/ Registrar (J)	Registrar (Judl.)/ Registrar (Judicial)
Deputy Registrar (Judicial-II) (High Court Service)	1. To monitor & supervise receipt of case records from Supreme Courts and dispatch of case records to Supreme Courts.	Jt. Registrar (Judl.)/ Registrar (Judicial)
	2. Function as Registrar (Contempt)	Jt. Registrar (Judl.)/

		Registrar (Judicial)
	3. Supervision and signatory of Writ Appeal and Civil Revision Sections.	Jt. Registrar (Judl.)/ Registrar (Judicial)
	4. To monitor & supervise receipt of case records from Sub-ordinate Courts and dispatch of case records to subordinate Courts of concerned sections.	Jt. Registrar (Judl.)/ Registrar (Judicial)
	5. Any other matter entrusted by Registrar (General/ Registrar (J)	Registrar (General)/ Registrar (Judicial)
Deputy Registrar (Judicial-III) (High Court Service)	1. To monitor & supervise the functioning of Civil Appeal (FA/SA/ROS/Contempt) section. Look after the preparation of Paper Book.	Joint Registrar (Judl)/ Registrar (Judl.)
	2. Supervise listing of old cases and signatory of the concerned Sections.	Joint Registrar (Judl)/ Registrar (Judl.)
	3. To monitor & supervise receipt of case records from Sub-ordinate Courts and dispatch of case records to subordinate Courts of concerned section.	Joint Registrar (Judl)/ Registrar (Judl.)
	4. Any other matter entrusted by Registrar (General/ Registrar (J)/ (Admn.)	Registrar (General)/ Registrar (Judicial)/ (Admn)
Assistant Registrar (Judl –I)	1. To supervise all works of filling section and shall be the overall In-charge of the said section.	Joint Registrar (Judl)/ Registrar (Judl.)
	2. Any other matter entrusted by Registrar (General/ Registrar (J)	Registrar (General)/ Registrar (Judicial)/
Assistant Registrar (Judl –II)	1. Function as Oath Commissioner and also to monitor works of Filling Section,	Joint Registrar (Judl)/ Registrar (Judl.)
	2. Any other matter entrusted by Registrar (General/ Registrar (J)	Registrar (General)/ Registrar (Judicial)/
Assistant Registrar (Judl –III)	1. Supervision and signatory of copying Criminal Revision & Civil Rules (Disposal) Sections and shall ensure timely communication of all Orders/ Judgments'. He shall be the in-charge of Paper Book and Record Room sections Shall ensure timely delivery of certified copies. He shall also function as signatory of the other Judicial Sections whenever necessary.	Joint Registrar (Judl)/ Registrar (Judl.)
	2. Any other matter entrusted by Registrar (General/ Registrar (J)	Registrar (General)/ Registrar (Judicial)/

GUJARAT HIGH COURT

Officer	Responsibilities/ Duties	Reporting Authority
Registrar (Judicial)	1. All administrative actions related to the judicial matters files in this High Court under the High Court of Gujarat Rules, 1993 or any other rules, notifications, orders etc. for time being in force. 2. Any other work assigned by the Hon'ble the Chief Justice and /or Registrar General.	1. Hon'ble the Chief Justice. 2. The Registrar General.

THE JHARKHAND HIGH COURT

Officer	Responsibilities/ Duties	Reporting Authority
Joint Registrar (Judicial)	In-charge of Accounts (General) Department of the court, drawing and disbursing officer of the Court and compliance of judicial orders and supervising the judicial sections of the Court.	Registrar Concerned

ORISSA HIGH COURT

Officer	Responsibilities/ Duties
Registrar (Judicial)	1. Lawzima Court. 2. All Judicial Sections and copying section in the High Court. 3. Matters relating to the residential quarters of the Hon'ble Chief Justice, Hon'ble Judges, Officers and staff. 4. Budget relating to the High Court Accounts and establishment matter of High Court including the Accounts relating to the Hon'ble Judges and overall control of the High Court staff. 5. High Court Building Staff Quarters, Staff, Garden and stationeries Store and Purchase. 6. Departmental Proceedings against the staff of the court. 7. All Matters relating to legal Aid, Lok Adalats and Mediation. 8. Parliament and Assembly questions relating to High Court/ High Court Cases/ High Court Judges. 9. Matters relating to Security of High Court and Hon'ble Judges. 10. All Matters relating to vehicle section. 11. Statistics relating to High Court cases. 12. All matters relating to swearing in ceremony of the Hon'ble Judges of the court. 13. Proposal for designating Advocates as Senior Advocates. Any other matter that would be specifically entrusted by Hon'ble Chief Justice.
Director, Orrisa Judicial Academy	For conducting training programme of Judicial Officers mediators and staff of the Orrisa High Courts & Subordinate Courts.

Judicial Indexer	To Circulate the Supreme Court Judgments before Hon'ble judges of the High Court. Indexing the High Court Judgments in the Index Register to facilitate easy reference of Hon'ble judges at time of necessity.
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HIGH COURT OF PUNJAB AND HARYANA

Officer	Responsibilities/ Duties	Reporting Authority
Registrar (Judicial)	1. Management and control of DRR Section.	The Chief Justice
	2. Preparation of paper-book	The Chief Justice
	3. File –tracking and maintenance of all judicial records.	The Chief Justice
	4. Preparation and timely issuance of the Causes list as per the Roster Prepared by the Chief Justice.	The Chief Justice
	5. Timely delivery of Judicial files in each Court.	The Chief Justice
	6. Supervision of the copying Branch and ensuring timely preparation of the certified copies of the court orders/ documents.	The Chief Justice
	7. Supervision and control over the Inspection Branch and safe custody of the Judicial records (pending as well as decided cases.)	The Chief Justice
	8. Statistics of filing, disposal and pendency of cases. Supervision of Statistics Branch and other judicial branches.	The Chief Justice
	9. To assist the Chief Justice in equitable distribution of cases.	The Chief Justice
	10. Coordination between different branches of the High Court and supervision of coordination Branch/ Translation Branch.	The Chief Justice
	11. Maintenance of the Readers' Pool. Supervision of weeding cell, RKG and Reconstruction cell.	The Chief Justice

MADRAS HIGH COURT

Officer	Responsibilities/ Duties
Registrar (Judicial)	1. Work of setting the sitting list including vacation sitting and allotment of Court-halls in the Principal Seat of Madras High Court.
	2. Cause List Committee, Committee on Criminal And Civil Justice

	Reforms, and Committee for maintenance of Order Sheets, Committee for file maintenance in the High Court.
	3. Matters relating to Appellate Side and Original Side- Supervision of Judicial, Writ, Criminal and Original Side Departments- routine inspection of the same.
	4. Transfer of Criminal, Civil and Sessions Cases.
	5. Matters relating to legal practitioners- Pleaders, Attorneys, Vakils and Advocates and designation of Senior Advocate.
	6. In-charge of copy issuance in Current Section, CD Section, CCC (Civil and Criminal) and Original side Copy Applications Section in the High Court.
	7. Appointment of Oath Commissioners, Official Receivers and matters connected therewith.
	8. Presidency Towns Insolvency Act and work of the Official Assignee.
	9. Matters relating to Lok Adalat, Mediation, Arbitration and Juvenile Justice Boards.
	10. Any policy matters in the above subjects, subject to the approval of the Registrar General.
	11. Other matters that may be specifically allotted by the Hon'ble The Chief Justice from time to time.

Madurai Bench of Madras High Court, Madurai

Officer	Responsibilities/ Duties
Registrar (Judicial)	1. Work of setting the sitting list.
	2. Matter relating to Statistics other than furnishing information to the Government and other High Courts.
	3. Civil courts Statistical Returns and Advance Statements in Madurai Bench Jurisdiction.
	4. List System- Observance of list system in all courts in the Madurai Bench Jurisdiction.
	5. Advance Statements- Criminal Courts.
	6. Calendars and Judgments from all Districts in the Madurai Bench Jurisdiction
	7. Sessions Statement from all Districts in the Madurai Bench Jurisdiction.
	8. Review of Statistical Returns (Criminal) and Annual Criminal Administration Reports.
	9. Surprise inspection reports- both Civil and Criminals.
	10. Matters relating to Appellate Side Rule.
	11. All other matters relating to B5 section.
	12. Inspection of Subordinate Civil Courts by the Hon'ble Judges and inspection reports by the Principal District Judges/ Chief Judicial Magistrates matters, Functioning in Madurai Bench Jurisdiction.
	13. All matters relating to Computer section.
	14. Transfer of Criminals, Civil and sessions cases.
	15. Production of prisoners and administrative supervision of subordinates criminal courts.
	16. Matters relating to Pleaders Attorneys, Vakils and Advocates.

	17. Matters relating to allotment of courts halls and chambers to Hon'ble judge.
	18. Matters relating to fixation of summer vacation, dusshara and Christmas holidays for the Registry.
	19. All matters that may be specifically allotted by the Hon'ble The Chief Justice from time to time.

THE BOMBAY HIGH COURT

Officer	Responsibilities/ Duties
Registrar – Judicial-I	1. Entire work pertaining to registration, removal of objections, listing of cases, etc.
	2. Entire work of Registrar's Court.
	3. Entire work pertaining to Criminal/ Civil and Board Department.
	4. Work relating to designation of Advocates as Senior Advocates.
	5. Entire work pertaining to Lok Adalats at High Court and at any Courts within city of Bombay.
	6. Supervise the work of all Judicial Departments.
	7. Operate P. L. Accounts in the own name.
	8. References made by the Subordinate Courts under the contempt of Courts Act, 1971.
	9. All Correspondence relating to the parliament and Assembly questions seeking statistical information in respect of work done by the High Court.
	10. Proposals received in connection with the enhancement of fees to Government Pleaders and Advocates.
	11. Amendments to the High Court Appellate Side Rules consultation with the Registrar [Legal]
	12. Complaints against Advocates/ Pleaders.
	13. Grant of certificates to the Advocates about the practice and character.
	14. Application from the firms of advocates for the recording the names of partners of their firms under Rule 10 frames u/s. 34 [1] of the Advocates Act, 1961 by the High Court.
	15. Any other subject assigned by the Registrar General.
Registrar Judicial-II	1. Circulate the Supreme Court Judgment delivered on the common question of Law amongst the Judges of the Hon'ble Court.
	2. Entire work of Decree Department.
	3. Entire work of Certified Copy Branch.
	4. Entire work of Criminal "B" Branch [after disposal].
	5. Entire work of Supreme Court Branch..
	6. Proposals for nominations of the Hon'ble Vacation Judges at Bombay And Benches.
	7. Supervision on Courts Sheristedars, their duties and assignment.
	8. Work connection with Advocates leave notes.
	9. Work in connection with issuing of certificates regarding remuneration to Government pleaders.
	10. Permission to publish High Court Judgments .

	11. Work relating to the registration of Advocates Clerks.
	12. Proposals received in connection with the enhancement of fees to Government Pleaders and Advocates
	13. Notifications received from the various Bar Councils from States in India regarding suspension of Advocates from practice or removal of the names of advocates from the roll of the Bar councils.
	14. Notification issued by the Supreme Court of the India various High Courts in India in respect of designation advocates as Senior Advocates.
	15. Service of summonses, Notices, Injunctions, Writ a Rule Nisies received from various Courts outside Maharashtra including Notice/ Processes from forests courts.
	16. Permission for access to the Court Records.
	17.All Correspondence relating to election of Bar Councils Maharashtra.
	18. Any other subject assigned by the Registrar General.

THE KERALA HIGH COURT

Officer	Responsibilities/ Duties
Registrar (Judicial)	12. The Registrar (Judicial exercises general control and supervision over all the sections in the Judicial branch. He ensures-
	1. That papers filled in the registry are property received, defects in all papers are cured as early as possible and they are listed without delay.
	2. Posting of cases according to the directions issued from time to time by the Hon'ble the Chief Justice, publication of ready cases on the Notice Board and preparation and publication of the daily and weekly cause lists of all the Benches.
	3. Prompt issue of notices and other processers, printing of requires papers and calling of lower courts records wherever necessary as early as possible.
	4.Keeping accurate and up to date statistics of the Institution, disposal and pendency of all kinds of cases, and circulation of monthly statements showing such statistics for the information of the Hon'ble the Chief Justice and the Hon'ble Judges.
	5. That indexing and law reporting are attended to promptly.
	6. The appointments of counsel in criminal at State cost wherever necessary.
	13. Final orders in all Wits are approved and signed by him. He attends to all references in the Judicial branch and signs correspondence in connection with such references. He also approves and signs warrants in criminal cases, company cases etc.

HIGH COURT OF TRIPURA

Officer	Responsibilities/ Duties	Reporting Authority
Registrar (Judicial)	1. Supervisory Officer relating to all Bench & Judicial matters.	Sole Responsibility
	2. Lowazime Court of the High Court except the matters as mentioned in order No. F 40 (21_ I HCT/BENCH/REGISTRY/2013/ 7046-82 dated 10.05.13 in absence of Registrar (vig) as per Order No. 48 dated 08.01.2014 [Matters be routed concerned section – <i>Asstt. Reg. (bench)</i> – <i>Dy. Reg. (Judl)</i> – <i>Reg. (Judl)</i>]	Sole Responsibility
	3. Preparation fo Roster [Matters be routed through Dy. Reg (Judl) – Reg. Judl)]	Chief Justice
	4. Information to the Supere Court, other High Courts, Parliament, Assembly of the State Government [Matters be routed through concerned section – concerned Asstt. Reg(s) – Reg. (Judl)]	Chief Justice
	5. Detailing & attendance of all non-Gazetted Class-III staff of Bench section [Matters be routed through concerned section –Reg. (Judl)]	Sole Responsibility
	6. Reporting Authority of ACRs of all non Gazatted Class-III staff of Bench Section [Matters be routed through concerned section –Secretary/PS to RG – Reg. (Judl)]	Registrar General
	7. Preparation of Calendar of High Courts & Subordinate Courts [Matters be routed through concerned section – concerned Asstt. Reg(Admn-I) – Dy Reg. (Judl) – Reg (Judl)]	Chief Justice/ Full Curt
	8. Matter relating to paper Books [Matters be routed through concerned section –Dy. Reg(Judl) – Reg. (Judl)]	Sole Responsibility
	9. Matter relating to certified copies of orders, documents and uncertified copies of orders [Matters be routed through concerned section –Asstt. Reg(Bench) – Reg. (Judl)]	Sole Responsibility
	10. Matter relating to Cause List and	Sole Responsibility

	Grouping of cases [Matters be routed through concerned section – concerned Asstt. Reg(Bench) – Dy. Reg. (Judl) – Reg. (Judl)]	
	11. Preparation of Decree in the Judicial/ Bench section of the High Court [Matters be routed through concerned section – concerned Asstt. Reg(Bench) – Dy. Reg. (Judl)- Reg (Judl)]	Sole Responsibility
	12. Matter relating to issuance of License of Advocates Clerk in the High Court [Matters be routed through concerned section – concerned Asstt. Reg(Admn-II) – Dy. Reg. (Prol.)- Reg (Judl)]	Sole Responsibility
	13. Management of all Judicial records from the Filing Section of the consignment of record in the Record Room [Matters be routed through concerned section – concerned Asstt. Reg(Bench) – Dy. Reg. (Judl)- Reg (Judl)]	Sole Responsibility
	14. Management of cases in the High court and District Courts and District Courts including all matter relating to Judicial work in high Court & District Courts [Matters be routed through concerned section – Dy. Reg. (Judl)- Reg (Judl)]	Chief Justice
	15. Compliance with the orders and judgments of the Supreme Court of India and High Court [Matters be routed through concerned section – Dy. Reg. (Judl)- Reg (Judl)]	Chief Justice
	16. Destruction / reconstruction of the Judicial Record in the High Court & conducting enquiry etc. concerning the loss/ misplacement of such record [Matters be routed through concerned section –Dy. Reg. (Judl)- Reg (Judl)]	Sole Responsibility/ Chief Justice
	17. Litigation by or against the High Court in the Supreme Court. [Matters be routed through concerned section – Dy. Reg. (Admn)- Reg (Judl)- RG]	Chief Justice
	18. Litigation by or against the High Court in the High Court [Matters be routed through concerned section – Dy. Reg. (Admn)- Reg (Judl)]	
	19. Jail Appeals complaints and other matters pertaining to jails & under	Sole Responsibility

	trials/ convicts [Matters be routed through concerned section –Dy. Reg. (Judl)- Reg (Judl)]	
	20. All Matters relating to Statements of the High Court & subordinate Courts [Matters be routed through concerned section –Asstt. Reg(Bench) – Dy. Reg. (Judl)- cum (CPC)- Reg (Judl)]	Chief Justice
	21. All Matters relating to Courts buildings of the Subordinates judiciary [Concerned Section Asstt. Reg(Admn-II) – Dy. Reg. (Admn)- Reg (Judl)]	Registrar General/ Chief Justice
	22. Matters with regard to participation in the Chief Justice Conference and Joint conference of the Chief Ministers & Chief Justices & Implementation of the Resolutions thereof [Matters be routed through concerned section –Asstt. Reg(Admn-I) – Dy. Reg. (Admn)- Reg (Judl)- RG]	Registrar General/ Chief Justice
	23. Establishment of Courts [Matters be routed through concerned section – Asstt. Reg(Admn-I) – Dy. Reg. (Admn)- Reg (Judl) - RG]	Registrar General/ Chief Justice
	24. All Matters relating to publication of Court News Letter of the High Court of Tripura [Matters be routed through concerned section –Dy. Reg. (Judl)- Reg (Judl)]	Chief Justice
	25. Any other matters assigned by the Hon'ble the Chief Justice, Hon'ble Judges & Registrar General	Chief Justice/ Judges/ Registrar General
Deputy Registrar (Judicial) –cum CPC	1. Supervising and monitoring all the matter relating to computerization in the High Court and subordinate courts. [Matters be routed through concerned section –Dy. Reg. (Judl)- cum-CPC	Concerned Hon'ble Judge/ Reg (Admn) (relating to financial matter)
	2. Preparation of Roaster [Matters be routed through Dy. Reg. (Judl)]	Registrar Judicial
	3. Matters relating to Cause List and Grouping of cases [Matters be routed through concerned section –Asstt. Reg(Bench) – Dy. Reg. (Judl)]	Registrar Judicial
	4. Custodian of documents including wills Deed etc.	Sole Responsibility
	5. Matters relating to paper Books	Registrar (Judicial)

	[Matters be routed through concerned section –Asstt. Reg(Bench) – Dy. Reg. (Judl)- cum-CPC)	
	6.all Matters relating to statement of the High Court and subordinate Courts [Matters be routed through concerned section –Asstt. Reg(Bench) – Dy. Reg. (Judl)- cum- CPC]	Registrar (Judicial)
	7.Supervision and Monitoring of Judicial Section	Registrar (Judicial)
	8. All matters relating to information & Communication Technology including e-courts project [Matters be routed through concerned section – Dy. Reg. (Judl)-cum- CPC]	Concerned Hon'ble Judge/ Reg (Admn) (relating to financial matter)
	9. Judicial Education and training [Matters be routed through concerned section –Dy. Reg. (Judl)- Cum- CPC]	Chief Justice/ concerned Judge/ Reg (Admn) (relating to financial matter)
	10. Lowazima Court of the High Court [Matters be routed through concerned section –Asstt. Reg(Bench) – Dy. Reg. (Judl)]	Registrar (Vig./Judl.) & Sole Responsibility regarding the matter as mentioned in order No. F 40 (21)- HCT/BENCH/REGISTRY/2013/7046-82 dated 10.05.13 and sole responsibility in absence of Reg. (vig) & Reg. (Judl) as per order No. 48 dt. 08.01.2014
	11. Detailing & attendance of all non Gazetted Class-III staff of Bench Section [Matters be routed through concerned section –Dy. Reg. (Judl)]	Registrar (Judicial)
	12. Preparation of Decree in the Judicial/ Bench section of the High Court [Matters be routed through concerned section –Asstt. Reg(Bench) – Dy. Reg. (Judl)]	Registrar (Judicial)
	13. Management of all Judicial records from the filling section to the consignment of the record in the Record Room. [Matters be routed through concerned section –Asstt. Reg(Bench) – Dy. Reg. (Judl)]	Registrar (Judicial)
	14. Matters relating to High Court Legal Services [Matters be routed through concerned section –Dy. Reg. (Judl)]	Registrar (Judicial)
	15. Matters relating to High Court Mediation [Matters be routed through concerned section — Dy. Reg. (Judl)]	Registrar (Judicial)
	16. Management of cases in the High Court and District Court including all	Registrar (Judicial)

	<p>matters relating to judicial work. [Matters be routed through concerned section –Dy. Reg. (Judl)]</p>	
	<p>17. Compliance with the orders and judgments of the Supreme Court of India & High Court [Matters be routed through concerned section – Dy. Reg. (Judl)]</p>	Registrar (Judicial)
	<p>18. Destruction/ re-construction of the Judicial Record in the High Court & conducting enquiry etc. concerning the loss misplacement of such record. [Matters be routed through concerned section -Dy. Reg. (Judl)]</p>	Registrar (Judicial)
	<p>19.All Matters relating to publication of Court News Letter of the High Courts of Tripura [Matters be routed through concerned section — Dy. Reg. (Judl)- Registrar (Judl)]</p>	Registrar (Judicial)
	<p>20. Jail appeals, Caomplaints and other matters pertaining to Jails & under trials/ convicts [Matters be routed through concerned section – Dy. Reg. (Judl)-Reg (Judl)]</p>	Registrar (Judicial)
	<p>21. Preparation of calendar of High Court & Subordinate Courts [Matters be routed through concerned section – Asstt. Reg(Admn-I) – Dy. Reg. (Judl)- Reg (Judl)]</p>	Registrar (Judicial)
	<p>22. Reporting Authority of the ACRs of all non Gazetted Class-III staff of computer/IT section [Matters be routed through concerned section – Secretary/PS to RG – Dy. Reg. (Judl)-cum-CPC]</p>	Registrar (Judicial)
	<p>23. Secretary High Court Mediation Committee & State Mediation Committee [Matters be routed through concerned section –Dy. Reg. (Judl)- Reg (Vig. & Rules)]</p>	Concerned Committee
	<p>24. Member –Secretary High Court Legal Services Committee [Matters be routed through concerned section – Dy. Reg. (Judl)- Reg (Vig. & Rule)]</p>	Executive Chairman of High court Legal Services Committee
	<p>25. Financial matters relating to Judicial Education, Training & Computer/ IT Section [Matters be routed through concerned section – Dy. Reg. (Judl)-cum- CPC- Reg (Admn)]</p>	Concerned Judge/ Chief Justice

	26. Financial Matters relating to computerization in the High Court & Sub-ordinate Courts [Matters be routed through concerned section – Dy. Reg. (Judl)- Reg (Admn)]	Concerned Judge/ Chief Justice
	27. Any other matters entrusted by the Registrar General/ Registrar (Judicial)	Registrar General/ Registrar (Judicial)

HIGH COURT OF KARNATAKA

Officer	Responsibilities/ Duties
Registrar (Judicial)	1. Administrative control over Group of employees of the High Court including their posting, promotions, deputations and disciplinary proceedings.
	2. <u>Board Branch:</u> Issue of cause liste, Notification, Postings of cases.
	3. <u>Court Officers:</u> Control over all Court Officers and Posting of Courts Officers to Court Halls and Branches.
	4. <u>Election Petition Branch:</u> Issue of Notifications regarding posting if Election petitions before the bench.
	5. Dispensation of production of certified copies of Civil and Writ matters.
	6. Work relating to Supreme Court Branch.
	7. Holding of sufficiency of services and acceptance of Bank guarantees in respect of Writ and Supreme Court matters.
	8. Arranging tour programme of Court officers and Ex-office Court Fee Examiners.
	9. High Court Computer Center.
	10. <u>Enquiry Section:</u> To Furnish information to the litigant public.
	11. <u>LCA-I Branch:</u> Sanction of GPF in respect of the subordinates staff, and Administrative Appeals u/R 19 of the CCA Rules.
	12. Copying Branches –I, II& III to supervise the work of the branch.
	13. Decree Branches I & II- to supervise the work f the branch.
	14. GOB-I Sanction of leave to the Judicial officers.
	15. To de such other work as may be specifically entrusted by Hon’ble the Chief Justice.

HIGH COURT OF CHHATTISGARH: BILASPUR

Officer	Responsibilities/ Duties	Reporting Authority
Additional Registrar (Judicial)	1. Whole Judicial Branch: <ol style="list-style-type: none"> 1. Judge Court Room, 2. Copying Section, 3. Notice Section, 4. Supreme Court Section, 5. Paper Book Section, 6. Filling Section, 7. Cause List Section 	
	2. Judicial Matters: <ol style="list-style-type: none"> 1. Nomination of Benches, 2. All Communications by Bench Registries relating to Judicial Cause, requiring instruction of the Chief Justice, 3. Roaster, 4. Obtaining files, linking of files involving common questions of law, 5. Providing Readers, Additional Readers to Judges from Judicial Branch. 	The Chief Justice
	3. Any other work that may be assigned by the Chief Justice and other Judges and the Registrar General.	
	4. Stationery Section, Complaints against touts, Clerk of Advocates and petition Writers.	Registrar General

HIGH COURT OF HIMACHAL PRADESH

Registrar (Judicial)

1. All matter pertaining to Judicial Branches.
2. Judicial works as per powers delegate under Rules and Orders of the High Court
3. To devise targets in order to clear back log in High Court.
4. Requisitions for judicial records from different Courts in the State-sending of records.
5. Monitoring of service of notices received from the Hon'ble Supreme Court
6. To deal with the resolutions of District/Subordinate Courts Bar Association.

7. Forwarding of a request to the State Government for providing new telephone connections for Courts and residences of Judicial Officers where the facility does not exist.
8. Overall control and functioning of the Judges Branches including Hon'ble Chief Justice Residence and Residences of all Hon'ble Judges.
9. Permission to use general pool vehicle by the visiting dignitaries within 50 kms of Shimla town
10. To authorize the sending of High Court vehicles to Chandigarh for routine repair within the warranty period or for periodical maintenance/check/service by authorized dealers.
11. To send the staff cars for repairs through private, workshops at Shimla.
12. Fixing/replacement of accessory items in official vehicles of the High Court/subordinate Courts and replacement of tyres/tubes and batteries.
13. According of sanction for the auction of the condemned vehicles and unserviceable parts of the Motor vehicles including tyres and tubes.
14. Issuance of practice certificate in favour of Advocates.
15. Deployment of all Class IV Officials.
16. Printing cards.
17. All such functions/duties that may be assigned by Hon'ble the Chief Justice/High Courts.

Calcutta High Court

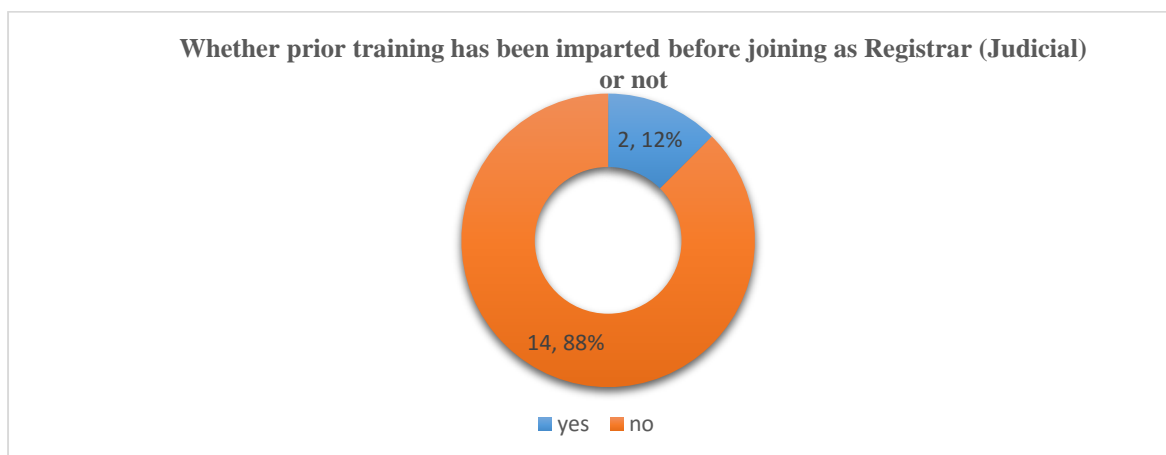
Registrar (Judicial Service)

Recruitment, Posting, Transfer, Promotion, Confirmation, Leave, Deputation, ACP, Selection Grade, Super time Scale of the Judicial Officers and staff members connected with Subordinate Judiciary/Supervision of Joint Registrar (Insp)/work assigned by the Registrar General and the Hon'ble Chief Justice.

LEARNING FROM CONFERENCE ON FUNCTIONS OF REGISTRAR (JUDICIAL), PRAGYA AISHWARYA, LAW ASSOCIATE, NJA

The Conference on Functions of Registrar (Judicial) was held to provide a platform for discussion to Registrars (Judicial) from all High Courts from 21st-23rd August, 2015. To this end, the NJA designed this programme with underlying themes of Time Management, Record Management, Relationship Management, Tool Management and Organizational Behaviour. A pre training questionnaire was provided to nominated 19 registrars out of whom 16 registrars responded. These responses can be graphically represented under following four headings:

1. TRAINING PRIOR TO JOINING AS REGISTRAR (JUDICIAL)



As evident from above graphical representation, majority of registrars did not undergo any special training before joining as the Registrar (Judicial). Registrars opined need for training to be given before being called upon in the high court to function as Registrar Judicial on management, on administrative set up and functioning of different sections in the high court, on financial rules and office management, on procedure followed in high court, with high court rules and functions of registrar judicial, circular and memos, on judicial and administrative functions of registrar judicial, on listing, category of cases, defects in filling and on effective understanding about the functions of registrar judicial.

2. ROLE OF REGISTRAR (JUDICIAL)

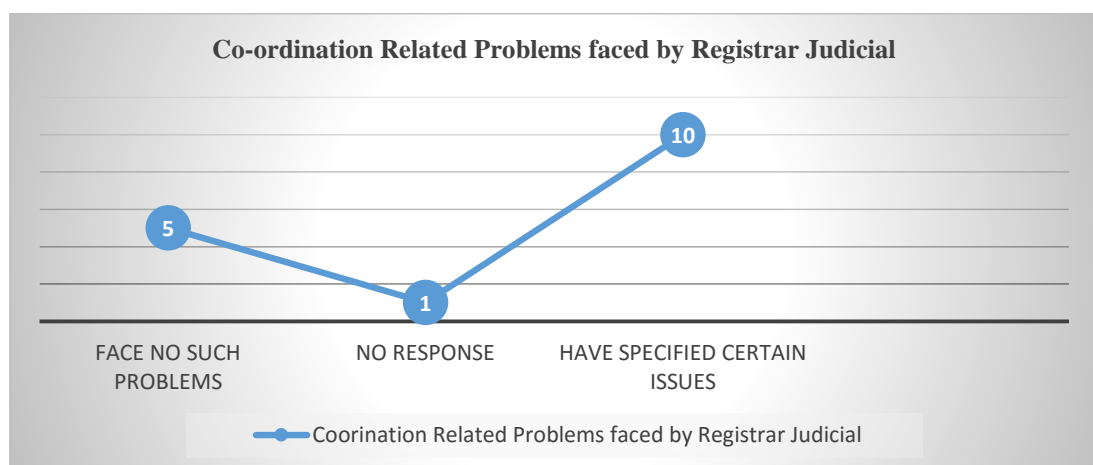
Keeping in view that pendency and delays as problems with which judiciary is grappling with, registrars were asked how/what Registrar (Judicial) can contribute to ensure timely disposal of cases. Following responses were received on role of Registrar (Judicial) in ensuring timely disposal of cases:

- Timely listing of matters as per the listing policies of the High Court

- Categorizing of cases by grouping connected cases, senior citizen cases, old cases
- Ensuring priority is given to old cases in listing
- Keeping track of all listed cases
- Supervising the preparation of cause list
- Making arrangements so that cases are ready in time for next stage of hearing
- Listing of defective cases before the lawzima courts to remove defect
- Complying orders and directions of the Supreme Court and High Court for timely disposal of cases
- Sending records to record room of district courts in time
- Ensuring preparation of decrees in time
- Motivating subordinate staffs and co-ordinate with other sections
- Allocating work in rational manner

3. PROBLEMS AND CHALLENGES FACED

a) CO-ORDINATION RELATED PROBLEMS

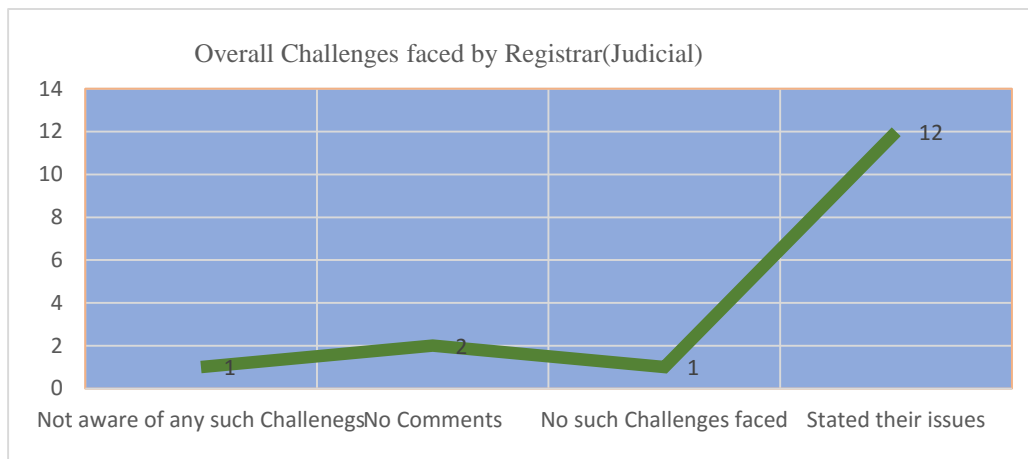


Out of the 16 responses received, 5 registrars mentioned that they did not face any problem of coordination, 1 registrar did not respond to the question and 10 registrars mentioned following reasons for co-ordination problems faced by them:

- Inadequate number of staffs.
- Lack of English knowledge of staffs.
- Lack of computer training of staffs
- Lack of complete knowledge of High Court Rules in respect of staff
- Lack of proper infrastructure
- Staff not under direct control
- Registrar Judicial needs to submit report to Registrar (Personnel)
- Readers and Dealing Assistants delay the process of updating and listing of cases

- Lack of coordination with the principal seat due to power cuts or internet connectivity problems
- Coordination problems between judicial section and board section in respect of listing of matters on Board

b) OVERALL CHALLENGES FACED WHILE SERVING AS REGISTRAR JUDICIAL

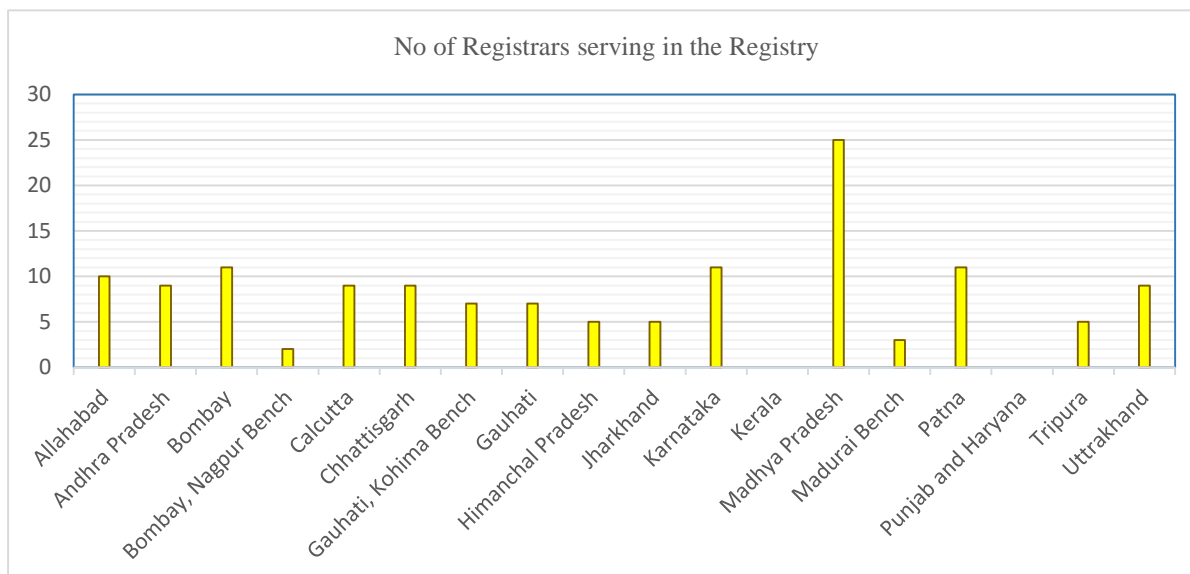


Out of the responses received, 2 registrars stated that they were not facing any such challenge in their respective High Court; 2 registrars did not respond to the question and 12 registrars provided nature of challenges faced by them:

- Lack of adequate infrastructure/space
- Inadequacy of staffs and inefficiency of staffs
- Lack of staffs trained in computerization and High Court Rules
- Complying with the directions /orders of the Hon'ble Courts without loss of time
- Timely placing of records and files before Hon'ble Courts
- Coordinating with other registrars, district judges and other departments
- Delay in transmission of judgements/orders of Hon'ble court to the district courts
- Lack of effective software as per the present needs
- To deal with party-in-person
- Adjustment of Boards of different benches
- Listing of the matters in which Circulations are granted and listing of auto-dated matters
- Data Cleaning

4. OTHER DETAILS

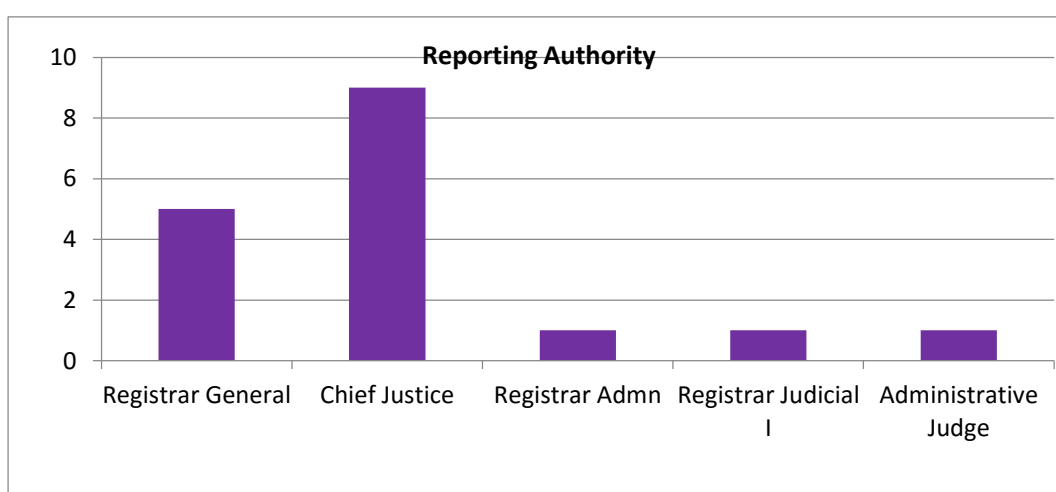
a) NUMBER OF REGISTRARS SERVING IN THE REGISTRY



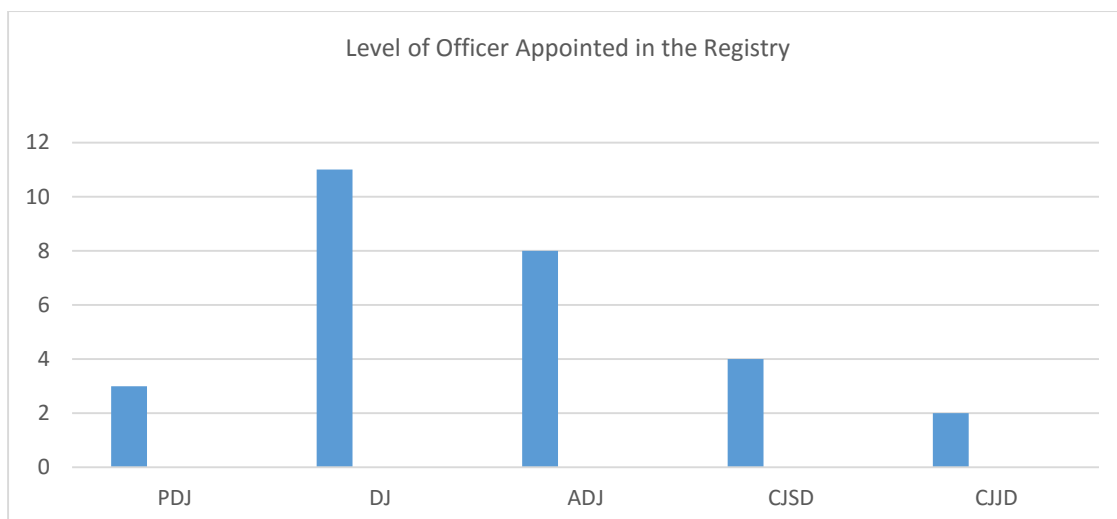
The above graph represents the number of Registrars in registry of each of the High Court. As evident from the graphical representation, the number of Registrars serving in the Registry of different High Courts vary across the nation, depending upon the strength of the High Court and number of benches. As per the data received, the High Court of Madhya Pradesh (including both the benches) has maximum number of registrars.

b) WHOM DOES REGISTRAR(JUDICIAL) REPORT TO

Reporting authority for the Registrar (Judicial) in most of the High Courts is the Chief Justice and Registrar General.



c)WHAT LEVEL OF OFFICER IS USUALLY APPOINTED IN THE REGISTRY



In most of the High Courts the officer appointed as Registrars belongs to District Judge or Additional District judge level. Officers belonging to Civil Judge Senior Division and Junior Division level are also appointed in the Registry as Deputy Registrars.

ANALYSIS OF THE CONFERENCE ON THE FUNCTIONS OF REGISTRAR (JUDICIAL)

-Vidhi Tiwari, Intern, NJA

P-939 [August 21st -23rd, 2015]

S.NO.	IMPORTANT QUESTIONS RAISED	PROBLEMS RELATED TO FUNCTIONS OF REGISTRAR (JUDICIAL)	SOLUTIONS PROVIDED	NEW IDEAS PROPOSED
1.	<u>Time Management</u>	<ul style="list-style-type: none"> ○ It is difficult to balance between the trivial and crucial issue, critical witnesses, and case details. ○ Usually 80% of our time goes on managing trivial issues and we are able to give only 20% of the time to crucial administrative activities. ○ Judgement takes time. ○ It is hard to break the local culture as it stops the person to follow the plan. ○ The stakeholder directly or indirectly tries to create an 	<ul style="list-style-type: none"> ○ Peter Drucker, one of the management guru has said that a person should work 80% of the time on its core area and 15% of time on its learning area. ○ As Judicial Registrar plays an administrative role therefore there should be no undue delay on one side and maintenance of quality work and fairness on the other side. ○ There are three tools of time management which are discussed as follows: <ul style="list-style-type: none"> ➤ Quantification ➤ Casual Analysis ➤ Accountability 	<ul style="list-style-type: none"> ○ Peter Drucker said that if you will keep working like a running horse, you will not be able to grasp the subject matter. ○ Try to re-energize the things which somehow due to work pressure does not able to integrate yourself. ○ The judicial registrar can contribute positively to the process without any undue delay and without compromising with the quality of the judgement, if they are able to

		<p>environment in which things are not being done.</p> <ul style="list-style-type: none"> ○ Cycle of blame process. ○ The Registrar judicial cannot spare a second as every activity related with his work is urgent in nature. ○ Inefficiency of staff or intention of the staff to confuse the registrar by raising some trivial issues which are not very important causes wastage of time. ○ The registrar cannot assign the duty to any deputy because of the heavy responsibility on his shoulders. ○ The party sometimes combine so many questions consequently wasting the time of the Registrar. The Registrar cannot even 	<ul style="list-style-type: none"> ○ Local culture and time frame is the pre requisite for evaluating the results of the efforts. ○ Common commitment will help in building the environment of development and innovation. ○ Involvement of all stake holders brings a culture of shared responsibilities which eliminates the cycle of blame game. ○ 80-20 Rule is a matrix having four cells. First cell includes important as well as urgent task. Second cell includes those activities which are urgent but are not very important. Third cell includes those activities which are not urgent but important in nature. Fourth cell includes those activities which are neither urgent nor important. ○ The registrar can explain the deputy regarding the 	<p>follow the timeline.</p> <ul style="list-style-type: none"> ○ If the time frame is decided in consultation of stakeholders who are involved then the monitoring of time frame will be easy. ○ The time which is wasted can be note down in a diary. Firstly note down the activity then note down the time spent in that activity. Thirdly note down the total time which is being wasted and fourthly, the activity/person who is responsible for the wastage of time. ○ If things are analyzed by looking at the same scenario from an outcome frame, some solution is definitely going to come out.
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		<p>send them back as they might write the letter of complaint against the registrar to the Chief Justice.</p> <ul style="list-style-type: none"> ○ The Registrar is usually so caught up in daily hustle that they lose the confidence, motivation and try to remain in their comfort zone. ○ There is a fear of failure sometimes in Registrar 	<p>opportunity that has been given to him and then gradually shift his role and let the deputy do all the work independently. In this way gradually the audience will shift to him.</p> <ul style="list-style-type: none"> ○ The Registrar must spend the time ruthlessly focusing on important work which requires his attention rather than focusing on urgent work. ○ Parkinson's Law says that work expands as to fill up time available. This is how the other countries are working and therefore the pendency of cases are much more less than that of our country. ○ Delegation is an art. People should learn to trust people on whom the delegated task is given. It is the duty of the Registrar to train the person on whom the task is being conferred. Gradually, the 	<ul style="list-style-type: none"> ○ The major focus is to have an open mindless. ○ Self-analysis is the important part of the functions of Registrar. ○ When unnecessary people come and create pressure, the Registrar should use smart and convincing statements provided that such statements are not aggressive in nature. ○ We should always maintain the positive Energy.
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			person on whom the task is conferred will act in a responsible manner.	
2.	<u>Relationship Management</u>	<ul style="list-style-type: none"> ○ According to the book “The games people play” by Dr. Eric Blackburn talks about how people play games with other people in order to fulfill their own expectations. ○ The behavior which we try to influence keeps on changing because of change in their expectation. ○ One single statement may have different interpretations because of different perceptions. ○ The intention with which it is communicated and the intention with which it is perceived usually creates the confusion. ○ Ulterior transactions 	<ul style="list-style-type: none"> ○ There is a concept known as “I am Okay, you are okay” by Tom Haris wherein we are trying to understand our self and also trying to make others understand about our self. ○ There is another concept in “I am okay, you are okay” known as born to win which talks about the kind of activities people play or do in order to influence the behavior of others. ○ When we try to act as per other’s expectation probably they feel good about it and that helps in strengthening the relationship. ○ Whenever there is transaction or interaction between two people, both are interacting from one ego stage at 	<ul style="list-style-type: none"> ○ When a request comes from a senior, it is not a request but an order has been presented therefore people should not be confused. ○ Physiologist say that most of the skin related diseases are due to negative thinking pattern therefore it must be avoided as it affects the healthy pattern of the person. ○ Personal and professional life are not separate. People need to make a balance between the two transactions.

		<p>usually creates the confusion. For e.g. the person is saying something which has a different meaning altogether.</p> <ul style="list-style-type: none"> ○ Cross transaction not only affect the relationship with people but also affects the ego state of the people. ○ The senior usually points out the weal and does not points out something which is wrong. ○ The moment we have a relationship with somebody, the same relationship arises, that is the kind of the challenge that we have to meet. ○ It becomes very difficult to be in argument mode when the junior have the strong rational to catch the senior. 	<p>that point of time, if the ego stages are complementary in nature this transaction will be smooth and relationship will be better, but moment these transactions are not complementary with each other, it affects the relationship between the parties.</p> <ul style="list-style-type: none"> ○ Transactional Analysis is a proven test. ○ There should be a proper balance between the senior and junior relationship. ○ Whenever we interact with people, the kind of interaction will decide the kind of relationship we will have later, if the interactions are more of cross transaction or ulterior transaction, it will affect the relationship but if they are more complementary in nature it will 	
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			<p>positively affect the relationship as the person would be able to strengthen his relationship at workplace.</p> <ul style="list-style-type: none"> ○ The senior should scold the subordinate in private and appreciates him in public. This not only increases his morale but also helps in development of the relationship between the senior and subordinate. ○ People will more accept the things when the senior sets the example and then goes into argument mode. 	
3.	<u>Record Management</u>	<ul style="list-style-type: none"> ○ The greatest task that Registrar face in registry is the Record management, Record room, Record keepers and the weeding out process. ○ It is humanly impossible to 	<ul style="list-style-type: none"> ○ The court can scan the documents and place them on the systems. For e.g., if the statement of the accused is referred, immediately that will be displayed on the screen. That is how, we would be able to manage the records by 	<ul style="list-style-type: none"> ○ Our court rooms are using Information technology but it should be inter operational. It should operate with each wing of the state. ○ We cannot think of Information

		<p>refer the pages of lakhs of documents while hearing the documents.</p> <ul style="list-style-type: none"> ○ Maintenance of the records is a very time consuming and tough task. ○ The biggest job we face in the court is the use of the document and its improvement. ○ Indian courts have different structure of the data system which creates many problem in this area. ○ The process of digitization and scanning of records has many technological challenges which are in a grave area that we need to sensitize. ○ E-Court was one of the most important component of e-governance plan, which is under NGEP (National E- 	<p>using the new technology.</p> <ul style="list-style-type: none"> ○ The best way to manage the record is to reduce the record. If we reduce the record, we need less human resource, less time for retrieval and less time for management. ○ The other way to manage the record is through process engineering. ○ We are in the direction of making our Indian courts paperless courts. ○ Delhi High court have already started the project of digitization and destroying all manual records. The Supreme Court have started destroying the civil appeal records and maintains it in a digital form. ○ When it is decoded that what is the reason behind the fact that the record management has not reached that level which it is 	<p>governance and knowledge management until and unless we have proper management and information governance respectively.</p> <ul style="list-style-type: none"> ○ Homogeneity should be maintained across different levels to have successful record management. ○ Authenticity and Integrity is needed in order to have right information at right point of time. ○ A.P.J Abdul Kalam in one of the conference at Vigyan Bhawan regarding the Indian court computerization said that the day is not far when our jails will have the facility of video conferencing. The under trial cases can be held through video conferencing
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		<p>Governance Plan). It started way back but till now not much significant development has been taken place.</p> <ul style="list-style-type: none"> ○ Sinking of information is difficult when the data is coming from two institutions. ○ It is difficult to understand the distinction between the record and document. ○ Is there any process where a document can be converted to record? ○ The retrieval of record is not effective if Meta data is not powerful. ○ The staff of high court is less technical therefore there are many issues related with the technology, homogeneity, upkeep of Meta data. ○ The staff is not accustomed to 	<p>supposed to reach, it came out that, there are three components – policy part, process part and technology part. There is always miscommunication between these three stages therefore a particular policy has to be operationalized with the set of processes so that there is no lack of integration across various stages.</p> <ul style="list-style-type: none"> ○ Uniform operating principle is required for integration. ○ Record can be defined as an information created, maintained and received as evidence by organization or person in pursuance of legal obligation or in the transaction of business. Record is more about evidence of some activity that has already been performed but the evidence is very 	<p>and the accused will not come to the court. Police Stations will file online FIRs. The criminal history of the accused will be digitized.</p> <ul style="list-style-type: none"> ○ All the bigger system will be integrated called Court MIS. It will be a holistic information system which will have interfaces with all the stakeholders within the organization, outside the organization. ○ Artificial intelligence should be developed. For e.g., instead of reading one by one page records, some artificial intelligence should be created that will guide that out of these one lakh pages only ten thousand pages have
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		<p>the new ways which has been introduced by E-Courts.</p> <ul style="list-style-type: none"> ○ No common name has been decided for the nomenclature introduced by the digitalization. ○ The digitized records are at the office. The problem arises when the files are to be transferred or communicated to the residence of the judges. ○ Indian judiciary is hard pressed as far as human resource and space is concerned. ○ Delay because of non-availability of information. ○ It is difficult to manage the record which is not backed by the Meta data ○ The record decoding is different with respect to different people. 	<p>important with respect to the context and that is the purpose of marinating the record.</p> <ul style="list-style-type: none"> ○ Meta data should be powerful to differentiate itself from other records. ○ The courts can give their own name but once it is uploaded on national portal, there'll be a common name. ○ The data which is not backed by the Meta data could be retrieved with the help of some artificial intelligence tools that will work as a proxy of their Meta data. ○ Record decoding should be same to everybody irrespective of time and person. ○ E-Government project should start from top and implements from top to bottom. 	<p>critical information.</p> <ul style="list-style-type: none"> ○ We cannot have an efficient and successful record management until and unless we take a holistic view of record management with respect to all the stake holders. ○ In future we can also adopt cloud computing.
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		<ul style="list-style-type: none"> ○ E-Government projects are stuck because of mismatch between different level and integration between different data sources. 		
4.	<u>Vulnerability with respect to record</u>	<ul style="list-style-type: none"> ○ How to deal with the leakage of documents or access of unauthorized documents? ○ There is always a risk in electronic record as anybody can get into the system without proper authentication and move the data. Vulnerability is with respect to the record that is lying in the back end especially with respect to the existing cases so if someone alter the records, the kind of consequences 	<ul style="list-style-type: none"> ○ Proper Authenticity process is needed to identify that the thing which has been received is actually what it is supposed to be. ○ Security features has to be inbuilt at the time of implementation. ○ There are various ways by which the person can be authenticated. In fact there are some standards of authentication. For e.g., some are technological standards and some are conceptual standard. ○ There are backup plans and different policies with regard to different critical resources in case of internet failure. 	<ul style="list-style-type: none"> ○ Another additional challenges are with respect to electronic record of any organization, when it moves from manual to electronic record keeping known as future challenges. With respect to these Future challenges, provisions should be made at the time of implementation. ○ Government of India has given this mandate that whatever financial data is generated in the country should be hosted inside the country. The same arrangement

		<p>could be hazardous.</p> <ul style="list-style-type: none"> ○ Confidentiality breach is also very common wherein the third person gets in between and gets the message which is intended to pass between two persons. ○ The phishing E-Mail by the domain name may confuse the person with the genuine mail. ○ Technology is convenient but they come with inbuilt threat which can be misused. ○ How to authenticate other persons? ○ Internet failure is the biggest problem in this scenario. ○ One the data is uploaded on cloud computing, it is going on common platform and anybody can access such data. 	<ul style="list-style-type: none"> ○ If we take information security as a trivial kind of system then obviously risk will be there but this risk can be reduced with the help of proper information security management system. ○ The introduction of automatic referencing system will reduce lot of admin work. Once you give the citation, corresponding article can be linked and automatically at the end of the judgement, it will be appended. ○ If we cite a very long reference in the running text, we usually loses the rhythm of the text therefore a system has been developed where we can continue with the theme of the running text and if requires, we can go back and check the reference. 	<p>could be made for our courts.</p> <ul style="list-style-type: none"> ○ When electronic thing comes into picture, vulnerability is automatically induced. The provisions has to be made regarding the reduction of this vulnerability. ○ None of the measures are fully secured but these measures can be checked. It is like a drug. There is no full scientific solution with respect to effect of drug on the body. It is all about symptoms. ○ Data analysis is usually used for administrative purposes. It helps in monitoring the system.
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		<ul style="list-style-type: none"> ○ There is a need for backbone infrastructure for hosting critical services in an online mode. ○ There is no second alternative in case the system breaks down. ○ The scope of referencing at the bottom of the judgement. 	<ul style="list-style-type: none"> ○ The referring and styling is followed with respect to context. 	
5.	<u>Role of Registrar (Judicial)</u>	<ul style="list-style-type: none"> ○ It is not easy for judicial officers to deal with the human beings. ○ Issuance of memos will not achieve the result. ○ Why coordination is required in unity of objectives? ○ Difference of interest between senior and junior officials. 	<ul style="list-style-type: none"> ○ The first thing is studying the acts and rules of High court. The second thing is capacity to monitor and supervision. ○ The Registrar should be more vigilant in attaining the work, simply sitting in the chamber may not be sufficient. ○ The Registrar should motivate and encourage the officers. ○ The Registrar should prepare its staff in such a manner that they does not avoid 	<ul style="list-style-type: none"> ○ It is humanly impossible to attend all the things. Registrar certainly have to depend on work to his subordinates. ○ A Registrar can always maintain a diary so that he can avoid the mistakes. ○ Devotion towards the work that has been accepted either in the High court or any other field. ○ The Registrar should perform its duties,

			<p>their liability and responsibility.</p> <ul style="list-style-type: none"> ○ The essence of management is coordination. It is necessary to deal with human element. It is directly proportional to the size of the organization. ○ Registrars should inculcate a kind of quality to access the co-workers. ○ Maximum utilization of human resource. ○ The core of management is communication that is the essence, soul and heart of coordination. ○ The Registrar has a Supervisory role. As far as coordinating role is concerned, he also has coordinating role with subordinate judiciary. 	<p>unconcerned of its consequences.</p> <ul style="list-style-type: none"> ○ The management experts usually say that “if you fail to plan, we plan to fail”. ○ In every individual activity where more than one person is required, they should work with precision. If that is done, the outcome would be tremendous. ○ Coordination and interdependence is the most precious weapon in the hands of the Registrar. ○ Monitoring and Review process should be regular in nature.
6.	<u>Listing and Categorizations</u>	<ul style="list-style-type: none"> ○ There is a problem in dealing with files, for e.g., if we have to search for a file 	<ul style="list-style-type: none"> ○ High court of Karnataka has recently adopted the same pattern as that of Supreme Court wherein the 	

		<p>than we have to walk on the file.</p> <ul style="list-style-type: none"> ○ Sometimes the matter is pending in the High Court for years because of which the matter comes into another category. 	<p>code numbers and categories are mentioned. It becomes very easy for bunching of cases.</p> <ul style="list-style-type: none"> ○ Checklist format is often used by the courts wherein categorization, section, etc. has been provided which makes easier to know the subject matter. ○ In some of the courts, the cases are categorized and classified in the system itself at the time of very filing of the case. ○ There is a classification for every category. ○ When the matter is pending for years, the category is automatically changed by the efforts of dealing assistants. ○ The category of subject matter rotates in such a manner that every category gets representation in the cause list. ○ In some of the Courts, the old cases are listed on Wednesday. These 	
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			<p>cases are cause listed on every Saturday.</p> <ul style="list-style-type: none"> ○ The secrecy is maintained as far as compliance of orders and placing is concerned. Prior to day of vacation, the list is published who are sitting on vacation benches however, subjects are given to judges in sealed cover. 	
7.	<p><u>Compliance with Judicial and Administrative orders.</u></p>	<ul style="list-style-type: none"> ○ Expectation of Hon'ble Chief Justice is sometimes hard to maintain. ○ Hon'ble Chief Justice may want to change after uploading the matter on the website. Under Such circumstances, if the information is leaked, the lordship will be in great embarrassing situation. ○ Communication is difficult regarding the bunching of cases. 	<ul style="list-style-type: none"> ○ The Registrar should maintain the secrecy then only the work can be maintained smoothly. ○ It is the duty of Registrar to inform Hon'ble Lordship to get appropriate orders. The Lordship is having faith and Confidence on the Registrar. Everything must be placed before the Lordship so that he may very well access the situation. ○ Hon'ble Chief Justice prepares the Roster and places the matter to different judges 	<ul style="list-style-type: none"> ○ The first accountability is to our sole consciousness then to anybody else. We are accountable to our own notions. ○ Breaking of secrecy cause dangerous consequences in future. It is about the cordial atmosphere that must prevail in High court for smooth functioning of the Court. ○ Our conscience is guided by our Constitution and the

		<ul style="list-style-type: none"> ○ The role of Registrar is to make a submission but usually they are acquainted with Acts and Rules. ○ The Registrar usually face such situation wherein on a point of time, he comes up with a different opinion that already has been decided by a single bench judge. 	<p>placing his confidence on them. Sometimes there are changes in the Roster due to some exigencies. It is the duty of the Registrar Judicial not to divulge till it is posted on web or it is given for printing.</p> <ul style="list-style-type: none"> ○ The best way to ensure compliance is to prepare a general instructions of eventualities. ○ Chief Justice is the master of Rosters. He has to decide which matter has to go to which bench, even if judicial side order is there, Chief Justice has to approve it as administrative side. ○ In a situation, where the views of Registrar and the single bench is conflicting, he may order the registry to place it before the Hon'ble Chief Justice to post it before a division bench to decide an issue. 	<p>Constitutional conscience says not to disclose the matter which is secretive in nature.</p> <ul style="list-style-type: none"> ○ We should stop rely on our memory. ○ To ensure seamless flow of information, compliance is to be done within time. The registrar need to anticipate in advance regarding the kind of order that need to be passed. ○ The Registrar can assist the Hon'ble Chief Justice by preparing a note, placing it before the Chief Justice.
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8.	<u>Coordination between different branches of Registry of the High Court</u>	<ul style="list-style-type: none"> ○ There are no standards set in High Court for filling bench. ○ Does compliance is needed when a case is decided and the record is send to trial court? If compliance is required then what is the procedure to ensure that compliance has been done? ○ Supervision and coordination by Registrar for smooth functioning of the High Court. ○ Functions which could be delegated or re-delegated. ○ There are certain functions which cannot be delegated. Such functions require personal indulgence of the Registrar. ○ The lawyers sometimes do 	<ul style="list-style-type: none"> ○ Every time we coordinates with the different branches of Registry, we need to have a backup. ○ The role of the Registry is to supervise through the court as the court then convey the communication to Subordinate courts. ○ The Registrar should take personal participation in the preparation of the Cause List ○ Some High Courts follows a pattern of preparing the cause list for a week and if any addition is required, they prepares a supplementary list ○ In the cases where the subject matter is overlapping, the Registrar can carefully prepare a note, get a permission from Chief to post it again. ○ The personal attention of the 	<ul style="list-style-type: none"> ○ The Registrar Judicial is the interface between the Judges, advocates and the clients therefore Registrar must be able to coordinate his staff and supervise them in the process. ○ The Registrar should look into the matter once. He can follow any type of pattern for the preparation of cause list. ○ The pain of scrutiny of matter should be taken up by the Registrar with the help senior members of Judiciary as they have years of experience. ○ When the Registrar coordinate with computer programmer, every care must be taken that the program is full proof one,
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		<p>not maintain the courtesy, they may directly go to the Chief Justice regarding the non-completion of the work i.e., preparation of Cause List.</p> <ul style="list-style-type: none"> ○ Scrutiny of the matter is the most important task and sometimes also pose problem. ○ In the situations, where the subject matter is peculiar in nature or there are overlapping subjects, it is hard for the Registrar to decide the matter. ○ The staff is devoid of Judicial Knowledge. ○ Absence mindedness ○ Personality clashes, corrupt practices, differences among the staff are some of the hurdles in 	<p>registrar is required where the staff is devoid of judicial knowledge.</p> <ul style="list-style-type: none"> ○ Firstly, the mind of the people must be coordinated. ○ Personal monitoring of the staff. ○ A meeting can be held regarding the benefits of coordination among the different branches of the High Court. ○ The Registrar should at least take an inspection of two sections of registry personally. 	<p>or he may get in to trouble.</p> <ul style="list-style-type: none"> ○ The Registrar should educate the staff about corruption. It should be instilled in their minds that they have to make the High Court function without expecting even a single pie. ○ If the Registrar personally undertakes the task to improve the functioning of the Registry, it is possible to eradicate the corruption. ○ The Registrar should cultivate an idea of workman ship in them. ○ Everyone leads and everyone leads from front.
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		coordination between the different branches.		
9.	<u>Leadership</u>	<ul style="list-style-type: none"> ○ Is there any possibility that the style of leadership could be changed? ○ The Judicial officers sometimes face problem in adopting the working style. 	<ul style="list-style-type: none"> ○ It is possible to change the style of leadership. ○ Leadership should not be defined according to the personality ability characteristic of a leader but also according to the kind of context or subordinates. ○ If the Registrar understands each and every person in the organization, the organization understands the Registrar. 	<ul style="list-style-type: none"> ○ Competence and Motivation are the two tools of Leadership. ○ Flexibility is the blend of coordination and leadership. ○ The activity of Registrar has a great impact on the layman i.e., who are outside the judicial system. it has very high significance in general mass.
10.	<u>Procurement</u>	<ul style="list-style-type: none"> ○ Purchase was considered to be an administrative function but today it is an administrative function. ○ The authorities are derived from the executive because the legislature has not done anything. The 	<ul style="list-style-type: none"> ○ The money that is invested is government money therefore there should be value of money. Three Es must be followed that is Effectiveness, Efficiency and Economy. ○ The exercise of the authority is given to the President under the constitution 	<ul style="list-style-type: none"> ○ We require a procurement system in order to implement government's policy. ○ High velocity, transparency and Economic delivery mechanism is required. ○ There should be government policies regarding the

		<p>judiciary is busy in delivering the judgements relating to constitution.</p> <ul style="list-style-type: none"> ○ Weakened procurement system is one of the reason behind the weakened public procurement in India. 	<p>regarding the procurement policies.</p> <ul style="list-style-type: none"> ○ Bid invitation procedure calls for designing a robust fair and Transparent bidding procedure. 	<p>procurement which includes Legal Framework, Procedural framework and Regulatory framework.</p> <ul style="list-style-type: none"> ○ In many countries, the procurement law is based on UNCITRAL model law. ○ Procurement policies if introduced will bring efficiency, economy, and transparency, fair and equitable treatment of suppliers and promotion of competition in public Procurement.
11.	<u>Performance Management</u>	<ul style="list-style-type: none"> ○ Induction is take for granted. ○ The judgement side of the judiciary system is not integrated with the administrative side of the judiciary system. 	<ul style="list-style-type: none"> ○ The Registrar has two things to done from H.R domain. Firstly to have right persons at right place and secondly let them work. ○ If the induction process is at place, there would be great 	<ul style="list-style-type: none"> ○ Performance management adds to job commitment of the new employees ○ The Registrar should percolate down their works because effectiveness depends on gestate of the system. ○ We have developed from Personnel management to

		<ul style="list-style-type: none"> ○ Duration of induction is not decided. ○ It is hard to increase the productivity as most of the person in organization are not technology friendly. ○ The assumption that only a senior could have a better idea as he is more experienced. ○ It is difficult to transfer the ownership. ○ The organization totally relies on the senior. ○ Ways to maintain performance level attitude.bn ○ It is difficult to create an immediate culture in the organization which is performance oriented. 	<p>impact on efficiency and effectiveness on judiciary system.</p> <ul style="list-style-type: none"> ○ There is a need to rejuvenate the judiciary system. ○ Induction makes the organization more responsible as the responsibility is taken on our own side rather than passing it on other side. ○ Registrar can play the politics of change management for those who are not thick skinned people. ○ If seniors have better decisions, this is called Art of transferring the ownership of decisions. ○ Senior administrator is required to develop certain kind of communication skills with their employees. ○ The idea must have first cane in the mind of 	<p>Human resource management.</p> <ul style="list-style-type: none"> ○ When human beings implement their own decisions, the result is extra-ordinary. ○ Relationship has trill when you know that what you have proposed. It has a full chance to revive or revisit it. ○ The best way to succeed in life is to follow the advice which you give to others. ○ When the chance is given to reject the idea, the mutuality/trust develops. In case of upward influencing, the suggestions given are probabilistic in nature and even if they are rejected, the person is happy. ○ The organization which maintains perseverance tools excels in long term. ○ There are eight letter for Performance management i.e., OCTAPACE where- <ul style="list-style-type: none"> ● O- Openness ● C- Confrontation ● T-Trust ● A-Autonomy ● P-Pro-action
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			<p>senior but the implementation decision lies with the implementers.</p> <ul style="list-style-type: none"> ○ There is a technique called upward influencing where ideas are given by the junior to senior regarding the better decisions. ○ Mutual confidence and trust building is required. ○ In order to maintain performance level attitude, convert non-listening boss to reading boss. Keep communicating by using probabilistic language. 	<ul style="list-style-type: none"> ● A-Authenticity ● C-Collaboration ● E-Experimentation
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II. VARIOUS DIRECTIVES ISSUED BY HIGH COURT/SUPREME COURT TO
REGISTRAR (JUDICIAL)

1. In ***Board of Control for Cricket Vs. Cricket Association of Bihar & ors. (Civil Appeal No. 4235/2014)***, by the Supreme Court directed the Registrar (Judicial) to furnish to the counsel for the parties copies of that part of the report submitted by the Probe Committee which deals with the conduct and role of the persons mentioned in the case
2. In ***Ashish Seth Vs. Govt. Of NCT Of Delhi & Ors. (Writ Petitions Criminal Nos.5/2015)*** Court directed the Registrar (Judicial) to send a copy of the order passed, to the Mediator and the parties were asked to seek the date from the mediator by approaching him with a copy of this order.
3. In ***Winstar India Investment Co. Ltd Vs. Haldia Petrochemical Ltd & ors, MANU/SCOR/73085/2012***, the Registry was directed to send copy of its order to the Registrar (Judicial) of the Calcutta High Court by fax for being placed before the Bench hearing the matter.
4. In ***Gupte Cardiac Care center and Hospital Vs. Olympic Pharma Care Pvt. Ltd. (AIR2004SC2339)***, Supreme Court directed that the Registrar (Judicial), High Court of Delhi, shall soon on communication of this order, transfer complete record of the proceedings of Suit No. 190 of 2002 to the court of Civil Judge S.D. Nashik at Nashik.
5. ***Radhey Shyam Garg Vs. Naresh Kumar Gupta (2010(2)UC689)*** , Supreme Court keeping in view the fact that there appears to be an apparent dissimilarity in the signatures of the deponent , opined that there exists a necessity for conducting an enquiry in this behalf. Therefore, the Registrar (Judicial) was directed to conduct an enquiry in terms of Section 340 of the Code of Criminal Procedure and submit a report to this Court.
6. ***Ghulam Nabi Dar and Ors. Vs. State of J and K and Ors. (AIR2013SC2950)***, In a dispute between the parties relating to land, Supreme Court appointed the Registrar (Judicial) of the High Court as Commissioner to visit the spot and submit his report to the Court.

7. In ***A.K. Muralidhar and Others Vs. State of Karnataka and Another*** **2013(2)KarLJ574**, the Registrar(Judicial) was directed to send the Banker's Cheque in a sealed cover to the Principal Judge, Family Court, Bangalore, where M.C. No. 2551 of 2012 is pending with a direction that the said Banker's Cheque shall be handed over to respondent 2 at the time of passing the final order in M.C. No. 2551 of 2010.
8. ***Ab.GaniBhat Vs. Nissar Ahmad Kakru*** **2014(1)JKJ96** , It was directed by Jammu and Kashmir High Court that cost imposed was to be deposited by the petitioner through a Bank Draft in favour of Registrar Judicial within one month in default thereof, the Collector, (Deputy Commissioner/District Magistrate) Srinagar shall recover the said amount from the petitioner as arrears of land revenue within a further period of one month and shall transmit the amount to Registrar Judicial of this Wing who, in turn, would deposit the same in the accounts of Legal Services Committee of this Court. Also the Registrar Judicial was directed to place this order before Chief Justice for assigning these two contempt petitions to the appropriate Bench(s).
9. ***ASCON Contractors Pvt. Ltd. Vs. State*** **2014(3)JKJ68**, The High Court directed Registrar Judicial to intimate the arbitrator appointed by the court to enter upon the reference and adjudicate upon the disputes between the parties.
10. ***Anil Kumar Vs. The State of Madhya Pradesh*** **2012(3)MPHT521**, The High Court ordered the facts of compromise as agreed upon by parties to be verified by Principle Registrar(Judicial).
11. ***Anil Jairam Mahajan and Another Vs.The State of Maharashtra and Others*** **MANU/MH/0953/2013**, The Court directed compliance reports to be filled by Principal Secretaries in the Tourism Department and the School Education and Sports Department. Report to be filed in pursuance of these directions was required be addressed to the Registrar - Judicial and the Petition shall be placed for directions before the appropriate Bench for verifying compliance.
12. ***Suresh Ramchandra Swar Vs. The State of Maharashtra, 16th April 2004, in Criminal Application No. 818 of 2004***, The Additional Registrar (Judicial), High Court Bench at Aurangabad was directed by the High Court to take steps for

expeditious preparation of the paper book in Criminal Appeal No. 169 of 2004 arising out of Sessions Case No. 11 of 2001 and after preparation of paper book, the appeal should be listed before this Court for its final hearing.

13. *Anil Ramchandra Hariname Vs. Rohini, MANU/MH/1191/2015*, The issue in this Appeals was confined to the maintenance payable to the wife and two children. The court ordered that The Registrar (Judicial-II) after hearing the parties shall calculate the arrears of maintenance payable in terms of the modified decree.

14. *Aravind Shankar Manegaonkar (Priprietor) Vs. The State of Maharashtra 2014(4)BomCR(Cri)613*, Three proceedings were combined and reliefs were claimed for quashing of the criminal cases filed against the applicants under the provisions of the Prevention of Food Adulteration Act, 1954. Dismissing all three proceeding, the High Court directed the Registrar Judicial to send the copy of this order to the concerned department of the State Government.

15. *B. Krishna Reddy Vs. Pushpa Subrahmanyam 2011(6)ALT73*, In this Contempt Proceeding the original Government records were furnished for the perusal of the High Court by the office of the learned Advocate General. The Registrar (Judicial) was directed to return these records to the office of the learned Advocate General after obtaining due acknowledgement for the same.

16. *B.I. Pinto Vs. Venkatagiriya and Ors. MANU/KA/0626/2015*, The Registrar (Judicial) of Karnataka High court was directed to take steps to determine the duty and penalty payable on the said instrument(Power of Attorney) and call for and impound the same and take further steps in accordance with Section 58 of the Karnataka Stamp Act.

17. *Malaysian Airlines Systems BHD (II) Vs Stic Travels P. Ltd., 2001 (2) UJ 1167 SC*, The Supreme Court ordered the process for deposit of the stamp duty and the penalty to be completed through the Registrar (Judicial).After payment of the due duty the Registrar (Judicial) was directed to make an endorsement that the document was impounded by the court and that the stamp duty and penalty has been paid. Then the document was to be placed before the court.

18. In *Binoy Biswas Vs. State of Assam* MANU/GH/0070/2011, The Gauhati High Court directed the Registrar (Judicial) of the Court to circulate a copy of this decision to the District Judges under the jurisdiction of this Court who shall in turn circulate a copy to the Judicial Officers under their jurisdiction with a direction to take note of the provisions of the Juvenile Justice (Care and Protection of Children) Act.

19. *Ab. Hamid Bhat Vs. State of J&K* 2014(4)JKJ169[], The High Court directed the petitioner to be released provided he furnishes surety bond to the tune of Rs. 20,000 (rupees twenty thousand) to the satisfaction of Registrar Judicial.

20. *B. Balamma Vs. The State of Telangana and Ors.* MANU/AP/0162/2015

Finding the claims made by the petitioners to be untruthful, the Andhra High Court ordered each one of them shall pay costs of Rs. 1,500/- with the Registrar (Judicial), within 30 days.

21. *Balaji Ganeshra Pawar Vs. The State of Maharashtra and Ors.* 2015ALLMR (Cri) 1492., Bombay High Court directed the Registrar (Judicial) to conduct a discreet enquiry and find out the reasons as to why intimation of High Court decision reducing the sentence did not reach to the Prison authorities well in time. For that purpose, the Registrar (Judicial) was directed to consider the time and manner of transit of writ from High Court Registry and also by the Sessions Court, Nanded, and evidence if any, regarding despatch, receipt by the addressee and acknowledgements. It was further observed that the Registrar (Judicial) should submit report by fixing liability of the lapse. Pursuant to the directions of the Court, as aforesaid, the Registrar (Judicial) conducted an enquiry and reached to the conclusion that the jail authority, Nanded, has not taken care to see whether the copy of the judgment was received by the jail authority at Nashik

22. In *Bashir Vs. State* MANU/JK/0208/2014, Registrar Judicial of J&K High Court was directed to certify the judgment to the trial Court in terms of Section 425 Cr.P.C.

23. *Bharat Petroleum Corporation Ltd. Vs. The Commissioner of Central Excise* MANU/MH/0304/2015, Bombay High Court directed the Registrar (Judicial)/Registrar, High Court, Original Side, Bombay to ensure that

the original record in relation to this appeals is summoned from the Tribunal and offered for inspection of the parties. The Registry in the first instance must send intimation of admission of these Appeals enclosing therewith a copy of this order so as to enable the Tribunal to act accordingly.

24. *Building Operation Controlling Authority Vs. Shashi Gotam and Ors. MANU/JK/0420/2014*, The High Court directed petitioner-Authority/Commissioner, Jammu Municipal Corporation to seek explanation of the concerned Khilafwarzi Officer regarding what method he had used to access the quantum of violation and whether he had followed the provisions of Acts and Regulations. The Court further directed complete report along with Action Taken Report be submitted before the Registrar (Judicial) of this Court within two months. Registrar (Judicial) to ensure that the report is submitted within time.

24. *Bunti Vs. State of H.P. MANU/HP/0158/2015*

Modifying the sentence part of judgment of the trial Court, the High Court disposed off the appeal. Registrar (Judicial) was asked to ensure that the record of the case is sent to the trial Court, alongwith a copy of this judgment, immediately.

25. *C.V Krishnan Vs. The State of Kerala MANU/KE/0817/2011*

The Kerala High Court called for a report from the learned Chief Judicial Magistrate, Kasaragod through the Registrar (Judicial)

26. *Caption Vinod Kumar Vs. State of Jammu and Kashmir 2013(1) Crimes 253*

Registrar Judicial of Jammu Wing to convey copy of the High Court's order to Director General of Police, Jammu and Kashmir.

27. *Channamma Vs. B.M. Ramachandra Reddy 2014(4) Kar LJ685*

In the course of hearing of this petition, the High Court called the Registrar Judicial to find out whether original memorandum of the writ petition is available on record.

28. *Charan Dass Vs. The Secretary (Revenue) to Govt. of H.P. and Ors. MANU/HP/0291/2015*, the High Court directed that the Registrar (Judicial) to prepare decree sheet as required under Section 100 of Code of Civil Procedure 1908.

29. *Chief Secretary Vs. Director of Transport 2014(6) Bom CR772*, This suo moto writ petition was registered in view of a submission dated 19.7.2013 by the

learned Registrar (Judicial) & Member Secretary of the Goa State Legal Services Authority, raising the issue that "Whether a claimant/s, as the case may be, whose claim petition/s is/are referred, to any one of the modes of settlement of dispute, as per section 89 of CPC and settled amicably, by one of such mode, should be left high and dry in the matter of refund of fees paid as per Rule 278(i) of the Motor Vehicles Rules, 1991, for want of specific provisions under the said rule?"

30. *Divisional Manager, Oriental Insurance Co.Ltd. Vs. Narasingha Mohanta and another AIR2012Ori141*, On production of the evidence/receipt in support of deposit of the amount of compensation as ordered by Court along with interest before the Tribunal, the Registrar (Judicial) was directed by the High Court to refund the statutory deposit of Rs. 7,311/- along with interest accrued thereon to the appellant-Insurance Company.

31. *Duleswar Barik Vs. State of Orissa MANU/OR/0204/2015*, The High Court directed the State to deposit a sum of Rs. 20 lakhs by way of bank draft of a nationalised bank drawn in the name of petitioner with the Registrar (Judicial) of this Court within four weeks. After the aforesaid deposit is made, the Registrar (Judicial) of this Court will issue notice to the petitioner to appear before him along with his father. If the Registrar (Judicial) is satisfied about the identity of the petitioner, he shall get open a fixed deposit account in the name of petitioner in any nationalised bank situated nearer to the village of the petitioner and shall invest 75% of the said amount in fixed deposit for a period of five years in the name of the petitioner.

32. *Eastern Coalfields Ltd. Vs. Smt. Atiwari Bai 2012(132)FLR941*, Before concluding the judgement, the Calcutta High Court appreciated the job performed by Commissioner, Workmen's Compensation, Durgapur and requested the learned Registrar (Judicial) to communicate our appreciation him.

33. *Ganpat Rao Vs. Rajiv 2014(2)BomCR(Cri)809*, The Bombay High Court directed the Registrar (Judicial) to forward one copy each of the present judgment as well as the judgment passed in Criminal Application (APL) No. 671 of 2011 to all the Session Judges within the jurisdiction of this Court, who shall circulate copies thereof amongst all the judicial officers working under them.

34. *Gh.Mohi-Ud-DinWani Vs. State of J. & K. MANU/JK/0282/2013*

The J&K High Court directed “*Let the learned trial Court, which has recorded the conviction/sentence, be informed of the outcome of the present appeal/reference by Registrar Judicial of this Wing in terms of Section 425 Code of Criminal Procedure Svt., 1989 (State Code) for compliance.*” “*The appellant be also informed of the outcome of the instant Criminal Appeal/Cr. Reference through Jail Superintendent by providing him the copy of the judgment without any delay. Registrar Judicial of this Wing to take note of it.*”

35. Gopa S/o Hajarilal Yadav Vs. Scheduled Tribe Certificate Scrutiny Committee, Nagpur Division and Other 2012(4)ALLMR685, Dismissing the petition the High Court directed the Registrar (Judicial) to bring observations made in the present judgment to the notice of the Chief Secretary of the Government of Maharashtra.

Hon'ble Judges: M.N. Venkatachaliah, S. Mohan

S. Mohan, J.

1. Leave granted.

2. **The appellant is the Chief Minister of Haryana. The first respondent filed a Writ Petition C.W.P. No. 1898 of 1992 challenging the assessment order passed by the Deputy Excise and Taxation Commissioner-cum-Assessing Authority, Hissar, Haryana confirming a demand for sales tax of Rs. 2,04,13,895. Similar writ petitions have been filed against separate assessment orders by the first respondent for a total amount of payment aggregating to a liability of Rs. 20 crores. In these writ petitions allegations of personal mala fide have been levelled against the appellant.**

3. The writ petition came up for preliminary hearing on 7.2.92 before a Division Bench consisting of S.S. Sodhi and K.C. Garg JJ. The writ petition was admitted and ex parte ad-interim stay was granted. After notice, when the matter came up for hearing before a Bench consisting of S.S. Sodhi and R.S. Mongia, JJ. it was directed to be listed for final hearing on 3.8.92. The then Chief Justice Mr. Rama Jois Proceeded on leave on 1.8.92. Thereupon, S.S. Sodhi, J. became the Acting Chief Justice.

4. **On 3.8.92, when the writ petition was listed before the Tax Bench comprising of A.P. Choudhary and N.K. Sodhi, JJ, S.S. Sodhi, J. directed the writ petition to be delisted from the Tax Bench before which it was listed and transferred the case presided over by S.S. Sodhi, J. himself. It appears this was the only case which was directed to be delisted from the Tax Bench and transferred to the Division Bench presided over by the then Acting Chief Justice.**

5. On 21.8.92, Chief Justice Mr. Rama Jois returned from leave and resumed charge. On 24.8.92 this Court in Special Leave Petition (Civil) No. 7700 of 1992 arising out of a connected Writ Petition (Civil) No. 3864 of 1992 directed the case be remanded to the High Court ordering expeditious disposal along with C.W.P. No. 1898 of 1992. On 1.9.92, Chief Justice Rama Jois resigned. Thereupon, again, S.S. Sodhi, J, became Acting Chief Justice. He continued in that capacity till 13.11.92. **When the writ petition was pending hearing, G.R. Majithia, J. sought an explanation from the Registrar (Judicial) as to why the case was transferred from the Tax Bench to the Bench presided over by the Acting Chief Justice. On 21.10.92, S.S. Sodhi, J. delisted the writ petition from his Bench and re-transferred it**

to the Tax Bench comprising of A.L. Bahri and Ashok Bhan, JJ. The case did not reach for hearing before this Bench. On 22.10.92, G.R. Majithia, J. once again wrote to the Registrar (Judicial) seeking compliance with his earlier order dated 20.10.92. This letter was forwarded by the Registrar (Judicial) to the Acting Chief Justice soliciting orders in respect thereof. It was directed that the note be placed in the file.

6. On 14.11.92, justice S.D. Agarwala was appointed as chief Justice, As result, S.S. Sodhi, J. became the seniormost puisne Judge.

7. On the re-opening of the High Court after summer vacation, the writ petition along with other connected petitions were placed for hearing before the Tax Bench comprising of S.S. Sodhi and Ashok Bhan, JJ. A request was made for an early hearing of the writ petition on behalf of the first respondent. Accordingly a direction was issued that the writ petitions be placed for final hearing on 13.9.93. The hearing went on 13.9.93. A preliminary objection was raised on behalf of the State about the maintainability of the writ petition since the alternate statutory remedies available to the first respondent had not been exhausted. The Division Bench did not consider that objection but directed the arguments be addressed on merits. The petitions were adjourned for further order to 4.10.93.

8. The records bear out G.R. Majithia, J. addressed a letter to the learned Chief Justice on 13.9.93 referring to his earlier communication on the subject and requested to know the circumstances under which the writ petition had been transferred to a Division Bench presided over by S.S. Sodhi, J. Be that so. On 4.10.93, the hearing recommended on the writ petition.

9. The appellant on his return after long tour of Rajasthan arid Delhi, on 4.10.93, came to know about these happenings. They were the cause of some consternation and apprehension in his mind since allegations of malafides had been levelled against him by the first respondent who is said to be a political opponent. Therefore, on 4.10.93 an application C.M. No. 9909 of 1993 was moved requesting the Division Bench to transfer the matter from their Bench. Notice was issued and the hearing was fixed on 6.10.93.

10. After hearing the arguments, the application for transfer was dismissed. However, time was granted till 12.10.93 to approach this Court and it was indicated that thereafter the matter would be taken up on day to day basis.

11. Appellant assails in this appeal the order refusing transfer. During this civil appeal, an additional affidavit was filed on behalf of the appellant giving details of the course which the writ petition took. He would have it, on 3.8.93, when S.S. Sodhi, J. took over as Acting Chief Justice the writ petition was listed at Serial No. 342 before A.P. Choudhary

and N.K. Sodhi, JJ. S.S. Sodhi, J. orally directed the Registrar (Judicial), Shri B.R. Gulati that the writ petition along with connected writ petitions be listed before a Bench presided over by the then Acting Chief Justice. The note in support of the same is produced as Annexure 'F'.

12. The affidavit further proceeds to state that the deponent reliably learnt that the then Acting Chief Justice, in fact, went to the Chambers of N.K. Sodhi, J. and told him that by mistake it had been listed before a Bench presided over by A.P. Chaudhari, J. N.K. Sodhi, J. was somewhat agitated and told the Acting Chief Justice that the transfer of the case from that Bench was not in accordance with the normal practice of the High Court. There was no reason why the matter was removed from the roaster. A.P. Chaudhari, J. also is said to have sent a formal note to the Registrar as to why this particular matter had been removed from their Bench and the note was apparently returned with an endorsement by the Registrar (Judicial) indicating that this was done on to the oral directions of the Acting Chief Justice. The deponent believed that S.S. Sodhi, J. thereafter met N.K. Sodhi, J. to express his regret for what had happened. The list of the Tax Bench comprising of A.P. Chaudhari and N.K. Sodhi, JJ. was circulated on the evening of August, 1, 1992 on or the morning of August 2, 1992. The Constitution of the Tax Bench of A.P. Chaudhari and N.K. Sodhi, JJ. was circulated on the evening of 1st August or morning of 2nd August, 1992. On 31.7.92 a request was made before S.S. Sodhi, J. that CWP 1898/92, which he had while presiding over the Bench fixed for 3.8.92 may not be taken up on that day.

13. His further averment is as under:

It is further reliably learnt that Hon'ble Chief Justice Rama Jois returned to Chandigarh in August, 1992 and both Justice N.K. Sodhi and Justice A.P. Chaudhari met the Hon'ble Chief Justice and it seems that the Hon'ble Chief Justice conveyed to them that he had already told the Acting Chief Justice that this should not have been done and that the Acting Chief Justice should not hear the matter when it came up for hearing. Under these circumstances, it was felt that the Hon'ble Judges from whose Bench it was delisted should not carry the matter any further.

If these facts are correct, obviously Hon'ble Justice S.S. Sodhi should not have heard this matter when it came up for hearing before him in October, 1992.

...The deponent feels that it is imperative in matters of this nature that the Court believes that the Executive does not file applications of this nature irresponsibly and with a motivation to have the matter heard by one Bench or another. The deponent has disclosed these facts as they have come to his knowledge, so that the court may not

have an impression that the application was motivationally filed and that by the filing of this application, the dignity of the Court is being compromised. The deponent herein respects the highest traditions and dignity of the Court, and would in no circumstances ever compromise it. The facts set out herein all stated instead of show that there was genuine apprehension in the mind of the deponent and that these facts were to the knowledge of the Learned Judge in the matter. Since the petition involved allegations of personal malafides against the deponent, and since the deponent was joined as a party respondent, the circumstances as set out hereinabove warranted that the Learned Judge need not have heard the matter himself, and that the Hon'ble Chief Justice would have, in the circumstances, directed the matter to be listed before any appropriate Bench. It is not that the deponent was, and is wishing the matter to be heard by any particular Bench. It is with this view that the present affidavit is being filed.

14. A counter affidavit has been filed on behalf of the first respondent that the facts stated in the additional affidavit are not admitted by the first respondent since he has no means to verify the correctness of the same. Further, the appellant has not disclosed in his affidavit the source of his information.

15. On 18.11.93 serious arguments were addressed whether the affidavit must disclose the source of information. Therefore, the first respondent though fit to file an affidavit that " his counsel Shri Shanti Bhushan contacted former Chief Justice Mr. Rama Jois in the evening of 18.11.93 itself. He wrote about the contents of paragraph 8 and also informed him that the counsel for the appellant had stated before this Court that the information contained in that paragraph had been conveyed to the appellant by Chief Justice Mr. Rama Jois. The counsel for the respondent asked Chief Justice Mr. Rama Jois whether it was so to which the reply was that he considered it improper to talk about any conversation which might have taken place between the Chief Justice and other Judges of the High Court in the Chambers. In view of this Principle he could not give any such information to any person much less to a party or its counsel. Thus, it is clear that Chief Justice Mr. Rama Jois Could not have conveyed any such information to the appellant."

16. In response to this, the appellant stated that prior to the date of his filing the petition for transfer on 4.10.93 he contacted the then Chief Justice Mr. Rama Jois on telephone and asked him why S.S. Sodhi, J. had taken up the matter. The appellant would state that he got the information that Chief Justice Mr. Rama Jois had advised S.S. Sodhi, J. not to do so. This was confirmed by Chief Justice Mr. Rama Jois. The appellant was also informed that Chief Justice Mr. Rama Jois had informed S.S. Sodhi, J. that it was wrong on the part of S.S. Sodhi, J. to have transferred the matter in the first place. The appellant states that the retired Chief Justice Mr. Rama Jois was asked whether his name could be mentioned in the application to be moved

by him. The appellant was replied that this would embarrass him and his name should not be brought into the proceedings. Therefore, he did not mention the judge's name in the application and in the additional affidavit filed by him.

17. Mr. Kapil Sibal, learned Counsel for the appellant submits that transfer of one case alone to the file of the then Acting Chief Justice would be enough to establish his interestedness. The right to fair trial is guaranteed under the Constitution. It entitles a litigant to adjudication of a cause by a judge who is perceptibly and demonstrably unbiased and without prejudice. In order to dispel any suspicion of a litigant a judge should refuse himself even though the judge is not conscious of any bias or prejudice. Such a prejudice, a state of mind, cannot be proved by direct and positive evidence. Therefore, it cannot be judged on the basis of an objective standard but from the point of view of the litigant. In support of his submission learned Counsel cites the following cases:

Ex Parte American Steel Barrel Co. 57 Law Ed. U.S. 1379 at 1383-84.

Bell v. Chandler 569 Federal Report 2d Series 556 at 558-559 where the test adopted is not bias or prejudice alone but the bent of mind that may prevent impartiality.

United States v. Scuito 531 Federal Report 842 at 845 wherein the test is to accept the affidavit which is taken as true for the purpose of motion.

Metropolitan Properties Co. v. Lannon [1969] 1 Queen's Bench Division 577 at 599.

18. This Court had also adopted the same principle as seen from *Ranjit Thakur v. Union of India* [MANU/SC/0691/1987](#): 1988CriLJ158 and *Lalita v. State of Bihar* AIR (1957) SC 198 at paragraphs 20 and 21.

19. Thus, it is submitted that the learned Judges had gone wrong in refusing to order transfer when the litigant entertained suspicion that he may not get justice at the hands of this Bench, that too, in a sensitive matter where allegations of mala fides have been made against the appellant.

20. Mr. Shanti Bhushan, learned Counsel for the first respondent submits that a clear finding has been recorded by the Bench there could be no possible occasion for the appellant to entertain any apprehension that he would not get justice from the Bench. The only ground for transfer urged was that the petition was taken up for hearing by S.S. Sodhi, J. after he had directed the matter to be delisted from the Tax Bench and be listed before his Bench. This ground is untenable. It was the normal practice if a date was fixed for final hearing by a particular Bench, it should come before the same Bench. This practice has not been denied by

the appellant. A request was made by the Advocate General of Haryana, the counsel for the appellant before S.S. Sodhi, J. that since he was busy otherwise the case might not be taken up on 3.8.92. This request was acceded to. On 31.7.92, when this request was made S.S. Sodhi, J. was not Acting Chief Justice. The learned Advocate General knew that the matter should be listed before S.S. Sodhi J.'s Bench. However, when it was mistakenly shown on 2.8.92 before a different Bench and since 3.8.92 S.S. Sodhi, J. became Acting Chief Justice he directed the matter be posted before him for hearing. The case remained on the Bench of S.S. Sodhi, J. from 3.8.92 to 21.10.92 and no objection whatsoever was raised. The application of the appellant was a belated attempt after three days of hearing and after 20 days of the commencing of final bearing on 13.9.93 by which time the arguments had reached an advance stage. In *M.Y. Shareef v. The Hon'ble Judges of the High Court of Nagpur* [MANU/SC/0067/1954](#): 1955CriLJ133 this Court had occasion to condemn the attempts for a change of Bench. The ratio of that ruling will squarely apply to the facts of this case. To the same effect is the case in *Gujarat Electricity Board v. Atmaram Sungomal Poshani* [MANU/SC/0200/1989](#): (1989)IILLJ470SC . No doubt, reasonable apprehension of bias which a reasonable person can entertain may be a good ground for transfer. That does not mean a litigant has a right to ask for a change of Bench. A mere statement of a party to a proceeding about his entertaining in apprehension may be inadequate as the facts of this case make it quite clear. Even in the later affidavits filed, the source of information has not been disclosed. The requirement of law is, there must be such a disclosure as seen from *The Barium Chemicals Ltd. v. The Co. Law Board* [MANU/SC/0037/1966](#), *Sukhwinder Pal Bipin Kumar v. State of Punjab* [MANU/SC/0071/1981](#) : [1982]2SCR31 and *Smt. Savithramma v. CECIL Naronha* [MANU/SC/0455/1988](#)

21. The allegations relating to bias have paled into insignificance since the learned Judge (S.S. Sodhi, J) against whom bias is alleged is no longer in the High Court Punjab and Haryana. Normally, therefore, we would have rest content with the dismissal of this appeal as having become really infructuous. But certain unhappy events have taken place in this case which we view with concern. Therefore, we feel obliged to express our mind.

22. The appellant is the Chief Minister of a State. Against him allegations of malafides are made by the first respondent. He might have strongly resented such allegations quite understandably desired to defend himself. On that score, it cannot be said, a particular Bench cannot hear the case. Whatever might have been the reason for the transfer of the writ petition from one Bench to another to make that a ground for allegation of bias appears unjustified. May be, either because of a particular practice prevailing in a court that the Bench which directed the posting of a case should finally hear the matter or because of the change of roasters, the case would have come before a particular Bench. There is nothing to indicate that

the then Acting Chief Justice S.S. Sodhi evinced an interest in hearing this matter or that, he was biased.

23. Bias is the second limb of natural justice. Prima facie no one should be a judge in what is to be regarded as 'Sua Causa', whether or not he is named as a party. The decision-maker should have no interest by way of gain or detriment in the outcome of a proceeding. Interest may take many forms. It may be direct, it may be indirect, it may arise from a personal relationship or from a relationship with the subject-matter, from a close relationship or from a tenuous one.

24. In the case of non-pecuniary bias, as alleged in the instant case, regard is to be had to the extent and nature of interest. Then alone, the judge will be disqualified. In the leading case *R. v. Sussex Justices, ex p. McCarthy* [1924] 1 KB 256 Lord Hewart observed thus:

It is not merely of some importance but is of fundamental importance that justice should not only be done, but should manifestly and undoubtedly be seen to be done.... Nothing is to be done which creates even a suspicion that there has been an improper interference with the course of justice.

25. In *R. v. Barnsley Licensing Justices, ex p. Barnsley and District Licensed Victuallers' Association* [1960] 2 QB 167 Justice Devlin LJ said at pages 186-87:

We have not to inquire what impression might be left on the minds of the present applicants or on the minds of the public generally. We have to satisfy ourselves that there was a real likelihood of bias not merely satisfy ourselves that that was the sort of impression that might reasonably get abroad. The term 'real likelihood of bias' is not used, in my opinion, to import the principle in *R. v. Sussex Justices* to which Salmon J., referred. It is used to show that it is not necessary that actual bias should be proved. It is unnecessary, and, indeed might be most undesirable, to investigate the state of mind of each individual justice. 'Real likelihood' depends on the impression which the court gets from the circumstances in which the justices were sitting. Do they give rise to a real likelihood that the justices might be biased? The court might come to the conclusion that there was such a likelihood, without impugning the affidavit of a justice that he was not in fact biased. Bias is or may be an unconscious thing and a man may honestly say that he was not actually biased and did not allow his interest to affect his mind, although, nevertheless, he may have allowed it unconsciously to do so. The matter must be determined upon the probabilities to be inferred from the circumstances in which the justices sit.

26. The present day law in England is based on reasonable suspicion. *Metropolitan Properties Co. (FGC) Ltd. Lannon* (1969) 1 QB 577 an authority relied on by Mr. Kapil Sibal, lays down:

"In *Hannam v. Bradford City Council* [1970] 2 All ER 690 [1970] 1 WLR 937 Cross LJ expressed the view, at p. 949, that there is really little, if any, difference between the real likelihood of bias and reasonable suspicion of bias test:

If a reasonable person who has no knowledge of the matter beyond knowledge of the relationship which subsists between some members of the tribunal and one of the parties would think there might well be bias, then there is in his opinion a real likelihood of bias. Of course, someone else with inside knowledge of the characters of the members in question might say: 'Although things don't look very well, in fact there is no real likelihood of bias.' That, however, would be beside the point, because the question is not whether the tribunal will in fact be biased, but whether a reasonable man with no inside knowledge might well think that it might be biased.

This view was accepted in *R. v. Liverpool Justices, ex p. Topping* [1983] 1 All ER 490(1983) 1 WRLR 119 The Divisional Court considered that the correct test to apply is whether there is the appearance of bias, rather than whether there is actual bias; and that as to the way in which the test is to be applied the question is: Would a reasonable and fair-minded person sitting in Court and knowing all the relevant facts have a reasonable suspicion that a fair trial for the applicant was not possible? 'Reasonable suspicion' seems to have prevailed over 'reasonable likelihood' as the test to be applied in determining bias.

27. It is in the light of this, the matter will have to be examined. So done, we hardly find any ground to hold that there could be a reasonable suspicion of bias in this case. That is evident from the facts. The case was in the list of the Bench headed by S.S. Sodhi, J. from 3.8.92 to 21.10.92. No objection was raised. Arguments were advanced for three days on the main writ petition. The application for transfer was taken out on the ground of alleged bias. By then the matter was coming to a close. It cannot be said that there could be any reasonable apprehension of bias which a reasonable person could entertain, as rightly urged by Mr. Shanti Bhushan. It appears the attempt was to avoid the Bench headed by S.S. Sodhi, J.

28. We are unhappy that the appellant should have felt compelled to seek information as to what transpired within "the judicial fortress" among the judicial brethren. Judges should not be dragged in and their names mentioned in such matters. Rightly the former Chief Justice Mr. Rama Jois refused to allow his name to be quoted considering it improper to talk about any conversation which might have taken place between the Chief Justice and the other Judges of the High Court in their Chambers.

29. Then, we came to G.R. Majithia, J. a senior judge. On 20.10.92 he sought an explanation from the Registrar (Judicial) as to why the case was transferred from the Tax Bench to the Bench presided over by the then Acting Chief Justice, S.S. Sodhi, J. Secondly, on 22.10.92, he wrote a letter to the Registrar (Judicial) calling for a report.

30. This letter, at the direction of the then Acting Chief Justice was placed in the file. Again, on 13.9.93 the another letter was written by Majithia, J. to the Chief justice.

31. We have perused these letters. We are of the view that learned judge should not have sent these communications. This conduct might incur the criticism of transgressing the proprieties of the high office. We cannot but express our unhappiness about these letters; whatever might have been the compulsions that impelled the learned Judge to do so. We presume that the learned Judge did so on his own impression of the proprieties of procedure adopted by the Registry. But his enquiries and letters are not consistent with the restraint expected of the high office.

32. Courts are indeed a storm center facing the panoply of human problems, crowded dockets and unrelenting work schedules. Justice Oliver Wendell Holmes said:

We are quiet here but it is the quiet of a storm center.

33. In Justice Benjamin Cardozo's memorable words, "the great tides and currents which engulf the rest of men, do not turn aside in their course, and pass judges by." We should only add that the judges must remain unruffled and calm in the midst of contending forces. To recall the words of Mr. Justice Frankfurter in Public Utilities Commission of the District of Columbia v. Franklin S. Pollak 343 US 451 096 Law. Ed. 1068

The Judicial process demands that a judge move within the framework of relevant legal rules and the covenanted modes of thought for ascertaining them. He must think dispassionately and submerge private feeling on every aspect of a case. There is a good deal of shallow talk that the judicial robe does not change the man within it. It does. The fact is that on the whole judges do lay aside private views in discharging their judicial functions. This is achieved through training, professional habits, self-discipline and that fortunate alchemy by which men are loyal to the obligation with which they are entrusted.

34. With this we leave.

35. Civil appeal No. 5525/94 arising out S.L.P. (C) No. 16577 of 1993 and Transfer Petition (Civil) No. 880 of 1993 are dismissed. No costs.

Hon'ble Judges: J.M. Panchal and Gyan Sudha Misra

1. Leave granted.

2. This appeal by special leave has been filed against an interim order dated 08.12.2006 passed by the Jaipur Bench of the High Court of Rajasthan in S.B. Civil Writ Petition No. 1072 of 2001 whereby the learned single Judge initiated suo motu contempt proceeding against the appellant and directed issuance of notice to him after which a separate Contempt Petition was ordered to be registered against him. This initiation apparently was based on the assumption and impression gathered by the learned single Judge to the effect that the appellant had obstructed the course of administration of justice by ensuring that the interim order of stay dated 22.03.2001 passed by the learned single Judge against implementation of the award of compensation as also direction to the Registrar General (Vigilance) to initiate inquiry against the then Judge of the Motor Accident Claims Tribunal, Jaipur, be not implemented. The learned Judge further inferred that this was an attempt on the part of the appellant herein to shield the Judge of the MACT from facing the vigilance inquiry and hence contempt proceeding has been initiated against the appellant.

3. As the appellant was not a party in the writ petition in the High Court in which contempt proceeding has been initiated, he sought leave of this Court to file Special Leave Petition which was granted and an order of stay against initiation of contempt proceeding was also passed by this Court on 19.01.2007.

4. The matter thereafter was heard finally at the admission stage itself with consent of the counsel for the parties. At the outset, the appellant assailed the impugned order on the plea that he had joined as Deputy Registrar (Judicial) in the Jaipur Bench of the High Court of Rajasthan only on 05.01.2005 and the order which is alleged to have been not implemented at the instance of the appellant, is dated 22.03.2001 from which it is clearly established that the initiation of contempt proceeding alleging non-implementation of the order dated 22.03.2001 on the face of it, was not justified at all since the communication by him to the Registrar (Vigilance) for

ascertaining the number of the case as also the date of the order sheet - a copy of which was to be sent to the Registrar (Vigilance), was the normal requirement without which the order sheet could not have been sent and hence the same would not amount to contempt of Court.

5. The substantial question of law therefore which emerges for determination in this appeal is whether the learned single Judge of the High Court was justified in initiating suo motu contempt proceeding against the appellant judicial officer in absence of even prima facie material to the effect that there was at all a case of disobedience to the order of the High Court - much less wilful disobedience and whether issuance of notice to initiate contempt proceeding would be justified merely on assumption, speculation and inference drawn from facts without existence of a clear case of wilful disobedience to the order of the High Court so as to treat it as a case of contempt of Court of civil nature.

6. The details of facts and circumstances of the matter in so far as it is essential for adjudicating the substantial question of law formulated hereinbefore are stated herein as follows:

(i) A writ petition bearing S.B. Civil Writ Petition No. 1072 of 2001 was filed by an Insurance Company, namely, United India Insurance Company Limited challenging the award passed by the MACT, Jaipur in favour of the claimant Smt. Kaushalya Devi and others. The writ petition came up for hearing before a learned single Judge on 22.3.2001 who was pleased to admit the writ petition and issued notice to the original claimants and other respondents therein. Simultaneously, an order of stay was also passed in favour of the Petitioner-Insurance Company, directing that there shall be stay of recovery against the award dated 15.01.2001 by which compensation was awarded to the respondents/claimants therein. The learned single Judge was further pleased to direct that a copy of the said order be sent to the Registrar (Vigilance) of the High Court who shall look into the matter from the administrative side implying enquiry against the learned Judge, MACT who had passed the award in favour of the claimants/respondents. It would be appropriate to highlight at this stage that the Appellant, Shri Dinesh Gupta was not functioning as Deputy Registrar (Judicial) in the High Court on the said date in the year 2001 as he was posted as Deputy Registrar (Judicial) at Jaipur Bench in the High Court several years later on 05.01.2005.

(ii) However, during the intervening period in order to comply the order of the High Court dated 22.03.2001, the Registrar General (Vigilance) vide letter dated 20.04.2001, requested for a copy of the Memo of the writ petition and a copy of the Award of the MACT, Jaipur dated 15.01.2001 passed in Claim Petition No 1782 of 1999. In response to the same, a certified copy of the writ petition was sent by the then Deputy Registrar (Judicial) but in view of Rule 883 of The Rules of the High Court of Judicature for Rajasthan 1952, a request was made to the Registrar General (Vigilance) to obtain a copy of the Award from the MACT, Jaipur directly. Thereafter, the Registrar General (Vigilance) did obtain a certified copy of the MACT judgment/Award from the office of the MACT, Jaipur directly on 25.7.2001 and then vide letter dated 11.01.2002, directed the Deputy Registrar (Judicial) to inform whether the Writ Petition bearing S.B. Civil Writ Petition No. 1072 of 2001 entitled United India Insurance Company Ltd. v. MACT, Jaipur and Ors. had been disposed of or not and in case it was disposed of, a copy of the order of the Court was directed to be sent to him. This letter was responded by the then Deputy Registrar (Judicial) who informed that the matter is pending consideration before the High Court and the next date of hearing in the matter was fixed for 05.04.2002. It was further informed vide letter dated 16.03.2002 that as and when the matter is disposed of, the copy of the judgment would be sent to him. The Writ Petition however remained pending without further progress even upto the year 2005. Subsequently, on 31.05.2003, the then Presiding Officer of the MACT, Shri S.K. Bansal, R.H.J.S. who had passed the award of compensation in favour of the respondent-claimant Smt. Kaushalya Devi, retired from service and matter remained sub-judice as already indicated hereinbefore.

7. The Appellant Shri Dinesh Gupta thereafter joined the post of Deputy Registrar (Judicial) in the High Court of Judicature for Rajasthan, Jaipur Bench, Jaipur on 05.01.2005. On 09.05.2005 the Registrar General (Vigilance) vide communication dated 09.05.2005 directed the Deputy Registrar (Judicial) that the copy of the required judgment of the High Court passed in the writ petition be sent to the office of the Registrar General (Vigilance) within 20 days. This letter, however, neither mentioned the case number nor the date of the order of the Court which was to be sent to the Registrar General (Vigilance) which would be evident from the translated version of the said letter which reads as under:

Ref: Letter of this Office No. 848 dt. 28.6.04 & reminder No. 1223 dt. 4.9.04 & No. 1464 dt. 8.11.04 & your Letter No. 147 dt. 01.07.04.

Subject: For sending copy of Required Judgment.

Sir

On the above subject by drawing your attention towards the referred letter, it is ordered that you please take pain to forward the copy of required Judgment to this office within twenty days from receipt of this letter compulsorily.

Yours truly,

SD/-

REG. GEN (VIGILANCE)

The letter thus merely stated that the Deputy Registrar should take pains to forward the copy of required judgment and the same be sent to the office of the Registrar General (Vigilance) positively within 20 days of receipt of the said letter.

(i) In response to the aforesaid letter dated 09.05.2005, the appellant traced out the number of the concerned writ petition and informed the Registrar General (Vigilance) vide his response letter dated 18.05.2005 that the matter was pending consideration and as and when it is disposed of, the copy of the judgment would be sent. Six months thereafter, the Registrar General (Vigilance) again wrote a letter on 13.12.2005 that the desired judgment be sent positively within 20 days of the receipt of the letter but he again failed to indicate the number of the case in which the judgment was required by him. However, the appellant this time responded to the same by writing to the Registrar (Vigilance) vide letter dated 22.12.2005, that the writ petition entitled United India Insurance Company Ltd. v. MACT, Jaipur City, Jaipur and Ors. had been admitted in which notice had been issued and recovery of the amount passed by the Award of the MACT had been stayed by the High Court vide order dated 22.03.2001 but the case was still pending in the category of incomplete service matters because the notice upon the respondent Nos. 2 to 8 was not served and the next date fixed by the Hon'ble Court was 20.02.2006.

(ii) In the meantime, the claimant Smt. Kaushalya Devi had also filed an application for vacating the order of stay passed by the High Court in the concerned writ petition i.e. S.B. Civil Writ Petition No. 1072 of 2001 which came up for hearing before the learned single Judge on 16.10.2006. The learned single Judge on this date ordered that as the Presiding Officer Shri S.K. Bansal had retired and was no more in service, the order of the Court dated 22.03.2001 directing to conduct the enquiry by the Registrar General (Vigilance) against the then Judge of the MACT, Jaipur be treated as closed and no further action need be taken. It was also ordered that this be brought to the notice of the Deputy Registrar (Judicial).

8. The matter/the writ petition thereafter came up before the Court on 08.12.2006 for considering the application of the claimant for vacating the order of stay passed by the learned single Judge on 22.03.2001. The learned single Judge on this occasion i.e. on 08.12.2006 suddenly inferred that although an order had been passed on 22.03.2001 staying implementation of the award passed in favour of the claimant, yet the copy of the order and stay had not been sent for compliance. Hence, it was inferred by the learned single Judge that it appeared to be an attempt on the part of the Officer concerned to ensure that the Registrar (Vigilance) should not proceed with the enquiry against the MACT Judge which had been directed by the Court on the judicial side vide its interim order of stay and direction dated 22.03.2001, and this not only amounted to contempt of the order of the Court dated 22.03.2001, but was an attempt to shield the then MACT Judge Shri S.K. Bansal who had passed the award and later retired from service. The learned single Judge, therefore, observed that this was an attempt on the part of the officer concerned (Deputy Registrar (Judicial)/the appellant herein) who had written the letter dated 22.12.2005 to the Registrar (Vigilance) seeking case number and date of the order which was to be sent to him due to which it was observed by the learned single Judge that it had to be taken note of seriously as it was an attempt to overreach the directions of the Court and prevent its compliance creating obstructions in the administration of justice. The learned single Judge therefore ordered to issue notice to the then Deputy Registrar (Judicial) who had sent the letter dated 22.12.2005 enquiring about the case number and the date of the order after tracing out the name and his present designation as to why contempt proceeding should not be initiated against him and he be not punished for contempt of court. The learned Judge further ordered that a separate Contempt Petition be registered and notice be issued to the contemnor making it returnable within six weeks. The writ petition was ordered to be listed a week thereafter.

9. Since, the appellant Shri Dinesh Kumar Gupta was the Deputy Registrar (Judicial) on the relevant date i.e. 22.12.2005, a contempt notice was served on him which took him by surprise as according to him, he had neither acted in any manner which could lead to obstruction to the cause of justice nor had role in any manner whatsoever to ensure that the interim order of stay dated 22.03.2001 staying execution of the award be not implemented. Since the order initiating contempt proceeding against the appellant was bound to affect him, he approached this Court seeking permission to challenge the order passed by the learned single Judge initiating contempt proceeding against him by submitting that no useful purpose would be served by filing a reply to the show cause notice before the High Court as the relevant record although was before the learned single Judge, yet a proceeding for contempt was initiated against him.

10. On a scrutiny of the aforesaid facts, it is apparent that the learned single Judge has initiated contempt proceedings against the appellant essentially on impression and assumption that he was instrumental in ensuring that the order of stay passed in favour of the Insurance Company on 22.3.2001 passed in S.B. Civil Writ Petition No. 1072 of 2001 was not implemented and further the letter dated 22.12.2005 by which the appellant herein as the Deputy Registrar (Judicial) had sought the case number of the writ petition for which the order sheet was to be sent, was treated as an attempt on the part of the Deputy Registrar (Judicial) causing obstruction in the way of administration of justice. It was further inferred that he had done so in order to shield the then Judge, MACT Shri S.K. Bansal from facing the vigilance enquiry.

11. The grounds relied upon by the appellant for assailing the initiation of contempt proceedings against him, is first of all based on the technical plea that Section 18 of the Contempt of Courts Act, 1971 has not been taken note of by the learned single Judge as in Section 2(c)(iii), it has been laid down that every case of criminal contempt is required to be heard and determined by a Bench of not less than two Judges, and therefore, the learned single Judge erred in passing the impugned order dated 08.12.2006 without there being any occasion for the same. The initiation of contempt proceeding was further challenged on the ground that it is the Registrar (Vigilance) who had failed to ensure compliance of the interim order dated 22.3.2001 and the direction therein until 31.05.2003, on which date the concerned officer Shri S.K. Bansal, R.H.J.S. who passed the award had retired. Hence, the appellant who had joined the post of Deputy Registrar (Judicial) in the High Court of Judicature for Rajasthan at Jaipur Bench, Jaipur on 5.1.2005 could

have possibly no role for shielding or protecting the officer who had retired on 31.05.2003 and the enquiry against him was ordered to be closed even by the learned single Judge himself vide order dated 16.10.2006.

12. On a scrutiny of the sequence of events narrated hereinbefore, we are clearly of the view in the first place that the contempt alleged against the appellant would not amount to a criminal contempt because the alleged contempt even if made out would clearly at the best be of a civil nature, which is evident from Section 2 of the Contempt of Courts Act 1971 which lays down as follows:

(a) "contempt of court" means civil contempt or criminal contempt;

(b) "civil contempt" means wilful disobedience to any judgment, decree, direction, order, writ or other process of a court or wilful breach of an undertaking given to a court;

(c) "criminal contempt" means the publication (whether by words, spoken or written, or by signs, or by visible representation, or otherwise) of any matter or the doing of any other act whatsoever which-

(i) scandalizes or tends to scandalize, or lowers or tends to lower the authority of, any court; or

(ii) prejudices, or interferes or tends to interfere with, the due course of any judicial proceeding; or

(iii) interferes or tends to interfere with, or obstructs or tends to obstruct, the administration of justice in any other manner;

On perusal of the aforesaid provision enumerated under Section 2 quoted hereinbefore, it can clearly be inferred that the initiation of contempt proceeding against the petitioner even as it stands, would not give rise to a proceeding for criminal contempt and in any event the alleged contempt cannot be stretched beyond civil contempt under the prevailing facts and circumstances of the case discussed hereinbefore. Nevertheless, it would not be correct on behalf of the appellant to contend that the learned single Judge was not authorised to initiate contempt proceeding against the appellant merely because he was sitting in a single Bench although he might have been in a position to notice whether the alleged action at the instance of any party or

anyone else who obstructed the cause of justice, amounted to contempt of Court of a civil or criminal nature and yet would be precluded from initiating suo motu contempt proceedings. The Contempt of Courts Act 1971 clearly postulates the existence of only the following preconditions before a person can be held to have committed civil contempt:

- (i) There must be a judgment or order or decree or direction or writ or other process of a court; or An undertaking given to a court;
- (ii) The judgment etc. must be of the court and undertaking must have been given to a court;
- (iii) There must be a disobedience to such judgment, etc. or breach of such undertaking;
- (iv) The disobedience or breach, as the case may be, must be wilful.

Hence, it would not be right to contend that even though the learned single Judge might have found material which persuaded him to form an opinion that a contempt has been committed, yet the learned Judge had no authority or jurisdiction to initiate a proceeding for contempt against the person who indulged in such action. Thus we find no substance in the plea which has been raised on behalf of the appellant on this count.

13. This now leads us to the next question and a more relevant one, as to whether a proceeding for contempt initiated against the appellant can be held to be sustainable merely on speculation, assumption and inference drawn from facts and circumstances of the instant case. In our considered opinion, the answer clearly has to be in the negative in view of the well-settled legal position reflected in a catena of decisions of this Court that contempt of a civil nature can be held to have been made out only if there has been a wilful disobedience of the order and even though there may be disobedience, yet if the same does not reflect that it has been a conscious and wilful disobedience, a case for contempt cannot be held to have been made out. In fact, if an order is capable of more than one interpretation giving rise to variety of consequences, non-compliance of the same cannot be held to be wilful disobedience of the order so as to make out a case of contempt entailing the serious consequence including imposition of punishment. However, when the Courts are confronted with a question as to whether a given situation could be treated to be a case of wilful disobedience, or a case of a lame excuse, in order to subvert its compliance, howsoever articulate it may be, will obviously depend on the facts and circumstances of a

particular case; but while deciding so, it would not be legally correct to be too speculative based on assumption as the Contempt of Courts Act 1971 clearly postulates and emphasizes that the ingredient of wilful disobedience must be there before anyone can be hauled up for the charge of contempt of a civil nature.

14. In view of the aforesaid legal position, when the facts of the instant case are analyzed, it is clear that the learned single Judge had passed an interim order of stay in favour of the Insurance Company against implementation of the award passed in favour of the claimant and the said order was not complied with even upto the year 2003 and the reason for non-implementation of the order of stay was not communicated by the registry of the High Court for which the appellant-Deputy Registrar (Judicial) has been held to be instrumental. The learned single Judge further has taken note of the letter dated 22.12.2005 by which the appellant herein-Shri Dinesh Kumar Gupta, who was functioning as Deputy Registrar (Judicial) on the said date had enquired about the case number and the date of the order which was required by the Registrar General (Vigilance) and the learned single Judge has initiated the contempt proceedings on the inference that it is the appellant who was instrumental due to which the interim order of stay passed by the learned single Judge way back on 22.3.2001 in S.B. Civil Writ Petition No. 1072 of 2001 was not implemented. If the learned single Judge had called the appellant with files and perused the same, he himself would have been satisfied that on the relevant date, the appellant was not Deputy Registrar and it was not necessary to initiate contempt proceeding against him.

15. However, we cannot lose sight of the most relevant and important fact that when the interim order of stay was passed on 22.03.2001 by the learned single Judge, it was first of all the duty of the counsel for the petitioner United India Insurance Company Ltd. or the petitioner Insurance Company itself to obtain a certified copy of the interim order of stay and then communicate the same to the Presiding Judge of the MACT who was Shri S.K. Bansal. The petitioner herein Shri Gupta admittedly was not functioning in the High Court in any capacity in the year 2001 or thereafter until 2005 and hence he cannot be attributed with an ulterior motive to scuttle or ensure that the interim order of stay may not be implemented as admittedly for several years thereafter, at least upto the year 2003, when the MACT Judge Shri Bansal superannuated, the petitioner was not even posted in the High Court as he was posted in the High Court, Jaipur Bench as Deputy Registrar (Judicial) for the first time in the year 2005. Hence, what transpired

between the date of the order of interim stay passed in 2001 upto 2003 when the learned Judge, MACT Shri Bansal retired, no malafide or ulterior motive can at all be attributed to the appellant herein Shri Gupta so as to initiate a contempt proceeding against him. Therefore, even though the order was not complied, the reason or liability for its non-compliance cannot be fastened on the appellant herein- Shri Gupta so as to justify initiation of contempt proceeding against him. Hence, non-compliance of the interim order of stay passed by the learned single Judge way back in the year 2001 which was passed much prior to 2005, when the appellant joined as Deputy Registrar (Judicial) in the High Court cannot be attributed to him. The appellant obviously could not have been expected to orally remember the particulars of each and every order passed by High Court on judicial side and sent to the registry, which was not implemented. Hence, if he wrote to the Registrar (Vigilance) seeking the case number of the pending matter as also the date of the stay order, the said letter cannot be treated to have been written with an intention to obstruct implementation of the interim order of stay which was passed four years earlier in the year 2001. Hence, it would be a wholly unfounded assumption, so as to infer that the appellant did so, to obviate or obstruct implementation of the stay order or forestall the same in any manner.

16. In our view, if the learned single Judge was of the view that the interim order of stay granted by the Court on 22.03.2001 in favour of the Insurance Company staying execution of the award of compensation in favour of the claimant was obstructed, the learned single Judge ought to have hauled up those officers in the registry for contempt who had been functioning in the registry at the relevant time and factually it was not correct for the learned Judge to assume that it was the petitioner who obstructed the administration of justice so as to justify initiation of contempt proceedings against an officer who joined five years later on the ground that he had sought the case number and the date of the order which was to be implemented in order to forestall the same when in fact it was already not implemented for a long number of years which was more than four years prior to the appellant's posting in the High Court. As already stated, an officer in the registry who joined approximately five years later prior to the interim order of stay which was passed, he cannot legitimately be hauled up for contempt merely on unfounded assumption and speculation that it was he who was instrumental in obstructing the administration of justice by ensuring that the order of stay may not be implemented.

17. As already observed, the first and foremost onus to communicate an order of stay is on the counsel or the party in whose favour the order was passed by obtaining a certified copy of the order passed by the court and although the registry is also required to communicate the order to the concerned Court where it is required to be implemented, the same essentially is in the nature of a formal communication and if the same had not been communicated by the erstwhile officers of the registry for any reason whatsoever, including an assumed motive of its non-implementation, a proceeding for contempt could have been initiated against an officer who was posted at the relevant time and had failed to communicate the order to the concerned Court which had to implement it. But, after an unusually long lapse of time, which in this case is more than four years, an officer like the appellant who subsequently joined the registry, cannot be attributed with an oblique motive of obstructing the cause of justice merely because he had sought the case number and date of the order of stay from the Registrar (Vigilance) in order to furnish a copy of the order which was required by the Registrar (Vigilance). In fact, when the Registrar (Vigilance) sought a copy of the interim order of stay, it was his duty to specify the case number and the date of the order as it cannot be expected that the copy of the order could be sent to the Registrar (Vigilance) without the case number or its date. In any view, it would be too far fetched to infer that the same was done to shield the learned Judge of the MACT Shri Bansal against whom vigilance enquiry was ordered, completely missing the relevant point that he had already superannuated two years earlier after which the learned Single Judge himself had ordered for closure of the vigilance enquiry against him.

18. Besides this, it would also not be correct to overlook or ignore an important statutory ingredient of contempt of a civil nature given out Under Section 2(b) of the Contempt of Courts Act 1971 that the disobedience to the order alleging contempt has to satisfy the test that it is a wilful disobedience to the order. Bearing this important factor in mind, it is relevant to note that a proceeding for civil contempt would not lie if the order alleged to have been disobeyed itself provides scope for reasonable or rational interpretation of an order or circumstance which is the factual position in the instant matter. It would equally not be correct to infer that a party although acting due to misapprehension of the correct legal position and in good faith without any motive to defeat or defy the order of the Court, should be viewed as a serious ground so as to give rise to a contempt proceeding.

19. To reinforce the aforesaid legal position further, it would be relevant and appropriate to take into consideration the settled legal position as reflected in the judgment and order delivered in the matter of Ahmad Ali v. Supdt., District Jail MANU/SC/0180/1986 : AIR 1987 SC 1491 : Supp. SCC 556 that mere unintentional disobedience is not enough to hold anyone guilty of contempt and although, disobedience might have been established, absence of wilful disobedience on the part of the contemnor, will not hold him guilty unless the contempt involves a degree of fault or misconduct. Thus, accidental or unintentional disobedience is not sufficient to justify one for holding guilty of contempt. It is further relevant to bear in mind the settled law on the law of contempt that casual or accidental or unintentional acts of disobedience under the circumstances which negate any suggestion of contumacy, would amount to a contempt in theory only and does not render the contemnor liable to punishment and this was the view expressed also in cases reported in MANU/BH/0174/1954 : AIR 1954 Patna 513 State of Bihar v. Rani Sonabati Kumari and MANU/BH/0160/1957 : AIR 1957 Patna 528 N. Bakshi v. O.K. Ghosh.

20. In the light of the aforesaid discussion, we are of the view that the learned single Judge inferred and assumed erroneously that the appellant had the intention to obstruct the administration of justice by being instrumental in ensuring that the interim order passed in 2001 may not be implemented oblivious of the fact that the appellant was posted in the registry of the High Court only four years later in 2005 and hence non-implementation of the interim order of stay cannot be attributed to the appellant to shield the Judge of the MACT, Jaipur who had retired way back in the year 2003 against whom the enquiry was ordered to be closed by the learned Single Judge himself. Thus, initiation of the contempt proceeding against the petitioner by the learned single Judge is based on a wholly wrong premise based on unsustainable and unfounded facts which cannot be treated sufficient material so as to initiate contempt proceeding in spite of absence of any degree of fault or misconduct or even unintentional disobedience to the order for the reasons assigned hereinbefore.

21. Hence, we set aside the impugned order dated 08.12.2006 passed by the learned single Judge by which the proceeding for contempt has been ordered to be initiated by registering a regular contempt proceeding against the appellant and the same shall be treated as dropped. Consequently, the appeal is allowed directing the parties to bear their cost.