

**CONFERENCE ON FUNCTIONS OF REGISTRAR  
(JUDICIAL)  
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**REPORT**  
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## **SESSION 1**

Dr Geeta: I will just wait for one more minute because there are people to come and then we start...yaa...So.... very Good Morning to all of you....National Judicial Academy is very happy to have its first batch of Registrar Judicial...this is for the first time that we have designed this conference for Registrar Judicial....we are all here for a purpose...The first is to understand the role and responsibilities of Registrar Judicial in different High Courts....second to understand similarities and differences in functions from one High Court to another High Court....third to collect feedback on difficulties that are faced by each one of you and fourth to prepare a set of recommendation based on your feed back what you think that how system can be improved...the programme is divided into ten technical sessions....all of you have your programme schedule and which are of one hour each and then there is one hour evaluation session ....so total of eleven hour classroom discussion and the list is devoted to library reading and computer skills training....we are also providing half hour tea breaks to providing opportunity to discuss amongst each others over a cup of tea or coffee....we hope that all of you will have a comfortable stay in our National Judicial Academy, if there is nay problem in stay or any problem we are always there...programme coordinator Pragya Aishwarya is there, Prof. S.P Sirvastava is there, then our Registrar Mr. Utirapati is there , so please tell us if there is any inconvenience to you...with this introduction now I pass over the session to technical persons, they are faculty from Indian Institute of Forest Management, they would be ....they have to leave at 10:10 sharp I hand over the session to them, as to our introduction....all of you will introduce that is our normal practice and resource persons will introduce themselves, that session we are taking to 12 noon....so the technical session can begin now....because they have limited time and there is an exercise also...with this is give it to Ms. Parul...thank you.

Parul Rishi:Right Now I am going to start about time management...Fine? Being successful that not make you manage your time well but managing your time well makes you successful .....the reverse story, If you are able to manage your time well definitely you will be trading a little faster in the fast of success....theoretically is is very easy that we can manage our time in a constructive manner but practically if we go on it there are

lot of difficulties we face which somehow we have to manage with it...rough estimates of what the research studies have indicated that people waste about 2 hours a day due to following may be like we are not able to manage our desk completely...things are cluttered, our support staffs are not able to keep things in a manner where they are readily accessible then they are not able to find things, things are just disorganized may be unprepared....we are under so much time pressure that we have to execute so many tasks so we are unprepared, we try to do things that others are doing we have inefficient staffs working under us and we are not able to manage the staffs to work in a way we are expected of you so you have to do so many things which others, your subordinates are doing but they are not doing it effectively so you have to go for that, many times you are tired and not able to concentrate because of the rest of the things which have already been indicated .....now we are coming to 80-20 rule...80-20 rule is basically good administration and judicial time be it judicial administration, it comes with time and experience, you all are experienced one so definitely we can say that you all have the capacity to manage the time well but at the same time that is very important is that sometime we are not able to differentiate between between the issue which are very trivial and issue which are crucial and how to balance our time between the trivial and the Critical witness/case details/administrative, these are quite a few may be just 20% but 80% the trivial distracting unnecessary details/activities, to confuse you, different type of activities which are not desirable but because they are there you have to handle them...so this is the 80-20 rule that 20% is important and 80% is trivial which is just eating out time like anything but the way we spend our time...80% of our time goes on managing trivial issue and we are able to give only 20% of our time on the crucial details of case, crucial administrative activities that are involved with the management of the courts. However, actually it has to be reversed....actually we have to spend 20% of the time to 80% of the activities which are unnecessary and 80% of the time to 20% of the crucial things .....so the basic point of understanding is what is crucial and trivial in accordingly distributing our time.....ok...so one of the management guru Peter Drucker has said that Work where you are the strongest 80% time, means your important activities your core area, 80% of the time you should do that and Work where you are learning 15% time, if you are working like a running horse you will not be able to grasp the crusk of

it, you need to require to learn also, the way you all are here...it doesn't mean that you don't know anything, you know everything but we are just trying to re energize the same things which somehow due to work pressure you bare not able to integrate yourself...;some are just doing that...so work were you are learning 15% of your time and work where you are weakest ,not exactly weakest, it means trivial issue 5% of the time...so here what you all are engaged in doing....the objective is the cases are to be managed in due time and you are playing an administrative role to support that process without any undue delay on one side and without compromising on the quality and fairness on the other side ....and finally for that time line of judicial administration that is important, if we are able to follow the time line, definitely we can contribute positively to the process without delay and without compromise on the quality of judgment...how how do we know that we are delayed....we feel that ok we are observing since time immemorial that judgments take time and time and there are so many factors responsible for that, what can I do as a single person ....and that thought keeps on coming to our mind, so quantification, this is the first tool of your time management, first to understand how much delay, they causal analysis what has caused that delay and whether the causes are avoidable or unavoidable, sometimes the causes are unavoidable we cant do anything so ignore that focus on the delays the causes which are avoidable, for which you as a person can contribute something, it is very easy to say that things got delayed because of x, y and z ...keep aside those x y and z you may not have control on that, may be 20% control you have but focus on the caused which are related to you, for which you personally can contribute something so this is causal analysis, the second tool of time management and the third tool is accountability for delay, which is again very important., who is responsible for delay because of whom you could not work the way you wanted, to balance your time in a constructive manner...so for that we star doing time planning through time frames or timely judicial administration...so the major focus here is on time frame.....what this time frame is all about .... Tool to achieve the timeliness of different activities under Judicial administration and you cannot control the way you like in your system may be there are certain people with personality that OK things should be managed like this and you are able to enforce that but there is a local culture, we cannot break that local culture, many times local culture plays a kind of role

that is stopping you to follow your plan, you cant ignore that...no matter it is productive or counter productive but you cant ignore that...so local culture and having time frame is the prerequisite for evaluating the results of the efforts ,if it is not there you cannot evaluate whether things have progressed well or things have not, so many times, if ,you are being too enthusiastic if you have a time frame that you know it cant follow it so setting realistic and measurable time frame on each judicial administration activity....and the next step is enforcing it ....for enforcing that you play a crucial role as a registrar, to help your subordinates to understand what is the importance of having this timeframe rather deciding this time frame in consultation of all stake holders who are involved in the complete process so that each and every person is considering himself accountable for the complete process and then monitoring, you cannot forcefully enforce the time frame because people will not agree to that but if they are decided in consultation of stake holders who are involved then the monitoring of time frame will be easier to monitor, we planned, we already enforce and then we monitor whether it is actually going fine or not and again understanding the local legal culture, big things are happening to help build common commitment among key players, when you are managing you are deciding the time frame in consultation with stake holders there is commitment of each and every stake holders in the process otherwise rest will say you think it can be done in this much time I don't think so....directly or indirectly he may try to create an environment in which things are not being done so common commitment will help build environment of development of innovative in time factor....the more the environment becomes of that kind that every one is innovatively trying to reduce the time as much is possible so this is only possible if there is involvement of all stake holders and there is culture of shared responsibilities that we are responsible if things are getting delayed not just one or two persons, otherwise what happens is a lame game, this person was not present , something was not done by other person who was suppose to do and we are just involved in the cycle of this blame process that some how the spiral we are not able to come out....some of the examples of time frames in different countries....like Finland is having Optimum timeframes for each type of cases are agreed and Targets for case processing are set for which Judicial Administration plays a crucial role....Slovenia also there is a timeframe of 18 months after the case has been presented before the court.

If a decision is not taken within 18 months, the case is considered delayed...so they have specific criteria when we will say that the case is delayed... The head of court may ask the judge in charge of the case to report the circumstances why a decision has not been reached and that explanation has to be build up by Judicial Administration after analyzing the complete scenario.....so in order to avoid such kind of tedious process they try to avoid and work in time management so that such kind of situations does not arise, in Sweden targets for civil and criminal cases are set up by the Government. All units within the court define their targets and judicial administration plays that these targets are maintained .....In Denmark also 58% of the civil cases should be disposed within 1 year, this is the target they have maintained and 63% of the criminal cases should be disposed within 2 months and 95% within 6 months...so measurable targets for time frame they have designed...for Timeframes are proposed by the Ministry of Justice with consent from the Norwegian Parliament. As of today, 100% of civil cases should be disposed in six months, 100% of criminal cases in three months. Judicial Administration remains at their toes to make it happen...otherwise things directly go to the parliament and judges want to avoid that....so time frames are to be made as we have already discussed in consultation with all stake holders and it is a continuous process, we have to continuously formulate the time frame, monitor them, again decide the time frame ...we have to relook on the time frame consult with people...so this is the continuous process we have to follow and I am leaving certain things and you will be discussing in coming sessions...role and responsibilities...I am directly going to take to to the exercise on which we will work but before that I will be taking you to Stephen Covey, the guru of time management, many of you must be knowing about it..he has written a very interesting book called first things first and there only 80-20 rule which we were talking about has been taken from...so this Covey has given a time management matrix which is applicable in almost all most profession so I will try to integrate it with the kind of work you people are doing, although I will frankly admit that I don't have experience the way Judiciary functions or may be theoretically saying certain things but it is the responsibility of all of you to help me out wherever I go beyond the way you people are doing...ok so theoretical this matrix is having four cells ...first cell is having tasks which are urgent as well as important, urgent task means tasks which are to be done quickly

very quickly they are to be done and they are very important also , like some critical pressing cases some deadline driven activity, some assembly questions....so these are all urgent and important questions on which you have to focus your attention there can be many more which in the exercise you people will be cooperating to do that , so these are the things you have to manage and you have to do it now, you cannot postpone it, then the second cell is, they are urgent activity but they are not very important , like various diverging papers, reports, witness, which are not important, they are just trying to dilute your attention to somewhere else so that your major focus is lost , interruptions, various phone calls, unnecessary people coming to you, media interventions, they are on your head so you have to manage, but they are not important you know that, still they eat up your time like anything ,so much as possible you have to avoid such things and if possible you should delegate such tasks so that your precious time which has t be focused on core activities that you are able to save...then the third one is not urgent but important, most important things which are not to be done right now but they are very important like judicial procedural issue, court management, cause list preparations, whatever is there which is very very important for the judiciary to be done but not very urgent , so this is the core area of focus where you have to focus yourself and you have to decide when you should do it but definitely it should be done thoughtfully if it is not done through time planning then what will happen, it will become urgent and then under pressure we will be doing that and then certainly if we are doing things under pressure we commit mistakes , so if we are able to focus on cell three and we are able to design properly how to do it in a planned manner...and in the fourth cell activities are there which are....aaa...activities that are neither urgent nor important but eat up our time like anything like all the time wasters, disturbances, un wanted people, unneeded details to confuse you so, so you are lost in such kinds of things so these are the activities which you have to some how dump so that you are able to save your precious time from all these activities so with this we are on this exercise where you have to imagine your last working week when you were in your office and you have to record your major activities of first two days of the week...it is an imaginary exercise where you have to go back and think what you did on the last two days of your last working week...format has been given you in which you have to note down very crisply, not in a very elaborate manner,

in order to save our time and you have to note approximate time you spent on those activity and if you feel you can note down how much time was wasted on those two days...and the wasted time that you are listing you can write down who was accountable for that wasted time, whether it was you, or others or the situation was like that which forced you to waste your time in a way...so four things you have to do, you have to note down the activity then you have to note down the time spent then third thing you have to note down is total time wasted and the fourth thing is who was accountable for waste of time...you can also time t the end of it how satisfied you were on the way your time was spent on those two days on a 7 point rating scale...if you are very efficient nothing like you wasted your time, you are very efficient in managing then 7, if you are not that satisfies then 6, 5, 4,3,2 and you are not satisfied at all, you wanted something else to be done you can give rating 1 to that ...son in that way you are going to do that...my colleague Dr. Upadhyay is there to help you out in that .the role and responsibilities of different courts they are already attached with that...you can refer to remember, although we will be remembering everything but still if you require, you can refer....activity time for this is ten minutes....ok....

Participant: basically for registrar judicial every thing is urgent, he cannot spare a second, he cannot waste any minute , if you come to me I will say go...come after 5o'clock, so for registrar judicial urgency is so much, it is like running a bullet train...like China , you have come to meet meet me...go to my steno...

Participant: No wastage of time, till 5 or 6 you are busy and after that Chief is there you have to wait till 8 or 9...we cannot waste our time....

Participant: It may not be possible for everyone to do like that ...this post is such/...you have to on toes....

Participant: As you said it might be important for me that I have to get this case listed tomorrow, but I have to get the approval of the Chief, the Chief will be available to me when either during Lunch or after 4 o'clock...the problem is at lunch hour he will not be talking because he is busy in his judicial work so we cant go with this matrix....

Participants: We cannot put any of our work in this...with due respect to you...even a phone call for us at 7 from judges house....so it means that there is some urgency, I have to take that call



Parul Rishi: That's fine, what is the solution

Participant: Solution is that we have to follow the directions of Chief Justice, whatever he says

Parul Rishi: Let us find out 5% solution to 95% to our problems

Participant: our Chief Justice is allowing us time from 9:30-10:30 in the morning, whatever files who have to give....so far listing of cases is concerned we have a roster, suddenly if one judge is not there ..What will happen.....backup plan is ready,....we don't have to run to Chief Justice every time.....

Participant: I want to add , here the roster is open , here what happens is the advocates also, the guidelines are there, they will play with the courts here our Chief Justice are very casual, so somewhere we have to play this also.....so much of deadlines.....

Parul Rishi : Yes your state please

Participant: I am Desai from Bangalore Karnataka.....my time starts from 9:30 not 7 in the morning, then if any judge is not coming, any orders we have to take then I got special judicial sitting at 11:30...some compliance matter will be listed before me, regarding some non compliance of orders....that we deal with at 11:30,I am also appellate authority to Right To Information Act, appeal comes to me....that will be done between 11:30-12:30 .....there after we come to important files or signatures we do....then again attaining preparing cause list and all things , some important orders by Chief Justice, those files will be studied then compliance of Supreme Court, High Court directions, the at lunch time we have to get some signatures...I am also attached to Judicial officers leave , those files we attend and if required we take the concerned judges between 11:30-12:30, we meet judges in chamber...then again from 2:30n that routine work attaining the files monitoring the benching, delegating our works to deputy registrars so that they can also ensure smooth functioning of Courts then again after 4:45 we go to the Chief Justice take his orders, then cause list is to be prepared in the evening by 6-6:30 , only after cause list is prepared and sent to all judges residence then only we leave by 7

Parul Rishi: You are satisfied by the manner you spend your time....

Participant: yes...time is certainly fixed

Parul Rishi: I am coming to another question, which says in what way your time is wasted which could have been avoided...Do you feel that at any point in the whole day

there is some time which is wasted or the kind of task you are doing could have been done by someone else?

Participant: Staff of the High Courts they raise up trivial issues which are not required...

Parul Rishi: Ok...may be inefficiency of the staff or intention of the staff to confuse you by raising some trivial issues which are not very important, which causes wastage of time, something else other than that which wastes your time which could have been avoided.

Participant: I am from Bombay High Court, working as Registrar Judicial I, I am looking after live matters...my working hours starts at 10 am ...first of all I will see after coming to office, how many Lordships are on leave so I will go to at 10:30 after arrival of Chief Justice that these are the Lordships that have not come, and as per our standing orders arrangement has been made, if we have to reconstitute a divisional bench we have to take consent of Chief Justice...then I will rush to another Judge to inform him that you have been accommodated in another division bench so that you may functions...all these I have to adjust by 11 am...then at 11 :30 I have to conduct writ petitions and public interest matters....it take about 1-2 hours, then I have to attend the party in person which is the toughest job now at Bombay because the litigation is very costly at Bombay...so the persons who have completed LLB they use to appear as party in person at Bombay High Court .....They do not know the procedural matters, they take lot of time and I waste my time to convince then that this is the procedure this is the rule.....

Parul Rishi: You personally have to attend to the? You cannot assign your deputy?

Participant: Even If I assign my deputy registrar, they wanted I should convince personally...I am registrar judicial, responsible person so I should personally convince...what is the legal position ...

Parul Rishi: So cant you do that, both of you sit and explain and you give more opportunity to him and then gradually you shift your role and let him do it independently, if that way you try may be gradually the audience will shift to him...

Participants: I will try...

Parul Rishi: So many times there are certain solutions definitely...many times there are two types of cycle in which we operate, one is a problem cycle and other is solution cycle, if we are in problem cycle then we can just see problems around and no

solutions...but if we just start looking at same scenario from an outcome frame...if we analyze something may come out...OK if we try this it may succeed...may not be 100% may be 10%, 20% but gradually it many increase...so my major focus is to have a kind of open mindless, the way we are rushing all the time and the way we are operating our things is always 100% full proof...we can find out something, we cannot offer you a basket of choices from which you can choose, which you find appropriate in certain case, we cannot give you generalized solutions...behavioral science is not for solutions...it is for discussions, raising your problem like you have raised your problem, other person will say his problem, the more important is the kind of solutions you all are trying to make this problem of time pressure....so you may take the suggestion of somebody who is operating a technique to manage his time and he succeeded, ok let us try in our place also, there is a local culture...it is not necessary that other state solution will fit well in other states also but we can try....I think I should come to you now....

Participant: This party in person case, they will not take a particular case, they will combine so many questions just wasting our time ...they will not go out also, there are some persons they are very intelligent but they unwanted people they come and waste our time...but we cannot send them they might right letter to Chief Justice

Parul Rishi: Ok...So everyone has good and bad times.....Good time means time in which you are your best and time in which you are not that much best....you are tired...also you have to fit that into judicial time frame also....what ever it is existing over there as has been indicated by you...so you have to find out important time, spend it ruthlessly...focusing on important and not urgent work which require your attention...there are certain things on which your thought process is required....try to find out even 10 minutes in a day, If you are able to find out that much in which you are doing a kind of self analysis not just rushing all the time from morning to night, you can find that today morning to evening no disturbances....if you can find that and then you can commit yourself, ok how to come over this problem, how to think over certain solutions so that your pressure in life becomes little easier, you can find your dead time also, time which gets wasted in most of the days...you can schedule meetings, phone calls, mundane stuffs...OK this time anyways I am not working so let us plan certain things like that or when you have to cut short something, like people are disturbing you

as you said unnecessary people come and create pressure...you only convince, you only say...so in the phone call we may use certain statements like I am in the middle of something now I cannot handle it....start with I can only give five minutes, if you want you can extend or say only five minutes...then you can stand up and stroll to the door and complement that thank you, ok without shouting at that person very calmly also you can reduce him that ok I think you have explained, I could get in only one minute what you were trying to say or just watching at the clock...so these are all the body languages and gestures which we use to cut short what ever discussions is going on...then you can use certain information like, what am I doing that doesn't really need to be done....all for self analysis, Am I doing anything that could be done by someone else...I am doing it because I was doing it since long time but is there a possibility that someone else could do it....as we discussed in your case...OK you have to convince but not necessarily, some people are not...join the other person then shift gradually ...what I am doing will that can be done more efficiently. I am taking that much time to do a task , can I reduce it to a bit...it is again self analysis, I cannot say that it is actually possible but it can be possible if you try like that, what do we do that waste others time ...I am doing something which is wasting others persons time , may be not applicable to you in this particular case....but first three you can rethink whether the work is actually to be done, whether the work can be done by someone else, whether the work can be done more efficiently, time .....and the word procrastination is postponing the time for the next day, the word procrastination is thief of time...many times reasons are unavoidable, sometimes they are avoidable...so unavoidable reasons leave aside....but avoidable reasons without putting yourself in so much of pressure you just rethink of.....so work expands as to fill up the time available, this is the Parkinson's Law in HR that we read ...if we have time upto 18 months the work will expand upto 18 months, if we have time upto time immemorial 4 years, 5 years it will extend like that.....if we are under pressure that in 3 months, 4 months we have to finish, nothing more than that, if we are under pressure that we have to do it we will do that and all support staffs, support system behaves in this way that this outcome, this target can be achieved and this is the way that other countries are working and they are not having that much pendency of cases as our country is having , staff shortage is fine but population is a big factor...then identify why

you are not enthusiastic...sometime we are so caught up in daily hustle that e are facing that we say Ok., we cant do more than that....and we are try to remain in our comfort zone....it is fine they way it is happening then why to look for any enthusiastic, innovative solutions, they are not going to do anything for us...so we have a fear of failure sometime....I might fail, if I try something enthusiastic it might not turn out well...no one is an island, you will accomplish much if to work with the help of others, delegation is an art...all the time we think that the other person will not be able to do the task in such an efficient manner, try sometime to train him in away that he is able to do that and see the results, gradually have trust on others that they will be able to do that in a responsible way, so in that way delegation is an art you have to somehow trust people on whom you can delegate certain tasks....so this is Steven Cover's jar and he is asking how many rocks do you think can fit in the jar , jar appears to be completely full....after many guess he said lets find out...people say there is no space in the jar as you say that we are working 100% of our carrying capacity, as far as work management is concerned there is no space in that....Steven Covey says ok lets find out, he sets one rock into the jar then another another and he says is the jar full, everyone says yes...now he put some gravels into it, then he shook the jar and the gravel went into all the little spaces which were there , then he asks is the jar full now, now is students got quite enthusiastic, so he reached under the table and got out a bucket a sand and he started dumping the sand in and the sand went into all little spaces that were there, these are all solutions which we are not able to make out that can actually happen, once more he looked into the jar and said is the jar full ...no...so water...he pored water...that is the point...he says what is the lesson....there is always a scope for solutions to come up....we always have to maintain the positive energy that things can happen....he says no.....the point is Put the big Rocks First...with this I end this session Thank You very much!

## **Session 2**

Dr. Kodvani distributes a questioner to the participants and asks them to complete it before starting the session....

Dr. Kodvani: not to think too much about these statements, just quickly have a read and moment what ever comes first to your mind just use that option out of those five.....once you finish then immediately we will start the session...Ok good morning to all of you and welcome to this session on relationship management....infact this is....I feel very excited to be here....one reason these days everybody is so positively looking at you people because things solely will get changed from your side.....and the kind of role you are playing, the kind of bridge you play between the lower court and higher court that plays an important kind of role in the system...and.....this bridge is especially an important element of the judiciary system and another connection to this bridge is kind of bridge you build from both the sides....so the purpose of keeping this session on relationship management was there...we try to understand that how this relationship building helps us to understand our personal life as well as the work life...most often you find that often we are connecting with our peers, our seniors our subordinates, with one department, with other department, with lower court, higher court, every time we happen to connect with people.....now every time we happen to connect we find that some transaction happen between two people .....when ever two people are interacting some transaction occur between two people, now this transaction help people in understanding each other and also building our relationship each other....when this transaction goes smoothly everything is fine the relationship is strong but incase this is not smooth it effects further relationship between two people, suppose I say good morning to somebody and somebody does not react at all....how do you feel about it...probably one or two time I may continue and third time I may stop, so what's happening whatever one sided relationship I was trying to trying that will also stop and there will not be any relationship hence forth.....now why this is happening, why some body is not responding or why somebody is responding very negatively...I remember once I was sitting with one of my senior, somebody came into the room and said Morning sir, he said what...what is good about this morning, *lottry laga, mera laga*, so what is good about this morning, it is usual.....now do you think next time that person would come and say with same excitement....so why somebody is saying like that....we try to understand first ourself and then try to understand other it will be easy to connect, to have a strong relationship with people....now this process of entire transaction...building a relationship is nicely

explained by the concept of transactional analysis...so when ever this transaction happens, what happens in the entire process of transaction and how these transactions are either positively or negatively affecting relationship between two, this concept is primarily build on the work of games people play, you might have see books very popularly available on airport, railway stations, bus stands...very popular book...The games people Play by Dr. Eric Blackburn.....he also talks about how people are playing games with other people in order to fulfill their own expectations....for example we often tell our kids, if you study well I will give you this XYZ gift, what am I trying to do, I am trying to manipulate the behaviour of someone...so I am playing a game so that I can psychologically modify is behaviour as per my expectation...ok then I will not go and say this to every kid...I am having some expectations, I want to fulfill some of my expectation with him...so I try to play this game with him, similarly we often do this happen between boss and subordinate the same kind of thing happen....boss says I thought to give this work to Sharmaji but since you are here....what am I doing, why I am using the word Sharmaji ....he means look I an not sure about your competence so prove it or next time I will give important work to some one else...so these are the things which we often do and these are the kind of games we play...similarly there is another nice work my Tom Haris, I am Ok you are Ok, this is also a concept wherein we are trying to understand our self and trying to make others understand about our self, for example number 1....how much I know about me , am I completely aware about my own behavioral symptoms, am I aware about my own value system, my won thinking pattern, if yes then the second thing is how much others know about me and in the process how much I have allowed to know about me.....if I am too reserved not opening up with people so easily, not sharing my thinking with others , how will they know about me, if they do not know me how will they relate to me, so it is my responsibility also to open up so that people know about me...that was explained in form of Johry Window, that was another nice concept in I am OK and You are Ok book, similarly this Born to Win also talks about the kind of activities people play or people do in order to influence the behaviour of others...now the idea of this work is people think and that they do....now why people think like that ...but why people don't do the same thing which I am expecting, people act like they do, why people act like they do , why not they act as

others like them to...for example these days you often see especially kinds , earlier days we remember If our parents used to offer us a chocolate saying look if you study for four hours by the time I come from office I will give you a chocolate, that was enough motivation to study hard for four hours, can you do the same things now if you tell your child the same thing he will say common I get a lot of chocolate from here and there , not very motivated...so from time to time the way we try to influence others behaviour will also keep on changing because the others expectations are also changing...so this is slightly complex, human being is itself very complex you know that, husband and wife staying for 30 years and then they say we want to part away because we don't understand each other, so two people who were so close for each other staying together for 20,30 years and then they say they cant understand each other, how difficult it will be for somebody who is not regularly interacting , so that's why it is very complex kind of world. At the same time when people interact they try to show some body language.....for example an American comes to this n place he stars with a very nice *namaste*, how you feel about it? You feel good about it, because he tries doing something which is acceptable in the society, appreciated in the society, so sometime when we try to act as per others expectation probably they feel good about it and that helps in strengthening the relationship, so that's what it is all about ....now every individual, right from the day he is born till he dies, every individual has in all stages of his life these three ego stage...one ego state is Parent Ego state, second is called the child ego state and third is called the adult ego state, these ego stages are further divided, Parent ego stage is divided into, one is called critical parent and other is the nurturing parent ego stage....a critical parents are those kinds of....where you know, why are you doing this, why bare you doing that, keep your desk clean, don't do this, don't do that ..often we find some parents who act like that, that is the critical parent style, second is the nurturing parent style, very caring helping, the moment you see someone is doing hardwork you arrange something, caring attitude....that kind of attitude reflected by someone it is called the nurturing parent style.....taking care , showing sympathy, showing empathy that kind....adult has only one, adult ego state is an ego state where people try to be very rational , look for some justification, look for some facts and are very rational and are very rational in nature, If you ask an adult do not smoke, may not



ask you but his first question why should not I, unless they get some strong logical reason and justification he wont understand, don't drive rash...why should not I ...unless and until there is proper facts , figures, justification, proper understanding they wont understand they always look for rational logic...very objective.....third is the child ego stage....some thinkers have divided it into two categories and some into two categories ...one is adaptive child and second one is natural child and third is little professor....some of your friend or subordinate invited you to his house for dinner and we go with a small kind, generally parents or mother specially try to teach them...look don't jump on sofa, don't immediately rush to take whatever somebody offers, wait till I give green signal or these kinds of instructions we give the kids, now the moment we enter somebody's house and the kids they love to eat some nice cookies and those cookies are being served by the host, so one type of child would say no no aunty we are full , we don't want, in reality they want...but they will be watching mamas eyes, to get the green signal. You might have seen this situation in train ....kinds generally they don't take anything from anyone in train and suppose if you build good relationship and you offer also kids tend to behave like that....but there is another type of kid also, they want me to eat, they have served me, why a third person is interfering, why my mother is interfering into it don't do....somebody offer me and I want to eat relationship is over, they don't care what have been told to them, what instructions have been given to them they simply jump on to eat it...very natural normal reaction of a kid...yesterday one of my senior threw a party, his son had a birthday hardly one year old and his elder brother 3 year...so people brought gift for smaller kid and some also for elder one....parents might have told him but the moment somebody enters the house, *Aunty mere liye kya laaye aap*, that is a normal natural reaction for a child, because a birthday is nothing more than collection of gifts for him...he is expecting gifts only...My God Don't say like this, again he will go to next person *mere liye kya laye ho open kar du usko*, he will not wait *ki sb chale jayenge tb open hoga*, then very interestingly one thing happened, one person brought them a teddy bear , boy don't like to play with teddy bears , they like gun, cars *jaha kuch todh phor kar saken*, they were excited to offer teddy bear, the moment they offered child said, aunty I don't like teddy bears.....they might have felt very bad, if I don't like why are you forcing me to say I like, it is not done, *usko ye sb nhi malumn*, so

some people have this natural child like behaviour, they don't care how serious is the situation, if I need to laugh I will laugh, I don't care about the situation, there is a third category also called the little professor, this is a type of child which is more serious in nature I don't care, if I go to somebody's house I will find some magazine, switch on TV, switch On discovery channel, quietly learn , read that's it...so they are more into thinker mode, so these are six ego stage which every individual is having at every stage of there life, now when ever there is transaction or interaction between two people, both are interacting from one ego stage at 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, I t affects further relationship between two parties, suppose at point of interaction this ego state is dominating and he is trying to ask something or say something to other person with a critical parent ego state, for example if somebody came late and senior says, you are late, what answer he is expecting is simple answer sorry, the moment this answer comes the matter closed, but if the answer comes so what you also come late I don't say anything, why are you asking me, Sharmaji also came late you don't say anything to him, do you think there will be very good relationship between these two parties, the transactions are broken, relationship is not complementary.....so when we are transacting with somebody I should know with what ego state is dominating in me and I should also understand other persons perspective at that point of time.....if I am trying to understand that most often I will end up having a smooth transaction and will end up having a smooth relationship so that's the advantage of this, now let me give some example....I am showing you one single statement and see how many different kinds of interpretations can be there from this single sentence....the statement says that why don't I take you to dinner tonight, one very simple sentence but in how many different ways can it be perceived, the other party has its own way of perception based on which they will make their own interpretation , based on that they will try to interpret the meaning of this sentence and based on it they will try to react....this could be the meaning that I was going to take someone else because the person who is perceiving this statement is stressing on you part, means that I was going to take someone else why not you , suppose if somebody talk to you and offer you, would you like to go, no ,you are taking anyone, since you found me you are taking

me, its not that I am a special treat, Same statement the stress is on I, instead of the person you bare going with why cant I take you , same statement but there is a different meaning all together, same statement when there stress is on don't and the interpretation could be I am trying tto find a reason why I should not take you, same statement.....it all depends on the other party, how he is able to perceive the statement, same statement the focus is on why and them meaning changes, do you have a problem with me...WHY DON'T I TAKE YOU...so the meaning changes, same statement stress is on I ....you can go yourself,...when there is stress on DINNER, meaning changes, why not lunch tomorrow....so many meaning can be inferred from one sentence, most often the confusion arises because with what intention you are communicating,, with what intention somebody is able to interpret the meaning and the relationship depends on the person who is having right intention and the same right intention is getting perceives, if not then is a fare chance that the relationship may get affected, another tonight instead of tomorrow night, so many meanings can be inferred.....now let me give you example of complementary cross at the ulterior transaction , complementary transactions are very simple, when you ask someone with a parent ego state, expecting someone to behave from the X parent ego state, he does the same thing , it is absolutely complementary which is rarely happening in our day to day life, most often we involve into the cross transactions and also sometime into ulterior transactions, I will give example of that ...where you are saying something but has a different meaning altogether, let me give an example, you are late again. The obvious answer should be sorry I wont be late again , the moment you say the matter gets closed. Absolutely no ill feeling and things will go smoothly....and there are so many other examples of that, rarely this that. Biggest problem is the cross transactions, somebody asks what time do you have, the answer should be...somebody should look at the watch and say 10:56 matter closed because somebody is asking you for a fact and you give me a fact the matter closed, but suppose the matter comes there is a clock on the wall why don't you look at it, so that's not the expected answer , that expects the relationship...it was expected that B party should also react from adult ego stage , just give the facts, but he is behaving like critical parent so it affects the relationship.....I remember I was traveling in a train and there was an elderly fellow in upper birth probably he wanted to know which station has come so that he can

plan accordingly, he asked twice or thrice to a young fellow who was listening to some nice music, which station came,...this fellow he made some ugly face looked out and replied, that was enough signal to the man that he is not liking, but sometime we ignore that signal, this fellow asked again and again, he replied railway station hai , now there was no scope was further saying even hello to each other, it completely stopped, the kid of ego states, people react to each other, it may affect their relationships, for example if I ask my friend or subordinate, midnight call, 12 o'clock and expect him to be very happy to hear my voice....and he is saying *kya yaar raat ko 12 bje phn kr rhe ho, koi aur time nhi mila*, , how will you feel, would you like to call again., because you were expecting him to respond very joyfully *wow chalo baat krte hai and he says ye time baat karne ka hai*,...so these type of cross transactions always affect our relationships with people and it affects not only the relationship but also affects ego state of the people, there are many examples of cross transactions, any manager, senior may ask come over here and the employee says cant you come over here, the distance is same, why are you expecting me to be here, cross transaction, the moment there is a cross transaction it affects the relationship, there are another set of transactions called ulterior transaction, these transactions are those people may say something but have a different meaning all together, all having a different intent of saying that...for example if a senior is saying can you help me please, the junior don't have right to say no I cant, though he is using very polite language please...he means Help me I am your senior, so we need to understand the intent of none, intent may be same that is called ulterior transaction, fir example how about coming to my room and listening to music, same is said by a junior or colleague to another at, if same is a said to a junior or people from same hierarchy level, you can say fine I don't want to listen to music I am doing my work but it comes from a senior hierarchy level to you, I like it or not I have to do, actually when a request comes from a senior it is not a request but an order but a very polite way the order has been presented, so I should not get confused that Ok it is a request so I have right to reject, no it is not a request, so ulterior transactions are also affecting us a lot, this exercise which you did is helping us to know our own ego state and the ego state which gets very high marks , it means that most often that ego state is dominating....so I will just help you to prepare and understand your ego graph, what we do is that we quickly make four column, cp, lpa, nc,

lp, dc, in cp what you need to do, you need to look at your statement numbers, statement number 3,12,19, 35 and 36, if you look at statement no 3 , you look at which option you have selected so just right that option in front of number 3...so that you will be able to calculate total at the end of the column at the end of paper make this kind of column so that it is easy to calculate this score.

Teaching the participants how to calculate the score).....you need my help just let me know...I will come.....(Teaching the participants how to calculate score).....Please do the total of the columns, the total will help you to know the ego states.....Alright, is it done? You got the column score for each of the six columns?.....so if you are through I will teach you how to interpret our score and how to interpret our own ego states.....everyone is through?ok...first of all let me share with you that this is...transactional analysis is a very proven test...very valid test....its liability and validity has been checked thousand of times and it is quite valid. However since we are doing only one test at a time this may not reflect 100% of our personality, may not ....it is only a tentative indicative score....some of you may feel that you are like this only ...but some of you may feel slightly here and there because this is one test and that too in a different setting we are conducting, so this is an indicative score, now how do we interpret ...it shows that one of the ego state must be dominating as compared top other, if your all scores are in the range on, difference of 3 or 4.....10,12,14..like that you know then they are called as balance score, it means that your all ego states are contributing in the personality and as per the situation one of the ego state may dominate at a required time and hence you are a balanced personality, the moment you need to act as a critical parent you are a critical parent the moment you need to be cared and sympathetic to somebody you are showing that...the moment you need to be tactful and be judgmental you have that adult ego stage also...or at time you need to be very jovial and enjoyable you have that stage also....so all ego states are by and large equally dominating and as per the situation , as per the time may demand...one of the ego stage may dominate...however, you may not find that easy with that everyone has the same balanced personality, I am sure most of you must be having your adaptive child score very low, as compared to other score...isn't it?...first let me explain what adaptive child is.....low score for it means I simply wont except what you ask me to ...*apne kaha* do

this thing....I am not simply doing that....high adaptive child means if you ask me to do X I will do X....you ask me to do Y I will do Y...that is high adaptive child, now why we get this adaptive child score, one strong reason is the kind of job and position you are holding, the job and position also influences our personality, the way in way out, the kind of activity I am doing also influences my personality, so that's why you many get low score then don't worry about it.....now if the scores are too high and too low, suppose my critical parent score is 20 and my nurturing parent score is 10,11,12....then I slightly need to worry about it, it means that most of the time when I interact my critical parent state is dominating in me , or opposite if my nurturing parent ego state is too high as compared to nurturing parent ego state , too high means more than difference with 4...it means that most often I am interacting with people I am interacting with nurturing parent ego style, it means that most often my behaviour is showing lot of care and sympathy for others, if you want me to take up one of the scores and explain what does it means....yaa...I hope I can share it, no issue? Ok....this score says that critical parent 17, nurturing parent 16 , look at the kind of balance, situation demands need to be critical *daatna hai data diya*, situation demands need to be caring I am showing that care...very balance, adult is 18 , quite alanced because the difference is within the range of 4, even same is the natural child 15...suppose out of office work I am very jovial, I like to party, like to play , like to have fun...this is very important...most often the kind of role I play, if it starts dominating too much on my personality it will affect some of my natural child ego state, natural child ego state low means what , I am suppressing my emotions to a great extent...I want to have fun...no no no...how can I ....I am a senior officer....I cant ....somebody said something lighter I want to give a laugh, no, no, no how can I ....I am a senior officer....so my low natural child score means I am suppressing my emotions to a great extent because I don't want to get it demonstrated through my behaviour, *baccho ke samne mazzak, nhi nhi* how can I , I am a parent....so I am suppressing....the consequences of suppressing this natural child ego state is....*kahin na kahin to affect karega*.....so where it will affect, it will affect our health...you will find it will affect to a great extent...diabetic, cholesterol, BP or skin diseases....if we are suppressing too much, I am just cautioning I am not threatening, don't feel that I am threatening .....because body has a relation, just try to understand biological part of the body, the

moment you visualize ...today you are hungry and you are going home, visualizing what your spouse might have prepared for you, thik hai...*garma garam kch accha khana* which might have been prepared....the moment you visualize in your mind , aap *dekhne muh me lar aata hai*...why because it is natural tendency of the body, the moment any good food item I think about the body will react, it will create some kind of acid, my gall bladder will secrete some kind of acid *usse mere muh me laar aata hai*....because that is helping in digestion of body.....so brain *ne socha jaise food ke bare me body ne apna kaam karma shuru kar diya*...to ab apne soch liya leking agar agle 3 ghante tak apko food nhi mila, acid to aagaya bahar vapas jaa nhi skata....to wo kahin na kahin apko body me nuksan karega,, acidity form karega, gas form karega, kidney ko, liver ko damage karega, or it may cause stone in the gall bladder, so this is the way body naturally normally react, *apke pass kch aata hai apka apne aap ankh bankd ho jata hai*.....is areaction...so if I am suppressing my natural child too much...*sharir karna chhata hai..main hasna chata hoon, fun enjoy karma chata hoon, but main nhi karunga*...no I am a senior person, I am a parent, I am a boss, to wo body ne to react kar diya.....so it will somewhere affect your health, so in the same way this ego graph is not only affecting my health but is affecting me also...to a great extent...now his little professor score is 19...more of thinker and adaptive child is 14, it is quite high ..*mujhe nhi lagta hai is group me 14 aur kisi ka hoga*, now what does it mean, it means any senior would be very happy with you, ghar ka boss bhi...seniors would be happy because most often you accept what others say, *so ghar ka boss bhi khush rahega bahar ka boss bhi*....so it is a very balanced score, whatever the situation demands you act, so you will find always you have a pleasant relationship ...do you feel that always you have pleasant relationship always? That is what it refers....any other score you quickly want me to interpret....which is having lot of variations ...haan.....

Dr Kodwani: hahah..that is very interesting...dekhie...CP 16 hai NP 13 hai....crticial parent zyada aayega kyuki scolding phle aarha hai man me ....any body come to me, if I first share with a smile...aap mere se kaam lene aarhe hai kaam dene aarhe hai...I open with a smile.... hahah...uska bhi ek tarika hai sir...*main aapko batau...sir ghar me agar aapke man ke mutabit khana nhi baneg sir to scold karenge ki phle smile karenge...hhaha..thora risking question hai*...

Participant: *Thora sa to muh banana padega*

Dr. Kodvani: *Muh banana padega lekin gussa to nhi karunga...signal de diya..bus baot hai...can we do the same with subordinate...*

Participant: To take a job from someone else is a very difficult job...you can do yourself but take it from other people is very difficult job...the moment they take the job they may spoil it.

Dr. Kodvani: I will give you an example....aa...I have total 21 year of work and this is my 11<sup>th</sup> workplace, I have frequently rampantly changed my job, I have worked with a manufacturing company, a servicing company, private educational institution to a semi private to a autonomous now to a government institution, last five years I am with the government systems only...now I have seen whatever my style it, in any of the system it is helping me to get things done because we often say that private me alag ek mahol hai government me alag hai...no doubt hai...but my style may not too much vary, it may vary depending upon the situation to situation not because of the organization, so any situation in any organization may demand I need to carry my stuffs....i am not telling that I do not scold my subordinates...I tell you, my son was in 4<sup>th</sup> standard that time ....being a teacher how can I expect my son to get low marks...and that too in maths, I am primarily an engineer and I was good in mathematics, how can I expect my son to get 60 marks in maths,...so I used to criticize him like anything...*maths me marks nhi aaye...I found that the more I criticized, the more I acted like a critical parent the more his marks started to deteriorate.so my wife, she is psychologist...she said you stop teaching him...tum isko padhana chor do iske marks thik ho jayenge...kyuki do ghnate padhane me tum to dher ghante date ho to padhate to bus aadha ho ghnta ho..kyuki tumhara pura dhyn hota hai marks jo chale jaye , uspe nhi jo aane walen hai....dher ghnta jo data rhe ho to aadhe ghnte me kya padhaya , aur dher ghnta jo usko itna scold kar diya ki wo beca itna dark e baith jata hai ki aadhe ghte me kch poochnta bhi nhi hai, samajh me nhi aata phirbhi bolta hai haan aagaya, kya karega....main apni kisi frind ko bolungi isko maths padhane dekhna result kya aata hai.... And really same thing happened ..,I am very good in matematics but *main usko nhi padhata hu....I turn into a critical parent..aur jahan maine critical parent ka roop dharan kar liya mujhme uslo raven hi dikhta hoga, to bechara chup chap dark e aith jata hai...Now he has started arguing, I know the concept....main**



*kar nhi paaya wahpe leking mujhe concept malum hai...then I asked myself what is the purpose of education, purpose is to know, if you know the concept it is fine...and I found that now he is always in 88, 90 in mathematics, then I missed out another thing I am only pointing out something by which is weak, I am not pointing out something which is wrong so subordinate ne ek galti jaroor kiya hai , main usko data rha hu but jo usne accha kaam kiya hai kya maine usko appreciate kiya, suppose I am appreciating for 3 things and scolding for one , he would appreciate it, chalega ....he will accept it, admire it and do it, but suppose I am scolding every time, my critical parent is very high, my NP is too low, what will happen , arey yaar kuch bhi kar ke le jao isko to datna hi hai, so before entering your room he will be prepared... ki aadha ghnta to data sunna hai, phir usko asar bhi nhi hoga, slowly he will become thick skinned....I am not saying that we need not scold but how do we balance, in my case I tell you....my son he is very good in remembering things so I should appreciate that also why should every one be good in mathematics so I should change myself also to build a good relationship, slowly I found that he used to think tha *Papa ghar me aaye to koi kaam leke nikalm lo nhi to dat padegi*, I don't want that.....the same thing with others also, the moment we have relationship with somebody the same relationship arises, that is a kind of challenge we have to meet....so every time I interact with anybody I need to be sure about , how is my behaviour...the more we think about it we will find that it is helping me in my behaviour, for example your adult i21 and AC is 9 because of seniority or kind of role you are doing, but if you look at that 21, it is dominating .....means what most often I am into the argument mode, I am not saying it is good or bad, please understand, If I am asking for facts it is fine but most often I am into the fact finding mode, you see that it is helping you in your work, If it is fine it is Ok, if it is not then relationship building then there is problem...for example *wife kitna bhi shopping kar kea aye hum fact finding nhi kar sakte, 300 rupye ka kyu, nhi kar sakte hum waha pe, kar sakte hai wahape?**

Participant: Because she is dominating

Dr. Kodvani: Hahaha....we don't do that because choti choti baat ka issue ban jayega..invite the trouble...sometime more often we are in fact finding mode, we invite trouble...for example no, no I saw you came 30 seconds late, I saw it....*29 ho hi nhi sakta, 30 hai...ab 29 hai ya 30 hai* if it is affecting me too much then I should get into

that If not ignore it, but if it 9 o'clock and 12 then it is ok...because that is affecting the work but if not then I should not...it is affecting where? If I have to catch a flight then 5 minute is too much , what happens if my ego state is dominating most often I am reacting from that ego state.....(he examines next sheet)...who ever has given me this much It is very balanced, show me some very extraordinary score then we can talk about it ...there is one more thing, the kind of profession we are that is affecting our ego state...we often find that you're a is higher, why it is higher because of the kind of job that demands to be clear about facts...*goodie goodie nhi chalega facts chaiye hi chaiye* ...so when I am asking for facts I demand it....but how much it is affecting me that we need to know, if I feel that it is positively affecting me then fine ...no harm, what I am telling is do a self introspection, How my relationship are getting affected.....if it is negatively affecting then I need to worry about it..if not fine...for example AC is low, rest is fine ...AC 6 is because of the kind of role, kind of working and the hierarchy in which you are , definitely your AC will go down.

Dr. Kodvani: If it is Ok with you then fine...heheh...you can see and visualize the score much more better than me...adaptive is 26, LP 21, CP 21 NC 17....it is very valanced kya problem hai sir bahut bhadiya hai....A vs AC...A higher as I said Lawyer..because you are suppose to do argument, you are suppose to ask logic...*kaise hoga....aap ye kar ke dekhiye*...this is his job...so he is into argument mode...so because of the job his Adult ego state will always be high...suppose while filling this form if you are strongly thinking about you job , role then it is fine , but suppose you are thinking as a...out of job.....personal life when you are thinking and filling then it is problem *ghar me kar ke dekhiye argument, result samne aayega*...so generally we try to see where which ego state is helping ....as I said because of your good amount of experience it is very difficult to keep the job away from your mind ...most mind you people have filled up keeping your job in mind, the moment you do that adult ego state will be high ....Adaptive Child Low means accepting somebody's orders easily, you will need reasons to accept it....without rational I am not going to accept it...suppose father is smoking and will tell his son don't smoke....no father will tell that you also smoke ..he will try to guide him council him...the kid who is in adult ego stage will ask for rational, *aap khud pete ho mujhe mana karte ho*...why are you saying no to me...then it becomes very difficult to

be in argument mode, because they have strong rational to catch you out ....same thing happens with other relationships, between boss and subordinates, between peers, same things happen ....setting something into example and going into argument mode people will accept it...but *agar khud follow nhi karta* and telling me....why should I do it...then there is a problem...only my one things is...look at your natural child score, if it is very low...means difference between this score and any other score will be more than five...if that is the case, that means I am trying to suppress the normal natural emotions of my body, natural child is how much we are suppressing our emotions, the more we suppress it will bounce back in form of health issue, if you ask any physiologist they will say that most of the skin related diseases are because of our own thinking pattern, you have more negative thinking, you are more rebellious, you will find this more skin disease...similarly stress, most often it is state of mental affairs, most often you work 15 hours a day 16 hours a day and still you feel very happy about it....someday you are asked to do some thing which you don't want to do and you do it for four hours you will start to feel stressed, the moment my brain started feeling some stressed about something, it starts sending signals to different organs and those organs started getting affected, so if I like something let me do it sometime so that my natural reactions are not suppressed too much, I exceeded my 10 minutes so if you have any questions please tell me.....please understand what I was trying to tell you....quick recap....when ever 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 transactions or ulterior transactions , it will affect my relationships...but if they are more complementary it will positively affect my relationship and I will be able to strengthen my relationship ....if I know my ego gram it will help me to understand what kind of personality I am.....if my kids often *tell aap to hamesha datate rehte ho*, then I need to rethink about it, am I behaving like a critical parent? Am I not showing my concerns for anything, Am I not showing sympathy and empathy often...because this is a very strong statement.....kids may say but subordinate may not be able to...but they may feel the same....so if I am aware of my style I may be able to avoid these kinds of issue...any questions or anything you have .....

Mr. Uttirapati : As you are putting, do not suppress your emotions because of the health factors, but anger is one of the characteristics of a person , when we show anger to our

subordinates we get a grumble back...I take my example, I was very comfortable with my staff but when I go back to my house I showed up my anger to my family members , they say you are so nice to your staff why not you exhibit that to us also ..I said...I have a privilege to show myself only in front of my family members...they said you act in the house also...when you act in the office and feel happy do that in house also....I just want your comments on that statement

Dr. Kodvani: Personal life and professional life are not separate...something wrong in one life will affect other...when I am too good with my subordinate that is my duty..but is it not my duty towards my family members...I need to be balanced....when I am scolding my subordinated I should not do that in public...appreciate in public and scold in private...purpose should be to rectify the mistake, but if I stressing too much on small mistake actually I am depressing him and most likely he will do that mistake again, so I am not in corrective mode, I am releasing my frustration....same thing is with family also.....if my family is behaving nicely with me then I should be angry, why I should show my aggression to them...so probably because you are not releasing your anger at one place...*man me to gussa aagayalekin kiya nhi, to kaha niklega...jo weaker hoga...jo zyada rebellious nhi ho sakte jo apko bounce back nhi kar sakte wahin niklega..Body me agaya...body ka bilkul clear hai jo aaya hai body return me dega,.....kis form me dega maulm nhi..ghar me gussa honge frustration subordinate pe niklenge, senior ne data diiya jo subordinate dikhega uspe niklenge....so since I am suppression too much emotion in office it is releasing here....please don't do that...somebody is saying wrong you have to say wrong...but the way I am saying, that is important...I think I have exceeded my time and got into Prof. Mishra's time, thank you very much....*

### **Session 3**

Ravindra Maithani: Good afternoon to all of you, I am here with you to share some of my experience in Record Management....we have a very eminent scholar here who will introduce us to the areas we are still visualizing. But before this I would like to just introduce Mr. Mishra as to what we have been doing and what we call record management. As we all know one of the greatest task we face in registry is the record management, record room and record keepers and the weeding out process. I doubt that any court or any High Court could meet up these time line may be due to fear but due to

volume of work or staff employed at those work places. Before I go to the slides I would like to give Mr. Mishra the example of volume of record we face, we have a friend from Allahabad he better knows that when the *Ram janma bhumi* case reached Supreme Court , it was a truck load, special room was assigned for that record, managing that record it took days may be weeks together because that man who came from lucknow he wanted that each document is received and here our person he was looking at each and every page, another is the Bombay blast case would you believe that one lakh documents were placed before the court, paper books form, it was humanly impossible to refer those pages while hearing arguments, there was no rule as such, still there is no rule that we will work on systems for documents, but for that case CBI also requested that you please scan those documents and place them on the systems, we will place systems in the courts to the judges and lawyers and there would be some IT experts, so it was done and it was done by those judges who probably when started practicing did not touch the computer system, Hon'ble Justice Satashivam and Justice Dr. V S Chawhan, so the Bombay blast case was heard on that matter, if statement of the accused PW 13 is referred , immediately that will be displayed on the screen and even that line was displayed, so we were able to manage that record by using the new technology, how do we perceive record management we better know, I leave it to Dr.Mishra to go into the niceties of the record, what does record means and all but I take it that record means a written document, also electronically, it is also a subject matter of discussion definition of document given in the Indian Evidence Act would it be included in Record because there may be some inscriptions, there may be some writings on some walls, will that be preserved digitally or how will it be managed, because that is the need of the day we will discuss it and also hear Dr. Mishra on that point, but in any organization, record, one word is access, we call access to justice, one word is access to record, right from its inception till it has outlived his life, I personally categorize records into live record, record which is not live and recode which is dead, not two but three categories, one is you see , in any organizations record is either created or received, in our courts what we do we receive paper books, all type of documents and then we also create some documents, may be electronically or digitally or by paper book, we rite on the documents so , we better know that we have all kinds of rules at place to organize the records, if a writ petition is to be filled we have all kinds of

rules, size of the paper, in some of the courts font size has also been standardized, quality, size, classification everything, at the moment it is created we settle it, that is also a kind of process of record management, then the biggest job we face in the court is the use of the document and its improvement, I will come little later on this issue, I will not take much time because I want to hear Prof. Mishra in the areas we are entering into and then how to maintain it, we have trolley in the court rooms and there are courts where there are sections in High Courts or Supreme Court where either district wise record is kept or category wise the record is kept, so from court when we transfer the record, it has always been a challenge for us and then from there to the record room, perhaps they are in three separate building and then at the same time the record is also sent at the residence, office of Hon'ble judges and then taken back so maintaining this record is a very tough task, so these are the three stages which I briefly wanted to tell you, and then we store it, once when the record has used its life we store it in the record it, here I call it non active record, till it is decided it is active record, once it is decided I say it is a non active record, once it is weeded out then I call it is a dead record, it has outlived its life, there after.....I have seen this reading material, there has been some rules in the Florida that what are the things we need to maintain in weeding record and same we are doing in our High Courts, which paper is deleted, which file is deleted we maintain the record of it and then what is the life time of these documents, Dr Mishra we classify these documents one year, two year...how to manage this has been a big problem, the best way to manage the record has been to reduce the records, best way....and how to reduce the record.....may be.....we are in the registry, we know so many forms are required to be filled by the lawyers when they file the petition, can be simplify that and what are the rules, if the rules require many copies, can we reduce it, so what is introduction of computers, technology and second is process reengineering, you change your rules if they are obsolete and then movement of the record, movement, how much we are transferring the record, it may give chances for the loss of the record and the factors which help when we reduce the records is human resource, if we reduce we need less human resource, time for retrieval, time for management, we can save the time and then the space, where to keep the records, it has been a big hurdle, and believe me we have not been thinking, we should keep some records outside, not in the court premises, we

can have some godown, which could be some kilometers away with the records which are not frequently asked for. I just want to give this simple scenario when the Indian Courts were computerized and it was inaugurated 9<sup>th</sup> July 2007, it is not September but it 2007, in fact on that day the launch of E-Court was done in Vigyan Bhawan and at that programme, APJ Abdul Kalam has given a very very encouraging speech and he visualized how Indian Courts should be in future, he said that its not that simply your court rooms are using information technology but it should be inter operational , it should operate with each wing of the state, for example if a person files a petition it should come to the e-filing counter of the court , the court will tell, you want civil lawyers here is the list of 20 civil lawyers who are experts in the field, which you choose, he will say fine A, he will transmit all the terms he has set, the lawyer will file e filling, criminal history will be retrieved through the grid because ether will be police grid, taxation grid there will be many other grid, criminal history, liquidation history if it is a company litigation and then the judge will hear the arguments if required and dispose off within 2 weeks , and if an appeal is filled, if a party says I prefer an appeal the record will be immediately transferred to the higher court no need of requisition and physically movement of the records in High Court and in the same way Supreme Court...he had visualized horizontal flow of information and vertical flow of information and where are we, we are in the direction of making Indian Courts paperless courts, you all know the first phase of E-courts has been successfully implemented, though it was six months delayed, 1439 perhaps courts were taken in the first phase, they have been completed, we have prepared the site hardware has been provided, there were extensive training, now the second phase, biggest thrust is on the digitization of record , this is the beginning of the new era, scanning storage and maintenance and the retrieval and we have different data management solutions, in High Court, Supreme Courts they are different , Delhi High Court they have already started it, Now I leave it to Dr. Mishra, technology and metadata and record whatever that, how to maintain its integrity, Prof. Mishra I leave it to you , now digital record means record created by the computer system and I just....we have a Court Information System which is working, if we have different structure of the data system which will create a problem in this area, even today we are facing the problem, I will start with the bottom nomenclature, If a petition is there Civil Writ petition in the

Calcutta High Court it might be registered as a miscellaneous petition in another High Court, so how will you structure the data, which technology will you introduce to maintain your record digitally so these will be the issue, interoperability, and the biggest is at which technology will you keep it, for Government of India, there is a committee for that, National Digital Preservation Programme, change of technology after 5 years, will you be able to retrieve that data, so there has been two projects, which have been some software solutions for that, Delhi High Court have already started this project of digitalization and destroying all the manual records, Supreme Court, if you look at the website of the Supreme Court they have started destroying the civil appeal records and maintain it in digital form, I leave it here, we go to the presentation of Dr. Mishra.....Dr. Mishra we are going into the digital world, we are in the process of digitalization of records through scanning but that has not gone to the Supreme Court, it is only at the High Court and Supreme Court level, I doubt all the High Courts have started it but a few High Courts have started the process of digitalization and scanning of records, how we will maintain it, what are the challenges, what are the technologies, in fact it is a grave area, not a grave area but we need to sensitize to it, I give it to Dr. Mishra....thank you very much

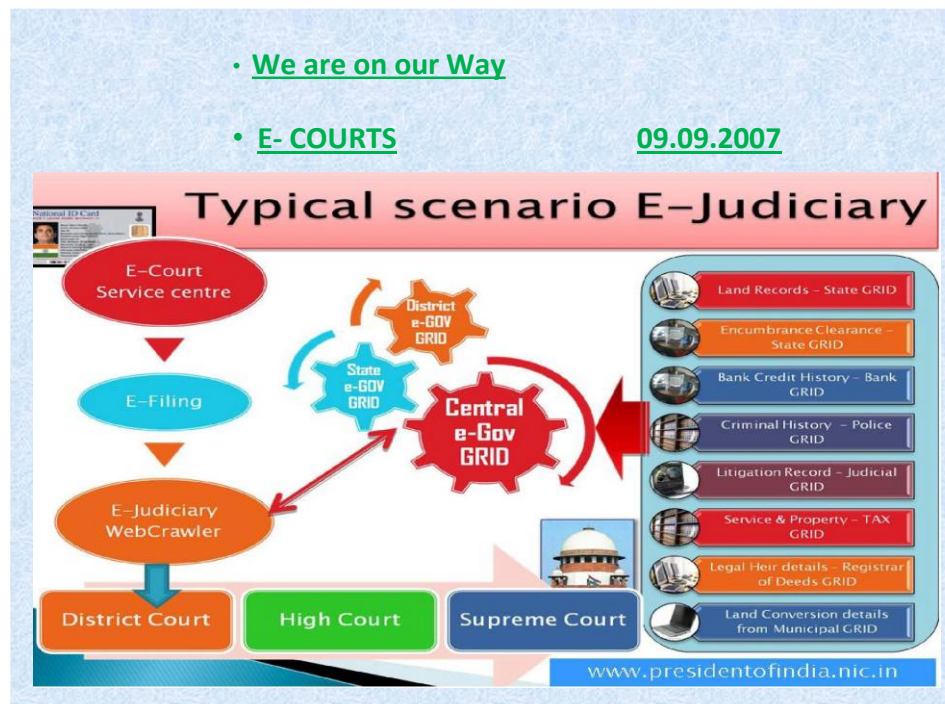
Dr. Mishra : Thank you very much Mr. Ravindra ,starting with record management but more inclusive words would be information governance or knowledge management, of course there us some hierarchy that exists unless until we have proper record management we cannot think about information governance and unless and until we have proper information governance in place we cannot talk about knowledge management, right now if we talk about the status of Indian Court, we are at the first stage, if I am not wrong E-Court was one of the important component of e-governance plane, which is under NEGP national E-Governance Plan and it started way back but till now not much significant development has happened and which is very true with all E-Governance Projects, now let us first discuss why this is happening, if top level management is willing to implement E-Courts and I think there is no issue with money part as well, so willingness is there, money is also there, technology is also there, there is no constrained, we have technology where a book can be scanned and converted to book format, which can be further converted to audio format lot of our blind students use that technology, so



there is no constraint on technology part and no constraint from government and no constraint in terms of money so why the even today the record management has not reached that level which it is supposed to reach, this is true with all government Projects. What I have decoded is, there are three components, policy part, second is process part how that policy will be utilized and third is technology part, there is always miscommunication that happens between these three stages or there is always gap that exists between these three stages , so a particular policy has to be operationalized with the set of processes but the sinking is not there , so there is lack of integration across various stages, now this was the generic perspective I would like now to come at the courts, the judiciary system , if you look at the judiciary system, we cannot think of having an information system or record management system only for Supreme Court or High Courts.....unless and until it is inclusive system it cannot work because of structure of Judiciary, first filing happens at lower level court then upper level, so until integration is there at all the levels we cannot think about a proper record management, there are various challenges, some challenges are because of mismanagement some challenges are because of Human issues and so on...but unless and until the homogeneity is not maintained across different levels, it is difficult to have very successful record management, before I talk about various technology with respect to record management, with respect to Indian Courts what is the motivation of having proper record management, motivation should come from user side, so why a user is looking for proper record management with respect to judiciary system or what are the benefits that will be there if we have a proper record management system, I am not talking about digital record management...I am talking about in general , what are the expectations from any efficient record management system and then we can talk about how to pass this efficient using some technology....I would like to have some comments from you, what is the expectation of a efficient record management system as a user, from you? First of all information, then right information at right point of time, so that the delay that happens that can be minimized and there are consequences of delay, one that the time for the judgement, whole process get delays, second is associated monetary issues, for example the applicant, he will pay more for fee, more for transportation and there are some indirect costs, say if X amount of time is required by a particular judge to dispose off the

case, now instead of X , 2X or 3X time has been taken right so these are some indirect causes as well....considering then number of pending cases and the population of our country, this is a very serious issue, so as you have rightly pointed out, you want to have information at right point of time and right information so integrity should be there, authenticity should be there and it should reach to my table the moment I need it, now what are the challenges, the information which I require may not come from single source, even if it is coming from single institution , so institution, Court is one institution , High Court is one institution, police is another institution, even if it is coming from one institution, it is not located at single source , there might be case that information is coming from different source, so how to sink information or data that is coming from two institutions, something like that.....so these are the problems at user level.....now put technology in sight in this context, if there are several institutions using technology.....even with technology there are several levels of maturity for example with respect to E-Government UN has come with the classification of the E-Government system, there was something called emerging, transactional, developed and so on.....emerging means just having automated and putting a website and all that, transaction could be if you have a website and transaction can happen that means both the parties can do some transaction and integration is when multiple parties are involved, multiple stake holders are involved then at the bracket they are integrated so we will be interacting only with single interface and whatever interaction is required at different parties , they will interact automated, so kind of consolidation to happen at the other side of interface so this is called integrated, so the same thing has to be applied with court system.....so unless you have uniform operating principle you cannot think about integration, now what is happening is lot of courts are digitalized but there are three level of digitalization, one is complete decentralized stage , that means I am storing myself in my computer, suppose there are ten departments in this institution , everybody is storing the file in his computer, if flow of information has to happen between two departments in the same institution then what will happen somebody has to use a pen drive or a drive put it in the computer copy it and then send it to , give it to somebody else, so the flow of information is restricted even if it is same department even if it is in same institution so this is called complete decentralization or automation, right...second could be, may e

centralization has happened with respect to this institution, various departments of this institution has been connected so wherever there is information flow required, it can happen automatically with the help of some electronic medium, but still if you are having three or four such institutions but no centralization has happened , whenever information flow is required between two institutions again there is some challenge in terms of how to transfer record here.....and the third stage is called complete centralization , E Court service center, it assumes that a certain level of centralization has taken place,



so unless and until your right hands side grid are ready and integrated you cannot think of fetching such kind of service , so with respect to information technology or electronic record management I perceive this slide as at right hand slide I have integrated data centre, it does not mean that you put the information at the same computer or same place , it can be located at different places but what is the meaning of integration is that rules by which we store the information, the rules by which we access the information, they are uniform and there is no issue with respect to transfer of file or data between these data structures , so this is the generalized meaning of integration , integration does not mean you have one system, it means you have multiple system but rules b y which you run the system should be same, is it fine? Now you have homogenous data source here, at the left hand side your users will be interacting with E-Courts and in between you can see a

media, so E-Court service centre is nothing but media on interface with your courts, so there are three level of courts, as shown here and this will come in order , so a person cannot approach High Court unless the matter has been disposed by district court and so on, so this is just an interface, so for me, these are nothing but the process engines and the left hand side, these are clients.....so the moment anybody files a case it becomes client to my system , so there are some service requirements in the left hand side, we have some process engines which will be processing the services with help of data sources that are required to process them and in between there will be moderation by other stake holders , for example Government.....is it fine? I have one presentation of mine may be we can show.....I have prepared this presentation in this perspective that first I will cover the basics of record management and then we will discuss how it is relevant or how it can be implemented with respect to judiciary level, so with perspective I have prepared the slides.....so may be initial slides will be very obvious....so this we have discussed what is record management, and what are the problems that can be solved by having proper record management system.....now for me what is a record.....and what is difference between document and record or is there any process where document can be converted to records....so this is the classic definition given for record and it talks about information created , maintained and received as evidence by organization or person in pursuance of legal obligation or in the transaction of business.....so record is more about evidence of some activity that has already been performed, but the evidence is very important with respect to the context and that is the purpose of maintaining the record.....in literature we have hierarchy of document which is not relevant here....we have what is called policy document which tells what policy the organization is looking at, that policy have been converted to standard operating procedure which are detailed description of policies and how the policies will be operationalized and then standard operating procedure has been converted to instructions and all that which are at micro level working instructions and after that we have a term called record which is nothing but evidence of what has been performed and whatever has been performed has been performed using working instructions...now with respect to any record there is something called meta data....meta data is very important and it is very important when you have huge number of record and it tells you which record is important, meta data is

not actually the record it is the information with respect which can differentiate between two set of records, if meta data is not powerful may be the retrieval of record will not be that effective, so your meta data should be powerful to differentiate itself from other records, am I making sense, so it has the content, content should be there, then what is the context in what context this content has been recorded and what is the structure of the content, I have simulated an excel sheet from my experience, for example every case record might be name of applicant ,having category of case, bench name, how many judge, how many hearing, how many time it took for this record to finish and so on...all this kind of structure is there which has to be specifically decided and that is there in every record and the the time of creation of meta data all this should be considered and there is no generic rule to create meta data , the rule is that you have to create meta data in a way so than 10 years down the line, if you try to access some record from bulk storage you should get that record, so this is the context and depending on that context the meta data may vary.....and what could be meta data for the judicial record , may be you can throw some light.

Mr. Maithani: Meta data is basically recode of the record, what is in the record is meta data and this is one of the biggest issue which in the process of computerization we are one.....in each High Court how the recode is maintained....I mean the homogeneity...common nomenclature is one issue...technology is another issue....how you will structure your data that is another issue... because we are less technical...so how we keep our data that is meta data....the structure of the data is meta data...if the civil court file is to be digitalized how will we keep it...in most of the High Court specially in north, civil court recode is in 4 indexing A B C D...A1 is plaint....is it across the country is it like this same way...right now what Mr. Mishra is trying enlightening is once we go in digital mode, which we have to go.....second phase is total digitalization of recode, need we understand , the problem are these, being at the helm of affairs of records in your courts, you may actively involve with your CPC, how they are structuring the data, active coordination when the digitization is on and I must make a brief reference here, so far as the nomenclature is concerned, for last 15 years the work is one still we are not able to give proper common name.....one objection was raised in Calcutta High Court, *hamara to munsif isko 200 saal se aise hi likhta hai*.....one High Court said we have been using

this way, we will not change it you may change it across the country because the bar will face problem, they have been accustomed to this way....so a common nomenclature issue for the last 15 years still the work is on....common nomenclature has been an issue and still the work is on...and there is another idea I must briefly tell you, what the second option is being considered is let each High Court give there own name but once we put it on national portal, there will be a common name, suppose there is miscellaneous petition, there is civil writ petition and simple IA, so you keep your miscellaneous petition, you keep your is civil writ petition, you keep your IA, the system will understand that Jharkhand says this petition, Calcutta says this but when this is on one level there will be one name, what is this called?

Dr. Mishra: This is transformation, data transformation...

Mr. Maithani: Some other terms they were using, so this is more or less agreed, whatever you are structuring your data maintain it, but once we merge into national level or horizontal or vertical level...at the horizontal or vertical level you maintain it but once it is transported to national grid it will give a common name....for last years...

Participant: Sir I think in the Chief Justice's Conference decision has been taken for common nomenclature

Mr. Maithani: You just read the last 5 Chief Justice Conference...2010 conference, it was entrusted to E-Committee there were various meeting....and now the consensus is you maintain your data in your own way....and it sounds well also....For Example in Allahabad High Court lawyers have been practicing for 100 years.....everyone is convergent in their own way, so to literate the, the resistance of the bar you very well understand....so the thing is you maintain your own way, we pick it and will give one name or common nomenclature....because of the digitalization has to be given...

Participant: In Karnataka we have put that common nomenclature on the website....

Mr. Maithani: Karnataka is very advanced....Karnataka, Delhi...some High Courts have done tremendous job.

Participant: Punjab and Haryana also

Mr. Maithani: In fact you have some e-courts also....you have in trial court also you have done E-Courts...the problem is not e courts....the thing is you have digitalized records at the office, in the courts....but the problem is residence....how will to transfer the files

there, you will have to use papers...this is the beginning ...but how will you connect...how will you communicate it to the residence of the judges..

Participant: That also has been done....LAN system....it has been done

Mr. Maithani: yes but these are the issues which is being faced....second is literacy rate....if you talk of computerized paper less courts...in Delhi....is there someone from Delhi? Delhi is the best example...two year back there were two courts which were paper less, but if you see those paperless courts...see which kind of litigation is there...commercial and taxation only, because the litigation is so highly literate they don't use paper...so the lawyers are assisted by team of experts and judges are synthesized...Justice Mulidhar and Justice Ravindran ...they are two judges they don't use any paper...their clients do not use paper, so it is possible there....but if you start it here, remote village, tehsil, taluka court and the lawyer has some paper, very shabbily written and you ask him, give everything, he has to do it...it will take time....Dr. Mishra we have destruction of Records Act 1897..I know many of us have seen that and that was repealed in 1970....means how to destroy the record, when to destroy a record, what shall be the life of the record.... we have a central legislation on that and it has only five section which says , how will it extent, who will decide when to destroy...High Court for Courts and subordinate Court, supreme Court their own...state department for state records, central government for central department and central government in any other case, if you look into those rules Central Administrative Tribunal have their own rules of destruction of records 1990...and I lay my hand on a rule which was 1976....central government has promulgated certain rules with regard to company records....so record management is not anew concept here...if we see our High Court rules, how to maintain the records everything is written, paper size is written, that is basically for maintenance is written.....that we will discuss.....because this is feature...what Dr. Mishra has shown, the slides this is future...the vision of A.P.J Abdul Kalam, they showed these slides when Indian Court Computerization was launched at Vigyan Bhawan....and we are going that way...believe me the day is not too far.....in jail we have video conferencing, we have started taking the remand cases like that...when we have the budget we can have the under trial cases and the accused will not come to court.....police stations, they have online FIRs....so if you want criminal history....when the police stations are so

digitalized....this *criminal history ke liye time dedo*, this will go away....at one button you can get information.....structuring the data...I took this indulgence for meta data....

Dr. Mishra: Actually in the end all this will integrate into a bigger system called Court MIS...actually the Court MIS will be a holistic information system which will have interfaces with all the stake holders, within the organization and outside the organization and in lot of places this Court MIS has been implemented and is running successfully and we may here that in this country it takes this much time for clearance of the case and all that.....the delay which is not desired is not there...in our system the possession of information takes a lot of time and if we have abundance of information, retrieving some conclusion out of it is also difficult ...so until we have some mechanism....right now people have started talking about artificial intelligence...if it can be applied for space where parameters are more random as compared to our real life, for example instead of reading one by one page records.....if some artificial intelligence mechanism can be developed which says that out of these one lakh pages only ten thousand pages have critical information...

Mr. Maithani: That is there...the indexing is for that purpose only...

Dr. Mishra: Ok

Mr. Maithani: For example Civil suits, when I say A1 indexing, any one of us can tell what is A1....and the plaint life is probably hundred years....permanent...A1 is also order sheet...D is waste, one year adjournment application we have D...we have all this structure and not from today hundred year also when all the High Courts were created...so we have our structuring, we have our critical information, then indexing.....the paper is indexed with D....the critical and what you call it eternal record which we never destroy that is maintained with A1 in civil suit...I must say on behalf on our Indian Judiciary...one, we have been very proficiently maintaining our records, although we are hard pressed as far as human resource is concerned, and space....these are two constraints....despite that it is well being maintained...second as you said time taken for disposal of cases, this computerization will dispel this doubt also, we are very efficient...we will discuss this later on....please continue....

Dr. Mishra: But I was talking about the delay which happens due to not having the information....You have maintained the meta data so I must continue....before we



maintain meta data of the record...we have to look what kind of record we are maintaining so I am giving you generic perspective may be you can pitch in with respect to judiciary...in general in any organization, in any big organization which is going for IT savvy organization...two kind of data is present one is structured data and another is unstructured data.....now your structured data and unstructured data can be there in both modes, it could be online mode or digital mode or manual mode....so now....record management has very serious implications with regard to these two kind of data...managing structured data is not very difficult...because the meta data is very clear...it can be fetched easily...now what kind of record which does not have any meta data.....then how to manage that record and that is more challenging task...if particular record can be described in form of some rules, in the form of some attributes then it is having a meta data and management of meta data driven record is not that difficult as compared to unstructured data...no in real life we have lot of unstructured data...in business we have product reviews, we have social media data....where there is no control on the structure and vocab...of course in judiciary we have control over vocab...but we have no control as to how content will be evolved so how to get some sense out of this data and that sense will be retrieved with the help of some artificial intelligence tools and that will work as a proxy of their meta data...second is., if you have data with you....you can talk about data integration, now why data integration is important because data is lying at different places and you want movement to happen.....if you have this attribute that this data has to shift between different stake holders....district court to High Court then to Supreme Court....unless you have well defined nomenclature , you cannot integrate it because the decoding of the data, the record will be different with respect to different people.....record decoding should be same to everybody and that should be irrespective of time and person this kind of feature has to be maintained...so this is also one challenge.....automation or digitalization...it is not about any MIS or any record management, this is the first stage and this is the most simple stage...but after this stage the success of the project depends how the higher level things have been deployed, if vision is not be there as to what kind of heterogeneity will be there, then at the second stage when you are thinking about integration then it will get stuck, I am not talking about the technology heterogeneity.....in fact if we pitch in technology heterogeneity, the

problem will be more complex, I am just talking about a conceptual heterogeneity, there is sometime there is something called scale heterogeneity....these two technologies can talk to each other...yes it is very good that we have implemented technologies that confirm with interface heterogeneity...but what about scale heterogeneity...for 10 lakhs records may be technology 2 is not able to communicate with technology 1...till the time say record level is this Kb or this Mb it can perform,. So there are various implications with respect to but right now the E-government projects are not stuck because of the technology integrity , they are stuck because of mismatch between different level and integration between different data sources...I try to differentiate between what are the processes that are required at E Court system and what are the required by other stake holders...for example if you say, land record that is not under your control...may be you have developed a homogeneous system but land records are not that homogeneous...then what to do and lot of record will bring lot of unstructured data to your system and as the name suggest it is unstructured so you don't know how to define rules for these records so there are lot of external interfaces so unless and until the whole system is digitalize....so that's why I am telling it should start from top not bottom...bottom is you just digilitize but after some time this bottom Up approach will not work....E Government project it has to start from top and implemented from top to bottom...so if with a particular case you have interface with five departments, two are central government and three are state government, fine out of two department only one is having digitalize data and that too in certain districts and out of the government department there is no conformity as to taxonomy....so the whole heterogeneity will land to the court system ,so how to deal with the issues or heterogeneity created by external party...so unless we take a holistic view of record management with respect to all stake holders or unless we can focus on the slides which you have shown when all the stake holders are present, we cannot have a efficient or successful record management system, internally you are very much efficient but that is not holistic approach...so even in management there is a theory called...if you have N systems individually these systems are very optimum but that does not mean that summation of these system will also be optimum and this has been derived from practice ...it is like a person is very good when

he works individually but this does not mean that the ten performers will form best team.....is it fine or we can continue? We break for lunch?

Mr. Maithani: Whatever we have discussed that what is future and what is today...briefly we can summarize is...reduce the growth of result internally and externally.....how can we contribute it is upto the establishment we are working...the generation or growth is to be reduced second minimize moment...that we can do....how we can do is location....a court room , tax court, adjacent room storing...otherwise loss of record is also there...this causes lot of human resources...you ask from nazarat section send five people.....the movement of the record may be minimized location wise... this idea can be mooted that some record which is not frequently may be stored in some other place...what is necessity that in the same court house there is a necessity that the record room which occupies most of the space in High Court ,25% of the space...lets have a separate building 3 or 4 kilometers away, this is offsite location of the record, record as it is today for management of these record try to minimize the growth of the record internally as well as externally, minimize its movement and then you see there are many other applications which will come out in future, E Office is one such software...leave application will not be processed through paper...there is a software NIC has developed , which has been experimented in many high court....it is one of the best way to minimize paper...Judicial Noting, files etc will take some time but some part can be started...one point....in future we can go to cloud computing...it is a wonderful idea, he will discuss about it...and being part of the system we must ensure that the data is entered in the national Grid, it is very important....future depends on record management...Dr. Mishra has this perception in fact, people have that perception that the cases are delayed, you this the computerization will help to dispel this perception also....for last 5 years this figure is not going from 2.87 crore.....you ask what is the disposal....equal number of cases are being disposed by subordinate courts each year ....what is the delay 87%-88% of the cases are within 5 years just 20-22% cases are more than 5 years...and the maximum chunk is one year old cases...so where is the delay...many kudos and many compliments to the Indian judges, they are working...you compare with any judge in the world....the Indian judges...seventy seven thousand cases instituted every year and still pendency is same more or less ..in UK or any other courts

, 300 cases filled in a month, in Supreme Court 400-500 cases in a day, on the opening day after summer vacation...this computerization will improve our image that we are not delaying so much as we are blamed....we break for lunch....thank you...

#### **Session 4**

Dr. Mishra: You should minimize the growth of data and also try to minimize the transportation...whatever is required at one place should be stored nearby. In computing we have a concept similar to this called computing near the data, processes should be placed near the data so that it will avoid unnecessary data transfer across the multiple processes, the same can be applied in real life also and will bring lot of efficiency...we were discussing about record management, and basically record management that we are thinking is based on electronic medium...whatever record we have will be transformed in electronic form and then different electronic record management system can take the records and do something now till now we have only talked about the benefits we have with electronic record, it is very easy to shift electronic record from one place to another, it is very easy to shift, very easy to locate, very easy to read as well...but there are flip side as well, if a record is very easy to move then there are vulnerabilities with respect of misuse of that record, anybody else can move that record and you are not aware of it, movement of physical record you can record that somebody is moving with that amount of file but movement of electronic records will not be visible, it can be in seconds, anybody can get into your system without proper authentication and move the data which is there, now the risk is always there in any kind of electronic record but if you add context to that risk then sometime the level of risk is increased, and with respect to judiciary the vulnerability is very high so the risk is very high with respect of leakage, so how to deal with the leakage of documents or access of unauthorized documents...by the way Supreme Court has put a website where anybody can access the cases which have been discussed and all that but with respect to record management I am talking about backend and this is the front end which is very well exposed to everybody and there is not much vulnerability attached to it but the vulnerabilities are there with respect to record that are lying in the back end especially with respect to the existing cases so if

somebody can alter the records the kind of consequences that can happen is very significant...alright...so with respect to electronic record there are three or four things that are talked with regard to security aspect , one is called what is the confidentiality aspect, we have something called integrity, we have something called authenticity and the fourth one is called non repudiation, now what is confidentiality...if a message is being passed, the moment your records are electronic message will be passed on a particular medium, it will not be passed by a human being from one place to another rather a medium will be created an infrastructure will be created and in that infrastructure the message will be passed, what if third person gets in between and gets the message which is intended to pass between two persons....this type of activity is called confidentiality breach, this means that the same digits are present with some third party which he is not suppose to exercise....the second thing is called authenticity, person X has to send a file to person Y, now how will person Y come to know that the file which has been sent by X is actually sent by him, may be another person can send the file saying that I am person X...so any thing you receive through electronic medium you have to verify that it is authentic or not, number of times you receive phishing email by the domain name of that email you might confuse that it is a genuine email but when you check you can find that some third party has sent that mail asking the information. So you may get an email that I am from SBI bank and with regard to some verification process I need this information so you are giving some valuable information to a party who is not authorized to have it...with regard to any electronic record transfer wherever it happens this is called authenticity problem so unless and until there is a proper authenticity process to identify that the thing which has been received is actually what it is supposed to be you cannot have a reliable record management system, the third thing is integrity....person A has sent to me B has authenticated that I received from A...person C has not been able to extract the information which means that confidentiality has been maintained but as person C I have the capacity that I can alter some of the contents which is there, then this part is called integrity...there are some checks with respect to integrity also....and the fourth one which is very important is called non repudiation, today I sent you a document and to morrow I deny that I have not sent it, so how to validate whether the document has been sent by A and how to validate that B has received the document and tomorrow he

will not say that I have not received the document, for example in your daily routine work you sent a document to your equivalent officer and tomorrow he will say that I have not received any document, so there should be some hand shaking at both ends...now there is one difference with respect to electronic record and manual record , that is, electronic record is very easy to copy, for manual record you require time to copy for example you need to take photocopy etc but for electronic record the time required is very less sometime it is equivalent to no time....also even if another copy has been made you will not come to know that it has been made, another additional challenges are there with respect to electronic record which any organization will face when it moves from manual to electronic record keeping so this is called future challenges, but with respect to these future challenges you have to make provisions at time of implementation itself, if you implement all the system and after implementation you want that I want this I want integrity...that is not possible, security features have to be inbuilt at the time of implementation itself, somehow information security takes back seat because of our primary goals...primary goal is to get this work done ....so what are the consequences of security breach that takes a back seat, any system designed especially with respect to e-government based system we have to be very much careful with respect to security system, now this security system escalates if you have complex technology...sir was mentioning about cloud computing, mobile computing and all that...so we see the operational benefits of these technologies but what are the back end drawbacks, for example everybody is busy these days with facebook and all that without knowing the fact that how much information he is creating or how much information he is sharing with the whole world and what is the criticality of such information, just to give an example nowadays facebook is on mobile so they enable this location feature, moment you land into a new location automatically that update happen or people sometime voluntarily update, now what kind of security threat is this...you are leaking your information with respect to your movement step by step...now if you add these vulnerability with respect to any crucial resource person or any crucial record you can think about the consequences....so lot of technologies are very convenient but they come with inbuilt threat which can be misused , in fact financial systems are suppose be systems which follow robust information security technologies, even they are number of

times targeted and the system fails with respect to information security threat, there are some set of people who derive value after fail for failing some system, so we have something called hacker some concept called cracker etc...even we have something called ethical hacker...what is that...

Participant: How to authenticate other persons...some risky factors are there

Dr. Mishra : There are various ways by which you can authenticate, infact there are some standards of authentication, some are technological standards some are conceptual one, so at user level you can authenticate say I cannot receive any email of person who is not in my pre decided list so you can decide your list , so if you are working on a very vulnerable system so any body who is not the member of this should not be able to get into my information system, so any phishing attack will be denied because that email id is not listed in the list infact there are two or three kinds of systems one is black bugs listing that means I have that set of email id which I authenticate, only if I get message from this then please send it to me or discard.

Participant: In our Madurai bench of madras High Court from past two days internet is not working so how for urgency purpose that person has to send the things? Internet failure and all that

Dr. Mishra: The term is called business continuity planning, if your critical resources fail how to continue with your daily operations and for that provisions have been made, so there are backups, there are policies like how to continue with any particular resources in terms of any particular situations, so for that policies have to be made, for example if I say I am using retail banking at my home and internet is not working so bank cannot work because they do not have anything in their policy to help users in terms of having alternate methods, so what I am saying is that the policies have to be decided with regard to different critical resources, for critical resource one policy is different and for critical resource two policy is different, for example if I give example of IIM Indore we consider internet as critical resource for us and we use line from NKN, national knowledge network, which is free provided by Government of India, but number of time it is not working, line is down, server is down, we have made a provision that we should have a back up plan for which we are paying why because we wanted an alternative because we don't want to be cutoff from the world, there are issues for example our domain name has

been hosted on our website, if after 48 years there is continuous break down of electricity that the consortium that is taking care of my domain name may discard it saying that this domain name does not exist and some one else can register from that domain name this is also a part of business critical planning we cannot let our domain name to go so depending on what is your criticality parameters you have to define, I will give one more example your case repositories are your critical resource, you have classifications like A, B and C etc...if something happens to the data base on which information is stored and you are not able to retrieve that then you have a provision that you have a backup but if some natural calamity happens and the whole infrastructure in that city is destroyed so what will happen....so the planning should be that we will backup but we will backup in another location so that geographical vulnerability can be minimized, so in this way the business continuity planning can be done...in fact nowadays banks are maintaining that problem that they have to maintain their profitability and they have significant amount of data and if they create infrastructure to store that data there is lot of cost element so one technique is can we outsource this...right so now I am moving towards cloud computing, so how to decide which data has to be moved because cloud computing is what instead of storing particular amount of data, instead of storing in house, instead of using your money what you are saying that I will be paying as per the usage, you have your own set up, I will use the service and give you money with respect to use of that service, for example if I do not want to have one more data base to store my transactional data because that is costly affair, I will give you say \$2000 per year for say 100 GB data so the data storage will be done by third party, so what some private banks have done is that they have identified two levels of data, one is highly critical data and second is non critical data, highly critical data is what data about their customers their passwords, mobile numbers etc so this will be stored in house, this does not mean that the data will be stored in a particular building it means that the ownership will be ours, data will be with us not somebody else, that we have some transactional data or flow data , such data are not very critical and the amount of transactional data is very high in comparison to critical data , if I can devise a mechanism in which I can store my transactional data in efficient manner with respect to the cost then there will be significant benefit in terms of cost so now they have started sharing their transactional data into the cloud, in fact



sometime some banks are maintaining the transactional data with them as well but with respect to back up they are maintaining the cloud, because backup will require equal amount of infrastructure which parent data requires, so at the organizational level all these things have to be crystal clear what I want to outsource and what I do not want to outsource..

Mr. Maitnani: You may correct me....today we have a server room, our own server the data is fed and uploaded on the website so once we say the data has been uploaded...if you ask in your High Court if a P.S has typed a judgment he has kept his own server at the end of the day or at a particular time the NIC person he uploads it so what is this upload...once we are in cloud computing this upload goes away automatically so basically in common parlance our storage...we are not maintaining a godown we are hiring a godown...in second phase, this is a policy decision for the second phase, if you read this second phase action plan cloud computing provision is there and there is also a provision that once we go to cloud computing the server room would be utilized for some other purposes may e e-filing or some other use, and one of the greatest benefit would be what you call online access, the moment we are working on cloud computing it can be accessed by anyone, so now this is one benefit whatever data today we are feeding on our server it cannot be accessed unless it is uploaded but once we are on the cloud computing because it is going on common platform anybody can access it...so this is where we are going, in our terminology we can do this...is it fine?

Dr. Mishra: Just want to add one or two things (Dr . Mishra explained the concept of cloud computing to the participants through diagram on the white board) What is a cloud, cloud is a third party application...this will be on servers but the servers will be owned by third parties like Microsoft, amazon, NIC also...the data is uploaded on the cloud and the cloud is automatically connected to the internet so now user can connect to the cloud and with the help of the cloud he can execute ...something like that...with respect to financial transactions almost all data servers are hosted outside India but right now the Government of India has given this mandate that whatever financial data is generated in the country should be hosted inside the country, the same I think can be done here as well...right now IIM Indore is using email services of Gmail so single piece written in that mail is hosted in google server and that is hosted somewhere in San Francisco and all

that so all the data actually goes there and all that....so all this kind of data movement is happening, so because we think of hosting critical services in the online mode we have to think about the backbone infrastructure..

Participant: Excuse me Sir, I have got one concern ..Human brain is very fertile, nothing is impossible, so if Americans could hijack Iranian Nuclear programme, so how do we protect our confidential documents....security I am very sure it can be checked , but where the confidentially is leaked it is itself a disaster so how to take care of that..

Dr. Mishra: Let me tell you that no security mechanism is full proof...somebody can break in even if the rating is 100...but the conceptual idea of having a proper security mechanism is that if you can avoid the access of your data...

Mr.Maithani: But how to do that?

Dr. Mishra: I am coming to that...so access can happen in how many way, access can happen to your storage he can connect to storage through the medium so if you are having a medium which is a public medium then significant amount of vulnerabilities are there so if we want to have a very robust amount of court management system the infrastructure can be owned by us..

Participant: Sir we are not going to have any system which will protect it, we will have to devise a mechanism in which our defense department is doing, I would not like to there because I was there in the Lal Bahudur Shastri Academy and they are not having that data not even in their laptops, these confidential things are concerned then you have to make some provisions which is not going into cloud system, net system and if you think than access can be denied I will again repeat that nothing is impossible they will have the access

Mr. Maithani: I will just share it with you, this NIC is having a server at Delhi, they have infact a war room like thing that the data is not accessed...any attempt and there is a crisis and many times it is like army moving on the borders so they have some kind of some systems which NIC is concerned, to my understanding you are referring to something which is uploaded on net or something which is not hosted with us.

Participant: I am giving an example that if US could hijack Iranian nuclear programme so what about our confidential documents because there are some privileged documents which court sees, but if e transmission is there then the third party comes into picture so I

know we have to have e-courts, no doubts about it but with a provision that we should have safeguard measures....so that if our system breaks down there is second alternative in place, that is only a concern..

Mr. Maithani: I will just give you a cyber kind of thing, this is basically we are entering into a different area than evaluation and referencing , you se there is a case of American hospital, the prescription is on the system, doctor has prescribed some dose, that is on the system, the nurse would come she would read the system....this is a published cyber crime case, some body hacked the system and changed the dose of the system, he changed it from point five to point five, the medicine was a very critical one, now the staff comes gives the medicine the patient dies, whole lot of investigation was carried out, finally it was directed by forensics, doctor says it cannot be prescribed by me, not at all but staff says no you have prescribed it and I administrated and he died due to this, ultimately it was figured out that somebody had changed it, it was cyber crime and forensic experts detected it...anyway these are the concerns and now we move to styling and referencing

Dr. Mishra: Before that I would just like to conclude with respect to the electronic record management, I was talking about that we have benefits of record management and we have opted for that to enjoy some benefits, we have to be ready to have some risks, being professor of It I can say that no system in this world is hundred percent secure, time factor is there, today it can be hundred percent secure not tomorrow...this is our desire, this is our need that we wanted to have some efficiency, we wanted to have certain quality that is why we opted for it, if we wanted to have best secured system we should not have moved to electronic system.....as electronic thing has come into picture vulnerability has been induced, now provisions have to be made as to how to reduce this vulnerability and there are multiple layers of that one is denying the access, that is one somebody who does not have the authority cannot get into my system, cannot get into my data server...

Mr. Maithani: Curiosity is like that only whatever fire wall or whatever you place he will get in there are experts, the concern is only that how to make it, that's the problem..

Dr.. Mishra: If I give you one example with respect to latest cyber attack that has happened, most of the attacks have happened after the exposure of vulnerability by the

parent company, they have recognized vulnerabilities with respect to some part of the software thereafter hackers get into it and they have disposed the system and it happened for those who have not followed the security policy properly and one most security update is that once there is an update of existing technology in terms of security you need to run that , I do not say that any system can be fully secure but there can be measures by which it can be checked it is very much similar to that of drug, how the drug has been manufactured or used for diagnosis, there is no fully scientific solution with respect to effect of drug on the body it is all about the symptoms...which is called clinical testing, this is all indirect testing based on which some testing has been made based on which the drug is to be given to patients, lot of drugs are in the market for which 10 percent people might have allergy but that does not mean that doctor will stop prescribing them generally, the problem is something else...my front end problem is to cure the patients and there is only one mechanism for that, similarly for courts the problem is significant amount of data is ther, significant amount of record is there, so many people are filling cases and I have to dispose them off in time for that I have to use the technology and for that I have to go in electronic form and this is the decision which I have taken so I should take care of the flip side as well, so I have pointed out that we should not think about the benefits rather we should think about the risks and associated infrastructure, if we do not consider it properly, if we take information security as a trivial kind of system then obviously risk will be there but with the help of proper information security management system we can reduce the risk, our financial institutions are using the online mode, all the transactions are happening on the internet and they are maintaining security, if they can do it others can also do it as financial transactions are the most crucial transactions..

Mr. Maithani: But the fact remains that we have are in digital mode, yes flip sides are there, but as our borders are secured by our army the same manner our all data on digital mode is guided by...as far as I know...by the NIC, equally efficient and competent armed force persons you can call them, with that we can go ahead..

Dr. Mishra: NIC is government body to protect government infrastructure, ownership is with the government, they have full fledged security I have visited their office, they are behind developing state data servers, they are behind state level network and all that, so

they are controlling it, with respect to second part which is styling, referencing and data analysis right...I hope you will through some light..

Mr. Maithani: What I understand referencing is a very technical term you know, we don't make references, whatever reference we make we have rules for that...if you right a judgment how to quote a citation, there are no two ways for that, what to write and how to write is already settled,...referencing is basically for academicians and referencing vis a vis plagiarism, that is a great threat in this intellectual world but our own piece or judgment if one paragraph is not our own we make a note of it and now recent trend we make foot note, this is how it is done in judiciary, if there is any other way you can through some light...to my understanding we make referencing we note it, judgment we have our own way, we have no other ways, plagiarism is unknown to our judiciary, in my career I have not seen any judgment in which someone has taken some principles written by some other judge and copied it as it is , have any one seen? No.

Dr. Mishra: With respect to styling and referencing in academics there is some sort of rules, there is something called APA styling, something called Chicago referencing style then there is something called MLA and all that so basically it gives a framework and rules to quote a particular work, form where you have taken some content, it is more towards the recognition of intellectual property of the original creator, I have searched on the internet and found that intellectual content kind of think is not actually relevant for judiciary, they just quote that in this particular judgment this has been said..

Mr. Maithani: We quote from books also and we make the references from that, we simply quotes texts, lectures, we quote it and we have set rules for that...

Dr. Mishra: If you quotes books and all that then you can follow same standards, say for example if you are referring to books you can follow standard academic referencing styles for books, we have referring styles for books, chapters, journal papers, conference papers and all that, so some thing has been discussed in some conference and you have a proper proceeding for that you can follow same referring style for a work the way academicians do...with respect to any report or journal paper first we have to decide which particular referencing style we are referring to, if we say we are quoting in APA then all the references should be in APA, idea is if somebody wants to get the refered paper he can easily get that, so there is a standard way of quoting and citing a particular

work,...I don't know whether a judgment is intellectual property of a judge or not....it belongs to the society....normally all the journals follow APA, what ever is done in America is followed in India..

Participant: Whether third party can get a copy of unreported judgment or order copy...

Dr. Mishra: Right now the judgments are uploaded on Supreme Court files so any body can see that...

Participant: In our High Court Punjab and Haryana everybody can get the certified copy of decided case.

Mr. Maithani: In a High Court if A has filled a writ petition against B and C wants copy of it...this is your question? Now in certain High Courts the application will be listed in the Registrars court.

Participant(Punjab and Haryana High Court): Our rules says that strangers cannot get the copy when he is not a party in a pending matter, in decided matters any body can get a copy...decided everybody can get...

Dr. Mishra: Anyway when a particular case has been decided, somebody downloads a copy,that is as good as a certified copy...some body can give a reference because the court has uploaded the document...

Mr. Maithani: As we have said the courts are courts we maintain confidentiality, we ensure integrity, we ensure everything about a document before it is acted upon, not only this the signature of the registrar judicial earlier used to be circulated to all the district courts so if a bail order has come whether it has been signed by registrar or competent person or not for that we used to scan it match it and then act upon, now we are checking it through email and all that...so yes it is a copy but before we act upon that copy either it is reported , then it is fine but no printout of a certified copy...perhaps no High Court is acting upon that ...are we? And if we talk of the court of record earlier the word which we have heard, so the court of record where record is permanently kept and in all those days we had no all this meta data and all these systems then they say it is recorded on a parchment paper so that it is permanently there, so they have their own way back in 17<sup>th</sup> century also....

Dr. Mishra: There are two things one is called citation and one is referencing, in our academic literature and these are two different things, citation happen in between in

running content, it is a rule that this citation should appear in reference in full form, there is a one to one match between the citation that is done inside the text and the reference made at the end, this is the way we do in our academic world, I am not very sure how you do in your judicial document, but I have read some document where references have been made...By the way it is good practice if it can be incorporated in record management, if in a particular judgment ten citations have been made now if...and these citations are uploaded somewhere anybody can access, so if a particular style has been followed and at the end after appendix and all that if we can give the full reference, so what is the purpose of reference here, purpose is names of all stakeholders followed by the title, followed by from where it has been downloaded, so anybody can be go and locate...if proper referencing can be done...if have so many number of cases if anybody is looking to access particular case referred in the judgment then it will be very easy, that is the purpose of referencing, citation is to follow the context but referencing is to follow the context, it is kind of full address..

Participant: In our case citations are properly given, in first page citation is given AIR year and page , manual citation is clearly given, so there is a system always we follow the system

Dr. Mishra: What is the benefit of having pre defined referring style is that it can be automatic if I site in between there are softwares which can automatically create the references for me so in case we are thinking of creating fully automatic record management system so lot of admin work can be reduced by having automatic referencing system, the moment you give the citation, corresponding article can be linked and automatically at the end of the judgment it will be appended...

Mr. Maithani: The present style of judgment writing...we all know that the citation is pre determined we cannot use a word here or there, making reference to books this is something new to us, if a book written by some author is referred in the judgment then any judge would write that this author in his book at page this and in some of the judgment year is also given and then the extract from the book...this is how the practice is, now what is new to us is that in this intellectual world they have pre determined the referencing of books also, this is new...according to him in the running text you write the citation and in the bottom the complete thing will come that is referencing, so far the

judgment is concerned perhaps it is for 100 of years, we have a pattern of writing judgment, the judge will sign, the references you are referring to and the case citations they are basically SCC or publishers own job, how many references he can give in the judgment which can help us to easily relate to the case....that is for easy retrieval and record management....the publishers are marketing their products so we will go to manupatra and whatever citation is there in the running page, the moment we take our cursor there it will take us to that page...

Dr. Mishra: If you cite very long reference in the running text you loses the rhythm of the text so the system has been developed that you give a short citation so that you can continue with the theme of the running text and if you require you can go back and check the reference....

Mr. Maithani: So far as the cases are concerned there is no short cut...only one full citation is there in the beginning and then if it is repeated first name and supra is written, but referencing is a new idea APA or Chicago whatever is there..

Dr. Mishra: or there is option of creating your custom style as well, you can decide which way you want but again it will go back to the same thing homogeneity, if you have decided that this way it has to be quoted then you have to maintain the homogeneity, in manual referencing anything can be done there is no rule but the moment you say I am going to the electronic thing and want to have integration of document and all that so that I can have all the document at right time at a click, you have to follow some rules which will help system to integrate different documents and information and referring will be very useful if you will be having some homogenous rule for that in future...or what can be done as a pilot you can start referencing and then think further..

Mr.Maithani: Judgment writing follows a pattern...is there any scope of referencing at the bottom of the judgment? No...

Dr. Mishra: This referring and styling is followed with respect to context, the moment you think it is relevant you can think of it...so I would like to touch upon the last topic that is data analysis which is also my core area....data ...what you think about data analysis...already some knowledge is stored there, whatever explicit knowledge is lying in the data that information if you can get by using some analysis that is very useful,



novelty of information makes information value, more the novelty is there more value is there, again it goes back to the context...I have made a document using MS Excel , based on my knowledge of judiciary I have made a document to show you how you can use this data analysis for administrative purposes mainly, it will help you in terms of monitoring the system, this is hypothetical data, say this is my year of filling of cases, this is bench name and number of judges and A B C three categories of cases and number of hearing...so I can do some kind of filtering , If I want to see only cases filled in 2000, also if I want to see which cases has been dealt by a particular bench so by one click In can know the exact data...data is already there you are trying to make out come conclusions which can help you to identify some bottlenecks in the process, not human bottlenecks but in the process, some kind of process engineering can be done using data analysis. You can sense what is happening in your system by using data analysis tools...so some kind of graphing charting can be done across various regions and bring out the data...all these kind of things can add further efficacy in the whole system...and this a very basic tool Excel which everybody can use.....

Participant: Supreme Court is already having this categorization, our High Court is also having this type of categorization, then FIR matching is also there..

Dr. Mishra : We can add different dimensions, we have different powerful tools this is the simplest tool we have...This is all from my side please feel free to right to me...

Participants Clapping

## **Session 5**

Dr. Geeta Oberoi: Very Good morning to all of you, before I hand over to our speakers and guest faculty for today, Justice Budihal and Mr. Ravindra Maithani, I just have one request to all of you, some of you have sent those pro-forma we had emailed you and you have emailed it, it has really been helpful , we will show tomorrow what we have done with it but we just received 7 but I guess we are yet to receive some, if you can hand them over we will have a more comprehensive analysis like differences in different High Court, by today evening will it be possible...so....I welcome Hon'ble Justice Budihal, he himself has been registrar judicial, he has along experience, I don't have to tell and Mr. Maithani was also registrar judicial at Supreme Court of India and the Secretary General at Supreme Court of India, they have done what you are doing right now...so it is like

learning from our peers and also sharing our own experiences, our own difficulties with respect to tasks which we have mentioned in this session, so ...sir this is to you now...

Justice Budihal R.B: Very Good Morning to everybody, my brother Ravindra Maithani, and all my brother and sister officers who are working as registrar judicial in different High Court, we are having three sessions but about all that three sessions, firstly I wanted to make few submissions about your role as registrar judicial, it is very easy for judicial for judicial officers to attend the cases but it is very difficult to deal with human beings, so far as your nature of work is concerned, apart from studying the rules of High Court and all those things, what is more important is human element, how you have to execute, monitor, supervise the things in your High Court that is necessary for our today's discussion, because of the nature of the post you are holding, it is very very honourous as compared to post of registrar general, he may be having a general supervision as far as High Courts work is concerned, but it is not so with registrar judicial, all the branches dealing with the judicial work of high court, it all comes within the purview of registrar judicial and you have to monitor all those things, that is the difficulty, prepare the action plan that in what manner and how more satisfactory manner you can attend to the work concerned...it is no doubt that I must be fully equipped with rules of the High Court, that is the first thing, when we are telling to the other staff members that you have to do like this, it is not only the rough ideas, you have to tell them what is their duties and responsibilities and I have gone through the compilation, in respect of all High Courts and what is the nature of work that has to be attended by registrar judicial in each high court they are one and the same with some variations....so first thing is studying the acts and rules of High Court studying the notifications of your High Courts...second if you are perfect in studying the acts and rules that itself is not sufficient, next thing is it all depends on your capacity to monitor and supervise things in the High Court, if these things are there such officers can easily manage the things....by this time you must be knowing brother Ravindra Maithani worked in High Court at Nanital, worked in Supreme Court as Registrar Judicial and there after as Secretary General in the Supreme Court, it is not a easy job to manage the things and that too in the apex court, so he is combination of both, knowing the acts and rules and having the caliber and capacity to monitor and implement the things and the supervision of staff members are concerned, when you are

working as registrar judicial you alone cannot work and it is humanly impossible to attend all those things, you have to certainly depend on work of your subordinates who are heading the branches, if they are not sincere and honest, if they are not serious about their work, if there is no devotion to their duty then ultimate responsibility will be of registrar judicial, you will be held responsible because of the fault committed by somebody, suppose in a bench certain order is passed, from the court hall the file be go to the pending branch, isn't it or not? if the person who is dealing in the pending branch after seeing this order passed by bench of the Hon'ble High Court, it is his bounded duty to pass it before the Registrar Judicial to attend to what is required to be done in the manner, suppose the file has not come to you, for one of the other reason the file is not placed before you, the consequences will be very serious, you will be held responsible, you may take some action against that staff, that is secondary, but I have to see my role as Registrar Judicial so what I am requesting all brother and sister, you must be more vigilant in attaining the work, simply sitting in the chamber may not be sufficient, every day you have to take rounds of the concerned branches things is carried on in proper manner or not, this is very important, nowadays what happens, so many things are lacking out, whether it is done purposely, whether it is done with some other motive, we don't know, simply go and issuing the memos you will not achieve the result, you have to motivate the officers working under you, encourage them and you have to make them aware that will follow in case of failure to attend to the duties concerned, if you made them, were we are working, what kind of work we are attending if they understand, it will be easier for you ..this is how you have to manage the things, supervise the things, otherwise it is humanly impossible to work, because so many branches are there everyday so many orders will be bases, and in the compilation yesterday I was going through that the judicial academy has prepared, Bombay High Court passed an order, in a criminal appeal the sentence was reduced but what has happened that communication of the order had not reached the prison authorities, so the Bombay High Court directed the enquiry to be conducted by Registrar Judicial and to find out who is at fault, when the court order has been dispatched and the acknowledgement for court order, why it was not executed earlier, ultimately the Registrar Judicial submitted the report that the jail authorities at Nandel , they are at fault because they have not taken so much of care to receive the order

from nasik prison authority....delay in sending these orders because of that what happens now that the prisoner will have to continue in prison, you have seen the judgment of Hon'ble Supreme Court and High Courts that how article 21 of the Constitution personal life and liberty has been dealt with, how precious this right is, every fraction of second is considered important for your life and liberty.....this is the interpretation made my Lordships of the apex court and High Court, in such circumstances if there is delay in reaching of the order in reaching the prison authority, I can tell you that even the Registrar Judicial may be held responsible in the lapses concerned, because of such consequences I am bringing to your notice that you must always be vigilant, you can have your own diary, whenever such important order I passed you have to give a mention in your diary and after attending that particular work you can round them off.....this is how you can have your own method of attending the duties otherwise what happens that when the concerned branch people are bringing the file and placing before you, it may not be sufficient because we are human beings...to err ii human but that will not be a excuse in a matter which are having serious consequences, so what I am requesting you is to create an atmosphere in the all branches of they must attain to their duties with utmost duties, once I have accepted an assignment I must do it perfectly, in this connection I must bring to your kind notice to devotion as such is concerned, which has happened with one person by name Devru Narshimbh Shastri, he is a person an an eminent authority on kananda literature, he used to give lectures on Bhagwat Gita, one day his function was fixed that he has to deliver a lecture on Bhagwat Gita in Uddupi in a particular venue, he accepted the assignment, on the day he was proceeding to the hall, somebody came and delivered a piece of paper to him, he was proceeding along with his wife, children and all his colleagues also because he is attending to a very important function then he just glanced that chit and kept it in his pocket, he just went to the hall delivered the lecture , that day's lecture was one of the most magnificent lecture he has ever delivered, after closure of the lecture he came out of the hall and then the wife, children and all the colleagues they told now the function is over tell us the message, there is no urgency or hurry now....then he told the message is only this much that after attending this function this function I have to attend another function that was what earlier he told, now when asked he told that my eldest son Ramu who was serving as a lecturer in a college , he

expire, that was the message.....can you imagine such situation and the devotion of a person, dead body of his son is lying in the colleague , he received the message well in advance before attending the function but did not disclose to his wife or children , despite such schedule he attended the meeting that was not for name sake attending the function but one and half hour he delivered wonderful and magnificent lecture, this is how a person must have a devotion to whatever the work or the assignment we are accepting, either in the High Court or in the any other field as well, this is my request to all of you first you must be thorough in all the aspects of the matter, you have to prepare your staff in such a way that they should not avoid their liability and responsibility, they cannot out forth any false thing.....if you make them so alert then it will be easy for all of you to attend to your work...now we can discuss with regard to aspects one by one but before that I also request my brother Ravindra Maithani to say few words in respect of all the three sessions.....

Ravindra Maithani: Thank you very much.....Very Good Morning to all of you, one of the biggest advantage of being here is, I still feel that I am being educated, not only the discourse we have here but also in the corridors and in the lobbies, during the course of the day we wish we share those discourses , some of them were really wonderful experiences, it is well said that wise is not who learns from his experiences, wise are those also learn from the experience of others, so here we have all accomplished judges, who have done very good in their career as a judge as a judicial officer and they have been picked up for such a...what was termed as...honourous crucial work of Registrar Judicial, a few reminder when we talk of role of Registrar Judicial we were reminded that, prepare action plan, acquaint yourself with the Act and rules of the concerned High Court, we should have a capacity to monitor, we should be vigilant in our actions, we alone cannot work as Registrar Judicial we should take your co-workers along with us, motivation, awareness of their duties and responsibilities and then consequences of a particular instances which was cited, non compliance of orders, may be liberty, fiscal matters...I term it sensitive role, it is very sensitive role....imagine a situation we put a plank of 2feet high, a plank 3 feet wide and request a person to walk on that plan he will easily walk, now we raise tha plank to one feet, he will still walk, isn't it, now we raise it and keep on raising, imagine we keep that plank on 80 feet height through a ladder ask

someone to walk through it, what would happen....many will do it because the plank is 3 feet wide had it been 1 feet wide he would not have done it, 3 feet is a wide area to walk, but what concerns 80 feet height....what if I fall, friends this is the situation with our work, we should not say no, we can climb that ladder, we can walk on that plank, let the height be 1000 meters....we have a plank, we know our duty, we know how to walk, we know how to balance our self but what concerns us is the consequences, if we make...we make not optimum utilization of our sources we are not able to utilize optimum level of our intellectual capacity as well, here we stuck somewhere, so personally I feel unconcerned of the consequences we should perform our duty, we have three sessions back to back categorization...what is that listing...and then compliance of Lord Chief Justice and the third one is coordination of different branches of the registry, as I said earlier, sir with your permission, perhaps we all will agree, we will hear everyone, perhaps someone, on each topic...on categorization, our brothers from Madhya Pradesh, they have done tremendous job in this field, they are not hosting their data on the NIC server, we can't imagine, it was discussed at many levels when I was in system that should we have our own web server, someone said how will you monitor the security, then we consulted many experts, NIC...even this...what you call....big organizations in IT but we stepped back and there are leaders who have taken the lead...it's not even in Delhi High Court.....we would like to hear from them, we would like to hear how it is useful in the process of categorization...how it is useful in listing, what is their backup....may be tomorrow you will go back and give an idea because today judiciary is not static, we are dynamic, we are evolving, everyone who is giving new idea to judiciary for enhancing its speed is welcomed at every level....so what is our role, prepare action plan...I put it like this now...everyone who is what...you see...one of the beauty of our job is we do every managerial parties but we do not know the term, we do it because we take optimum output from the given resources, if we speak with the management guru what we do they will give some jargons, some words...they will say essence of management and planning and something...there are management experts what they say...if you fail to plan we plan to fail....a very basic two line if you fail to plan we plan to fail, so very rightly said by brother, we need to have a diary....*hum mazak karte they ki inki diary hata do aaj*....even registrar general or registrar judicial, you just take his

diary...see ups and downs because entire *janm kundli* is in that diary....so he plans very well...he does not know the jargons....many of us do not know these jargons that if you fail to plan we plan to fail...., but we know that we have to do this and this is what the management guru says...look into the definition of the planning, planning is deciding in advance what to do, when to do who to do and what to do, ...I am sorry....What to do, How to do, When to do, we know these four We and we plan it...if we plan is advance we plan to the perfection of the execution of the task assigned and task given by us and who are we are we master of our organization or are we worker of our organization, we are neither of them ...again in management term, we are not at top level management, we are not top level management, we are not in abstract term, middle level management, we are somewhere in the top layer of middle level management, we are not the final word in our organization but yes we have final word in certain matters, s yes we are middle level management, and what is that a top level management coordinates with the work of middle level management, and a middle level manager coordinates with the lower level manager and the lower level manager also coordinates with his fellow workers, the human element part, Justice Budihal has rightly pointed, this human element requires coordination , now this is again jargon, the word coordination....we don't know what is coordination, what to coordinate, how to coordinate, we have not read many books but we have our experiences which teaches us how to coordinate, to my understanding it is leaders role, he leads from front, he is called in the court room....he is having a cup of coffee after all the court sat on the dias and his deputy registrar reported that Sir court *baith gayi*, now he is happy...his work is done...now he shares coffee with his colleagues or may be registrar generals chamber and immediately somebody barges in the room....*court number 5 se bulawa hai*..now imagine...now he starts picking his registrars, concerned brothers...*kya mamla hai*...by the time he has another call...he has no idea but he is going there...imagine his position, what is he....we were discussing yesterday that of 100 matters for which Registrar Judicial is called in 95% matters he just appears he does not know the matter, because he has no time and then he is asked where is that paper in paper book now he looks around which paper, which paper book...so what is his position, he is leading from front, he has a section, you have a branch officer, a senior court assistant, court assistant, junior court assistant, you have a joint registrar,

you have a deputy registrar, additional registrar and a file has come from all those ranks but who is responsible? We the registrar judicial, if everything is good, we may not be called to share the sweets but....you see it is position of a goal keeper, you save 100 goals it is fine, but you miss one...may be that is final, we have read in the compilation, Registrar Judicial has received contempt notice...for what fault of his? May be there is a fault, may be...we do not say that we have not committed contempt Hon'ble judges have said that we have committed contempt...may be...but you consider our position, willful disobedience of order, tomorrow it will be discharged but that night that evening that morning until it is discharged where is he....every time he is at the forefront....here is the role of manager and believe me brothers and sisters, essence of management if coordination, I will just take a few minutes to take around this word coordination with your permission....coordination is the essence...coordination is necessary to deal with human element.. yesterday we had very good sessions, where some of us were exposed, some of us willingly voluntarily exposed ourselves by giving our ranks...accommodating child 14, nurturing child 17..we knew our self yesterday...may be if we can get some interest out of yesterday's session we may explore ourselves further....now this will help us in coordination...why coordination how?? One of the essence of management...we see listing and categorization we are coming I will just take 5 minutes and then we will go to that...these are some abstract terms which we do, but we do not know this coordination has lot of literature, there are books on coordination, and there are books on lot of these topics....if I have to perform some work individually where do I need to coordinate, in fact these terms...individual does not require to coordinate but if you go deeper into it, he has to coordinate with his inner self to be cool and calm he has to coordinate with his organs...leave that....that becomes philosophical but on this worldly sphere coordination is required because if a job is to performed by many individuals, many groups many organizations it required coordination, if it is to be performed by more than one individual it requires coordination, relay race is the best example of coordination...look at the coordination where to give the coordination...100 meters ,even seconds matters, they have perfect coordination...*mujhse kaho to main kahunga unhone tapasya ki hogi is coordination ke liye*...in every individual activity where more than one person is required they have to work with that precision...and if that is done the outcome would be12.83



Olympic record perhaps or otherwise many be 20 minutes..*batan chooth gaya dhoondh rhen hai*...now coordination is directly proportional to size of the organization., bigger the size more coordination is required, lesser the size less coordination is required....why coordination is required unity of objectives...what is our role as Registrar Judicial? To see that the cases are received without any impediment well in time no delay and at every stage there is no delay...and it is listed before the court...so the objective is cases are properly listed and the entire set up has same objective, therefore coordination is required...in one branch only there are differential groups, differential functioning capacities of individuals, clash of interest as well...list has come late therefore I could not send it why are you blaming me? we call some registrar, our junior colleagues why the paper book was late they says what could I do the list was too late , it came to me at 7:30 , I started my transport at 7:40 and there was some chakka jam or whatever/...so he is not concerned with others, what is his concern , my work is my work...what is the total work I am unconcerned....so the difference of interest...the file come from the court to PS , the paper books, and from paper books they will go to the godown...now this P.S says the record room peon has come to pick up the file what should I do? I have kept the paper book in the trolley if they have not come to pick it, is it my fault? Here coordination comes, someone needs to coordinate, we should be inculcating a kind of quality to access our coworkers , what is his capabilities, you see there are some people who all the time working in saying *maine ye kar diye maine wo kar diya* and you give him a piece of task to write a document, he is gone, he is out...so there are some people who are good in writing, there may be some who may not write one sentence but may manage the entire affair...talking to people ,managing...I am not taking about the protocol people who are experts in this...I am talking about general staff...coordination is required to see that a wrong man is not at wrong place...we better know that at times people come to us that he is good in drafting and computers so he should bin listing...he will look in the quorum, look into benches and prepare a draft report so your job is reduced, speed is infused so specialization of individuals is need to be properly utilized therefore coordination and interdependence , most important is interdependence ....each process is connected to the another process there fore coordination, one transport vehicle is break down on its way to residence of judges carrying paperbook, you have well in

time done all other tasks, scrutiny done, categorization done, bunching done, but failed...suppose a matter, a writ petition is listed and the file is with the Hon'ble Judge, tomorrow it is coming for listing and in the evening the deputy registrar comes to you and says that sir, a similar petition was earlier rejected, what to do? Then you will immediately say that make an office report and send to the Hon'ble Judge with copy of the order now if it does not reach to the office of Hon'ble Judge what will happen, tomorrow morning he would be hearing the matter for two hours then the respondent will say similar matter has been rejected earlier...dismissed....call registrar why it has not been informed to us...interdependence...you see we all do all these works without knowing these jargons....now why coordination....maximum utilization of our resources, may be human resource, may be financial resources...removing overstaffing and understaffing , we are publishing hundred copies of cause list and 30 copies are never used so you can reduce those 30 copies, financial resources you are utilizing...and the best part, as rightly said by Justice Budihal is motivation, believe me brothers and sisters, it definitely facilitates motivation because you are rounding, having rounds and motivating people, they will come with a new idea they will feel that their idea is being implemented, so it's a great motivation to them then what we ensuring timeliness in each action, each stage we are ensuring timeliness and overall what we are doing is enhancing our capabilities within the given resources may be human resource, infrastructure, finances whatever is given the best outcome...here very important is all said and done...how to do it...taking rounds...yes...team spirit, sharing , these are the words they are using...we do not know...we have not heard these unless we read some management books....the core of management is communication, that is the essence , soul , heart of coordination, how to communicate, I wish some time we have sessions on communications and what kind of communication, not only verbal, nonverbal communication has great effect for registrar judicial, you go to the listing branch and you saw the listing man doing his work greatly, you just smile at him....you imagin its affect, you saw a peon taking a trolleys you just smile at him you have not spoken a word but you have communicated Great...we have formal communication, in formal communication...look at the kind of communication verbal, nonverbal...that's a great topic otherwise....25% of communication in the world is verbal..75% of the

communication is nonverbal...we communicate even when we do not communicate...even we communicate with a bird, a dog we do not know his language but we communicate and we see his tail wagging....we communicate...it is very important, may be formal, may be informal, may be written, may be non .written, may be horizontal may be vertical what is that....vertical downward giving instruction to the subordinates...written, oral...and one of the important fact is timing of the communication, right thing communicated at wrong time will boomerang....so right time has to be looked at....it's a long topic I leave it with a KISS...KISS is keep it short and simple...keep it crispy, don't use jargon...I have been directed to inform you...now don't try to use synonyms just keep it short and simple and decide...unless we know each and every procedure how can we decide ,unless we are acquainted with rules and regulations we can't decide so for this decision we need to have lots of information, we should be well informed , well read...for being well informed we have read all the rules and regulations, its not that we memorize it...it has gone from our sight the moment a thing comes we can remind what is it....clarity... there should not be ambiguity and this is great what has been said...Lordship has rightly said monitor it....now how will we monitor, unless we fix standard how will we monitor, we have to scrutinize...fix standards, measure those standards, whether the work has been done according to the standards or not, if not then find out the standards, rectify it.....so in planning and managing terms our role is coordination which encompasses within it whole lot of thing, each one of the topics has great details but I leave it here...this monitoring process or review process it should not be once in a blue moon, it should be regular....we should make our rule like this today is Saturday, half day I will visit one section may be pre resettled....this is my experience one should be pre settled and one should be random and the key word to my understanding is...the moment judicial assistant brings a file...our presence should be felt on each and every table of judicial section...do properly otherwise the Registrar Judicial may question us...I leave it here...then we can discuss it because right from filling, details, scrutiny, categorization....My God! !what is this categorization perhaps we will have some idea and then similarity, bunching, registration, caveat check, pronunciation, phonetics, paper book section, publication. Transport, copying...what not whole lot of things we are doing, we don't know...we are

tremendously performing our duties, we are on our heels...we are walking on a plank which is 1800 feet high from the ground and we are walking we don't know, we don't know our potential we are doing tremendously without doing all those jargons, the diary makes us perfect coordinators, perfect planners, perfect leader...persona which is exemplified in each court room, each branch, each section and everywhere...we stop here so that we can discuss....we may now go to the categorization, a brief is that categorization believe me I helps...today there is requirement why to categorize...there have been different formulations in High Courts, in Supreme Courts we have 47 categories...in Supreme Court it is very simple....in my High Court we have very complicated....has it been simplified now? No....so after today's discussion we can simplify it...how it can help I tell you, it helps bunching of matter....being registrar judicial we know which court deals which matter more comfortably so we can take such matters to such courts in a bunch, I leave it here for other's indulgence...Thank You very much....yaa,..

Participant: (Allahabad High Court) Good Morning, I come from Allahabad High Court which is supposed to be the biggest High Court of the world with the biggest problem, biggest pendency but I am also very happy to share with you that it is also the best performing high court in the world, we have pendency of seven and half lakhs at Allahabad and two and half lakh at Lucknow, we never had the capacity to store our files...if you have to search a file you will have to walk on the file...1500-2000 files are being filed daily...so how to deal with them... we sanctioned strength of 200 judges functioning...then we have the Hon'ble judges who have decided maximum number of cases and their name is recorded in the Guinness book of world Record...I am very thankful to your Lordship that you have rightly pointed out that management practices begins at the self that is we should have integrity, we should have competence, we should have self discipline, we should be fearless and we should be team player and leader, my grandfather used to tell me with body you can work for a short while...with mind a little longer but if you work with soul you can work till eternity...so you should love your work, you should have a strategy, you should have communication and you should have a collaborative style, you should be able to motivate people...when I joined as Registrar Judicial....sir I will just give one example how things can change, at that time we were

having spiraling cases but for last two examples we were able to achieve decline in the pendency of cases....

Justice Budihal R.B: We would like to hear each one of you about the categorization effect, how are you attending to it, what are the ideas...we will start from Madhya Pradesh.

Mr. Maithani: You can see that the benefit which we can derive from this exercise is that we can see the mode nor manner or way of categorization is most efficient and most simple.

Justice Budihal: Yes Desai..

Participant: (Karnataka High Court) Sir, regarding categorization our High Court recently has adopted same pattern as that of Supreme Court that code numbers were given categories were mentioned, labour matter for example their dismissal, promotion...yaaa categorization is available on our website, if you go to our website we have already posted it and now we have to implement it and earlier we had huge lists of categorization cases regarding writ petition, residuary matter, labour service etc..that way it was done earlier now we are following what is being followed by Supreme Court and now we have that available on our Karnataka High Court website, that will be very easy as you said for bunching of cases...dismissal matters, promotional matters education matters...we can bunch it and dispose it, it is very easy also, for other matters also it is easy like that we are doing now we have advocates also...and one checklist format is also there as there in the Supreme Court...categorization, section, subject and they have to provide their email also....so it is very easy to know what is the subject matter...

Justice Budihal: In advance they can know what is the point involved and how they have to prepare and assist the benches...

Participant: (M.P High Court): Good Morning, at the time of very filing of the cases, the cases are categorized and classified in the system itself and in motion hearing cases, at motion hearing stages , we have this classification it is called updation, it is made in 107 or 112 categories but I am referring to you division benches and single benches cases which are ripe for final hearing, here we have special prioritized categorization of the cases...civil, criminal writ and election matters are the classifications in writ appeal now these are further classified and cases are updated under these categories that is Supreme

Court expedited cases, if the case pertains to a larger bench matter then it is categorized to a larger bench category then High Court expedited cases are those cases in which high court has given some dates and it is to be expedited and the time frame is given that this case has to be decided under this much time limit...these cases are updated against this category, then there is separate category for senior citizens...and cases of differently abled persons, then cases more than 10 years old then covered matters, this is unique feature that if a case is covered by some judgment then the case is fed in that category and it is immediately picked up and listed and decided...the covered matter is updated by concerned dealing assistant that this is covered matter, covered by so and so judgment, then it is listed before Hon'ble Judge, he is requested that this is the case, these are the bunch of cases covered by this cases....if the cases are pending for more than 10 years.....a case can fall into multiple category, for example if a case may be more than 10 years old that very case may be of senior citizen, that case may be Supreme Court expedited...

Mr. Maithani: Suppose a family matter is filed if it remains pending in the High Court for 10 years then category is changed?

Justice Budihal: No No what brother is asking that if a case is pending for 10 years in the High Court then automatically the category will change or??

Participant: Automatically that will change...it is totally automatized programme and this could be achieved by the efforts of our dealing assistants and with the able guidance of our Hon'ble the Chief Justice..

Justice Budihal: Mr. Desai please note down, because instead of doing it automatically if we do like this, it will be changed to that category..

Participant: Then there are covered matters, interlocutory matters and held up cases..the cases which are being held up by the order of Hon'ble court those cases are categorized and separate category it is...My Lord with your kind permission I will give a presentation on the whole automatized programme, if you permit...recently Hon'ble the Chief Justice has been pleased to accept this software of ours, then my Lord I will come back to the categories....then this has been further categorized resulting in holding up of cases before the subordinate courts for more than 5 years from date of institutions and resulting in holding up of cases for less than 5 years again there is a distinction, those cases which are

held up for more than 5 years are listed on priority basis, the My Lord in matrimonial classification ...it is further sub classified in dissolution, restitution, maintenance, child custody and other than above, maintenance cases are given priority...then group bunch matters ....Hon'ble Supreme Court has been pleased to direct that cases of street vendors should be taken on priority basis... then our accommodation control Act cases, they were pending in large numbers and there arrears have been reduced drastically due to this software programme, now the cases are further classified...bonafide requirement, subletting, non payment of rents, carrying out repairs...these are the sub categories ....then cases related to public projects...Hon'ble Supreme Court has time and again directed to take such cases on priority basis because hole project is held up because of the stay causing great financial loss and bringing bad reputation to our country so these cases are listed on priority basis and there is a classification of these cases, then environmental cases which do not fall under NGT and these are further classified into environmental pollutions and mines and minerals, so the cases are listed accordingly , then educational matters they are given priority then service matters which are further classified , compassionate appointments because it is immediate appointment of family, appointment , probation, regularization ,selection, promotion, seniority relating to judicial officer , disciplinary actions, compulsory retirement, transfer, deputation absorption and others...these are the categories and Hon'ble the Chief Justice every week issue the instructions that now this categories should be rotated in such a manner that every category gets representation in the cause list, then arbitration appeal, taxation, company appeal....there is company judge and taxation judge and these cases are listed before that Hon'ble bench and are taken of priority basis, then accident claims in which compensation is refused, they are again classified into compensation is refused and enhancement of compensation, then bank recovery matters under special enactment, the case which is not mentioned under any of these priority categories are listed under other than above categories so these were the cases relating to civil matters....now we come to criminal matters...two or three categories are common...Supreme Court expedited cases High Court expedited cases, larger bench cases..no again there is unique feature...suppose a final hearing case may not come in any of the categories but there may be circumstances that this case requires special attention if the Hon'ble Court orders that the

case falls under special humanitarian reason....if a person is suffering from cancer...he comes...the reason is placed before the Hon'ble bench or the parties places a note before the bench...we even don't require early hearing petition...only on the mention slip it has to be mentioned that this is the matter these are the papers and Hon'ble court will itself allow and immediately the case will be listed in special category ...then short question argument which will not exceed thirty minutes, if the party specially says and the other party agrees then the matter may be placed citing the reason that this is the case which will require less than 30 minutes arguments, the case is listed....then in criminal cases there are cases of senior citizen it is further classified if the citizen is above 75 years of age, those which are older than 75 years are given top priority and are immediately listed, then cases of differently persons, cases more than 10 years old, held up matters, covered matters....these are common sir.....now quashing...482 petitions....then again there is further classification , the cases involving peoples representatives, offences involving public servants then they are given again priority in these categories because Hon'ble Supreme Court has said recently in its judgment given in 2013 that cases involving public servant must be given top priority...not only election matters but criminal matters also...so such case are categorized and listed accordingly, not a single case is left out...then appeals against conviction, again it is very scientific classification...conviction it is further classified into death sentences, life imprisonment and again there is a sub classification if it pertains to people's representatives again sub categorized accordingly to if he is in jail or on bail...if in jail he is automatically given priority over person who is on bail...the public servants on jail and bail and others on jail on bail...here unique feature is sentence period....if the sentence period is less than 1 year then those are taken on priority basis because if the case lingers on the sentence period appeal will be of no use...then women in jail having children with them it is again a category...cases relating to offences relating to women there is a category, then offences relating to category it is a priority category then cases under prevention of atrocities against SC and STs it is prioritized category....election matter is itself a category, it has to be decided within 6 months....

Mr. Maithani: We have 4 minutes left. Those we are requesting may state what are the special features of categorization in their High Courts..



Justice Budihal: yes any body...still we are having three more minutes

Participant( Punjab and Haryana High Court): I am Sunil Chowdhery from Punjab and Haryana High Court,, I will hurriedly go through everything...we have 54 judges and about 1000 cases are being filled daily and our pendency is about three lakhs ninety two thousand and the moment the case is filled it is categorized, we have got a very exhaustive categorization 356 categories....the moment case is filled diary number is given to the advocate and immediately message goes to him that the case if filled and thereafter case is sent for scrutiny , we have got 99 objection list, immediately the message will go that this is the objection that hjas been raise and objection he can take back after 12 then we are having 9 DBs and 10 single judges, 12 civil judges and 15 in criminal....in DB also we are having every category , RTI is single bench writ petition if LPA is coming we have separate category for that, Tax matters, the OIL separate category these are all single bench category then crime against women, land, mines even writ filled by judicial matters separate category and the category is put by our filling section....if case is referred to Db by single bench then the category is changed...

Justice Budihal: Placing the matter before DB or single bench that is as per High Court rules, but we wanted to know about the categorization and speedy disposal of matter in more number what are the measures taken by each High Court.... Placing the matter before DB or single bench that is as per High Court rules everywhere..

Participant: I am from Nainital High Court, it is directed by the Chief Justice that all the courts will give the names of the cases which are more than 10 years old and they will be treated on propriety and I am proud to say that in Division bench matter criminal we don't have any case which is more than 2011 we have disposed all criminal appeals...in single also we are about to reach...We have 5 judges and pendency twenty three thousand.

Participant: I am Madurai Bench of Madras High Court....in Madras High Court there is a compulsory notification issued by Madras High Court that old cases are to be listed every Wednesday, that cases to be cause listed every Saturday...that old cases were categorized upto year 2010...after that 2011 onwards new cases were posted were posted in division bench and old cases were disposed by single bench...

Justice Budihal: Through out nation there is shortage problem, that is the problem with each and every High Court..

Participant: Sir, in Allahabad High Court we are having cases which are likely to be infructuous and we also have 482 matters in which stay has been there and we gather the information whether charge sheet has been filled this way we are able to dispose of 75000 cases a year..

Participant: I am from Guwahati High Court, we are having 17 judges and 3 benches in Nagaland, Mizoram and Arunachal Pradesh.

## **Session 6**

Justice Budihal R.B: Brothers and Sisters we already have made some discussion relating to first topic that is listing and categorization. If something is left out we will again come back to it. Now let us move to next session that is compliance role: complying with judicial and administrative orders from the office of Chief Justice....this we can take up for discussion thereafter we can have further discussions. So far as the complying with judicial and administrative orders from the office of Chief Justice is concerned, first and foremost thing I wanted to place before all of us, selecting judicial officer to the High Court registry is the prerogative of Hon'ble Chief Justice, Lordship can select anybody, it is absolutely the prerogative and you know this will be done reposing utmost trust and confidence upon you because every day you have to obtain so many orders from the chambers of the Chief Justice , it may be for the formation of benches, assigning particular subject to particular court hall , to particular Hon'ble judge.... so what I am requesting all of you, what is the expectation of the Hon'ble Chief Justice that should be maintained....secrecy because it is only between you and the Chief Justice only two persons are supposed to know about all this thing and you should not disclose this information to anybody else even to the other pusine judges also...there is nothing wrong and you must be bold enough it marinating this otherwise you cannot work...sometime you may be put into embracing situations I can understand but even then you have to maintain the secrecy then only the work can be maintained smoothly, the High Court administration can be run smoothly otherwise it is very difficult.....sometime what

happens the roster is prepared , it is going to be changed after some interval and in Karnataka what happens, because of the two benches now at Dharwad and Gurgurga a rotation system is there....some of the judges will be sent to those benches after two months of the sittings of the Lordships so these roster has to be changed often...in other High Court many be there is when the benches are there.....some system is adopted and the roster will be changed....Hon'ble Chief Justice will be preparing the rosters taking the assistance of the Registrar Judicial , you people...it will be signed before web posting this roster there should not be any clue at all ....why I am telling...sometime Hon'ble Chief Justice may feel even it is assigned before putting it on website, Lordship wanted to make some changes under such circumstances if the information is leaked apart from you, lordship will be in great embarrassing situation....that is the reason why I have told maintain absolute secrecy in every public office is required....so that you have maintain and taking these orders from the Hon'ble Chief Justice, while posting the matters, if it is as per the normal the roster no difficulty is there because the roster is there....and the assigned subject will be going to the normal bench but sometimes because of some circumstances, exigencies, given importance of the case some special orders will be there...so matters will be taken away from regular bench may be posted to a special bench by special order of Hon'ble Chief Justice....and a situation it arised it has happened to me also, I am not interested to take name of the Lordships but about the concept I wanted to give to you....In one matter the trial judge decided...it was about specific performance of a contract after the matter was disposed off the appeal came to Hon'ble High Court....in Karnataka as per our Acts and rules a matter....the subject matter if will be above the value of fifteen lakhs, it will be placed before the division bench and all others matters before single bench....in one order as per the orders of Hon'ble Chief Justice it was assigned to the division bench, the Hon'ble Chief Justice was on leave for two days, then another Hon'ble Judge sitting called me to the chamber....you have to post this matter at 2:30 today then I said I am sorry my Lord it is a matter by special order of the Chief Justice it is not as per the normal roster I may be excusable....It is my order, you have to post it at 2:30....otherwise you will be sent to home...even then somehow I have not posed it....then after return of Hon'ble Chief Justice I brought to the notice of Hon'ble Chief Justice that this is the thing that has

happened and I have done like this....the Hon'ble Chief Justice said you have done a good thing Mr. Buhihal , don't worry about the consequences, you have maintained what I have expected of you by not posting that matter.....why I am telling you all this things sometime it will be incidental or deliberate or by mistake....sometimes things will happen....about two days back, now I am sitting in a criminal bench, division bench one matter came before us.....actually it is also a matter by the special orders of the Chief Justice....assigned to some other bench. But I don't know why it came before us....but Hon'ble senior judge immediately noticed that no no this matter is not supposed to come before us it is by the special orders of the Chief Justice it has to go to a particular bench....suppose inadvertently something is passed ..these are all the things that will happen so the execution of the orders of the Chief Justice there also some sort of....you have to maintain that...and you have to attend to with some sort of courage and zeal....when we are working in said fields don't worry some difficulties will be there but you must have the satisfaction that you have worked as per the orders of Hon'ble Chief Justice.....that you have to maintain...about others things we know...and you many have in your mind sometime people may have their own notions we are accountable to somebody...according to me our first accountability is to our sole consciousness then to anybody else. Our sole conscience must be satisfied that you are in the right path....then is the accountability to someone else...one should not forget...we can say that we may survive on the earth by committing fraud on others but you cannot survive by committing fraud on yourself, even if you survive it is like a dead man according to me...so we must out our conscience while working...this is very very important.....some people may feel I have done is secretly nobody has seen it and we are having life history of a great saint from Karnataka....you may also have read about that....heard the name *Karkrasha*...it is not a story it is the life history of *Karkrasha*...when he was a student teacher gave the students a banana and told them to eat it where nobody could see. Then all the student ate the banana except *Karkrasha*....he brought back the banana to the teacher, then the teacher told Mr. *kakrasha* everybody has executed my orders why you hav not eaten the banana....then *karkrasha* told him Sir you told me that I have to eat where no body could see but according to me sir there is no place where there is no God...whatever place I may eat it the almighty... can see me....if while working if you have this in mind, it will

give you maximum pleasure...even I can say to you to the extent that if it is difficult for you to work , to maintain absolute secrecy to the orders of Hon'ble Chief Justice, better you resign and go to some other place.....this is what is required and in the compilation, everyone must be grateful to this academy the compilation that they have prepared you see....one case...the Bhajanlal cases, the chief minister's case....I don't want to discuss what has happened in this case but you go through the materials which they have published what will happen in cases....it is case having 20 crores stake....ultimately the matter came before the Supreme Court...Justice M.N Venkatachalia and Justice S Mohan...what they have observed in this case, what is happening in the High Courts about the matters listed before a particular bench...taking out from a particular bench...all these things can happen when we are there we should not overlook all this ....it is our duty to inform Hon'ble Chief Justice to get appropriate orders because we are working under his Lordship, the Lordship is having the faith and confidence in us, we should not forget or hide anything...everything must be placed before the Lordship so the Lordship may very well access the situation and what is to be done may take a decisions , then we can execute the orders of Hon'ble Chief Justice, the orders may be on judicial side or administrative side so what I am requesting all of you, this is the way to work as Registrar Judicial...and at the same time I can also tell you true to your conscience when you are working don't have the fear, you can have the respect but don't have fear...you must be bold enough....when you have not committed any wrong thing then why you are having the fear...fearless in your mind. Only tell them no no sir this is the order of Hon'ble Chief Justice accordingly I am executing the orders....then only you can succeed in your field....these are some of the aspects you have to attend and keep in mind while attending to the administrative orders as well as judicial orders that you are getting from the chambers of the Hon'ble Chief Justice.....so when the deputy registrars, assistant registrars are joint registrar they are all working under you and they are attached to you , they are also concerned with all these things but you are there so far the orders...and what has happened between Hon'ble Chief Justice and you, they are not suppose to know these things...it is only between you two and he has no right to ask about it....you can tell them you have to execute only this much, don't disclose the information, then only you can work properly, these are some of my sharing of views which I came across when I

was working as Registrar Judicial in the High Court of Karnataka...now I request my brother Judge Durga Pd. Rao to say a few words about his experience as Registrar Judicial or working in the High Court Registry...

Justice U Durga Pd. Rao: As far as the registry is concerned there can be no doubt that it is the prerogative of Hon'ble Chief Justice of any High Court or Supreme Court...so when out of the senior generally ...senior district judge who are having good track record both on judicial and administrative side will be picked up by the Hon'ble Chief Justice...it otherwise means that the Hon'ble Chief Justice who is coming from an outside state , who is an absolute alien to our state is somehow reposing confidence on a bunch of officers to take them as his confidants...he has no police enquiry, just going by the record, consulting few of the fellow judges and going by his consciousness he is picking up his own confidants....that is the case how much we owe as registrar, that is why there is...there can be no doubt also that we should maintain absolute subordination on one part and absolute secrecy as to what is transpiring between the Hon'ble Chief Justice and registrar...be it may be a judicial subject or administrative subject...some time his Lordship, my learned brother has put it in one angle that in the matter of preparation of rosters, the Hon'ble Chief Justice prepares the roster and places the matter to different judges placing his confidence on them and there may be sometime later changes, last time changes due to some exigencies, therefore it is duty of Registrar Judicial not to divulge till it is posted on web or it is given for printing, that is one aspect, not only that there may be some occasion when the High Court Chief Justice may open his face and heart before registrars on some occasions, sometime we may take a file for placing before the Hon'ble Chief Justice for formation of benches, sometime it so happens that the bench dealing with particular matter breaks up due to the retirement of one of the particular judges or some reasons then a new bench has to be formed, generally to meet such exigencies the High Court forms certain rules, suppose there is no rule generally we have to place the file before Hon'ble Chief Justice to make the bench.....it may so happen that sometime Hon'ble Chief Justice opens up his heart that this judge may not be able to deal with this matter...he has only been a civil judge in his career we will post this matter to another judge though he is a junior I am only giving an example...don't take it as an hypothetical...sometime this may happen...he may open up

giving a reason...though he is not required to give but he may vents out...the reason why he is choosing a particular matter to be placed before a particular bench so you are the first person so far as judicial matters are concerned...you are the first person who has the privilege of knowing the minds of Hon'ble Chief Justice when posting a particular matter before a particular bench the is it not our duty to maintain absolute secrecy about it...think for a while if it comes out willingly or un willingly before another judge how much void it may create between Hon'ble Chief Justice and other judge, think for a while .....I am only giving an example there may be loy many situations like this...hahha...I may say the poor Hon'ble Chief Justice believing that you will maintain absolute secrecy giving a reason for putting a particular matter before a bench and if you happen to divulge it willingly or unwillingly how much dangerous consequence it may cause in future, it is not against you only that is a different aspect but what is about the cordial atmosphere that must prevail in the high court for smooth functioning of the High Court itself....so please friends keep in mind you can only open your ears not mouth in respect of certain matters.....then there may be another occasion your vacations....before commencement of certain vacations like pongal or dusshera or whatever vacations, vacation benches will be formed....in every high court there may be class of advocates who will preserve the matter for certain occasions they know that .....It depends only upon tendency of a judge or advocate...a judge will be rigid by nature without having full knowledge or document over a matter he will not grant an order he will b so particular ...so certain type of matter where they may not have good case but they want certain interim order they will put reserve this type of matter....if you happen to practice at High Court or if you have good knowledge as Registrar you will know that the advocates will preserve their matters for certain occasions so before vacations they may preserve the matter and try to get an orders in the rush of the work when the vacation bench is sitting so before the vacation commences Hon'ble Chief Justice of High Court will form the vacation benches, in that context also the Registrar Judicial who will be the first person knowing, not even the other judge will be knowing, he will not consult other judges , he will only ask them whether you will be able to sit during vacation bench , it will only be general kind of communication, the notification will go to every judge he will just have to say yes or no....if he says no he will write that I will be away from the city I may be

excused form formation for benches.....so the first person who knows about the formulation of benches is again Registrar Judicial, in this matter also he is required to maintain absolute secrecy till last moment when it is ordered to be published or notified by the Hon'ble Chief Justice otherwise...I have already told you the persons who are waiting to file these matters will get ready with this so this is one angle I consider you to maintain absolute absolute secrecy.....and there are lot many situations, we can only give one or two examples but there may be an occasion when the Hon'ble Chief Justice may vent out his mind not only with Registrar Judicial but Registrar General also Registrar vigilance also, it is not an experience confined to you only but also other Registrars, whoever he may be whatever may be type of subject he is dealing, a Registrar must maintain absolute secrecy that is fundamental quality in him and there can't be any doubt about it....we hope you will understand in right perspective and with your experience you might have experienced this type of situations at least one or two...hehhe...but we can't elaborate further more....

Mr. Ravindra Maithani: At time when we don't speak we speak more loudly .....Now this is a situation today...I can perceive when these discourses were made, everyone was revisiting the memories

Participants: yes yes

Mr. Maithani: ...what he was told when and when he did not unfold what happened and how did he save himself.....so this is not a predicament but this kind of interest clash....now we are on the compliance role, complying with the judicial and administrative orders of the office of Chief Justice....although we have few parts left for categorization and listing we will take that also...with your permission and then the coordination role and supervisory role that will be taken in the same session , now the question is who are we and what we have to comply with.....infact it has been rightly said, it is very enlightening that someone has reposed trust on us based on our record and I need not tell all of you what is the sensitivity attached to the communications behind those doors.....not only that roster....what are the orders we receive as Registrar Judicial, whatever order that is first judicial order it is nothing administrative order, we can't transfer, promote if we have to transfer we have to request our registrar administration,....but we can't seek orders for that...we have limited roles from filing



and the procedure for filing till disposal, our role ends there and in that entire process whatever we take we can say that the submission note that is administrative order but that is part of our judicial functions, orders pertaining to judicial functioning, orders passed by the Hon'ble Chief Justice on administrative side as being master of the roster as being rightly said the prerogative to pick up the man the prerogative to give the cases and the prerogative to assign the cases to proper bench through a person who has gained the confidence initially through his record and who built up the confidence in due course of time by his performance, by his confidentiality by his efficiency, now....why secrecy....this is one thing to say that....look sir I would like to put it in another perspective also....who are we dealing with...who are the stake holders, we have some duty holders, right from Registrar Judicial to Court Assistants, they are the duty holders, they are duty bound to perform what is told...then there are stake holders, they are the dangerous groups they are people its not ....as rightly said that we know a group of lawyers who are waiting for a proper time to file a case, no we are not claiming them that is there profession...so how to avoid this...there was a tradition earlier, a convention earlier in a court that mentioning matters will be given to 1,2,3,4 judges and first 10 mentioning to A judge 11-20 B judge then it was found that a particular....then it was found that some are waiting we will file when it is 11<sup>th</sup> matter, then it was automatized, we know it...there is nothing secret within us that it is happening, we have to guard against bench hunting, this bench hunting is quoted in Judgment, how to guard against it...this is very important, here is secrecy, role is here.....I will take you back classification...when we scrutinize the file there is great danger of wrong classification, intentionally may time wrong classification is give, believe me brothers wrong similarity is given decided by...similar to this....so I will leave it here...therefore secrecy...once roster is exposed and it is with the bar,. Whole lot of things may change, before secrecy is unfolded before it is expected of us....order is given to be executed so it should be executed when its execution is ready, how it works is one when chances of review are still there till last moment because it has still not been implemented, it has still not gone beyond your folder....our folder infact.....second filling of the cases or stalking of the cases, bench hunting, we are stopping it we are being trustful to our institution the administration of justice we are helping by doing these two things.....the second thing

which was said....my God...roster is out...all the Hon'ble Judges know and they also know that you know it, hehhe,,....and still they are asking and then looking here and there...I mean there are many excuses.....hahaha...see....*wo kehte hai na zehaer pina hoga and peete hai to kehte hai ki aur jeena bhi hoga*.....you get something , I know you have something I am asking you and still you are not giving it to me .....heheh...so this is the part of secrecy and as said we have to trustful, we have to be accountable to our conscience and the conscience says...and once we are in NJA our academy, yes I truly feel it is our academy...then our conscience is guided by our Constitution and the Constitutional conscience says that to build this we will not disclose it, .now here is the role of communication, what not to communicate, what not to communicate, this is very important, next thing which is very important is how to pass the direction down in the line, suppose some bunching is required that we should make certain king of bunching of cases or groups of particular kinds of case how to communicate it, as a planner, as we grow old perhaps one of the Hon'ble Chief Justice said perhaps we should stop relying on our memory and I have stopping relying on my memory when I was 45 yrs....I did not understand what he was saying...imagine....just go to 20 years back or may be 30 when we were 18-20 years, we would not forget what is told....but today when we are working on an instructions are given...one after other instructions are such that you are out unless we record it...we record it, Chief has given some instruction and if we do not record it there next time it can happen that Hon'ble judge has called us and given us some...you know...the moment we come back to our room we might not remember what was exactly told so what was exactly told it has to be immediately written somewhere with What, How , Where, When, four dimensions ,all is set and as the time comes it has to be done....any direction of the Hon'ble Chief Justice...they made end up at us as Registrar Judicial or they may be percolate down through us so that some information is collected and some bunching is done....so how to communicate it and at what time to communicate it...either by way of circular, immediately as we are back on our seats we will issue a circular or one of the very big role in compliance of orders is...because behind those big doors when orders are passed lot of consultation process goes on with Lord Chief and Registrar Judicial....not only the bench but at time, who does what , which to go where, so crucial, imagine day 1 you

went to Hon'ble Chief Justice, we all have experience and day one Lord Chief ask about who does what and how is he and looking at your place....all struck should I open my mouth? What should we do? And gradually when we realize that he is expecting something from us...expect such kind of conversation is going so here is this secrecy now...any comment if it comes out about this discourse in any form we can imagine what will it bring to us , to the Lord Chief, we are working in...as I was discussing we have differential functionaries working in the system, conflicting interest, variety of interests, therefore the job requirement requires that how much is to be opened and when the discussion is going on, suppose Lord Chief says we have to do this this this this....if we are not aware as to what has been the practice, before seeking orders we have to be well versed of the facts situations vis a vis Acts and rules so that we may say that if this order is passed there may be these kinds of complications and with my own experience I can say that we should not react we should respond and I remember one of the Lord Chief used to say, he would ask me something and I would reply he would say are you sure every time and in 30% time I will say I will take some time, if 5 times he says in 1 or 2 I will say I will just take some time, Had he not asked me are you sure it would have done, but that gave me a kind of felling that until I am sure about something, because all the Chief does not use to ask me ....so I personally inculcated that if Lord Chief is saying something and I am not sure what is happening then I will say Lordship I will take some time, in the evening I will come with the details or next day I will come...by time for compliance of orders .....so to ensure seamless flow of information so ensure that compliance is done within time as directed we also need to anticipate in advance what the order is going to be passed and is it executable at my level, if there are any hurdles we have to place it before Hon'ble Chief Justice, because we have been trusted by a man who does not know us simply....so these were a few things and then this formation of vacation judge, this is well said part of the story.....one thing on compliance of orders is at tomes we are stuck....at 9:15 we get no sitting order, experience says....yesterday we got a very bad bad...which I don't say it is an experience it was My God what was that...I have seen that at 10:20, 2...non sitting information has reached and Lord Chief has gone inside the chamber to change, he will now come for court, „what should I do....could should sit according to the roster this is the order of the Hon'ble Chief and it

has to be complied, not one Hon'ble judge has not come....what to do so best way to ensure compliance is can we have general instructions of eventualities, can we have? That if A judge not come B will sit in chamber and if inn Chamber at what time if we get information the previous day or till morning practice earlier in a court that if previous day we get information then another judge would sit in chamber and will take chamber matters...then a time came it was said no....the other part was if in the morning we get the information late information then the Hon'ble Judge will not be assigned any chamber matter because the lawyer will not be ready and requested to take CAV matter, notification....then it was said no the judge will not sit added, you must list the cases how to do that .....the Ok, if at 10:20 we issue this notification that of Hon'ble A judge has not come so B judge will sit in the chamber, take chamber matters ...not at 10:30 judges are not expected, lawyers are not expected then again it was generalized that before 12 this bench will not sit before 10, now it is up to Hon'ble judge because if Hon'ble companion judge has not come it will be informed at the residence that Lordship has to take chamber matters ....at what time I am ready for the court, how dare you say I have not seen the file...My Lord can take after 12 anytime....so some kind of assurance of compliance, some anticipation on our part is needed in our own way, it depends from Chief to Chief....on practice and procedure ....the point I am trying to make is....for ensuring compliance....because the orders are generally not made without our knowing them in advance....we know the orders in advance, most of the time we are the part of the consulting process, therefore the secrecy, we should anticipate all pros and cons, what will be the impediment in compliance of these orders...so far as the roster is concerned we know how much eventualities may come, although we may not anticipate or visualize all the eventualities but most of your tasks may be made more comfortable by having generalized instructions...these were few words before me....one is my colleague from Uttarakhand was saying the there are rules for Public Interest Litigation rules and they say that when public interest litigation is filled it is examined by the Registrar and then placed before the Lord Chief Justice and if it is directed that it may be registered as PIL it is registered or otherwise not...we all it letter PIL only, if some letter is filled, simple letter that it may be taken then it is duty of the Registrar Judicial...then there are practices in the court, there is classification there is cases allotted to Hon'ble Judges

according to classification...but at times we also know that if filling court has been instructed that if any important matter has been filled bring it to our notice, now what are those important matters what are those public important matters what are those sensitive matters and what to do what not to do ....so here also and the lawyer says I am mentioning it list it tomorrow but you have not yet taken the roster because Lord Chief is thinking about it what to do....so these are the....one is generalized direction roster compliance second is sensitive cases where we prepare a note and place it before, had there been a similar matter what is the issue involved the person is involved, subject is involved or public interest is involved, so these are the few points which I can right now recall and we can share experience of others.....although I doubt how many of us are still maintaining secrecy here.....hahaha or we are....we can maintain secrecy but we can generalize the issue...heheh

Justice Budihal: ya...Desai

Participant: My Lord regarding the Karnataka High Court as your Lordship put it regarding roster publication and benches and you rightly put up we keep on receiving calls from lordships whether I am going there whether I am going here unless Chief Justice signs an order and webposts it we do not intimate anybody, any judge...in afternoon we webpost and circulate to all so that everybody knows it so that there is no scope for changing and regarding vacation benches what we do is ...just prior to day of vacation we publish the list of judges who are sitting but we will not show the subject, subjects will be given to judges in sealed cover, that individual judge will know whether he will sit on civil side or criminal side, only at the time of listing it will be listed before the judge who has been assigned, that secrecy we maintain in our High Court and as far as compliance of orders and placing it.. our Hon'ble High Court has taken a decision suppose a judge writes judicial order to circulate to all judicial officers, intimate all judicial officers then there is a decision that we should place it before the Chief Justice the it is prerogative of Hon'ble Chief Justice that such order will be circulated or not...it will not amount to contempt because the full court has taken that decision only if the Chief says, because maybe there may be some order which may be necessary, already it might be circulated earlier, that also we should bring to the notice of the Hon'ble Chief Justice and regarding some action to be taken then again it is practice in our High Court

to place it before the Chief Justice and as far as taking orders rightly stated we have to bring to the notice of Hon'ble judge ...judges disability and connecting the cases. Those things we have to take care...some full bench important matter will be referred to Higher Bench then again we have to bring to notice to Hon'ble Chief Justice who are the judges acquainted with civil matters, all those things we have to do...we maintain 100% secrecy and our Hon'ble Justice Budihal told me when I became Registrar Judicial he told me you should be the eyes and ears not moth of the Chief Justice...thank you

Participant: My Lord I am from the Madurai Bench of Madras High Court....in Madras High Court Hon'ble Chief Justice has already passed a notification that all encroachment matters and all unauthorized constructions it should be posted before the division bench only ...after that division bench passed an order...judicial order not to post this matter before division bench...it should be placed before single bench...subsequently another division bench passed the same order, this was quite different from the orders of Hon'ble Chief Justice...now it was upon the Registrar Judicial how...aaa...which cases...those cases will be placed before single or division bench...that is undecided...but or staff some same matters were placed before single benches and very same before the division bench....staffs are playing this tactics according to the wishes of the advocates,.....encroachment matters... Hon'ble Chief Justice notification but judicial order is that it should be placed before the single bench only ....

Mr. Maithani: Our role is to make a submission but we need to be acquainted with Acts and rules ...is there any rule, any notifications, what are the statutory requirements, is there any standing orders?.....so any other good experience

Participant: They cannot say this matter is required to be posted before full bench....when that can be posted if the Chief Justice concurs with the orders...if the Chief Justice says no then the matter is required as directed by the Hon'ble Chief Justice, if Chief Justice wants to be posted to single even if there is order of division bench or order of single, so ultimately Hon'ble Chief Justice has to decide which matter has to go to which bench single, division or full bench...even if judicial side order is there Chief Justice has to Ok it on administrative side...he is master of rosters..

Justice U Durga Pd Rao: I may put it like this you are quoting when a single judges ordering to put a matter on single bench or full bench side...on practical side when such

situations come...when a case before him such situation comes wherein on a point of law he comes up with a different opinion than already decided by a single judge decision...which he does not want to follow for whatever reason it may be...in such a situation he may order the registry to place it before Hon'ble Chief Justice to post it before a division bench to decide a issue...generally we will come across such situations but on the other side just for the sake of posting before a higher bench no judge to my knowledge will direct like that...have you come across such a situation? Generally a judge will direct the Registry to post it before a higher bench on judicial side to meet this type of situation. He want to rather does not want to follow...

Participant: One submission...whenever judges make such direction they say that place before the Hon'ble Chief Justice and seek orders and they don't say directly,...

Justice U Durga Pd. Rao: No No I have been a Registrar...may be may be some judge sin their orders leave it to the discretion of Hon'ble Chief Justice...some judges I have seen as Registrar Judicial...place it before Hon'ble Chief Justice to formulate a division bench and to decide...might be in his opinion the conflict is between two single judges view so higher bench will take up..I don't think it is any violation of orders or encroaching the powers of Hon'ble Chief Justice but what I want to emphasis is that such situation will come only when on a judicial side a particular single judge or division bench find that already there is a decision which they don't want to follow. Am I right?

Participant: He said here encroachment matters...it may be small value, small encroachment, big encroachment, points involved may be small points and bigger points, those from that angle also all the matters may not be required to be dealt by the division bench...

Justice Budihal : In such situations what happens that...situations may arose like that but firstly you have to say...what are the Acts and rule, whether any remedy is provided for such circumstances or not....this is the first thing we have to bring to the notice of the Hon'ble Chief Justice suppose such rules and regulations are not there and then there is decision of division bench then the best course is you have to prepare a note and place is Hon'ble Chief Justice what I have to do as far as your role is concerned...in this way you can assist the Hon'ble Chief Justice...

Mr. Maithani: Generally we have seen this kind of directions....if there is difference of opinion they will say for DB...but generally what we have seen is place the matter before the Hon'ble Chief Justice for constitution of appropriate bench and in most of the cases we have seen it, in the Supreme Court I have seen it... place the matter before the Hon'ble Chief Justice for constitution of appropriate bench. So what is appropriate bench....

Participant: We have the rule in this regard

Justice Budihal R.B: We have the rules...if the rules are there then there is no difficulty...

Mr. Maithani: In spite of that if a judicial order is passed...we are discussing how many kinds of judicial orders we see...but in every case we have to place a submission note. Whether it is a two judge bench three judge bench referring to seven judges or one to two or two to three.../but we have to place a submission note because bench has to be constituted....but we are discussing how many kinds of order are we perceiving ...sir with your permission we break for tea...we break for tea...we are meeting at what time....12?

Participant: Sir in our High Court we also have hearing through Video Conferencing...suppose some judges sitting in another bench some matter is decided by him then giving some reconsideration....then also we take orders from the place the matter before the Hon'ble Chief Justice for constitution of appropriate bench. That orders we have to guide the place the matter before the Hon'ble Chief Justice for constitution of appropriate bench because if the matter is urgent after his return we can take or through video conferencing we can take..

Participant: In Madras High Court also our Chief Justice passed the same order. Post the matter before same judge same bench for reviewing or recalling or modification of orders through video conferencing

Mr. Maithani: We will continue this chain at 12 before we break for lunch

Session 7

## **Session 6**

Mr. Ravindra Maithani: In this session we have been discussing listing and categorization , we had some very good experiences with regard to categorization from Madhya Pradesh



and Maharastra and Madras and Karnataka High Courts...some very useful information from Punjab and Andhra and Maharashtra...we will mix it up during the course of our discourse and how to comply with the orders of our Hon'ble Chief Justice and we have gone little details and beyond when the orders are passed...now the topic of our discussion is coordinating role between different branches of registry of the high court...and in fact we have been asked to take the supervisory role part also within it...so we have less time and we have a lot of experience to be shared here...briefly in the morning we saw this part we call it what is our role...so in every session 5, 6, 7 session...infact 8<sup>th</sup> session role is very important, particularly in 6<sup>th</sup> and 7<sup>th</sup> session I see one is coordinating role one is supervisory role what is the coordination we have discussed in greater details about it...and we were here...the exact term coordination we discussed and coordination role different branches of registry in High Court...we need to coordinate because we have different interest, we have unity of objectives, we need optimum output so more we have discusses, where to coordinate, how to coordinate this is now we are discussing...right from filling...infact I say before filling we need to coordinate,...as I said we have duty holders and stake holders, duty holders within the part and stake holders those who are approaching the organization we called judicial institution, courts...now a lawyer comes and files a case, we have been discussing that 19 objections are listed in Punjab and Haryana High Court...there are some courts where we use to give in our own handwriting of the scrutiny assistant, now he will come and say Sir it is not legible can you please read it out the objections...so our role begins from there also...this is not our branch but yes it is connected to our branch also because it is in the process of taking it to the filling branch ...so this is the problem of the filling branch ...we have no set standards in any High Court till date which we can say is illustrative, exhaustive .....even when e have 90 objections we may get 91...one others ...we are not able to categorize entire cases...we have one residuary category, others, we can't anticipate whole lot of things...and what are the problems in filling, we know that...font size also has been standardized in some High Courts, whether it is calibary or vardana or new roman, it has been standardized because it's the...and then there has been objections, you can read Supreme Court cases of 8 front size and you are asking us 12 or vardana then they will plead and argue that it will reduce the paper, ecosystem and then

tons of statistics, believe me they have argued that you will be saving one forest if you reduce this paper size...we are coordinating with the bar also....they will give rules for filling in the bar....AOR....then they will come that your rules are so stringent ....we need to coordinate...so every time we are coordinating, every time we are communicating so as I said the essence of management our job is coordination and the heart, sole and spirit of coordination is communication .....here once it is filled now comes the scrutiny assistant...he will say sir 500 cases have been filled , Sir I will take round to this and then to greater detail we can discuss this....will it be fine sir....just quickly I will take it...then he will say Sir I can't scrutinize 20 papers....this petitions.....defect list is there...in criminal writ petition I have to check 30 things, I have to read the papers.....In a case lower court judgment was filled and there was dot dot in it...it was not complete...the scrutiny objects...lawyer says this has been the practice....he gave it in writing....scrutiny assistant was still reluctant, no you give the complete judgment.....then any way he was convinced, it was listed before the court ..may be non-reportable but order may be on the website....it was dismissed with 25000 rupees cost....again enquiry was set up...he is crying, sir I have raised this objection it was not my fault, so we need to coordinate vertically at the top level also sometime....we need to coordinate different branches I am talking .....administration also....those who issued memo....we are coordinating,...we are leaders...our team is there...he has not done anything wrong....now it goes to the scrutiny, it is returned, what are the ways of return, how to communicate. We need to coordinate, then categorization.....we had whole lot of discussion how to categorize, similarity and bunching, how to give the quorum.....now come to register,.....we have different branches in it, filling is one section, then it goes to registration...server is not working....*server down hai*....list is not ready it is not getting registered, if it is not registered by today it will not come in the next week of the advanced list...we need to coordinate, we need to have a backup, every time it is coordinating with the different branches of the registry....now caveat check...we have to check....these are the other areas of function not coordination....how to check this caveat, by name or by phonetics/...at times there has been deliberate attacks, suppose a person is Sunil, he will write Suneel not Sunil...this guy is cavetor, then the paper book, once the file is taken it goes to the paper book section.....a paper book is lost, at the

11<sup>th</sup> hour it is not traceable, what to do...file is to be said...at the time they get is from lawyers...or at times they get it photo stated...there has been one and many instances....and then publication of lists...is it timely publishes...coordinating again...timely it has to reach...right from filling....we have to coordinate and in the process access so that it may not happen in future,....so every time we are working we are working sub consciously we do not know what we are doing but we are doing our job of coordination, communication, monitoring, reviewing, taking rounds....making our presence felt on every table...I will stop here because the discussion will go and so far the supervisory role is concerned we have a limited role, I won't say supervisory role but compliance part of role and we supervise through the court, through us the court speak to the subordinate courts, the court, we transmit the records...we ensure that the record is received well in time, here is our role ...if an criminal appeal is admitted and sent for record.. and we have sent for requisition ...suppose it is on priority list or.....so it has to come otherwise the consequences are grave so here is the planning, execution...how do we communicate and what is the mechanism of our checking those communication that they are meeting the time line, if list has to be published on Wednesday do we have a mechanism put in place that a week before it we are reviewing it and how many records were summoned from each court whether they have reached or not, if not what is the mechanism we will communicate to the court.....and still if it has not reached we will write to the court as registrar judicial.....and one of the greatest duty is, which I found in the Assam case...a man was convicted for murder, he was convicted by the trial Court High Court, Supreme Court...all convicted and then a letter comes from a person that I am the victim, my husband was killed but the man is out, he has been out for the last two years so when we examine the matter we found that at High Court or some level, the matter was not complied, letter has not gone to the police station so there were discussions here...when we decide a case and send the record to trial court do we need a compliance and if we need compliance how we ensure that the compliance is done , do we kind of blinkering at the screen or something at the end of week or something ...that if some appeal is dismissed he has to be sent to jail, until he get the information from the lower court that the order is compiled we should confide....otherwise in this system everyone has forgotten the man who has gone through the entire judicial process for years

and in the end no result, so I stop it here....i leave it to Sir....thank you very much....in the course of discussion he will raise many many more points...thank you...

Justice Budihal R.B : Now I am requesting brother judge Justice Durga Pd Rao to have the discussion

Justice Durga Pd Rao: Folks now we are touching upon another important topic, dealing with functions of registrar judicial....an introductory talk was already given by our kind brother....the supervisory role and coordinating role, I honestly feel that these qualitative adjectives should be reversed...so far as the coordinating between different branches of registry is concerned it is not only coordinating because registrar judicial is the ultimate boss of the branches of registry he has direct supervisory powers, not coordinating because coordination only between equals that's what I feel....so far as the topic of supervisory role over subordinate judiciary is concerned I honestly feel that the registrar judicial does not have direct supervisory power over the district judiciary because the principle district judge of the concerned district is the supervisor or boss.....so in that angle the registrar judicial can only have a coordinating role he can only request the district judge or staffs to send the records or execute the orders....so I honestly feel that he will have a supervisory role also coordinating upto his registry is concerned, he will also have coordinating role with subordinate judiciary, it is just nomenclatural difference, we will touch both these aspects because of the time constraints, by giving some examples....I put it this way supervisory cum coordinating role of registrar judicial so far as the functionaries of the High Court are concerned, in your experience you know that out of the staffs, major chunk of staff is attached to registrar judicial, I through my registrar judicial obtained the classification of different high courts what I could understand is that every high court is...on an average having 25 classification matters, that means every High Court should have one section officer for that matter, civil appeal, criminal appeal, second appeals, writs, service matter, non-service matters...so registrar judicial must be having under his belt major chunk of High Court staffs...when I was working as registrar judicial, out of 1400 staffs of High Court 400-500 were working under me in the form of joint registrars, deputy registrars, section registrars again leaving aside attendants and all this...what I am emphasizing registrar judicial will have a huge number of staffs to man the registry , for smooth functioning of the High Court, now the

point is how to supervise them or coordinate them whatever you may call it...that is the major issue before us, for seamless functioning of the High Court ...in this regards friends, I want to classify the functions of registrar judicial in two broader ways, first functions or....what are the functions which personal indulgence of registrar judicial is required....what are the functions he can delegate or relegate his functions....certain primary thing you cannot delegate, your personal indulgence is required because we all know that unlike others registrar judicial works of tomorrow starts today, ironically ...if tomorrow for the High Court it is functioning day....today by 7pm you must put up the cause list on the web...isn't it? Otherwise the...it is my personal experience at 7:15 or 7:30 the advocates used to call me, Mr. Registrar Judicial, we are not going to find on web the cause list. Please put it...so that is the thing..because registrar judicial is the interface between the Judges the advocates and clients, so registrar must be able to coordinate his staffs and supervise them in the process certain works he has to do personally....certain works he can delegate to joint registrars or deputy registrars depending upon their capabilities etc ....now, we discussed about works which require his personal attention...first and for most it is scrutiny...scrutiny is concerned or begins with preparation of cause list.....tomorrow function begins with preparation of cause list today list....cause list preparation becomes difficult when sometimes when a court sits very late in the evening and then you have to stop and wait for their orders....another problem a particular judge telephones you and tells you about his taking leave tomorrow and this information you may not be able to get today and you will prepare a list today and after posting on web his Lordship may inform may be depending upon his exigencies or you may get this information next day morning also as we discussed earlier....so this will sometime cause disturbance in the formation of cause lists....so any disruption in court work comes, the lawyers will be...they won't wait , they won't maintain courtesy, they may directly go the Chief sometime and say that the registrar judicial has not prepared the cause list and this has caused so much of trouble and what not...so in my view in preparation of cause list the registrar judicial must take a personal participation....that is my humble advice or request...in preparation of cause list the registrar judicial must sit along with listing section people...in my days...rather in my High Court what we used to follow is, the listing section officers they use to prepare as skeleton cause list by taking

directions of High Court....number of Courts, the Benches-single or divisional or full bench, their names, the court halls they are sitting and if any special orders are there....this is the special orders we are posting today....so they will come up with a skeleton cause list after the judges left their courts and the registrar judicial will take a cursory look at this cause list and if he gets any doubt he will also get clearing form posting section....so at 7 or 7:30 it will be posted on the web and at the same time a copy will be sent to cause list printer....this was the procedure we used to follow.....now also I think you are following the same procedure....by this what I am emphasizing that registrar judicial can say that yes I did my part, if any late moment changes comes then he can take instructions from Chief Justice or if there are already guidelines he can follow....but cause list preparation he cannot leave to his subordinates....what is the system you follow...any one of you please...what are you following in preparation of cause list...

Participant: A matter was posted today it has been adjourned to tomorrow, that will also cause a problem is cause list....and coming of bundles...coming from other sections...that also causes some hardships is preparing of cause list

Participant: Supplementary List

Justice Durga Pd: Ok...I want to know from you.....whether you are bestowing your personal attention in preparing of cause list or not....that is what I want to know...

Participant: We are circulating at 4 o'clock....what our system is...urgent is called 101...case is filled today it will be listed after the gap of one day...if it is e-filled it will be listed tomorrow...then all the urgent cases filled between 10-12 that will be listed after the gap of one day...automatically and then it is scanned also because we are having 5 e-courts also...and we are doing the scanning work in the filling section itself and we are filling the FIR also and filling the matching also...if similar cases are filled we will be having the matching....

Justice Durga Pd: E-courts how you are preparing the cause list for them

Participant: Automatic Generation my Lord...at 4 o'clock we generate the list..

Justice Durga Pd...Sorry for interruption,...we have a automatic generation in our High Court also...practically every High Court is having auto generation...the point is whether at the end of the day you are having a personal check or not...

Participant: We keep on asking ...at 4 o'clock list is generated, all the urgent cases are to be taken from court staffs from the filling sections itself...they are on our head...give us the list we have to take the cases...so they take the bundle to the court staffs...then the staff they will put the flags....then that peshi will go to the judges upto 6-7 ..sometime late...so we are generating at 4 or 5 O'clock

Justice Durga Pd...any other?

Participant: Sir we have got a separate.----(not audible)...that will be manned by deputy registrar or assistant registrars and there are people that will get the files on the sameday or previous day which is to be posted next day then as per the directions by courts...accordingly the list will be prepared, there is no problem even sometime judges they will verify the list before leaving the High Court...then regarding...only some judge sits late and the list is repeated then immediately the Court officers...there immediately they will send the list...otherwise whatever board that is preparing the list, it is available to the general public and advocated....our High court premises.....only it will be finalized by 6-6:30 then only after preparation of the list only ....

Justice Durga Pd: that finalization is done by registrar's approval or lower rank officers

Participant: Lower Rank Officer...here the list is prepared as per the Court Officers and Judges instructions....so it will be done by them we will verify...only after that we leave the premises

Justice Durga Pd: Ok What is your experience?

Participant: My Lord in Madhya Pradesh....we have a ...we prepare the cause list for next week the previous Friday....for whole of the week....and in supplementary cases we are including that cases which are coming freshly from the filling counter...then as per the court orders...suppose a court orders then a case to be listed on Monday then only those cases will be coming the next day...then if a case is there and the Hon'ble court permits that it be listed tomorrow only those cases will find place in supplementary list....and all these matters are placed before the registrar....when the registrar oks it then only all this case is put on the website...we have to personally check it so as to no other case apart from this category is listed....

J. Durga Pd. Rao: So you say for coming week you publish the entire list?

Participant: Entire list is published by Lord

Mr. Maithani: Then supplementary you are putting each day?

Participant: Each Day

Participant: It is placed before registrar for this reason so that there is no manipulations...they do not post a case which is not to be posted, because if it is a fixed date case...Hon'ble Court will order. Only that case will be listed and cases coming freshly from filling counter...and we have an inbuilt mechanism from the software system...these are the filling numbers which are to be listed...for example 900 cases .....900/50 cases are already listed up...now from 900 onwards cases are to be listed so if out of turn case it there it will be picked up and will immediately come to our notice

Justice Durga Pd: OK any other

Participant: I am from Nantial High Court we have two list...one is a daily list and other is weekly list....so we prepare a weekly list which will have cases for the next day in which we have admission and final hearing matter and for daily cause list we have fresh matters, we have filling till 1 o'clock, thereafter we give time to parties to remove defects, if parties remove the defect it fine enough, they are listed next day....and if party fails to remove defect it is listed before the registrar judicial, he give the time to remove defects and if defects are not removed they are listed before the court as defective and if the court gives the time to remove defects, it is done that way....as far as checking the list what I have done in my High Court that a particular RO or DRO, when ever the court sizes up you go and take the list from court secretary, he brings the list to me and then make the cause list...

Justice Durga Pd: So in a way you are involving yourself...

Participant: Yes I send all the RO to go to court and get the list because he maintain these things so he brings and then feeds up the case in the cause list....

Participant: we publish weekly board and we publish supplementary board...and if there is urgency then production from the court and we publish the daily production board before the court and we publish the matter before the court as production board...

Justice Durga Pd: Ok friends, for time constraint....so far as this point is constrained ....the point highlighted by me is whether the registrar judicial of any high court personal overlooking of preparation of cause list is required or not... what we could cull out is



some High Courts have followed a pattern of preparing the cause list for a week and if any addition is there, they are preparing a supplemental cause list...that is so far as type of preparation or method of preparation of cause list is concerned, some High Courts are preparing a daily list and any addition or subtraction they are putting as supplemental, few are telling that they are directly involving them self in looking after the final or skeleton list....my suggestion is whatever type of pattern you are following, better you have at the end of the day , just have a look into it that will save you...that is only my request to you because we are not having throughout country uniform pattern, my request is just check it that will help a lot...that is one aspect I request you have a personal look....second is the scrutiny aspect...scrutiny of the matter is the second most important task and sometime also pose problem...it sometime make registrar judicial to go to answer why a particular matter has been placed before him or has not been placed before him.....it is generally expected that every court should give its scrutiny officers a check list, sometime they will have a computer generated check list, sometime they will have a manual checklist to speedily check the matter filled.....in this regard also my request is let the registrar judicial take pains with the association of some of the seniors members of judiciary because they over the years have experience and also have an academic bent of mind, some staff will do law and all.....so identify them, sit with them and prepare a check list so that it will access your people....I will give you an example, sometime we are not able to post particular matter to a particular department....a gram panchayat has enhanced a tax of particular endowment property, then challenging that a writ was filled by concerned endowment officer, the scrutiny officer posted that matter to endowment department treating it as endowment matter....at that time endowments was looked after by one Hon'ble Judge and gram panchayat by another judge.....are you able to understand....then treating it as endowments matter he posted it to endowment bench that judge said how it could come before me it is not an endowments, gram panchayat has increased the tax and it should go to gram panchayat...they have withdrawn it and posted before a judge who is looking after gram panchayat matter, this Hon'ble judge told, how can it come before me it is an endowment matter.....so sometime such peculiar matter comes then as a registrar judicial what you will do....it is sometime called overlapping subjects, then I have to carefully prepare a note, placed it before the Chief

Justice , got permission and posted again....I had to prepare a note on the line that....this property is an endowment property is not a question, the question is whether gram panchayat under gram panchayat Act has the power to enhance the tax or not, so in humble view of this High Court or registry this matter will go to gram panchayat, that's why we have posted it, the Chief Justice also agreed and post before the gram panchayat judge, if he still has any doubt on judicial side let him refer I will post it for determination of classification.....why I am giving this example is , though you have given a broad classification sometime matters will require your judicial knowledge also...all your lower rung of officers, all the staffs might not have studied law, there is no rule that all scrutiny officers may be law officer, it is advantageous if they have studied law and also it is not sure that even if they have studied law they will make a correct determination, so the thing is that , it requires your personal attention so far as preparation of check list is concerned, it will help them to quickly identify the nature of task and post it...the third one is in the category of coordination and supervision, friends, now it is technical era, technical knowledge is being crept into our High Courts and Judiciary also, we are getting so many software programe for easing our work, and our department that is registrar judicial I was also a computer registrar before being registrar judicial, I used to get some programe prepared for facilitation of work in the registry, but only thing is that when you coordinate with computer programmer and get prepared certain programmers for facilitation of your work, every care must be taken that the programme is full proof one , or you may get into trouble which by earlier registrar judicial landed into....I will give a short example and then leave it to my learned friend....around 2007 or so, those were transition days so far as our High Court was concerned, we were shifting from manual records to computerized programs, my previous registrar got certain programes for the scrutiny section and it so happened that the section dispensed with the manual recording and computer programming.....so far so good , then we faced a problem, in criminal appeal what happened is by manual register....a register was earmarked each district wise, if a criminal appeal was filled concerning that district it should have been mentioned in that register concerning to particular district, if any sessions case or other case an appeal is filled, they used to mention in that register, suppose in a case number of accused were convicted, some of

the accused filled one appeal and other set files another appeal at later stage, by manual verification they used to tag these two appeals and post it to one court, it so happened that in programming such a facility was not incorporated to identify it, that means in respect of same sessions case number an appeal is filled, it should automatically give an alert, that alert system was not introduced by then , what happened....in a district in Andhra Pradesh an accused was convicted of an offence for 302 of life sentence, he was a poor man, he was lodged in jail, through jailor he made a jail request for filling an appeal, High Court legal service authority appointed a learned advocate who filled an appeal for him, it was number, that were the days when transition took place when manual registers were dispensed with, without knowing that the computer programme is full proof or not, it so happened that the relations of the accused went to jail got his signature and filled appeal through an advocate, this appeal was also numbered, this appeal was also numbered because the system to check cross appeal was absent so two appeals, one by legal aid advocate and second was regular appeal, there was no checking, the matter did not stop here, the second appeal went to a appeal, the judge confirmed the conviction , that judgement was sent to court and he was landed in jail ,subsequently what happened , another appeal also went to another court and by that time public prosecutors also changed he also didn't know , some public prosecutor argued that because it is a jail appeal and they found certain point were there, acquittal was recorded and the second judgment went to learned district judge for releasing him in jail then the district judge found this difference, he wrote a a letter to me by that time I was the registrar, newly took charge, I had to place this before the Hon'ble Chief Justice and the Chief Justice was a bit annoyed looking at it, then we made an enquiry and found that this is the mistake we have committed, because we had not ensured of this computer programming giving an alert to us then what we did is again obtaining Chief Justice permission and again posting these two appeals and because subsequent judgment is a nonest in the eye of law, that was identified and the first judgment was conformed, that is a different aspect....this came in paper also Times of India and all that....one case two judgement, it was an embarrassing period for all of us.....so what I want to say is that if you prepare new methods of preparation of computer programmes but be careful that when you coordinate with computer staff and your staff, get ensured that this programme is a full proof one,

this is one of the areas where your coordinating skills with computer section and your own staff is required....so thank you...my learned friend will take up...

Justice Budihal R.B: So another subject...most important subject...coordinating between two branches of the High Court...you have already heard two brother judges, before coming to importance and relevancy of this let me place before you two three instances which has happened and how you have to resolve these things, when I was working at the city civil court Bangalore, I was working with the CBI court, in one bomb blast case , the accused had applied for bail before the sessions judge which was rejected, then they approached the High Court seeking their release on bail , that application was also rejected but with certain observations by Hon'ble High Court, the trial judge again has to hear the application, firstly he has to dispose off the main case itself within a period of four months, if not again they are at the liberty to move the application before the sessions judge, this was the observation subject to which it was rejected.....four months' time to dispose off the main case itself, by that time my learned predecessor was transferred to other court and I took charge of that particular court, the city civil court registrar brought one letter from the High Court, the intimation from the Registrar General and Registrar Judicial about the order passed by the Hon'ble High Court, to dispose off the main case itself within four months, but when the letter was placed before me six months were already over...heheh....yes....time given four months....but when the letter was placed before me , already six months over...this is one instance.....secondly about a week back we were hearing criminal appeal, it was remanded matter from the Hon'ble High Court, earlier order passed by the division bench , that was set aside on some grounds and we were directed to re hear the matter and dispose off and the records were not there the original records....they were already...they were destroyed ....now we have to hear this appeal, but somehow what happened that the state PP, he was having...when he was arguing the matter, the paper book...like that.....even though we collected some material, but so far as the statement of accused, who has been examined under 313 of CrPC, we were not able to get that, but fortunately in that case what happened that, in that case, the accused had two witnessed examined as DW1 and DW2 on his side and made clear what were his defense in the case, so we have taken that clue from evidences deposited from DW1 and 2 and even

though his statement under 313 is not at all but probably that will be his answer in in the last two questions that whether you want to say anything more, so on that basis we have disposed off that matter and the other things brother has already comes to your notice regarding this computerization programming, he has given a concrete example one case two judgment, brother Maithani has also bring to your kind notice in a case which accused had been convicted up to the Supreme Court but the wife came and told that about two year back he has been released, you have heard all that...what I can say that this is working with absence mindedness, we are not alert, we are not serious these things which some time happen and there is a reportable judgment of Supreme Court regarding working with absence mindedness, it was a matter on a will, execution of a will, will was before the trial court which passed some order, it was challenged before the appeal Court and then challenged in the High Court, then at that time the matter if he wanted to again challenge it has to be before the privy Council, in place of Supreme Court, and when the matters will have to be placed before the Privy Council.....for your knowledge legal experts will be there who will place certification that this is a fit case to be heard by Privy Council, but the thing is that the person who executed the will still alive, this is absence mindedness....still alive, where is the question of executing, challenging, getting a decision....it will come into effect after death...it does not struck to mind of any person....this is not creation of my mind, it is a reportable decision, presently I have not laid my hands on the citation...definitely there is a judgment of Hon'ble Supreme Court of India regarding how persons sometime work with absence mindenss, these are all the examples and so far as the coordinating aspect is concerned, though because of our advanced science and technology , though we are able to land on moon but unfortunately we are not able to reach the heart of our brothers who are very near, this is because of so many reasons, there are reasons, because of personality clashes, because of differences, because of my own corrupt practices, so many reasons are there....therefore before making a discussion on coordination of work of difference branches, I can go further and make a decision that you have to coordinate between minds of different persons who are working in different branches, that is very important, without doing that, you cannot create this atmosphere of coordinating between working of different branches is concerned, first their mind is to be coordinated, as you know

under the Indian Contract Act, how consent is defined in section 13 of the Indian Contract Act, two or more persons are said to consent when they agree upon the same thing in same sense, like that you have to bring these persons make them understand the things, make them realize why they should coordinate with each other, what is the necessity, if you make them realize then you can achieve your aim.....I will give you an example , you are having very important aspect in today's discussion, you are having Supreme Court branch, in each High Court you are having supreme Court branch, so many correspondences you are receiving and when the letter comes from Hon'ble Supreme Court placed before the Registrar General or Registrar Judicial and they will be marked to a concerned branch , the Supreme Court Branch , I am requesting all of you, so far as this aspect is concerned don't do that, you have to personally monitor it.....if you mark these letters to Supreme Court branch, somebody takes it, keeps it in the Almira then it remains there only, because you know in the Supreme Court branch there is no file, file is in the pending branch or in the index branch or in the copying branch so the supreme court branch people are not worrying about all this and one fine day you will receive a letter from Hon'ble Supreme Court why this has not been complied, suppose the letter is of immense importance, special Constitution bench is formed for which file is necessary....if you have not complied those things and placed before the Hon'ble Supreme Court what is the seriousness of the matter...that is the reason that there are some branches which you have to personally monitor...this is the coordination that is required....you have to educate them...call the all branch people or have a meeting then you explain all those things why coordination is required, you know in Indian Courts so far as criminal matter is concerned, even to some extent civil also majority of the criminal cases are because of our ego, why I should surrender to this fello I will see him in Court of Law....very silly matter they will be resolved in five minutes but people because of their animosity, difference of opinion, because of silly thinking, without having broad mindedness all this type of cases rest to Hon'ble High Courts...all this this is weekness of everybody, including me...I am not excluding myself....so these are the things which we have to explain and educate some of the persons who are holding the branches in Registry....and there are other branches also...brother has taken that examples also,, some of the objections that will be raised, even for that your application of mind is very

very important, your personal attention is very very important, why because we have discussed already that there is no rule or requirement that persons working in the scrutiny branch should be law graduate but for your kind information person working in Karnataka High Court very recently, a public interest litigation was filled, making the High Court Registrars as a party in the public litigation, the same allegations are made....they are not law course, they are second division clerks, first division clerks, without studying law how can they raise legal objections to the court...so direction is to be issued to the registrars that compulsorily the persons who are working in the scrutiny branch must be law graduate, but somehow the Hon'ble Chief Justice explained to the counsel who filed that public interest litigation, passing orders is not necessary but directions will be given to Registrar General that as far as possible he has to see that only the law graduates available in the High Court, they are to be posted...it is right also, because raising the objections on legal plea, we can also visualize that by their experience also some of the staff members are very good...we cannot say they are good...from their knowledge also they are very good but even then it appears that there are some important legal aspects wherein they are raising the objections regarding limitation, admissibility aspect is concerned, all those things are concerned, it is better that the registrar judicial who is knowing about all these things if he applies his mind and without leaving the matter at staff level then it will be easy when the matter comes before the Hon'ble benches...as per our rules are concerned six weeks time is there for the registrar judicial and the advocates to comply with objections and the file will be placed before the registrar judicial and if within six weeks it is not done, the matter will be placed before the respective benches, this is how you have to attend as the things are concerned, coming to the copying branch, very very important branch, preparation of decree, you have to personally monitor because purposely sometime, things will be delayed, you know, it does not require any discussion and I can take on myself that because of corrupt practices I may delay to prepare the certified copies or send it to courts concerned and suppose some order is passed and the main matter is pending in trial court and it all depends on the orders of High Court, Hon'ble High Court already disposed off the matter giving some directions, if that is not reached to the trial court immediately, what are its consequences you know, these are some of the things

happening in the High Court , you already told and I have already told that there are some sort of mechanisms that you have to prepare because humanly that is impossible....I also worked for a period of two years how difficult it is therefore it all depends on the branch head people, immediately they have to bring the file to the registrar judicial to get his orders and immediately the dispatch is to be made, unless and until this is done, it is very difficult to work...so far as this aspect is concerned I want to discuss one example and then I will close.....The people working , myself that I am working in a particular branch, retaining a particular file or preparing a certified copy for my own ends, expecting something somebody...delaying the things, that I have forgotten that in every human beings life there are two things, one is the momentary pleasure and other is the continuous pleasure in his life....I must understand that If I do this, what I can achieve whether I can lead a peaceful life....on this I wanted to quote an instance, you might have heard about a great saint Raman Mahrishi in Arunachal and Tamil Nadu....from Madras if any person is there....yes...Raman Mahrishi....a great saint of our country...disciple of Raman Mahrishi from UP , became to the ashram at Arunachal, he asked *swamiji* about his difficulty, what is his question 'I want peace', after hearing this from his disciple *swamiji* started to laugh, then this disciple was very angry.....I came from far away place Uttar Pradesh and *swamiji* is laughing, he became little angry then *swamiji* told....disciple when in your question there is an answer what I have to do...then he became very curious, *swamiji* told what you have asked 'I want peace', there are three words you have used..*swamiji* asked you remove first one.....I and asked what is left...want peace....then *swamiji* said you remove next one also...want...now what is left now....peace...you want this peace...so *swamiji* said in human beings life I, this egoism, for everything claiming that I have done like this.....Want, greediness....these are the two devils in the life of human beings , if you keep these two devils away always there will be peace.....this is how you have to educate...call the staffs to your chamber , educate them....also educate them about corruption...you have to make the High Court function without expecting even a single pie, then only you can achieve....these are some of the idea I wanted to share with you.....thank you....you see gain I will have to come back. If you asked about practicability and impartibility. Swami Vivekananda told....if you mind,



you can fly like bird in the sky...don't say things are impossible, it all depends on you, how you are behaving, how you are reacting, all depends on you.....

Justice U Durga P Rao: before summing up by my learned friend I want to add few more points....we have discussed some of very interesting aspects in this session as to what are the tasks as to what are the tasks which if the registrar judicial personally undertake he can improve the functioning of High Court Registry and High Court entirely on judicial side and whether it is possible that by undertaking certain personal overseeing of things, whether he can be able to eradicate corruption also....we have to admit that corruption is there but the point is...we are concerned with registry of the judiciary not other things, if the registrar takes up personal pro activeness in functioning of his registry whether he can do certain wonders or not...yes he can at least to some extent...friends we have done...our experience showed that it will yield results...but a result cannot be achieved overnight, you need to have perseverance, you need to have confidence that ye si can do...you have under your registry some 30-35 section...some 400 employees, take it as a challenge, how can I master the, how can I lead them, first develop confidence in you but for that ....you have to perform, like a leader you have to lead...I will give a few examples that's why I have taken this last moment discourse...when sometime back I was telling you certain things personal attention is required, I deliberately left this for last minute talk... one of the personal task which registrar judicial has to undertake is, at least take inspection of two sections of the registry personally.....total 25-30 sections...each is manned by a section officer, nomenclature may be different...you make call it head clerk or section officer or superintendent but each section will be headed by a section officer, some assistant will be working under him over him, he will be manned by a assistant registrar, over him deputy registrar over him joint registrar so far....that is a different aspect but inculcate an idea that I will visit two sections a day, what will you achieve....you may be having in your High Court a biometric system....practically you have biometric system in every high court but what is the use...you have to cultivate in them an idea of workman ship, some people will listen if you tell, some people need a bit tapping on the back, some people require a hammering, depends on the nature of particular person so inspect any two section in a day, generally registrar will have to wait till Chief Justice goes to bench, wait for 10 minutes for any instructions then rush to the

registry chamber to do the work.....registrar judicial he will be on tender hook till the day is completed, waiting in fear that one or other court may call him for not executing certain order, certain warrant was not issued, etc...so for smooth functioning of all the courts he has to visit all sections, atleast two sections everyday by this what will happen is that he will have a first hand information as to how that section is working, though it is manned by section officer....when they know that registrar judicial will come and visit all of a sudden...don't divulge to them that today I will visit that section or this section, it should be a regular affair but nobody should know, not even your secretary....so that atleast section people will be in their seats...then you can have....another thing is you will have a look what the section looks like....some sections look like a dungen...we should admit, isn't it? Some of them can't be called a section, files will be on the floor, may be because of the paucity of space, certain facilities will not be there, so when you visit you will have an idea what it looks like....whether they have a computer where it is necessary.....therefore friends a personal visit to a section you can have first-hand idea of so many aspects...I will give you an example when I took charge as Registrar Judicial, in our High Courts there were two lakhs matter pending, all kinds of matter put together, the major chunk of matter writs.....because it is a High Court we can expect that writs will have a lion's share...around ninety thousand matters only writs....evry section was manned by one section officer...leaving writs, at that time all the sections were having 12-13 thousand matters, civil first appeals, second appeal...like that...every section was manned by section officer means that he was looking after 10-15 thousand matters...to my utter surprise, writ section was manned by one section officer, it was continuing a practice for past 20 years.....can you imagine the agony of that man, there was no classification of writs at that time, we were posting to high court benches service matters, non-service matters, will etc but there was no classification in writs all ninety five thousand matters put under control of one section officer...feel the faith of that person....suppose one file is missed where to look in the sea of ninety five thousand matters...how can he answer for anything, this type of short comings we can feel when we give personal visit to the sections...my immediate task then was how to bifurcate it so I sat with my senior officers, took their views, they gave me view that divide them into service, non-service and wills.... three broad classifications...I gave a note of the Chief

Justice...I brought today the file also to show you...I put the note requesting to permit me to divide the writ into three subdivisions and put each division into the control of different section officer and give him some staffs, this was not an easy task...though the Hon'ble judge was so pleased with my task...allowed me, it could not be classified so easy...any High Court will be understaffed only, it took me around one year to classify...by then what could I do is every section was handling 30-35 thousand, section officers were posted to look after 30 thousand matters, so that his work becomes eased out to some extent and he could ensure free flow of matters between the court and his section, this type of benefits you can have if you think of that you can do it...then another instance also I will talk...if you visit the sections what other benefits you will have, generally court will direct issue summons, the party will pay the process fees and upon that we send the process, one funniest thing we observed in the civil appeal section, on my personal visit, I used to take two or three good knowledgeable officers without telling them where I am taking them, I just summoned them at 10:45 or 11 and they will come to my chamber, let's go....of my choice....but before a day I will think of which section I have to go, then we went there....to our utter surprise we found that the parties did not pay the process fees but these people prepared summons and sent it by post....this dispatch section has a franking mission set up by the postal department, every time we have to pay some amount and instead of paying the amount the franking will be done, these people used to send the summon by using franking postage stamp and summons were served, for last three months this was going on, I asked them why you send it is duty of the party to send it, their answer is very funny, sir the court while ordering has said post after four weeks or has given certain time because the party has not paid the process fees and the day is fast approaching, we were under the fear that if it is not sent, the court may scold us...so we sent it by applying our postage stamp, you know around two lakhs fifty thousand of the High Court expenditure was issued, immediately we had to issue a circular that it should not be the method, if they have failed to pay the process fee generally you have to intimate the court that they have not paid the process fee that's why we have not sent that, the court will issue further order either dismissing it or issuing further time, it is non of your business to send at the expense of the High Court, financial loss this is simplest mistake but costlier, so these time of advantages you will have when

you personally make a visit, you may not be able to eradicate every blunders but there is a possibility....thank you

Justice Budhihal R.B: Now I am requesting brother Maithani to conclude the session.

Mr. Maithani: Before that anyone wants to have any quick comments...

Participant: the listing system is also comfortable because urgent matters come up for consideration next day by 6:30 pm and publishing it as regular matter.

Participant: In Madras High Court, weekly list is abolished, instead old cases cause list is prepared...weekly list has been dispensed with nowadays....

Mr. Maithani: Each day daily list is published

Participant: Yes.....each day daily list is published but no weekly list..

Mr. Maithani: So nobody knows in advanced when the matter is coming...

Participant: Yes Yes...

Mr. Maithani: Any more quick comments....no?

Participant: Lordship was talking about, how to go about in listing, how to set the things...to me, to my mind to set the things roll on it is the registrar judicial has to take the charge and he has to be upright, then only he can pin point.....that is only thing...I have been in registry for almost five years and in five years I have not sent a single memo to anybody and by the grace of God things are working smoothly..

Mr.Maithani: They are very good in fact...hahah....

Participant: My Lord I would like to speak about corruption, a lot has been discussed, My Lord I may not be boosting but with the help of technology our Hon'ble Chief Justice has been able to eradicate corruption completely as far as listing part is concerned, advocated know each and everything and no body is coming up and paying the clerks for listing or updation of listing so that their cases may be listed, zero corruption my Lord and this may be confirmed by .....we have already given advocates and other people by asking them...you pay whatever amount you want to pay say twenty five thousand and get this case listed....by educating the advocates...

Participant: That toh even I can say about my High Court, my registry.....

Mr. Maithani: In fact to me, as I said in the morning, the kind of experience we have shared from here it was multilayered communication which we have seen today.....it was really beneficial, educating and would help us to perform our duties in more professional

and better manner....we started today from role, listing categorization, compliance role, coordinating and supervisory role in branches and our role vis a vis district court and here we are now...there was a punch of philosophy as well...I want Peace.... take first two words and you get it, because we end with a very good news because if officer of a registry says that my registry is corruption free...last three words... 'you may confirm it'...four words...very significant words.....it reflects the kind of performance, not appraisal but ones own confidence about once own performance.... So this is one and there is one another fellow who is saying.....these are all very encouraging comments...we had story of a convict who had an appeal which was dismissed, conviction upheld and another appeal when his conviction was set aside...his destiny was that he has to be in prison...with your permission I want to take example of Supreme Court...this was the day when there was no computerization, just to highlight what is the role of categorization...in district court there was recruitment, some thing happened, so 50-60 persons filled writ in the High Court, order was passed by single bench, it was taken to intra court appeal, some order was passed....now this intra court appeal is challenged in the Supreme Court in SLP and it was dismissed, now some other litigant in that bunch they took the single judge order in SLP and it was allowed, it happened in Supreme Court, it is reported...now third group came, then it was revealed what had happened...haha....court was appraised that it has happened with a office record...what happened with the registrars and all is a different story. How come it happened, because the lower court details were not properly filled, one single mistake that in that case sir it was not that the first or second, Hon'ble Court presided by Justice Thakur it referred to the larger bench that in a matter there are two views in a single fact....you see can you imagine than when we are registrar judicial and we are in our chair what will happen....where is that listing man and why why...we are trying to keep our calm and compose...where is BP and where is Bio Chemistry...all gone.....and if we are asked how it happened...if court asks by judicial order....many times there are judicial order to ask registrar judicial to explain ....what will be our position...hand up....submission...anything yes My Lord...nothing more...committed mistake....yes my Lord...right from then,.....involve yourself in the list making was the first thing that was mentioned.....list is core of every registrar judicial, we cannot sleep, we cannot say good

bye to the day until the list is rolled, not only this but the paper book are dispatched...as it happened that we were in a branch and one of my colleague was commenting should we drive the vehicle to the residence of the judges....as the vacation approached, filling increases and particularly on the last day when urgent matters are mentioned, it is trouble some to manage those affairs, then the late listing of list which causes delay in entire delay and may be because of the late sitting of the court, so this is very good idea that we publish the main list then the supplementary list called repeat list and in Supreme Court it is that we can publish as may list as we can but the right list at 4:30 it is out, the command is out, it will go to the server and print out and uploaded....so this is one...computer programme test deeply with regard to this other and delay communication has it effect, personality clashed and one very important point made was coordination of minds....we need to coordinate with mind....everyone should say, if not say it will glorify ones own self...yes everyone leads and everyone leads from front, if a junior court assistant is called in the court you will immediately rush, ok let me accompany you, we do it....but how to coordinate with the minds...as said we are doing it...we are visiting the branches this is again coordinating, we saw that there is over staffing or less staffing.....so human resource we proportionately distribute...visiting a section we found that we have no set of standards then we may set standards that one dealing assistant will deal with 350 files, if not then we need to fix some standards and if some deviation some problem we will rectify it , visiting section as rightly said, optimum utilization of human resources and financial resources this is the utility of supervision or coordination, then we are coordinating with the administrative branch, just give us five more, three more branch officers and all that...We had many good discussion today, there was a question of eye, we in registry better know what is I...where is our eye...had our eye held his held eye or was it following the directions of our accommodating child that follow it, its is good for you or how many time have we had held our head eye, it is true that when it comes for our self consciousness we are not letting our head down but so far as our professional duties how are we....there is one quote which I must state the thought of eye must die, it is not in our professional duty but in our personal eye also..there is another quote if eyes ever seen again may God please plug out my I...with these words thank you very muchI had great experience with all my colleges here, thank

you sir, thank you for my very enlightening discourses, thank you Pragya, thank you NJA...thank you very much....

## **Session 8**

Dr. Papri Nath: I am Dr. Papri Nath. I teach at IIM Trichy..My PhD work is in positive psychology So basically I will be talking about the behavioral tricks and try to connect you with context of your and I have been taking courses on leading people, personality and leading so I think today's session we are talking about something leading and managing because if you talk about supervisory role. it is only about leadership, leading quality and if you are talking about coordinating.... in the last session we talked about coordinating between different branches of high court and a...there was more very interesting point which came up that less of supervisory mode of coordinating or more of supervisory and less of coordinating so there is ..you know every body has there own idea about it..I will be focusing on both the roles managerial that is coordinating role..how you manage people across and..... if I talk about the context I will also...recently I went through some studies which have been done is last five years...I saw that in judicial context the amount of stress is highest....if you measure is across professionals either from doctors also....you will see that stress is highest...there are reasons to that...and you know very small tricks which will also help you in professional and personal life to manage that stress...OK...so my expectation from you as a participant is that you try to connect it with your context because I do not belong to this context ...may be I do not know the details of it so you will help me by participating and make me understand that are you able to connect or not, I will try to make it as simple as that...less of jargons so that we can interact and actually share in real sense...you have been given an exercise called leadership profile indicator ..right? So aa...you..aaa...I would suggest you to start...there are twelve...can I get One Pragya..there are 12 situations....these are hypothetical situations...four alternatives are there. You have to read it and imagine that you are the protagonist an then you have to answer to what style of response you would have selected if you were in this situation....

(The test provided to the participant is as follows)

### **SITUATION 1**

You have recently taken over a consulting firm as its CEO. You find on your priority list that the firm has got a prestigious consulting assignment. In spite of enthusiasm and rapport amongst members, you discover that they lack the necessary planning and monitoring competency. What will you do?

- A. Plan the task in detail, and arrange training programmes for them in deficient areas.
- B. Encourage the team to find solutions to their problems.
- C. Plan the tasks, distribute the assignments and supervise their work.
- D. Discuss with members, and help them to learn planning and monitoring competencies.

### **SITUATION 2**

You are heading the marketing department in a multi-locational company. An enthusiastic and competent campaign specialist has joined one of the units. The various managers in the unit welcome her, and provide the needed support. They know their areas well, and are adequately competent. The unit is scheduled to have a campaign for a new product of the company. What will you do?

- A. Work out the details of the campaign, individual responsibilities, and monitoring arrangements. Hold a meeting of the staff, and share the plan with them, encouraging them to make the campaign a success.
- B. Work out the details of the campaign, individual responsibilities, decided targets in details, assign responsibilities to each one according to their work in the field every day to make the campaign successful.



- C. Tell the group the importance of the task, communicate to them their strengths and your confidence in them. Join them in working out the details of conducting and monitoring the campaign.
- D. Communicate to unit head and its managers the goals and other information of the campaign, and let them work out details, including monitoring, and be available for any help required.

### **SITUATION3**

There has been a fairly heavy earthquake in the area where your unit is located. Your company has decided to provide help. You are assigned to head a relief service team for that area. The members chosen are competent and experienced, and support each other. However, you find that they had to remind frequently to do the strenuous job the team had undertaken. What will you do?

- A. Define team members' responsibilities and closely supervise their work.
- B. Let the group work out ways of improving performance.
- C. Work with the team to solve the problem.
- D. Supervise more frequently and help the team to overcome the difficulties they encounter.

### **SITUATION 4**

You are president of the pharmaceutical division of your company. Your production target has been raised by 15%. One of the four units of your company has team of committed and competent workers (managers, supervisors and workers). Last year this team was rated as the best in the company. You have high expectations from them. What will you do?

- A. Revise the responsibilities of the members in the light of the new targets and provide needed support to them for their achievement.
- B. Participate in the group's discussions to develop an action plan.

- C. Let the team develop a detailed plan, provide them with the needed support.
- D. Emphasize the importance of the new targets for each member of the team.

### **SITUATION 5**

You have recently been made head of the training institute of your company. The staff of the institution is efficient. However, they see training as a burden. There is no team spirit in the institute. You have been asked to organize a series of five orientation programmes for the new management trainees in the next three months. What will you do?

- A. Prepare the programmes and time table, and discuss with the group the facilities they needed to implement them.
- B. Plan the details of the programmes, give various persons deadlines, and supervise progress.
- C. Plan and work out details of implementation with the staff.
- D. Let the group work out a detailed plan and provide them the needed facilities.

### **SITUATION 6**

As the general manager of a hotel you find that the hotel staff is not prompt. They seem to lack proper understanding of hospitality management, and blame each other for lapses. When there is rush to the guests; the supervisors, instead of dealing with the situation, complain about lack of proper staff. The guests are generally dissatisfied with the hotel. What will you do?

- A. Share your concern with the staff, show the urgency of improving the situation and your trusting the team. Let them work out detailed solutions; you may join them in this exercise.
- B. Call a staff meeting, share your concern and ask them to give suggestions. Based on the suggestions, form teams, prepare details of responsibilities and supervision, and encourage them to implement them.
- C. Call a meeting of the heads of departments/sections, give them the targets for service, cleanliness etc., arrange necessary training, and closely monitor (twice a week) the improvement of the situation.

- D. Suggest the heads of sections and departments to deal with the situation

### **SITUATION 7**

You are CEO of a multi-unit company. In one of your units performance is declining rapidly for the last six months. Although the unit head is a committed manager, he cannot do much, because according to him, even though the managers individually are responsible, they lack some technical and computer knowledge, and do not function as a team. What will you do?

- A. Discuss with unit head and the team the need to improve the situation, prepare crash training plan to develop needed competency, set targets and remove any difficulties faced by them.
- B. Ask the unit head to train the people, let workers form teams of their choice and supervise them.
- C. Share your concerns with the unit head, and let him and his team work out their own solutions.
- D. Recognize the teams, set targets and responsibilities, and monitor their progress.

### **SITUATION 8**

You as CEO of a company held a performance review meeting for a unit. You found that the operators, though working as a team, blamed the supervisors for the poor performance. You also found the operators deficient in the basic understanding of the business. What will you do?

- A. Act quickly and firmly to correct them, define the roles, closely supervise, and arrange crash training for them.
- B. Share your concern with the unit head and the staff, and leave it to them to work out a plan for improvement.
- C. Share your concern with them and join them in deciding ways of improving the situation.
- D. Call the unit head and give him specific targets to achieve every week, review progress weekly and arrange for facilities and training needed by the staff.

### **SITUATION 9**

You have taken over a General Manager of a reputed Hotel, which has efficient and enthusiastic staff and has been running very well. They solve many problems themselves, without referring them to senior managers. In order to provide, uninterrupted and efficient service, the Hotel staff had the practice under which 50% staff could avail holidays at a time on Diwali and 50% on Christmas. However, on your arrival, you came to know of some dissatisfaction among the staff as well as customers. What will you do?

- A. Discuss the matter with the staff to find the solution.
- B. Investigate in detail, and prepare a plan with a definite course of action.
- C. Share this concern with staff and let them work out an action plan for improvement.
- D. Set up a Committee to go into details, ensure implementation of the findings, and provide needed support.

### **SITUATION 10**

In your unit, which you head, a team had agreed to achieve a certain production target. You are aware that individually, each member knew his job, had high motivation and was able to manage his task. At the end of the production cycle, the team was far behind the target. Each member blamed the others for poor performance. What will you do?

- A. Encourage team members to plan the work with you and review progress in their respective functional team.
- B. Define the task and make each member work on the assigned task.
- C. Let the sectional heads solve the problems.
- D. Make the team feel that each of them is important, and let them recognize each other's strengths.

### **SITUATION 11**

You are Director of the Company. A competitor company has come out with a product, and is cutting into the market share of your company, mainly in one part of the country, where one of your divisions is located.

On your visit to that division, you find that the Manager lacks enthusiasm and feel overwhelmed by the efforts of the competitor company. Although they work well together, they are outdated in their marketing knowledge and do not have contact with the appropriate retailers. They have not been able to arrest the widening gap in the market share. What will you do?

- A. Replace non-performing Managers/Supervisors by competent marketing managers, who know the area, work out and give them agreed targets and encourage and support the team to do a good job.
- B. Share the concern with the team and leave it to them to improve the situation.
- C. Study the situation, provide available information about the market and the competitor company, assign target to each members, tell them in detail how to go about the task, and monitor periodically (e.g. weekly) to replan, if necessary.
- D. Add to the team a person with adequate marketing competence and experience, encourage the team to plan, joining them from time to time.

### **SITUATION 12**

You have taken over a sick unit as its CEO. You find that the Managers are unenthusiastic, lack the needed competence and do not function as a team. They blame the previous management and each other for the sickness of the unit. What will you do?

- A. Work with the sectional heads and managers to develop an action plan, encouraging them to implement it.
- B. Streamline all the functional as an emergency action, assigned various responsibilities and have weekly monitoring of the work being done.
- C. Plan and implement the needed action and coach the managers to improve their performance.
- D. Share your concern with the managers of the unit and encourage them to find needed solutions to their problems.

Dr Papri: so two important things here..human beings...our behaviour is very unpredictable...so as you are reading the first response..dont go by the ideal type...go by what you will do in this situation and quickly put a tick mark..that will be the correct unbiased answer..any questions you have before you start...

Dr Papri: you can give some partial information.

R. Maithani: You don't know that you fill it and after analysis it is sent to your high court..hhah..this is confidential. this is not going to happen..

R. Maithani: They have right to right their names.....confidentiality will be maintained..no problem...

Dr. Papri: OK....So...somebody asked me what is leadership....so I would ask that question from you....you have been in this profession for...on an average I think five years...so what you think a leader is or leader's role is..

Participant: I can tell you about leadership quality is that we should foster team spirit....you should lead from the front....you should take responsibility...you should motivate and supervise....you should listen and delegate appropriately...and appreciate and trust....these are the points I have noted during working because I would like to give one example we all know about Ladakh and that Kargil war but we do not remember that in 1947...when Pakistan invaded Srinagar....we never had any road so when Indian Army went there it was only a mule path...so Indian Army planned that we would be taking tanks to that point so that on that vantage point we can dislodge the enemy..everybody laughed that it is not possible....but gradually they began to work..when the tanks began to move they were half on the path and half on the sides. And the captain who was leading was a sardar..*usne bola..app yo mar gaye*...and our lieutenant General Kariappa..first field Marshall was leading that group and when we reached the top....the Pakistani army could see us..they thought that these are the trucks but somebody said these are the tanks...they said no no it is impossible at that height...and then we fired we were able to dislodge and what national highway you have was once a donkey mule track...so this is leadership quality...in one word I will conclude 100 lines lead by a donkey will be defeated by one line leading 100 donkey..this is leadership quality.

Dr Papri: Thank you for sharing...your experience how you define leadership..see all of you are in position when you are supervisory....in the morning we were discussing about role...very important...when we are talking about role....your role as a supervisor as a coordinator and also in the compliance role...so how you define your supervisory role

Participant: Leader is an answer to a question but not a question by himself....he will try to solve a problem in that way motivate other...so leadership is an answer to a question but leaving the question as it is ..this is what I feel leadership feels...

Dr. Papri: Leader is somebody who takes the responsibility...If they fail you will be responsible..if they win the team will be responsible...right the tea.this is how a leader should work and

Participant: so these registrars are leaders in themselves....they know leadership and they show and perform leadership quality every minute..

Dr. Papri: That is the relevance of this session I believe..

Justice Durga Pd. Rao: One thing....sorry to interrupt, by virtue of posts we become leaders but whether by our conscience or our acts we are leaders or not that is what this session is intended for..

Dr. Papri: Ya thank you...I was about to say that...there is a leader's post and then there is whether form inside you are leader or not..ok..may be you are not on a designation of a leader...but you have those qualities....so they differ...they are not different concept...if we try to define leadership...it is your ability to influence somebody so that the person works in the way you want him to work...ok...an I think in this context...you really need to make people work...in the last session we were talking about going and checking personally all the sections related to this department and then you get to know the physical appearance and lot of other aspects...you get a close expression of that and then you can know the grass root problem...you know...simply sitting on the chair and discussing about the problems will not solve the issue....here we are talking about the leadership in a wider context..pro active leadership....here we will discuss about four styles of leadership...so you have seen and noticed ..there are four options to every situation, each of the four option reflect a particular type of leadership style...ok...we will also talk about your leadership style....identify your dominant leadership style...your backup leadership style...dominant style is what your use most of the time...you are not

into one leadership style all the time...ok.it changes according to the situation...what is the situation, what are the requirement of a situation that you have to suit your leadership style....Ok...we will discuss that..soo..aa...we start with the different kind of researched that have been done on leadership styles, we are two different kind of leaders in a very broad sense...one are people concern and one are task concern...you might get an idea from the word itself...People concern are those who are good in people management...you might have noticed that leaders who are known as great leaders are more people person, they know how to manage people...along with the administrative tasks they are suppose to do, what their role demands to do, when you know the extra skill you have the you are people concern...OK...Task concern is that you just tell your subordinate that this is the target, the goal and you are not concerned how the person reaches there..the first one people concern will also be concerned with the process..he will try to provide the resources also..in last session we were discussing that if you have pending cases..huge number..you divide the section into three..so that the load is managed..so it is providing the resources to your subordinate so that he can become more effective, I was discussing him and he said that...Mr. Mithani..right? your are more popular with your surname..yaa..I was discussing with Mr. Mithani and he said that we are already working for 23 years or more...we are already working,...what is the significance of knowing the style now..right..

Mr. R. Maithani: I did not question the style. My question was now is it possible to change. If there is any deficiency according to this study...everyone will endeavor to see that it can be corrected

Dr. Papri: Ya...so is it really possible to change...very major question...we are not talking about change here...It is a very long process...so here we are trying to make you aware of your style and then eventually you can make a plane and change yourself....the progress is how many of you think you have either of these styles...the task concern and people concern.

Participant: Both

Papri Nath: So in your answer lies the extension of this idea that you really need to switch between both the styles...opting for only one style or sticking to that will not work...again one more style is that regulating and nurturing..nurturing is the people



concern and regulating is again the task concern...so here is some characteristics which tells you how much you communicate in each style...how much structured your style or context is...if you talk about the work context in this judicial context it is very structured ..the process and procedure are much structured and there is not much space like if you talk about corporate context there will be lot of flexibility to change...if you are an entrepreneur you will have an enterprise so you can change almost everything from the structure to the design of your organization..right..but here it is already structures...so within that being effective and changing in it..bits of changing will bring and increase effectiveness. So how to bring that leader...that would be a nurturing side where you can take care of people concern...increasing your communication style. Be more flexible..be more open to idea,. So that is one thing...so now if you see your scoring sheet there is column two, there are six column....so I will discuss this once we are done with the first two columns.....column one is the twelve situations...column two would be you have to encircle your responses if for situation 2 you have chosen d, so you have to encircle that..ok so I believe all of you have done that.in column three you have to do the same.it is random....you see the sequence is not in the regular sequence...column three,....so you have to encircle the same as you have in column 2..say for example in situation 1 you have encircled d in column 2 also you have to encircle d in column 3..its very simple.....yess....yaa...so you will see that in column 3 the sequence changes...

(The scoring sheet provided to the participant is as follows)

## **Leadership Profile Indicator** **Answer and Work Sheet**

Name:

Date:

The purpose of this instrument is to find out what strategies are preferred by different persons in the leadership role in dealing with organizational problems. The instrument contains 12 situations. Each situation poses a problem. Read the situation. Then consider the four alternative strategies given with the situation. Choose the one strategy you would like to use if you face such a situation as a leader. There are no right or wrong answers. For each situation encircle in part II below the letter of the strategy you would prefer to use in dealing with it. Encircle only one choice for each situation, and do not leave any situation answered. Do not write anything in parts III to VI.

I	II				III				IV				V			VI			
Situations	Encircle your responses				Do not write anything on this side														
					1	2	3	4					C	M	T	C	M	T	
1	A	B	C	D	c	a	d	b	d	a	b	c		ac	c	b			
2	A	B	C	D	b	a	c	d	d	c	a	b	abc	ab	b				
3	A	B	C	D	a	d	c	b	c	d	b	a	ad		a		b		
4	A	B	C	D	d	a	b	c	c	b	a	d	abd	ad	d				
5	A	B	C	D	b	a	c	d	a	c	b	d	b				d	cd	
6	A	B	C	D	c	b	a	d	c	b	a	d				abd	d	ad	
7	A	B	C	D	d	a	b	c	a	b	c	d		d		c		bc	
8	A	B	C	D	a	d	c	b	d	a	c	b			a	bc	c		
9	A	B	C	D	b	d	a	c	c	a	d	b	abd	b	bd				
10	A	B	C	D	b	a	d	c	d	a	c	b	ab	b				c	
11	A	B	C	D	c	a	d	b	c	a	d	b				b	bd	abd	
12	A	B	C	D	b	c	a	d	b	c	a	d				ad	d	acd	
					<b>STYLE</b>														
Style 1: Directive Style=									Style 3: Consulting Style=										
Style 2: Supportive Style=									Style 4: Delegating Style=										
<b>Index of Leadership Adaptability =</b>																			

Dr. Papri: yes....instructions are on the slides also have a look..

## Answer and Work Sheet

- **Column I:** Situations
- **Column II:** Encircle your responses
- **Column III:** encircle same letter as in column II to determine your dominant leadership style
- **Column IV:** Encircle the same letters as encircled in column III.

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

### *Dominant Style & Backup Style*

Dr papri: Now for column 3 you have to sum up the number of encircles in each sub columns...In column there are four sub columns right, so you have to sum up number of encircles in each sub columns and write is below, if you see in caps it is written STYLE...just above it you have four boxes..so that four columns I am talking about..yess..column 3 I am talking about column 3...yess any difficulty...yes ...correct. So for column 3 you have to add first three sub columns..ya you have to sum up...right yess...see once you have done column 3 you get four numbers ..hope I am not confusing...now we are talking about column four. If you see column 4 again there are four sub columns, you will encircle the same as in column 3..done..you will be at the end there are two rows, one role will be the same...some of encircles in each sub column...and in the second row you have to follow the instructions, you has multiply the first sum into three..then two..then one then zero ok...3,2,1,0..am I not clear...so if the first sub column you get the digit 3 so that will be multiplied by 3..on the second sub column if you get 6 that will be multiplied by 2 in the third sub column if you get 4 that will be multiplied by 1 and the fourth by 0.....this is fine...we are on column four....yess any confusion  $5*3$ ,  $5*2$ ,  $1*1$ ,  $1*0$ ..ok...any confusion. you have identified

Participant: Where it will be?

Dr. papri  $4 \times 3$  will be 12 so you have to write 12 here..here..ok you can correct it...this will be multiplied by 4..ya correct....yaa..you have to sum..1,2,3,4,5 here...1...this row..yaa

Dr. Papri:  $3 \times 3$  karna hai to nine yaha likhenge..haan 23 that is your sum...phla nhi add krna hai...only column 4 we are talking about..

Participant: ....

Dr papri...so I believe that every one has calculated till column 4..column 5 and 6 we don't bother because that is not for you. For different context...we ignore two columns...so now we will identify dominant and backup style of leadership of yours ..ok..so if you see. column 3...the highest score would be your dominant style.....encircle that...you have summed up...ok..highest will be your dominant style. I will explain what it is..and the second number..second lesser number would be your backup style..done..in column three...ok now the styles are on the slides..ok...kindly write it down if you wish to..I will also give the slides if you wish to keep it with you..so first style is directive style...ok

I think in your sheet only it is given below...style 1, 2, 3 ,4..so you can writ the score there itself....so in column number column number 4 directive, column no 2 score is supportive, then consulting and then delegating style.....Highest score is your dominant style...

Participant: where is dominant style...style number 1 madamDr. Papri: What is your highest score.. that is your dominant style....you write it...ok..so now you know the dominant style..so how many of you have directive style..ok..yahh..

Dr papri....so you have to right know. See 1,2, 3 ,4 is given..so your dominant style is consultative

Dr. Papri: please sit I would request you not to panic. listen to me.....I will try once more to expain....

Mr. Maithani: Please, please listen please...please Mr. Chowdhary.....

Participant: Serious question of law is involved here

Mr. Maithani:...here question of law is involved...appeal admitted...now listen the verdict...

Dr. Papri: Listen to me, please pay attention....column number 4 the very top row...1,2,3,4 written...can you see.....so below also 1,2,,3,4 is written so you can definitely understand that where to write....please do that...yaa

Justice Durga Pd. Rao: So 1,2,3, 4 are here.....so I am more on supportive style...that is our understanding..

Dr. Papri...ya that is correct understanding...so how many of you have directive style...I saw couple of hands...OK...so...you are the kind of leaders...you do not believe in lot of communications...listen to me...you don't have the opportunity to deny...you have to do self evaluation...and there is no superior or inferior...this is your dominant style...by this I mean...you frequently use that but it doesn't mean you never use other style...we will talk of one more concept of leadership flexibility that is switching from one style to another...that is next column...but first let me explain this....so first style is directive style....aaa...there is less of communication.....when it comes to decision making you believe that you have lot of information and based on that information you tend to make decision. most of the time.....at the same time.....your feed back.....just do some self-evaluation...you avoid taking feedbacks but if you take you delay in applying that majority of the time...at the same time.....the kind of subordinates you have you apply this style when they are low in ability....very important context.... because when they are low in ability you adopt this style because you have to involve in what they are doing....tell them in detail...so you don't take feedback...se it is important to understand the context and then you judge that the style is suitable or not...am I clear with this...so we go to the next style that is supportive...how many of you got supportive...more of communication...you take ideas from your subordinates when it comes to decision making or conducting some routine tasks or some critical tasks....but yes the final judgment is yours.... so you adopt this style majority when you have to work with subordinates who are little bit of able but motivation is low....as we were discussing in the last session people don't want to work you know...they have to go and checked whether they are on their seats or not. Everywhere the situation in same....actually this is result of mid carrier crisis...because you are doing that thing repeatedly so you want some novelty in your task some dynamism which lacks...so some motivation is required....so in that case the dominant style is supportive style....the third style is

consulting...this is saying high of nurturing and low of regulation...remember we were discussing two styles...so this will be high on nurturing you will be more involved because your subordinates are low in motivation they are going through that mid crisis level but the ability has increased with the kind of training you are giving them....they have learned the trick and trade of the job but the motivation level is still low....so this style is dominant style...may be currently you are dealing with such subordinate so this dominant style has come up...may be after two year or five year the ability level or motivational level of the subordinate will go up your dominant style will be something else....the fourth style is delegating....very critical and at the same time....something we need to learn....it is not inherent and it does not come by experience....for how many of you delegation is the dominant style...I don't think a single person might be having because the nature of your job doesn't allow you to adopt this kind of style..because delegation you need subordinates who are almost equal to your ability...for example I will take some other context....like CEO of a Company or CFO or very close to CEO....so when the CEO is there and he knows that the CFO....or chief operating officer is very equal to the ability....the profile and everything and anytime can take my position...especially in a mentoring case....when you are mentoring somebody....who has been there for more than 10 years and now the person is ready o get into the profession...you must be having trainings..yes so they develop there ability so much...now they are very smart and also their motivation is very high. So what you are suppose to do....your style must be delegation...lot of communication....very less of regulation...you will help them take all major decisions you will just monitor if any major mistake is there....only then you will interrupt. So these are the four styles...now the next context we will discuss here is the developmental level...I already mentioned the two concepts of competence and motivational level...competence is basically the ability of your subordinates....if you see the entire concept you can explain it in the form of leaders lifecycle....when you join this position the kind of subordinates you have and then after spending five to ten years the kind of subordinates you have..there ability and motivational level must have changed...o any experience you would like to share.....connect to what I am saying.....because I have been speaking for more than two

minutes I believe.... I never do that...so are you able to connect with the dominant style.....backup style what I am talking about....

Participant: I worked as a judicial Officer for more than 10 years....there the position is completely different... we decide everything the administrative side the judicial side...we don't here anybody...we hear the advocates, parties and then without indulgence of any other source we decide on judicial side and we decide at administrative side also...so when I was posted as Registrar Judicial before that I was posted in the judicial academy for some time...my judicial working style we cannot match in the academy.....I am dominant....some arrogance, like that so I was shoot out from that place within 8 months...I could not teach them or conduct the process properly because of my attitude I was shooted out...two months I worked at different place....immediately I was called back as Registrar Judicial....so I had bitter experience I said this style of working will not work...I should be very quite very down to earth....totally I changed my attitude

R. Maithani: So totally surrendered...

Participant: yes...because....because the staff working there have very good rapo with the Hon'ble High Court Judges....when I deal with them I cannot deal like any ordinary person.. and I so I have changed and I have successfully worked there for three years and three months...so generally Registrar judicial does not work for two year three year....but since I have already worked for three years....Hon'ble Justice wanted to give me extension but I thought it was right time to go...I left and worked as principle district judge again I had to change myself but very polite....lot of change in personality....again I was called back as registrar judicial ...so character...as long as judicial officers we have a dominant character.

Dr. Pari: what is your .dominant style in this test....supportive style I have got ..that is a good shift.

Participant: Madam I have one problem...whatever style you have it depends upon the situation..

Dr. Papri: Yes Correct..

Participant: But the basic personality whatever situation you are in that never gets changes

Dr. Papri: see that is true but hopefully this view will change after some discussion

Participant: Madam I want to ask one question...I fully agree with you but I was wandering If I have supportive style then how is it possible to be without consultative....my directive is 18, supportive is 10 but consultative is 0..so this I am not able to understand

Dr. Papri: We will discuss this...let me discuss the entire framework a bit and then I will answer....More important aspect here is developmental level....ok....as you said that the context I was talking about....there are two things competence and motivation.... I will tell you a very simple example....and hopefully you will be able to connect to that...when your subordinates are very low in ability...when they join the job and they need a lot of training...and they need lot of your supervision to know the task to learn the job the procedure...personality comes here personality.....when we work under somebody It is not the procedure.....it is the personality ....those of you who have done the Phd you would be knowing that it is a very long and very painful process and in the process you not only do PhD on the subject but also on your supervisor because you get to know the person in time spent of two years, three years ok...so that is a very good example of supervisor and subordinate....no matter which context you have to deal with the personality of that person also...so that is one important thing...so as a supervisor you have to deal with the person your subordinate is ok....here we are talking about two aspects of that subordinate....one is competency level and other is motivational level...motivational level is how much he is committed to the job....like is the office is from 10-5 he is always there....only going for lunch hours, this shows his commitment, he is working what ever he is given....he is performing his role....so that is commitment....so based on that these two aspects if you can change your style..you find your leadership flexibility....so that is column number 4..ok..so you have multiplied the circles....now you will sum them up...yess.....after multiplying you have four numbers....now you have to sum them up....now you can see the slides



## Leadership Adaptability

- Find the sum of converted values in column IV.
- This will range from 0 to 36. Multiply the same by 2.8 and the range will be 0 to 100.
- This is your leadership effectiveness or adaptability

Dr Papri: as it is given there it should fall between 0-36...just check..is it 0-36...you have to add the four numbers you got after multiplication in column number 4..ok....so now if you want to change it to 100 you have to multiply it by 2.8...so if you multiply the numbers after adding...ok let us fix from 0-36 only....now what is it....then all you have to multiply by 2.8 what you get will be in the range of 0-100...it should not be more than 100 or less than 0....

Dr. Papri Nath and Participant(discussing calculations)

Dr. Papri:...so the score which you have received ranging from 0-100 is the leadership flexibility scale according to this framework which works about the situation and leadership style ..ok....now...we are talking about effectiveness....this flexibility and effectiveness what does it means...this means how well you can shift from one side to the other according to the subordinates you are working with and also with the kind of boss you are working with...sometime you have to assist the boss you are working with...you have the knowledge and you have to assist him....and as a registrar judicial I think may time you have to assist the chief justice....lots of documentation and all....so it is blend of coordination and leadership style when you are talking of flexibility....how well you can even in your general life when you are working with different sections of people...your family...your subordinates....how flexibly you can switch style ..ok..so now we will talk about delegation, so how many of you have got above 15 this flexibility style ....between 15-17...so this is..if it is 0-15 it is mid range....if it is 15-70 it is above average range....ok above that 75..generally it is not more than 76-80..what is your score ..that's very good 72.8..here it is 78.4 ..it is one of the highest score we get generally

specially in a structured context....so more higher your score higher you are able to switch between one style to another.....and I think.....sir what is your work experience

Participant: 30 years

Dr. Papri: I am not surprised then ..see if you try to study the trend in the group...the more we have experience....the more we deal with people in work context...not every time but mostly....see personality factor is also there some people are very rigid....very high resistance to change....they really don't want to change to the changing environment....as you said in your example you really changed you identified the problem is in you and not in the environment....so how you adapt...so I think I have conveyed it properly to you what is flexibility and how it has to be adapted so now when you define leadership don't define it according to the personality ability characteristic of a leader but also the kind of context or subordinates you have...so this is a different side which I wanted to convey....we are done with leadership adaptability scale ..ok thank you....I think the time is also over....i will take some more minutes....I...think there were some questions..

Participant: Column 5 and 6

Dr. Papri: No that is more suitable for team structure

Participant: Madam how to analyze our self with this core

Dr. Papri: backup style is style used frequently on second number....that is back up....and when you see combination of both styles....you were asking how come I don't have consulting style....so this is based on kind of subordinates you are dealing with....their ability and situations...how much they are motivated and what is their ability level....we can judge that...based on that ..may be till now and also the kind of nature of job....it is very structured...so generally the supportive style comes as backup style...so when you see the motivational level goes down you try to engage people...then you engage them they feel important...whenever we feel important we are motivated ..ok....so as a leader if you say to 10 people....when you say something I will take the idea....when you make them feel important they feel motivated...so that is your second style....ok....but generally you would prefer to be directive

Mr. Maithani: I was sharing with ma'am my experience....many of us go back home and think what were we teaching so if we could lay our hands on some books...we would like to know..

Dr. Papri: There is one book series of Howard business school series....there you will find it on every possible topic....if you go to flipkart....I will suggest you the platform also...or amazon these books Howard business school series....you will get number of books because they deal very specifically....like rite now I am having the book...I will show you....ok....I will always carry these pocket mentors...delegating works...similarly you will find team effectiveness, working in group, managing across.....so these are small and specialized books...they are for people from different context....less of jargons....very interesting...and ..any other questions....I would like to sum up based on the last session I attended today's.....some of the discussion were going on were very interesting.....i understood that importance of rule is critical.....and personality factor is very important....two personality type I will quickly discuss.....just evaluate yourself quickly,....two three characteristics....type A ..have the urgency of time....if there is a meeting you will reach two minutes early not late....you always are so much stressed to meet the deadlines..if you are not able to meet the deadline you take up stress...Type B would be more relaxed....you take your life your work less seriously....as compared to some people around who are always rushing to meet deadlines...so what kind you are is not important it is important to be a mix of both...you will see people around you are not type A or B....if you are in extremes you create trouble for people around you ..so it is important that if your subordinates have this kind of problem let them understand that you are type A or B ...if they are being very try to motivate them try to find the reason why the person is not motivated....may be you are not motivating the person.....like one example it was given going and visiting different department....that will make them feel important....I am being watched....I am important....my work is important. See one important aspect here is meaning in life what you are doing has a very larger impact on people like me....who are layman .. who are outside the judicial system. and because it is something related to Justice you are critical part of it.....it is affecting has very high significance for the general mass....so if you understand and each and every person in the organization understands that...then it is solution for corruption....any kind you

know....whatever problems are there..you will take have the sense of responsibility for that.....so that are the two three points with which I will sum up...it was great interacting with you....I am here for some more time...so if you wish you can interact

#### Participants Clapping

Dr. Geeta: I thank all the resource persons for today...Hon'ble Justice Durga Pd. Justice Budihal and Mr. Maithani who is like a really inspiring for all of us and also Dr. Papri Nath.....you all made these sessions so useful and relevant for all of us.....thank you so much....

#### **Session 9**

Dr. Geeta Oberoi: So it is last day...all of you are very happy..hahah...ya....its a happy day..well for us last day is not a happy day...we are sad that you all will be leaving...the academy belongs to the judges and it feels so nice when the judges are here...it feels right..

Dr.Geeta: Oh Great...now coming back to today morning session...we asked all of you to give your high court rules...when we saw these High Court rules..i think we got nine? nine High Court rules...no sixteen...sixteen High Court rules regarding functions of Registrar(Judicial)...and...we also asked all of you to fill a pro-forma...and in that pro-forma we asked a question on your role and responsibilities. When we tabulated all those role and responsibilities, we found that some of you also had some financial functions...not directly but being member of some committee where you have to procure some software or hardware or part of some infrastructure committee...but some of you of course don't have that role...that also we understand...but keeping in mind future...in future you may be asked to be registrar budget or say registrar administration for example registrar administration has lot of these duty related to procurement purchase everything...so these roles are always interchangeable...tomorrow your registrar administration may retire or may be asked to work on the judicial side or may be elevated and then you any be also asked to do function of registrar administration be in charge till we select a new person, so keeping in mind those future events and possibilities we designed this session so as to know a little bit about you know because in all administrative capacities you have to do little bit procurement...even if it is a stationary and we should know like because we are actually sitting on public money so

we should know how we spend public money...what laws actually govern the expenditure with respect to public money....so that we have called a person who is well versed..who teaches in the Ministry of Finance established institution in Faridabad, National Institute of Financial Management Mr. Amiatbh Datta..he will be taking you through the things that are actually happening...new procurement bill is there...which is soon pass and will soon become the law what are the best practices around the world and little bit about the GFR Rules...with this I hand over to Mr. Amitabh Datta, thank you so much Sir...

Mr Dutta: Ok? Do I reach you? Ok...you see the thing is that I found that ..when I got a mail from Dr. Oberoi.I was really wondering...we all know you are registrar judicial and from your work...little bit of what you call....yesterday also I found that you deal with writs and habeas Corpus and all sorts of things and so many administrative job and all ..and little bit of exposure I don't say I have got but I sometimes hear at personal level because my younger son happens to be a lawyer and I keep on hearing sometimes his lectures..hahaha ...alright...So I was wondering How do I relate to you. I mean I got a mail ki one hour...he subject which I am going to take...I mean the presentations which I have sent obviously I am not going to repeat all those things...I wrote to Dr. Oberoi that I take three hours when I teach...they said alright you take half an hour so its 90 minutes but I started to think what do I do in 90 minutes and what do I say...obviously I am not going to say certain things nor you shall be interested...having said that let us have a look at this..first let us share my experience...I have got 40 years of experience...I was 1973 batch of Indian Engineering Service...I joined Indian Railways and worked there for 35 years almost 36 years. now post retirement I have worked with three cabinet ministers of Government of India as a adviser in procurement matters...thereafter I have been working as a consultant with MNC consultancy firms...but once I crossed 65 I decided...no further deliverances in my life as far as my work is concerned...so thereafter I tried to teach...please I don't say teach because I am not a teacher...government services what they call Babus..so therefore...experience sharing with the hardcore-hardcore procurement professionals...before I go further I feel immensely honoured to come here at the Academy and I have the opportunity to share something with you gentlemen who are coming from the temple of Law...Ok...having said that...you know these days everybody talks about procurement and unfortunately for wrong reasons...one of the

procurement challenges globally it is acknowledged that it is perceived to be a function which is..which is ..which is..full with people who are corrupt and making money and all..it is big challenge for people who have learned procurement...*Him hindi me kahenge*...I am a bengali my Hindi is not that good..but when I was in service some of my batchment used to call *arey tum to dhoodh malai wale job me kaam kar rhe ho*....now where is the *doodh* and *malai* I have never seen..but yes it is not untrue....Ok...now let us therefore procurement word let us see...Procurement of course is an English word. .it was there is there will be there in English lexicon...but when we joined service many years thereafter people where not using the word procurement at all...what they use to say purchase..purchase of what stores..today the word stores have been replaced globally by the word goods...alright....you are letting out a contract for construction of this building or runway or a road or tunnel or building...what we say...what we used to say..OK fine...Works Contract...conceptually...services were not there... were not there..and..and today it has come a long way..let us stop from services..you know as far as consultancy services are concerned..it is absolutely established...why I am saying established because you have got standard templates...I don't have to explain to you the efficacy of a sound and robust system...you all are lawyers...or having that background...so therefore as far as consultation services are concerned...you know the Government of India has...the Finance Ministry has got standard tape lets in form of a manual and bidding document in terms of request of proposal what you call, RAP and all..but in case of non consulting..I mean... the outsourcing there is nothing...and which all of you are doing...You all transport you are going to office from your residence and going back...from there...suppose you have got a guest house and complete facility management you are doing through outsourcing ...why because we believe that it is economic...yes correct...the Government staff is extremely costly another pay commission is coming...in that something will be go up..pensioner benefit or medical etc etc..it is perceived that if you outsource the efficiency will go up...that's a different orientation...that's a debatable issue... that's a debatable issue why I am saying that its not that I was a government servant...other experience...as I said I was a railway officer...although catering and all was not my area...but even today seven years after my retirement I am told *arey sahab apke railway me catering kitna kharab hai*....People don't know that it is outsourced run

by private contractors...having said that...you know..I think...few days back I saw a very interesting add...This academy is asking for...execution and facilitating the catering services...first thing...providing and facilitating photocopy printing and binding service...these two are services non consultancy...the designing supplying, installation, testing and commissioning of digitally controlled audio system...high definition video camera..etc...then supply and installation of LED television...something like that...it is basically supply and then got laptop and all...so this one notice that this Judicial Academy is going to procure goods worth services and consultancy so therefore the court you are Registrar your registrar may have to ..I saw from what you all do..i tried to understand, I found that some of you are having regular meeting with the CPWD people...the job they do...oversee and all...some of you may be dealing with an estimate...you have to give sanction to the estimate and all...these are financial functions...now the thing is this...what is the function of procurement therefore...basically...*ye isme jayega apka isme dikhayenge aapslides..to chalu kr dete hain...earlier..... earlier.. earlier... purchase was considered to be an administrative function...but today it is an strategic function...so therefore if you are given to do this..hat procurement does...it has got basically three functions...one is normal Functional Requirements ..as I said...running this academy is a Functional Requirements ..then comes implementation of Government's decisions....regardless of political party in power...everybody. We are talking about...nahi ye nhi chahiye..ye slides dikha sakte hai kya..o sorry sorry...give me this..ahhah....ye hata dijiye...functional requirement we have seen...delivery of public services...for example...just take this.. food security thing.. when this whole thing came...the estimate was...expenditure annually 1 lakh 37 thousand crore rupees...pradhanmantri gram sark yojna..we are talking about 100 smart cities and all...gentlemen therefore we are talking about..in the centre of all this thing you require very very high velocity, robust dynamic procurement system..otherwise you kindly consider for example you are asking CPWD to construct a building for you...they are not going to do it themselves....regardless of the fact that they will be having all civil engineers...my classmates where there....of course now they are all retired...you just see wherever...for example see here...aaa..government's policy....you are aware that the policy of the government...the sustainability part...sustainability of certain sections of society let us say...inclusive growth in social sector...encouraging the*

domestic growth. .those have lead to certain policies at the central level I mentioned only two...one is the protection to be given to the micro and the industry in the micro and small sector and then to the domestically manufactured electronic goods....and within the reservation for the micro and the small scale say 20 % within that another 20% which means 4 % is for the other who are from the weaker section of the society...now that you see to do all this thing...to implement government's policy you require a procurement system.. rest...nothing to be mentioned about that...Defense and Security...it is an area which is a difficult area..take for example the rafire deal...the aircraft...the deal was handing for so many years...ultimately it became government to government deal so therefore the French government supplied the government of India...take the case of that aircraft carrier...whatever it is...the government of India has run into very very high bill so as to the cost was concerned...so this is the role procurement plays...how do I define therefore...if we go for defining... To provide for a high velocity, transparent and economic delivery mechanism ..I have used the word velocity I have not used the word speed the reason being...it has to be directed I a right direction...it has to go with a direction...so therefore it is high velocity, transparent and economic delivery mechanism For timely delivery of Goods, Works and Services.. Required for implementation of various government policies and initiatives in the social, infrastructure, education, healthcare sector you just name it...now let s see what is the DNA of public procurement...I have quoted here from rule 137 of GFR...ok....please see only words which are in bold form that means "*efficiency, economy and transparency and promotion of competition*"...whichever rule you go whether it is general financial rules...or other procurement bill which is hopefully on the way these are the ingredients based on which not only in India Sir but globally ..everywhere in the world these are the either DNA or molecule or whatever cellular structure on which the procurement is built...your own department you may frame a rule...specific procedures....the authority is given to you on rule 135 of GFR which I will share...now therefore this is the DNA of public procurement...you are all from legal background you all must be aware but as a student I read it that 1979 judgment Supreme Court RD Shetty vs international airport authority of India...this sirs and Madam have been analyzed by quite a few lawyers...you all are ware I am just bringing to your notice...now this where the GFR says that the bidders or



vendors have to be treated equitably or equally the obligation on the procurement officer is not only from the point of view of the rule but also under Article 14..that demands...and from there we can go perhaps to the next slide...this is central principle of public procurement.. No open and unrestricted choice in contract award....sir you are closed by the procedure..you are closed by your own rules...closed by government of India rules or your own rules therefore you are not open then comes... Non-discriminatory standards and principles and then comes No arbitrariness ..these three principles emanate from 1979 judgement of Supreme Court...Now let us see volume of public procurement...there are different estimates globally...because you think of a government structure we call it central government and state government...certain other country call it federal government and sub central government which is equivalent to state government...now OECD organization of economic cooperation and development headquartered in Paris, they have put it as 15%of the GDP globally but when you come to developing country or transitional economy, government spend on expenditure or procurement so there it is 25%..WTO Geneva based they have distributed it as 20%..here in India also in a seminar the central vigilance commissioner he said it is 30% which I think is little higher side..but *aram se* this figure you find....if you take exchange rate of 1 US dollar = 60 Rupees, It will be 15lakh crore but it will be more than that today in India it will be around 20-25 lakh crore in a year...image the amount of money involved and it is whose money...your money because you are a tax payer and therefore therefore it is kind of sampling of who is doing what...current year the budget estimate of ministry of defence for capital acquisition comes to 77 thousand 700 crore, about 82% of the capex budget, I am not going to the revenue because the major part is salary and all, comes to railways where I have worked 71 thousand crores annually spent, it does not include the works part, in railways 20thousand alone is spent alone in one contract for procurement of high speed diesels to run the locomotives, 10thousand crore they spend buying electricity for locomotive running whereas the major share is accounted for public share enterprises they take about 9 lakh crore to 11 lakh crores..so why I am saying this is that this is the amount of public money involved here and therefore to be very frank even 0.1% abuse of that will transcend into huge financial repercussions we have, in one terms of one thing you know...only one thing I will mention not even corruption, let us talk

about value for money because it is government money...your money my money our money so value for money and value for money I shall define in 3 Es Effectiveness , Efficiency and Economy...In one of my sessions like this one army Colonel asked me..I asked him what is value for money...he said Sir If i purchased ordered gold I got value for money...there are two types of Gold one is 24 carat and other is 16 carat...would you say you wanted 24 carats ..*wo dekhna nhi hai*...that you cannot say. Procurement can be made by use of 16 carat gold also.. so the we go to specifications part...briefly I will look at that.. support system of procurement....you have got government policies on procurement...there should be a legal framework...procedural framework and the regulatory framework. Considering the money involved...need for regulatory framework is very much there...secondly it is not only for procurement entities it is also for regulating the market because it is a common knowledge that, nwhen you are in a monopoly or oligopoly then unregulated market gives lots of problem to the consumer...therefore as a buyer you are consumer....and therefore that suffering of the consumer is of two types, one is that you will land up paying more....basically I am going into the area of cartelization and bid reveal secondly comes the quality aspect...so therefore you require regulatory framework and today in India good thing has happened...competition Act and Competition Commission...although long way to go ...department of competition is there...it is a civil offence not criminal offence so they work in the concept of preponderance of probability.. which I believe burden of proof is less as compared to proviso of Evidence Act...having said that it is a good thing to happen...now these are the support systems...supporting rules...General Financial Rules, we shall see that little bit of it...ministries and departments own rules on procurements then comes the CVC., central vigilance commissioners' guidelines and fourth comes the he Contracts Act, Sale of Goods Act, Competition Act, etc India is yet to have a central public procurement Act some of the states have got it for example Karnataka and Tamil Nadu...they had way back in 1998-99..subsequently few other states have also got...at the federal level it is yet to come...Now these are a few procurement laws easily available and the most important of these is the UNCITRAL model Law because UNICTRAL model law is a generic law based on which many countries have made the their own procurement laws...it takes the entire south Asia...say Bangladesh, Pakistan, Nepal ,

Srilanka etc etc...they have based their own procurement law based on this UNCITRAL model law...this has come into force...if I remember correctly from July 2011..The beauty of these laws is that it allows the countries total freedom to build their own laws based on this template and unlike the European Union directives on public procurement and the Government's procurement agreed of the WTO, these two... the last but one law have got its applicability above the threshold level of the value of the contract...in layman's language, my language it does not apply to the mid level or small level contracts whereas UNCITRAL model law does not have that limitation, so therefore these are the three examples I wanted to give...only thing is this as far as the last two also UNCITRAL Model law is this, these laws do not provide for any protection to the domestic industry rather rather if you go into the last two *jaise* European Union, they encourage rather mandate, you know the cross border imports in the European Union...basically there stress is on the European common market whereas in the WTO there is the same thing, you know the global scenario if you take the member countries of the WTO an average...sorry the overall spent on public procurement is about two trillion US dollar, so there people are trying to get entry into countries business and all ..this is incidental...now these are the public procurement laws available globally...now comes...you know all this..*apko batana nhi hai*...now therefore what happened is this ki that...the Government of India procurement, the authorities are derived from the executive because the legislature has not done anything, judiciary the judgements are relating to basically Constitution and all I mean the fundamental rights...but here by exercise of the authority given to the President under the constitution, various rules have been made...two rules which are relevant here are the transaction of business rules and the allocation of business rules 1961, Government of India notified...and under this rules...I will skip this. These all you know...Article 299..you sign a contract on the behalf of President of India..and for federal procurement State Governor...right...so next comes here...ministry of finance therefore made the GFR...because the ministry of finance is the nodal ministry of government of India for making rules which has got anything of finance...now how to implement...you require a procedural support therefore in 2006 August ministry of finance brought about three manual for procedure one for works..I mean one for goods the other for works and third for consultancy services about which I

mentioned in the morning. These are general guidelines and the ministerial department are to supplement these manuals by issuing details operating instructions...that also from than and rule 135..you..your court can make a procurement...you can make your own tender..you are empowered...obviously these has to relate to the three ingredients...DNA of public procurement...these are regulatory framework...you have got the competition commission of one hand...then you have got the central vigilance commission...then you have CAG...out of this CVC is a statutory authority, CAG is a constitutional authority, ..third is regulatory authority..well..1947 India became independent, government started functioning with the legacy of the British empire...so all rules and regulations which the Britishers have framed...I still recollect when I had joined in 1978..I was told the code of my department..i was told it was written in 1939..beautifll document..over the years naturally got changed...so therefore what happened is this in 1963 those set of executive instructions were given the name GFR...general financial rules...and the large scale changes were made and GFR 2005were issued...you can see your book.. I found they have given...the Academy has provided you the GFR and certain amendments they have added...but more or less it remains of 2005..so sirs as long as procurement department...they are following rules of the GFR their actions are constitutionally valid. .the way a layman like me feels...correspondingly the state government are supposed to make their own financial rules what they call the state financial rules..aa...and they are suppose to follow it except those who have made their own procurement laws like Tamil Nadu and Karnataka...next is this..you can see from your book..large number of chapters are there but for the purpose of procurement it is the Chapter 5: Works, Chapter 6: Procurement of Goods and Services Chapter 7: Inventory Management and Chapter 8: Contract Management and if you find time so far as works is concerned...skip this chapter 5 so therefore you have got time and requirement kindly look at CPWD manual or coming from the state Tamil Nadu etc you can have a look at the PWD manual...they are good..not the GFRs...GFR chapter 6 is very important which this morning I will try to share little bit of that...here rule 135 I was talking General rules applicable to all Ministries and Departments ... Detailed instructions , broadly in conformity with GFR, relating to procurement may be issued by the procuring departments, suiting their requirements. This is the authority given to you...I have faced this question many

times...how come your railway has something CPW has something, defence has something else, sir where comes the authority comes...Sir it comes from here Rule 135...for example if you look into defence procurement procedure...I am talking about capital not works, they have got something called the offset clause...which is not found at other places...you are aware that hardware of about 60-75% is imported...let us see what happens in Make In India Campaign...as of now 65-70%..so defence of India has got a clause....if the contract values more that 3 thousand crores, then the vendor from abroad shall plough at least 30% of the contract in India creating certain facilities like repair, maintenance, training centre etc...that clause off set clause is not there in other departments, thus in other departments so the authority comes from rule 135..you can have your own bidding document...have conditions, format...authority comes to you from 135...see 137 Every authority delegated with the financial powers of procuring goods in public interest. ..what is the mandate.. Responsibility and Accountability ..to bring Efficiency, economy and transparency , Fair and equitable treatment of suppliers and promotion of competition in public procurement...we have see this now again...now here comes Bid Invitation Procedure , this calls for designing a robust Fair and Transparent bidding procedure...one of the weakness of public procurement in India is the weakness in the procurement system...for example in many places I have seen...only a few days back in NIFM a young fellow he direct recruit engineering service officer, he is dealing with tender...civilian officer in the Railway...he asked me one question, I will not go into that but I found that what he was doing is not at all correct because the bidding document was not exhaustive or did not support the law..so therefore when I share in such forums...I am a great admirer of poets and one of them is Faiz Ahmed Faiz..one of the poetry.. of course in Urdu he wrote...the last line he has said *jo kuch kehna hai keh le*..of course in a different context ..so therefore I say bid document me *jo kuch kehna hai keh do*.. whatever you have to say in the procurement say that in the bid document....because when we go into the GFR further we shall see that finalization of the bid document...after its opening...cannot be anything which is extrinsic to the bid conditions no matter how collect or how relevant it is ..when I was working with a minister One case came to me before it was accepted by the minister, the value was about 400 crore, the bid evaluation committee of very senior officer of government of India.

They relied on a Supreme Court judgement..to recommend to the bidder who was not qualified as per the bidding conditions and when I called the chairman, the additional secretary government of India..he said it is a case law of Supreme Court. My first reaction was that you shall settle the tenders looking into the case laws of Supreme Court and High Courts..*Kitne High Courts hain sir..24..28..bhaut to hai..*I said now you are going to go to the website of all the High Courts and find a case law either to support acceptance or rejection of a bid ..it cannot be the case...secondly then that guy asked me show me the rule...then the rule is this sir that for all practical purpose it is extrinsic...I had the habit of reading the judgments in Service life because I had to fight lots of cases. when I read the judgment I found that it is not relevant.. so therefore sir fair and clear bidding procedure calls for a very clear and robust transparent document, then comes mandatory. If you are the officer spending government money it is also mandatory for you that the selected offer meets the requirement in all respects....what does it means..there are three elements sir...one is eligibility...second is responsiveness and third is qualification...these are the essential when you are accepting or rejecting a bid you have to see...what is eligibility...it is like a ...for example. .your department has banned me for some commercial misdemeanor or suspended or government of India has done....second there is conflict of internally situation ..you have taken my services or I have worked as your consultant for initial part of the project...I have given you advice for selection of specifications...now on that basis you are going for bidding...I cannot take part in it...it is clear case of conflict of interest...third if you are going to import...if a country is under sanction by UN you cannot do business...you can also set eligibility criteria that look if you are involved in any this type of fraud or corruption with any company anywhere. We will not do business with you...recently DMRC has banned a Korean firm...the reason while securing the contract they suppressed the fact that they were banned...by the airport authority of India and now the DMRC has banned them...you can put any of the ingredient on such kind of eligibility thing....responsiveness deal with specifications...you want to get this room weld...look I want a copper wire...now I give you aluminium..aluminium is also conductor of electricity but then I am not meeting the responsiveness criteria...you want 100 laptops to be delivered here in your courts at Bhopal...and I say you come to Bangalore and take from me..non

responsive. You say I allow the contract on fixed price basis,, no variation during the pendency of the contract I say No No I cannot give you my price will be variable...Third element qualification. It relates to two things. Financial capacity and technical capability...suppose you are letting a contract of 100 crores...there are guidelines from the CVC that financial capability will be a percentage of that and that will be average annual turnover for the last 5 years....the average annual turnover will be around 30 crore..question arises why not 100 crores, if you make 100 crores competition will be finished...and as far as technical suitability sorry capability is concerned it is demonstrated by, if I am the bidder my performance in execution of similar contracts and you have to give a bench mark how the contract where valued...so these are the things which have to be satisfied...next comes what...here price of the selected offer is reasonable as per the quality required...here My dear Sirs...the government procurement officer more often faces criticism..2 months back in a meeting I mean gathering even the PM what is this L1 business..L1 means the lowest...if you are going with L1 you are compromising quality...the government fellows are only going with L1 ..I do not subscribe to that view...but as your time is one and half hour I will not get into that excepting one...sir who have mandated this it has to be consistent with the quality required..how to make sure...go back to the second bullet the middle one that you have to bench mark your qualification criteria in such a manner that..suppose you are buying one chair how much it costs...but suppose you are buying furniture for this academy...whole complex..it will be 40 lakhs, 50 lakhs...once in my service life I changed by furniture to modular..I had to spend 50 lakhs rupees...those who are from Delhi will understand there is a place called panchkiya in Delhi they have got all sorts of furniture shops and there is a place called sarai kale khan...under tent you have got furniture shops...now for 50 lakh furniture..sarai kale khan have the Lowest L1 bid...then you have it unless you are given the criteria...so therefore sir and madam I don't think that this criticism or allegation is a very fair thing but it happens...but why happen...government people come under tremendous psychological pressure from L1 bids. .I have got one year to retire...I have to go home...check pension gratuity and all...I was also chief vigilance officer for railways for some time...and I have seen how people get into trouble...that is another story...For GFR let me say this rule 21 is standard rule it applies to administrative work

and also be financial propriety....I also say jokingly particularly to youngsters...first point every officer is expected to exercise the same vigilance in respect of expenditure incurred from public money. As man of ordinary prudence would exercise of his own money..*sarkar ka paisa hai to mera hi hai to apne bank account me rakh dete hain..hai na..so* such type of philosophy works in certain situations..so thats what rule 21 says. And rule 160 of GFR is very important for procurement.. this is seldom done...Suitable provision should be kept in the bidding document to enable a bidder to question the bidding conditions, bidding process and/or rejection of its bid...first two is managed somehow through a pre bidding contract but last one is seldom done...if you have rejected my bid..it says in bid conditions you make me aware of my rights so that I can challenge it..If you are buying something...suppose your court building or something like that will be upgraded and money will be coming from World Bank or Asian development bank..there its is must. If this condition is not there they can cancel the loan...declare a misprocurement letter and cancel the loan so this is very important which is not done..this you know submission of bids...three weeks four weeks...thats all you follow and if your system is on electronic procurement then many of the problems are already solved...you should switch to electronic procurement this gives you relief from many of the anxiety and all...now I come to the...right from here vale of money business to the specifications of the required goods should be clearly stated without any ambiguity...here it says. You use standard specification...I must explain what it means..every country...most of them have got national standard institute...in India we have BIS..Beaureu of India standards and they have brought about large number of specifications with numbers..say IS 1...it relates to one of our most loved commodity that is the national flag...there it gives cloth quality, color...the diameter of Ashoka Chakra and all this things...like that you buy many things..materials...metal, motors, transformers...just name it..large number of commodities are covered...If you buy that and have specifications under the Indian standards better use it ..if you don't have then some other situation what can happen is..you have to develop it...if there is a machine...technical person will set the specifications...performance specifications...if yo want to buy a Godrej chair then you say Godrej CHR 102 model.. and the ministry of finance says and there after you add or equivalent... this morning I am not going to make it that much complicated...how



equivalence is added those are technical things time permitting I would have done it...now next comes .. Criteria for determining responsiveness of bids... criteria as well as factors to be taken into account for evaluating the bids on a common platform and the criteria for awarding the contract to the responsive lowest bidder should be clearly indicated in the bidding documents...these I have just now said...here I shall touch upon phrase...Common Platform...this has got very very important impact...kindly consider this...the status of a bidder...shall be reckoned on the date of tender opening...not after that.. suppose you are saying that I will buy the commodity from that vendor which is approved by my design agent...now on a given date...today is what..21? 23rd?...I am not approved...I get approved tomorrow...Sir you cannot consider this...so the status has to be on the data of tender opening...suppose you are buying something from foreign country you have bids from three different countries US dollar, Euro and Japanese Yen...naturally you will convert into first common platform is what India Currency...you have to use exchange rate...which exchange rate..it varies...you have to take the date of tender opening...So these are the meaning of common platform...then other things could be life cycle cost and all...I will not get into that...next comes what Bids received should be evaluated in terms of the conditions already incorporated in the bidding documents...I have already given example of Supreme Court case Law that is referred here...so it says without recourse to extrinsic evidence...therefore Sirs...kindly consider this...when you are making procurement...your boys are doing it may be assistant registrar...deputy registrar...please make sure that the bids conditions have been designed properly because that will make or mar your case...I always believe that there is always difference between time delay and time investment...here you may be required to give 5-6 days or week extra but that will save months and weeks time after you go for bid opening...acceptance part...so therefore you can ask your office to make sure that these things are done,,,proper care is taken...this is a very common problem...when you are making a bid it must be evaluated...you make an offer that the bid must remain valid for say 90 days and all the bidders are given 90 days...I am the lowest bidder I am also given 90 days...now the department is unable to finalize in 90 days...now you ask me give me extension on validity...here the problem comes...on the last date of validity the offer has lapsed and therefore I may refuse and depending upon the volatility of market situations

there are conditions that they refuse and when they refuse your night mare stars...because then you have no option but to cancel the whole thing and go for a fresh process...and when you do that two issues can come. One in second call you make get higher price...audit problem may come...next comes the vigilance..in first case I may be the lowest bidder...I may not be so in the next process I may not get the contract...and Sir I am not talking theoretically I have handed at least three vigilance cases where CBC has recommended charge sheet against the officer...and this man goes to the vigilance and complains that look Mr. Amitabh Datta he has deliberately murdered my bid because i did not give him 3%..how do I defend therefore it is essential that the department must settle the tender within validity..bt *practical problem ho sakta hai* ....advice therefore is there should be a chronological detail on file as to why that delay has taken place...ok...because in a case it has happened...the director rank officer said this is the reason then the vigilance said no no no theses are after thoughts...so you office must put their best foot forward to settle the tender in time...I skip 141..you are aware with DGS & D..director general of supply and contract...they enter into rate contract you can operate and get materials of ordinary use...then as I said in the morning sustainability part...protection...you want to buy khadi and all sort of things.. Handspun and Handloom Textiles then you have to buy from KVIC... All items of Handloom Textiles from ACASH...then the government of India has got the policy that 352 items are appearing in the memorandum of small and micro scale industries 100% procurement you have to get from there...what are the items it is available there 352 items...Buy back...you have got a photocopier...you want a new photocopier you can go for buy back...the fellow will come take your old product...only thing which GFR says is that you have to keep both options open...you may trade or may not trade because it happens as an administrative decision..y.ou are let us say suppose High Court and you go for buy back suddenly you find that there is certain repair here and there you pass on to sub divisional or district court then you pass on the thing to them ..so that flexibility you just keep... Provision should also be kept in the bidding document to enable the purchaser either to trade or not to trade...

## Session 10

Dr. Pawan Kumar Singh : Very Good Morning to all of you Sirs and Madam...This is my introduction I teach at IIM Indore since last 11 years...this is may be my sixth or seventh visit of this Academy and I enjoy coming here...I am student of Human Resource Management area and I will reveal more about myself as I go on...but I would like to have a complete complete picture of India by knowing from you Sirs and Mam that which place you are coming

Participant: Jabalpur

Participant: Chattishgarh

Participant: Jharkhand

Participant: Himanchal Pradesh

Participant: Nagaland

Pawan Kumar: Nice...so in next 55 minutes or so...till 11:30 we will collectively learn what can be HR tools specially to performance management and I know your schedule is indicating me that you have taken tests of HR dimension of Management..Dr. Kodwani has been here he is my colleague at IIM Indore..Parul Rishi Ji I know her she is at Forest Management Institute Rajhans Mishraji also has come ..he is also my colleague but he might have dealt with the IT area...so welcome to this session and let us do the collective *ahuti* in this *yajya* of learning...when we say HR tools it is very vast field...which are the broader fields of management...IIM and other institutes we are dealing with..what are the border fields...for example border fields in technological field can be counted as civil electrical and mechanical and then there are others but classical branch is civil technical and mechanical as any common man knows. Similarly what are those broader areas of management..there can be n number but what are the broade..those are

Yes you are right sir...these are financial.marketing...you already said three sir one is production and material management..these are the four pillars of managemen..means the moment management word comes to mind particularly in corporate sector business sector things should be clear.four major activity is going one, finance and accounting one.finance and sale another production and material another and human resource management another which was called as personnel management, for example my degree is in personnel management I passed out my PG in 1984 that time HRM word was not

prevalent but we moved from there and personnel management has been replaced by Human Resource Management including Industrial Relations. I should share with you...you will feel happy..i earned my first bread by interpreting Law ..In the initial years of my career I joined Bank Of India and my designation was industrial relations Officer....first job of my life...my job was basically to interpret the Industrial Dispute Act 1947..*wo meri phli roti thi*..but I wanted to be teacher in management so when I got opportunity I joined management...Out of these four..for personnel like you....registrar means as I understand administrative custodian of Courts....specially High Court or Supreme Court and who needs more discussions on HR dimensions of Management than persons like us. See when I interact with person with judicial background...those who are typically not from management background but they have to be..for example let us say administrators , bureaucrats or defence officers...engineers we let us say they should know their engineering but her also need to mange his affairs... when they become senior he stars to manage the things...so for any defence officers for any legal officers like you... for any bureaucrats. Administrators out of these four which are the more relevant areas of management...my assumption is that our participants though are not formal students of management but who needs more management than we all...that is my point...out of these four area...production and distribution combined...finance and accounting combined...human resource and OB combined and marketing sales combined ..out of these four...which area is closest to you. Human resource management...also to some extent as a chief administrator of a unit.. finance and accounting...because let us say you are also responsible for accounting and budgeting...so second place will be given to finance and accounting but the prime place will be given to human resource management. It is not that I am a student of human resource management so I am advocating my area that is more important but I think we all agree that Human resource Management is the closest area from the management science or art which is relevant to you class as Registrars of Judiciary Side...am I right? we will come to this topic but before this I wanted to say about HR dimensions...when we say HR Tolls you have already undergone a session on interpersonal management...time management here in this seminar itself when we say HR tools..can you help me knowing...I have some idea of course but I want you to help me knowing..which are those activities pertaini9ng to HR

where to find that yes this is the time of test of showing my best skills possible...which are those activity within HR domain which you do...

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

Participant: Allocation of Responsibilities

Participant: Organizational Skill

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

Participant: To motivate people.

Dr Pawan: Yes to motivate people to coordinate and then

Participant: Getting Things Done

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

Participant: Case load Management

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

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

Participant: Freedom to work

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

Participant: Supply of skills

Pawan Kr. Yes Sir...so let me quickly say within one minutes ..within HR domain what you have work...number one have people...have people at right place...though you said recruitment and selection you are not involved with but when a person has been given to you a proper induction is needed ..Induction scheme is given in an organization when a new person joins...i would like to know from from you..are you satisfied with induction scheme in your organization. If a person joins or a new person comes on transfer how much we invest in letting the person feel at home in the new environment. Is there any special effort or we take for granted that the person is experienced so he will adjust or the person is qualified though he/she has not done any join previous to that...ia m talking about induction...a person has come to you to be your colleague may be junior colleague...most likely person who will be joining in administrative cadre will be your junior colleague...now how you have ensured that such colleague starts feeling at home from next day or next week will start delivering....If you allow me to guess...perhaps we take induction for granted...the person is qualified he will be inducted himself that is his job..but no..management researches say that even teachers in management colleges and managers in field they take induction for granted..*thik hai bhai* let us talk about recruitment ..induction is a process people will do something and will talk about training and development compensation management and industrial relations..but one recent research is eye opener particularly in business organizations...if proper research is done in field of judiciary also...I do not have direct research finding ..it is not available to me...what would be the impact on efficiency and effectiveness on judiciary system if induction process is at place...business field induction finding says on bottom lining there is 2% impact...on profit..revenue minus cost there is 2% contribution only by this attribute..we are talking about performance management and we are taking one thing as granted which has got certain crucial impact on performance on performance....at 2% impact on bottom-line..2% contribution not impact to bottom-line is a big

amount...because 1001 one you need to do to manage the things well...see how many activities one need to do particularly incorporate...Finance, accounting, IT strategic management materials management, finance, marketing sales etc..1001 activities are needed to get 100 rupees profit..2 rupees are contributed by neglected aspect called induction or inductification...maybe tomorrow...I or one of my colleague may be interest in doing such kind of research in judiciary...that is one point I began my discussion with one neglected aspect that is induction...It adds to job commitment of the new employee, properly getting attached to work...one is wholesome view called telescopic understanding and analytic view called microscopic view...let people have both understanding...telescopic means how as a whole system judiciary process appears...and pertaining to your job what are the detailed out process that you need to do...they have also...it doesn't mean that during induction they are not given any responsibilities they are given but they are under induction structured induction.

Dr. Pawan: Training is different

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

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

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

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

Participants: What I am saying is that it has to percolate down

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

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

Participant: What should be the duration of such induction?

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

Dr Pawan: So that is a good argument..

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

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

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



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

Participant: Author's Name

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

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

Dr.Pawan: I will give another analogy..*dehiye*..we have to understand from broader canvas from where our understanding is coming...I also have some understanding which I an sharing with you...there is one proverb..basic Hindi we all understand? one or two sentence...or I will see that I translate all..*Karm hi puja hai*..there is a proverb...no

problem excepting it..dusra proverb..*aaram haram hai..ye proverb jo padh ke..class 3rd or 4th you might have read...any may be by writing its meaning you might have got one or two marks...do you agree with this...some aaram is required..on one side you are saying...as children we studied both proverb to be hundred percent correct..karam hi puja hai or aaram haram hai..but being an adult now..a grown up mind...we have right to examine nay proverb ..even it is coming from Veda...we have right to analyse it...or I will take it with a pinch of salt..aaram haram hai...now.. kaharb hai..it is right or wrong..i will give one analogy...why a flight aircraft takes off...? it takes off to rest somewhere...to go and land somewhere...flight does not take off to keep in the sky..ye nhi ki utarna haram hai..I am aeroplane..my job is to be in the sky...the purpose of taking of this flight is to land somewhere...what I an trying to say...we understand the work pressure...I have certain occasions when I interact with persons from judiciary services...weather Hon'ble judges or executives or senior executives...registrars like you very senior person...I understand the work person...even common man understands..i am also common man...you are completely under choke...in the same way teachers are also very busy...may be in one two new teams you find that teachers are not coming...well that is a different story...but a devoted teacher is very buy...but within the system you have to find a pace...to rejuvenate yourself and to rejuvenate the system...while walking I can learn...but while stopping at 360 degree angle I can also learn...while walking stopping is an art and that's why...I am not saying induction is stopping...by induction you are giving certain responsibility but a structured programme gives responsibility on the employer...that whether the person has been made capable of doing the job...suppose there is no induction programme ..First year a person joins, certain responsibilities. If he or she by chance fails to certain extent...what you will do...employee is responsible is responsible...why you failed but when there is induction programme...the person is fumbling...the responsibility comes to the employer the organization...if the employed person has failed the employer has fails...there is a frame...if student has not understand the teacher has not taught...if subordinate executive has not performed...the senior executive has not managed...taking responsibility on your own side rather than passing it on others..so induction makes the organization more responsible..*

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

Dr. Pawan: That is a very relevant question for performance management...you see there are two types of employees in the domain of less productive employee...there is one productive employee there is another not so productive employee...there are two shades available...one those who have become thick skinned...ia m working here for twenty five years...technology has changed I am not able to perform...what can I do I have already invested my career here...and I am not very interested to learn...another that time to change and I must adjust according to need of time...now there are two different approaches to deal with two kinds of people...thick skinned whose attitude has not developed and whose attitude is to develop but finding certain obstacles because of technology or certain other structure...process...reporting system ahs changes...I will quickly hint about this...Those who are not thick skinned...play the politics of...politics is not a bad word...play the politics of change management...here politics mean first let them know that why new skill is in your favor...it is basic common psychology...if I say sir learn this skill organization will benefit country will benefit...now every one is not Bhagat Singh that I here country word and my blood boils...normally human beings are guided by...that If I do this what us there for me...so begin for this...what is there for you...if you learn this how will it benefit you...then yo talk about organization...this is first step...next..w.e need to have attitude as senior people that training works...another survey of whatson void says that training and development contributes up to 4% on bottom line....in Tata steel if a senior executive has not relieved his junior executive of 14 days off job training..the question will be asked to senior executive...why he did not relieve him for 14 days off job training, Tata steel is giving a good run to steel run to Steel Authority of India Limited ion efficiency effectiveness examples come from SAIL also but is comes from Tata Steel first, now seniors will be asked questions why you did not allow juniors to develop, now you know the performance appraisal system typically in management sector...those days are gone when I will write appraisal of my subordinate and why is there is *Bhramavakya*..something written on stone ..No Now it is that subordinate will first write self appraisal..he will discuss with superior, superior will

write confidential report based on the self appraisal..that will go to another higher up....and the higher will examine whether senior took sufficient initiative in developing subordinate or not..I think administrators at senior stage they need to ensure three things..*teen kaam to humko karne hi padhenge*....number one..I must know my job and do it...otherwise how will I see my face in the mirror. That is my junior...second duty is whether my subordinates are developed or not...if my subordinates are not developed I take certain responsibilities on my side also...now this has been institutionalized in various organizations as well...there is one organization SAS, .American organization...now, there after appraisal, this meeting among appraisal and appraise, is properly negotiated discussed in healthy environment, so management is between mature, psychological distance between senior or junior, the system is trying to remove, because either you are senior or junior all are on the same boat there is nothing like..*tu tu main mani ka samey nhi raha*..that's why we have developed from personnel management to human resource management...I will just tell you quickly in 30 seconds the journey..MA in Sociology were basically the persons appointed for managing Human resources in departments, in 1970 MA in labour welfare, in 1980's like us who graduated in 80s personnel management in 1990's human resource management...and now certain thinkers are raising eyebrows on this term, that human resource management is still not developed, because still we are talking about human as resource resource means coal also..it means money also. stock also..this table is also resource of NJA Bhopal..and human is resource..*to apne kya kiye*..so telling human as resource you have dignified them..do you think so? personnel management ka *arth ye tha managing personnel*..and personnel means person on job....a person is taking job he is not a personnel at that time...but when he comes to his office he becomes a personnel...personnel management signifies managing persons during office hours but HRM improved the concept...said...do you think the person who is off the job...during 14-15 hours in a day and on the job 8 hours is a different things...see a person in whole integrity and that's why do not mange personnel...mange human as resource...as that's why HRM is more advanced concept than personnel management...other company...it devised a sentence...What to be done by organization so that people coming from home to office are happier than going from office to home ..*bus ek line kaam karna shuru kiya*..bas ek

*line ko implement karna hai..how our people can feel more happy in the morning when they are coming to office than when they are going to home from office...and they equipped the work place with lot of devices...including a couch...during office our if you feel like napping for 10 minutes no one will say...so rhe they? ..no...because 10 minutes nap if you wanted and you are self control person...please nap...no problem...they did everything to make people at home...please I will say something on research findings...if anybody implements others decision others may be boss, father, mother.. if anybody implements others decision, the outcome is mediocre...average...you are my job and you wanted me to do something I will do it...you will get average results...when human being implement their own decision the result is extra ordinary...the question is when you are a senior you cannot expect your junior to have more more frequently better ideas than you..I take this as an assumption...better ideas will come to you because you are experience..*

Dr. Pawan: That has to be addressed...when we are advancing towards more civilized society we have to fine tune our understanding of human at workplace that's why human resource management is an integral part of or seminars...now...if seniors mostly have better decisions...this is called art of transferring the ownership of decision...one of the techniques is are we champions in transferring the ownership of decision..I will give you an example, suppose your son or daughter may be 20 years old comes to you, you are in the role of father or mother, father figure has to know more and son figure has to know less...noe son comes to farther, .why I go to this example so that it can be analogized at work places, son comes dad I want to pursue career i9n this field will it be Ok...then you say...this career....no...In or family there is tradition every body is judicial offer...now you impose may be he will take thus subject...what what are the chances he will excel..may be he wanted to take some other subject chemistry honours..and you told him to take up law...may be because you have tastes the juicy aspect of it...in the beginning of my career when I was the student of law...my law study is limited..i did my MBA with HR...labour law I had taken as specialization subject which game me my first bread also...as I told you..in the beginning no subject under the sky was as dry for me as law...moment I use to read mathematics..i am getting solution...answering matching with key...it used to give joy...behavioural science..coo so many people are there...personality,

attitude, very juicy...law in the beginning...oh..very dry and that too...bare acts, does not give me a kick...but as I went deeper and deeper and trying to know why using same clause of a particular act in a particular situation why, why a decision was taken which was different than by taking same clause into account at different context a different decision was given ..ad how high court and supreme court judgement related to labour issue..why they are similar how they are different and when I started to be conversant with different article in various journals I felt law is very juicy...and since you all have found law to be so juicy your son or daughter might not have come to that stage now..asking you whether I should go for law or chemistry honours and says I want to go for chemistry honours and you say No...this is imposition...question is how to transfer ownership of this issue...if he is in favour of chemistry honours and you in law..ask him to think and come after 48 hours..*socho tum*..it is not my duty to think on your behalf...you think...possibility is that he will come in favour of chemistry honours,...possibility is that he will come and say I never thought law can be so interesting...he may say that no no law you are saying law but chemistry honours is a different kind of field...or if he comes back with law...it isn't your decision...it is his decision...this is called art of transferring the ownership of decision and for this...senior administrators need to develop certain type of communication skills with their employees...i will give you two examples...one is called is deterministic communication and other probabilistic communication...can you guess the difference... deterministic communication and other probabilistic communication ,by knowing these words can you guess what can be the meaning of this two types of communication...

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

Dr. Pawan...But tell me find it...giving option means what...say for example....aa....All participant are sitting here and one is very close to that door...suddenly AC doesn't work and one feel opening the door will make better environment in the room.one way is I ask one participant Please open the door...though I have added please it is deterministic....other is do you think opening the door will be more comfortable...certainly this will take more time...but the person will say yes..certainly..now you see...how the person is walking towards the door, in first case when I say as senior open the door then you walk towards the door...implementing others

decision...you also agree that opening the door is desirable...but see how the person walks towards the door...just imagine...try seeing like a film director...how will he walk...he will walk with passivity and open the door...in second case...dramatize the scene with the vision of art director...how will he walk...he will walk in a different way...he is implementing his own decision...I decided to open the door...though the idea first came in the mind of senior...elder brother or father...but the implementation decision lies with the implementers. the son or daughter or subordinate...so in order to be champion management we need to understand all this psychology how to deal...how to deal with colleagues, how to deal with subordinates, seniors...seniors also can be helped by juniors..why I am saying...you are also juniors to someone so there are so many persons junior to you....so many persons are relying on us...our responsibility becomes more and more...please allow your juniors to help,even in the domain of giving suggestion..there is a technique called upwards influencing.....generally we talk in such seminars like performance, management of juniors ...I am taking little flip ..*thora dusra direction lete hain*..how to help your seniors to take better decisions, this is called upward influencing....any idea...teacher is very selfish kind of creature he also comes to learn any idea...how you can make suggestion to your seniors...one way can be sir you are wrong...but that will not work

Dr. Pawan: Ok...hmm...Ok...but can that be replicated to seniors.

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

Dr. Pawan: use probabilistic communication...you see what happens..aaa....I was reading one article from sociology journal and it was talking about relationship between husband and wife, lover and beloved...it was saying why there is more trill in relationship between lover and beloved than husband and wife...why there is more ecstasy till little different kind of feeling...the article said that husband and wife take each other for granted..*bol diya sari lane to kaise nhi layenge*..or husband feeling like this *bol diya na I want to have this vegetable*..how you cant cook it..you have to..they start taking for granted and the relationship looses its trill...relationship has trill when you know that what you have proposed that you have full chance go revive it or revisit it...wherever there is more



direction, controlling, bullying...more granted expectation..this does not happen to this extent between lover and beloved there is mutuality and the other person may or may not agree with it...there is a space given...the article also further concludes that relationship between husband and wife and both give space to each other and respect the individual as individual the thrill of married life, conjugal life will continue..

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

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

Dr. Pawan..But Peter Trucker says how to retain your performance level activity though your ideas are continuously getting ignored or rejected or in very harsh words they are being thrown to dustbin.....Peter Trucker says how you will take this situation...neglected...not implemented...more harsher than just neglecting...ignoring...but more harsher is..he used this term thrown to dustbin, what you will do to maintain your performance level attitude...then he says convert your non listening boss to reading boss...keep communicating using probabilistic language...he

further says still you come to know that your ideas are written form he tears and throws in dustbin...what will you do...keep giving ideas...if you think my ideas are being rejected and stops giving them...you will kill yourself....it will impact the individual that is you...and it will impact negatively...keep doing it...there are certain phases in your career which you have to pass like this...but every phase is not like this...how to create an immediate culture in the organization which is performance oriented...Trucker then takes various empirical evidences that how certain managers did it and what happened to their effectiveness in the long run and...he found that perseverance tools ,the various purpose of the organization who maintained that...they excelled in long run...and he also argues ..very important...this may be called...light house concept...he has not used the term light house but since he has used thee term in one of his article I am using the term...what is my light house...I am a ship sailing...searching for a shore...while sailing in the ocean...my lighthouse is an organization or my lighthouse is a particular individual or my lighthouse is a department or my lighthouse is society or my lighthouse is country...that determines the quality of the job...till now we have discussed that for performance management there has to be created a kind of environment in the immediate environment in which you are working where you are working with your colleagues, superior or subordinate...now let us go a little deeper into the issue how performance can be managed with your people by proper climate in the organization...you are in a position as a driver who can make the climate of work better, that's why it is relevant here...had I being discussing with mid managerial level or management trainee level..we cant say that it is your duty or your custodian of the climate...but are not you custodian of climate...the answer is yes...please just right eight letter...for performance management you have to manage OCTAPACE....this becomes one of the matrix....I am coming to that...this is abbreviation...eight pronged approach....because pace has eight letter by chance octa also means eight...if we...I think that for group of registrar this is the most relevant discussion because we can create it... stands for openness....there could be one way that I give elaboration....but I come one by one...means openness people are working with you and you provide openness,...openness means you provide a climate where a person wants to express saying that dear this is me and this is my view...you respect both me and my idea then this is openness...when In keep on rejecting your ideas because you are my

subordinate...I reject your ideas and also reject you...I Am recognizing ME..like majority of countries are not recognizing Kosovo or ...so when I keep rejecting somebody's idea i keep rejecting your idea and your existence also...*tum ho kaun*..it means respecting someone and his view...second C..C is for confrontation...confrontation.....*oo.samey kafi nikal gaya hai*..time passes so fast in National Judicial Academy...I will take five minutes ma'am...here confrontation means....looking into the bulls eye...it means here confronting the problem not the person....mean you look eye to eye to the problem....in some workshop someone tells me telling in my organization that problem exists...everyone starts scoffing at me....so fist stands the opposite...opposite of confrontation is putting the dust below carpet...confrontation means seeing the first aorta of dust...problem takes two birth conceptual...it is not visible... only a committed person can see...but when birth has taken palace in tangible form everyone can see it...there is no fun if there was possibility if we could identify abases...if we allow it to convent to cancer and then say that I am doing great work...confrontation means seeing the problem and when somebody sees it thank you I cannot see this...T means trust...meaning in this context means...I confide in you...you have shared something to me in confidence I shall not revel it unless you permit...A is for Autonomy...it is jot independence 15th Aug 1947..it means procedural positive manuvority has been allowed...you will not be allowed to deviate from the annual plan...no...what ever has to be done has been decided six months back...the HOW part...Rudyard Keeping's said In keep six honest serving men they taught me all I know...their names are what and why and when...how and where and who...so the how part...if you allow somebody to have more space this is called autonomy...how part not independence...P is pro-action...pro-action...I am giving you three more words...inaction, action, reaction, action is not enough....reaction is passivity inaction is subhuman...pro-action means taking certain steps in anticipation....connect it with confrontation ..identify the problem in nebulas stage and taking steps....again A it is authenticity...it has nothing to do with authentic document...here it means in an organization...climate is so positive that what ever people say the sentence has only one meaning...means straight line communication..*holi ke din dost ke din mazak kr le* to that is not straight line...it has certain bent...humorous statement...that makes you to laugh....but if you use non authenticity in humour it is allowed...but that kind of climate

having two meaning is not allowed...next C is collaboration..it has to be understood properly....you may claim that you give space to your subordinate but that is not enough...compare the restaurant part and kitchen part of a restaurant...may be 84 kind of menu is given but 84 is a limited number no 85th item items...but in kitchen raw materials are there and so we cook as pr our taste...in some big restaurants you can call the chef and get food of your choice..*list me limited rehne ki jarurat nhi hai*..collaboration means working as if working in the kitchen...everybody has raw materials...we all will cook together...it also be said putting the cap down...when you are deciding collectively put you cap off, I am mind he is a mind...doesn't matter I am senior he is junior...if your mind has one kilogram weight so is his....putting the cap off....last one is experimentation ....in judicial services this space is not much availed but can you experiment doing a thing bit differently, I received a letter from Hon'ble Chief Justice of Jabalpur sent to IIM Indore and director had identified me for that in that letter Chief Justice had written that judges they also need to emphasize the importance of writing decision in more simpler language....how to write a decision...the question is judicial person has very technical way of writing decision....one segment of judiciary want that judgement should be written in such manner that it is understandable, this is experimentation....may work may not work....this is experimentation....resistance may be there, within your operational zone can you do certain maneuverability...allow it to happen. Don't get stereotyped...sorry I stood between you and your other programme but I found today ma'am that your watch is running much faster. Thank you very much Clapping.....

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

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